

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, December 7, 2023**

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom

Present:

Chairperson-Andy Sovick	Ast. County Manager of Community and Economic
Commissioner-Roland Mason	Development – Cathie Pagano
Alt. Commissioner- Annie Beal	Director of Planning - Hilary Seminick
	Planning technician – Jena Greene

Absent: Commissioners: Matt Schwartz, Fred Niedner, Julie Baca; Alt. Commissioner Eric Phillips

Recused: none

Zoom: Andy Sovick, Roland Mason, Annie Beal

8:47 a.m. Call to Order: With a quorum present Vice Chairperson Mason opened the December 7, 2023 regular meeting of the Planning Commission at 8:45 a.m. All participants attended the meeting on Zoom.

Vice Chair Roalnd Mason seated Annie Beal as an acting commissioner.

The Planning Commission reviewed the October 19, 2023 meeting minutes.

Moved by Chairperson Sovick and seconded by Commissioner Beal to approve Planning Commission meeting minutes, dated October 19, 2023. The motion passed unanimously.

The Planning Commission reviewed the November 16, 2023 meeting minutes.

Moved by Chairperson Sovick and seconded by Commissioner Beal to approve Planning Commission meeting minutes, dated October 19, 2023. The motion passed unanimously.

There were no unscheduled citizens.

9:48 a.m. Proposed Amendments to the Land Use Resolution:

Commissioner Mason noted that there had been extensive discussion during previous meetings and in the work session in November, which included members of the community. Pagano didn't have a recommendation document prepared that day. This meeting was needed to ensure that the recommendation document was formally confirmed by the planning commission.

Vice Chair Mason asked the commission if there were any questions or comments about the recommendation document. Commissioner Beal asked about the term secondary residences and if alternative language should be considered. Planning Director Seminick clarified that secondary residence was intended to mean secondary to the primary residence, and not necessarily a second home.

Vice Chair Mason clarified that this recommendation was to confirm the approval to the amendments on the November 16 meeting.

Moved by Chairperson Sovick and seconded by Commissioner Beal to approve the recommendation document as presented. Seconded by. Motion passed unanimously.

Vice Chair Mason Adjourned the meeting at 8:58 a.m.

To: Gunnison County Planning Commission

Re: LUC-23-00015 Minor Impact Spezze Subdivision Work Session, December 21, 2023

From: Hillary I. Seminick, AICP; Planning Director

Date: December 15, 2023

The Applicant, Tom and Tamera Spezze, propose to subdivide a [7.84-acre parcel \(PID 3791-000-00-040\)](#) at 3528 CO-114 into two lots, 3-acre Lot 1 and 4.54-acre Lot 2. The Applicant proposes to conserve a [29.72-acre parcel \(PID 3791-000-00-039\)](#) (Conservation Parcel) to the east of CO-114 with perpetual protective covenants, severing residential development rights and any potential future subdivision. Draft covenants have not been provided at this time; however, would be required to be submitted and reviewed prior to scheduling of a Public Hearing. The new Lot 1 will be served by an individual well, OTWS, and driveway from CO-114. Staff has outlined the substantive issues in the application in this memo, and all applicable Land Use Resolution (LUR) standards have been addressed in Exhibit A. Staff Report.

Figure 1. Subdivision and Conservation Parcel Configuration



The [Gunnison County Land Use Resolution \(LUR\)](#) includes Locational Standards (Sec. 10-102) and Residential Density (Sec.10-103) standards; which apply to subdivisions that are not within a Three Mile Area, such as the City of Gunnison, or that are adjacent to an existing population center, such as Crested Butte South. Pursuant to Sec. 10-102, the Board of County Commissioners (BOCC) may approve a subdivision application if it is found that there will be no significant net adverse impact to neighboring uses, the environment, or result in a proliferation of OWTS and/or individual wells. Sec. 10-103 requires four standards be met for lots that are substantially smaller than neighboring lots, and require connection to public wastewater treatment systems, public water supply and transit, neighborhood compatibility, and mitigation of increased density. This application is unique in that it will result in an effective development rights transfer and conservation of a 29-acre parcel. The development impacts would actually be reduced by the proposal, clustering development on the west side of CO-114, and eliminating impacts to an elk migration corridor, a riparian corridor, and regulatory floodplain associated with Cochetopa Creek.

While not within a mapped geologic hazard area, Lot 1 has an alluvial fan, which is a defined geologic hazard in the LUR. The alluvial fan originates from a dry gulch on BLM land to the west and the head is near the west parcel line of Lot 1, fanning out as it expands east, and extends beyond the eastern property boundary through and across CO-114 to Cochetopa Creek. Alluvial fans are prone to flooding, mud, or debris flows; and are defined geologic hazards. Development is only permitted within an alluvial fan area when the Applicant can demonstrate compliance with Section 11-104.D.3. CMT Technical Services compiled a geotechnical hazard report which outlined the hazards on the site with recommended mitigation measures. The Colorado Geologic Survey and agreed with the assessment and recommendations of the report. The CMT report and CGS outlined the following recommendations, which Staff recommend including as conditions of approval.

1. *A deflection berm should be designed by a geological engineer so it does not impinge on existing structures and infrastructure or future structures.*
2. *CGS recommends that the catchment ditch and deflection berm be designed based on site-specific drainage/hydraulic studies that analyze flow dynamics associated with hyper-concentrated flooding emanating from the channel west of the site.*
3. *Any mitigation measures must be shown on the plans.*
4. *Prior to building permit approval, a lot-specific geotechnical investigation consisting of drilling, sampling, lab testing, and analysis will be needed to characterize soil and bedrock engineering properties and evaluate the collapse potential of the fan deposits.*

The entire land use application can be reviewed on [Citizen Access](#) → Projects → LUC-23-00015 → Attachments.

Exhibits

- A. Staff Report**
- B. Draft Plat**



**GUNNISON COUNTY, COLORADO
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT for MINOR IMPACT**

Land Use Change Permit Application: Spezze Subdivision
 Application No: LUC-23-00015
 Date application scheduled with Planning Commission: December 21, 2023
 Prepared by: Hillary Seminick, AICP

Applicant Name:	Tom and Tamara Spezze																				
Property Owner Name:	Tom and Tamara Spezze																				
Project Description:	<p>The Applicant proposes to subdivide a 7.84-acre parcel (PID 3791-000-00-040) at 3528 CO-114 into two lots, 3-acre Lot 1 and 4.54-acre Lot 2. The Applicant proposes to conserve a 29.72-acre parcel (PID 3791-000-00-039) (Conservation Parcel) to the east of CO-114 with perpetual protective covenants, severing residential development rights and any potential future subdivision. Draft covenants have not been provided at this time; however, would be required to be submitted and reviewed prior to scheduling of a Public Hearing.</p> <p>Table 1. Parcel Dimensions and Uses</p> <table border="1"> <thead> <tr> <th><i>Parcel ID</i></th> <th><i>Parcel Name</i></th> <th><i>Area</i></th> <th><i>Current Use</i></th> <th><i>Proposed Use</i></th> </tr> </thead> <tbody> <tr> <td>3791-000-00-040</td> <td>Lot 1</td> <td>3 Acres</td> <td>Vacant</td> <td>Residential, Single Family</td> </tr> <tr> <td>3791-000-00-040</td> <td>Lot 2</td> <td>4.842 Acres</td> <td>Residential, Single Family</td> <td>No Change</td> </tr> <tr> <td>3791-000-00-039</td> <td>Conservation Parcel</td> <td>29.72 Acres</td> <td>Vacant</td> <td>Conservation</td> </tr> </tbody> </table>	<i>Parcel ID</i>	<i>Parcel Name</i>	<i>Area</i>	<i>Current Use</i>	<i>Proposed Use</i>	3791-000-00-040	Lot 1	3 Acres	Vacant	Residential, Single Family	3791-000-00-040	Lot 2	4.842 Acres	Residential, Single Family	No Change	3791-000-00-039	Conservation Parcel	29.72 Acres	Vacant	Conservation
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3791-000-00-039	Conservation Parcel	29.72 Acres	Vacant	Conservation																	

Figure 1. Subdivision and Conservation Parcel Configuration



Property Location:

3528 State Highway 114 Gunnison, CO 81230

Surrounding Land Uses:

The surrounding uses include BLM land, vacant land (forested, riparian, hay meadow), and low-density residential.

Adjoining Properties within 500'		
<i>Owner</i>	<i>Area</i>	<i>Primary Use</i>
Bureau of Land Management	4,593 Acres	Public/Federal
Etsy Ranch, Inc.	123 Acres	Agricultural
Etsy Ranch, Inc.	375 Acres	Agricultural
Krueger Ranch Company	152 Acres	Agricultural
Bureau of Land Management	5,534 Acres	Public/Federal
Cox, Wallace	120 Acres	Residential / Agricultural
Colorado Department of Transportation	NA	Right-of-way

<p>Agency and Department Review:</p>	<p>A copy of the application was sent to the following referral agencies by email on August 31, 2023:</p> <ul style="list-style-type: none"> ▪ Bureau of Land Management ▪ Colorado Geologic Survey ▪ Colorado Parks and Wildlife ▪ Colorado Department of Transportation ▪ Colorado Division of Water Resources ▪ Gunnison County Environmental Health Official ▪ Gunnison County Department of Public Works ▪ Gunnison County Sage-Grouse/Wildlife Coordinator ▪ Gunnison Fire Protection District <p>The following comments were received in response to the application. The comments have been summarized for clarity. Full transcripts of the respective agency comment may be found in Public Access.</p>
<p>Pre-Application Conference:</p>	<p>NA</p>
<p>Status of Application:</p>	<p>Complete</p>
<p>Attached Exhibits:</p>	<p>You may view the entirety of the application online at: https://www.gunnisoncounty.org/436/Permit-Database. Please select “projects” and type LUC-23-00015 in the application number field.</p>
<p>Planning Commission Tasks at Initial Work Session:</p>	<ul style="list-style-type: none"> — Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1. — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Set site visit date — Determine if application is ready to be set for public hearing, or if other work session is required
<p>Initial Impact Classification:</p>	<p>Minor Impact Project, based upon classification found in <i>Section 6-102: Projects Classified as Minor Impact Projects</i></p>
<p>Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)</p>	<p>Demand for public services. The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p>Impacts on impact area and the environment. The proposed land use change is expected to generate a minor or a major impact on the impact area.</p>

		<p>Impacts related to all existing and proposed development and proposed development in impact area. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>
<p>6-103: STANDARDS FOR APPROVAL OF MINOR IMPACT PROJECTS</p>		<p>ALL APPLICABLE STANDARDS. The proposed land use change shall comply with, and the burden shall be on the applicant to demonstrate through competent evidence that the proposed land use change complies with all applicable requirements of this Resolution;</p> <p>and B. COMPATIBILITY WITH COMMUNITY CHARACTER. The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area; and</p> <p>C. COMPLIANCE WITH SPECIFIC STANDARDS. In addition, the following standards shall apply to individual types of Minor Impact Projects:</p> <p>1. ADDITIONAL STANDARDS APPLICABLE TO VACATION, AMENDMENT OR REPLAT OF SUBDIVISION PLATS. The Board may approve a Minor Impact application to vacate, amend or replat any recorded subdivision plat if all of the following additional standards are met: a. LEGAL PLAT OF RECORD. The plat to be vacated, amended or replatted shall be a legal plat of record; when the plat is proposed to be vacated the applicant(s) shall be the owner of all the lands identified on the plat to be vacated.</p> <p>b. VACATION SHALL NOT DENY ACCESS. Vacation, amendment or replatting of all or part of the plat shall not interfere with the use of, nor deny access by public thoroughfare to public land, adjoining properties, utility service, or other improvements. In granting a vacation, the Board may reserve easements for access, and for the installation or maintenance of utilities, ditches, and similar improvements.</p> <p>c. NOT DAMAGE ANY LOT OWNER. The plat vacation, amendment or replat shall not result in damage to any individual lot owner.</p>
EA or EIS is required for this project	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project located in Special Geographic Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Phasing proposed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a Partially Exempted land use change (Section 1-106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>APPLICABILITY OF LAND USE RESOLUTION STANDARDS:</p>		

STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-300: Commercial and Industrial Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
10-102: Locational standards for residential development	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable.</i> The Application cannot meet the primary locational standard because it is not adjacent to an existing population center or within three miles of an incorporated municipality; however, the LUR allows the Board to approve an application for subdivision if it is found</p> <p><i>That in addition to meeting all of the applicable requirements of this Resolution, the cumulative impacts of the proposed development and existing development will result in no significant</i></p>

		<p><i>net adverse impact to neighborhood lands or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of On-Site Wastewater Treatment Systems and/or individual water wells.</i></p> <p>The Applicant is proposing to effectively transfer the development right from the eastern conservation area to a new parcel on the western side of State Highway 114. This would cluster development and reduce overall impacts to habitat. Impacts to traffic, proliferation of wells or OWTS, wildlife, and general neighborhood context would either be the same or functionally reduced by clustering development in the corridor.</p>
10-103: Residential density	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable.</i> As noted above, the proposal cannot meet the primary locational standard because it is not adjacent to an existing population center or within three miles of an incorporated municipality. When a new subdivision lot is not substantially similar to neighborhood parcels, in this case the request is for a smaller lot, four conditions need to be met.</p> <ol style="list-style-type: none"> 1. Development served by public wastewater treatment system; 2. Development serviced by other services and facilities (such as transit, water supply); 3. Compatible with the neighborhood; and 4. Impact of increased density is mitigated. <p>This is a unique Application because it is not requesting additional density; rather, an effective transfer of development rights to create a right in a more suitable location. While the application cannot meet conditions 1, 2, and 3; the proposal would conserve a 29+ acre parcel in perpetuity and preserve an important elk migration corridor.</p>
10-104: Locational standards for commercial, industrial or other non-residential uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the practices are voluntary.
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , the new residential parcel, Lot 1, is not located within a floodplain. The Conservation Parcel is located in a regulatory floodplain.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , while the parcel is not located within a mapped geologic hazard area, Colorado Geologic Survey (CGS) review is required for all proposed subdivision that will create lots less than 35 acres within unincorporated Gunnison County (Colorado Revised Statute (CRS) 30-28-136). The application was initially referred on August 31 st , and CGS comment received on September 21 st included a request for a site-specific geologic hazard report to investigate any potential hazard

associated with an alluvial fan revealed on high-resolution LiDAR-derived digital elevation models. The alluvial fan originates from a dry gulch on BLM land to the west, and its head is near the west lot line, fanning out as it expands east, and extends beyond the eastern property boundary through and across CO-114 to Cochetopa Creek. Alluvial fans are prone to flooding, mud, or debris flows; and are defined geologic hazards. Development is only permitted within an alluvial fan area when the Applicant can demonstrate compliance with Section 11-104.D.3.

a. Hazard Cannot be Avoided

Areas beyond the alluvial fan have slopes up to 36% grade. Development within these areas is more complex and creates more site disturbance than clustering development closer to CO-114. Additionally, the recommendations in the “*State Hwy 114 Geologic Hazards Letter*” by CMT Technical Services on November 20, 2023 noted that potential mass wasting and slope instability can be mitigated by reducing impact of development on steeper slopes and minimizing vegetation loss.

b. Restricted to the Least Hazardous Areas

As noted above, development should not be located within steep slopes because that could lead to destabilization of the alluvial fan area.

AND Section 11-104.G.4 Development in Alluvial Fan Hazard Area

a. Protective Measures

This standard requires that development be protected during a hazard event such as a debris or mud flow. The CMT report recommended a catchment ditch and berm structure that could deflect water and debris in a runoff event. CGS review of the letter concurred with the findings of the CMT report, further requiring that:

- 1. The deflection berm should be designed by a geological engineer so it does not impinge on existing structures and infrastructure or future structures.*
- 2. CGS recommends that the catchment ditch and deflection berm be designed based on site-specific drainage/hydraulic studies that analyze flow dynamics associated with hyper-concentrated flooding emanating from the channel west of the site.*

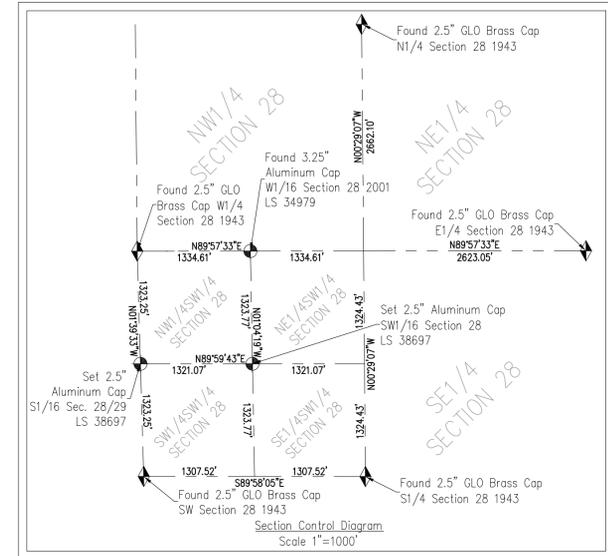
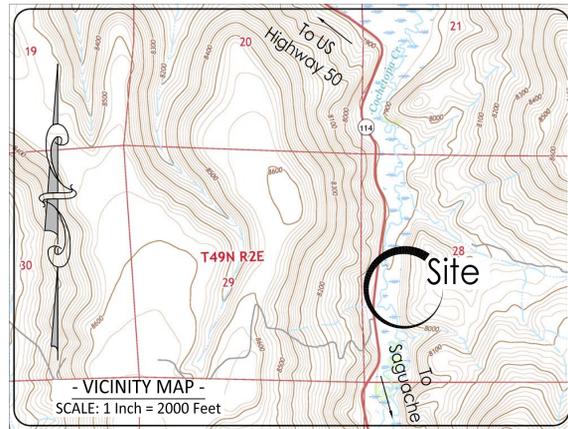
		<p>3. <i>Any mitigation measures must be shown on the plans.</i></p> <p>4. <i>Prior to building permit approval, a lot-specific geotechnical investigation consisting of drilling, sampling, lab testing, and analysis will be needed to characterize soil and bedrock engineering properties and evaluate the collapse potential of the fan deposits.</i></p> <p>Staff recommends the above conditions be included in the approval.</p> <p>b. <i>Disturbance Above Alluvial Fan</i> Disturbance in the drainage above an alluvial fan is prohibited. The application does not propose disturbance in the prohibited area. Staff recommends this be included in approval conditions.</p>
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable</i>, the parcel falls within a mixed wildfire risk; and the majority of the fathering parcel area falls within a high wildfire hazard area. The proposed new Parcel 1 is in a high wildfire hazard. The Conservation Parcel is in both high and very high wildfire hazard, and Parcel 2 has a small portion in a very high wildfire risk. Development is not proposed in Parcel 2 or the Conservation Parcel. Any future development on Parcel 1 will be required to comply with the provisions of this Section and that of the International Residential Building Code and Wildfire Urban Interface Code, as amended.</p>
11-106: Protection of wildlife habitat areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable</i>; the property is located within Gunnison Sage-Grouse habitat and the eastern “Conservation Area” is within an elk migration corridor. An administrative review certificate has been issued addressing potential impacts to sage-grouse (No. 46, Series 2018). The Applicant proposes to conserve the eastern parcel in perpetuity, “from any future land or residential development”. The proposed conservation area would establish a conservation corridor along Cochetopa Creek, preserving an elk migration corridor.</p> <p>The Application will be referred to the Gunnison Sage-Grouse Biologist and Colorado Parks and Wildlife (CPW) for review and comment. CPW did not have significant concerns with the application. The applicant received a Certificate of Administrative Review (No. 142-2023) which found that the proposed activity would adversely impact Gunnison Sage-Grouse or their habitats beyond which have already occurred, with conditions. These standard conditions were agreed upon in the Administrative Review Certificate by the Applicant.</p>

11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , the subdivision proposal will create a new lot on the west side of SH 114 that is upland of the Cochetopa Creek and physically separated by the highway.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , subdivision is not located on a Ridgeline.
11-109: Development that affects agricultural lands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the development is adjacent to agricultural operations; however, there are no impacts anticipated by this proposal.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; the property currently has snowplowed access on State Highway 114.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , development not located on an Inholding in a federally designated wilderness area.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , development not located above timberline.
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the Applicant received a CDOT access permit for a single-family residence in October 2023 (Permit No. 323142). The Application was referred to Gunnison County Public Works and CDOT for review and comment. Neither agency had further comments on the application.
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable</i>, the Applicant received a water decree (Case No. 2022 CW 3027) for a conditional water right for a well, a water storage right for an augmentation pond, and an augmentation plan for any depletions resulting from construction of a new well.</p> <p>The application was referred to the Colorado Division of Water Resources (DWR) for review and comment on August 31, 2023. An extension was requested on September 14th, 2023. County Staff followed up with DRW on December 12, 2023. As of December 14, 2023; the County has not received comment from the agency regarding this application.</p> <p>Section 3-110.C.2 <i>Review and Comment by Review Agencies and Departments</i> provides 21 days for referral agencies to submit comments on a given application, not to be extended for more than a 30-day review period unless there is cause for the extension. The County has a long history of collaborating with referral agencies and generally provides extensions to ensure opportunity to comment; however, receiving a comment is not a requirement of this section to proceed with this land use change review.</p> <p>The Applicant has demonstrated they have sufficient water supply for a new residential well and augmentation plan for the new parcel; therefore the provisions of Section 12-105.C.2 <i>Submit Evidence of Adequacy of Individual Supplies</i> has been satisfied.</p>

12-106: Wastewater treatment	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , a wastewater treatment system is required of the proposed development. Future development would be required to comply with the provisions of this section.
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the application was referred to the Gunnison Fire Protection District. The District did not express any concerns regarding the proposal.
13-102: B.: Location within municipal three-mile plan area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<i>Not Applicable</i> , not located within three miles of an incorporated municipality.
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the proposed new lot meets these standards.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the existing development meets these standards and the proposed new lot provides adequate area to comply with these standards.
13-105: Residential Building Sizes And Lot Coverages	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , Minor Impact applications are exempt from this Section.
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
13-110: Off-Road Parking And Loading	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , development is not proposed at this time, the size of the future residence would establish parking requirements. There is ample area for parking on the new lot.
13-111: Landscaping And Buffering	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the Applicant will preserve the entirety of the Conservation Parcel's native riparian vegetation.
13-112: Snow Storage	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; additional snow storage is not required for proposed subdivision.
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; not requested as part of this application.
13-114: Exterior Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; not requested as part of this application.
13-115: Reclamation And Noxious Weed Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; development is not proposed at this time.
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , development is not proposed at this time.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , the application does not meet the applicability thresholds of Sec. 13-117.B.
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; not requested as part of this application.
13-119: Standards To Ensure Compatible Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; change in use is not requested as part of this application.

Spezze Minor Subdivision

Situated in the NW1/4 SW1/4 of Section 28,
Township 49 North, Range 2 East of the New Mexico Principal Meridian
Gunnison County, Colorado



CERTIFICATE OF DEDICATION AND OWNERSHIP:

We, Thomas J. Spezze and Tamara M. Spezze, being the owners of the land described as follows:

THAT PORTION OF THE NW1/4SW1/4 OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 2 EAST, N.M.P.M., LYING WEST OF THE WEST RIGHT OF WAY OF COLORADO HIGHWAY 114,

COUNTY OF GUNNISON,
STATE OF COLORADO.

Under the name of SPEZZE MINOR 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 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 as shown hereon.

In witness whereof Thomas J. Spezze and Tamara M. Spezze have subscribed their names this ____ day of _____, A.D. 20____.

By _____
Thomas J. Spezze

By _____
Tamara M. Spezze

State of _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 20____, by Thomas J. Spezze and Tamara M. Spezze.

My commission expires: _____

My address is: _____

Witness my hand and official seal: _____

Notary Public _____

WARNING AND DISCLAIMER OF FLOODPLAIN AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

We, Thomas J. Spezze and Tamara M. Spezze, on behalf of ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of floodplain hazard areas that may affect the use and occupancy of this property, and any improvements thereto. We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

By _____
Thomas J. Spezze

By _____
Tamara M. Spezze

WARNING AND DISCLAIMER OF WILDFIRE HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

We, Thomas J. Spezze and Tamara M. Spezze, on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

By _____
Thomas J. Spezze

By _____
Tamara M. Spezze

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.

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of SPEZZE MINOR SUBDIVISION is approved this ____ day of _____, A.D. 20____ and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, 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

ATTORNEY'S OPINION:

I, Marcus J. Lock, 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 Thomas J. Spezze and Tamara M. Spezze, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
2. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
3. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
4. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, and a right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent recorded March 31, 1903 in Book 101 at Page 297.
5. Right of way granted to Gunnison County in right of way deed recorded June 6, 1934 in Book 248 at Page 111.
6. Restrictions set forth in Restrictive Agreement recorded May 26, 1981 in Book 566 at Page 744.
7. Terms, conditions and provisions of Certificate of Administrative Review, Certification No. 25, Series 2011 recorded June 22, 2011 under Reception No. 607517.
8. Terms, conditions, provisions, burdens and obligations as set forth in Cooperative Agreement for Damage Prevention Fencing recorded October 10, 2013 under Reception No. 623226.
9. Terms, conditions and provisions of Certificate of Administrative Review, Certification No. 46, Series 2018 recorded June 11, 2018 under Reception No. 653696.
10. Easements, conditions, covenants, restrictions, reservations and notes shown hereon.

Marcus J. Lock, Attorney-At-Law Date
Supreme Court Registration No. 33048
For and on behalf of Law of the Rockies, LLC
525 N. Main St., Gunnison, CO 81230

SURVEYOR NOTES:

SURVEY NOTES:

1. Basis of Bearings: Bearings shown hereon are based on a bearing of S89°57'33"W, between the West Quarter Corner Section 28 and the W1/16 Section 27 & Section 28, both corners being monumented as shown hereon.
2. Date of field survey: May 13, 2019.
3. Units of linear measurements are displayed in US Survey Feet.
4. SGM will not be responsible for any changes made to this document after it leaves our possession. Any copy, facsimile, etc., of this document must be compared to the original signed, sealed and dated document to insure the accuracy of the information shown on any such copy, and to insure that no such changes have been made.
5. Property descriptions shown hereon are based on the Warranty Deed dated July 30th, 2010 and recorded as Reception No. 599837 in the records of Gunnison County, Colorado.
6. Fences shown hereon have been shown for general reference and do not necessarily depict limits of ownership.
7. The property shown hereon is subject to all easements, rights-of-way, building setbacks or other restrictions of record, as such items may affect this property. This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record. All information pertaining to ownership, easement and other encumbrances of record has been taken from the Warranty Deed Dated July 30, 2010 and recorded as Reception No. 599837 in the records of Gunnison County, Colorado.

GENERAL NOTES:

1. Confinement of domestic animals: All dogs and cats shall be confined by kenneling, leashing, fencing or other physical constraint at all times. This restriction may be enforced by Gunnison county at the expense of the owner.
2. Colorado's fence out requirements: A property owner is required to construct and maintain fencing in order to keep livestock off his/her property.
3. Irrigation ditch maintenance: An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

SURVEYORS CERTIFICATE:

I, Erik E. Bjornstad, do hereby certify that I am a professional land surveyor licensed under the law of the state of Colorado, that this plat is a true, correct and complete plat of SPEZZE SUBDIVISION as laid out, platted, dedicated and shown hereon, that such plat was made by me from an accurate survey of said property by SGM Inc. and under my supervision and correctly shows the location and dimensions of the boundary and easements of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land. I further certify that this plat satisfies requirements of the C.R.S. Section 38-33.3-209.

Erik E. Bjornstad
Colorado PLS # 38697
For, and on behalf of SGM-Inc.

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. 20____, Reception Number _____.

Gunnison County Clerk and Recorder



SGM
103 W. Tomichi Ave., Suite A
Gunnison, CO 81230
970.641.5355 www.sgm-inc.com

Spezze Minor Subdivision
Gunnison County, Colorado

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2011-226.002
08/10/2023
Approved: _____ PLS: EB
Spezze2019 Minor Subdivision

Spezze Minor
Subdivision

G:\Gunnison\2011\2011-226.001 Spezze Minor Subdivision\mg\Spezze2019 Minor Subdivision.dwg Plotfile: 8/10/2023 3:18 PM By: Erik Bjornstad

