



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 24 - 53**

CONCERNING LUC-24-00028, A LAND USE CHANGE PERMIT APPLICATION FOR A MINOR IMPACT LAND USE CHANGE FOR A 3-LOT SUBDIVISION LOCATED AT THE PROPERTY COMMONLY DESCRIBED AS 127 EVELYN LANE, PARCEL NO. 3517-333-00-005 AND LEGALLY DESCRIBED AS A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 1 EAST OF THE N.M.P.M., GUNNISON COUNTY COLORADO. RECEPTION NO. 694245.

WHEREAS, the Applicant, James Kunes, proposes a subdivision of 127 Evelyn Lane, subdividing a 4.1-acre undeveloped parcel into three parcels (Parcel A – 2.01 acre, Parcel B - 1.0 acre and Parcel C - 1.01 acres). A 33 foot access easement has been established through Parcel C to Parcel B. No public improvements have been proposed.

WHEREAS, the application was sent for referral to the United States Forest Service, Colorado Parks and Wildlife, Gunnison Conservation District, Colorado Geological Survey, Gunnison County Public Works, Gunnison Watershed School District and Gunnison County Fire Protection District by email on April 30, 2024.

Responses were not received from the following departments/agencies: Gunnison County Public Works, Gunnison Watershed School District and Gunnison County Fire Protection District; and,

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on November 21, 2024. The Gunnison County Planning Commission approved a Recommendation of conditional approval of the Subdivision and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on December 17, 2024, 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 September 19, 2024 recommendation, with the following Findings and Conditions of Approval:

FINDINGS:

The Board finds that:

1. 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*.
2. This application is consistent with the standards and requirements of this Resolution.
3. The parcels will be accessed by Evelyn Lane. The Applicant has signed a road maintenance agreement with neighboring Mitzel's Green Acres Subdivision. Both will share access off Evelyn Lane.
4. The parcels will be served by Onsite Wastewater Treatment Systems.



5. The parcels will be served by individual wells.
6. Restrictive Covenants have been provided.
7. A sage grouse review dated May 29, 2024 has been completed. This proposal will not adversely impact the Gunnison Sage-grouse or their habitats.
8. 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 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.
2. 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.
3. 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*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
6. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
7. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. LUC-24-00028 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 Smith

seconded by Commissioner Puckett Daniels, and passed on this 17th day of December, 2024.

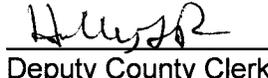
BOARD OF COUNTY COMMISSIONERS


Jonathan Houck,
Chairperson


Elizabeth Smith,
Commissioner


Laura Puckett-Daniels
Commissioner

ATTEST:


Deputy County Clerk



Gunnison County, CO
12/18/2024 3:40:26 PM
447

699998
Page 3 of 3
R 0.00 D [fee:doc]

