

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
May 6, 2008**

The May 6, 2008 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson  
Paula Swenson, Vice-Chairperson  
Jim Starr, Commissioner

Matthew Birnie, County Manager  
Katherine Haase, Clerk to the Board  
Others Present as Listed in Text

**CALL TO ORDER:** Chairperson Channell called the meeting to order at 8:02 am. Commissioner Starr was not present at the time that the meeting was called to order, and later joined the meeting during Scheduling.

**AGENDA REVIEW:** There were no changes made to the agenda.

**MINUTES APPROVAL:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Regular Meeting minutes for the Board of County Commissioners' April 1, 2008 meeting as presented. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Special Meeting minutes of April 22, 2008 as presented. Motion carried.

**CONSENT AGENDA:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Consent Agenda. Motion carried.

1. Acknowledgment of County Manager Signature; Victim Assistance and Law Enforcement Fund Grant Application
2. Acknowledgment of County Manager Signature; Gunnison County Early Childhood Resources Funding Application
3. Acknowledgment of County Manager Signature; Colorado Heritage Planning Grant Program (CHPGP) Application, Energy Action Plan
4. Acknowledgment of County Manager Signature; Maintenance Agreement, Tuck Communication Services, Inc., Preventative and Remedial Maintenance Service to the County IT Department
5. Acknowledgment of County Manager Signature; Services Agreement, Archuleta Construction, Inc., New Metal Roofing at the Gunnison County Library
6. Ratification of Correspondence; Gunnison County Metropolitan Recreation District, Support for Library District Funding
7. Intergovernmental Agreement; Gunnison County, Saguache County, Hinsdale County, Town of Pitkin, Town of Mt. Crested Butte, Town of Crested Butte and City of Gunnison for Undesirable Plant Management
8. Memorandum of Agreement; 2008 Community Based Organization Funding, Center for the Arts
9. Memorandum of Agreement; 2008 Community Based Organization Funding, Gunnison Valley Observatory, Inc.
10. Memorandum of Understanding; Gunnison County, Gunnison City Council, Mt. Crested Butte Town Council and Crested Butte Town Council; 2008 Potential Spring Flooding
11. Correspondence, Colorado Division of Wildlife and US Fish & Wildlife Service, Certificate of Inclusion Impasse

**SCHEDULING:** The Upcoming Meetings Calendar was discussed and updated. Commissioner Starr joined the meeting during this discussion.

**CORRESPONDENCE:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the letter to Ray Rossman of the United States Forest Service supporting the permit for the Gunnison River Festival's kayak race on the Upper Taylor River and authorize signatures. Assistant County Manager Crosby asked for a language change signifying that the race could include either kayaks or rafts. Commissioner Swenson agreed to amend her motion. Commissioner Starr seconded the amended motion. Motion carried unanimously.

**COUNTY MANAGER'S REPORT AND CORRESPONDENCE:** County Manager Matthew Birnie was present for discussion.

1. **Strategic Plan.** County Manager Birnie stated that the plan was nearly complete and scheduled for adoption consideration by the Board on May 20, 2008. The plan will include all priority areas previously identified by the Board, the goals and strategies recognized as necessary to achieve those goals, and a list of staff members tasked with responsibility for goal success. He also stated that some information will not be completed by May 20<sup>th</sup>, but that the specific timelines and progression points can be further explored throughout the coming year as additional data is collected. County Manager Birnie stated that he would present a draft plan to the Board by the following week.
2. **Highway 135 Speed Limit.** County Manager Birnie reported that he had spoken with Colorado Department of Transportation Representative Bill Griffith about the current 55 m.p.h. and was

informed that a traffic study order had been submitted to the Denver office. Assistant County Manager Crosby noted that the completed study will effectively modify the speed limit to reflect the speed at which 85% of travelers are driving, which is anticipated to be more than 55 m.p.h.

3. Public Policy Forum. County Manager Birnie requested clarification from the Board on how to proceed with this issue. Commissioner Starr explained that the Community Forum had asked the local municipalities for printed support material of approximately 350 words that can be added to their booklets. County Manager Birnie will provide drafted text to the Board for comment.
4. City SculptTour. County Manager Birnie informed the Board that City of Gunnison City Manager Ken Coleman inquired about possible County interest in displaying a sculpture either on the courthouse property or on the property between the Blackstock and O'Leary buildings. He confirmed that the City would be responsible for sculpture installation and that an amphitheatre setting had been proposed in an effort to limit vandalism. The Board expressed interest.
5. Community Corrections Board (CCB). County Manager Birnie stated that his term on the CCB expires in June 2008 and that he may ask to be replaced on the CCB due to conflicting meeting schedules. He felt that his participation had been beneficial; however, he also noted that the programming was not what he had originally expected. The Board asked him to recruit for a replacement.
6. Vacation. County Manager Birnie reminded the Board that he would be out of the office on vacation beginning with the afternoon of May 8<sup>th</sup> and ending sometime on May 15<sup>th</sup> or 16<sup>th</sup>.

**ASSISTANT COUNTY MANAGER'S REPORTS AND PROJECT UPDATES:** Assistant County Manager Marlene Crosby was present for discussion.

1. Letter of Endorsement; Forest Service Application for a Colorado State Parks Grant. Assistant County Manager Crosby stated that these grant funds should help to remove some recreational traffic from the wetlands areas. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize signatures and approve the letter to the Colorado State Parks, dated May 6, 2008. Motion carried unanimously.
2. Correspondence; Forest Service and Bureau of Land Management, Gunnison Trails' Proposed Non-Motorized Singletrack Trails. Assistant County Manager Crosby explained that the letter was drafted by the Trails Commission, pursuant to a request by the Board. The letter was discussed and amended. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the letter to the BLM and the US Forest Service regarding the Gunnison Trails' Proposed Non-Motorized Singletrack Trails, as amended. Motion carried unanimously.
3. Serpentine Trail Homeowners' Association Meeting. Assistant County Manager Crosby stated that she had met with homeowners association members who informed her that they would like County assistance with maintaining their road. Assistant County Manager Crosby informed them that ample funding and staff time were not available to comply with the request. The members expressed interest in speaking with the Board; however, Assistant County Manager Crosby informed them that it would be premature to discuss this request with the Board. Chairperson Channell reported that he had been contacted by residents who were concerned about the possible allowance of a commercial equestrian operation. However, Chairperson Channell noted that he had later spoken with County Planner Cathie Pagano who informed him that such an operation would not be able to secure adequate water.
4. Air Force Band Concert. Assistant County Manager Crosby explained that the Air Force Band would like to present a free country music concert in Gunnison on July 2, 2008. The County would be asked to promote the event via posters and obtaining flatbed trailers for the band equipment. Assistant County Manager Crosby felt that this concert would be a worthwhile event leading up to Cattlemen's Days. The Board expressed interest and Assistant County Manager Crosby will pursue the issue.
5. Amendments to Road and Bridge Standards. Assistant County Manager Crosby stated that this discussion will be scheduled on the May 20, 2008 agenda and that she would perform the required public notice.
6. Kebler and Cottonwood Passes. Assistant County Manager Crosby informed the Board that the snow on these passes was beginning to melt, but that at least two areas were identified that will require light reconstruction before the passes can reopen. Drifts, some as high as 10'-0" above the guard rail, and bare spots were located on Cottonwood Pass. She felt that June 15<sup>th</sup> would be the earliest possible time for opening of these passes and that Kebler Pass will likely open before Cottonwood Pass. Although the County had received grant funding for Kebler Pass improvements, Assistant County Manager Crosby expressed concern that the snow melt may cause a short summer in which there would not be sufficient time to perform the improvements. She also informed the Board that the Ride the Rockies organization had not modified their route.
7. Maintenance of Bus Pullouts. Commissioner Starr was informed by Gunnison Valley Rural Transportation Authority Executive Director Scott Truex that insurance coverage for this maintenance must be designated at \$1,000,000. Assistant County Manager Crosby felt that this will need to be a cooperative effort between the pertinent entities. She also agreed to research the level of insurance currently held by the County as she believed it to be only \$600,000.

**CRESTED BUTTE ANIMAL SHELTER DISCUSSION:** Assistant County Manager Crosby was present for discussion.

Commissioner Starr informed the Board that he requested this discussion to evaluate the possibility of staff drafting a lease agreement for the property. He also stated that the utility portion of the project should not interfere with the pending highway project, set to begin after the 4<sup>th</sup> of July holiday, as the lines are anticipated to run parallel with the highway. The Board asked Assistant County Manager Crosby to begin lease discussions with the County Attorney's office.

**REVISED PUBLIC WORKS DEPARTMENT FEE SCHEDULE:** Assistant County Manager Crosby was present for discussion.

Assistant County Manager Crosby presented a revised schedule of fees for discussion and approval. She explained that the fee schedule had not changed since 2002 and that she proposed an increase in fees in order to adequately cover staff time and materials cost. During the discussion, further modifications were agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to adopt Exhibit A to the Gunnison County Public Works Department Schedule of Fees, as presented and amended. Motion carried unanimously. Assistant County Manager Crosby agreed to make the discussed modifications to the document. The revised schedule went into effect immediately.

**BREAK:** The meeting recessed from 9:24 until 9:31 am.

**RESOLUTION; EMERGENCY DECLARATION:** Assistant County Manager Crosby, County Attorney David Baumgarten and Emergency Manager Scott Morrill were present for discussion.

County Manager Birnie informed the Board that the Emergency Declaration resolution had been assembled by those present for discussion. Emergency Manager Morrill stated that the resolution was a key element of the County Emergency Operations Plan, which was pending adoption of this resolution. He also noted that he had received good feedback from the Colorado Emergency Management Office after sharing the document with them.

The resolution was discussed and modifications were agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-15, a Resolution Establishing Gunnison County Emergency and Disaster Management and Procedures, as amended, and authorize signatures. Motion carried unanimously.

**BREAK:** This meeting recessed from 10:08 until 10:31 am.

**HOMELAND SECURITY GRANT APPLICATION:** Homeland Security West Region (HSWR) Coordinator JoAnn Stone was present for discussion.

HSWR Coordinator Stone provided a grant application for review and approval. She informed the Board that the grant committee will be meeting in August to decide on funding appropriations, including the \$1,700,000 applied for by the six counties within the HSWR. Of this amount, HSWR Coordinator Stone felt that approximately \$800,000 would be received.

HSWR Coordinator Stone informed the Board that grant funds received would assist with purchasing equipment for two new communications sites, costs associated with the All Hazards Conference, and \$66,000 in HAZMAT equipment. She noted that the conference, which teaches incident command and response, is attended by approximately 300-400 persons each year. HSWR Coordinator Stone was hopeful to receive funding for the HAZMAT equipment, due to the national increase in suicide by cyanide.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Homeland Security Grant Application and authorize the chairperson's signature. Motion carried unanimously.

**BULL MOUNTAIN PIPELINE; RESOLUTION, ROAD MAINTENANCE AGREEMENT AND MITIGATION FUNDING AGREEMENT:** County Attorney Baumgarten, County Paralegal Rachel Magruder and Assistant Planning Director Neal Starkebaum were present for discussion. SG Interests I, Ltd. Vice-President Robert Guinn and Schmueser Gordon Meyer, Inc. (SGM) attorney Ken Wonstolen of Fulbright & Jaworski, LLP were available for discussion via telephone.

Assistant Planning Director Starkebaum stated that the Board had previously directed staff to draft a resolution based on the recommendations of the Planning Commission. He presented the draft resolution along with several proposed modifications. County Attorney Baumgarten suggested that the resolution be approved for chair signature and that it be retained in the County Attorney's Office until ready for execution, which would be after all signatures were complete and securities were received.

The resolution was discussed and amended. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-16, a Resolution Approving the Bull Mountain Natural Gas Pipeline Major Impact Oil and Gas Operation Permit No. 2007-01 and authorize signatures. Commissioner Starr proposed an amendment to the motion that would include "and that the County Attorney hold the approved resolution until the Road Maintenance Agreement and the Mitigation Funding Agreement have been executed, and authorize the chair to execute the documents". Commissioner

Swenson accepted the proposed amendment to the motion and Commissioner Starr seconded the amendment. Motion carried unanimously.

**TOWNHOME APPLICATION; RIVER NEIGHBORHOOD, SKYLAND LOT RNQ-2, RIVER NEIGHBORHOOD SKYLAND:** County Planner Cathie Pagano was present for discussion.

**Moved** by Commissioner Swenson, seconded by Commissioner Swenson to approve the townhome application for River Neighborhood, Skyland Lot RNQ-2, River Neighborhood Skyland and authorize the chair's signature on the plat. Motion carried unanimously.

**LOT CLUSTER APPROVAL; IRWIN TOWNSITE, LOTS 1-4 & 15-18, SETH DANIEL MORRISON:** Planning Department Administrative Services Manager Beth Baker was present for discussion.

Planning Department Administrative Services Manager Baker explained that the lot cluster, requested so that the owner can build a house on the property, will result in a lot size of 1.83 acres. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the lot cluster for Irwin Townsite, Lots 1-4 & 15-18, Seth Daniel Morrison and authorize signatures. Motion carried unanimously.

**POMPONIO SUBDIVISION APPROVAL, MINOR IMPACT:** County Planner Pagano and property owner Patrick Pomponio were present for discussion.

County Planner Pagano stated that approval of this minor impact application would split one parcel into two lots. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-17, a Resolution Approving the Land Use Change Application No. 2007-48, a Land Use Change Permit for Patrick Pomponio for the Elkhorn Ranch Subdivision, as amended, and authorize appropriate signatures. Motion carried unanimously.

**CODE ENFORCEMENT; FORMAL DIRECTION TO YELLOW DOG, LLC TO REMOVE SIGNAGE AND TO DISCONTINUE BUILDING ACTIVITY AND USE OF THE RECREATIONAL VEHICLE PARK, POSSIBLE ACTION, POSSIBLE EXECUTIVE SESSION:** County Paralegal Rachel Magruder, Assistant Planning Director Starkebaum, County Attorney Baumgarten, County Building Inspector Rich Wojdakowski, Environmental Health Specialist Richard Stenson and property owner Gil Barfield were present for discussion.

Assistant Planning Director Starkebaum stated that this enforcement issue was brought before the Board so that unpermitted signage and building activity at the Lake Fork Resort could be addressed. He also informed the Board that he had met with Mr. Barfield on May 5<sup>th</sup> regarding his Land Use Application. County Building Inspector Wojdakowski provided photographs taken earlier in the day indicating the continued presence of unpermitted signage.

Assistant Planning Director Starkebaum stated that use in the recreational vehicle park had discontinued, but that a few vehicles remained on the property. He also confirmed that no applications had been filed with the County for operation or expansion of the park.

Mr. Barfield stated that he was unaware of the permitting issue when he purchased the Lake Fork Resort. He also noted that signage was present at the time of purchase; however, he acknowledged that he did not apply for a permit prior to signage replacement. He informed the Board that the large signage was removed from the property on April 11, 2008. He also stated that, upon learning of the permitting issue, he closed the park and that a few vehicles remained due to mechanical problems. He felt that rectification of the issue could not happen any quicker and felt that the signage issue, first addressed in the summer of 2007, was a misunderstanding between County Building Inspector Wojdakowski and Mr. Barfield's son who was tending to the property in Mr. Barfield's extended absence.

Mr. Barfield stated that he had contracted with Interiors to remodel flooring, but that there was no other construction occurring. He acknowledged that he had not applied for a permit because of the assumption that Interiors would handle any necessary permitting. County Building Inspector Wojdakowski stated that floor remodeling would not warrant a permit, but that he could verify that flooring was the only modification being accomplished since he had not been allowed to perform a site visit.

County Attorney Baumgarten suggested, and the Board agreed, that the signage must be removed within 24 hours; that County Building Inspector Wojdakowski be allowed to perform a site visit prior to the end of the week in order to determine what type of building has occurred; and that all recreational vehicles be cleared out of the park prior to the end of the week. County Attorney Baumgarten requested that, if these measures were not taken by Mr. Barfield, he be granted the authority to enter into the litigation process to ensure compliance.

Environmental Health Specialist Stenson stated that he had met with the Mr. Barfield and the District Engineer last October to discuss these issues and that he would appreciate being able to continue the process of protecting the environment and personal health that could potentially be affected by non-

compliance. Mr. Barfield stated that he had water testing performed, but that the Colorado Department of Public Health and Environment cannot proceed with further testing until the park is no longer in operation. Environmental Health Specialist Stenson stated that wastewater issues should continue to be managed through his department and that, once the park is included in the overall scope, the operation may be pushed over the threshold into requiring public water and sewer utilities.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to direct the appropriate staff to move forward with the litigation process against Yellow Dog, LLC in the event that, by 5:00 pm on May 9, 2008, compliance has not been met with the removal of the signs, the building activity and the moving out of all of the recreational vehicles from the recreational vehicle park. Mr. Barfield inquired about the expected timeframe for signage approval and County Building Inspector Wojdakowski indicated that the approval process can be completed quickly and on-site during the site visit. Assistant Planning Director Starkebaum suggested that Mr. Barfield contact the Department of Transportation about the possibility of obtaining tourist-directional signage. Motion carried unanimously.

**BREAK:** This meeting recessed from 12:00 until 1:05 pm.

**AFFORDABLE HOUSING/INCLUSIONARY ZONING; POSSIBLE EXECUTIVE SESSION:** Housing Authority Executive Director Denise Wise, Geographic Information Systems Manager Mike Pelletier, County Attorney Baumgarten and Planning Director Joanne Williams were present for discussion.

County Manager Birnie explained that this discussion had begun during a previous meeting and was continued to the current meeting due to time constraints. He also asked for direction from the Board as to how staff should continue working on this issue.

County Attorney Baumgarten informed the Board that Clarion, the consultant firm, had suggested use of either a fee-based system or an impact-based system as alternatives to inclusionary zoning.

**Moved** by Commissioner Starr, seconded by Commissioner Swenson to go into executive session to obtain advisory opinion from legal counsel to ask a question about inclusionary zoning. Included in the executive session will be Housing Authority Executive Director Denise Wise, Planning Director Joanne Williams, Geographic Information Systems Manager Mike Pelletier, County Manager Matthew Birnie, County Attorney David Baumgarten and the Board. Motion carried unanimously.

The board went into executive session at 1:13 pm. *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).*

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Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), 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) 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(2)(d.5)(II)(B), 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).

Date: \_\_\_\_\_

\_\_\_\_\_  
Hap Channell, Chairperson  
Gunnison County Board of Commissioners

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The Board came out of executive session at 1:36 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made.

Chairperson Channell inquired about the general layout of an inclusionary housing program, such as the necessary elements upon subdivision application by a developer. Planning Director Williams explained that this would require an amendment to the LUR so that fees could be redefined and administrative documentation could be made available, which includes amendments to existing application forms and additional information sheets to hand out as permits are applied for. Pertinent to the policy, percentages, payment in lieu options, fee structures and off-site construction possibilities would all need delineated in order to define inclusionary zoning. Additional delineation necessary would include unit thresholds, land amounts involved, administrative functions of outlining the qualifications for accepting one of the units, and whether or not the homeowners association fees would be applicable.

Chairperson Channell expressed his interest in considering a fee-based program while still considering inclusionary zoning. He also stated his opposition to promote workforce housing in remote areas that do not utilize public utilities and transportation.

Commissioner Starr agreed with Chairperson Channell, with the caveat that any fees were commensurate to the actual building costs of a unit within the permitted subdivision. He also expressed a desire to purchase and refurbish existing houses for deed-restricted resale.

Commissioner Swenson disagreed because she felt that inclusionary zoning should be widespread in order to unify neighborhoods. She also expressed her desire for the County to pursue a fee-based program while urging other municipalities within the County to adopt an inclusionary program.

There was discussion about whether or not a nexus proportionality study was warranted and County Attorney Baumgarten explained that it would be required for a fee-based system. The current nexus study was said to be two-years old, so Commissioner Starr questioned whether or not the County would need to update the study if a fee-based system were proposed.

Commissioner Starr asked staff to legally distinguish between a dirt-development fee and the current linkage fee. Commissioner Swenson asked for further clarification relative to which fee would be charged, if not both. County Manager Birnie informed the Board that Montrose County collects half of their set fee upon subdivision approval and the other half upon building approval.

Chairperson Channell asked staff to provide details on how a dirt-development fee would be designed, if a study would be mandated, if the Housing Needs Assessment would need completed in order to determine the fee structure, and whether or not the current nexus study would support a fee.

The board agreed to suspend further discussions relative to inclusionary zoning until the possibility of a dirt-development fee had been examined. In the meantime, the Housing Needs Assessment will move forward as scheduled for a Public Hearing on May 20, 2008.

Housing Authority Executive Director Wise confirmed that the Housing Needs Assessment will address seasonality, household sizes, employment, ownership versus rental, homeowners association dues, disabilities, transportation and commuting information. This discussion was continued to June 17, 2008.

#### **UNSCHEDULED CITIZENS:**

1. Property for Sale. Property owner Don Wilson informed the Board that he owns 20 acres of land that he would be interested in either leasing or selling to the County for building the proposed Public Works facility or the future jail facility. He noted that the property, which may appraise at approximately \$2,000,000, is nearly easement free. He provided a map of the property and a copy of the appropriate water rights documentation.

**COMMISSIONERS MEETING REPORTS:** (This item began earlier than scheduled due to a break in the agenda.)

#### **Commissioner Starr:**

1. Hospital Strategic Master Planning. Commissioner Starr stated that he attended the first meeting for this group. During the meeting, he learned that the hospital is considering either expanding the existing facility or building a new facility, as well as expanding into Crested Butte. Input was solicited from all elected officials, so Commissioner Starr suggested that the hospital involve more persons and entities with the process in the event that the group pursues a capital campaign.
2. Public Works Fees. Commissioner Starr expressed his opinion that a minimum recycling fee should be imposed and asked that this be considered upon subsequent fee restructures. County Manager Birnie agreed to relay this request to Assistant County Manager Crosby.

#### **Commissioner Swenson:**

1. Sage-grouse Working Group. Commissioner Swenson felt that the strategic plan should be finalized in either May or June as the next strategic committee meeting was scheduled for May 21<sup>st</sup>.
2. Chamber of Commerce. Commissioner Swenson informed the Board that she attended a recent chamber meeting as an ad hoc representative of the County.

3. Beautification/Scenic Corridors Committee. Commissioner Swenson informed the Board that the committee intends to address the Board on May 13, 2008 to discuss manufactured housing and the abandonment of such structures.
4. Rural Land Use Planning. Commissioner Swenson stated that a meeting had been scheduled for May 27, 2008 between the Board and representatives from Routt and Larimer Counties. The meeting will be held from 3:00 to 5:00 pm with an evening meeting held from 7:00 to 9:00 pm. The evening meeting would include representatives from the Stockgrowers Association.

**UNSCHEDULED CITIZENS:** (This item was continued from earlier in the meeting.)

2. Phil Klingsmith. County Attorney Baumgarten was present for discussion. Mr. Klingsmith informed the Board that his mother recently passed away; that his father now requires continual health care due to experiencing the early stages of dementia; and that, after his mother's passing, he learned that his parents had not adequately prepared for such an event. Mr. Klingsmith inherited a 1.31-acre portion of his parents' estate along the Gunnison River that he will attempt to mortgage in order to afford private-pay health insurance for his father, which could be long-term. Because other surviving children were bequeathed portions of the estate attached to the 1.31-acre portion that Mr. Klingsmith received, Mr. Klingsmith will be required to subdivide his portion of land from the entire parcel in order to obtain bank financing. He asked the Board to waive the LUR process for the first year so that he could immediately secure funding. Mr. Klingsmith informed the Board that the property in question was not included within the area subdivision. A Special Meeting was scheduled for Friday, May 9, 2008 so that the Board could discuss the issue in depth while evaluating potential action.

**Commissioner Swenson:**

1. Colorado Department of Transportation (CDOT) Building. Commissioner Swenson stated that she had met with CDOT representatives and Beautification/Scenic Corridors Committee member Sue Oates to discuss the possibility of painting the facility and further visual mitigation efforts. Discussions were reported to be ongoing.
2. Antelope Hills Subdivision Water Compliance. Commissioner Swenson reported that she had been approached by a resident of this subdivision who expressed concern about drinking water compliance. She informed the Board that the homeowners association will be holding a quarterly meeting in June and that the association may approach the Board about extending water service to the subdivision.

**Chairperson Channell:**

1. Gunnison RE-1J School District. Chairperson Channell informed the Board that he met with district representatives to discuss the Marble Charter School inclusion in the upcoming bond. The district stated intent to evaluate costs as well as perform mail and phone surveys to measure public support prior to making a decision about bond inclusions.
2. Gunnison City Council. Chairperson Channell informed the Board that he attended this recent meeting during which the council proposed a \$3000 donation in support of the Energy Summit. Chairperson Channell felt that there would be ample votes for approval. He also noted that future funding for the Office for Resource Efficiency from the council may be dependent on the success of the Energy Summit.
3. Weather Modification Conference. Chairperson Channell stated he attended this conference presented by high-level PhD researchers world-wide. He noted that the group focused on cloud-seeding; however, the group is also evaluating the possibility of modifying hurricane patterns and intensity, as well as reducing hail by limiting the weather conditions conducive to large hail. Chairperson Channell stated that he was very impressed with the presentations and discussions.
4. Tobacco Education and Prevention. Chairperson Channell stated that this group is focusing on youth access and preventative measures. The group is also working closely with retailers to identify methods that may limit accidental sales of tobacco to youths.
5. Gunnison County Substance Abuse Prevention Program. Chairperson Channell stated that this group had entered a public information mode. He informed the Board that he and Restorative Justice Executive Director Don Wills were scheduled to make a presentation at a local school on May 7<sup>th</sup> with two additional presentations scheduled for other schools in the near future.
6. Mayor Managers. Chairperson Channell reported attendance at this recent meeting, hosted by the Gunnison Valley Hospital, along with Commissioner Swenson and County Manager Birnie. He noted that the City of Gunnison will continue discussions relevant to the proposed annexation on May 20<sup>th</sup>; that Mt. Crested Butte was enjoyed by 412,000 skiers during the previous season; that the Upper Gunnison River Water Conservation District had two available Board positions; and that the Hospital Joint Commission Review passed with a plan for corrective action already being implemented.
7. Personnel Board. Chairperson Channell informed the Board that the Personnel Board will be providing four clothing garment options to staff members in the near future. An official announcement is set for release with the May 2008 paychecks.

**ADJOURN:** **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. The meeting adjourned at 3:48 pm.

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Hap Channell, Chairperson

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Paula Swenson, Vice-Chairperson

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Jim Starr, Commissioner

Minutes Prepared By:

\_\_\_\_\_  
Katherine Haase, Deputy County Clerk

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2008-15**

A RESOLUTION ESTABLISHING GUNNISON COUNTY EMERGENCY AND DISASTER MANAGEMENT AND PROCEDURES

WHEREAS, it is the intent of the Board of County Commissioners of Gunnison County, Colorado to provide for the effective direction, control and coordination of Gunnison County government during an emergency or disaster; and

WHEREAS, Gunnison County has the primary responsibility for its own emergency management activities; when the emergency exceeds Gunnison County’s capability to respond, Gunnison County may request assistance from other local jurisdictions, the State of Colorado, and the federal government; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado previously has adopted Resolution No. 1988-10, A Resolution Establishing An Emergency Management Program For Gunnison County, And Creating The Office of Emergency Services Director, and Resolution No. 2007-26, A Resolution Adopting Policy Regarding Authority Of The County Manager To Execute Contracts; and

WHEREAS, the Board desires to supplement the two Resolutions identified above with the intent explicitly to identify procedures and succession of County authority regarding local disasters and emergencies; and

WHEREAS, the Board is informed by C.R.S. 24-32-2109, Local Disaster Emergencies, which currently reads in total:

- “1. A local disaster may be called only by the principal executive officer of a political subdivision. It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder, county clerk, and ... with the division (of emergency management).
- 2. The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.
- 3. No interjurisdictional disaster agency or official thereof may declare a local disaster emergency unless expressly authorized by the agreement pursuant to

which the agency functions. An interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions.”

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that Gunnison County adopts the following plan for governance in the event of an emergency or disaster:

A. GENERAL OPERATIONS.

1. This plan is based on the concept that emergency functions for various groups involved in Gunnison County government will generally parallel their normal day-to-day functions. To the extent possible, the same personnel and material resources will be employed in both non-emergency and emergency circumstances.

2. In an emergency circumstance, it is desirable, and always attempted, to maintain organizational continuity and to assign familiar tasks to personnel. In large scale disasters, it may be necessary to draw on people’s basic capacities and use them in areas of greatest need. Day-to-day functions that do not contribute directly to the emergency operation may be suspended for the duration of any emergency. Personnel and resources that would normally be required of those functions may be redirected to accomplish the emergency task.

3. In keeping with the current strategy of integrated emergency management, this Resolution is concerned with all types of emergency situations that may develop. It also accounts for activities before, during, and after emergency operations.

4. Each department and office has emergency functions in addition to its normal duties. Each department is responsible for developing and maintaining its own procedures and continuity of operations plans. In addition, each department is responsible for maintaining the appropriate level of National Incident Management System/Incident Command System competencies.

B. PHASES OF EMERGENCY MANAGEMENT.

1. Preparedness. Preparedness activities, programs and systems are those that exist prior to an emergency, and are used to support and enhance response to an emergency or disaster. Planning, training, and exercising are among the activities conducted under this phase.

2. Response. Response is activities and programs designed to address immediate and short-term effects of the onset of an emergency or disaster. It helps to reduce casualties and damage and to speed recovery. Response activities include direction and control, warning, evacuation and other similar operations.

3. Recovery. Recovery is the phase that involves restoring systems to normal. Short-term recovery actions are taken to assess damage and return vital public health, safety and welfare systems to at least minimum operating standards; long-term recovery actions may continue for many years.

4. Mitigation. Mitigation activities are those designed to either prevent the occurrence of an emergency or long-term activities to minimize the potentially adverse effects of an emergency from happening again.

C. DIRECTION AND CONTROL.

1. The Board, consistent with C.R.S. 24-32-2109, Local Disaster Emergencies, identifies the County Manager as the only person with authority to declare a Gunnison County emergency. That declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the Board of County Commissioners. In all events, the County Manager shall make all reasonable efforts to convene, by any reasonable methods, a quorum of the Board within 24 hours of the initial declaration of emergency; and shall continue those efforts until a quorum is convened. Any order or proclamation declaring, continuing, or terminating a Gunnison County emergency or disaster shall be given prompt and general publicity and shall be filed promptly with the Gunnison County Clerk and Recorder and with the State of Colorado Division of Emergency Management. Each Gunnison County Department Head and staff shall provide support to and cooperation with the County Manager.

2. a. Until a quorum of the Board has been convened, pursuant to a declaration of emergency by the Gunnison County Manager, the Manager shall have the full legal authority of the Board of County Commissioners. In addition, the County Manager shall have the authority to activate the Gunnison County Emergency Operations Plan and to request assistance from each appropriate entity through the activation of their respective plans.

b. After twenty-four hours has elapsed from the initial declaration of emergency, the succession of authority to act for the Board shall be the following in order:

- i. A majority of the Board;
- ii. The chairperson;
- iii. The vice chairperson;
- iv. The third commissioner;
- v. County Manager;
- vi. Assistant County Manager;
- vii. County Attorney

3. A template for a declaration of emergency by the County Manager is attached hereto and incorporated herein as Appendix A.

4. A template for an order, by the Board of County Commissioners, continuing or renewing the Emergency Declaration in excess of seven days is attached hereto and incorporated herein as Appendix B.

#### D. CONTINUITY OF OPERATIONS.

##### 1. Succession of Operational Command.

- (a) All authority vested in the County Manager by Resolution No. 1983-10, Resolution No. 2007-26, and any other then current delegation of authority to the County Manager shall be exercised, first, by the County Manager.
- (b) The emergency, interim line of succession, in the absence of the County Manager ("Chain of Command"), shall be the Assistant County Manager, then the Airport Manager, then the Assistant Public Works Director, then the Health and Human Services Director; each of those persons shall have the full authority, in succession, as the County Manager. These emergency, interim successors shall relinquish such authority as directed by a person higher in the Chain of Command when such person becomes available.
- (c) The line of succession in each department is according to the written continuity of operations procedures established by that department.

#### E. EFFECTS OF DECLARATION OF EMERGENCY.

The effects of an Emergency Declaration shall include but not be limited to:

##### 1. Enhanced County Manager Authority.

- (a) Authority to redeploy personnel from normal job duties to assist in emergency response;
- (b) Authority to suspend or temporarily alter Personnel Rules;
- (c) Increase in contracting authority to \$250,000;
- (d) Authority to delegate all or a portion of operational authority to Incident Command.

2. Ability to request and authorize assistance from all appropriate entities and individuals (e.g. local elected officials, other local governments, State of Colorado, federal government).

#### F. PUBLIC INFORMATION OFFICER.

1. The Incident Commander shall designate a Public Information Officer.

2. If a multi-agency event occurs, or multiple events occur, simultaneously, the Gunnison County Manager or next in chain of command may appoint a County PIO to coordinate with the Incident(s) PIO.

3. Only the designated Public Information Officer is authorized to speak on behalf of Gunnison County.

4. Each Commissioner shall defer to the designated Public Information Officer relative to public announcements.

5. All Gunnison County staff shall defer to the designated Public Information Officer relative to public announcements.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and passed on this 6<sup>th</sup> day of May, 2008.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes

Appendix A

DECLARATION OF EMERGENCY GUNNISON COUNTY, COLORADO

WHEREAS, \_\_\_\_\_ has reported to the Gunnison County Manager, or the next person in the Gunnison County chain-of-command pursuant to Gunnison County Resolution 2008-15, the following:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_; and

WHEREAS, \_\_\_\_\_ has confirmed to a reasonable degree the accuracy of the reports identified above; and

WHEREAS, the public health, safety and welfare of Gunnison County citizens and the public at large in Gunnison County currently is in danger; and

WHEREAS, persons and/or property are or will be damaged unless immediate efforts are undertaken to reduce the threat to life and/or property; and

WHEREAS, there is an emergency present which necessitates activation of the use of emergency powers granted by C.R.S. 24-32-2109, Local Disaster Emergencies, and Board of County Commissioners, Gunnison County, Colorado, Resolution No. 2008-15.

NOW, THEREFORE, IT IS DIRECTED:

Section 1.

That it is hereby declared that there is an emergency/disaster due to the following conditions:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Gunnison County Manager (or next in chain-of-command)

Attest: \_\_\_\_\_  
Deputy Clerk

Appendix B

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

DECLARATION OF CONTINUATION EMERGENCY GUNNISON COUNTY, COLORADO

WHEREAS, on \_\_\_\_\_, the County Manager, or the next person in the Gunnison County chain-of-command pursuant to Gunnison County Resolution 2008-15 declared an emergency.

WHEREAS, the Board of County Commissioners has confirmed to a reasonable degree the continued existence of such emergency; and

WHEREAS, the public health, safety and welfare of Gunnison County citizens and the public at large in Gunnison County currently is in danger; and

WHEREAS, persons and/or property are or will be damaged unless continued efforts are undertaken to reduce the threat to life and/or property; and

WHEREAS, there is an emergency present which necessitates continuation of the use of emergency powers granted by C.R.S. 24-32-2109, Local Disaster Emergencies, and Board of County Commissioners, Gunnison County, Colorado, Resolution No. 2008-15.

NOW, THEREFORE, IT IS DIRECTED:

Section 1.

That it is hereby declared that there continues to be an emergency/disaster due to the following conditions:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Board of County Commissioners of  
Gunnison County, Colorado

Attest: \_\_\_\_\_  
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 08-16**

A RESOLUTION APPROVING THE BULL MOUNTAIN NATURAL GAS PIPELINE  
MAJOR IMPACT OIL AND GAS OPERATION PERMIT NO. 2007-01

THE ROUTE OF THE PIPELINE IS IDENTIFIED IN THE RECORD OF DECISION – DECEMBER 2007, USDI BUREAU OF LAND MANAGEMENT, USDA FOREST SERVICE, WHITE RIVER NATIONAL FOREST; USDA FOREST SERVICE, GRAND MESA-UNCOMPAHGRE-GUNNISON NATIONAL FORESTS. PIPELINE CONSTRUCTION AND MAINTENANCE OPERATIONS WILL OCCUR IN T11S, R90W SECTIONS 3, 4 & 10; T10S, R90W SECTIONS 18, 19, 30, 31, 32 & 33; WITHIN GUNNISON, COUNTY. THIS ROUTE WILL START FROM THE COMPRESSOR STATION ON PRIVATE LAND LOCATED IN T11S, R90W, SECTION 10, RUN NORTH TO INTERSECT THE EXISTING RAGGED MOUNTAIN PIPELINE (RMP) CORRIDOR IN T10S, R90W, SECTION 33 AND THEN WOULD INTERSECT THE RMP PIPELINE AGAIN IN-BETWEEN T10S, R90W, SECTIONS 29 & 32, BEFORE EXITING GUNNISON COUNTY, 6<sup>TH</sup> PRINCIPAL MERIDIAN, GUNNISON COUNTY

WHEREAS, SG Interests I Ltd. has submitted an application for the Bull Mountain Natural Gas Pipeline, which is comprised of a 20-inch diameter buried steel natural gas pipeline and 8-inch produced water pipeline and related aboveground facilities within a 50-foot right-of way (ROW) on Bureau of Land Management (BLM) public lands and National Forest System (NFS) lands, Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, northwest Gunnison County. The pipeline will interconnect with an existing pipeline at the Divide Creek Compressor Station in Garfield County, Colorado. This pipeline is linked to the Meeker/Greasewood "hub" west of Meeker, Colorado for gas delivery to the national energy market via existing inter and intrastate pipelines including those operated by Questar Gas Pipeline, Kinder Morgan, and Colorado Interstate Gas (CIG) or proposed by Entrega and El Paso Energy.

The project crosses approximately 7 miles of land within Gunnison County. The project would also involve the construction and operation of a compressor station and natural gas processing facility on private land to process gas to receiving pipeline quality specifications. The compressor station and gas processing site are proposed to be located on private land at the southern terminus of the pipeline in Gunnison County.

The proposed pipeline and related facilities would extend approximately 25.5 miles between its southern origin point at the proposed compressor and natural gas processing facility site on private land near the Bull Mountain Unit and its northern terminus also on private land at the existing Divide Creek Compressor Station; and

WHEREAS, Section 1-103 E.3. of the *Gunnison County Temporary Regulations For Oil and Gas Operations* defines a process of review of applications for an *Oil and Gas Permit for a Major Oil and Gas Operation*, and after a review of the relevant facts and testimony at jointly held public hearings on May 5, 2007, June 1, 2007, August 3, 2007, September 9, 2007, November 2, 2007, December 7, 2007, January 25, 2008, January 26, 2008, February 29, 2008, March 14, 2008, and April 4, 2008, the Planning Commission unanimously approved their recommendation, dated April 4, 2008; and

WHEREAS, the Board of Commissioners did, on April 8, 2008 receive and review the information within the Planning Commission's Recommendation, and as referenced by the attached April 4, 2008 Planning Commission's Recommendation of the Bull Mountain Natural Gas Pipeline, Major Impact Oil and Gas Operations Permit No. 2007-01, and considered it in evaluating this application;

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

Findings:

1. Pursuant to *Section 1-107 P.1* of the *Gunnison County Temporary Oil and Gas Regulations*, the applicant requested that the County waive *Oil and Gas Operations Standard 1-107 H, WATERBODY SETBACKS*. The construction of the Bull Mountain Pipeline in compliance with the WATERBODY SETBACKS standard would result in an operational conflict with mandatory federal requirements dictating the location of the Bull Mountain Pipeline and therefore the waiver of the waterbody setbacks standard is appropriate.
2. Subject to the Technical Infeasibility Waiver and the Conditions of Approval included in the Recommendation, below, the application is consistent with *Section 1-107: Oil and Gas Operations Standards, Gunnison County Temporary Regulations for Oil and Gas Operations, May 18, 2004*.
3. Subject to the mitigation identified in the Mitigation Matrix – Revision 2, dated March 21, 2008 and the Conditions of Approval included in the Recommendation, below, the application is consistent with *Section 1-107: Oil and Gas Operations Standards, Gunnison County Temporary Regulations for Oil and Gas Operations, May 18, 2004*.
4. Approval is limited to the location and description of the Bull Mountain Pipeline and Compressor Station, including the federal design criteria and mitigation requirements applicable to facilities to be located in Gunnison County described in the Final Environmental Impact Statement, Record of Decision and Plan of Development, as described in the application as submitted. Any change 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 Temporary Oil and Gas Regulations, or as those may be hereinafter amended.
5. An assertion was made during public comments that the construction of the Bull Mountain Pipeline within Inventoried Roadless Areas is illegal; and a lawsuit has been initiated based upon that assertion. Nothing in this recommendation is or should be construed to be a determination by the County of the legal merit of this assertion. Whether the pipeline can be constructed within the Inventoried Roadless Area is subject to on-going litigation involving the applicant and parties other than Gunnison County. Any legal remedy will be enforced by the courts, if necessary, and not Gunnison County.
6. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

Conditions of Approval:

1. This permit is limited to the location and description of the Bull Mountain Pipeline and Compressor Station, including implementation of the federal design criteria and mitigation requirements applicable to facilities to be located in Gunnison County described in the Final Environmental Impact Statement and Plan of Development – July 2007, USDI Bureau of Land Management, USDA Forest Service, White River National Forest; USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison National Forests and the Record of Decision – January 8, 2007, USDI Bureau of Land Management, USDA Forest Service, White River National Forest; USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison National Forests, and any state permit requirements. Any change 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 Temporary Oil and Gas Regulations, or as those may be hereinafter amended.
2. The applicant shall submit copies of all daily, written construction inspection progress reports that are prepared for the project, to the County's designated inspector, and respond within 72 hours to any inquiries, from the inspector, regarding the inspection reports,.
3. The applicant shall implement and comply with the requirements of the approved Stream Water Quality Monitoring and Mitigation Plan, dated March 2008, prepared by Rocky Mountain Ecological Services, Inc., attached hereto and incorporated herein as Exhibit A.
4. The applicant shall implement and comply with the requirements of the approved Landscaping Plan - Revision B, dated March 19, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit B.

5. The applicant shall implement and comply with the requirements of the approved Compressor Station Drainage and Erosion Control Plan, dated March 20, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit C.
6. The applicant shall implement and comply with the requirements of the approved Exterior Lighting Plan for the Compressor Facility, dated March 19, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit D.
7. The applicant shall implement all wildlife mitigation measures proposed by the Colorado Division of Wildlife, as identified in the January 18, 2008 letter from Thomas E. Remington, Director, Colorado Division of Wildlife, attached hereto and incorporated herein as Exhibit E.
8. The applicant shall implement all proposed mitigation, as identified in the Mitigation Matrix – Revision 2, dated March 21, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit F.
9. Prior to construction, the applicant shall execute and fund a Mitigation Funding Agreement that constitutes the applicant's agreement to perform the following mitigation:
  - i. Monitoring and Inspection Compliance Agreement, as directed by the Board of County Commissioners and developed by the County Attorney's office and the applicant.
  - ii. Stream Water Quality Monitoring and Mitigation Plan, dated March 2008, prepared by Rocky Mountain Ecological Services, Inc., attached hereto and incorporated herein as Exhibit A.
  - iii. Landscaping Plan, Revision B, dated March 19, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit B
10. Prior to construction, the applicant shall execute and fund, and during construction comply with, the terms and conditions of the Road Maintenance Agreement with the Gunnison County Public Works Director, attached hereto and incorporated herein as Exhibit G.
11. 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, or if a court of competent jurisdiction finds that the construction of the Bull Mountain Pipeline, within the Inventoried Roadless Area's is enjoined. This permit may be suspended if a court of competent jurisdiction rules that the construction of the Bull Mountain, within the Inventoried Roadless Area's is not legal and such suspension will toll the operation of Section 1-111 of the permit during the period of any appeal of the ruling. The permit will be reinstated or revoked in accordance with the outcome of a final, non-appealable ruling on the matter.
12. The Board of County Commissioners and the Planning Commission shall conduct a site visit to the area, to review the presented facts.
13. Prior to any decision by the Board of County Commissioners on this application, the applicant shall provide sight lines for the visual analysis of the compressor station from County/Forest Service Road 265.
14. Sue Bonfield shall be requested to respond to SG Interest's response to her March 18, 2008 comments. Her comments shall be provided to the Board as part of their review.
15. Approval of this permit 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.

WHEREAS, the Board of County Commissioners has reviewed the sight lines for the visual analysis of the compressor station and the comments from Sue Bonfield, dated April 8, 2008; and

WHEREAS, the Board of County Commissioners amended Condition of Approval No. 11; deleting "illegal" and replacing with "enjoined"; and

WHEREAS, the Board of County Commissioners amended Condition of Approval No. 12; deleting "prior to any disturbance";

AND WHEREAS, the Board of County Commissioners directed the following:

1. Staff shall contact the Colorado Division of Wildlife and encourage the Division to use the funding provided by the applicant for the proposed mitigation to be used on this project; and
2. Staff shall provide a recommendation to the Board on how the County can recoup the cost of monitoring impacts to County Road No. 265; and

3. Staff shall provide a scope of work for the monitoring of the proposed mitigation by the County's Consultant; and
4. Staff shall provide the Mitigation Fund Agreement and Road Maintenance Agreement for Board review and approval; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Bull Mountain Natural Gas Pipeline, Major Impact Oil and Gas Operations Permit No. 2007-01, is hereby approved, subject to the conditions of approval.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and passed on this 6<sup>th</sup> day of May, 2008.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 17, SERIES 2008**

A RESOLUTION APPROVING LAND USE CHANGE APPLICATION NO. 2007-48  
A LAND USE CHANGE PERMIT FOR PATRICK POMPONIO FOR  
THE ELKHORN RANCH SUBDIVISION

WHEREAS, Patrick Pomponio has applied for a Gunnison County Land Use Change Permit to subdivide a 37.6-acre parcel into two lots; Lot A is to be 13.3 acres; Lot B is to be 24.3 acres. There will be an individual access for each parcel from Highway 50; however Lot A will share an access with the adjacent 1.6-acre parcel (aka "Brown Cabin"). The applicant proposes that each lot will be allowed one single-family residence. The subject parcel is approximately 28 miles west of the City of Gunnison at 11322 Highway 50. The parcel is legally described as 37.6-acres in the SW1/4 NW1/4, Section 6, Township 48 North, Range 4 West, N.M.P.M.; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on January 11, 2008 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

FINDINGS:

1. This project, by definition, is classified as a Minor Impact.
2. An adequate and legal supply of water has been provided for the subdivision.
3. The applicant has executed a contract for augmentation water from the Upper Gunnison River Water Conservancy District (Contract No. 08.103A and No. 08.104A)
4. The applicant has provided information to show that there is likely an adequate physical supply of water.
5. Access will be from the existing driveways off of Highway 50. Lot A will share an access from the Highway with the adjacent 1.6-acre parcel (aka "The Brown Cabin"). Any new driveway shall be required to comply with Gunnison County *Road and Bridge Standards* and Colorado Department of Transportation standards.
6. There is an existing fenceline between the Pomponio and Giles parcels that is not in agreement with the survey titled, "Plat of Survey, for John G. and Linda L. Clark." The parcel boundary may be disputed however the dispute is not relative to the approval standards for the proposed subdivision.
7. This application is consistent with the standards and requirements of this *Resolution*.
8. No phases are proposed for this development.
9. Approval is limited to the plan described within the "Project Description" of this application, and as depicted on the site plan as submitted. 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 former *Land Use Resolution*.
10. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

## CONDITIONS:

16. Lot A shall be served by the overflow of the Brown Spring (Case No. M-1903) and/or a legal and adequate supply of water which may be a well permit issued by the State of Colorado.
17. Lot B shall be served by the Elkhorn Spring (Case No. 97CW227) and/or a legal and adequate supply of water which may be a well permit issued by the State of Colorado.
18. All domestic animals shall be confined onsite by kenneling, leashing or other physical constraint.
19. It is the responsibility of the property owner or the homeowner's association to remove snow from interior roads and driveways.
20. 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*.
21. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
22. 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.
23. 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.
24. 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 the Land Use Change application No. 2007-48 is hereby approved; and

WHEREAS, THIS APPROVAL is affected noting that decision documentation includes, but is not limited to the application and the entire Planning Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

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

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and passed on this 6<sup>th</sup> day of May, 2008.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes