

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
October 21, 2008**

The October 21, 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

Marlene Crosby, Assistant 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 8:01 am.

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

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

1. Acknowledgment of County Manager Signature; Certification of Eligibility to Receive Conservation Trust Funds (CTF) for Period January 1 to December 31, 2009; Department of Local Affairs
2. Acknowledgment of County Manager Signature; Independent Contractor Agreement; Archuleta Construction, Inc.; Gunnison County Library; Repair Sidewalls Between Roof by Installing Fabral Panels, Ice and Water Shield, and Flashing, as Necessary; \$3,500
3. Release of Development Improvements Agreement; Garland Properties, Inc.; Larkspur Subdivision
4. Amendment to Extend No More Worries Agreement; Tyler Technologies, Eagle Division, Inc.; Month-to-Month Term, Beginning 8/31/08 and Expiring 8/31/09
5. Consulting Agreement; Between the Board of County Commissioners of Gunnison County and Apex Nutrition, LLC; Screening, Education, and Dietary Counseling; 8/1/08 - 7/31/09

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

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

1. Gold Basin Industrial Park Lease Approval and Design Review Committee Approval. Assistant County Manager Crosby presented a draft that had been reviewed by County Attorney Baumgarten and requested authorization for Chairperson or County Manager signature following any modifications requested. Commissioner Starr suggested adoption subject to County Attorney Baumgarten's final approval. Modifications to the lease were discussed and agreed upon. The Board agreed to submit all other modification requests to Assistant County Manager Crosby before the end of the day. City of Gunnison Planner Andie Ruggera was present and informed the Board that the City was not scheduled to review the proposed draft until 7:00 pm on 10/22/08. Assistant County Manager Crosby noted that she would attend that meeting. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the proposed Ground Lease Agreement utilizing the changes discussed today and subject to the County Attorney's final approval of the document. Motion carried unanimously. **Moved** by Commissioner Starr, acting as the Design Review Committee for the Gold Basin Industrial Park, seconded by Commissioner Swenson to approve the application of FedEx for Lease Area #6, FedEx sublease. Motion carried unanimously.
2. Approval of Private Plow Request; County Road 38. Assistant County Manager Crosby stated that, since the Board had previously decided not to plow this portion of CR 38, she recommended approval of the private plow request for a three-year term. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize private plowing of that portion of Gold Basin Road from the end of the asphalt to the County line. Motion carried unanimously.
3. Approval of Plow Agreement with Montrose County for Big Cimarron Plowing. Assistant County Manager Crosby stated that the Board had historically approved \$5,000 annually for this effort and asked for permission to negotiate the contract with Montrose County. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to authorize the head of the Department of Public Works to negotiate a plowing agreement with Montrose County for plowing the Big Cimarron Road to the forest boundary, up to a maximum of \$5,000 for the upcoming winter. Motion carried unanimously.
4. Designation of Rooms in the Fred R. Field Western Heritage Center. Rodeo Grounds Manager Melody Roper was present for discussion. She explained that five rooms at the rodeo grounds were to be named and asked the Board to decide on a theme. The theme would be presented to the local 4H clubs who would then provide suggested names for Board consideration during the 11/108 Achievement Banquet. Assistant Planning Director Neal Starkebaum suggested that the rooms be given historical ranching family names, which would be consistent with the other names at the complex. The Board agreed, but chose Mountain Passes as a secondary choice.

**BREAK:** The meeting recessed from 9:24 until 9:28 am in order to hold the below Public Hearing.

**PUBLIC HEARING; PROPOSED AMENDMENT TO GUNNISON COUNTY LAND USE RESOLUTION, SETTING LIMIT ON EXTENDED TIME FOR INFORMATION SUBMITTAL FOR LAND USE CHANGE PERMITS:** Assistant Planning Director Starkebaum was present for discussion.

Chairperson Channell opened the Public Hearing at 9:24 am.

1. Public Notice Confirmation. Assistant Planning Director Starkebaum confirmed proper notice.
2. Identify Ex Parte Communications. None.
3. Staff Presentation. Assistant Planning Director Starkebaum noted that no additional comments beyond the Board's packet materials were needed. He did state that this would require a date certain.
4. Applicant Presentation. There was no applicant present.
5. BOCC Questions. The Board felt that the Planning Director should be able to grant an extension if requested prior to the end of the initial six-month period.
6. Public Comments. None.
7. Acknowledge Correspondence Received. None.
8. Applicant Response. None.
9. BOCC Decisions. Chairperson Channell closed the Public Hearing at 9:28 am.

**BREAK:** The meeting recessed from 9:28 until 10:00 am.

**PROPOSED AMENDMENT TO GUNNISON COUNTY LAND USE RESOLUTION, SETTING LIMIT ON EXTENDED TIME FOR INFORMATION SUBMITTAL FOR LAND USE CHANGE PERMITS; POSSIBLE ACTION:** Assistant Planning Director Starkebaum was present for discussion.

**Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the proposed amendment with the addition of the words at the end of the current sentence after the word "applicant", so it would read, "request by the applicant submitted prior to the end of the initial six-month period." Motion carried unanimously. Assistant Planning Director Starkebaum noted that Planning Director Joanne Williams will provide the appropriate draft resolution at a later date.

**LOT CLUSTER APPLICATION; LOTS 9, 11, 13, 15, 17, 19, 21, 23, 25, 27 & 29, WEST SIDE OF THIRD STREET, LAVETA PLACER; DONALD J. ARCHULETA:** Planning Administrative Services Manager Beth Baker and Assistant Planning Director Starkebaum were present for discussion.

Planning Administrative Services Manager Baker presented the Lot Cluster Application to the Board for consideration. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Lot Cluster for Lots 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, and 29, on the west side of Third Street, LaVeta Placer, Donald J. Archuleta, and authorize signatures. Motion carried unanimously.

**GUNNISON ENERGY CORPORATION - OIL AND GAS OPERATION; PLANNING COMMISSION RECOMMENDATION; 16 VERTICAL AND DIRECTIONAL/HORIZONTAL GAS WELLS ON NINE WELL PADS, WITHIN SECTIONS 17, 18, 19, 20, T12S R89W, 6TH P.M., APPROX. 10 MILES NORTH OF SOMERSET, CO, WEST OF HIGHWAY 133:** Assistant Planning Director Starkebaum, County Attorney Baumgarten, Gunnison Energy Corporation (GEC) Director of Environment and Permitting Lee Fyock, and GEC President M. Brad Robinson were present for discussion.

Assistant Planning Director Starkebaum presented the Planning Commission's recommendation, along with the standard summary and the comments provided by the Division of Wildlife. He confirmed that no County roads would be utilized for this operation and that the LUR was not applicable to this project.

Mr. Fyock confirmed that GEC would commit to submitting water samples to the County for a period of three years utilizing their contractor. Chairperson Channell expressed concern that a third-party contractor was not designated for this sampling and County Attorney Baumgarten suggested adding language to the Planning Commission's recommended wording, giving the assurance that any samples had been handled properly. Mr. Fyock stated that the Colorado Department of Public Health and Environment retains the ability to perform separate sampling and that he would be liable if any State results did not closely match his contractor's results. Mr. Robinson felt that the County could have a staff member witness the sampling process, if concerns were ever expressed.

Modifications were discussed and agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve Resolution #2008-44, a Resolution Approving the Hotchkiss Federal Project Gunnison Energy Corporation Major Impact Oil and Gas Operation Permit No. OG2008-12 Sections 17, 18, 19 and 20, T12S, R89W, 6th P.M., with the amendment to paragraph 4 on the conditions of approval, after the first reference to the Colorado Division of Wildlife, adding the words, "and the July 31, 2008 letter from Lee Fyock to J Wenum"; and in Condition #5 amending the language by inserting the words after the word "sampling", "by a third-party agreed upon by the applicant and the County." Motion carried unanimously. Assistant Planning Director Starkebaum will amend the resolution and provide it at a later date.

**LOWER SLATE RIVER RANCH SUBDIVISION; PLANNING COMMISSION RECOMMENDATION; SUBDIVISION OF 60-ACRES INTO TWO SINGLE-FAMILY LOTS; 21681 HIGHWAY 135, WITHIN THE NW1/4 AND NW1/4SW1/4 SECTION 28, T14S R85W, 6TH P.M., 7 MILES SOUTH OF THE TOWN OF CRESTED BUTTE, WEST OF HIGHWAY 135:** Assistant Planning Director Starkebaum and applicant Barry White were present for discussion.

Assistant Planning Director Starkebaum provided the Planning Commission's recommendation and a draft resolution for discussion. Moved by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2008-45, a Resolution and Certificate of Minor Impact Approval Approving Lower Slate River Ranch Subdivision 21681 Highway 135, NW1/4 and the NW1/4SW1/4 Section 28, T14S, R85W, 6th P.M. Barry and Shelley White LUC #2007-49. Motion carried unanimously.

**WARRANTS AND TRANSFERS:** Finance Director Linda Nienhueser presented the Warrant Report dated October 21, 2008 and the Cash Transfer Authorization dated September 2008 for discussion and approval. Moved by Commissioner Swenson, seconded by Commissioner Starr to approve the warrants for October 21, 2008 through Warrant #93690 in the amount of \$2,102,536.77. Motion carried unanimously. Moved by Commissioner Starr, seconded by Commissioner Swenson to approve the Cash Transfer Authorization for September 2008 in the amount of \$2,604,800.39. Motion carried unanimously.

**TREASURER'S MONTHLY REPORT:** County Treasurer Melody Marks presented the September 2008 Treasurer's Monthly Report, and an Investment Report dated September 30, 2008 for discussion and acceptance. Moved by Commissioner Starr, seconded by Commissioner Swenson to accept the Treasurer's Monthly Report for September 2008. Motion carried unanimously.

**BREAK:** The meeting recessed from 11:00 am until 1:25 pm in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes) and for a lunch break.

**UNSCHEDULED CITIZENS:** There were no unscheduled citizens present for discussion.

#### **COMMISSIONERS MEETING REPORTS:**

##### **Commissioner Starr:**

1. Rural Transportation Authority. Commissioner Starr stated that a semi-final transportation report had been received and that comments could be submitted for another week. The report should then be released for public comment at the end of the month. He informed the Board that the bus manufacturer's representative was not able to attend the meeting due to transportation problems, but that all four busses should be in operation by the coming season. All warranties have been extended an additional six months. Staff members are preparing a two-year contract for RTA Executive Director Scott Truex.

**CODE ENFORCEMENT; STOP WORK ORDER DATED 1/7/08; PHILLIP SCHMIDT AND CLEO DUNCAN:** County Building Inspector Rich Wojdakowski, County Paralegal Angela Buchanan, and County Attorney Baumgarten were present for discussion.

County Building Inspector Wojdakowski explained that he had received photos of the property last year from the Assessor's Office. Correspondence dated 4/4/08 to County Building Inspector Wojdakowski from one of the property owners' family members stated that the issue would be addressed by the property owner; however, County Building Inspector Wojdakowski informed the Board that nothing had been done.

County Attorney Baumgarten informed the Board that he conferenced with the property owner on 10/20/08 and, as a result, did not recommend legal action at this time. Apparently, the 10-acre parcel of land came from an original homesteader and at least 10 individuals believe that they can build upon the land. County Attorney Baumgarten stated his intention to inform the property owner via written correspondence about the need to obtain a building permit. He also stated that he felt subdivision of this area would be unlikely.

If the owner does not obtain the necessary permit, County Attorney Baumgarten may return to the Board to ask for permission to proceed with litigation; however, County Attorney Baumgarten felt that the owner had a willingness to comply. County Building Inspector Wojdakowski stated that he had the same types of discussions and understanding with the property owner in March 2008.

#### **COMMISSIONERS MEETING REPORTS (continued):**

##### **Chairperson Channell:**

1. Joint Public Hearing; Marble. Chairperson Channell stated that the Public Hearing was well run and well attended. By the end of the hearing, approximately 50% of the attendees were opposed to the Special Geographic Area (SGA) designation, approximately 25% of the attendees were in favor of the SGA with modifications, and approximately 25% of the attendees were in favor of the SGA as presented. The issue has been referred back to the Planning Commission.

2. Trident Energy Service Company. Chairperson Channell stated that he and Commissioner Swenson attended a meeting with TESC, the contractor chosen by the Governor’s Energy Office to provide technical services on performance contracting. The meeting was informative and Maintenance Supervisor Rich Corbett intends to move forward with energy audits on all County buildings.

**Commissioner Swenson:**

1. Gunnison Sage-grouse Strategic Committee. Commissioner Swenson reported that a grazing sub-committee had been assembled and is projected to propose a seven-year, \$3,700,000 comprehensive grazing study project. She also informed the Board that the Wildlife Commission would be reviewing the antler shed issue on 11/13/08.
2. Small Business Development Center Director. Commissioner Swenson informed the Board that Western State College hired a new SBDC director. The director is from Salida and is anticipated to begin work soon.

**ADJOURN:** Moved by Commissioner Starr, seconded by Commissioner Swenson to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 1:58 pm.

(Absent from 12/23/08 meeting – no signature)

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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. 08-44**

A RESOLUTION APPROVING THE HOTCHKISS FEDERAL PROJECT GUNNISON ENERGY CORPORATION  
MAJOR IMPACT OIL AND GAS OPERATION PERMIT NO. OG2008-12  
SECTIONS 17, 18, 19 AND 20, T12S, R89W, 6<sup>TH</sup> P.M.

WHEREAS, Gunnison Energy Corporation has submitted an Oil and Gas Operation application for the construction, operation and maintenance of 16 vertical and horizontal gas wells on nine well pads, improvements to existing access roads and construction of associated gathering pipelines, known as the Hotchkiss Federal Project; 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

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on August 15, 2008; and

WHEREAS, the Gunnison County Planning Commission unanimously approved a conditional recommendation of approval of the Hotchkiss Federal Project application on October 17, 2008, and forwarded said recommendation to the Board of County Commissioners; and

AND WHEREAS, the Board of County Commissioners did, on October 21, 2008 receive and review the information within the Planning Commission’s Recommendation 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. The application represents all intended gas development within Sections 17, 18, 19 and 20, T12S, R89W, 6<sup>TH</sup> P.M.
2. Pursuant to *Section 1-107 P. Technical Infeasibility Waiver 2. No Technology Available.* of the *Gunnison County Temporary Oil and Gas Regulations*, the location of the Hotchkiss Federal 20-12 well, improvements to the existing access roads and produced water and gas gathering pipelines are necessary for the installation and operation of the Oil and Gas Operation. The applicant has demonstrated with clear and convincing evidence that there is no economical technology commercially available to conduct the Oil and Gas Operation in compliance with Section 1-107 H. Waterbody Setbacks and that the granting of a waiver to *Oil and Gas Operations Standard 1-107: H. Waterbody Setbacks* will not cause substantial injury to the owner or occupant of adjacent lands and will not cause substantial injury to the environment.
3. 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.*
4. To minimize impacts to wildlife and wildlife habitat and fragmentation of habitat, the applicant has agreed to utilize the recommendations of the Colorado Division of Wildlife, noted in two letters of May 29, 2008, from Jay Wenum, Area Wildlife Manager, Colorado Division of Wildlife, and as applicable, those identified in the Colorado Division of Wildlife's *Standard Operating Procedures for Oil and Gas Operations.*
5. Approval is limited to the location and description of the Hotchkiss Federal Project wells, access roads and produced water and gas pipelines, as described in the application. 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.
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 description of the Hotchkiss Federal Project, including well locations, improvements to the existing access roads and produced water and gas pipelines. Any substantive 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 implement the following mitigation for the construction and drilling of the Hotchkiss Federal 20-12 well:
  - a. The reserve pit will measure 25 ft. wide by 55 ft. long and 10 ft. deep. The 10 ft depth shall include a 2 ft. freeboard for capping at closure. The reserve pit shall use a closed loop mud system.
  - b. The reserve pit shall be lined with a 30ml or greater poly liner, capped by 2 feet of compacted soil cover and immediately reclaimed upon well completion.
  - c. Prior to pit burial, Gunnison Energy Corporation shall confirm by chemical analysis that the contents of the reserve pit do not exceed *COGCC Table 910-1, Allowable Concentrations and Levels for Soils.*
  - d. Proper off-site disposal shall be utilized should the contents of the reserve pit exceed the levels presented in *COGCC Table 910-1, Allowable Concentrations and Levels for Soils.*
  - e. Gunnison Energy Corporation shall install a monitoring well between West Muddy Creek and the proposed well. Water quality shall be monitored quarterly.
  - f. West Muddy Creek shall be sampled above and below the well pad prior to construction and annually for 3 years following completion of the Hotchkiss Federal 20-12 well.
  - g. The drill pad shall be surrounded by a catchment trench for storm water diversion.
  - h. Storm runoff from the pad shall be directed to a settling pond, with filtration, as identified in Gunnison Energy Corporation's Stormwater Management Plan.
  - i. The entire operational working area of the well pad will be graveled.
  - j. The non-utilized portion of pad shall be reclaimed immediately following completion of the well.
  - k. Additional BMP's shall be fully implemented, in accordance with state and federal standards.
3. The applicant shall implement all mitigation measures identified in the Standards Matrix, submitted by the applicant, dated August 25, 2008, attached hereto and incorporated herein as Exhibit A.
4. The applicant shall utilize the recommended mitigation measures identified in the letters of May 29, 2008, from Jay Wenum, Area Wildlife Manager, Colorado Division of Wildlife, and the July 31, 2008 letter from Lee Fyock, Gunnison Energy Corporation to J Wenum, including but not limited to the timing limitations and interim reclamation recommended in the Colorado Division of Wildlife *Standard Operating Procedures for Oil and Gas Operations*, as applicable, attached hereto and incorporated herein as Exhibit B.
5. The applicant shall provide copies of the quarterly water sampling analysis of the West Muddy Creek monitoring well and the annual West Muddy Creek surface water sampling analysis, related to the

Hotchkiss Federal 20-12 well, to the Planning Department, for a period of three years, following completion of the Hotchkiss Federal 20-12 well. The water sampling shall be completed by a third-party consultant, mutually agreed upon by the applicant and Gunnison County.

6. The term of permit for the completion of the Hotchkiss Federal Project Oil and Gas Operation is five years.
7. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Hotchkiss Federal Project, Gunnison Energy Corporation, Major Impact Oil and Gas Operation Permit No. OG2008-12, is hereby approved, subject to the conditions of approval.

INTRODUCED by Commissioner Starr, seconded by Commissioner Swenson, and adopted this 21<sup>st</sup> day of October, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 08- 45**

A RESOLUTION AND CERTIFICATE OF MINOR IMPACT APPROVAL  
APPROVING LOWER SLATE RIVER RANCH SUBDIVISION  
21681 HIGHWAY 135, NW1/4 AND THE NW1/4SW1/4 SECTION 28, T14S, R85W, 6<sup>TH</sup> P.M.  
BARRY AND SHELLEY WHITE  
LUC #2007-49

WHEREAS, Barry and Shelley White submitted a land use change application for the subdivision of 60-acres into two single-family lots. An existing residence is located on the proposed Lot 1, 20-acres, with an existing well and septic. The proposed Lot 2, 40-acres, will allow for a single-family residence, with an individual well and septic system. Access to both lots is via an existing driveway from Highway 135. Development of the lots is subject to the *Declaration of Protective Covenants for Lower Slate River Ranch*.

The proposed lots are shown on a subdivision plat, titled "Lower Slate River Ranch", prepared by NCW & Associates, Inc., dated August 7, 2008; and

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on August 15, 2008 and;

WHEREAS, the Gunnison County Planning Commission unanimously approved a conditional recommendation of approval of the Lower Slate River Ranch Subdivision on August 15, 2008, and forwarded said recommendation to the Board of County Commissioners for their review; and

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

1. The application is a Minor Impact Project.
2. The application complies with *Section 6-103: Standards for Approval of Minor Impact Projects* of the *Gunnison County Land Use Resolution*.
3. Approval is limited to the plan described within the "Project Description" of this application, as amended, and as depicted on the site plan, as amended. 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*.
4. The applicants have submitted an executed contract for three base units of augmentation water from the Upper Gunnison River Water Conservancy District, dated November 2, 2007.
5. The applicants have provided an updated Colorado Department of Transportation State Highway Access Permit, No. 307254, dated November 8, 2007.
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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, hereby approves LUC No. 2008-49, Lower Slate River Ranch Subdivision, subject to the conditions as imposed by the Planning Commission:

1. A mylar subdivision plat, in compliance with Section 6-105 *Gunnison County Land Use Resolution*, shall be provided to the Planning Department for signature by the Board of County Commissioners. Approval shall not be effective until the plat is signed by the Chairman of the Board of County Commissioners and is recorded with the Gunnison County Clerk and Recorder.
2. The approval shall be memorialized by Board Resolution, recorded with the Gunnison County Clerk and Recorder.
3. The applicants shall submit a copy of the executed Upper Gunnison River Water Conservancy District water contracts, for augmentation water, to the Planning Department, prior to approval by the Board of County Commissioners.

5. The applicants shall provide three copies of the subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for County addressing of the new lot, and inclusion into the rural addressing system.
6. The following shall be completed upon recordation of the Final Plat:
  - 1) The applicant shall provide two copies of the final plat designating County addresses for the new lot, to the appropriate office of Qwest.
  - 2) The applicant shall provide one copy of the final plat, designating County addresses for the new lot, to the U.S. Postal Service.
7. The applicant shall record the *Declaration of Protective Covenants for Lower Slate River Ranch Subdivision* with the Office of the Gunnison County Clerk and Recorder, contemporaneously with the subdivision plat.
8. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plat submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
9. This 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.
10. 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.
11. 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.

AND WHEREAS, the applicant has submitted an executed copy of the "Upper Gunnison River Water Activity Enterprise Agreement – For Purchase of Class D Augmentation Certificate Providing for Water Service from Meridian Lake Reservoir" for 3 Base Units; 11/2/07.

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 21<sup>st</sup> day of October, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Channell – yes; Starr – yes; Swenson – yes.