

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 17, 2009**

The February 17, 2009 Board of Commissioners meeting was held in the Commissioner's Meeting Room at the Courthouse. Present were:

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

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

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:32 am.

AGENDA REVIEW: Commissioner Meeting Reports were moved to 1:30 pm.

MINUTES APPROVAL: **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Regular Meeting minutes for January 6, 2009 as amended. Motion carried unanimously. **Moved** by Commissioner Starr, seconded by Commissioner Channell to approve the Regular Meeting minutes for January 20, 2009 as amended. Motion carried unanimously.

CONSENT AGENDA: **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Items #1 through #11, minus Item #5, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Grant Application; Continuation Grant for the Division of Criminal Justice Juvenile Diversion
2. Acknowledgment of County Manager Signature; Agreement; Between the Board of County Commissioners of Gunnison County and Case Construction Company; Building Maintenance and Repairs for Mountain View Apartments; Through 12/31/2009; \$32.00 per Hour
3. Acknowledgment of County Manager Signature; Equitable Sharing Agreement and Certification; Sheriff's Office Annual Report
4. Agreement to Provide Professional Consulting Services; MAXIMUS Consulting Services, Inc.; Cost Allocation Plan; 1/1/09 thru 12/31/09
5. Food and Beverage/Retail Lease Agreement; LaJoy Enterprises, Inc.; 11/1/2009 thru 5/31/2011
6. Out-of-State Travel Request; Gunnison-Crested Butte Regional Airport Staff Members; North West Federal Aviation Administration Conference in Seattle, WA, 3/16/09 - 3/18/09, \$2500; Aviation Snow Symposium in Buffalo, NY, 4/27/09 - 4/29/09, \$3,000; ARFF Trainings, Various Locations; HOT Training/Advanced Concepts, \$10,000; ARFF School, \$8,500
7. Gunnison/Hinsdale County Purchase of Service Agreement; Hinsdale County School District RE1; Client/Family Supportive and Educational Services for Clients Who Meet the Service Eligibility Requirements for the Colorado Works Program; 2/1/09 thru 6/30/09
8. Certification of Compliance; Article 29 of Title 29 C.R.S.; Immigration Status – Cooperation with Federal Officials
9. Novation Agreement; Carter Burgess, Inc. Name change to Jacobs Engineering Group, Inc.
10. Amendment No. 1 to Contract Dated 09/04/2007; Carter & Burgess, Inc. and Gunnison-Crested Butte Regional Airport; Project No. 071065; AIP Project No. 3-08-0030-38
11. 2009 Memorandum of Agreement; Colorado Water Workshop; Community-Based Organization Funding; \$1,000

CONSENT AGENDA #5: Commissioner Channell requested that this item be pulled for further discussion related to the 1% decrease from the current lease. Airport Administrative Director Kathie Lucas explained that Airport Manager John DeVore had requested this due to the current economy as he felt it would be fair to offer this in light of the reduction in travelers. She added that the vendor had been willing to remain open with at least partial services to accommodate late delays. Moved by Commissioner Channell, seconded by Commissioner Starr to approve Consent Agenda Item #5 and authorize signatures. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

BREAK: The meeting recessed from 8:47 until 10:00 am in order to hold the below Public Hearing.

NOTICE OF PUBLIC HEARING; NORTH VALLEY SEWER EXTENSION, GUNNISON, COLORADO: Assistant County Manager Marlene Crosby, County Attorney David Baumgarten, Finance Director Linda Nienhueser, Assistant Finance Director Ben Cowan, Colorado Department of Public Health and Environment (CDPHE) District Engineer Jocelyn Mullen, and SGM Engineer Jerry Burgess were present for discussion.

Chairperson Swenson opened the Public Hearing at 8:53 am.

1. Public Notice Confirmation. Assistant County Manager Crosby confirmed that proper public notice had occurred.
2. Identify Ex Parte Communications. Commissioner Channell informed the Board that he attended a meeting with Kort Snyder, Neal Kovach and Clint Nichols about this issue.
3. Staff Presentation. Assistant County Manager Crosby distributed copies of the preliminary engineering report. She explained that all grants or loans would require this report, along with the application and some type of environmental document. Also, she had previously met with the homeowners' association to discuss the alternatives.

Assistant County Manager Crosby stated that this project does not meet the criteria for a new application through DOLA, but that the current loan could be amended to include it. Ms. Mullen informed Assistant County Manager Crosby that she had direct ties to the Colorado Water Pollution Control Revolving Loan Fund and suggested that the County apply through this source. Assistant County Manager Crosby reported that the application packet had been drafted and sent to Ms. Mullen on 12/11/2008. The package was later finalized and the application was submitted on 1/15/2009.

4. Applicant Presentation. Mr. Burgess informed the Board that the preliminary engineering report followed the guidelines set forth by the revolving fund; those guidelines being that it should be the most cost-effective option initially and to operate, that it be as simple as possible to maintain, that it be pleasing to the eyes and nose, and that it include the best available technology. He reported that the team evaluated six alternatives using this criterion.

Assistant County Manager Crosby noted that the worksheet did not include information for operations or maintenance. She stated that the area does not qualify for a disadvantaged community rate, which would necessitate a 3% finance rate and raising the fee to \$96. However, she indicated that the State would allow completion of an income survey, which may lower the finance rate to 1.5%, perhaps even 0% based on the results of the survey. If rates are deemed unaffordable, other funding sources will need to be sought. She also felt that DOLA may be a source for additional funding and that this could be out to bid by March.

Ms. Mullen stated that she had only recently become aware that the North Valley area would not qualify for disadvantaged community funding and that she would investigate the reasoning behind this decision. She also felt that USDA loans were difficult, which is why she would like to pursue the current path for as long as possible before relegating to the evaluation of other funding sources.

She stated that she and Mr. Burgess felt that this path was as promising as possible for loan approval, and suggested that it proceed.

5. BOCC Questions. Commissioner Channell requested additional information relative to the finance rates and their projected payments. Assistant Finance Director Cowan explained that a \$96 fee payment would be a result of a 3% finance rate and that a \$87.96 fee payment would be a result of a 1.5% disadvantaged community finance rate. He also noted that a \$60 fee payment would be the result of a 0% finance rate.

Commissioner Channell requested information about the circumstances that would allow a 0% finance rate and Assistant County Manager Crosby explained that this could only be applied if the income survey were to reveal that 61% or less of the residents earned \$60,000 or less annually. This income level would be determined by forms that the residents would directly submit to the State. Assistant County Manager Crosby felt that responses from the dwelling owners, not including the lot owners, would translate into the 0% being applied.

Commissioner Channell stated his understanding of Ms. Mullen's intent to carry this option forward for as long as possible, but he questioned being able to spread the payments out over 40 years with a USDA loan. Assistant County Manager Crosby felt that this would be a disadvantage since the finance charges would be spread out longer.

6. Public Comment. Homeowner Tom Johnson stated that he would prefer to pay the going rate for what other areas of Gunnison County pay. He also felt that stimulus funds should help.

HOA board member Clint Nichols informed the Board that several homeowners were informed that this project would cost between \$3,000 and \$5,000 when they purchased their properties. He also felt that stimulus funds should assist with this dilemma.

Interim HOA President Court Snyder stated that he had no interest in completing the income survey. He noted that the HOA would still need to pay for the end of the lift station, which would take financial liability beyond the scope of the loan.

Homeowner Dawn Kinateder stated that she had met with a representative from the Colorado Municipal League. She also questioned whether or not increased funding would be available through a new DOLA application.

Ms. Katherine Sellers, attorney representing the HOA, noted that the availability fees were to be levied against the existing 13 vacant lots; however, she stated her understanding that there were only eight vacant lots. She pointed out a discrepancy with regard to the annual maintenance operations cost in the report. She also requested information about whether or not the income survey would utilize a sliding scale and what the capital reserves details were with the fund.

Homeowner Doug Kennedy asked about the qualification levels for the income survey. Assistant County Manager Crosby explained that if the median income of the entire neighborhood was under \$48,000 then the 1.5% disadvantaged rate would apply. She also explained that if the median income was under \$36,600 then the 0% rate would apply.

Homeowner Richard Guerreri asked if any precautions would be taken to protect the ditch water if the sewer line were to interfere with it.

Homeowner Kinateder questioned whether or not legal easement issues would be present on County Road 10. County Attorney Baumgarten informed her that this would not be an issue.

Assistant County Manager Crosby explained that this area would differ from other districts because each district pays for the actual cost of services received. She noted that the initial cost figures of \$3,000 to \$5,000 would have only been relevant to the cost of tap fees.

Assistant County Manager Crosby explained that a water and wastewater eligibility survey is completed each year at which time she lists all projects. She indicated that this would make the project eligible for funding this cycle, but that she did not anticipate much funding trickling down to local interests.

Assistant County Manager Crosby explained that the original DOLA grant/loan application for North Valley, which included \$200,000 for the loan, had been amended to move funding to the North Gunnison Sewer District. She confirmed that between \$350,000 and \$400,000 of grant money remains in that grant, of which a substantial amount could be used on the North Valley project. She had been informed that amending the current DOLA grant would be easier as the County does not qualify for a new one.

Ms. Mullen stated that she had been informed by DOLA representative Jack Kirtland that grants had been fine tuned to a much more energy and mineral impact orientation. Ms. Mullen suggested that all North Valley residents contact the political sources that may have at their disposal in order to urge assistance.

Assistant Finance Director Cowan stated that, while some owners may own more than one lot, the Assessor's Office listed 45 total lots in North Valley. Relevant to the discrepancy in operations projections, he explained that the figure of \$10,144 was derived from the actual cost of Antelope Hills. Attorney Sellers questioned why this information was not contained within the preliminary engineering report and Mr. Burgess explained that the \$4,500 figure reflected only the lift station and one County employee performing a weekly check. Ms. Mullen stated that the figures had been provided in 2007, which may explain the difference. Assistant Finance Director Cowan noted that the figures provided were only estimates and that the actual cost would be billed. Assistant County Manager Crosby confirmed the loan application reflected the higher dollar amount.

Assistant Finance Director Cowan explained that a standard calculation of 10% of the annual depreciation on the system is used to determine the capital reserve. He noted that the fund will be managed by the County until the system is fully depreciated.

In response to Mr. Guerreri's earlier question, engineer Burgess explained that geo-technical work would be completed on the road below the ditch line to determine how the ditch would be backfilled, what kind of rock was present, how the rock might fracture, and how it would affect construction costs. Assistant County Manager Crosby confirmed that the application included potential dollar figures for funding a ditch lining.

Homeowner Tom Johnson felt that the extra five lot discrepancy might involve either Cranor Hill or Al Roper's property since they have expressed interest in tapping into the line. Assistant County Manager Crosby stated that Cranor's lot had been included in the loan application. She also stated that the Assessor's report had indicated Filings 1 and 2, so work would need to be completed in order to determine the correct amount of lots.

Homeowner Bill Bennett questioned the patience of the State while financing is unknown. Ms. Mullen felt this would be difficult to answer, but that the State's patience was running out since the situation has gone unresolved for many years. She also expressed concern as to why there is no reserve fund for North Valley since this problem was discovered over 30 years ago. Homeowner Snyder felt that the homeowners would need to determine an acceptable monthly payment as they would not be able to absorb the cost of 30 years of neglect.

Homeowner Bennett stated that monthly dues had not always been \$30 as they were cheaper in earlier years. He also stated his hope that the high initial legal and engineering fees paid by the HOA will be taken into consideration by the State.

Homeowner Kinatader stated that she had been told that North Valley was not on the stimulus list; however, Assistant County Manager Crosby confirmed that the funding could not have been applied for if it were not on the list.

7. Acknowledge Correspondence Received. No additional correspondence was received.
8. Applicant Response. There was no applicant response.
9. BOCC Decision. Chairperson Swenson requested that Homeowner Snyder return to the Board with a monthly figure that would be acceptable to the residents. Assistant County Manager Crosby felt that it would also be helpful to determine whether or not the HOA would be responsive to an income survey by the end of the week. Assistant County Manager Crosby confirmed that the survey form would be delivered door-to-door in order to avoid mailing time. Assistant Finance Director Cowan felt that if residents were not willing to pay \$80/month, then the survey may not be necessary. Chairperson Swenson closed the Public Hearing at 10:00 am and immediately reconvened the Board of County Commissioners Regular Meeting.

BREAK: The meeting recessed from 10:00 until 10:25 am.

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

1. Recycling Program Update. Assistant County Manager Crosby informed the Board that her staff was in the process of rounding up construction van trailers for dry newspaper storage because this product was not being accepted at the current time. Chairperson Swenson questioned whether or not Assistant County Manager Crosby had been able to have discussions with a new local company and Assistant County Manager Crosby stated that she had been in touch with this new company and that the company had very reasonable pricing.
2. Brush Creek Intersection. Assistant County Manager Crosby reminded the Board that the State had put in an extra left-turn lane last year, but that the State was not able to do as much as it would have liked. A right-turn lane is scheduled and the grade is set to drop two feet; Assistant County Manager Crosby stated that to go below that would create issues. Assistant County Manager Crosby met with the project engineer, Norm Whitehead, last week to discuss going forward with this project during the coming summer. She confirmed that funds are available in the budget.
3. Federal Highway Administration Meeting: Forest Highway Program. Assistant County Manager Crosby attended this recent meeting. She stated that no work would be completed between May 1st and Labor Day on the Park County project. She also noted that the FHA is trying to determine which Counties may be able to finalize right-of-way acquisitions. Since Gunnison County has budgeted funds available for these acquisitions, the FHA has agreed to send a reimbursement agreement by which the FHA would pay for the appraisal and outside legal counsel costs for right-of-way acquisitions. Commissioner Starr questioned whether or not the County should begin identifying outside counsel. Assistant County Manager Crosby also felt that the County should contract an appraiser immediately as none of the local appraisers meet FHA requirements.
4. Appointment to the Gunnison River Festival Board of Directors. Assistant County Manager Crosby explained that she had been attending GRF meetings for over 18 months, not as a voting member, to provide input that would facilitate this beneficial event. She stated that Anthony Poponi would be stepping down from his lead position and would become a board member. Assistant County Manager Crosby stated that she would prefer to represent the County, in lieu of representing herself, as a representative from the property owner. **Moved** by Commissioner Starr, seconded by Commissioner Channell to appoint Assistant County Manager Marlene Crosby as the Gunnison County representative to the Gunnison River Festival board of directors for the term of office that is made. Commissioner Channell asked for confirmation that the GRF would be modifying the bylaws to include the County having a permanent staff seat on their board and Assistant County Manager Crosby confirmed that it would be done. Motion carried unanimously.

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

1. Board Packet Deadline. County Manager Birnie explained that the deadline for packet materials had been moved back to Thursday at noon so that packets could get out to the Board on time.

If materials are not submitted by noon on Thursday, the corresponding agenda discussion items will be removed from the agenda. The Board supported this deadline.

2. Energy Planning Grant Extension Request. County Manager Birnie informed the Board that the Office for Resource Efficiency (ORE) would like for the County to request that DOLA extend the Energy Planning Grant because ORE would need additional time for jurisdictional approval and feedback.
3. Crested Butte Mountain Resort. County Manager Birnie met with John Sale and Michael Kraatz during the previous week to ascertain their intention to discuss a master plan with the County. CBMR would prefer not to give a presentation that could compromise any land use decisions in the future, but the presentation would be at the request of the Forest Service. County Manager Birnie agreed to discuss this with the Forest Service.

BOARDS AND COMMISSIONS; APPOINTMENTS:

1. Trails Commission. **Moved** by Commissioner Channell, seconded by Commissioner Starr to appoint Dick Sweitzer, Christopher Hensley, and Jacob Jones to the Trails Commission for the duration of those terms. Motion carried unanimously.
2. Western Regional EMS Council. **Moved** by Commissioner Starr, seconded by Commissioner Channell to reappoint Dr. Leandra Lynch to the EMS Board and confirm the appointments of Bryan Hess and Jason Valle to that board. Motion carried unanimously.
3. Veterans' Service Officer. **Moved** by Commissioner Channell, seconded by Commissioner Starr to reappoint Al Falsetto as the Veterans' Service Officer. Motion carried unanimously.
4. Beautification and Scenic Corridors Committee. **Moved** by Commissioner Channell, seconded by Commissioner Starr to reappoint Bruce Bartelson to the Beautification and Scenic Corridors Committee. Motion carried unanimously.
5. Gunnison County Library District. **Moved** by Commissioner Starr, seconded by Commissioner Channell to appoint Bruce Bartelson, Pat Lazerus and Kevin McGruther to the Library Board. Motion carried unanimously.
6. Planning Commission. **Moved** by Commissioner Starr, seconded by Commissioner Channell to appoint John Messner to the full-time (regular) position on the Planning Commission and appoint Sam Lumb and Selma Eastman as the alternates. Motion carried unanimously.
7. Board of Adjustments and Board of Appeals. **Moved** by Commissioner Channell, seconded by Commissioner Starr to reappoint Peter Bogardus and Don Sammons to their terms on both the Board of Adjustments and the Board of Appeals. Motion carried unanimously.
8. Land Preservation Board. **Moved** by Commissioner Starr, seconded by Commissioner Channell to reappoint Glo Cunningham to the Land Preservation Board. Motion carried unanimously.
9. Housing Administrative Board. **Moved** by Commissioner Channell, seconded by Commissioner Starr to appoint Aaron Huckstep to the Housing Administrative Board. Motion carried unanimously.
10. Extension Advisory Committee. **Moved** by Commissioner Starr, seconded by Commissioner Channell to appoint David Apker, Jim Janks, Deanna Fagerquist, and Ann Bertschy to the Extension Advisory Committee. Motion carried unanimously.
11. Sage-grouse Strategic/Mitigation Committee. Jon Mugglestone submitted correspondence without specific clarification of his intent to serve on these committees; however, the Board noted that he could be appointed as interest had not been received from any other parties. **Moved** by Commissioner Channell, seconded by Commissioner Starr to appoint Jon Mugglestone to both the Sage-grouse Mitigation Committee and as the County's alternate member to the Sage-grouse Strategic Committee. Motion carried unanimously.
12. Sage-grouse Strategic Committee; Ratification of Other Agency Nominations. **Moved** by Commissioner Channell, seconded by Commissioner Starr to ratify the nomination of Russell Japuntich and Keith Berger, respectively, to the Sage-grouse Strategic Committee from the BLM with Russell being the regular and Keith as the alternate; and that we also ratify the appointment of Liz With, or Elizabeth With, as the NRCS alternate. Motion carried unanimously.
13. Community Corrections Board. **Moved** by Commissioner Channell, seconded by Commissioner Starr to appoint Don Wills to the Community Corrections Board. Motion carried unanimously.
14. Historical Preservation Board. **Moved** by Commissioner Starr, seconded by Commissioner Channell to appoint LeeAnn Mick, Nick Lypps, and Lyda Mary Hardy to the Historical Preservation Board. Motion carried unanimously.
15. Environmental Health Board. **Moved** by Commissioner Channell, seconded by Commissioner Starr to reappoint Corey Bryndal to the Environmental Health Board. Motion carried unanimously.
16. Hospital Board. **Moved** by Commissioner Starr, seconded by Commissioner Channell to appoint Fred Haverly for the five-year term and Robert Hall to the four-year term. Motion carried unanimously.
17. Watershed Weed District. **Moved** by Commissioner Channell, seconded by Commissioner Starr to reappoint Melanie Reese to the Watershed Weed District. Motion carried unanimously.
18. Commissioner of Deeds. **Moved** by Commissioner Channell, seconded by Commissioner Starr to appoint Matt Birnie to be our Commissioner of Deeds to replace John Roberts. Motion carried unanimously.

The Board agreed to re-advertise the open vacancies for the Beautification and Scenic Corridors Committee, the Watershed Weed District, and the Library District. As well, the alternate position on the Environmental Health Board may be advertised upon the request of Environmental Health Specialist Richard Stenson.

LETTER OF SUPPORT; ROCKY MOUNTAIN BIOLOGICAL LABORATORY (RMBL): Commissioner Starr explained that RMBL had requested funding through Congressman Salazar's office, although he was unsure of the details. Commissioner Channell stated his support of RMBL and suggested modifications to the draft correspondence provided by RMBL board member Dan Jones, as he felt the wording was vague. Commissioner Starr agreed to verify the draft language with Mr. Jones prior to finalization of the correspondence.

OUT-OF-STATE TRAVEL REQUEST; REPRODUCTIVE HEALTH UPDATE AND ADOLESCENT HEALTH PRE-CONFERENCE; PARK CITY, UTAH; FAMILY PLANNING COORDINATOR LAURA McLOUGHLIN AND FAMILY PLANNING HEALTH EDUCATOR KIM BEMIS; 4/15/09 THRU 4/17/09: **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve up to \$2,000 for out-of-state requests from the Department of Public Health and Human Services. Motion carried unanimously.

BREAK: The meeting recessed from 11:12 until 11:52 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

LUNCH BREAK: The meeting recessed from 11:52 am until 1:31 pm for a lunch break.

LETTER OF SUPPORT; ROCKY MOUNTAIN BIOLOGICAL LABORATORY (continued): During the lunch break, email correspondence was received from RMBL board member Dan Jones that further explained the proposed projects for which funding was being sought. The draft letter of support was discussed and modifications were agreed upon. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize signatures and sending a letter to support RMBL's funding request with the deletion of the word "four" in the first paragraph. Motion carried unanimously.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

COMMISSIONERS MEETING REPORTS:

Commissioner Channell:

1. CCI Legislative Updates.
 - a. HB 1015 continued to move through the process without major concerns expressed.
 - b. HB 1135 was proposed for only indexing of fees; however, raising fees initially may be included later.
 - c. HB 1186, along with other bills, may be rolled into the ballot reform issue.
 - d. HB 1200 did not have a bill yet, but Commissioner Channell was hopeful that it would go through.
 - e. HB1253 included that medications would continue for inmates during incarceration.
 - f. The county mail-in ballot bill was set to be introduced, but the Governor has opposed it.
 - g. The county government sales tax collection issue is still on the table.
 - h. The business and personal property tax item should be done away with because it is very time consuming and the group opposes it, but it is also accepted that the tax revenue gap will need to be addressed before this issue can be eliminated.
 - i. A component of SB 108 will require CDOT efficiency and increased vehicle fees.

Commissioner Starr:

1. Rural Transportation Authority Retreat. Commissioner Starr felt this retreat was very beneficial. The group will now begin formulating a long-term solution for air travel issues; Airport Manager John DeVore might need to serve on the RTA board as many airport-related issues come up during discussions. The group is also moving forward on the park-n-ride lots for between 10 and 15 cars, with potential for expansion in the future.
2. SB 24. Commissioner Starr requested additional details on this item and Commissioner Channell explained that he would be discussing it with the Stockgrowers' Association. He also stated that SB 24 had an approximate \$1,000,000 fiscal note attached to it, while legislative items with fiscal notes may not receive support this year.
3. Federal Forest Highways Meeting. Commissioner Starr attended this recent meeting with Assistant County Manager Crosby. The meeting stressed to him the importance of finishing the County's right-of-way planning as soon as possible.
4. Somerset Playground Equipment. Commissioner Starr reportedly received a telephone call from a representative of Somerset about possible funding for this equipment. More information would be available at a later date after additional funding sources have been examined.
5. Science, Technology, Engineering and Math (STEM) Program Meeting. Commissioner Starr attended this recent meeting. The primary goal of STEM is to increase the number of students involved in science, technology, engineering and mathematics. The next step for this group will

- be to promote education through the valley-wide Energy Action Plan, promote existing assets, and to obtain funding for a coordinator position.
6. Tourism Association (TA). Commissioner Starr reported that the TA discussed hiring a consultant to evaluate current programming, internal processes, work output, and how the TA works with external partners. Executive Director Jane Chaney opined that this consultant should be someone completely detached from the local organizations. Commissioner Starr felt that a staff member could gather information for the scope of work to be performed and then suggest a consultant.
 7. Crested Butte Temporary Animal Shelter. Commissioner Starr informed the Board that an ISDS would be agreeable for the site, and that a well may be another possibility. The Paradise Animal Welfare Society now has \$350,000 available for this project.

TWO-LOT SUBDIVISION REQUEST; FINAL REVIEW; BROTHERS ESTATE, LLC, REPRESENTED BY RIKKI SANTARELLI; 6746 CR 742; 152.277 ACRES IN SE4SE4, SEC 21 & W2NW4 NW4SW4, SEC 27 & E2NE4, SEC 28 ALL 15S84W: Assistant Planning Director Neal Starkebaum, County Planner Cathie Pagano, and attorney Rikki Santarelli were present for discussion.

County Planner Pagano presented the request to the Board and explained that some of the geologic hazards were dealt with during the Planning Commission process. She stated that the Board could either approve of the request or send it back to the Planning Commission.

Attorney Santarelli informed the Board that he intended to appeal a staff decision. The Gunnison County Land Use Resolution (LUR) requires that geologic reports related to a development be attached as an exhibit to the covenants; his appeal would be related to what should be included as he felt that a summary would be more appropriate and less costly than the entire 75-page exhibit. County Planner Pagano confirmed the LUR requirement and stated that staff preferred to comply with the LUR in this instance so that future property buyers would be made aware of all potential issues related to the land. Commissioner Starr felt that the full report would be beneficial to owners; however, he also stated that the document could be referred to in the Planning Department as a separate document instead of being attached to the covenants. Commissioner Channell's inclination was to adhere to the LUR in this instance and then request that the Planning staff evaluate this type of scenario for a possible amendment to the LUR in the future. Assistant Planning Director Starkebaum opined that future buyers would benefit from more, not less, information.

Commissioner Channell questioned whether or not the Planning Department was satisfied with Environmental Health Specialist Richard Stenson's findings related to the ISDS. County Planner Pagano stated that there was satisfaction.

Commissioner Starr expressed concerns related to the safety of the steepness on Lot #1. Attorney Santarelli stated that he had been told that the LUR would prohibit modification of the slope. He noted that the building envelope and proposed leach field are within an area where the slope is not a problem, and that there is no evidence of rocks coming down in that area. He felt that rock fall should be minimal since there was little evidence of rock fall in the other area.

Attorney Santarelli felt that a separate meeting with the Board would be in order so that suggestions could be provided that may make this process simpler. He also confirmed that the wildfire hazard issue had been mitigated and that the residences are planned for outside of any hazardous areas. Chairperson Swenson felt that the geologic hazard should be included within the documents.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve resolution #2009-07, a Resolution Approving Land Use Change Permit No. 2007-14, a Land use Change Permit for the Brothers Estate, LLC for the Subdivision of Two Lots from a 152.27-Acre Parcel and authorize signatures. Motion carried unanimously.

TWO-LOT SUBDIVISION REQUEST; FINAL REVIEW; BARKMAN/DRIVER; E2SE4NE4 SECTION 26, TOWNSHIP 50 NORTH, RANGE 1 WEST, NMPM, ON COUNTY ROAD 13: County Planner Pagano, and property owners Michele Driver and Becky Barkman were present for discussion.

County Planner Pagano presented the subdivision request and a draft resolution. She also explained that Ms. Driver was the prospective buyer for Lot #2. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve Resolution #2009-08, a Resolution Approving Land Use Change Permit No. 2008-55, a Land Use Change Permit for Becky Barkman for the Subdivision of a 19.81-Acre Parcel into Two Lots and authorize signatures. Motion carried unanimously.

MILE 200, LLC CODE ENFORCEMENT PROCEEDINGS; REQUEST TO INITIATE COURT ACTION; ISDS RECLAMATION, BUILDING PERMIT, ACCESS PERMIT, AND FEDERAL PERMITTING ISSUES; POSSIBLE EXECUTIVE SESSION: County Attorney David Baumgarten and County Paralegal Angela Buchanan were present for discussion.

County Attorney Baumgarten informed the Board that the Code Enforcement Group had worked on a series of issues with this case, including ISDS, building permit, National Forest Service easement, and driveway permit application issues. He suggested that the ISDS issues be addressed by a surveyor and that Mile 200, LLC pay the fees and obtain permits for the driveway and the building. He requested Board permission to initiate court action in the form of a Temporary Restraining Order and an injunction since these issues had spanned 1.5 years.

County Attorney Baumgarten requested that the Board not consider the land on the other side of the road for which the Board had previously met with Mr. Scott Wagner about.

Commissioner Channell noted that the Board was conscious of the cost of performing services twice, so he suggested doubling the driveway permit fees in the same manner as the building permit fees.

Moved by Commissioner Starr, seconded by Commissioner Channell to authorize the County Attorney's Office to initiate a request for injunctive relief and any other relief it deems appropriate in the matter of the noncompliance of Mile 200, LLC. Motion carried unanimously.

FUNDING REQUEST; BUREAU OF LAND MANAGEMENT (BLM); SILVER THREAD SCENIC BYWAY: Assistant County Manager Crosby, Gunnison Chamber of Commerce Executive Director Tammy Scott, TA Executive Director Jane Chaney, and BLM representatives Jim Lovelace, Sally Thode, and Keith Burger were present for discussion.

Ms. Thode reminded the Board that she had previously presented initial information to the Board on 8/19/08 about the Silver Thread Extension. She informed the Board that the BLM was applying for a \$100,000 grant from the Federal Highway Administration to improve sites and to design/manufacture/install signage along the byway. She stated that the grant would require cash or in-kind matches of \$20,000 and that Hinsdale County had appropriated \$2,000 cash and \$8,000 of in-kind support, provided that CDOT materials are utilized. She also noted that Hinsdale County had committed to extending into Gunnison County up to Site #4 (Sites #3 through #7 are within Gunnison County) and that a request for funding had been made to the Gunnison Sage-grouse Mitigation Committee. Assistant County Manager Crosby informed the Board that the cash portion would not be due until the year 2010, so an appropriation would not be necessary for this fiscal year. Ms. Thode indicated that commitments had also been received from the Trails Commission, Gunnison Trails, and the BLM.

Assistant County Manager Crosby felt that the County would work well with Hinsdale County on this project. She suggested that the Board commit to \$8,000 of in-kind support and earmark part of the Beautification/Scenic Corridors Committee funding for next year to add to whatever the Board would be willing to commit to. County Manager Birnie stated that the Board could not commit 2010 funding, but that it could provide a statement of intent with a caveat.

Commissioner Channell questioned how the BLM funds maintenance of vandalized signage. Ms. Thode explained that these costs are funded through the BLM's Recreation Budget. She also confirmed that the BLM would commit to replacement of any new signage needed.

Moved by Commissioner Channell, seconded by Commissioner Starr to pledge \$2,000 contingent upon appropriation in 2010 and in-kind support of up to \$8,000 for a total contribution of \$10,000. Motion carried unanimously. County Manager Birnie will provide correspondence to the BLM acknowledging this pledge by the end of the week.

COMMISSIONERS MEETING REPORTS (continued):

Commissioner Channell: (continued)

2. Western State College (WSC) Students' Survey. Commissioner Channell informed the Board that WSC students were surveyed to gather information on students' opinions about local amenities. Commissioner Channell will be meeting with the survey group to discuss the results.
3. WSC representatives Tom Burgraff and Brad Baca; Gates Foundation Meeting. Commissioner Channell stated that he, Mr. Baca and Mr. Burgraff had met with a representative from the Gates Foundation to discuss the new campus center. During that meeting, he felt that he, Mr. Baca and Mr. Burgraff were able to convey to the Gates Foundation representative the importance of this facility to the community.
4. Mayors/Managers Meeting. Commissioner Channell attended the recent meeting with Commissioner Starr and County Manager Birnie. Budget woes were universally expressed. The RE1J School District had a good bond sale and they will begin work on the Lake Administration Building in March. The Upper Gunnison River Water Conservancy District reported good snow pack levels. The City of Gunnison is looking into slow-moving vehicle and electric-vehicle ordinances. Crested Butte Mountain Resort reported a decrease in skier visits and lodge bookings.

VISITOR; PAM MONTGOMERY, CO-CHAIR OF THE 2009 WESTERN SLOPE RURAL PHILANTHROPY DAYS; COMMUNITY FOUNDATION OF THE GUNNISON VALLEY SPONSORSHIP REQUEST: Ms. Montgomery was present for discussion.

Ms. Montgomery requested a financial commitment of \$4,000 and that the Board participate in this event on June 18th, a day that will be focused on identifying local issues. Persons at the table will begin problem solving the identified issues and the goal of that day will be the formation of groups that will go forward to work on the issues. The long-term goals of this event were stated to be strengthening the capacity of the non-profit organizations, promoting collaborative community problem solving, and producing groups that will work on issues beyond the event. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the expenditure of \$4,000 out of discretionary funds for co-sponsoring this event. Motion carried unanimously.

BREAK: The meeting recessed from 3:53 until 4:03 pm.

PUBLIC HEARING; GUNNISON BASIN SAGE-GROUSE STRATEGIC PLAN: Gunnison Basin Sage-grouse Strategic Committee Members Jim Cochran, Ken Stahlnecker, J Wenum, John Scott, Amy Seglund, and Al Phister were present for discussion.

Chairperson Swenson opened the Public Hearing at 4:03 pm.

1. Public Notice Confirmation. Gunnison Sage-grouse Conservation Coordinator Cochran confirmed proper public notice.
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. Gunnison Sage-grouse Conservation Coordinator Cochran stated that the Strategic Committee was formed by the Board in 2005 and that meetings began in 2006. The primary task was to create the Strategic Plan, which has been worked on throughout the Committee's existence. There had been discussions related to whether a plan should be created for only the County or one that would encompass the local agencies. Gunnison Sage-grouse Conservation Coordinator Cochran stated that the plan provided during the Public Hearing was termed a County Plan.
4. Applicant Presentation. Mr. Scott stated that this process began a couple of years ago, but that the action planning portion of the document seemed to cause stalls in progress. He felt that the Action Plan should be developed within six months of the adoption of the Strategic Plan.
5. BOCC Questions. No questions were asked.
6. Public Comment. Mountain Coal Company L.L.C., West Elk Mine Environmental Engineer Henry Barbe stated that there are no sage-grouse populations within close proximity to the mine location. He requested that a map of the known populations be incorporated into the mine permit to ensure that no future issues may arise. Mr. Scott informed him that the range-wide plan could be obtained from the Division of Wildlife's website and Mr. Barbe agreed to obtain the information from that site.
7. Acknowledge Correspondence Received. A letter was received from High Country Citizens' Alliance (HCCA), requesting that Goal #4 either be removed from the Plan, or that a statement be included regarding HCCA's non-agreement with the Plan.

Mr. Stahlnecker stated that a motion was passed during a Strategic Committee meeting to keep the language as written; the Committee is expected to submit a letter to the Board. The Committee felt that removing Goal #4 would weaken the statement. As well, one Committee member felt that it could be viewed as a political statement, even though the Committee, as a whole, agreed that it should not be. The Committee agreed that Goal #4 should have been the overriding goal from the start of the process.

Mr. Phister stated that his agency, US Fish & Wildlife, would be responsible for determining whether or not to list the species. Because of this, Mr. Phister did not disagree with the language since the decision to list or not to list would be outside of the Committee's authority.

Commissioner Channell stated that he had suggested the language modification, but would still support the language without modifications. He felt that "will preclude" was presumptuous because that decision would be made by someone else.

Mr. Phister felt that the Committee needed to begin work on the Action Plan, as the specifics within that document will be used by his agency to decide whether or not to list the species.

Commissioner Starr felt that the majority of success will be measured by the cooperation of the local landowners. Without that cooperation, he felt that successes will be much less. He felt that the Plan was good and he commended the Committee for all of the work put into the draft.

Mr. Phister noted that the species was on the Candidate List when the Committee was first assembled. If listed, he felt that the Committee would be the logical group to address the related sage-grouse issues within the community.

Mr. Scott commended the County for its role in this process and stated his hope that the Action Plan will be drafted in a timely manner.

8. Applicant Response. There was no response.
9. BOCC Decision. Chairperson Swenson closed the Public Hearing at 4:28 pm and immediately reconvened the Board of County Commissioners Regular Meeting.

Moved by Commissioner Starr, seconded by Commissioner Channell to accept the recommendation of the Gunnison Basin Strategic group and adopt the Gunnison Basin Sage-grouse Strategic Plan of January 15, 2009. Motion carried unanimously.

GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE ORGANIZATION AND PROCEDURE GUIDELINES, INCLUDING ACTION PLAN AND GOALS: Gunnison Basin Sage-grouse Strategic Committee Members Jim Cochran, Ken Stahlnecker, J Wenum, John Scott, Amy Seglund, and Al Phister were present for discussion.

The Board discussed the various language and terminology used within the drafted procedural guidelines. The Action Plan Committee members had been designated, but had not yet held a meeting. The Action Plan should be completed within six months.

The first contract for the CCAA Program is progressing as all agencies have signed the documents. The Committee agreed that the first contract has helped to work out problems with the process; subsequent contracts should progress much more efficiently. Mr. Phister confirmed that a higher number of completed CCAAs will be important to his agency.

Mr. Wenum stated that the data provided has supported the idea that populations are cyclic in nature and dependent on weather conditions. Mr. Phister added that statistical variability is high, dependent on many conditions. It is unknown when population counts will begin this year as there is a hiring freeze in effect for the DOW and a coordinator has not been hired. Formal population counts are supposed to begin April 1st and extend through the middle of May.

Moved by Commissioner Channell, seconded by Commissioner Starr to approve the changes to the Organization Procedural Guidelines for the Gunnison Basin Sage-grouse Strategic Committee. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 5:05 pm.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, 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. 07, SERIES 2009**

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2007-14
A LAND USE CHANGE PERMIT FOR THE BROTHERS ESTATE, LLC
FOR THE SUBDIVISION OF TWO LOTS FROM A 152.27-ACRE PARCEL

WHEREAS, The Brothers Estate LLC, represented by Attorney Rikki Santarelli, has submitted an application to subdivide two lots from a 152.27-acre parcel. The applicants initially proposed three lots, after further consideration and discussion with the Planning Commission the applicants amended their application for two lots only. Some of the applicant's reports and some referral agency comments will reflect the original application request for three lots. The current Lot 1 was originally proposed as two lots (the original Lots 1 and 2). The current Lot 2 was referred to as Lot 3 in the original subdivision application. Lot 1 is to be 3.79 acres and Lot 2 is to be 2.41 acres. The remainder of parcel will continue to be used as a commercial operation. Each lot is to be served by an individual well and individual sewage disposal system. Lot 2 is subject to rockfall hazards and Lot 1 is subject to potentially unstable slopes and slopes greater than 30%; both lots are in areas of high/extreme wildfire hazards. The applicants proposed that each lot will be permitted one single-family residence; no secondary residences are proposed for this application. The applicants have identified specific building envelopes that are out of the geologic hazard areas on each lot. The parcel is northeast of the City of Gunnison near the intersection of County Road 742 (Taylor Canyon Rd) and County Road 744 (Spring Creek Road). The parcels are just west of the existing Harmel's Guest Ranch. The parcel is legally described as 152.277 acres in the SE4SE4, Section 21, and the W2NW4, NW4SW4, Section 27 and the E2NE4, Section 28, Township 15 South, Range 84 West, 6th p.m. The address of the parcel is 6746 County Road 742; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on January 23, 2009 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. This project, by definition, is classified as a Minor Impact.
2. The proposed lots are in areas of geologic hazards but within the proposed development areas there is no significant geologic hazard area.
3. The building envelope on Lot 2 has been located outside of the rockfall hazard area; a portion of the driveway of Lot 2 is in the rockfall hazard area but the rockfall is not enough at that point to be considered a significant hazard.
4. Portions of Lot 1 have slopes in excess of 30%; the building envelope and leach field area have been located out of areas with slopes greater than 30%.
5. Portions of Lots 1 and 2 are in areas of high and extreme wildfire hazards.
6. The applicant has agreed to mitigate the wildfire hazards in accordance with "Creating Wildfire-Defensible Zones, no. 6.302" published by the Colorado State University Cooperative Extension.
7. The building envelope on Lot 2 is in a low-wildfire hazard area.
8. The applicants have submitted a report prepared by Buckhorn Geotech titled, "Geologic Hazard and Geotechnical Report, Harmel's Subdivision, 3 Lots on Taylor River Road (County Road 742), Gunnison County, Colorado," dated February 5, 2007 and a follow-up letter titled, "Lot 2 Harmel's Subdivision, Rockfall Hazard Assessment and Mitigation," dated November 16, 2007. The reports identify specific recommendations and mitigations for each lot. Colorado Geological Survey has also submitted substantial comments, letter of September 3, 2007.
9. This application is consistent with the standards and requirements of this *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:

1. Regarding both lots, location of the proposed leach field is approximate only, and in all events, subject to County review and approval; but in all events, on Lot 1, the leach field shall not be in the building envelope or in the driveway.
2. Regarding Lot 2, the location of the proposed building envelope shall be located on the ground by using the scale on the Harmel's Subdivision Plat.
3. Approval of the Plat does not constitute approval of County individual sewage disposal system permits, building permits, reclamation permits, driveway access permits, and/or other permits required by any other government entities.

4. Prior to issuance of any individual sewage disposal system permits, building permit and/or driveway access permits on Lot 2, rockfall mitigation shall be completed on Lot 2. The applicant's geotechnical consultant/engineer shall provide documentation of the completed mitigation.
5. All improvements on Lots 1 and 2 shall be constructed utilizing the recommendations and mitigation as identified in the reports titled, "Geologic Hazard and Geotechnical Report, Harmel's Subdivision, 3 Lots on Taylor River Road (County Road 742), Gunnison County, Colorado," dated February 5, 2007 and a follow-up letter titled, "Lot 2 Harmel's Subdivision, Rockfall Hazard Assessment and Mitigation," dated November 16, 2007, and the letters from the Colorado Geological Survey and the Colorado State Forest Service.
6. There shall be no clearing of vegetation on either parcel without a reclamation permit, to prevent erosion and destabilization, in compliance with the recommendations from the Colorado Geological Survey.
7. 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*.
8. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2007-145, for the Brothers Estate, LLC is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

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 Channell, seconded by Commissioner Starr, and passed on this 17th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 08, SERIES 2009**

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-55
A LAND USE CHANGE PERMIT FOR BECKY BARKMAN
FOR THE SUBDIVISION OF A 19.81-ACRE PARCEL INTO TWO LOTS

WHEREAS, Becky Barkman has submitted an application to subdivide a 19.81-acre parcel into two lots, Lot 1 is to be 18.81 acres and Lot 2 is to be one acre. There is an existing single-family residence, several outbuildings, an individual well and individual sewage disposal system on Lot 1; Lot 2 is vacant. Building envelopes have been identified for both lots. Draft Protective Covenants have also been submitted. The proposed covenants will only encumber Lot 2 until such time that Becky Barkman conveys Lot 1, at which time Lot 1 will also be encumbered by the proposed covenants. Lot 2 is to be served by an individual well and the North Gunnison Central Sewer Line extension. The parcel on which the Land Use Change is proposed is north of the City of Gunnison at 900 County Road 13 (Slaughterhouse). The parcel is legally described as 19.81 acres in the E2SE4NE4, Section 26, Township 50 North, Range 1 West, N.M.P.M.; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on December 19, 2008 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. This project, by definition, is classified as a Minor Impact.
2. There are existing improvements on the subject parcel that include, but are not limited to, a single-family residence, outbuildings, individual sewage disposal system and individual well.
3. The applicants have proposed only one single-family residence on each lot.
4. There is an existing well (Permit No. 159197) on Lot 1.
5. A well permit has been issued for Lot 2 (Permit No. 67662-F).
6. Contract No. 08-120A has been executed with the Upper Gunnison River Water Conservancy District for augmentation water for Lot 2.
7. The subject parcel is in occupied Sage-grouse habitat. Based upon the comments from the Sage-grouse Coordinator the Commission finds that the proposed subdivision does not have negative impacts on Sage-grouse provided that conditions 1 and 2 are followed.
8. This application is consistent with the standards and requirements of this *Resolution*.
9. 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:

12. That non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.
13. Per Section 11-106 G.3.d.1. of the Gunnison County Land Use Resolution, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
14. 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*.
15. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
16. 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.
17. 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.
18. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2008-55, for Becky Barkman is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

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 Channell, seconded by Commissioner Starr, and passed on this 17th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS

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