

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

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

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

Matthew Birnie, County Manager
Ruth Dukeman, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:02 am.

AGENDA REVIEW: A correction was made to the title "Planning Commission Update"; the new title became "Planning Update". The Motion to Initiate Review and Amendment of Special Development Project Regulations, Requesting the Planning Commission to Conduct Such Process; and Formally Submitting Proposed Amendments to the Planning Commission Review of Special Development and minutes approval was removed from the agenda.

CONSENT AGENDA: Moved by Commissioner Channell, seconded by Commissioner Starr to approve the Consent Agenda, and authorize signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Department of Local Affairs (DOLA); Gunnison Valley Energy Strategy Contract Amendment; CHPG #00171; Extension to 12/31/09
2. Acknowledgment of County Manager Signature; Region 10 Area Agency on Aging Funding Application; Senior Resources Office / Senior Transportation Program; 7/1/09 - 6/30/10; \$7,000
3. Acknowledgment of County Manager Signature; Region 10 Area Agency on Aging Funding Application; Senior Resources Office / Homemaker Services; 7/1/09 - 6/30/10; \$6,000
4. Acknowledgment of County Manager Signature; Region 10 Area Agency on Aging Funding Application; Senior Resources Office / Staffing; 7/1/09 - 6/30/10; \$25,000
5. Acknowledgment of County Manager Signature; 2009 Memorandum of Agreement; Gunnison Country Food Pantry; Community-Based Organization Funding; \$5,250
6. 2009 Memorandum of Agreement; Jubilee House of Gunnison County, Inc.; Community-Based Organization Funding; \$10,000
7. Out-of-State Travel; Two County Staff to Attend the Oshkosh H-Series Maintenance Training; Oshkosh, WI; \$4,300
8. Maintenance Agreement; Tuck Communications; Blackstock, Courthouse, Fairgrounds, and Housing Buildings; 3/1/09 – 2/28/10
9. Ratification of Correspondence; Gunnison Country Times Editor Chris Dickey; North Valley Sewer Update, Letter to the Editor
10. Contract; The Colorado Trust; Partnership for Health Initiative, Implementation Grant, Phase 2; \$187,500

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated. County Board of Equalization Hearing dates were proposed for July 22, July 24, July 28, August 3 and August 5, 2009. The Board of County Commissioners Work Session was moved to Monday, July 27, 2009 to accommodate the dates.

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

1. Correspondence. A draft letter to the Colorado Public Utilities Commission was discussed. It was decided that Commissioner Channell would initiate conversations with potential stakeholders before the letter was sent. Moved by Commissioner Channell, seconded by Commissioner Starr to authorize the correspondence to the Colorado Public Utilities Commission in reference to the Tri-State Resource Planning process pending conversations with GCA. Motion carried unanimously.
2. Environmental Impact Statement (EIS) on the Conger Rock Harvesting in Marble. A meeting was held with staff last week to prepare comments as the County will be outlining concerns in several areas about this topic. Several citizens have requested an extension to the comment period; however, as regulations prohibit extending the length of the comment period, the request may not be honored.
3. Southwest Resource Advisory Council (SWRAC) Letter of Support for Dan Morse. A support letter for Dan Morse was requested for nomination to the SWRAC by April 13th and will be prepared for presentation at the April 7, 2009 meeting.
4. Funding Request; Friends of Somerset. The Friends of Somerset Park sent correspondence and consideration for funding will be added to a future agenda.
5. Strategic Plan Update. An amended plan should be ready for implementation by May. The consultant was in town and working with several of the smaller departments during the week of the meeting.

6. Planning Commission Update. The strategic planning process and topics discussed at a recent retreat are already being addressed. The Planning Commission asked how to best communicate with the Board about policy questions or items. It was recommended to write memos and to indicate if the correspondence was from an individual planning commissioner or from the Planning Commission as a whole.
7. Briefing Paper. Senator Bennet is preparing a briefing paper of Western Slope issues; topics of interest or concern were requested. Several topics of consideration to be communicated to Senator Bennet were grazing concerns, specifically permitting of grazing lands for stock grower's, impacts of the 1872 Mine law, healthy forests and future impacts of Pine Beetle infestation and Sudden Aspen Decline Syndrome (SAD), waste water projects for communities on well water, use of American Recovery and Reinvestment Act Funds, energy conservation issues, FAA issues, and the creation of separate Fire Fund for wild land fire suppression.

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

1. North Valley Sewer Project Update. An income survey had been sent to property owners, with 32 responses needed. A review of the first draft for the environmental assessment (EA) letter was completed and agencies had been contacted with a completed application anticipated by the end of the week.
2. Gunnison River Pedestrian Bridge. An enhancement grant from the State of Colorado for a pedestrian bridge over the Gunnison River north of town had been granted toward completion of the project. A total budget exceeding the \$183,000 granted previously prompted a letter of concern indicating the amount allocated was not sufficient to complete the project. After further evaluation, this project was nominated then selected for an allocation of \$425,000 of state funding with no local match required.
3. Taylor Project Update. Certified appraisers located on the Western Slope entered into a contract to move the process forward and could have a project prepared with only a single property owner affected. A local attorney for outside council had been engaged.
4. Gilpin County Public Works Facility. The 18,000 square feet facility has many ecologically friendly techniques used in construction. A trip is planned to visit the site for consideration as a model for future development.
5. Recycling Grants. Hinsdale County requested a letter of support to obtain a compactor/baler and roll off equipment to help their recycling efforts. Cornerstone, a baling company from Montrose, had submitted a grant application including a letter of support for a glass crusher to make silica sand. This equipment would allow a product to be created not available in the area and provide a market for Gunnison County's recycled glass. Located in Montrose, shipping of the product would only be 60 miles, versus to Golden on the Front Range. Commissioner Channell asked about the cost of the equipment and the exact amount was unknown, but believed to be very costly as the glass is processed into very fine sand like what would be used in sandblasting.
6. Cimmaron Snowplowing Update. To date, allocation of funds was reported to be within the amount budgeted for the season.
7. Taylor Project Update: The City of Gunnison has an upcoming resolution that will be included as a ballot issue regarding permanent easements on Gunnison County property across from the City Park. A permanent easement could be established by vote in an election to be held May 12, 2009. These actions would allow future improvements at the park. It was proposed to include a letter of support from the Board in the April 23rd publication of the local newspapers.
8. Local Improvement District. An update of recent activities was provided.
9. Business Park. An update about efforts for property leasing was provided. It was noted that the Design Review Board may need to convene to discuss modern building techniques and how the advantages could be presented and included for future lessees.

PUBLIC HEARING; PETITION TO VACATE FAWN DRIVE, ANTLERS BLUFF, AND A PORTION OF DEER TRAIL, MARBLE SKI AREA, CRYSTAL RIVER FILING 1, MARBLE, COLORADO:

Chairperson Swenson opened the Public Hearing at 9:01 am.

1. Public Notice Confirmation. It was confirmed that public notice had been provided
2. Identify Ex Parte Communications. There were no ex parte communications identified.
3. Staff Presentation. Public Works Director Marlene Crosby and Assistant Public Works Director, Allen Moores, were present for discussion. The request to vacate Fawn Drive, Antlers Bluff and a portion of Deer Trail was explained and reviewed. Details as to how many smaller lots on steep slopes were to be combined into larger potentially developable lots was presented.
4. Applicant Presentation. There was no presentation.
5. BOCC Questions. The specific location of the proposed site was confirmed. Development of alternative routes and road access was discussed.

6. Public Comment. There was no public comment provided.
7. Acknowledge Correspondence Received. No additional correspondence was received.
8. Applicant Response. There was no applicant response.
9. BOCC Decision. Chairperson Swenson closed the Public Hearing at 9:10 am and immediately reconvened the Board of County Commissioners Regular Meeting. **Moved** by Commissioner Starr, seconded by Commissioner Channell, to authorize the appropriate staff to draft the appropriate documents as needed pertaining to the subject of the public hearing. Motion carried unanimously.

GUNNISON COUNTY HOUSING AUTHORITY DEED RESTRICTIONS AND COVENANTS; LARKSPUR SUBDIVISION: Gunnison County Housing Authority Director KT Gazunis, County Attorney David Baumgarten and developer Gary Garland were present for discussion.

The process of updating, modifying or terminating deed restrictions and covenants in a general manner was presented by Housing Authority Director Gazunis. The Board supported staff actions to move forward on revising the process to provide uniform structure and formalizing the procedure. David Leinsdorf, representing the Skyland Community Association and River Neighborhood Association, commented that he too has an analogous request pending. He further noted that they would be meeting with staff and also supports the proposed process. Recommending that homeowners associations or property owners themselves have the ability to apply for modifications to deed restrictions was requested versus the developer who placed the restriction being the exclusive petitioner. Discussions then lead to how these standards were developed to encourage changes to be made for the public benefit. This new process would allow standards to be modified uniformly and give written criteria for decision making as well as petitioner guidelines for requesting changes.

The requested changes to the Larkspur Subdivision were outlined and discussed. The majority of the single family lots were already sold with EM-8 under contract. EM-3, a 12-plex lot was already under county ownership for development. Mr. Garland proposed EM-2, a duplex lot and E-1 a single family, be exchanged for releasing E-2 and EM-1 from the deed restrictions. The changes proposed are designed to best meet the needs of the community, allowing additional county housing units, and encouraging units to be built all together versus having empty lots with future construction in an established neighborhood. The approximate cost and potential buildings on the sites was reviewed.

Moved by Commissioner Starr, seconded by Commissioner Channell to authorize appropriate staff to work with Gary Garland to formalize the documents necessary to effectuate the transaction as proposed. Motion carried unanimously.

BREAK: The Board of County Commissioners Regular Meeting recessed at 9:38 am for a short break and to call to order as the Gunnison River Valley Local Marketing District.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT: Chairperson Swenson called the Local Marketing District meeting to order at 9:44 am.

4TH QUARTER 2008 TOURISM ACTIVITY UPDATE: Mark Schumacher, Lorre Mulay-Weisman, Stephen Pierotti, Joellen Fonken, Jane Chaney, and Rob Strickland were present for discussion. A format for reporting information had been agreed upon between the Tourism Association (TA) and Mt. Crested Butte to communicate trend information and the media sources being used. Information reporting from 4th quarter activities was provided and explained by Ms. Chaney.

Details of recent TA participation, including tours and trade shows were reviewed. It was noted that many foreign travel groups, travel agency staff and journalist visiting the area were treated to local tours provided by TA staff and resulted in several high profile articles.

Discussion of the upcoming marketing campaigns, admission tax appropriations in Mt. Crested Butte and a proposed ballot item commenced.

Chairperson Swenson adjourned the Local Marketing District meeting at 10:23 am and immediately reconvened the Board of County Commissioners Regular Meeting.

GUNNISON VALLEY HOSPITAL; SURVEY FOR POSSIBLE MILL LEVY INITIATIVE: Randy Phelps was present for discussion. He requested authorization to conduct a survey of community members to understand the community perceptions for a possible mill levy initiative. As the Gunnison Valley Hospital is facing a budget deficit other sources of income are being considered. He highlighted how hospital staff engagement resulted in other cost reduction consideration ideas to include reduction of donated services to events like the local health fair. The discussion lead to nearby tax supported hospitals. Commissioner Channell asked about the proposed survey methodology. Mr. Phelps advised that a telephone survey was being considered. **Moved** by Commissioner Starr, seconded by Commissioner Channell for non-financial

support to the hospital effort to survey the community about a potential mill levy issue for presentation this fall. Motion carried unanimously.

BREAK: The meeting recessed from 10:38 am until 10:50 am.

GUNNISON COUNTY STOCKGROWERS ASSOCIATION; SUPPORT DECISION; LIMITED ELK LICENSE NOMINATION: County Attorney, David Baumgarten, Gunnison Valley Stockgrowers Association (GVSA) Members: Sandy Guerrieri, Curtis Allen, Tony Maldarella, Steve Guerrieri, Doug Washburn, Burt Guerrieri and other citizens in the audience were present for discussion.

The topic was introduced as a follow-up meeting from a detailed presentation given during a February meeting. The GVSA had submitted a petition to the Colorado Wildlife Commission for consideration, as part of the process a requirement was to advise the Board of County Commissioners of Gunnison County of the intent of the nomination.

The GVSA also requested a letter of support from the Board to include with their petition. Commissioner Starr explained that as this was a multi-faceted, complex issue it deserved the time and attention to understand the problem and proposed solutions. Chairperson Swenson further explained that the Board understood the passion that the community had expressed about this issue and that many are in agreement that there are management concerns that will need to be addressed and further explained that this situation will require time to address the issues and that a letter was not prepared.

J. Wenum, Area Wildlife Manager, Colorado Division of Wildlife commented that unofficial reports show over 5,000 elk included in recent counts for a management unit. He further commented that a meeting will be held on March 31, 2009 at the Fred Field Heritage Center from 10:00 am though the afternoon to cover this topic in detail.

The importance of our ranching heritage and community was expressed by the Board and the GVSA were thanked for all their efforts, and well presented information. Guerrieri will prepare a draft letter for the Board to review in time for the April 7, 2009 meeting.

VISITOR; COLORADO STATE FOREST SERVICE, DISTRICT FORESTER BRIAN AYERS; ANNUAL OPERATING PLAN FOR FIRE CONTROL: Scott Morrill, Gunnison County Emergency Manager was also present for discussion. The annual operating plan was presented for discussion. Commissioner Channell, just returning from travels to Washington D.C. asked about the creation of a separate fire fund to be used for wild land fire suppression. It was reported that there is legislation ongoing to address this need for Colorado. It was reported that low moisture content resulted in early fire bans for many Front Range communities. **Moved** by Commissioner Starr, seconded by Commissioner Channell to authorize the 2009 Annual Operating Plan for Fire Control for the Colorado State Forest Service. Motion carried unanimously.

VISITORS; USFS DISTRICT RANGER JIM DAWSON, SUPERVISOR CHARLIE RICHMOND, AND PROJECT LEADER GARY SHELLHORN; GUNNISON TRAVEL MANAGEMENT DRAFT ENVIRONMENTAL IMPACT STATEMENT PRESENTATION: Arden Anderson, Recreation and Wilderness Specialist with the Bureau of Land Management presented a power point explaining the proposed travel plans. Several public meetings will be held to inform the community and gather input for the proposed plans.

LUNCH BREAK: The meeting recessed at 12:07 pm.

GUNNISON-HINSDALE BOARD OF HUMAN SERVICES (SEE SEPARATE MINUTES)

Commissioner Swenson called the Board of County Commissioners of Gunnison County back to order at 1:30 pm.

BOARD OF HEALTH DISCUSSION-ATTORNEY'S OFFICE INTRODUCTION TO SB 08-194; COLORADO PUBLIC HEALTH REAUTHORIZATION ACT: County Attorney David Baumgarten, Gunnison-Hinsdale Board of Human Services Commissioner, Allen Brown, Gunnison County Health and Human Services Director, Renee Brown and Gunnison County Paralegal, Angela Buchanan were all present for discussion. A summary of the bill prepared by the Attorney's office was reviewed by County Attorney Baumgarten. He further advised that the adoption of the state plan may result in the development of a plan at the local level and that this new plan may be based on a 5 year needs assessment.

The structure of local versus district public health agency was discussed. For the time being consistency using Gunnison County as the service provider versus departments or specific Boards or Commissions for service contracts was emphasized. The advantages of becoming a district may be considered in the future. The members of the Board of County Commissioners will continue to serve as the Board of Health and will convene as needed. The inclusion of Hinsdale County in a District Health Agency will need further discussion and evaluation. Environmental and public health issues that will need to be

addressed in the future may be: dangerous structures, restaurant inspections, tobacco programs, family planning and scope of services provided.

Structure of board of health resolution language was reviewed with different examples provided with a decision needed by July 1, 2009. Exploring the details of authority and other questions may need to be answered by outside council with greater expertise on these types of issues. Situations like creating quarantine orders, declaring an emergency or epidemic health situations, and addressing dangerous buildings under the new legislation will need to be researched and outlined in more detail. Gunnison County Treasurer will need to be formally acknowledged as the treasurer for the Board of Health and may be required to have a more active role in the future. Creation of a separate fund in the finance department may be needed to accommodate the new act requirements. Development of the Health Board and other details will be reviewed by staff and prepared for a future meeting held before July 1, 2009. After the formation of the Board, a director and the formal designation of a health officer will be required. A quarterly meeting will need to be held to address issues and the Board can convene more frequently if needed.

Commissioner Channell asked about the authority the County would have to address nuisances. County Attorney Baumgarten explained that it appeared this legislation will allow enforcement of junk ordinances involving public health in situations that citizens became ill or there was a potential that they could. Additional research into the topic will be performed and the Attorney's Office will prepare a document to be used as a general point of reference on how other counties have handled these types of concerns about health and public welfare issues including sample resolutions.

SOUTHWEST RESOURCE ADVISORY COUNCIL (SWRAC) NOMINATION; SUPPORT LETTER FOR GUNNISON COUNTY WILDLIFE CONSERVATION COORDINATOR JIM COCHRAN: Wildlife Conservation Coordinator, Jim Cochran was present for discussion and advised if selected, would be representing the public-at-large. Discussions about the different categories of the organization, voting procedures and the availability for meeting attendance were discussed. **Moved** by Commissioner Channell, seconded by Commissioner Starr to support the recommendation of Jim Cochran to the SWARC board. Motion carried unanimously.

RESOLUTION; AMENDING GUNNISON COUNTY LAND USE RESOLUTION, SECTION 3-105: WITHDRAWN AND INACTIVE APPLICATIONS: Planning Director Joanne Williams was present for discussion. She outlined the modifications to the resolution. **Moved** by Commissioner Channell, seconded by Commissioner Starr to approve signatures for Resolution 2009-10. Motion carried unanimously.

MOTION TO INITIATE REVIEW AND AMENDMENT OF SPECIAL DEVELOPMENT PROJECT REGULATIONS, REQUESTING THE PLANNING COMMISSION TO CONDUCT SUCH PROCESS; AND FORMALLY SUBMITTING PROPOSED AMENDMENTS TO THE PLANNING COMMISSION PLANNING UPDATE: Planning Director Joanne Williams and Assistant Director Neal Starkebaum were present for discussion.

Sub-committee appointment of Jim Starr, Ramon Reed, John Mesner, Mike Pelletier, and a staff member from the Planning Department was established for the April 7, 2009 meeting. Development of a Handbook for Planning Commissioners was underway and will be ready for review in early May. Annual retreats will be scheduled with the potential for training or facilitation to meet the needs of the Commission. A format for staff reports was being considered, Starr requested inclusion of an area for staff concerns and to identify road access and water available issues early in the process. Planning Commission professional development to include travel and networking with others was discussed, with road trips proposed and conference attendance encouraged. A mechanism of feedback for communications between the Planning Commission and the BOCC using a memo as a formalized process was proposed. Communication with routine updates, quarterly meetings between the Board and Commission was also considered.

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

COMMISSIONERS MEETING REPORTS:

Commissioner Channell:

1. **Community relations group at Western State College of Colorado:** An update on construction for the Western State College Student Union building site was provided.
2. **Pandemic Response Planning Committee:** The need to formally identify a hierarchy or chain of command had been identified with scenarios for different types of incidents. Dr. John Tarr prepared a matrix of response to help decision makers during an event make appropriate choices and to help guide actions.
3. **National Associations of Counties (NACO) meeting report:** The meeting was held in Washington D.C. Colorado was the second largest contingent of all the states. Topics of interest were shared in several different types of forums with information from the participants communicated to lawmakers. Special visits were scheduled with officials on Capitol Hill.

- 4. **Senator Bennet:** To visit Gunnison County the evening of Friday, April 17, 2009.
- 5. **Stimulus Dollars:** Monitoring stimulus dollars to be sure county projects receive much needed funds was discussed. Staff allocation is being considered as well as help from outside resources like other municipalities and counties as well as an invitation to staff or other non-profit organizations that have expertise in areas of need may be extended.

Commissioner Starr:

- 1. **Colorado Workman’s Compensation Fund update:** In the current economic environment, it was reported that the fund was sound. Discussion as to claims and figures were discussed.
- 2. **Mayors/Managers:** City of Gunnison reported an open position for the new aquatic center director. Trail easements, an energy action plan, and participation with Club 20 were also topics reviewed. Crested Butte Mountain Resort reports lower than expected numbers for January and February and looking to group sales for additional revenue. Upper Gunnison River Water Conservancy reports a new snow gauge site in the Taylor Area that is now in use. Gunnison Valley Hospital (GVH) developed a teleconference link with mental health services, and negotiations for a facility in Crested Butte had ceased. RE-1J was concerned with a statewide funding reduction, and negotiations for a building site in Crested Butte for school expansion are underway. Western State College reports the State to receive 620 million for higher education, utility costs are reduced, the new Student Union slated for completion ahead of schedule in November, and a five year strategic plan was being developed. Mt. Crested Butte reported January tax revenue down 15%. A local propane supplier was expressing concern with close to 50% of their accounts over 30 days or more past due.

Chairperson Swenson:

- 1. **Funding Request:** Cattlewomens’ are hosting annual day of ranching April 27, 2009. A funding request to assist bus students from Crested Butte to allow their participation was proposed.
- 2. **Water extension request:** A citizen requested water lines to be extended from the Dos Rios plant to her property. A petition from all members of her community was prepared. Public Works Director Marlene Crosby explained the resource availability for this project would be limited. She further highlighted other projects of priority. It was decided that a process would be developed for future consideration of these types of request and to help citizens understand the complexity related to these types of projects and what steps are needed toward completion.
- 3. **Marble Tourism Association:** Would like to schedule time to present an update of their activities later in the year after Kebler Pass is opened.

ADJOURN: Moved by Commissioner Starr, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:40 pm.

Paula Swenson, Chairperson

Jim Starr, Vice-Chairperson

Hap Channell, Commissioner

Minutes Prepared By:

Ruth Dukeman, 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. 09-10**

A RESOLUTION AMENDING GUNNISON COUNTY LAND USE RESOLUTION
SECTION 3-105: Withdrawn and Inactive Applications

WHEREAS, pursuant to the Gunnison County Land Use Resolution ("the Resolution"), Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the Resolution, and

WHEREAS, the amendment process has been initiated by the Gunnison County Planning Commission regarding Section 3-105: Withdrawn and Inactive Applications and related areas of the Resolution; and,

WHEREAS, pursuant to Section 1-113, the Planning Department and Planning Commission have completed the review of the proposed amendments as required by the Resolution; and

WHEREAS, the Planning Commission on September 5, 2008 forwarded its written recommendation to the Board regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners conducted a duly noticed public hearing on this proposed amendment October 21, 2008; and pursuant to Section 1-113 of the Resolution evaluated the proposed amendments using the following criteria:

- Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County;
- Changed conditions, including the economy of Gunnison County;
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Changes in applicable law;
- Public health, safety and welfare; and
- Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendment to Section 3-105 of the Gunnison County Land Use Resolution (underlined language is new; ~~struck-out~~ language is deleted):

SECTION 3-105: WITHDRAWN AND INACTIVE APPLICATIONS

WITHDRAWAL OF APPLICATION BY APPLICANT. The applicant may withdraw an application at any phase of the process by submitting a notarized written request to the Planning Department.

INACTIVE APPLICATIONS. An application that has become inactive because an applicant is required to submit additional information and has failed to do so for a period of more than six months from when it was ~~due~~ requested shall become void and the resubmittal of a new application and fees shall be required. The Planning Director may grant one extension of time, of no more than six months, for good cause shown, upon a notarized written request by the applicant, prior to the end of the initial six month period.

TAXES TO BE PAID. Any permit application that has been placed on inactive status shall not be reactivated until the applicant provides to the Planning Director a copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which approval is under consideration.

INTRODUCED by Commissioner Jim Starr, seconded by Commissioner Paula Swenson and passed on this 21st day of October, 2008.

BOARD OF COUNTY COMMISSIONERS "EXHIBIT A" CLEAN COPY

The underlined (new) and struck (~~deleted~~) language represents amendments to the February 16, 2006 Gunnison County Land Use Resolution.

Reformatting of existing language, and changes that alter numbering or cross-references in other locations throughout the Land Use Resolution are not delineated here but are also changed as applicable.

Change Section 1-112: A: (Adding a new subparagraph 3, in section that describes what maps the County uses in Land Use Change Permit application review.)

MAPS ADOPTED. Gunnison County hereby adopts the following maps in this Resolution, as if they were actually included as illustrations in the Resolution. These maps may be updated from time to time, pursuant to Section 1-112: B: Adoption of New or Updated Maps.

1. FLOODPLAIN MAPS. National Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (September 29, 1989, as amended), and as more specifically adopted in Section 11-103: E: Official Maps.
2. GUNNISON COUNTY ROAD MAINTENANCE MAPS. Maps of roads within Gunnison County, designating roads maintained and/or plowed by Gunnison County (dated April 1997, as amended).
3. GUNNISON SAGE-GROUSE LEK AND OCCUPIED HABITAT MAPS. Gunnison County Gunnison-Sage-grouse Lek Map, that depicts private lands located within 0.6 miles of known Gunnison Sage-grouse leks; and the Gunnison County Gunnison Sage-grouse Occupied Habitat Map that generally depicts Gunnison Sage-grouse occupied habitat.

Add to Article 2: Definitions:

GUNNISON SAGE-GROUSE RANGEWIDE CONSERVATION PLAN means the document titled the Gunnison Sage-grouse Rangewide Conservation Plan, Gunnison Sage-grouse Rangewide Steering Committee, Colorado Division of Wildlife, Denver, Colorado, 2005, as may be amended and accepted by resolution of the Board. If not listed specifically within this Resolution, definitions related to the Gunnison Sage-Grouse shall be as specified in the Gunnison Sage-grouse Rangewide Conservation Plan.

GUNNISON SAGE-GROUSE OCCUPIED HABITAT means areas of suitable habitat as delineated within the Gunnison Sage-grouse Rangewide Conservation Plan and known to be used by Gunnison Sage-grouse within the last 10 years from the date of mapping as delineated on the Gunnison County Gunnison Sage-grouse Occupied Habitat Map. Areas of suitable habitat contiguous with areas of known use, which do not have effective barriers to Sage-grouse movement from known use areas, are mapped as occupied habitat unless specific information exists that documents the lack of Sage-grouse use. This category can be delineated from any combination of telemetry locations, sightings of the Gunnison Sage-grouse or sign, local biological expertise, GIS analysis, or other data sources.

LEK means an arena where male Sage-grouse display for the purpose of gaining breeding territories and attracting females. These arenas are usually open areas with short vegetation within sagebrush habitats, usually on broad ridges, benches, or valley floors where visibility and hearing acuity are excellent. Leks are delineated on the Gunnison County Gunnison-Sage-grouse Lek Map.

New sections:

Section 4-102: L.: (The list of Administrative Review projects that do NOT require a Land Use Change Permit) is amended to include:

- L. PARCELS WITHIN GUNNISON SAGE-GROUSE OCCUPIED HABITAT. A land use change proposed on a parcel located wholly or partially within Gunnison Sage-grouse occupied habitat.

Section 5-102: P.: (The list of Administrative Review projects that require a Land Use Change Permit) is amended to include:

- P. PARCELS WITHIN A 0.60 MILE RADIUS OF A GUNNISON SAGE-GROUSE LEK. A land use change proposed on a parcel located wholly or partially within a 0.60-mile radius of a Gunnison Sage-grouse lek.

Section 7-201: I. 2.f.: (Major Impact project Sketch Plan submittal requirements concerning "natural features.") is revised to read:

WILDLIFE HABITAT MAPS. Wildlife Habitat Maps, prepared by the Colorado Division of Wildlife including the Wildlife Resource Information System (WRIS) and/or the National Natural Diversity Information Source (NDIS) maps available from the Colorado Division of Wildlife; and the Gunnison County Gunnison Sage-grouse Lek Map that depicts private lands located within 0.6 miles of known Gunnison Sage-grouse leks; and the Gunnison County Gunnison Sage-grouse Occupied Habitat Map that generally depicts Gunnison Sage-grouse occupied habitat. Maps may also be submitted that are prepared by the applicant's wildlife consultant to provide site-specific detail using the Colorado Division of Wildlife and Gunnison County habitat maps as baseline data.

SECTION 11-106: PROTECTION OF WILDLIFE HABITAT AREAS

PURPOSE. The natural and scenic resources in Gunnison County, including wildlife, are essential components of the County's economic base and help to establish the rural character of the County. Tourists visit and recreate in Gunnison County because of the quality of these natural resources, including the abundance of wildlife species found in the area. These resources are also a basic element of the quality of life for residents of Gunnison County. The standards in this Section are intended to protect sensitive wildlife habitat areas, to protect biological field research, and to ensure that wildlife remains a part of Gunnison County's natural environment for generations to come. In addition, this Section is designed to:

SUSTAIN AND ENHANCE EXISTING POPULATIONS OF GUNNISON SAGE-GROUSE. Sustain and enhance survival of the Gunnison Sage-grouse.

PRECLUDE THE NEED TO LIST, OR MINIMIZE THE IMPACT OF LISTING OF GUNNISON SAGE-GROUSE AS CANDIDATE SPECIES. Help implement an effective strategy and programs that will preclude the need to list, or minimize the impact of listing of the Gunnison Sage-grouse as a candidate for threatened or endangered status pursuant to the Endangered Species Act of 1973, or at a minimum, demonstrate the intent of Gunnison County to preserve and protect habitat that will lessen the impact if listing does occur.

APPLICABILITY. All applications for Land Use Change Permits, including Building Permits, Individual Sewage Disposal System Permits, Gunnison County Access Permits, Gunnison County Reclamation Permits, and Land Use Change Permits shall be processed subject to the individual requirements of this Section, and assessed to determine if the location of the proposed activity is within the sensitive wildlife habitat areas designated on the maps referenced in Section 11-106: C.: Maps Used to Identify Sensitive Wildlife Habitats.

DEVELOPMENT ON INDIVIDUAL LOTS IN SUBDIVISIONS APPROVED BY GUNNISON COUNTY BEFORE APRIL 3, 2007. Activity on individual lots in subdivisions approved by Gunnison County before April 3, 2007, for which building envelopes were designated on an approved plat, recorded in the Office of the Gunnison County Clerk and Recorder inside a building envelope, shall be located to minimize adverse impacts to wildlife, to the maximum extent feasible, except as prohibited by a vested right pursuant to Section 1-109: Vested Property Rights.

ALTERATION OF BUILDING ENVELOPES TO BENEFIT GUNNISON SAGE-GROUSE. If the decision-making body, in consultation with the Colorado Division of Wildlife, determines that relocation of a designated building envelope in a subdivision approved by the County before April 3, 2007 will benefit the Gunnison Sage-grouse, such alteration may be permitted, pursuant to the requirements of Article 5: Administrative Review Projects That Require Land Use Change Permits.

MAPS USED TO IDENTIFY SENSITIVE AND CRITICAL WILDLIFE HABITATS. IDENTIFIED: The general reference maps used to identify locations of sensitive wildlife habitats. Because maps depicting wildlife habitat are general in nature, and because animal distribution is fluid and animal populations are dynamic, the maps shall be used as "guides" or "red-flags."

COLORADO DIVISION OF WILDLIFE MAPS. The Wildlife Resource Information System (WRIS) and Natural Diversity Information Source (NDIS) maps available from the Colorado Division of Wildlife.

GUNNISON COUNTY MAPS. The Gunnison County Gunnison Sage-grouse Lek Map and the Gunnison County Gunnison Sage-grouse Occupied Habitat Map. The purpose of these maps is to place a landowner on notice that a parcel may contain sensitive wildlife habitat areas.

SITE-SPECIFIC INFORMATION PREVAILS. If the applicable decision-making body determines that a site-specific analysis demonstrates that a proposed activity is not located on a parcel that is wholly or partially within or near sensitive wildlife habitat or critical wildlife habitat, including Gunnison Sage-grouse occupied habitat, or within 0.6 miles of a known Gunnison sage-grouse lek, or that legally-created or natural physical characteristics are consistent with sensitive wildlife habitat, are permanent and create barriers to Gunnison Sage-grouse activity within occupied habitat or within 0.6 miles of a lek, then the requirements of this Section shall not apply to the proposed activity.

INITIAL SITE-SPECIFIC ANALYSIS REQUIRED FOR ACTIVITY PROPOSED ON A PARCEL THAT IS WHOLLY OR PARTIALLY WITHIN 0.60 MILES OF GUNNISON SAGE-GROUSE LEK OR OCCUPIED HABITAT. As part of the applicable required permit application review process, Gunnison County, in consultation with the Colorado Division of Wildlife, shall conduct an initial site-specific analysis of development that is proposed on a parcel that is wholly or partially within 0.60 miles of a Gunnison Sage-grouse lek. If the applicable decision-making body determines it necessary, the County also shall conduct a

site-specific analysis of a development that is proposed on a parcel that is wholly or partially within Gunnison Sage-grouse occupied habitat.

APPLICATIONS FOR BUILDING PERMITS, ACCESS PERMITS, INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMITS AND GUNNISON COUNTY RECLAMATION PERMITS ON A PARCEL THAT IS WHOLLY OR PARTIALLY WITHIN 0.60 MILES OF GUNNISON SAGE-GROUSE LEK OR OCCUPIED HABITAT. Development located on a parcel that is wholly or partially within 0.60 miles of a Gunnison Sage-grouse lek that requires a Building Permit, Access Permit, an Individual Sewage Disposal System Permit, or a Gunnison County Reclamation Permit, and any development classified as an Administrative Review Project pursuant to Article 4: Administrative Review Projects That Do Not Require Land Use Change Permits and Article 5: Administrative Review Projects That Require Land Use Change Permits shall be reviewed as follows. If the Planning Department determines during review of an application that the proposed use exceeds the classification criteria of an Administrative Review project, the criteria detailed in Section 3-111: B. 1: Additional Criteria shall be considered and the appropriate review process and submittals and an application for the applicable Land Use Change Permit shall be required to be submitted.

LOCATION WITHIN A 0.60 MILE RADIUS OF A GUNNISON SAGE-GROUSE LEK. All applications for Land Use Change Building Permits, Access Permits and Individual Sewage Disposal System Permits and Gunnison County Reclamation Permits shall be classified and initially reviewed as Administrative Review projects pursuant to Article 5: Administrative Review Projects That Require Land Use Change Permits when the property on which the activity or use is to occur is on a parcel that is located partially or wholly within a 0.60 mile radius of a Gunnison Sage-grouse lek.

LOCATION WITHIN GUNNISON SAGE-GROUSE OCCUPIED HABITAT. All applications for Land Use Change Permits, Building Permits, Access Permits, Individual Sewage Disposal System Permits and Gunnison County Reclamation Permits shall be classified and initially reviewed as Administrative Review projects pursuant to Article 4: Administrative Review Projects That Do Not Require Land Use Change Permits when the property on which the activity or use is to occur is located partially or wholly within Gunnison Sage-grouse occupied habitat.

PRE-APPLICATION CONFERENCE. Owner(s) of land may request a pre-application conference with Gunnison County staff to review Gunnison Sage-grouse issues that reasonably may arise from an application pursuant to this Section. Upon receipt of such request, Gunnison County staff, and as available a representative of the Colorado Division of Wildlife, will meet with the owner(s) to review such issues and to identify potential solutions. The Planning Department will coordinate the conference. Gunnison County shall consider the advice of applicant's wildlife biologist/ecologist or a similar qualified expert.

REFERRAL TO COLORADO DIVISION OF WILDLIFE AND ON-SITE CONSULTATION. The Planning Department shall forward a copy of the application(s) to the local office of the Colorado Division of Wildlife and schedule an on-site consultation with the applicant and/or applicant's representative, the Planning Department, Public Works Department and the Gunnison County Sage-grouse Conservation Coordinator and a representative from the Division of Wildlife, as available. The purpose of the on-site consultation shall include location of any lek or occupied habitat, identification of site-specific data to inform the review process, and identification of potential mitigation of Sage-grouse related issues. The on-site consultation shall be coordinated by the Planning Department.

TIMELINE FOR REVIEW. The County shall request that the Colorado Division of Wildlife submit comments about the application within 21 days after the on-site consultation; when comments are not provided within that time by the Division, the County shall proceed to complete the permit process without those comments.

REVIEW, REFERRAL TO COLORADO DIVISION OF WILDLIFE OF MINOR AND MAJOR IMPACT PROJECT APPLICATIONS. The Planning Department shall refer Land Use Change Permit applications for Minor or Major Impact projects to the local office of the Colorado Division of Wildlife for that agency's review and comments to make use of the expertise and judgment of that agency in the protection of sensitive wildlife habitat, and its recommendations, if any, to reduce or eliminate adverse impacts to sensitive wildlife habitat and species that may result from proposed development. It is intended that the Division of Wildlife will review the application and participate in on-site consultations and provide timely comments to the Planning Department that identify actions and/or recommendations to reduce or eliminate adverse impacts to wildlife.

MINOR IMPACT PROJECTS. The Department shall submit a copy of the Minor Impact project application to the Division pursuant to Section 6-106: E: Request for Review by Other Agencies or Departments, with a written request that the Division review the application and identify in a written response whether or not the parcel on which the land use change is proposed is located within sensitive wildlife habitat, and issues that it believes appropriate to be addressed during the permitting process. Based upon the Division's knowledge of a specific site, the Division may also recommend that a wildlife habitat analysis be conducted, pursuant to Section 11-106: F.: Wildlife

Habitat Analysis, which shall be required to be submitted by the applicant before a public hearing is scheduled on the Minor Impact project application.

MAJOR IMPACT PROJECTS. The Department shall submit a copy of the ~~Sketch~~ Preliminary Plan for a Major Impact project application to the Division pursuant to Section 7-302: C: Review and Comment by Review Agencies, with a written request that the Division review the application and identify in a written response whether or not the parcel on which the land use change is proposed is located within sensitive wildlife habitat and issues that it believes appropriate to be addressed during the permitting process. If the parcel is located within sensitive wildlife habitat, a wildlife habitat analysis conducted pursuant to Section 11-106: E: Wildlife Habitat Analysis shall be submitted by the applicant before the public hearing on the Preliminary Plan is scheduled.

PRE-APPLICATION CONFERENCE FOR MINOR OR MAJOR IMPACT PROJECTS LOCATED ON A PARCEL WHOLLY OR PARTIALLY WITHIN GUNNISON SAGE-GROUSE OCCUPIED HABITAT OR WITHIN 0.6 MILES OF A GUNNISON SAGE-GROUSE LEK. A Pre-Application Conference is required for any Minor or Major Impact project located wholly or partially on a parcel within Gunnison Sage-grouse occupied habitat or within 0.60 miles of a Gunnison Sage-grouse lek.

WILDLIFE HABITAT ANALYSIS OF MINOR IMPACT OR MAJOR IMPACT PROJECTS. If Colorado Division of Wildlife comments indicate that the proposed land use change for a Minor Impact or Major Impact project is within sensitive wildlife habitat, the applicant shall be required to submit a site-specific wildlife habitat analysis. The analysis shall evaluate the relevant physical features of the property, shall make a site-specific determination of the locations of wildlife habitat on the property, and shall describe how the proposed development will comply with Section 11-106: F: Standards for Development in Wildlife Habitat Areas. The analysis shall be prepared by a wildlife biologist/ecologist or similar qualified expert in consultation with the Colorado Division of Wildlife. It shall be submitted with the Preliminary Plan application for a Major Impact project, or before the public hearing is scheduled on a Minor Impact project, and shall contain the following:

MAP. A map of the property shall be submitted, depicting the activity patterns of the wildlife using the sensitive wildlife habitat, identifying, where relevant, migration routes, travel corridors or patterns, nesting, feeding, watering and production areas, and any critical connections or relationships with habitat adjoining, but outside of, the project site. The map shall also identify whether the land immediately surrounding the proposed land use change is privately owned or is public land owned by the U.S. Forest Service, U.S. Bureau of Land Management, Colorado Division of Wildlife, or other similar agency.

REPORT. A report shall be submitted that describes the activity patterns of the wildlife using the habitat, using a scientifically valid time period. It will also identify any species that use the property that are listed by the U.S. Department of the Interior or the State of Colorado as endangered, threatened, or are species of special concern.

EVALUATE IMPACTS. The report shall evaluate the potential impacts of the proposed land use change on the sensitive wildlife habitat and the species using that habitat, including whether it could be a threat to the viability of the species, cause a reduction in the diversity of wildlife species in the county, or change the status of its federal or state listing. The report shall identify the types of potential impacts that are anticipated (including stress due to human presence, interference with reproduction, change of migration routes, etc.) and the time periods (spring, summer, fall, winter, year-round, etc.) during which wildlife are expected to be affected by the proposed land use change.

CUMULATIVE IMPACTS. The report addressing any Major Impact project (and any proposed land use change classified as a Minor Impact project that the Planning Commission determines requires such evaluation) shall also evaluate the cumulative impacts on wildlife habitat beyond the project site. The report shall also address whether the cumulative impacts of the proposed land use change when added to the past and present impacts of other land use changes, will eliminate, reduce, or fragment wildlife habitat in the county to the extent that the viability of an individual species is threatened or the diversity of species found in the county is reduced, or the population of a species in the impact area will be significantly reduced.

MITIGATION PLAN. The report shall include a wildlife habitat mitigation plan that describes how the proposed development will comply with Section 11-106: G.: General Standards for Development in Wildlife Habitat Areas, providing detail regarding the avoidance, mitigation, and enhancement techniques, monitoring and performance criteria that will be employed.

GENERAL STANDARDS FOR DEVELOPMENT IN SENSITIVE WILDLIFE HABITAT AREAS. All development shall comply with the following standards when it is located on lands designated as sensitive wildlife habitat, including but not limited to parcels located partially or wholly in habitat areas delineated on the Gunnison County Gunnison Sage-grouse Lek Map; and the Gunnison County Gunnison Sage-

grouse Occupied Habitat Map, and all lands determined to be sensitive wildlife habitat pursuant to Section 11-106: B: Applicability.

MITIGATION OF ADVERSE IMPACTS TO SENSITIVE HABITAT. A proposed land use change must mitigate adverse impacts it causes to lands determined to be sensitive wildlife habitat including but not limited to a Gunnison Sage-grouse lek or occupied habitat. Proposed land use changes that are found to have a significant net adverse impact that cannot be mitigated upon sensitive wildlife habitat, shall be denied.

CONSIDERATION OF BENEFICIAL EFFORTS. Gunnison County shall consider, and affirmatively recognize as mitigation in the permitting process, conservation easements/covenants (and similar mechanisms), and documented management agreements/programs accomplished, or to be accomplished, in coordination with the Colorado Division of Wildlife or other agencies (such as the Natural Resources Conservation Service or the U.S. Fish and Wildlife Service) that are beneficial to the Gunnison Sage-grouse. Each case will be reviewed on an individual basis to determine if the easement, covenant or deed restriction satisfies all of these standards.

TERMS OF EASEMENT ARE PERPETUAL AND SATISFACTORY TO COUNTY. The terms of the existing easement, covenant or deed restriction are perpetual and acceptable to the County.

PRESERVED LANDS PROVIDE GUNNISON SAGE-GROUSE HABITAT. That both the preserved land provides Gunnison Sage-grouse habitat, and the restrictions imposed by the pertinent easement, covenant or deed restriction are sufficient to justify the determination that adverse impacts have been substantially or wholly mitigated by such preservation.

ADDITIONAL BENEFITS SUBSTANTIALLY OR WHOLLY MITIGATE ADVERSE IMPACTS. Additional preservation efforts substantially or wholly mitigate adverse impacts to sensitive wildlife habitat.

IRRIGATION DITCHES. Pursuant to Colorado law, owners of irrigation ditches have the right to maintain irrigation ditches, headgates and other diversion structures. Gunnison County shall not require mitigation that will interfere with the right of ditch owners to maintain ditches, headgates or other diversion structures.

MITIGATION TECHNIQUES. Mitigation techniques to protect wildlife species that the County determines may be impacted by a proposed land use change on lands identified in Section 11-106: B: Applicability, including, but not limited to:

LIMITATIONS. Requirements to avoid sensitive wildlife habitat during seasons the wildlife species use the habitat. When appropriate, the proposal shall include techniques to minimize human intrusion, including, but not limited to:

BUFFERS. Visual and sound buffers to screen structures and activity areas from habitat areas through effective use of topography, vegetation, and similar measures.

LIMITATIONS OF HUMAN ACTIVITIES DURING SENSITIVE TIME PERIODS. Seasonal avoidance limitations on, or stoppages of intrusive human activities during sensitive time periods, including limiting construction activities and recreational uses during sensitive time periods such as elk migration, elk calving or when sage grouse mating, nesting or brood rearing is occurring on parcels located partially or wholly in habitat areas delineated on the Gunnison County Gunnison Sage-grouse Lek Map or the Gunnison County Gunnison Sage-grouse Occupied Habitat Map.

LOCATIONAL CONTROLS. Controls on the location of development, so it does not force wildlife to use new migration corridors, or expose wildlife to significantly increased predation, interaction with vehicles, intense human activity, or more severe topography or climate, or encircle wildlife habitat with development.

WATERING AREAS. Measures to avoid disturbance of waterholes, springs, seepages, marshes, stream beds, stream banks, wetlands, streamside vegetation, ponds, and watering areas to the maximum extent feasible. Catchment basins may be required to prevent stream siltation.

HABITAT COMPENSATION. Requirements to develop additional habitat, or to acquire and permanently protect existing habitat to compensate for habitat that is lost to development, in the form of ongoing on-site or off-site wildlife habitat enhancement. Enhancement is the process of increasing wildlife carrying capacity on undeveloped habitat and may include prescribed burns, seeding, brush cutting, and fertilization, as determined to be appropriate

by the County, based on the advice of the Colorado Division of Wildlife or other technical experts.

DOMESTIC ANIMAL CONTROLS. Controls on domestic animals within or near areas of sensitive wildlife habitat. Dogs may be prohibited within one-half mile of elk, deer, and bighorn sheep critical winter ranges and winter concentration areas. The number of cats and dogs allowed in a development may also be limited.

DOGS AND CATS PROHIBITED OR CONTROLLED NEAR GUNNISON SAGE-GROUSE HABITAT. Requirements in the form of conditions of a permit, and/or inclusion within declarations of a subdivision's protective covenants enforceable by Gunnison County, may be required prohibiting, or requiring control by kenneling or other physically-secure methods within or near a 0.60 mile radius of a Gunnison Sage-grouse lek or within or near sensitive Gunnison Sage-grouse habitat.

PROTECTION FROM ANIMAL-BORNE DISEASES. Gunnison County may impose limitations on the introduction or possession of non-native species to lessen the possibility of the introduction of disease to native wildlife populations.

CONTROL OF NUISANCES. Controls on lighting, noise, excess use of fertilizers or pesticides, and similar nuisances that could have a significant net adverse effect on Gunnison Sage-grouse occupied habitat and the continued use of the area by other wildlife.

DENSITY RELOCATION. Residential development may be clustered to avoid sensitive wildlife habitat.

ROAD CONSTRUCTION. Requirements to avoid new road construction through sensitive wildlife habitat.

STREAM ALTERATIONS OR DIVERSIONS. Controls on alterations or diversions of streams to retain the character and productivity of the streams. Such alterations will be subject to all applicable local, state and federal codes and regulations.

ALTERATIONS OF EXISTING WET MEADOW/SAGE HABITAT INTERFACE AREAS. Controls on alterations of existing wet meadow/sage habitat interface areas.

STRUCTURES TO MINIMIZE HAZARDS. Requirements to design, locate, construct and maintain game-proof fencing, one-way gates, game underpasses, or other structures to minimize hazards to wildlife, such as requiring a minimum distance between high-power electric wires to avoid electrocution of eagles.

AGENCY ACCESS. Where applicable, the provision of access to Colorado Division of Wildlife or other applicable agencies to facilitate maintenance of wildlife and wildlife habitat.

STANDARDS SPECIFIC FOR DEVELOPMENT PROPOSED ON PARCELS THAT ARE WHOLLY OR PARTIALLY WITHIN 0.60 MILES OF A LEK, OR WITHIN OCCUPIED HABITAT OF GUNNISON SAGE-GROUSE. In addition to the standards and mitigation techniques included within this Section, the following standards shall apply specifically to development proposed on a parcel that is wholly or partially within a 0.60 mile radius of a lek, or within occupied habitat of the Gunnison Sage-grouse:

DISTURBANCE GUIDELINES. Development activity shall comply with the GUSG Disturbance Guidelines in the Gunnison Sage-grouse Rangewide Conservation Plan, Appendix 1, as may be adopted and amended from time to time by the Board.

LIMITATION ON HUMAN ACTIVITIES INCLUDING RECREATIONAL USES DURING GUNNISON SAGE-GROUSE SENSITIVE TIME PERIODS. Seasonal avoidance or limitations of intrusive human behavior during sensitive time periods, including but not limited to winter and when Gunnison Sage-grouse are mating or raising chicks.

UNDERGROUND UTILITIES REQUIRED NEAR GUNNISON SAGE-GROUSE LEKS. Utility lines shall be placed underground within 0.60 miles of a Gunnison Sage-grouse, to discourage avian predators.

FENCES. Design of fences other than those associated with agricultural operations shall ensure they do not adversely impact wildlife. Design standards for fences are as follows:

MAXIMUM HEIGHT. Fences shall not be higher than 42 inches.

MATERIALS. Fences should be limited to a maximum of three strands or rails. Rail fences should only use rounded rails. Wire fences should not be made of woven wire, unless they are used to enclose sheep or goats. Wire and rail fences shall have a kick-space (distance between the top

two wires or rails) of not less than 18 inches that uses wire or rail that has a smooth surface. The top rail should be made of a solid material in heavy use areas, to make it more visible to wildlife.

REMOVABLE SECTIONS. Fences in migration corridors should have removable sections or openings to allow for seasonal passage of wildlife. The applicant shall be responsible for removing fence sections when migration is occurring and replacing those sections when the season of migration has ceased.

UPGRADING EXISTING FENCES. As a condition of development approval, applicants proposing land use changes within sensitive wildlife habitat areas should agree to remove or to alter any existing fences on the property to comply with the above requirements.

FENCES AROUND RESIDENCES EXEMPT. Fences located in the immediate vicinity of a residence shall be exempt from these limitations.

DESIGN AND LOCATION. Fence location and design should minimize adverse impacts to sensitive wildlife habitat.

VEGETATION. Proposed land use changes shall be designed to comply with the recommendations of the Colorado Division of Wildlife regarding vegetation, and to preserve large areas of vegetation utilized by wildlife for food and cover. Roads shall be located on the edge of wildlife habitat areas, to prevent fragmentation of wildlife habitat. When native vegetation must be removed within habitat areas, it shall be replaced with native and/or desirable non-native vegetation capable of supporting post-disturbance land use. Individuals planting vegetation away from the homesite should consider using vegetation suitable for wildlife cover and food. Vegetation removed to control noxious weeds shall not be required to be replaced, unless the site requires revegetation to prevent erosion or noxious weeds from becoming established.

TIME ALLOTTED FOR REVEGETATION. Vegetation required pursuant to Section 13-115: Reclamation and Noxious Weed Control shall be established and growing within two growing seasons (730 days) of the issue date of the applicable Gunnison County Reclamation Permit.

CDOW ACCESS. Where applicable, the applicant shall continue to provide historical access or agreed-upon new access other than the historical access, for the Colorado Division of Wildlife to manage wildlife and to monitor wildlife activities.