

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
May 5, 2009**

The May 5, 2009 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Paula Swenson, 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 8:01 am.

**AGENDA REVIEW:** Assistant County Manager Crosby requested the agenda item Bid Award: Ohio Creek Intersection Project, be removed from the agenda.

**CONSENT AGENDA:** **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Consent Agenda as presented, and authorize appropriate signatures. Motion carried.

1. Acknowledgment of County Manager Approval to Submit Application; Colorado Common Grant Application; Temple Hoyne Buell Foundation; Gunnison County Department of Health and Human Services, Early Childhood Resources; \$22,920
2. Acknowledgment of County Manager Signature; Election Equipment Service Maintenance Agreement; Hart Intercivic; \$1,606.48
3. Out-of-State Travel Request; 55<sup>th</sup> Annual Rocky Mountain Mineral Law Institute; July 23-25, 2009; San Francisco, California; County Attorney David Baumgarten; \$994
4. Ratification of Approval; Grant of Perpetual Easements and Agreement; City of Gunnison and Board of County Commissioners of Gunnison County; North Valley Sewer Line and Lift Station
5. Grant Application; Community Foundation of the Gunnison Valley; Bright Beginnings; \$3,600
6. Consulting Agreement; Apex Nutrition, LLC; Screening, Education and Dietary Counseling; 6/1/09 - 6/30/10

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

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

1. **North Fork Valley Coal Mine Methane Capture and Electricity Generating Project; Letter of Support Request.** Details related to the request were presented. The project focused on old mine workings versus new mine operations. Commissioner Channell noted that Western State College was included in the project but what exact departments were slated for participation was unknown. **Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve the drafted support letter for the methane capture and electricity generation project near the North Fork Valley. Motion Carried.
2. **Legislation update:** A meeting between County Manager Birnie and John Nelson, RE-1J School District Superintendent was held to discuss upcoming legislation related to funding that could be allocated between the County and the School District. Mr. Nelson is supportive of the legislation as he understands the importance it may have for needed road and bridge projects for the County and a potential for additional funding not included in the current school district budget.
3. **Pitkin County Site Visit Invitation:** Pitkin County staff had been in contact with County Manager Birnie about a potential land exchange involving approximately 900 acres of land near the Curecanti National Recreation Area and an invitation to attend an on-site review of the project; the date was still to be determined. An invitation was extended to Pitkin County to attend presentations scheduled for the May 19, 2009 agenda.
4. **H1N1 Incident Update:** In response to the H1N1 (Swine) Flu potentially pandemic situation an Incident Command System (ICS) had been activated. A meeting with Incident Commander Dr. John Tarr was held to review Emergency Operations Plan elements including resolutions and the succession of authority. Overall, the situation was reported to be a positive experience for the development of relationships between the Health and Human Services Department, healthcare providers and first responding agencies. Anti viral medication from Secure National Stockpile (SNS) was delivered to Gunnison County. ICS was taking a measured approach and communicating preparedness, without causing panic. Concern was expressed that historically many pandemics of the 20<sup>th</sup> century had started with small outbreaks, appeared to diminish, then returned with a larger event and the importance of supporting personal preparedness efforts was emphasized.
5. **Attorney's Office Contract Renewal:** Annual review of employment evaluations and contracts for the Attorney's office staff was coming due and would need to be scheduled on a future agenda.
6. **County Policy Collection Update:** Commissioner Channell requested an update on compilation of county policies. County Manager Birnie reported that project was underway with staff gathering policy and procedure information from each department and delivering it to Administration for organization and indexing.

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

1. **Upcoming events:** A retirement celebration was scheduled for May 14, 2009 at 10:00 am at the Fred R. Field Western Heritage Center, Multipurpose Building for Public Works employee John Morrella. The same day the Annual Safety Banquet would be held at 12:00 pm at Donita's Cantina in Crested Butte. An invitation was extended for the Board to attend to both events.

2. **Ohio Creek Intersection Project Update:** Pre-bid walkthrough resulted in several responses with competitive bidding opening on May 14, 2009. Discussions lead to the preference for local contractors, however, the bid will be determined based on the best fit for needs of the project.
3. **Public Works Positions:** 6 summer temporary positions and 2 heavy equipment operator positions with a potential for a third position, were being filled through the Personnel Department hiring process.
4. **Kahn Property Acquisition:** An update of the project was provided. It was explained that Dr. Kahn will be out of the country and was hoping to complete the closing documents before he left town. **Moved**, by Commissioner Channell, seconded Chairperson Swenson to authorize County Manger Matthew Birnie to sign the closing documents for a real property acquisition from Dr. Kahn for realignment of the County Rd 48/County Rd 730 intersection. Motion carried.
5. **Resource Advisory Council:** LeeAnn Loupe, Public/Legislative Affairs with the U.S.D.A. Forest Service, contacted the County about an open position on the Resource Advisory Council. Encouragement for local applications will be made by placing an ad in the newspaper.
6. **Taylor River Road Project Update:** A letter to City of Gunnison referencing Ballot Issue 3A and the reconstruction of Taylor River Road will be drafted. The City had published basic information about the topic for the public in the newspaper. This letter would support the project and be submitted to the local newspapers for publication.
7. **Kebler/Cottonwood Pass Update:** A citizen expressed concern about the seasonal access to Kebler Pass as he would like the pass to be open year round to allow access to his property. Rhetoric posters with information about gas and oil residue contaminating the watershed in the Kebler Pass area were being posted in Crested Butte. It was noted how the content of the posters appeared to be inaccurate as they mentioned 2500 gallons of gas and oil pollution on the pass. The entire Public Work Department used approximately 600 gallons of gas and oil for all activities during their busiest month of the year. Kebler Pass was anticipated to be open in the coming week. Cottonwood Pass was being worked by crews from both Gunnison and Chaffee Counties and was expected to be open for the Memorial Day holiday.
8. **Industrial Park Update:** A log fence was built around the front portion of the Industrial Park. It was reported to provide the desired appeal to the property. The crew was complimented for their excellent job.

**TAYLOR RIVER RANCH PROPERTY ACQUISITION** – presented by Assistant County Manager Marlene Crosby, also present were Public Works Foreman, Jim Kint and Attorney, Rufus Wilderson. County Manager Crosby commented that proponents of the project have been cooperative and helpful with development of this proposal. Maps were used to detail the exact location of the project in the Taylor Canon near the Jack's Cabin cut-off.

Mr. Wilderson presented an idea to place the land required to complete the project in a utility corridor to preserve the property for future development. In exchange for land needed for infrastructure development, the County would provide the materials and build an access road to the development. Costs associated with the proposal were discussed as this development could be a future project and the land cost as well as material costs to complete the project were unknown. This exchange could allow for the needed elements of the project to be available without large costs to either the developer or Gunnison County. Approval was granted for staff to research and move forward on development of the logistics of the land exchange proposal for a later consideration.

**GUNNISON COUNTY PLANNING COMMISSION ORGANIZATION AND PROCEDURAL GUIDELINES; FINAL REVIEW AND POSSIBLE ADOPTION – PRESENTED BY PLANNING DIRECTOR JOANNE WILLIAMS**

A summary of the proposed changes was presented by Planning Director Joanne Williams. She highlighted specific changes to section 5b to assure the guidelines were in compliance with State statute.

**Moved** by Commissioner Channell seconded by Chairperson Swenson to approve the amendments to the Gunnison County Planning Commission guidelines as presented with the additions to section 5b to be consistent with State Law. Motion Carried.

**FEDERAL LEGISLATION TO REPEAL EXEMPTION OF HYDRAULIC FRACTURING FLUIDS UNDER THE SAFE DRINKING WATER ACT; SUPPORTING RESOLUTION AND CORRESPONDENCE TO REPRESENTATIVE JOHN SALAZAR – PRESENTED BY THE COUNTY ATTORNEY'S OFFICE**

County Attorney David Baumgarten was present for discussion. After review of recent comments included in the packet; the materials resulted in the request from the Board for staff to develop more information about both sides of this issue. A future Work Session agenda topic was requested.

**COLUMBINE MEADOWS SUBDIVISION; REQUEST FOR REVIEW AND APPROVAL; SECOND AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS – PRESENTED BY THE COUNTY ATTORNEY'S OFFICE**

County Attorney David Baumgarten was present for discussion. He advised that several verbiage changes were requested in a recent draft of the protective covenants. Commissioner Channell requested clarification about the access to the properties. It was explained that two entrances were created, one to The Kingdom Hall of the Jehovah's Witnesses, with a separate entrance accessing the Reynold's property and the subdivision.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson, for approval and authorizing the appropriate signatures to the second amendment for the declarative covenants of the Columbine Meadows Subdivision. Motion Carried.

#### **SEMI-ANNUAL BOARD OF COUNTY COMMISSIONERS REPORT DISCUSSION**

A previous request for staff to research the cost of placing a detailed ad in the newspaper explaining the valuation process for the County Assessor's Office was completed. The cost was approximately \$2,000 - \$8,000 per publication. As adequate information about the process was included in a much smaller publication, that was not in color, it was determined that the cost would be outside of the current budget.

Discussions led to how the Administration Office was working to become the communication center of the County, and implementation of the communications plan included advertising, a potential for extending the County Newsletter from a quarterly publication to six issues per year, and additional website enhancements. A diagnostic tool was recently included on the website to track use. The tool was too new for adequate data collection for valuable analysis web traffic trends. These communication methods will be considered for future communications.

#### **LOT CLUSTER APPLICATION; TRACTS 11 AND 12, PLUS 15'-0" OF ROADWAY IMMEDIATELY ADJOINING LOT 12; TAYLOR RIVER ACRES; PETER P. AND SUSAN C. DUNDA – PRESENTED BY PLANNING DEPARTMENT ADMINISTRATIVE SERVICES MANAGER BETH BAKER:**

Also present was Assistant Planning Director Neal Starkebaum. Administrative Services Manager Beth Baker explained how the property included an existing house structure. After review, it was discovered that the building was constructed on two separate lots. This request was to combine the two lots into one and to allow the extension of a private roadway to a proposed new garage building. This request would also accommodate the required setbacks. Commissioner Channell asked for confirmation of exact location of the property. Assistant Planning Director Starkebaum provided a map explaining detailed review of the exact proposed property location adjacent to the Taylor River Ranch development, just south of the Harmel's Ranch Resort.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve the lot application for lots 11 and 12 as well as 15 feet of setback and authorize signatures. Motion Carried.

#### **LOT CLUSTER APPLICATION; LOTS 5 AND 6; BLUE MESA VILLAGE; ARNOLD AND ELIZABETH VAN DER MEER – PRESENTED BY PLANNING DEPARTMENT ADMINISTRATIVE SERVICES MANAGER BETH BAKER:**

Also present was Assistant Planning Director Neal Starkebaum. Administrative Services Manager Beth Baker presented the details about how the property, if approved would be 1.19 acres in size. She further explained that the land was vacant with no developed driveway or septic system. The proposal was reviewed by both the homeowners association and utility providers.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson for approval of the proposed Lot Cluster for lots 5 and 6 of the Blue Mesa Village development for Arnold and Elizabeth Van der Meer. Motion Carried.

#### **LOT CLUSTER APPLICATION; LOTS 36A AND 37; BLUE MESA VILLAGE; WILLIAM AND BRENDA KNUTSON – PRESENTED BY PLANNING DEPARTMENT ADMINISTRATIVE SERVICES MANAGER BETH BAKER**

Also present was Assistant Planning Director Neal Starkebaum. Administrative Services Manager Beth Baker provided information about how this proposal, if approved, would result in a 1 acre lot. The property included a completed septic system and developed driveway. This proposal was reviewed by the homeowners association and utility providers.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve the clustering of lots 36A and 37 for William and Brenda Knutson. Motion Carried.

#### **ROAD NAME CHANGE REQUEST; MYSTERY LANE, ACCESS ROAD TO CLINE HOMESITES FROM HWY 135; 9-1-1 ADDRESSING PURPOSES – PRESENTED BY ASSISTANT PLANNING DIRECTOR NEAL STARKEBAUM:**

Assistant Planning Director Neal Starkebaum advised that the road currently used by several property owners was not officially named. The owners proposed authorization of the name Mystery Lane for 911 purposes. If approved the road would be formally named, while awaiting execution of the documentation by the developer.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson to formalize the route name to Mystery Lane as proposed. Motion Carried.

**REPLAT OF LOTS 54 THROUGH 64, AND 122 IN BLOCK 1; AND LOTS 64 THROUGH 73 AND LOTS 78 THROUGH 86 IN BLOCK 2; CRYSTAL RIVER FILING – PRESENTED BY ASSISTANT PLANNING DIRECTOR NEAL STARKEBAUM:**

Assistant Planning Director Neal Starkebaum presented information relating to the request to replat a boundary line adjustment for lots 64 through 73. An error in agenda posting was noted that lot 68 was not included. He further explained that action had already been taken for road vacation in preparation of this request. This request will combine 26 lots owned by Conger and replat them into 6 lots, all well over one acre. This proposal will help to address Raspberry Creek drainage concerns and helps reduce the housing density by 75%. The proposed changes provided a much cleaner look to the development and was not anticipated to affect lots with separate ownership.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve the replat of lots 54 through 64 and lot 73 through 78 and authorize appropriate signatures on the plat documents. Motion Carried.

**BOUNDARY LINE ADJUSTMENT; LOTS 23 AND 24; SILVERJACK SUBDIVISION; HUFF – PRESENTED BY ASSISTANT PLANNING DIRECTOR NEAL STARKEBAUM:**

Assistant Planning Director Neal Starkebaum advised that the actual lot numbers were Lot 23 and Lot 24 and that Lot 25 was not part of the proposal as included in the agenda. An existing BBQ pit was located on the proposed lot line. The proposed change would accommodate the existing features of the property.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve the line adjustment as proposed and authorize appropriate signature on the plat documents. Motion carried.

**BOUNDARY LINE ADJUSTMENT; SECTION 12, TOWNSHIP 14 SOUTH, RANGE 86 WEST, 6<sup>TH</sup> P.M.; TED COLVIN – PRESENTED BY COUNTY PLANNER CATHIE PAGANO**

County Planner Cathie Pagano, County Attorney David Baumgarten, Ted Colvin, Mike Potoker and John Nichols were all present for discussion. The original lot lines were reviewed on a map with the discussion leading to the proposed boundary line adjustment request to create 5 legally defined lots. Parcel 3, 2, 5 and 1 were noted to be odd shaped; the request was to make them more evenly shaped parcels. The geologic topography of the landscape was reviewed. Baumgarten explained that the land was previously owned by The Cattle Pool as land in common. The court divided the land using court partitions to legally subdivide the land and was exempted from the planning process. Other properties nearby that had been affected by the court partition were reviewed. Before any lot line adjustments were requested extensive research was performed to confirm the current boundaries. Mr. Potoker and Mr. Nichols had expressed concerns in a written document. County Planner Cathie Pagano reviewed the correspondence, it was decided that additional research was needed and that this agenda item would be tabled until a later date.

**BOUNDARY LINE ADJUSTMENT; BUILDING ENVELOPE B; RESORT CONDOMINIUMS AT SPRING CREEK; PAULETTE BLANCHET – PRESENTED BY COUNTY PLANNER CATHIE PAGANO**

County Planner Cathie Pagano and Developer, Eric Kowal were present for discussion. It was explained how this was a larger parcel that appeared to have an adequate envelope to build a residence. After additional review it was determined that the adjustment of 15 feet from a neighboring property would be needed as there was a steep hill. This request was to adjust the boundary line 15 feet to allow the home to be built on a natural flat portion of the property. It was also noted that the proposed septic elevation concerns would be alleviated with the proposed changes. The Homeowner's association was in support. Lien holders for the other property would not be effected.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson to authorize the boundary line adjustment as presented and appropriate signatures on appropriate documents. Motion Carried.

**MINOR IMPACT SUBDIVISION APPLICATION; LOT 18, OHIO MEADOWS, FILING 2; MICHAEL PELLETIER – PRESENTED BY COUNTY PLANNER CATHIE PAGANO**

Assistance Planning Director Neal Starkebaum, County Planner Cathie Pagano and Mike Pelletier were present for discussion. Covenants identified that each lot included a frontage of 250 feet was clearly indentified on the plat. All additional issues of concern had been resolved. Commissioner Channell requested modification to the resolution to reflect the needed approvals. Discussion then led to the development of the City of Gunnison 3 mile plan reference document. It was explained by Assistant Planning Director Neal Starkebaum that the City was aware of the ongoing conflict in policy, specifically, for the sewer line and that city covenants did allow for this type of activity.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson for approval of Resolution 2009-13 A Resolution Approving Land Use Change Permit No. 2006-09 A Land Use Change Permit for Michael and Peri Pelletier for the Subdivision of A 6.021-Acre Parcel into two parcels, each approximately three Acres in size as amended and authorize the proper signatures. Motion Carried.

Commissioner Channell requested a written documentation in the future when a Planning Department staff response to citizen issues was anticipated. Staff is cognizant when they are aware of potential issues to provide a memo. Communication methods and preferred map sizes were reviewed.

**CONTRACT NO. 300056582 BETWEEN QINETIQ, LTD AND BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO FOR THE PROVISION OF AIRCRAFT RESCUE FIRE FIGHTER (ARFF) COVERAGE – PRESENTED BY AIRPORT MANAGER JOHN DEVORE**

Airport Manager John DeVore and Director of Administration Kathie Lucas were present for discussion. The contract was reviewed with the time restrictions detailed. The process for ARFF coverage was reviewed in detail by Airport Manager Devore explaining how testing schedules and crew coverage. Citizen noise concerns were discussed with the noted airport concessions to address those concerns emphasized.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson for approval of contract with Qinetiq as presented. Motion Carried

**AIP ENTITLEMENT FUNDING OPTIONS – PRESENTED BY AIRPORT MANAGER JOHN DEVORE**

Airport Manager John DeVore and Director of Administration Kathie Lucas were present for discussion. It was explained how a funding allocation had been received, with a second distribution anticipated. Use of the funds was proposed to enhance the concrete slab to support larger equipment. It was proposed to borrow funds to complete the project then when the funds were allocated pay the note. The history of three past projects was reviewed. With a broom truck purchase loan now paid in full, the last payment on another project was planned only one loan remained. Discussions lead to the feasibility of the project and availability of contractors. It was noted that all the factors were in place to move the project forward.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson to approve the Airport Hard Stand FBO project as presented. Motion Carried.

**WAIVER REQUEST; 25'-0" SETBACK FROM PIONEER DITCH TO 16'-0"; 76 WILLOW TRAIL IN GOLD BASIN MEADOWS; AUDRIE AND JOSH TOWNSEND**

Airport Manager John DeVore and Director of Administration Kathie Lucas were present for discussion. Director of Administration Kathie Lucas explained how the owners of the water rights of the Pioneer Ditch were able to approve this request. This request was still pending agreement from property owner Joseph Schultheis. As the affected portion of the ditch was west of the airport, concern was expressed if the ditch was not maintained properly there was a potential for the water to backup onto airport property. To address this concern the airport staff proposed including verbiage in the waiver to allow access to the property for maintenance of the ditch bank. It was also recommended to include verbiage referencing the lack of County liability for the structure.

**Moved** by Commissioner Channell, seconded by Chairperson Swenson for approval of the setback waiver request for the owners of the Pioneer Ditch and for Audrie and Josh Townsend with the purposes of redrafting the letter to include potential liabilities, access concerns and a clause that acknowledges that this approval does not in any way include permit authorization and to authorize the appropriate notarized signatures on the document. Motion Carried.

**COLORADO RIVER WATER CONSERVATION DISTRICT REPORT – PRESENTED BY CRWCD REPRESENTATIVE BILL TRAMPE**

Bill Trampe was present for discussion. He reported that the Colorado River mediation process was moving forward as stakeholders are working together to negotiate a flow regime to meet stakeholders needs. Mr. Trampe shared his concern about Western Slope water being sent to other regions and the economic and social impacts that could result.

An update on recent legislation was provided including potential upcoming changes in agriculture use and return flows. He further reported how the dirt storms left a covering of dirt resulting in snow melt faster than anticipated and how these events may result in earlier than typical high water flows in local streams and rivers.

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

**COMMISSIONERS MEETING REPORTS:**

**Commissioner Channell:**

1. Town Hall Meeting: Commissioner Channell participated in a Town Hall Meeting hosted by Senator Schwartz and Representative Curry. The event was well attended with conversations taking place about stimulus monies and potential budget issue constraints at the state level.
2. Brothers of the Bear Presentation: As part of Community Based Organization (CBO) grant funding, the Crystal River Heritage Association was able to purchase video equipment and

sponsor a project with Clifford Duncan, Northern Ute Elder, to visit and share his knowledge in school presentations in Gunnison, Pitkin and Garfield Counties. Commissioner Channell was able to attend a presentation held in Gunnison at the Community School while several grade levels participated around an artificial fireplace. Video capturing equipment purchased with the CBO funds was used to capture the event.

3. Seventh Judicial District Meeting: A Commissioners Security Conference was announced for June 10 and 11, 2009. At the previous meeting held April 27, 2009 it was reported that a lack of language interpreters was causing issues in some courtrooms. It was further noted that several counties in the district were facing budgeting challenges as the courts are tenants without payment in Courthouses. An electronic kiosk model was proposed for some probation services. An additional caseworker may be considered for Gunnison County.
4. Multicultural Resource Center Forum: Both Commissioner Channell and Chairperson Swenson were in attendance at the event. The community was invited to participate in an introduction to the services available at the Multicultural Resource Center. As it was reported that grant funding was secured for several more years of sustainability, the executive staff examined the essential services provided to determine what funding sources could protect those services. Several alternatives for future funding were presented. Several participants who use the services offered thought that free services should not be expected as they were willing to pay a small fee and/or participate in fund raising events to contribute to the Center. Several staff members were available to provide interpretive services from Spanish to English allowing all to participate in the perspective changing experience.
5. Carbon Tax Presentation: A presentation was held in Crested Butte on May 1<sup>st</sup> by four Seniors from Western State College of Colorado about the feasibility of a Carbon Tax in the Gunnison Basin. The audience was primarily north valley attendees. Commissioner Channell was hopeful that future students would continue the project.

#### **Chairperson Swenson:**

1. Region 10 Update: Funding topics were reviewed, specifically for small businesses. A large loan in default was able to be restructured allowing the client to get payments back in compliance. .
2. Local Fund Raising: The American Cancer Societies Relay for Life event reported raising approximately \$63,000 and a benefit for High School Golf Tournament raised close to \$13,000 with the current economic climate the donations to these events was greater than expected.
3. Downtown Businesses update: Chairperson Swenson attended a meeting where 40 downtown businesses were represented and owners expressed concern about the slowing trends in business as well as lower tax revenue. The group brainstormed several ideas to help stimulate business: Host downtown events, promotions between businesses and help training staff so they are aware of products and services available to provide referrals to other businesses if they do not provide the product themselves, Summer Farmers Market expansion, development of a proposal to move downtown traffic lights in hopes of directing walking traffic onto south Main street and redirect traffic patterns was also being considered. Another follow up meeting was scheduled in the coming month, and then a quarterly meeting will be hosted. Gunnison Rising concerns were not addressed, but may be in the future.

**ADJOURN:** **Moved** by Commissioner Channell, seconded by Chairperson Swenson to adjourn the meeting. Motion carried. The meeting adjourned at 12:39 pm.

\_\_\_\_\_  
Paula Swenson, Chairperson

Absent  
\_\_\_\_\_  
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. 13 SERIES 2009A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2006-09  
A LAND USE CHANGE PERMIT FOR MICHAEL AND PERI PELLETIER  
FOR THE SUBDIVISION OF A 6.021-ACRE PARCEL INTO TWO PARCELS, EACH APPROXIMATELY THREE  
ACRES IN SIZE

WHEREAS, Michael Pelletier has submitted an application to subdivide a 6.021 acre parcel into two parcels, each approximately three acres in size. There is an existing single family residence and detached garage on the northeast portion of the lot. The applicant is proposing the subdivision of the parcel and the allowance for a single-family residence and secondary residence on each lot. The proposed building envelopes are noted on a site plan dated August 20, 2008. The applicant proposes that each lot be served by an individual well and individual sewage disposal system. The parcel on which the Land Use Change is proposed is north of the City of Gunnison in the Castle Mountain area. The parcel is legally described as Lot 18, Ohio Meadows, Filing 2. The subject parcel is located at 1257 Seneca Drive (also known as County Road 48); 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 September 5, 2008 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

## FINDINGS:

1. The project complies with the primary locational standards.
2. This project, by definition, is classified as a Minor Impact.
3. The applicant's proposal complies with the Protective Covenants of Ohio Meadows as noted in a letter dated March 17, 2006 from Ohio Meadows Subdivision Administrative Committee.
4. Lot 18 has 513.47 feet of frontage on Seneca Drive.
5. There is sufficient street frontage on Seneca Drive that lot 18a and 18b will have at least 250 feet of street frontage.
6. The proposed lot sizes are substantially similar to and compatible with other lots in the area.
7. A water court approved augmentation plan has been provided to the Planning Department at this time.
8. The applicant will utilize individual wells for the water supply.
9. The applicant has designed the building envelopes to be out of areas that have both 30% or greater slopes and high wildfire hazard.
10. Access will be from the existing County Road 48 (Seneca Drive); any new driveway shall be required to comply with the Gunnison County Road and Bridge Standards.
11. The subject parcel is in occupied sage grouse habitat.
12. This application is consistent with the standards and requirements of this *Resolution*.
13. 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. The final plat shall show at least 250 feet of street frontage for each of the proposed lots.
2. All flammable vegetation within 15 feet of all structures shall be removed for wildfire hazard mitigation purposes.

3. A water court approved augmentation plan shall be submitted to the Planning Department prior to this recommendation being reviewed by the Board of County Commissioners.
4. 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.
5. Domestic animals shall be controlled by kenneling, leashing, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
6. 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*.
7. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
8. 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.
9. 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.
10. 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. 2006-10, for Michael and Peri Pelletier 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 Chairperson Swenson and passed on this 5<sup>th</sup> day of May, 2009.