

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING MINUTES  
November 23, 2010**

The November 23, 2010 Gunnison County Board of County Commissioners meeting was held in the Gunnison County Board of County Commissioners' boardroom in the Gunnison County Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

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

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

**CALL TO ORDER:** Chairperson Starr called the meeting to order at 1:33 pm.

**CREEKSIDE SUBDIVISION APPROVAL:** Assistant Community Development Director Neal Starkebaum, Assistant Public Works Director Allen Moores, County Attorney David Baumgarten and developer Ted Colvin were present for discussion.

1. Resolution: Waiver of the Gunnison County Standards and Specifications for Road and Bridge Construction for the Creekside Subdivision Access Road. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #2010-50, a Resolution Waiving a Certain Provision of the Gunnison County Standard Specifications for New Construction of Roads and Bridges for Creekside Lane Lying Within Creekside Subdivision, Located Within Section 12, Township 14 South, Range 86 West, 6<sup>th</sup> P.M., County of Gunnison, State of Colorado. Motion carried. Chairperson Starr voted against the motion because of his belief that the road will drift and create an unsafe situation.
2. Resolution: Approving Creekside Subdivision NW4SE4 & SW4NE4 Section 12, Township 14 South, Range 86 West, 6<sup>th</sup> P.M., Gunnison County, Colorado LUC #2009-33. Modifications to the draft resolution were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #10-51, a Resolution Approving Creekside Subdivision NW4SE4 & SW4NE4 Section 12, Township 14 South, Range 86 West, 6<sup>th</sup> P.M., Gunnison County, Colorado LUC #2009-33. Motion carried. Chairperson Starr voted against the motion.

**BREAK:** The meeting recessed from 1:53 until 2:00 pm.

**TREASURER'S MONTHLY REPORT:** County Treasurer Melody Marks presented the October 2010 Treasurer's Monthly Report and an Investment Report dated October 31, 2010 for discussion and acceptance. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to accept the Treasurer's report for October and authorize the Chairperson's signature. Motion carried unanimously.

**WARRANTS AND TRANSFERS:** Finance Director Linda Nienhueser presented the Warrant Report dated November 23, 2010 and the Cash Transfer Authorization dated October 2010 for discussion and approval. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve the Warrants for November 23, 2010 in the amount of \$1,085,624.64. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Cash Transfer Authorization in the amount of \$2,313,779.87. Motion carried unanimously.

**ADJOURN:** **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:21 pm.

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Jim Starr, Chairperson

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Hap Channell, Vice-Chairperson

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Paula Swenson, Commissioner

Minutes Prepared By:

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

Attest:

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Stella Dominguez, County Clerk

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2010-50**

A RESOLUTION WAIVING A CERTAIN PROVISION OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR NEW CONSTRUCTION OF ROADS AND BRIDGES FOR CREEKSIDE LANE LYING WITHIN CREEKSIDE SUBDIVISION, LOCATED WITHIN SECTION 12, TOWNSHIP 14 SOUTH, RANGE 86 WEST, 6<sup>TH</sup> P.M., COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, a written petition by Colvin Properties, Inc., a Colorado corporation (hereinafter "Colvin Properties") was received by the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board"), requesting a waiver of a certain provisions of the Gunnison County Standard Specifications For New Construction of Roads and Bridges (hereinafter the "Standards and Specifications") for Creekside Lane lying within Creekside Subdivision located within Section 12, Township 14 South, Range 86 West, 6<sup>th</sup> P.M., County of Gunnison, State of Colorado; and

WHEREAS, the request is to waive the requirement of Section 4.4.2: Right-of-Way Width. To reduce the right-of-way width for Creekside Lane from 80 feet to 40 feet, specifically as follows:

1. There will be a ten (10) foot utility and snow storage easement south of the 40 foot right of way (between property lines and the road); and

2. The traveled portion of the right of way will be no less than twenty feet (20) wide; and

3. No more than the north fifteen (15) feet of the right-of-way will be used for snow storage; and

4. There are additional areas designated for snow storage as identified on the site plan titled "Site Plan Creekside Gunnison County, Colorado" created by Plan West Inc., dated December 2, 2005 and last revised on April 7, 2010; and

5. There will be a forty five (45) foot radius circle at the end of the right of way for a turn around.

WHEREAS, the Board has conducted a duly noticed public hearing regarding that petition.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO HEREBY FINDS that Colvin Properties, Inc. has established by clear and convincing evidence that:

1. The waiver is warranted by site specific conditions that make compliance with the Standards and Specifications technically unfeasible; and

2. The waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic; and

3. The waiver will not adversely affect public health and safety; and

4. The waiver will not cause substantial injury to the owner or occupant of adjacent land(s); and

5. The waiver will not cause substantial injury to the environment; and

6. The waiver will provide the functional equivalent of the Standards and Specifications.

THEREFORE, the Board of County Commissioners of the County of Gunnison, Colorado resolves as follows:

1. The standard for right-of-way width as identified in Section 4.4.2: Right-of- Way Width of the Gunnison County Standard Specifications For New Construction of Roads and Bridges is hereby reduced for Creekside Lane from 80 feet to 40 feet, specifically as follows:

A. There will be a ten (10) foot utility and snow storage easement south of the 40 foot right of way; and

B. The traveled portion of the right of way will be no less than twenty feet (20) wide; and

C. No more than the north fifteen (15) feet of the right-of-way will be used for snow storage; and

D. There are additional areas designated for snow storage as identified on the site plan titled "Site Plan Creekside Gunnison County, Colorado" created by Plan West Inc., dated December 2, 2005 and last revised on April 7, 2010; and

E. There will be a forty five (45) foot radius circle at the end of the right of way for a turn around.

2. This waiver is site specific and does not establish a waiver, or a precedent for a waiver, for any other property or land use.

3. Nothing in this Resolution is, or shall be construed to be, a waiver of the required horizontal sight distance(s) or vertical grades; those requirements have NOT been waived.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 23rd day of November, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

Channell – yes; Starr – no; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 10 - 51**

A RESOLUTION APPROVING CREEKSIDE SUBDIVISION  
NW4SE4 & SW4NE4 SECTION 12, TOWNSHIP 14 SOUTH, RANGE 86 WEST, 6<sup>TH</sup> P.M.  
GUNNISON COUNTY, COLORADO  
LUC #2009-33

WHEREAS, Ted Colvin, Colvin Properties, Inc., has submitted a land use change application for the subdivision of 9.09-acres, comprising six pre-existing, legal, into five reconfigured single-family residential lots:

- Lot 1 – 2.57-acres
- Lot 2 – 1.63-acres
- Lot 3 – 1.61-acres
- Lot 4 – 1.60-acres
- Lot 5 – 1.71-acres

The subdivision is shown on a plat titled *Plat of Creekside Subdivision*, prepared by Stephen Jessoe, PLS, All County Survey, Inc., dated July 20, 2010. A commons area, identified as the "River Park Easement", along the Slate River, for benefit of the owners of the subdivision, is identified on the plat and within the covenants. Lot 1 contains a parking area for four vehicles for parking and access to the "River Park Easement".

The applicant has submitted protective covenants, titled *Declaration of Protective Covenants of Creekside*, final revised set dated June 10, 2010, which will provide for specific design standards and limitations on each lot; and

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on June 4, 2010; and

WHEREAS, the Gunnison County Planning Commission approved a Recommendation of conditional approval of the *Creekside Subdivision* on September 3, 2010, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on October 19, 2010, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's September 3, 2010 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

1. The Planning Commission has classified the application as a Minor Impact Project, in consideration of the following:
  2. Review of information related to the configuration and number of existing parcels, created by a Court partition suit, by County Attorney David Baumgarten and Planning Director Joanne Williams and a recommendation of Minor Impact from Joanne Williams, Planning Director, in a letter of July 27, 2009.
  3. The number of existing lots, created by the Court partition suit, is the same as the subdivision proposal. The impacts from the development of the existing lots would be commensurate with the development of the proposed number of reconfigured subdivision lots.
  4. The incorporation of restrictive covenants, including limitations on one single family residence per lot, maximum aggregate square footage for buildings, required landscaping and identification of building envelopes will minimize potential impacts to the environment and surrounding area. Those impacts would be minor.
  5. The reconfiguration of the existing lots by this subdivision process will create no additional demand for services.
  6. The applicant has applied for a waiver to the Gunnison County Standards and Specifications for Road and Bridge Construction to reduce the right-of-way from 80 feet to 40 feet and that action has been approved by the Board of County Commissioners.
  7. The applicant has identified that potential wetlands, located below the toe of the slope, may exist on the property. The Planning Commission did not require a wetlands delineation because the applicant has designed the development and the Planning Commission has reviewed the application as though the potential wetlands were delineated wetlands, even though it is not all wetlands.
  8. The applicant has provided detailed mapping of the slopes and variable outer buffer, which was verified by the Commission during the site visit.
  9. The applicant has provided site-specific mitigation for potential impacts to water quality, for minor encroachment of the building envelopes into the Variable Outer Buffer, pursuant to Section 11-107: *Protection of Water Quality*.
  10. The subdivision plat was reviewed and approved by the County Attorney's office, as to form.
  11. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and Section 6-10: *Standards of Approval for Minor Impact Projects*.

12. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

Conditions of Approval:

1. This permit is limited to 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*.

2. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners.

3. The approval shall be memorialized by Board Resolution and Certificate of Minor Impact Project Approval.

4. A Development Improvements Agreement with Gunnison County, prepared by the Gunnison County Attorney's office, referencing the road construction plans, previously approved by the Gunnison County Public Works Department, prepared by Jerry Greene, P.E., titled "Creekside Road & Driveway Plan & Profile", dated April 15, 2010; and the landscaping & site plan, prepared by Ted Colvin, letter of June 9, 2010, shall be executed by the applicant and the Board of County Commissioners.

5. A performance bond, letter of credit or other means of surety acceptable to the County, shall be submitted to cover costs of construction of the road and landscaping of the parking area, plus 25 percent. Costs, including reclamation, for the road construction are to be detailed by the applicant's engineer, and costs for installation of landscaping, prepared by the applicant. In addition, costs shall include the costs of potential project management, as identified by the Gunnison County Public Works Department. Such costs shall be reviewed and approved by the Gunnison County Public Works Department, and that surety be retained by the County to such date as is acceptable to the County Public Works Director.

6. No work whatsoever regarding the project shall be initiated unless and until the Development Improvements Agreement is signed by the applicant and Gunnison County and funded to the satisfaction of the Gunnison County Attorney's Office and is recorded with the Office of the Gunnison County Clerk and Recorder, at the cost of the applicant, by Gunnison County.

7. The effective date of this approval shall be established by recordation, by Gunnison County, of the Certificate of Minor Impact Project Approval.

8. Upon execution of the Development Improvements Agreement, the Creekside Subdivision plat and *Declaration of Covenants of Creekside* shall be recorded with the Office of the Gunnison County Clerk and Recorder, at the cost of the applicant, by Gunnison County.

9. The applicant shall provide three copies of the recorded subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for inclusion into the rural addressing system. The following shall be completed upon recordation of the Plat:

- a. The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
- b. The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.

10. 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.

11. 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.

12. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

AND WHEREAS, on November 23, 2010, the Board of County Commissioners adopted Resolution No. 2010-50, approving the requested waiver to the *Gunnison County Standards and Specifications for Road and Bridge Construction*, for the Creekside Subdivision access road.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the *Creekside Subdivision* project is approved, subject to each and all conditions noted above.

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

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and passed on this 23<sup>rd</sup> day of November, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

Channell – yes; Starr – no; Swenson – yes.