

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
May 17, 2011**

The May 17, 2011 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Hap Channell, Chairperson  
Paula Swenson, Vice-Chairperson  
Phil Chamberland, Commissioner

Marlene Crosby, Assistant County Manager  
Katherine Haase, Clerk to the Board  
Others Present as Listed in Text

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

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

**MINUTES APPROVAL:** **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the minutes of April 5, 2011 as presented. Motion carried unanimously.

**CONSENT AGENDA:** **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Consent Agenda and authorize any signatures. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Proposal, Technical Review Services, McIntyre Flow Back Pits 1-4; Weaver Boos Consultants, LLC
2. Gunnison Basin Sage-grouse Strategic Committee Appointment; Division of Wildlife Nomination of Kathy Griffin as an Alternate Member
3. Release of Landscaping Improvements Agreement; John Murphy; Land Use Change Permit No 2006-54, Lot 28, Riverland Industrial Park
4. Out-of-State Travel Request; Gunnison County Housing Authority Executive Director KT Gazunis; Mountain Plains National Association of Housing and Redevelopment Officials (NAHRO) 2011 Annual Conference in Park City, Utah; \$1,045
5. Acknowledgment of County Manager Signature; Seventh Judicial District Victim Assistance and Law Enforcement Fund, Training/Equipment/COVA Scholarship Application; Gunnison County Victim's Assistance Program; \$1,713
6. Acknowledgment of County Manager Signature; Community Foundation of the Gunnison Valley Grant Application; Gunnison County Juvenile Services Department; \$6,500
7. Approval of Funding to the Gunnison Chamber of Commerce for Economic Development Meetings in the Amount of up to \$3,500 from Board of County Commissioners Discretionary Funding
8. Release of Deferral of Payment Agreement; Lot 28, Riverland Industrial Park, Filing 2; John Murphy
9. Acknowledgment of County Manager Signature; Fourth Amendment to Service Agreement and Fourth Amendment to Appendix A Compensation for Services; NGS American, Inc.; Increase in Administrative Fees for Handling Medical Claims
10. Consulting Agreement; New Horizons Computer Learning Center of Denver, Inc.; Professional Services Regarding Microsoft Windows and Office 2007 Training; \$5,200
11. Agreement; Resource Engineering Group, Inc.; Professional Services Regarding Commissioning Services for the Gunnison County Detention Center and Public Works Facility Projects; \$62,000
12. Acknowledgment of County Manager Signature; Construction Material Testing & Inspection Services Proposal Amendment; Buckhorn Geotech; Gunnison County Jail & Public Works Facilities

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

1. Scheduling; Public Hearing; Reestablishment of the Boundaries of the Commissioners' Districts of Gunnison County in Accordance with Revised Statutes (1973) 30-10-306. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to set the Public Hearing for Tuesday, June 21, 2011 at 1:00 pm for the commissioner redistricting. Motion carried unanimously.

**COUNTY MANAGER'S REPORT:** County Manager Birnie was not present for discussion.

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

1. McClure Pass Closure. Assistant County Manager Crosby informed the Board that the Pass was closed on 5/16/11 for a couple of hours due to a mud and rock slide. As well, a large boulder caused a great deal of damage to a portion of Kebler Pass.
2. Kebler and Cottonwood Pass Closures. Assistant County Manager Crosby informed the Board that she hopes to have Kebler Pass open by Memorial Day and Cottonwood Pass open by the Friday before Memorial Day.
3. Towner Property Update. Assistant County Manager Crosby informed the Board that she has received complaints about the property not being cleaned up, and possibly in worse condition than before. She asked for authorization to assist with this project in order to get it cleaned up.

Chairperson Channell wondered how much the remaining \$7,000 previously allocated to the now defunct Beautification / Scenic Corridors Committee (BSCC) will be able to help the project. The Board agreed that BSCC funds and County labor should be used to help rectify this problem.

4. Request for Road Closure; Kebler Pass; Chainless Race. Crested Butte Chamber of Commerce Visitor Center and Events Manager Scott Still was present for discussion. Assistant County Manager Crosby explained that the proposed 6/24/11 race would be run in the same manner as the one in 2010, so she recommended that the County follow the same process. Mr. Still stated that the race in 2010 was a very safe and successful event. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the request to close Kebler Pass for the Chainless Bike Race on June 24<sup>th</sup> and authorize any appropriate signatures. Motion carried unanimously. Mr. Still will share all appropriate details with the HOA president. Other advertisements and signage will be placed as necessary.
5. County Road 3. Chairperson Channell asked if there are any available federal funds that would help to avoid mud flows on CR 3 near Marble. Assistant County Manager Crosby stated that she has had this situation evaluated by the Army Corps of Engineers and geologic professionals, but that a cost-effective solution has not been found.

**BREAK:** The meeting recessed from 9:21 until 9:25 am in order to hold the below Public Hearing.

**PUBLIC HEARING; LIQUOR LICENSE; DOUBLE J ENTERPRISES, D/B/A SAPINERO TRADING POST:** Gunnison County Clerk and Recorder Stella Dominguez and Chief Deputy Clerk Kathy Simillion were present for discussion. The applicant, Jerilyn Tharp, arrived at 9:23 am.

1. Open Public Hearing. Chairperson Channell opened the Public Hearing at 9:21 am.
2. Public Notice Confirmation. Gunnison County Clerk and Recorder Dominguez confirmed that the Public Hearing had been properly public noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Gunnison County Clerk and Recorder Dominguez explained that the trading post will only sell 3.2% beer at this time. She felt that this store will be of benefit to the neighborhood.
5. Applicant Presentation. N/A.
6. Board Questions. The Board did not have any questions.
7. Public Comments. Chairperson Channell opened the Public Hearing to comments at 9:23 am, but no comments were received.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. Ms. Tharp stated that her overall goal is to restore the Sapinero area to reflect the history of the area.
10. Close Public Hearing. Chairperson Channell closed the Public Hearing at 9:25 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the liquor license for Double J Enterprises and authorize signatures. Motion carried unanimously.

**BOUNDARY LINE ADJUSTMENT; LOT 4, RIVERLAND INDUSTRIAL PARK AND ROZMAN RANCH PARCEL; JOHN NICHOLS AND JOHN ROZMAN:** Assistant Community Development Director Neal Starkebaum was present for discussion along with United Companies representative Pete Siegmund and John Rozman.

Assistant Community Development Director Starkebaum explained that Mr. Nichols and Mr. Rozman would be trading pieces of land in order to facilitate necessary road construction. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Boundary Line Adjustment for Lot 4 of the Riverland Industrial Park and authorize the Chairperson's signature. Motion carried unanimously.

**SUBDIVISION REQUEST; RELOCATION OF UNITED COMPANIES BATCH PLANT AND ROAD CONSTRUCTION; SOUTH OF RIVERLAND INDUSTRIAL PARK; JOHN ROZMAN:** Assistant Community Development Director Neal Starkebaum was present for discussion along with United Companies representative Pete Siegmund, John Rozman and NCW Project Engineer Norm Whitehead.

Assistant Community Development Director Starkebaum explained that the County has been involved with this project since late 2010. The request to subdivide three acres from the Rozman Ranch would facilitate the relocation of the existing batch plant while also helping with safety and access issues. The

site is an existing mining area with berm buffering. The Planning Commission forwarded a recommendation to the Board on 5/6/11. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-20, a Resolution Approving the RU Subdivision Batch Plant Relocation, Construction of Access Road; Part of Lot 1, All Lots 2, 3, 4, Part of SE1/4NW1/4, (Less 18.68a in S1/2NW1/4), E1/2SW1/4, 33.93 Ac in SW1/4SE1/4, 0.41 Ac in SE1/4SE1/4, Section 18, All Lot 1, E1/2NW1/4, 3.514a in W2NW4NE4, Section 19, Township 14 South, Range 85 West 6<sup>th</sup> P.M., Gunnison County, Colorado, LUC-2010-32, and authorize signatures on the resolution and also to authorize the signature of the Chairperson on the plat. Motion carried unanimously.

**SUBDIVISION REQUEST; ALPENGLOW RANCH FOR THE CRESTED BUTTE LAND TRUST (CBLT); LOCATED AT THE INTERSECTION OF HIGHWAY 135 AND CEMENT CREEK ROAD WITHIN SECTION 28, TOWNSHIP 14 SOUTH, RANGE 85 WEST, 6<sup>TH</sup> PM:** County Planner Cathie Pagano and CBLT Executive Director Ann Johnston were present for discussion.

County Planner Pagano presented a draft resolution with changes that had been requested by County Attorney David Baumgarten. The parcel involved is 36.77 acres in size, with a conservation easement in place on the larger portion of the parcel. The subdivision would create a 3.77-acre parcel around the existing home site.

Chairperson Channell noted the well restriction on the second well had been resolved by the covenants. He questioned how approval may affect the trail easement and Ms. Johnston explained that the homestead could be moved back away from the trail or that another agreement could be formalized. Assistant County Manager Crosby felt that this dry section of right-of-way could work well with the trail.

Commissioner Chamberland asked for further information about the 3.77-acre size. Ms. Johnston explained that this proposal would follow the contour of the ditch and encompasses the basic area.

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-21, a Resolution Approving Land Use Change Permit No. 2008-05, a Land Use Change Permit for the Crested Butte Land Trust for the Subdivision of a 36.77-Acre Parcel into Two Lots, authorize signatures, and also authorize the Chairperson's signature on the plat. Chairperson Channell pointed out that the Planning Commission recommended approval of this request. Motion carried unanimously.

**COMMISSIONER ITEMS:** This discussion began earlier than scheduled due to an unforeseen gap.

**Chairperson Channell:**

1. Gunnison City Council Swearing In Ceremony. Chairperson Channell attended this recent event. Jonathan Houck is now the Mayor and Ellen Harriman is the Mayor pro tem. Mayor Houck and Councilor Bill Nesbitt will represent the Council at Rural Transportation Authority meetings. Councilor Bob Drexel will represent the Council at Region 10 meetings. Councilor Edmund Seymour will represent the Council at Tourism Association meetings. Mayor pro tem Harriman and Councilor Seymour will represent the Council at Housing Authority Advisory Board meetings.
2. Town of Marble. Chairperson Channell received a copy of a draft pamphlet that the Crystal River Historical Heritage Association created. The pamphlet will be distributed in the near future. Also, Chairperson Channell was approached by a citizen that had concerns about the road conditions within Marble. Since the County has no jurisdiction within the incorporated town, he suggested that the citizen contact a Marble Town Councilor. The Board agreed to discuss options with the Town Council during the upcoming joint meeting in August.
3. Public Health Stakeholder Meeting. Chairperson Channell attended this recent meeting along with representatives from many local organizations. A report will be generated by the group.

**BREAK:** The meeting recessed from 10:22 until 10:32 am for a short break and then 10:32 until 10:39 am to convene as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

**APPROVAL OF AGREEMENT AND PROCESS FOR WORKFORCE LINKAGE FEE PAYMENT DEFERRALS:** County Attorney Baumgarten was present for discussion.

Modifications to the agreement were discussed and agreed upon. The fee will be assessed on the date that the permit is pulled. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the agreement and process for Workforce Linkage Fee payment deferrals for those that choose to use it. Motion carried unanimously.

**COMMISSIONER ITEMS (continued):**

**Commissioner Swenson:**

1. Rural Transportation Authority (RTA). Commissioner Swenson and Commissioner Chamberland attended this recent meeting. The RTA has not reached agreement with United Airlines or Continental Airlines. During the meeting, there was good dialogue related to future operations between the RTA and Crested Butte Mountain Resort.

**Commissioner Chamberland:**

1. American Stewards Meeting. Commissioner Chamberland attended this recent meeting in Montrose. If any additional information is available to him at the Colorado Counties, Inc. conference in June, he will compile the supplemental materials for the Board.

**ROAD NAME CHANGES; MARBLE, COLORADO:** Geographic Information Services Manager Mike Pelletier and County Attorney Baumgarten were present for discussion.

Geographic Information Services Manager Pelletier presented a draft resolution for consideration. He illustrated each of the roads and their locations utilizing a large map of the subject area. Further, he confirmed that the local residents were notified and did not oppose any of the name changes. The County website will be updated by the end of the week and 9-1-1 will be updated by next week. Assistant County Manager Crosby requested that the local fire protection district be notified. Geographic Information Services Manager Pelletier will notify all pertinent parties, including the affected residents. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt resolution #2011-22, a Resolution Approving Road Name Changes in the Marble Area, Gunnison County, Colorado. Motion carried unanimously.

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

**COMMISSIONER ITEMS (continued):**

**Commissioner Swenson (continued):**

2. Western State College (WSC) Flag Program. Commissioner Swenson informed the Board that the flags were utilized during graduation weekend and that a lot of great comments were received. Unfortunately, one flag succumbed to the strong winds. The flags will be used on ten additional occasions. Representatives from WSC are responsible for putting the flags up each morning and then taking them down each evening.

**BREAK:** The meeting recessed from 11:30 am until 1:01 pm for lunch.

**CORRESPONDENCE; COMMISSIONER SIGNATURE STAMPS:** The Board agreed that the creation of signature stamps is a good idea and asked that County Administration staff proceed with the order.

**REPORT AND DISCUSSION; SERPENTINE ROAD, MARBLE; PHYSICAL VS. LEGAL LOCATION:** Assistant Public Works Director Allen Moores and County Attorney Baumgarten were present for discussion.

Assistant County Manager Crosby informed the Board that a survey company performed a GPS survey of the road to determine the extent of the errors. A large map was used to illustrate the physical and legal inconsistencies on Serpentine Road. The road has been in existence in its present location for more than 20 years.

County Attorney Baumgarten explained that the Marble Metro District created the road, although the County has authority over it. The County has solved this type of issue at least once by use of quiet title litigation. The County may also be able to narrow the road, compared to what has been platted. County Attorney Baumgarten suggested that the property owners be polled to determine whether or not they want to solve the situation before the County decides on the steps to take. The Board agreed with County Attorney Baumgarten's proposed solution.

**ENFORCEMENT; DONOVAN MOSS PROPERTY:** County Attorney Baumgarten, Community Development Department Director Joanne Williams, Assistant Community Development Director Starkebaum, property owners Mr. and Mrs. Donovan Moss, attorney Dean Price and resident Lori Patin were present for discussion.

Community Development Department Director Williams asked for direction from the Board. She explained that this issue began in April 2009 when Mr. Moss was determined to be operating a commercial salvaging operation on his property in the Quartz Creek area. At that time, Mr. Moss was contacted to determine whether or not he would be willing to correct the problem informally. The County's Enforcement Team took over the case sometime after that. Several onsite inspections have been completed and, during one of those inspections, Environmental Health Official Richard Stenson did not find any Environmental Protection Agency reporting issues. An official complaint was filed by Mr. Moss' neighbor, Ms. Patin, on 4/14/11.

Assistant Community Development Director Starkebaum stated that he sent correspondence to Mr. Moss on 5/10/10 explaining that enforcement action might be initiated. On 5/27/10, Mr. Moss requested a 60-day extension so that he could investigate various relocation options. On 6/29/10, the County received correspondence from Mr. Moss stating that the commercial business was no longer in operation.

Assistant Community Development Director Starkebaum explained that, in response to Mr. Moss' claim, the Enforcement Team performed a site visit on 7/13/10 to evaluate the current situation. Photographs taken during that site visit were made available to the Board during the discussion. A subsequent site visit was performed in October 2010 during which time the Team noted that many materials had been removed from the property. A recent site visit was performed on 4/26/11 and photographs taken during that site visit were made available to the Board during the discussion. The photographs suggest that the automobile batteries and many of the vehicles have been removed. A lot of the remaining equipment can be classified as old ranching equipment. A couple of berms have been constructed on the property to shield equipment and noise from neighboring properties. Mr. Moss stated that he has not brought any vehicles for cleaning to the property since last fall. Per Assistant Community Development Director Starkebaum, Ms. Patin has reported that semi-trailers carrying vehicles continue to be present on the property. Assistant Community Development Director Starkebaum stated that Mr. Moss has been cooperative with the County.

Community Development Department Director Williams noted that it is difficult to define the line between a private operation and a commercial operation for the resale of vehicles and equipment. However, she stated that her staff is in agreement that the suspect operations had ceased and that no violations of the Gunnison County Land Use Resolution (LUR) were present as of December 2010.

Chairperson Channell asked the Moss' if they are running a commercial salvage operation from their property. Mrs. Moss stated that they ceased all commercial operation on the property as soon as they were asked to do so and that the only items currently found on the ranch are of a personal nature. She further stated that the semi-trailer is often housed at the property overnight so that it can be prepared for early morning trips out of the area.

Chairperson Channell stated that it is difficult to tell from the photographs whether or not significant amounts of material have been removed from the property.

Representing Ms. Patin, Mr. Price informed the Board that commercial activities are still happening on the property. Materials such as boats, large commercial vehicle batteries, tires and scrap metal are still being brought to the site for salvage. Ms. Patin does not believe that the materials are personal in nature and feels that the operation is negatively impacting her life and her property value. Mr. Price stated his opinion that Mr. Moss' operation is not compliant with the LUR.

Mr. Price expressed concern that neither he nor his client had been informed of the meeting and only found out by happenstance. Ms. Patin wondered why this operation did not have to follow the LUR process of returning the land to its original condition since no permits were issued.

County Attorney Baumgarten suggested that he and the Board go into an executive session with the County Manager, the Assistant County Manager, the Community Development Department Director, the Assistant Community Development Director and the Assistant Public Works Director for the purpose of seeking legal advice on the applicability of the LUR. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to go into executive session with the persons outlined by the County Attorney and for the purpose stated. Motion carried unanimously. The participants of the executive session relocated to County Attorney Baumgarten's office for the duration of the executive session.

The board went into executive session at 1:48 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

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Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.


Date: June 20, 2011

  
 David Baumgarten  
 Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: June 14, 2011

  
 Hap Channell, Chairperson  
 Gunnison County Board of Commissioners

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The Board came out of executive session at 2:15 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made. No electronic record was kept because the discussion encompassed an attorney/client consultation.

Chairperson Channell stated that the situation needs further evaluation. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to instruct the Enforcement Team to move forward to a solution by utilizing the following technique:

1. The Enforcement Team will perform a site visit with both parties on site; and
2. The parties will reach an agreement on the timeframe to reduce the private collection; and
3. An itemized list of those materials considered to be part of the Moss' private collection will be created; and
4. There will be no further importation of items onto the property, and there will be a resulting net decrease in the collection. This will be relevant to items actually on the ground, so a loaded tractor trailer will be allowed; and
5. There are still Land Use Change options available for the Enforcement Team to discuss with both parties; and
6. This issue will move forward with a negotiated and agreed upon solution.

Motion carried unanimously.

**GUNNISON SAGE-GROUSE ENDANGERED SPECIES ACT; POSSIBLE ACTION; POSSIBLE EXECUTIVE SESSION:** County Attorney Baumgarten and Gunnison Wildlife Conservation Coordinator Jim Cochran were present for discussion.

Gunnison Wildlife Conservation Coordinator Cochran informed the Board that the Fish & Wildlife Service (FWS) is in the process of drafting a decision regarding the possible listing of the Gunnison Sage Grouse as an endangered species. The process began at the end of April and should be complete within approximately 15 months. When complete, the FWS decision may very well be not to list the species, but all indications are that it will be listed. Community feedback is that the County may be in a different position at the end of the timeframe because it might be asked to join in litigation at that point. Because of this, he stated his desire to ensure that County actions between now and then do not jeopardize the County's ability to join litigation in the future.


County Attorney Baumgarten proposed that he and Gunnison Wildlife Conservation Coordinator Cochran provide more frequent updates to the Board. During the 15-month process, there will be no opportunities to inform or to provide comments to the FWS unless the County is asked to do so. For 12 months after the proposed rule is made public, there will be opportunities to provide comment. The Board asked to be kept informed as important updates are available.

Gunnison County Wildlife Conservation Coordinator Cochran stated that the Gunnison Basin Sage-grouse Strategic Committee had been working to preclude the listing or to soften the landing if the species is listed. Because of this, he feels that the Committee is still viable because it can work to soften the effects of a listing by, among other things, identifying habitat.

**ADJOURN:** **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:35 pm.

  
 Hap Channell, Chairperson

  
 Paula Swenson, Vice-Chairperson

  
 Phil Chamberland, 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 GUNNISON COUNTY  
RESOLUTION NO. 11 - 20**

A RESOLUTION APPROVING THE RU SUBDIVISION  
BATCH PLANT RELOCATION  
CONSTRUCTION OF ACCESS ROAD  
PART OF LOT 1; ALL LOTS 2, 3, 4; PART OF SE1/4NW1/4; (LESS 18.68A IN S1/2NW1/4) E1/2SW1/4.  
33.93 AC IN SW1/4SE1/4. 0.41 AC IN SE1/4SE1/4. SECTION 18;  
ALL LOT 1, E1/2NW1/4. 3.514A IN W2NW4NE4  
SECTION 19, TOWNSHIP 14 SOUTH, RANGE 85 WEST 6<sup>TH</sup> P.M.  
GUNNISON COUNTY, COLORADO  
LUC-2010-32

WHEREAS, the applicant, John Rozman, represented by John McClow, requests a land use change permit for the following:

Subdivision of 3-acres from a 369-acre parcel that will provide a fee simple lot for the new location of the United Companies concrete batching plant and weigh scale. The use of the 3-acres will be limited to the industrial construction processing operation. The request includes the relocation of the existing concrete batch plant operation from the west side of the Slate River to the proposed 3-acre parcel. Additionally, a new access road will be constructed, which will be located 200 feet south of the existing southern Riverland Industrial Park entrance, and will include right-hand and left-hand turn lanes. The new road will connect with Buckley Drive and the old Buckley Drive/Highway 135 intersection will be closed and reclaimed. Lot 4, Riverland Industrial Park will be modified to provide access for the new road.

The subdivision is shown on a plat titled "Plat of RU Subdivision", prepared by NCW & Associates, Inc., dated May 12, 2011, incorporated hereto and incorporated herein. The use of the subdivided lot will be solely for the use of the mining and concrete batch plant operations. No other use of the lot is approved or contemplated at this time. Plans for the road construction titled "John Rozman & Riverland Industrial Park Interior Access Roadways, Gunnison County, Colorado", have been prepared by NCW & Associates, Inc., dated November 4, 2010.; and

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on April 15, 2011; and

WHEREAS, the Gunnison County Planning Commission approved a Recommendation of conditional approval of the requested subdivision and project on May 6, 2011, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on May 17, 2011, 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 May 6, 2011 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

1. The application is classified as a Minor Impact Project.
2. Sufficient buffering exists between the proposed site and Highway 135.
3. The use is compatible with existing uses in the immediate area.
4. The use is consistent with the Town of Crested Butte Area Plan and complies with Section 10-104; Primary Locational Standards.
5. Allen Moores, Gunnison County Public Works, has reviewed and approved the road plans, titled "John Rozman & Riverland Industrial Park Interior Access Roadways, Gunnison County, Colorado", have been prepared by NCW & Associates, Inc., dated November 4, 2010.as noted in comments of February 18, 2011.
6. The Crested Butte Fire Protection District has reviewed and approved the proposed subdivision, as noted in a letter of March 3, 2011.
7. The Colorado Department of Transportation has issued a State Highway Access Permit, No. 310086, dated July 12, 2010, for Industrial Park and Gravel Pit Operations, for the new access road.

8. 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*.
9. This review and recommendation 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.

**RECOMMENDATION:**

The Gunnison County Planning Commission, having considered the submitted plans, exhibits, site specific mitigation, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2010-32 be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Plans 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. The subdivision plat shall be reviewed and approved by the County Attorney's office. Approval shall not be effective until the plat is signed by the Chairperson of the Board of County Commissioners and is recorded with the office of the Gunnison County Clerk and Recorder.
3. No asphalt batch plant, either temporary or permanent, shall be located on the 3-acre parcel.
4. Dogs and other domestic animals shall not be permitted on the 3-acre parcel.
5. The approval shall be memorialized by Board Resolution/Certificate of Minor Impact. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
6. County road maintenance is not provided to this property as of the date of this approval. This approval shall not be interpreted to imply, nor shall it obligate the County to maintain or provide snowplowing in the future. All maintenance, dust control and snowplowing shall be the responsibility of the property owner(s).
7. A Development Improvements Agreement with Gunnison County shall be submitted by the applicant, subject to approval by the Gunnison County Attorney's office, referencing the road construction plans, titled "John Rozman & Riverland Industrial Park Interior Access Roadways, Gunnison County, Colorado", prepared by NCW & Associates, Inc., November 4, 2010, shall be executed by the Board of County Commissioners. The Board Resolution/Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
8. 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, plus 25 percent. Costs, including reclamation, for the road construction are to be detailed by the applicant's engineer. Such cost shall reviewed 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. The Board Resolution/Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
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.
10. The following shall be completed upon recordation of the Plat:
  - 1) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
  - 2) The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
11. 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.
12. 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.
13. 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 the requested subdivision and 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 Swenson, seconded by Commissioner Chamberland, and passed on this 17<sup>th</sup> day of May, 2011.

BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 21, SERIES 2011**

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-05 A LAND USE CHANGE PERMIT FOR THE CRESTED BUTTE LAND TRUST FOR THE SUBDIVISION OF A 36.77-ACRE PARCEL INTO TWO LOTS

WHEREAS, The Crested Butte Land Trust has submitted an application to subdivide a 36.77-acre parcel into two lots, one 3.77-acre parcel (Lot 1) and a 33-acre parcel (Lot 2), named Alpenglow Ranch. There are an existing single-family residence, quonset hut, barn, shop, two individual wells and individual sewage disposal system on Lot 1. Lot 2 is vacant. The applicant is proposing that two residences and one barn be allowed on Lot 1. Lot 2 is to remain as open space and is protected by a conservation easement recorded at Reception No. 580138 in the Gunnison County Clerk and Recorder's office; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on December 17, 2010 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions; and

**FINDINGS:**

1. This project, by definition, is classified as a Minor Impact.
2. There are existing improvements on Lot 1 that include, but are not limited to, a single-family residence, outbuildings, an individual sewage disposal system and two individual wells.
3. The existing single-family residence is approximately 1,100 square feet.
4. The proposed Restrictive Covenant regarding Lot 1 states that the aggregate square footage (excluding the existing single-family residence) permitted on Lot 1 shall not exceed 3,920 square feet.
5. The proposed Restrictive Covenant identifies a maximum building height of 20 feet.
6. A conservation easement, recorded at Reception No. 580138 in the Gunnison County Clerk and Recorder's office designates Lot 2 as open space.
7. The subject parcel is adjacent to agricultural operations.
8. One existing well permit (Permit No. 278137) is valid for one single-family residence, fire protection, and the irrigation of not more than ½ acre of home gardens and lawns. The second well permit (Permit No. 278138) is valid for watering of livestock on a farm or ranch.
9. A second residence may require a plan for water augmentation.
10. The existing septic tank is not functioning in compliance with Gunnison County ISDS Regulations, according to Gunnison County Environmental Health Specialist, Richard Stenson. Prior to any use of the existing single-family residence on the subject parcel approval must be received from the Gunnison County Environmental Health office.
11. A property owner is required to construct and maintain fencing in order to keep livestock off his/her property in compliance with Colorado's "fence-out" requirements.
12. An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.
13. This application is consistent with the standards and requirements of this *Resolution*.
14. 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. There shall be no use whatsoever of the existing single-family residence until written notice of compliance with the Gunnison County *Individual Sewage Disposal System Regulations from the Gunnison County Environmental Health Inspector*.
2. Prior to the issuance of any building or individual sewage disposal system permits for a second residence the applicant shall provide documentation that there is a legal and adequate supply of water for two residences.
3. To the maximum extent feasible a secondary residence shall be legally and physically served by the same water and wastewater treatment systems that serve the primary residence.
4. Domestic animals must be controlled by kenneling, leash, fencing or other physical restraint. Any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or the individual.
5. 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*.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. 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.
8. 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.

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2008-05, for the Crested Butte Land Trust 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 Swenson, seconded by Commissioner Chamberland, and passed on this 17<sup>th</sup> day of May, 2011.

BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 11 - 22**

**A RESOLUTION APPROVING ROAD NAME CHANGES IN THE MARBLE AREA  
GUNNISON COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") has determined that several road name changes are needed in the Marble area to remove duplication, confusing and unnecessary name changes along certain portions of road, and other errors for the purpose of timely response by emergency service personnel; and

WHEREAS, landowners that will be affected by the road name changes have been notified by mail and, in some cases by telephone. Some of those effected landowners have elicited suggestions for new road names that meet emergency services addressing standards and some of those road names have been chosen; and

WHEREAS, it has been recommended to the Board that the following road names be changed as also illustrated in Appendix "A" attached hereto and incorporated herein:

1. That a portion of West Village Dr heading south from Serpentine Trail within plat of Marble Ski Area 2, recorded with the Gunnison County Clerk and Recorder, at Reception No. 282563, be renamed to "Hoka Hey Trail"; and

2. That a portion of West Village Dr between Serpentine Trail and Prospector Trail within plat of Marble Ski Area 4, recorded with the Gunnison County Clerk and Recorder, at Reception No. 283309, be changed to extension of "Serpentine Trail"; and

3. That a portion of Marble Village Dr. that is located northeast of County Rd 3 within plat of Marble Ski Area 3, recorded with the Gunnison County Clerk and Recorder, at Reception No. 283029, be changed to extension of "Serpentine Trail"; and

4. That a portion of West Village Dr heading north from Marble Village Dr on west side of Marble town site within plat of Marble Ski Area 1, recorded with the Gunnison County Clerk and Recorder, at Reception No. 282562, be changed to "Galo Hill Drive"; and

5. That a portion of Marble Village Drive heading west from West Main Street, within plat of Marble Ski Area 1 & 2, recorded with the Gunnison County Clerk and Recorder, at Reception No. 282562 and 282563 respectively, be changed to an extension of "West Main St"; and

6. That a portion of Daniels Hill Rd heading north off County Rd 3, within plat of Marble Ski Area Condo Filing 1, recorded with the Gunnison County Clerk and Recorder, at Reception No. #285757 & #462722, be changed to an extension of "Marble Village Drive"; and

7. That a portion of Marble village Drive that approaches Carbonate creek, within plat of Marble Ski Area Condo Filing 1, recorded with the Gunnison County Clerk and Recorder, at Reception No. #285757, be changed to "Carbonate Creek"; and

8. The easement access road, within amended plat for Crystal River Filing, recorded with the Gunnison County Clerk and Recorder, at Reception No. #590513, be designated as "Jasey Trail"; and

9. The unvacated portion of Deer Trail, within amended plat for Crystal River Filing, recorded with the Gunnison County Clerk and Recorder, at Reception No. #590513, be merged with the existing "Deer Lane"; and

10. Limestone Drive, within plat of Marble Ski Area 3, recorded with the Gunnison County Clerk and Recorder, at Reception No. #283029, be changed to "Bannock Burn Road"; and

WHEREAS, the road name changes have been reviewed and approved by Gunnison County Emergency Services; and

WHEREAS, the road name changes have been reviewed and approved by Gunnison County Public Works Department; and

WHEREAS, the road name changes have been reviewed and approved by Gunnison County Community Development Department;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of The County of Gunnison, Colorado, that the following road name changes described below and as illustrated in Appendix A shall be and hereby are approved:

1. That a portion of West Village Dr heading south from Serpentine Trail within plat of Marble Ski Area 2, recorded with the Gunnison County Clerk and Recorder, at Reception No. 282563, be renamed to "Hoka Hey Trail"; and
  2. That a portion of West Village Dr between Serpentine Trail and Prospector Trail within plat of Marble Ski Area 4, recorded with the Gunnison County Clerk and Recorder, at Reception No. 283309, be changed to extension of "Serpentine Trail"; and
  3. That a portion of Marble Village Dr. that is located northeast of County Rd 3 within plat of Marble Ski Area 3, recorded with the Gunnison County Clerk and Recorder, at Reception No. 283029, be changed to extension of "Serpentine Trail"; and
  4. That a portion of West Village Dr heading north from Marble Village Dr on west side of Marble town site within plat of Marble Ski Area 1, recorded with the Gunnison County Clerk and Recorder, at Reception No. 282562, be changed to "Galo Hill Drive"; and
  5. That a portion of Marble Village Drive heading west from West Main Street, within plat of Marble Ski Area 1 & 2, recorded with the Gunnison County Clerk and Recorder, at Reception No. 282562 and 282563 respectively, be changed to an extension of "West Main St"; and
  6. That a portion of Daniels Hill Rd heading north off County Rd 3, within plat of Marble Ski Area Condo Filing 1, recorded with the Gunnison County Clerk and Recorder, at Reception No. #285757 & #462722, be changed to an extension of "Marble Village Drive"; and
  7. That a portion of Marble village Drive that approaches Carbonate creek, within plat of Marble Ski Area Condo Filing 1, recorded with the Gunnison County Clerk and Recorder, at Reception No. #285757, be changed to "Carbonate Creek"; and
  8. The easement access road, within amended plat for Crystal River Filing, recorded with the Gunnison County Clerk and Recorder, at Reception No. #590513, be designated as "Jasey Trail"; and
  9. The unvacated portion of Deer Trail, within amended plat for Crystal River Filing, recorded with the Gunnison County Clerk and Recorder, at Reception No. #590513, be merged with the existing "Deer Lane"; and
  10. Limestone Drive, within plat of Marble Ski Area 3, recorded with the Gunnison County Clerk and Recorder, at Reception No. #283029, be changed to "Bannock Burn Road"; and
- THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.
- INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and passed on this 17<sup>th</sup> day of May, 2011.

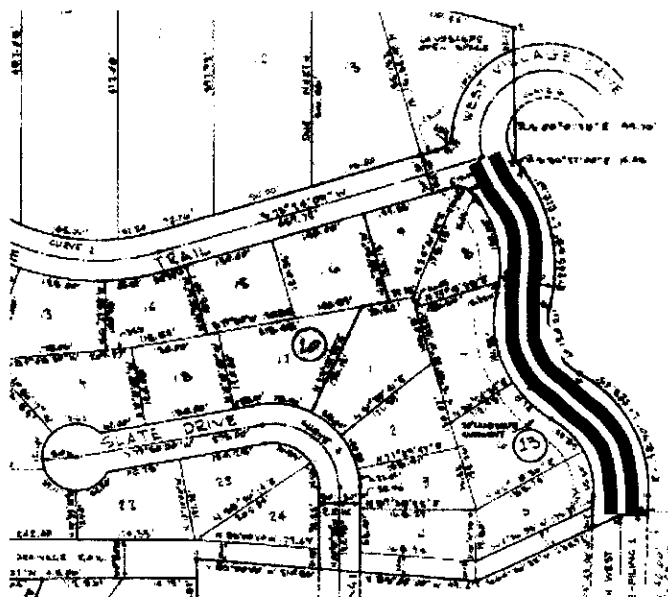
BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Channell – yes; Swenson – yes.

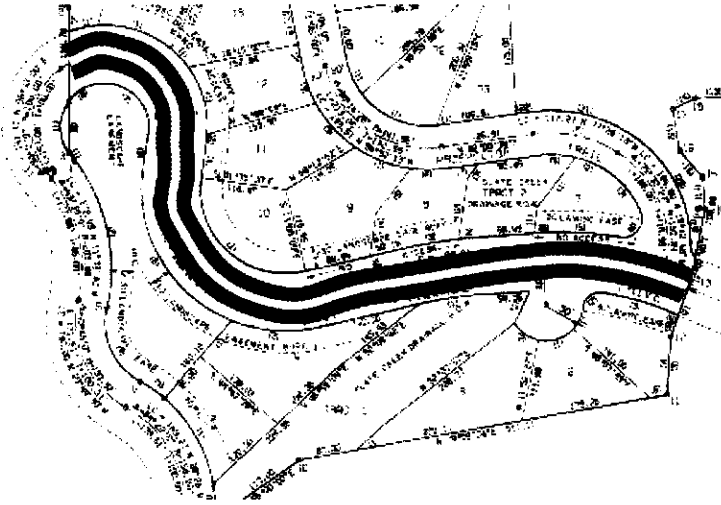
APPENDIX A

The following are required road names changes in the Marble Area.

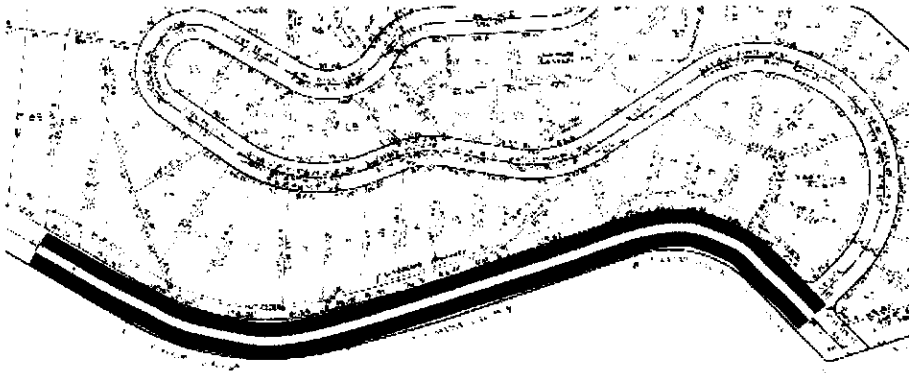
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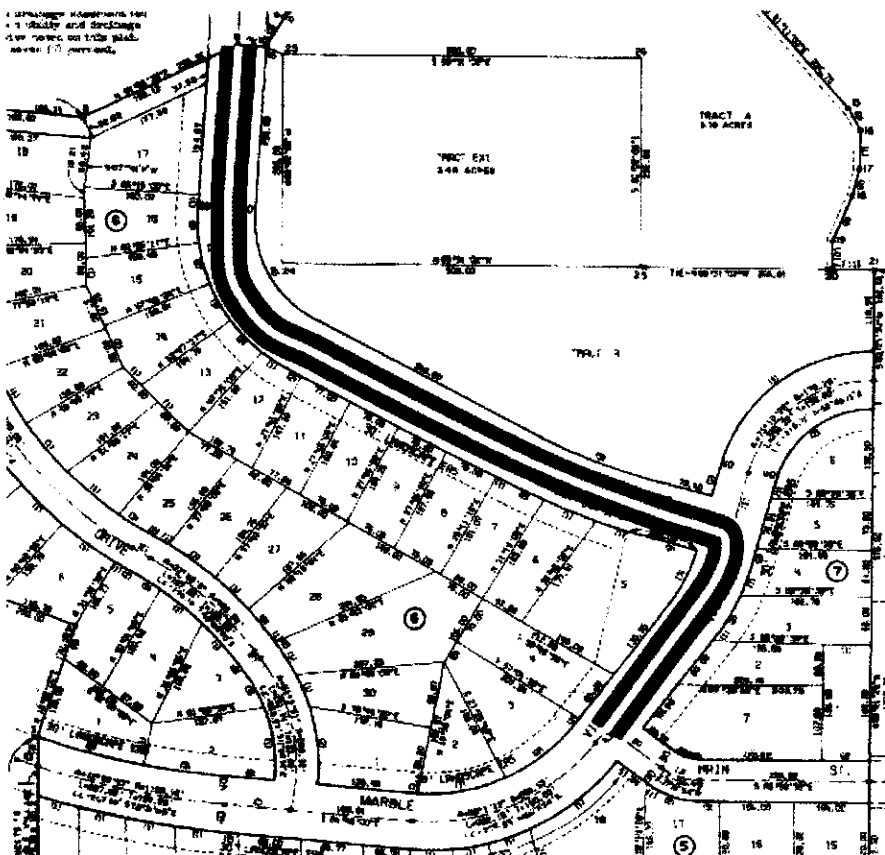
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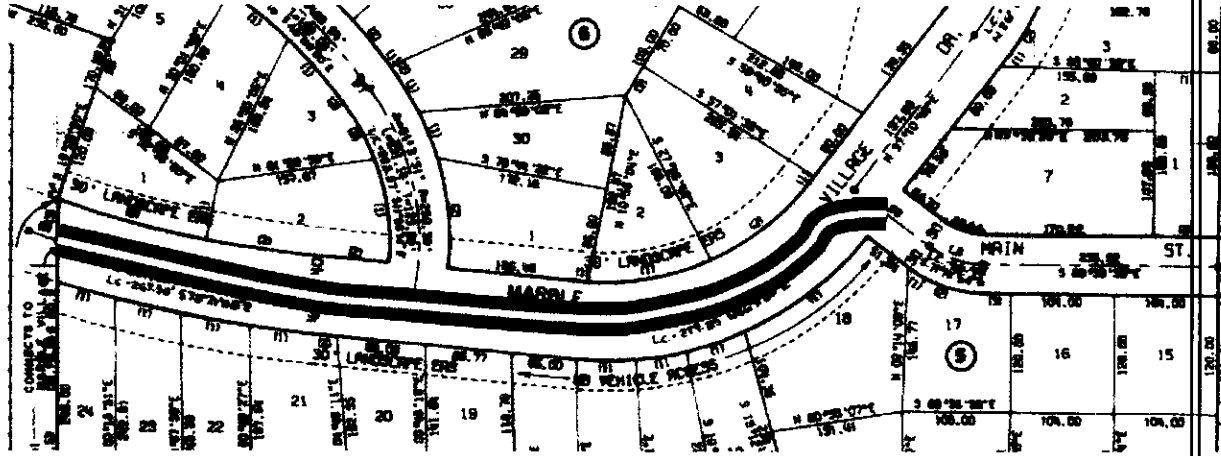
3. A portion of Marble Village Dr. that is located northeast of County Rd 3 within plat of Marble Ski Area 3, recorded with the Gunnison County Clerk and Recorder, at Reception No. 283029, be changed to extension of "Serpentine Trail"; and



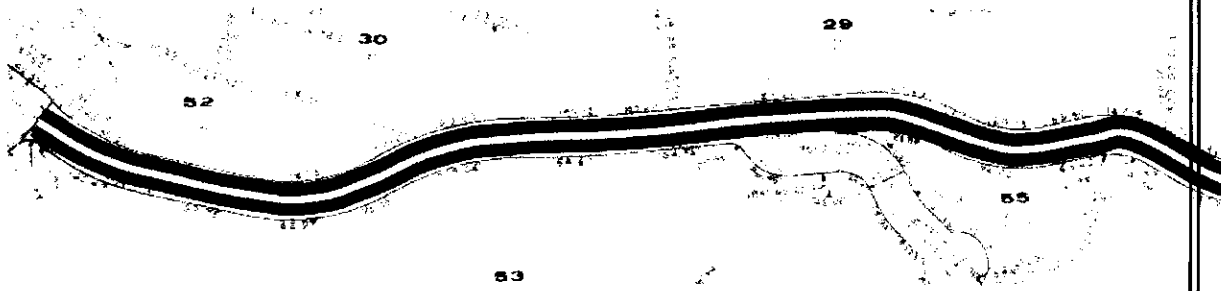
4. A portion of West Village Dr heading north from Marble Village Dr on west side of Marble town site within plat of Marble Ski Area 1, recorded with the Gunnison County Clerk and Recorder, at Reception No. 282562, be changed to "Galo Hill Drive"; and



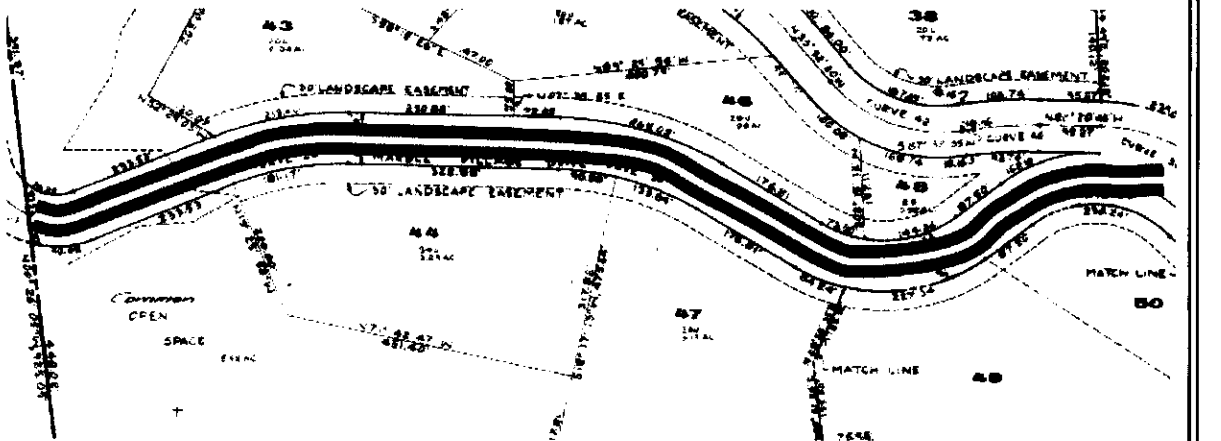
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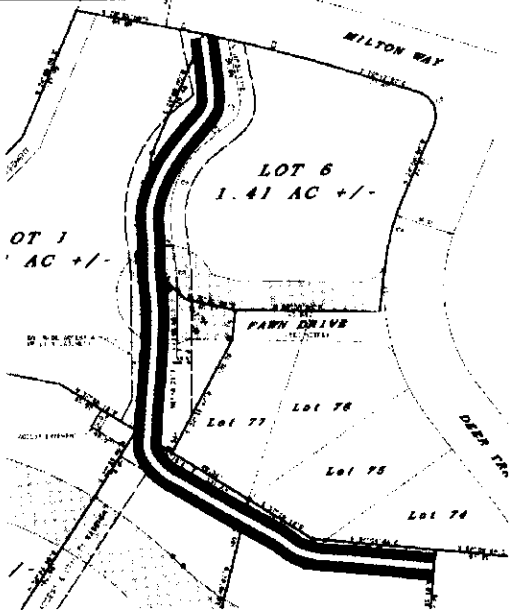
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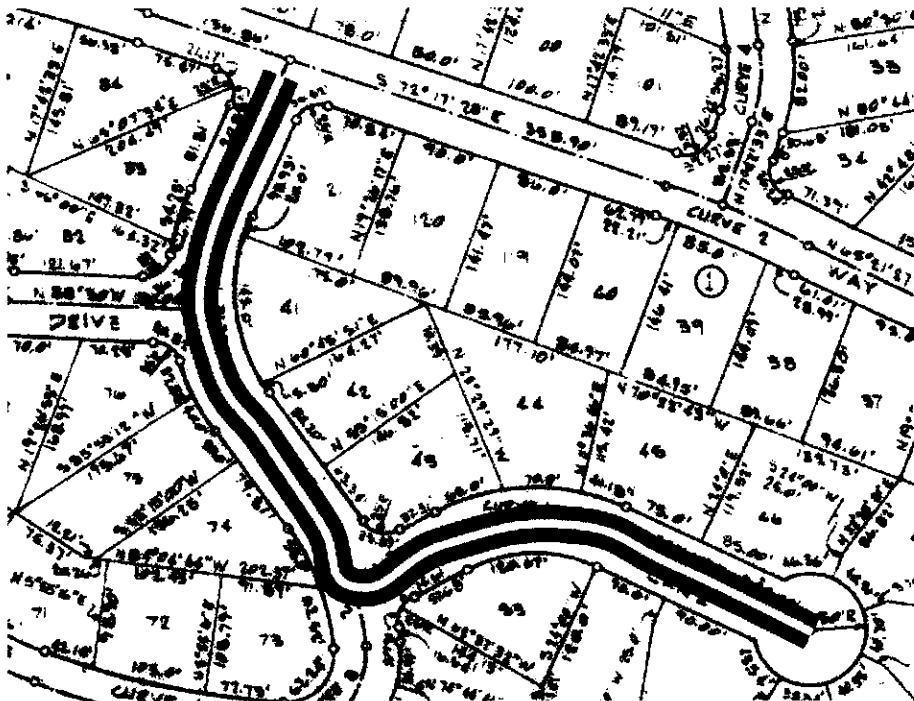
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8. The easement access road, within amended plat for Crystal River Filing, recorded with the Gunnison County Clerk and Recorder, at Reception No. #590513, be designated as "Jasey Trail"; and



9. The unvacated portion of Deer Trail, within amended plat for Crystal River Filing, recorded with the Gunnison County Clerk and Recorder, at Reception No. #282561 & #590513, be merged with the existing "Deer Lane"; and



10. Limestone Drive, within plat of Marble Ski Area 3, recorded with the Gunnison County Clerk and Recorder, at Reception No. #283029, be changed to "Bannock Burn Road";

