

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
July 5, 2011**

The July 5, 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

Matthew Birnie, 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 9:25 am.

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

**MINUTES APPROVAL:** Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Special Meeting minutes for June 14<sup>th</sup> and the Regular Meeting minutes for June 21<sup>st</sup>. Motion carried unanimously.

**CONSENT AGENDA:** Moved by Commissioner Swenson, seconded by Commissioner Chamberland to approve Consent Agenda Items #1 thru #15. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Colorado Division of Criminal Justice Statement of Grant Award (SOGA); Juvenile Diversion Program, July 1, 2011 - June 30, 2012; \$16,667
2. Provider Agreement; Kathy Napoli; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services
3. Provider Agreement; Stacey Pozner; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services
4. Provider Agreement; Laurie Boscaro; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services
5. Ground Lease Agreement; Gunnison Valley Animal Welfare League; Gold Basin Industrial Park; 7/5/2011 thru 7/4/2015
6. Gunnison and Hinsdale Counties' Memorandum of Understanding Pursuant to House Bill 04-1451; By and Between the Gunnison and Hinsdale County Department of Health and Human Services, 7<sup>th</sup> Judicial District Probation Department, Hinsdale County Public Health and Community Services, Hinsdale County School District RE1J School District, Midwestern Colorado Mental Health Center, Colorado Healthy Partnership, Gunnison Area Restorative Practices, 7<sup>th</sup> Judicial District Attorney's Office, Division of Youth Corrections, Gunnison County Juvenile Services, Law Enforcement Victim Services, and Seventh Judicial District Court; 7/1/2011 thru 6/30/2012
7. Approved Task Order Contract – Waiver #154; Colorado Department of Public Health and Environment Routing No. 12 FJA 31110; Emergency Preparedness Response Funding; 8/10/11 thru 8/9/12; \$17,166
8. Provider Agreement; Advocates Building Peaceful Communities; Professional Services Regarding Monitored or Supervised Visitation to Individuals and Families (with Children under the Age of 18) Referred from the Gunnison County Department of Health and Human Services; 6/24/11 thru 6/23/12
9. Extension Agreement, Memoranda of Understanding; State of Colorado Department of Human Services and Board of Colorado County Commissioners; Administration of Colorado Works Program; 7/1/11 thru 6/30/12
10. Ratification of Correspondence; Senator Michael Bennet; Curecanti National Recreation Area
11. Colorado Department of Public Health and Environment Immunization Program, Amendment 35 Immunization Funds for Local Public Health Agency, Statement of Work; \$10,285; 7/1/11 thru 6/30/12
12. Request for Extension of Time to File Audit; State of Colorado, Office of the State Auditor; Fiscal Year Ending 12/31/2010; 60-Day Extension
13. Provider Agreement; Susan J. Coykendall, PhD; Professional Services Regarding Assessment, Service Planning and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team or SB94 Through the Office of Juvenile Services
14. 2012-2016 Gunnison County Capital Improvement Plan
15. Interpreter at Gunnison County Independent Contractor Agreement; Dorcas "Tabitha" Taveras; Provide Language Translation and Interpretation from English to Spanish and from Spanish to English for Persons Identified by Gunnison County

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

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

1. Acknowledgment of County Manager Signature; GE Johnson Construction Company, Inc. and Blythe Group + Co.; Change Order #11; Gunnison County Public Safety Center and Public Works Maintenance Facility Projects; \$55,82. County Manager Birnie confirmed that this additional cost is within the contingency budget. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to acknowledge the County Manager's signature on GE Johnson Construction Company and Blythe Group Change Order #11. Motion carried unanimously.
2. Capital Projects Tours. Chairperson Channell informed the Board that a citizen contacted him to express a desire to tour the facilities, once completed. County Manager Birnie confirmed that public tours will be scheduled.
3. Colorado Roadless Rule Comments. County Manager Birnie explained that a comment period is open, though the County was never invited to comment. He distributed draft comments that were prepared by Geographic Information Services Manager Mike Pelletier. The draft was discussed and modifications were agreed upon. Additional comments relative to methane capture may be added at a later date.
4. Western Regional Emergency Medical and Trauma Advisory Council (WRETAC). County Manager Birnie informed the Board that Dr. Leandra Lynch would like to continue to serve on the Council. The Board agreed that retention of Dr. Lynch is preferable to appointing someone else as long as she can commit to attending the meetings.
5. Donovan Moss Property; Site Visit Update. County Manager Birnie explained that Mr. Moss does not want Ms. Lori Patin to participate in the pending site visit. Thus, County Manager Birnie stated that County staff will perform the site visit without Ms. Patin present as the County cannot force Mr. Moss to allow Ms. Patin access to his property.
6. Town of Pitkin; County-Owned Dump Property. County Manager Birnie informed the Board that the 10-acre property had been offered to the Town of Pitkin, but that the Town didn't accept it. In 2010, the Quartz Creek Property Owners Association requested permission to perform burning on the property; however, the County did not grant permission due to the potential liability. County Manager Birnie has since contacted Colorado Brownfields to explore the possibility of receiving a grant to assess the property and to provide technical advice. In order to qualify for the grant, the County will need to determine a beneficial use for the property.

**STALLION PARK; PROPOSAL BY DEVELOPER TO RESTRUCTURE; POSSIBLE EXECUTIVE SESSION:** County Attorney David Baumgarten, Gunnison County Housing Authority Executive Director KT Gazunis, property developer Dr. Richard Landy, Pauls Corporation Principal Brad Pauls and attorney Mike Dawson were present for discussion.

Dr. Landy explained that he had worked with County Manager Birnie and Gunnison County Housing Authority Executive Director Gazunis to produce the draft declaration. He confirmed that he is actively working to clean up and remove the foundations. Gunnison County Housing Authority Executive Director Gazunis stated that the draft declaration was very close to what had verbally been agreed upon during a previous meeting with the Board. She stated her agreement with the proposed declaration.

Gunnison County Housing Authority Executive Director Gazunis stated her hope that the Homeowners Association will vote to follow what has been determined to be the best practices by a third party. Dr. Landy noted that his legal counselors feel that this would be best managed at the HOA level.

Mr. Pauls stated that the intent of the agreement, that being to remove the deed restrictions, was maintained in the amended agreement. He noted that HOA representative Beth Appleton informed County Attorney Baumgarten via an email dated 6/24/11 that the HOA does not consent to the lifting of the deed restrictions. In her email, she indicated that some events had transpired that made the HOA withdraw its agreement to the proposal discussed by the Board, but she didn't go into detail and she was not present for the discussion.

Chairperson Channell asked for clarification regarding the common areas within the Stallion Park budget. Gunnison County Housing Authority Executive Director Gazunis explained that the garages are heated and a design flaw allows residents to alter the temperatures. The County will continue to monitor these expenses.

Monthly building management fees of \$10.00 per unit are used to pay the manager. Gunnison County Housing Authority Executive Director Gazunis agreed the dues are expensive, but acceptable considering the cost of running this development in its location.

Modifications to the agreement were discussed and agreed upon. Mr. Dawson will submit a revised document to County Attorney Baumgarten. County Attorney Baumgarten requested that Board action be suspended until all of the documentation has been completed.

**BREAK:** The meeting recessed from 10:30 until 10:45 am.

**ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** Assistant County Manager Crosby, County Attorney Baumgarten and County Paralegal Rachel Magruder were present for discussion.

1. Serpentine Trail Update. Assistant County Manager Crosby provided a map of the area, prepared by GIS Coordinator Jeff Guy, to illustrate the ownership and road placement issues. Correcting the issues is not within the current County budget. Assistant County Manager Crosby stated that all 114 affected property owners have been notified, but County Paralegal Magruder noted that she did not notify the lien holders of the lots. All property owners and lien holders will need to be served in this quiet title action, which will cost between \$50 and \$100 per service. Because of the cost, County Attorney Baumgarten suggested that the County select the most egregious locations to correct until funding has been allocated. He explained that the County can legally move the right-of-way because, if an incorrect road location has been used for at least 21 years, the County legally owns the road and can change the legal description.
2. Kebler and Cottonwood Passes Update. Assistant County Manager Crosby informed the Board that magnesium chloride has been applied to all of Cottonwood Pass and to all but one mile of Kebler Pass.
3. Pro Challenge Race Update. Assistant County Manager Crosby has been meeting with organizers of the race. Western State College has agreed to provide 15-passenger van shuttles during the event.
4. Leadville 100 Bicycle Race Update. Chairperson Channell asked if local rancher Bill Trampe had been contacted about the race. Assistant County Manager Crosby informed him that he was contacted, but had not received a schedule as of the last time that she spoke with him. Outside of the meeting, Mr. Trampe asked the Board to consider that bike traffic, in general, creates wildlife and agricultural impacts.

#### **GUNNISON COUNTY BOARDS AND COMMISSIONS VACANCIES AND APPOINTMENTS:**

Administrative Assistant III Bobbie Lucero was present for discussion.

1. Gunnison Basin Sage-grouse Strategic Committee Appointment. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint David Wiens to the regular recreation position on the Gunnison Basin Sage-grouse Strategic Committee. Motion carried unanimously.
2. Gunnison Valley Hospital Board of Trustees Appointment. **Moved** by Commissioner Chamberland, seconded by Chairperson Channell to appoint Gary Keiser to the Hospital Board of Trustees to finish out Malte VonMatthiessen's term. Chairperson Channell noted that the background and qualifications of the two applicants are very different. He expressed concern that the County does not have a policy related to spouses of local physicians serving on the Board of Trustees. Commissioner Chamberland stated that this type of scenario is rare, so he was not concerned about it. Commissioner Swenson stated that Terry Bonney would bring a lot of knowledge to the Board of Trustees related to the inner workings of the hospital, which could be important. County Manager Birnie noted that, while financially astute, the County has experienced issues during previous dealings with Mr. Keiser. Motion failed. (Commissioner Chamberland voted for the motion, while Commissioners Swenson and Channell voted against it.) **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint Terry Bonney to the Hospital Board of Trustees vacancy. Motion carried unanimously.
3. Gunnison County Planning Commission Vacancies. The Board outlined that vacancies were created by Chris Behan's resignation from his regular position expiring in February 2012, and Sam Lumb's resignation from his regular position expiring in February of 2013. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to move Kent Fulton from an alternate position to fill the vacancy that was created by Sam Lumb's resignation, extending his term to February 2013. Motion carried unanimously. Administrative Assistant III Lucero informed the Board that two letters of interest to serve on this Commission have been received. The vacancies will be advertised in all three local papers for the next two weeks. Previous applicants will be contacted to determine the level of interest that they may have in serving. The deadline for letters of interest is 7/22/11 at 5:00 pm. Interviews will take place on 7/26/11 and appointments will be made on 8/2/11.

#### **APPROVAL OF LEASE; GUNNISON VALLEY HOSPITAL AND SEIMENS PUBLIC, INC. OF EQUIPMENT:**

County Attorney Baumgarten was present for discussion.

County Attorney Baumgarten explained that, by statute, the lease/purchase for the CT scan equipment should have been approved by the Board, and that this approval was unintentionally overlooked. He confirmed that the hospital approved the purchase by resolution, and he asked the Board to approve the purchase by motion. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to approve the Lease Purchase Agreement between Seimens and Gunnison Valley Hospital for radiologic equipment at the hospital. Motion carried unanimously.

#### **US DEPARTMENT OF ENERGY AGREEMENT FOR INSTALLATION AND MAINTENANCE OF WELLS AND WELL EQUIPMENT, GUNNISON, CO PROCESSING SITE; MONITORING WELL LOCATED IN NMPM T 49N, R 1W, SECTION 10, SESW IN GUNNISON COUNTY, COLORADO:**

Environmental Health Official Richard Stenson was present for discussion.

Environmental Health Official Stenson informed the Board that this agreement would allow for monitoring ground water for uranium from a shallow well, as part of the UMTRA Phase II project. He noted that

County Attorney Baumgarten is in agreement with the draft agreement. He explained that the County will take part in the testing by being present during collection.

Environmental Health Official Stenson explained that the study will determine where the contaminated water is moving to as, thus far, the water has been migrating below the river without influencing it. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the agreement between the US Department of Energy and Gunnison County for the installation, maintenance and monitoring of the well as presented on the map. Commissioner Chamberland asked what percentage of contamination, above the acceptable level, is within the plume. Environmental Health Official Stenson explained that he didn't know the percentage, but that the situation is significant enough to warrant federal funding and to provide a drinking water supply from a public source for the residents. The Board asked him to provide any supplemental information from the Department of Energy and/or the Colorado Department of Public Health and Environment as it becomes available since both entities are involved in this project. Motion carried unanimously.

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

**COMMISSIONER ITEMS:**

**Commissioner Chamberland:**

1. Complaint: Marble Address Changes. Commissioner Chamberland informed the Board that a Marble resident is unhappy with what he perceives to be a lack of notice before the County proceeded with the recent address changes. The resident displays a large piece of marble in his driveway that has been carved to illustrate the previous street address. Commissioner Chamberland will attempt to meet with the resident.

**Commissioner Swenson:**

1. Economic Development Update. Commissioner Swenson informed the Board that Gunnison County Housing Authority Executive Director KT Gazunis will present economic development information to the Crested Butte / Mt. Crested Butte Chamber of Commerce on 7/19/11.
2. Region 10 Meeting. Commissioner Swenson informed the Board that some budget cuts were discussed during a recent meeting that will affect the Area Agency on Aging. Some regional economic development training may be available to the group in the fall.

**Chairperson Channell:**

1. Office for Resource Efficiency (ORE) Update. Chairperson Channell informed the Board that some conflict may be developing as some of ORE's programming may be overlapping with services provided by Gunnison County Electric Association.
2. Public Health Regional Assessment Meeting. Chairperson Channell informed the Board that four regional priorities were identified during this recent meeting that had a higher attendance than the first meeting.
3. QQ Meeting. Chairperson Channell and Planning Commission Chairperson Ramon Reed attended this recent meeting. During the meeting, two panel members discussed mining, two others discussed water, and two others discussed oil and gas. The meeting was facilitated by Barbara Green, and Senator Gail Schwartz gave the wrap up. Chairperson Channell will provide a written report to the Board at a later date.

**BREAK:** The meeting recessed from 11:50 am until 1:28 pm.

**COLORADO RIVER WATER CONSERVATION DISTRICT REPORT:** CRWCD representative Bill Trampe was not present for discussion, so this discussion was cancelled.

**BOUNDARY LINE ADJUSTMENT; LOTS 6 AND 7, MERIDIAN LAKE PARK, FILING 1; SMITH AND STEWART, REPRESENTED BY AARON HUCKSTEP:** County Planner Cathie Pagano and attorney Aaron Huckstep were present for discussion.

Mr. Huckstep explained that this adjustment would solve a neighbor dispute regarding driveways. County Planner Pagano presented the plat for consideration. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Boundary Line Adjustment between Lots 6 and 7, Meridian Lake Park, Filing #1 and authorize the Chairperson's signature. Motion carried unanimously.

**REQUEST FOR REDUCTION IN APPROVED DENSITY; LOT RNT-5, SKYLAND RIVER NEIGHBORHOOD; MICHAEL NORTON REPRESENTED BY JOE BOB MERRITT:** County Planner Pagano and Sol Space and Light representative Joe Bob Merritt were present for discussion.

County Planner Pagano explained that the covenants allow for only duplexes and triplexes. She confirmed that the Skyland Community Association and the River Neighborhood have approved the density reduction. A draft resolution was discussed and modifications were agreed upon. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #24, Series 2011, a Resolution Approving Land Use Change Permit No. 11-00019 for Lot RNT-5, Skyland River Neighborhood,

for the Reduction in Approved Density for the Lot, as amended, and authorize signatures. Motion carried unanimously.

**4-H FOREVER FUND CONTRIBUTION:** Commissioner Swenson explained that the Board customarily approves this funding each year. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to match the 4H kids' contribution to the 4H Forever Fund at the junior livestock sale during Cattlemen's Days in the amount not to exceed \$4,000 from discretionary funding. Motion carried unanimously.

**GUNNISON/CRESTED BUTTE REGIONAL AIRPORT:** Airport Manager John DeVore was present for discussion.

1. Adoption of Amendments; Gunnison/Crested Butte Regional Airport Rules and Regulations. Airport Manager DeVore explained that the proposed changes were ministerial in nature and not substantive. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt the amendments to the Gunnison/Crested Butte Regional Airport Rules and Regulations. Motion carried unanimously.
2. Adoption of Amendments; Gunnison/Crested Butte Regional Airport Minimum Standards. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt the amendments to the Gunnison/Crested Butte Regional Airport Minimum Standards. Motion carried unanimously.
3. Amendment to the PUC Passenger Carrier Operator Agreement Signed on June 1, 2009; ALEX, Inc., d/b/a Alpine Express. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to adopt the Amendment to the PUC Passenger Carrier Operator Agreement signed on June 1, 2009. Motion carried unanimously.
4. High Altitude Testing; US Army Blackhawk Helicopter; July 2011. Airport Manager DeVore explained that the US Army has agreed to pay \$350.00 per hour for airport personnel to be on standby for ARFF coverage during tether testing on the south side of the airfield beginning on 7/5/11 and extending through the end of the month. The Board expressed agreement with Airport Manager John DeVore going forward with negotiations related to testing days and times. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to provide ARFF coverage, accept the payment, and encourage the discussion about local restrictions. Motion carried unanimously.
5. Award Bid; Interstate Highway Construction, Inc.; Commercial Apron Project. Airport Manager DeVore informed the Board that four bids were submitted and that the Federal Aviation Administration requires acceptance of the lowest bid. None of the bids, ranging nearly \$1,000,000 between the lowest and highest, is from local companies. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to award the bid for the commercial apron project to Interstate Highway Construction, Inc. Motion carried unanimously.
6. Contract Agreement; Interstate Highway Construction, Inc.; AIP Project No. 3-08-0030-44, Commercial Apron Project. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the contract between the Board of County Commissioners and Interstate Highway Construction, Inc. for the construction of the apron. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize the County Manager to execute all needed documents for this contract. Motion carried unanimously.
7. Authorization for County Manager's Signature; Federal Aviation Administration Grant. Airport Manager DeVore requested that the Board authorize County Manager Birnie to sign this grant when it becomes available. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize the County Manager's signature on the Federal Aviation Administration grant upon its arrival. Motion carried unanimously.
8. Loan Agreement; State of Colorado for the Use and Benefit of the Colorado Department of Transportation; Colorado State Infrastructure Bank (CO SIB); Commercial Apron Project; \$1,000,000. Airport Manager John DeVore asked for authorization for the Chairperson to sign this agreement after it has been reviewed by County Attorney Baumgarten. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to authorize the Chairperson to execute any and all documents necessary for the State of Colorado Department of Transportation Loan through Colorado State Infrastructure Bank for the commercial apron project up to \$1,000,000. Motion carried unanimously.
9. Runway Complaint. Due to a recent complaint submitted by a private pilot regarding the condition of the 17/35 runway, Airport Manager DeVore provided recent pictures taken of the runway. He stated that the condition is what it should be, and he will provide a response to the pilot.

**BREAK:** The meeting recessed from 2:19 until 2:49 pm.

**PLANNING COMMISSION RECOMMENDATIONS; GUNNISON ENERGY CORPORATION; HOTCHKISS WATER STORAGE FACILITY; SG INTERESTS I, LTD.; MCINTYRE FLOWBACK PITS #1, #2, #3 AND #4:** Community Development Department Director Joanne Williams, Assistant Community Development Director Neal Starkebaum and County Attorney Baumgarten were present for discussion.

Chairperson Channell noted that the Board did not receive the final Planning Commission recommendations until after the meeting had begun, which did not allow for sufficient Board review of the recommendations. Commissioner Chamberland agreed that additional time would be necessary for review since the recommendation included draft resolutions. Commissioner Swenson agreed and the Board scheduled a Special Meeting on 7/12/11 at 3:45 pm in order to allow for additional review time.

**ADJOURN: Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 2:56 pm.

\_\_\_\_\_  
Hap Channell, Chairperson

\_\_\_\_\_  
Paula Swenson, Vice-Chairperson

\_\_\_\_\_  
Phil Chamberland, Commissioner

Minutes Prepared By:

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

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 24, SERIES 2011**

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 11-00019 FOR LOT RNT-5, SKYLAND RIVER NEIGHBORHOOD, FOR THE REDUCTION IN APPROVED DENSITY FOR THE LOT

WHEREAS, Michael Norton, as represented by Joe Bob Merritt of Sol Space and Light has applied for a Land Use Change permit to reduce the approved density of Lot RNT-5, Skyland River Neighborhood. The applicant seeks to construct a single-family residence on the subject parcel. The Skyland River Neighborhood was platted on January 3, 1997 in the office of the Gunnison County Clerk and Recorder at Reception No. 473132. The Special Covenants for the Skyland River Neighborhood are recorded at Reception No. 473134 which identify that the lot shall be used solely for two or three single-family residential units. Skyland River Neighborhood has deed restrictions (recorded at the following Reception No. 473134, 473135, 473136, 487863, 521551) in place to create affordable housing. The deed restrictions may be terminated or modified upon demonstrated compliance with the Amendment to Special Covenants and Affordable Housing Deed Restrictions of Skyland River Neighborhood at Reception No. 589719; and

WHEREAS, the Skyland River Neighborhood Association, in a letter dated March 17, 2011 from Tracy Hastings, President of the Association, granted approval for a single-family residence on Lot RNT-5. In a letter from Mike Billingsley, Skyland Community Association Manager, dated March 17, 2011, the Skyland Community Association also granted approval single-family residence; and

WHEREAS, there are jurisdictional wetlands on Lot RNT-5, Skyland River Neighborhood. Section 11-107: E of the *Land Use Resolution* requires a 25-foot setback from a water body. The proposed reduction in density will allow the applicant to meet the waterbody setback requirements; and

WHEREAS, on July 5, 2011 the Gunnison County Board of Commissioners received and reviewed the proposed use of a single-family residence on Lot RNT-5, Skyland River Neighborhood and intends this Resolution to memorialize in writing approval of the use.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 11-00019, for Lot RNT-5, Skyland River Neighborhood is approved as an Administrative Review; and

THIS APPROVAL is made 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 5<sup>th</sup> day of July, 2011.

BOARD OF COUNTY COMMISSIONERS

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