

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2009-38**

**A RESOLUTION ADOPTING AMENDMENTS TO THE GUNNISON COUNTY
REGULATIONS FOR SPECIAL DEVELOPMENT PROJECTS**

WHEREAS, on December 19, 1990, by Resolution No: 90-43 and pursuant to Colorado Revised Statutes, including but not limited to CRS 24-65.1-101, et. seq., the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") adopted the Gunnison County Special Development Project Regulations; and

WHEREAS, the Gunnison County Special Development Project Regulations were amended on June 7, 1994 by Resolution 94-18; and

WHEREAS, the intensity of current and foreseeable development pressures within Gunnison County necessitate that the Board consider further revisions to the Gunnison County Special Development Project Regulations; and

WHEREAS, the Gunnison County Planning Commission, County staff and counsel have prepared and reviewed amendments to the Gunnison County Special Development Project Regulations as set forth in the document titled "Gunnison County, Colorado Special Development Projects Resolution", dated July 14, 2009 (hereinafter "Special Development Projects Resolution") incorporated in full by reference herein; and

WHEREAS, the Board has reviewed the Special Development Projects Resolution; and

WHEREAS, the public has been duly notified and the Planning Commission and the Board have duly conducted public meetings or hearings and performed all other processes as required by law to amend the currently existing Gunnison County Special Development Project Regulations; and

WHEREAS, the Board has considered the following:

1. The intensity and current and foreseeable development pressures within Gunnison County; and
2. All testimony, written and oral, and all other materials presented at the hearings; and

3. The written recommendation of the Gunnison County Planning Commission dated July 10, 2009; and
4. Reasons for designating matters of state interest and amending the Gunnison County Special Development Project Regulations; and

WHEREAS, it as been recommended to the Board that the text of the Special Development Projects Resolution, Section 5-101:R. PROPOSED PROJECT SHALL BE CARBON NEUTRAL, should read in full: "The Proposed Project shall be in compliance with each Gunnison County carbon neutral policy and/or standard existing at the time the formal application for a Special Development Project is filed with Gunnison County."

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the Gunnison County Special Development Project Regulations shall be and hereby are amended by replacement in full by the document titled "Gunnison County, Colorado Special Development Projects Resolution", dated July 14, 2009, conditioned upon the following:

1. The text of the Special Development Projects Resolution, Section 5-101:R. PROPOSED PROJECT SHALL BE CARBON NEUTRAL, shall read in full: "The Proposed Project shall be in compliance with each Gunnison County carbon neutral policy and/or standard existing at the time the formal application for a Special Development Project is filed with Gunnison County."
2. Staff shall make the amendment identified in paragraph 1 above, and any other grammatical and/or ministerial changes, to the Special Development Projects Resolution in a timely manner so that the Special Development Projects Resolution will be finalized and recorded with the Gunnison County Clerk and Recorder's Office no later than September 15, 2009; and
3. If any guideline or standard of the Special Development Projects Resolution is found to be invalid by a court of competent jurisdiction, Gunnison County reserves the right, pursuant to C.R.S. 24-65.1-404(4), to forbid any person from engaging in the development regarding a matter of state interest pursuant to the Special Developments Projects Resolution until Gunnison County adopts a further guideline or standard.

INTRODUCED by Commissioner Channell, seconded by Commissioner Starr, and adopted this 1st day of September, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON,
COLORADO

By Paula Swenson
Paula Swenson, Chairperson

By Jim Starr
Jim Starr, Vice Chairperson

By Hap Channell
Hap Channell, Commissioner

ATTEST:
[Signature]
Deputy County Clerk

