



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 17- 16**

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. LUC-2016-00034
A LAND USE CHANGE PERMIT FOR HOMESTEAD CABIN LLC
STARLIGHT SUBDIVISION
NE1/4SW1/4 SECTION 26, TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M**

WHEREAS, Homestead Cabin, LLC, represented by Kristine Kapushion, submitted a land use change application for the subdivision of 38-acres into two single-family lots; one of three-acres (Lot 1) and one of 35-acres (with exiting residence – Lot 2)). The Mt. Crested Butte Water and Sanitation District will provide water and sewer to Lot 1 and pursuant to a previous agreement with the Town of Mt. Crested Butte, access to Lot 1 will be via Big Sky Drive, within the Pitchfork development. Access to an existing residence on Lot 2 is from an existing driveway on Washington Gulch Road (CR 811).

The applicant has submitted protective covenants, titled Declaration of Protective Covenants of Starlight Subdivision (Covenants) and which identify specific design standards and limitations. A residence is limited to a maximum of 5,000 square feet and an aggregate square footage of all structures is limited to 7,500 square feet. A second residence is only allowed on Lot 2. The applicant has waived further development rights, eliminating further subdivision of the property; and

WHEREAS, after a review of the information, documentation and substantial public testimony related to it, the Gunnison County Planning Commission did, after joint public hearings, on February 17, 2017 unanimously approve a Recommendation to the Board of County Commissioners, with certain Findings and Conditions:

FINDINGS:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.
2. 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*.
3. The subdivision plat was reviewed and approved by the County Attorney's office, as to form and content.
4. 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. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Site 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. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.

3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
4. The *Declaration of Protective Covenants of Starlight Subdivision* shall be recorded contemporaneously with the Plat.
5. 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.
6. 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.
7. 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. 2016-00034, Homestead Cabin LLC, Starlight Subdivision, is approved as a Minor Impact Project, subject to each and all conditions of the Planning Commission Recommendation, as identified above.

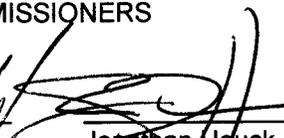
THIS APPROVAL is effected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should 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 Houck , seconded by Commissioner Messner , and passed on this 4th day of April, 2017.

BOARD OF COUNTY COMMISSIONERS


Phil Chamberland,
Chairperson


Jonathan Houck,
Commissioner


John Messner,
Commissioner

ATTEST:


Deputy
Gunnison County Clerk and Recorder

