AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: A Resolution Approving LUC No. LUC-2016-00038 Scio

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Sciortino/Brewer Subdivision

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
DB has confirmed his approval
MRH 3.20.18

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 3/20/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/22/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 3/27/2018

Revised April 2015

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

February 27, 2018

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Sciortino Subdivision**
LUC #16-00038

Request to legitimize the conveyance of an illegal 25-acre parcel as a legal, subdivided lot, created in 2006.

Attachments:
MesaHydrologic - Groundwater Report
MesaHydrologic - Rockfall Hazard Report
UGRWCD – Augmentation Water Contract
CGS Comments
CDWR Comments
Subdivision Plat
BOCC Resolution

MESAHYDROLOGIC LLC
Hydrogeologic Consulting Services
PO Box 1051
Gunnison, Colorado 81230

October 30, 2017

Mr. Tyler Harpel
SGM, Inc.
103 W. Tomichi Ave., Suite A
Gunnison, Colorado 81230

Re: Groundwater Resources Analysis, Round Mountain Parcel 3435-000-00-069

Dear Tyler,

As requested, I have completed an evaluation of groundwater resources in and about a 25.362-acre parcel located on the west flank of Round Mountain, Section 2, Township 15 S., Range 85 W., Gunnison County, Colorado (**Figure 1, attached**).

Geology and Hydrogeology

Geology of the area is available only at the 1:250,000 scale (Tweto et al., 1976), and as such, is generalized to the degree where only gross inferences can be drawn, differentiating maps units as Quaternary-age alluvium, Miocene-age intrusive rocks, Cretaceous-age sedimentary rocks, Pennsylvanian-age sedimentary rocks and Precambrian-age granitic rocks (**Figure 2, attached**). Round Mountain is a Miocene-age igneous intrusive body emplaced about 12.5 million years ago as a laccolith (Prather, 1982). Laccoliths are relatively abundant in the Gunnison area due to the geologic conditions required for their emplacement, essentially an ascending subsurface felsic magma intruding into and completely enclosed within a deformable host rock, usually along bedding planes. Such a host rock is often provided by the several thousand foot-thick Cretaceous-age Mancos Shale. In cross-section, laccoliths are often characterized by a flat floor, steep sides, and a dome-like roof. Subsequent erosion of the enclosing host rock may expose the cooled and crystallized igneous rock and provides a contrast in the resulting geomorphology: a steep cliffy mountain of exposed igneous rock overlying a less-steep apron of upturned sedimentary bedrock and debris shed off upper slopes (e.g., see Crested Butte Mtn., Gothic Mtn., Mt. Whetstone, etc.).

The igneous body and the colluvial material (primarily talus) represented by Round Mountain is shown by mapping to parallel the edge of Highway 135 through most of the area occupied by the west end of the parcel and immediately to the south. Further south, the strip of land between the highway and the slope associated with Round Mountain is underlain by Mancos Shale, a less favorable formation for groundwater supply. To the north of the parcel, the footprint of alluvial material appears to widen to the east, but eventually gives way to older sedimentary rocks (Dakota Sandstone, Morrison Formation, and Entrada Sandstone).

The configuration of geology at this location directly impacts the degree to which groundwater resources are distributed. Ideally, groundwater in this area would be obtained from alluvial deposits associated with terrace deposits and recent alluvial material associated with the East River. However, because the lot is situated on the east side of Highway 135, it is not entirely clear to what degree such deposits can be accessed by a groundwater well drilled on the property. Only a very small portion of the parcel is buildable, and of this area, about 0.75 acres is mapped as alluvial material that would be expected to easily yield groundwater to a well. However, as earlier stated, the presence of such favorable material is based on small-scale surficial geologic mapping, and the degree to which this material carries into the subsurface at a thickness sufficient to support a domestic supply well is not entirely certain. The situation is complicated by the presence of colluvial material at ground surface, primarily talus shed off the west-facing slope of Round Mountain, which obscures and limits drillable locations to the sage brush-covered flat area in the northwest portion of the parcel.

Existing Wells

This area is unique from a hydrogeologic standpoint in that it is hemmed in by the steep slopes of Round Mountain on the east and the Highway 135 corridor on the west which separates the parcel from productive alluvial gravels to the west. The available building envelope is entirely contained within an approximately 2-acre space in the northwestern corner of the parcel and as stated earlier, this limits the available sites for a domestic water supply well.

According to Colorado Division of Water Resources (CDWR) records, there are not many wells sited in the thin ribbon of land between the steep slopes of Round Mountain and the highway 135 right-of-way **(Figure 3, attached**). While only a subset of the wells contained in the CDWR database are shown here for purposes of clarity, note that many locations reported by the CDWR are historically inaccurate to a variety of reasons and the locations shown on **Figure 3** are plotted from the coordinates supplied by CDWR and may not reflect reality on the ground.

Of the wells shown in **Figure 3**, perhaps three could be relied upon to provide analogs to the probable subsurface condition underlying the parcel in question. The remaining wells shown on **Figure 3** are located within the alluvial gravels associated with the East River, or are further to the south where the surface geology is further complicated by the presence of the Mancos Shale. Data from these three wells are tabulated in **Table 1**. Though the location of well permit No. 228325 is shown in an area mapped as Mancos Shale, its well log reflects alluvial material suggesting that the mapping is somewhat inaccurate in this area, or a sufficient thickness of unconsolidated material covers the Mancos shale here at least to a depth of 63 feet.

Table 1. Nearby groundwater wells with possibly similar subsurface conditions to that of the parcel under study.

Reported Owner	Permit No.	Date Completed	Depth (feet bgs)	SWL (feet AMSL)	Yield (gpm)	Test Duration (hours)
Bersaw	301915	10/27/2016	88	38	45	2
Terra Alta Ranch	24134	6/8/1965	58	27	25	0.5
Rychel	228325	3/28/2002	63	40	15	2

NOTES

Abbreviations: bgs = below ground surface; SWL = static water level (non-pumping conditions); AMSL = above mean sea level; gpm = gallons per minute

Based on the information obtained from the well construction and test data from the CDWR database, sufficient groundwater resources appear available in this area to supply a single-family residence that would require approximately 350 gallons per day. However, these data should be viewed with caution due to the inexact locations of the three wells and the limitations of the relatively short test duration associated with each of the wells. If accurately located, well permit No. 301915 is located closest to the parcel in question, would seem representative of the probable subsurface conditions to be encountered on the parcel, and according to the test records, is a highly productive well.

Conclusion

The only conceivable buildable portion of the parcel is located in the northwest corner. Chances are fair to good that a successful well can be sited on the parcel, but location options are limited. To take advantage of proximity to alluvial/colluvial water-bearing material, proximity to the buildable envelope, and an area accessible to a drill rig, a location as far to the west as possible along the north boundary of the parcel would seem most ideal. Such a location would be outside the highway 135 right-of-way while optimizing the chance of encountering a sufficient thickness of permeable alluvial material to provide a year-round supply of groundwater sufficient for domestic household purposes that would require approximately 350 gallons per day.

If I can answer any further questions or clarification, or offer any additional assistance to this effort, please do not hesitate to contact me.

Respectfully submitted,

MESA HYDRO-LOGIC LLC

Jon F. Kaminsky, Principal/Owner
Mesa Hydro-Logic LLC

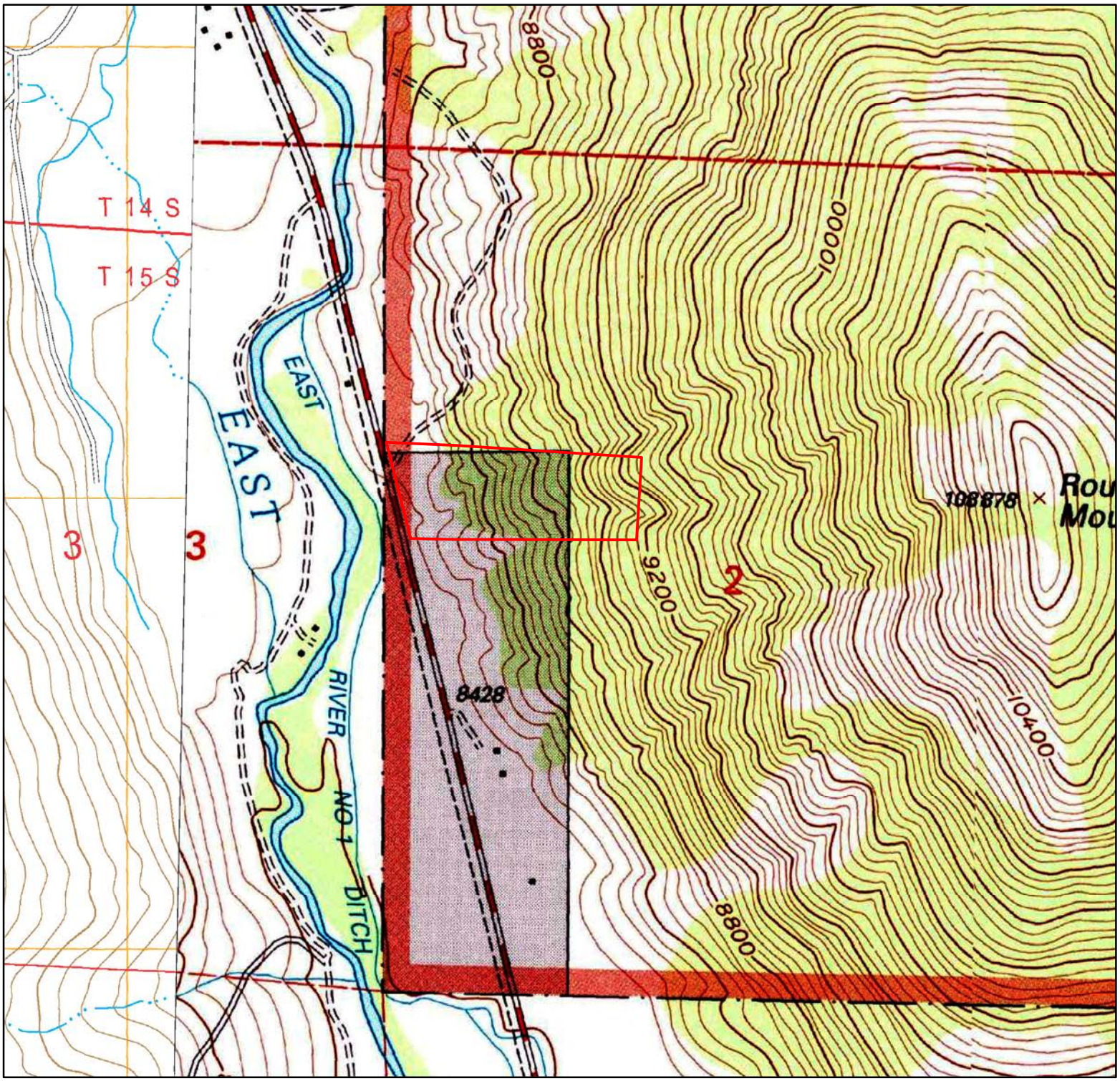
State of Washington
HYDROGEOLOGIST
1719
Licensed Geologist
Jon Francis Kaminsky
10/30/17

References Cited

Prather, T.L., 1982, Geology of the Gunnison Country: B&B Printers, Inc., Gunnison Colorado, 149 p.

Tweto, O., Steven, T.A., Hail, W.J., and R.H. Moench, 1976, Preliminary geologic map of the Montrose 1 degree x 2 degrees quadrangle, northwestern Colorado: U.S. Geological Survey Miscellaneous Field Studies Map, MF-761, Scale: 1: 250,000.

Figures



0 0.25 0.5 1 Miles

Scale: 1:12,000

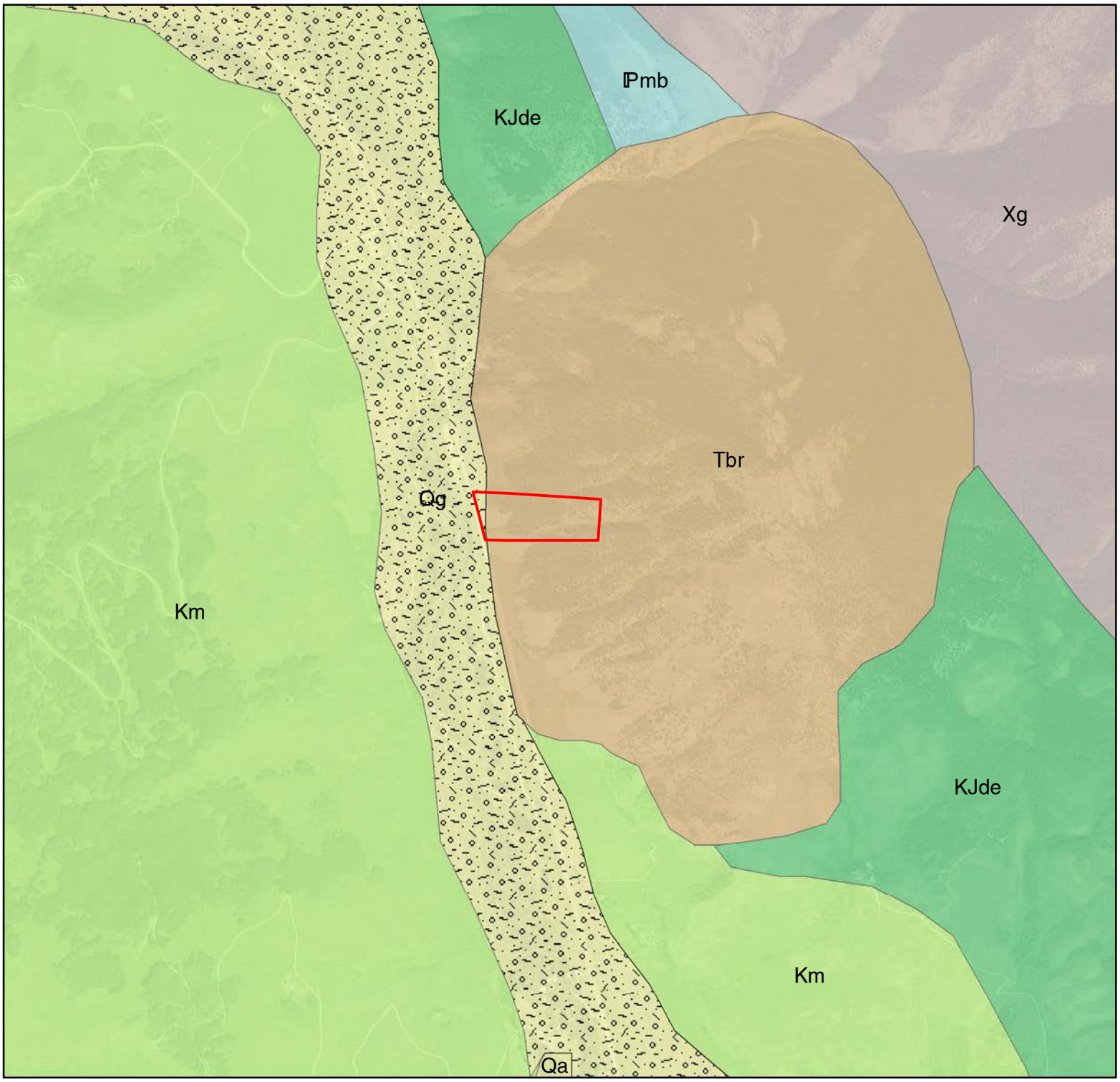
EXPLANATION

Parcel boundary

Parcel boundary obtained from Gunnison County GIS Dept.

Basemap data sources:
West side: US Forest Service, 1:24,000 Crested Butte Quadrangle;
East side: US Geological Survey 1;24,000 Cement Mountain Quadrangle.

Figure 1. Location and topography in vicinity of parcel.



0 0.25 0.5 1 Miles

Scale: 1:24,000

EXPLANATION

Parcel boundary

Geology (USGS MF761)

Symbol, Map unit, Geologic age

Qa;ALLUVIUM;Holocene

Qg;UNCONSOLIDATED DEPOSITS - Young gravels;Pleistocene

Tbr;RHYOLITIC ROCKS OF BIMODAL SUITE;Miocene

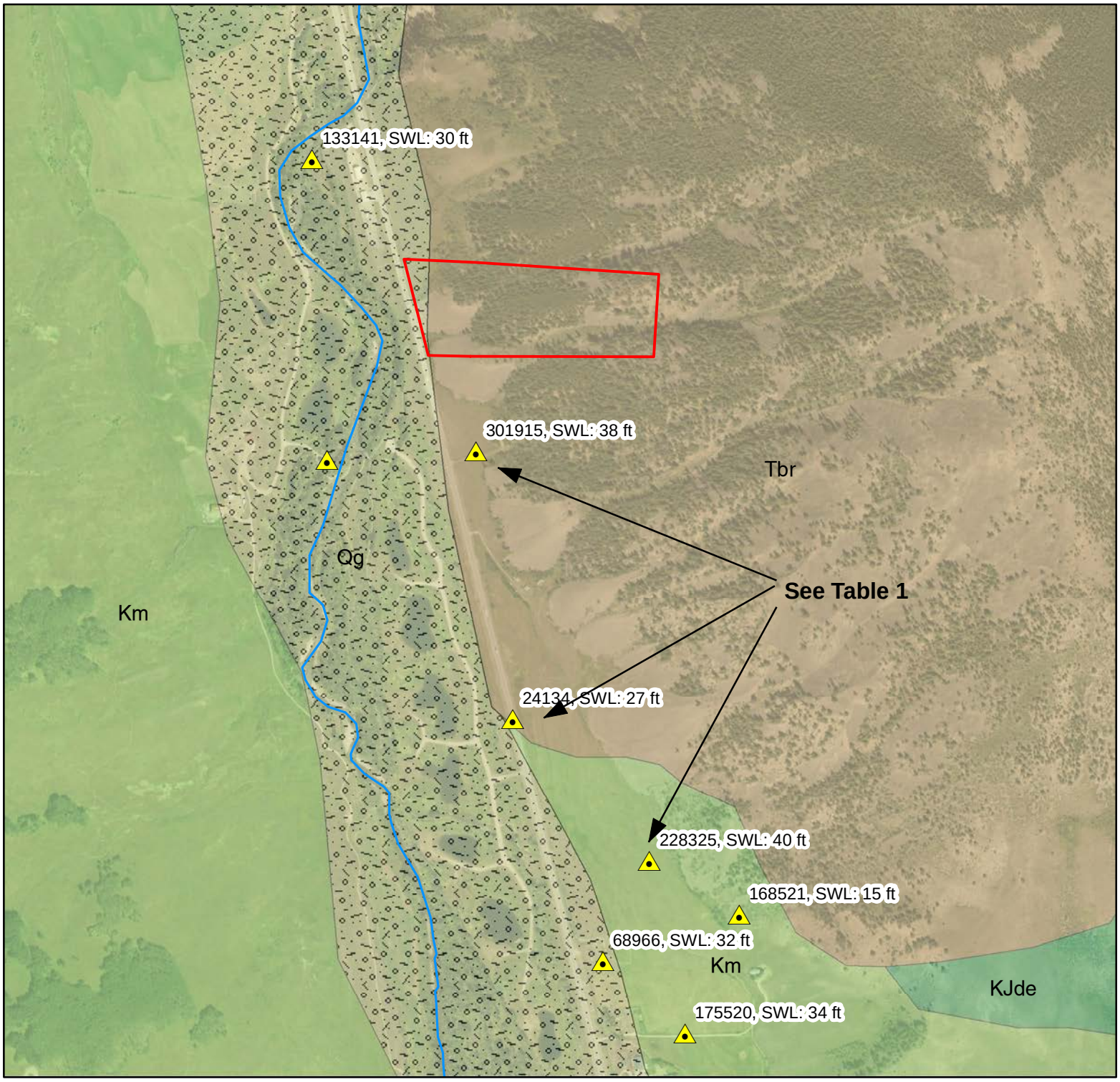
Km;MANCOS SHALE;Upper Cretaceous

KJde;DAKOTA, MORRISON, & ENTRADA FMS.;U. Jurassic - U. Cretaceous

*mb;MINTURN & BELDEN FORMATIONS;Pennsylvanian

Xg;GRANITIC ROCKS;Precambrian X

Figure 2. Geologic Map (After Tweto et al.,1976)



0 1,000 2,000 4,000 Feet

Scale: 1:12,000

EXPLANATION

Geology (USGS MF761)

Symbol, Map unit, Geologic age

- Qg;UNCONSOLIDATED DEPOSITS - Young gravels;Pleistocene
- Tbr;RHYOLITIC ROCKS OF BIMODAL SUITE;Miocene
- Km;MANCOS SHALE;Upper Cretaceous
- KJde;DAKOTA, MORRISON, & ENTRADA FMS.;U. Jurassic - U. Cretaceous

Reported CDWR Wells Parcel boundary

Status

- Well Constructed

Parcel boundary obtained from Gunnison County GIS Dept.
Aerial imagery data source:
USDA National Agricultural Inventory Project (NAIP), 2015.

Figure 3. Selected groundwater wells plotted from the CDWR database..

MESAHYDROLOGIC LLC
Hydrogeologic Consulting Services
PO Box 1051
Gunnison, Colorado 81230

October 25, 2017

Mr. Tyler Harpel
SGM, Inc.
103 W. Tomichi Ave., Suite A
Gunnison, Colorado 81230

Re: Geologic Hazards Analysis, Round Mountain Parcel 3435-000-00-069

Dear Tyler,

As requested, I have completed an evaluation of geologic hazards in and about a 25.362-acre parcel located on the west flank of Round Mountain, Section 2, Township 15 S., Range 85 W., Gunnison County, Colorado (**Figure 1, attached**). The parcel in question (No. 3435-000-00-069) was walked on October 24, 2017 while making observations of geology and geomorphology for the purposes of assessing geologic hazards.

Previous Work

Geology

Geology of the area is available only at the 1:250,000 scale (Tweto et al., 1976), and as such, is generalized to the degree where only gross inferences can be drawn, differentiating maps units as Quaternary-age alluvium, Miocene-age intrusive rocks, Cretaceous-age sedimentary rocks, Pennsylvanian-age sedimentary rocks and Precambrian-age granitic rocks (**Figure 2, attached**). Round Mountain is a Miocene-age igneous intrusive body emplaced about 12.5 million years ago as a laccolith (Prather, 1982). Laccoliths are relatively abundant in the Gunnison area due to the geologic conditions required for their emplacement, essentially an ascending subsurface felsic magma intruding into and completely enclosed within a deformable host rock, usually along bedding planes. Such a host rock is provided by the several thousand foot-thick Cretaceous-age Mancos Shale. In cross-section, laccoliths are often characterized by a flat floor, steep sides, and a dome-like roof. Subsequent erosion of the enclosing host rock may expose the cooled and crystallized igneous rock and provides a contrast in the resulting geomorphology: a steep cliffy mountain of exposed igneous rock overlying a less-steep apron of upturned sedimentary bedrock and debris shed off upper slopes (e.g., see Crested Butte Mtn., Gothic Mtn., Mt. Whetstone, etc.).

Geologic Hazards

Geologic hazards mapping has been completed by the Colorado Geological Survey at the 1:24,000 scale (Soule, 1976). This dataset provides the basis for Gunnison County's

geologic hazards shapefile[1] prepared in 1999 and available from the Gunnison County GIS Department. The Soule (1976) geologic hazards dataset as depicted by the county GIS shapefile shows that the parcel is located virtually entirely within an area mapped as "ROCKFALL AREA." Several thousand feet to the east and upslope of the parcel, the mapping transitions into a "POTENTIALLY UNSTABLE SLOPE" zone (**Figure 3, attached**). Other hazard categories are present in the vicinity of the parcel, but are not discussed within this report due to a down-gradient position, or slope aspect directing the hazard away from the parcel in question.

The Soule (1976) report includes a total of six mapped classes of geologic hazards. Except for the class of "HIGH WATER TABLE," all the mapped hazards indicate places where slow to rapid movement of earth materials downslope is occurring, has occurred in the past, or can be expected under certain man-made or natural conditions. According to this mapping, the hazard most proximal to the area of the parcel is due to rock fall. Soule's report defines the hazard categories of interest as follows:

Potentially Unstable Slopes – This hazard includes all the attributes of unstable slopes, but <u>lacks apparent evidence of past or present slope failure</u>. The discussion of this category must therefore be prefaced with remarks concerning attributes of the unstable slope hazard category. Unstable slopes are places with physiography characteristic of landslides and earthflows, but where current or very recent activity of these slope failure processes is nonexistent or uncertain. However, Soule (1976), states that all of the areas mapped as unstable slopes have undergone slope movement in the recent geologic past. Due to climatic changes and other factors, some of these areas have become completely stabilized in the natural state, whereas other places included in this category are metastable or possibly even failing slowly at the present time. In addition, Soule (1976) adds the implication that hazards in this category is less certain, and if land-use change is contemplated in these areas, then a precise determination of the degree of slope hazard as it relates to the particular land use will be necessary. According to Soule (1976), the most significant of the attributes of unstable slopes as they apply to the *potentially* unstable slopes category include the composition or surficial and bedrock materials, proximity to and geological similarity to areas that have failed in the past or are failing now, slope angle, aspect, and microclimate. Potentially unstable slope hazards differ from the previous two classes primarily because there is essentially no obvious evidence that large-scale slope failure has taken place naturally. This implies that landslides and earthflows are less likely to occur and this is probably true in most areas so mapped. However, also implied is less certainty about the presence or absence of significant hazard for a given land use. Therefore, as in the case of unstable slopes, determination of actual hazard must be made in the context of the land use being contemplated.

Rockfall Areas – This hazard includes areas subject to rapid, intermittent, somewhat unpredictable, rolling, sliding, bounding, or free-falling of large masses of rocks and debris and individual rock blocks (Soule, 1976). Areas subject to rockfall are most commonly adjacent to barren, very steep and/or fractured and jointed cliffs of bedrock. Consequently, rockfall hazards are usually found in and near places where bedrock exposures occur on very steep slopes. Soule (1976) states most rockfall areas have three distinct hazard zones:

1) a source, usually a cliff or very steep slope;

[1] Gunnison County Geologic Hazard shapefile (1999) downloaded on 6/3/2017 from http://www.gunnisoncounty.org/324/Downloadable-Datasets.

2) an acceleration zone, usually immediately downslope from the primary source of rock fragments and having a slope of 50 to 100 percent, where moving rock fragments can accelerate in their movement downslope, and
3) an area, usually of lesser slope where moving rock fragments decelerate and eventually come to rest.

The boundaries between individual zones vary according to specific details of rock materials, size, and slope geometry. In some cases, zones (1) and (2) (source and acceleration zones) are essentially coincident. Although the frequency and number of events involving larger rocks is usually considerably less, larger rock fragments tend to move farther before they come to rest. In some cases, they have sufficient momentum to roll and bound out onto very gently sloping areas below and adjacent to the slopes down which they moved initially. In the acceleration zones near the primary rock sources, slopes tend to be steeper, moving rocks have large momentum, and most sizes and shapes of rock fragments can move the same distance within that zone. Most smaller rock fragments come to rest at or near the lowest part of this intermediate zone. In the lower "runout" zone (3), which is less steep, moving rocks lose momentum, and the actual distance traversed in this zone is more dependent on the magnitude of momentum, size and shape of rock particles, and slope and frictional effects of the ground itself. Inasmuch as this may be the case, Soule (1976) adds a note to his mapping near the area of the parcel which states "rock areas adjacent to Round Mountain are unstable talus aprons."

Onsite Observations

Observations of conditions near the parcel were made during a field investigation on October 24, 2017. The areas recovered focused on the west-facing slope of Round Mountain where the presence of recent movement could be demonstrated and where the configuration of topography could have the potential to direct the movement of materials toward the proposed building envelope (flat area in the northwest corner of the parcel adjacent to highway 135). Photographs illustrating different geomorphologic conditions were also obtained at that time.

The most obvious features related to geologic hazards are two active talus cones which lie at the west end of the parcel. These talus cones exhibit slopes ranging from about 10 degrees at their base to about 25 degrees near their top, and are composed primarily of broken igneous rock shed off the sides of Round Mountain. The talus cones are apparently fed primarily by two rock streams, which have transported broken talus from source areas downslope to areas of accumulation. The two cones are almost entirely composed of bare broken rock, mostly tabular in form and flat-lying in a sort of interlocked pattern which provides some degree of slope stability. There is evidence of pre-existing accumulations of talus such as the soil and tree-covered area forming the divide between the two active talus cones.

Though no soil has developed over the surface of the active talus cones, suggesting movement or emplacement in the recent past, the rock debris field exhibits a uniform covering of lichen, suggesting some degree of stability. Flipping any rock over to its underside shows a bare rock surface devoid of lichen growth, further evidence that these rocks had not arrived at their current position through a recent catastrophic event.

Moving upslope from the talus cones, one encounters alternating areas of bare rock or rock plus variable amounts of soil and vegetation in the form of grasses, low shrubs, and aspen and fir trees of various age classes. Where soil and vegetation have accumulated, one can assume that downslope movement is no longer occurring or has slowed to the point of

insignificance. Though slope in some of these areas was measured as steep as 35 degrees, the amount of vegetation coverage and soil development indicates a high degree of stability with any movement at the present probably taking place by slow creep as evidenced by distortion of tree trunks in some areas.

The presence of soil and vegetation helps to anchor the talus in position and provides slope stability. As certain areas become stabilized and less prone to erosion and further movement, active transport of material moves toward the flanks of such areas and over time this pattern creates a network of stabilized regions dissected by a network of draws and gullies actively transporting material downslope. Based on the field observations and aerial photo analysis, a map of relative geomorphologic- hazard areas was prepared (**Figure 4, attached).** Photographs taken during the field work were documented and are located and identified on **Figure 5, attached**. This map depicts four zones based on relative hazard level and potential for rock movement. These zones include:

- Source area, the most immediate area of rock outcrop which appears to be feeding rock streams descending the west face of Round Mountain.
- Unstable bare talus, areas higher up on the slope within and above the parcel and adjacent (down-gradient) from the source area (Photo). Slopes here are somewhat steeper, broken rock fragments are often larger, and less tabular than on lower slopes.
- Stable bare talus, includes active rock streams and other areas where bare talus has accumulated.
- Stable talus, soil and vegetation, includes areas where soil has developed and significant vegetation is present. Some of these areas appear to be older abandoned talus conus and mostly occupy small rounded ridges dividing draws and small gulches.

Also shown on **Figure 4** the most apparent and active zones of transport (and probably most recent) are depicted by bright yellow arrowed lines. Less apparent, and probably older draws are also shown and are hypothesized to have provided transport in the past, but for one reason or another were abandoned and have partially filled in with debris, soil and have become largely vegetated. The zones of active transport, represented by the rock streams, do not appear to move appreciable amounts of material by catastrophic failure followed by fall, sliding, or tumbling of material downslope. Only the very occasional rock fragment appeared to be the size and shape that might be considered at risk of moving downslope and accumulating enough momentum to be hazardous to persons or structures below. Even just below the source areas of the rock streams, most rock fragments are tabular in form, flat-lying, and covered in lichen. Similarly, in only a couple places was a fresh, broken rock face observed that might be related to an impact due to fall, breaking the rock.

Based on the observed evidence, it is my contention that the movement of rock fragments probably originates as a slab of rock cleaving off the face of an outcrop in the source area. This mass-wasting mechanism is likely enhanced by frost wedging of joints and fractures in the rock. Once a slab is detached from the face of an outcrop, it shatters upon impact with the slope below, with individual fragments arriving at a position of stability (i.e., flat-lying). Further movement is probably accomplished by slow creep which may be accelerated at times by the buildup of ice or snow. Because the broken material is tabular in form, of many size classes, and irregular in shape, fragments interlock and become quasi-stable even on slopes of over 30 degrees.

Because of the current arrangement of topography, even if a large favorably-rounded boulder were to become detached at the source area, there appears no likely path for this material to contact the northwest corner of the parcel as such material would more likely be captured in one of the draws and directed elsewhere or if it were possible that a large boulder followed the crest of a divide between draws, its movement would seem quickly subdued by the abundance of vegetation.

Many of the above observations are supported by photographs which are attached to this report and geographically indexed on **Figure 5**.

Conclusion

The only conceivable buildable portion of the parcel is located in the extreme northwest corner. Though the entire parcel is contained in an area mapped as rockfall hazard, upon closer examination of the site and its surroundings, the degree of danger to the buildable envelope in the northwest corner seems minimal. I based this on the following lines of evidence:

1. The buildable portion of the parcel is flat-lying, and underlain by soil supporting a wide variety of vegetation, and exhibits no evidence of an accumulation of talus, suggesting that it been relatively undisturbed by upslope mass-wasting for an extended period, at least several hundred years.
2. No incursions of "favorably-rounded" boulders were observed in the flat-lying area of the parcel or immediately beyond it.
3. A rock failure at the source area, even if perfectly aligned with a fall line connecting with the buildable envelope, would have to negotiate a thick forest of trees and would somehow have to avoid capture by any of the numerous draws or a south or north-facing slope.
4. The zones of active transport of rock fragments are south of, or directed to the south of the buildable portion of the parcel.
5. The absence of fresh rock surfaces and the abundance of lichen on all exposed rock surfaces in rock fields, rock streams, and talus cones, suggests that movement in the zones of active transport takes places very slowly by some sort of sliding-creep mechanism.

Respectfully submitted,

MESA HYDRO-LOGIC LLC

Jon F. Kaminsky, Principal/Owner
Mesa Hydro-Logic LLC

PROFESSIONAL GEOLOGIST
JON F. KAMINSKY
PG-3630
10/27
WYOMING

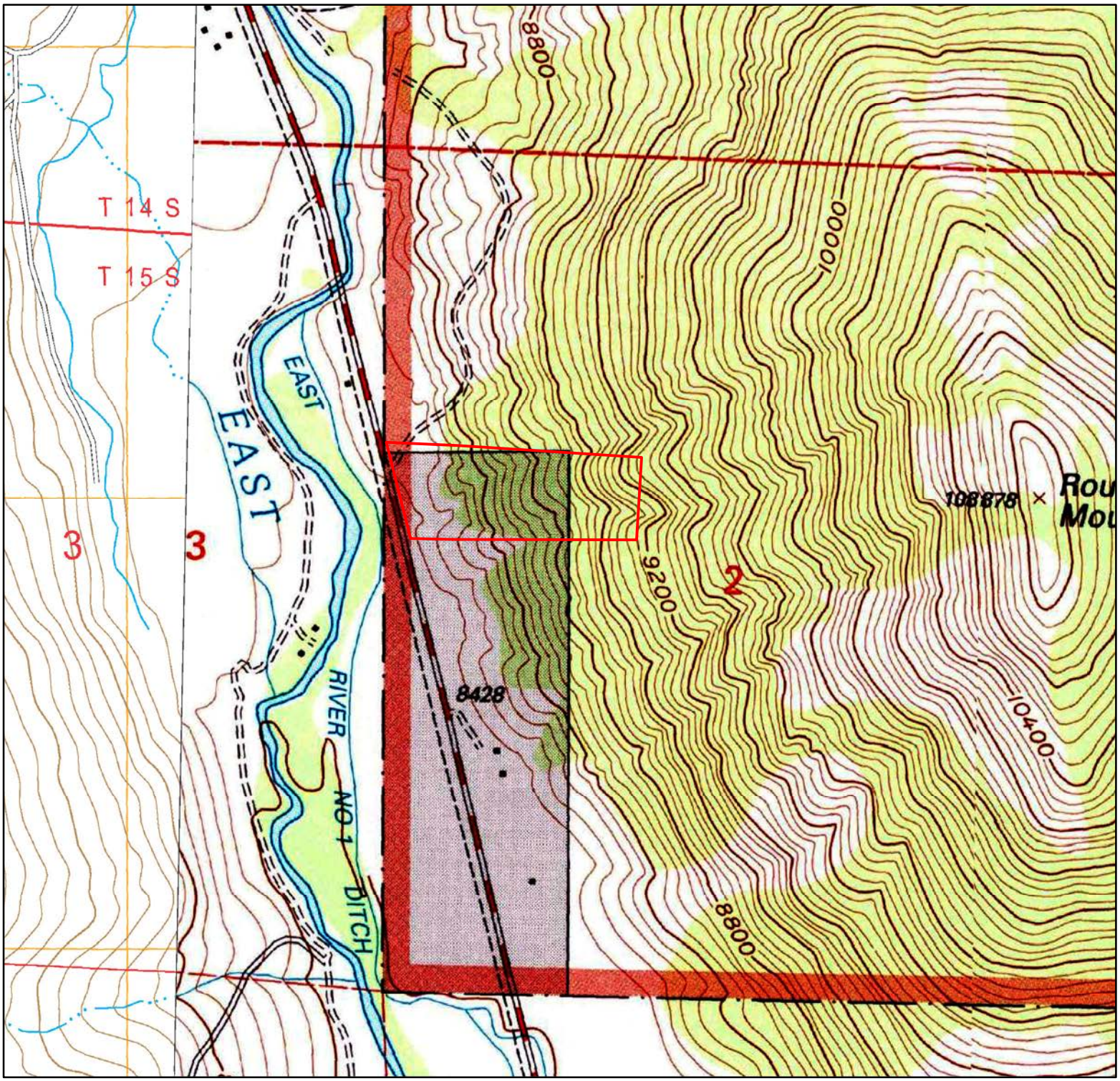
References Cited

Prather, T.L., 1982, Geology of the Gunnison Country: B&B Printers, Inc., Gunnison Colorado, 149 p.

Soule, J.M., 1976, Geologic Hazards in the Crested Butte-Gunnison Area, Gunnison County, Colorado: Colorado Geological Survey Report IS-05, 10 Plates.

Tweto, O., Steven, T.A., Hail, W.J., and Moench, R.H., 1976, Preliminary geologic map of the Montrose 1 degree x 2 degrees quadrangle, northwestern Colorado: U.S. Geological Survey Miscellaneous Field Studies Map, MF-761, Scale: 1:250,000.

Figures



0 0.25 0.5 1 Miles

Scale: 1:12,000

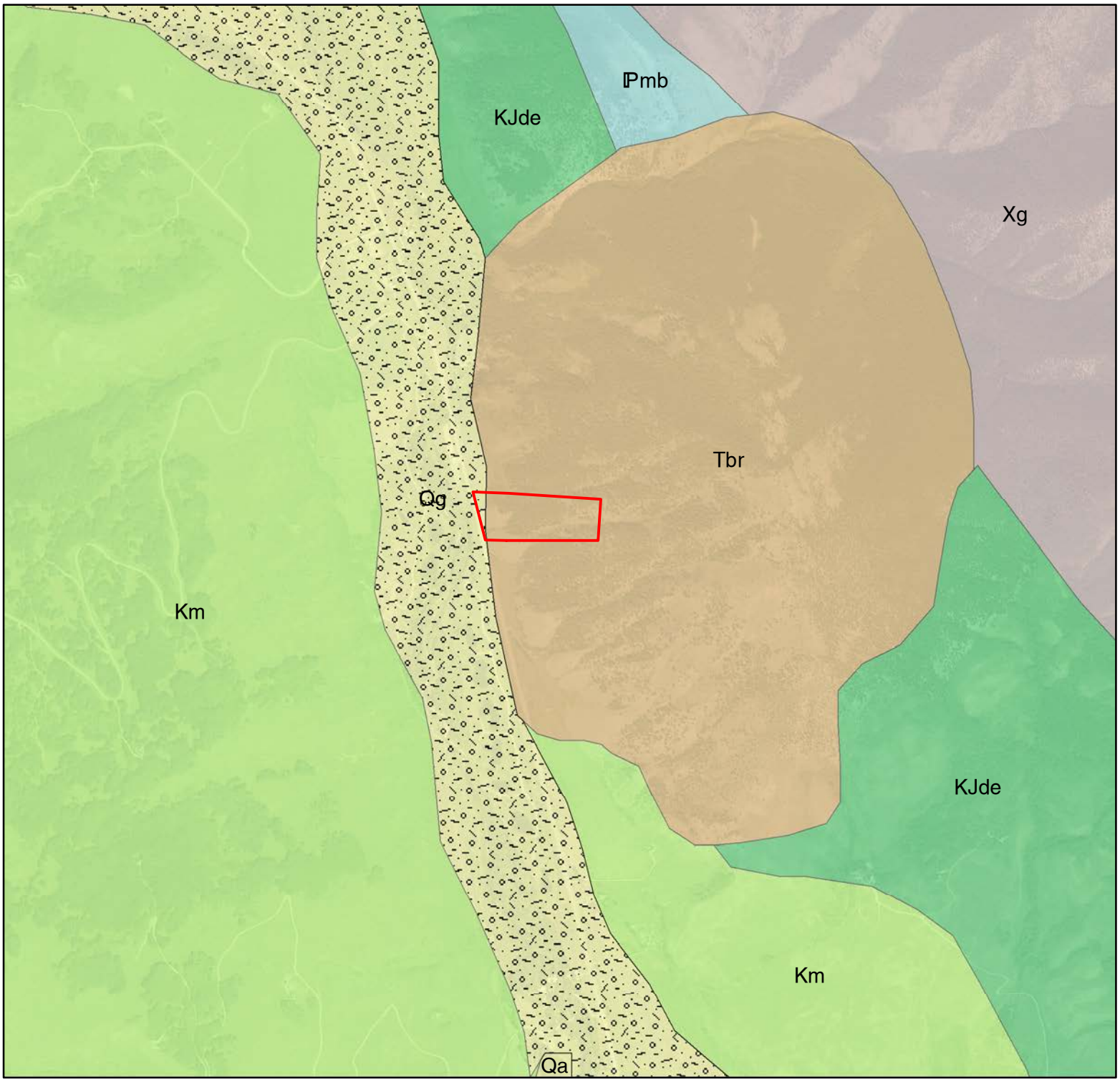
EXPLANATION

Parcel boundary

Parcel boundary obtained from Gunnison County GIS Dept.

Basemap data sources:
West side: US Forest Service, 1:24,000 Crested Butte Quadrangle;
East side: US Geological Survey 1;24,000 Cement Mountain Quadrangle.

Figure 1. Location and topography in vicinity of parcel.



0 0.25 0.5 1 Miles

Scale: 1:24,000

EXPLANATION

Parcel boundary

Geology (USGS MF761)

Symbol, Map unit, Geologic age

Qa;ALLUVIUM;Holocene

Qg;UNCONSOLIDATED DEPOSITS - Young gravels;Pleistocene

Tbr;RHYOLITIC ROCKS OF BIMODAL SUITE;Miocene

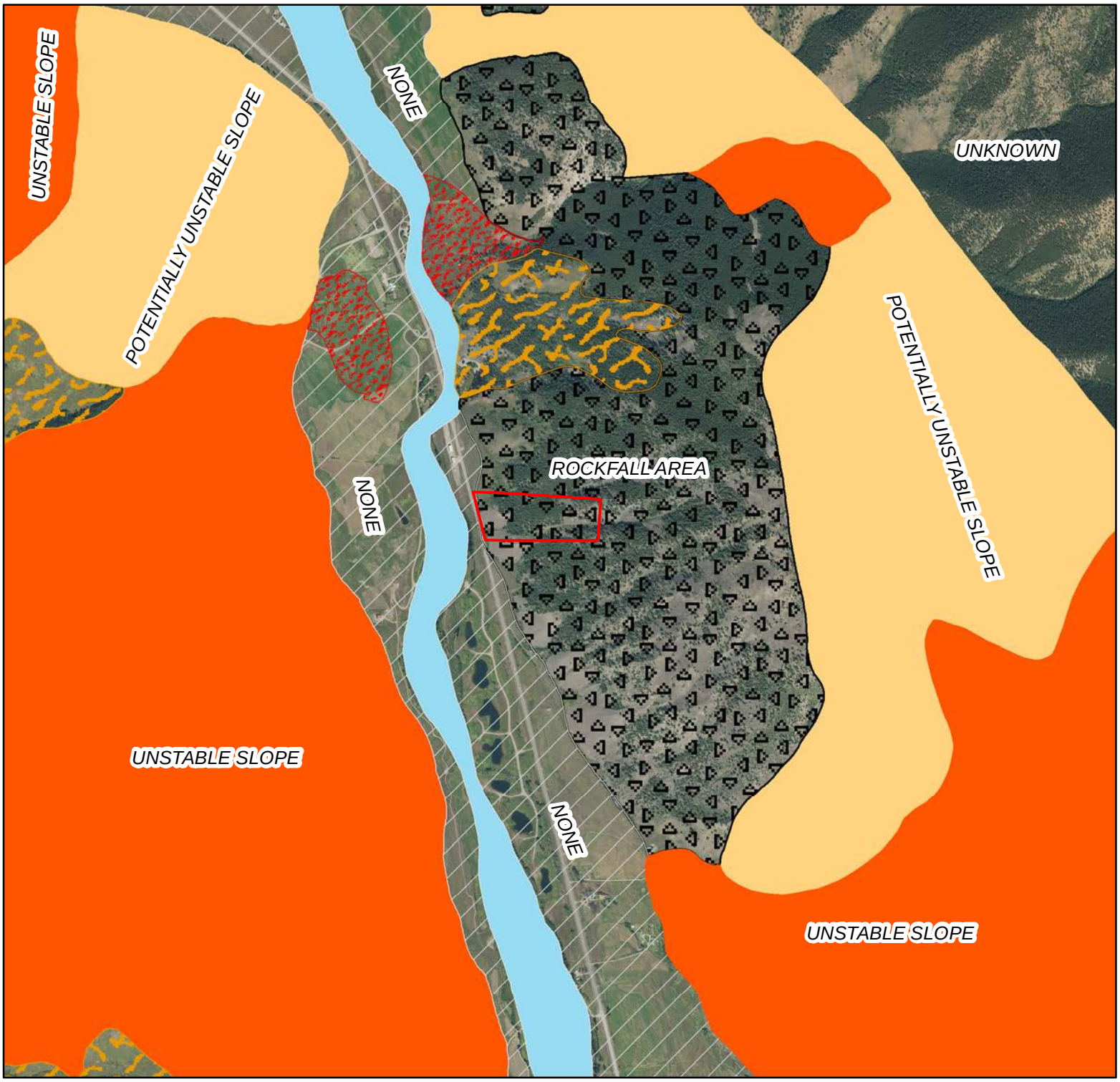
Km;MANCOS SHALE;Upper Cretaceous

KJde;DAKOTA, MORRISON, & ENTRADA FMS.;U. Jurassic - U. Cretaceous

*mb;MINTURN & BELDEN FORMATIONS;Pennsylvanian

Xg;GRANITIC ROCKS;Precambrian X

Figure 2. Geologic Map (After Tweto et al.,1976)



0 0.25 0.5 1 Miles

Scale: 1:24,000

EXPLANATION

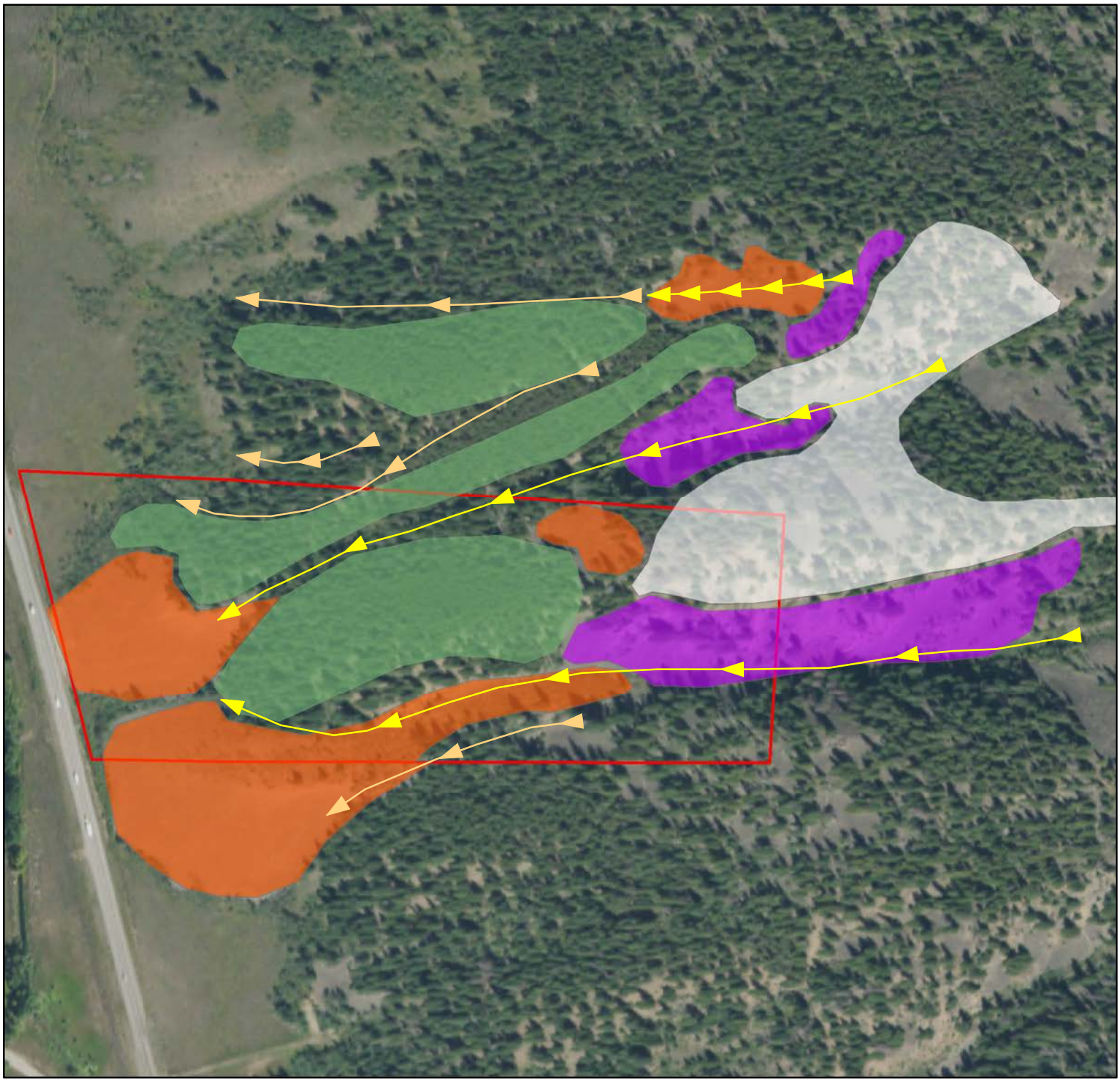
Parcel boundary

Geologic Hazards

Description

- ROCKFALL AREA
- DEBRIS FAN
- LANDSLIDE-EARTHFLOW AREA
- MUDFLOW-DEBRIS FAN
- MUDFLOW
- PHYSIOGRAPHIC FLOODPLAIN
- UNSTABLE SLOPE
- POTENTIALLY UNSTABLE SLOPE
- HIGH WATER-TABLE AREA
- NONE
- UNKNOWN

Figure 3. Geologic Hazards Map (After Soule, 1976)



0 250 500 1,000 Feet

Scale: 1:4,000

EXPLANATION

Geomorph Class

Class, surface

- Source;Outcrop, talus
- Stable;Talus, bare
- Stable;Talus, soil, veg
- Unstable;Talus, bare

Draws/Gullies

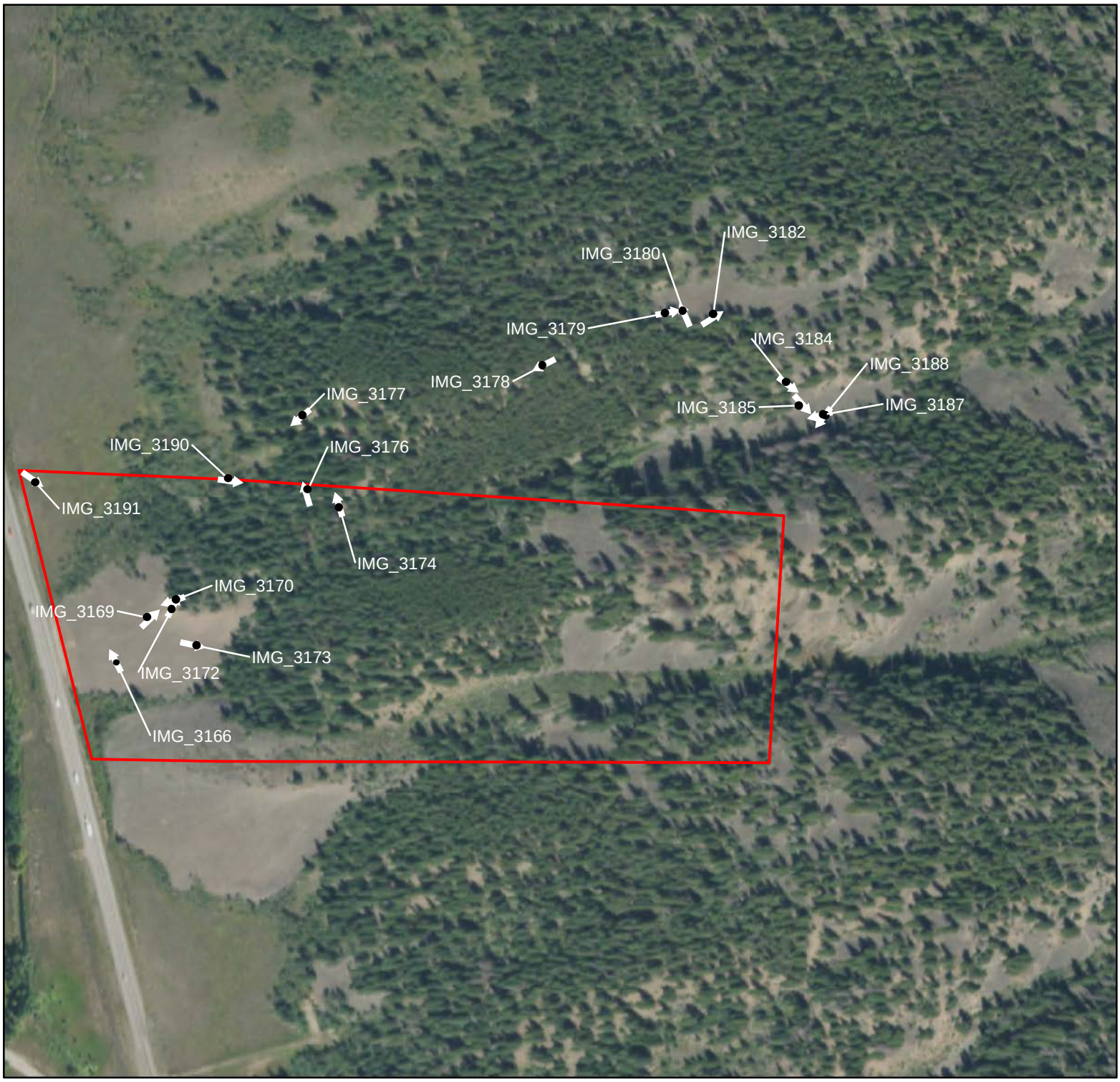
Type

- Draw, major
- Draw, minor

Parcel boundary

Parcel boundary obtained from Gunnison County GIS Dept.
Aerial imagery data source:
USDA National Agricultural Inventory Project (NAIP), 2015.

Figure 4. Detailed Field Hazard Classification



0 250 500 1,000 Feet

Scale: 1:4,000

EXPLANATION

Parcel boundary

Parcel boundary obtained from Gunnison County GIS Dept.
Aerial imagery data source:
USDA National Agricultural Inventory Project (NAIP), 2015.

Figure 5. Photograph locations. Arrows point in direction photo was taken.

Photographs

Photo 1. [Image 3166]. Photograph of lower slope of talus cone occupying the middle west end of the parcel. Note tabular lichen-covered talus suggesting a stable configuration and little to no movement. Photo scale card is 10 cm.

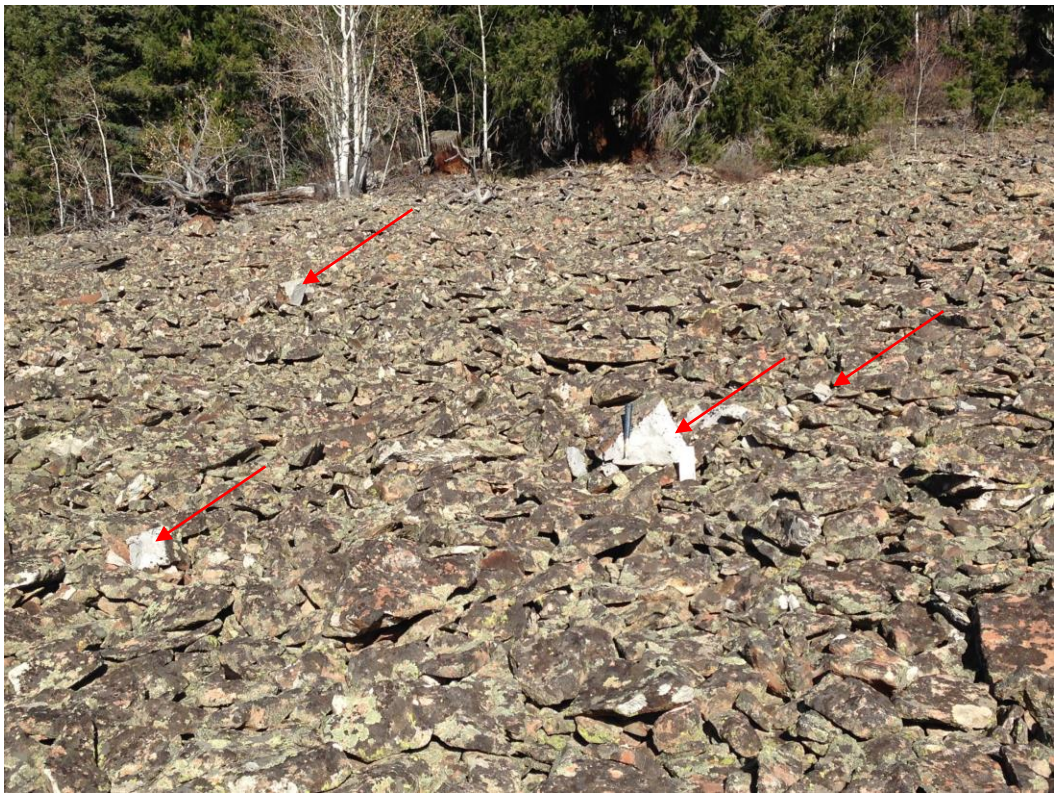


Photo 2. [Image 3169]. View of upper slope of talus cone showing the fresh surfaces of broken talus. Vegetation line is perhaps 50 feet east and upslope of this location. Rock hammer for scale.

Photo 3. [Image 3170]. View from upper slope of talus cone toward the west. Note interlocked tabular lichen-covered talus suggesting a stable configuration with little to very slow rate of movement.

Photo 4. [Image 3172]. Close view of vegetation occupying top of talus cone occupying the middle west end of the parcel. Significant soil has developed supporting a variety of vegetation and helping anchor the talus field.

Photo 5. [Image 3173]. Close-up of talus occupying the upper portion of the talus cone. Note variety of fragment sizes and the tabular form of larger blocks. Note contrast between freshly broken rock and lichen-covered surfaces. Photo scale card is 10 cm.

Photo 6. [Image 3174]. Close-up of rock talus atop stabilized area midway upslope on parcel. Large tabular rock fragment was flipped to show contrast of lichen-covered rock with the underside of the flipped rock and the surface of rock fragments formerly underlying the flipped rock. Photo scale card is 10 cm.

Photo 7. [image 3176]. View to the north across fall line, atop an area stabilized by soil and vegetation. Several trees in this view demonstrate the curved lower trunks indicative of slow creep, moving to the left in this photo. Vertical line for comparison.

Photo 8. [image 3177]. View to the west down fall line, atop area stabilized by soil and vegetation. Slope here is very steep, approximately 35 degrees to the west.

Photo 9. [Image 3178]. View to the west downslope of a stable vegetated, soil-covered ridge or divide (slope drops off to either side). The rock field shown in Photos 10, 11, and 12 is about 150 feet directly upslope behind this location.

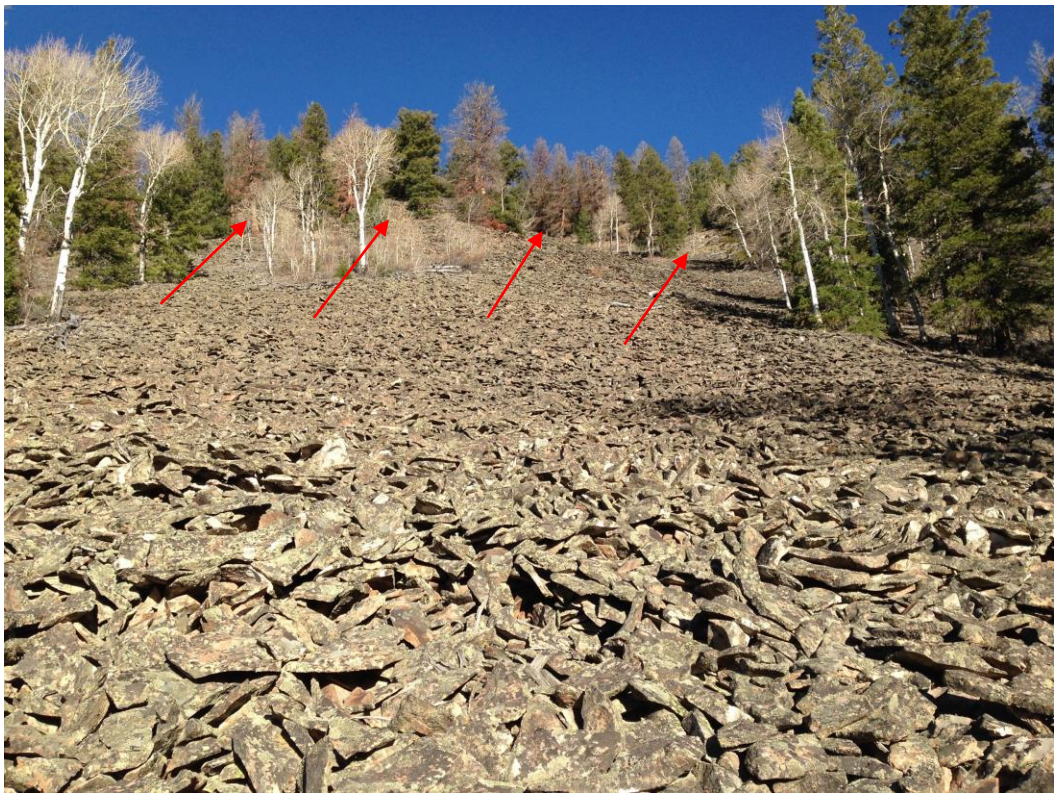


Photo 10. [Image 3179]. Easterly view of a rock field taken from the foot of the accumulated talus. This location is north of the parcel boundary. The talus is lichen-covered, interlocked, and fairly stable, and this area does not currently feed a rock stream. Arrows indicate cliffy source area where rock appears to be actively spalling off.

Photo 11. [Image 3180]. Cross fall-line view of the rock field taken further upslope from where Photo 10 was taken. Slope here is 27 degrees, but this rock field is stable.

Photo 12. [Image 3182]. Closer view of one of the source areas feeding rock field north of the parcel. Arrows indicate cliffy areas where rock appears to be actively spalling off. This is the same area as in Photos 10 and 11 but higher up.

Photo 13. [Image 3184]. View of one of the source areas feeding the main rock stream that crosses the parcel. Arrows indicate cliffs where rock appears to be actively spalling off.

Photo 14. [Image 3185]. Close-up of talus some showing bare rock surfaces suggesting some may have recently spalled off the outcrop (see arrows). Most of the surrounding rocks are lichen-covered, indicating some degree of stability.

Photo 15. [Image 3187]. View to west down one of the main rock streams. Red circle around a large blocky boulder that under the right circumstances, might be expected to roll or tumble downslope. Boulder is about 3 feet x 2.5 feet.

Photo 16. [Image 3188]. View upslope toward a source outcrop (shown by arrows) that helps feed material to the major rock stream. Note broken rock in lower right corner. Photo 15 was taken in this area below this outcrop.

Photo 17. [Image 3190]. North boundary of the parcel near the transition from fir trees to aspen. Well-developed soil and almost no trace of fractured rock at the surface.

Photo 18. [Image 3191]. Southeast view of the buildable portion of the parcel taken from the northwest corner. Edge of the talus cone can be seen through the line of Aspen trees. No evidence of any rock tumbled from above was observed in this area.

Contract No. 17-202A
Acre-feet: .5

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

THIRD-PARTY AGREEMENT
FOR PURCHASE OF ASPINALL UNIT STORAGE WATER
FOR LONG-TERM WATER SERVICE

This Agreement is entered into this 22ND day of December, 2017 between the Upper Gunnison River Water Conservancy District, a water conservancy district organized pursuant to the Water Conservancy Act (§§ 37-45-101, *et seq.*, C.R.S. (2006))(District) and the buyer identified below (Buyer).

Buyer's Name Caleb Brewer and Chad Anderson

Address P.O. Box 4137, Crested Butte, CO 81224

Telephone 970-209-1911 E-mail address caleb@peakcb.com

RECITALS

A. The District is authorized by the Water Conservancy Act to enter into contracts with the United States for use of water (§ 37-45-106(e), C.R.S. (2006)), to acquire water for use within the boundaries of the District (§ 37-45-106(j), C.R.S. (2006)), and to enter into cooperative agreements with water conservation districts for the lease or exchange of water produced in the exercise of the District's water rights outside of District boundaries (§ 37-83-106 C.R.S. (2006)).

B. The District has entered into a Long-Term Water Service Contract with the United States of America (the United States), acting through the Secretary of the Interior, pursuant to The Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and all acts amendatory and supplementary thereto, and particularly pursuant to the Colorado River Storage Project Act approved April 11, 1956 (70 Stat. 105), for 500 acre-feet of water stored in Blue Mesa Reservoir, a part of the Aspinall Unit of the Colorado River Storage Project (District Contract). A copy of the District Contract is attached to this Agreement as EXHIBIT A and its terms are incorporated into this Agreement by this reference.

C. The District Contract authorizes the District to resell up to 500 acre-feet of municipal and industrial water subject to the terms and conditions of the District Contract.

D. The District is providing the water described in this Agreement for use as replacement

water to the Gunnison River to permit out-of-priority depletions by the water right specifically identified in paragraph 2 below which would otherwise be curtailed by a call on the Gunnison River by senior water rights diverting water downstream from the Aspinall Unit. The water is provided by the District pursuant to the terms and conditions of a Substitute Water Supply Plan authorized by § 37-92-308(4) C.R.S. (2006) as approved by the State Engineer or the Plan for Augmentation decreed in Case No. 03CW49, Water Division 4, as applicable.

AGREEMENT

In consideration of the mutual and dependent covenants contained herein, the parties to this Agreement agree as follows:

1. This Agreement shall become effective upon execution of the Agreement by the District, subject to the approvals required by paragraph 14, and shall expire December 31, 2043. This Agreement is subject to and limited by the terms of the District Contract.

2. The water right to be protected by release of water pursuant to this Agreement are decreed to (*name of structure*) to be constructed well Brewer Subdivision Well, described in detail on the Application attached to this Agreement as EXHIBIT B.

3. The amount of water purchased by Buyer under this Agreement is 0.50 acre-feet. (*This amount must be at least one-half acre-foot and not more than 25 acre-feet.*)

4. For the water purchased under this Agreement, Buyer agrees to pay the Colorado River Storage Project Municipal and Industrial water rate (M&I water rate), as calculated annually by the Bureau of Reclamation according to the terms of the District Contract, payable as follows:

4.1 Upon signing this Agreement, the Buyer shall pay to the District:

4.1.1 **$50.00** to reimburse the District for costs of administration of this Agreement and the District Contract; plus

4.1.2 **$ 55.56** per acre-foot for each acre-foot of water purchased by Buyer, as set forth in paragraph 3; plus

4.1.3 **$2.00** per acre-foot for operation and maintenance surcharge for each acre-foot of water purchased by Buyer, as set forth in paragraph 3.

Total amount paid by Buyer upon signing this Agreement: $78.78 (4.1.1 + 4.1.2 x acre-feet purchased + 4.1.3 x acre-feet purchased)

Example: *Buyer is purchasing two acre-feet in 2017.*
*Total amount paid is $165.12 (**$50.00** plus **$55.56** x 2, plus **$2.00** x 2).*

Example: *Buyer is purchasing one acre-foot in 2017.*
*Total amount paid is $107.56 (**$50.00** plus **$55.56** x 1, plus **$2.00** x 1).*

4.1.4 The amount in the example reflects the M&I water rate for 2017. The M&I water rate will be adjusted annually, as provided in paragraph 4 of the District Contract.

4.2 Commencing in the calendar year following the year in which this Agreement is signed, Buyer shall pay to the District annually the M&I water rate plus the operations and maintenance surcharge calculated for such year by the Bureau of Reclamation for each acre-foot of water purchased.

4.3 On or before the last day of February of each year during the term of this Agreement, the District shall mail an invoice to Buyer's last known address, as reflected in the District's records, which shall include the following:

4.3.1 A calculation of the payment rate for M&I water for the current year, plus the operations and maintenance surcharge, as provided to the District by the Bureau of Reclamation pursuant to the District Contract;

4.3.2 The amount, if any, of the District's annual cost reimbursement;

4.3.3 The total amount due from Buyer to the District for the current year;

4.3.4 A form to be completed by Buyer, itemizing monthly well diversions under water rights described in paragraph 2, as reflected by Buyer's flow meter.

4.4 On or before March 31st, Buyer shall return the completed diversion record provided by the District pursuant to paragraph 4.3.4, together with payment of the total amount due as described in the invoice.

4.5 The District shall pay all sums collected from Buyer to the United States, pursuant to the District Contract; provided, however, that the cost reimbursements described in paragraphs 4.1.1 and 4.3.2 will be retained by the District.

5. By signing this Agreement, Buyer acknowledges, represents and warrants to the District:

5.1 That the information provided by Buyer to the District on the Application attached to this Agreement as EXHIBIT B is correct to the best of Buyer's knowledge;

5.2 That Buyer has read and understands the District Contract attached to this Agreement and agrees to be bound by its terms, as applicable;

5.3 That the Substitute Water Supply Plan and the Plan for Augmentation described in Recital D above require that all wells must have totalizing flow meters installed and maintained in good working order;

If Buyer's well is not metered on the date of this Agreement, Buyer acknowledges that the Division Engineer will require Buyer to install and maintain a totalizing flow meter in order to qualify for protection of the water right described in paragraph 2 by the Substitute Water Supply Plan or the Plan for Augmentation described in Recital D.

5.4 That water purchased under this Agreement will be released from Blue Mesa Reservoir and delivered to the Gunnison River at the outlet works of Crystal Dam upon request of the Division Engineer, Water Division 4, at times and in amounts determined by the Division Engineer in his sole discretion, and only for the purpose of providing replacement water to the Gunnison River to permit out-of-priority depletions by the water right specifically identified in paragraph 2 which would otherwise be curtailed by a valid call on the Gunnison River by senior water rights diverting water downstream from the Aspinall Unit;

5.5 That water purchased under this Agreement will not protect Buyer from curtailment as a result of a call placed by any water right upstream of the Aspinall Unit and senior to Buyer's water right;

5.6 That the amount of water purchased by Buyer under this Agreement has been determined solely by Buyer, and that the District makes no representation that the amount purchased by Buyer is sufficient to protect Buyer's water rights from curtailment as a result of a call placed by by senior water rights diverting water downstream from the Aspinall Unit;

5.7 That the amount to be paid annually by Buyer under this Agreement is due and payable in full, whether or not the water purchased is actually released from Blue Mesa Reservoir;

5.8 That Buyer shall have no holdover of water storage in Blue Mesa Reservoir from year to year; therefore, any water purchased under this Agreement which is not released by December 31 in each year shall become integrated with the water supply for all purposes of the Blue Mesa Reservoir and be available for all purposes at that time.

5.9 That in the event water available to the District under the District Contract is curtailed pursuant to the provisions of the District Contract, no liability shall attach to the District for such curtailment, even if said curtailment results in a reduction of the amount of water released under this Agreement;

5.10 That, except as expressly contained in this Agreement, no representation by or on behalf of the District has been made to Buyer as to the amount of water purchased by Buyer under this Agreement, the effectiveness of such purchase in protecting any water right from curtailment or the availability of water to the District under the District Contract.

6. Buyer agrees to maintain permanent records of all well diversions under water rights described in paragraph 2, as reflected by Buyer's flow meter, recorded by Buyer at least monthly, and to submit a copy of such records to the District annually with the payment described in paragraph 4.4.

7. The payment by Buyer of the amounts described in paragraph 4 is a condition precedent to receiving benefits under this Agreement. In the event that Buyer's tendered payment is dishonored, the District shall not make water available for Buyer until Buyer provides payment of the amount due, plus interest at the rate of ten percent (10%) per annum from the date of tender and a late charge equal to five percent (5%) of the payment, in Good Funds (cash, electronic transfer funds, certified check or cashier's check).

8. This Agreement may not be assigned, or the water purchased hereunder transferred, by Buyer without the written consent of the District and approval by the United States. Upon any transfer of the water right identified in paragraph 2, Buyer shall notify the District of such transfer in writing. The notice shall include the name, address and telephone number of the person to whom the transfer will be made and an application for transfer. The District may, in its discretion, assess an administration fee to record the transfer as a condition of approving the transfer. Any transfer of the water purchased under this Agreement without the consent and approval required by this paragraph shall be void.

9. The District may terminate this Agreement in the event of failure by the Buyer to perform Buyer's obligation to pay the sums due under this Agreement, or in the event of a misrepresentation or breach of warranty by Buyer. In the event of termination by the District for reasons other than non-payment, any sums paid by Buyer shall be non-refundable. The District shall give written notice of termination to Buyer, the United States and the Division Engineer.

10. This Agreement constitutes the entire and only agreement between the District and Buyer relating to the subject matter hereof. No subsequent modification of any of the terms of this Agreement shall be valid, binding upon the parties, or enforceable unless made in writing and signed by the parties and the United States and approved by the Division Engineer.

11. The use of water purchased under this Agreement shall comply fully with the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 *et seq.*) prior to the approval of this Agreement by the United States.

12. The water purchased under this Agreement shall be appurtenant to the water right identified in paragraph 2, and the terms of this Agreement shall be binding upon Buyer's successors in interest to said water right.

13. Any notice to Buyer provided for in this Agreement shall be in writing and shall be given and be effective upon (1) hand delivery to Buyer or (2) mailing such notice by first-class U.S. mail, addressed to Buyer at the Buyer's address stated on the first page of this Agreement, or to such other address as Buyer may designate by notice to the District. Any notice to the District shall be in writing and shall be given and be effective upon (1) hand delivery to the District's manager or (2) by mailing such notice by first-class U.S. mail to the District at 210 West Spencer, Suite B, Gunnison, CO 81230, or to such other address as the District may designate by notice to Buyer.

14. This Agreement is subject to approval by the United States. Upon execution by all parties, and subject to timely payment by Buyer, the District will issue an Augmentation Certificate, a copy of which will be recorded in the records of the County in which structure identified in EXHIBIT B is located and a copy of which will be provided to Buyer in a form that can be attached to the structure.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first written above.

Buyer:
Caleb Brewer and Chad Andeson

Upper Gunnison River
Water Conservancy District

By: Frank J. Kugel, General Manager

APPROVED:

United States of America

By: Ed Warner, Area Manager
Western Colorado Area Office

COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401

Karen Berry
State Geologist

November 30, 2017

Neal Starkebaum
Gunnison County Community Development
221 N. Wisconsin St., Suite D
Gunnison, CO 81230

Location:
SW NW Sec. 2 and SE NE Sec. 3,
T15S, R85W, 6th P.M.
38.7806 -106.8694

Subject: Sciortino Building Envelope
Gunnison County, CO; CGS Unique No. GU-18-0005

Dear Neal:

Colorado Geological Survey has reviewed the proposed building envelope location for the Sciortino property, located on the east side of Highway 135 about 8.5 miles southeast of Crested Butte. With this referral, we received a Geologic Hazards Analysis, Round Mountain Parcel 3435-000-00-069 (Jon F. Kaminsky, Mesa Hydro-Logic LLC, October 25, 2017). We also looked at a site plan (SGM, May 18, 2017) available via the county's Public Access system. The site plan identifies an approximately two-acre building envelope extending 400 feet from the western property boundary in the northwestern corner of the 25.4-acre proposed Sciortino property.

CGS agrees with Kaminsky's assessment that the rockfall hazard in the far northwestern corner of the parcel is minimal. Provided no improvements encroach on the talus cone, CGS has no objection to approval of the building envelope and legalization/legitimization of the subdivision as proposed.

Any change in vegetation conditions above the site, such as through wildfire, disease, erosion, or other disturbance, may increase the rockfall hazard, and mitigation may then be needed to protect occupants and improvements.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.
Engineering Geologist

COLORADO
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

February 16, 2018

Neal Starkebaum
Gunnison County Community Development
221 N. Wisconsin Street Suite D
Gunnison, CO 81230

Re: Brewer/Sciortino Subdivision
Sections 2 and 3, T15S, R85W 6th PM
Water Division 4, Water District 59

Dear Mr. Starkebaum:

We have reviewed the information regarding the above referenced proposal to legitimize an illegally created 25 acre parcel as a legal, subdivided lot. Water for the lot is to be supplied by a new individual on-lot well and sewage disposal is to be provided through an onsite wastewater treatment system.

The submitted materials included a copy of Contract No. 17-202A from the Upper Gunnison River Water Conservancy District for 0.5 acre-feet of Aspinall Unit water for the Brewer Subdivision Well. According to the District, the application for the contract water was for one single family dwelling and 2,000 square feet of lawn and gardens. Although well permits issued pursuant to CRS 37-90-137(2) for this area may be available if the wells are included in the District's plan for augmentation, no well permit applications have been submitted for review by this office, and there is no guarantee that well permits can be issued.

Also included in the submitted materials was a report from Mesa Hydro-Logic, LLC, dated October 30, 2017, regarding their evaluation of the groundwater resources available for the parcel. Since there is not a completed well on the parcel, test data from three nearby wells were evaluated. Based on the information from these three existing wells, the consultant concluded that there appears to be sufficient groundwater resources available to supply the daily water demands of 350 gallons for a single family residence. Should the proposed new well for the parcel actually produce in a similar manner of the nearby wells, it should be adequate to provide water for ordinary household purposes in the one single family dwelling. Please note that the long term adequacy of any ground water source may be subject to fluctuation due to hydrological and climatic trends.

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply should be physically adequate and can be provided without causing material injury to decreed water rights so long as the applicant obtains and maintains a well permit issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation operated by the Upper Gunnison Water Conservancy District.

If you or the applicant has any questions concerning this matter, please contact me at 303-866-3581.

Sincerely,

Megan Sullivan, P.E.
Water Resource Engineer

MAS/Brewer Sciortino Subivision.docx

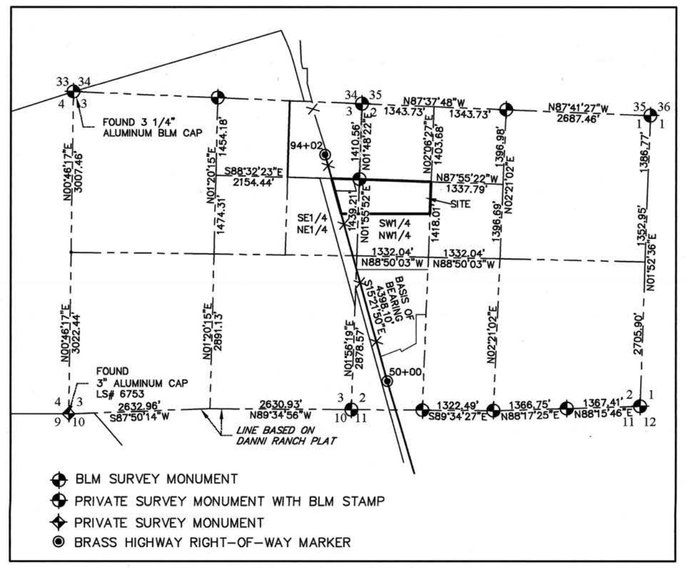
cc: Bob Hurford, Division Engineer
District 59 Water Commissioner

PLAT OF

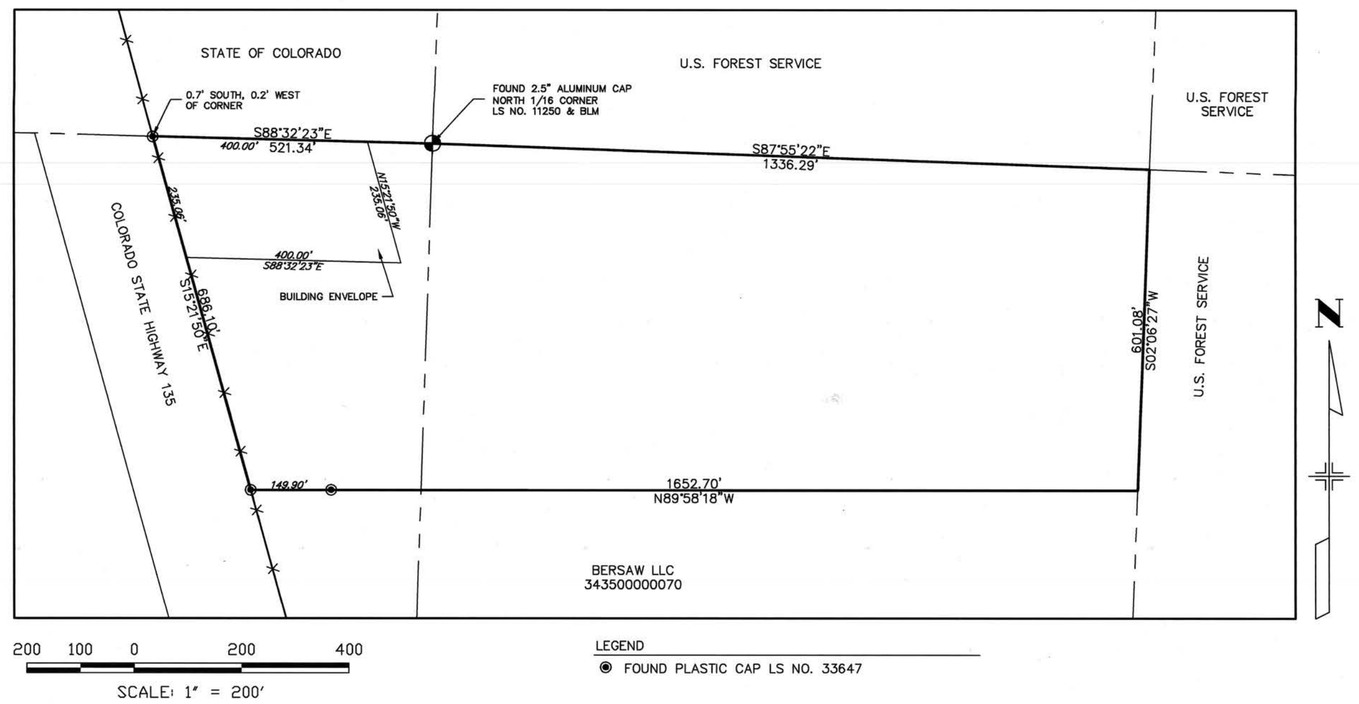
BREWER SUBDIVISION

GUNNISON COUNTY, COLORADO

LOCATED WITHIN THE
SW1/4 NW1/4 SECTION 2 AND THE SE1/4 NE1/4 SECTION 3
TOWNSHIP 15 SOUTH, RANGE 85 WEST
OF THE 6TH PRINCIPAL MERIDIAN



CONTROL DIAGRAM
SCALE 1" = 2000'



ATTORNEY'S OPINION

I, Marcus J. Lock, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in Caleb M. Brewer and Chad Anderson and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Real property taxes and assessments for the current and future years, a lien not yet due and payable.
2. All matters shown on this plat.
3. Right of way easement conveyed to Mountain States Telephone and Telegraph Company, a Colorado corporation by Ralph O. Walton in instrument dated July 26, 1974, recorded January 23, 1975 in Book 481 at page 154.
4. Right of Way Easements granted to The Gunnison County Electric Association, Inc., its successors and assigns, recorded January 25, 2000 as Reception No. 499266, January 25, 2000 as Reception No. 499268, March 9, 2001 as Reception No. 509171 and March 9, 2001 as Reception No 509184.
5. The effect of Certificate of Minor Impact Project Approval as recorded in the real property records of Gunnison County, Colorado at Reception No. _____.

Dated this 24th day of January, A.D. 2018.

Attorney-at-Law

GENERAL NOTES:

1. **CONFINEMENT OF DOMESTIC ANIMALS** : Domestic animals must be controlled by kenneling, leash, fencing or other physical constraint; any expense of enforcement of domestic animal control restrictions by the County shall be at the expense of the responsible individual.
2. **AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS:** Pursuant to C.R.S. § 35-46-101 *et seq*, a property owner is required to construct and maintain fencing in order to keep livestock off his/her property.
3. **IRRIGATION DITCH MAINTENANCE:** 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.
4. **PROHIBITION ON FURTHER SUBDIVISION:** The real property shown on this plat may not be further subdivided.
5. **LIMITATION ON BUILDING:** No buildings may be erected outside of the building envelope shown on this plat.
6. **BASIS OF BEARING** - S15°21'50"E between the highway right-of-way markers 50+00 AND 94+02 as shown on the control diagram.
7. According to Colorado law you must commence legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based on any defect in this survey be commenced more than ten years from the date of the surveyor's certificate shown hereon.

SURVEYOR'S CERTIFICATE

I, Norman C. Whitehead, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Plat of BREWER SUBDIVISION as laid out, platted, dedicated and shown hereon, that such Plat was made by me from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the boundary and easements of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land. I further certify that this Plat satisfies requirements of the C.R.S. Section 38-33.3-209.

COLORADO LICENSED NORMAN C. WHITEHEAD 27739 1/23/18 P.E. AND P.L.S.

Norman C. Whitehead
Colorado P.L.S. No. 27739
P. O. Box 3688
Crested Butte, Colorado 81224

WARNING AND DISCLAIMER OF GEOLOGIC HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

We, Caleb M. Brewer and Chad Anderson (owners of property), on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of geologic hazard areas that may affect the use and occupancy of this property, and any improvements thereto. We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

Caleb M. Brewer

Chad Anderson

WARNING AND DISCLAIMER OF WILDFIRE HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

We, Caleb M. Brewer and Chad Anderson (owner(s) of property), on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property, and any improvements thereto. We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agrees to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

Caleb M. Brewer

Chad Anderson

DEDICATION

We, Caleb M. Brewer and Chad Anderson, being the owner and lienholder, respectively, of the land described as follows:

A tract of land located within the SW1/4 NW1/4 Section 2 and the SE1/4 NE1/4 Section 3, Township 15 South, Range 85 West, of the 6th Principal Meridian, County of Gunnison, State of Colorado, being described as follows:

Commencing at the NW corner of said Section 2 ; thence S01°48'22"W along the west line of said Section 2 a distance of 1,410.56 feet to the NW corner of said SW1/4 NW1/4 also being the POINT OF BEGINNING; thence S87°55'22"E along the north line of said SW1/4 NW1/4 a distance of 1,336.29 feet to the NE corner of said SW1/4 NW1/4; thence S02°06'27"W along the east line of said SW1/4 NW1/4 a distance of 601.08 feet; thence N89°58'18"W a distance of 1,652.70 feet to a point on the easterly right-of-way line of Colorado State Highway 135; thence N15°21'50"W along said right-of-way a distance of 686.10 feet to a point on the north line of said SE1/ NE1/4; thence S88°32'23"E along the north line of said SE1/ NE1/4 a distance of 521.34 feet to the POINT OF BEGINNING.

Containing 25.45 acres, more or less,

in Gunnison County, Colorado, under the name of Brewer Subdivision, have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof Caleb M. Brewer and Chad Anderson have subscribed their names this _____day _____of A.D. 2018.

By: _____
Caleb M. Brewer

By: _____
Chad Anderson

NOTARIAL:

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this 24th day of January, A.D. 2018, by Caleb M. Brewer.

My commission expires: 7-21-2021
My address is: 525 N. Main St. Gunnison, CO 81230
Witness my hand and official seal:

Mary Jo Marvel (seal)
Notary Public

MARY JO MARVEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20054026754
My Commission Expires July 21, 2021

NOTARIAL:

State of Colorado)
) ss.
County of Broomfield)

The foregoing instrument was acknowledged before me this 24th day of January, A.D. 2018, by Chad Anderson.

My commission expires: Nov 27, 2021
My address is: 12009 Sheridan Blvd, Broomfield CO 80020
Witness my hand and official seal:

Nicole Hedgecock (seal)
Notary Public

NICOLE ANN HEDGECOCK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174048389
MY COMMISSION EXPIRES NOVEMBER 27, 2021

COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No._____ recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held on this _____day of _____, A.D. 2018.

_____
Chairperson, Gunnison County Planning Commission

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of BREWER SUBDIVISION is approved this_____ day of____, A.D. 2018, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of_____ A.D. 2018, Reception Number _____, Time _____, Date_____.

_____
Gunnison County Clerk and Recorder

PLAT OF
BREWER SUBDIVISION
GUNNISON COUNTY, COLORADO

Prepared By:
NCW & Associates, Inc.
P.O. Box 3688 Crested Butte
(970) 349-6384 Colorado 81224

PROJECT: 17220.00	DWG.: PLAT
DATE: 1/22/18	SHEET 1 OF 1

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 18-___

A RESOLUTION APPROVING LUC NO. LUC-2016-00038
SCIORTINO (BREWER) SUBDIVISON
SW1/4NW1/4 SECTION 2 AND THE SE1/4NE1/4 SECTION 3,
TOWNSHIP 15 SOUTH, RANGE 85 WEST, 6TH P.M,
25.32-ACRES.

WHEREAS, Trey Sciortino (under contract to purchase the property), as authorized by Caleb M. Brewer and Chad Anderson (owners), and as represented by Marcus Lock, is requesting to legitimize an illegally created 25-acre parcel as a legal, subdivided lot, to allow the issuance of County building and onsite wastewater treatment system permits; and

WHEREAS, the Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing on May 19, 2017; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on July 21, 2017, by a 4-1 vote, forward to the Board of County Commissioners, a Recommendation of denial of that application, with certain Findings and Conditions; and

WHEREAS, after a separate Board of County Commissioners public hearing on September 19, 2017, the Board disagreed with the Planning Commission findings and directed staff to finalize review of the application and prepare a Resolution for approval;

AND WHEREAS, the Board is informed of the following:

1. The applicant submitted a report titled *Geologic Hazards Analysis, Round Mountain Parcel 3435-000-00-069*, prepared by Jon F. Kaminsky, Hydrogeologist, Mesa HydroLogic LLC, October 25, 2017. The analysis identifies that the rockfall hazard to the building envelope, in the northwestern corner of the property, is minimal.

2. Jill Carlson, C.E.G., Engineering Geologist, Colorado Geologic Survey, in a letter dated November 30, 2017 notes that: "CGS agrees with Kaminsky's assessment that the rockfall hazard in the far northwestern corner of the parcel is minimal. Provided no improvements encroach on the talus cone, CGS has no objection to approval of the building envelope and legalization/legitimization of the subdivision as proposed."

3. The applicant submitted a report titled *Groundwater Resources Analysis, Round Mountain Parcel 3435-000-00-069*, prepared by Jon F. Kaminsky, Hydrogeologist, Mesa HydroLogic LLC, dated October 30, 2017 noting: "Based on the information obtained from the well construction and test data from the CDWR database, sufficient groundwater resources appear available in this area to supply a single- family residence that would require approximately 350 gallons per day. However, these data should be viewed with caution due to the inexact locations of the three wells and the limitations of the relatively short test duration associated with each of the wells. If accurately located, well permit No . 301915 is located closest to the parcel in question, would seem representative of the probable subsurface conditions to be encountered on the parcel, and according to the test records, is a highly productive well. The only conceivable buildable portion

of the parcel is located in the northwest corner. Chances are fair to good that a successful well can be sited on the parcel, but location options are limited. To take advantage of proximity to alluvial/ colluvial water-bearing material, proximity to the buildable envelope, and an area accessible to a drill *rig,* a location as far to the west as possible along the north boundary of the parcel would seem most ideal. Such a location would be outside the highway 135 right-of-way while optimizing the chance of encountering a sufficient thickness of permeable alluvial material to provide a year-round supply of groundwater sufficient for domestic household purposes that would require approximately 350 gallons per day."

4. Megan Sullivan, P.E., Water Resource Engineer, Colorado Division of Water Resources, letter of February 16, 2018 notes that: "it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply should be physically adequate and can be provided without causing material injury to decreed water rights so long as the applicant obtains and maintains a well permit issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation operated by the Upper Gunnison Water Conservancy District." The applicant has submitted a contract for augmentation water with the Upper Gunnison River Water Conservancy District, Contract 17-202A, executed on December 22, 2018, for the water supply for the parcel.

NOW, THEREFORE, the Board hereby finds:

1. 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.

2. The Colorado Geologic Survey concurs with the applicant's consultant that the geologic rockfall hazard to the building envelope is minimal.

3. The applicant has demonstrated and the Colorado Division of Water Resources determined that the legal and physical supply of ground water, for a well serving the future residence, is adequate.

4. The proposed land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution*.

5. The proposed land use change is compatible with the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area.

6. 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.

7. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado hereby approves the Sciortino (Brewer) Subdivision, LUC No. 2016-00038, with the following conditions:

1. Approval shall not be effective until the subdivision plat is recorded with the Office of the Gunnison County Clerk and Recorder.

2. 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.

3. 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.

4. Approval of this use is based upon the facts presented and implies no approval of similar use, or precedent, 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.

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 _____, seconded by Commissioner _____, and passed on this 20th day of March, 2018.

BOARD OF COUNTY COMMISSIONERS

_____	_____	_____
Phil Chamberland, Chairperson	Jonathan Houck, Commissioner	John Messner, Commissioner

ATTEST:

_____

Gunnison County Clerk and Recorder