



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 18-11**

**A RESOLUTION APPROVING LUC NO. LUC-2016-00038
SCIORTINO (BREWER) SUBDIVISION
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)(l), 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 Chamberland, seconded by Commissioner Houck, and passed on this 29th day of March, 2018.

BOARD OF COUNTY COMMISSIONERS

Phil Chamberland
Phil Chamberland,
Chairperson

Jonathan Houck
Jonathan Houck,
Commissioner

Absent
John Messner,
Commissioner

ATTEST:

Roshaest, Depits
Gunnison County Clerk and Recorder

