



**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 18-12**

**A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND  
FROM THE DEFINITION OF THE TERMS "SUBDIVISION"  
AND "SUBDIVIDED LAND"  
LOT 10, ROCKEY RIVER ESTATES**

**WHEREAS**, pursuant to C.R.S. 30-28-101(10)(d), the Board of County Commissioners of Gunnison County may exempt from the statutory definitions of the terms "subdivision" and "subdivided land" if the Board determines that such division is not within the purposes of C.R.S. 30-28-101 *et seq.*; and

**WHEREAS**, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. The Rockey River Estates Subdivision was approved by the Board of County Commissioners on August 15, 1977, platted for seventeen single-family lots and a Resort lot. The development is located within the Gunnison River drainage.
2. In 1977 when the subdivision was approved, this reach of the Gunnison River was not over-appropriated and groundwater was not subject to priority administration. In 2002, this reach of the Gunnison River became over-appropriated and groundwater became subject to priority administration.
3. The Board, by Resolution 04-49, September 7, 2004, did provide relief by exemption of seven lots within Rockey River Estates. The owner of Lot 10 was unable to be contacted at that time.
3. The owner of Lot 10, Rockey River Estates Subdivision has petitioned the County, in writing, to provide relief so that he may obtain a well permit for his lot.
4. In discussions between Gunnison County staff and the Colorado Division of Water Resources, a solution, which is acceptable to the Division of Water Resources, would be for the County exempt the lot from the statutory definition of "subdivision" and "subdivided land". The Division of Water Resources would then issue an exempt "household-use only" well permit.

**WHEREAS**, the Board of County Commissioners desires that the owners of the undeveloped lots within Rockey River Estates Subdivision should not be impaired in their general ability to obtain a "household-use-only" well permit; and



**WHEREAS**, the Board of County Commissioners desires to exempt Lot 10, Rocky River Estates Subdivision from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d) for the limited purpose of facilitating the "exempt" status of well applications;

**NOW, THEREFORE, BASED ON THE FINDINGS AND PURPOSES SET FORTH ABOVE, BE IT RESOLVED** by the Board of County Commissioners of Gunnison County, Colorado, that an exemption is granted, pursuant to C.R.S. 30-28-101(10)(d) for Lot 10, Rocky River Estates Subdivision, from the definition of "subdivision" and "subdivided land."

**INTRODUCED** by Commissioner Houck, seconded by Commissioner Messner, and adopted this 3<sup>rd</sup> day of April, 2018.

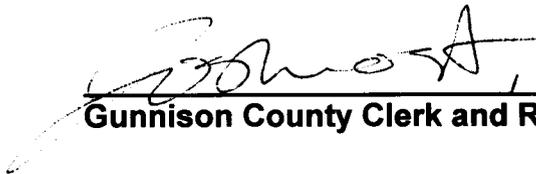
**BOARD OF COUNTY COMMISSIONERS**

  
Phil Chamberland,  
Chairperson

  
Jonathan Houck,  
Commissioner

  
John Messner,  
Commissioner

**ATTEST:**

  
Gunnison County Clerk and Recorder

