



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2018 - 16**

**A RESOLUTION APPROVING THE PRELIMINARY/FINAL PLAN FOR
WHETSTONE INDUSTRIAL PARK**

LUC NO. 2016-00013

**PART OF LOT 1, ALL LOTS 2, 3, 4, PART OF THE SENW,
PART OF NESW, SESW 33.93-ACRES IN SWSE,
0.41-ACRES IN SESE SECTION 18, LOT 1 E1/2NW**

3.51-ACRE IN W1/2NWNE

**SECTION 19, TOWNSHIP 14 SOUTH, RANGE 85 WEST, 6TH P.M.
L & D RANCHES, LLC**

WHEREAS, L & D Ranches, LLC, represented by Marcus J. Lock, Law of the Rockies, submitted the Whetstone Industrial Park Preliminary/Final Plan application, which proposes the subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial use. Water is proposed to be supplied by a central water system and wastewater treatment will be provided by individual onsite wastewater treatment systems. Access will be via a new access road, via Buckley Drive, to State Highway 135. The property is located in Part of Lot 1, All Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-acres in SWSE, 0.41-acres in SESE Section 18, Lot 1 E1/2NW 3.51-acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M.; and

WHEREAS, a joint public hearing was conducted March 16 and April 6, 2018, by the Planning Commission and Board of County Commissioners; 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 April 6, 2018 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings:

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 applicant has satisfactorily addressed all of the items identified in Condition No. 3 of the Sketch plan approval.
3. The proposed land use change is compatible with the character of existing land uses in the development area, and will not adversely impact the future development of the development area.
4. The proposed land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution*, pursuant to *Division 7-300: Preliminary Plan for Major Impacts* and *Division 7-400: Final Plan for Major Impact Projects* of the Resolution.
5. Pursuant to Section 16-117 of the *Gunnison County Land Use Resolution* a Development Improvement Agreement, including cost estimates certified by a licensed professional engineer, is required to be achieved during a Final Plan review, ensuring collateral and identified dates of completion to ensure the installation of: construction and paving of the subdivision roads, construction of turn lane improvements on Highway 135, drainage improvements, a potable water system, water system for fire protection and landscaping, the installation of electrical and natural gas lines, landscaping, berming and reclamation, as rendered within plans listed within the above "Documents Informing this Review and Action."



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, that no additional public hearing on the Whetstone Industrial Park Preliminary/Final Plan need be conducted by the Board, and further, the Board hereby approves the Whetstone Industrial Park Preliminary/Final Plan for LUC No. 2016-00013 as recommended by the Planning Commission, with the following conditions:

1. A mylar subdivision plat, in compliance with Section 7-401 M., *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.
2. 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.
3. The applicant shall record the *Declaration of Protective Covenants – Whetstone Industrial Park* contemporaneously with the subdivision plat.
4. The applicant shall have an approved CDOT Highway access permit in place with the initial acceptance of the improvements as recommended in the traffic study.
5. A Development Improvements Agreement shall be executed by the applicant and Gunnison County, including identified infrastructure costs, subject to review and approval by the Gunnison County Attorney, referencing the infrastructure plans, to include: construction and paving of the subdivision roads, construction of turn lane improvements on Highway 135, drainage improvements, a potable water system, water system for fire protection and landscaping, the installation of electrical and natural gas lines, landscaping, berming and reclamation, as rendered within plans identified in the "Documents Informing this Review and Action."
6. The Development Improvement Agreement shall require the applicant to provide to the County a guarantee of financial security, acceptable to the County, in an amount established by the Board based on no less than 125 percent of the estimated cost of the project improvements, and the improvements to State Highway 135, payable on demand to the County. Said surety shall be retained by the County to a date acceptable to the County to certify completion of improvements.
7. 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.
8. 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.
9. 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.

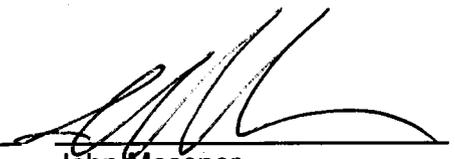
THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted on this 15th day of May, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**

Absent
Phil Chamberland,
Chairperson


Jonathan Houck,
Commissioner


John Messner,
Commissioner

ATTEST:


Gunnison County Clerk and Recorder



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