



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2020 - 2**

**A RESOLUTION APPROVING THE SUBDIVISION APPLICATION FOR
LUC-19-00012
ALBERT AND ANGELA ROPER**

WHEREAS, Albert and Angela Roper propose proposing the subdivision of four total lots on an approximately 189-acre parcel. The lots proposed are as follows:

- Lot 1- 3.37 acres
- Lot 2- 3.38 acres
- Lot 3 – 8.22 acres
- Lot 4- 174 acres (remainder of ranch)

The applicants propose that the subdivision lots be served by individual wells and on-site wastewater treatment systems. The applicant also proposed covenants on the lots that prohibit detached second residences, require membership in Lost Canyon Bridge Association, and agricultural language relative to fence out requirements and confinement of domestic animals.

The subject parcel is legally described as being located in Sections 28, 33, and 34, Township 51 North, Range 1 East, N.M.P.M., Gunnison County, Colorado. Generally, the property is located 8 miles northeast of the City of Gunnison; approx. ½ mile east of Highway 135, on the east side of the Gunnison River.

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on September 6, 2019 and December 20, 2019; 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 December 20, 2019 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 the Planning Commission's Recommendation, with these Findings:

1. This project is classified as a Minor Impact.
2. The load rating of the Lost Canyon bridge was completed by SEH, Inc. on January 24, 2008.
3. An updated load rating and analysis was completed by Robert L. Williams, P.E. of Williams Engineering on November 7, 2019.
4. A waiver of the Gunnison County Road and Bridge standards has been requested and is being processed by the Gunnison County Public Works Department.



5. The applicant has contracted with the Upper Gunnison River Water Conservancy District, in Contract numbers 19-228A, 19-229A, and 19-230A for the purchase of augmentation water for the proposed three subdivision lots; the remainder ranch parcel is not required to purchase augmentation water.
6. This application is consistent with the standards and requirements of this *Resolution*.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, approves the Roper Lane Subdivision for LUC No. 2019-00012 as recommended by the Planning Commission, with the following conditions:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. In compliance with the recommendations from CPW, bear-proof trash containers shall be required on each of the lots of this development.
3. The proposed subdivision shall be located as defined in the revised Land Use Change Application from April 28, 2019. Specific building permits and development proposals will be reviewed on a case-by-case basis for impacts to Gunnison Sage-grouse habitat.
4. A Gunnison County Reclamation Permit shall be required for any site disturbing activities on this parcel greater than 10,000 square feet. That permit shall contain specific reclamation conditions. Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix.
5. For activities not requiring a Reclamation Permit, disturbed areas shall be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.
6. Per Section 11-106 G.3.h of the Gunnison County *Land Use Resolution*, no additional roads, routes, or trails may be constructed on the property without additional review by Gunnison County for impacts to Gunnison sage-grouse and their habitats.
7. Per Section 11-106: I of the Gunnison County *Land Use Resolution*, design of fences other than those with agricultural operations shall ensure they do not adversely impact wildlife. Woven wire fencing shall not be allowed for perimeter fencing or as interior cross fencing. Perimeter and cross fencing shall be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife*.



8. Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: www.colorado.gov/pacific/agconservation/noxious-weed-species. The Gunnison County Weed Management Program should be contacted (970-641-4393) for additional information and technical assistance.
9. Per Section 11-106 G.3.d.1. of the Gunnison County *Land Use Resolution*, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
10. Per Section 11-106 G. e. of the Gunnison County *Land Use Resolution*, unless preempted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.
11. To help protect Gunnison sage-grouse habitat, it is recommended that all undeveloped areas of the parcel remain in native vegetation. Disturbed areas should be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix. A separate analysis will be required, which may include additional conditions, for any development not addressed in this site analysis.
12. A street sign shall be installed at Roper Lane.
13. The painting or spot paint of selected areas on the bridge shall be completed by December 31, 2029, as recommended in the letter from Robert L. Williams, P.E. dated November 7, 2019.
14. An inspection of the bridge with particular attention given to the wood decking and runners shall be completed annually with documentation of the inspection submitted to the Gunnison County Public Works Department.
15. A survey plat, prepared by a surveyor registered in the State of Colorado prepared in compliance with the standards of Section 6-105: K. *Specifications for Subdivision Plats* shall be submitted prior to review of this application by the Board of County Commissioners.
16. A Development Improvements Agreement is required for this subdivision. The following plans shall be part of the agreement and cost estimates for the improvements to the road shall be submitted:
 - Roper Lane Subdivision Plat, prepared by Del-Mont Consultants Inc.



- Final Cost Estimates and site plan showing road turnouts, prepared by Albert and Angela Roper dated October 19, 2019
17. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
 18. 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.
 19. 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.
 20. 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 MASON and adopted on this 7TH day of JANUARY, 2020. seconded by Commissioner MESSNER

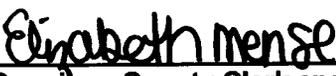
**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**


Jonathan Houck, Chairperson


Roland Mason, Commissioner


John Messner, Commissioner

ATTEST:


Elizabeth Mense
Gunnison County Clerk and Recorder

