



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 22 - 41

**A RESOLUTION APPROVING LARRY DARIEN, MIRACLE ACRES,
LOT 1 SUBDIVISION LOCATED AT SUBJECT PARCEL LEGALLY DESCRIBED
AS A TRACK OF LAND SITUATED IN THE SE ¼ NE ¼ AND THE NE ¼ SE ¼ OF SECTION
20 AND THE NW ¼ SW ¼ OF SECTION 21, ALL IN TOWNSHIP 11 SOUTH, RANGE 88
EAST OF THE SIXTH PRINCIPAL MERIDIAN DESCRIBED FURTHER IN EXHIBIT A.
2880 COUNTY ROAD 3, MARBLE COLORADO, LUC-22-00002.**

WHEREAS, the applicant, Larry Darien, proposes to subdivide 1.427 acres from the 185.24 acre Darien Ranch. The proposed use of Lot 1 is a single family unit with an ADU. The water source will be provided by an existing well (Permit #83104-F) who's court decree of augmentation is 16CW3033. The septic will be served by a County approved On-Site Waste Water Treatment System. Access will be from Gunnison County Road 3 across Lot 2 of the Miracle Acres plat. This access will be along the North side of the Darien Ranch Lodge along the old alignment of County Road 3. All utilities (electricity and phone) are on site. According to this application, the estimated amount of new traffic would be 20 trips.

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on June 16, 2022. The Gunnison County Planning Commission approved a Recommendation of conditional approval of *Miracle Acres, Lot 1* on June 16, 2022, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on December 6, 2022, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's June 16, 2022 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

1. The Planning Commission classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A, 2-4 Units*.
2. The land use change complies with all applicable requirements of the *Gunnison County and Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
3. A twenty-foot access easement for the new subdivided lot across the adjacent Darien lodge parcel will provide access to the property line.
4. Existing water wells, decrees and augmentation plan from previous water court cases (Water Decree, Case Number: 2016CW3033 and 06CW244) are in place and are sufficient.



5. An on-site waste water treatment system feasibility report by Sopris Engineering dated January 26, 2022 has been completed and provides adequate assessment and approval of this site.
6. This site has been reviewed for geologic hazards by Colorado Geologic Survey Engineering Geologist, Jill Carlson, per a letter dated April 12, 2022 she states, "CGS has no objection to approval of LUC-22-00002 as proposed."
7. This application is consistent with the standards and requirements of this *Resolution*.
8. 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.

Conditions of Approval:

1. A mylar subdivision plat, in compliance with Section 6-105, *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. 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*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. This subdivided Lot 1 has an access easement to the property line across the adjacent Darien lodge parcel, *Miracle Acres Lot 2*. A new driveway application for this parcel shall be required at the time of building.
6. A landscaping plan shall provide a buffer for the house from County Road 3 for 200 feet starting near the bridge. The new landscaping will be planted in locations acceptable to the Gunnison County Road and Bridge Department and will not block line of sight on County Road 3.
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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2022-00002 *Miracle Acres, Lot 1*, is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

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 Smith,

seconded by Commissioner Mason, and passed on this 6th day of December, 2022.

BOARD OF COUNTY COMMISSIONERS


Jonathan Houck,
Chairperson


Elizabeth Smith,
Commissioner


Roland Mason,
Commissioner

ATTEST:


Gunnison County Clerk and Recorder

