



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 22 - 42

**A RESOLUTION APPROVING LARRY DARIEN, MIRACLE ACRES,
LOT 2 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-19-00051.**

WHEREAS, the applicant, Larry Darien, proposes to subdivide an existing 185.202-acre parcel in Marble, Colorado into two lots, 2.038-acre Lot A (referenced as Lot 2 on Miracle Acres plat) and 183.202-acre Lot B. The subject property is presently developed with two buildings. One 6,000 sq. ft. structure is a seven-room bed and breakfast (B&B) with a two-bedroom caretaker cabin (Cabin). The other structure is a two-unit building with one two-bedroom apartment and a one-bedroom apartment (Duplex).

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on May 29, 2020. The Gunnison County Planning Commission approved a Recommendation of conditional approval of *Miracle Acres, Lot 2* on May 29, 2020, 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 May 29, 2020 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. That the recordation of the subdivision plat be conditioned upon the issuance of an OWTS permit and the finalization of the work authorized by the OWTS permit in accordance with the Gunnison County OWTS Regulations.
4. There is adequate water supply for the subdivision lots.
5. The property meets the definition of an agricultural operation.
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.

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. The recordation of the subdivision plat be conditioned upon the issuance of an OWTS permit and the finalization of the work authorized by the OWTS permit in accordance with the Gunnison County OWTS Regulations, as amended. The engineer's as-built and approval letter for OWTS-21-00123 located at 2880 County Road 3, was received on August 3, 2022. Gunnison County building inspector Charlie Dominguez issued the final inspection approval on August 4, 2022.
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.
8. 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. 2019-00051 *Miracle Acres, Lot 2*, 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.

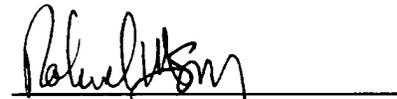
INTRODUCED by Commissioner Smith,

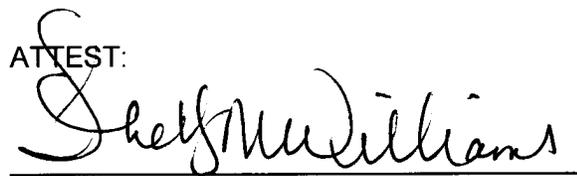
seconded by Commissioner Mason, and passed on this 6th day of December, 2022.

BOARD OF COUNTY COMMISSIONERS


Jonathan Houck,
Chairperson


Elizabeth Smith,
Commissioner


Roland Mason,
Commissioner

ATTEST:

Gunnison County Clerk and Recorder

