



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 23 - 21**

**A RESOLUTION APPROVING MINOR IMPACT REVIEW OF THE TERRA VISTA
SUBDIVISION ON A TRACT OF LAND WITHIN THE N1/2 SW1/4 OF SECTION 25,
TOWNSHIP 50 NORTH, RANGE 1 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
GUNNISON COUNTY, COLORADO; AND MORE PARTICULARLY DESCRIBED IN
THE WARRANTY DEED RECORDED AT THE GUNNISON COUNTY CLERK AND
RECORDER ON MARCH 30, 2017, RECEPTION NO. 645669**

WHEREAS, the Applicant, John and Mary Lou Gregory, submitted a Land Use Change Permit for a Minor Impact review of the Terra Vista Subdivision on April 15, 2019 for a six-lot subdivision of 0.49 to 0.56 acre lots, to be accessed from CO-135 from Hatcher Way and served by domestic wells and North Gunnison Sewer and electric. The Application was deemed complete on November 23, 2021; and

WHEREAS, on January 21, 2020, the Gunnison County Board of County Commissioners ("BOCC") approved Resolution 2020-04, Reception No. 664717 which reduced right-of-way standards from 60 feet to 40 feet wide; and,

WHEREAS, A copy of the complete application was sent via electronic mail on August 4, 2022 to the following agencies: Gunnison County Public Works, Gunnison County Environmental Health and Building Official, Colorado Division of Water Resources, Colorado Parks and Wildlife, Colorado Department of Transportation, Gunnison Fire Protection District, City of Gunnison Community Development Department. Referral agency approval conditions have been incorporated in the Conditions of Approval within this Resolution; and

WHEREAS, the Application was initially classified as a Major Impact project. The Planning Commission determined that the Application meets the standards of Land Use Resolution ("LUR") Section 3-111 *Classification of Impact* for an impact classification reduction from a Major Impact Review to a Minor Impact review at an October 6, 2022 work session. A subsequent site visit and work session was held on December 1, 2022; and

WHEREAS, a joint public hearing was conducted by the Planning Commission and BOCC on January 19, 2023 and continued several times. At the final Joint Public Hearing, the Planning Commission approved a Recommendation of Approval, with conditions and forwarded said Recommendation to the BOCC for their review; and

WHEREAS, the BOCC on November 7, 2023, received and reviewed the Planning Commission 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 September 7, 2023 Recommendation, with the following Findings and Conditions of Approval:

FINDINGS:

The BOCC finds that:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification criteria found in LUR Section 3-111 *Classification of Impact*.
2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and LUR Section 6-103: *Standards of Approval for Minor Impact Projects*.
3. This review and recommendation 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.

CONDITIONS OF APPROVAL:

1. The approval shall be memorialized by BOCC Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
2. The plat will identify a public easement to allow for non-motorized transportation, such as walking and cycling, on those areas that are identified as either ditch, utility or access easements; when installed by the county.
3. Rental occupancy shall be restricted to periods of three months or longer.
4. Terra Vista North Subdivision provides access to the six individual lots via Hatcher Way from State Highway 135. At the time of construction each lot shall be required to apply for and obtain a driveway access.
5. The landscaping plan per LUR Section 13-111 shall utilize the abundant existing vegetation on site. At a minimum at least one tree and three shrubs will be installed per 500 square feet of lot size. If it is determined additional vegetation is required, native vegetation will be planted. This will include but not limited to: Spruce varieties, Cedar, Aspen, and shrub varieties that a drought resistant type such as Potentials, Mountain Mahogany and existing Rose Hips. No vegetation shall exceed 30 inches within 15 feet of the existing roadways. Snow storage setbacks as platted will be respected and not encroached upon by vegetation. All landscaping will be performed in a manner that creates privacy among individual lots.
6. The entire service line to the manhole shall be the responsibility of the owner of lot #4. If at any point during installation the service line is less than 6' below grade, 2" insulation board will have to be installed over the line.



7. The Applicant shall execute and fund with Gunnison County a Development Improvement Agreement acceptable to Gunnison County in form and substance, and amount and type of security pursuant to Section 16-118: *Development Improvement Agreement Required*.
8. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site 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*.
9. 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 BOCC. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
10. To avoid wildlife conflicts, the management of outside pet food, bird feeders, and the storage of household waste should be given a high priority. It is recommended that bear resistant trash containers be required for use in any new development in the Gunnison Basin.
11. Disturbed areas must 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.
12. 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.
13. Pursuant to 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.
14. Pursuant to Section 11-106 G. e. of the Gunnison County Land Use Resolution, unless pre-empted 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.

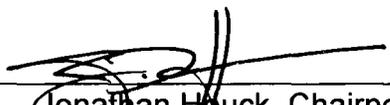
- 15. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
- 16. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
- 17. 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.
- 18. 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.
- 19. 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 Minor Impact Land Use Change Permit No. LUC-19-00013 is approved, 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 Puckett Daniels, and adopted this 7th day of November, 2023.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

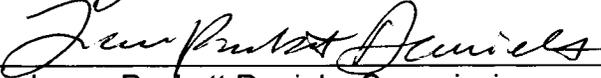
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Jonathan Houck, Chairperson

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By 
Liz Smith, Vice-Chairperson

By 
Laura Puckett Daniels, Commissioner

Attest [Seal]:





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