



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 24 - 11**

A RESOLUTION APPROVING LUC-22-00052 ELK RANCH HOMESTEAD SUBDIVISION LOCATED AT THE PROPERTY LEGALLY DESCRIBED AS A TRACT OF LAND WITHIN THE SE1/4 NW1/4 OF SECTION 35, TOWNSHIP 50 NORTH, RANGE 1 WEST, NEW MEXICO PRINCIPAL MERIDIAN, GUNNISON COUNTY, COLORADO; SAID TRACT BEING MORE PARTICULARLY DESCRIBED WITHIN THE WARRANTY DEED RECORDED UNDER NO. 675047, PARCEL NO. 3701-350-00-027.

WHEREAS, the Applicant, Bobette Sylvester McCarroll and Richard McCarroll propose the Elk Ranch Homestead Subdivision, which would subdivide a 14.2-acre undeveloped parcel into three lots: Lot 1, 5.85 acres; Lot 2, 5.85 acres; Lot 3, 2.5 acres; and,

WHEREAS, the parcel is subject to a restrictive covenant established in the General Warranty Deed at Reception No. 446821 which states “...run with the land, limiting the property conveyed hereby to agricultural and residential uses with not to exceed three (3) single family houses, and necessary utility buildings and customary agricultural buildings.”

WHEREAS, the Applicant and the City of Gunnison entered into a Pre-Annexation Agreement on February 16, 2024 recorded at Reception No. 695278, requesting and consenting to future annexation of the subject property for the purpose of extending the City of Gunnison’s water and sanitary sewer services; and,

WHEREAS, the Applicant agrees to convey a public right of way dedication as described in the Pre-Annexation Agreement executed on February 16, 2024 recorded at Reception No. 695278; and,

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on January 4, 2024. At the continued joint public hearing on January 18, 2024, the Gunnison County Planning Commission approved a Recommendation of conditional approval of the Elk Ranch Homestead Subdivision and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on March 9, 2024, 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 January 18, 2024 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. This application is consistent with the standards and requirements of this Resolution.
4. The parcels will be served by municipal sewer.
5. Restrictive Covenants for have been provided.
6. A Sage-grouse report dated January 13, 2022 has been completed. This proposal will not adversely impact the Gunnison Sage-grouse or their habitats.
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. 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.
6. 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.
7. 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.

- 8. Enter into a Development Improvement Agreement pursuant to Section 16-118 *Development Improvement Agreement Required.*

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. LUC-22-00052 Elk Ranch Homestead Subdivision 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 Puckett Daniels, and passed on this 19th day of March, 2024.

BOARD OF COUNTY COMMISSIONERS



Jonathan Houck,
Chairperson



Elizabeth Smith,
Commissioner



Laura Puckett-Daniels
Commissioner

ATTEST:



Deputy County Clerk

