



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2024- 12**

**A RESOLUTION CLARIFYING THE DUTIES OF THE GUNNISON COUNTY BOARD OF
ADJUSTMENT UNDER THE GUNNISON COUNTY LAND USE RESOLUTION AND
OTHER APPLICABLE AUTHORITIES AND REPEALING PRIOR RESOLUTIONS
RELATED TO THE BOARD OF ADJUSTMENT**

WHEREAS, Gunnison County, Colorado (the “County”), is a duly organized and existing county, existing as such under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Gunnison County Board of County Commissioners (the “Board”) has adopted the *Gunnison County Land Use Resolution*, as amended (“LUR”), pursuant to the authorities cited in Section 1-102 of the LUR; and

WHEREAS, the Board first adopted a master plan and the first iteration of the LUR as early as Resolution No. 25, Series 1977;

WHEREAS, the Board has adopted Resolution No. 2023-22, A Resolution Adopting the 2021 Editions of the “International Building Code,” the “International Residential Code,” the “International Mechanical Code,” the “International Fuel Gas Code,” the “International Energy Conservation Code,” the “International Existing Building Code,” and the “Colorado Model Electric Ready and Solar Ready Code,” with Amendments, and Amendments to the 2021 Edition of the “International Wildland- Urban Interface Code”;

WHEREAS, pursuant to the LUR, C.R.S. § 30-28-117 and other applicable authorities, the Board, pursuant to Resolution Nos. 05-24, 08-03, and other resolutions and official acts has created a Board of Adjustments, now referred to in the LUR as the “Board of Adjustment”;

WHEREAS, pursuant to the LUR, C.R.S. § 30-28-206 and other applicable authorities, the Board, pursuant to Resolution Nos. 05-24, 08-03, and other resolutions and official acts has created a Board of Review, which is referred to by the County as the “Board of Appeals”;

WHEREAS, the Board has adopted Resolution No. 2023-38, A Resolution Amending the *Gunnison County Land Use Resolution*;

WHEREAS, the amendments adopted by Resolution No. 2023-28 replaced by operation of law the then-existing Board of Adjustments and Board of Appeals with a new Board of Adjustment intended to perform both the functions of the prior Board of Adjustments and Board of Appeals;

WHEREAS, the amendments to the LUR adopted by Resolution No. 2023-28 supersede and overrule all special area regulations in conflict with its express provisions, including but not limited to the Crested Butte South Special Area Regulations; and



WHEREAS, the Board of Adjustment includes members experienced in building construction consistent with CRS § 30-28-206(1);

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board.

2. As set forth in the LUR, the Board of Adjustment shall serve all purposes previously served by the Board of Adjustments and the Board of Appeals (Board of Review).

3. The Board shall take all reasonable steps to ensure that the Board of Adjustment includes members experienced in building construction.

4. Nothing in this Resolution shall be construed to afford any person or entity any cause of action against the County or any of its officials, officers, employees, agents or attorneys, nor create any intended or incident third-party beneficiaries.

5. Resolution Nos. 08-03 and 05-24 are hereby repealed, and the Board hereby ratifies such appeal due to operation of Resolution No. 2023-38 as of the effective date of Resolution No. 2023-38.

6. All other orders, instructions, motions and resolutions, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This paragraph shall not be construed to revive or revise any ordinance, motion, order, or resolution, or part thereof, heretofore repealed. To the extent any ambiguity exists between any ordinance, resolution, motion, order, statement or instruction by the Board, whether existing before or after passage of this Resolution, this Resolution shall control. No statement or writing by any Board member, whether in a meeting of the Board or not, shall purport to amend, alter, supplement or override the express terms of this Resolution, and no such statement or writing may be relied upon by any person in relation to this Resolution.

7. If any section, subsection, paragraph, clause or other provision of this Resolution for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

8. This Resolution shall be in full force and take effect immediately upon its passage and approval, and if approved shall, to the fullest extent permitted by law, apply retroactively and *nunc pro tunc* to the date Resolution No. 2023-28 was enacted, and shall remain in effect unless and until repealed or amended by subsequent



Resolution.

INTRODUCED by Commissioner Laura Puckett Daniels, seconded by Commissioner Smith, and adopted this 19th day of March 2024.

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

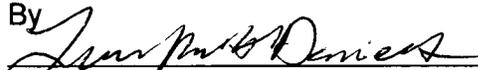
By


Jonathan Houck, Chairperson

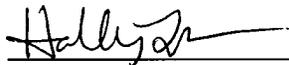
By


Elizabeth Smith, Vice-Chairperson

By


Laura Puckett Daniels, Commissioner

Attest:


Deputy County Clerk

