



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 24 - 19

**A RESOLUTION APPROVING LUC-23-00015, A LAND USE CHANGE PERMIT APPLICATION FOR A MINOR IMPACT LAND USE CHANGE FOR THE SPEZZE SUBDIVISION FOR A TWO LOT SUBDIVISION ON THE PARCEL OF LAND COMMONLY KNOWN AS PARCEL NO. 3791-000-00-040, 3529 STATE HIGHWAY 114, GUNNISON, COLORADO; AND A LAND CONSERVATION COVENANT FOR PARCEL NO. 3791-000-00-039; BOTH PARCELS ARE LEGALLY DESCRIBED AS A SINGLE PARCEL WITHIN THE WARRANTY DEED RECORDED AT RECEPTION NO. 599837 AS THE NW 1/4 SW 1/4 OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, GUNNISON COUNTY, COLORADO.**

**WHEREAS**, the Applicant, Thomas J. Spezze and Tamara M. Spezze, proposes to subdivide a 7.84-acre parcel at 3528 CO-114 (Parcel No. 3791-000-00-040) into two lots, 3-acre Lot 1 and 4.84-acre Lot 2, on the west side of CO-114. The Applicant proposes to conserve a 29.72-acre parcel (Parcel No. 3791-000-00-039) located on the east side of CO-114 and opposite of the subdivision parcel along the Cochetopa Creek, with perpetual protective covenants, severing residential development rights and any potential future subdivision; and,

**WHEREAS**, the Gunnison County Planning Commission, in a continued joint public hearing with the Gunnison County Board of County Commissioners on March 21, 2024, unanimously approved recommendation of the subdivision application to the Gunnison County Board of County Commissioners with certain findings and conditions; and

**WHEREAS**, the Board of Commissioners did, on May 7, 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 March 21, 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. A Sage-grouse report dated September 1, 2023 has been completed. This proposal will not adversely impact the Gunnison Sage-grouse or their habitats.



5. 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. Recordation of the protective covenant to conserve a 29.72-acre parcel (Parcel No. 3791-000-00-039) located on the east side of CO-114 and opposite of the subdivision parcel along Cochetopa Creek.
3. Future development of Lot 1 will include the following recommendations from the November 20, 2023 CMT Technical Services Geologic Hazards Assessment:
  - a) A deflection berm should be designed by a geological engineer so it does not impinge on existing structures and infrastructure or future structures.
  - b) CGS recommends that the catchment ditch and deflection berm be designed based on site-specific drainage/hydraulic studies that analyze flow dynamics associated with hyper-concentrated flooding emanating from the channel west of the site.
  - c) Any mitigation measures must be shown on the plans.
  - d) Prior to building permit approval, a lot-specific geotechnical investigation consisting of drilling, sampling, lab testing, and analysis will be needed to characterize soil and bedrock engineering properties and evaluate the collapse potential of the fan deposits.
4. 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.
5. 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*.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
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.

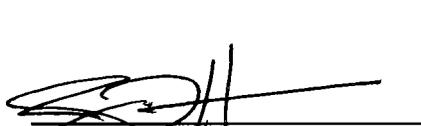
**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. LUC-23-00015 Spezze Subdivision is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

**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 7<sup>th</sup> day of May, 2024

BOARD OF COUNTY COMMISSIONERS

  
Jonathan Houck,  
Chairperson

  
Elizabeth Smith,  
Commissioner

  
Laura Puckett-Daniels  
Commissioner

ATTEST:

  
Deputy County Clerk

