



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 24 - 36**

CONCERNING LUC-24-00020, A LAND USE CHANGE PERMIT APPLICATION FOR A MINOR IMPACT LAND USE CHANGE FOR A 6-LOT SUBDIVISION LOCATED AT THE PROPERTY COMMONLY DESCRIBED AS 426 LARKSPUR LOOP, PARCEL NO. 3255-120-35-009 AND LEGALLY DESCRIBED AS LOT R1, LARKSPUR, ACCORDING TO THE PLAT RECORDED AUGUST 21, 2006 AT RECEPTION NO. 568254, AND THE AMENDED PLAT OF LARKSPUR RECORDED JUNE 19, 2009 AT RECEPTION NO. 591518, COUNTY OF GUNNISON, STATE OF COLORADO.

WHEREAS, the Applicant, Terraplen Holdings LLC proposes the subdivision of Lot R1, Larkspur, subdividing a 2.79-acre undeveloped parcel into six lots (Lot 1 – 0.31 acres, Lot 2 – 0.32 acres, Lot 3 – 0.37 acres, Lot 4 – 0.35 acres, Lot 5 – 0.28 acres, Lot 6 – 0.31 acres) with a 0.86 acre Open Space lot to be dedicated to the Larkspur Subdivision HOA (“Subdivision”). Public improvements include a 24ft x 24 ft picnic pavilion, a single-occupant restroom with electricity, 865 linear feet of trails for summer use, a 20ft x 10ft floating dock and 5 vehicle parking spots; and

WHEREAS, the parcels are subject to the Larkspur Subdivision’s existing Declaration of Protective Covenants, Reception No. 568253 and the Second Amendment to the Declaration of Protective Covenants, Reception No. 695886; and,

WHEREAS, the parcels will be served by East River Regional Sanitation District (“ERRSD”). The ERRSD provided letter stating the following:

The ERRSD is willing and able to serve Larkspur Lot R-1 in the proposed subdivided format. All properties located within the boundaries of the ERRSD will be served in accordance with and governed by the Districts Rules and Regulations; and,

WHEREAS, the Larkspur Community Association, Inc (“Association”) is responsible for supplying water, both potable and non-potable, and for fire protection to all lands and dwellings within Larkspur and those other units that are constructed on the Association/Maintenance and Recreation Parcels. The Association provided a letter stating the following:

The Association has adequate capacity and can legally and physically provide both potable and non-potable water service to the six residential lots and has mainlines in the immediate vicinity to those lots such that connection is feasible. The Association is willing to provide these services upon construction of the required connection infrastructure and payment of the required fees; and,

WHEREAS, the parcels will be accessed by the existing Larkspur Loop road; and,

WHEREAS, the application was sent for referral to Colorado Geological Survey, Gunnison County Public Works, Gunnison Watershed School District, Crested Butte Fire Protection District and the Town of Crested Butte on April 30, 2024.

Responses were not received from the following departments/agencies: Gunnison County Public Works, Gunnison Watershed School District, and the Town of Crested Butte; and,



WHEREAS, pursuant to LUR Section 12-107 *Fire Protection*, the Crested Butte Fire Protection District provided a conditional approval letter on June 12, 2024 with comments as follows:

1. *Access...as shown on the site plan submitted May 16, 2024...is compliant.*
 - a. *Currently part of the Larkspur subdivision-changing use from recreational to residential*
 - b. *Individual access to each new residential lot will be reviewed at the building permit stage*
2. *Water supply...as shown on the plans submitted May 15, 2023...is compliant with comments;*
 - a. *All fire hydrants are existing and the spacing is compliant*
 - b. *Current fire flows provide 1750 gpm as approved during the Larkspur subdivision approval*
3. *Gas Meters...will be approved at the building permit stage.*

WHEREAS, Colorado Geological Survey provided comment as follows:

LUC-24-00020 Larkspur Subdivision infill site is not exposed to any geologic hazards or unusual geotechnical constraints that would preclude approval of the proposed 6-lot subdivision. The site is underlain by glacial till of variable engineering properties over potentially short distances, so lot-specific geotechnical investigations are recommended; and,

WHEREAS, a Planning Commission work session was held on July 11, 2024 and the Planning Commission directed staff to schedule the public hearing; and,

WHEREAS, Planning Commission found the application met the standards for an impact classification reduction from Major to Minor pursuant to LUR 3-111:B on July 18,; and,

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on September 19, 2024. The Gunnison County Planning Commission approved a Recommendation of conditional approval of the Subdivision and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on Nov 1, 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 September 19, 2024 recommendation, with the following Findings and Conditions of Approval:

FINDINGS:

The Board finds that:

1. This application is consistent with the standards and requirements of this Resolution.
2. 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-24-00020 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 5th day of November, 2024.



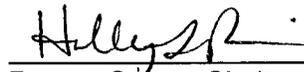
BOARD OF COUNTY COMMISSIONERS


Jonathan Huck,
Chairperson


Elizabeth Smith,
Commissioner


Laura Puckett-Daniels
Commissioner

ATTEST:


Deputy County Clerk

