

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 6, 2022**

The September 6, 2022 meeting was held in the Board of County Commissioners’ meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

| | |
|--------------------------------|-------------------------------------|
| Jonathan Houck, Chairperson | Matthew Birnie, County Manager |
| Roland Mason, Vice-Chairperson | Melanie Bollig, Deputy County Clerk |
| Liz Smith, Commissioner | Others Present as Listed in Text |

GUNNISON COUNTY BOARD OF EQUALIZATION:

CALL TO ORDER: Chairperson Houck called the meeting of the Gunnison County Board of Equalization to order at 8:30 am.

ASSESSOR’S 2022 REPORT TO THE CBOE: Communications Manager for the Gunnison County Assessor’s Office, William Spicer, was present in the room to give the report and answer any questions the Board might have.

Communications Mgr Spicer then presented a statutory report to the Board, showing what the assessed values were for the County this year, what the appeals process would be like for this Fall 2022, and a list of those who had filed late. Mr. Spicer further noted that the total assessed value had come out very similar to last year’s amounts.

After a brief discussion on what would be expected for the 2023 assessments and appeals, it was **moved** by Commissioner Mason to accept the Assessor’s 2022 report, as presented. Commission Smith seconded, and the motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison County Board of Equalization at 8:37 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:37 am.

AGENDA REVIEW: There were no changes needed to the agenda.

SCHEDULING: Chairperson Houck reminded the Board about a joint hearing with the planning commission next Thursday 9/8. He also advised that he not be able to attend the work session on 9/13, and would be on vacation the week of 9/20, but would be able to join the regular meeting remotely.

Commissioner Smith stated that she would not be able to attend the Planning Commission meeting on Thursday, 9/8; both Commissioners Houck and Mason confirmed that they would be able to attend.

MINUTES: **Moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the minutes as presented, with the two corrections identified. Motion carried unanimously

1. **July 5, 2022 Regular Meeting.** Commissioner Smith noted two name spelling corrections she had already given to BOCC clerk Melanie Bollig for revision. The first was located on page 3 under Commissioner Items, where “Kathy Reynolds” needed changed to “Kathay Rennels”, and also on page 5, under “2023 Legislative Priorities”, where “Jenny” needed changed to “Gini”.
2. **August 23, 2022 Special Meeting.** No changes needed.

CONSENT AGENDA: Commissioner Smith **moved** to approve the consent agenda as presented. Commissioner Mason seconded; motion carried unanimously.

1. Acknowledgement of County Manager’s signature; Agreement; Gunnison Country Food Pantry; to allot County Community Services Block Grant (CSBG) funding for increased food security within the County; Expires 9/15/2022; \$20,000
2. Approval for Colorado Department of Local Affairs (DOLA) Grant Application; Gunnison County Division 2 Shop Energy and Sustainability Project; \$687,941
3. Acknowledgment of County Manager’s Signature; Opioid Settlement Intergovernmental Agreement; between Gunnison County and the Town of Marble; Establishing the manner in which funds from settlements between the State of Colorado and opioid manufacturers shall be divided and distributed locally
4. Approval for Road Project Agreement Between Gunnison County and USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forests, Gunnison Ranger District; for Alpine Plateau Gravel Haul Project; Effective date of signing to 4/06/2027; County to provide equipment and labor, \$321,965 estimated
5. Acknowledgment of County Manager’s signature; Contractor Agreement; Cesare, Inc; for Warren Property Phase I Environmental Site Assessment (ESA); 9/06/2022 – 10/31/2022; up to \$2,800
6. Approval for the 2022 Emergency Management Performance Grant (EMPG); Gunnison County Emergency Management; 1/01/2022 - 12/31/2022; 50% match, County share \$60,273.00

7. Approval for Colorado Department of Transportation (CDOT) Subaward Amendment #1; Gunnison County Substance Abuse Prevention Pilot Project (GCSAPP); to address impaired driving, excessive alcohol and marijuana use in community norms; 10/1/2021 – 9/30/2023; \$189,998.20 total
8. Approval for Professional Services Agreement; Community Foundation of the Gunnison Valley; for coordination of the "Locations and accessibility" action group of the health coalition; 9/01/2022 – 9/01/2023; up to \$1,500
9. Approval for Professional Services Agreement; Gunnison Country Food Pantry; for coordination of the "Education and Support for Business – Workplace Wellness" action group of the health coalition; 9/01/2022 – 9/01/2023; up to \$1,500
10. Approval for Professional Services Agreement; Gunnison Valley Mentors; for coordination of the "Increase wide-spread sense of belonging" action group of the health coalition; 9/01/2022 – 9/01/2023; up to \$1,500
11. Approval for Road Project Agreement Between Gunnison County and USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forests, Gunnison Ranger District; for the Mobile Rock Crushing NFSR 267 Mirror Lake Road project; Effective date of signing to 4/06/2027; County will use the USFS crusher and provide other needed equipment and labor, \$55,260
12. Approval for Software as a Service Agreement; Tyler Technologies, Inc; for Munis SaaS contract; Effective date of signing; \$236,960 over 3 years
13. Contractor Agreement; Board of County Commissioners and Town of Crested Butte; Coal Creek Watershed Coalition; for water quality data evaluation at Coal Creek; 1/01/2022 – 12/31/2022; County portion up to \$9,150
14. Approval for Road Project Agreement Between Gunnison County and USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forests, Gunnison Ranger District; for Taylor Canyon National Forest System Road 742 Reconstruction and Surfacing; Effective date of last signature, through five years; bill the US Forest Service up to \$80,000
15. Closure Request; County Road #4 (Peanut Lake Road); Temporary Road Use Agreement; Elk Run 5K; 7:00 am to 1:00 pm; 9/24/2022
16. Approval for Grant Modification 003; USDS Forest Service Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forest, Gunnison Ranger District; for treatment of noxious and invasive plants along rights-of-way; 6/01/22 – 10/31/2022; increased cost due to cost of treatment, added \$5,287.50
17. Employment Agreement; Assistant County Attorney, Sammy Obaid
18. Approval and Signatures; Letter of Transmission for Safety Action Plan Grant application

COUNTY MANAGER'S REPORTS: County Manager Matthew Birnie was present in the room to give his report.

1. Library Update. CM Birnie reported that they were getting close to receiving a certificate of occupancy for the Library, and noted that the opening celebration would be moved to the first of October.
2. Airport Update. CM Birnie noted that they were beginning to get in some of the items that they had not been able to receive earlier. He discussed with the Board several of the features that were now going in, and also reported that RTA was starting to talk about GSX flights for the winter. Commissioner Mason added that they would need to have a conversation with Airport Manager Rick Lamport, to see if GSX wished to increase flights, and if so, to make sure it would not impede existing traffic and services.
3. Executive team changes over the last six months. CM Birnie gave an overview of the significant changes made in the County's leadership this year – a new Human Resources Director, a new Assistant County Manager for Public Works, and a new Chief Financial Officer. He observed that it was a different experience trying to hire people in comparison to what was done when he was first here years ago, but noted that he was really pleased with the new leadership and felt that they were in an exciting place with the talent they had been able to hire.

BREAK: The meeting recessed from 8:50 am until 9:43 am in order to hold the below Public Hearing.

PUBLIC HEARING; ADOPTION OF INTERNATIONAL WILDLAND URBAN INTERFACE CODE AND AMENDMENTS TO GUNNISON COUNTY LAND USE RESOLUTION:

1. **Resolution; Adopting the 2021 International Wildland Urban Interface Code (IWUI)**
2. **Resolution; Amending the Gunnison County Land Use Resolution**

Assistant County Manager for Community and Economic Development Cathie Pagano, and Building and Environment Health Official Crystal Lambert were present in the room for discussion and to answer any questions the Board might have.

1. Open Public Hearing. Chairperson Houck opened the Public Hearing at 8:50 am.
2. Public Notice Confirmation. ACM Cathie Pagano confirmed that the public hearing had been properly noticed for the public, both in newspaper and on the website
3. Identify Ex Parte Communications. There were no ex parte communications identified by the Board.
4. Staff Presentation. ACM Pagano explained that the adoption process had actually started in 2019, the pandemic had put the process on pause, and then they had picked it up again in 2021. She outlined the process of hearings and meetings that they had undergone throughout the process, and noted that they had then brought everything to the planning commission as required by the County LUR. ACM Pagano stated that they were mindful of the impact on the constituents, and added that, while wildfire hazards had increased and Gunnison County was fortunate, the risk still

remained. This code would give some flexibility to fit the needs of how best to configure housing. She then went over the planning commission's recommendations with the Board.

5. Applicant Presentation. Chairperson Houck noted that they were their own applicant on this particular hearing.
6. Board Questions. The Board had questions regarding using the Gunnison County local wildfire map over another recommended map. ACM Pagano explained that the local hazard map was based on weather, topography, local knowledge, and that they had worked with fire professionals to see how to map appropriately all the areas for risk assessment. She acknowledged that the map was not perfect, but it was a tool in the toolbox to utilize, and they would be amending and adding as they go. The Board discussed at length other issues such as keeping a vegetation plan in place and how follow-up would be conducted; what happens when property changes hand, and general code reinforcement. Commissioner Smith asked about the difference in building costs and how could they make sure to help keep housing affordable. ACM Pagano informed the Board that costs were fairly negligible at the new construction cost level; however, substantial improvements might be different when trying to bring the entire structure up to code. Other topics were discussed such as: what feedback had been like from area town councils; HOAs and organization with codes in opposition to this adoption; landscaping requirements in the HOAs, and recommendations for phased requirements in order to give people time to adapt to the changes.
HO Crystal Lambert went over a variety of materials which people can choose from, for siding and roofing that meets the requirements. ACM Pagano also noted that funding opportunities for retrofits will be looked for. Amount of time needed to implement these changes were also discussed, with ACM Pagano concluding that this would be a long-term effort that may take up to two decades to see the community effort having an effect, and further noted that the benefit is the educational outreach that will gradually integrate into the way things are done overall to prevent wildfire risks.
7. Public Comments. Chairperson Houck opened the Public Hearing to comments at 9:23 am. He started with those in the room first.
 - a. Present in the room – Mike Tarantino with the Colorado State Forest Service, Gunnison Field Office. Mike recommended that they should include an option for homeowners to work with private forester consultants. Also, he wished to express that the Colorado Forest Service was, overall, supportive of the plan, as it helped homeowners to recognize and maintain it. He added that these areas will not be maintainable forever, and will require updates over time, which would probably mean a review process should be written into the plan.
 - b. Present via Zoom – Jamie Gomez, Executive Director of West Region Wildfire Council. Jamie recognized ACM Cathie and her team for all the community engagement and work done to bring the plan to this point. He stated that he felt vegetation management did not really change the overall hazard ratings, as they would still be in a high hazard area, and this should not be used to reduce the hazard rating. Related to the hazard rating, Mr. Gomez also highlighted that there needed to be more defensible space in higher risk areas, and contractors available to help achieve this through an issued permit system. He cited the need for funding to go towards benefit cost analysis and retrofit studies, which would be important in gaining FEMA funding.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. ACM Pagano responded briefly to the comments made by Forester Mike Tarantino by saying that they fully expected and had planned that there would be private consultants for this process. She also felt that the idea of perhaps a 10-year life for the management plans and then a review was a very good suggestion, and they needed to take a look at this. In response to Executive Director Jamie Gomez, she noted that they could again take a look at the way the vegetation management affected part of the hazard rating, along with the amount of acreage where the building is sitting, as size of parcels did make a big difference in impact. ACM Pagano stated that this would be a conversation to have with experts. As far as the timing in the plan, she expressed that she felt they did have the timing in place to help with permitting and looking at what is needed for applicants during the permitting process.
10. Close Public Hearing. Chairperson Houck closed the Public Hearing at 9:43 am and immediately reconvened the Gunnison County Board of County Commissioners meeting.

The Board discussed their position on adopting the plan and noted that most of their questions had been answered, it felt like a good fit for the County, and that it was significant that people had not brought any negative comments. ACM Pagano stated that public comments had been more about who they should contact and how they should start the process.

Chairperson Houck thanked the Planning Commission and County staff for their work on this, and stated that the Board was ready to move forward.

Commissioner Smith then **moved** to adopt Resolution 2022-33, A Resolution Adopting the *2021 International Wildland Urban Interface Code*. Seconded by Commissioner Mason. Motion carried unanimously.

Commissioner Smith **moved** to adopt Resolution 2022-34, A Resolution amending the *Gunnison County Land Use Resolution*. Commissioner Mason seconded. Motion carried unanimously.

DRAFT COMMENTS; CRESTED BUTTE COMMUNITY COMPASS PLAN: Assistant County Manager for Community & Economic Development Cathie Pagano was present for discussion and questions from the Board.

Chairperson Houck prefaced this discussion by reminding those in attendance that the Crested Butte Community Compass group had presented the plan at the last work session in August. The Board had then asked ACM Pagano to present a draft of comments/feedback to the Town on behalf of the Board.

ACM Pagano went over the submitted draft of comments with the Board. Some of the comments included: identification of differences in community approaches to how decisions are made, both in the community and at regional/state level; future possible needs for infrastructure expansion; location of childcare and essential goods and services within Town boundaries; projects the County is currently in the planning process with, and; a request for any changes in collaboration to be commented on in clear language.

Chairperson Houck **moved** to approve the draft comments, understanding there would be some formatting changes – with the content as consistent with the discussion and work product presented in draft format – and to authorize the signatures of the full Board on the comments. Seconded by Commissioner Smith. Motion carried unanimously.

RESOLUTION; APPROVING THE GRANT APPLICATION FOR A STEWARDSHIP IMPACT GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE IMPLEMENTATION OF THE GUNNISON COUNTY SUSTAINABLE TOURISM AND OUTDOOR RECREATION COMMITTEE STEWARDSHIP PROGRAM: Assistant County Manager for Community & Economic Development Cathie Pagano also presented this item.

ACM Pagano outlined for the Board that they were applying for the Stewardship Grant with GOCO; they had received funding in 2019 from them and had recently been encouraged by GOCO to apply again. The grant would be for funding to continue the coordinator position and other projects as related to STOR, and the application required a resolution to be signed. The County portion of matching funds required would also need to be included in the budget.

After a brief discussion in favor of the application, Commissioner Mason **moved** to approve Resolution 2022-35, A Resolution Approving the Grant Application for a Stewardship Impact Grant from the State Board of the Great Outdoors Colorado Trust Fund and the Implementation of the Gunnison County Sustainable Tourism and Outdoor Recreation Committee Stewardship Program. Commissioner Smith seconded. Motion carried unanimously.

After the motion, Chairperson Houck noted that he had traveled to Denver with National Forest Foundation's Southwest Colorado Program Manager and Stewardship Coordinator, Joe Lavorini, in order to celebrate the 30th anniversary of GOCO. While there, he was asked by former Governor Roy Romer how GOCO funding had made a difference in Gunnison County. Chairperson Houck stated that he realized there was so much he could mention, but what especially came to mind was the fact that it serves the people of Colorado so well through the many visitors that come through our area. ACM Pagano added that \$47 million from GOCO has been put into this region over the last 30 years. Commissioner Mason added that the area has received several awards for completed projects and usage of Colorado lottery funds.

LOT CLUSTER; LOT 132, BLUE MESA SUBDIVISION UNIT 1, AND ADJACENT 46.125-ACRE PROPERTY WITHIN SECTION 30, TOWNSHIP 47N, RANGE 3W; ROBERT NEWMAN; LUC-22-00037: Community Development Administrative Services Manager Beth Baker and representative for the applicant, Attorney Jacob With, were present in the room for discussion.

ASM Baker briefly outlined that the applicant wished to cluster his lot in the Blue Mesa Subdivision with an adjacent 46.125-acre lot which he also owns. All requirements had been approved, the County Attorney's office had reviewed and deemed it sufficient, and taxes were current.

Moved by Commissioner Mason, seconded by Commissioner Smith, to approve the lot cluster for Lot 132, Blue Mesa Subdivision Unit 1, and adjacent 46.125-acre property within Section 30, Township 47N, Range 3W, Robert Newman, LUC-22-00037, and authorize the signatures of the full board. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; LOCATED WITHIN NW ¼ SE ¼ OF SECTION 21, TOWNSHIP 14 SOUTH, RANGE 82 WEST OF THE PRINCIPAL MERIDIAN, GUNNISON COUNTY; TAYLOR PARK LLC AND RAYMOND BEETHE; LUC-22-00015: Community Development Administrative Services Manager Beth Baker was present in the room for discussion.

ASM Baker explained that Attorney Mike Dawson, representative for applicants Taylor Park LLC and Raymond Beethe, had applied for minor boundary line adjustments involving 4 lots, each of which would remain at least an acre in size. This had all been reviewed and found sufficient by the County Attorney's Office, the taxes were current, and there were no liens.

Moved by Commissioner Smith, seconded by Commissioner Mason to approve the boundary line adjustment located within NW ¼ SE ¼ of Section 21, Township 14 South, Range 82 West of the Principal Meridian, Gunnison County, Taylor Park LLC and Raymond Beethe, LUC-22-00015, and to authorize the chair's signature on the plat. Motion carried unanimously.

BREAK: Chairperson Houck called for a break in the meeting from 10:17 am to 10:25 am, in order to be on time for the next item on the agenda.

RESOLUTION; RESCINDING THE CONTINUATION OF AN EMERGENCY IN GUNNISON COUNTY, COLORADO DUE TO THE SYLVESTER GULCH FIRE (FORMERLY THE SOMERSET COAL SEAM FIRE): Emergency Management Manager Scott Morrill and Deputy Emergency Manager Lisa Clay were both present in the room for discussion and to answer any questions from the Board.

Chairperson Houck began by explaining that this was a resolution to pull back an emergency resolution they had to make earlier in the year. EMM Morrill confirmed that the Sylvester Gulch Fire had seen no activity since July 30th, containment lines were built, an access road built to the burn site, and they were now calling the fire controlled.

Moved by Commissioner Smith, seconded by Commissioner Mason to approve Resolution 2022-36, a resolution rescinding the continuation of an emergency in Gunnison County, Colorado due to the Sylvester Gulch fire (formerly the Somerset Coal Seam Fire). Motion carried unanimously.

APPROVAL FOR LETTER OF RECOMMENDATION FOR JOHN CATTLES; TO CHRIS PIPER, LEGISLATIVE LIAISON AND POLICY ANALYST, COLORADO ENERGY OFFICE: Assistant County Manager for Operations & Sustainability John Cattles was present in the room for discussion and to answer any questions the Board might have.

ACM Cattles explained to the Board that there are 21 representatives on the Energy Code Board – 12 appointed by the Colorado Energy Office and the rest by DOLA. He had applied to the CEO to become a rural county representative. He added that this board would be advising on the development of codes which were required to be adopted by counties across the state by 2026. He further stated that his letter was short because this was the last piece needed for acceptance to the Energy Code Board.

With no further questions, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the letter of recommendation for John Cattles to Chris Piper, Legislative Liaison and Policy Analyst at the Colorado Energy Office, and to authorize the full signatures of the Board. Motion carried unanimously.

APPOINTMENT; GUNNISON VALLEY TRANSPORTATION PLANNING REGION; ALTERNATE REPRESENTATIVE: County Manager Birnie was present to give a background on this appointment and to answer any questions the Board might have. CM Birnie explained that this appointment was for an alternate member; the position had been held up to this point by Marlene Crosby, who had just recently retired from the County. As they again desired a staff member as the alternate, CM Birnie recommended new Assistant County Manager for Public Works Martin Schmidt.

Moved by Commissioner Houck, seconded by Commissioner Smith, to appoint Martin Schmidt to the Gunnison Valley Transportation Planning Region as the alternate representative for Gunnison County. Motion carried unanimously.

RURAL WELCOMING WEEK: Commissioner Smith explained that it was Rural Welcoming Week across the nation, and the City of Gunnison was participating with help from a Rural Welcoming Initiative grant. She outlined that it would kick off that weekend, September 10th, and then she briefly outlined the events planned and outreach done by the City of Gunnison to engage its community partners in the event.

Commissioner Smith added that, for more long-term impact, the initiative was wanting to purchase some tote bags and stickers to give out, and they were trying to get local pricing. She then asked for funding of up to \$1,500 for "You Are Welcome Here" branding items. CM Birnie noted that they currently were off target a bit on the BOCC's discretionary funds, but that this could be done.

Commissioner Houck **moved** to approve the expenditure of up to \$1,500 from the BOCC discretionary funds, supporting the Rural Welcoming Initiative. Commissioner Mason seconded. Motion carried unanimously.

UNSCHEDULED CITIZENS: There was no one present in the room or remote via Zoom to offer comments.

COMMISSIONER ITEMS:

Commissioner Mason

1. Region 10 update. Commissioner Mason announced the grand opening on September 13th from 4-6 pm, for Region 10's Small Business Development Center satellite office, located at 109 Georgia Avenue.
2. Gunnison Valley Regional Housing Authority update. Commissioner Mason stated that they had made a selection for the new Executive Director of the Housing Authority – Andy Kadlec, who had signed a letter of intent the week before, and they would now be working on getting him together with the staff at the GVRHA.
3. Presenting an update from the County at the Crested Butte Town Council meeting. Commissioner Mason informed the Board that he would be attending the council meeting that evening, and that the RV dump site issue would be brought up again here. He asked the Board for any updates or input on impact that they might have, and noted that the results of the Town's traffic mitigation would be looked at, as well as reports from TAPP. Commissioner Houck noted that he had checked on the traffic at the RV dump site when he was there throughout the summer, mostly on Sunday afternoons, and had never seen a stack up or long line there. Commissioner Houck requested that

they look at the data from when the Gunnison RV dump site was closed to when it reopened, to see if there was a significant "bump" in the numbers during that time.

Commissioner Smith

1. Sales tax and Colorado Counties Inc. (CCI). Commissioner Smith attended meetings through CCI regarding online sales being difficult to identify, versus what needed to be shared back to the municipalities. She noted difficulties that the County Finance Department has, and let the Board know she had submitted a suggestion to the Department of Revenue via CCI, in regards to businesses needing to register with counties for online sales.
2. Cheatgrass and Habitat Restoration coordinator has been hired. Commissioner Smith informed the Board that the new coordinator, Petar Simic, had been hired, with his contract signed last Friday, September 1st. She noted that the contract would be on an upcoming consent agenda soon, and then briefly highlighted his qualifications and experience.
3. Rural Welcoming Week. Commissioner Smith reminded everyone present that the Rural Welcoming Week started September 9th.
4. Visit from Senator Hickenlooper's staff. Commissioner Smith informed the Board that Janeth Standle from Senator Hickenlooper's office would be coming to Gunnison, and highlighted that she had arranged several meetings for Ms. Standle: one with the residents of the past Country Meadows / now Ski Town mobile home park residents; one with City of Gunnison Mayor Diego Plata; and a meeting with the cheatgrass and habitat restoration group and its new coordinator, Petar Simic.
5. Southwest Colorado Opioid Regional Council (SWCORC) update. Commissioner Smith reported that the council had finalized their two-year plan, as well as a two-year action implementation plan. A facilitator had helped them develop a conceptual plan for the region and GCSAPP Program Manager Kari Commerford had met with several across the six-county region, in order to work out how best to accomplish the plan. Commissioner Smith stated that this was now ready for submittal to the state Attorney General's office.
6. Attended the International Overdose Awareness event. Commission Smith explained that this event had been held at the IOOF Park last Wednesday, August 31st. She felt this was a great way to make connections and awareness to the general public and for those that might need assistance.
7. Met the new Assistant County Attorney and his family last Friday, September 2nd. Commissioner Smith noted that Sammy Obaid brings a wealth of experience and he knows the County. County Attorney Matt Hoyt affirmed this and added that his starting date was set for November 3rd.

Commissioner Houck

1. Attended the Colorado Parks and Wildlife public presentation. Commissioner Houck noted that the presentation centered on wildlife migration corridors and really reinforced a lot of the work that the County has been doing around wildlife issues, habitat, and climate change.
2. Attended an all-day STOR committee service project in Taylor Park on August 25th. Commissioner Houck reported that while there, the Colorado Lottery had presented a Starburst award to STOR – an award that recognizes outstanding use of the lottery funds.
3. Met with GMUG Forest Supervisor Chad Stewart on August 26th. Commissioner Houck reported that they had met in Montrose to go over the Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forest plan revisions and comments submitted by Gunnison County. He stated that the final plan was going through its final revisions, based on all the comments given during the public comments process. CA Hoyt also let the Board know that an email from that morning had specified a release date of early spring 2023 for the final plan.
4. Met in Denver last week with representatives of the Department of Natural Resources. Commissioner Houck stated that he was able to go over the Gunnison Sage-grouse BLM Resource Management Plan, the GMUG Forest Plan revisions, CORE Act, and other issues while there.
5. Participated with Jim Cochran for the first agency call on the Gunnison Sage-grouse BLM Resource Management Plan revisions. Commissioner Houck let the Board know that he had submitted comments on behalf of the BOCC on Thursday of last week, and then shared a brief outline of the scoping comments submitted. He noted that Jim Cochran had been retained to help Gunnison County with the revisions.
6. Attended the GOCO (Great Outdoors Colorado) 30th anniversary celebration last Thursday. Commissioner Houck highlighted the many ways that GOCO funds had been utilized in Gunnison County, and then shared that someone at the event had told him they appreciated that Gunnison County has shared their information freely with others and provided guidance when requested.
7. Met with Michael Plant from Western Colorado University last Friday. Commissioner Houck reported that he met with Michael in order to work on the Gunnison Valley Promise; he expressed the County's continued interest in this and added that he would like to talk with him again in 2023 for another progress update.
8. Out of town for a week. Commissioner Houck reminded everyone present that he would be gone for a week to Montana, but should be accessible and able to attend the meeting on September 20th.
9. Floral arrangement for C.J. Miller's funeral service next Saturday at the Fred Field Center. Commissioner Houck requested that a floral arrangement be sent for the service on behalf of the Board and the County. He gave a brief highlight of some of the ways that C.J. had served the County over the years, and expressed his deep appreciation.

RECESS: Chairperson Houck recessed the regular meeting at 11:06 am, in order to go into an executive session.

EXECUTIVE SESSION, PURSUANT TO C.R.S. § 24-6-402 (4)(E)(I): DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS RELATED TO REAL PROPERTY LOCATED IN GUNNISON COUNTY, COLORADO: Chairperson Houck **moved** to go into Executive Session Pursuant to Colorado Revised Statute § 24-6-402(4)(e)(I), determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations related to real property located in Gunnison County, Colorado. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, and County Attorney Matthew Hoyt. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. Commissioner Smith seconded. Motion carried unanimously.

The Board went into executive session at 11:08 am. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4)(e)(I).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. § 24-6-402(4)(e)(I) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

Matthew Hoyt
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. § 24-6-402(e)(I).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 11:44 am, it was **moved** by Chairperson Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on topic and received legal advice from their attorney. Commissioner Smith seconded the motion. Motion carried unanimously.

Chairperson Houck thanked CA Hoyt for his legal perspective and guidance and then gave direction to CM Birnie to continue to work on this opportunity under the parameters set forth with the Board, adding in closing that there were no decisions to be made at that time.

ADJOURN: Chairperson Houck adjourned the Gunnison County Board of County Commissioners Regular Meeting at 11:45 am.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2022-33**

A RESOLUTION ADOPTING THE *2021 INTERNATIONAL WILDLAND URBAN INTERFACE CODE*

WHEREAS, pursuant to C.R.S §38-28-201, et. seq., the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") previously adopted the 2015 editions of the "International Building Code", the "International Residential Code", the "International Mechanical Code", the "International Fuel Gas Code", and the "International Energy Conservation Code"; and

WHEREAS, the Board has reviewed the 2021 edition of the International Wildland Urban Interface Code (WUI Code); and

WHEREAS, the Board has determined that adoption of the 2015 Building Codes with certain changes, amendments and substitutions, establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and provide safety to fire fighters and emergency responders during emergency operations; and

WHEREAS, the Gunnison County Planning Commission has reviewed and certified to the Board the 2021 WUI Code with the recommended changes, amendments and substitutions; and

WHEREAS, a public hearing on this matter was held by the Board on the September 6, 2022; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the following are hereby adopted for the unincorporated area of Gunnison County:

1. The International Wildland Urban Interface Code, 2021 Edition, with the amendments as set forth in Exhibit "A" attached hereto and incorporated herein.
2. The International Wildland Urban Interface Code, 2021 Edition shall apply upon recordation of this resolution to all land use change permits classified as major or minor impact in Gunnison County.
3. The International Wildland Urban Interface Code, 2021 Edition shall apply to all new building permit applications beginning January 1, 2023. INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 21st day of June 2022.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted on this 6th day of September 2022.

BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – yes, Smith – yes

Exhibit A

2021 International Wildland Urban Interface Code

Proposed Gunnison County Amendments

Section 402.1.1 Access. Delete entire section. The current access requirements and standards throughout Gunnison County will continue to be utilized.

Section 402.2 Individual structures. Delete "Section 402.2.1 and". Current access requirements will continue to be utilized.

Section 402.2.1 Access. Delete entire section. Current access requirements will continue to be utilized.

Section 403 Access. Delete the following sections: 403.1 Restricted access, 403.2 Driveways, 403.2.1 Dimensions, 403.2.2 Length, 403.2.3 Service limitations, 403.2.4 Turnarounds, 403.2.5 Turnouts, 403.2.6 Bridges, 403.3 Fire apparatus access road, 403.7 Grade.

Section 404.2 Water sources. Amend to the following and delete everything else: "The water source location shall be reviewed and approved by the code official."

Section 404.6 Fire department. Delete entire section.

Section 502.1 General. Amend to say the following: The fire hazard severity of building sites for building hereafter constructed, modified or relocated into wildland-urban interface areas shall be established in accordance with the *Community Planning Assistance for Wildfire "Final Recommendations for Gunnison, CO 2019"* report, specifically the *Local-Level Wildfire Hazard data and map*.

Table 502.1 Fire Hazard Severity. Delete table.

Section 502.2 Fire hazard severity reduction. Amend to say the following: The fire hazard severity identified through Section 502.1 is allowed to be reduced by implementing a vegetation management plan in accordance with Appendix B.

Section 502.2 Fire hazard severity reduction. Add the following sentence: It is strongly encouraged that a vegetation management plan prepared by a qualified wildfire professional, including but not limited to, the Colorado State Forest Service, West Region Wildfire Council, and local fire districts.

Table 503.1 Ignition-Resistant Construction. Replace "Extreme Hazard" with "Very High Hazard". This is to ensure consistent terminology with the *Community Planning Assistance for Wildfire "Final Recommendations for Gunnison, CO 2019"* report.

Add new Section 603.2.4 Hardened zone. 0-5 feet minimum from the structure shall be a hardened zone designed to prevent flames from coming in direct contact with the structure. Use nonflammable, hard surface materials in this zone, such as rock, gravel, sand, cement, bare earth or stone/concrete pavers.

Table 603.2 Required Defensible Space. Replace "Extreme hazard" with "Very High hazard".

Appendix B Vegetation Management Plan. Adopt Appendix B and add the following sentence to Section B101.1: It is strongly encouraged that a vegetation management plan prepared by a qualified wildfire professional, including but not limited to, the Colorado State Forest Service, West Region Wildfire Council, and local fire districts.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2022-34**

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*

WHEREAS, pursuant to the *Gunnison County Land Use Resolution* ("the *Resolution*"), Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution*, and

WHEREAS, pursuant to Section 1-113, the Community Development Department and Planning Commission have initiated and completed review of proposed amendments as required by the *Resolution*; and

WHEREAS, Section 29-20-104(1)(a) of the Local Government Land Use Control Enabling Act grants Gunnison County the authority "to plan for and regulate the use of land by . . . [r]egulating development and activities in hazardous areas."

WHEREAS, the Planning Commission on July 7, 2022, forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments on September 6, 2022; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

- Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County
- Changed conditions, including the economy of Gunnison County
- Effect of the proposed amendments on the natural environment
- Community needs
- Development pattern
- Changes in applicable law
- Public health, safety and welfare
- Compliance with any applicable intergovernmental agreements adopted by Gunnison County

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments of the Gunnison County Land Use *Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted on this 6th day of September 2022.

BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – yes, Smith – yes

EXHIBIT A
GUNNISON COUNTY LAND USE RESOLUTION
DRAFT AMENDMENTS

SECTION 1-112: USE OF MAPS

Gunnison County uses the following maps as general sources of information to provide initial guidelines for siting development, and for alerting the County, the applicant and the public about the physical characteristics of a parcel and the area in which it is located. Site-specific studies may be required of individual parcels to determine individual characteristics more definitively, and how they may affect a development proposal.

- A. **MAPS ADOPTED.** Gunnison County hereby adopts the following maps in this *Resolution*, as if they were actually included as illustrations in the *Resolution*. These maps may be updated from time to time, pursuant to Section 1-112: B: *Adoption of New or Updated Maps*.
1. **FLOODPLAIN MAPS.** National Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency May 16, 2013, and as more specifically adopted in Section 11-103: E: *Official Maps*.
 2. **GUNNISON COUNTY ROAD MAINTENANCE MAPS.** Maps of roads within Gunnison County, designating roads maintained and/or plowed by Gunnison County (dated April 1997, as amended).
 3. **GUNNISON SAGE-GROUSE HABITAT MAP.** Gunnison County map that depicts private lands located within areas defined as Gunnison Sage-grouse habitat, as currently adopted by the Board.
- B. **ADOPTION OF NEW OR UPDATED MAPS.** New or updated maps may be adopted by Gunnison County from time-to-time to reflect new studies, to correct map designations, or to otherwise replace or augment the floodplain, road maintenance and other maps. The adoption of a new map or the amendment of any adopted map shall be accomplished by amending or adding the reference to the map in this Section and by following the process and standards of Section 1-113: *Amending This Land Use Resolution*.
- C. **MAPS TO BE USED AS REFERENCES.** Gunnison County may use the following and other maps as they may be amended as general references. Amendment or other update by the agencies that prepared them requires no action by the County.
1. **WILDFIRE HAZARD MAPS.** Wildfire Hazard Maps prepared by Community Planning Assistance for Wildfire (CPAW) and as they may be amended from time to time.
 2. **SOILS MAPS.** Soil Survey Maps prepared by the Natural Resource Conservation Service (Soil Conservation Service).
 3. **GEOLOGIC HAZARD MAPS.** Geologic Hazard Maps prepared by the Colorado Geologic Survey.
 4. **WILDLIFE MAPS.** The Wildlife Resource Information System (WRIS) and National Diversity Information Source (NDIS) maps available from the Colorado Division of Parks and Wildlife, and the Gunnison Basin Sage Grouse Habitat Maps (in the *Gunnison Sage Grouse Conservation Plan*), or their successors.
 5. **WETLANDS MAPS.** Wetlands identification maps for lands around the Town of Crested Butte prepared by David Cooper, PhD: Ecologist, in cooperation with the U.S. Environmental Protection Agency.

ARTICLE 2: DEFINITIONS

WILDFIRE HAZARD AREA means an area where potential wildfire phenomenon is so adverse to past, current or foreseeable construction or development that it constitutes a significant potential hazard to public health and safety or to property. Such areas may be shown on maps pursuant to Section 1-112: C: *Maps To Be Used As References* :

- **LANDSCAPE-LEVEL WILDFIRE HAZARD** This scale represents the likelihood (probability) of a fire occurring and the intensity of the fire at the landscape level based on the inherent landscape characteristics, including broad existing vegetation, biophysical settings, fire regimes, and fire histories. The landscape-level hazard assessment is delineated into the following rankings:
 - MODERATE
 - HIGH
 - VERY HIGH
- The factors influencing these rankings can be used to determine the potential landscape-level exposure that a development will be subject to. The ranking at this scale is difficult to change at the local/parcel level. Mitigation affecting change at this scale is typically done by large-scale disturbances such as insect mortality, fires, or landscape-level mitigation.
- **LOCAL-LEVEL WILDFIRE HAZARD** This scale is based on an extreme event (worst fire days). This does not show the likelihood of a fire occurring but does show where fires are likely to burn at high intensity. For example, a fire that starts in an area where the local hazard is high can spread fast and burn at high intensity creating significant wildfire exposure to any structures in the area. The same rankings used at the landscape scale are used at this local scale:
 - MODERATE
 - HIGH
 - VERY HIGH

WILDFIRE-RELATED TERMS INCLUDE:

- FIRE CHIMNEY means a steep, narrow drainage or ravine that generally confines smoke and heat along with natural convection currents and thus causes rapid upward increases in fire spread and intensity.
- FUEL means vegetation, debris, or other substances that will support combustion in a wildfire hazard area.
- FUELBREAK means a strategically-located strip of land that may vary in width, on which vegetation and other fuels have been modified to reduce the rate of potential fire spread, so that fire suppression forces can be used in relative safety to control a wildfire. Examples of fuel-breaks include provision for all-wheel-drive access, greenbelts, open space, forest openings, riding and hiking trails, and underground utility corridors.
- LADDER FUELS means fuels arranged between two separate fuel layers, including between the forest floor and tree canopies that provide vertical continuity, and thereby support fire spread in a vertical direction.
- SLASH means vegetative debris left after cutting or clearing operations in forest or brush areas that require treatment to reduce wildfire hazard.

WILDLAND URBAN INTERFACE (WUI) means any developed area where conditions affecting the combustibility of both wildland and built fuels allow for the ignition and spread of fire through the combined fuel complex. The WUI is illustrated in the CPAW map titled, "Gunnison County Wildland Urban Interface."

- WUI Intermix: Areas with ≥ 1 house per acre and ≥ 50 percent cover of wildland vegetation. These areas have a potential for exposure to radiant and convective heat, as well as airborne embers.
- WUI Interface: Areas with ≥ 1 house per acre and ≤ 50 percent cover of vegetation and within 1.5 mi of area with $\geq 75\%$ wildland vegetation.
- Non- WUI Vegetated (no housing): Areas with ≥ 50 percent cover of wildland vegetation and no houses (e.g., protected areas, steep slopes, mountain tops).

Section 7-201: I.2.d. WILDFIRE HAZARD MAPS. Wildfire Hazard Maps prepared by Community Planning Assistance for Wildfire (CPAW).

11-104: G.6.e. DEVELOPMENT PROHIBITED. Development shall be prohibited on any slope in excess of 30 percent that is also located in an area that is determined to be a very high wildfire hazard area, pursuant to Section 11-104: C: *Applicability*.

SECTION 11-105: DEVELOPMENT IN AREAS SUBJECT TO WILDFIRE HAZARDS

- A. PURPOSE. There are certain types of lands in Gunnison County that may be hazardous to human life and safety and to property due to their potential for wildfire. The purpose of this Section is to ensure that development avoids these hazard areas whenever possible. When avoidance is not possible, to provide standards to reduce or minimize the potential threats that wildfire may pose to the safety of occupants, their property, and emergency service personnel.
- B. APPLICABILITY. The requirements of this Section shall apply to any development in areas designated as wildfire hazard areas on the Wildfire Hazard Maps, and in areas where the Colorado State Forest Service or the designated fire district determines that there is the potential for a proposed development to be threatened by a wildfire hazard.
- C. MAPS INCORPORATED. The Gunnison County Wildfire Hazard Maps, prepared by Community Planning Assistance for Wildfire, and Gunnison County GIS, shall be used as references for determining when parcels are located within wildfire hazard areas, pursuant to Section 1-112: *Use of Maps*. Where areas have not been mapped, review and analysis by the Colorado Forest Service shall determine the status of wildfire hazards. Copies of the maps are available on www.gunnisoncounty.org.
- D. REFERRAL TO AND REVIEW BY COLORADO STATE FOREST SERVICE. The Community Development Department may submit any application to the Colorado State Forest Service, West Region Wildfire Council, or local fire district for review and comment, to use the expertise and judgment of that agency to evaluate the severity of potential wildfire hazards related to the proposed land use change, and to determine the appropriate avoidance or mitigation.
- E. REFERRAL TO AND REVIEW BY APPLICABLE FIRE PROTECTION DISTRICT. When a Land Use Change Permit is sought in an area located within a specific fire protection district the Community Development Department may submit the application to that District for review and comment to use the District's expertise and judgment to evaluate whether the development has included design elements compatible with adopted District standards, and to recommend how the development can best provide fire prevention and suppression.
- F. STANDARDS. The following standards shall apply to land use changes in all wildfire hazard areas:
 1. GENERAL STANDARD. All new construction, substantial improvement, use, fill, encroachments, alteration, fuel modification or treatment, except utility lines, on or over any portion of a wildfire hazard area, shall be designed so it does not increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior or fuel composition. Development that subjects persons (including emergency service personnel and residents of neighboring properties) to undue dangers, or that will result in substantial public expenses required to mitigate hazardous conditions, respond to emergencies created

by such conditions, or rehabilitate infrastructure or lands, or that cannot otherwise be accomplished in a manner that the applicant demonstrates will be safe, shall be prohibited.

2. PROHIBITED LOCATIONS FOR DEVELOPMENT. Development shall not be located in any area designated as having very high wildfire hazard that also has slopes greater than 30 percent. Development shall also not be located in a fire chimney, as identified by the Colorado State Forest Service.
3. DEMONSTRATE COMPLIANCE WITH THE *INTERNATIONAL WILDLAND URBAN INTERFACE CODE* (IWUIC), AS ADOPTED AND AMENDED BY GUNNISON COUNTY. All land use change applications shall comply with the standards set forth in the County-adopted version of the *International Wildland Urban Interface Code*.
 - a. NOT CAUSE ADVERSE IMPACTS. When mitigating a wildfire hazard pursuant to this Section, applicants shall not cause soil erosion, remove existing vegetation, thin trees or create adverse impacts to wildlife to an extent beyond that which is necessary to mitigate the hazard effectively.
4. LOCATION IN A FIRE PROTECTION DISTRICT. All developments located in a specific fire protection district shall comply with the fire suppression requirements of that District, when those requirements are recommended by the District, and when determined by the County to be appropriate. When the District's standards conflict with County standards, the County shall only enforce the County standards.
6. WILDFIRE PREVENTION STANDARDS TO BE ADDRESSED IN PROTECTIVE COVENANTS. Development shall comply with the following standards. Assurances as to compliance with these standards shall be addressed in a recorded, permanent protective covenant enforceable by the County.
 - a. FUEL MODIFICATIONS. If the proposed development includes areas that are within a wildfire hazard area as mapped on Gunnison County Wildfire Hazard Maps, that can be reduced to lower hazard ratings, in accordance with the adopted International Wildland Urban Interface Code, through thinning, clumping, reduction of "ladder" fuels (vegetation that may allow a fire to burn from ground level to lower tree branches), removal of hanging limbs near chimneys, creation of defensible space around structures, or other such modifications, then such modifications shall be accomplished and maintained by the applicant and or applicable homeowner's association.
 - b. FUEL BREAKS. Practical fuel break systems shall be installed as needed in locations that are approved by the Colorado State Forest Service.
 - c. IGNITION RESISTANT CONSTRUCTION MATERIALS. If the proposed development includes areas that are within a wildfire hazard area as mapped on Gunnison County Wildfire Hazard Maps, construction materials that are ignition resistant shall be allowed and encouraged within the protective covenants.
7. SAFETY AREAS IN RESIDENTIAL DEVELOPMENT. Areas designated by the applicable fire protection district as temporary public evacuation areas during fires shall be indicated by permanent signs along roads in developments. These areas shall also be designated on a final subdivision plat or final development plan for any development that is classified as a Major Impact Project.
8. CUL-DE-SACS. Cul-de-sacs shall not cross major draws, canyons, or gullies conducive to fire spread, nor shall cul-de-sacs terminate in such draws, canyons or gullies. Cul-de-sacs shall have a turn-around pad at the end with a minimum radius of 45 feet and an all-weather gravel or paved surface of a minimum of 45 feet. Dead end roads without turn-around areas shall be prohibited.
9. ROAD RIGHT-OF-WAY CLEARING. All roads shall be cleared and maintained four feet from each edge of the road surface in the right-of-way, so they are free from all living or dead flammable materials.
10. ROAD GRADE. All dedicated roads shall meet the minimum and maximum grade standards pursuant to the *Gunnison County Standards and Specifications for Road and Bridge Construction*.
11. CLEAN-UP OF SLASH. To minimize wildfire hazards and to avoid insects and diseases, the following actions shall be accomplished:
 - a. ROAD SLASH. All cut combustible materials, vegetative residues, including fallen or cut trees and shrubs, pulled stumps, or other such flammable debris shall be disposed of by either chipping or removal from development roadside strips. These strips shall be 100-foot wide areas that parallel each side of the road, measured outward from the edge of the road right-of-way.
 - b. SLASH AROUND HOMES. All vegetative residue, slashing, branches, limbs, stumps, roots, or other flammable debris shall be disposed of from around the home site areas by either chipping or removal before final building inspection approval. Home site areas shall include all areas of the lot in which the materials are generated or deposited.
 - c. FILLS. Compacting slash and debris into roadbed fill areas shall be prohibited, but such materials may be buried in the road right-of-way outside the roadbed provided that the burial is done to minimize the potential for erosion.
12. COMPLY WITH FIRE PROTECTION STANDARDS. Developments in wildfire hazard areas shall also comply with the standards of Section 12-107: *Fire Protection*.

- G. **WARNING AND DISCLAIMER.** As a condition of approval of the proposed land use change, the applicant shall sign the following warning and disclaimer that shall be included on the Final Plat of a subdivision, or within the applicable recorded document that approves the Land Use Change Permit:

WARNING AND DISCLAIMER OF WILDFIRE HAZARDS
AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

"I/We _____ (owner(s) of property) on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agrees to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense."

- H. **OWNERS SHALL BE RESPONSIBLE.** Property owners who develop in, or have access through, areas subject to wildfire hazards shall be required to construct, implement, maintain, monitor, improve and bear the cost of their development's proportionate share of all reasonable measures necessary to mitigate any wildfire-related hazard created by such development.

SECTION 12-105: WATER SUPPLY

- A. **GENERAL STANDARD.** All land use changes for Minor or Major Impact Projects, for which water is a required and necessary element of the development, shall provide a water supply that is legally and physically adequate in terms of quality, quantity, dependability, and pressure for the proposed development. In making its determination as to whether the proposed water supply will be adequate for the proposed use, the decision-making body shall consider the recommendations of the Colorado Division of Water Resources, the Gunnison County Environmental Health Official and other County staff, or consultants engaged by the County and the applicant.
- B. **CONNECTION TO EXISTING SYSTEMS.** It is the policy of Gunnison County to encourage land use changes to use existing water supply systems, especially those paid for in whole or in part by the sale of municipal, county, special district, or other political subdivision bonds. When an existing water supply system can provide a documented legal and physically sufficient source of water for a proposed use pursuant to this *Resolution*, an applicant for a Land Use Change Permit shall be required to connect to the existing system and to install those water lines and other appurtenances necessary to make the water supply available at the property line of each lot in the development in the following circumstances:
 - 1. **LOCATED WITHIN 400'.** The proposed land use change is located within 400 feet of a component of an available existing water supply system; or
 - 2. **LOCATED WITHIN AN URBAN SERVICE AREA.** The proposed land use change is located in a designated urban service area and it is determined that it is feasible, logical, and consistent with applicable municipal, district and county plans, to connect the development to the water supply system serving the area. If it is determined that it is premature to connect the development to the system at the time of the Land Use Change Permit approval, the County may require, as a condition of approval, that assurances be given, including granting of easements, and/or commitments to pay for or construct specified improvements, to ensure that when it is timely to connect the development to the water supply system, this can feasibly occur.
- C. **EXISTING SYSTEM NOT ACCESSIBLE.** Where an existing water supply system approved by the Colorado Department of Public Health and Environment is not reasonably accessible or connection to it is not feasible, the applicant shall implement one of the following options:
 - 1. **INSTALL WATER SUPPLY SYSTEM.** Install a water supply system, with water lines to each lot, the design, construction, maintenance and operation of which complies with the County's regulations and with the standards of the Colorado Department of Public Health and Environmental Resources; or
 - 2. **SUBMIT EVIDENCE OF ADEQUACY OF INDIVIDUAL SUPPLIES.** Submit evidence satisfactory to the County that adequate individual water supplies that comply with the standards of the Colorado Department of Public Health and Environment and Gunnison County will be available to each lot in the proposed development. The County may refer the application to the Colorado Division of Water Resources for comments on the adequacy of the proposed supply.
- D. **CALCULATION OF ADEQUACY OF SUPPLY.** The legal and physical adequacy of the water supply for a proposed water supply for a land use change proposed as a Major Impact shall be calculated based on the total planned development at full buildout, and for year-round use, using standard engineering practices. Fire flow requirements shall be related to the location and character of the development, and shall comply with the standards of Section 12-107: *Fire Protection*. Calculation shall be based on the following:
 - 1. **ESTIMATED AVERAGE DAILY DEMAND.** Estimated average daily demand of the entire service area and the proposed development. Demand calculations are to be based on 350 gallons per day (gpd) per residence.

2. ESTIMATED MAXIMUM DAILY DEMAND. Estimated maximum daily demand based on using three times the average daily demand.
3. ESTIMATED PEAK HOUR DEMAND. Estimated peak hour demand based on using six times the average daily demand.
4. ESTIMATED AVERAGE DAILY DEMAND FOR COMMERCIAL / INDUSTRIAL USES. The estimated average daily demand for commercial and industrial uses will be reviewed based on the anticipated demand of the proposed development. Appropriate multipliers may be used in calculating the amount, based on standards as may be required for a specific use by the Colorado Department of Public Health and Environment, or other applicable agency or industry standard.
5. WATER SUFFICIENT FOR LANDSCAPING. As may be required by Section 13-111: *Landscaping and Buffering* each use shall have adequate water to supply required landscaping. Amounts shall be calculated using the irrigation water criteria in Section 12-105: D. 5. a. 1: *Estimated Demand*.
 - a. IRRIGATION WATER CRITERIA. The following shall be considered in calculating requirements for the use of irrigation in new development, and shall not apply to agricultural operations in existence as of the effective date of this *Resolution*.
 1. ESTIMATED DEMAND. Estimated irrigation demand based on information supplied by the Natural Resources Conservation Service. The information shall take into account the type of vegetation to be maintained, the soil characteristics, the historic yield, and the available water rights.
 2. ESTIMATED ACREAGE. Estimated acreage to be irrigated.
6. ADEQUATE AND RELIABLE WATER SUPPLY. A water supply that is sufficient and accessible year-round to control and extinguish anticipated fires in the development. This standard shall identify minimum requirements for water supplies for structural and wildland fire-fighting purposes in rural and suburban areas of the county.
 - a. COMPLIANCE WITH International Wildland Urban Interface Code (IWUIC) WATER SUPPLY REQUIREMENTS. The applicant shall provide evidence that the proposed water supply complies with the applicable standards of the IWUIC.
 - b. NFPA CLASSIFICATIONS MAY BE REFERENCED. To determine the requirements for an adequate and reliable water supply specific to the development, the County may refer to current standards as published by the National Fire Protection Association including the *Occupancy Hazard Classification and Construction Classification Tables* within the *Standard on Water Supplies for Suburban and Rural Fire Fighting*.
 - b. COMPLIANCE WITH FIRE PROTECTION DISTRICT REQUIREMENTS. The applicant shall provide evidence that the distribution system and storage system are capable of meeting the requirements of the applicable fire protection district, and shall be located on the same site for which development is proposed. When the District's standards conflict with County standards, the County shall only enforce the County standards.
 - c. MINIMUM REQUIREMENTS MAY BE INCREASED IF CONDITIONS ARE UNIQUE. The County may determine during the permit application review that additional water supplies are required for fire suppression purposes, considering particular conditions such as the following:
 1. LIMITED FIRE DEPARTMENT RESOURCES. Available equipment is not sufficient to provide suppression for proposed heights of buildings, or there are similar limitations.
 2. EXTENDED FIRE DEPARTMENT RESPONSE TIME. The time reasonably expected for response from the closest fire protection district facility will likely exceed the amount of time in which a structure may be saved.
 3. LIMITED ACCESS. Existing roadways are narrow, of particularly steep grade, existing bridges are not constructed to accommodate emergency vehicles, or no traversable roadways exist from collector roads.
 4. HAZARDOUS VEGETATION. Vegetation that because of its physical characteristics is likely to contribute to the intensity or quick travel of fire.
 5. UNUSUAL TERRAIN. Slope, aspect and elevation create chimneys or similar configurations such that fire is likely to travel quickly.
 6. SPECIAL USES. Uses proposed within the Land Use Change Permit application involve hazardous products, or processes.
 - d. IDENTIFYING WATER SOURCES. An indicator, reasonably visible in winter and approved by the applicable fire protection district, shall be installed at each location where water may be extracted, and identifying the site for fire protection district emergency use.
 - e. SECONDARY WATER SUPPLY. Determination that a secondary water supply is necessary for purposes of fire suppression may be requested from the applicable fire protection district; the County will decide whether that secondary supply shall be required.

SECTION 12-107: FIRE PROTECTION

- A. APPLICANT SHALL CONTACT FIRE PROTECTION DISTRICT. It is required that an applicant for a land use change permit that is located in a specific fire protection district contact the district before submitting the application, for the purpose of being informed of the District's design and construction standards that will apply to the application.
1. PROTECTIVE COVENANTS. When a land use change that is a subdivision is proposed within a specific fire protection district, subdivision protective covenants shall include language ensuring compliance with the requirements of the applicable fire protection district and giving the applicable district the authority to enforce those provisions.
 2. COUNTY STANDARDS APPLY. When the District's standards conflict with County standards, the County shall only enforce the County standards.
 3. PROPOSED LAND USE CHANGE OUTSIDE OF ANY DISTRICT. When a proposed land use change lies outside of any District boundaries, then the applicant shall contact the nearest such District.
 - a. MAJOR IMPACT PROJECT. As a condition of approval of a proposed Major Impact Project outside of District boundaries, the County may require the applicant to provide evidence that the property will be annexed to the applicable District, or that a service agreement has been entered into between the applicant and the District.
 - b. MINOR IMPACT PROJECT. As a condition of approval of a proposed Minor Impact Project outside of District boundaries, the County may require the applicant to provide evidence that the property will be annexed to the applicable District, or that a service agreement has been entered into between the applicant and the District, or the applicant shall meet one of the following requirements:
 1. INSTALL SPRINKLER SYSTEM. The applicant shall install a sprinkler system in any structure proposed for habitation, subject to standards of and approval by the applicable fire protection district; or
 2. SUBMIT WAIVER OF LIABILITY. The applicant shall submit a signed Warning and Waiver of Liability releasing the County and the applicable fire protection district as part of the application.
- B. STANDARDS FOR VEHICLE ACCESS. All sites proposed for land use changes shall provide access that is sufficient for emergency vehicles, and for service and other vehicles that need access to the property, except when the site is a patented mining claim, is an inholding within state or federal lands, or it was created before the effective date of this *Resolution*;
1. SEPARATED TWO POINTS OF ACCESS ON PRIMARY ROADS. All subdivision filings shall provide two or more points of dedicated access on primary roads that permit adequately separated ingress/egress, unless an alternative design for a single access point can afford similarly safe access.
 2. CULVERTS AND BRIDGES. Any culverts or bridges that are installed or built as part of a development shall be capable of supporting the maximum legal load allowed by Colorado Department of Transportation load factor ratings.
 3. TURNAROUNDS. A turn-around of 45' radius shall be included if determined by the applicable fire protection district to be necessary to accommodate emergency vehicles.
- C. SIGNAGE AND ADDRESSING. All sites for proposed land use changes shall be signed and marked with address markers in accordance with the standards of the IWUIC.
- D. FIRE SUPPRESSION. All development shall comply with the standards of the International Wildland Urban Interface Code including NFPA 1141 and 1142.
- E. OTHER FIRE SUPPRESSION SYSTEMS. Other fire suppression systems may be required as necessary, after consultation with the applicable fire protection district.
- F. FITTINGS AND CONNECTIONS. All fittings and connections for the components of the fire protection system shall be provided at the cost of the developer and shall be compatible with specifications established by the applicable fire protection district. All such equipment shall be required to be tested in accordance with the Development Improvement Agreement and in cooperation with the applicable fire protection district.
- G. WILDFIRE HAZARD AREAS. Developments proposed in areas that may be subject to wildfire hazards shall also comply with the applicable standards of Section 11-105: *Development in Areas Subject to Wildfire Hazards*.

SECTION 13-111: LANDSCAPING AND BUFFERING

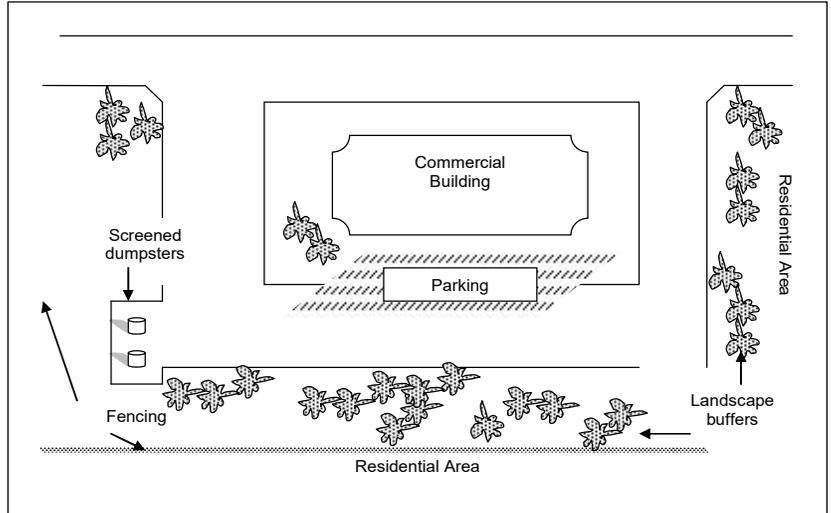
- A. APPLICABILITY. This Section shall apply to all Land Use Change Permits except for mining operations.
- B. GENERAL. Proposed land use changes shall integrate the elements of the site plan and design, so that the land use change preserves and enhances the unique identity of the site. Landscaping may include plant materials including trees, shrubs, ground covers, perennials and annuals, and other materials including rocks, walls, fences, planters, and paving materials.

C. NEW RESIDENTIAL LAND USE CHANGES. Plant materials or landscaping elements shall be required throughout any new residential subdivision where desirable or necessary for privacy or buffering from other land uses.

D. NON-RESIDENTIAL LAND USE CHANGES. To the maximum extent feasible, areas of the site that are not occupied by buildings and required improvements shall be landscaped by retaining, maintaining, or planting native grasses, ground cover, shrubs, and trees.

E. LANDSCAPING PLAN. Applicants for a land use change shall prepare a landscaping plan if the land use change is a residential development that is classified as a Major Impact Project, or any multiple-family residential development, mobile home community or recreational vehicle park, or commercial, industrial or other non-residential use that is classified as either a Minor or Major Impact Project, pursuant to Section 3-111: *Classification of Impact*. Information is available from the Colorado State Forest Service to assist in designing a landscaping plan that minimizes the potential for wildfire hazard. The landscaping plan shall comply with the standards of the Gunnison County adopted International Wildland Urban Interface Code. The plan shall indicate the type and location of vegetation to be included on the site. The plan shall also contain a planting schedule and a plan for maintenance of all landscaping to be installed.

FIGURE 8: LANDSCAPING AS BUFFERING



1. AMOUNT OF LANDSCAPING REQUIRED. At least one tree and three shrubs shall be provided per each 500 sq. ft. of the area that is shown as being landscaped on the landscaping plan. All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment.

2. PROTECTION OF EXISTING VEGETATION. No material or temporary soil stockpiling shall be placed within four feet of existing shrubs or in the drip line of trees. During construction, temporary protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain onsite. Protective barriers should be of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

3. RESTORATION WITH NATIVE PLANT MATERIAL. The County requires native plant materials in the portion of the East River Corridor to the Gothic Townsite, as delineated within a map that can be obtained from the Public Works Department, but otherwise may require planting native trees or other native plant material where natural trees or vegetation are destroyed by grading or other construction work, or where existing vegetation is inadequate to mitigate visual impacts of a land use change. Substantial disturbances of the land created by construction of structures, roads, water, or wastewater treatment facilities, drainage control systems, installation of utilities, or other improvements shall be restored, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

4. VISIBILITY. To avoid landscape materials from blocking driver sight distances at intersections, no material greater than 30 inches in height shall be located within 15 feet of a driveway or road edge.

5. ALLOWANCE FOR SNOW STORAGE AND PLOWING. All landscaping design shall provide adequate space for snow plowing and areas for snow storage, that shall be indicated on the landscaping plan.

F. SITE PROTECTION.

1. TOPSOIL PRESERVATION. Topsoil moved during construction shall be stockpiled and redistributed on all re-graded surfaces in order to provide an even cover to all disturbed areas of the land use change. Such surfaces shall be stabilized by seeding or planting.

2. REMOVAL OF DEBRIS. All stumps, other tree parts, litter, brush, weeds, excess or scrap construction materials, or other debris should be removed from the site within six months of substantial completion of construction and disposed of pursuant to requirements of the Gunnison County Landfill, or by other means pursuant to any applicable regulation.

a. RETAINING DEADWOOD FOR WILDLIFE HABITAT. All dead or dying trees should be removed from the site, unless those trees are to be retained for wildlife habitat, upon the recommendation of the Colorado Division of Parks and Wildlife or the Colorado State Forest Service. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas.

3. SLOPE PLANTINGS. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion. All roadway slopes steeper than one foot vertical to three feet horizontal (1': 3') shall be planted with ground cover appropriate for soil conditions, water availability, and environment, and pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

G. PLANTING SPECIFICATIONS.

- 1. MINIMUM TREE/SHRUB SIZES. When landscaping is included as an element of site design, and/or required by the County in the approval of a Land Use Change Permit, deciduous trees shall have at least a two-inch caliper at planting. Sizes of evergreens and shrubs shall be allowed to vary depending upon the characteristics of the land use change and its location and the types of shrubs proposed. Trees shall be staked upon planting and provision made by the developer for regular watering and maintenance until they are established. Dead and dying plants shall be replaced by the developer no later than the following planting season.
- 2. PLANT SPECIES. A mixture of plants, evergreen, and deciduous shrubs may be planted. Evergreen trees should be located on the perimeter of the lot for screening.
- H. TIMING. All landscaping shall be installed no later than one growing season after substantial completion of the development or land use change.
- I. SITE-SPECIFIC SELECTION. The type and amount of landscaping shall be allowed to vary with the type, size and impact classification of land use change proposed. Plants or other landscaping material(s) that best serve the intended function of the land use should be selected, in consideration of site-specific environment, soil conditions, and the legal and physical availability of water. Appropriateness of any proposed phasing, as well as short and long-term impacts of the landscaping plan, should be considered.
- J. WATER CONSERVING LANDSCAPING. Use of xeriscape plantings is recommended when suitable to the altitude and location of the proposed land use change.
- K. USE OF NON-TREATED WATER. Use of water that has not been processed through a water treatment plant is encouraged.
- L. LANDSCAPE ADJACENT TO BUILDINGS. Landscape elements may be located adjacent to buildings except that when sites that are designated as wildfire hazard areas, landscaping must be designed considering the need for defensible space required by the Gunnison County adopted International Wildland Urban Interface Code.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2022-35**

A RESOLUTION APPROVING THE GRANT APPLICATION FOR A STEWARDSHIP IMPACT GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE IMPLEMENTATION OF THE GUNNISON COUNTY SUSTAINABLE TOURISM AND OUTDOOR RECREATION COMMITTEE STEWARDSHIP PROGRAM

WHEREAS, the Gunnison County Board of Commissioners supports the Great Outdoors Colorado grant application for the Gunnison County Stewardship Program on behalf of the Gunnison County Sustainable Tourism and Outdoor Recreation Committee. If the grant is awarded, Gunnison County supports the completion of the project.

WHEREAS, Gunnison County has requested \$300,000 from Great Outdoors Colorado to implement the Gunnison County Sustainable Tourism and Outdoor Recreation Committee Stewardship Program.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE GUNNISON COUNTY BOARD OF COMMISSIONERS THAT:

- 1. The Gunnison County Board of Commissioners strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.
- 2. If the grant is awarded, the Gunnison County Board of Commissioners strongly supports the fulfillment of the project.
- 3. The Gunnison County Board of Commissioners authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- 4. If the grant is awarded, the Gunnison County Board of Commissioners hereby authorizes the designated Official to sign the grant agreement with Great Outdoors Colorado.

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 Mason, seconded by Commissioner Smith, and adopted on this 6th day of September 2022.

BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – yes, Smith – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2022-36**

A RESOLUTION RESCINDING THE CONTINUATION OF AN EMERGENCY IN GUNNISON COUNTY, COLORADO DUE TO THE SYLVESTER GULCH FIRE (FORMERLY THE SOMERSET COAL SEAM FIRE)

WHEREAS, on July 21, 2022, the Gunnison County Manager, pursuant to Gunnison County Resolution 2020-11 and applicable law, declared an emergency due to the continued hazards surrounding the Sylvester Gulch Fire; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709, the Board of County Commissioners of the County of Gunnison has the authority to order the declaration, continuation, or termination of a local disaster emergency, and

WHEREAS, on July 26, 2022, the Board of County Commissioners of the County of Gunnison, determined there was an on-going threat to the public health, safety and welfare of Gunnison County residents and the public at large; and

WHEREAS, due at least in part to the foregoing, the Board of County Commissioners of the County of Gunnison continued the emergency declaration, via resolution 2022-27; and

WHEREAS, there has been no fire activity in the fire area since July 30, containment lines have been established on the fire perimeter, the road to the fire area has been completed, and a plan is in place to pump concrete and mud into the coal seam vent; and

WHEREAS, due to the foregoing, on August 16, 2022, the Colorado Division of Fire Prevention and Control deemed the Sylvester Gulch Fire as controlled; and

WHEREAS, on August 22, 2022, due to the foregoing, the Ragged Mountain Fire Protection District rescinded its emergency declaration for the fire and rescinded its delegation of the fire to the Gunnison County Sheriff;

NOW, THEREFORE, IT IS DIRECTED:

It is hereby declared that there is no longer a disaster emergency due to the Sylvester Gulch Fire;

- 1. Resolution 2022-27, which continued the emergency declaration, is hereby rescinded.

Dated this 6th day of September, 2022.

BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – yes, Smith – yes