

EXHIBIT B

Ranchland Process

Gunnison County, CO

May 25, 2010



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GUNNISON COUNTY RANGLAND PROCESS (RP) INTRODUCTION

BACKGROUND

- A. It is the intent of Gunnison County to support conservation of ranchlands for production of agricultural products. Ranchland is important because:
 - 1. Ranching provides food and agricultural products which are an essential basis for a sound local and national economy;
 - 2. Ranching provides direct economic benefits in the form of income and jobs;
 - 3. Ranching has many indirect benefits because it:
 - a. Keeps water in the community legally and physically;
 - b. Maintains rural landscapes and amenities;
 - c. Serves as a foundation of the community's desired development pattern;
 - d. Benefits other economic sectors such as tourism, real estate, skiing, and hunting;
 - e. Provides habitat for wildlife; and
 - f. Provides irrigation water that recharges aquifers.
 - 4. Ranching keeps the western culture alive and connects the community to the land. Ranchland in Gunnison County is being lost because:
 - a. The community's efforts in making the Gunnison area an attractive place to live and visit have been very successful, consequently ranchland is highly sought after for residential development.
 - b. There is little financial incentive to keep land in ranching.
 - c. Ranching income does not compare to selling land and water for development.
 - d. Ranching becomes more difficult when development and increasing population creates problems with fencing, trespassing, livestock harassment, and irrigation.
 - e. Necessary supporting services for agriculture are becoming less available.
 - f. Emerging outside issues such as agricultural water use and constraints on grazing permits affect the potential success of ranching operations in the future.
- B. Current state law allows land to be divided into 35-acre or larger parcels without any county land use review. This law has been in effect since 1972. In some cases, 35+ development works well. In the majority of cases, however, there are more desirable alternatives. In particular, 35+ development does not support continued use of ranchland for productive ranching.
- C. Gunnison County is informed of successful county efforts in Routt County and Larimer County, Colorado to promote large scale, unified ranchland use planning and use development by means of mid-range programs and individual ranchland conservation projects. A similar effort in Gunnison County will complement the efforts of Gunnison Ranchland Conservation Legacy and individual conservation easements.
- D. Gunnison County is informed of the success, in carefully defined circumstances, of land use planning that uses small, solution-oriented, collegial teams to identify planning and land use issues, to gather data about the nature and causes of those issues, to consider both broad systems and individual project solutions, and to approve specific proposals.

DESIRED RESULTS

The RP will be determined to be successful if it obtains the following results:

- A. Contributes to no significant net loss of productive ranchland in Gunnison County.
- B. An expedited process for proposal review and decision.

- C. Flexible, project by project, short and long term options for owners of ranchland to keep the ranchland in production.
- D. Landowner and community will benefit by conservation of productive ranchland and identified community benefits such as open space, viewsheds, wildlife protection, and economic opportunities.

INCENTIVES TO PARTICIPATE

The Ranchland Process provides incentives for ranchland owners to participate, including:

- A. A process specifically designed to foster continued ranching.
- B. The ability to develop a portion of the subject land while retaining majority of ranching operations.
- C. A flexible alternative to 35+ acre developments that keeps ranchland in production and allows the Landowner to create smaller but valuable parcels.
- D. The opportunity for owners of ranchland to receive design, technical and process assistance from a County team to expedite design, review and decision, and to lower review costs.
- E. Flexible designs that meet all Land Use Resolution standards except for residential locational standards. However, portions of projects adjacent to population centers or municipal three mile plan areas do need to meet residential locational standards.
- F. County assistance with obtaining permanent conservation mechanisms.
- G. Preservation of identified community benefits that will support project approval.
- H. A specialized, collegial project design and review process.
- I. The RP formally implements the requirements of C.R.S. 30-28-401 et seq; and the exceptions and presumptions identified in C.R.S. 37-92-602, concerning cluster developments and domestic water permits for those developments; the RP is intended to make available the benefits provided by those statutes.
- J. The opportunity to craft the pace of infrastructure costs.
- K. Permanent term of project approval with the opportunity to defer infrastructure costs.
- L. Partnership potential with funders.
- M. Development parcels created by this process potentially have more value because of the County approval and the lots proximity to conserved land.
- N. An additional tool for estate planning.
- O. The process is selective and voluntary.
- P. The Board shall provide vested rights as outlined in Section 4E6a.
- Q. The County is precluded by C.R.S. 30-28-101 (10) (c) (1) from regulating the subdivision of land into parcels all of which are 35 acres or greater in size. It is appropriate and in the public interest that the developers and owners of those large tracts of private land be given reasonable incentives to submit to County review and regulation an application for the division and development of large tracts as an alternative to the statutory 35-acre exemption described in C.R.S. 30-28-101 (c)(1).

RANCHLAND PROCESS TEMPORARY REGULATIONS

SECTION 1: PURPOSES

- A. **ESTABLISHMENT OF VOLUNTARY ALTERNATIVE REVIEW PROCESS.** The purpose of the *Ranchland Process (RP)* is to provide reasonable guidelines for a voluntary alternative review process for the compatible development and conservation of lands involving agricultural operations in Gunnison County.
- B. **CONSERVATION OF PRODUCTIVE RANCHLAND.** The RP is intended to guide development that strengthens and fosters conservation of productive ranchland.
- C. **ALTERNATE TO 35+ DEVELOPMENT.** The RP is intended to be a voluntary alternate, chosen by the Landowner, to the Land Use Resolution (“LUR”) process and to 35+ development patterns.
- D. **WELL PLANNED DEVELOPMENT.** The RP is intended to foster well planned development of large parcels of ranchland that will have positive consequences not only for the Landowner, but also for the neighbors, ranching, and the community.
- E. **VALUE TO LANDOWNERS.** The RP is intended to be of value to owners of ranchland who build upon the history, agricultural use and development potential of their land by providing flexible short, mid and long term development options with current County approval.
- F. **BENEFITS TO COMMUNITY.** The RP is intended to be of benefit to the community by preserving ranchland while considering the effects of a proposal on ranchland, neighboring land, the community, economy and environment.
- G. **TO PROVIDE INCENTIVES AND GUIDELINES.** It is the intent of the RP that a County team create guidelines, incentives and solutions that optimize ranchland conservation while honoring legitimate Landowner and community goals.
- H. **TO ENCOURAGE FLEXIBILITY AND INNOVATION.** The RP is intended to encourage flexibility and innovation in project design, timing, phasing, construction and operation.
- I. **TO SIMPLIFY REQUIREMENTS AND SHORTEN TIME LIMITS FOR REVIEW AND DECISION.** The RP is intended to simplify requirements and shorten time limits for review and decision.
- J. **TO ENABLE RANCHLAND CONSERVATION PROJECTS BETWEEN AND AMONG NONCONTIGUOUS PARCELS, OR BETWEEN AND AMONG COOPERATING OWNERS, FOR PLANNING OF LARGE PARCELS.** The RP is intended to enable ranchland conservation projects between and among noncontiguous parcels, or between and among cooperating owners, for planning of large parcels.

SECTION 2: COUNTY RANCHLAND TEAM.

- A. **PURPOSE AND RESPONSIBILITIES OF COUNTY RANCHLAND TEAM.** It is fundamental to the successful functioning of the RP that the Board establish a County Ranchland Team and Coordinator to be comprised of County staff. The Team and Coordinator shall:
 - 1. **ASSIST LANDOWNERS.** Assist Landowners when requested to achieve the purposes and desired results of this RP.
 - 2. **FACILITATE COOPERATION AMONG LANDOWNERS TO CREATE UNIFIED PROJECTS.** Facilitate cooperation among ranchland owners to create unified proposals when requested and as appropriate to achieve the desired results of this RP.
 - 3. **CREATE DEVELOPMENT ALTERNATIVES AND SOLUTIONS.** Evaluate, facilitate, explore development design alternatives and solutions, and provide recommendations to the Board as appropriate during the review process.
- B. **COUNTY RANCHLAND TEAM MEMBERS.** The Gunnison County Ranchland Team shall consist of County staff (including but not limited to the Planning Department, Public Works Department, Wildlife Coordinator and County Attorney) and will provide technical expertise and assurance that proposed RP

Concept Plans, Conservation Plans, and Development Plans comply with applicable regulatory standards and the standards of this RP. In addition, the County may seek assistance as needed from experts not employed by Gunnison County, including members of the Gunnison County Planning Commission.

1. **RANCHLAND PROCESS COORDINATOR.** A Gunnison County staff member shall be designated as the RP Coordinator, to be available for initial consultation with Landowners, to provide development design expertise in creating Concept and Conservation Plans, to administer the RP, and to facilitate successful interaction among Landowners, the County staff and the general public during a RP project.

SECTION 3: STANDARDS OF THE RANCHLAND PROCESS.

A. MINIMUM ACREAGE AND LAND OWNERSHIP.

1. **APPLICABLE PARCELS.** RP projects may include a single parcel, or two or more contiguous or noncontiguous parcels. Each parcel shall be at least 70 acres in size.
2. **DENSITY TRANSFER.** If the project involves residential density transfer between parcels, then the receiving parcel may be less than 70 acres. Portions of a RP project that are located within an adopted municipal urban growth area or CDPHE-approved wastewater treatment system service area can have density as determined by the Land Use Resolution's locational standards.
3. **OWNERSHIP.** Ownership may vary among the parcels.
4. **LOCATION.** All properties included in the project must be located within Gunnison County, except that the Conserved Land, or a portion of it, may be on an adjacent parcel in a county adjacent to Gunnison County.

B. CONSERVED RANCHLAND.

1. **CHARACTERISTICS OF CONSERVED LAND.** The following are required characteristics of Conserved Land ("Conserved Land").
 - a. **AMOUNT CONSERVED.** A project must conserve at least 85 percent of the project area; and
 - b. **LAND TYPE.** The agriculture productive area to be conserved may contain any combination of irrigated hay meadows, irrigated pasture land, or non-irrigated but currently productive land.
2. **CONSERVATION MECHANISMS.** The following is a list of required conservation mechanisms:
 - a. **MONITORING PLAN.** A general Monitoring Plan is required to ensure the Conserved Land maintains the characteristics for agricultural production.
 - b. **LEGAL MECHANISM.** An appropriate legal mechanism is required to protect the Conserved Land (including but not limited to conservation easements, deed restrictions, and development agreements) and provide monitoring and enforcement.
 - c. **PERPETUITY.** Conservation, monitoring and enforcement mechanisms shall be in perpetuity.
 - d. **WATER RIGHTS.** Sufficient water rights must be retained on the property to keep the Conserved Land productive.
 - e. **MINERAL RIGHTS.** If the Landowner owns the mineral rights under the Conserved Land, extraction of the minerals cannot unreasonably disturb the surface of the Conserved Land.
3. **TAX BENEFITS.** Nothing in this RP shall be construed to be a prohibition from the Landowner obtaining tax benefit for the conservation of the land.

C. DENSITY, LOT SIZE, AND WASTEWATER TREATMENT.

1. **RESIDENTIAL DENSITY.** The maximum number of buildable lots to be created is the gross acreage of the project divided by 35 and the Conserved Land area can be located in one or more additional lots. Existing residences in the project count toward the 1 per 35 limit on the allowable buildable lots. For example, a 350 acre project could have 10 buildable lots and 2 unbuildable Conserved Land lots or the project could have 9 buildable lots and 1 buildable Conserved Land lot containing an existing residence.

2. **PRIMARY AND SECONDARY RESIDENCE.** Each lot may have a primary and secondary residence in compliance with the secondary residence standards of the *Land Use Resolution*; if the secondary residence is not approved as part of the RP it must obtain approval pursuant to the *Land Use Resolution*. The primary and secondary residence cannot be separately conveyed.
 3. **MULTIPLE FAMILY.** Multiple-family residences may be considered.
 4. **RESIDENCE SIZE.** Every residence shall meet the square footage requirements of the *Land Use Resolution* at the time formal application is made; that restriction shall be included within the protective covenants for the development.
 5. **WASTEWATER TREATMENT.** Each proposed project is required to meet the requirements of the *Gunnison County Individual Sewage Disposal System Regulations*, and *Land Use Resolution* Section 12-106: *Sewage Disposal/Wastewater Treatment*. Conserved Land may be used to satisfy ISDS location requirements.
 6. **DENSITY FOR NON-RANGLAND PROCESS PROPOSALS.** Except for portions of an RP project adjacent to population centers or municipal three mile plan areas, residential lots within RP projects shall be considered as 35 acres in size for the purpose of determining compliance of non-RP projects with locational or density standards of the *Gunnison County Land Use Resolution*.
- D. **ALLOWED USES.** By right, each lot in a RP project may include improvements classified as administrative review projects pursuant to *Land Use Resolution* Section 4-102: *Projects Classified As Administrative Review Projects That Do Not Require Land Use Change Permits*. Commercial and industrial uses proposed on lands approved for RP projects shall be reviewed pursuant to the *Land Use Resolution*.
- E. **FUTURE DIVISION OR USE OF LAND.**
1. **FUTURE DIVISION OF LOTS.** There shall be no future subdivision of approved Ranchland Process lots. However, the number of residences allowed on each lot shall be governed by the *Gunnison County Land Use Resolution*.
 2. **FUTURE DIVISION OF CONSERVED LAND.** To allow the Landowner future flexibility of a RP project, future division of the Conserved Land may be approved by the Board of County Commissioners, but in no case shall a future division allow for additional buildable lots beyond the original approval.

SECTION 4: REVIEW PROCESS.

- A. **GENERAL.** Participation in the Ranchland Process by a Landowner is voluntary. The County's Ranchland Team shall administer the review process as much as possible in an informal manner such that the process will be equally desirable and beneficial to both the Landowner and the citizens of Gunnison County. The Board of County Commissioners shall prioritize which projects shall be accepted for the RP and their decision shall be informed by the selection guidelines in Appendix D.
- B. **OPPORTUNITY TO TERMINATE PROCESS AT EACH STEP.** There is independent authority in the Landowner(s) or the County, to proceed or terminate the review process at any point in the process up until the Conservation Plan is approved, after which both parties must agree to terminate the process. Because the process is voluntary, the Landowner or the County cannot be forced to process a Concept Plan or Conservation Plan which does not fulfill the purposes and desired results of the RP. Neither the Landowner nor the County will have a claim or other basis for legal action should the process fail to result in a Development Plan approval.
- C. **GENERAL REVIEW STEPS.** The RP shall consist of the following steps:
1. **CONCEPT PLAN.** The Concept Plan review provides an opportunity for the Landowner and the County to engage in an exploratory discussion of a proposed RP project, to examine alternative approaches to land use design of the property, and to participate in a process of joint planning consistent with the intent and purposes of this process.
 2. **CONSERVATION PLAN.** The Conservation Plan creates, in perpetuity and at minimal cost to the Landowner, a high degree of certainty for the number and location of lots for a RP project without requiring final engineering plans, and also conserves by a legally-binding mechanism a large portion of

the property for agricultural use. The plan shall include an agreement between the Landowner and County that the Development Plan may be completed at any time in the future at the choice of the Landowner.

3. **DEVELOPMENT PLAN.** The Development Plan provides final engineering plans and a permanent and accurate public record of the exact size, shape and location of all lots, blocks, streets, easements and Conserved Land within the RP project, together with all applicable protective covenants, conditions, use restrictions and design and development criteria.

D. CONCEPT PLAN REVIEW. The following process shall be implemented for the Concept Plan:

1. **INITIAL MEETING OF LANDOWNER WITH COORDINATOR.** The process is initiated when a Landowner or Landowner's representative contacts the Coordinator to discuss the Landowner's objectives to preserve, sell or develop all or part of the Landowner's land. The Coordinator shall informally meet with the Landowner or representative to discuss the land and its attributes, the Landowner's objectives for productive use of the land, to discuss potential community benefits to be derived from the Landowner's objectives for productive use of the land, to identify potential advantages of participating in the RP, and to assess whether the process realistically can be applied.
2. **COORDINATOR CREATES INVENTORY.** The Coordinator shall create an inventory map and collect other information about the site and vicinity elements including ranchlands, wildlife/natural area, historic/cultural, scenic attributes and ownership of subsurface mineral rights using Landowner, County, and other resources. This may include:
 - a. **DEVELOPING FAMILIARITY WITH THE SITE.** Walking the property with Landowner to become informed of the attributes of the property;
 - b. **MAPPING.** General mapping, inventorying, and documenting of the property and vicinity, including referencing the following County maps: Wildfire Hazard Maps, Soil Survey Maps, Geologic Hazard Maps, Wildlife Resource Information System (WRIS) and National Diversity Information Source (NDIS) maps, the Gunnison Basin Sage Grouse Habitat Maps, and applicable wetlands maps; and
 - c. **IDENTIFICATION OF POTENTIAL BENEFITS TO THE COMMUNITY FROM THE PROJECT.** Identifying potential community benefits that could result from the proposed project.
3. **LANDOWNER AND COUNTY RANGLAND TEAM EXPLORE OPTIONS.** The Landowner and the County Ranchland Team explore the potential land use patterns, development patterns, infrastructure needs, and potential added benefits. If the property is a split estate (e.g. one party owns the surface rights; another party owns subsurface mineral rights), the owner(s) of both estates must be identified.
4. **MEMORANDUM OF UNDERSTANDING SUBMITTED.** The Ranchland Coordinator shall complete and the Landowner shall sign the *Memorandum of Understanding* ("Appendix A") before the Concept Plan may be formally developed.
5. **LANDOWNER AND COUNTY RANGLAND TEAM CREATE CONCEPT PLAN ADDRESSING SPECIFIC CONSIDERATIONS.** After signature of the *Memorandum of Understanding* and payment of the required fee, the Landowner, Coordinator, and County Ranchland Team shall create a Concept Plan. The Concept Plan shall be designed with the following considerations:
 - a. **AGRICULTURAL LANDS TO BE CONSERVED.** Identification of areas of agricultural land to be conserved.
 - b. **INPUT FROM NEIGHBORS.** Input that neighbors may have expressed about the proposed project during informal meetings, which the team has conducted following reasonable attempts to seek such input.
 - c. **NATURAL RESOURCES.** Identification of natural resources and potential effects on them caused by the project.
 - d. **COMMUNITY BENEFITS.** Identification of potential benefits of the proposed project to the community.
 - e. **HOMESITE LOCATIONS.** Locating potential homesites to maximize conservation of productive agricultural land, protection of identified potential community benefits, and value to the Landowner;

- f. **INFRASTRUCTURE LOCATIONS.** Locating potential roads, driveways, utilities, and other required infrastructure;
 - g. **POTENTIAL LOT LINES.** Identify potential lot lines; and
 - h. **POTENTIAL PHASES.** Identify potential phases, if applicable.
6. **BOARD OF COUNTY COMMISSIONERS REVIEW.** The Coordinator and Landowner will present the Concept Plan to the Board at a regularly-scheduled Board meeting. Comments received from this meeting shall be considered in the preparation of the Ranchland Process Conservation Plan.

E. CONSERVATION PLAN. The following process shall be implemented for the Conservation Plan:

1. **TIMELINE.** Upon the Board's completion of comments concerning the Concept Plan, the Coordinator and the Landowner with the assistance of other County staff will establish a timeline for creating, reviewing and processing a Conservation Plan.
2. **COORDINATOR PREPARES CONSERVATION PLAN.** The Coordinator, with the assistance of the County Ranchland Team and Landowner, shall prepare a Conservation Plan as required in Appendix B: *Ranchland Process Conservation Plan Submittal Requirements*. The County and the Landowner shall agree on apportionment of payment for preparation of the documents identified in this step.
3. **PRESENTATION OF PLAN.** Upon completion of the Conservation Plan, the Coordinator and Landowner shall present it to the Board.
4. **BOARD HEARING.** The Board of County Commissioners shall conduct a public hearing to consider public comment concerning the proposed Conservation Plan.
 - a. **NOTICE OF HEARING.** No later than 21 days before the public hearing, the County shall, by certified mail, notify Landowners within 500 feet of each boundary of the proposed project boundary, post the property in a conspicuous location on the project property that is readily visible from a road adjoining or serving the area of the proposed development, and place a legal notice in the County's official newspaper, which shall be published at least once. The County shall pay the costs of providing the required notice.
5. **BOARD ACTION.** Following closure of the public hearing, the Board shall deny or approve the Conservation Plan; if the action is for approval, the Board may impose such conditions it deems necessary to ensure compliance of the Plan with the requirements of this Resolution.
 - a. **EXECUTION AND RECORDING OF DOCUMENTS AFTER BOARD APPROVAL.** If the Board has approved the Plan, within 30 days or as otherwise designated by the Board, of that approval, the Landowner and Coordinator shall make the changes to the Plan as required by the Board, the Landowner shall execute the Plat, Agreement and other appropriate documents.
 1. **BOARD EXECUTION OF DOCUMENTS.** When the County determines the required documents are complete, they shall be scheduled for review and action on the Board's next available agenda.
 2. **RECORDATION COSTS TO BE BORNE BY COUNTY.** The cost of all necessary recording of the documents shall be borne by the County.
 3. **RECORDATION TIMING.** All necessary documents associated with the Conservation Plan approval shall be recorded within 30 days of the Board approval or as otherwise designated by the Board.
6. **CONSERVATION PLAN AGREEMENT.** Approval of a Ranchland Process Conservation Plan, shall include a Conservation Plan Agreement document that shall include the following conditions of the approval:
 - a. **VESTED RIGHTS.** The approval shall establish certain vested property rights pursuant to Article 68 of Title 24, C.R.S., as amended. The vested property rights shall include the right to build the residences, subject to the standards and other requirements of these *Regulations*, and any other ordinance or regulation that is general in nature, is applicable to all property subject to land use regulation by Gunnison County, and that is found necessary by the Board for the immediate preservation of public health and safety.

- b. **LOT SALE RESTRICTION.** A lot sale restriction shall be placed on the property to prevent transfer of ownership of the individual lots, unless and until approval and execution of the Development Plan. However, the entire property included in the plan may be conveyed as a whole.
 - c. **CONSERVED LAND RESTRICTIONS.** No residence shall be permitted to be constructed on the Conserved Land and no structure on the Conserved Land shall be permitted to be used as a residence except those approved in the Conservation Plan Agreement. The Conservation Plan Agreement is intended to create a conservation easement in gross as described in C.R.S. Section 38-30.5-102 protecting open space and agricultural lands and shall be interpreted in accordance with the rules set forth in Article 30.5 of Title 38 of the Colorado Revised Statutes.
 - d. **MONITORING PLAN.** The Conservation Plan Agreement shall include a Monitoring Plan that shall detail further use and development restrictions that apply to the Conserved Land with the purpose of ensuring that the land retains its agricultural characteristics.
 - e. **PHASING PLAN.** A phasing plan may be included if the landowner wants to designate at this stage different phasing schedules for development areas within the Project. The agreement shall detail which lots, if any, can be separated into individual Development Plan review phases. The agreement shall also determine at what point in the phasing that the Conserved Land shall be transferred into a permanent conservation easement.
 - f. **DEVELOPMENT APPROVAL NOT GUARANTEED.** Approval of a Conservation Plan does not guarantee a specific Development Plan will be approved. If technical information (such as that related to geologic hazards, floodplain, or wetlands) available at the Development Plan step demonstrates that all or part of the lots approved in the Conservation Plan cannot be developed, then the Development Plan may modify the requirements of the Conservation Plan and the development. Any amendments must conform to the requirements of these regulations.
7. **CONSERVATION PLAN VOIDED.** The Conservation Plan and the associated Conservation Plan Agreement can be voided by the Landowner after 25 years from their approval date.
- F. **DEVELOPMENT PLAN.** If the Landowner elects to complete the RP project, the Landowner shall submit a Ranchland Process Development Plan pursuant to the submittal requirements in Appendix C. The following process shall be implemented for the Development Plan review:
- 1. **LIMITED REVIEW.** The review of the Development Plan shall be limited to the technical feasibility issues associated with engineering such as water supply, sewage disposal, drainage, wetlands, geotechnical and other natural hazards. The review shall not reconsider neighborhood compatibility associated with site improvements (such as homesite locations, roads) unless relocations are necessary based upon technical feasibility information, or are proposed by the applicant. Any amendments must conform to the requirements of these regulations.
 - 2. **CONFORMANCE WITH CONSERVATION PLAN.** A Development Plan and plat shall conform in all respects to the Conservation Plan previously reviewed and approved by the Board except for changes not caused by the landowner that are necessary to meet current engineering requirements and those requirements necessary for immediate preservation of public health and safety.
 - 3. **SATISFACTORY PERFORMANCE OF CONSERVED LAND MONITORING PLAN IS PREREQUISITE TO DEVELOPMENT PLAN.** Satisfactory performance of the Monitoring Plan, as measured against the Monitoring Plan's baseline information, shall be a prerequisite to submittal of the Ranchland Process Development Plan.
 - 4. **CONSERVATION MECHANISM TRANSFERRED.** Simultaneous with approval of the Development Plan, the Landowner shall execute necessary documents to place the Conserved Land into a conservation easement with a qualifying organization, acceptable to Gunnison County, which shall take responsibility for monitoring the easement. At the County's discretion, the County may hold the easement solely or jointly with a qualifying organization.
 - 5. **TIMELINE.** Upon acceptance of a Development Plan, the County and the Landowner will establish a time schedule for reviewing and processing it.

6. **SUBMITTAL REQUIREMENTS.** The Landowner shall submit a Development Plan as required in *Appendix C: Final Submittal Requirements*.
7. **PRESENTATION OF PLAN.** Upon completion of the Development Plan, the Landowner and the Coordinator shall present it to the Board.
8. **BOARD HEARING.** The Board of County Commissioners shall conduct a public hearing to consider public comment concerning the proposed Development Plan.
 - a. **NOTICE OF HEARING.** No later than 21 days before the public hearing, the County shall, by certified mail, notify Landowners within 500 feet of each boundary of the proposed project boundary, post the property in a conspicuous location on the project property that is readily visible from a road adjoining or serving the area of the proposed development, and place a legal notice in the County's official newspaper, which shall be published at least once. The County shall pay the costs of providing the required notice.
9. **BOARD ACTION.** Following closure of the public hearing, the Board shall deny or approve the Development Plan; if the action is for approval, the Board may impose such conditions it deems necessary to ensure compliance of the Plan with the requirements of this *Resolution*.
 - a. **EXECUTION AND RECORDING OF DOCUMENTS AFTER BOARD APPROVAL.** If the Board has approved the Development Plan, within 30 days of that approval, the Landowner and Coordinator shall make the changes to the Plan as required by the Board and the Landowner shall execute the Development Plan plat and other appropriate documents.
 1. **BOARD EXECUTION OF DOCUMENTS.** When the County determines the required documents are complete, they shall be scheduled for review and action on the Board's next available agenda. place the item on the Board's next agenda for execution of appropriate documents.
 2. **RECORDATION COSTS TO BE BORNE BY COUNTY.** The cost of all necessary recording of the documents shall be borne by the County.
 3. **RECORDATION TIMING.** All necessary documents associated with the Development Plan approval shall be recorded within 30 days of the Board approval or as otherwise designated by the Board.
10. **DEVELOPMENT IMPROVEMENT AGREEMENT.** A Development Improvements Agreement shall be executed by the Landowner and the County in a form acceptable to Gunnison County in form and substance, and amount and type of security. The Development Improvements Agreement shall constitute the landowners agreement to construct the improvements as identified in the Development Plan. The financial security shall be no less than 125% of the estimated costs of the improvements.
11. **LOTS CAN BE CONVEYED.** No individual approved lots can be conveyed unless and until the Landowner executes and funds with Gunnison County a development improvement agreement and records the plat and other associated documents of the Development Plan.

SECTION 5: COMPLIANCE WITH OTHER REGULATIONS AND CODES

- A. **GENERAL.** A RP project application shall comply with all regulations and codes that are general in nature and applicable to all property that is subject to the jurisdiction of Gunnison County, including the *Gunnison County Standards and Specifications for Road and Bridge Construction*.
- B. **GUNNISON COUNTY LAND USE RESOLUTION DEVELOPMENT STANDARDS.** The design of the Concept Plan shall consider, and the Conservation Plan and Development Plan shall comply with Gunnison County *Land Use Resolution* Article 9: *Special Uses*, Article 11: *Resource Protection Standards*, Article 12: *Development Infrastructure Standards* and Article 13: *Project Design Standards*.
- C. **ADDITIONAL SECTIONS OF LAND USE RESOLUTION.** The following sections of the *Land Use Resolution* also apply to RP projects: Section 1-111: *Construction and Word Usage*, Section 1-112: *Use of Maps*. Article 2: *Definitions*, Article 15: *Right to Ranch*, Article 16: *Enforcement*.

- D. EFFECT OF CHANGES IN COUNTY REGULATIONS ON RP PROJECTS.** Approvals are exempt from all subsequent changes in County regulations except those identified by the Board of County Commissions as necessary for the immediate preservation of public health and safety.
- E. DEVELOPMENT ON INDIVIDUAL LOTS.** Development on individual lots shall comply with all County regulations and codes at the time of application for a Building Permit, Access Permit or Individual Sewage Disposal System.

APPENDIX A: MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding

The purpose of this memorandum is to declare the desire of the Landowner _____ (*Landowner's name*), and Gunnison County to initiate the Ranchland Process for the (project name). It is understood that this process is voluntary and can be terminated at any time prior to approval of the Conservation Plan by either the Landowner/applicant or the County. The Landowner agrees to pay a nonrefundable \$500 application fee, which is due when the *Memorandum of Understanding* is signed.

_____ (*Landowner's name*) represents the ownership of approximately _____ +/- acres in size. The property is commonly described as:

and the property is legally described as:

_____.

County Ranchland Team Coordinator

Date

Landowner

Date

APPENDIX B:
RANCHLAND PROCESS CONSERVATION PLAN
SUBMITTAL REQUIREMENTS

The Coordinator shall include the following in an application for a Ranchland Process Conservation Plan. Timing of completion of individual tasks (such as delineation of wetlands) and apportionment of costs to complete them shall be determined by agreement between the County and the Landowner:

- A. GENERAL INFORMATION IN NARRATIVE.** The narrative is required to include at least the following information, presented in the same order as it is listed in this Appendix, in a stapled or otherwise bound document, on consecutively numbered pages and including a *Table of Contents*:
- 1. LANDOWNER.** The name, address, telephone and fax numbers, and e-mail address for the Landowner. If the Landowner is to be represented by an agent, a notarized letter signed by the Landowner authorizing the agent to represent the Landowner and also stating the same information for the agent.
 - a. LANDOWNER IS NOT THE SOLE OWNER.** If the Landowner is not the sole owner of the land, the Landowner shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in the application.
 - 2. PROPERTY LOCATION.** The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel (such as mileage from highway or County road, or other recognized landmarks) on which the RP project is proposed to be located. A copy of the recorded deed(s) to the property should be included.
 - 3. TIMELINE.** The date the plan was initiated and completed.
 - 4. LIST AND MAP OF ADJACENT LANDOWNERS.** As applicable, a listing and a map of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall be included in the listing. The source for the best-available information to identify those Landowners is the Gunnison County Assessor's Office.
 - 5. IDENTIFICATION OF PRESENT LAND USE AND PREVIOUSLY-APPROVED USES.** Identification of present land use, existing permits, easements, locations, and sizes of structures that exist on the subject property.
 - 6. MINERAL RESOURCES.** Indication of mineral resources that are known, or reasonably believed to be located in the property proposed for the RP project, and whether the area has been the site of underground or surface mining activity. If reasonably available, a list of the owners or lessees of underlying mineral estates is to be included.
 - 7. PROJECT DESCRIPTION.** A description of what the Landowner wants to do on or to the property, including the following:
 - a. NUMBERS OF UNITS.** Proposed configuration, number and location of lots and/or residences and any other proposed structures. .
 - b. DESCRIPTION OF OFF-SITE RESOURCES.** Description of off-site resources such as gravel and haul routes as may be necessary to accomplish the project.
 - c. PHASES.** Any phases that may be proposed within the Ranchland Process Development Plan for the development when the Landowner elects to submit that Plan.
- B. MAPS AND SITE PLAN SHEETS.** The County has the authority, when appropriate to defer a component of formal mapping until the Development submittal. Maps shall be at a scale and sheet size to permit adequate review, but sheet size shall not exceed 24 inches by 36 inches. Each map or layout of the site plan shall be separate, and folded to a size to allow mailing or storage within a standard legal-sized folder; maps shall not be submitted in a rolled form. Elements required to be submitted in map or layout form may

be combined on one or more sheets of the submittal, so long as all elements are legible. The following elements shall be included on the map submittals:

1. **VICINITY MAP.** A vicinity map, which at a minimum includes the following:
 - a. **PROPERTY LOCATION AND NEARBY PARCEL SIZES AND LAND USES.** Location of the property on a United States Geological Survey quadrangle map with the location highlighted so that it is easy to see, and that clearly shows sizes of parcels and land uses within a half-mile of the proposed project.
 - b. **ROADS.** All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that provide access to this proposed project.
 - c. **BOUNDARIES OF DISTRICTS, MUNICIPALITIES OR SUBDIVISIONS.** Locations of special district boundaries, municipalities or residential subdivisions within a half mile of the property.
 - d. **PROXIMITY OF MINING OR PROCESSING ACTIVITY.** Any parcel located within 1,000 feet of the property proposed for RP project on which there exists an operation involving mineral exploration or extraction, or construction materials processing.
2. **NATURAL FEATURES.** A map or maps identifying the general locations of the following elements, and any other significant visual or other resource areas on the property:
 - a. **MAPS AND TABLES OF SOILS TYPES.** Maps and tables, describing the suitability of the existing soil types for the proposed development, using standard soil classifications and process; information available from the U.S.D.A. Natural Resources Conservation Service is suitable for this submittal.
 - b. **TOPOGRAPHY/CONTOURS.** Topography, as depicted on a United States Geologic Survey map, or its equivalent.
 - c. **SLOPE ANALYSIS MAP.** Topography shall be classified into areas having a slope of 0-15 percent, 15-30 percent, and greater than 30 percent.
 - d. **WILDFIRE HAZARD MAPS.** Wildfire Area Hazard Maps prepared by the Colorado State Forest Service.
 - e. **GEOLOGIC HAZARD MAPS.** Geologic Hazard Maps prepared by the Colorado Geologic Survey, or their equivalent, as prepared by a professional geologist. The County shall determine if characteristics of the proposed project site indicate the presence of geologic hazards and that site-specific geotechnical studies are necessary to complete a Development Plan design.
 - f. **WILDLIFE HABITAT MAPS.** Wildlife Habitat Maps prepared by the Colorado Division of Wildlife, and Gunnison Basin Sage-grouse Habitat Maps, or maps prepared by a wildlife consultant.
 - g. **WETLANDS MAPS.** Existing wetlands identification maps. If no existing identification maps exist, wetlands mapping maybe required, and shall be conducted by a wetlands delineator and submitted as part of the Development Plan. The County shall determine if characteristics of the proposed project site indicate the presence of wetlands and that a wetlands delineation is necessary to complete a Development Plan design.
 - h. **FLOODPLAINS.** Floodplain maps provided pursuant to the Federal Emergency Management Act, and available in the Planning Department, or site-specific maps prepared by a qualified professional engineer, licensed in the state of Colorado. That mapping is required as part of the Development Plan, pursuant to *Land Use Resolution* Section 11-103: *Development in Areas Subject to Flood Hazards*. The County shall determine if characteristics of the property indicate that the proposed project site is within a floodplain or floodway and that site-specific floodplain mapping is necessary to complete a Conservation Plan design.
 - i. **PROMINENT RIDGELINES.** Prominent ridgelines, pursuant to the list of "ridgeline vantages" in *Land Use Resolution* Section 11-108: *Standards for Development on Ridgelines*, and/or other significant visual resources on the property.
 - j. **VEGETATION.** Existing groves of trees and other major types of vegetation.
3. **EXISTING CONDITIONS SITE PLAN.** A map of existing conditions containing the area within a half mile of the boundaries of the parcel on which the project is proposed, and including the following:

- a. **ROADS.** All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that traverse and/or provide access to the Project.
 - b. **EASEMENTS.** Recorded easements that provide access to or across, or other use of, the property.
 - c. **TRAILS, PARKS OR ACCESS TO PUBLIC LANDS.** Any trails, parks, or access points dedicated to the public.
 - d. **EXISTING LAND USES.** Existing land uses within the map boundaries
4. **CONSERVATION PLAN.** The Conservation Plan shall include the following:
- a. **ALL PROPERTY PROPOSED FOR DEVELOPMENT.** All land proposed for immediate or future development.
 - b. **LOCATIONS OF LOTS AND STRUCTURES.** Locations of existing and proposed lots and/or structures, and, as applicable, the anticipated locations of residential, commercial, or other structures, or non-structural areas of activity.
 - c. **CONSERVED LANDS AND OPEN SPACE.** The general locations and dimensions of Conserved Lands and proposed open space as applicable. The requirements of *Land Use Resolution* Section 13-108: *Open Space and Recreation Areas* shall guide the design of any open space.
 - d. **PARKING AREAS.** The general locations of all proposed parking areas and the approximate number of spaces each will contain. The requirements of *Land Use Resolution* Section 13-110: *Off-Road Parking and Loading* and the minimum distances listed in *Land Use Resolution* Appendix Table 3: *Off-Road Parking Requirements* shall guide the design of the Conservation Plan.
- C. **CONSERVATION PLAN DESIGN CONSIDERATIONS.** The Conservation Plan shall be guided by the following:
- 1. **ROADS AND TRAILS SYSTEM PLAN.** The general locations and alignment of entry roads to the property from off-site and primary roads and proposed driveway locations, trails or sidewalks on-site. Identification of federal, state and County roadways that will provide access to the proposed project. The requirements of *Land Use Resolution* Sections 12-103: *Road System* and 12-104: *Public Trails* shall guide the design of the Conservation Plan.
 - 2. **ACCESS AND OTHER EASEMENTS.** All recorded easements on or across the Project.
 - 3. **FLOOD HAZARD AREAS.** When a Project is proposed on a parcel located wholly or partially within a floodplain hazard area as delineated on maps described in Section 11-103: D: *Official Maps or the National Flood Insurance Rate Maps (FIRM)* prepared by the Federal Emergency Management Agency (September 29, 1989, as amended) or as otherwise formally delineated, the narrative, map and design layout of the Conservation Plan shall be guided by the requirements of *Land Use Resolution* Section 11-103: *Development in Areas Subject to Flood Hazards*.
 - 4. **GEOLOGIC HAZARD AREAS.** When a Project is proposed on a parcel located wholly or partially within a geologic hazard area as delineated on Geologic Hazard Maps prepared by the Colorado Geologic Survey or as otherwise formally delineated, the narrative, map and design layout of the Ranchland Process Conservation Plan shall address and be guided by the requirements of *Land Use Resolution* Section 11-104: *Development in Areas Subject to Geologic Hazards*.
 - 5. **LOCATION OF SITE WITHIN WILDFIRE HAZARD AREA AND FIRE PROTECTION.** When a Project is proposed on a parcel located wholly or partially within wildfire hazard areas as mapped by the Colorado State Forest Service, the narrative, map and layout design of the Conservation Plan shall be guided by the requirements of *Land Use Resolution* Section 11-105: *Development in Areas Subject to Wildfire Hazard* and Section 12-107: *Fire Protection*, and include measures to minimize the potential that the proposed uses will generate or increase wildfire hazards.
 - 6. **WILDLIFE HABITAT.** When a Project is proposed on a parcel located in a wildlife habitat area as delineated on Wildlife Habitat Maps referenced by the County, the narrative, map and design layout of the Conservation Plan shall be guided by the requirements of *Land Use Resolution* Section 11-106: *Protection of Wildlife Habitat Areas*.
 - 7. **LOCATION OF SITE WITHIN AREA POTENTIALLY AFFECTED BY WETLANDS AND WETLANDS PERMITTING.** When a Project is proposed on a parcel located wholly or partially within wetlands, the

narrative, map and layout design of the Conservation Plan shall be guided by the requirements of *Land Use Resolution Section 11-107: Protection of Water Quality*, depict locations of water bodies, and acknowledge that the property may be subject to design constraints of Restrictive Inner Buffers, and Variable Outer Buffers as regulated by that Section 11-107.

8. **DEVELOPMENT ON RIDGELINES.** When the Project involves proposed development that may be visible from any ridgeline vantage as defined by the *Land Use Resolution*, and described pursuant to *Land Use Resolution Section 11-108: Standards for Development on Ridgelines*, the narrative, map and layout design of the Conservation Plan shall be guided by the requirements of that Section 11-108.
9. **DEVELOPMENTS IMPACTING AGRICULTURAL LANDS.** When the Project adjoins agricultural lands, involves land through which irrigation ditches flow, or over which there are general or exclusive easements for stock drives, the narrative, map and design layout of the Conservation Plan shall be guided by the requirements of *Land Use Resolution Section 11-109: Development That Affects Agricultural Lands*, and *Land Use Resolution Section 15-103: Right-to-Ranch Policy* and shall identify the following:
 - a. **AGRICULTURAL LAND OWNER.** The location(s) and name(s) of owner(s) of any agricultural land(s) adjoining or possibly impacted by the Project.
 - b. **WATER DITCH.** The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any water ditch crossing or adjoining the Project, as available from the Colorado Division of Water Resources, or water commissioner's records.
 - c. **ACCESS.** The location and size of historic water access to headgates, ditches, and fences for maintenance or operations.
 - d. **LIVESTOCK DRIVES AND FENCELINES.** Historic or recorded stock drive easements crossing or adjoining the Project, including the location of any existing fences, and the location of new fences or other obstacles proposed to be built across any such stock drive.
10. **LANDS BEYOND SNOWPLOWED ACCESS.** When the Project involves property to which there previously has been no snowplowed access, the narrative, map and layout design of the Conservation Plan shall be guided by *Land Use Resolution Section 11-110: Development of Land Beyond Snowplowed Access*.
11. **DEVELOPMENT ON INHOLDINGS IN NATIONAL WILDERNESS.** When the Project involves property located on an inholding within a national Wilderness Area, the narrative, map and design layout of the Conservation Plan shall be guided by *Land Use Resolution Section 11-111: Development on Inholdings in the National Wilderness*.
12. **DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE.** When the Project involves property located above timberline, the narrative, map and design layout shall be guided by *Land Use Resolution Section 11-112: Development on Property Above Timberline*.
- D. **WATER SUPPLY PLAN.** A report addressing the requirements of *Land Use Resolution Section 12-105: Water Supply*, to demonstrate that the water supply is sufficient in terms of quality, quantity and dependability. Documentation shall include the following:
 1. **QUALITY.** Evidence shall be submitted concerning the potability of the proposed water supply.
 2. **TESTS FOR POTABILITY.** When the water is intended for human consumption, the Landowner shall demonstrate the potability of the proposed water supply.
 3. **QUANTITY.** Evidence shall be submitted that the proposed water source will actually supply an adequate physical quantity of including:
 - a. **HISTORIC USE.** Evidence of the historic use and yield of the claimed water rights; or
 - b. **HYDROLOGIST'S REPORT.** A report of a qualified hydrologist; or
 - c. **PUMPING TEST RESULTS.** Pumping test results on nearby existing well or wells, located within the same aquifer as the proposed well(s); or
 - d. **EVIDENCE OF CENTRAL WATER SUPPLY.** If applicable, evidence that a public or private water provider can and will supply water physically adequate to serve the Project.
 - e. **IRRIGATION NEEDS.** The estimated amount of irrigated acreage water required for the Project.

- f. **FIREFLOW.** The estimated amount of water required to provide adequate fire flow, pursuant to *Land Use Resolution Section 12-107: Fire Protection.*
- g. **POTABLE WATER DEMAND.** A statement as to whether or not some of the water must be potable and is intended for human consumption. If potable water is required, the following are to be addressed:
 - 1. **ESTIMATED AVERAGE DAILY DEMAND.** Estimated average daily demand of the entire service area and the proposed development. Demand calculations are to be based upon 350 gallons per day (gpd) per residence, year-round. Estimated average daily demand for commercial and industrial users will be established and reviewed based on the proposed uses and levels of use.
 - 2. **ESTIMATED MAXIMUM DAILY DEMAND.** Estimated maximum daily demand based on the figure of three times the average daily demand.
 - 3. **ESTIMATED PEAK HOUR DEMAND.** Estimated peak hour demand based on the figure of six times the average daily demand.
- h. **WATER RIGHTS.** Evidence of ownership, or right of acquisition, or use of existing water rights in perpetuity shall be submitted, including:
 - 1. **DEEDS OR COURT DECREES.** Copies of deeds or court decrees giving the Landowner the absolute right to use an existing water right for the Project; or
 - 2. **EXECUTED AGREEMENTS.** Copies of executed agreements or conditional court decrees giving the Landowner the right to use water for the Project at some future time under specified conditions; or
 - 3. **ATTORNEY'S LETTER ABOUT FEASIBILITY.** If further court action in the nature of an application for change in use of a water source, or change in point of diversion and/or plan of augmentation will ultimately be required, a letter from a licensed Colorado attorney briefly describing that court action and expressing a formal opinion as to the feasibility of the success of that action.
- E. **SEWAGE DISPOSAL.** A report that identifies whether sewage disposal/wastewater treatment will be accomplished by individual sewage disposal systems or by a central wastewater treatment system, which shall include:
 - 1. **NEW CENTRAL WASTEWATER TREATMENT SYSTEM.** If a new central wastewater treatment system is planned, then the estimated daily number of gallons of sewage generated by the proposed Project shall be provided, along with a general description or discussion of the proposed method of treatment or disposal including the estimated capacity and general location of the proposed system.
 - 2. **USE OF EXISTING CENTRAL WASTEWATER TREATMENT SYSTEM.** If use of an existing central wastewater treatment system is proposed, the following shall be submitted:
 - a. **COMPLIANCE WITH CDPHE REQUIREMENTS.** Documentation from the system operator that the system is in compliance with the applicable permitting and operation requirements of the Colorado Department of Public Health and Environment.
 - b. **CONFIRMATION OF WILLINGNESS TO SERVE.** Documentation attested by the proposed provider indicating that there is sufficient capacity, willingness, and ability to provide the service.
 - 3. **USE OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS REQUIRES INITIAL COUNTY EVALUATION.** If individual sewage disposal systems are proposed, the Gunnison County Environmental Health Official shall evaluate the site and provide an initial and preliminary observation of the feasibility of individual systems on the proposed project site. The Official will provide a report of the evaluation to the Landowner and to the Coordinator.
- F. **GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS.** The narrative, map and design layout shall address and comply with the requirements of *Land Use Resolution Section 13-103: General Site Plan Standards and Lot Measurements.*
- G. **SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY.** The narrative, map and design layout shall address and comply with the setback requirements of *Land Use Resolution Section 13-104: Setbacks from Property Lines and Road Rights-of-Way.*

- H. LANDSCAPING PLAN.** A conceptual landscaping plan shall be submitted, pursuant to *Land Use Resolution* Section 13-111: *Landscaping and Buffering*.
- I. RECLAMATION AND NOXIOUS WEED CONTROL.** A Conservation Plan shall acknowledge that an Earthmoving Site Revegetation and Noxious Weed Control Plan, as designed and approved by the Gunnison Basin Weed Specialist pursuant to *Land Use Resolution* Section 13-115: *Reclamation and Noxious Weed Control* will be required to be prepared for the Development Plan submittal, if the Conservation Plan is approved.
- J. GRADING AND DRAINAGE PLANS.** The narrative, map and design layout shall be guided by the requirements of *Land Use Resolution* Sections 13-116: *Grading and Erosion Control* and 13-117: *Drainage, Construction and Post-Construction Storm water Runoff*.
- K. WATER IMPOUNDMENTS.** If water impoundments are proposed as part of the Project, the Conservation Plan narrative, map and design layout shall indicate that impoundments are to be part of the plan and the submittal shall be guided by the requirements of *Land Use Resolution* Section 13-118: *Water Impoundments*.
- L. SCHOOLS, PARKS, AND COMMON AREAS.** The Conservation Plan shall identify those areas that are proposed to be set aside for schools, parks, or other common areas, as applicable.
- M. SCHOOL LAND REQUIREMENTS SHALL COMPLY WITH AGREEMENT.** When a separate intergovernmental agreement exists between Gunnison County and the school district within whose boundaries the Project is located, the dedication of land, payment-in-lieu, or a combination of dedication and payment, shall comply with that agreement.
- N. SOLID AND HAZARDOUS WASTES.** The Conservation Plan shall describe:
- 1. DISPOSAL METHOD.** The method to be used for the disposal of solid wastes; and
 - 2. HAZARDOUS SUBSTANCES.** Whether the development can reasonably be expected to produce hazardous substances or hazardous waste materials, as defined by Colorado law and if so, the plan for disposal of such substances.
- O. PROTECTIVE COVENANTS OR RESTRICTIONS.** The County in cooperation with the Landowner shall prepare a narrative outline of the protective covenants and/or a general listing of design criteria that will be used in the Project and a provision for the enforcement of the covenants by property owners in the Project, and by Gunnison County. These criteria shall create a consistent design theme for the Project and shall address, at a minimum, the following items:
- 1. RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION** Responsibilities of property owners or a homeowners' association to collect dues, maintain common areas, improve infrastructure common to the development, maintenance of a decreed water augmentation plan and the augmented water supply, treatment of wastewater and/or water, and to oversee the maintenance of the general appearance of the Project.
 - 2. COUNTY IS PARTY TO ENFORCEMENT OF PROTECTIVE COVENANTS IN A RP PROJECT.** Language that allows and requires enforcement of the protective covenants by property owners of the Project and that names Gunnison County as an authorized party to enforce.
 - 3. COUNTY IS PARTY TO AMENDMENT OR TERMINATION.** Language that requires that amendment or termination of the protective covenants is subject to approval by Gunnison County.
 - 4. DESIGN CRITERIA.** Design criteria shall govern construction within the Project and shall address the following:
 - a. BUILDING SCALE AND LOCATION.** Language defining building heights, compatibility with terrain, and sizes of all structures that will be allowed by the protective covenants, addressing *Land Use Resolution* Sections 11-108: Standards for Development on Ridgelines, Section 13-103: *General Site Plan Standards and Lot Measurements*, Section 13-105: *Residential Building Sizes and Lot Coverages*
 - b. ARCHITECTURAL STYLE AND EXTERIOR APPEARANCE.** Language describing the architectural style that will be required of all structures in the Project, and the types of exterior materials to be used, including siding and roofing, if applicable.
 - c. ENERGY AND RESOURCE CONSERVATION.** Language advising lot owners that an application to Gunnison County for a residential Building Permit must comply with all applicable building codes as

adopted and amended by Gunnison County, and with any applicable energy and resource conservation standards as adopted and amended by the County.

- d. **SOLID-FUEL-BURNING DEVICES.** If solid-fuel-burning devices are proposed to be used in the Project, restrictions shall be listed ensuring compliance with *Land Use Resolution* Section 13-107: *Installation of Solid-fuel-burning Devices*.
- e. **EXTERIOR LIGHTING.** Language that includes requirements that comply with those specified by *Land Use Resolution* Section 13-114: *Exterior Lighting*.
- f. **USE AND MAINTENANCE OF OPEN SPACE AREAS.** As applicable, language shall be included that lists allowed and restricted uses.
- g. **SIGNS.** Language shall be included that informs property owners or other land users within the Project that installation of signs must comply with the Gunnison County regulations and may require a Gunnison County Sign Permit per *Land Use Resolution*, Section 13-109: *Signs*.
- h. **RULES CONCERNING PARKING.** Language concerning limitations on parking within the Project by users of the Project. The requirements of *Land Use Resolution* Section 13-110: *Off-Road Parking and Loading* shall guide drafting of covenants for the Conservation Plan.
- i. **LANDSCAPING AND BUFFERING.** Language addressing installation and maintenance of landscaping on individual lots and common areas. The requirements of *Land Use Resolution* Section 13-111: *Landscaping and Buffering* shall guide drafting of covenants for the Conservation Plan.
- j. **PROVISION FOR SNOW REMOVAL AND SNOW STORAGE.** Language identifying who has the responsibility to remove snow from interior roads and parking areas, and other applicable snow removal and storage requirements. The requirements of *Land Use Resolution* Section 13-112: *Snow Storage* shall guide drafting of covenants for the Conservation Plan.
- k. **STANDARDS TO ENSURE COMPATIBLE USES.** As applicable, specific covenants or other restrictions designed to mitigate impacts to nearby residential or public use areas or adjacent land uses, in compliance with *Land Use Resolution* Section 13-119: *Standards to Ensure Compatible Uses*.
- l. **DOMESTIC ANIMAL CONTROL.** Language that includes requirements that comply with those specified by *Land Use Resolution* Sections 11-106: F.6: *Domestic Animal Controls*, Section 11-109: D: *Domestic Animal Controls*, and Section 9-508: *Keeping of Livestock Not On an Agricultural Operation*.
- m. **FENCING.** Language that includes requirements that comply with those specified by *Land Use Resolution* Section 13-113: *Fencing* and that acknowledge Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the homeowners' association or other appropriate entity.
- n. **FIRE PROTECTION.** Language shall be included that complies with the fire protection codes that have been approved by Gunnison County and *Land Use Resolution* Section 12-107: *Fire Protection* and Section 11-105: *Development in Areas Subject to Wildfire Hazards*.
- P. **STRUCTURAL DESIGN.** If any structures are proposed to be constructed as common elements or otherwise as amenities to the overall Project, then simple sketches, massing diagrams or models (without architectural details) shall be submitted. These shall be intended to show building mass, scale, and height in a conceptual manner in relation to natural site features, and in relation to surrounding structures. The requirements of *Land Use Resolution* Sections 13-103: *General Site Plan Standards and Lot Measurements* and 13-105: *Residential Building Sizes and Lot Coverages* shall guide the design of the Conservation Plan.
- Q. **MONITORING PLAN.** The County in cooperation with the Landowner shall prepare a Monitoring Plan for the Conserved Land, which shall be incorporated into the Conservation Plan Agreement and be enforceable by the County. It shall include language that requires that amendment or termination of the Monitoring Plan is subject to approval by Gunnison County. The Monitoring Plan shall define the roles and responsibilities of administration, monitoring and enforcement pertinent to the Conserved Land. The purpose of the Monitoring Plan is to ensure that the land retains its agricultural characteristics; the purpose is not to interfere with operations on the land.
 - 1. **BASELINE INFORMATION.** The Monitoring Plan shall include baseline information identifying the condition of the Conserved Land at the time the Conservation Plan is submitted.

2. **ELEMENTS ADDRESSED.** The Monitoring Plan shall include the following elements: maintenance and access of irrigation, maintenance and improvements of fencing, noxious weed control, agricultural structures, who can access the property and when, and how to monitor and amend. The Monitoring Plan shall disclose, quantify and ensure that to the greatest degree feasible all existing and decreed ditch and other water right(s) associated with the Conserved Land continue to be put to their historic use(s) in their historic amounts, are not abandoned, or conveyed off the Conserved Land, and that there is a binding legal mechanism that the water remains with the land for agricultural purposes.
 3. **SECURING THE MONITORING PLAN.** Performance, monitoring, enforcement, and costs of the Monitoring Plan shall be secured by a mechanism acceptable to the landowner and the County.
 4. **PREREQUISITE TO DEVELOPMENT PLAN SUBMITTAL.** Satisfactory performance, as determined by the County, of the Monitoring Plan approved as part of the Conservation Plan shall be a prerequisite to submittal of the Development Plan, as measured against the Monitoring Plan's baseline information.
- R. **MINERAL RESOURCE PLAN.** A plan shall be provided to reasonably ensure that development of subsurface mineral rights will not disturb surface Conserved Land.
- S. **SPECIFICATIONS FOR CONSERVATION PLAN PLATS.** Conservation Plan plats intended for recording shall be prepared by a surveyor registered in the State of Colorado, clearly and legibly drawn on indelible mylar so that legible prints can be made from it. Sheet size shall be 24" x 36". The scale of the Conservation Plan plat shall be sufficiently large to show clearly the details of the plan (preferably 1" = 100'). The plat shall include the following:
1. **PUBLIC AREAS.** All public or common areas shall be identified.
 2. **ROAD IDENTIFICATION.** Roads shall be identified as Road A, Road B, etc. to ease discussion. Final road names will be given at Development Plan stage.
 3. **ACCESS AND OTHER EASEMENTS.** Planned and existing recorded easements shall be shown, including 25-foot easements from each irrigation ditch bank pursuant to *Land Use Resolution* Section 11-109: G. 2.: *Irrigation Ditch Easements*.
 4. **BLOCKS AND LOTS.** All blocks and lots or spaces shall be consecutively numbered.
 5. **REFERENCE TO PROTECTIVE COVENANTS.** If protective covenants are included as an element of the Project, they shall be filed with the plat and the plat shall contain the correct recording references.
 6. **CURVE DATA.** All curve data, in a chart that includes radii, internal angles, and lengths of all arcs and points of curvature.
 7. **REQUIRED PLAT LANGUAGE.** Language, generally in the following form and content, shall be required on the plat:
 - a. **FLOODPLAIN WARNING AND DISCLAIMER.** If the Project is located within an identified floodplain, language shall be included on the plat pursuant to *Land Use Resolution* Section 11-103: F. 1. *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property*. If, by agreement between the County and the Landowner, site-specific engineering studies of the floodplain and related elevations have been delayed until submittal of the Development Plan, the following additional language shall be included in the disclaimer "Based upon floodplain studies, the size and configuration of lots allowed in the Ranchland Process Development Plan may be altered from those approved on this plat."
 - b. **GEOLOGIC HAZARDS WARNING AND DISCLAIMER.** If the Project is located within an identified geologic hazard area, language shall be included on the plat pursuant to *Land Use Resolution* Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property*. If, by agreement between the County and the Landowner, site-specific geotechnical studies have been delayed until submittal of the Development Plan, the following additional language shall be included in the disclaimer "Based upon geotechnical studies, the size and configuration of lots allowed in the Ranchland Process Development Plan may be altered from those approved on this plat."
 - c. **WILDFIRE HAZARD AREA WARNING AND DISCLAIMER.** If the Project is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property*. If, by agreement between the County and the Landowner, site-specific studies of

wildfire hazards on the Project have been delayed until submittal of the Ranchland Process Development Plan, the following additional language shall be included in the disclaimer "Based upon wildfire hazard studies, the size and configuration of lots allowed in the Ranchland Process Development Plan may be altered from those approved in on this plat."

- d. **COMPLIANCE WITH COUNTY APPROVAL DOCUMENTS.** A plat presented for approval shall contain one of the following statements, as applicable:

1. **COMPLIANCE WITH BOARD RESOLUTION.**

Compliance with Board of County Commissioners' Resolution

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No. _____ in the Office of the Clerk and Recorder of Gunnison County.

2. **COMPLIANCE WITH APPLICABLE CERTIFICATE OF APPROVAL.**

**Compliance with Certificate of Approval
of the Ranchland Process Conservation Plan**

The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No. _____ in the Office of the Clerk and Recorder of Gunnison County.

- e. **RANGLAND PROCESS CONSERVATION PLAT GENERAL NOTES.** The following paragraphs shall be included within a section of general notes on the Ranchland Process Conservation plat.

1. **NO GUARANTEE OF APPROVAL OF RANGLAND PROCESS DEVELOPMENT PLAN.**

Approval of this Conservation Plan implies no guarantee of approval of the Ranchland Process Development Plan.

2. **VESTED RIGHTS.** The approval shall establish certain vested property rights pursuant to Article 68 of Title 24, C.R.S., as amended and Section 4E6a of this document.

3. **LOT SALE RESTRICTION UNTIL APPROVAL OF RANGLAND PROCESS DEVELOPMENT PLAN.** No lots included within this Ranchland Process Conservation Plan may be sold until approval of a Ranchland Process Development Plan; timing of such sale shall also be subject to any restrictions or requirements of a Development Improvement Agreement between the Landowner and Gunnison County. The entire RP project may be conveyed as a whole.

4. **ENGINEERED PLANS FOR UTILITIES AND OTHER INFRASTRUCTURE REQUIRED BEFORE SALE.** Engineered plans for design and installation of utilities and other infrastructure have not been required nor approved as part of this Ranchland Process Conservation Plan. Such plans are required to be submitted and approved as part of the Ranchland Process Development Plan, and before lots may be sold.

5. **PERFORMANCE OF CONSERVED LAND MONITORING PLAN IS PRE-REQUISITE TO DEVELOPMENT PLAN SUBMITTAL.** Satisfactory performance, as determined by the County, of the Monitoring Plan approved as part of the Conservation Plan shall be a prerequisite to submittal of the Development Plan.

- f. **ATTORNEY'S OPINION.** The following opinion by the Landowner's attorney:

Attorney's Opinion

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein described as part of the Ranchland Process Project. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows : _____ (list same or indicate none).

Dated this _____ day of _____, A.D. 20____.

Attorney-at-Law, Colorado Registration No. _____

- g. CONSERVED LAND USE AND DEVELOPMENT RESTRICTION.** A Ranchland Process Conservation plat presented for approval shall contain the following statement concerning the Conserved Land, which shall be followed by the Notarial Statement substantially in the form set forth in (8) below:

CONSERVED LAND USE AND DEVELOPMENT RESTRICTION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____being the owner(s), mortgagee(s) and lien holder(s) of the Conserved Land described as follows: (insert legal description of the Conserved Land platted and include area in acres to two decimal places) in Gunnison County, Colorado, under the name of (complete name of Ranchland Process Conservation Project in capital letters), have laid out, platted the same as shown on this plat and do hereby permanently restrict, in the following manner, the land uses allowed on the Conserved Land as shown hereon:

1. No residence shall be permitted to be constructed on the Conserved Land and no structure on the Conserved Land shall be permitted to be used as a residence except those approved pursuant to the Conservation Plan Agreement recorded at Reception No. _____ in the Office of the Clerk and Recorder of Gunnison County.
2. The Conservation Plan Agreement recorded at Reception No. _____ in the Office of the Clerk and Recorder of Gunnison County details further use and development restrictions that apply to the Conserved Land as shown hereon.
3. The Conservation Plan Agreement is intended to create a conservation easement in gross as described in C.R.S. Section 38-30.5-102 protecting open space and agricultural lands and shall be interpreted in accordance with the rules set forth in Article 30.5 of Title 38 of the Colorado Revised Statutes.

h. NOTARIAL.

State of Colorado)

) ss.

County of Gunnison)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20_____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers or authorized signatories of a corporation or other entity, then insert the title of said officers or signers and the name of the corporation).

My commission expires: _____

My address is: _____

Witness my hand and official seal:

_____ (seal)

Notary Public

- i. BOARD OF COUNTY COMMISSIONERS' APPROVAL LANGUAGE:** Any Ranchland Process Conservation plat shall contain the following:

Board of County Commissioners' Approval

The within plat of (name of Ranchland Process Conservation Project in capital letters) is approved this _____ day of _____, A.D. 20_____, and the Conserved Land is hereby accepted.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

- j. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE.** (To be placed in the lower right-hand corner of cover sheet.)

Gunnison County Clerk and Recorder's Acceptance

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, A.D. 20_____, Reception Number _____, Time _____, Date _____.

Gunnison County Clerk and Recorder

- k. **SURVEYOR'S STATEMENT.** A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him or under his direct responsibility and supervision and explaining how bearings, if used, were determined.

**APPENDIX C:
RANCLAND PROCESS DEVELOPMENT PLAN
SUBMITTAL REQUIREMENTS**

The Landowner shall submit the following as an application for Development Plan for the RP project:

- A. NARRATIVE.** The Development Plan shall include the following, presented in the same order as it is listed here, in a stapled or otherwise bound document, on consecutively-numbered pages:
1. **LANDOWNER OTHER THAN LANDOWNER WHEN APPLICATION ORIGINALLY SUBMITTED.** If the Landowner is not the same Landowner who signed the Conservation Plan, that fact shall be noted, and a notarized letter of consent from the current Landowner for the current Landowner to proceed with the review shall be submitted.
 - a. **LANDOWNER IS NOT THE SOLE OWNER.** If the Landowner is not the sole owner of the land, and the ownership of the property has changed since the initial application, the Landowner shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.
- B. PROJECT DESCRIPTION.** A detailed description of the Project including:
1. **NUMBER OF LOTS, USES AND ACTIVITIES.** Number of lots, and other uses or activities.
 2. **DESCRIPTION OF STRUCTURES.** Description of non-residential structures to be constructed, their estimated size(s) and general appearance.
 3. **DESCRIPTION OF OFF-SITE RESOURCES.** Description of imported off-site resources and haul routes.
 4. **IDENTIFICATION OF LOT USE.** The uses proposed for all lots.
 5. **PHASES.** Phases of the plan, if applicable.
- C. DOCUMENTATION OF CONVEYANCE OF LAND OR EASEMENT.** As applicable, a copy of warranty deed(s) to, or easement agreement(s) with, the appropriate entity conveying or providing easements for any land set aside for road rights-of-way, public trails, or other public use.
- D. MONITORING PLAN.** Each Project shall include an updated Monitoring Plan for the Conserved Land, subject to approval by the County. This Monitoring Plan, when approved by the County, shall be incorporated into the conveyance mechanism and be enforceable by the County. The Monitoring Plan shall include:

1. **BASELINE INFORMATION.** The Monitoring Plan shall include baseline information report identifying any changes on the property from the baseline information submitted with the Conservation Plan approval.
 2. **ELEMENTS ADDRESSED.** The Monitoring Plan shall include the following elements: maintenance and access of irrigation, maintenance and improvements of fencing, noxious weed control, agricultural structures, who can access the property and when, and how to monitor and amend. The Monitoring Plan shall disclose, quantify and ensure that to the greatest degree feasible all existing and decreed ditch and other water right(s) associated with the Conserved Land continue to be put to their historic use(s) in their historic amounts, are not abandoned, or conveyed off the Conserved Land, and that there is a binding legal mechanism that the water remains with the land for agricultural purposes.
- E. **CONSERVATION EASEMENT.** Documentation of how the performance, monitoring and enforcement of the conservation easement shall be financially ensured and conducted.
- F. **PROTECTIVE COVENANTS AND DESIGN GUIDELINES OR DEED RESTRICTIONS.** Protective covenants, design guidelines, or similar restrictions that will be imposed on the Project. The protective covenants shall be in a final recordable form and, at a minimum, shall address:
1. **CONDITIONS OF DEVELOPMENT PLAN APPROVAL.** As applicable, those items required as conditions of the Development Plan approval to be included within protective covenants, design guidelines, or deed restrictions.
 2. **RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION.** As applicable, responsibilities of the homeowners' association or other entity to collect dues, maintain common areas, improve infrastructure common to the development, maintenance of any decreed water and any augmented water supply, treatment of wastewater and/or water, and to oversee the maintenance of the general appearance of the Project.
 3. **COUNTY IS PARTY TO AMENDMENT OR TERMINATION.** Language that requires that amendment to, or termination of, the protective covenants or restrictions is subject to approval by Gunnison County.
 4. **DESIGN CRITERIA.** Design criteria that will govern development within the Project, including:
 - a. **BUILDING SCALE AND LOCATION.** Language defining building heights, compatibility with terrain, and sizes of all structures that will be allowed by the protective covenants. Language that includes requirements that comply with those specified by *Land Use Resolution* Sections 11-108: *Standards for Development on Ridgelines*, 13-103: *General Site Plan Standards and Lot Measurements*, and 13-105: *Residential Building Sizes and Lot Coverages* shall govern the drafting of the covenant language.
 - b. **ARCHITECTURAL STYLE AND EXTERIOR APPEARANCE.** Language describing the architectural style that will be required of all structures in the Project, and the types of exterior materials to be used, including siding, roofing, if applicable.
 - c. **ENERGY AND RESOURCE CONSERVATION.** Language advising lot owners that an application to Gunnison County for a residential Building Permit must comply with all applicable building codes as adopted and amended by Gunnison County, and with any applicable energy and resource conservation standards as adopted and amended by the County.
 - d. **SOLID-FUEL-BURNING DEVICES.** If solid-fuel-burning devices are proposed to be used in the Project, restrictions shall be listed ensuring compliance with *Land Use Resolution* Section 13-107: *Installation of Solid-fuel-burning Devices*.
 - e. **EXTERIOR LIGHTING.** Language that includes requirements that comply with those specified by *Land Use Resolution* Section 13-114: *Exterior Lighting*.
 - f. **USE AND MAINTENANCE OF OPEN SPACE AREAS.** As applicable, language shall be included that lists allowed and restricted uses.
 - g. **SIGNS.** Language shall be included that informs property owners or other land users within the Project that installation of signs must comply with the Gunnison County regulations and may require a Gunnison County Sign Permit per *Land Use Resolution*, Section 13-109: *Signs*.

- h. **RULES CONCERNING PARKING.** As applicable, language shall be included concerning limitations on parking within the Project by users of the Project. The language shall comply with requirements of *Land Use Resolution* Section 13-110: *Off-Road Parking and Loading*.
 - i. **LANDSCAPING AND BUFFERING.** As applicable, language shall be included addressing installation and maintenance of landscaping on individual lots and common areas. The language shall comply with the requirements of *Land Use Resolution* Section 13-111: *Landscaping and Buffering*.
 - j. **PROVISION FOR SNOW REMOVAL AND SNOW STORAGE.** As applicable, language shall be included identifying who has the responsibility to remove snow from interior roads and parking areas, and other applicable snow removal and storage requirements. The language shall comply with the requirements of *Land Use Resolution* Section 13-112: *Snow Storage* shall guide drafting of covenants for the Conservation Plan.
 - k. **STANDARDS TO ENSURE COMPATIBLE USES.** As applicable, specific covenants or other restrictions designed to mitigate impacts to nearby residential or public use areas or adjacent land uses, in compliance with *Land Use Resolution* Section 13-119: *Standards to Ensure Compatible Uses*.
 - l. **DOMESTIC ANIMAL CONTROL.** Language that includes requirements that comply with those specified by *Land Use Resolution* Sections 11-106: F.6: *Domestic Animal Controls*, Section 11-109: D: *Domestic Animal Controls*, and Section 9-508: *Keeping of Livestock Not On an Agricultural Operation*.
 - m. **FENCING.** Language that includes requirements that comply with those specified by *Land Use Resolution* Section 13-113: *Fencing* and that acknowledge Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the homeowners' association or other appropriate entity.
 - n. **FIRE PROTECTION.** Language shall be included that complies with the fire protection codes that have been approved by Gunnison County and *Land Use Resolution* Section 12-107: *Fire Protection* and Section 11-105: *Development in Areas Subject to Wildfire Hazards*.
 - o. **GEOTECHNICAL SITE-SPECIFIC STUDIES.** When a Project is located within a geologic hazard area, language shall be included that identifies the specific hazard in which the Project, or identified portions of the Project, are located, and refers by title, name of preparer, and date of preparation to the geotechnical analysis of the site.
 - 1. **COPY OF GEOTECHNICAL STUDY TO BE ATTACHED.** A copy of the geotechnical study(ies) shall be required to be attached as an exhibit to the protective covenants or deed restriction.
 - p. **DOCUMENTATION ESTABLISHING ADMINISTRATIVE ASSOCIATION.** Proof of the establishment of any applicable homeowners' association, district, architectural control committee or other group that will administer or enforce protective covenants, declarations or deed restrictions. If proof of establishment is not submitted with the Development Plan, establishment shall be guaranteed through provisions in the Development Improvement Agreement, and all relevant documentation creating the organization shall be submitted to the County.
- G. COST ESTIMATES.** As applicable, documentation from contractors, materials providers, engineers or other professionals, certifying final estimates for the costs of roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements required by the County for approval of the Development Plan.
- H. COPY OF PROPERTY TAX CERTIFICATE.** Copy of a certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the Project have been paid up to the year in which approval is under consideration.
- I. INFORMATION TO ASSESSOR'S OFFICE.** A copy of a notarized signed statement from the Landowner agreeing to provide the Gunnison County Assessor's Office with the following information before November 30 of each year:
- 1. **PARCELS SOLD.** A description of all lots or parcels sold within the Project.
 - 2. **PURCHASER INFORMATION.** Name and address of each purchaser.

- 3. PURCHASE PRICE.** Purchase price of each parcel sold.
- J. LAYOUT AND DESIGN.** The application shall include a rendering of the final layout and design plan of the project that shall include:
- a. SURVEY.** A survey of the boundaries of the Project, showing all planned and recorded rights-of-way and all easements including ditches, utility lines, roads, and paths or trails; a description of all monuments found and set marking the boundaries of the Project; and a description of all control monuments used and all dimensions necessary to establish the boundaries in the field. All section, quarter-section, township and range lines that cross the Project shall be identified.
 - b. SCALE.** Scale shall be 100 feet to the inch or as approved by the County.
 - c. SHEET SIZE.** Sheet size shall be 24 inches by 36 inches. When a large development requires more than two sheets at the required scale, the Landowner shall also submit a total area plan showing the entire Project at a scale that is clearly legible.
 - d. LOCATIONAL INFORMATION.** Each sheet shall contain a scale (written and graphic), north arrow and a heading containing the name and location of the Project by reference to a quarter-section, township and range, and a reference to a U.S. Mineral survey where applicable.
- K. ENGINEERED PLANS.** Engineered design plans and descriptions for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements proposed to be installed by the developer, or required by the County; such plans shall be designed and stamped by a qualified professional engineer licensed in the State of Colorado. Engineering plans may be bound separately when size or bulk makes it advisable. Two folded copies of each of the plans shall be provided that can be stored in legal-sized folders, and shall not be submitted in rolled form.
- L. UTILITY LOCATION PLANS.** As applicable, final utility location plans approved by all utility companies identified as providing service to the Project.
- M. WATER SUPPLY.** Documentation of a final court decree, deed or other written evidence demonstrating ownership and/or right to use water in the amounts, manner and location(s) for the uses and activities included in the Project.
- N. WATER AUGMENTATION PLAN.** If the Division of Water Resources required that a plan of water augmentation be designed, submitted and approved, a copy of the decree(s) for the plan shall be submitted. The plan shall accurately portray the number and types of uses described in the Landowner's Development Plan application submittal, including phases, if applicable.
- O. RURAL ADDRESSING SYSTEM PLATS.** Three copies of the Development Plan Plat, 14 inches by 17 inches, for inclusion in the rural addressing system, one of which will be provided to the applicable County department for emergency services purposes.
- P. SPECIFICATIONS FOR DEVELOPMENT PLATS.** The Ranchland Process Development plat shall be presented as a recordable plat, and include the following. It shall be prepared by a surveyor registered in the State of Colorado, clearly and legibly drawn on indelible mylar so that legible prints can be made from it. The plat recorded in the Office of the Clerk and Recorder of Gunnison County shall be a nonerasable mylar copy of the original. Sheet size shall be 24" x 36". The scale of the Development plat shall be sufficiently large to show clearly the details of the plan (preferably 1" = 100').
- 1. PUBLIC AREAS.** All public or common areas shall be identified.
 - 2. ROAD IDENTIFICATION.** Final road names shall be included and reviewed for acceptability by the County.
 - 3. ACCESS AND OTHER EASEMENTS.** Planned and existing recorded easements shall be shown, including 25-foot easements from each irrigation ditch bank pursuant to *Land Use Resolution* Section 11-109: G. 2.: *Irrigation Ditch Easements*.
 - 4. BLOCKS AND LOTS.** All blocks and lots or spaces shall be consecutively numbered.
 - 5. REFERENCE TO PROTECTIVE COVENANTS.** Protective covenants or deed restrictions shall be filed with the plat and the plat shall contain the correct recording references.
 - 6. CURVE DATA.** All curve data, in a chart that includes radii, internal angles, and lengths of all arcs and points of curvature shall be included.

7. REQUIRED PLAT LANGUAGE. The following shall be required on the plat:

- a. **FLOODPLAIN WARNING AND DISCLAIMER.** If the Project is located within an identified floodplain, language shall be included on the plat pursuant to *Land Use Resolution* Section 11-103: F. 1. *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property.*
- b. **GEOLOGIC HAZARDS WARNING AND DISCLAIMER.** If the Project is located within an identified geologic hazard area, language shall be included on the plat pursuant to *Land Use Resolution* Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property.*
- c. **WILDFIRE HAZARD AREA WARNING AND DISCLAIMER.** If the Project is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property.*

1. COMPLIANCE WITH BOARD RESOLUTION.

Compliance with Board of County Commissioners' Resolution

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No. _____ in the Office of the Clerk and Recorder of Gunnison County.

2. COMPLIANCE WITH APPLICABLE CERTIFICATE OF APPROVAL.

**Compliance with Certificate of Approval
of the Ranchland Process Development Plan**

The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No. _____ in the Office of the Clerk and Recorder of Gunnison County.

- e. **RANCHLAND PROCESS DEVELOPMENT PLAT GENERAL NOTES.** The following paragraphs shall be included within a section of general notes on a Ranchland Process Development plat.

- 1. **CONFINEMENT OF DOMESTIC ANIMALS.** Language directing that domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
- 2. **AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS.** Language referencing C.R.S. 35-46-101 *et seq.* clearly stating that a property owner is required to construct and maintain fencing in order to keep livestock off his/her property.
- 3. **IRRIGATION DITCH MAINTENANCE.** Language notifying individual lot owners that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.
- d. **REFERENCE TO A CONSERVATION PLAT.** Language referencing the reception numbers of the Conservation Plan and Plat

- f. **ATTORNEY'S OPINION.** The following opinion by the Landowner's attorney:

Attorney's Opinion

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein described as part of the Ranchland Process Project. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows : _____ (list same or indicate none).

Dated this _____ day of _____, A.D. 20__.

Attorney-at-Law, Colorado Registration No. _____

- g. CONSERVED LAND USE AND DEVELOPMENT RESTRICTION.** A Ranchland Process Development plat presented for approval shall contain the following statement concerning the Conserved Land, which shall be followed by the Notarial Statement substantially in the form set forth in (i) below:

CONSERVED LAND USE AND DEVELOPMENT RESTRICTION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____ being the owner(s), mortgagee(s) and lien holder(s) of the Conserved Land described as follows: (insert legal description of the Conserved Land platted and include area in acres to two decimal places) in Gunnison County, Colorado, under the name of (complete name of Ranchland Process Conservation Project in capital letters), have laid out, platted the same as shown on this plat and do hereby permanently restrict, in the following manner, the land uses allowed on the Conserved Land as shown hereon:

1. No residence shall be permitted to be constructed on the Conserved Land and no structure on the Conserved Land shall be permitted to be used as a residence except those approved pursuant to the Conservation Plan Agreement recorded at Reception No. _____ in the Office of the Clerk and Recorder of Gunnison County.
2. The Conservation Plan Agreement recorded at Reception No. _____ in the Office of the Clerk and Recorder of Gunnison County details further use and development restrictions that apply to the Conserved Land as shown hereon.
3. The Conservation Plan Agreement is intended to create a conservation easement in gross as described in C.R.S. Section 38-30.5-102 protecting open space and agricultural lands and shall be interpreted in accordance with the rules set forth in Article 30.5 of Title 38 of the Colorado Revised Statutes.

- h. DEDICATION.** The following statement concerning dedications, shall be followed by the Notarial Statement substantially in the form set forth in (i) below:

DEDICATION LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____ being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and include area in acres to two decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted the same as shown on this plat and do hereby permanently dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner) has (have) subscribed (his, her, their) name(s) this _____ day of _____, A.D. 20____.

By _____

Owner(s), Mortgagee(s) and Lien holder(s)

- i. NOTARIAL.**

State of Colorado)

) ss.

County of Gunnison)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20_____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers or authorized signatories of a corporation or other entity, then insert the title of said officers or signers and the name of the corporation).

My commission expires: _____

My address is: _____

Witness my hand and official seal:

_____ (seal)

Notary Public

- j. **BOARD OF COUNTY COMMISSIONERS' APPROVAL LANGUAGE:** Any Ranchland Process Conservation plat shall contain the following:

Board of County Commissioners' Approval

The within plat of (name of Ranchland Process Development Project in capital letters) is approved this _____ day of _____, A.D. 20_____, and the Conserved Land is hereby accepted.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

- k. **GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE.** (To be placed in the lower right-hand corner of cover sheet.)

Gunnison County Clerk and Recorder's Acceptance

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, A.D. 20_____, Reception Number _____, Time _____, Date _____.

Gunnison County Clerk and Recorder

- l. **SURVEYOR'S STATEMENT.** A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him or under his direct responsibility and supervision and explaining how bearings, if used, were determined.

APPENDIX D: RANGLAND PROCESS PROJECT SELECTION GUIDELINES

The following shall be considered in evaluating projects for acceptance in the RP.

Primary Criteria:

The project would support conservation of lands for production of agricultural products.

Additional Considerations:

1. The project would keep water in the community legally and physically.
2. The project would maintain rural landscapes and amenities.
3. The project would serve as a foundation of the community's desired development pattern.
4. The project would benefit other economic sectors such as tourism, real estate, skiing, and hunting.
5. The project would provide habitat for wildlife.
6. The project would provide irrigation water that recharges aquifers.
7. The project would protect or otherwise support other ranchland conservation in the area.
8. The landowner desires a collegial planning effort and is supportive of County goals and benefits of the project to the community.
9. The adjacent land uses are compatible with the project goals.
10. The project goals are compatible with adopted plans and policies of the County.
11. The land is currently used for agricultural production.
12. If applicable, there are adequate water resources and water rights available to the land.
13. The project has potential for long-term benefits and minimal long-term conflicts.
14. The project includes additional partnering with other conservation focused entities.
15. There is potential the property would otherwise be developed.