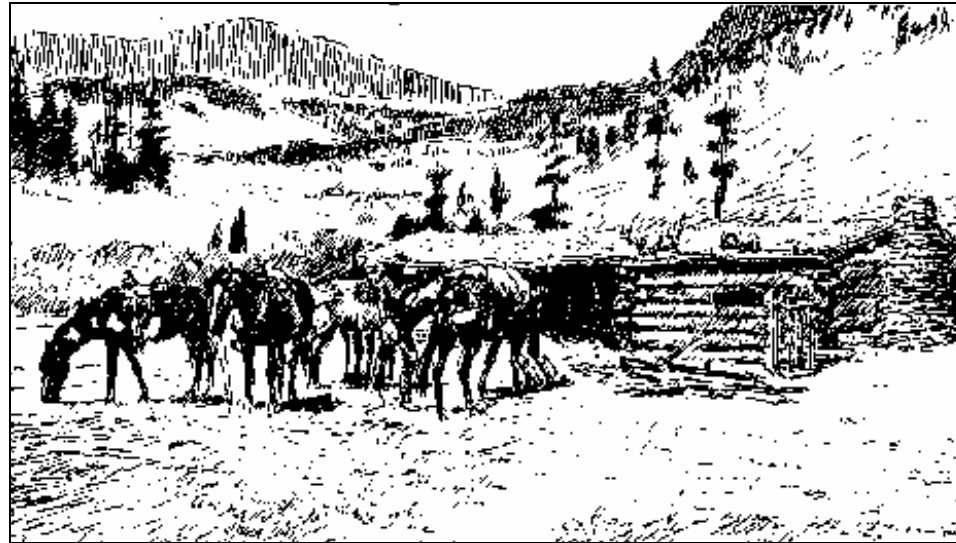


Gunnison County, Colorado's

“The Code of the West”



Or, “How to Avoid Surprises, and Be a Good Neighbor When You’re Buying, Building, and Developing in Gunnison County, Colorado”

A publication of the Gunnison County, Colorado Board of Commissioners and Planning Department

The “Code of the West” was first chronicled by the western novelist, Zane Grey. Men and women who settled the western frontier were bound by an unwritten code of conduct, and in keeping with that spirit, we offer this information to help people who have chosen to build and/or live in the unincorporated areas of Gunnison County.

WELCOME TO GUNNISON COUNTY:

Life in rural Colorado is rich and rewarding, treasured by both Gunnison County residents who have been here for generations, and those who have recently moved here. It’s important that new property owners and residents know that life in “non-urban” parts of the County is different from life in town. County government cannot provide the same level of service that city and town governments provide. The information included in this Gunnison County version of “The Code of the West” is designed to help you make an educated and informed decision as you consider purchasing or developing land in the unincorporated areas of Gunnison County.

WHAT KIND OF ACCESS IS AVAILABLE OUTSIDE OF TOWN?

The fact that you can drive to your property does not necessarily guarantee that you, your guests or an emergency service vehicle (the Sheriff, an ambulance, a fire truck) can get there easily, or during all seasons. Please consider:

- ◆ **Response times for emergency services cannot be guaranteed.**
- ◆ **There can be problems with the legal aspects of access, especially if you have access across someone else’s property. Make sure you have legal easements if you need**

them (i.e. by a written deed, not just verbal agreement). You may want to get legal advice if you have questions regarding your own access to a County road, or federal highway.

- ◆ **Gunnison County maintains hundreds of miles of roads, but many private properties are served by private roads, which are not County-maintained.** Some roads that have been used for many years by the public aren’t maintained by the County (no snow plowing, grading in the summer, or repair of damages resulting from natural disasters.) Make sure you know what kind of maintenance is available and who pays for it.
- ◆ **Many large construction vehicles cannot navigate small, narrow and primitive roads.** If you plan to build, check out construction access. Private driveways should be wide and sturdy enough to support either emergency or construction vehicles.
- ◆ **If your driveway or private road accesses a County road, you may need an Access Permit.** Call the Gunnison County Public Works Department (641-0044) to find out. If your access is directly onto a Colorado or federal highway, you will need to check with the Colorado Department of Transportation Office in Grand Junction about getting a Highway Access Permit.
- ◆ **In general, school buses travel only on county, State of Colorado, or federal roads and not on subdivision roads.** In some outlying areas, school bus transportation is not provided at all. Call the Administration Office of the School District in which your children will be attending school to find out the school bus boarding area closest to your property.

- ◆ **In extreme weather, some roads may become impassable.** You may need a four-wheel drive vehicle, snow tires and/or chains, and perhaps even another mode of transportation to travel during those circumstances.
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- ◆ **Gravel roads generate dust.** If you mind that, you may not want to be in an area which is accessible only by gravel roads, and for which no paving is planned. If you have a question about whether roads are scheduled for improvement, check with the subdivision property owners' association, or with the Gunnison County Public Works Department.
- ◆ **Unpaved roads are not always smooth and are often slippery when they are wet.** You may experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.
- ◆ **Newspaper, parcel and overnight package delivery, and U.S. mail delivery may not always be available to rural areas.** Check with the agencies that provide these services before assuming you can get delivery.
- ◆ **It may be more expensive and time consuming to build a rural residence** due to delivery fees and the time required for inspectors to reach your site.

HOW ABOUT SEWER, WATER, ELECTRICITY, TELEPHONE, CABLE T.V. AND NATURAL GAS?

The utilities that you may be used to having when you live in a town or city may not be available in rural areas. Please think about these situations:

- ◆ **The availability of telephone communication can be delayed,** particularly in the more remote areas of the County. In some areas, the only telephone service available has been a party line. It may be difficult or impossible to

obtain a separate line for FAX or computer modem uses, and in some areas, cellular telephones don't operate. Check with the local telephone service provider to find out what lines and services are available to you.

- ◆ **If central or regional sewage treatment is available to your property, find out who provides the service,** and what the costs are to hook into it, and to maintain it.
- ◆ **If central or regional wastewater treatment is not available, you will be using, or have to have installed, an individual sewage disposal system (ISDS).** If there is an existing individual system, have the septic tank pumped and inspected by a reliable service, and call the Gunnison County Environmental Health Office to get information about obtaining a permit or an inspection for an ISDS (641-5105).
- ◆ **If a central treated water supply is available to your property, find out who supplies it,** what the costs are to hook into it, and the monthly cost of service.
- ◆ **Be sure you know what water rights are available with your property:** Is there a well permit? Is there a decree to a spring on or off the property? If water is provided by a well or spring located off your property, do you have an easement allowing you to access and repair it? If you have deeded water rights (for agricultural or domestic use), listed as "acre feet, "or certain "cubic second feet," find out what that really means for you. You may not be able to drill a well, or have "real" access to a water supply without getting approval from the Water Court; you'll need to know what kind of time and expense that may entail. You may need to contact an attorney or an engineer, as well as your Realtor to get this information.
- ◆ **Not all wells are permitted to allow watering of landscaping or livestock.** Make sure that you have obtained, or are protected in the event you cannot obtain

the appropriate permits from the Colorado Division of Water Resources before you move ahead with your development plans.

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- ◆ **Having a well permit doesn't guarantee that there will be water where you first dig for it.** Some areas of rural Gunnison County have wells that are more than 400 feet deep. Consider those potential drilling and installation costs in your development planning.
- ◆ **You may or may not own the water that runs through your property in a stream or irrigation ditch.** Unless you have actually purchased water rights, the water can't be legally taken out of the stream or ditch. Check with your attorney to make sure you have adequate, legal water rights with your property.
- ◆ **The Colorado Division of Water Resources, not Gunnison County, issues well permits.** You can apply directly to the Division, through their office in Montrose (249-6622), or by contacting a local well driller who can complete and submit the application for you.
- ◆ **Electric and natural gas service may not be available** in the more remote areas of Gunnison County. Check with each of these service providers to make sure you have the services you want before you commit to a construction project.
- ◆ **Some of your utility service lines may have to cross properties owned by other people** in order for service to be extended to your property. Make sure the proper legal easements are in place to allow liens to be installed to your property.
- ◆ **Electric power may not be available** in single phase and three phase service configurations. If you have special power requirements, check with the service provider to ensure that those can be provided.

- ◆ **The cost of electrical service** usually includes both a fee to hook into the system (which may require extensive line installation if none exists), and a monthly charge for energy consumed. Check with the service provider about both costs in your area.
- ◆ **Power outages** can occur in outlying areas more often than in more developed areas. Not only can these disrupt your computer modem's Internet connection; you won't be able to get water from your well.
- ◆ **Trash collection in rural areas is generally limited to two choices:** A commercial pickup service which charges a regular fee, or hauling your trash to the Gunnison County Landfill, six miles east of the City of Gunnison. If you have questions about Landfill hours and fees, call 641-5522.
- ◆ **Many rural areas of the county are not wired for cable t.v., or have high-speed Internet capability.** the Gunnison County Metropolitan Recreation District maintains equipment which allows receipt of several television broadcasts, depending upon where in the county your property is located. Check with Internet service providers listed in the local phone book to find out what services are available for the property you're interested in: If you're depending upon high-speed/broadband capability in order to conduct an in-home office, you'll want to choose a site that can accommodate that need.

WHAT CAN I DO ON MY PROPERTY?

Many issues can affect your property in addition to those concerning utilities and access. It's important to research them before purchasing land.

- ◆ **Not all parcels are "legal."** A parcel must have been created by County subdivision review and permit after June, 1972, or existed before then, or created by a Court action

or by exemption by the Board of County Commissioners before a well permit, an individual sewage disposal system (ISDS) permit or Building Permit can be issued. In some cases, parcels have been created by some other legal means allowed by Colorado State law. If you have a parcel which isn't in one of these categories, or if you don't know how to determine its status, check with the Gunnison County Planning Department (641-0360).

- ◆ **Other property owners may have easements which require you to allow construction of roads, power lines, water lines, sewer lines and other utilities, as well as maintenance of irrigation ditches across your land,** which may restrict your own development and building options. There may be easements that haven't been recorded, but are "historic." Title abstract and title insurance companies, or an attorney can help you track this information.
- ◆ **Many property owners do not own the mineral rights under the surface of their land.** By federal law, owners of mineral rights have the right to extract the minerals, even if that activity changes "surface characteristics." It's important that you know what minerals may be located under your land and owns them. Check your deed, and if you don't understand it, you may want to contact your attorney or another professional to help you.
- ◆ You may be provided with a plat for your property by your Realtor, or other seller. **You may wish to obtain the services of a licensed Colorado survey to ensure the accuracy of your survey.**
- ◆ **Fences that separate properties may or may not be on legal boundary lines.** A survey of the land is the only way to confirm the location of your property lines.
- ◆ Whether you want to construct a single family home, a guest house, to subdivide, or open a store, **your plans may require a Land Use Change Permit,** as well as a driveway

access permit, an Individual Sewage Disposal System Permit, a Building Permit, a sign permit, or must meet other requirements. Check with the Gunnison County Planning Department to find out what you need, and when you'll need it.

- ◆ **Many subdivisions and planned developments have covenants and design guidelines that limit the use of the property.** Find out if there are covenants (either ask your Realtor or check in the Gunnison County Clerk and Recorder's Office). Make sure that you can live with the rules of that subdivision.
- ◆ **Homeowners and property owners associations often are responsible for the maintenance of roads, utilities and other common elements in subdivisions.** Check the subdivision's covenants to learn if an association has that responsibility; check with your Realtor (or some of your future neighbors) to learn if the association is functioning. A dysfunctional or non-existent association can cause problems for you, and even involve you in expensive litigation.
- ◆ **Dues are almost always a requirement for those subdivisions that have a homeowners association.** The by-laws of the association should outline how the organization operates and how dues are set, collected and spent.
- ◆ **The property that's an open meadow today may not be forever.** Check the recorded plat of your subdivision to see the uses are platted within it. In addition, check in the Gunnison County Assessor's Office to determine if those uses may have been changed since the plat was recorded. You can also talk with the Gunnison County Planning Department about the process that properties currently undergo for land use change permits, and how you would be notified if changes are proposed next to you.

- ◆ **You are responsible for keeping your dog on your own property. Colorado law allows the shooting of dogs when they are harassing livestock or wildlife.** Avoid a real tragedy and do the neighborly thing at the same time: Keep your best friend in his own yard.

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YOU CAN'T MESS WITH MOTHER NATURE (and expect to get off easily)

Rural residents usually can expect to experience more challenges with the “elements” when they become unfriendly than residents who have access to municipal or district services.

- ◆ **Trees are a wonderful environmental amenity, but can also endanger your home in a forest fire.** The Gunnison office of the Colorado State Forest Service (641-6852) offers a practical list of recommendations to help you protect your home from fire as well as protect the trees from igniting if your house catches on fire. If you start a forest fire, you could be found legally responsible for paying the costs of putting it out. Helping to prevent the catastrophe before it happens benefits you as well as your neighbors and the forest.
- ◆ **Steep slopes can slide in unusually wet weather.** Large rocks can also roll down steep slopes and present a great danger to people and property.
- ◆ **You may be required to have a geotechnical study conducted before you can obtain an Individual Sewage Disposal System Permit, a Building Permit, or a driveway permit.** Geologic hazards such as mudslides, rockfall, avalanche and unstable slopes are common in Gunnison County. Collapsing and expansive soils can buckle concrete foundations and twist steel I-beams.
- ◆ **Be cautious about placing any improvements on north-facing slopes.** North facing slopes or canyons rarely see

direct sunlight in the winter. Snow may accumulate there and not melt throughout the winter.

- ◆ **Building designs which avoid “valleys”** over outside entrances, and have roof slope direction which prevent “dumps” of snow and ice accumulations on sidewalks and garage entrances will help prevent dangerous conditions and headaches during our long winters.
- ◆ **A property owner who builds his home in a ravine finds that the water that drained through the ravine now drains through his house.** The topography of the land can tell you where the water will go when rain and spring snowmelt runoffs occur.

WILDLIFE:

Nature can provide you with some wonderful neighbors. However, some may be of concern to you and require extra care when you build and live in a rural or remote area.

- ◆ **Some subdivisions prohibit the keeping of dogs, which may harass wildlife, or require that they be confined on the property.** Some limit the number of cats you may keep, and require that they be confined, to prevent decimation of native bird populations.
- ◆ **Coyotes, skunks, prairie dogs, bears, deer, raccoons, and mosquitoes (trust us) can be simply annoying, destructive or dangerous, and you need to know how to deal with them.** Some developments require that “bear-proof” trash containers be used. Some subdivisions are included within Gunnison County’s “mosquito district, “which provides spraying services.
- ◆ **Check with your Realtor,** with your future neighbors, and read the covenants for the subdivision for specific information.

- ◆ **Threatened and endangered species of wildlife may be present in certain areas. In Gunnison County a species of sage grouse is not on the “T and E” list, but is protected.** Check with the Colorado Division of Wildlife Gunnison office (641-0088) about concerns related to the area in which your property is located.
- ◆ **Hunting has been part of a way of life in Gunnison County for centuries.** Neighbors may allow legal hunting activities on their property. Informing yourself of areas where such activities are allowed may be important to you; check with the Colorado Division of Wildlife Gunnison Office.
- ◆ **Harsh winters can bring unexpected herds of elk and deer onto private lands.** They may damage fences, pastures and other personal property. Checking with the Division of Wildlife about how to address these potential problems before they occur will help both you and the wildlife.

AGRICULTURE, OUR HERITAGE AND A KEY TO A OUR FUTURE:

The families who settled the Gunnison Country brought water to the sagebrush valleys and were part of an ingenious system of water diversion, which has allowed agriculture to become an important part of our environment. The ranchers here were truly the first environmentalists, and it is their irrigated meadows that create and maintain the beautiful green open spaces of our valleys. Minimizing the undesirable impacts of growth on ranching operations will help keep Gunnison County a beautiful place to be.

- ◆ **Colorado has an “open range” law.** This means if you do not want cattle, sheep or other livestock on your property, it is your responsibility to fence them out, and not the rancher’s to keep the livestock off your property.

- ◆ **Agriculture is a major economic contributor to Gunnison County.** If you choose to live among and next to ranching operations, you may be affected by them. **You have the opportunity to help keep the ranching operation viable by learning how you can be a good neighbor to this important part of our community.**
- ◆ **Ranchers often work around the clock, especially during calving season in the spring and hay harvesting time in middle to late summer.** Occasionally, adjoining agricultural operations may disturb your otherwise quiet surroundings. Those times will pass.
- ◆ **If you’re traveling on dirt and graveled roads adjacent to ranch lands, drive slowly and with care:** An excess of dust can affect both the health of the cattle and the quality of hay in the fields. Occasionally cattle may get out on the road; avoiding hitting an animal is healthy for both you and the animal.
- ◆ **Ranchers occasionally burn their ditches to keep them clean of debris, weeds and other obstructions.** This burning may bother you momentarily, but it is not a regular occurrence.
- ◆ **Chemicals are one tool that may be used to control weeds and remove vegetation that impedes the flow of irrigation ditches, or may be harmful to livestock.** Ranchers, just as all others, must operate within the constraints of public health and safety laws that affect the use of those chemicals.
- ◆ **Livestock may cause odors and noise, which are objectionable to some people.** If you find them annoying, you may want to find a parcel in another area of the county.
- ◆ **Livestock are occasionally moved on public roads.** When you encounter a livestock drive, please pull over to the side of the road and allow the drive to pass. If a rider directs

you to move forward, do so slowly. The delay will cost you only a few minutes. Enjoy the scene; this is the "real west," and is a critical part of your neighbors' ability to make a living.

- ◆ **Gunnison County has adopted a noxious weed control program in compliance with Colorado State law.** If your property has noxious weeds on it, you may be required to control them. The Gunnison County Weed Specialist can help you with these concerns (641-4393).

...AND A FEW FINAL THOUGHTS:

- ◆ Though Gunnison County receives property taxes from its property owners, the amounts of taxes collected generally do not cover the costs of services provided to rural residents. In general, other revenue sources subsidize the lifestyles of those who live in the rural areas by making up the shortfall.
- ◆ Please take the time and effort to read about the history of the Gunnison Country. It will give you an understanding and appreciation for the pioneers who tamed this land and, in many cases, spent a hundred years and four generations of a family completing what might be called our first "land use change." It is our hope that through this understanding, you will approach your construction and development in a thoughtful and sensitive manner, to protect our unique community, our natural resources and our historic way of life.
- ◆ The information in this Gunnison County version of *The Code of the West* is not exhaustive. There likely will be issues that occur to you, or that you encounter, that are not included here. If you have questions, the

agencies that are listed will try their best to give you the information you need.

- ◆ This "Code" is provided by the Gunnison County Board of Commissioners and Planning Department with the help of similar codes produced by other counties within rural Colorado. We offer this information and these suggestions in the sincere hope that they will help you as you decide to build, develop and live in Gunnison County.

A "SHORT LIST OF AGENCY CONTACTS THAT MAY BE HELPFUL TO YOU:

Gunnison County Assessor:	641-1085
Gunnison County Building Inspector:	641-1011
Gunnison County Clerk and Recorder:	641-1516
Gunnison County Environmental Health Official	641-5105
Gunnison County Landfill:	641-5522
Gunnison County Manager and Board of Commissioners:	641-0248
Gunnison County Planning Department:	641-0360
Gunnison County Public Works Department:	641-0044
Gunnison County Treasurer:	641-2231
Gunnison County Weed Specialist:	641-4393
Gunnison Office, Colorado Division of Wildlife:	641-0088
Gunnison County Extension Agent	641-1260
U.S. Bureau of Land Management:	641-0471
U.S. Forest Service, Gunnison office:	641-0471

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