

**AN EMERGENCY RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO
ESTABLISHING A MORATORIUM ON ISSUANCE OF
BUILDING PERMITS FOR DEVELOPMENT ON
REAL PROPERTY ACCESSED BY THE SHIELD O TERRACE AND
THE SHIELD O MESA ROADS AND MODIFYING ROAD STANDARDS FOR
SHIELD O TERRACE AND SHIELD O MESA ROADS**

RESOLUTION #96-145

RECITALS

1. The Shield O area, which includes property in the area known as Shield O Terrace, Shield O Mesa, as well as other parcels of land which are accessed by the Shield O Terrace Road and the Shield O Mesa Road, has been undergoing development since the late 1960s. There has never been a formal subdivision for Shield O Terrace or Shield O Mesa, and development and approvals have been taken on a case by case basis.
2. The Shield O Mesa Road and the Shield O Terrace Road do not meet County road standards.
3. The case by case development and approval process has been unsuccessful in attempting to institute road improvements and upgrades for the Shield O Terrace and Shield O Mesa Roads.
4. In 1995 the Board of County Commissioners received referral comments from the Pitkin County Sheriff's Office, the Basalt Fire District and the State Forest Service expressing concern about emergency access to both existing and proposed homesites in the Shield O Mesa area and, as a result of these comments the Board tabled several development applications while the road issues could be studied.
5. There are at least ninety-six parcels of property in the Shield O area, of which only approximately twenty percent have been improved with single family dwellings.
6. In the fall of 1995, the Board of County Commissioners directed county staff to assist the Shield O area homeowners in coming up with a solution to the problems with the roads, and further agreed to finance \$8,000.00 for engineering to begin the process of designing road improvements.
7. County staff obtained the necessary engineering and presented various options to Shield O area property owners in December 1995.

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8. Development sites within the Shield O area typically contain wildfire hazard, in addition to other 1041 concerns.

9. The Pitkin County Land Use Code requires that access roads to development in wildfire hazard areas "be built to County standards," section 3-80.7-7.

10. These roads were never designed to county standards, and because of the steep grades in portions of the roads, they could not be redesigned and rebuilt to meet standards at anywhere near an affordable cost, nor could such redesign be accomplished without other environmental degradation, such as severe road cuts into the hillsides.

11. The State Forest Service has indicated that the most serious problem faced by homes in the area is the inadequacy of the access roads, with no other evacuation route in the event the road is cut off by fire or clogged with evacuating residents and responding fire equipment. The State Forest Service also recommends grades no greater than ten percent, which the Shield O Roads cannot meet.

12. The Pitkin County Sheriff's Office has stated in referrals relating to numerous land use applications for development in the Shield O area that the road infrastructure in the subdivision as a whole is deficient and poses a serious threat to emergency response personnel and residents of the subdivision and that expanding an already deficient subdivision will only exacerbate a poor situation.

13. The Basalt Fire Protection District which serves the Shield O area has also expressed concern about further development in the Shield O area, the concern being that continuous development in the area without improvements to the road and water supply could result in a fire-related catastrophe in the area.

14. The Pitkin County Land Use Code prohibits development if site planning and engineering techniques cannot completely mitigate hazards to public health, safety and welfare, Pitkin County Land Use Code section 3-80.30. The code also prohibits development if such development subjects other persons or the county to dangers or expenses required to mitigate hazardous conditions or to respond to emergencies created by such conditions.

15. C.R.S. § 30-15-401 (h) provides that the "county may establish fire lanes and emergency vehicle access on public or private property zoned commercial or residential and provide for fines and punishment of violators".

16. Even though the county has the power to establish fire lanes and emergency vehicle access on private residential property, there are additional improvements which must be made to the Shield O roads, and there is a need for an enforceable agreement for continuing maintenance of those roads once the improvements are made, to maintain acceptable access for fire and emergency vehicle access.

17. The efforts of the county and various homeowners and private attorneys to resolve the problems have been unsuccessful.

18. The Board has directed staff to process new development applications in the Shield O area with the understanding that permits will not issue until the road issues are resolved and has requested a condition be imposed upon any development approvals requested for the Shield O area that no building permit be issued until the roads are improved to a standard satisfactory to the Board of County Commissioners, or until a plan is in place and accepted by the Board of County Commissioners for such improvements and continued maintenance.

19. The homeowners in the Shield O area have made it clear to the Board of County Commissioners that they do not wish to have their roads become public, and thus the formation of any type of public district with the assistance of the county is not an option.

20. Resolution of the road problems will depend upon the cooperation and agreement among the various land owners in the area, a decision making process over which the county has no control.

21. It is necessary to the safety, health and welfare of not only the residents of the area, but of those providing emergency services to residents of the area, and thus to the county at large, to prohibit further development in the area until the access roads meet certain minimum standards, and a moratorium on the issuance of any further building permits for any property accessed by these roads is necessary.

22. It is necessary, in order to allow development on these properties in the future, to modify County road standards in a fashion that does not compromise health, safety and welfare.

23. Based upon estimated traffic at build out, the approximate traffic will be 372 vehicles per day for the Shield O Terrace Road and 544 vehicles per day on the Shield O Mesa Road.

24. Based upon these estimates, both roads fall within the rural access standard which calls for the following.

<u>STANDARDS</u>	<u>RURAL</u>
Traffic Vol.	250 to 800 vpd
Min. Right of Way	40 ft.
Design Speed	25 mph
Width of surface/shoulder	2 @ 10ft/ 2 to 4 ft
Min. Curve Radius	175 ft
Max Grade (in%)	10%

INTRODUCED AND ADOPTED ON THE 12th DAY OF JUNE, 1996.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE WEEKEND
EDITION OF THE ASPEN TIMES ON 15TH DAY OF JUNE, 1996.

~~CONFIRMED UPON SECOND READING AND PUBLIC HEARING ON
THE 28TH DAY OF AUGUST 1996.~~

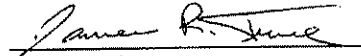
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ASPEN TIMES ON THE _____ DAY OF _____, 1996.~~

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reading
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ATTEST:

BOARD OF COUNTY
COMMISSIONERS
OF PITKIN COUNTY, COLORADO


Jennette Jones
Deputy Clerk


James R. True
Chairman
Date: 9-25-96

APPROVED AS TO FORM:


John M. Ely
Assistant County Attorney


Suzanne Konchan
County Manager

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