

**Davis Horn Inc.**  
PLANNING & REAL ESTATE CONSULTING

August 29, 2009

Mike Kraemer  
Pitkin County Community Development Department  
130 South Galena Street  
Aspen, Colorado 81611

**Re: Charitable Remainder Unitrust of Thomas A. Bradtke, Father Tom Bradtke  
Trustee: Old Pond Way Activity Envelope, Vested Property Rights, Residential  
Growth Management Quota System Allotment for New Lots (Parcel ID # 2645 224  
00 559)**

Dear Mike:

The Charitable Remainder Unitrust of Thomas A. Bradtke, Father Tom Bradtke Trustee, (Applicant) owns an 11.76 +/- acre property located on Old Pond Way in Shield O Terraces. See Attachment 1 for a Vicinity Map. The applicant, represented in this land use application by Davis Horn Incorporated, is seeking approval for an Activity Envelope, Vested Property Rights and a residential Growth Management Quota System Allotment (GMQS) for new lots or parcels. Please refer to the pre-application conference summary sheet in Attachment 2 for a list of the applicable Land Use Code sections to be addressed.

This application addresses the subject site and land use requests under the following headings:

1. Existing Conditions;
2. Background;
3. Land Use Proposal;
4. Land Use Reviews; and
5. Summary.

**BACKGROUND**

Father Tom Bradtke acquired the subject property on November 26, 1982. The property was originally acquired as a location for Father Tom to live after he retired. At the time he was living in the house on Galena Street next to the Saint Mary's Catholic Church. After Father Tom retired he established a charitable remainder trust and transferred title to the property to the Trust. Father Tom has decided to retire in Glenwood Springs and sell the Shield O Terraces lot to endow the

1

000001 of 06

Trust. After transferring the title of the property to the Trust in 2007, Father Tom sought Pitkin County land use approvals so that he could sell the property.

We completed a title chain analysis of the subject site and all the contiguous lots in 2007 and determined that Jan Christensen, the original owner of Shield O Terraces and Shield O Mesa created and sold the subject lot after Pitkin County's adoption of subdivision regulations on May 8, 1972 and the adoption of residential GMQS on June 12, 1978. Consequently, the lot was merged and does not have a residential GMQS exemption.

Rhonda Bazil, the applicant's attorney, has worked with Pitkin County Attorney, John Ely for the past two years to satisfactorily resolve the subdivision questions associated with the lot. Attachment 3 is a copy of a May 18, 2009 e-mail from John to Rhonda which establishes that the subject site is subdivided and does not need Pitkin County subdivision approvals. However, a residential GMQS allotment for a new lot or parcel is required.

### **EXISTING CONDITIONS**

The subject site is located on Old Pond Way in Shield O Terraces on a large bench. The Bradtke lot is and enclave located within the boundaries of the Shield-O-Terraces Home Owners Association (SOTHO). The property is not a member of the SOTHO.

The parcel is approximately one half mile from Snowmass Creek Road. The property is zoned RS-30, a zone district with a minimum lot size requirement of 30 acres. The site is a non conforming lot in the zone district because it contains 11.76 +/- acres. Please refer to the slope analysis in Attachment 4 which shows that all of the land area within the proposed activity envelope is either 0 and 15% in grade or 15 to 30% in grade. Steeper portions of the site outside the proposed Activity Envelope have been avoided. The site is mapped as having severe wildfire danger, elk winter and deer summer ranges and slope hazards. These site planning constraints are addressed in this application. The level portion of the property is not visible from Snowmass Creek Road.

As shown on Charitable Remainder Unitrust of Thomas A. Bradtke: Activity Envelope Plan (see Attachment 5), the lot is virtually unimproved with the exception of an old shack located on the property at the toe of the slope. There is a short section of fencing along the southwestern property boundary. The site is accessed from Old Pond Way on the north east side of the property. There is an empty pond on the site which has not had water since 1983. The irrigation ditch which used to feed this pond blew out in 1983, an event which created the debris flow on Moon Run Ranch. The ditch has not been operational since ditch failed, and the pond has not had water since then.

### **LAND USE PROPOSAL**

The applicant seeks approval of an Activity Envelope, Vested Property Rights and residential GMQS for the vacant land in order to build a single family residence on the property. Site Plan approval is not being requested at this time as definitive plans for the home have not been

completed. It is anticipated that a new owner will seek Site Plan review approval.

## LAND USE REVIEWS

Attachment 2 is a copy of the Pitkin County Pre-Application Conference Summary Sheet which has been prepared for the subject site. This section demonstrates compliance with the following Land Use Code sections identified in this Pre-Application Conference Summary.

- Activity Envelope Criteria for Approval (Section 2-30-20(g));
- Activity Envelope (Section 7-10-50);
- Steep and Potentially Unstable Slopes (Section 7-20-100);
- Site Preparation and Grading (Section 7-20-20);
- Water Courses and Drainage (Section 7-20-30);
- River and Stream Corridors and Wetlands (Section 7-20-80);
- Landscaping and Vegetation Protection (Section 7-20-130);
- Wildfire Hazard - Mapped High Wildfire Hazard Area (Section 7-20-60);
- Wildlife Habitat – Mapped in Elk Winter Range (Section 7-20-70);
- General Standards for Allotments and Competition (Section 6-40-20);
- Residential Competition System (Section 6-50); and
- Vested Property Rights (Section 2-2-170).

### Section 2-30-20(g) Activity Envelope Criteria for Approval

This section of the land use application demonstrates compliance with the criteria for approval of a proposed Activity Envelopes.

#### Activity Envelope

An application for designation of an Activity Envelope shall be approved if it complies with the standards and criteria established in Sec. 7-10-50. If the applicant chooses to apply for definition of an Activity Envelope separately from approval of a Site Plan, the Activity Envelope shall be designed to accommodate the largest home and related septic field possible on the site pursuant to Table 5-1 after the use of TDRs or a GMQS allocation to increase house size. The definition of an Activity Envelope based on a maximum house size and septic field shall not create any presumption that a Site Plan for a house at the same size can or will be approved pursuant to this Land Use Code. The applicant may specify that the Activity Envelope is being created for a house smaller than the maximum allowed under Table 5-1, and in that event the Activity Envelope will be designed to accommodate a house and septic field of that size. Where the property contains Constrained Areas, the Community Development Department staff shall follow those Priorities for Locating New Activity or Development listed in Sec. 7-10-60. Actual siting of the septic field shall require final approval pursuant to the Environmental Health and Natural Resources On-Site Wastewater Treatment System regulations.

Attachment 5 is a copy of the proposed Charitable Remainder Unitrust of Thomas A. Bradtke:

Activity Envelope Plan. The Activity Envelope has been designed to avoid constrained areas and to accommodate a single family home and potential accessory structures. The priorities for locating new development listed in Section 7-10-50 and 7-10-60 have been considered in the creation of the proposed Activity Envelope.

The key site planning considerations of the Pitkin County Land Use Code as stated in Section 7-10-50 are:

- **Avoiding Constrained Areas** - Identifying portions of a site which are most suitable for development based upon the location of constrained areas;
- **Minimizing Impacts on Surrounding Properties** – Preparing an Activity Envelope Plan which is designed to minimize impacts on surrounding properties; and
- **Maximizing Consistency with the Comprehensive Plan Goals and Objectives** – Selecting an Activity Envelope which is most consistent with the Pitkin County Comprehensive Plan and the 2003 Snowmass/Capitol Creek Valleys Master Plan.

Section 7-10-60 of the Code establishes “Priorities in Locating Activity or Development.” It is clearly stated in this Code section that the priority of the County is to avoid hazard areas or “constrained areas” when establishing Activity Envelopes. The applicant has complied with these Code standards.

#### **Section 7-10-50 Site Plan and Activity Envelope**

This section of the application demonstrates compliance with the standards for an Activity Envelope found in Section 7-10-50. Land Use Code standards appear in bold followed by the applicant’s responses.

#### **7-10-50: SITE PLAN AND ACTIVITY ENVELOPE**

(a) **The intent of this Chapter 7 is to allow activities and development to take place where they comply with the provisions of this Land Use Code and with the Pitkin County Comprehensive Plan for the area. Compliance will generally involve avoidance of “Constrained Areas” through the identification of an “Activity Envelope,” as well as approval of a Site Plan. For purposes of Chapter 7, “Constrained Areas” include all areas included in each of the following categories, as defined and regulated by this Land Use Code: (i) Areas of Statewide Interest listed in C.R.S. 24-65.1-101 et. seq., (ii) steep and potentially unstable slopes, (iii) water courses, drainage channels, and areas subject to erosion, (iv) floodplain hazard areas, (v) geological hazard areas, (vi) severe or low to moderate wildfire hazard areas, (vii) wildlife habitat areas, (viii) river and stream corridors and wetlands (ix) irrigated lands for food or crop production, (x) historic preservation areas, and (xi) archeological resource areas.**

The designation of the proposed Activity Envelope has considered all of the areas listed above. The subject property is affected by some steep slopes, though the Activity Envelope proposed

avoids the steeper slopes. The proposed Activity Envelope contains land area with grades between 0 to 15% in grade and some areas between 15 and 30% in grade. There is an isolated seasonal wetland and riparian vegetation located in the southwest corner of the property as depicted on Attachments 4 and 5. The proposed Activity Envelope is setback three times further than the Code standard (75 feet) from these important protected areas. There are no historic or archeological resources areas on the property. The proposed Activity Envelope avoids all slopes in excess of 30 percent. The applicant will comply with all reasonable wildfire mitigation approval conditions. Jonathan Lowsky, Wildlife Biologist, has evaluated the wildlife habitat on the property in his August 27, 2009 report (see Attachment 6) and recommends ways to enhance the wildlife habitat. Site preparation and grading will minimize impacts to constrained areas as well. Development will comply with the requirements of Pitkin County Land Use Code. The applicant is not seeking Site Plan review approval at this time.

**(b) The Site Plan process incorporates an "Activity Envelope" approach in which the County staff works with the applicant to determine which portions of the site (if any) would permit the proposed activity or development to be conducted in compliance with this Land Use Code and in conformity with the Comprehensive Plan for the area. In general, this process will involve both a determination of (i) which portions of the site are not available for development because of the existence of Constrained Areas, and (ii) of the remaining portions of the site, which areas would accommodate the activity or development so as to minimize impacts on surrounding properties, maximize compliance with the requirements of the development standards in this Chapter 7, and maximize compliance with the Comprehensive Plan goals and objectives.**

Site Plan review is not requested at this time. The Activity Envelope incorporates the portions of the site where development activity is most appropriate as constrained areas have been avoided or mitigated through compliance with Code requirements.

**(c) In general, the defined Activity Envelope for development of primary uses shall be large enough to accommodate the proposed principal use of the property and traditional permitted accessory structures, infrastructure (roads and septic systems), and uses, but should not be significantly larger than the area needed for such structures. In the case of a site with few Constrained Areas, the defined Activity Envelope may include more than one potential building site for a new single family home. The defined Activity Envelope may include non-contiguous areas (including separate areas for septic fields, landscaping, driveways to public roads, mitigation measures required in connection with any provision of this Chapter 7, and/or areas to be disturbed only during construction on the property – including staging areas and materials storage areas). Construction of trails will not require an Activity Envelope analysis except as required by Sec. 7-20-50.**

The proposed Activity Envelope is based upon the site's existing constraints (slopes, wildfire, wildlife) and has been designed to accommodate a septic field, landscaping, a driveway and any mitigation. The proposed Activity Envelope encompasses a level bench located at the base of east facing steep slopes.

**(d) Clearing, grading, grubbing, earthmoving that exceeds fifty (50) cubic yards, or changes in the natural drainage of the site shall occur only after an Activity Envelope has been defined and all applicable local, state and federal permits have been obtained. In addition, Site Plan Approval is required if these activities will occur on a property within a Scenic View Protection Area.**

Activity Envelope approval is being requested. No clearing, grading, grubbing, earthmoving will

occur that exceeds 50 cubic yards until this approval is obtained. The need for state or federal permits is not anticipated, but the applicant will comply with this standard if any permits are deemed necessary. The site is within a Scenic View Protection Area, however the bench on the property is not visible from Snowmass Creek Road. The proposed house will not be visible from the Road.

**(e) Once an Activity Envelope has been defined, the natural grade, topography, vegetation and drainage of areas outside the defined areas shall not be disturbed except as specifically permitted in this Land Use Code. Prior to any development activity on the parcel, the boundaries of the Activity Envelope shall be identified with construction fencing, and such fencing shall remain in place until development has been completed.**

The applicant will comply with this standard. Once approved, any area outside the Activity Envelope will not be disturbed. Prior to any development activity, the Activity Envelope will be identified with construction fencing which will remain in place until development is complete.

**(f) While it is preferable to obtain approval of an Activity Envelope as part of the Site Plan approval process, applicants who are not prepared to submit a Site Plan for a specific structure may request approval of an Activity Envelope separately. Prior to the issuance of a Development Permit, the applicant shall be required to apply for and obtain approval of a Site Plan confirming that the proposed development is consistent with the defined Activity Envelope and with other standards in this Land Use Code not considered at the time the Activity Envelope was defined.**

The applicant is not prepared to submit a Site Plan at this time and Site Plan approval is not being requested at this time. Site Plan approval will be obtained prior to issuance of a development permit and that Site Plan will be consistent with the approved Activity Envelope defined in this approval process.

**(g) The standards in this Chapter 7 shall be used (i) to identify the Activity Envelope on a property, (ii) to review and approve the Site Plan for proposed development, and (iii) to regulate development within the Activity Envelope pursuant to the Site Plan. Development standards in this Chapter 7 which are to be reviewed as part of Activity Envelope and Site Plan review are set forth in Table 7-1 below.**

The applicant will comply with the development standards necessary for "Activity Envelope if done prior to full Site Plan Review" as listed in Table 7-1 above. Requirements regarding water courses and drainage, river and stream corridors and wetlands, floodplain, irrigated lands for food or crop production, historic preservation and archeological resources are not relevant to the subject site. Any development within the Activity Envelope proposed will comply with Code requirements regarding site preparation and grading, steep slopes, geologic, wildfire and wildlife hazards.

#### **Section 7-20-20 Steep and Potentially Unstable Slopes**

This section of the land use application demonstrates compliance with the Pitkin County Land Use Code standards for Steep and Potentially Unstable Slopes. Standards appear in bold followed by the applicant's responses.

## **7-20-20: STEEP AND POTENTIALLY UNSTABLE SLOPES**

The following provisions shall apply whenever steep slopes or potentially unstable slopes occur within the Activity Envelope, but do not apply when the Activity Envelope have been defined to avoid such areas.

### **(a) Slope Delineation**

Slopes shall be delineated within the Activity Envelope with two (2) foot contour intervals. Slopes between each two (2) foot contour in each of the following categories shall be designated by a distinct graphic pattern.

- (1) Slopes that are fifteen (15) percent or greater, but less than thirty (30) percent;**
- (2) Slopes that are thirty (30) percent or greater, but less than forty-five (45) percent;**
- (3) Slopes that are forty-five (45) percent or greater.**

Please refer to Attachment 4, the Slope Analysis for the proposed Activity Envelope which delineates slopes in the preceding categories. As previously noted, the proposed Envelope avoids the steeper portions of the property outside the proposed Envelope. The proposed Activity Envelope is comprised of areas with slopes which are less than 30 percent and are often between 0 and 15% in grade.

### **(b) Forty-five (45) Percent or Greater Gradient**

Development is prohibited on slopes with a slope gradient equal to or exceeding forty-five (45) percent, except:

- (1) Where:**
  - (a) The lot is in a legally platted subdivision, recorded prior to 1972, and**
  - (b) There is no alternative building site that avoids areas of slope exceeding forty-five (45) percent, and**
  - (c) An engineer or geologist licensed in the State of Colorado demonstrates that the site can be engineered so that there is no hazard posed by the location of development on such slopes, and**
  - (d) The proposed development complies with all standards in subsection (c)(1) below applicable to slopes of thirty (30) percent or greater; and**

As noted above and depicted on Attachment 4, the Activity Envelope is located on a mostly level bench with the steeper slopes on portions of the property located outside the proposed Activity Envelope. There are no slopes over 30 percent in grade in the Activity Envelope.

- (2) As provided in subsections c(3) or c(4) below.**
- (c) Thirty (30) Percent or Greater Gradient**

Development is prohibited on slopes with a slope gradient of thirty (30) percent or more, except as follows:

### **(1) NO ALTERNATIVE BUILDING SITE**

If there is no alternative building site available on the parcel with slopes of less than thirty (30) percent, development (but not roads or driveways) may be approved by the Community Development Department through the Site Plan process subject to the

following development standards:

- (a) An engineer or geologist licensed in the State of Colorado shall be required to demonstrate that the site can be engineered so that there is no hazard posed by the location of development on such slopes.
- (b) To the extent possible, the development shall be designed so as to: avoid adding water to the site that would cause decreased stability; avoid removing the toe of the slope without adequate mechanical support; avoid increasing the weight load on top of the slope; re-contour disturbed slopes so that they can be re-vegetated; avoid steepening of existing slopes.
- (c) Any development approved pursuant to this section shall be conditioned upon compliance with the engineer or geologist's recommended mitigation measures.
- (d) Following Site Plan review, and prior to the application for a Building Permit, a precise engineer or geologist approved mitigation plan shall be submitted by the applicant that shows the area of disturbed slope, any re-grading required and the exact size and location of all mitigation devices. The mitigation measures must be determined by the Community Development Department to be the least visually and ecologically obtrusive alternatives.

This standard is not applicable to the subject site as the proposed Activity Envelope does not contain any areas with slopes over 30 percent in grade (see Attachments 4 and 5).

**(2) PARCELS WITH SOME AREAS OF LESS THAN THIRTY (30) PERCENT SLOPES**

- (a) If a parcel contains areas with less than thirty (30) percent slopes that are accessible by a road or driveway that meets the requirements of this Land Use Code, but such areas (after exclusion of Constrained Areas) are not large enough to develop the floor area permitted by underlying zoning, then areas containing slopes of less than thirty (30) percent must be utilized to develop as much of the floor area as can feasibly be accommodated. Areas containing slopes of thirty (30) percent or greater (but not exceeding forty-five (45) percent) may then be used for development of the remainder of the permitted floor area. The resulting area specified for development should define a contiguous area with slopes of less than thirty (30) percent to the maximum extent practicable.
- (b) Development on slopes equal to or exceeding thirty (30) percent (but less than or equal to forty-five (45) percent) shall be subject to the development standards in Sec. 7-20-20(c)(1)(a) through (d), and shall minimize disruption of natural terrain as viewed from any of those roads identified in Sec. 7-20-120(b).

This standard does not apply to the subject site as there is a large enough area for an Activity Envelope with slopes less than 30 percent in grade which will accommodate a home with the maximum floor area permitted in the RS-30 zone district.

**(3) MINOR SLOPE ANOMALY**

Through the Site Plan process, exceptions for minor changes in slope-development may be permitted on lands that have a slope equal to or in excess of thirty (30) percent when the slope is due to the presence of a minor natural or minor man-made change in the



gradient of a continuous slope, provided that an engineer or geologist licensed in the State of Colorado demonstrates that the slope's ground surface is not prone to instability or failure and that the proposed development will not cause greater instability or increase the potential for slope failure.

This standard does not apply.

**(4) EXISTING ROADS AND DRIVEWAYS**

Through the Site Plan process, an exception for minor road and driveway improvements may be permitted to existing roads and driveways that traverse previously disturbed slopes equal to or in excess of thirty (30) percent, provided that the applicant demonstrates that all of the following conditions are met:

- (a) The road or driveway was legally created, as demonstrated by (i) a valid copy of the permit for the road or driveway, or (ii) evidence that the road or driveway was constructed prior to the County's road or driveway permit system in 1993, or (iii) that a permit was not required to construct the road or driveway.
- (b) The proposed use of the road is an existing legal use (i.e., if residential development is proposed, it shall be demonstrated that the road already services an existing, legal residential structure). The current use of the road or driveway shall not change between residential, commercial, lodging or industrial use. No road improvements shall be permitted pursuant to this provision to allow the development of any structure where there is no pre-existing, legal structure (e.g., a mining road or jeep road that provides access to a vacant parcel shall not be improved pursuant to this provision to create access to a new residence).
- (c) The improvements shall be limited to existing roads and driveways that traverse previously disturbed slopes equal to or in excess of thirty (30) percent and comply, or can comply without impacting slopes equal to or in excess of thirty (30) percent, with the minimum requirements in the Pitkin County Road Management and Maintenance Plan for width, grade and curvature. New road and driveway improvements that traverse undisturbed slopes equal to or in excess of thirty (30) percent are prohibited.
- (d) The improvements shall be minor in scope and shall be the minimum required to ensure the safety of both the general public and safety agency personnel. Improvements that may be permitted pursuant to this provision may include, but not be limited to, pullouts, turnarounds or grading, if the road or driveway otherwise complies with the standards of the Pitkin County Road Management and Maintenance Plan. Improvements that would create further impacts on slopes equal to or in excess of thirty (30) percent in order to bring an existing road or driveway into compliance with the minimum standards of the Pitkin County Road Management and Maintenance Plan are prohibited.
- (e) An engineer or geologist licensed in the State of Colorado demonstrates that the slope's ground surface is not prone to instability or failure, and that the proposed improvements will not cause greater instability or increase the potential for slope failure.

There is an existing roughed in driveway across the subject site which meets County driveway standards for grade. This standard does not apply.

**(5) SHORT DRIVEWAY ENCROACHMENTS**

Through the Building Permit process, an exception for short driveway encroachments may be permitted as follows:

- (a) This exception may only be utilized where there is no alternative alignment on slopes less than thirty (30) percent and the proposed driveway is free of all of the following hazards: high hazard avalanche zone (red zone) and moderate hazard avalanche zone (blue zone), landslide areas, or rockfall areas. (See Sec. 7-20-50).
- (b) For a maximum of one-hundred (100) linear feet per lot or parcel, the driveway may encroach on slopes between thirty (30) percent and a maximum of forty-five (45) percent gradient. The maximum of one hundred (100) linear feet of permitted encroachment shall be measured along the centerline of the driveway.
- (c) All development permitted pursuant to this section shall be subject to the development standards of Sec. 7-20-20(c)(1)(a) through (d).

This standard is not applicable to the subject site.

- (d) Less Than Thirty (30) Percent Gradient

Development is permitted on slopes with less than a thirty (30) percent gradient.

The subject site is comprised primarily of areas with slopes of less than 30 percent gradient.

- (e) Additional Standards

All activity and development on slopes with a gradient of thirty (30) percent or greater shall comply with the following standards.

**(1) DENSITY SLOPE REDUCTION**

If more than thirty (30) percent of the total land area of parcel is encumbered with slopes of forty-five (45) percent or greater, the maximum permitted density of development on the parcel shall be reduced pursuant to Sec. 5-10-20.

**(2) LIMITS ON CHANGING NATURAL GRADE**

The original, natural grade of areas within the Activity Envelope shall not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement, except:

- (a) The site's original grade may be raised or lowered a maximum of seven (7) feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this section.
- (b) As necessary to construct a driveway from the street to a garage or parking area, grade changes or retaining walls up to seven (7) feet may be allowed.

**(3) GRADING FOR ACCESSORY BUILDING PADS DISCOURAGED**

Separate building pads for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discouraged except where the natural slope is twenty (20) percent or less.

**(4) LIMITS ON GRADED, EXCAVATED, OR FILLED MAN-MADE SLOPES**

- (a) Where grading, excavation, or filling is necessary, grading, excavation, or filling to create slopes of twenty-five (25) percent or less is strongly encouraged.
- (b) Graded or filled man-made slopes shall not exceed a slope of fifty (50) percent.
- (c) Cut man-made surfaces or slopes shall not exceed a slope of fifty (50) percent unless a soils engineering or a geotechnical report is furnished stating that the site has been investigated and that in the opinion of a qualified professional a cut at a steeper slope will be stable and not create a hazard to public or private property.
- (d) All cut, filled, and graded slopes shall be recontoured to the natural, varied contour of the surrounding terrain.

**(5) GUIDELINES FOR RETAINING WALLS**

Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to revegetation.

- (a) Retaining walls may be permitted to support steep slopes but should not exceed four (4) feet in height from the finished grade, except for (i) a structure's foundation wall, or (ii) as necessary to construct a driveway from the street to a garage or parking area, or (iii) as otherwise expressly allowed by this Land Use Code.
- (b) A retaining wall should not exceed seven (7) feet in height. Retaining walls greater than four (4) feet in height shall be supported by appropriate engineering and reviewed and approved by the County Engineer.
- (c) Terracing should be limited to two (2) tiers. The width of the terrace between any two four (4) foot vertical retaining walls should be at least three (3) feet. Retaining walls higher than four (4) feet should be separated from any other retaining wall by a minimum of five (5) horizontal feet. Terraces created between retaining walls shall be permanently landscaped or revegetated with native vegetation.
- (d) Retaining walls used to support existing road cuts may exceed (a), (b), and (c) of these guidelines.

**(6) STANDARDS FOR RETAINING WALLS**

- (a) Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.
- (b) All retaining walls shall comply with the adopted building code, except that when any provision of this section conflicts with any provision set forth in the adopted building code, the more restrictive provision shall apply.

**(7) WATERWAYS PROHIBITED**

Filling or dredging of water courses, wetlands, gullies, stream beds, or stormwater runoff channels is prohibited, except that bridge construction and culverts are allowed pursuant to the standards set forth in this Land Use Code and all applicable County engineering criteria.

**(8) DETENTION/STORMWATER FACILITIES**

Where detention basins and other storm and erosion control facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent practicable.

**(9) UTILITY CUTS**

Utility cuts on any slope with a gradient of fifteen (15) percent or greater shall be reviewed through the Site Plan process.

**(10) REVEGETATION REQUIRED**

Any slope exposed or created in new development shall be landscaped or revegetated pursuant to the standards and provisions set forth in Sec. 7-20-130 as well as the revegetation standards in the Pitkin County Revegetation Guide, the Pitkin County Landscaping Guidelines maintained by the Pitkin County Public Works Department, and the Roadway Landscaping Guidelines included in the Pitkin County Asset Management Plan, as applicable. In the event those documents contain inconsistent requirements with regard to a particular area of land, the stricter provision shall govern.

There are no areas in the proposed Activity Envelope with slopes over 30 percent grade.

**Section 7-20-30  
Water Courses and Drainage**

This section of the land use application ensures compliance with the Land Use Code standards for Water Courses and Drainage. Standards appear in bold followed by the applicant's responses.

**7-20-30: WATER COURSES AND DRAINAGE**

**(a) Applicability**

The water resources standards in this Sec. 7-20-30 are applicable to all development.

**(b) Encroachment or Channeling**

Encroachment or channeling activities in a river, stream (including intermittent streams), pond, wet meadow, or wetland are also subject to the requirements of Secs. 7-20-40 and 7-20-80 of this Land Use Code, as well as all other applicable state and federal statutes and regulations (including, but not limited to the U.S. Army Corps of Engineers permitting requirements of Section 404 of the Federal Clean Water Act).

The encroachment or channeling of water ways is not proposed. There are no such water ways located on the property. There is an empty pond on the site which has not held water since 1983.

**c) Drainage**

**(1) GENERAL**

**Activities and development shall provide for:**

- (a) Maintenance of historical flow patterns and runoff amounts to reasonably preserve the natural character of an area and prevent property damage attributable to runoff rate and velocity increases, diversions, unplanned ponding and/or stormwater runoff;**
- (b) The unimpeded flow of natural water courses and ditches;**
- (c) Adequate drainage for all low points;**
- (d) A drainage system designed to account for an entire drainage basin capable of accommodating runoff from a proposed development and, where applicable, the runoff from areas adjacent and upstream;**
- (e) Maintenance of drainage systems; and**
- (f) On-site treatment of stormwater by use of best management practices designed to detain and allow infiltration of runoff prior to discharge to any water body.**

**(2) RUNOFF VOLUMES**

**Runoff volumes and peaks within a development site and in areas affected by runoff from a development site shall not exceed the runoff levels attributable to the undeveloped site as determined by a professional engineer licensed in the State of Colorado.**

The applicant shall prepare a drainage plan for the subject property in association with the building permit application. The plan shall maintain historic flow patterns and runoff amounts and this requirement will be met.

**(d) Groundwater**

**Activities and development shall not result in the introduction of any contaminants to groundwater, or interfere with any recharge area or aquifer.**

**(e) Irrigated Areas**

**Activities and development shall:**

- (1) Not adversely affect the adequacy of water supplies available for the irrigation of agricultural lands; and**
- (2) Not adversely affect the exercise of any existing and decreed irrigation water right.**

The preceding two standards regarding groundwater and irrigated areas will be met, as applicable.

**(f) Irrigation Ditches**

**Activities and development shall:**

**(1) ACCESS**

Provide for access to irrigation ditches by ditch owners and to the public if a ditch is to be, or is part of the Pitkin County Open Space and Trails System or other public property.

**(2) PREVENTING LEAKAGE**

Ensure that no building shall be constructed immediately downhill of a ditch unless the ditch can be placed in a culvert, lined, or otherwise treated to avoid leakage of water downhill towards the building.

**(3) AVOID FLOODING**

Design land uses to avoid flooding problems from flood irrigation.

**(4) AVOID SEEPAGE**

Place basements and soil absorption on-site wastewater treatment systems in locations where they will not be impacted by flood irrigation or seepage from irrigation ditches.

There are no irrigation ditches serving the property and there are no water rights for irrigation.

**(g) Sedimentation**

Activities and development shall:

**(1) CONTROL DURING CONSTRUCTION**

Provide adequate sedimentation control throughout all phases of development.

**(2) SEDIMENTATION**

Retain sediment produced by soil disturbances on site where the disturbance occurs and prohibit run-off into any water body, wetlands, or riparian area.

**(3) REVEGETATION**

Revegetate clearing and grading as soon as possible, but in no event longer than one growing season after conclusion of development on a site.

Any development activity will comply with this standard by the provision of adequate sedimentation control, the retention of sediment produced by soil disturbances, by the prohibition of run-off into any water body, wetland or riparian area and the applicant will revegetate clearing and grading areas as soon as possible and within one growing season after the conclusion of development

**(h) Water Quality**

**(1) All land uses shall comply with those setbacks required by Sec. 7-20-80 and those setbacks required by Table 5-1.**

**(2) Activities and development shall comply with all state and federal statutes and regulations concerning the protection and enhancement of water quality (including but not limited to the requirements of all state and federal permitting programs).**

**(3) Activities and development shall be consistent with maintenance of the Stream Classifications for the Roaring Fork River watershed, as identified in Section 208 of the Roaring Fork Watershed Management Plan, and shall comply with state regulations pertaining to maintenance of those classifications.**

**(i) Efficient Water Use**

Activities and development shall emphasize the most efficient use of water, including, to the extent permissible under law, the re-cycling and reuse of water.

The applicant shall comply with the two preceding standards regarding water quality and Efficient Water Use.

**Section 7-20-60  
Wildfire Hazard: Mapped Severe Wildfire Hazard Area**

The subject site is mapped as a Severe Wildfire Hazard Area. However, due to the vegetation and grades, the Activity Envelope is within a Low to Medium Wildfire Hazard Area. The applicant agrees to comply with the Land Use Code standards for all Wildfire Areas and Medium Wildfire Hazard Area which appear in this section.

**(b) Wildfire Hazard Area Delineation and Activity Envelope**

If requested by the Community Development Department during a pre-application conference, the Site Plan shall delineate all areas of "Severe Wildfire Hazard" and "Low to Medium Wildfire Hazard" within the Activity Envelope and within one hundred (100) feet outside the Activity Envelope. In the case of varying hazard levels within the Activity Envelope, it shall be sufficient to label the entire Activity Envelope with the highest level hazard existing in any part of such area. The Activity Envelope should be designed to avoid areas of "Severe Wildfire Hazard", and to mitigate wildfire hazards in areas of "Low to Medium Wildfire Hazard" as set forth in this Sec. 7-20-60. All wildfire mitigation and creation of defensible space shall occur within the Activity Envelope.

**(c) Standards Applicable to All Wildfire Hazard Areas**

Development is allowed in wildfire hazard areas subject to conformance with the following development standards, (which may be varied upon recommendation by the wildfire expert), and conformance with the additional standards in subsection (d) as applicable.

**(1) DEFENSIBLE SPACE**

The area around all buildings/structures, limited by property boundaries that may limit a property owner's ability to comply with this section, shall incorporate landscaping with wildfire defensible space considerations as follows (note: actual vegetation manipulation to meet these conditions may not be necessary where the natural vegetation patterns have already fulfilled these conditions):

- (a) Brush, debris and non-ornamental vegetation shall be removed within a minimum ten-foot (10') perimeter around all structures.**
- (b) Vegetation shall be reduced to break up the vertical and horizontal continuity of the fuels at a minimum of a thirty (30) foot perimeter around a structure built on flat ground. (For greater slopes, reference the CSFS Safety Zone chart in Wildfire Guidelines For Rural Homeowners, which provides general guidelines that may be modified by a wildfire expert acceptable to the County).**
- (c) Spacing between clumps of brush and vegetation up to the thirty (30) foot perimeter shall be a minimum of two (2) times the height of the fuel. Maximum diameter of the clumps shall be equal to the height of the fuel. All measurements shall be from the edges of the crowns of the fuel.**
- (d) All branches from trees and brush within the thirty (30) foot perimeter shall be pruned to a height of ten (10) feet above the ground with removal of ladder fuels from around trees and brush.**

- (e) Tree crown separation within the thirty (30) foot perimeters shall have a minimum of ten (10) feet between the edges of the crowns, except for mature stands of aspen trees where ladder fuels have been removed. In areas of aspen regeneration, understory shrubs and down and dead materials shall be removed.
- (f) All branches that extend over the roof eaves shall be trimmed and all branches within fifteen (15) feet of chimneys shall be removed.
- (g) The density of fuels up to a one hundred (100) foot perimeter of the structures shall be reduced where natural reduction has not already occurred.
- (h) All deadfall up to a one hundred (100) foot perimeter shall be removed.
- (i) No new conifer trees shall be planted within ten (10) feet of a residence.
- (j) No flammable mulches shall be placed within two (2) feet of a residence.

The property owner shall be responsible for the continued maintenance of the defensible space vegetation requirements.

**(2) ACCESS**

- (a) Access roads and driveways shall be built to County standards; however, these standards may be increased to mitigate wildfire hazards based on comments provided by the Colorado State Forest Service, the Sheriff's Department, local fire protection districts and/or a person approved by the County as an expert in wildfire area designation and mitigation. Where feasible, looped routes of access/egress to a public road shall be incorporated in the design of a proposed development. Looped routes of access/egress is defined as two (2) or more dedicated access roads to the main artery/highway for widely separated ingress/egress; looped drives with one (1) entrance point or divided single entrances do not satisfy this condition. Where this is not feasible, the Community Development Department may approve vehicular turnaround areas a maximum of seven hundred fifty (750) feet apart installed between the road intersection and its terminus. Turnaround areas shall be the same standard as cul-de-sac turnaround pads; these may be incorporated into the proposed driveway entries.
- (b) New dead-end streets shall not be permitted, except for cul-de-sacs and other turnarounds accepted by the applicable local fire district.
- (c) Cul-de-sac turnaround pads shall have a minimum of a thirty (30) foot drivable surface inside turning radius or a hammerhead or other T-turn area acceptable to the applicable local fire district.
- (d) New driveways and access roadway shall enter the roadway at a ninety-degree (90°) angle for the first twenty-five (25) feet of the driveway.
- (e) Fuel breaks as recommended by a wildfire expert approved by the County may be incorporated into the design of access roads or driveways.

**(3) WATER SUPPLY FOR FIRE SAFETY**

- (a) When access to a public or private pressurized water system is not available or if it is necessary to augment fire protection water systems, private ponds may be used if approved by the Community Development Department and the local fire district.
- (b) Any fire department recommendation for individual structure water supply and storage shall be accessible to fire department vehicles from the exterior of the structure through a fire department approved mechanism (such as a fire hydrant). The amount of storage capacity shall be determined by the fire protection district with a minimum of one thousand (1,000) gallon storage capacity per structure.
- (c) Regardless of size, all structures (including detached garages and horse barns) where



humans congregate regularly that are located within areas identified as containing "C--Severe Hazard: Trees" or "X--Severe Hazard: Brush" wildfire hazard shall be required to install in-house sprinkler systems that meet the standards of the local fire protection district and the adopted Building Code.

(d) All structures greater than five thousand (5,000) square feet in size shall be required to install in-house sprinkler systems that meet the standards of the local fire protection district and the adopted Building Code. At building permit submittal, the local fire protection district may require smaller structures to be sprinkled due to hazard considerations, emergency access difficulties and lack of proximity to fire protection services.

**(4) ROOFING MATERIALS, ROOFING VENTS AND PROJECTIONS AT AND BELOW ROOF LINE**

Unless the wildfire expert has recommended a different method of construction, roofs and projections at or below roof line in Low, Medium and Severe Wildfire Hazard Areas shall be constructed according to the following specifications:

**(a) Low Hazard Area**

**1. Roofing Materials**

- a. Class A covering or Class A Assembly as defined by the currently adopted Building Code.
- b. No wood shakes or shingles.
- c. All other adopted Building Code compliant methods and materials permitted.

**(b) Medium Hazard Area**

**1. Roofing Materials**

- a. Class A covering or Class A Assembly as defined by the currently adopted building code.
- b. No wood shakes or shingles.

**2. Roof Venting**

- a. Soffit venting shall be located in the outer 1/3<sup>rd</sup> portion of the overhang.
- b. Attic, soffit and other roof venting shall be of non-corrosive metal mesh with maximum 1/4" openings.

**3. Projections at the Roofline, including Soffits, Rafters, Porch or Deck Roofs, Fascias, or Other:**

- a. Sheath with non-combustible materials, or
- b. Combustible materials underlain with 5/8" Type X gypboard or equal, or
- c. Minimum 4x6 rafters with 2x T&G decking.

**4. Decks, Decking, Cantilevered Floors, or Other Projections Below the Roofline:**

Minimum 6x6 posts, 6x10 beams, 3x8 joists, 3x decking, and 2x railings, or equivalent log construction.

**5. Other**

Any methods approved for Severe Wildfire Hazard Areas may be used in Medium Wildfire Hazard Areas.

**Section 7-20-70  
Wildlife Habitat**

As noted previously, Jonathan Lowsky has evaluated wildlife habitat in his report which appears as Attachment 6. The site is located within deer summer and elk winter range as mapped by the Colorado Division of Wildlife (see Map 2 of the report). Jonathan indicates in his report that based upon his field inspection, he determined the valued deer and elk winter range on the property is located outside of the proposed Activity Envelope on the steep east facing slopes (see Map 3 of the report). Due to the slope grade and aspect (east facing), the hillside does not hold snow through out the winter and is consequently used as winter range.

Additionally, as noted in Attachment 6 and mapped in Attachments 4 and 5, there is a seasonal wetland and riparian areas located in the southwest corner of the property. The wetland and riparian areas are addressed in the next section of this application. Jonathan finds in his letter that the deer and elk habitat on the property has been degraded by man-made disturbances. Specifically, the development of the old pond which has not held any water since 1983 and the significant spread of noxious weeds on the property in areas disturbed years ago to build the shack and drill the well have adversely affected the wildlife habitat.

As recommended in Attachment 6, the applicant commits to control the noxious weeds and restore native big sagebrush, shrubland to approximately one-half of the dry pond. These measures will improve the deer and elk habitat on the lot.

The applicable Land Use Code Standards for deer summer and elk winter ranges appear below in bold followed by the applicant's responses.

**(a) General Principles**

**Delineation of the Activity Envelope, and the location and design of activities and structures within the Activity Envelope, shall be based on consideration of the five (5) principles listed in subsections (1) through (5) below. These principles shall be evaluated not only on a site specific basis, but should also be used to consider the location and role of the property in the context of larger habitat and wildlife patterns. Implementation of these principles may also include consideration of connectivity between other parcels and the cumulative effect of the proposed activity or development in light of other activity in the area affecting related habitat areas.**

**Approved development shall:**

**Maintain large, intact areas of native vegetation and habitat area by preventing fragmentation of those patches by development.**

**Protect rare landscape elements such as locally rare vegetation, unique rock formations, sheltered draws or drainage ways, or other features, and guide development towards areas of landscape containing more common elements.**

**Maintain connections among wildlife habitats by identifying and protecting corridors for movement.**

**Contribute to the regional protection of rare species by protecting their habitat locally.**

**Minimize the combined and cumulative impacts of activities and development on wildlife species, wildlife habitat, wildlife movement, and unique landscape elements.**

**(b) General Standards**

The standards in this section apply to all wildlife habitat areas shown on the Species Activity Maps or field verified by a wildlife expert approved by the County, or by the Colorado Division of Wildlife.

When existing native vegetation must be altered within the Activity Envelope, the applicant may be required to prepare a habitat mitigation plan acceptable to the County. Such mitigation plan may substitute (in a nearby area on the subject property) vegetation equal in type and quantity to that being removed to mitigate effects on wildlife species. Should there be no opportunity on the property for habitat mitigation or restoration, off-site mitigation benefiting the same species may be required, or financial mitigation may be paid into a County habitat mitigation fund should such a fund be established in the future.

Manipulation of vegetation outside of the Activity Envelope is prohibited.

Mesh or woven wire fences are prohibited outside the Activity Envelope.

Wood rail fencing shall employ three (3) rails or less, be the round or split rail type, shall not exceed fifty-four (54) inches in height above ground level, and twelve (12) inches in width (top view), and shall have at least eighteen (18) inches between the lower two (2) rails.

Wire fencing must be three (3) strands or less. The top wire should be a twelve-point-five (12.5) gauge twisted barbless type at a maximum height of forty-two (42) inches. The middle strands (which may be barbed) should be located a minimum twelve (12) inches apart and from the top wire preventing entanglement when mule deer jump over. The bottom strand should be sixteen (16) inches from the ground.

Tall overly mature trees and standing dead trees (snags) should be retained at the rate of two (2) to five (5) per acre whenever possible as nesting and perching habitat.

In areas of high black bear activity, fruit bearing trees and shrubs shall be prohibited within the Activity Envelope. This does not include pre-existing native trees and shrubs.

Development shall be clustered to the maximum extent possible to minimize impact on wildlife.

Access shall be provided to the Colorado Division of Wildlife for trapping, tagging, studying, or otherwise managing wildlife.

Trash/garbage shall be kept in an approved bear resistant container or enclosure.

Bird feeders, including hummingbird feeders, shall be hung away from any deck or window, and be at least ten (10) feet from the ground suspended between two (2) trees or posts. All seed feeders shall include a seed catchment pan to catch discarded seed.

Horse grains, pellets, and cookies shall be stored in bear resistant containers.

Pet food shall not be left outside.

[Reserved for standard for raptor protection from new above ground utility poles].

The applicant will comply with the preceding standards.

**(4) Deer, Elk and Bighorn Sheep Winter Range**

Land uses located in deer, elk or bighorn sheep winter range shall comply with Secs. 7-20-70(b), (c), and (e), and the standards in this section.

High Impact recreational uses are prohibited.

Dogs within or adjacent to winter range shall be kenneled, except for working dogs when at work.

The applicant will comply with the preceding standards.

**Section 7-20-80  
River and Stream Corridors and Wetlands**

As noted by Jonathan Lowsky in Attachment 6 there is a seasonal wetland and riparian area located in the southwest corner of the property. The wetland and riparian areas are mapped on Attachments 4 and 5. This section of the application demonstrates compliance with the applicable standards in Section 7-20-80 of the Code. Applicable standards appear in bold followed by the applicant's responses.

**(a) Riparian and Wetland Areas and Buffers**

**(1) Protected Features**

Each Site Plan shall identify each of the following features on the property.

- (a) "Blue line" perennial streams shown on U.S. Geological Survey maps of the area; and**
- (b) Intermittent streams or streambeds known or apparent from field study, with the exception of man-made waterways such as ditches and water features.**
- (c) Isolated, natural wetland and riparian areas.**

**(2) Minimum Setbacks**

All activity and development shall maintain a minimum setback from the protected features identified in subsection (1) above.

**(a) All activity and development after the 5th of July, 2006 shall maintain a riparian area/wetland buffer of at least one hundred (100) feet, measured horizontally from the identifiable high water line of each feature identified in subsections (a)(1)(a) and (b) above. This one hundred (100) foot setback may be reduced to between one hundred (100) feet and a minimum of fifty (50) feet upon demonstration by the applicant that such reduction shall not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat pursuant to standards in Section 7-20-80(4).**

**(b) All activity and development after the 5th of July, 2006 shall maintain a buffer of a minimum of twenty-five (25) feet from isolated wetlands and/or riparian areas identified in (a)(1)(c) above.**

July, 2006, Ord. No. 14-D, 2006 - § 7-20-80 Amended (part) by Ord 021-2007; Ord 024-2008

There is an isolated seasonal wetland and riparian area located in the southwest corner of the property which has been identified in the field by Jonathan Lowsky (see Attachment 6) and mapped on Attachments 4 and 5. The applicant will increase the required 25 foot setback from

the seasonal wetland and riparian area to the Activity Envelope to 75 feet which is a 300 times the required setback.

**Section 7-20-120  
Scenic View Protection**

The subject site is located within the Snowmass Creek Road Scenic View Protection Area. As noted above the proposed Activity Envelope will not be visible from Snowmass Creek Road. The site may be exempted from Scenic View Protection review pursuant to Section 7-20-120 (c) (4)(a) of the Code which reads as follows:

**"The proposed development is not visible from those rights-of-way listed in subsection (b) above."**

**Section 6-40-20  
General Standards for Allotments and Competition**

This section demonstrates compliance of the land use application with the General Standards for Allotments and Competition. Standards appear in bold followed by the applicant's responses.

**(a) Compliance With Code Requirements**

**As a prerequisite to the award of any development allotment, the proposed development must comply with all requirements of the Pitkin County Code. No allotments shall be granted where the development proposed violates this Land Use Code. An applicant who receives a score of zero (0) under any category, which indicates that the proposed development does not comply with a standard of this Land Use Code, shall be required to bring the proposed development into compliance with this Land Use Code before a Site Plan or other development application for the proposed development may be approved.**

The prior sections of this land use application have demonstrated that the proposal is in compliance with the Land Use Code. In the unlikely event any part of this application is out of compliance, the applicant will amend the land use application to comply.

**(b) Allotment or Exemption Required**

**Receipt of an allotment or eligibility for an exemption is a pre-requisite to continuation in the land use review process. If an allocation or exemption is denied, any other land use applications that are pending for the property shall be denied as well.**

The land use application should be scored above threshold and should receive an allotment. In the event that the application does not meet threshold and there are more allotments available than being requested by all applicants, the applicant may amend the application at the Planning and Zoning Commission public hearing to obtain a higher score.

**(c) Consideration of Comprehensive Plan**

The award of any development allotment shall consider the applicable Comprehensive Plans, including the Pitkin County Comprehensive Plan and the adopted plans for the Incorporated areas of Aspen, Basalt, Carbondale, and Snowmass Village.

The applicant has considered the 2003 Snowmass/Capitol Creek Valleys Master Plan when preparing this land use application.

The Residential Development Goal of the Plan is:

**"It is the goal of this master plan, in keeping with the Caucus opinion survey, that all future residential development in Snowmass/Capitol Creek Valleys be consistent with and complimentary to the rural character of the area. The natural environment should dominate a person's experience of the valleys. To this end we strongly recommend extremely low density, single-family residential housing of moderate size and bulk."**

The subject lot is located on Old Pond Way. Old Pond Way links the Terraces area to the Mesa. The lot contains 11.8 +/- acres which is less than the 30 acre the minimum lots size in the Snowmass Creek Valley. However, the lot is substantially larger than most lots in Shield O Terraces. The applicant is not proposing subdivision in association with this land use application. The lot was created in 1982.

The subject lot is a unique lot for the area because it is large enough to accommodate a significant bench which is not visible from Snowmass Creek Road. The bench is heavily vegetated with Aspen and tall Blue Spruce trees. The trees will make it difficult to see a house developed on the bench from neighboring properties. Site development will not affect a person's experience as he or she travels on Snowmass Creek Road.

The applicant is seeking approval for a house which will be limited in size to 6,187 square feet of floor area which is 25 percent smaller than the maximum house size in the Valley. Additionally, the applicant commits that 30 percent of the maximum house size of 6,187 square feet of floor area will be built sub-grade (1,856 square feet of floor area) and the height of the house will be limited to 19.6 feet. This means that the visible mass of the house will be limited to 4,331 square feet of floor area and 19.6 feet in height. These limitations are consistent with the Master Plan. The reduction in visible mass ensures that the house will not be visible from Snowmass Creek Road and the rural character of the Valley will not be affected by site development.

**(d) Covenant**

**Any applicant who is awarded an allotment shall prepare a covenant in a form provided by the County that addresses all of the commitments made in the application. The covenant shall be submitted prior to the submission of any building permit applications that would utilize the allotments that have been awarded. Following review and approval of the covenant by the Community Development Department, the covenant shall be recorded with the Pitkin County Clerk and Recorder and shall run with and be a burden upon the land.**

The applicant shall comply this standard.

**(e) Scoring Based on Merits of Proposed Development and Parcel Alone**

Scoring of individual development proposals shall be based on features and characteristics included in the proposed development and on the parcel where the proposed development would take place. Scores shall not be increased based on features or characteristics included in any subdivision containing the lot or parcel proposed for development, unless the feature or characteristic would actually be created by the proposed development. In the event an application includes proposed development, or on more than one tract of thirty-five (35) acres or more, each proposed lot or parcel shall be considered as an individual application. Scoring for a parcel, lot, or tract, will not be increased due to proposed improvements, features or characteristics proposed for other lots or parcels.

The subject lot is an individual lot and will be scored solely upon the applicant's proposal. It is not located in a subdivision.

**(f) Proportionality**

When scoring an application, the Planning and Zoning Commission should consider whether each commitment made by the applicant seeking points is proportional to the size of the allotment being requested. In other words, an applicant seeking an allotment for a large amount of floor area would be expected to make a proportionally greater commitment to obtain the same score as an applicant seeking a lesser amount of floor area.

When the 2006 Pitkin County Land Use Code was adopted, the Pitkin County Planning and Zoning Commission (P&Z) and the Board of County Commissioners (Board) debated whether to establish a separate competition category for small applications and applicants such as Father Tom who are not developers. The debate centered around how a "little guy" could compete against developers submitting land subdivisions who had a competitive advantage because they have the capability to offset residential GMQS scoring commitments with the profits resulting from a large subdivision.

Ultimately, the Planning and Zoning Commission and Board of County Commissioners decided not to include a separate competition for small applications submitted by the "little guy." Instead the P&Z and Board included the "proportionality" standard in the Code to address how a guy like Father Tom Bradtke could obtain an allotment in the residential GMQS process.

The applicant requests P&Z members scoring this land use application to consider that Father Tom is not a developer. He bought his lot in 1982 with the intent of building a house there upon his retirement. He was dismayed to learn in the summer of 2007 that his lot was not legally subdivided and had no residential GMQS allotment. The proportionality standard was included in the 2006 Land Use Code to address the unfortunate circumstances associated with a lot such as Father Tom's.

**Section 6-50  
Residential Competition System**

Section 6-50-20 established the scoring standards. Standards appear in bold followed by the applicant's responses.

**Standards for Scoring Applications for Residential Allotments**

The Planning and Zoning Commission shall consider each application with respect to the standards described below, and shall assign points according to the following schedules:

**(a) Impacts on Public and Private Facilities**

**(1) Considering whether an applicant has provided a commitment to install those public and private facilities that are necessary to serve the development and also to install facilities that may be of benefit to the surrounding neighborhood. Points shall be awarded according to the following schedule:**

**(a) Zero (0) means the proposed facilities do not comply with the County's adopted standards or do not meet the needs of the project.**

**(b) One (1) means the proposed facilities comply with the County's adopted standards and provide for the needs of the project, but do not improve services to the surrounding neighborhood.**

**(c) Two (2) means the proposed facilities comply with the County's adopted standards, provide for the needs of the project, and help to solve a problem or resolve a constraint with existing facilities, or otherwise are of benefit to the surrounding neighborhood. Any such improvements proposed must also be consistent with adopted County plans addressing such facilities and must be determined to be necessary and appropriate by the referral agency charged with utilizing the facility or providing the related service.**

**(2) The categories in which points shall be awarded are as follows:**

**(a) Fire Protection**

**(1) Capability of the appropriate fire protection district to provide fire protection according to its established response standards, including whether appropriate access has been provided to the development site, with necessary vehicle turnouts and turn-around pads;**

**(2) Adequacy of available water pressure and capacity for providing fire-fighting flows; and**

**(3) Commitment of an applicant to provide or pay for fire protection facilities that may be necessitated by the project or that may improve fire protection capabilities in the neighborhood, including but not limited to fire hydrants, water storage tanks or ponds, and fire fighting vehicles or equipment.**

The subject site is located within the Basalt and Rural Fire Protection District. The applicant has discussed the application with Bill Harding, Fire Marshall. The District will be capable of providing fire protection for one additional residence. The applicant will include required turn around areas for emergency service vehicles in the Site Plan when the Site Plan is developed. The Activity Envelope has been sized to insure there is enough space for vehicular turn arounds.

The applicant commits to install a sprinkler system within the proposed on site structures and provide for adequate water storage and pressure to serve the sprinkler system. Section 7-20-60 (c)(3)(b) of the Pitkin County Land Use Code requires that there be 1,000 gallons of water storage per structure located on the property. The applicant commits to install an additional



1,000 gallons of water storage in a location accessible to the Fire Protection District in order to improve fire protection in the neighborhood.

The proposed fire protection improvements provide for the needs of the project, and benefit the surrounding neighborhood.

**(b) Road System**

**(1) Capability of the public road network to provide for the needs of the proposed development within acceptable levels of safety, as defined in the Pitkin County Asset Management Plan; and**

**(2) Applicant's commitment to provide or pay for necessary road system improvements attributable to the proposed development or to improve road capacity or safety in the neighborhood.**

Although Old Pond Way may be accessed via Shield O Road or the Mesa Road, the proposed driveway accessing the Activity Envelope is located on the north east side of the lot leading toward Mesa Road. Access to the site is closer to the Mesa Road. The lower section of the Mesa Road provides superior access to the site than the Shield O Road. This section of the Mesa Road has been upgraded.

The SOTHA has adopted an Emergency Evacuation Plan (see Attachment 11) which establishes an emergency evacuation plan in the event of an emergency such as a wildfire. The Shield O' Road through the Shield O Terraces Subdivision will be the primary evacuation route for Shield O residents. The Plan states that the Mesa Road will be the primary emergency vehicle ingress route. In the event the Shield O Road through the Terraces is blocked, the Mesa Road will be used for both ingress and egress. Old Pond Way could possibly function as a secondary emergency egress route if the Shield O Road is blocked below the Shield O Road /Old Pond Way intersection. It is likely Old Pond Way may not function very effectively as an adequate secondary emergency egress route due to inadequate road width.

The applicant spoke with County Engineer, GR Fielding, to determine if improvements could be made in the site vicinity to benefit the neighborhood. GR suggested widening Old Pond Way parallel to the subject site to create a pull out for private vehicles and emergency service vehicles. Old Pond way is a narrow one lane road with a driving surface approximately nine to ten feet in width. Attachment 5 depicts the proposed location of the proposed vehicular pull out which is on the Bradtke property. The applicant will construct the vehicular pull out after the issuance of a building permit for the site and prior to the issuance of a certificate of occupancy. A vehicular pull out will improve the likelihood of Old Pond Way to function as a secondary emergency egress route for Shield O Terraces residents. The vehicular pull out will also improve the normal traffic flow on the road in the event that two cars traveling in opposite directions need to pass one another.

As previously noted, the Bradtke property is encompassed by the boundaries of the SOTHA, but is not a member of the Association. The applicant agrees to join the SOTHA prior to the issuance

of a building permit for the property. The applicant will then pay a pro-rate share to the SOTHA for road maintenance.

It is understood that a portion of SOTHA annual dues are transferred to the Mesa Road Association by the SOTHA. These commitments are not required by the Land Use Code and will help the neighborhood by reducing other homeowner's payments.

The applicant's commitments to provide and pay for the road system improvement and to contribute to maintenance of the Mesa Road:

- complies with the County's adopted standards and provides for the needs of the project,
- helps to solve a problem or resolve a constraint with existing facilities, or otherwise are of benefit to the surrounding neighborhood; and
- is consistent with adopted County plans addressing such facilities and has been recommend by GR Fielding, County Engineer, the referral agent charged with utilizing the facility or providing the related service.

**(c) Transit and Trail Systems**

**(1) Whether the proposed development site is located in proximity to existing transit routes and trail systems and whether appropriate on-site connections are made to these routes and trails;**

**(2) Capability of the transit system to accommodate the proposed development without the need for additional equipment or route shifts;**

**(3) Commitment of the applicant to finance or provide capital improvements (such as a bus, bus shelter, or trail connection) that enhance the ability of the transit or trail system to serve the proposed development, or to provide an easement for a trail that has been identified in the Pitkin County Comprehensive Plan; and/or an easement for a trail that has generally been identified as a public access need.**

The subject site is located in the Rural Area and is not proximate to the existing transit or trail systems. A resident of the site seeking to use the transit system would have to drive to a park and ride lot on State Highway 82 to take the bus. The bus system is capable of serving project without acquiring additional equipment or altering routes.

The application complies with the County's adopted standards for Transit and Trail Systems.

**(b) Effect on the Environment**

**Considering the environmental impacts of the proposed development and whether the applicant commits to actions that will have a positive effect on the natural environment in Pitkin County, thereby achieving an overall benefit for the community. Points shall be awarded according to the following schedule:**

**(a) Zero (0) means the proposed development does not comply with the applicable adopted County environmental standards.**

**(b) One (1) means the proposed development complies with (but does not exceed) the applicable adopted County environmental standards.**

**(c) Two (2) means the proposed development exceeds the applicable adopted County environmental standards, or the proposed development complies with the applicable adopted County environmental standards and helps to solve an existing environmental problem. To receive a score of 2 in any category, an applicant shall exceed an adopted standard or solve an existing problem as expressed in at least one of the standards in that category, but need not do so in all of the standards of that category.**

**The categories in which points shall be awarded are as follows:**

**(a) Water Resources**

**Considering the overall impacts of the development on local and regional water resources, including:**

**(1) The extent to which the proposed development of the property will comply with or will exceed (by more than fifty (50) percent) the minimum stream setbacks and riparian and wetland buffers established in Table 5-1 and Sec. 7-20-80 of this Land Use Code.**

**(2) Whether an applicant commits to the dedication of water rights to an appropriate public agency or other actions that will contribute to the protection of minimum stream flows and address a documented need in Pitkin County.**

**(3) Whether an applicant commits to retain irrigation water rights with agricultural or open space lands that are part of the development.**

**(4) Whether an applicant commits to the implementation of techniques that will improve the efficiency of existing irrigation systems and commits to dedicate the remaining water to minimum instream flows, or increases the amount of agricultural land or protected open space that is able to be irrigated within the development.**

**(5) Whether an applicant proposes a water augmentation plan that will replace water that is to be used by the development with augmentation water that re-enters the stream either (i) upstream of the development, or (ii) at the same point of diversion employed by the development (that is, bringing "wet water" to the County), or (iii) downstream of the development, but still upstream of the in-stream depletion areas in Pitkin County.**

As noted in Attachment 6, an August 27, 2009 letter from Jonathan Lowsky, there is a seasonal wetland and riparian area located in the southwest corner of the property (see Attachments 5 and 6 which depict the boundaries of these areas). Section 7-20-80 (a)(1)(c) of the Land Use Code requires development to be located a minimum of 25 feet from isolated wetland and riparian areas. Attachments 5 and 6 show the proposed Activity Envelope is located at least 75 feet from the isolated seasonal wetland and riparian areas which is 300 percent further than required by the Code.

Additionally, the Applicant will contribute to the protection of minimum stream flows by providing a \$ 2,500 donation to the Colorado Water Trust when a building permit application is

submitted for the property. The donation will be restricted to the purchase of water rights in Pitkin County. The Colorado Water Trust is a private, non-profit organization that engages in and supports voluntary efforts to restore and protect streamflows in the State of Colorado. These efforts include permanent acquisitions of water, leases of water, and physical solutions that achieve water conservation benefits.

The Colorado Water Trust has committed to assist the City of Aspen and Pitkin County in its efforts to obtain water rights for the protection of minimum stream flows. The County's Healthy Stream Fund will be benefited by this pairing of efforts with the Colorado Water Trust. The donation will further the County's goal to raise funds for the purchase of water rights.

The proposed development exceeds the applicable adopted County water resource protection standards and helps to solve an existing environmental problem.

**(b) Wildlife Habitat Protection**

Considering the extent to which the proposed development will contribute to the protection of wildlife habitat in Pitkin County by exceeding the standards of Sec. 7-20-70. The County has identified the following activity that qualifies as exceeding the adopted standards:

**(1) An applicant could commit to a program that would enhance or would restore native wildlife habitat that has been degraded by human or animal activity (for example, by creating or restoring wetlands and/or riparian habitat). On-site enhancement is preferred, but where there are no significant opportunities for on-site enhancement or restoration, a commitment to enhance or restore other sites in Pitkin County may be considered.**

**(2) Applicants may also identify other innovative ways in which wildlife habitat can be protected in Pitkin County that would exceed the County's adopted wildlife standards. Applicants with no mapped or known wildlife habitat on their entire lot or parcel shall receive a score of two (2) in this category.**

Refer to Attachment 6, Jonathan Lowsky's August 27, 2009 letter which evaluates the wildlife habitat on the property. The applicant commits to follow the recommendations in the letter to improve the quality of the deer summer range and elk winter range habitat on the property. The applicant will submit a native shrub restoration plan for the portion of the pond identified on Attachment 5 with the building permit submission. The plan shall describe a drill seeding of native shrubs, sagebrush and grasses. The plan shall require the restoration plan to be implemented within one year of the issuance of the building permit. The restoration will occur on the north side of the dry pond (opposite from the seasonal wetland). The restoration plan will not preclude the possibility of the restoration of the pond in the event a water source becomes available.

In addition to the native shrub restoration plan, the applicant commits to institute a noxious weed control plan within one year of the issuance of a building permit. According to Jonathan, "the restoration of the pond area and the control of noxious weeds will enhance the property's wildlife habitat that has been degraded over the years by human activity."

The proposed development exceeds County wildlife standards and helps to solve an existing environmental problem.

**(c) Achievement of Community Goals**

**(1) Open Space Preservation**

**(a) Considering the extent to which the proposed development will contribute to the preservation of open space in Pitkin County. Valued open space that an applicant could preserve includes:**

- (1) Undeveloped lands that have wildlife, scenic, and other desirable resource values;**
- (2) Agricultural lands, including those that have been historically irrigated, used for food, grains or other feed production, and those used for dry pasture and rangeland;**
- (3) Lands, or easements over lands, which provide access to public lands or public waters;  
and**
- (4) Other undeveloped lands whose preservation would be consistent with the adopted Pitkin County Comprehensive Plan.**

**(b) Points shall be awarded according to the following schedule:**

- 1. Zero (0) means the proposed development does not preserve any of the valued open space within the property.**
- 2. One (1) means the proposed development preserves some, but not all of the valued open space within the property.**
- 3. Two (2) means the proposed development preserves all of the valued open space within the property.**
- 4. If the entire lot or parcel does not contain any valued open space, the applicant shall receive a score of two (2).**

Although the subject site is comprised only 11.7 +/- acres of land it does contain "valued open space" as identified in this Code section. As previously noted, the isolated seasonal wetland and riparian areas will be left undeveloped and development will be setback 75 feet from these areas. Additionally, the steep land located on the west side of the proposed Activity Envelope will be undeveloped. This steep land is visible from Snowmass Creek Road. Development of this land would be inconsistent with the Snowmass/Capitol Creek Valleys Master Plan residential development goal that "the natural environment should dominate a person's experience of the valleys." If a house was developed on the slopes above the Activity Envelope, a house rather than a hillside vegetated with shrubs would "dominate a person's experience" when traveling on Snowmass Creek Road.

Jonathan Lowsky indicates in Attachment 6 that the east facing steep hillside located above the proposed Activity Envelope does not hold snow through out the entire winter and is used as elk

winter range. Map 3 of Jonathan's report shows this area is "field verified winter range." This valuable habitat area will be preserved.

The applicant will prepare a covenant restricting the following valued open space areas against development:

- Scenic east facing hillside located west of the Activity Envelope which is visible from Snowmass Creek Road and also used as field verified elk winter range;
- Seasonal wetland;
- Riparian area; and
- Land located to the north of the seasonal wetland and riparian area within the proposed 75 foot setback.

The proposed development preserves all of the valued open space on the property.

#### **(2) Hazard Mitigation and Avoidance**

Considering the extent to which the proposal mitigates the impacts of development or avoids locating development in floodplain hazard, geologic hazard, or wildfire hazard areas, as these areas are described in Chapter 7 of this Land Use Code. Points shall be awarded according to the following schedule:

**(a) Zero (0) means the proposed development does not comply with the County's adopted standards for floodplain, geologic, and wildfire hazard areas.**

**(b) One (1) means the proposed development complies with the County's adopted mitigation standards for development in floodplain, geologic, and wildfire hazard areas, but includes some development activities on slopes in excess of thirty (30) percent or in areas subject to severe wildfire hazards.**

**(c) Two (2) means the proposed development complies with the County's adopted mitigation standards for development in floodplain, geologic, and wildfire hazard areas and includes no development activities on slopes in excess of thirty (30) percent or in areas subject to severe wildfire hazards.**

The subject site is not within a floodplain or geologic hazard area. Although the site is mapped as a severe wildfire area, the severe wildfire hazard is located on the steep east facing slope which is located above the proposed Activity Envelope. The proposed Activity Envelope is located within a medium wildfire hazard area. The applicant agrees to mitigate for wildfire hazards as required by the Code. Attachment 4, the Slope Analysis shows that the Activity Envelope completely avoids slopes in excess of thirty percent.

#### **(3) Development Below Allowable Density (Only applies to developments within the Rural Area)**

Considering the extent to which the development proposed is less than the allowable density in terms of numbers of dwelling units (not including caretaker dwelling units, employee dwelling

units, or deed restricted affordable dwelling units) permitted in the applicable zone district. No points shall be awarded where density is reduced subject to standards in Sec. 5-10-20 of the Land Use Code (Reduction in Density for Steep Slopes.) Points shall be awarded according to the following schedule:

(a) Zero (0) means the applicant proposes development at a density of seventy-six (76) percent to one hundred (100) percent of the density allowed by the underlying zone district.

(b) One (1) means the applicant commits to limit development to fifty-one (51) percent to seventy-five (75) percent of the density allowed by the underlying zone district.

(c) Two (2) means the applicant commits to limit development to fifty (50) percent or less of the density allowed by the underlying zone district.

When competing for additional square footage only, an applicant shall receive a score of one (1) if there is no opportunity to reduce density on a property.

The site contains approximately 11.76 +/- acres. It is located in the RS-30 zone. It is not possible for the site to be developed below allowable density.

**(4) Reduction of Visible Mass (Only applies to developments within the Rural Area)**

Considering the extent to which the development proposed is less than the allowable floor area allowed on the property by the underlying zone district; utilizes some of its allowed floor area to develop sub-grade space; or is below the allowable height of the underlying zone district. Points shall be awarded according to the following schedule:

<b>TABLE 6-6: POINTS SCHEDULE FOR REDUCTION OF VISIBLE MASS</b>			
	<b>Final Maximum Floor Area</b> (see note 1)	<b>Sub-Grade Floor Area</b> (see note 2)	<b>Height</b> (see note 3)
<b>0 Points</b>	Final maximum floor area is limited to more than 75% of that potentially available to the property.	Less than 20% of the requested floor area would be built sub-grade.	Proposed structure(s) limited to less than 15% below the maximum allowable height.
<b>1 Point</b>	Final maximum floor area is limited to no more than 75% of that potentially available to the property.	At least 20% of the requested floor area will be built sub-grade.	Proposed structure(s) limited to at least 15% below the maximum allowable height.
<b>2 Points (Note 4)</b>	Final maximum floor area is limited to no more than 55% of that potentially available to the property.	At least 30% of the requested floor area will be built sub-grade.	Proposed structure(s) limited to at least 30% below the maximum allowable height.
<b>Notes:</b> 1. This calculation is based on the final maximum floor area that is potentially allowed on the property by the underlying zone district, as specified in Table 5-1.D. See Sec. 5-20-70 for rules governing measurement of floor area. 2. To qualify as sub-grade, the space must meet the requirements for exempt sub-grade space in Sec. 5-20-70(f)(1). 3. To receive points in this category, no portion of any proposed structure can measure above the stated height limit. 4. Applicants may score points in each of the three categories described in this section, up to a maximum of 6 points (2 points in each category).			

### **Final Maximum Floor Area**

The maximum floor area permitted in the Snowmass Creek Valley is 8,250 square feet. The applicant will prepare a covenant limiting the maximum floor area developed on the property to 6,187 square feet which is 75 percent of the permitted floor area ( $8,250 \times .75 = 6,187$ ). The applicant is entitled to one point in this category.

### **Sub-Grade Floor Area**

The applicant will prepare a covenant requiring that 30 percent of the total floor area permitted by the covenants will be built sub-grade as defined by the Land Use Code. The applicant is entitled to two points in this category

### **Height**

The applicant will prepare a covenant requiring the height of structures on the property to be limited to 30 percent of the maximum height of primary structure. A primary structure is limited to a height of 28 feet. Therefore any structure on the property will be limited to a height of 19.6 feet. The applicant is entitled to two points in this category.

### **Section 2-20-170 Vested Property Rights**

The applicant requests a three year vested property rights term pursuant to Section 2-20-170 of the Code.

### **Summary**

The subject site is an 11.76 +/- acre property in Shield-O-Mesa on Old Pond Way. The applicant is seeking approval for an Activity Envelope and residential GMQS allotment for the property in order to build a single family home and accessory uses. This land use application has demonstrated compliance with the standards identified in the Pitkin County Pre-application Conference Summary Sheet. The following list of attachments is included to assist in the land use review.

1. Vicinity Map
2. Pitkin County Pre-Application Conference Summary Sheet
3. May 18, 2009 e-mail from John Ely to Rhonda Bazil addressing the Bradtke Property
4. Charitable Remainder Unitrust of Thomas A. Bradtke: Slope Analysis
5. Charitable Remainder Unitrust of Thomas A. Bradtke: Activity Envelope Plan




6. August 27, 2009 letter prepared by Jonathan Lowsky of Colorado Wildlife Science
7. Proof of Ownership
8. List of Property Owners Located within 300 feet of Property
9. Letter Authorizing Davis Horn Incorporated to prepare land use application
10. Fee Agreement
  
11. Shield O' Mesa Road Improvement and Maintenance Association & Shield O' Terrace Homeowners Association Exhibit A Emergency Evacuation Plan

Please contact us if you need any additional information.

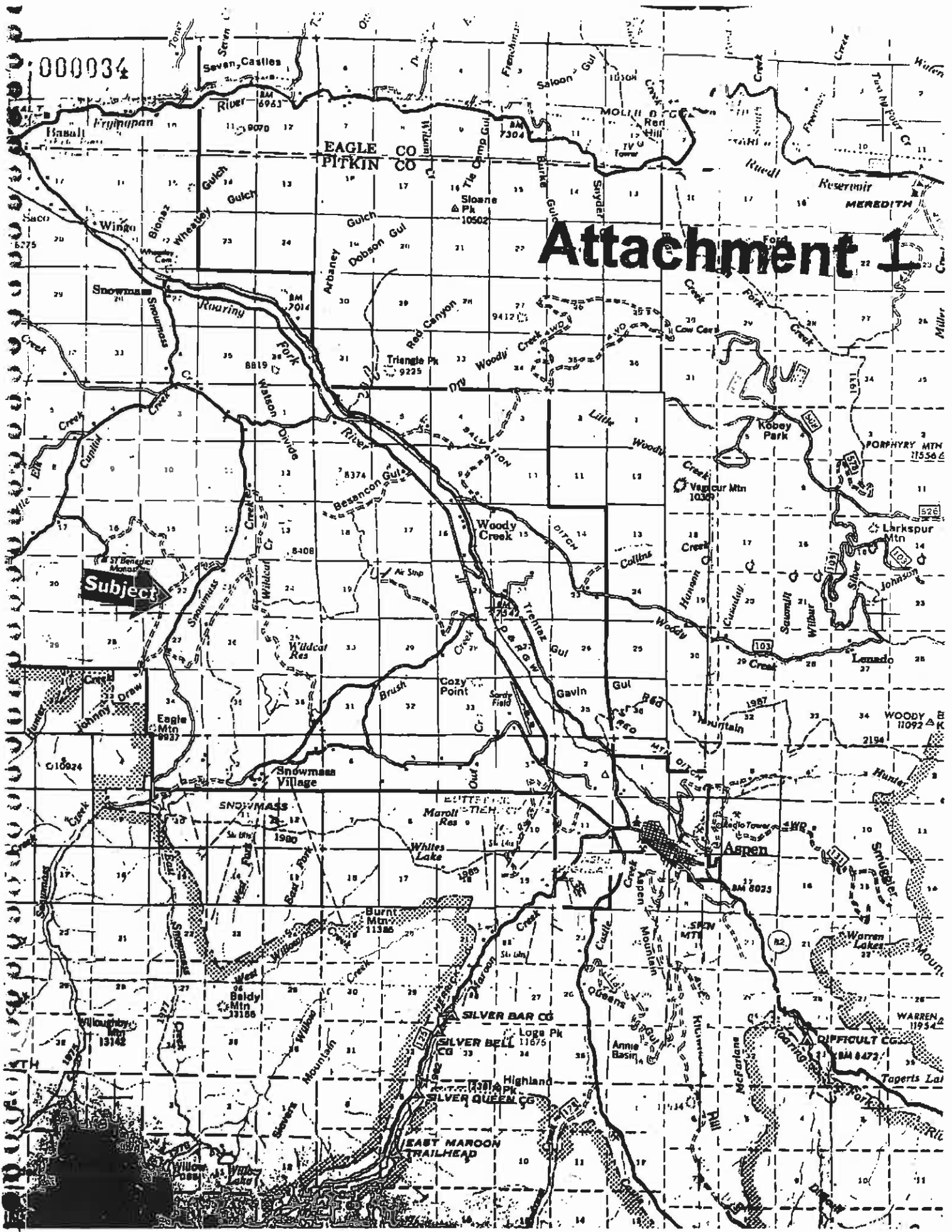
Thank you.

Sincerely,

**DAVIS HORN INCORPORATED**

A handwritten signature in black ink, appearing to read 'Glenn Horn', written over a horizontal line.

**GLENN HORN AICP**



000034

EAGLE CO  
PITKIN CO

# Attachment 1

Subject

SILVER BAR CO  
SILVER BELL CO  
SILVER QUEEN CO

EAST MAROON TRAILHEAD

# Attachment 2

## PITKIN COUNTY PRE-APPLICATION CONFERENCE SUMMARY

**PROJECT:** GMQS Competition for Rural Area New Lots or Parcels – Including Activity Envelope

**LOCATION:** Old Pond Way, Shield O Mesa

**PID#** 2645-224-00-559

**ZONING:** RS-30

**SIZE:** 11.2 acre

**OWNERS:** Tom Bradtke

**REPRESENTATIVE:** Glenn Horn

**PHONE and EMAIL:** 925-6587, [ghorn@rof.net](mailto:ghorn@rof.net)

**DATE:** August 8, 2008

**PLANNER:** Mike Kraemer, 920-5482

**Type of Application:** GMQS competition for new lots/parcels in the Rural Area, Activity Envelope

**Description of Project/Development:** The Applicant is requesting to compete in 2009 Rural Area GMQS Competition for New Lots or Parcels to obtain a development right for a parcel in Shield-O-Mesa and requesting establishment of an Activity Envelope with vested rights. To compete in the 2009 competition, an application must be submitted by **September 1, 2009**.

### Land Use Code Sections to be addressed in letter of request (application):

Sec. 2-30-20(g): Activity Envelope Criteria for Approval;

Sec. 7-10-50: Activity Envelope;

Sec. 7-20-20: Steep and Potentially Unstable Slopes;

Sec. 7-20-20: Site Preparation and Grading;

Sec. 7-20-30: Water Courses and Drainage;

Sec. 7-20-130: Landscaping and Vegetation Protection;

Sec. 7-20-60: Wildfire Hazard;

Sec. 7-20-70: Wildlife Habitat;

Sec. 7-20-120: Scenic View Protection (if development will be visible from Snowmass Creek Road);

Sec. 6-40-20: General Standards for Allotments and Competition;

Sec. 6-50: Residential Competition System

**Staff will refer the application to the following agencies:** Snowmass/Capitol Caucus, Basalt and Rural Fire District, Shield O HOA, and CDOW

**Review by:** P&Z (scoring and activity envelope review) and BOCC (for allocation, if successful).

**Public Hearing:** Yes, at P&Z for scoring GMQS and activity envelope review. The Applicant shall post a public notice sign on the property at least 15 days prior to the date specified for the Public Hearing pursuant to Sec. 2-20-100(a)(3) of the Land Use Code. In addition, the Applicant shall mail notice at least 30 days prior to the Public Hearing (by first class mail) to all adjacent property owners and mineral estate owners with the return address of the Community Development Department (form of notice to be obtained from the Community Development Department). The names and addresses shall be those on the current tax records of Pitkin County, as they appear no more than 60 days prior to the date of the public hearing.

**FEES:** \$7,065 (make check payable to "Pitkin County Treasurer")

- Planning Office flat fee: \$6,986 (non-refundable; based on 28 hours of staff time; if staff review time exceeds 33.6 hours, the Applicant will be charged for additional time above 28 hours at a rate of \$249/hour)
  - Public Notice Fee: \$54
  - Web Technology Fee \$25

To apply, submit **13 copies** of the following information, unless noted otherwise:

1. Summary letter explaining the request, providing background on prior approvals and permits, and addressing compliance with the Code sections listed above.
2. Documentation on how the parcel was created (chain of title for this property and all surrounding properties);
3. Proof of legal subdivision or exemption from subdivision.
4. Certificate of non-merger;
5. 24" by 36" and 11" by 17" Activity Envelope as designated in Section 2.1.1 of the Pitkin County Land Use Application Manual;
6. Growth Management Scoring and Allotment requirements as specified in Section 2.3.2 of the Pitkin County Land Use Application Manual.
7. Previous Land Use Approvals (if applicable);
8. Proof of ownership of subject property;
9. Documentation of legal access;
10. Parcel description, including legal description and vicinity map;
11. Total fee for review of the application;
12. Signed fee agreement (1 copy);
13. Consent from owner(s) to process application and authorizing the representative (1 copy)
14. List of all adjacent property owners and mineral estate owners (1 copy)
15. Copies of this pre-app form

**NOTES:**

- *PLEASE SUBMIT ONE UNBOUND AND ONE-SIDED COPY OF YOUR COMPLETE APPLICATION. PLEASE SUBMIT TWO-SIDED COPIES OF ALL REMAINING COPIES OF YOUR APPLICATION (IF POSSIBLE). THE PARCEL IDs SHOULD BE INCLUDED ON ALL DOCUMENTS INCLUDED IN YOUR APPLICATION.*
- *ALL MAPS SHALL BE FOLDED.*
- *This pre-application conference summary is advisory in nature and not binding on the County. The information provided in this summary is based on current zoning standards and staff's interpretations based upon representations of the applicant. Additional information may be required upon a complete review of the application.*

# Attachment 3

**From:** John Ely  
**To:** Rhonda Bazil  
**cc:** Lance Clarke  
**Subject:** RE: Bradtke Property  
**Date:** Monday, May 18, 2009 12:37:55 PM

---

Rhonda, it appears that this property is surrounded by other properties that are either developed or have been approved approved for development. Although I do not find the Hughes affidavit as dispositive of the issue of intent not to avoid subdivision, it is obvious that the County can not request that the property be subdivided off of properties that have already been determined appropriate for development. However, as we discussed, it does not appear that there is a way to recognize a growth management allocation for the property so that a development request must include a growth management allocation application. If you need anything else, please let me know.

## Confidentiality Notice

This e-mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom this e-mail transmission was sent as indicated above. If you are not the intended recipient any disclosure, copying, distribution or action taken in reliance on the contents of the information contained in this e-mail transmission is strictly prohibited. If you have received this transmission in error, please call us collect to arrange for the return of the documents to us at our expense. Thank you

John M. Ely  
Pitkin County Attorney  
970-920-5190

---

**From:** Rhonda Bazil [mailto:rjbazil@sopris.net]  
**Sent:** Thursday, May 07, 2009 3:31 PM  
**To:** John Ely  
**Subject:** Bradtke Property

John:

After our meeting, I looked into the status of the three properties surrounding Fr. Tom's lot to determine whether they were developed. The Assessor's Records shows that both the Regan property (R008483) and the Goldsmith property (R016364) have constructed residences. The Ross-Terre

000937

property (R015112) is vacant land, but has land use approval for a residence. A copy of Administrative Decision 34-2006 is attached for your review, as is a revised ownership chart.

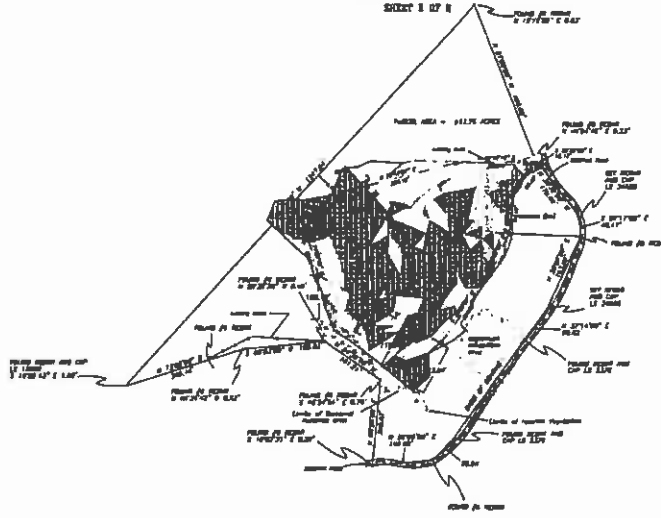
If you need me to research any of the other surrounding properties, please let me know, but it appears that all lots (with the exception of Fr. Tom's) are considered to be legally subdivided.

The ball is now deep in your court.

Rhonda J. Bazil, Esq.  
Rhonda J. Bazil, P.C.  
632 East Hopkins Avenue  
Aspen, CO 81611  
(970) 925-7171 - Telephone  
(970) 925-4668 - Facsimile

**CONFIDENTIALITY NOTICE:** This message is confidential and may be privileged. If you believe that this e-mail has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail.

THOMAS A. BRADTKE CHARITABLE REMINDER UNITRUST  
 SLOPE ANALYSIS PLAN  
 A TRACT OF LAND IN THE SOUTHEAST QUARTER OF  
 SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST  
 OF THE 6TH PRINCIPLE MERIDIAN  
 PITKIN COUNTY, COLORADO



**SLOPE ANALYSIS**

GRADE	PERCENT	ANGLE	TERMINATION
1	10.00	5.71	TO TOP OF ROAD
2	15.00	8.53	TO TOP OF ROAD
3	20.00	11.31	TO TOP OF ROAD
4	25.00	14.04	TO TOP OF ROAD



**DIVIDE CREEK SURVEYORS INC.**  
 DAVID C. NICHOLSON  
 PROFESSIONAL LAND SURVEYOR  
 L.S. 24542  
 8800 Colorado River Road  
 New Castle, Colorado

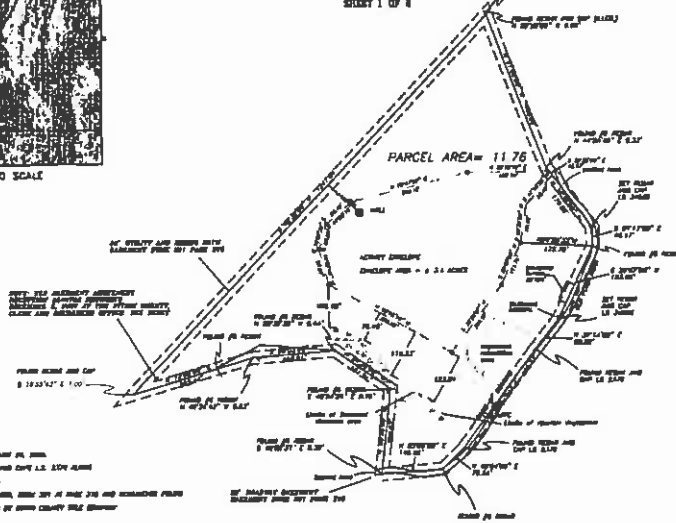
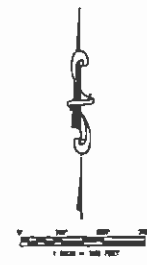
SLOPE ANALYSIS PLAN  
 A TRACT OF LAND IN THE SOUTHEAST QUARTER OF  
 SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST  
 OF THE 6TH PRINCIPLE MERIDIAN  
 PITKIN COUNTY, COLORADO

000039

**THOMAS A. BRADTKE CHARITABLE REMINDER UNITRUST**  
**ACTIVITY ENVELOPE PLAN**  
 A TRACT OF LAND IN THE SOUTHEAST QUARTER OF  
 SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST  
 OF THE 6TH PRINCIPLE MERIDIAN  
 PITKIN COUNTY, COLORADO



VICINITY MAP - NOT TO SCALE



**NOTES**

- 1) FOLLOWING THE LAND SECTION 2, 3, 4 AND 5 AND 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- 2) BEING OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPLE MERIDIAN AND BEING 1/4 SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPLE MERIDIAN.
- 3) THIS SURVEY WAS MADE BY OBSERVATIONS OF ANGLES, BEING 207° 45' 00" AND 208° 00' 00" AND DISTANCES BEING 1500.00 FEET AND 1500.00 FEET.

**DEED DESCRIPTION - BOOK 381 PAGE 373**

BEING 1/4 SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPLE MERIDIAN AND BEING 1/4 SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPLE MERIDIAN.

**LEGEND**  
 DASHED LINE - PROPOSED ACTIVITY ENVELOPE  
 SOLID LINE - EXISTING BOUNDARIES  
 DOT DASHED LINE - PROPERTY LINE

**DESCRIPTION OF PROPERTY**  
 THE 1/4 SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPLE MERIDIAN, PITKIN COUNTY, COLORADO.

**DECLARATION OF INTEREST**  
 I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND THAT I HAVE NOT BEEN ADVISED BY ANY OTHER PARTY THAT THE PROPERTY IS SUBJECT TO ANY OTHER INTEREST.

**LOCAL GOVERNMENT OFFICIALS AND OTHER COMMENTS**  
 THE TOWNSHIP ENGINEER HAS REVIEWED THIS PLAN AND HAS NO OBJECTIONS TO THE SAME.

THIS IS A PROPOSED ACTIVITY ENVELOPE AS PROVIDED BY THE GROUP OR GROUPS REPRESENTED ON THIS DATE, MARCH 27, 2003.

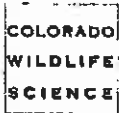


**DIVIDE CREEK SURVEYORS INC.**  
 LARRY D. MCHOLSON  
 Professional Land Surveyor  
 L.S. 34548  
 6200 Colorado Street Road  
 Fort Collins, Colorado

**PROPOSED ACTIVITY ENVELOPE**  
 A TRACT OF LAND IN THE SOUTHEAST QUARTER OF  
 SECTION 22, TOWNSHIP 9 SOUTH, RANGE 86 WEST  
 OF THE 6TH PRINCIPLE MERIDIAN  
 PITKIN COUNTY, COLORADO

000040





August 27, 2009

Glenn Horn  
Davis Horn Inc.  
215 S Monarch Street, #104  
Aspen, CO 81611

**Re: Thomas A. Bradtke GMQS Application**

Dear Glenn:

This letter presents an evaluation of the wildlife, wildlife habitat, and ecological resources of the Thomas A. Bradtke Property (PID# 2645-224-00-559) for establishment of an activity envelope and development right via the Pitkin County Residential Growth Management Quota System (GMQS). The 12 acre property (the Property) is located on Old Pond Way and south of the Shield-O Mesa Subdivision in unincorporated Pitkin County, Colorado. This analysis addresses current wildlife and ecological values of the Property in terms of the GMQS Standards for Scoring GMQS Applications for Residential Allotments (§6-50-20).

The Property is situated on a bench, mid-slope of a southeasterly facing hillside. Vegetation consists of a mix of quaking aspen woodland, Gambel oak-Saskatoon serviceberry shrublands, and mountain big sagebrush. The ecological condition of the Property varies from moderate to degraded. There are numerous noxious weed infestations with Canada thistle being the most common invasive. The aspen on the west side of the Property is decadent with many standing dead and dying trees and little regeneration. The understory of this stand is almost exclusively Canada thistle. A patch at the east side consists of smaller trees that are in better condition with a more diverse understory.

There is an historic pond in the southeast portion of the Property. Much of the area dry pond basin is now a combination of bare soil with sparse native and non-native grasses and forbs. The southernmost area of the old pond now exists as an isolated seasonal herbaceous wetland dominated by a relatively dense stand of cattails with abundant wild mint and other hydrophytic graminoids and forbs. The edges of the old pond basin are lined by willows. In addition, there is a dry stream channel that runs northwest to southeast on the southwest side of the Property. Although this channel once flowed intermittently, but is now dry due to the construction of a pond by an upslope neighbor. Riparian vegetation dominated by willows persists, paralleling the channel. Although many of the willows are declining due to the alteration of the hydrology, others are supported by subsurface flow along the channel.

The Property is mapped by the Colorado Division of Wildlife as being within Rocky Mountain elk winter range and mule deer summer range. The winter range mapping is somewhat

inaccurate (Map 2). The mapped winter range includes the relatively flat bench that occupies most of the Property. The field verified winter range, however, lies both northwest and southeast of the Property on the southeasterly facing slopes but not on the bench which holds significant snow in the winter (Map 3). The proposed activity envelope completely avoids the field verified winter range and the Property is not within ¼ mile of any bighorn sheep, elk, or mule deer winter habitat, migration corridor, or production area as defined by the CDOW. The proposal completely avoids Endangered, Threatened, or rare species critical habitat. The Property does not support, nor is it adjacent to a property that supports, important waterfowl or wading bird nesting areas or habitat. There are no raptor nests on the Property.

#### §6-50-20(b) - EFFECT ON THE ENVIRONMENT

---

##### *§6-50-20(b)(1) - Environmental Impacts*

*Considering the environmental impacts of the proposed development and whether the applicant commits to actions that will have a positive effect on the natural environment in Pitkin County, thereby achieving an overall benefit for the community. Points shall be awarded according to the following schedule.*

##### *§6-50-20(b)(2)(a) - Water Resources*

*Considering the overall impacts of the development on local and regional water resources, including:*

- 1. The extent to which the proposed development of the property will comply with or will exceed (by more than fifty (50) percent) the minimum stream setbacks and riparian and wetland buffers established in Table 5-1 and Sec. 7-20-80 of this Land Use Code.*

Section 7-20-80(a)(2)(b) of the LUC requires a minimum 25 foot setback from isolated wetlands and riparian areas. The proposed activity envelope is setback exceeds the minimum setback from the isolated riparian vegetation paralleling the dry channel and the seasonal wetland by 300% (75 ft).

- 2. Whether an applicant commits to the dedication of water rights to an appropriate public agency or other actions that will contribute to the protection of minimum stream flows and address a documented need in Pitkin County.*
- 3. Whether an applicant commits to retain irrigation water rights with agricultural or open space lands that are part of the development.*
- 4. Whether an applicant commits to the implementation of techniques that will improve the efficiency of existing irrigation systems and commits to dedicate the remaining water to minimum instream flows, or increases the amount of agricultural land or protected open space that is able to be irrigated within the development.*
- 5. Whether an applicant proposes a water augmentation plan that will replace water that is to be used by the development with augmentation water that re-enters the stream either (i) upstream of the development, or (ii) at the same point of diversion employed by the development (that is, bringing "wet water" to the County), or (iii) downstream of the development, but still upstream of the in-stream depletion areas in Pitkin County.*

The project will not impact surface, groundwater or irrigation supply. A drainage and erosion control plan will be submitted to the County Engineer in accordance with the 2003 Pitkin County Asset Management Plan (AMP). Silt fences will be installed between all areas of construction and soil disturbance and all areas of native vegetation including the seasonal wetland according to the guidelines contained in the AMP prior to construction (Section 4.23). The applicant commits to active monitoring and maintenance of all erosion control structures to ensure the protection of wet areas on the Property.

§6-50-20(b)(2)(a) - WILDLIFE HABITAT PROTECTION

---

*Considering the extent to which the proposed development will contribute to the protection of wildlife habitat in Pitkin County by exceeding the standards of Sec. 7-20-70. The County has identified the following activity that qualifies as exceeding the adopted standards:*

- 1. An applicant could commit to a program that would enhance or would restore native wildlife habitat that has been degraded by human or animal activity (for example, by creating or restoring wetlands and/or riparian habitat). On-site enhancement is preferred, but where there are no significant opportunities for on-site enhancement or restoration, a commitment to enhance or restore other sites in Pitkin County may be considered.*

Approximately half of the dry pond basin will be restored to a native mountain big sagebrush shrubland. The restoration will be implemented via drill seeding of native shrubs (e.g., mountain big sagebrush, rubber rabbitbrush, Saskatoon serviceberry), forbs (e.g., American vetch, mule's ear, silvery lupine, Rocky Mountain Penstemon), and grasses (e.g., slender wheatgrass, western wheatgrass) according to a restoration plan submitted to and approved by the Pitkin County Vegetation Manager. The restoration plan will be submitted concurrent with the application for a building permit and will be installed within 1 year. The restoration area will be irrigated until the plants have become established. In addition, the applicant will actively control the noxious weeds on the Property in accordance with the current Pitkin County Noxious Weed Plan. The applicant will consult with the County Vegetation Manager regarding Integrated Pest Management methods to control weeds on the Property. The restoration of the pond area and the control of noxious weed will enhance the Property's wildlife habitat that has been degraded over the years by human activity. The commitment to restore half of the driest portion of the pond basin will preserve the option of restoring the pond itself by a future owner.

Please let me know if you need any additional information or if you have any questions.

Sincerely,  
COLORADO WILDLIFE SCIENCE, LLC



Jonathan Lowsky, MS  
Wildlife Biologist/Principal

COLORADO  
WILDLIFE  
SCIENCE

## **BACKGROUND & QUALIFICATIONS**

Colorado Wildlife Science, LLC is a small ecological consulting firm based in Basalt, Colorado specializing in wildlife and ecological assessments, conservation easement baseline inventories, ecological planning, wildlife research and monitoring, habitat management, wetlands and riparian evaluation, and ecological restoration.

Owner and Principal Ecologist Jonathan Lowsky earned a Master of Science degree in Wildlife Biology from Colorado State University. With more than 16 years of professional experience with the Colorado Division of Wildlife, US Forest Service, and the Pitkin County Wildlife Department, as well as two major universities Jonathan's career has focused on a diverse array of wildlife from bighorn sheep, elk, and songbirds to northern goshawks, flying squirrels and spotted bats.

Jonathan Lowsky and Colorado Wildlife Science have authored numerous Conservation Easement Baseline and Present Condition Reports in 4 western Colorado counties. Mr. Lowsky's experience includes biological assessments and evaluations for NEPA compliance, conservation planning, GIS mapping and modeling, wildlife research, and ecological monitoring design and implementation, as well as wetland and riparian delineations, evaluations, and restoration. He has authored numerous management plans and published scientific papers. An expert birder, certified wetlands delineator, and passionate observer of wildlife, Jonathan has spent countless hours studying and appreciating Colorado's diverse ecological communities.

Colorado Wildlife Science does all of its own work from wildlife and ecological surveys, research, and monitoring to GPS and GIS Mapping. As a result we have full control over the quality and accuracy of the work we produce for our clients.

329151 832004

329315 832071

4346522 81111

4346522 81111

4346594 81111

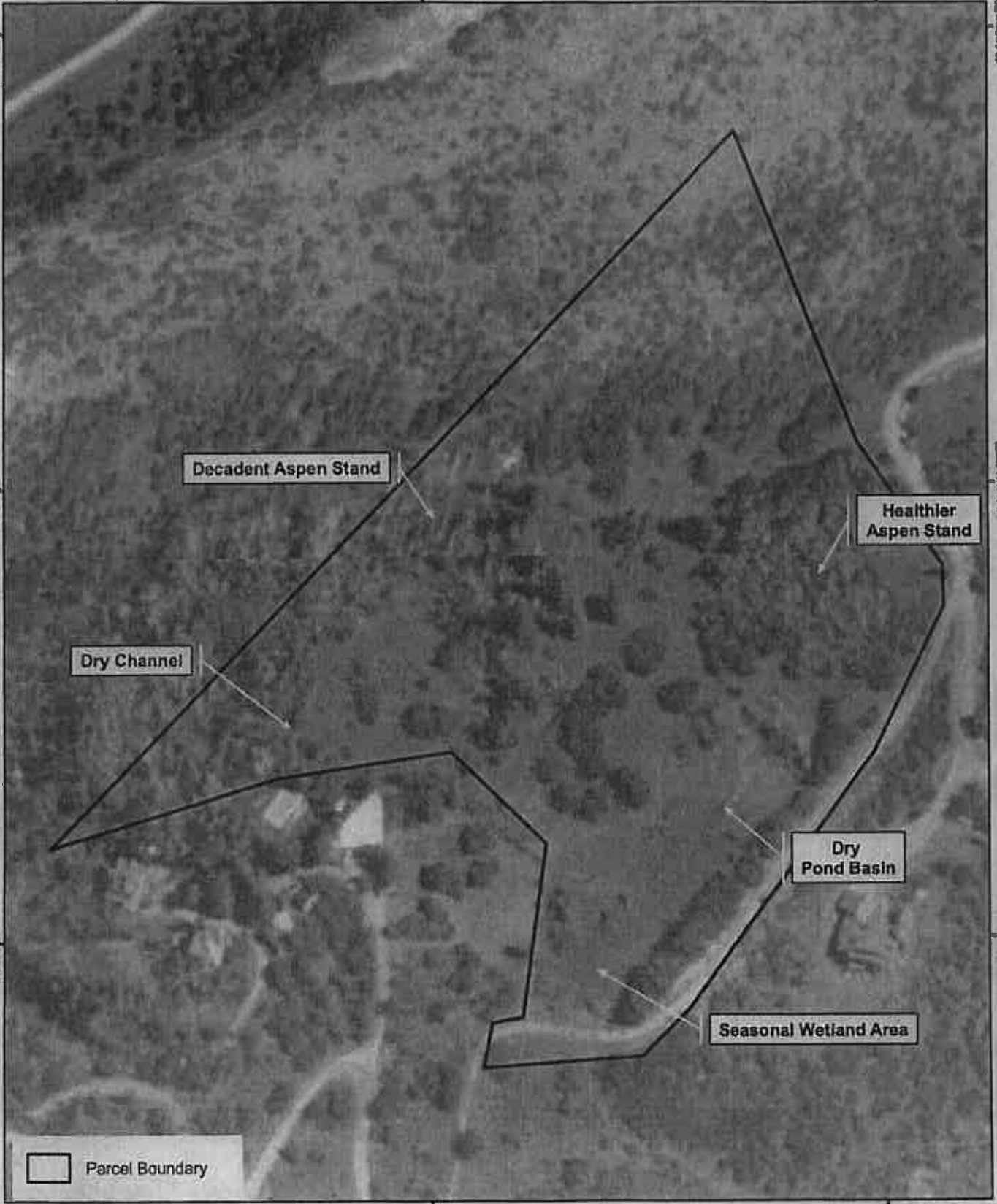
4346594 81111

4346594 81111

4346594 81111

329151 832004

329315 832071




Parcel Boundary

**COLORADO WILDLIFE SCIENCE**

Colorado Wildlife Science, LLC  
6100 Elk Run Dr, Ste 120A  
Broomfield, CO 81001  
970.527.4800  
info@ColoradoWildlifeScience.com

**Aerial View**  
**Bradtke Property**  
Pitkin County, Colorado

  
BaseMap Source:  
LIDAR DATA PROVIDED BY  
2008 Municipal County Survey  
Pitkin County, CO  
Note: All property boundaries are approximate.

**MAP 1**

Drawn By:	J. Lowsky
Project:	08.DAHO.BRADTKE-01
Date:	August 26, 2008
Scale:	1:1,858

001045



	Field Verified Winter Range
	Parcel Boundary
	5 Foot Contour Interval

**COLORADO WILDLIFE SCIENCE**  
**Colorado Wildlife Science, LLC**  
 8100 Elk Run Dr, Ste 128A  
 Broom, CO 81021  
 970.827.4348  
 info@ColoradoWildlifeScience.com

**CDOW Mapped Elk Winter Range**  
**Bradtke Property**  
 Pitkin County, Colorado

Beasmap Source:  
 LIDAR/SAR/POI MAP  
 2014 Mountain County Survey  
 Pitkin County, CO  
Note: All property boundaries are approximate.

**MAP**  
**2**

Drawn By:	J. Lowsky
Project:	08.DAHO.BRADTKE-01
Date:	August, 31, 2009
Scale:	1:5,923

000946



**COLORADO WILDLIFE SCIENCE**  
 Colorado Wildlife Science, LLC  
 0100 Elk Run Dr, Ste 128A  
 Basalt, CO 81621  
 970.827.1450  
 info@coloradowildlifescience.com

**Field Verified Elk Winter Range**  
 Bradtke Property  
 Pitkin County, Colorado

**Basemap Source:**  
 USDA-FSA APFO MAP  
 2003 Municipal County Inage  
 Pitkin County, CO

**MAP 3**

Drawn By: J. Lowmy  
 Project: 09-DAHO-BRADTKE-01  
 Date: August 31, 2009  
 Scale: 1:6,923

000047

# Attachment 7

**RHONDA J. BAZIL, P.C.**

ATTORNEYS AT LAW

632 EAST HOPKINS AVENUE  
ASPEN, COLORADO 81611

RHONDA J. BAZIL  
RUBAZIL@SCFRES.NET

TELEPHONE: (970) 925-7171  
FACSIMILE: (970) 925-4668

August 26, 2009

Glenn Horn  
Davis Horn, Inc.  
215 South Monarch Street  
Aspen, CO 81611

Re: Land Use Application; Thomas A. Bradtke Trust

Dear Glenn:

You asked that I provide you with a report on the ownership of the above-referenced property. On August 24, 2007, Thomas A. Bradtke transferred a parcel of real property described by metes and bounds to the Thomas A. Bradtke Charitable Remainder Unitrust. A copy of the Quit Claim Deed is enclosed for your records. Thomas A. Bradtke is the Trustee of the Trust and is authorized to sign on its behalf. A copy of the Statement of Authority is also enclosed.

Sincerely,

RHONDA J. BAZIL, P.C.

By:   
Rhonda J. Bazil

RJB:ljs  
Enclosure  
cc: Fr. Thomas A. Bradtke

000948



RECEPTION#: 541330, 08/24/2007 at 03:20:32 PM, 1 OF 1, R \$6.00  
DF \$0.00 Janice K. Vos Caudill, Pitkin County, CO

Return to:  
FINKE & ASSOCIATES, P.C.  
1873 South Bellvue, Suite 1401  
Denver, Colorado 80222-4357

QUIT CLAIM DEED

THIS DEED is made on this 23rd day of August, 2007, between

THOMAS A. BRADTKE of 142 County Road 156, Glenwood Springs, Colorado 81601, Pitkin County, Grantor and

the THOMAS A. BRADTKE CHARITABLE REMAINDER UNITRUST of 142 County Road 156, Glenwood Springs, Colorado 81601, Pitkin County, Grantee,

WITNESSETH, That the Grantor, for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, conveyed and QUIT CLAIMED, and by these presents does remise, release, sell, convey and QUIT CLAIM unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Pitkin and State of Colorado, described as follows:

A parcel of land in Section 22, T. 8 S., R. 88 West of the 6<sup>th</sup> P.M. more fully described as follows:  
Beginning at a point being 1415.55 feet N23°22'E from the South Quarter corner of Section 22, T. 8 S., R. 88 W., 6<sup>th</sup> P.M.;  
Thence North 85°08' East 148.88 feet; Thence North 45°04' East 70.54 feet;  
Thence North 36°04' East 298.77 feet; Thence North 37°14' East 90.82 feet;  
Thence North 25°07' East 193.69 feet; Thence North 1°17' West 48.47 feet;  
Thence North 36°32' West 179.68 feet; Thence North 21°00' West 400.00 feet;  
Thence South 42°38' West 1247.64 feet; Thence North 73°02' East 295.44 feet;  
Thence North 85°03' East 188.01 feet; Thence South 54°38' East 161.21 feet;  
Thence South 5°58' West 209.07 feet to the point of beginning.  
Containing 11.76 acres, more or less; reserving an easement for roadway and utilities along the easterly and northeasterly side of said property thirty (30) feet in width on the existing roadway plus a thirty (30) feet utility and riding path easement on the remainder of the perimeter. Reserving all mineral and water rights and all rights reserved by the U.S. government by patent subject to existing easements, if any, together with rights of ingress and egress on the existing roadways, plus reserving a fifteen (15) foot easement running north from the existing well to the north property line.

Also known as street number: 142 County Road 156, Glenwood Springs, Colorado 81601

CONVENIENCE DEED - NO DOC FEE

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever.

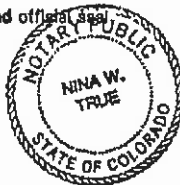
IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

Thomas A. Bradtke  
THOMAS A. BRADTKE

STATE OF COLORADO  
\_\_\_\_\_  
COUNTY OF PITKIN

The foregoing instrument was acknowledged before me this 23 day of AUGUST 2007, by THOMAS A. BRADTKE.

Witness my hand and official seal



Nina W. True  
Notary Public  
My commission expires: 9/15/2011

(SEAL)

000249

**STATEMENT OF AUTHORITY**

1. This Statement of Authority relates to an entity named the Charitable Remainder Unitrust of Thomas A. Bradtke.
2. The type of entity is a revocable trust.
3. The entity is formed under the laws of Colorado.
4. The mailing address for the entity is: 0142 County Road 156, Glenwood Springs, CO 81601.
5. The name/position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Trust is:
  - a. Thomas A. Bradtke, Trustee
6. The authority of the foregoing person to bind the entity is not limited.
7. Other matters concerning the manner in which the entity deals with interests in real property: none.
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.
9. This Statement of Authority amends and supersedes in all respects any prior Statement of Authority executed on behalf of the entity.

Executed this 16th day of September, 2007.

Thomas A. Bradtke  
Thomas A. Bradtke

STATE OF COLORADO    )  
                              ) ss.  
COUNTY OF PITKIN    )

The foregoing Statement of Authority was acknowledged before me this 10<sup>th</sup> day of SEPTEMBER, 2007, by Thomas A. Bradtke as Trustee of the Charitable Remainder Unitrust of Thomas A. Bradtke.

Witness my hand and official seal.

My commission expires: 9/19/2011

Crina W. True  
Notary Public





## ALTA Commitment For Title Insurance

American Land Title Association  
(1966)

### AUTHORIZED AGENT:

PITKIN COUNTY TITLE, INC.  
601 E. HOPKINS AVE. 3<sup>RD</sup> FLOOR  
ASPEN, COLORADO 81611  
970-925-1766-PHONE  
970-925-6527-FAX  
877-217-3158-TOLL FREE

### E-MAIL ADDRESS:

#### TITLE MATTERS:

Vince Higenz-vince@sopris.net

Tom Twitchell-tomt@sopris.net

Brandi Jepson-brandi@sopris.net (Closing & Title Assistance)

Leigh Nokes-leigh@sopris.net (general office assistance)

Sam Sweeney-sams@sopris.net (general office assistance)

#### CLOSING MATTERS:

TJ Davis-tjd@sopris.net

Joy Higenz-joy@sopris.net

Issued By

**Lawyers Title Insurance Corporation**

Home Office:  
5600 Cox Road  
Glen Allen, Va. 23060

B 1004-268

000352

**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

1. Effective Date: December 6, 2007 at 8:00 AM

Case No. PCT21768L3

2. Policy or Policies to be issued:

(a) ALTA Owner's Policy-(6/17/06)

Amount\$ 1,550,000.00

Premium\$ 3,036.00

Rate: Standard

Proposed Insured:

MATTHEW J. ZOLNOWSKI AND STEPHANIE M. ZOLNOWSKI, TRUSTEES OF THE MATTHEW J.  
AND STEPHANIE M. ZOLNOWSKI LIVING TRUST, DATED 12/18/06

(b) ALTA Loan Policy-(6/17/06)

Amount\$ 0.00

Premium\$ 0.00

Rate:

Proposed Insured:

(c) ALTA Loan Policy-(6/17/06)

Amount\$

Premium\$

Rate:

Proposed Insured:

3. Title to the FEE SIMPLE estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

THOMAS A. BRADTKE CHARITABLE REMAINDER UNITRUST

4. The land referred to in this Commitment is situated in the County of PITKIN State of COLORADO and is described as follows:

See Attached Exhibit "A"

PITKIN COUNTY TITLE, INC.  
601 E. HOPKINS, ASPEN, CO. 81611  
970-925-1766 Phone/970-925-6527 Fax  
877-217-3158 Toll Free

AUTHORIZED AGENT

**Countersigned:**



Schedule A-PG.1  
This Commitment is invalid  
unless the Insuring  
Provisions and Schedules  
A and B are attached.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A parcel of land in Section 22, T. 9 S., R. 86 West of the 6th P.M. more fully described as follows:

Beginning at a point being 1415.55 feet north 23°22' East from the South quarter corner of Section 22, T. 9 S., R. 86 W., 6th P.M.;

thence North 85°06' East 146.68 feet;  
thence North 45°04' East 70.54 feet;  
thence North 36°04' East 298.77 feet;  
thence North 37°14' East 90.82 feet;  
thence North 25°07' East 193.69 feet;  
thence North 1°17' West 46.47 feet;  
thence North 36°32' West 179.68 feet;  
thence North 21°00' West 400 feet;  
thence South 42°39' West 1247.64 feet;  
thence North 73°02' East 295.44 feet;  
thence North 85°03' East 196.01 feet;  
thence South 54°36' East 161.21 feet;  
thence South 5°56' West 209.07 feet to the Point of Beginning.

**SCHEDULE B - SECTION 1  
REQUIREMENTS**

The following are the requirements to be complied with:

- ITEM (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
- ITEM (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record to-wit:
1. Release of Statement of Assessment Lien against Thomas A. Bradtke, in the amount of \$4,300.00 recorded December 5, 2006 as Reception No. 531870 and re-recorded February 5, 2007 as Reception No. 534126.
  2. Delivery to the Company of an executed copy of the Trust Agreement for the THOMAS A. BRADTKE CHARITABLE REMAINDER UNITRUST for inspection and approval prior to issuing any policies. Subject to any additional requirements deemed necessary by the Company upon review of said Trust Agreement.
  3. Duly executed Statement of Authority for the THOMAS A. BRADTKE CHARITABLE REMAINDER UNITRUST, a trust, disclosing the name of the trust, and the names and addresses of the trustees empowered to act pursuant to CRS 38-30-108.5.
  4. Delivery to the Company of an executed copy of the Trust Agreement for the MATTHEW J. AND STEPHANIE M. ZOLNOWSKI LIVING TRUST, DATED 12/18/06 for inspection and approval prior to issuing any policies. Subject to any additional requirements deemed necessary by the Company upon review of said Trust Agreement.
  5. Duly executed Statement of Authority for the MATTHEW J. AND STEPHANIE M. ZOLNOWSKI LIVING TRUST, DATED 12/18/06, a trust, disclosing the name of the trust, and the names and addresses of the trustees empowered to act pursuant to CRS 38-30-108.5.
  6. Duly executed and acknowledged Deed,  
From : BRADTKE, THOMAS A. CHARITABLE REMAINDER UNITRUST  
To : MATTHEW J. ZOLNOWSKI AND STEPHANIE M. ZOLNOWSKI TRUSTEES OF THE  
MATTHEW J. AND STEPHANIE M. ZOLNOWSKI LIVING TRUST, DATED 12/18/06
  7. Duly acknowledged certificate of the authorized Managing Agent or Board of Directors of Shield O Homeowners Association certifying that there are no assessments for common expenses which remain unpaid or otherwise constitute a lien on the subject property.
  8. Certificate of nonforeign status executed by the transferor(s). (This instrument is not required to be recorded)

(Continued)

**SCHEDULE B - SECTION 1  
REQUIREMENTS - Continued**

9. Completion of Form DR 1083 regarding the withholding of Colorado Tax on the sale by certain persons, corporations and firms selling Real Property in the State of Colorado. (This instrument is not required to be recorded)
10. Evidence satisfactory to the Company that the Declaration of Sale, Notice to County Assessor as required by H.B. 1288 has been complied with. (This instrument is not required to be recorded, but must be delivered to and retained by the Assessors Office in the County in which the property is situated)



## SCHEDULE B SECTION 2 EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land, and that is not shown by the public records.
4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water (see additional information page regarding water rights), whether or not the matters excepted under (a), (b), (c) or (d) are shown for the public records.
6. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
8. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

### SPECIAL EXCEPTIONS

9. Right of the proprietor of a vein or lode to extract or remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as reserved in United States Patents recorded in Book 55 at Page 187 and Book 55 at Page 509.
10. Right of way for ditches or canals constructed by the authority of the United States as reserved in United States Patent recorded in Book 55 at Page 185.
11. One-half (1/2) of the oil, gas and other hydrocarbon minerals within subject property, together with the right of ingress and egress and use of the surface to prospect for, mine, and remove the same, as reserved by instrument recorded October 2, 1951 in Book 176 at Page 603.
12. One-fourth (1/4) of the oil, gas and other minerals within subject property together with the right of ingress and egress to prospect for, mine and remove the same, as reserved to J. Burton Tuttle by instrument recorded June 1, 1967 in Book 227 at Page 226.
13. Terms, conditions, provisions, obligations and all matters as set forth in Ordinance No. 036, Series of 2000 by Board of County Commissioners recorded August 17, 2000 as Reception No. 446171 and re-recorded September 8, 2000 as Reception No. 446799.

(Continued)

**SCHEDULE B SECTION 2**  
**EXCEPTIONS - (Continued)**

14. Terms, conditions, provisions and obligations as set forth in Road Agreement recorded August 17, 2000 as Reception No. 446172.
15. Reservation of an easement for roadway and utilities along the Easterly and Northeasterly side of subject property thirty (30) feet in width on the existing roadway plus a thirty (30) feet utility and riding path easement on the remainder of the perimeter plus a fifteen (15) foot easement running north from the well to the north property line, as set forth in Warranty Deed from Jan R. Christensen recorded December 28, 1979 in Book 381 at Page 375, recorded October 6, 1981 in Book 415 at Page 514 and recorded December 2, 1981 in Book 418 at Page 90.
16. Terms, conditions, provisions and obligations as set forth in Easement Agreement recorded December 6, 2007 as Reception No. 544703.

**ENDORSEMENT SCHEDULE FOR OWNERS POLICY**

**ATTACHED TO AND BECOMING A PART OF CASE NO: PCT21768L3**

**SELLER:**

**BRADTKE, THOMAS A. CHARITABLE REMAINDER UNITRUST**

**BUYER:**

**MATTHEW J. AND STEPHANIE M. ZOLNOWSKI TRUSTEES... ZOLNOWSKI**

The following endorsements will be issued in connection with the Policy to be issued hereunder as referenced above:

**ENDORSEMENTS:**  
For a fee of: \$  
For a fee of: \$  
For a fee of: \$  
For a fee of: \$  
For a fee of: \$

Exceptions Numbered 1 thru 7 will be deleted from the final Title Policy, upon compliance with the requirements set forth below.

Exceptions Numbered 7 and 8 are automatically deleted upon recordation of the documents called for on the requirements page of this commitment.

**THE FEE FOR DELETING EXCEPTIONS 1 THRU 7 OR ANY PREPRINTED EXCEPTION IS: \$50.00**

Exception Number 6 will be amended to read: Taxes and assessments for the current year not yet due or payable, upon evidence satisfactory that the Taxes for the prior year(s) have been paid.

**NOTE: A satisfactory affidavit and agreement indemnifying the Company against unfiled mechanic's and materialmen's liens, executed by the seller and any additional parties deemed necessary by the Company. The company hereby reserves the right to make additional requirements as may be deemed necessary in the event additional facts regarding development, construction or other building or work are disclosed to the company that may fall within any lien period as defined in the Statutes of the State of Colorado, and may result in additional premiums and/or fees for such coverage.**

**NOTE: A current survey, certified by a Registered Colorado Land Surveyor must be delivered to, approved and retained by the Company for Deletion of Printed Exception No. 3. (NOT REQUIRED FOR CONDOMINIUM OR TOWNHOME UNITS)**

**ENDORSEMENT SCHEDULE FOR LENDERS POLICY**

**FILE NO: PCT21768L3**

**BORROWER: MATTHEW J. AND STEPHANIE M. ZOLNOWSKI TRUSTEES... ZOLNOWSKI**

The following endorsements will be issued in connection with the Policy to be issued hereunder as referenced above:

Form:	\$
Form:	\$
Form:	\$
Form:	\$
Form:	\$

Exceptions Numbered 1, 2, 3 and 4 may be deleted from the final Title Policy, upon compliance with the requirements set forth below.

Exception Number 5 will be deleted upon recordation of the documents called for on the Requirement Page.

Exception Number 6 will be amended to read: Taxes for the current year not yet due or payable, upon evidence satisfactory that the Taxes for prior years have been paid in full.

**NOTE: A satisfactory affidavit and agreement indemnifying the Company against unfiled mechanic's and materialmen's liens, executed by the borrower and any additional parties deemed necessary by the Company. The company hereby reserves the right to make additional requirements as may be deemed necessary in the event additional facts regarding development, construction or other building or work are disclosed to the company that may fall within any lien period as defined in the Statutes of the State of Colorado, and may result in additional premiums and/or fees for such coverage and any additional requirements deemed necessary by the Company.**

The Company hereby reserves the right to deny any of the above coverage's at its sole discretion.

000060

**ENDORSEMENT SCHEDULE FOR LENDERS POLICY**

**FILE NO:** PCT21768L3

**BORROWER:** MATTHEW J. AND STEPHANIE M. ZOLNOWSKI TRUSTEES... ZOLNOWSKI

The following endorsements will be issued in connection with the Policy to be issued hereunder as referenced above:

Form:	\$
Form:	\$
Form:	\$
Form:	\$
Form:	\$

Exceptions Numbered 1 thru 7 will be deleted from the final Title Policy, upon compliance with the requirements set forth below.

Exception Number 8 will be deleted upon recordation of the documents called for on the Requirement Page.

Exception Number 6 will be amended to read: Taxes for the current year not yet due or payable, upon evidence satisfactory that the Taxes for prior years have been paid in full.

**NOTE:** A satisfactory affidavit and agreement indemnifying the Company against unfiled mechanic's and materialmen's liens, executed by the borrower and any additional parties deemed necessary by the Company. The company hereby reserves the right to make additional requirements as may be deemed necessary in the event additional facts regarding development, construction or other building or work are disclosed to the company that may fall within any lien period as defined in the Statutes of the State of Colorado, and may result in additional premiums and/or fees for such coverage.

**ADDITIONAL INFORMATION  
AND DISCLOSURES**

The Owner's Policy to be issued, if any shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B-Section 1.
- (2) Water rights, claims or title to water. (NOTE: THIS EXCEPTION WILL APPEAR ON THE OWNER'S AND MORTGAGE POLICY TO BE ISSUED HEREUNDER)

**Pursuant to Insurance Regulation 89-2**

**NOTE:** Each title entity shall notify in writing every prospective insured in an owner's title insurance policy for a single family residence (including a condominium or townhouse unit) (i) of that title entity's general requirements for the deletion of an exception or exclusion to coverage relating to unfilled mechanics or materialmen's liens, except when said coverage or insurance is extended to the insured under the terms of the policy. A satisfactory affidavit and agreement indemnifying the Company against unfilled mechanics' and/or Materialmen's Liens executed by the persons indicated in the attached copy of said affidavit must be furnished to the Company. Upon receipt of these items and any others requirements to be specified by the Company upon request, Pre-printed Item Number 4 may be deleted from the Owner's policy when issued. Please contact the Company for further information. Notwithstanding the foregoing, nothing contained in this Paragraph shall be deemed to impose any requirement upon any title insurer to provide mechanics or materialmen's lien coverage.

**NOTE:** If the Company conducts the owners or loan closing under circumstances where it is responsible for the recording or filing of legal documents from said transaction, the Company will be deemed to have provided "Gap Coverage".

**Pursuant to Senate Bill 91-14 (CRS 10-11-122)**

- (a) The Subject Real Property may be located in a Special Taxing District;
- (b) A Certificate of Taxes Due listing each taxing jurisdiction may be obtained from the County treasurer of the County Treasurer's Authorized Agent;
- (c) Information regarding Special Districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

**NOTE:** A tax Certificate or other appropriate research will be ordered from the County Treasurer/Assessor by the Company and the costs thereof charged to the proposed insured unless written instruction to the contrary are received by the company prior to the issuance of the Title Policy anticipated by this Commitment, the fee for this service shall be \$20.00 for each parcel of real property and an additional \$10.00 per parcel of real property if personal property is also involved in the transaction.

**Pursuant to House Bill 01-1088 (CRS 10-11-123)**

If Schedule B of your commitment for an Owner's Title Policy reflects an exception for mineral interests or leases, pursuant to CRS 10-11-123 (HB 01-1088), this is to advise:

- (a) There is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals or geothermal energy in the property and
- (b) That such mineral estate may include the right to enter and use the property without the surface owners' permission.

**NOTE:** The policy(s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.

**NOTICE REGARDING CONSTRUCTION FINANCING:** If it is not disclosed to the company that the loan to be insured hereunder is in fact a construction loan, any coverage given under the final policy regarding mechanic or materialmen's liens shall be deemed void and of no effect.

COTE RICHARD J  
PO BOX 8356  
ASPEN, CO 81612

FCDB 8020 REO LLC  
8742 LUCENT BLVD #300  
HIGHLANDS RANCH, CO 80129

GARDNER THOMAS R  
484 SHIELD O RD  
SNOWMASS VILLAGE, CO 81654

GOLDSMITH LYNN  
40 SUNSET DR UNIT 10A  
BASALT, CO 81621

HARTMAN HAROLD J & JOY F  
PO BOX 474  
SNOWMASS, CO 81654-0474

HOLMES STEWART LAHMAN  
HOLMES SANDRA JEAN  
0644 SHIELD O RD  
SNOWMASS, CO 81654

LAURICELLA SHERLING T  
7155 SNOWMASS CRK RD  
SNOWMASS, CO 81654

LEONAITIS LARRY L & CATHERINE B  
0727 SHIELD O RD  
SNOWMASS, CO 81654

MEYERS WILLIAM B  
TEITELBAUM JILL  
25 E SUPERIOR #2105  
CHICAGO, IL 60611

MICHELSON KEVIN  
707 SHIELD-O RD  
SNOWMASS, CO 81654

PAPENFUS KURT  
PO BOX 572  
SNOWMASS, CO 81654

PINGATORE RONALD R & DANA B  
0594 SHIELD O RD  
SNOWMASS, CO 81654

REGAN MARK & CAROLYN  
203 OLD POND WY  
SNOWMASS, CO 81654-9142

ROSS-TERRE HOLDINGS LLC  
594 SHIELD O RD  
SNOWMASS, CO 81654

SCHNEIDER SID  
241 W 36TH ST  
NEW YORK, NY 10018

TCBG  
C/O JAMES P GRAHAM  
5944 LUTHER LN #900  
DALLAS, TX 75225

# Attachment 8

Property Owners Within  
300 feet of the  
Bradtke  
Property

000063

# Attachment 9

**CHARITABLE REMAINDER UNITRUST OF THOMAS A. BRADTKE  
THOMAS A. BRADTKE, TRUSTEE  
142 COUNTY ROAD 156  
GLENWOOD SPRINGS, COLORADO 81601**

August 27, 2009

Michael Kramer  
Pitkin County Community Development Department  
130 South Galena Street  
Aspen, Colorado 81611

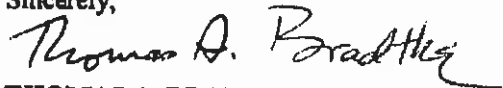
**Re: Land Use Application**

Dear Mike:

This letter authorizes Davis Horn Incorporated to prepare a land use application for my lot located on Old Pond Way in Snowmass, Colorado.

Thank you.

Sincerely,



**THOMAS A. BRADTKE  
TRUSTEE**



# Attachment

10

## PITKIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AGREEMENT FOR PAYMENT OF LAND USE APPLICATION FEES

PITKIN COUNTY (hereinafter "COUNTY") and Charitable Remainder Unit Trust of Thomas A Bradtke (hereinafter "APPLICANT") AGREE AS FOLLOWS:

1. APPLICANT has submitted to COUNTY an application for ACTIVITY Envelope & Residential GMS (hereinafter, the "PROJECT").
2. APPLICANT understands and agrees that Pitkin County Ordinance No. 008-2008 establishes a fee structure for land use applications and the payment of all processing fees is a condition precedent to a determination of application completeness. The fee structure is based on the COUNTY'S policy that development shall pay, in full, the cost of development review in the COUNTY. Fees have been set to be consistent and fair to the public and to reflect the expense incurred in providing such services to the public.
3. APPLICANT and COUNTY agree that because of the size, nature or scope of the proposed PROJECT, it may not be possible at the time of application to ascertain the full extent of the costs involved in processing the application.
4. APPLICANT and COUNTY agree that fees charged for the processing of land use applications shall accumulate if an application includes more than one type of land use review.
5. COUNTY and APPLICANT further agree that it is impracticable for COUNTY staff to complete processing or present sufficient information to the Planning Commission and/or Board of County Commissioners to enable the Planning Commission and/or Board of County Commissioners to make legally required findings for project approval, unless current billings are paid in full prior to decision.
6. Therefore, APPLICANT agrees that in consideration of the COUNTY'S waiver of its right to collect full fees prior to a determination of application completeness, APPLICANT shall pay a base fee in the amount of \$7065 which is based on 2 hours of staff time, and if actual time spent by staff to process the application exceeds the average number of hours by more than 20%, then the COUNTY will bill the APPLICANT quarterly for the additional time spent. Such periodic payments shall be made within 30 days of the billing date. APPLICANT further agrees that failure to pay such accrued costs shall be grounds for suspension of processing.

PITKIN COUNTY

Thomas A Bradtke  
("APPLICANT")

\_\_\_\_\_  
Cindy Houben  
Community Development Director

By: \_\_\_\_\_  
Thomas A Bradtke, Trustee  
Print Name and Title (if applicable)

Date: 8/27/09

Mailing Address: \_\_\_\_\_  
142 County Rd 156  
Glenwood Springs CO

81601

# Attachment 11

**Shield O'Mesa**  
**Road Improvement and Maintenance**  
**Association**  
**Shield O'Terrace Homeowners Association**

**EXHIBIT "A"**  
**EMERGENCY EVACUATION PLAN**

**PURPOSE**

The purpose of this evacuation plan is to provide information and procedures to the residents of Shield O'Mesa regarding any evacuation of the Shield O'Mesa area made necessary by wildfire or other catastrophic circumstances. Included in this plan is information regarding the following:

- Evacuation notification**
- Evacuation routes**
- Signage and traffic flow**
- Return notification**

All residents of the Shield O'Mesa area are required to understand and use the evacuation procedures in the event that evacuation is necessary.

**EVACUATION NOTIFICATION**

Notification of evacuation will be made by the Pitkin County Sheriff's office via telephone and radio announcement. A list of all Shield O'Mesa residents and home phone numbers will be provided to the Pitkin County Sheriff's office for this purpose.

Any and all on site residents will call 911 to report a wildfire or other circumstance warranting evacuation. A telephone tree of existing residents will be in place providing a rapid response and evacuation notice time.

**EVACUATION ROUTES**

The primary evacuation route will be down Shield O' Road through the Shield O'Terrace subdivision. This will provide unrestricted emergency vehicle traffic up the Shield O' Mesa Road. The intent of this evacuation route is to provide a one way access loop providing unrestricted egress to evacuating vehicle traffic and unrestricted access to emergency vehicle traffic.

Should access down through the Shield O'Terrace subdivision be blocked in any, the primary evacuation route will be Shield O'Mesa Road. Caution must be taken during evacuation allowing emergency response vehicles to proceed unrestricted. Turnouts are available minimally every 500 feet along Shield O'Mesa Road to allow vehicles leaving the area to turn off if necessary.

This same procedure will apply using the Shield O' Terrace road if access is blocked for any reason on the Shield O'Mesa road.

**SIGNAGE AND TRAFFIC FLOW**

Signs will be available to direct evacuation traffic flow at the following locations:

- Top of the hill on Shield O'Mesa road**
- Intersection of Shield O' Road and Chateau Way**
- Top of the hill on Shield O'Terrace road**

The first person recognizing the best egress option based on the above information will place directional arrows in the appropriate position to guide traffic flow.

**RETURN NOTIFICATION**

Return notification will be provided by the Pitkin County Sheriff's office at which time the danger of personal injury has been eliminated or minimized to the satisfaction of the Pitkin County Sheriff.

MISCELLANEOUS  
DOCUMENTS

**LARGE PLAT(S)**

**AVAILABLE TO VIEW AT  
COMMUNITY DEVELOPMENT**

**AVAILABLE TO BUY AT  
CLERK & RECORDER**