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October 30, 2013

Suzanne Wolff, Senior Planner  
Pitkin County Planning and Zoning  
130 S. Galena St  
Aspen, CO 81611

RE: Site Plan Amendment for Parcel # 264522400583

Dear Ms. Wolff:

Please accept this letter as my request to amend the site plan for Parcel # 264522400583 (formerly known as the Tillman Property).

As previously discussed, I recently purchased from the Tillman Estate the vacant lot located at the junction of Snowmass Creek Road and Shield O Road. While we currently live in Denver, our desire is to build a small home on the property and become full time residents of the Snowmass Creek valley.

**Proposed Material Modifications:**

We are aware of the extensive 6+ year history of this property and our objective is to be very respectful of the sensitivities of this history (please see Exhibit A providing an overview of the property's history). As such, please note that the current request for amendment of the site plan consists of only the following two material modifications (please see Addendum A for a comparison of the current site plan approvals and the requested site plan amendment):

- 1) Limited Realignment of House Footprint – Two minor 90° angles are replaced with a straight wall and one wall is extended outward by 5 feet.
- 2) Below-Grade Basement: A below-grade basement would accommodate a garage, storage space, utility room and laundry room.

It is important to note that neither of these two changes requires a variance and we believe that all other material aspects of the currently approved site plan have been honored and remain intact.

Although we discussed the prospect of modifying the roof slope on the northeast end of the house due to drainage concerns of a flat roof, we've elected to maintain the same roofline for aesthetics. For drainage purposes, the perimeter of this section of the house will appear flat, but the roof within the perimeter will be at a slight incline to allow water to drain adequately.

**Mitigation of Material Modifications:**

We've made an effort to mitigate the impact that these changes could potentially have on the community.

- 1) Minimal Additional SqFt of Living Space: The limited realignment of the house footprint results in only a minimal increase in above-grade livable square footage. Specifically, eliminating the two 90° angles results in a combined increase of 60 square feet and projecting the living room wall outward by 5 feet generates an increase of 130 square feet. In total, the requested above-grade square footage increases 190 square feet from the previously-approved 1,474 square feet to 1,664 square feet. In addition to creating a more functional home, this also allows us to comply with the Shield O Terrace Homeowners

Association covenant requiring a minimum 1600 square foot house (please see Addendum A, graphic #1 for a comparison of the approved and requested site plans).

- 2) Scenic View Easement: We've attempted to mitigate any incremental negative impact of moving the southwest wall outward by 5 feet on the Snowmass Creek Road scenic view easement by decreasing the pitch or roof slope. As shown in the elevations (please see Exhibit D), the ridgeline of the home generally follows an approximate 12.5 ft trajectory above the existing or natural grade and is well below the BOCC imposed limit of 20 ft and the RS-30 limit of 28 ft.
- 3) Below Grade Basement: The basement is below grade, and except for a portion of the garage door, is generally unnoticeable. The gradual natural grade of the property makes it feasible to place the garage below grade and such natural grade, together with vegetation screening, obstructs the view of the garage from most perspectives. The garage located in the below-grade basement will enable us to park our cars inside and store garbage/recycling, snow removal equipment, bicycles, etc. out of sight from the community's view.

### Non-Material Modifications:

The original floor plan was rearranged to maximize the limited above-grade living space. Also, we've added a fireplace and an entryway portico. We believe these are relatively minor modifications.

- Fireplace: The fireplace is located on the southwest side of the home. Although the fireplace chimney protrudes slightly above the roofline, we do not believe it will be visible from Snowmass Creek Road due to the parallax view of being located on the side of the home opposite and above Snowmass Creek Road.
- Entryway Portico: The portico is located on the southeast side of the home, and it is within the setbacks, is of relatively slight scale, and was intentionally lowered below the roofline to prevent it from adding to any scenic view easement concerns.

Lastly, we are also requesting that our application to the BOCC include a limited modification of the BOCC's prior approval solely for §5-20-60 of the LUC's technical measurement of the building height above the garage on the northeast side of the home. Specifically, LUC §5-20-60 provides that building height is measured from the roof to the existing or finished grade, whichever is lower. The maximum height of the RS-30 zone is 28 ft, however, our understanding is that the BOCC reduced the maximum height to 20 ft out of concerns for the scenic view easement. As stated above, we've gone even further to limit the home's impact on the scenic view easement by designing a roofline trajectory that is only approximately 12.5 ft above the natural grade. However, the technical rule of LUC §5-20-60 results in a measurement of 22 ft in the limited area above the garage. Given that the below-grade garage does not impact the scenic view easement and the driveway and natural grading obstructs most or all of the view of the garage itself, we request that the BOCC permit this one portion of the home above the garage to exceed 20 ft for purposes of the LUC §5-20-60 measurement. While we can redesign this portion of the home by adjusting the roofline design above the below-grade garage to comply with a 20 ft limit under the technical rule of LUC §5-20-60, the aesthetics suffer significantly.

### Attachments:

Attached for your review are the following:

- 1) Addendum A: Addendum A is a comparison of the current site plan approvals and the requested site plan amendment:
  - a. Graphic #1: Realignment of House Footprint
  - b. Graphic #2: Amended Floor Plan
- 2) Exhibits:
  - a. Exhibit A: Property Background & Prior Land Use Approvals
  - b. Exhibit B: Land Use Code Sections
  - c. Exhibit C: Amended Site Plan
  - d. Exhibit D: Scenic View Protection & Lighting
    - i. *Graphically Enhanced Photographs*
    - ii. *Elevation Drawings*

- iii. *Preliminary Landscape Plan*
- iv. *Lighting*
- e. Exhibit E: Preliminary Drainage Study
- f. Exhibit F: Utilities
- g. Exhibit G: Disclosure/Proof of Ownership
- h. Exhibit H: Parcel Description & Vicinity Map
- i. Exhibit I: Owner Consent
- j. Exhibit J: List of Adjacent Property Owners
- k. Exhibit K: Signed Fee Agreement
- l. Exhibit L: Pre-Application Conference Summary

Please feel free to contact me if I can provide any clarification or additional information.

Thank you for your assistance.

Sincerely,

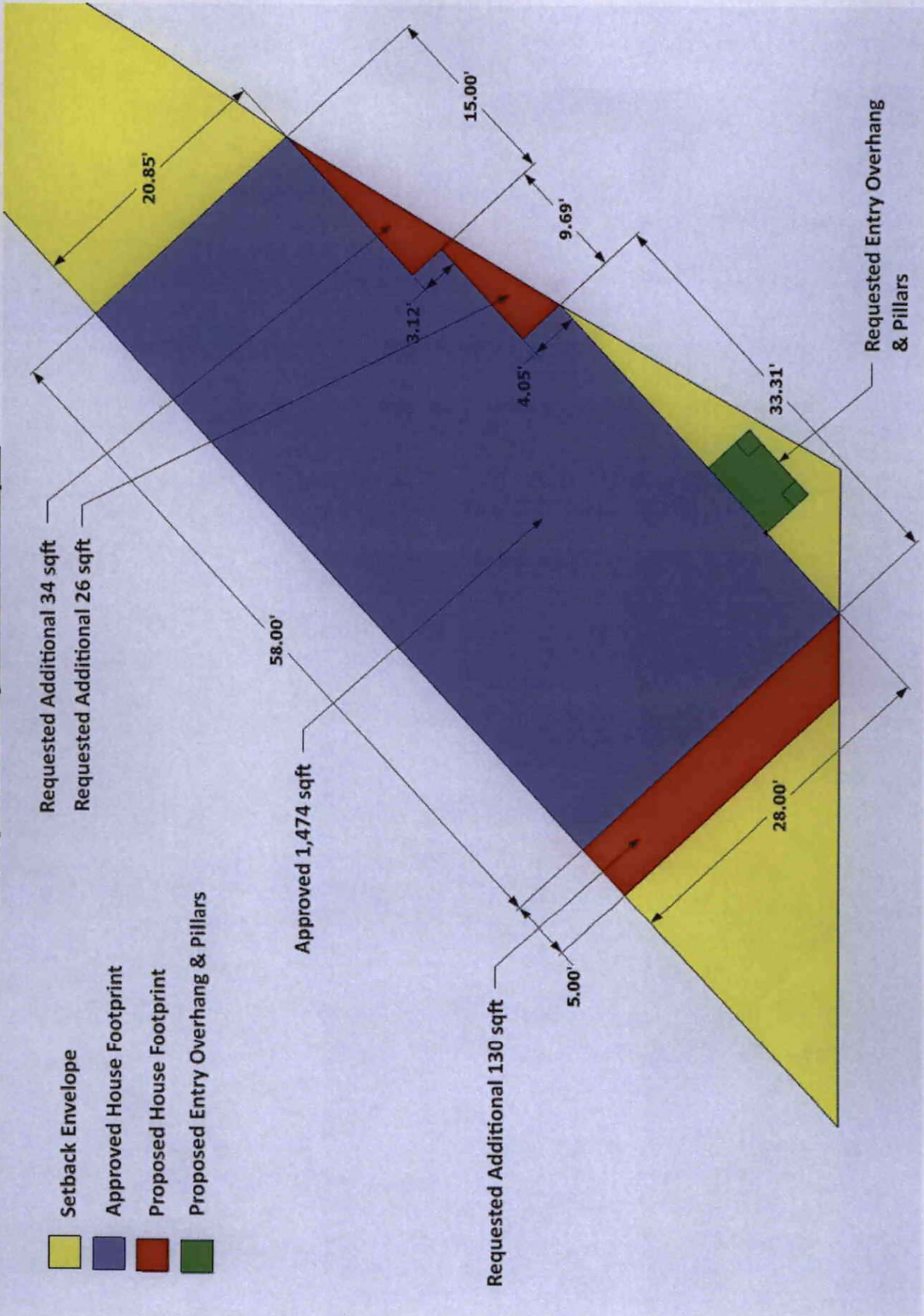


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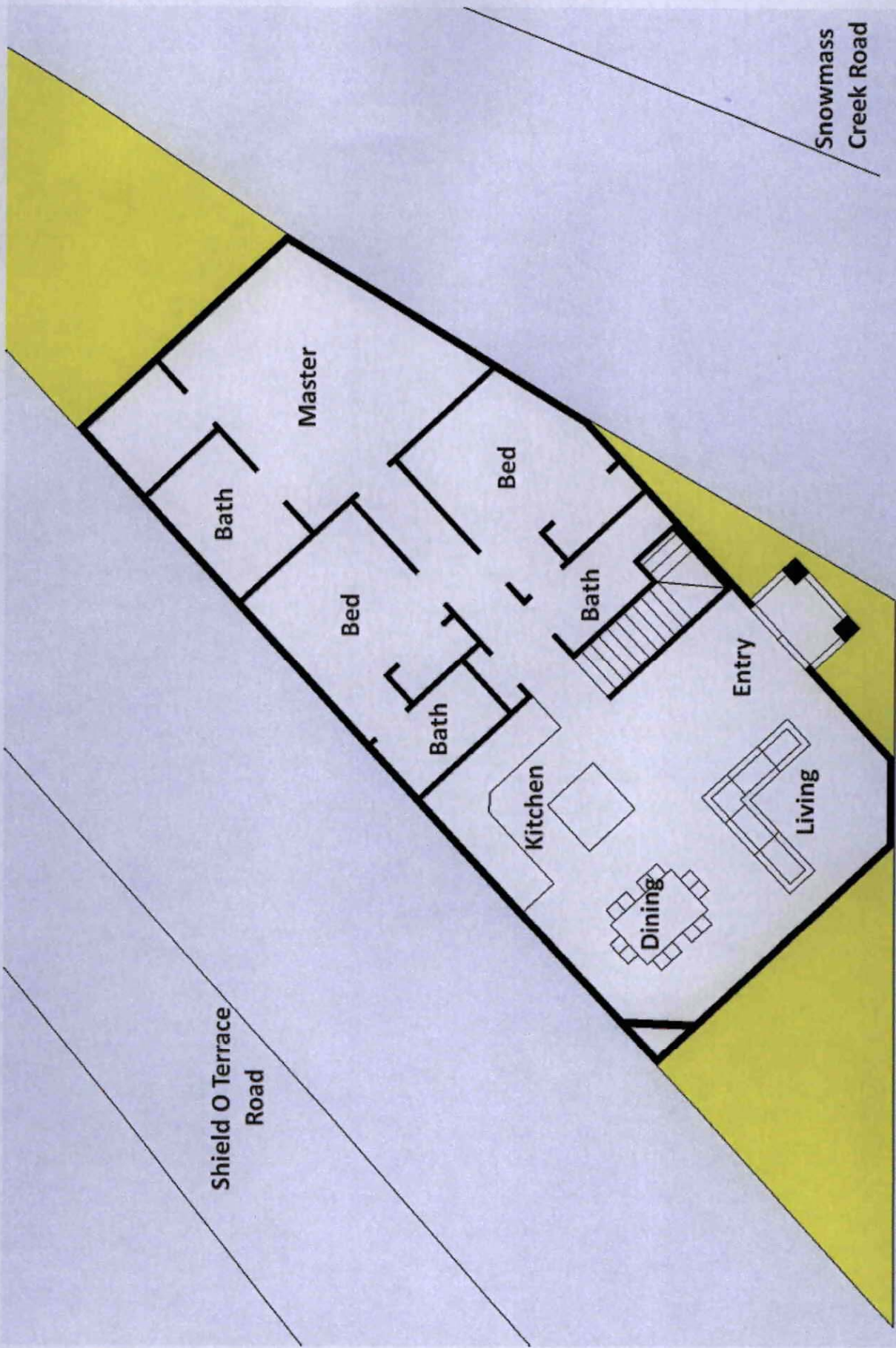
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**Addendum A – Amendment**

Graphic #1 – Realignment of House Footprint



Snowmass  
Creek Road



Graphic #2 – Amended Floor Plan

Shield O Terrace  
Road

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Site Plan Amendment; Parcel # 264522400583

## **Exhibit A – Property Background & Prior Land Use Approvals**

The following is the Applicant's understanding of the property background and history.

June 6, 2007	Pitkin County Pre-Application Conference
July 27, 2007	Activity Envelope Application submitted by Tom Newland, Newland Project Resources, Inc., on behalf of the Marvin A. Tillman Estate; Alan D. Moore, personal representative (diabetes non-profit and church organization are the beneficiaries of the Estate) <ul style="list-style-type: none"><li>- Proposed structure of 5,750 square feet</li></ul>
September 9, 2007	Notice of Public Hearing published in the Aspen Times Weekly
September 25, 2007	Shield O Terraces Homeowner's Association (SOTHA) email to Snowmass Capital Creek Caucus regarding SOTHA approval of support of Tillman's Activity Envelope Application
October 8, 2009	Letter of Objection from Henry I. (Sandy) Lowe/Stonywood Trust
November 20, 2007	Pitkin County Hearing Officer Meeting <ul style="list-style-type: none"><li>- Staff recommendation of Activity Envelope approval</li></ul>
December 10, 2007	Site Visit
December 11, 2007	Continued Pitkin County Hearing Officer Meeting
December 20, 2007	Continued Pitkin County Hearing Officer Meeting
January 5, 2008	Hearing Officer James R. True approval of Tillman Activity Envelope <ul style="list-style-type: none"><li>- <u>Determination #001-2008</u></li></ul>
January 20, 2008	Public Notice of Approval in the Aspen Times Weekly
January 25, 2008	Letter of objection from Henry I. (Sandy) Lowe/Stonywood Trust to approval of Activity Envelope
January 30, 2007	Henry I. (Sandy) Lowe/Stonywood Trust letter to Pitkin County Board of Adjustments (BOA) <ul style="list-style-type: none"><li>- BOA declined request for hearing</li></ul>
June 25, 2008	Pitkin County BOCC Meeting: Appeal of Henry I. (Sandy) Lowe/Stonywood Trust <ul style="list-style-type: none"><li>- Staff recommendation to deny appeal and affirm Hearing Officer's approval of Activity Envelope</li><li>- Appeal denied, vote of 4-1</li><li>- <u>Resolution #079-2008</u></li></ul>
July 25, 2008	Henry I. (Sandy) Lowe/Stonywood Trust files complaint in Pitkin County District Court; named Defendants: <ul style="list-style-type: none"><li>- Pitkin County</li></ul>

- Estate of Marvin A. Tillman
- Alan D. Moore, personal representative

August 20, 2008 Henry I. (Sandy) Lowe/Stonywood Trust files Notice of Lis Pendens

August 23, 2010 Pitkin County District Court judgment in favor of Defendants (Pitkin County, Estate of Marvin A. Tillman, and Alan D. Moore) and against Plaintiffs (Henry I. (Sandy) Lowe/Stonywood Trust)

October 5, 2010 Henry I. (Sandy) Lowe/Stonywood Trust files Notice of Appeal – Colorado Court of Appeals

April 11, 2011 Site Plan application submitted by Tom Newland, Newland Project Resources, Inc., on behalf of the Estate of Marvin A. Tillman

August 10, 2011 Pitkin County BOCC grant of relief from stay, permitting review of the Site Plan application pending Court of Appeals outcome

- Staff recommendation to grant relief of stay
- Resolution #076-2011

August 26, 2011 Letter of objection from Henry I. (Sandy) Lowe/Stonywood Trust to approval of Site Plan

September 21, 2011 Site Visit

October 20, 2011 Colorado Court of Appeals Judgment affirming Pitkin County District Court judgment in favor of Defendants (Pitkin County, Estate of Marvin A. Tillman, and Alan D. Moore) and against Plaintiffs (Henry I. (Sandy) Lowe/Stonywood Trust)

February 28, 2012 Letter from Snowmass Capital Creeks Caucus conditionally approving Tillman Site Plan (support conditioned upon no variances)

March 14, 2012 Pitkin County BOCC Meeting

- Staff recommendation to approve Site Plan application

April 17, 2012 Site Plan amendment by Tom Newland, Newland Project Resources, Inc.

- Structure reduced to 1,474 square feet

April 25, 2012 Pitkin County BOCC Meeting

- 1,474 floor area
- 20 ft building height limitation
- Staff recommendation for approval of amended Site Plan
- Resolution #050-2012

August 7, 2013 Release of Lis Pendens

August 14, 2013 Sale of Property to Matt Larson

### Prior Land Use Approvals

- Determination #001-2008: Determination of the Hearing Officer of the Community Development Department of Pitkin County, Colorado, approving the Tillman Activity Envelope; James R. True, hearing officer; dated 1/5/2008.
- Resolution #079-2008: Resolution of the Board of County Commissioners of Pitkin County, Colorado, denying an appeal by the Stonywood Trust of Hearing Officer Determination No. 01-2008 which approved the Tillman Activity Envelope, and modifying the determination; dated 7/23/2008.
- Resolution #076-2011: Resolution of the Board of County Commissioners of Pitkin County, Colorado, granting relief to the Estate of Marvin Tillman from the automatic stay imposed by sec. 2-20-10 of the Land Use Code on the processing of land use applications when litigation is filed; dated 9/6/2011.
- Resolution #050-2012: Resolution of the Board of County Commissioners of Pitkin County, Colorado, approving the Estate of Marvin Tillman Site Plan Review and Activity Envelopment Amendment; dated 5/9/2012.

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## Exhibit B – Land Use Codes Sections

### LUC §2-20-150; Amendments to Development Applications and Permits:

Pursuant to LUC §2-20-150(e)(2), we are hereby submitting to the Pitkin County Board of County Commissioners (BOCC) this application for site plan amendment. The BOCC previously approved the current site plan pursuant to resolution #050-2012. As outlined in our cover letter, some of our requested amendments meet the definition of a “major amendment” pursuant to LUC §2-20-150(c), while others satisfy the definition of “minor amendment” pursuant to LUC §2-20-150(b). Notwithstanding, due to the history associated with the property, we request that the BOCC review all aspects of the amendment to eliminate any uncertainty.

### LUC §20-30-20(g); Administrative Review Procedure; Criteria for Approval:

Pursuant to this cover letter and the attachments thereof, applicant believes that this application complies with the site plan criteria as set forth in LUC §2-30-20(g).

### LUC §7-10-50; Site Plan and Activity Envelop:

Pursuant to this cover letter and the attachments thereof, applicant believes that this application complies with the site plan criteria as set forth in LUC §2-30-20(g).

It is acknowledged that upon approval of the amended site plan, any and all applicable local, state or federal permits required to conduct development activities will be obtained prior to initiation of construction. It is also acknowledged that all areas located outside of the already approved activity envelope will not be disturbed and that construction fencing shall be placed around the perimeter of the activity envelope prior to initiation of construction.

### LUC §7-20-10; Site Preparation and Grading:

(a) Grading and Fill Placement: Grading and fill placement is anticipated on the site. The amount of excavation and fill is approximately 1,300 cubic yards, all of which will be excavated and placed within the activity envelope. Any excess excavation will be hauled offsite. Please see Exhibit E for a grading and drainage plan for the site. Furthermore:

- Excluding excavation for the below-grade basement and driveway to the below-grade garage, existing grade within the activity envelope shall not be raised or lowered more than four feet, provided that said natural grade can be changed up to seven-feet if retaining walls are utilized.
- Grading for accessory building pads is not anticipated.
- Where grading, excavation or filling is required, slopes of 25% (4:1) will be placed where practicable and these slopes will not exceed 50% (2:1). Slopes between 25% and 50% will conform to the requirements of Section 7-20-20(e)(4)(c).
- All cut, filled or graded slopes shall be re-contoured to the natural, varied contour of the surrounding terrain.
- Where retaining walls are utilized, the guidelines and standards for retaining walls will be followed.

(b) Clearing, Grubbing and Vegetation Removal: All clearing, grubbing and vegetation removal will occur within the approved activity envelope. There are no trees of a caliper of 6” d.b.h. or greater on the property.

(c) Tree Removal and Mitigation: There are no trees of a caliper of 6” d.b.h. or greater on the property.

(d) Protection of Natural Terrain: Applicant agrees to implement appropriate design and construction techniques to lessen and mitigate the physical and visual damage to the site as follows (please see Exhibit D and Exhibit E):

- (1) Revegetation: Revegetation efforts will utilize native or similar horticultural material, and will be completed during the first planting season after construction; where vegetation is removed, it will be replaced with vegetation that will reach similar density and height to that removed within two (2) years following conclusion of construction.

- (2) Topsoil: Topsoil will be removed and stored prior to any grading or excavating and will be replaced for revegetation.
- (3) Weed Prevention: The existing site is relatively weed-free. To prevent possible weed infestation, seed mix used in revegetation efforts will be certified as weed-free and revegetation efforts will be put in place as soon as possible after disturbance.
- (4) Utility Installation: Water will be obtained from a well to be located on the southwest side of the property. An Onsite Wastewater Treatment System (OWTS) has been designed and will be located to the north of the house. Other utilities, such as electricity and communication lines, will be buried to the house within the approved activity envelope. Please see Exhibit F.
- (5) Erosion, Sedimentation, and Stormwater Management: Disturbance of ground vegetation shall be limited to the areas within the activity envelope where development will take place. Although topsoil will remain on site, excavated soils will likely be trucked offsite. The site plan shows that the cuts into the property required for placement of the residence can be easily revegetated. Natural drainage patterns, which run down the site from Shield-O-Terrace Road, will be maintained and improved so that natural drainage runs around the house. Drainage from the driveway will be redirected to natural drainage patterns. Additional run-off created by the house will be retained on site. Stormwater management practices will be utilized when constructing the improvements on the property.

LUC §7-20-30; Water Courses and Drainage:

No water courses or significant drainages are located on the property. The grading of the site has been accomplished to provide positive drainage away from the residence and off of the driveway. There are no water courses or ditches on the property. Grading for the improvements will provide adequate drainage for low points on the property. The drainage plan has been designed to account for the entire drainage basin and accommodates runoff from the proposed development. Please see Exhibit D and Exhibit E.

LUC §7-20-120; Scenic View Protection:

The property abuts and is visible from Snowmass Creek Road (LUC §7-20-120(b)(1)(d)) and is therefore subject to the standards of LUC §7-20-120(d). Included as Exhibit D are computer-generated photo-simulations of the residence and the site as seen from Snowmass Creek Road. The Activity Envelope complies with the Scenic View Protection Standards of §7-20-120(d) as follows:

- (1) *The proposed development shall utilize existing topography and natural vegetation, such as ridges, hills, and existing trees, to screen buildings to the maximum extent practicable when viewed from those right-of-ways listed.*

The driveway design and below-grade garage take advantage of the gently sloping lot, which help provide natural screening; existing scrub oak and other shrubbery shall be preserved where possible to aid in screening the building. There is a cut bank along the property adjacent to Snowmass Creek Road that also provides screening, particularly when driving past the property on Snowmass Creek Road.

- (2) *The proposed development shall avoid the location of structures within the Scenic View Protection Areas, and shall avoid the location of structures within any Viewplane identified in the State Highway 82 Corridor Master Plan and Down Valley Comprehensive Plan if possible. If location outside the Scenic View Protection Area and defined Viewplanes is not practicable, then the proposed development shall not be located on the highest ground or most visible portion of any site as viewed from those right-of-ways listed.*

Being a small parcel located adjacent to Snowmass Creek Road, there is no area on the property that is excluded from the Scenic Protection Area. The proposed development has been located on the least visible portion of the activity envelope that is feasible and as viewed from the County Road.

- (3) *The proposed development's height and bulk shall be designed to avoid, to the maximum extent practicable, the visibility of buildings from those corridors listed in subsection (b) above. This may include, but shall not be limited to, breaking the mass of the building down into a series of smaller forms, articulation of the building façades to avoid a wall or row effect, and staggering rooflines to avoid a long unbroken plane.*

The home's height has been limited to one-story and has been designed with low rooflines that are either flat or gently sloping. Through excavation and home design, the roofline trajectory of the home is limited to approximately 12.5 ft above existing grade, well below the 20 ft limit.

- (4) *The proposed structure shall be placed so it does not project above a ridgeline such that a structure silhouettes against the sky when viewed from those rights-of-ways listed, unless there are no alternate building sites on the lot or parcel.*

After carefully assessing the site, it is not possible to place a structure on the parcel that does not break the ridgeline as seen from Snowmass Creek Road. Care has been taken in the design and placement of the building to make sure that it projects above the ridgeline as little as possible. As stated above, through excavation and home design, the roofline trajectory of the home is limited to approximately 12.5 ft above existing grade.

- (5) *The proposed development shall be designed to complement the natural topography of the land through the use of techniques such as earth-sheltered design, the use of natural materials and coloring, the use of low-reflectance materials, or clustering of structures on the least visible portions of the site. When a building is proposed near a ridgeline, then its form (particularly its roof form) shall replicate, parallel, or complement the natural form of the ridgeline so that it appears to be an element of the natural ridgeline.*

The proposed development shall utilize natural materials and coloring and low-reflectance materials in its construction. A portion of the roof form does try to replicate the ridgeline in the background, but the property's close proximity to Snowmass Creek Road makes it hard if not impossible to appear like an element of that ridgeline.

- (6) *The proposed development shall preserve natural vegetation and avoid development within irrigated meadows, to the maximum extent practicable.*

Removal of the natural vegetation, other than grasses and groundcover on the site, will be kept to a minimum and only done where the building, driveway, well and septic field are located. The property does not contain irrigated meadows.

- (7) *The proposed development shall install utilities in locations and through procedures that minimize visual impacts to the maximum extent practicable.*

Utilities shall be buried to the residence to reduce visual clutter.

- (8) *All satellite dishes in the proposed development shall be located to minimize visibility from those rights-of-way listed in subsection (b), and shall use earth tone colors and/or screening to minimize their visual impact.*

Satellite dish, if needed, will be placed away from Snowmass Creek Road on the southwest side of the building.

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- (9) *The proposed development shall not use earth moving and berms as the primary means of compliance with these regulations, but earth moving may be utilized in conjunction with other techniques to comply with standards in this section. Where earth moving techniques are necessary, man-made forms should be undulating and natural in appearance.*

Earthmoving will be a technique utilized to comply with this section of the Land Use Code. Portions of the above-grade living space will be set approx. 2 to 4 feet below the existing grade. This will reduce the visibility from Snowmass Creek Road and from Shield-O-Terrace Road. The basement and garage will be below grade.

- (11) Earth Tone Materials. *The exterior of all development, except development located and designed in the form of a ranch compound, shall be built or painted with indigenous earth tone materials or colors. The exterior of a ranch compound should be built or painted with indigenous earth tone materials, or shall be painted or stained using local, traditional ranch colors, which shall include shades of red, brown, or white. Paints or stains that simulate weathered barn wood also shall be permitted.*

The exterior of the residence shall utilize natural materials and coloring.

- (12) Roofs. *All roofs shall have a non-reflective color or composition. Reflective roof materials shall not be used unless the materials are treated prior to installation to eliminate reflection, with the exception of materials associated with solar or photovoltaic equipment.*

The roof materials shall not have a reflective color or composition, with the exception of materials associated with solar or photovoltaic equipment.

- (13) Revegetation of Disturbed Areas. *Lands disturbed by earth moving or berms should be revegetated using native species that are already growing on or near the site. Topsoil shall be stockpiled and placed on disturbed areas. Irrigation shall be provided to the revegetated areas if it is necessary to ensure survival of planted native species.*

All disturbed areas within the activity envelope shall be aggressively revegetated with native, neighborhood species upon the completion of construction activities. Topsoil obtained from excavation activities will be retained and reused on site to facilitate and promote revegetation efforts.

- (14) Driveways Avoid Dividing Meadows and Pastures. *To the maximum extent practicable, roads and driveways shall be located to skirt the edge of and avoid dividing meadows and pastures and to avoid major road cuts. Roads and driveways should take advantage of the screening potential of natural topography and existing vegetation. Existing roads and driveways shall be used where practical. To enhance screening, a row of trees may be planted along the roads or driveways. To the maximum extent practicable, roads and driveways located around the edge of or in meadows shall be laid out with soft, curving edges and shall avoid straight line corridors that are incongruous with the natural setting.*

The driveway is short and will not cross existing irrigated meadows or divide a meadow.

§7-20-120(e); Rural Character Guidelines for Building Location: *In addition to complying with the standards of subsection (d) above, development within the Activity Envelope should be located so that activities and development occur in one or a combination of the following locations as they may apply to the particular property: (1) at the edge of an open meadow or pasture; (2) behind an existing stand of vegetation; (3) behind or built into a change in natural topography; or (4) within a pasture or meadow, clustered in the form of a ranch compound, or adjacent to or integrated into an existing ranch compound.*

*Where guidelines reference distances from a road, and more than one road borders the property, the guideline applies to the road carrying the greater amount of traffic.*

The guidelines for building the development into the natural topography (3) have been utilized in this development proposal.

LUC §7-20-130; Landscaping and Vegetation Protection: *The purpose of this code regulation is to preserve existing vegetation on development sites to the maximum extent consistent with the permitted development; to ensure that specific types of man made improvements are screened from view in order to preserve the rural character of the County; and to prevent the use of landscaping in ways that would compromise the rural character of the County. The criteria of §7-20-130(b) are as follows:*

(1) Protection of Natural Vegetation: *In order to protect the rural character of Pitkin County, natural vegetation should be preserved to the maximum extent practicable, and any installed landscaping shall use the species plant materials naturally occurring on the site or on neighboring properties (except for flower gardens).*

The natural vegetation within the Activity Envelope consists primarily of field grasses with mountain shrubs. All existing vegetation shall be preserved to the maximum extent possible, and new vegetation proposed for the development will be naturally occurring, neighboring species. A conceptual landscape plan is included as a part of Exhibit D.

(2) Conformance with Wildfire Regulations: *In the event the provisions of this Sec. 7-20-130 conflict with any provisions of Sec. 7-20-60, as those requirements may be varied by a wildfire expert approved by the County, the provisions of Sec. 7-20-60 shall govern.*

All activities and improvements required for conformance with wildfire regulations will be followed.

(3) Berms: *Berms may be incorporated into any required landscaping, buffering, or screening area, provided that the County determines, during the development approval process, that the proposed berms will not cause drainage or erosion problems. No installed berm shall have a slope of greater than four-to-one (4:1), nor a height greater than four (4) feet above grade.*

No berms with a slope greater than four-to-one or greater in height than 4 feet are proposed for the development. Any berms will conform to the above stated criteria.

(4) Landscape Enclosures: *Landscaping shall not be used to mark or enclose the boundary of a parcel, or to privatize an otherwise public viewplane. Use of indigenous shrubs or trees to enclose a portion of the property immediately surrounding a dwelling, barn, and/or accessory buildings (as opposed to the entire property or a large area of the property) are permitted if made to resemble similar windbreaks located near older properties in Rural Areas of the County.*

No landscape enclosures are proposed for the development. However, vegetation is proposed along the west side of the building adjacent to Shield-O-Terrace Road to break up the massing of the building along this side. A conceptual landscape plan is included as a part of Exhibit D.

(5) Visibility Clearance: *All landscaping shall be installed and maintained so that it does not interfere with the ability of drivers to see nearby traffic at the intersection of any driveway with a public road, or at the intersection of two public roads.*

Visibility clearances will not be impacted by the proposed landscaping improvements.

- (6) Utility Easements: *Whenever the provisions of this Sec. 7-20-130 would require the installation of trees or shrubs over or on utility easements, where branches or roots might interfere with utility lines or pipes, the required location for such trees and shrubs shall be modified to require installation at the closest location that would avoid potential conflicts with utilities and would enable the trees and shrubs to serve the same landscaping purpose.*

No utility easements encroach upon the approved activity envelope.

- (7) Financial Security: *The Community Development Department may require financial security in a form acceptable to the County Attorney to ensure completion of installation of all required landscaping and/or successful establishment of plants.*

Financial security shall be submitted if required during the development permit approval process.

- (8) Maintenance: *All plants shall be maintained continually in a healthy condition in accordance with generally accepted professional horticultural standards and practices. Within areas required to be landscaped with installed plant materials, plants that die or are unhealthy shall be replaced. Landscape areas shall remain free of weeds, litter, junk, rubbish and other nuisances and obstructions.*

Maintenance of planted vegetation is in the best interests of the applicant and will be conducted after planting is complete.

*Required Landscaping in Rural Areas* pursuant to §7-20-130(c) are as follows:

- (1) *Landscaping is required for the following purposes: (i) to screen satellite dishes and other telecommunications equipment when located within five hundred (500) feet of adjacent public roads and visible from such roads, and (ii) to screen parking areas and service areas when viewed from adjacent public roads, (iii) where necessary to comply with the standards of Secs. 7-20-70, 7-20-80, or 7-20-120, and (iv) to revegetate disturbed areas.*
- (2) *Landscape treatments shall cluster shrubs and trees into groupings similar to those naturally occurring on the site or neighboring sites, shall use indigenous species of shrubs and trees, and shall not be installed in regularly spaced lines or rows, unless more specific provisions of Secs. 7-20-70, 7-20-80, or 7-20-120 require a different treatment.*

The above stated landscaping criteria for rural areas applicable to this development will be utilized within the landscape plans for the property. A conceptual landscape plan is included as a part of Exhibit D.

LUC §7-30; Roads, Driveways and Parking:

The driveway has been designed to be in compliance with Pitkin County Road Standards and Specifications and the Pitkin County Asset Management Plan. 3 parking spaces, one along the driveway and two in the garage, have been provided. See Exhibit C for the location of the driveway and parking area on the site plan.

LUC §7-50; Public Services and Utilities:

Public utilities, including electricity and communication lines, shall be buried to the residence through the defined Activity Envelope. Water will be obtained from a private well to be located on the south side of the property. A well permit will be applied for prior to issuance of a building permit for the property. An Onsite Wastewater Treatment System will be located on the northeast side of the property. Please see Exhibit F.

**Exhibit C: Amended Site Plan**

**Exhibit D: Scenic View Protection & Lighting**

**Graphically Enhanced Photographs**

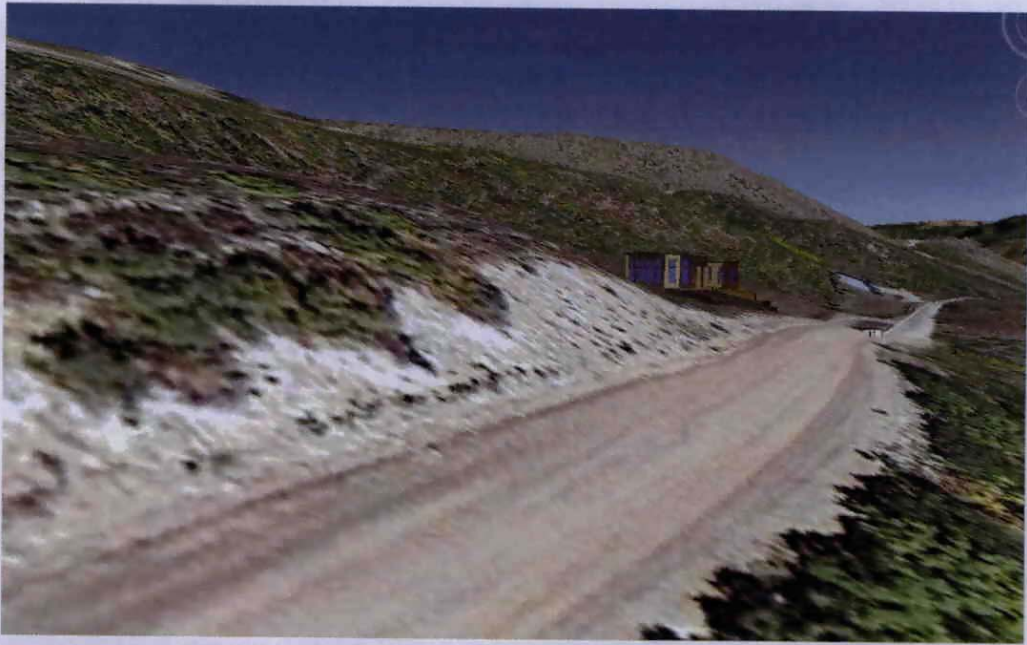






Site Plan Amendment; Parcel # 264522400583

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Site Plan Amendment; Parcel # 264522400583

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### STORY POLE VIEWING LOCATIONS

Site Plan Amendment; Parcel # 264522400583

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Location 1



Location 2



Location 3



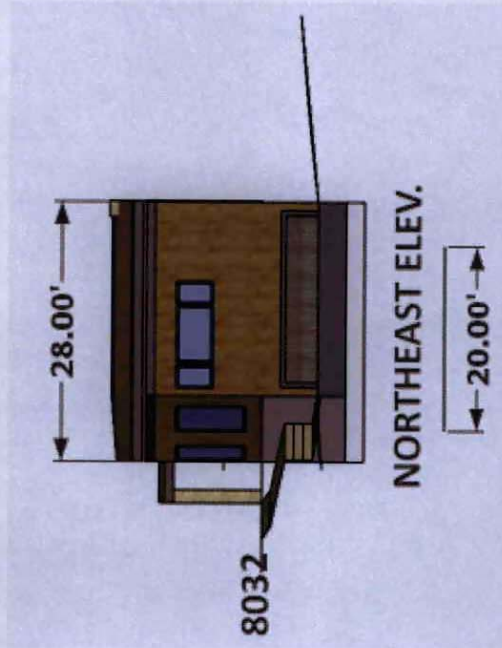
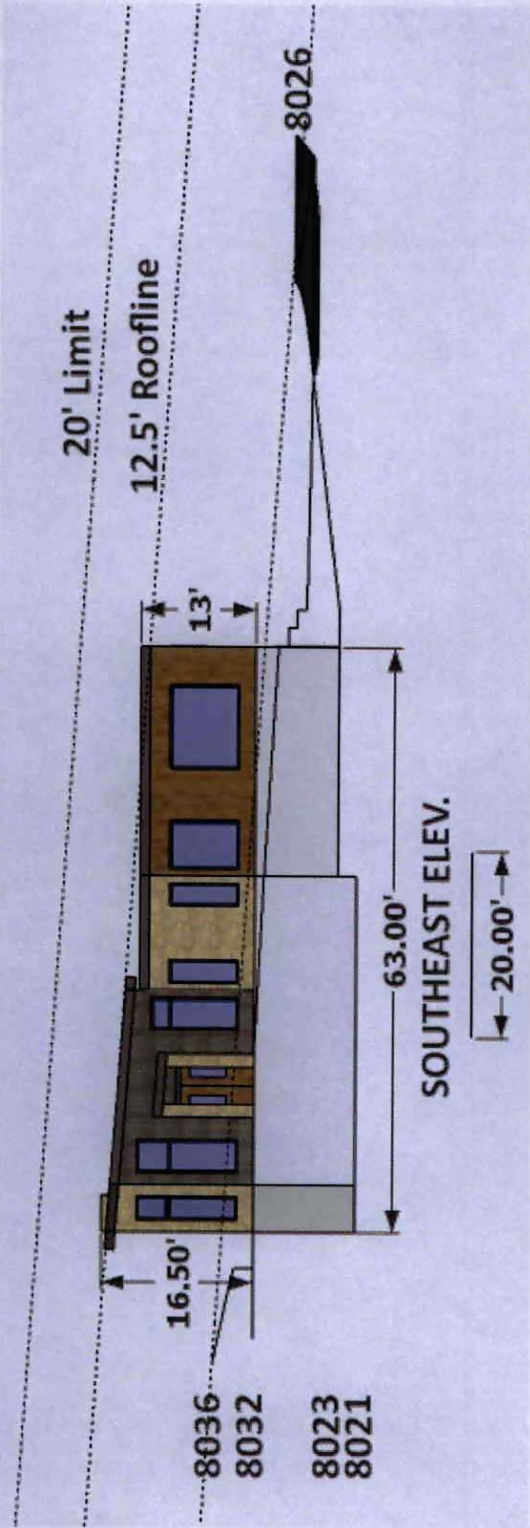
Location 4



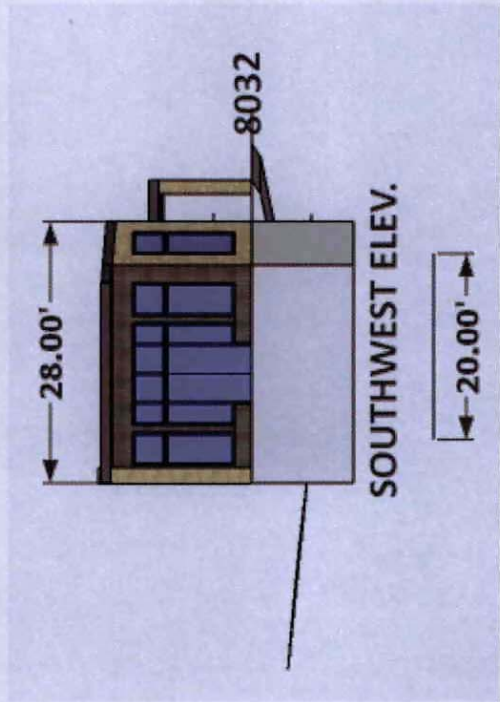
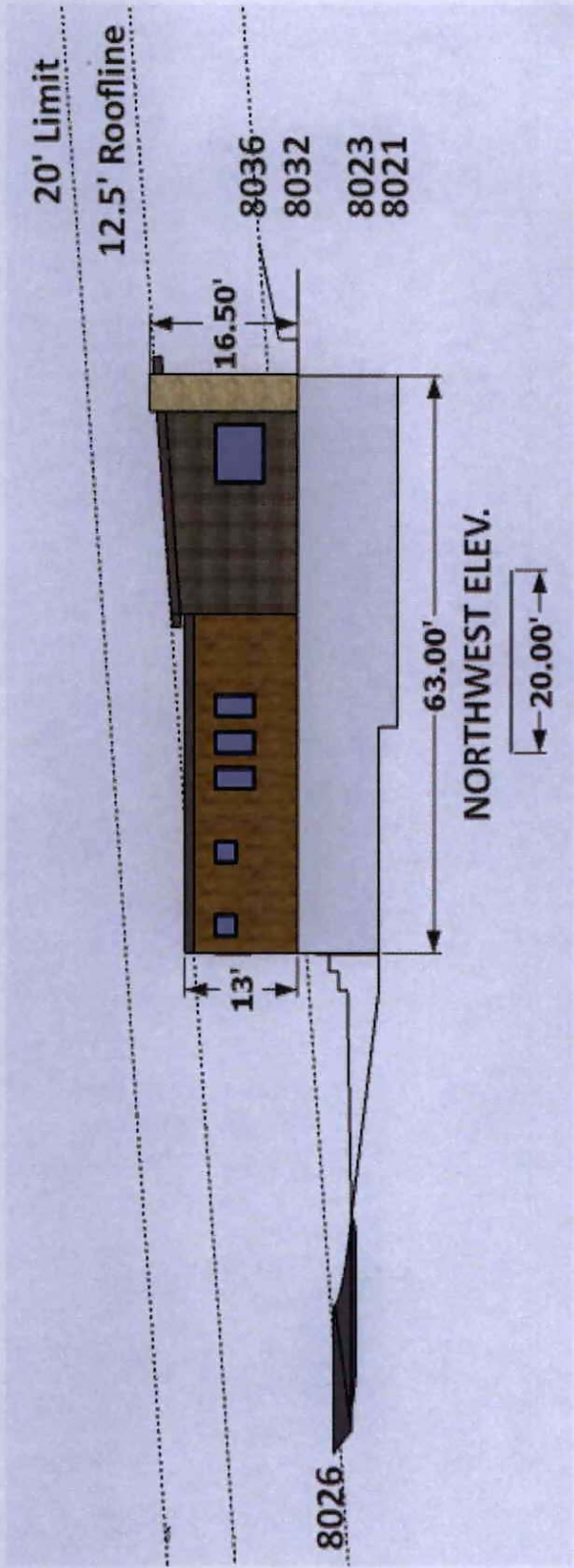
Location 5

000023

Elevation Drawings



000024





Preliminary Landscape Plan

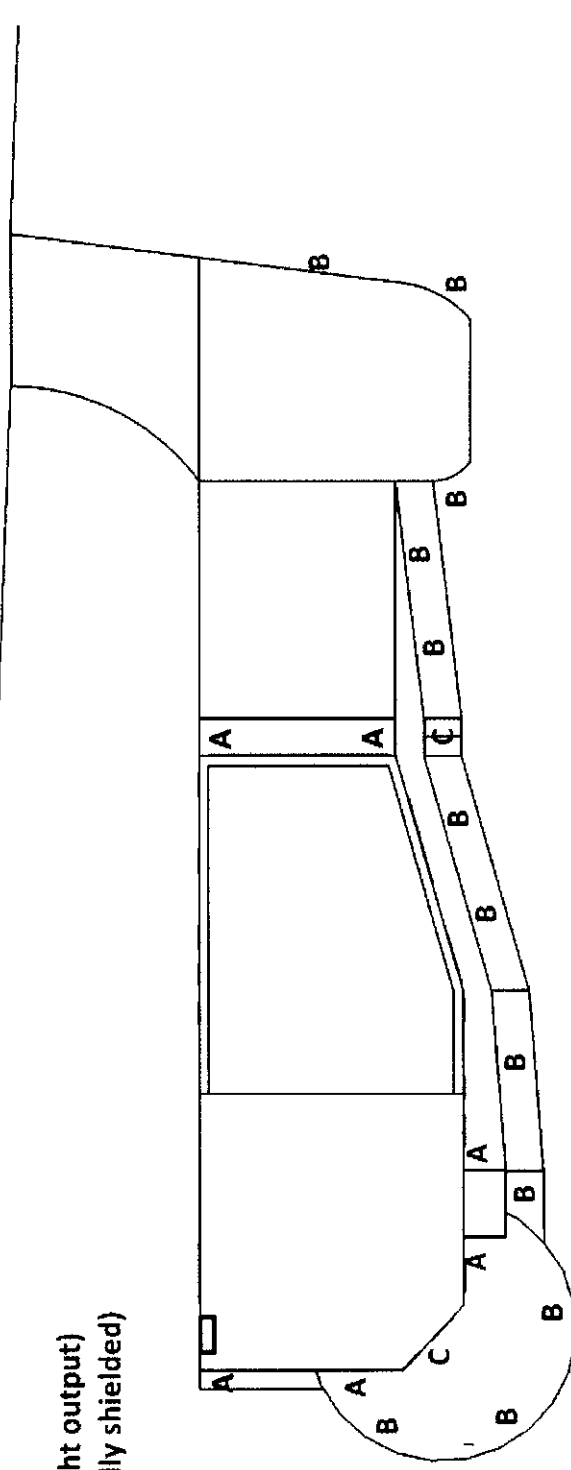
Please see attached

000026

Lighting

Shield O Road

- A - Sconce (single side light output)
- B - Landscape Bollard (fully shielded)
- C - Step Light



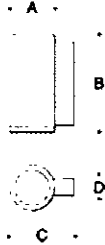
Snowmass Creek Road

# Site Plan Amendment Parcel # 264522400583

[Back to Wall Luminaires](#)



Polar Curve



**Technical Information**

- [Specification Sheet](#)
- [Installation Instructions](#)
- [Revit BIM Model](#)

**Submittal Drawings**

- [Download PDF](#)
- [Download DXF](#)

**Photometry**

- [Photometric Summary](#)
- [Download IES File](#)
- [Download IES Library](#)

**Estimated Lead Time**

**View Product Family**

**Wall luminaires with single-sided light output**

Designed to provide up or down lighting effects for interior and exterior locations.

Wall mounted luminaires with fully shielded light source. Die-cast aluminum construction with clear tempered glass.

Integral 120V - 277V electronic ballast.

CSA certified to U.S. and Canadian standards.

Protection class **IP65**

Finish: Standard BEGA colors

	Lamp	β	T°C	A	B	C	D
<b>6697MH537</b>	(1) 39W T6 G12 MH	14°		6	11	7 7/8	1 5/8

Accessories	Description
<b>537</b>	<b>Wiring box - included.</b>
<b>547</b>	<b>Surface mounted wiring box</b>

600027

# Site Plan Amendment Parcel # 264522400583

[Back to Bollards](#)

[Product Details](#)

[Product Images](#)

[Product Specifications](#)

[Polar Curve](#)

**Technical Information**

- [Specification Sheet](#)
- [Installation Instructions](#)
- [Revit BIM Model](#)
- [Catalog Spread](#)
- [FAQ](#)

**Submittal Drawings**

- [Download PDF](#)
- [Download DXF](#)

**Photometry**

- [Photometric Summary](#)
- [Download IES File](#)
- [Download IES Library](#)

**Application Photos**

**Estimated Lead Time**

**8476MH**

Lamp

(1) 39WT6 G12 MH

B

T°C

A

B

C

10 1/4

31 1/2

5 1/2

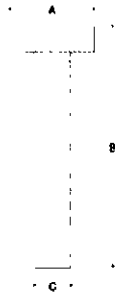
**View Product Family**

Accessories

Description

**895A**

**Anchorage Kit - included.**



**Bollard with fully shielded light source**

Designed for the effective lighting of driveways, squares, pathways, and entrances from a low mounting height, featuring a symmetrical, fully shielded and glare-free light distribution

Bollards with an extruded aluminum post, with a die-cast aluminum top housing, base and lamp enclosure shield. Clear molded crystal glass diffuser, and anodized aluminum reflector.

U.L. listed, suitable for wet locations

Protection class: IP65

Finish: Standard BEGA colors.

[Back to Recessed Luminaires](#)

# Site Plan Amendment Parcel # 264522400583



[Polar Curve](#)

### Technical Information

- [Specification Sheet](#)
- [Installation Instructions](#)
- [Revit BIM Model](#)
- [Catalog Spread](#)

### Submittal Drawings

- [Download PDF](#)
- [Download DXF](#)

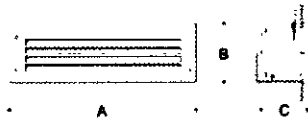
### Photometry

- [Photometric Summary](#)
- [Download IES File](#)
- [Download IES Library](#)

### Application Photos

### Estimated Lead Time

[View Product Family](#)



### Recessed wall with louvers

Designed for low mounting heights for the illumination of steps, stairs, ramps, aisles and other interior and exterior locations

Recessed luminaire with die cast aluminum faceplate with integral louvers. Etched tempered glass diffuser.

Integral 120V - 277V electronic LED driver, 0-10V dimming

LED color temperature is 3000K (for 4000K add suffix K4)

UL listed, suitable for wet locations.

Protection class: IP65

Finish: Standard BEGA colors

	2039LED	EXPRESS	ADA	Lamp	B	T°C	A	B	C
				13.4W LED			16 1/2	4 7/8	4

**Exhibit E: Preliminary Grading & Drainage Study**

Please see attached

03030

### Exhibit F: Utilities

- Water: Water will be obtained from a private well on the property.
- Sewer: An Onsite Wastewater Treatment System (OWTS) will be placed on the property (please see attached).
- Electrical: A Holy Cross electrical line is located approximately 300 feet to the east of the property. Power will be taken from the nearest pole and buried to site.
- Gas: A propane tank will be buried on the property.
- Telephone: A Qwest pedestal is located approximately 100 feet north of the property. Service will be extended to the site from the pedestal via buried cable.

000031

**Site Plan Amendment  
Parcel # 264522400583**



February 5, 2012

Pro No 1785

Newland Project Resources  
Attn: Tom  
PO Box 4815  
Basalt, CO 81621

Septic Planning for Tillman Residence, 3-Bedroom Feasibility Report  
Lot 15, Shield-O-Terrace  
Pitkin County, Colorado

Tom,

As requested, ALL SERVICE septic, LLC has visited the site, and prepared a conceptual 3-bedroom onsite wastewater system (OWS) design for the subject residence. We understand a typical family residence is being planned.

A test pit was observed and soil conditions were evaluated. An OWS consisting of a 1000 gallon minimum 2-compartment septic tank, and a gravelless chamber drain field can be constructed in the north portion of the property to served 3 bedrooms. A 30ml PVC liner, installed 4 feet beneath bottom of drain field and along the eastern side of the drain field, would be required to minimize the setback to the cut bank along Snowmass Creek Road. Secondary treatment was discussed for the subject site, although most likely not necessary.

Based on the existing conditions our past experience, the following concept is feasible. A complete soils test, engineering, and permit are required prior to any septic construction. This letter is for planning purposes only.

Please call with questions.

ALL SERVICE septic, LLC

Sincerely,

Timothy R. Petz

Reviewed By:

Richard H. Petz, P.E.



000032



**Exhibit G – Demonstration of Legal Creation & Disclosure/Proof of Ownership**

Demonstration of Legal Creation: Please see the chain of title showing the original creation date, including the letter from David G. Faulkner, Title Officer, Stewart Title, shown as Attachment #4 of the Activity Envelope application dated July 27, 2007 and submitted by Tom Newland, Newland Project Resources, Inc. The aforementioned attachment #4 is incorporated herein by reference.

Release of Notice of Lis Pendens: Please see attached release of notice of lis pendens, executed 8/7/13, and recorded 8/8/13 in Pitkin County, reception #602368.

Disclosure/Proof of Ownership: Please see attached deed conveying the property to Matthew R. Larson, executed 8/14/2013, and recorded 8/15/13 in Pitkin County, reception #602552.

Title Commitment Policy: Please see attached Schedule A and Schedule B of the title commitment policy dated 8/15/2013.

000033

RECEPTION#: 602368, 08/08/2013 at  
09:58:43 AM,  
1 OF 4, R \$26.00 Doc Code RLS LIS PEND  
Janice K. Vos Caudill, Pitkin County, CO

<p>DISTRICT COURT, PITKIN COUNTY, COLORADO</p> <p>506 E. Main St. Aspen, Colorado 81611</p>	<p>DATE FILED: August 7, 2013 3:55 PM FILING ID: DB7B0CE7CB6ED</p> <p>▲ COURT USE ONLY ▲</p>
<p><b>Plaintiff:</b> STONYWOOD TRUST by and through HENRY I. LOWE, TRUSTEE</p> <p>v.</p> <p><b>Defendants:</b> PITKIN COUNTY, COLORADO, acting by and through the BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY; ESTATE OF MARVIN A. TILLMAN; ALAN D. MOORE, personal representative of the Estate of Marvin Tillman</p>	<p>Case Number: 08CV122</p> <p>Div: 3</p>
<p>ATTORNEYS FOR PLAINTIFF STONYWOOD TRUST BY AND THROUGH HENRY I. LOWE, TRUSTEE</p> <p>Name: Kenneth K. Skogg, #19737 Karen L. Brody, #27215 Lowe, Fell &amp; Skogg, LLC</p> <p>Address: 1099 18<sup>th</sup> Street, Suite 2950 Denver, Colorado 80202</p> <p>Telephone: 720-359-8200</p> <p>Facsimile: 720-359-8201</p>	
<p><b>RELEASE OF NOTICE OF LIS PENDENS</b></p>	

PLEASE TAKE NOTICE that with respect to the real property described in EXHIBIT A, attached hereto and incorporated herein by this reference (the "Property"), the Notice of Lis Pendens recorded on August 19, 2008 at Reception No. 552094 in the real property records of the Clerk and Recorder of Pitkin County, Colorado is hereby released.

{ 01089590.1 99950-0039 8/7/2013 2:56:58 PM }

000034

**Site Plan Amendment**  
**Parcel # 264522400583**

Dated this 7th day of August, 2013.

LOWE, FELL & SKOGG, LLC

*s/ Karen L. Brody*

---

Kenneth K. Skogg, #17053

Karen L. Brody, #27215

1099 18<sup>th</sup> Street, Suite 2950

Denver, Colorado 80202

Telephone: (720) 359-8200

ATTORNEYS FOR PLAINTIFF STONYWOOD  
TRUST by and through HENRY I. LOWE,  
TRUSTEE

*A duly signed physical copy of this document is on file at the office of Lowe, Fell & Skogg, LLC pursuant to CRCP Rule 121, Section 1-26(7).*

000035

{ 01089590.199950-0039 8/7/2013 2:56:58 PM }

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2013, a true and correct copy of the foregoing **RELEASE OF NOTICE OF LIS PENDENS** was filed and served electronically via the Integrated Colorado Courts E-Filing System (ICCES), to the following:

Christopher G. Seldin, Esq.  
Assistant Pitkin County Attorney  
Pitkin County Attorney's Office  
530 E. Main St., Suite 302  
Aspen, CO 81611  
*Attorneys for Defendant Board of County  
Commissioners of Pitkin County*

Thomas F. Smith, Esq.  
Austin, Peirce & Smith, P.C.  
600 East Hopkins Avenue, Suite 205  
Aspen, CO 81611  
*Attorneys for the Estate of Marvin A. Tillman and  
Alan D. Moore, Personal Representative of the  
Estate of Marvin A. Tillman*

*s/ Anne Van Teyens*

---

**EXHIBIT A**

**LEGAL DESCRIPTION**

A tract of land situated in Lot 3, Section 22, Township 9 South, Range 86 West of the Sixth Principal Meridian, described as follows:  
Beginning at a point being 233.67 feet N89°09'E, 107.88 feet North, and 89.45 feet West from the South Quarter Corner of Section 22, Township 9 South, Range 86 West of the S Principal Meridian;  
thence East along the North Boundary of the McKenzie Patent 219.85 feet to the center of the Snowmass Creek Road;  
thence North 28°19' East 414.65 feet along the center line of the Snowmass Road;  
thence North 59°58' West 45.08 feet;  
thence South 35°01' West 161.84 feet;  
thence South 47°17' West 363.60 feet;  
thence South 64°17' West 19.38 feet to the Point of Beginning.  
County of Pitkin, State of Colorado

Also known as Pitkin County Tax Parcel No. 264522400583

RECEPTION#: 602552, 08/15/2013 at  
10:38:32 AM,  
1 OF 2, R \$16.00 DF \$7.50 Doc Code PER  
REP DEED  
Janice K. Vos Caudill, Pitkin County, CO

Doc Fee \$ 7.50

**PERSONAL REPRESENTATIVE'S DEED**  
(Testate Estate)

THIS DEED is made by **ALAN D. MOORE** as **Personal Representative of the Estate of Marvin A. Tillman**, deceased, Grantor, to **MATTHEW R. LARSON**, Grantee, whose legal address is 837 South Columbine Street, Denver, CO 80209.

WHEREAS, the Last Will and Testament of the above-named decedent was made and executed in the lifetime of the decedent, and is dated May 9, 2006, which Will was duly admitted to informal probate on September 26, 2006, by the District Court in and for the County of Mesa, State of Colorado, Probate No. 2006PR317;

WHEREAS, the decedent died on the date of September 6, 2006, and Grantor was duly appointed Personal Representative of said Estate by the District Court in and for the County of Mesa, State of Colorado, Probate No. 2006 PR 317, on September 26, 2006, and is now qualified and acting in said capacity;

NOW, THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor hereby sells and conveys to said Grantee, for and in consideration of \$75,000.00, the following described real property situate in the County of Pitkin, State of Colorado:

A tract of land situated in Lot 3, Section 22, Township 9 South, Range 86 West of the Sixth Principal Meridian, described as follows:

Beginning at a point being 233.67 feet N. 89°09' East 107.88 feet North, and 89.45 feet West from the South Quarter Corner of Section 22, Township 9 South, Range 86 West of the 6<sup>th</sup> Principal Meridian;  
thence East along the North Boundary of the McKenzie Patent 219.85 feet to the center of the Snowmass Road;  
thence North 28°19' East 414.65 feet along the center line of the Snowmass Road;  
thence North 59°58' West 45.08 feet;  
thence South 35°01' West 161.84 feet;  
thence South 47°17' West 363.60 feet;  
thence South 64°17' West 19.38 feet to the Point of Beginning,  
County of Pitkin, State of Colorado

also known by street and number as TBD Shield O Road, Snowmass, CO 81654,  
with all appurtenances:

EXECUTED the 14<sup>th</sup> day of August, 2013.

THE ESTATE OF MARVIN A. TILLMAN

By: Alan D. Moore

Alan D. Moore, Personal Representative of the  
Estate of Marvin A. Tillman, Deceased

ST 01330-28955

**Site Plan Amendment**  
**Parcel # 264522400583**  
000030

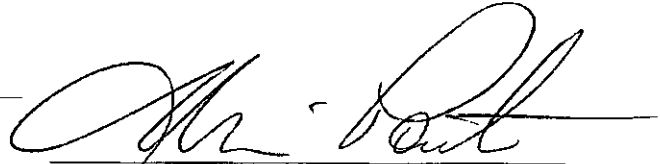
STATE OF COLORADO )  
 ) ss.  
COUNTY OF PITKIN )

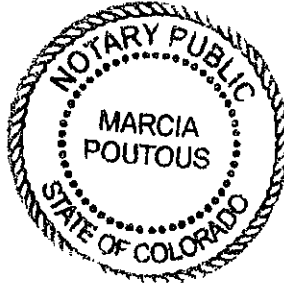
The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of August, 2013, by Alan D. Moore as Personal Representative of the Estate of Marvin A. Tillman, Deceased.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_

MARCIA POUTOUS  
My Commission expires  
Nov. 5, 2017

  
\_\_\_\_\_  
Notary Public



# Site Plan Amendment Parcel # 264522400583

ALTA OWNER'S POLICY (6/17/06)

## SCHEDULE A

**Name and Address of  
Title Insurance Company:**

Stewart Title Guaranty Company  
P.O. Box 2029, Houston, TX 77252  
Prepared by: Colorado Regional Production Center  
Title Officer: Linda Williams

**File No.:** 01330-28955

**Policy No.:** O-9301-001841326

**Address Reference:** TBD Shield O Road, Snowmass, CO 81654  
(For Company Reference Purposes Only)

**Amount of Insurance:** \$75,000.00

**Premium:** \$467.00

**Date of Policy:** August 15, 2013 at 10:38 am

**1. Name of Insured:**

Matthew R. Larson

**2. The estate or interest in the Land that is insured by this policy is:**

Fee Simple

**3. Title is vested in:**

Matthew R. Larson

**4. The Land referred to in this policy is described as follows:**

A tract of land situated in Lot 3, Section 22, Township 9 South, Range 86 West of the Sixth Principal Meridian, described as follows:  
Beginning at a point being 233.67 feet N. 89°09' East 107.88 feet North, and 89.45 feet West from the South Quarter Corner of Section 22, Township 9 South, Range 86 West of the 6th Principal Meridian;  
thence East along the North Boundary of the McKenzie Patent 219.85 feet to the center of the Snowmass Road;  
thence North 28°19' East 414.65 feet along the center line of the Snowmass Road;  
thence North 59°58' West 45.08 feet;  
thence South 35°01' West 161.84 feet;  
thence South 47°17' West 363.60 feet;  
thence South 64°17' West 19.38 feet to the Point of Beginning.

COUNTY OF PITKIN, STATE OF COLORADO.



000040



# Site Plan Amendment Parcel # 264522400583

ALTA OWNER'S POLICY (6/17/06)

## SCHEDULE B

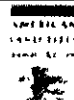
File No.: 01330-28955

Policy No.: O-9301-001841326

### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. Rights or claims of parties in possession, not shown by the public records.
2. Easements, or claims of easements, 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 not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and 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) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records or listed in Schedule B.
6. Water rights, claims or title to water.
7. All taxes for 2013 and subsequent years, which are a lien not yet payable.
8. The effect of inclusions in any general or specific water conservancy, fire protection, soil conservation or other district or inclusion in any water service or street improvement area.
9. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as reserved in United States Patent recorded January 11, 1904 in 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 March 23, 1911 in Book 55 at Page 187.
11. One-half of all of the oil, gas and other hydrocarbon minerals contained in said land as set forth in instrument recorded October 2, 1951 in Book 176 at Page 603.
12. One-half of all oil, gas and other minerals as reserved by J. Burton Tuttle in Deed to Jan R. Christensen as set forth in instrument recorded June 1, 1967 in Book 227 at Page 226 as Reception No. 127531.
13. Easements, rights of way for access and utility purposes as reserved in Deed from Snowmass Development Company recorded October 13, 1966 in Book 223 at Page 261 as Reception No. 125604.
14. All mineral rights as reserved in Deed from Snowmass Development Company recorded October 13, 1966 in Book 228 at Page 580 as Reception No. 125604.
15. Assessments of pro-rata lot share of maintenance of domestic water system to supply water to all lots of Shield-O-Terrace as set forth in Deed recorded April 26, 1976 in Book 311 at Page 209.



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# Site Plan Amendment

## Parcel # 264522400583

ALTA OWNER'S POLICY (6/17/06)

### SCHEDULE B

16. Right of way for Shield-O-Mesa and Shield-O-Terrace Roads.
17. Protective Covenants of Shield-O-Terrace as set forth in instrument recorded June 24, 1968 in Book 235 at Page 137 as Reception No. 131535, and, Amended and Restated Declaration of Protective Covenants and Restrictions for the Shield-O-Terrace as set forth in instrument recorded May 27, 2003, as Reception No. 483213.
18. Shield O Terraces Homeowners Association Rules For Use and Maintenance for Shield O Road recorded May 29 1992 in Book 678 at Page 994 as Reception No. 345172, and Shield-O-Terraces Homeowners' Association, Association Rules, September 27, 2006, as set forth in instrument recorded November 3, 2006, as Reception No. 530672.
19. An Emergency Resolution of the Board of County Commissioners of Pitkin County, Colorado, Establishing a Moratorium on Issuance of Building Permits for Development on Real Property Accessed by the Shield-O-Terrace and the Shield-O-Mesa Roads and Modifying Road Standards for Shield-O-Terrace and Shield-O-Mesa Roads, Resolution No. 96-145 as set forth in instrument recorded January 31, 1997 as Reception No. 401412; AND, an Ordinance of the Board of County Commissioners of Pitkin County Colorado, Ordinance # 96-19, Establishing a Moratorium on Issuance of Building Permits for Development on Real Property Accessed by the Shield-O-Terrace and the Shield-O-Mesa Roads and Modifying Road Standards for Shield-O-Terrace and Shield-O-Mesa Roads, recorded December 10, 1997 as Reception No. 411495 AND an Ordinance of the Board of County Commissioners of Pitkin County Colorado, Ordinance # 97-33, Repealing Ordinance 96-19, IN PART, by Lifting the Moratorium on Issuance of Building Permits for Development of Real Property Accessed by the Mesa Road; and Authorizing Pitkin County to Join the Shield-O-Mesa Road Improvement and Maintenance Association recorded September 8, 1997 as Reception No. 408165
20. Declaration of Protective Covenants for the Shield-O-Mesa Road Improvement and Maintenance Association as set forth in instrument recorded July 22, 1997 as Reception No. 406544.
21. Shield O Terraces Homeowners' Association Rules recorded October 4, 2007 as Reception No. 542672.
22. Affidavit Regarding Agreement and Payment to Shield-O Mesa Road Maintenance Association recorded October 4, 2007 as Reception No. 542673.
23. Determination of Community Development Pitkin County recorded January 11, 2008 as Reception No. 545813.
24. Resolution recorded July 24, 2008 as Reception No. 551405.
25. All matters shown on the Tillman Activity Envelope Plan recorded September 22, 2008 as Reception No. 553011.
26. Shield-O Terraces Homeowners' Association Association Rules recorded June 11, 2009 as Reception No. 559855.
27. Resolution recorded September 8, 2011 as Reception No. 582583 and Resolution recorded May 15, 2012 as Reception No. 589028.
28. All matters shown on the Tillman Site Plan recorded as of November 15, 2012 in Book 101 at Page 1 as Reception No. 593979.
29. Any rights, easements, interests or claims which may exist by reason of or reflected by the following facts shown on the Boundary and Topographic Survey dated 04/2007 by Q.E.D. Surveying Systems: fence running along the easterly portion of subject property and right of way for Snowmass Creek Road.



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**Exhibit H – Parcel Description & Vicinity Map**

Street Address: TBD Shield O Terrace Road, Snowmass, CO 81654  
PID #: 264522400583  
Zoning: RS-30  
Legal Description:

*A tract of land situated in Lot 3, Section 22, Township 9 South, Range 86 West of the Sixth Principal Meridian, described as follows:*

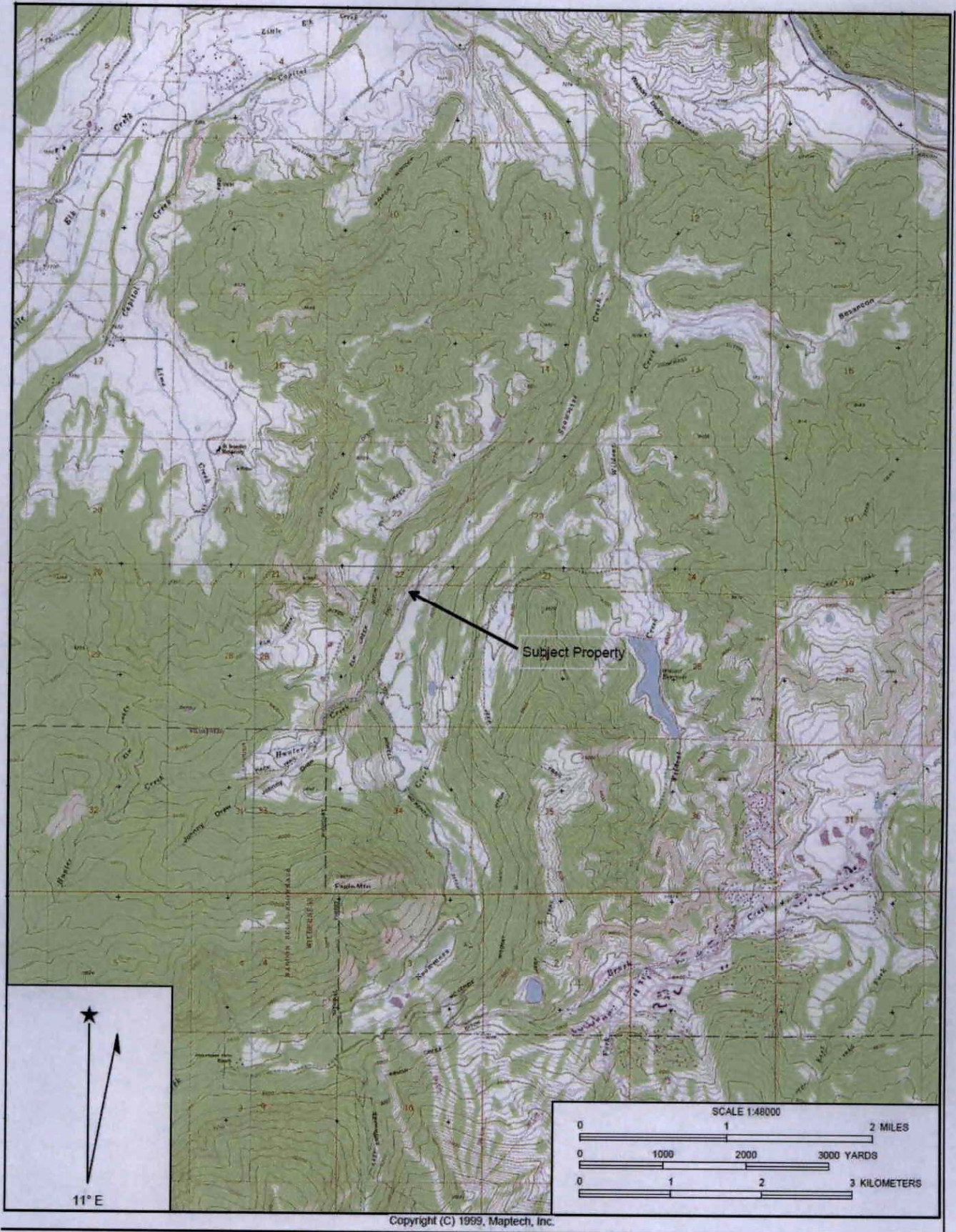
*Beginning at a point being 233.67 feet N89°09'E 107.88 feet North, and 89.45 feet West from the South Quarter Corner of Section 22, Township 9 South, Range 86 West of the 6th Principal Meridian;  
thence East along the North Boundary of McKenzie Patent 219.85 feet to the center of the Snowmass Road;  
thence North 28°19' East 414.65 feet along the center line of the Snowmass Road;  
thence North 59°58' West 45.08 feet;  
thence South 35°01' West 161.84 feet;  
thence South 47°17' West 363.60 feet;  
thence South 64°17' West 19.38 feet to the Point of Beginning.*

*County of Pitkin, State of Colorado*

Closest Intersection: No address has been designated for the property. The property is located at the junction of Snowmass Creek Road and Shield O Terrace Road. The property may be accessed from Shield O Terrace Road.

Vicinity Map: See map on the following page.

Vicinity Map



Copyright (C) 1999, Maptech, Inc.

Site Plan Amendment; Parcel # 264522400583

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**Exhibit I: Owner Consent**

Applicant: Matthew R. Larson, owner (applicant is a licensed Colorado attorney and represents himself)  
Address: 837 South Columbine Street, Denver, CO 80209  
Telephone: 303.808.6997  
Email: Larson.R.Matt@Gmail.com

**Exhibit J: List of Adjacent Property Owners**

SPARKS MARC A  
5010 ADDISON CIR  
ADDISON, TX 75001

LINROC LLC #17  
0005 CARROLL DR  
ASPEN, CO 81611

MJC HAWKS NEST LLC  
503 BEATTY RD  
MEDIA, PA 190631600

GARDNER WILLIAM M  
681 VERNON ST  
OAKLAND, CA 94610

MILLS CYNTHIA VANDEVEER TRUST  
C/O VANTEX HOLDING CORP  
5950 BERKSHIRE LN, STE 405  
DALLAS, TX 752255803

LOWE HENRY T REV TRUST  
911 CRESTLAND AVE  
COLUMBIA, MO 652032311

PICKERING/LAURICELLA REV TRUST 2003  
475 GATE 5 RD #320  
SAUSALITO, CA 94965

CLEAR W RANCH LLC  
C/O CDL FAMILY OFFICE SERVICES  
505 S FLAGLER DR STE 900  
WEST PALM BEACH, FL 33401

STONYWOOD TRUST  
C/O LOWE HENRY I  
1099 18TH ST STE 2950  
DENVER, CO 80202

**Exhibit K: Signed Fee Agreement**

**Site Plan Amendment  
Parcel # 264522400583**

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

PITKIN COUNTY (hereinafter COUNTY) and Matt Larson  
(hereinafter APPLICANT) AGREE AS FOLLOWS:

1. APPLICANT has submitted to COUNTY an application for an amendment to Site Plan Base Res. # 050-2012 (hereinafter, THE PROJECT).
2. APPLICANT understands and agrees that Pitkin County Ordinance No. 30-2009 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 Pitkin 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 \$1,614 which is based on 5 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

APPLICANT

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

Matthew R Larson  
\_\_\_\_\_  
Print Name  
Matt Larson  
\_\_\_\_\_  
Signature

Date: 10/26/2013  
\_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
937 South Columbine Street  
Denver CO 80209

Effective 1/26/10  
G:\county\admin\forms\agreement to pay

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**Exhibit L: Pre-Application Conference Summary**

# Site Plan Amendment

## Parcel # 264522400583

### PITKIN COUNTY PRE-APPLICATION CONFERENCE SUMMARY

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**PLANNER:** Suzanne Wolff  
**PHONE:** (970) 920-5093

**DATE:** 9/26/13  
**E-MAIL:** [suzanne.wolff@co.pitkin.co.us](mailto:suzanne.wolff@co.pitkin.co.us)

**LOCATION:** Shield O Road  
**ZONE/SIZE:** RS-30/1.08 acres

**PID#** 264522400583

**OWNER:** Matt Larson

**PHONE:** 303.808.6997  
**EMAIL:** [Matt@MRLinvestments.com](mailto:Matt@MRLinvestments.com)

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**Type of Application:** Site Plan Amendment

**Description of Project/Development:** The Applicant is requesting to amend the Site Plan approved by the BOCC for a single family residence, pursuant to Resolution No. 050-2012 and recorded in Plat Book 101 at Pages 102. The Applicant is requesting (1) to amend the Resolution to allow additional square footage to accommodate a basement, part of which will contain a garage (within the approved footprint); and (2) to amend the design of the residence to change the roof pitch on the SE end and to extend the wall on the SW end (within the activity envelope).

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

- 2-20-150, Amendments to Development Permit
- 2-30-20(g): Site Plan Criteria for Approval
- 7-10-50: Site Plan
- 7-20-10: Site Preparation and Grading
- 7-20-30: Water Courses and Drainage
- 7-20-120: Scenic View Protection Areas
- 7-20-130: Landscaping and Vegetation Protection
- 7-30: Roads, Driveways and Parking
- 7-50: Public Services and Utilities

**Review by:** BOCC

**Public Hearing:** Yes. The applicant shall post a public notice sign on the property at least 15 days prior to the hearing and shall mail notice to all property owners within 300' at least 30 days prior to the hearing with the return address of the Community Development Department (copy of the 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.

**Staff will refer the application to the following agencies:** Snowmass/Capitol Creek Caucus, Basalt Fire, Shield O Terraces HOA

**FEES: \$1,614** (make check payable to "Pitkin County Treasurer")

- **\$1,560** Planning Office flat fee (non-refundable; based on 5 hours of staff time. If staff review time exceeds 6 hours, the Applicant will be charged for additional time above 5 hours at a rate of \$312/hour)
- **\$54** Public Notice Fee

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# Site Plan Amendment

## Parcel # 264522400583

To apply, submit 5 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. 24" by 36" Amended Site Plan as designated in Section 2.1.12 of the Pitkin County Land Use Application Manual;
3. Scenic View Protection and Lighting Exhibits as designated in Section 2.1.12 of the Application Manual
4. Preliminary Drainage Study
5. Engineering report addressing road design, water supply, wastewater disposal and other utilities and public services (as applicable, based on the amendment).
6. Disclosure and proof of ownership of the property, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all mortgagees, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application.
7. Street address (if any) and parcel description, including legal description, and 8-1/2"x 11" vicinity map locating the subject property within Pitkin County;
8. Consent from the owner of the property for the representative to process the application and represent the owner;
9. List of all property owners within 300' and mineral estate owners (1 copy).
10. Total fee for review of the application;
11. Signed fee agreement (form attached);
12. Copy of this preapp form

### **NOTES:**

- *PLEASE SUBMIT ONE UNBOUND AND ONE-SIDED COPY OF YOUR COMPLETE APPLICATION. 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.*

**MISCELLANEOUS  
DOCUMENTS**