

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY,  
COLORADO, APPROVING THE LARSON SITE PLAN REVIEW AMENDMENT**

Resolution No. 008 -2014

**RECITALS**

1. Matthew R. Larson (hereafter "Applicant") has applied to the Pitkin County Board of County Commissioners (hereafter "BOCC") to amend the Site Plan for a single family residence approved by the BOCC pursuant to Resolution No. 050-2012. The Applicant is requesting the following amendments:
  - A. Increase the footprint slightly within the approved building envelope to allow a total of 1,664 square feet of floor area on the main level of the residence.
  - B. Add a garage and below-grade space containing a total of 1,664 square feet of floor area.
  - C. Clarify the applicability of the 20' height limit to the visible mass of the residence.
2. The parcel is located on Shield O Road, on the east side of the road just above the intersection with Snowmass Creek Road, and is more specifically described in Exhibit A.
3. The parcel contains 1.08 acres and is a nonconforming size parcel within the RS-30 zone district.
4. The Hearing Officer granted approval of an Activity Envelope for the Tillman parcel, pursuant to Determination No. 01-2008. The neighbor, Stonywood Trust, appealed the approval to the BOCC; the BOCC denied the appeal and upheld the Hearing Officer's Determination with modifications to the conditions of approval, pursuant to Resolution No. 079-2008. The Activity Envelope Plan was recorded in Plat Book 88 at Page 58.
5. Stonywood Trust filed an appeal with the Pitkin County District Court on July 25, 2008. The District Court affirmed the decision of the BOCC on August 21, 2010. On October 5, 2010, Stonywood Trust appealed the decision of the District Court to the Colorado Court of Appeals. The Court of Appeals affirmed the judgment of the District Court and concluded "that the record supports Pitkin County's approval of the Estate's application for an activity envelope."
6. The BOCC approved a Site Plan for a single family residence, pursuant to Resolution No. 050-2012; the Site Plan was recorded in Plat Book 101 at Pages 1-2 (refer to Attachments A and B). The approval limited the floor area of the residence to 1,474 square feet and the maximum height to 20'. The approval acknowledges that the residence projects above a ridgeline as seen from certain points along Snowmass Creek Road, but that there is no alternative building site on the parcel.
7. The BOCC heard this application at a duly noticed public hearing on January 8, 2014, at which time evidence and testimony was presented with respect to this application.
8. The BOCC finds that the proposed amendments to the Site Plan comply with the applicable standards in the Land Use Code ("Code"), as follows:
  - A. The 190 square foot increase in the footprint of the residence does not change the basic visual appearance or impact of the residence.

- B. The increase in floor area up to 3,328 square feet to accommodate a garage and below-grade space is acceptable, based on the following:
- 1) The proposed house size is compatible with the average size of homes in the area, which is approximately 3,500 square feet.
  - 2) The proposed lower level is primarily below the existing grade and is within the previously approved footprint, and does not increase the visual impact of the residence as seen from Snowmass Creek Road.
  - 3) The proposed residence is contained within the approved Activity Envelope and does not require any setback variances.
  - 4) The additional floor area will not increase impacts on the surrounding neighborhood, and may reduce impacts by accommodating vehicles and other gear inside the residence rather than on the driveway. In addition, the driveway area is reduced, which decreases the amount of snow removal.
- C. The proposed residence complies with the intent of the 20' height limit specified in Resolution No. 050-2012, since the visual impact of the proposed residence is consistent with the prior representations and the visible mass has not increased.
9. The BOCC further finds that the proposed residence is consistent with the criteria for development within the Scenic View Protection Area. The residence projects above a ridgeline when viewed from a portion of Snowmass Creek Road (below/east of the residence and to the south of the residence), however, there is no alternate building site on the parcel. The residence has been designed to lessen the visual impact as seen from Snowmass Creek Road to the extent practicable, including limiting the mass, bulk and height of the residence.

**NOW, THEREFORE, BE IT RESOLVED** by the Pitkin County Board of County Commissioners that it does hereby approve the Larson Site Plan Review Amendment, subject to the following conditions, which shall run with the land and be binding on all successors in interest:

1. The Applicant shall adhere to all material representations made in the current or prior applications or in public meetings or hearings and shall consider those representations to be conditions of approval, unless amended by other conditions.
2. The conditions of this approval shall replace the conditions of BOCC Resolution Nos. 079-2008 and 050-2012.
3. The floor area on the parcel shall be limited to a maximum of 3,328 square feet of floor area as shown on the attached floor plans (Attachment B). The 3,328 square feet of floor area is exempt from growth management.
4. The height of the residence shall be limited as shown on the attached elevations (Attachment C). The lower level of the residence shall not be excavated such that the entire façade of the lower level is exposed above the finished grade. A portion of the garage and the slopes approaching the garage, and 18-24" of the lower level immediately below the perimeter of the main level, may be exposed above the finished grade.
5. The Applicant shall comply with all standards for development within Scenic View Protection Areas as represented in the application and approved in this Resolution. The exterior of the residence shall

utilize indigenous earth tone materials or colors and the 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 reflectivity, with the exception of materials associated with solar or photovoltaic equipment. Driveway lighting is prohibited and all other lighting shall comply with the lighting code.

6. Prior to submission of any future building permit applications for the residence, the Applicant shall be required to submit for approval by the County Attorney and Community Development an Amended Site Plan in accordance with Land Use Code Section 2-30-20(g) and Application Manual Section 2.1.12. The above referenced approvals shall be a condition precedent to finalization and recordation of them. The Site Plan shall be amended as follows, prior to recordation:
  - A. Include a note that the existing Gamble oak stand to the northwest of the driveway shall be preserved to the maximum extent practicable, while accommodating extension of water or wastewater lines.
  - B. Depict a snow storage area adjacent to the driveway.
  - C. Depict the area for the On-Site Wastewater Treatment System.
  
7. Concurrent with submission of a building permit application for the residence, the Applicant shall:
  - A. Provide proof of an adequate water supply (in terms of quantity and availability) for domestic and fire protection purposes, and for irrigation purposes, if applicable.
  - B. Submit a drainage and erosion control plan for review and approval by Planning/Zoning. If the total development disturbs one (1) acre or more, the Applicant shall apply for and obtain a State Stormwater Permit. All historic and natural drainage patterns shall be maintained. Stormwater shall be detained onsite and allow infiltration of runoff prior to discharge. The plan shall ensure that drainage is directed away from the cut slope below the residence and above Snowmass Creek Road.
  - C. Submit a construction management plan for review and approval by Planning/Zoning. The plan shall detail all parking and staging; parking is prohibited along Shield O and Snowmass Creek Roads and within the Shield O Road easement.
  - D. Submit a detailed revegetation plan for disturbed areas with appropriate seed mixes for review and approval by Planning/Zoning. Top soil shall be stored on-site and re-used for revegetation and landscaping purposes. The plan shall include revegetation of the cut bank above Snowmass Creek Road with native grasses with temporary irrigation for two growing seasons to ensure the success of the revegetation.
  - E. Submit a detailed landscaping plan.
  - F. Submit a detailed exterior lighting plan. Driveway lighting is prohibited, and exterior lighting shall be minimized on the north, east and south sides of the residence.
  - G. A geotechnical engineer licensed in the State of Colorado shall be required to demonstrate that the foundation can be engineered so that the residence does not destabilize the slope below the house and above Snowmass Creek Road.
  - H. Submit a Snow Removal Plan that ensures that snow will not be pushed off of the driveway toward or over the cut bank above Snowmass Creek Road (to the west of the driveway).
  
8. Prior to issuance of the building permit for the residence, the Applicant shall:
  - A. Pay the applicable road and employee housing impact fees.
  - B. Obtain a County access/driveway permit, which shall be reviewed and approved by the Basalt and Rural Fire Protection District and Planning/Zoning.
  - C. Obtain an On-Site Wastewater Treatment System ("OWTS") Construction Permit from Environmental Health.

- D. Complete a fireplace/woodstove registration form with the Community Development Department, if necessary.
9. Utility lines shall be installed in Snowmass Creek and Shield O Roads to the Activity Envelope, and shall not be extended through the cut bank above Snowmass Creek Road.
  10. Landscaping shall be substantially consistent with the landscaping shown on the site plan. Areas disturbed by construction shall be re-vegetated within one growing season of the project's completion. Landscaping shall be completed prior to issuance of the Certificate of Occupancy for the residence.
  11. No development in excess of 30" above or below natural grade shall occur within the setbacks of the parcel, with the exception of driveways and associated retaining walls of up to 6' above or below natural grade and fencing. Landscaping in the form of berms shall not exceed four feet from the most restrictive grade. Any development located within setbacks mandated by County zoning regulations that does not comply with these restrictions shall require a variance from the Board of Adjustment. Approval of an activity envelope within such setbacks does not assure approval of a variance.
  12. The Applicant shall provide adequate engineering of any retaining walls over 4' in height and/or any improvements to retaining walls over 4' in height. All retaining walls shall be a maximum of 7' in height.
  13. Prior to commencement of any earthmoving or other construction activity, the Applicant shall stake the corners of the activity envelope and install construction fencing around the construction site within the perimeter of the activity envelope. The fencing shall remain in place until issuance of a Certificate of Occupancy.
  14. Residents shall use the garage for the parking of two passenger vehicles. Storage in the garage, which does not permit parking of two passenger vehicles, is prohibited. The garage shall not be converted to living space or any use that prevents the parking of two passenger vehicles within the garage.
  15. Snow shall not be pushed off of the driveway toward or over the cut bank above Snowmass Creek Road (to the west of the driveway).
  16. The owner shall be liable for any damage to Snowmass Creek Road that results from the excavation or construction on the parcel or from drainage issues on the parcel. If the road is damaged, the owner shall restore the road to a condition acceptable to the County Engineer. Temporary disturbance to Snowmass Creek Road may occur to extend utilities to the parcel.
  17. The Applicant shall comply with the following standards for Development in a Severe Wildfire Hazard Area:
    - A. 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):

- 1) Brush, debris and non-ornamental vegetation shall be removed within a minimum ten-foot (10') perimeter around all structures.
  - 2) 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 the structures.
  - 3) 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.
  - 4) 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.
  - 5) 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.
  - 6) All branches that extend over the roof eaves shall be trimmed and all branches within fifteen (15) feet of chimneys shall be removed.
  - 7) 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.
  - 8) All deadfall up to a one hundred (100) foot perimeter shall be removed.
  - 9) No new conifer trees shall be planted within ten (10) feet of a residence.
  - 10) No flammable mulches shall be placed within two (2) feet of a residence.
  - 11) The property owner shall be responsible for the continued maintenance of the defensible space vegetation requirements.
- B. Roofing Materials: Class A covering or Class A assembly as defined by the currently adopted Building Code. No wood shakes or shingles. All other adopted Building Code compliant methods and materials permitted. Roofs with less than a 3:12 pitch are not permitted unless they comply with the following:
- 1) All roof coverings shall be constructed of non-combustible materials and installed on a Class A roof assembly.
  - 2) All roof coverings shall have a surface that shall facilitate the natural process of clearing roof debris.
  - 3) Protrusions above the roofline, such as parapets, shall be prohibited.
  - 4) Roofs shall be installed as required by the adopted Building Code and shall have a minimum pitch of 1:48.
  - 5) All roof designs, coverings, or equivalent assemblies shall be specifically approved by the Fire Marshal prior to submittal of a building permit application.
- C. Roof Venting:
- 1) Soffit venting shall be located in the outer 1/3<sup>rd</sup> portion of the overhang.
  - 2) Attic, soffit and other roof venting shall be of non-corrosive metal mesh with maximum 1/4" openings.
- D. Projections at the Roofline, including Soffits, Rafters, Porch or Deck Roofs, Fascias, or Other: One hour rated material or any material underlain by 5/8" Type X gypboard or equal, or "Type IV" Heavy Timber materials, per the currently adopted building code.

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

- 1) Construction with noncombustible or one (1) hour rated material, or material with flame spread <25 (tested to ASTM E84 and listed for exterior use), or
- 2) Conventionally framed deck with waterproof surface and underside protected with 5/8" Type X gypboard or equal (decking as "a" above), or
- 3) "Type IV" Heavy Timber materials: joist and beams minimum 6"x10", columns minimum 8"x8", decking minimum 4" in depth, or decking as "a" above; or equivalent log construction, or
- 4) Enclose projection vertically to ground with one hour fire resistive materials. Decking as "a" above.

F. Railings: Railings must be constructed of noncombustible or "Type IV" Heavy Timber materials.

G. Exterior of the Structure, Including All Walls:

- 1) One (1) hour fire resistive rated materials, or
- 2) 5/8" gypboard underlying combustible materials, or
- 3) Cement stucco, minimum 3/4" thickness.
- 4) All glazing to be tempered glazing; and
- 5) Doors to be metal or wood 1 3/4" thick minimum.

H. Foundations: Foundations, skirting, and crawl space openings shall be fully enclosed and constructed with materials approved for one (1) hour fire-resistive construction on the exterior side of the walls and shall extend from the top of grade to the underside of the floor decking or walls.

I. Maintenance and Miscellaneous Requirements

- 1) Roofs and gutters shall be kept clear of debris.
- 2) Any outbuilding shall adhere to the same wildfire requirements.
- 3) Yards shall be kept clear of all litter, slash and flammable debris.
- 4) All flammable materials shall be stored on a parallel contour a minimum of fifteen (15) feet away from any structure.
- 5) Weeds and grasses within the ten (10) foot perimeter shall be maintained to a height not more than six (6) inches.
- 6) Firewood/wood piles shall be stacked on a parallel contour a minimum of fifteen (15) feet away from the structure.
- 7) Swimming pools and ponds shall be accessible by the local fire district.
- 8) Fences shall be kept clear of brush and debris.
- 9) Wood fences shall not connect to other structures.
- 10) Fuel tanks shall be installed underground with an approved container.
- 11) Propane tanks shall be buried, if possible, or installed according to NFPA 58 standards and on a contour away from the structure with standard defensible space vegetation mitigation around any aboveground tank. Any wood enclosure around the tank shall be constructed with materials approved for two (2) hour fire-resistive construction on the exterior side of the walls.
- 12) Each structure shall have a minimum of one ten (10) pound ABC fire extinguisher.
- 13) Addresses shall be clearly marked with two (2) inch non-combustible letters and shall be visible at the primary point of access from the public or common access road and installed on

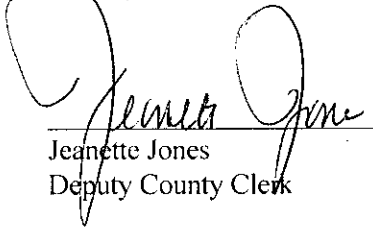
- a non-combustible post.
- 14) Utilities shall be extended underground.
18. An approved automatic fire suppression system shall be installed in the residence, if required by the Basalt and Rural Fire Protection District, or the Land Use Code or building code in effect at the time of building permit submission.
19. The Applicant shall comply with the following measures to mitigate impacts to wildlife:
- A. Dogs shall be kenneled within 50' of the residence or leashed under human supervision when outside of the kennel.
  - B. Native vegetation shall be maintained outside of the activity envelope.
  - C. Trash/garbage shall be kept in an approved bear resistant container or enclosure, pursuant to the County's Wildlife Protection Ordinance. Verification of compliance shall be provided prior to issuance of a certificate of occupancy.
  - D. Fencing shall comply with the following, except for fencing immediately adjacent to the buildings to contain pets or livestock:
    - 1) Wood fencing shall employ three rails or less, be the round or split rail type, shall not exceed 48 inches in height above ground level and 12 inches in width (top view), and shall have at least 18 inches between two of the rails.
    - 2) Wire fencing shall consist of no more than 3 strands of smooth wire and shall not exceed 42 inches in height.
    - 3) All non-conforming fencing on the property must be brought into compliance.
  - E. Avoid fruit-bearing trees and shrubs in any landscaping.
  - F. Construction workers shall be prohibited from bringing dogs on-site during construction.
20. No development including grading, excavation, fill placement, berming, landscaping, vegetation removal or disturbance, well or on-site wastewater treatment system shall occur outside of the approved Activity Envelope, except as necessary to comply with the wildfire mitigation measures described above.
21. All areas disturbed by construction shall be re-vegetated with native shrubs and grasses within one growing season of the project's completion.
22. No calculations for height, bulk, setback, size, floor area, or any other building and zoning requirements have been conducted. These requirements will be considered at the time of building permit. Any structures represented in the application may not comply with building and zoning regulations.
23. Failure to comply with the conditions of this approval may result in revocation of this approval, or any subsequent permit(s) or approval(s) related to this property, or vested rights associated with this property.
24. Statutory vested rights for the approval contained herein are granted pursuant to the Pitkin County Land Use Code and Colorado Statutes, subject to the exceptions set forth in Pitkin County Land Use Code, § 2-20-170 and C.R.S., § 24-68-105. The statutory vested rights granted herein shall expire on January 8, 2017.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES WEEKLY on the 27<sup>th</sup> day of November, 2013.

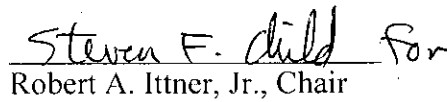
APPROVED AND ADOPTED this 8 day of January, 2014.

PUBLISHED AFTER ADOPTION FOR VESTED REAL PROPERTY RIGHTS in the Aspen Times Weekly on the 30<sup>th</sup> day of January 2014.

ATTEST:

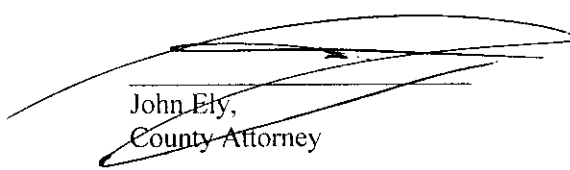
  
Jeanette Jones  
Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO

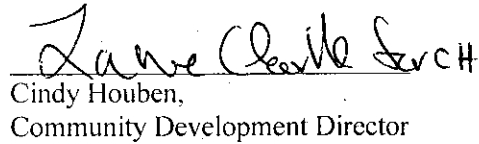
 for  
Robert A. Ittner, Jr., Chair

Date: 1-22-2014

APPROVED AS TO FORM:

  
John Ely,  
County Attorney

APPROVED AS TO CONTENT:

  
Cindy Houben,  
Community Development Director

PID 264522400583  
Case #P096-13



Exhibit A

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.

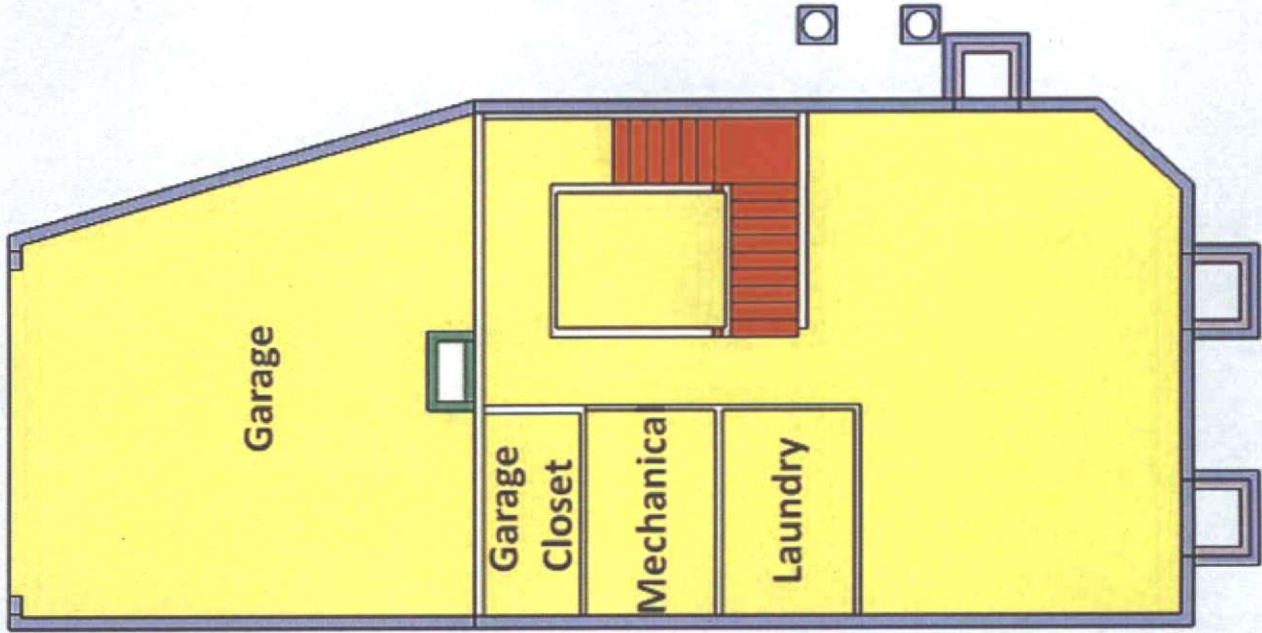
COUNTY OF PITKIN, STATE OF COLORADO.



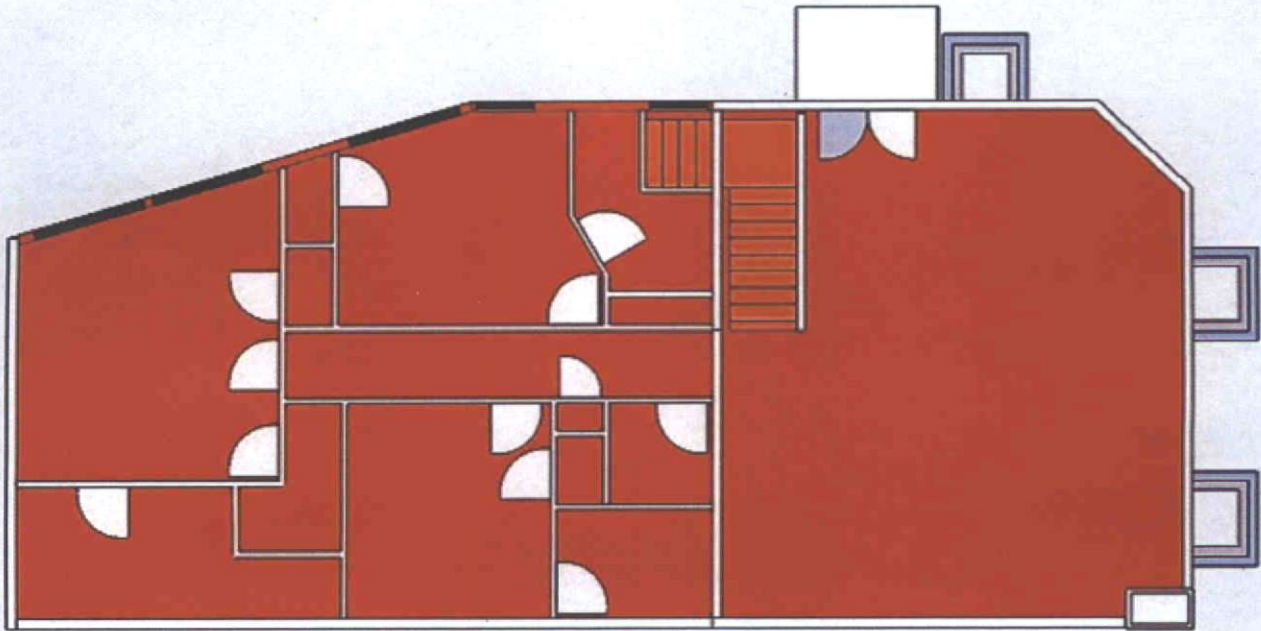
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Exhibit B



1664 SqFt



1664 SqFt

