

**MEMORANDUM**

**TO:** Board of County Commissioners  
Regular Meeting – May 27, 2020

**THRU:** Cindy Houben, Community Development Director

**FROM:** Leslie Lamont, Senior Planner Director

**SUBJECT:** Oxenberg Subdivision

- Resolution Approving Oxenberg Subdivision Conceptual Submission, Planned Unit Development (PUD), Activity Envelope, and Special Review for a Caretaker Dwelling Unit – 2<sup>nd</sup> Reading & Continued Public Hearing
- Ordinance Rezoning the Oxenberg Property with a Planned Unit Development (PUD) Overlay – 2<sup>nd</sup> Reading & Continued Public Hearing

---

**SUMMARY of REQUEST:** The Applicants are requesting to subdivide a 39-acre parcel into three residential (3) lots and one Common lot. The Applicants request Subdivision Conceptual Submission, rezoning to Planned Unit Development (PUD) overlay to vary minimum lot size and utilize the Common Agricultural Building floor area exemption, Activity Envelope review, and Special Review for one Caretaker Dwelling Unit.

The Applicants recently received a GMQS allotment of 15,250 square feet. The Applicants propose to use the allotments to develop two free market units and one caretaker dwelling unit.

The BOCC approved the application on first reading on April 22, 2020.

**APPLICANTS:** Robert & Maureen Oxenberg

**REPRESENTATIVE:** Grafton Smith, Grafton Smith Planning

**LOCATION:** 2520 Lower River Road, Snowmass, Colorado

**ZONING/LOT SIZE:** AR-10/39.08 acres

**AERIAL PHOTOGRAPHY:** The subject property is highlighted in yellow:



**REVIEW PROCESS:** The BOCC discussed several issues and asked for clarification at first reading. The issues are summarized below:

1. There was a question about adding a Caretaker Dwelling Unit (CDU) in the barn on the Common Parcel. The square footage of the CDU will be deducted from the GMQS allotment and will be deed restricted as required for CDUs in the County. The Code encourages aggregation of agricultural buildings on a common parcel in a PUD, which then prohibits agricultural buildings on individual lots. The Code does not prohibit the construction of a CDU on a common parcel or within an agricultural building. CDUs are considered accessory uses to a principal use, typically a residential development. In this case, the barn and CDU are accessory to the residential lots in the PUD. Staff supports the location of this CDU because it could support the operation and maintenance of the common agricultural area for the subdivision and is an accessory use to the agricultural operation and maintenance of the property.

There is an existing CDU on Lot 1 and no CDUs proposed for Lots 2 and 3. If the Board is concerned about the number of dwelling units on the property and/or clarifying that no more than 2 total CDUs on the property are allowed (on Lot 1 and the common parcel) then a condition of approval could be added to the Resolution prohibiting CDUs on Lots 2 and 3.

2. Which entity holds the easement to correct the Rio Grande trail encroachment onto the Oxenberg property? The County will hold the easement.
3. Resolution condition #2 E. 2) restricts the use of the common barn to non-commercial agricultural uses only and for residents of the PUD only. The Board expressed concern that this could prohibit use of the property for a sustainable agricultural business. The intent was to provide an assurance that the barn would not be used for commercial activity such as events or a riding stable. The language could be amended to specify the specific commercial uses that are prohibited. The issue of commercial agricultural use is complicated by Sec. 2-20-10(e) of the Code, which requires a covenant prohibiting commercial agricultural activity "If the development approval will change the primary and fundamental use from being agricultural." Staff suggests that these issues be discussed at Detailed Subdivision review to allow staff and the Applicant to work together to craft appropriate language to include in the Subdivision/PUD Agreement to address these issues. The condition has been amended accordingly.

**RECOMMENDATION:** Staff and the Planning and Zoning Commission recommend that the BOCC approve the following:

- Resolution of the Board of County Commissioners of Pitkin County, Colorado approving the Oxenberg Subdivision Conceptual Submission, Planned Unit Development (PUD), Activity Envelope, and Special Review for a Caretaker Dwelling Unit.
- Ordinance of the Board of County Commissioners of Pitkin County, Colorado Rezoning the Oxenberg Property with a Planned Unit Development (PUD) Overlay.

**ATTACHMENT:**

- A. Public Comment not Included in the Previous Packet

# ATTACHMENT A

----- Forwarded message -----

From: **Paul Theofanous** <[ptheofanous@gmail.com](mailto:ptheofanous@gmail.com)>

Date: Fri, Mar 6, 2020 at 5:02 PM

Subject: Oxenberg

Dear Board of County Commissioners,

I am writing to you in strong opposition to the application submitted by Oxenberg. I am the property owner at 2489 Lower River Road, the property directly adjacent to the Oxenberg application, where I have lived for over twenty years. The Oxenberg application is nothing more than an attempt by non-residents of our beautiful and historic area to profit financially at the direct expense of all that makes Pitkin County great and that its true residents cherish so much. It is essential that the Pitkin County BOCC fully reject this application.

If approved, the Oxenberg application would transition the area from a rural environment to a commercial environment. Historically, this section of Pitkin County has had no permissible commercial usage and has recently rejected numerous commercial applications from, among others, the marijuana industry. If the commercial Oxenberg application were approved, the area would be overrun on a daily basis by multitudes of people and vehicles. Additionally, beautiful terrain would be destroyed to lay down parking lots. The migration paths of deer, elk, bear, and mountain lions would be severely disrupted, and our local horses would lose the open field vistas in which they have traditionally grazed.

It is important to note that when previously given the opportunity to manipulate the land for a project, Oxenberg needlessly destroyed the local sage brush and, thereby, destroyed an area beloved by deer and elk each winter. If given broader latitude, I would hate to see what would be done to the precious land, the likes of which is unique to the Arbaney Gulch. In rejecting the aforementioned marijuana business applications, the BOCC cited precisely these important concerns region specific concerns.

On a personal note, the application raises significant security and safety concerns. The driving path from Lower River Road to the Oxenberg property passes directly through my extended driveway. If commercial and transient lodging usage was permitted on the property, the path near my house would certainly transform into a highway. Local animal life would be severely disrupted and there would be increased risks to minor children, including my own. Additionally, the attraction of many people per week would bring countless unwanted "visitors" perilously close to my home. It would be wholly inappropriate for local residents, including myself and many others, to foot the security bill in support of Oxenberg's business goals.

As the BOCC, it is important that you view this application in its proper context. Oxenberg is not a longtime resident and property owner hoping to expand his local footprint in a manner mutually beneficial to himself and neighbors. He is an opportunistic outsider who, along with his fellow investors, is looking to make a quick profit on what you have overseen and we, as residents, have upheld for generations. The very reasons application approval is potentially so lucrative is precisely due to the BOCC's past work and the respect and vigilance of our past and current residents. Pitkin County is one of the most beautiful places in the United States, if not the world. It has been preserved, and its values have been upheld, by those who have lived here in the past and live here currently. It has also been preserved in no small part due to those in positions of authority, such as yourselves, rejecting those who are purely opportunistic and do not share our values or respect for this land. Please continue to uphold our local beauty and values and reject this application.

Respectfully,  
Paul Theofanous

----- Forwarded message -----

From: Paul Theofanous <ptheofanous@gmail.com>

Date: Fri, Apr 10, 2020 at 3:29 PM

Subject: BOCC Meeting: 22 April

To: <charlotte.anderson@pitkincounty.com>

Dear Board of County Commissioners,

I would like to request that the meeting presently scheduled for 22 April and featuring the previously submitted Oxenberg application (2520 Lower River Road) be postponed indefinitely. I am the property owner adjacent to the Oxenberg property (2489 Lower River Road) and would be most affected by the application's approval, which I vehemently oppose.

It is of the utmost importance that I am permitted to state my position in opposition to the application in front of the BOCC in person. Unfortunately, we are in the midst of a global pandemic and this is simply not possible. I am presently located in New Jersey (I spend time during the year in New York/New Jersey) and I must stay here until further notice for safety purposes. Both New York and New Jersey are currently experiencing "shelter in place" orders from state and local governing bodies. Aside from the obvious dangers involved in traveling currently, the closure of schools and the lack of availability of basic goods and services due to those orders would create an unnecessarily dangerous situation for my two children if I were even to depart from them for just one day. Additionally, I am currently caring for my elderly father who recently had an extended stay in the hospital and requires ongoing attention and care.

I understand the desire of the BOCC to move forward with business as usual, however, these are unprecedented times. To ensure that all citizens of Pitkin County may avail themselves of their full legal rights and the safety of all, I respectfully request that this hearing be postponed until all of those this effects most can attend as they normally would.

Respectfully,

Paul Theofanous

**Paul Theofanous** <ptheofanous@gmail.com>

Mon, Apr 20, 2020 at 12:19 PM

To: Charlotte Anderson <charlotte.anderson@pitkincounty.com>, leslie.lamont@pitkincounty.com

Please present the below email for consideration at the BOCC meeting scheduled for 22 April. Thank you.

Dear Board of County Commissioners,

I am writing to you in strong opposition to the application submitted by Oxenberg. I am the property owner at 2489 Lower River Road, the property directly adjacent to the Oxenberg application, where I have lived for over twenty years. The Oxenberg application is a clear attempt to make a commercial profit at the direct expense of all that makes Pitkin County great. It is essential that the Pitkin County BOCC fully reject this application.

Furthermore, I vehemently oppose any hearing being held on April 22nd as presently scheduled. Given the nature and location of this application, it is of the utmost importance that I attend any and all hearings on the matter. We are in the midst of a global pandemic and the health and safety of all should take precedent over any other concerns. This is clearly a non-essential issue that does not have any urgent or pressing need to move forward. As such, I respectfully request that any hearings are adjourned until the summer when we all have a clearer picture of the risks associated with attending a group meeting.

If approved, the Oxenberg application would transition the area from a rural environment to a commercial environment. Historically, this section of Pitkin County has had no permissible commercial usage and has recently rejected numerous commercial applications from, among others, the marijuana industry. If the commercial Oxenberg application were approved, the area would be overrun on a daily basis by multitudes of people and vehicles. Additionally, beautiful terrain would be destroyed to lay down parking lots. The migration paths of deer, elk, bear, and mountain lions would be severely disrupted, and our local horses would lose the open field vistas in which they have traditionally grazed.

When previously given the opportunity to manipulate the land for a project, Oxenberg needlessly destroyed the local sage brush and, thereby, destroyed an area beloved by deer and elk each winter. If given broader latitude, I would hate to see what would be done to the precious land, the likes of which is unique to the Arbaney Gulch. In rejecting the aforementioned marijuana business applications, the BOCC cited precisely these important concerns region specific concerns.

On a personal note, the application raises significant security and safety concerns. The driving path from Lower River Road to the Oxenberg property passes directly through my extended driveway. If commercial and transient lodging usage was permitted on the property, the path near my house would certainly transform into a highway. Local animal life would be severely disrupted and there would be increased risks to minor children, including my own. Additionally, the attraction of many people per week would bring countless unwanted "visitors" perilously close to my home. It would be wholly inappropriate for local residents, including myself and many others, to foot the security bill in support of Oxenberg's business goals.

Pitkin County is one of the most beautiful places in the United States, if not the world. It has been preserved, and its values have been upheld, by those who have lived here in the past and live here currently. It has also been preserved in no small part due to those in positions of authority, such as yourselves, rejecting those who are purely opportunistic and do not share our values or respect for this land. Please continue to uphold our local beauty and values and reject this application.

Respectfully,

Paul Theofanous

**Paul Theofanous** <ptheofanous@gmail.com> Wed, Apr 22, 2020 at 5:37 PM  
To: Leslie Lamont [leslie.lamont@pitkincounty.com](mailto:leslie.lamont@pitkincounty.com)

Leslie as you know I was able to briefly speak during today's hearing. I was granted three minutes to speak, but was disappointed when I was cut off and precluded from speaking further after just two.

I had no opportunity to counter and points being made and was not able to specifically address the planned use of the barn.

Oxenberg plans to use the barn for "non-ag" purposes.

He is clearly being deceitful and will, of course, use this for housing without going through the proper legal evaluation process.

Again, I implore the BOCC to postpone the next session until I and others can represent ourselves in person to present our points and counter those being made by the applicants.

The issues at hand are too important to be conducted via video conference.  
Thanks very much.

Date: 22 April 2020

To: Pitkin County Board of County Commissioners:

From: Maureen McCluskey and Robert Oxenberg

Regarding: Response to recent letters from our neighbour, Paul Theofanous.

Dear Commissioners:

As you may know, Maureen and I own the 39± acre ranch at 2520 Lower River Road and a few years ago we started the process of developing our ranch into a Planned Unit Development (PUD), which has proven to be quite an interesting experience for us both.

In particular, it has just come to our attention that only a few days prior to our scheduled meeting with you today one of our neighbours, Mr. Paul Theofanous, has sent letter(s) stating his objections to our proposed PUD and requesting that today's meeting be postponed indefinitely. Citing the below we respectfully request that you allow our process to continue thusly unimpeded.

It is entirely Paul's right to make his requests of the Board but it is also quite clear from the assertions in his letters that Mr. Theofanous does not fully understand the details of our PUD application nor apparently has he made any effort to study them. He has not taken the time to attend any of the prior meetings; one Woody Creek Caucus, two P & Z and one BOCC, all of which have taken place prior to any Covid-19 restrictions, nor, although requested several times to do so, has he communicated any of his concerns to us over the past 18 months; comments that the Planning Office will attest to that we were more than willing to take into consideration.

**Misconceptions in Mr. Theofanous's letters:**

1. Mr. Theofanous incorrectly states that the driving path from Lower River Road to the Oxenberg property passes directly through "his extended driveway". What he calls "his" extended driveway is actually our land. In fact, access to Mr. Theofanous's property is by way of a 20 ft wide, non-exclusive, easement over an existing driveway on our land and then by a separate easement of about 60 to 80 feet in length over property owned by Marty Schlumberger. Any additional traffic, real or imagined, resulting from one additional single-family residence and a barn will have no effect on Mr. Theofanous's access to his house. The driveway will definitely not "transform into a highway."

2. We cannot fathom where he is coming from on this one but there will be absolutely no commercial usage associated with our application, in fact it is expressly prohibited in our application's language. Contrary to suggestions in his letter(s), there will be no "commercial or transient lodging uses," nor "multitudes of people and vehicles" nor "lay down parking lots."

Our proposal is for one single-single family residence north and east of the main driveway, well above Lower River Road, and a smaller residence west of Lower River Road clustered with the existing residence there. The proposed barn, outdoor arena and adjacent pasture land are for the private and personal use of homeowners on the Property. As you see, Mr. Theofanous's suggestions that we have some commercial intent that could pose an additional security risk for him are totally incorrect and inappropriate.

In actuality, the only truly commercial uses in the area are on the part of Mr. Theofanous, wherein he runs a camp for hockey players from northern and eastern Europe whom he brings to his ranch to train and practice hockey at the local ice skating rinks. In addition, Paul rents a cabin to very nice young man who has a 24 hour towing service. His tow truck comes and goes over our land at all hours of the day and night. Those are the only commercial enterprises in our neighbourhood with which I am familiar.

3. Mr. Theofanous's suggestion that our proposal is somehow detrimental to current uses of property in the Arbaney Gulch area is likewise without merit. All along Lower River Road one sees horses and barns and spacious single-family dwellings all of which seem to coexist perfectly well and any comments regarding wildlife impacts fails to take into consideration that our proposal uniquely includes provisions for the preservation of over a third of the property in two Wildlife Conservation Areas and another third dedicated to preservation of valuable scenic and agricultural land. The entire 39± acre parcel will be subject to a conservation easement for the benefit of PC Open Space and Trails.

What Mr. Theofanous also seems to fail to realize that the natural alternative to our existing proposal is to site the second residence and/or the barn/riding area (and possibly a CDU) in the pasture directly downhill from his house (the one local horses seem to enjoy the "vistas" over so much.) In discussions with the Planning Office and with Open Space and Trails it was decided that, to our own economic detriment, the public's enjoyment of Lower River Road would be much enhanced by preserving the entire pasture directly in front of the Theofanous house. He is a collateral beneficiary of that decision. As an aside, I was not aware that Paul owned any horses.

4. Mr. Theofanous's statement to the effect that Maureen and I do not appreciate the magnificent natural beauty of the local environment is completely without foundation. I first visited the area in December of 1962 and immediately fell in love with the natural beauty and serenity of the Roaring Fork Valley. I moved to Aspen in 1963, Basalt in 1967, and Marble in 1974. In 1978, Maureen and I purchased a ranch in Carbondale where we lived from 1978 through 1984 after which we purchased property east of Aspen whereat we resided for 30 years (1985-2015). We have lived at 2520 LRR for the past five years.

In Aspen, we were well known for our excellent stewardship of the land and commended for our dedication to ecologically managed mosquito eradication along the Roaring Fork, an effort that has accrued to benefit everyone in the Aspen area as anyone who endured Aspen summers in the 60's 70's can attest.

5. We have attempted to explain our proposed PUD to Mr. Theofanous several times since filing the application in 2018 and to likewise solicit Mr. Theofanous's input in the intervening 18 months, all to no avail. Back in the summer of 2018, I spoke to Mr. Theofanous and mentioned our plans to build a barn and a house to the west of his property. On September 5<sup>th</sup> 2018, I sent a text message to Mr. Theofanous again mentioning our intentions, including some pictures of potential barns, and then on June 28<sup>th</sup> 2019, Mr. Theofanous was sent another text asking for his feedback on our proposal. However, Mr. Theofanous has never bothered to proffer any thoughts or concerns until seven days ago and then only to the BOCC.

In addition to personal outreach there have been multiple public notices and public meetings and the details of the Oxenberg-McCluskey PUD application has been available for almost a whole year on the Pitkin County homepage.

Since finding out about Mr. Theofanous's letter of April 15<sup>th</sup>, I immediately again reached out to Mr. Theofanous to explain the details of our proposal. He stated he would get back to me by the end of last week. We are still waiting for his call.

Paul obviously has not given the time or effort to even try to understand our proposal. And now just days before our meeting with you he mischaracterises to you that very proposal and then asks at the last minute to either postpone the meeting indefinitely or just deny our application outright. It seems very untimely and unfair for him to have waited over a year and a half to express his concerns and then attempt to derail our process.

Thank you for your time and consideration and I look forward to our meeting later today. It should prove interesting on many levels.

Bobby Oxenberg & Maureen McCluskey

**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN  
COUNTY, COLORADO REZONING THE OXENBERG PROPERTY WITH A  
PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.**

**ORDINANCE No. \_\_\_-2020**

**RECITALS**

1. Pursuant to 30-35-301 C.R.S., the Board of County Commissioners (“BOCC”) of Pitkin County, a home rule county, is authorized to make and publish ordinances for carrying into effect or discharging the powers and duties conferred upon such counties by law and as seems necessary.
2. Pursuant to Section 2.8.1 of the Home Rule Charter (“HRC”), the BOCC is authorized to take official action by Ordinance for certain matters where action is prescribed pursuant to the Colorado Revised Statutes as amended.
3. Robert and Maureen Oxenberg (hereafter “Applicants”) have applied to the Board of County Commissioners of Pitkin County, Colorado (“BOCC”) to rezone their property with a Planned Unit Development (PUD) overlay.
4. The property is located at 2520 Lower River Road; Lot 6, Aspen River Valley Ranch. A map of the property, Exhibit A, and the metes and bounds description are attached, Exhibit B . The parcel identification number is 246725400007.
5. The property is currently zoned AR-10 and contains 39.08 acres.
6. The Pitkin County Planning and Zoning Commission considered the proposed request at regularly scheduled meetings on February 4 and March 3, 2020, and recommended approval by a vote of 5-0.
7. The BOCC considered and approved the request on first reading at a duly noticed public hearing on April 22, 2020. The proposed rezoning was heard on second reading at a continued public hearing on May 27, 2020.
8. The BOCC finds that the proposed land is eligible for the PUD overlay designation, pursuant to Section 3-70-30(c) of the Land Use Code as it will provide greater levels of rural land preservation in those areas than would otherwise be required by this Land Use Code.
9. The BOCC further finds that the rezoning is consistent with Sections 2-30-40(i) and 2-40-10(c)(2) of the of the Pitkin County Land Use Code as follows:
  - A. The PUD overlay allows the Applicants to vary the minimum lot sizes to create more open space and preserve more rural character which is consistent with the land use pattern along Lower River Road and preserves the scenic quality of the area.

- B. The common barn will be limited to non-commercial agricultural uses only and additional barns will be prohibited on individual parcels.
- C. Approximately 14 acres of common open space will be conserved, restricted from future development, for use only by the residents of the PUD.

10. The BOCC finds that adoption of the ordinance is in the best interest of the citizens of Pitkin County.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pitkin County, Colorado that it hereby adopts an **ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO REZONING THE OXENBERG PROPERTY WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY** and authorizes the Chair or the Chair's designee to sign the Ordinance and upon the satisfaction of the County Attorney as to form, execute any other associated documents necessary to complete this matter.

INTRODUCED ON FIRST READING AT A PUBLIC HEARING on the 22nd day of April, 2020.

NOTICE OF PUBLIC HEARING AND TITLE AND SHORT SUMMARY OF THE ORDINANCE PUBLISHED IN THE ASPEN TIMES WEEKLY ON \_\_\_\_\_, 2020.

NOTICE OF PUBLIC HEARING AND THE FULL TEXT OF THE ORDINANCE POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE ([www.pitkincounty.com](http://www.pitkincounty.com)) ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

APPROVED AND ADOPTED ON SECOND READING AT A CONTINUED PUBLIC HEARING on the 27<sup>th</sup> day of May, 2020.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN TIMES WEEKLY ON THE \_\_\_ DAY OF \_\_\_\_\_, 2020.

POSTED BY TITLE AND SHORT SUMMARY ON THE OFFICIAL PITKIN COUNTY WEBSITE ([www.pitkincounty.com](http://www.pitkincounty.com)) ON THE \_\_\_ DAY OF \_\_\_\_\_, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE 30 DAYS AFTER PUBLICATION IN THE ASPEN TIMES AND POSTING ON THE OFFICIAL PITKIN COUNTY WEBSITE, FOLLOWING FINAL ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO

\_\_\_\_\_  
Jeanette Jones  
Deputy Clerk

\_\_\_\_\_  
Steven F. Child,  
Chairman

Date: \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
John Ely,  
County Attorney

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

P069-18

Exhibit A – Oxenberg Property Map

Exhibit B - Metes and Bounds Description



**Exhibit B**

**ALTA COMMITMENT  
Old Republic National Title Insurance Company  
Schedule A**

**Order Number:** Q62007634-2

**Customer Ref-Loan No.:**

**Property Address:**

2520 LOWER RIVER ROAD, SNOWMASS, CO 81654

LAFKC, LLC, A COLORADO LIMITED LIABILITY COMPANY

**5. The Land referred to in this Commitment is described as follows:**

LOT 6, ASPEN RIVER VALLEY RANCH, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING PART OF TRACTS 69 AND 84 AND BEING LOCATED IN SECTIONS 25 AND 36, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID PARCEL MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON LINE 1-9 OF SAID TRACT 69 WHENCE A.P. 1 OF TRACT 69 BEARS NORTH 00 DEGREES 23'46"W 410.00 FEET;  
THENCE SOUTH 00 DEGREES 23'46"E 746.32 FEET ALONG SAID LINE 1-9;  
THENCE SOUTH 53 DEGREES 12'15"W 711.64 FEET;  
THENCE SOUTH 33 DEGREES 00'00"E 593.48 FEET;  
THENCE SOUTH 50 DEGREES 00'00"W 1505.89 FEET;  
THENCE NORTH 00 DEGREES 42'19"W 440.00 FEET TO THE A.P. 6 OF SAID TRACT 69;  
THENCE NORTH 89 DEGREES 40'19"W 276.80 FEET ALONG LINE 6-5 OF TRACT 69;  
THENCE NORTH 18 DEGREES 00'00"W 310.39 FEET;  
THENCE NORTH 43 DEGREES 00'00"E 2600.00 FEET TO THE POINT OF BEGINNING.

COUNTY OF PITKIN, STATE OF COLORADO.

Copyright 2006-2016 American Land Title Association. All Rights Reserved

The use of this Form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY,  
COLORADO APPROVING THE OXENBERG SUBDIVISION CONCEPTUAL SUBMISSION,  
ACTIVITY ENVELOPE REVIEW, PLANNED UNIT DEVELOPMENT (PUD) AND SPECIAL  
REVIEW FOR A CARETAKER DWELLING UNIT**

**Resolution No. \_\_\_\_-2020**

**RECITALS**

1. Pursuant to Section 2.8.3 (Actions) of the Pitkin County Home Rule Charter (“HRC”) official action by formal resolution shall be required for all actions of the Board not requiring ordinance power on matters of significant importance affecting citizens.
2. Robert and Maureen Oxenberg (hereafter "Applicants") have applied to the Board of County Commissioners of Pitkin County, Colorado ("BOCC") requesting to subdivide their 39.08 property into three (3) residential lots and a common parcel.
3. The Applicants propose to add a new residential unit onto each Parcel 2 and Parcel 3, and construct a CDU with the barn. There is one existing residence and a caretaker dwelling unit on proposed Parcel 1 (the fathering parcel).
4. The subject property is located at 2520 Lower River Road; Lot 6 of Aspen River Valley Ranch Subdivision, PID# 2467-254-00-007. The legal description is attached, Exhibit A.
5. The property is zoned AR-10 and contains 39.08 acres.
6. The BOCC rezoned the subject property with a PUD overlay, pursuant to Ordinance No. \_\_\_\_-2020.
7. The BOCC granted a Growth Management allotment of 15,250 square feet of gross floor area to be divided as follows: 8,500 square feet for Parcel 2 and 5,750 square feet for Parcel 3, and 1,000 square feet for the caretaker dwelling unit, pursuant to Resolution No. 010-2020.
8. The Planning and Zoning Commission considered the proposed application at regularly scheduled meetings on February 4, 2020 and March 3, 2020 and recommended approval by a vote of 5-0.
9. The BOCC considered the proposed application on first reading at a duly noticed public hearing on April 22, 2020. The BOCC heard the request on second reading at a continued public hearing on May 27, 2020.
10. The BOCC finds that the application is consistent with the applicable provisions of the Pitkin County Land Use Code Sections 2-40-50(i) and 7-70 as follows:
  - A. The Application is consistent with the 2016 Woody Creek Master Plan in that roughly 14 acres of highly visible agricultural and pasture land are being conserved along the Lower River Road scenic corridor. The common barn will carry a covenant against any use other than agricultural, no additional barns may be constructed on the property, and no persons other than members of the PUD may use the barn. The existing water rights will be bound to the land.
  - B. The Master Plan states that “slowly and carefully adding density using aesthetic considerations of compatibility, and keeping growth away from the rural areas, will preserve the open spaces while still providing important housing for a sustainable community....” The “preference for method of

adding density would be: 1. Responsible development within existing zoning. 2. Scattered, low-density infill of deed-restricted units.”

- C. The subdivision proposal conforms to the underlying AR-10 zoning. The density of the proposed subdivision is three dwelling units, one barn, and two CDUs consistent with existing zoning (this includes the fathering parcel).
  - D. The GMQS allotment limits the size of the new dwelling units to below the maximum allowable floor area for single-family homes in this zone district: Parcel 2 to 8,500 square feet and Parcel 3 to 5,750 square feet.
  - E. Parcel 2 and the common barn/CDU are clustered together on the north side of the property limiting disturbance to the open agricultural and pasture land that is intended to be conserved. Parcel 3 is located below Lower River Road and is screened from the scenic road corridor by heavy vegetation.
  - F. Parcel 2 and the barn are within ¼ mile of winter range and winter concentration area for elk and mule deer; Colorado Parks and Wildlife (CPW) found that the impacts can be mitigated.
  - G. A conservation easement will be placed on the entire property to preserve and restrict the uses in the Wildlife Conservation areas and the Agriculture/Pastureland areas.
  - H. The Subdivision/PUD will not cause significant adverse impacts to adjacent properties and the Subdivision/PUD can be served by existing public facilities.
11. The BOCC finds that the application is consistent with the applicable provisions of the Pitkin County Land Use Code Section 1-60 as follows:
- A. The proposed development will have negligible impact on public services and facilities. The land use patterns proposed will preserve a contiguous area for agricultural purposes and sensitive wildlife habitat is conserved.
  - B. Natural hazards are avoided and the scenic corridor of Lower River Road is less impacted by the location of Parcel 3 on the south side of Lower River Road.
  - C. Sixty-nine percent (69%) of the total acreage is preserved as Wildlife Conservation or Agricultural and Pasture; this includes the area along the Roaring Fork River, and the historically irrigated agricultural and pasture land, and the steep slopes to the north above the Eli Cerise ditch.
  - D. Section 7-50-20(b)(3), of the Code requires proof of adequate water rights at subdivision conceptual submission. Well permits have been obtained for the two new lots and the barn/CDU.
  - E. Most of the Aspen River Valley Ranch tracts have been subdivided into parcels less than 35 acres.
12. The BOCC finds that the application is consistent with the applicable provisions of the Pitkin County Land Use Code Sections 2-30-40(i), 2-40-10(c) (2&3), and 3-70-30, as follows:
- A. The PUD allows the Applicant to vary the minimum lot sizes to create more open space and preserve more rural character which is consistent with the land use pattern along Lower River Road.
  - B. The height of the new residences will be 15% less than the maximum allowed in the zone district.

- C. The common barn will be limited to non-commercial agricultural uses only and additional barns will be prohibited on individual parcels.
  - D. Approximately 14 acres of common open space will be conserved, restricted from future development, for use only by the residents of the PUD.
  - E. A Subdivision/PUD Agreement and PUD Guide will be required prior to recordation of the subdivision plat.
13. The BOCC finds that the application is consistent with the applicable provisions of the Pitkin County Land Use Code Subdivision criteria, Section 7-70, as follows:
- A. Division of the property into three parcels with common area is consistent with the underlying zoning, the surrounding neighborhood and the 2016 Woody Creek Master Plan.
  - B. No new County infrastructure or utilities/facilities are required to service this subdivision. Road impact fees will be assessed prior to issuance of building permit.
  - C. A construction management plan and an erosion sediment control plan will be required with building permit submittal.
  - D. A Subdivision/PUD Improvements Agreement will be required prior to recordation of the final plat.
14. The BOCC finds that the application is consistent with the applicable provisions of the Pitkin County Land Use Code Section 7-10-50 and Section 7-20 as follows:
- A. The Activity Envelopes for Parcel 1:
    - encompass existing development on the property and accessory structures;
    - are located on slopes less than 30%;
    - are in mapped low wildfire habitat;
    - are not visible from Lower River Road due to the heavy vegetation along the road;
    - the existing residence is approximately 20 feet from the river; the Applicant has committed to increase the setback from the river to 50 feet when the existing residence is redeveloped; and
    - the Agricultural & Pasture area envelope can be decreased to conform to the 100-foot river setback.
  - B. The Activity Envelope for Parcel 2:
    - is located on slopes less than 30%;
    - is located in mapped low wildfire area; and
    - is located next to an ephemeral draw, as field verified in a March 3, 2020 SGM engineering report, confirming that the draw is not an intermittent stream, and therefore is not required to comply with the setback requirements in Section 7-20-80.
  - C. The Activity Envelope for the Common Area barn and CDU:

- is located on slopes less than 30%; and
  - is located in mapped low wildfire area.
- D. The Activity Envelope for Parcel 3:
- is located on slopes less than 30%;
  - is located in mapped low wildfire area;
  - is located 100' from the high water line of the Roaring Fork River;
  - is screened from view of Lower River Road; and
  - shall be increased in size to at least one acre to ensure proper siting of the on-site wastewater treatment system (OWTS) and well while avoiding steep slopes and the required river setback.
- E. The Activity Envelope for the, dry hydrant, pond, and well:
- is located on slopes less than 30%; and
  - is located in mapped low wildfire area.
- F. The Activity Envelopes for the Common Area Agriculture and Pasture area preserves roughly 14 acres of pasture land and are located on areas with less than 30% slopes, and in mapped low wildfire area.
- G. Activity Envelopes for Parcel 2 and the barn/CDU are highly visible from Lower River Road. The lack of topographic features, the gentle slopes from the east to Lower River Road, and lack of trees prevent effective screening of future development. However, locating the activity envelopes at the north edge of the open meadows preserves 14 acres of contiguous pasture land consistent with the rural agricultural characteristic of this area. In addition, using PUD zoning to build the common barn prevents additional barns on the landscape.
- H. The scenic impacts of the development on Parcel 2 is reduced by the Growth Management commitments to limit the height of the development on Parcel 2 to at least 15% below the maximum height allowed as measured pursuant to the Land Use Code, and to require at least 20% of the maximum floor area of 8,500 square feet to be constructed below grade.
15. The BOCC finds that the proposed CDU is consistent with the applicable provisions of the Pitkin County Land Use Code Sections Section 6-30-40(c) and 4-30-50(e), as follows:
- A. The Caretaker Dwelling Unit shall be a maximum of 1,000 square feet and is part of the GMQS Allotment total of 15,250 square feet.
  - B. The CDU will be located in the common barn Activity Envelope only.
  - C. The CDU will be deed restricted.
16. The BOCC finds that it is in the best interests of the citizens of Pitkin County to approve this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pitkin County, Colorado that it hereby approves the Oxenberg Subdivision/PUD Conceptual Submission, Activity Envelope and Special Review for a Caretaker Dwelling Unit, subject to the following conditions, which shall run with the land and be binding on all successors in interest, and authorizes the Chair to sign the

Resolution and upon the satisfaction of the County Attorney as to form, execute any other associated documents necessary to complete this matter:

1. The Applicant shall adhere to all material representations made during the application process or in public meetings or hearings and shall consider those representations to be conditions of approval.
2. With the Subdivision Detailed Submission and Final Plat application, the Applicant shall submit:
  - A. A draft conservation easement for the entire property, to the benefit of the property owners and the OST to preserve and restrict the uses in the Wildlife Conservation areas and the Agriculture/Pastureland areas. The Conservation Easement shall be reviewed and preliminarily approved by OST, and then reviewed and accepted by the BOCC and executed concurrent with recordation of the Final Plat.
  - B. A draft fishing easement for the Roaring Fork River. The fishing easement shall be reviewed and preliminarily approved by OST, and then reviewed and accepted by the BOCC and executed concurrent with recordation of the Final Plat.
  - C. The documentation of water court decrees permitting the water uses associated with the pond as represented in the application.
  - D. A draft plat that:
    - 1) Revises the Parcel 1 Agricultural and Pasture Envelope to comply with the 100-foot river setback.
    - 2) Revises Parcel 3 to expand the size to at least one acre.
  - E. Draft Subdivision/PUD Agreement that:
    - 1) Requires a covenant that specifies the barn may only be used in association with the rising, producing or keeping of plants or livestock, or cultivation and management of other crops or farm products, and that any area not consistent with those uses would count as floor area, and limits agricultural buildings on individual parcels in the PUD, per Section 5-20-70(j) (8 & 9).
    - 2) Restricts the use of the common barn and parcel for use by the residents of the PUD only, prohibits specific commercial uses, including but not limited to special events, and addresses commercial agricultural activity on the common parcel.
    - 3) Limits the maximum floor area on Parcel 2 to 8,500 square feet with 20% of the floor area below grade, and limits the height to 15% less than the maximum height allowed in the zone district.
    - 4) Limits the maximum floor area of the CDU to 1,000 square feet.
    - 5) Limits the maximum floor area on Parcel 3 to 5,750 square feet with 20% of the floor area below grade, and limits the height to 15% less than the maximum height allowed in the zone district.

- F. Documentation from the Aspen/ Pitkin County Employee Housing Authority that the existing caretaker dwelling unit on Parcel 1 complies APCA standards for CDUs and a covenant is recorded.
3. Concurrent with recordation of the Final Plat, the Applicant shall record the following:
    - A. GMQS Covenant.
    - B. Development Agreements.
    - C. Conservation Easements.
    - D. Fishing Easement.
    - E. Activity Envelopes Plan in accordance with Land Use Code Section 2-30-20(g) and Application Manual Section 2.1.1. The Activity Envelope Plan shall first be submitted for approval by the County Attorney and Community Development. The above referenced approvals shall be a condition precedent to finalization and recordation.
  4. Site Plan Review is required prior to submission of any building permits for the new residences on Parcels 2 and 3, and the barn and CDU. Approval of an Activity Envelope does not ensure approval of Site Plan Review.
  5. Engineering of adequate debris flow mitigation for Parcel 2 shall be submitted at site plan application per the geotechnical report provided by Collins/Lampiris Report, dated May 21, 1999.
  6. The CDU shall not exceed 1,000 total square feet, which shall count toward the total GMQS allotment. The kitchen shall contain the following, as defined in the Aspen/ Pitkin County Employee Housing Guidelines: a minimum of a two-burner stove with oven, standard sink, and a refrigerator plus freezer. The oven must be able to bake and broil and be at least 5 cubic feet; the sink must measure at least 14" WX16" DX5.25" H; refrigerator must be at least 5.3 cubic feet and include at least a .73 cubic foot freezer. The floor plans for the CDU shall be submitted to the Housing Office for review.
  7. At building permit for the CDU, the Applicant shall, by covenant, guarantee that the CDU:
    - A. Shall not be required to be rented.
    - B. Shall not be sold or otherwise conveyed or separated from the original parcel regardless of the ultimate form of ownership of the caretaker unit.
    - C. Shall be limited to occupancy by not more than two adults and related children, who qualify as and have been found by the Housing Office to be) employees of the community under such guidelines as may be from time to time established, or members of the owner's immediate family, even though they may not qualify as employees of the community.
    - D. Shall be rented for terms not less than 6 months if rented.
  8. Housing Office staff shall be entitled to conduct an inspection of the CDU for compliance with the above-referenced requirements.

9. The CDU restriction may be removed by the property owner upon approval of the Community Development Director, subject to the requirement that the dwelling is removed or modified. If modified, the remaining improvements must no longer be capable of occupancy as a dwelling unit and must meet otherwise applicable Code requirements.
10. The provisions of this regulation are for the purpose of providing a voluntary CDU on a legally created lot or parcel in the County. Any unit approved under this provision of the Pitkin County Land Use Code shall not be used for mitigation of employee housing requirements as established elsewhere in said Code.
11. With the building permit application, the Applicant shall:
  - A. The applicant shall provide adequate engineering of any retaining walls over four (4) feet in height and/or any improvements to walls over four (4) feet in height. All retaining walls shall be a maximum of seven (7) feet tall.
  - B. The applicant shall provide an erosion sediment control plan.
  - C. The applicant shall supply adequate drainage for all low points. If the proposed work disturbs more than 1,500 square feet, the applicant shall submit engineering documents for stormwater detention facilities designed by a professional engineer licensed in the State of Colorado, demonstrating that historical flow patterns and runoff amounts will be maintained. If the development disturbs one acre or more, a Colorado Department of Public Health and Environment permit for stormwater discharges associated with construction activities shall be applied for and obtained prior to issuance of a permit.
  - D. The applicant shall provide an Earthmoving Permit application for all pond improvements and the building of new ponds. As part of the application the applicant shall provide:
    - 1) Documentation of adequate water rights.
    - 2) A copy of the submitted Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure.
    - 3) Engineering of the pond construction, all inlet/outlet structures, lining, etc.
  - E. Submit a fireplace/woodstove permit to the Community Development Department, if applicable.
  - F. Submit a tree removal and mitigation plan if any trees with larger than 6" DBH are to be removed.
  - G. Submit a detailed revegetation plan for disturbed areas with appropriate seed mixes and a tree mitigation plan and a noxious weed management plan.
  - H. Submit a detailed exterior lighting plan with the corresponding fixture cut sheets.
  - I. Submit representation of the exterior indigenous earth tone materials or colors.
12. The applicant shall submit an Access Permit for the proposed new and/or improved access. The application shall include:

- 1) Compliance with the current Road Maintenance and Management Plan.
  - 2) Engineering of all bridges and/or culvert crossings.
  - 3) Compliance with all requirements of the Fire Department.
  - 4) Details on all turn arounds and parking locations.
13. Prior to issuance of any building permits, the Applicant shall:
- A. Pay the applicable road and employee housing impact fees.
  - B. Submit the receipt for the cash payment in lieu of dedicating land to the Aspen School District. Calculation of the payment shall be based on the regulations in effect at the time of building permit issuance.
  - C. Culvert, line or otherwise treat the onsite ditches located above the proposed development to avoid leakage of water downhill towards the building.
14. Prior to commencement of any earthmoving or construction activity, where applicable, the Applicant shall stake the area of work, including the pertinent area of the recorded activity envelope and install construction fencing. Work is prohibited to occur on the area steep slopes of the property.
15. No development, including utilities, fill placement, berming, landscaping, entry or ranch gates, construction parking and staging, and vegetation removal or disturbance, shall occur outside of the approved activity envelope, except to comply with the required wildfire mitigation or an approved weed management plan. Any new utility lines shall be buried and placed within the approved activity envelope.
16. The Applicant shall comply with the following conditions regarding wildlife:
- A. All construction on Parcel 2, the common barn/CDU or pond/dry hydrant/well shall be prohibited from December 1<sup>st</sup> through April 30.
  - B. For Parcel 2 and the common barn/CDU, all dogs shall be prohibited except for working dogs as part of an agricultural operation.
  - C. Manipulation of vegetation outside of the Activity Envelopes is prohibited except for wildfire mitigation and weed management.
  - D. All fencing shall be wildlife friendly except for dog kennels.
  - E. Wood rail fencing, if any, shall employ three (3) rails or less, be the round or split rail type, shall not exceed fifty-four (54) inches in height above ground level, and twelve (12) inches in width (top view), and shall have at least eighteen (18) inches between the lower two (2) rails.
  - F. All barb wire fencing shall be removed.

- G. Fruit bearing trees and shrubs, other than those accepted by the County as generally unpalatable to bears, are prohibited. This does not include pre-existing native trees and shrubs.
  - H. Trash/garbage shall be kept in an approved bear resistant container or enclosure.
  - I. Bird feeders, including hummingbird feeders, shall be hung away from any deck or window, and be at least ten (10) feet from the ground suspended between two (2) trees or posts. All seed feeders shall include a seed catchment pan to catch discarded seed.
  - J. Pet food shall not be left outside.
  - K. All outside doors shall utilize only solid round handled doorknobs, unless another type is required by the applicable Building Code for disabled accessibility purposes or is approved by the Colorado Parks and Wildlife.
  - L. Contractors are not allowed to bring dogs onsite during construction.
  - M. For Parcel 1 and 3, all dogs shall be kenneled within 50' of the residence or leashed under human supervision when outside the required kennel.
17. The Applicant shall comply with the Pitkin County standards for a low 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:
    - 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 a structure built on flat ground.
    - 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. Low Hazard Area

- 1) Roofing Materials
  - a. Class A covering or Class A Assembly as defined by the currently adopted building code.
  - b. No wood shakes or shingles.
  - c. All other adopted Building Code Compliant methods and materials permitted.

C. Maintenance and Miscellaneous Requirements

- 1) Roofs and gutters shall be kept clear of debris.
- 2) Roof vents shall be screened with corrosive resistant wire mesh, with mesh one-fourth (1/4) inch maximum.
- 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) The Applicant shall comply with all requirements of the Rural Fork Fire Rescue District Code.
  - 14) Addresses shall be clearly marked with two (2) inch non-combustible letters, shall be visible at the primary point of access from the public or common access road, and installed on a non-combustible post.
18. The Applicant shall comply with the County's Noxious Weed Management Plan.
  19. All plants used for landscaping and revegetation shall be native species. 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.
  20. 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 within the setbacks shall not exceed four feet from the most restrictive grade. Any development that does not comply with these restrictions and that is located within setbacks mandated by County zoning regulations shall require a variance from the Board of Adjustment. Approval of an activity envelope within such setbacks does not assure approval of a variance.
  21. 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 be permitted under building and zoning regulations.
  22. 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.

NOTICE OF PUBLIC HEARING AND TITLE AND SHORT SUMMARY OF THE  
RESOLUTION PUBLISHED IN THE ASPEN TIMES WEEKLY ON THE \_\_ DAY OF  
\_\_\_\_\_ 2020.

NOTICE OF PUBLIC HEARING AND THE FULL TEXT OF THE RESOLUTION POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

INTRODUCED AND FIRST READ AT A PUBLIC HEARING ON THE 22nd DAY OF APRIL 2020.

ADOPTED AFTER FINAL READING ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2020.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN TIMES WEEKLY ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

POSTED BY TITLE AND SHORT SUMMARY ON THE OFFICIAL PITKIN COUNTY WEBSITE ([www.pitkincounty.com](http://www.pitkincounty.com)) ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Jeanette Jones  
Deputy County Clerk

By: \_\_\_\_\_  
Steven F. Child, Chair

Date: \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
John Ely, County Attorney

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

P069-18  
PID 246725400007

Exhibit A: Legal Description

## Exhibit A

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

Order Number: Q62007634-2

Customer Ref-Loan No.:

**Property Address:**

2520 LOWER RIVER ROAD, SNOWMASS, CO 81654

LAFKLC, LLC, A COLORADO LIMITED LIABILITY COMPANY

**5. The Land referred to in this Commitment is described as follows:**

LOT 6, ASPEN RIVER VALLEY RANCH, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING PART OF TRACTS 69 AND 84 AND BEING LOCATED IN SECTIONS 25 AND 36, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID PARCEL MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON LINE 1-9 OF SAID TRACT 69 WHENCE A.P. 1 OF TRACT 69 BEARS NORTH 00 DEGREES 23'46"W 410.00 FEET;  
THENCE SOUTH 00 DEGREES 23'46"E 746.32 FEET ALONG SAID LINE 1-9;  
THENCE SOUTH 53 DEGREES 12'15"W 711.64 FEET;  
THENCE SOUTH 33 DEGREES 00'00"E 593.48 FEET;  
THENCE SOUTH 50 DEGREES 00'00"W 1505.89 FEET;  
THENCE NORTH 00 DEGREES 42'19"W 440.00 FEET TO THE A.P. 6 OF SAID TRACT 69;  
THENCE NORTH 89 DEGREES 40'19"W 276.80 FEET ALONG LINE 6-5 OF TRACT 69;  
THENCE NORTH 18 DEGREES 00'00"W 310.39 FEET;  
THENCE NORTH 43 DEGREES 00'00"E 2600.00 FEET TO THE POINT OF BEGINNING.

COUNTY OF PITKIN, STATE OF COLORADO.

Copyright 2006-2016 American Land Title Association. All Rights Reserved

The use of this Form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

