

**ADMINISTRATIVE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR OF  
PITKIN COUNTY, COLORADO, APPROVING THE DAVID AND SUSANNE ECKELBERGER  
ACTIVITY ENVELOPE & SITE PLAN REVIEW**

**Administrative Decision No. 017-2021**

**RECITALS**

1. David and Susanne Eckelberger (“Applicant”) have applied to the Pitkin County Community Development Director (“Director”) requesting Activity Envelope and Site Plan Review approval to construct a single-family residence.
2. The parcel is located at 51 Shield O Road, is referred to as Lot 14, Shield-O-Terraces, and is more specifically described in Attachment A. The State Parcel Identification Number is 264522400022.
3. The parcel contains 5.308 acres and is a non-conforming size parcel in the RS-30 zone district.
4. In 1988, approval for a 1041 Hazard Review was granted by the Community Development Director. In 2000, pursuant to Resolution No. 94-2000, the BOCC granted an extension of vested rights. The original 1041 Hazard Review Site Plan was recorded in Plat Book 21 at Page 85. Subsequent approvals include Administrative Decision Nos. 9-2004, 111-2008, and 22-2012 to reestablish the vested rights for an Activity Envelope. The vested rights have expired, but the Activity Envelope has not lapsed. The most recent Activity Envelope plan is recorded in Plat Book 101 at Page 21. The parcel is undeveloped with the exception of a two-track driveway and well.
5. The Application was referred to Roaring Fork Fire and Rescue, Planning Engineer, Zoning, Environmental Health, Shield O Terraces HOA, Colorado Parks and Wildlife, and the Upper Snowmass Creek Caucus. Comments were received from the Planning Engineer, Colorado Parks and Wildlife, Roaring Fork Fire and Rescue, Shield O Terraces HOA, and the Zoning Officer, and have been incorporated into the following findings and conditions of approval.
6. The Applicant provided notice of the application to the adjacent property owners. No objections or comments were received.
7. The Director finds that the request complies with the applicable provisions of the Land Use Code (“Code”), as follows:
  - A. The parcel is accessed via Snowmass Creek Road to Shield O Road. A primitive two-track access driveway exists on the parcel. To reduce the length, grade, to accommodate a turnaround area for emergency vehicles, and to comply with the standards for solar access and solar orientation, a new driveway alignment is proposed further up Shield O Road. The existing two-track access will be revegetated.
  - B. The parcel contains slopes in excess of 30% and 45%. The Activity Envelope has been selected to primarily encompass areas with grades less than 30%. Small areas within the proposed Activity Envelope with slopes exceeding 30% are not contiguous to larger areas with steep slopes or are the result of the construction of Shield O Road as found by High Country Engineering in their Civil Engineering Report dated August 7, 2020. These slopes are considered minor slope anomalies and may be permitted within the Activity Envelope pursuant to Sec. 7-20-20(c)(5).

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- C. The parcel is mapped within a severe wildfire hazard area. The Applicant engaged Zone 1 Wildfire to assess the wildfire hazard on the parcel. In the resulting report it was verified that the parcel is within a Severe Wildfire Hazard area. Recommendations consistent with the standards of Section 7-20-60 for severe wildfire hazard areas were provided in the report. Roaring Fork Fire Rescue reviewed the application and further provided Conditions of Approval dated December 11, 2020.
- D. The parcel is mapped within an Elk Winter Range area and within a Black Bear Fall Concentration area. Colorado Parks and Wildlife reviewed the application and provided recommendations consistent with the standards in Sec. 7-20-70 to minimize the impacts and conflicts with wildlife.
- E. The parcel is within a Scenic View Protection Area as viewed from Snowmass Creek Road. The scenic impacts were studied and height poles were erected representing the highest point on the proposed roof. It has been represented that the proposed development will not project above a ridgeline as viewed from Snowmass Creek Road. Screening of the residence will be provided by the existing vegetation located between the road and the Activity Envelope. Scenic impacts will further be reduced due to the articulation of the building facades and the staggering of rooflines. Indigenous earth tone materials or colors will be used on exterior surfaces, and roofs will have a non-reflective composition.
- F. The structures have been oriented to utilize solar gain to the maximum extent practicable.
- G. A minimum of thirty-five percent of total roof space will be able to accommodate solar gain.
- H. The driveway and structures have been designed to comply with the Driveway and Building Orientation Guidelines in Sec. 7-20-160.

**APPROVED** by the Director, 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 application and shall consider those representations to be conditions of approval, unless amended by other conditions.
2. Within 60 days of the date of this approval and prior to submission of any future building permit applications, the Applicant shall be required to submit for approval by the County Attorney and Community Development an Activity Envelope and Site Plan in accordance with Land Use Code Section 2-30-20(g) and Application Manual Sections 2.1.12. The above referenced approvals shall be a condition precedent to finalization and recordation of them.
3. The parcel is exempt from Growth Management for up to 5,750 square feet of floor area. The new single-family residence will contain approximately 5,668 square feet.
4. With a building permit application, 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. Demonstrate that the Shield O Road Improvement and Maintenance Association fee has been paid Pursuant to BOCC Ordinance 97-33;
  - C. Provide a copy of the Roaring Fork Fire Rescue Conditions of Approval dated December 11, 2020, and a copy of the Zone 1 Wildfire Assessment dated November 17, 2019, and demonstrate compliance with the provided conditions and recommendations;
  - D. Submit an Access Permit for construction of the new driveway. The application shall include:

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- 1) A reclamation plan for the existing driveway cut;
  - 2) Compliance with the current Road Maintenance and Management Plan;
  - 3) Engineering of all bridges and/or culvert crossings;
  - 4) Compliance with all requirements of Roaring Fork Fire Rescue;
  - 5) Details on all turn arounds and parking locations, including details for a fire truck turnaround.
- E. Complete a fireplace/woodstove registration form with the Community Development Department, if necessary;
  - F. Demonstrate adequate drainage for all low points. If the proposed work disturbs more than 1,500 square feet, the Applicant shall submit engineering documents for storm water detention facilities designed by a professional engineer licensed in the State of Colorado demonstrating 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 storm water discharges associated with construction activities shall be applied for and obtained prior to issuance of a permit;
  - G. Provide adequate engineering for 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;
  - H. Submit an OWTS permit application to be reviewed and approved by the Environmental Health Department;
  - I. Submit a detailed landscape plan and revegetation plan for disturbed areas. All disturbed areas shall be revegetated with native grasses and/or shrubs;
  - J. Submit a detailed exterior lighting plan with the corresponding fixture cut sheets;
  - K. Submit representation of the exterior indigenous earth tone materials or colors.
5. Prior to issuance of any building permits, the Applicant shall pay the applicable road and employee housing impact fees.
  6. The Applicant shall comply with all standards for development within Scenic View Protection Areas as represented. Development on the parcel shall not project above a ridgeline or silhouette against the sky as viewed from Snowmass Creek Road. The exterior materials 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.
  7. A minimum of thirty-five percent of total roof space on the single-family residence shall be constructed to accommodate solar gain. The driveway and structures shall comply with the Driveway and Building Orientation Guidelines in Sec. 7-20-160.
  8. The Applicant shall comply with the applicable codes and requirements of Roaring Fork Fire Rescue including their Conditions of Approval dated December 10, 2020, and the wildfire hazard mitigation recommendations provided in the Zone 1 Wildfire Assessment dated November 17, 2019.
  9. The Applicant shall comply with the following to mitigate impacts on wildlife:

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- A. As recommended by Colorado Parks and Wildlife, dogs shall be contained in a fully enclosed kennel (including a roof) within fifty feet of the residence, or otherwise leashed or under direct human supervision and control when outside, in order to mitigate the impacts dogs may have to wildlife including direct and indirect mortality, increased stress and disturbance, and displacement to less preferred habitats.
  - B. Construction workers shall be prohibited from bringing dogs on-site.
  - C. 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 54 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) Mesh or woven wire fences are prohibited, except when used for protection around isolated trees or clumps of trees.
  - D. All outside doors shall utilize only solid round handled door knobs unless another type is required by the applicable building code for disabled accessibility purposes.
  - E. Avoid landscaping with fruit, nut, or berry producing trees and shrubs that are palatable to bears.
  - F. Trash/garbage shall be kept in an approved bear resistant container or enclosure during and after construction.
  - G. Access shall be provided to the Colorado Parks and Wildlife for trapping, tagging, studying, or otherwise managing wildlife.
  - H. Bird feeders, including hummingbird feeders, shall be hung away from any deck or window, and shall be at least 10' from the ground suspended between 2 trees or posts. All seed feeders shall include a seed catchment pan to catch discarded seeds. Bird feeders should be removed from April through November.
  - I. Horse grains, pellets, and cookies shall be stored in bear resistant containers.
11. Prior to commencement of any earthmoving or construction activity, the Applicant shall stake the corners of the activity envelope and install construction fencing around the perimeter of the envelope. The fencing shall remain in place until a Certificate of Occupancy is issued for the structure.
  12. The Applicant shall comply with the County's Noxious Weed Management Plan.
  13. 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.
  14. 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.

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15. No development, including grading, excavation, fill placement, berming, landscaping, construction parking and staging, vegetation removal or disturbance, well or on-site wastewater treatment system, shall occur outside of the approved activity envelope, except to comply with the required wildfire and noxious weed mitigation.
16. 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.
17. 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.
18. Statutory vested rights for the approvals referenced 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, § 4-140 and C.R.S., § 24-68-105. The statutory vested rights granted herein shall expire on March 18, 2024.

**NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES WEEKLY on the 11<sup>th</sup> day of November, 2020.**

**APPROVED** by the Director, this 18<sup>th</sup> day of March, 2021.

**PUBLISHED AFTER ADOPTION FOR VESTED REAL PROPERTY RIGHTS in the Aspen Times Weekly on the 1<sup>st</sup> day of April, 2021.**

*Suzanne Wolff*

for CH

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Cindy Houben,  
Community Development Director

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**ATTACHMENT A**

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**A tract of land situated in the South one-half of Section 22, Township 9 South, Range 86 West of the Sixth Principal Meridian, more fully described as follows:**

**Lot 14, Shield-O-Terraces, described as follows:**

**Beginning at a point being 669.02 feet, North 19°00' East from the South 1/4 corner of Section 22, Township 9 South, Range 86 West of the 6<sup>th</sup> Principal Meridian,  
thence North 53°48' East 148.60 feet;  
thence South 37°20' East 445.06 feet;  
thence South 47°17' West 363.60 feet;  
thence South 64°17' West 19.38 feet;  
thence West 89.45 feet along the North line of the A. McKenzie patent to the Northwest corner of the A. McKenzie patent;  
thence South 100.00 feet along the West line of A. McKenzie patent;  
thence South 89°09' West 248.15 feet;  
thence North 22°14' East 118.40 feet;  
thence North 13°01' East 287.96 feet;  
thence North 27°36' East 264.86 feet to the Point of Beginning, Pitkin County, Colorado;**

**also known as: 51 Shield O Road, Snowmass, Colorado 81654;**

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