

## **DOCUMENT LAYOUT**

**THIS FILE MAY OR MAY NOT CONTAIN ALL OF THE INFORMATION  
LISTED BELOW IN THE FOLLOWING ORDER**

**Summary Sheet**

**Resolution for the BOCC and/or P&Z**

**Ordinance for the BOCC and/or P&Z**

**Determination for the Hearing Officer**

**Administrative Determination**

**Staff Memo**

**Application**

**Public Notice, Acceptance Letter, Referral(s) Letter**

**Site Plan**

**Miscellaneous**

**Plat(s)**

PITKIN COUNTY PLANNING CASELOAD INDEX

PARCEL ID: 2729-202-05-071    DATE RCVD: 5/25/2004    # COPIES: 11    CASE NO: P095-04

CASE NAME: Alone Conceptual Submission, Lot Line Adjustment, Minor Plat Amendme    PLNR: Suzanne Wolff

PROJ ADDR: Elk Mountain, Lots 19, 20, 21, 24

OWN/APP: Raymond & Vickie L    ADR: 6494 E. Long Circle S    C/S/Z: Englewood, CO 801    PHN: 303/770-6450

REP: Sherry Rubin    ADR: 117 Redstone Blvd    C/S/Z: Redstone, CO 81623    PHN: 963-3408//2633f

FEES DUE: \$4643    FEES RCVD: \$4545 #17215    ALLOCATED HOURS: 17

% OVER: 20.4

REFERRALS: Crystal River Caucus, Elk Mountain Subdivision, Environmental Health, Wildlife Biologist

REF: 6/14/2004    BY: J. Taylor    DUE: 7/9/2004

MTG DATE	REV BODY	PH	NOTICED	DATE OF FINAL ACTION:
8/17/2004	P&Z	yes	7/17/2004	8/17/2004

BOCC Reso:

BOCC Ord:

REMARKS: additional \$98 pd 8/10/04 #17702//public notice to rep/jj  
7/6/04/jt/7/8/04 rec'd additional documentation  
requested/jt//vesting notice to jj/rep 8/19/04/jt//recorded PZ

PZ: Reso. 03-2004

HRG OFF:

CLOSED: 9/29/2004    BY: J. Taylor

HO INDEX:

ADMIN:

PLAT RECORDED:     PLAT (BK,PG):     ADMIN INDEX:

VR APPROVAL DATE:     VR EXPIRES:

CASE TYP: Subdivision Conceptual Submission    CASE TYP5:

CASE TYP2: Lot Line Adjustment    CASE TYP6:

CASE TYP3: Plat Amendment - Minor    CASE TYP7:

CASE TYP4: 1041 Hazard Review    Date Scanned:

File Location:

# DECISIONS



**RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF PITKIN COUNTY,  
 COLORADO, APPROVING THE LA LONE 1041 HAZARD REVIEW, CONCEPTUAL  
 SUBMISSION, LOT LINE ADJUSTMENT, MINOR PLAT AMENDMENT AND SEPARATION  
 OF SUBSTANDARD SIZE PLATTED SUBDIVISION LOTS**

**Resolution No. PZ-03-2004**

**RECITALS**

1. Raymond & Vicki La Lone ("Applicants") have applied to the Pitkin County Planning and Zoning Commission ("Commission") to separate or "un-merge" certain lots they own within the Elk Mountain Subdivision, and then to reconfigure the lots into 2 separate lots that will incorporate land from the adjacent metes and bounds parcels, in order to increase the size of the lots.
2. The Applicant's property is located just south of Redstone and Coal Basin Road on the west side of Highway 133. The Applicant owns Lots 19-21 and 24-25 within the Elk Mountain Subdivision, and an adjacent metes and bounds parcel (legal description attached as Exhibit A). The property is merged pursuant to Land Use Code Section 6-50-020 into one parcel as shown on the map in Exhibit B.
3. The property is zoned AFR-10. The merged parcel contains approximately 35 acres.
4. The plat of Elk Mountain Subdivision was recorded in 1968 in Plat Book 3 at Page 5. County subdivision approval was not required until after May 8, 1972. Pursuant to Land Use Code Section 9-110-051(A), each lot within the subdivision (if separated) is exempt from growth management up to 5,750 square feet of floor area. The metes and bounds parcel adjacent to the subdivision does not appear to have been legally created, and, therefore, is not exempt from growth management.
5. The Commission considered this application at a duly noticed public hearing on August 17, 2004, at which time evidence and testimony were presented with respect to this application.
6. The Commission finds that separation of the lots complies with the applicable provisions of Land Use Code Section 6-50-030, and that reconfiguration of the lots into fewer, larger, more buildable lots will not negatively affect the character of the neighborhood.
7. The Commission further finds that the building envelope avoids slopes in excess of 30%, and that the wildfire hazard and wildlife habitat impacts can be mitigated.

**NOW THEREFORE BE IT RESOLVED** by the Pitkin County Planning and Zoning Commission that it does hereby approve the La Lone 1041 Hazard Review, Conceptual Submission, Lot Line Adjustment, Minor Plat Amendment and Separation of Substandard Size Lots, subject to the following conditions, which shall run with the land and be binding on all successors in interest.

1. Prior to submission of any earthmoving, access, or building permit applications for new development, the Applicant shall submit an amended plat for the Elk Mountain Subdivision to the Community Development Department for approval and recording. The mylar copy of the site plan must be signed by the owners prior to submittal for recording.
2. Prior to submission of a septic permit for Amended Lot 24, the Applicant shall provide documentation of adequate quality and quantity of water to the Environmental Health Department.

9-29-04 - S. Rubin/jf



SILVIA DAVIS PITKIN COUNTY CO

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3. Prior to issuance of any building permits for Amended Lot 24, the Applicant shall:
  - A. Obtain an access permit for the driveway, which shall be approved by the County Engineer and the Community Development Department.
  - B. Obtain a fireplace/woodstove permit from the Community Development Department, if necessary.
  - C. Submit a site specific drainage and erosion control plan prepared by a qualified engineer or geologist for review and approval by the County Engineer.
  - D. Pay the applicable road impact fee.
  - E. Obtain approval of a septic permit from the Environmental Health Department. The system shall be located within the approved building envelope, and must comply with the setback requirements from surface and groundwater sources. A qualified professional engineer must design the system.
  
4. Prior to commencement of earthmoving or construction activity on any lot, the Applicant shall stake the corners of the building envelope and install construction fencing around the perimeter of the envelope. The stakes and fencing shall remain in place until issuance of a Certificate of Occupancy.
  
5. The Applicant shall comply with the following measures to mitigate impacts to wildlife:
  - A. Dogs shall be kenneled, leashed or within a fenced yard at all times.
  - B. Native vegetation shall be maintained outside of the building envelope.
  - C. Provide waste storage that complies with BOCC Ordinance No. 010-2001. Verification of compliance shall be provided prior to issuance of a certificate of occupancy.
  - D. Fencing outside of the building envelope shall comply with the following wildlife fencing standards:
    - 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. Any vegetation removed to construct the residence or driveway shall be replaced on the property according to a plan approved by the Pitkin County Wildlife Ecologist or Land Manager.
  
6. The Applicant shall comply with the following landscaping and wildfire defensible space mitigation standards:
  - A. For a distance of 10' around all structures, remove all brush, debris and non-ornamental vegetation and maintain vegetation at a height of 6" or less with mowed grass, low growing perennials or hardscape. Woody vegetation shall not be planted within this perimeter.



- B. Within 70' of all structures, reduce vegetation to break up the vertical and horizontal continuity of the fuels.
  - C. Within 30' of all structures:
    - 1) Spacing between remaining or installed clumps of brush and vegetation taller than 4' shall be 3 times the height of the fuel. Maximum diameter of the clumps shall be 2 times the height of the fuel. All measurements shall be from the edges of the crowns of the fuel. This does not apply to aspen trees.
    - 2) Prune all branches from trees and brush to a height of 10' above the ground and remove ladder fuels from around trees and brush.
    - 3) Maintain a minimum separation of 20' between the edges of tree crowns (existing and installed trees), except for aspen trees where crown spacing may be 4'. Aspen trees shall not be planted within 10' of structures, and conifer trees shall not be planted within 20' of structures, as measured from the edges of the crown.
  - D. From the 30' perimeter out to the 70' perimeter, thin brush and shrubs to 2 times the height of the fuel. Thin stands of sagebrush, snowberry and other shrubs shorter than 4' to 5 times the height of the fuel.
  - E. Paint thinned oak brush, serviceberry or chokecherry stumps with Garlon (or equivalent) herbicide to prevent aggressive resprouting.
  - F. Remove all deadfall within 100 feet of all structures.
  - G. The property owner shall be responsible for the continued maintenance of the defensible space vegetation requirements.
7. The Applicant shall comply with the following additional wildfire mitigation standards:
- A. Roofs shall have a Class A roof covering or a Class A assembly as defined in the International Building Code (IBC) Section 1505.2. Wood shake/shingle roof coverings are prohibited. Roofs with less than a 3:12 pitch are not permitted unless they comply with the following:
    - 1) All roof coverings shall be noncombustible 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 the roof.
    - 3) All roof designs shall facilitate the natural process of clearing roof debris. 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 slope 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.
  - B. Vents shall be screened with corrosive resistant wire mesh with mesh ¼ inch maximum.
  - C. For projections below the roof line (including, but not limited to: exterior balconies, decks, porches, cantilevered floor projections, and bay windows which extend over a flat or sloped surface), the open space between grade and the underside of projections below the roof line shall be enclosed by solid, vertical walls. These walls shall be constructed with materials approved for one-hour fire-resistive construction on the exterior side of the wall and shall extend from the top of grade to the underside of the floor decking or walls of the projection. An alternative construction method for such projections would require use of non-combustible building materials, or heavy timber or log wall



- construction, if the underside of the projecting portion is covered with materials approved for one-hour fire-resistive construction and if there are no inside angles of less than seventy-five degrees (75°). Areas below such projections shall be void of vegetative or other combustible materials. These areas below projections shall be protected from accumulation of vegetative materials by placement of a vegetative barrier covered with rocks or gravel or by coverage with concrete or stone. There shall be no storage of combustible materials under projections. The walls underneath projections shall be constructed with materials approved for one-hour fire-resistive construction on the exterior side of the wall. Window openings in walls below projections shall be tempered glass. Doors shall be noncombustible or one and three-fourths inch (1¾") solid wood.
- D. Exterior walls and siding shall have a minimum one-hour fire-resistive rating, ground level to roof line.
  - E. Foundations, skirting and crawl space openings shall be fully enclosed and constructed with materials approved for one-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.
  - F. The underside of decks and structures with stilt foundations shall be fully enclosed and constructed with materials approved for one-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.
  - G. Roofs and gutters shall be kept clear of debris.
  - H. Yards shall be kept clear of all litter, slash, and flammable debris.
  - I. All flammable materials and firewood/wood piles shall be stored on a parallel contour a minimum of 15 feet away from any structure.
  - J. Swimming pools or ponds shall be accessible to Fire Department vehicles.
  - K. Fences shall be kept clear of brush and debris.
  - L. Wood fences shall not connect to the structure.
  - M. Fuel tanks shall be installed underground with an approved container.
  - N. Propane tanks shall be installed according to NFPA 48 standards and on a contour away from the structure with standard defensible space vegetation mitigation around any above-ground tank. Any wood enclosure around the tank shall be constructed with materials approved for 2 hour fire-resistive construction on the exterior side of the walls.
  - O. Each structure shall have a minimum of one 10 pound approved ABC fire extinguisher placed in a visible and accessible location.
  - P. Addresses shall be clearly marked with 2 inch non-combustible letters and shall be visible and installed on a non-combustible post.
  - Q. New utility lines shall be buried within the road or driveway.
8. Final grading and landscaping shall incorporate continuous or overlapping berms, mounds, rock walls or similar structures at least 4 feet in height upslope from the residence.
  9. Exterior lighting shall comply with the County's lighting regulations in effect at the time of installation.
  10. No development, including grading, excavation, fill placement, berming, landscaping, vegetation removal or disturbance, well or septic system shall occur outside of the approved building envelope, except to comply with the required wildfire mitigation.



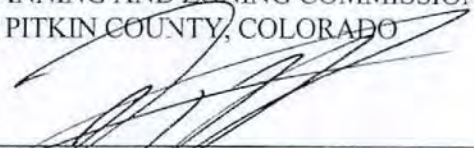
- 11. All areas disturbed by construction shall be revegetated with native shrubs and grasses to limit water consumption and additional runoff within one growing season of the project's completion.
- 12. The floor area on Amended Lot 24 shall be limited to a maximum of 4,500 square feet, as calculated based on the definition in effect at the time of building permit submission.
- 13. The Applicant shall adhere to all material representations made in the application or in public meetings or hearings and shall consider those representations to be conditions of approval, unless amended by other conditions.
- 14. 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, § 4-140 and C.R.S., § 24-68-105. The statutory vested rights granted herein shall expire on August 17, 2004.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES WEEKLY on the 17<sup>th</sup> day of July, 2004.

APPROVED AND ADOPTED this 17<sup>th</sup> day of August, 2004.

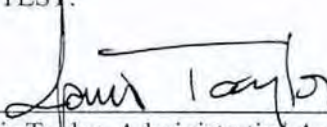
PUBLISHED AFTER ADOPTION FOR VESTED REAL PROPERTY RIGHTS in the Aspen Times Weekly on the 28<sup>th</sup> day of August, 2004.

PLANNING AND ZONING COMMISSION  
OF PITKIN COUNTY, COLORADO

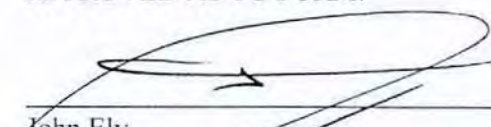
By   
Peter Thomas, Chairman

Date Aug 31 '04

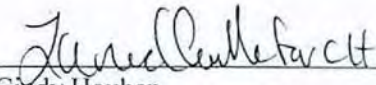
ATTEST:

  
Janis Taylor, Administrative Assistant

APPROVED AS TO FORM:

  
John Ely,  
County Attorney

APPROVED AS TO CONTENT:

  
Cindy Houben,  
Community Development Director



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

A PARCEL OF LAND BEING LOTS 19, 20, 21, 24 AND 25, ELK MOUNTAIN SUBDIVISION AND A PARCEL OF LAND SITUATED IN THE S1/2 NW1/4 AND THE N1/2 SW1/4 OF SECTION 20, TOWNSHIP 10 SOUTH, RANGE 88 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20, A B.L.M. ALUMINUM CAP IN PLACE;  
THENCE N 01°04'20" E ALONG THE WESTERLY LINE OF SAID SECTION 20 2410.53 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID SECTION 20 N 01°04'20" E 1156.17 FEET;  
THENCE LEAVING SAID WESTERLY LINE S 69°49'42" E 1596.92 FEET;  
THENCE N 77°37'30" E ALONG THE NORTHERLY LINE EXTENDED AND THE NORTHERLY LINE OF LOT 25 OF ELK MOUNTAIN SUBDIVISION 379.80 FEET TO THE NORTHEAST CORNER OF SAID LOT 25;  
THENCE S 12°21'39" E ALONG THE EASTERLY LINE OF SAID LOT 25 AND LOT 24 178.70 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24;  
THENCE S 77°38'21" W ALONG THE SOUTHERLY LINE OF SAID LOT 24 141.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24;  
THENCE S 05°50'51" W ALONG THE WESTERLY LINE OF LOT 23 AND LOT 22 OF SAID SUBDIVISION 128.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 22;  
THENCE S 59°51'23" E ALONG THE SOUTHERLY LINE OF SAID LOT 22 128.71 FEET TO THE SOUTHEAST CORNER OF SAID LOT 22;  
THENCE ALONG THE EASTERLY LINE OF LOT 21 AND 20 OF SAID SUBDIVISION ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF 36°51'00", A DISTANCE OF 141.49 FEET (CHORD BEARS S 11°43'51" W 139.07 FEET);  
THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 20 AND THE EASTERLY LINE OF LOT 19 OF SAID SUBDIVISION ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 435.00 FEET AND A CENTRAL ANGLE OF 05°48'27", A DISTANCE OF 44.09 FEET (CHORD BEARS S 03°47'26" E 44.70 FEET);  
THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 19 S 00°53'26" E 81.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT 19;  
THENCE S 89°05'14" W ALONG THE SOUTHERLY LINE OF SAID LOT 19 129.95 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19;  
THENCE LEAVING SAID ELK MOUNTAIN SUBDIVISION S 89°09'57" W 1736.12 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT OVER, UNDER AND ACROSS LOT 30 ELK MOUNTAIN SUBDIVISION FOR THE PURPOSES OF BUILDING A DRIVEWAY FOR INGRESS AND EGRESS TO LOTS 24 AND 25, ELK MOUNTAIN SUBDIVISION AND FOR UNDERGROUND UTILITIES TO BE EXTENDED TO SAME, INCLUDING THE RIGHT TO PLACE A DOMESTIC WELL AND TO CONSTRUCT AN UNDERGROUND PIPELINE TO LOTS 24 AND 25 ON SAID LOT 30 FOR THE USE OF LOTS 24 AND 25 FROM SAID WELL.



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**STAFF  
MEMO**

## MEMORANDUM

**TO:** Planning and Zoning Commission

**FROM:** Suzanne Wolff, Senior Planner\*

**RE:** La Lone Hazard Review, Conceptual Submission, Lot Line Adjustment, Minor Plat Amendment and Separation of Platted Substandard Size Parcels

**DATE:** August 17, 2004

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**REQUEST:** The Applicant owns lots within a legally created (pre-1972) subdivision that was not approved by the BOCC. The Applicant also owns an adjacent metes and bounds parcel. Pursuant to Section 6-50-020 of the Code, the Applicant's properties have merged into one parcel. Section 6-50-020 of the Code provides "Common ownership of contiguous substandard size lots or parcels shall cumulate with the exception that lots in subdivisions approved and signed by the Board of County Commissioners shall not cumulate regardless of their size."

The Applicant requests to separate or "un-merge" the subdivision lots, and then to reconfigure the lots into 2 separate lots that will incorporate land from the adjacent metes and bounds parcels, in order to increase the size of the lots. The existing subdivision lots contain 1/4 acre or less, and are difficult to develop in compliance with current well and septic regulations. The Applicant proposes to establish a building envelope on Amended Lot 24 within which to develop a single family residence. All of Amended Lot 19 is encumbered with a conservation easement and, therefore, will not be developed (Reception #492264).

**APPLICANT:** Raymond & Vicki La Lone

**REPRESENTATIVE:** Sherry Rubin

**LOCATION:** Elk Mountain Subdivision; just south of Redstone and Coal Basin Road on the west side of Highway 133

**ZONING/LOT SIZE:** The property is zoned AFR-10. The merged parcel contains approximately 35 acres.

**ACCESS:** Access to all of the lots is provided from Highway 133 via Elk Mountain Drive.

### **BACKGROUND:**

**REFERRAL AGENCIES:** Comments from Environmental Health are attached for reference. The application was referred to the Crystal River Caucus, but comments were not provided. Comments from the Wildlife Biologist are included in the application.

### **STAFF COMMENTS**

*GMOS/Merger:* The property is located within the Crystal River area. The subdivision was legally created prior to May 8, 1972, and, therefore, each lot (if separated) is exempt from growth management up to 5,750 square feet of floor area. The metes and bounds parcel adjacent to the subdivision does not appear to have

been legally created, and, therefore, is not exempt from growth management. The parcel and lots owned by the Applicant have merged, as shown in Exhibit A.

SEPARATION OF PLATTED SUBSTANDARD SIZE LOTS: Pursuant to Section 6-50-030 of the Code, the Planning Commission may permit the separation of legally platted substandard size lots which have not been approved by the Board of County Commissioners and which have cumulated pursuant to Section 6-50-020, subject to compliance with the following standards. The Code provides that in the case of multiple, cumulated substandard size lots, the County may limit the number of lots which may be separated and require lot lines to be reconfigured.

- A. *The lots must be located in a legally platted subdivision.*
- B. *The subdivision plat must have been legally recorded with the County Clerk in compliance with all subdivision laws in effect at the time of recording.*

**Response:** The plat of the Elk Mountain Subdivision was recorded in 1968 in Plat Book 3 at Page 5. The subdivision was not approved by the BOCC, but is legal since BOCC approval was only required after May 8, 1972. Zoning was not extended to the Crystal until 1971. Elk Mountain Subdivision was originally zoned R-6 (1 unit per 6,000 square feet), and was subsequently downzoned in the mid-1970s to AF-1 (1 unit per 10 acres), which made all of the lots non-conforming in size.

C. *The Commission shall approve, deny, or limit the separation of cumulated substandard size lots based upon consideration of the criteria in this section.*

- 1. *The number of substandard lots developed in the area and the effect of separate development on the character of the neighborhood;*
- 2. *The extent to which the lots comply with existing subdivision standards;*
- 3. *The effect of separate development on available utilities, roads and other public services;*
- 4. *Any physical limitations of the lots;*
- 5. *The configuration of the lots as it affects their suitability for separate development;*
- 6. *The degree of economic loss to the owner if separate development permission is not granted;*
- 7. *The history of acquisition including a consideration of the purposes of the purchase and whether or not the lots were involuntarily acquired; and*
- 8. *The historical use of the lots.*

**Response:** There are 12 residences built within the subdivision, all of which are located on substandard size lots. The average house size in the subdivision is approximately 2,150 square feet (based on the Assessor's records). 4 of the 12 residences are located on single lots; the others are located on 2 or 3 merged lots. Pursuant to Resolution No. PZ-01-2003, the Commission approved the reconfiguration of 29 lots in the Elk Mountain Subdivision into 12 separate lots (Eck). Conservation easements have either been placed or are in process on the adjacent Eck and Wilson properties; combined with the La Lone easement, these easements protect the entire hillside above the subdivision, which is highly visible from Redstone. In addition, Lots 33-40 along the highway have been conserved and are proposed to be conveyed to the County to be merged with the adjacent County-owned property (Coke Ovens).

The Applicant has proposed to limit the separation of lots, and overall buildout of the subdivision, by combining Lots 24 and 25 into one lot to be developed and combining Lots 19-21 into one conserved lot.

Development on Amended Lot 24 would be compatible with the character of the neighborhood. The proposed building envelope is sited adjacent to Elk Mountain Drive, so the development pattern will be similar to the existing pattern. The lot will have its own well and septic system, and will utilize the existing road system. Physical limitations of the proposed building envelope are discussed below.

Staff would note that the Caucus recommended, and the Planning Commission agreed, to limit the floor area on the Eck/Wilson lots to a maximum of 4,500 square feet of floor area. The Caucus has not commented on the La Lone application, therefore, staff has not included this limitation in the conditions of approval.

1041 HAZARD REVIEW & CONCEPTUAL SUBMISSION:

Wildfire: Eric Petterson has rated the wildfire hazard within the building envelope as medium. Mr. Petterson's recommendations to mitigate the wildfire hazard are included as conditions of approval.

Wildlife: Jonathan Lowsky, County Wildlife Biologist, states that the proposed building envelope is within mapped and field verified elk winter range and a broad north-south migration pattern, and that the lower portion of the property is within mule deer winter range. Mr. Lowsky's recommendations to mitigate impacts to wildlife are included as conditions of approval.

Geologic: The Applicant's consulting geologist, Bruce Collins, states that rockfall, snow avalanche and debris flow hazards may be present on the upper portion of the parcel (the steep cliffs to the west), but do not affect the proposed building envelope. His recommendations are included as conditions of approval.

The building envelope contains slopes in excess of 15% but less than 30%. There are not areas on the lot with slopes of less than 15%.

Access/Roads: Access to all of the lots is provided from Highway 133 via Elk Mountain Drive. An access permit will be required for the driveway.

Water/Septic: The lot will be served with a private well and individual sewage disposal system. The well and ISDS must be located within the approved building envelope. Elk Mountain Subdivision is located outside of the boundaries of the Redstone Water and Sanitation District, and Ron Thompson with the District states, "The district has no interest in serving this project."

Utilities: Electric and telephone service is already available within the subdivision. The Applicant will be required to place new utility lines underground and within roads or driveways.

Scenic Quality: The property is not within a mapped scenic overlay area.

LOT LINE ADJUSTMENT: The Applicant proposes to amend the lot lines between the subdivision lots and the adjacent metes and bounds parcel. A subdivision exemption for a lot line adjustment may be permitted subject to compliance with the following criteria:

1. *The adjustment creates not more than the original number of lots or parcels.*

**Response:** No additional lots or parcels will be created as a result of the lot line adjustment.

2. *The purpose or effect of the lot line adjustment is not the creation of a new lot or parcel, nor any increase in floor area ratio for a parcel, which gains size, nor creation of a lot or parcel substantially different in size for development or resale purposes.*

**Response:** No new lots are created. There will be no increase in development rights or FAR permitted as a result of the lot line adjustment.

3. *In the case of conforming lots and parcels any resulting lot or parcel shall conform to the minimum requirements for area or width established by the provisions of the code.*
4. *In the case of substandard size lots or parcels, the resulting lots or parcels may increase in nonconformity as to lot size so long as the other standards of this code continue to be met.*

**Response:** The subdivision lots are non-conforming in size. As a result of this application, Amended Lot 19 will be conforming and Amended Lot 24 will decrease in non-conformity.

5. *The applicant shall prepare a subdivision exemption lot line adjustment map in compliance with the standards in Land Use Code Section 5-60.*

**Response:** The applicant has submitted a draft map for review.

6. *A lot line adjustment shall not be used to increase the floor area ratio for a parcel that increases in size due to the adjustment. The floor area ratio will be reduced on a parcel that decreases in size due to the adjustment. Applications to add floor area ratio to a lot or parcel are considered to be major amendments and shall be reviewed pursuant to Section 3-190.90.*

**Response:** Up to 15,000 square feet of floor area is potentially allowed in the AFR-10 zone district, therefore, the floor area ratio will not increase. Development on Amended Lot 24 will be limited to 5,750 square feet of floor area exempt from growth management.

MINOR PLAT AMENDMENT: The reconfiguration of the subdivision lots requires an amendment to the plat of the Elk Mountain Subdivision, and is subject to compliance with the following standards.

1. *The amendment increases or does not affect the degree of compliance with Code standards;*

**Staff Comment:** The proposed amendments to the lot lines will increase or will not affect the degree of compliance with the applicable provisions of the Code. The lots will decrease in non-conformity.

2. *The amendment is being made to a recorded plat, which has been approved by Pitkin County;*

**Staff Comment:** As noted above, the plat of Elk Mountain Subdivision was recorded in 1968.

3. *The amendment is consistent with representations made during the conceptual and detailed subdivision reviews, whichever is applicable.*

**Staff Comment:** The County did not review subdivisions prior to 1972.

**RECOMMENDATION:** Staff recommends approval of the La Lone 1041 Hazard Review, Conceptual Submission, Lot Line Adjustment, Minor Plat Amendment and separation of substandard size platted subdivision lots, subject to the attached Resolution.

Exhibits

- A. Map showing Applicant's merged properties
- B. Environmental Health

Application and Site Plan provided separately

\* Ms. Wolff is a professional planner with a Bachelor's degree in Urban Studies from the University of Pennsylvania, and is a member of the American Institute of Certified Planners. Ms. Wolff has worked for the Aspen/Pitkin County Community Development Department for 12 years, and as a Planner/Senior Planner within that department for 8½ years. In her planning position, Ms. Wolff has reviewed numerous land use applications pursuant to the Pitkin County Land Use Code.

RS-30 PUD

Eck parcel

La Lone parcel

Wilson parcel

AFR-10

Elk Mountain Drive

Coal Creek Road

State Highway 133

Redstone Castle Lane

AFR-2

Redstone Castle Drive

Crystal River

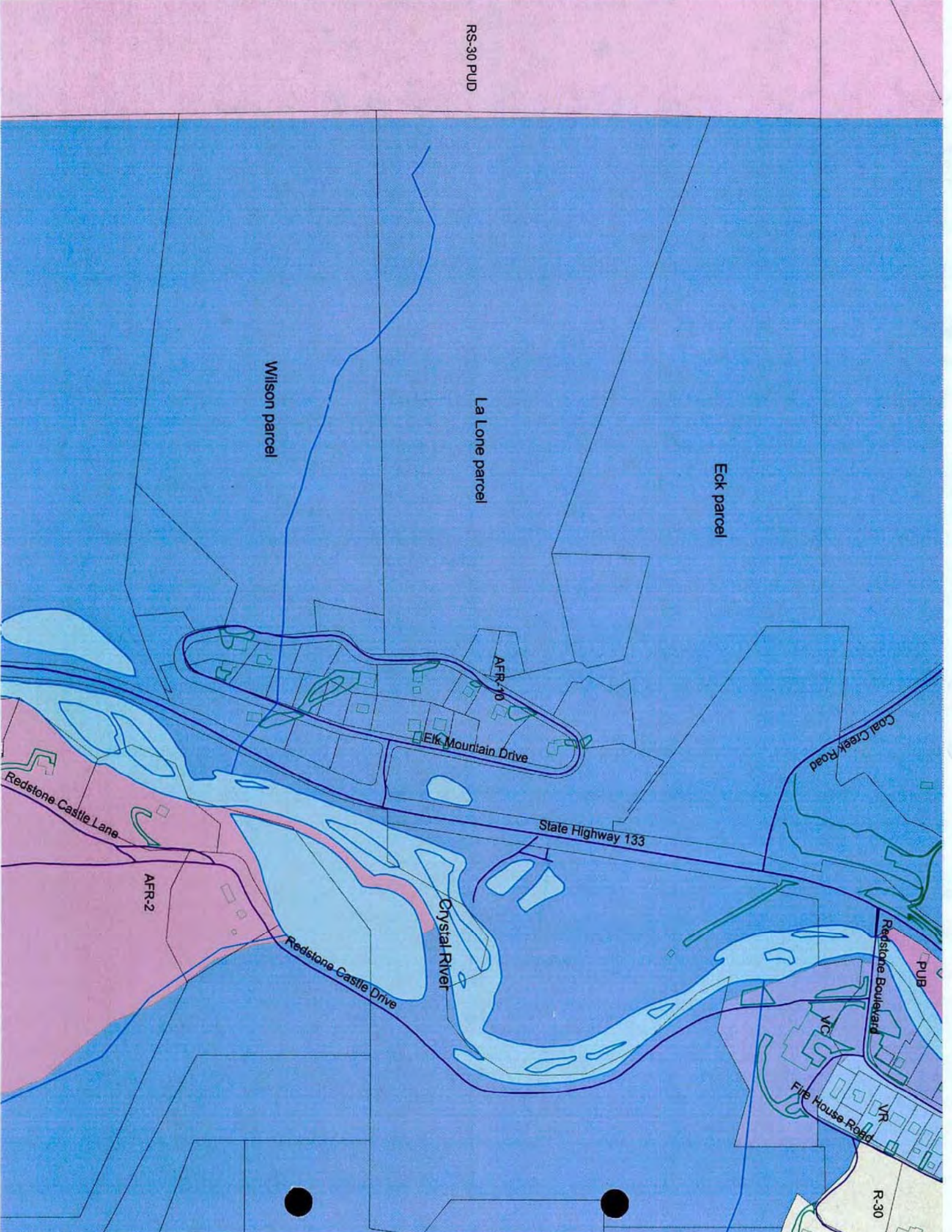
PUB

Redstone Boulevard

YC

Fire House Road

R-30





MEMORANDUM{PRIVATE }

To: Suzanne Wolff, Community Development Department

From: Carl Block, Pitkin County Environmental Health Department

Date: June 18, 2004

Re: La Lone Conceptual Submission, Lot Line Adjustment, Minor Plat Amendment,  
Separation of Substandard Size Lots, 1041 Hazard Review  
Parcel ID # 2729-202-05-071

=====

SUMMARIZE APPLICATION: The applicant is requesting approval for a three-acre parcel to house one dwelling.

The Pitkin County Environmental Health Department has reviewed the details of the LaLone application under the authority of the Pitkin County Land Use Code and has the following comments.

ADEQUATE PROVISIONS FOR WATER NEEDS: Sections 2-170 and 3-70-100:

The applicant must document to the Environmental Health Department that the well(s) meet required setback distances from the septic system prior to issuance of septic system permits and building permits. Pitkin County Land Use Code requires that the well site be within the building envelope.

The applicant should know that it may take from 2-6 weeks to obtain a well permit and then additional time to schedule the drilling company. The owners will need tests of on-site wells done by a water engineer or well driller. The minimum yield from a well is .07 gal/person/min and there must be storage or yield capable of a 24 hour supply for domestic purposes only, not fire fighting or outside irrigation. That means storage equal to 100 gal/person/day must be installed as a minimum.

The applicant should ensure that the water quality is acceptable by having it tested by a lab for bacteria (coliform). This can be done locally at the Snowmass Water and Sanitation District or Aspen Consolidated Sanitation District.

We recommend low water landscaping (xeriscaping), with the timing of any sprinkler systems decreased for low water plants. Contact the Colorado State University Cooperative Extension office or Denver Water Board for more information on xeriscaping.

**Condition of approval: A well must be drilled on the property prior to issuance of a septic or building permit.**

SEWAGE TREATMENT AND COLLECTION: Sections 2-180 and 3-110-050:

All septic systems installed within Pitkin County require septic permits issued by the Environmental Health Department, and must comply with the County's Individual Sewage Disposal System Regulation. The County cannot issue building permit until a septic system permit has been obtained.

The department can evaluate the site and soil tests only between April 15 and Nov. 15. The owner should carefully evaluate this schedule to make sure all steps have been taken to make the permitting process as fast as possible. If the site is in a location where high ground water is possible the engineer must do percolation tests during the time of high runoff in the area of the proposed leach field. The time of high ground water can vary and may be any time, normally during April, May, June. High ground water can occur at a different time each year and is determined by weather conditions that are not predictable.

**Condition of approval: A septic permit must be issued prior to issuance of any building permits.**

WATER RESOURCES IMPACTS: Sections 2-140 and 3-70-050 and 3-70-100:

This application should not impact down stream water quality if the setbacks between the septic system and physical features comply with the Pitkin County Individual Sewage Disposal Regulations.

The Environmental Health Department's mission includes to preserving and protecting the quality of Pitkin County's water resources. Since a large percentage of the population is dependent upon water from wells, elimination of groundwater pollution, and protection of aquifers and their drainage areas are of utmost importance. Roofs and asphalt areas can be non-point sources of water discharge that can contaminate water supplies. This Department recommends that non-point sources of discharge be retained on the property of origin. To accomplish this, the owner can use landscaping, drainage patterns, detention ponds, and/or dry wells for containment of water runoff from buildings.

AIR QUALITY: Sections 2-130 and 3-60-020:

A project should not contribute significantly to degradation of air quality in Pitkin County if it consists of only a single family home (with caretaker unit) or is a simple lot split. No mitigation is necessary.

Letter of Request

Subject: Lalone 1041 Hazard Review, Lot Line Adjustment, and Minor Plat Amendment

Location: Elk Mtn Subdivision, one-fourth mile south of Redstone

Owners: Raymond and Vicki Lalone

Lalones have owned a residence in the Elk Mountain subdivision for approximately twenty years. They purchased the additional 35 acres in 1994. By purchasing this additional property their goal was to preserve the land and minimize the building. Over the years they have investigated options that would meet their goal.

In 2003 the Lalones complete a conservation easement on the majority of the 35-acre parcel and are requesting at this time approval for a three-acre parcel. This parcel contains two of the original plated lots, numbers 24 and 25 and two and one half acres of the 35.

(See enclosed survey)

Pitkin County Land Use Code:

3-60-50 Scenic Quality

This property will house one dwelling. This parcel is located in Elk Mountain Subdivision, which at this time has many existing homes. This property is located between two other building sites, one that has already completed a 1041 with Pitkin County. Approaching from the north you will see commercial structures, and existing homes. From the south you will see existing homes, and the Redstone Trout ponds. The utilities per Pitkin County Code will be underground and the damage to the natural environment will be minimal. This lot has nice trees that will also add to the appearance of said property. This addition residential parcel is within the subdivision and will not impair the scenic quality of the area.

3-80-050(A): Avalanche

See report from geologist, attached.

3-80-050(C)

Potentially Unstable Slopes

See report from geologist, attached.

3-80-050(D):

Rockfall area.

See report from geologist, attached

3-80-050(H): Faults

See report from geologist, attached

3-80-070: Wildfire Hazard Area

See report from

3-80-080(A), (C) and (D): Wildlife Habitat Areas

See report from

3-190-030: Subdivision Exemption for Lot Line Adjustment.

The following lot line adjustments are requested per the legal description shown on the enclosed survey.

Old lot 24 and 25 Elk Mountain subdivision will be merged and included with the North East section of the thirty-five acre parcel. (See Legal Description enclosed). This will create a three-acre parcel that can house a residence, well and septic system that will meet the requirements of the Pitkin County Code.

3-190-080:

Minor Plat Amendment.

None are required at this time that not addressed above.

6-50-030:

Separation of Platted Substandard Size Lots.

We are proposing the take two of the original quarter acre lots, which are part of Elk Mountain Subdivision, add two and one half acres from the thirty five-ac parcels and create one lot.

Elk Mountain subdivision was legally recorded in compliance with the subdivision laws in effect in 1964, which lots 24 and 25 are part of.

The intention of this process is not to create more building site, but to decrease three potential building parcels into one. By doing this we are creating a more desirable property for the owner and the surrounding homeowners.

This parcel will not tax the utilities companies, water or sewer departments. The electric and phone are already in the subdivision and water and sewer will be well and septic.

The homeowners maintain the road that will be used to access this parcel by annual dues, which this parcel will participate financially. No additional roads will need to be installed because of this parcel. Also creating one parcel instead of having three will help to preserve the beauty of the hillside and decrease the density of the subdivision.

**APPLICATION**

**MATERIAL**

**BRUCE A. COLLINS, PH.D.**

NATURAL RESOURCE CONSULTANT

P.O. BOX 23 • 1116 MINEOTA DRIVE

SILT, COLORADO 81652

PHONE/FAX (970) 876-5400

bacol@rof.net

ENVIRONMENTAL,  
EXPLORATION,  
AND MINING  
GEOLOGY

March 26, 2004

Sherry Rubin  
Crystal River Realty, Inc.  
0117½ Redstone Blvd.  
Redstone, CO 81623

Raymond and Vicki LaLone  
6494 E. Long Circle S  
Englewood, CO 80112

RE: LOTS 19-21 AND 24-25, ELK MOUNTAIN SUBDIVISION  
(LALONE PROPERTY), REDSTONE, PITKIN COUNTY

Dear Ms. Rubin:

I have completed my geologic investigation, as required by Pitkin County Land Use Code § 3-80-050, of the above-referenced property on the west side of the Crystal River Valley, 0.25 miles southwest of the intersection of Redstone Boulevard and Colorado Highway 82 at Redstone and 22.8 miles west of the Pitkin County courthouse in Aspen. The property is near the center west edge of the Redstone 7.5 minute quadrangle, Pitkin County, Colorado. The irregularly-shaped property consists of 34.97 acres, with a building envelope of 0.17 acres (approximately 7,600 ft<sup>2</sup>) in the northeast corner (also the northeast corner of Amended Lot 24); the entire property extends from the upper edge of a gravel terrace associated with the Crystal River to exposed cliffs of a downfaulted wedge of Permian through Jurassic rocks, from the center of the E½W½ of sec. 20, T. 10 S., R. 88 W., 6<sup>th</sup> P.M., to the west edge of the section; the building envelope is located in the SW¼SE¼NW¼ of sec. 20. Elevations on the property range from about 7,290 ft along the east edge to 8,400 ft along the west edge, for total relief of approximately 1,110 ft; the average elevation of the building envelope is 7,305 ft.

**Geologic Setting.** Bedrock beneath the property is the Maroon Formation (PPm) of Pennsylvanian and Permian age (Olander, *et al.*, 1974<sup>1</sup>), although very little Maroon is actually exposed. The extreme eastern portion, essentially the building envelope, is underlain by the western edge of older terrace gravels of the Crystal River, mapped by Olander, *et al.*, as Qot. This unit is described as "unconsolidated rock debris which is generally poorly sorted. These materials commonly range in size from boulders to clay particle and may consist of either rounded or angular fragments." Olander, *et al.*, attribute no geologic hazards to these materials. Steeper slopes west of the terrace gravels to the base of the rock cliffs on the western half of the property are mapped as colluvial wedge deposits, unit Qcw, described as "unconsolidated, poorly sorted, rock debris which may be angular and range in size from large blocks to clay particles" (Olander, *et al.*, 1974). In the area of the property this material is mostly more-or-less vegetated talus that has accumulated in a band about 400 ft wide at the base of the cliffs. This material, which may partially underlie the building envelope, is further described by Olander, *et al.*, as "... commonly unstable, may be poorly drained, and [is] very susceptible to erosion, and in places to

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<sup>1</sup> See Olander, H.C., Lamm, N.B., and Florquist, B.A., 1974, Roaring Fork and Crystal valleys, an environmental and engineering geology study, Eagle, Garfield, Gunnison, and Pitkin Counties, Colorado: Colorado Geological Survey Environmental Geology EG-8, 30 p.

hydrocompaction. Commonly, these deposits are not suitable for construction . . . .” The western half of the property is a rather unusual downdropped fault block remnant consisting of Permian Weber Sandstone (Pw),<sup>2</sup> the Middle to Upper Jurassic Entrada Sandstone (Je), and the Upper Jurassic Morrison Formation (Jm). The Weber is gray quartzose sandstone characteristically impregnated with black solid hydrocarbons. The Entrada is cross-laminated to cross-bedded quartzose sandstone that commonly forms smooth pink to orangish-pink escarpments. The Morrison is pale green and pale red shale with interlayered variegated lenticular sandstone, siltstone, and dense dark gray limestone. While these units present a variety of mostly-minor geologic hazards, and the entire fault block is included in Olander, *et al.*'s general “Areas of Potential Avalanche and/or Areas of Rock Falls” category, they are no closer than 400 ft to the building envelope and are of no concern here. These beds dip westerly toward the fault plane, along which they are bent upwards to essentially vertical. Displacement on this fault is unknown but appears to be around 1,500 ft. There are no significant drainages on the property. Vegetation on the property consists of mixed conifers on the steeper slopes, with increasing aspen and mixed shrubs, including Gambel oak, serviceberry, and snowberry, on the lower slopes.

§ 3-80-050-A. Avalanche Hazard. Otak (2001<sup>3</sup>) suggests the presence of a small avalanche zone extending into the western part of the property from the steeper, higher cliffs further west. The easternmost extent of the “Areas of Potential Avalanche and/or Areas of Rock Falls” zone mapped by Olander, *et al.* (1974), is 500 ft west of the building envelope. There is no indication of recent avalanches below the mapped hazard areas, and the hazard is therefore assumed to be minimal. I should note, however, that avalanche hazard recognition, evaluation, and mitigation is a highly specialized field that is not my area of expertise, and if a more accurate assessment of the risk and recommendations for mitigation are desired you should seek the opinion of a qualified professional.

§ 3-80-050-B. Landslide Hazard. No mapped hazard on Colorado Geological Survey or Pitkin County maps,<sup>4</sup> no observed hazard.

§ 3-80-050-C. Potentially Unstable Slopes Hazard. No mapped or observed hazard. Slopes within the building envelope areas are less than 30%; steeper slopes to the west consist of vegetation-stabilized talus and mostly sandstone-dominated bedrock. Any cuts in terrace gravel or talus materials on slopes greater than 10% and more than four feet high should be supported by engineered retaining walls, and any foundation cut into such a slope should be designed as a retaining wall.

§ 3-80-050-D. Rockfall Hazard. The proposed envelope lies 500 ft below the downslope limit of a potential rockfall area on Colorado Geological Survey geologic hazard maps, and no rockfall hazard is indicated in the area on Pitkin County maps. Exposures of mostly sandstone on the cliffs and ledges above the property to the west are separated from the envelope by 500 ft of

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<sup>2</sup> More recent workers dispute this correlation, mapping the sandstone as simply the white sandstone at the top of the Maroon Formation.

<sup>3</sup> Otak, Inc., 2001, Crystal River master plan: unpublished consulting report prepared for Pitkin County, Exhibit 10, p. 26.

<sup>4</sup> Olander, *et al.*, 1974, and Otak, 2001, respectively.



moderately to heavily vegetated lesser slopes and such hazard as may exist to the envelope is minimal. I would recommend that final grading and landscaping incorporate continuous or overlapping topographic separations of at least four feet upslope from inhabited structures; such separations can be in the form of berms, overlapping mounds, rock walls, and so on.

§ 3-80-050-E. Alluvial Fan Hazard. No mapped or observed hazard. Alluvial fans are not mapped on the property (Olander, *et al.*, 1974; Otak, 2001).

§ 3-80-050-F. Talus Slope Hazard. As previously noted, a 400-ft-wide strip immediately up slope from and possibly present on the westernmost part of the building envelope is mapped as colluvial wedge and potentially hazardous by Olander, *et al.* (1974). Given the geologic setting of the property, this material is most likely talus. Talus, essentially loose piles of rock at the base of a cliff, is by its nature unstable, and presents both a rockfall hazard (although talus slope materials are more likely to roll or slide than fall) and the danger of failure of structures built on it as boulders shift. However, it is clear from vegetative cover that at least superficially this material has been stabilized by soil development and the vegetation. Soil testing previously recommended should be adequate to identify talus materials; depending on the results, talus voids may need to be filled and materials may have to be carefully stabilized or removed and replaced with materials of sufficient strength to bear necessary loads.

§ 3-80-050-G. Mancos Shale hazard. No mapped or observed hazard. The Mancos Shale is not present on the surface or in the subsurface at any depth on or in the immediate vicinity of the property (Olander, *et al.*, 1974; Otak, 2001).

§ 3-80-050-H. Faults hazard. The fault that essentially forms the western boundary of the property is not mapped as a hazard (Olander, *et al.*, 1974; Otak, 2001). This fault and others related to the Elk Range thrust, a major thrust fault about 1.5 miles west, are of Laramide age (roughly 67 to 55 million years ago in this area). Although probably active intermittently well into the Tertiary, there has been no known movement on these faults in historic time and probably none for thousands if not millions of years. However, earthquakes of up to Mercalli Intensity VI<sup>5</sup> have occurred in the region within the last few decades; therefore, I recommend that new structures be designed and constructed according to the Uniform Building Code provisions for Seismic Zone IIA.

§ 3-80-050-I. Expansive Soil and Rock Hazard. No mapped hazard on Pitkin County or Colorado Geological Survey geologic hazard maps, no observed hazard.

§ 3-80-050-J. Ground Subsidence Hazard. Both terrace boulder gravel and talus deposits can contain voids resulting from piping or differential compaction. Soil testing should be adequate to establish the absence of these hazards within their potential zone of influence on foundation design, or, if found, to provide adequate data for appropriate foundation and drainage design. Boulders loosened during excavations should be removed and the voids backfilled or otherwise stabilized. There are no mapped mines or prospects of any kind in the immediate vicinity, so mine-related subsidence is not of concern.

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<sup>5</sup> Roughly equivalent to magnitude 5 on the more-familiar Richter scale. Earthquakes of this magnitude are felt by all, with damage from minor to moderate.

General. Access to the property is existing in the form of Elk Mountain Drive from Colorado 133. The unconsolidated materials present on the property are derived primarily from rocks which can contain minor amounts of radioactive minerals, so all inhabited spaces should be designed and constructed to prevent the accumulation of radon as well as other noxious or toxic gases. Near-surface bedrock beneath the building envelope is not likely. As always, irrespective of other recommendations contained herein, final grading and landscaping should be designed and constructed in such a manner as to convey water, including snowmelt, away from structures. Domestic water is to be provided by well; adequate water should be available a depth of less than 200 ft. Waste disposal is to be by typical septic ISDS; the surficial materials present are adequate for such an installation, although the moderately-developed nature of the area demands close attention to well location vis-à-vis septic systems and the Pitkin County Sanitation Engineer should be consulted for his specific recommendations.

Conclusions.

The hazards affecting the proposed envelope are minor and not significantly different from those affecting many valley-margin sites in Pitkin County previously approved for development. As a result excavation, foundation, grading, and landscaping design and construction techniques for such locations are well-established. Nothing in this report, however, should be construed as suggesting that mitigations recommended herein can or will eliminate such hazards in their entirety. If you have any questions or require any further information, please do not hesitate to contact me.

Sincerely,



Bruce A. Collins, Ph.D.  
Consulting Geologist

The seal is circular with the text "AMERICAN INSTITUTE OF PROFESSIONAL GEOLOGISTS" around the top edge and "CERTIFICATE NUMBER" around the bottom edge. In the center, it says "7016" and "A.P.C." with "BRUCE A. COLLINS" written below it.

IMPORTANT NOTICE: This report concerns natural processes that are unpredictable and in large measure poorly understood. It is intended to identify potential observable hazards within the scope of work to which the subject property is exposed and to suggest mitigating measures in compliance with applicable regulations. Nothing in this report should be construed or interpreted as suggesting the absence of the described hazards, or that the recommended mitigations will protect the subject property from the described hazards under all circumstances, foreseen or unforeseen. Nothing in this report should be construed or interpreted as suggesting that additional unidentified hazards are not present. It must also be understood that "mitigation" does not mean either the elimination of the hazard(s) or prevention of the consequences of a hazard event or events, only the reduction to the extent reasonably possible of the latter. By accepting this report all present and subsequent parties thereto agree to indemnify and hold harmless the preparer for any and all damages, direct, indirect or consequential, including personal injury or loss of life, above and beyond the original cost of this study, caused by or resulting from any occurrence of the described or other hazard(s), whether or not such damages may result from failure to identify said hazard(s) or from failure or inadequacy of properly engineered, constructed, and maintained recommended mitigations. The preparer of this report cannot and will not be responsible in any way or manner whatsoever for the proper engineering, construction, and/or maintenance of recommended mitigations, or the inadequacy or failure of improperly engineered, constructed, and/or maintained recommended mitigations, or mitigations that have been altered in any way whatsoever from those recommended by the preparer. This report may be amended or withdrawn without notice at any time prior to receipt of payment therefor.



**ROCKY MOUNTAIN ECOLOGICAL SERVICES, INC.**  
NEPA•WILDLIFE•VEGETATION•WILDFIRE MITIGATION•WETLANDS•PLANNING

April 5, 2004

Sherri Rubin  
Crystal River Realty, Inc.  
0117 ½ Redstone Blvd.  
Redstone, CO 81623

RE: LaLone Property, Lot 24- Elk Mountain Subdivision

Dear Sherri,

Please submit this letter with your application to Pitkin County.

I visited the LaLone property on April 3, 2004. The owner would like to prepare a 1041 review on the property as part of a lot line adjustment and a minor plot amendment, and a potential building permit submittal. The property is located at Lot 24, Elk Mountain Subdivision in Pitkin County. The building site is considered "Moderate Hazard: Brush", due to the fact that the slope is greater than 20% (actual slope was 26%) and the fuels were discontinuous. However, the property had a significant aspen component to the fuels, which mitigates some of the fire hazard, but short shrubs were fairly dense. Therefore, the following Mitigations are recommended:

I. Vegetation

Conditions of Approval relating to Sec. 3-80-070, **Wildfire Hazard Areas**, for the provision of Defensible Space surrounding development (including main residence and any outbuildings):

1. Defensible Space:  
Landscaping incorporating wildfire defensible space considerations shall be incorporated to the boundaries of the property, as follows:
  - a. Brush, debris, and non-



ornamental vegetation shall be removed within a minimum ten-foot (10') perimeter around all structures.

- b. Vegetation shall be reduced to break up the vertical and horizontal continuity of the fuels at a minimum of 70' perimeter around proposed structures.
- c. Spacing between remaining or installed clumps of brush and vegetation taller than four feet (4') (oak brush and chokecherry) within a thirty-foot (30') perimeter shall be 3 times the height of the fuel. Maximum diameter of the clumps shall be two (2) times the height of the fuel. All measurements shall be from the edges of the crowns of the fuel. **This does not apply to aspen trees.**
- d. All branches from trees and brush within the thirty-foot perimeter shall be pruned to a height of ten feet (10') above the ground with removal of ladder fuels from around trees and brush.
- e. Existing and installed tree crown separation within the 30' perimeter shall have a minimum of 20' between the edges of the crowns, **except for aspen trees**, where crown spacing may be 4'. However, no aspen trees may be within 10' (as measured from the edge of the crown) of the proposed structures. New or installed coniferous trees may not be within 20' (as measured from the edge of the crown) of the proposed structures.
- f. No branches shall be within 15' of chimneys.
- g. From the 30' perimeter around the house, out to the 70' perimeter, brush and shrubs shall be thinned to 2 times the height of the fuels. For sagebrush, snowberry and other shrubs shorter than four feet tall, thin stands to 5 times the height of the fuel.
- h. All thinned oak brush, serviceberry, or chokecherry stumps must be painted with Garlon® (or equivalent) herbicide to prevent aggressive re-sprouting.
- i. All deadfall within 100' perimeter of the structures shall be removed.
- j. The property owner shall be responsible for the continued maintenance of the defensible space vegetation requirements.



The following **Structural Design and Construction Standards** are recommended for construction of the main house and any outbuildings:

**I. Roofing**

1. Any new roofs shall be constructed with Class A materials (see UBC 1997 Section 1504, wood shake/shingle roof coverings are prohibited, even if treated with fire-retardant chemicals).
2. All roof coverings shall have a surface that shall facilitate the natural process of cleaning the roof of debris. Protrusions above the roofline, such as parapets, shall be prohibited.
3. Minimal roof pitch will be 1:48 on any new roofs as required by UBC 1997 Chapter 15.
4. All roof designs, coverings or equivalent assemblies shall be specifically approved by the Fire Marshall prior to submittal of a building permit application.
5. Vents shall be screened with corrosive resistant wire mesh, with mesh ¼" maximum on any new or existing roofs.

**II. Projections**

1. For projections below the roofline (including, but not limited to: exterior balconies, decks, porches, and bay windows which extend over a flat or sloped surface), the open space between grade and the underside of projections below the roofline shall be enclosed by solid, vertical walls. These walls shall be constructed with materials approved for one-hour fire-resistive construction on the exterior side of the wall, and shall extend from the top of grade to the underside of the floor decking or walls of the projection, **OR:**
2. Any porch or deck or projection shall be void of vegetation below it, and areas below such projections shall be protected from accumulation of vegetation materials by placement of a vegetation barrier covered with rocks or gravel, or by coverage with concrete or stone. Walls underneath projections shall be



constructed with materials approved for on-hour fire-resistive construction on the exterior side of the wall. Pillars or columns shall be of non-flammable materials, or if wood, made out of heavy log construction and treated with a fire retardant. The underside of any porch, deck or projection shall be sheathed in 1 hour fire resistive materials, or with fire-retardant treated wood.

3. An alternative for a deck or porch is use of non-flammable hardscaping (flagstone, cement pad, etc.) that is at least 10' wide. Some planters may be in this area, but cannot contain trees (except aspen) or shrubby species.

### III. Exterior Walls and Siding

1. Exterior walls and siding shall have a minimum one-hour fire resistive rating on the house.

### IV. Foundations and Stilt Construction

1. Foundations, skirting and crawl space openings shall be fully enclosed and constructed with materials approved for one-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.
2. Stilt foundations shall be fully enclosed and constructed with materials approved for one-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 (not including porches, patios, etc.).

### V. Maintenance

1. Roofs and gutters shall be kept clear of debris.
2. Yards shall be kept clear of all litter, slash and flammable debris.
3. All flammable materials (including firewood) shall be stored on a parallel contour a minimum of 30' from any structure, or within a separate structure.
4. Vegetation within the ten-foot perimeter shall be maintained to a height not more than six inches, or if ornamental, shall be irrigated and kept free of dead materials.
5. Flammable mulches (wood chips) are not allowed within 5' of the structure. Landscaping plants shall not be within 3' of the structure.

### VI. Miscellaneous

1. Fences shall be kept clear of brush and debris, and must have at least a 3" gap between the fence and the main structure. Non-flammable, or treated wood fencing material is recommended within 20' of the house. Fences shall be kept clear of vegetation.



2. Any outbuildings or additional structures shall adhere to the same standards as the main house.
3. Each structure shall have a minimum of one ten-pound ABC fire extinguisher.
4. Addresses shall be clearly marked with 2" 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 surface.
5. Fuel tanks shall be installed underground with an approved container.
6. Propane tanks shall be installed according to NFPA 48 standards and on a contour away from the structure with standard defensible space vegetation mitigation around any aboveground tank. Any weed enclosure around the tank shall be constructed with materials approved for two (2) hour fire-resistive construction on the exterior side of the walls.

#### VII. Access

1. Thin shrubs (oak, chokecherry, serviceberry) to 3 times height along the driveway. No shrubs or conifers are allowed within 10' of the driveway. Aspen are permitted within 10' of the driveway, but must be pruned to 10' above the ground. Sagebrush must be thinned to 4 times height, and may not be within 10' of other larger shrubs (oak, chokecherry, and serviceberry).



2. Low vegetation (grasses, forbs and low shrubs) shall be kept mowed to less than 6" within 10' of either side of the driveway.
3. A turnaround pad shall have a minimum of a 35' drivable surface inside turning radius at end of driveway if the driveway is greater than 60' long. If the driveway is less than 60' long, then a turn around at the end of the cul-de-sac must exist, with a minimum 40' drivable surface inside turning radius, and parking of vehicles, trailers, etc., in this cul-de-sac must be prohibited.

#### VIII. Water Supply



1. Any fire department recommendation for individual structure water supply and storage shall be accessible to fire department vehicles from the exterior of the structure through a Fire Department approved mechanism (such as a fire hydrant). The amount of storage capacity shall be determined by the fire protection district if needed.
2. All structures greater than 5,000 square feet in size shall be required to install in-house sprinkler systems that meet the standards of the local fire protection district and the UBC. At building permit submittal, the local fire protection district may require smaller structures to be sprinkled due to hazard considerations, emergency access difficulties and lack of proximity to fire protection services.

IX. Utilities

1. Utility lines shall be buried.

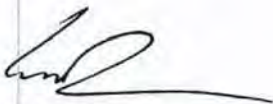
X. Review Process

1. All development shall be reviewed for compliance with this section. Along with a building permit application, the property owner shall submit a site plan that shows the mitigation set-backs detailed in this document, at the time of a building permit submittal.

The above standards have been slightly modified from the Pitkin County Code 3-80-070 Wildfire Hazard Areas, for the situation at the LaLone Property.

Thank you for this opportunity to comment on this property. Please feel free to call if you have any questions.

Sincerely,



Eric Petterson  
Principal Ecologist  
Rocky Mountain Ecological Services, Inc.





# Pitkin County

76 Service Center Road : Aspen, Colorado 81611

April 26, 2004

Sherry Rubin  
Crystal River Realty  
117 Redstone Blvd.  
Redstone, Colorado 81623

Dear Ms. Rubin:

At your request, I visited the Lalone Property (Parcel ID #272920205071) in the Elk Mountain Subdivision near Redstone on April 28, 2004 to evaluate potential impacts of development on the ecological resources on and around the property. This property lies between 7300 and 8400 feet with an easterly aspect. The lower reaches of the property are dominated by mountain sage dominated mixed mountain shrublands and piñon-juniper forest transitioning into mixed aspen, Douglas fir, and ponderosa pine with bare Redstone cliffs at the upper reaches. The entire property is within active, field-verified elk winter range and within a broad north-south migration pattern. Elk can be found in the upper reaches of the property (below the lower cliff band at about 7600 feet) from late summer into early winter and from late spring into early summer. It is possible that limited calving occurs in the aspen on and around the upper reaches of the property but this has not been confirmed. The lower portion of the property is also mule deer winter range and the property lies within the home-range of a resident herd that use the lands in the vicinity of the property throughout the year. Abundant mule deer and elk tracks and scat were identified on the property during the site visit and elk were observed above the lower cliff band. Preferred forage was found to moderately browsed. Black bears are known to be very active in this area and there is a history of frequent human-bear conflicts.

Given the above, the following provisions are required by the Pitkin County Land Use Code or are recommended to reduce the impacts of the proposed development on ecological communities:

1. Cluster all development with existing development in the Elk Mountain subdivision as well as the approved building envelopes on the adjacent Eck and Wilson properties.
2. The building envelope should not extend any higher in elevation than those on the adjacent Eck and Wilson properties and all development should be clustered below the 7450 foot contour.
3. The applicant must comply with all of the General Standards as described in §3-80.80(A) of the Land Use Code.
4. An orange safety fence must be erected around the building site to prevent any unnecessary vegetation disturbance during construction.

Public Works  
(970) 920-5390  
fax 920-5374

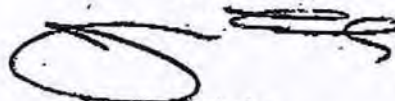
Fleet Maintenance  
(970) 920-5393  
fax 920-5764

Natural Resources  
(970) 920-5214  
fax 920-5374

5. Dogs must be kenneled or enclosed within a fenced yard as per §3-80.80(C)(2) of the Land Use Code.
6. Native vegetation must be maintained outside the building envelope as per Section 3-80.80(A)(3).
7. The 2001 Wildlife Protection Ordinance (# 010 - 2001) requires installation and use of approved bear-proof trash containers or that trash is kept indoors until the day of pick-up. Given the level of bear activity in this area, bear-proof trash containers are highly recommended.
8. Fruit-bearing trees and shrubs should be avoided in any landscaping within 20 feet of structures due to the high level of black bear activity in this area.
9. 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. Wire fencing shall consist of no more than 3 strands of smooth wire and shall not exceed 42 inches in height.
10. Any revegetation plan submitted must contain the following elements:
  - a. The name of the project;
  - b. The name, address and phone number of the person preparing the Revegetation Plan;
  - c. The name, address and phone number of the person(s) responsible for executing the plan;
  - d. If applicable, the availability of irrigation water and, if available, the amount of water, the name of the ditch company and the method of delivering water to the site;
  - e. A brief narrative describing the planting and seeding methods;
  - f. A description by common and scientific name of the species of plants to be used, seed ratios and source, and container size or caliper measurement of plants to be installed;
  - g. A drawing of the site with the location of plants to be installed shown clearly.

If you have any questions, please do not hesitate to call.

Sincerely,



Jonathan Lowsky  
Wildlife Biologist/Ecologist

### How And When Parcels Were Created

**The attached Map of Elk Mountain Subdivision was prepared and certified on July 17, 1964 by the Glenwood Hot Springs Company. The plan of subdivision was recorded in Pitkin County on July 23, 1964 as shown in the attached documents. The subsequent chain of ownership was researched and is discussed in an attachment to this submission.**

MAP OF  
ELK MOUNTAIN SUBDIVISION

SITUATED IN  
THE SE $\frac{1}{4}$ NW $\frac{1}{4}$  AND NE $\frac{1}{4}$ SW $\frac{1}{4}$  OF SECTION 20  
T. 10 S., R. 88 W. OF THE 6TH. P.M.  
PITKIN COUNTY, COLORADO

SCALE 1 INCH = 50 FEET  
SHEET 1 OF 2 SHEETS

STATEMENT OF OWNER AND DEED OF DEDICATION

Know all men by these presents, that GLENWOOD HOT SPRINGS COMPANY, being the owner in fee simple of all of that real property included in this plat and located in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section Twenty (20), Township Ten (10) South, Range Eighty-eight (88) West of the 6TH. P.M., does hereby subdivide said real property and designate the same as ELK MOUNTAIN SUBDIVISION, and for such purposes the said Glenwood Hot Springs Company does hereby state and certify as follows:

1. That it has caused this official plat to be made and filed.
2. That it has caused said property to be laid out, platted and subdivided into Lots and Drives as shown hereon.
3. That it hereby dedicates to the public use the Drives hereon designated, located and platted.
4. That utility and drainage easements are hereby located and dedicated along all Lot lines and five feet in width along each side thereof.
5. That this plat correctly shows said real property as herein subdivided into Lots and Drives with the dimensions indicated hereon as prepared from an actual filed survey thereof.

IN WITNESS WHEREOF, The said Glenwood Hot Springs Company has hereunto subscribed its corporate name by its Vice President and affixed its corporate seal attested by its Secretary this 6th day of July, A. D. 1964.

GLENWOOD HOT SPRINGS COMPANY

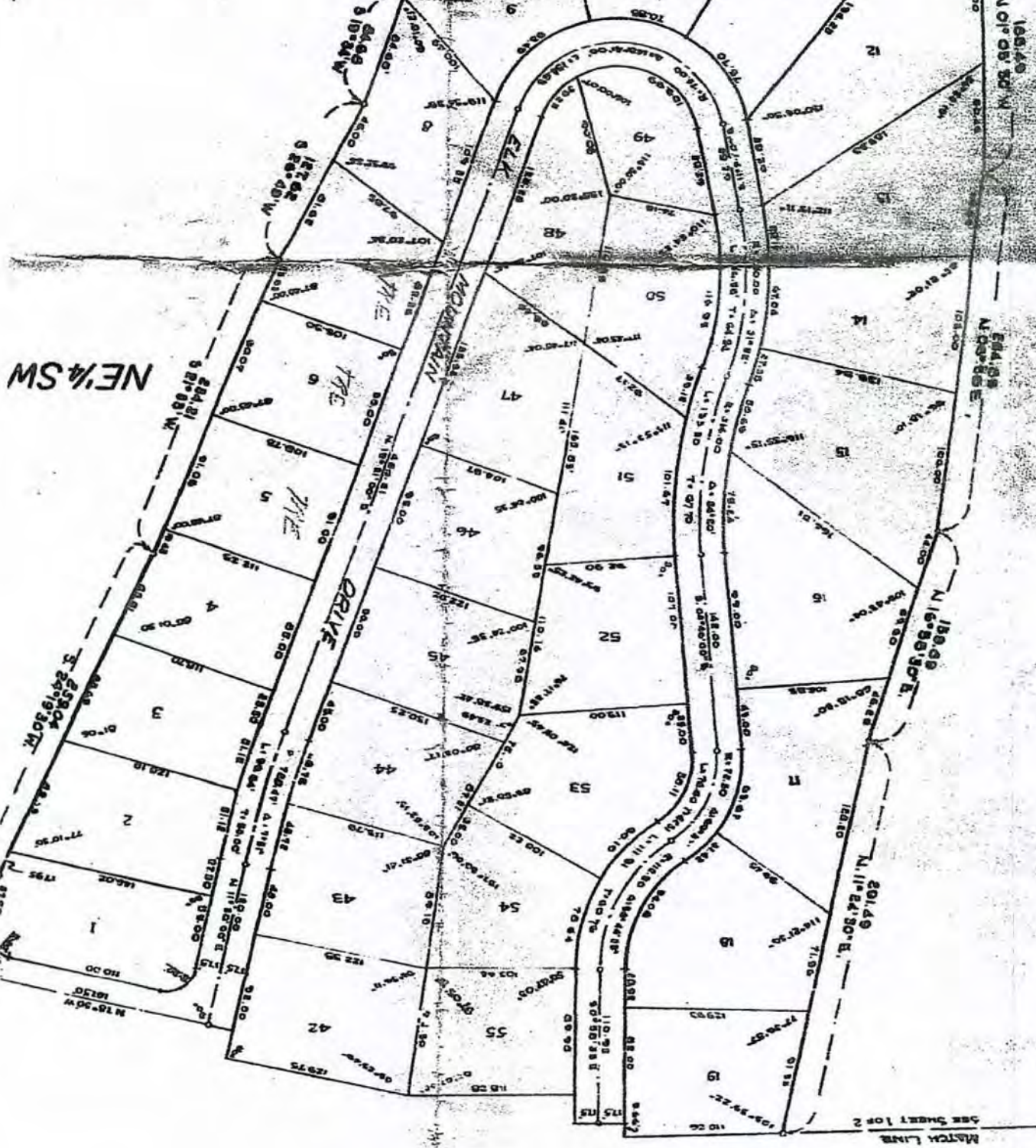
By: F. Mark Garlinghouse  
Vice President

Attest: Ernest T. Larson  
Secretary

STATE OF COLORADO ) ss.  
COUNTY OF GARFIELD)

The above and foregoing statement of Owner and Deed of Dedication was acknowledged before me this 12th day of July, A. D. 1964 by F. Mark Garlinghouse as Vice President and Ernest T. Larson as Secretary of GLENWOOD HOT SPRINGS COMPANY.  
My commission expires Feb 6 1968

ELK MOUNT  
PITKIN COU  
SCALE

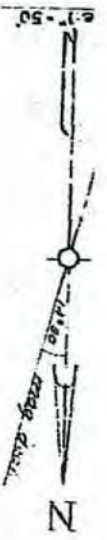
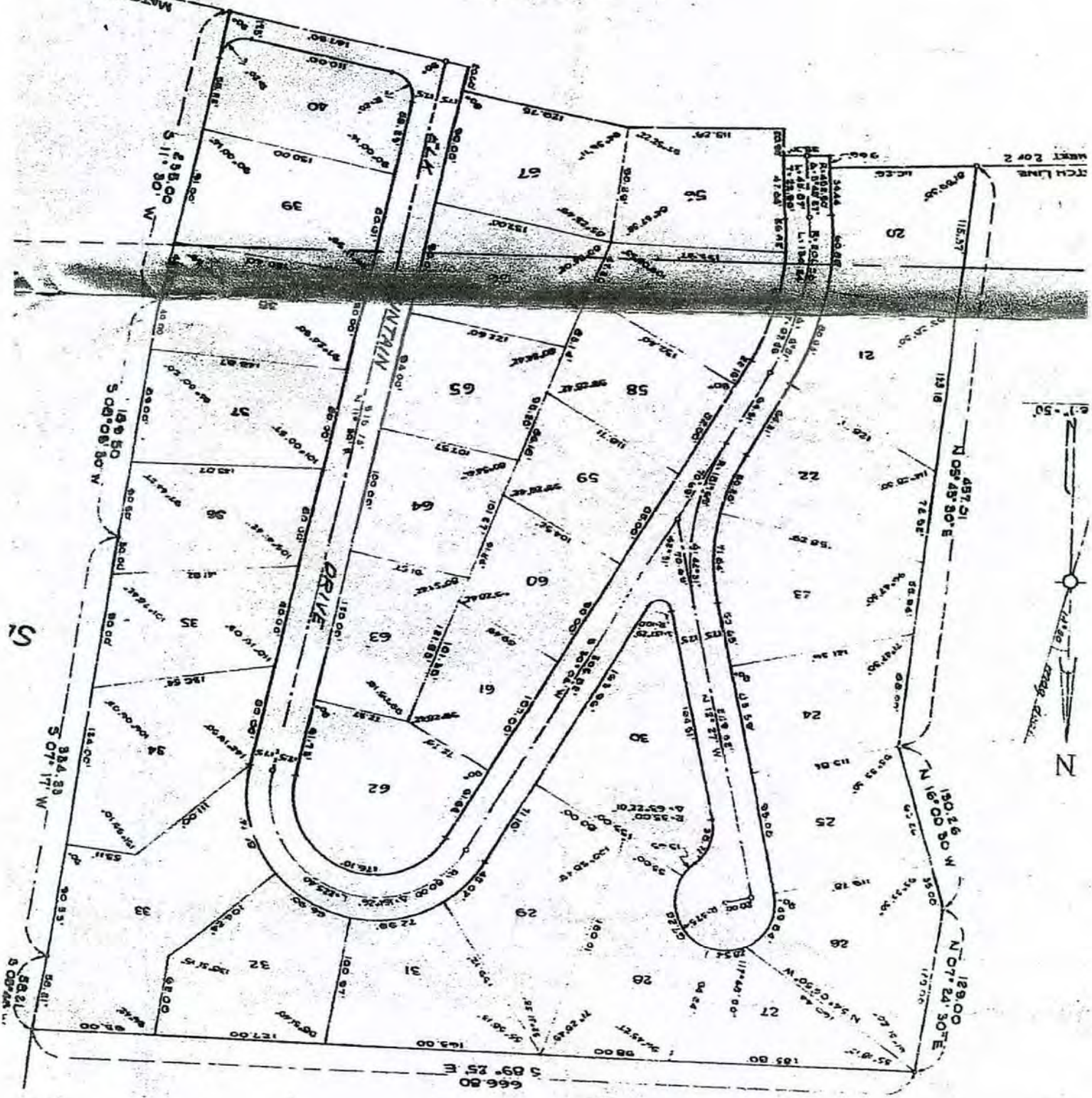


MATCH LINE  
SEE SHEET 1 OF 2

NE 1/4 SW 1/4

MATCH LINE  
SEE SHEET 2 OF 2

MATCH LINE  
SHEET 2 OF 2



S

666.00  
S 09° 25' E

384.83  
S 07° 17' W

198.50  
S 08° 08' 30" W

238.00  
S 11° 30' W

457.01  
N 05° 48' 30" E

150.26  
N 15° 02' 30" W

129.00  
N 07° 24' 30" E

107.70  
N 54° 02' 30" W

107.80

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Filed for Record June 7, 1937 at 11:30 o'clock AM  
 Reception No. 10500 Peggy E. Coble, Recorder

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That JOHN L. HEUSCHKEL and OLIVE M. HEUSCHKEL of the County of Garfield and State of Colorado, for the consideration of ten dollars and other valuable consideration in hand paid, hereby sell and convey to GLENWOOD HOT SPRINGS COMPANY, a Colorado Corporation, the following real property, situate in the County of Pitkin and State of Colorado, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , and all that part of NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and of NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  lying west of the Crystal River Railroad right of way, of Section 20, S $\frac{1}{2}$ N $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$ W $\frac{1}{2}$  lying west of the Crystal River Railroad right of way, and SW $\frac{1}{4}$  of Section 29, and N $\frac{1}{2}$ NW $\frac{1}{4}$  Section 32, Township 10 South, Range 88 West of the 6th Principal Meridian, subject to existing, used and occupied rights of way, together with all ditch and water rights appurtenant thereto or used in connection therewith, including (not limited thereby) 2.00 second feet of water from the Syphon Ditch, 0.4 second feet of water from the Crystal Farm Pipe Line Ditch, 0.5 second feet of water from the Beaman Ditch, and 0.4 second feet of water from the Village Farm Ditch,

Excepting, however, from the operation of this deed the following tracts or parcels of land, to-wit:

1. A tract of land described as follows:

Beginning at the west quarter corner of Section 29, T. 10 S., R. 88 W. of the 6th P.M.; thence S. 80° 00' E. 762.7 feet to point of beginning, thence by following courses and distances: South 11° 10' W. 132.8 feet; thence N. 78° 50' W. 136.0 feet; thence N. 11° 10' E. 132.8 feet; thence S. 78° 50' E. 136.0 feet to point of beginning. Containing 0.415 acres more or less.

2. A tract of land situated in the E $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 20, T. 10 S., R. 88 West of the 6th P.M. and more fully described as follows: Beginning at a point whence the North 1/4 corner of said Section bears N. 14° 34' E., 1309.3 feet; thence E. 340.0 feet to the Westerly line of County Road; thence S. 7° 35' W. 488.0 feet along the Westerly line of County Road; thence N. 29° 41' W., 556.8 feet to the point of beginning. Containing 1.92 acres more or less.

3. A tract of land described as follows: Commencing at the point where the North line of Swiss Village intersects the Redstone-Marble Highway; thence N. 200 feet along said Highway; thence W. and parallel to the N. Swiss Village boundary line, 400 feet; thence S., and parallel to said Highway to the point of intersection with the North line of said Swiss Village; thence E. along said North Boundary line of said Swiss Village to the point of beginning.

4. Also excepting from the warranty of title hereof, but not excepting from this conveyance, the tract of land consisting of about one acre, whereon a reservoir was formerly situated.

Reserving to the parties of the first part and their heirs and assigns, an undivided one-half interest of all oil, gas and minerals upon, in or under said lands, with the right to prospect for, and remove the same.

Signed and delivered this 29th day of April,  
A.D. 1957.

John L. Heuschkel (SEAL)  
Olive M. Heuschkel (SEAL)

STATE OF COLORADO )  
                          ) ss.  
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this  
29th day of April, 1957, by JOHN L. HEUSCHKEL and  
OLIVE M. HEUSCHKEL.

Witness my hand and official seal.

My commission expires December 1, 1960.



Jeanne Rey  
Notary Public



ASSIGNMENT OF DECLARANT RIGHTS  
ELK MOUNTAIN SUBDIVISION  
Pitkin County, Colorado

WHEREAS, Glenwood Hot Springs Company filed for record in the office of the Clerk and Recorder of Pitkin County, Colorado, a Declaration of Restrictions, Reservations and Covenants affecting Elk Mountain Subdivision in Pitkin County, Colorado, Document No. 118346;

AND WHEREAS, said Declaration reserved to said corporation certain rights and privileges with respect to the property described therein and now subject to the terms and conditions of said Declaration;

AND WHEREAS, Glenwood Hot Springs Company has assigned all rights, reservations, easements and options of declarant under said Declaration to Colomo, Inc., a Colorado corporation;

NOW THEREFORE, pursuant to the provisions of Section 12 of said Declaration, and for value received, Colomo, Inc., a Colorado corporation, hereby assigns and conveys to C.R.V. Properties Ltd. Liability Co., whose address is 117 1/2 Redstone Blvd., Redstone, Colorado 81623, any and all of the rights, reservations, easements and privileges reserved by Glenwood Hot Springs Company in said Declaration.

Dated January 13, 1992.

*Lawrence H. Mincer*  
Secretary  
Colomo, Inc.

Colomo, Inc.,  
a Colorado corporation

By: *Mary Ann Campbell*  
Mary Ann Campbell,  
Vice-President

STATE OF COLORADO }  
COUNTY OF EL PASO } ss.

The foregoing instrument was acknowledged before me this day of January, 1992 by Mary Ann Campbell as Vice-President of Colomo, Inc., a Colorado corporation.

My commission expires:  
Witness my hand and official seal.

*Jane A. Ryan*  
Notary Public

STATE OF COLORADO }  
COUNTY OF GARFIELD } ss.

The foregoing instrument was acknowledged before me this day of January, 1992 by Lawrence H. Mincer as Secretary of Colomo, Inc., a Colorado corporation.

My commission expires: *3.23.94*  
Witness my hand and official seal.

NOTARY PUBLIC  
KRSANDRA L. KREFT  
STATE OF COLORADO

*Krisandra L. Kreft*  
Notary Public

76-91-1-16-92

THE UNITED STATES OF AMERICA

5810A

And all to whom these Presents shall come, shall have

Whereas George E. Pleasant, of Pitkin County Colorado

has presented to the General Land Office of the United States a Certificate of the Register of the Eastern Office of Pinjigs Colorado whereby it appears that full payment has been made by the said George E. Pleasant

according to the provisions of the Act of Congress of the 24th of April, 1890, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the West half

the West quarter and the South West quarter of the South West quarter of Section twenty in Township 36 South of Range eight, eight West of the Sixth Principal Meridian in Colorado, containing one hundred and twenty acres.

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said George E. Pleasant

Now Enact, Ye, That the United States of America, in consideration of the promises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said George E. Pleasant

and to his heirs, the said Tract above described: To Have and to Hold the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, therunto belonging, unto the said George E. Pleasant

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In Testimony Whereof, I, William McKinley President of the United States of America

have caused these Letters to be made patent, and the Seal of the General Land Office to be hereunto appended

Given under my hand, at the City of Washington, the twenty day of May in the year of our Lord one thousand nine

hundred and one and of the Independence of the United States the one hundred and twenty fifth

BY THE PRESIDENT William McKinley

by J. M. Wilson Secretary

John D. Smith Recorder of the General Land Office



Colorado  
Recorded for 10 Page 6

1891 May 20 10 o'clock A.M.

Filed for record June 7, 1957 at 11:38 o'clock AM  
Reception No. 105280  
Peggy E. Coble, Recorder

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS That JOHN L. HEUSCHKE and OLIVE N. HEUSCHKE of the County of Garfield and State of Colorado for the consideration of ten dollars and other valuable consideration and paid, hereby sell and convey to GLEN WOOD HOT SPRINGS COMPANY, a Colorado Corporation, the following real property, situate in the County of Pitkin and State of Colorado, to-wit:

S. 1/4 NW 1/4, and all that part of NE 1/4 SW 1/4, and of NW 1/4 SW 1/4, lying west of the Crystal River Railroad right of way, of Section 29, T. 10 S., R. 88 W., and all that part of the NE 1/4 W 1/2, lying west of the Crystal River Railroad right of way and SW 1/4 of Section 29, and NE 1/4, Section 32, Township 10 South, Range 88 West of the 6th Principal Meridian, subject to existing, used and occupied rights of way, together with all ditch and water rights appurtenant thereto, and also 2.99 acres of water from the Siphon Ditch, 0.4 second feet of water from the Crystal Farm Pipe Line Ditch, 0.3 second feet of water from the Beaman Ditch, and 0.4 second feet of water from the Village Farm Ditch.

Excepting, however, from the operation of this deed the following tracts or parcels of land, to-wit:

1. A tract of land described as follows:

Beginning at the west quarter corner of Section 29, T. 10 S., R. 88 W. of the 6th P.M., thence S. 80° 00' E. 762.7 feet to point of beginning, thence by following courses and distances: South 10° 40' W. 132.8 feet, thence N. 78° 50' W. 136.0 feet, thence N. 14° 10' E. 132.8 feet, thence S. 78° 50' E. 136.0 feet to point of beginning. Containing 0.415 acres, more or less.

Section 20, T. 10 S.

2. A tract of land situated in the County of Pitkin, T. 10 S., R. 88 West of the 6th P.M. and more fully described as follows:

Beginning at a point whence the North 1/4 corner of said Section bears N. 14° 34' E., 1309.3 feet, thence E. 340.0 feet to the westerly line of County Road, thence S. 400.0 feet along the westerly line of County Road, thence W. 536.8 feet to the point of beginning. Containing 1.92 acres, more or less.

3. A tract of land described as follows: Commencing at the point where the North line of Swiss Village intersects the Redstone-Marble...

UNITED STATES OF AMERICA

55/121

To all to whom these Presents shall come, GREETING:

George W. Pleasant, of Pitkin County Colorado

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at  
Silver Lake, Colorado - whereby it appears that full payment has been made by the said  
George W. Pleasant

according to the provisions of the Act of Congress of the 24th of April, 1850, entitled "An Act making further pro-  
vision for the sale of the Public Lands," and the acts supplemental thereto, for the West half of  
the South West quarter and the South West quarter of the  
North West quarter of Section twenty nine, Township ten  
South of Range eight, East of the Sixth Principal  
Meridian in Section 10, containing one hundred and  
twenty acres.

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the  
Surveyor General, which said Tract has been purchased by the said George W. Pleasant

Now Know Ye, That the United States of America, in consideration of the premises, and in conformity  
with the several Acts of Congress in such case made and provided, have given and granted, and by these presents  
do give and grant unto the said George W. Pleasant  
and to his heirs, the said Tract above described: To Have and to Hold the same, together with all  
the rights, privileges, immunities and appurtenances, of whatsoever nature, character, belonging, unto the said  
George W. Pleasant  
and to his heirs and assigns forever: subject to any vested and accrued water rights for mining, agri-  
cultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such  
water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and  
also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the  
same be found to penetrate or intersect the premises hereby granted, as provided by law.

In Testimony whereof, I, William McKinley President of the United States of America,  
have caused these letters to be made patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twentieth  
day of May, in the year of our Lord one thousand two  
hundred and one and of the Independence of the United  
States the one hundred and twenty-fifth.

BY THE PRESIDENT: William McKinley  
By J. M. McArthur  
John H. Brush Recorder of the General Land Office



Recorded for 121 Page 106  
Filed for Record the 2nd day of Sept 1895 at Silver Lake  
A. M. Ryan



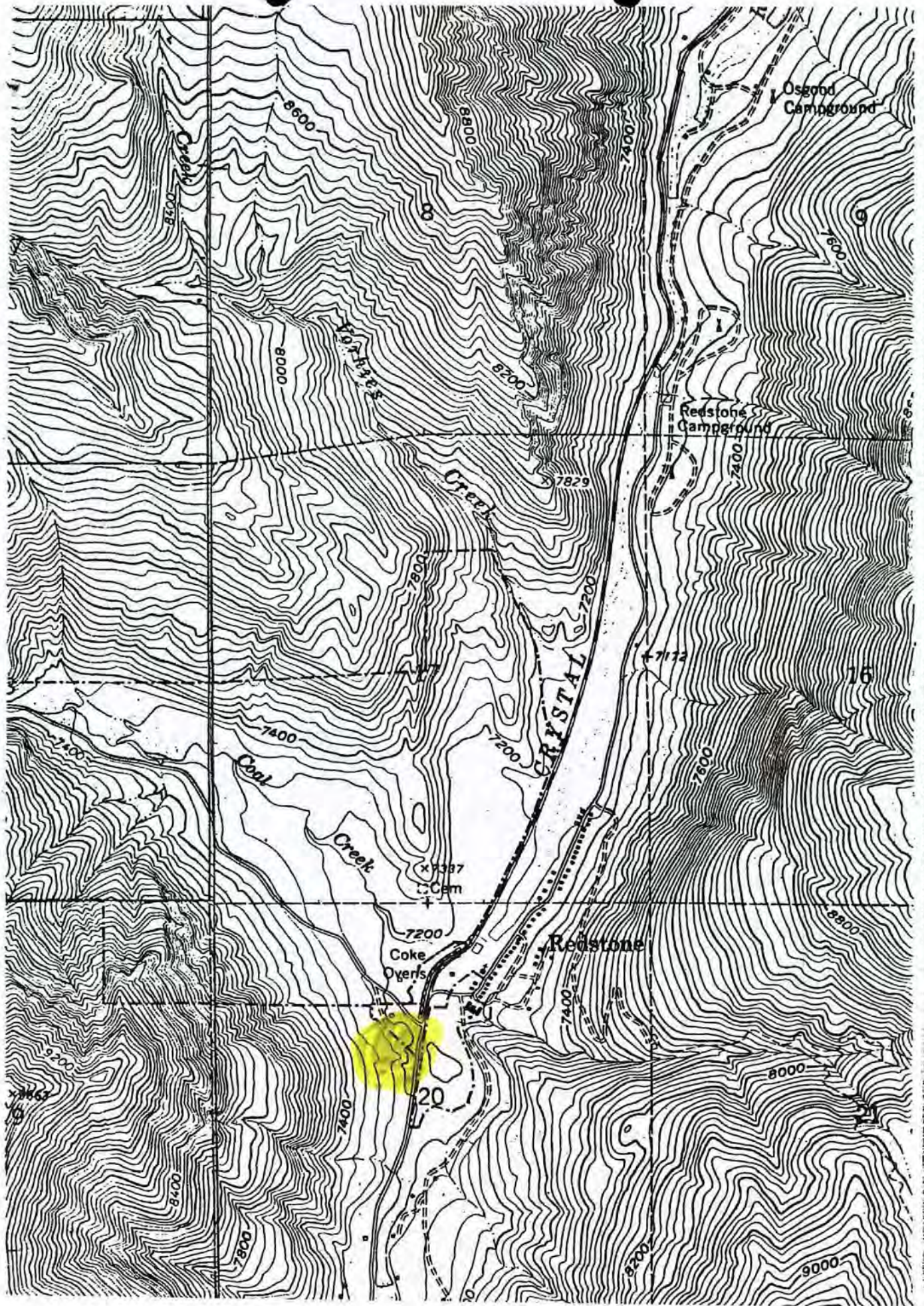
EXHIBIT A

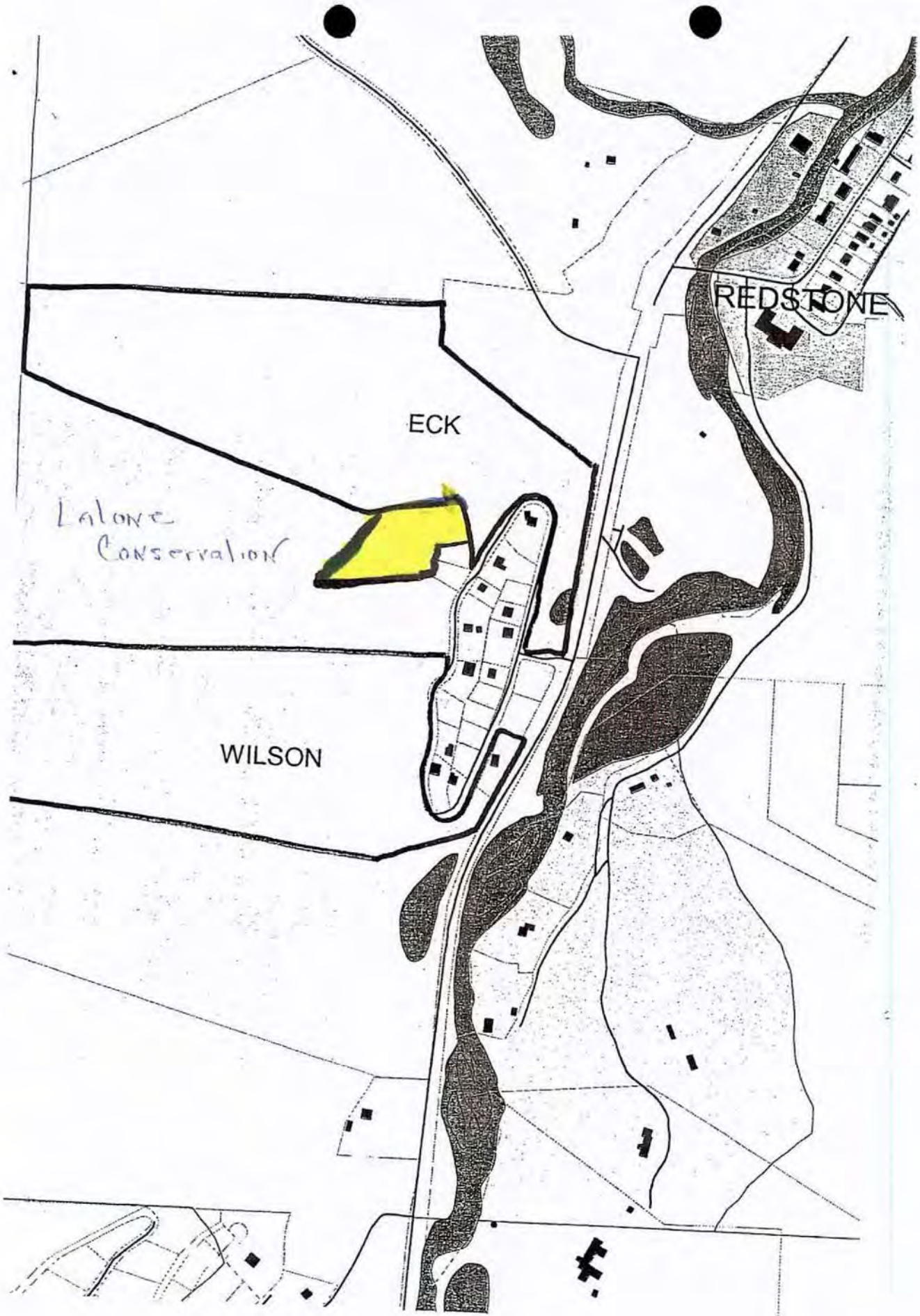
A PARCEL OF LAND BEING LOTS 19, 20, 21, 24 AND 25, ELK MOUNTAIN SUBDIVISION AND A PARCEL OF LAND SITUATED IN THE S1/2 NW1/4 AND THE N1/2 SW1/4 OF SECTION 20, TOWNSHIP 10 SOUTH, RANGE 88 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20, A B.L.M. ALUMINUM CAP IN PLACE;  
THENCE N 01°04'20" E ALONG THE WESTERLY LINE OF SAID SECTION 20 2410.53 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID SECTION 20 N 01°04'20" E 1156.17 FEET;  
THENCE LEAVING SAID WESTERLY LINE S 69°49'42" E 1596.92 FEET;  
THENCE N 77°37'30" E ALONG THE NORTHERLY LINE EXTENDED AND THE NORTHERLY LINE OF LOT 25 OF ELK MOUNTAIN SUBDIVISION 379.80 FEET TO THE NORTHEAST CORNER OF SAID LOT 25;  
THENCE S 12°21'39" E ALONG THE EASTERLY LINE OF SAID LOT 25 AND LOT 24 178.70 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24;  
THENCE S 77°38'21" W ALONG THE SOUTHERLY LINE OF SAID LOT 24 141.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24;  
THENCE S 05°50'51" W ALONG THE WESTERLY LINE OF LOT 23 AND LOT 22 OF SAID SUBDIVISION 128.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 22;  
THENCE S 59°51'23" E ALONG THE SOUTHERLY LINE OF SAID LOT 22 128.71 FEET TO THE SOUTHEAST CORNER OF SAID LOT 22;  
THENCE ALONG THE EASTERLY LINE OF LOT 21 AND 20 OF SAID SUBDIVISION ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF 36°51'00", A DISTANCE OF 141.49 FEET (CHORD BEARS S 11°43'51" W 139.07 FEET);  
THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 20 AND THE EASTERLY LINE OF LOT 19 OF SAID SUBDIVISION ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 435.00 FEET AND A CENTRAL ANGLE OF 05°48'27", A DISTANCE OF 44.09 FEET (CHORD BEARS S 03°47'26" E 44.70 FEET);  
THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 19 S 00°53'26" E 81.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT 19;  
THENCE S 89°05'14" W ALONG THE SOUTHERLY LINE OF SAID LOT 19 129.95 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19;  
THENCE LEAVING SAID ELK MOUNTAIN SUBDIVISION S 89°09'57" W 1736.12 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT OVER, UNDER AND ACROSS LOT 30 ELK MOUNTAIN SUBDIVISION FOR THE PURPOSES OF BUILDING A DRIVEWAY FOR INGRESS AND EGRESS TO LOTS 24 AND 25, ELK MOUNTAIN SUBDIVISION AND FOR UNDERGROUND UTILITIES TO BE EXTENDED TO SAME, INCLUDING THE RIGHT TO PLACE A DOMESTIC WELL AND TO CONSTRUCT AN UNDERGROUND PIPELINE TO LOTS 24 AND 25 ON SAID LOT 30 FOR THE USE OF LOTS 24 AND 25 FROM SAID WELL.

COUNTY OF PITKIN, STATE OF COLORADO.





REDSTONE

ECK

Lalove  
Conservation

WILSON



List of adjacent property owners

Alisa Smith  
Box 81221  
Atlanta, GA 30366  
Lot 23

Susan McCoy  
Box 1868  
Carbondale, CO 81623  
Lot 22

Ted Eck  
Box 8  
Orford NH  
03777-0008

USFS  
Forest Supervisor  
900 Grand Ave  
Glenwood Spring, CO 81602

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

PITKIN COUNTY (hereinafter "COUNTY") and Raymond and Dickelaine  
(hereinafter "APPLICANT") AGREE AS FOLLOWS:

1. APPLICANT has submitted to COUNTY an application for 1041 and lot line adjustment  
on lots 24 & 25 Elk Mt. Subdivision (hereinafter, the "PROJECT").
2. APPLICANT understands and agrees that Pitkin County Ordinance No. 32-2002 establishes a fee structure for land use applications and the payment of all processing fees is a condition precedent to a determination of application completeness. The fee structure is based on the COUNTY'S policy that development shall pay, in full, the cost of development review in the COUNTY. Fees have been set to be consistent and fair to the public and to reflect the expense incurred in providing such services to the public.
3. APPLICANT and COUNTY agree that because of the size, nature or scope of the proposed PROJECT, it may not be possible at the time of application to ascertain the full extent of the costs involved in processing the application.
4. APPLICANT and COUNTY agree that fees charged for the processing of land use applications shall accumulate if an application includes more than one type of land use review.
5. COUNTY and APPLICANT further agree that it is impracticable for COUNTY staff to complete processing or present sufficient information to the Planning Commission and/or Board of County Commissioners to enable the Planning Commission and/or Board of County Commissioners to make legally required findings for project approval, unless current billings are paid in full prior to decision.
6. Therefore, APPLICANT agrees that in consideration of the COUNTY'S waiver of its right to collect full fees prior to a determination of application completeness, APPLICANT shall pay a base fee in the amount of \$ 4545<sup>00</sup> which is based on 20 hours of staff time, and if actual time spent by staff to process the application exceeds the average number of hours by more than 20%, then the COUNTY will bill the APPLICANT quarterly for the additional time spent. Such periodic payments shall be made within 30 days of the billing date. APPLICANT further agrees that failure to pay such accrued costs shall be grounds for suspension of processing.

PITKIN COUNTY

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

Raymond & Dickelaine  
("APPLICANT")

By: Sherry Rubin

Sherry Rubin  
Print Name and Title (if applicable)

Date: 5-5-04

Mailing Address: 115 Redstone Blvd  
Redstone Co  
81403

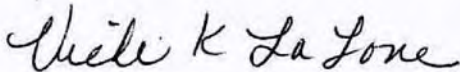
February 27, 2004

TO WHOM IT MAY CONCERN:

We, Raymond J. and Vicki K. LaLone, are owners of Lot 24 in Elk Mountain Subdivision in Redstone, Colorado. We request that Sherry Rubin be our representative for the 1041 process on this property.

A handwritten signature in cursive script, appearing to read "Raymond J. LaLone".

Raymond J. LaLone

A handwritten signature in cursive script, appearing to read "Vicki K. LaLone".

Vicki K. LaLone

**MISCELLANEOUS**

**DOCUMENTS**

County of Pitkin }  
                          } ss.  
State of Colorado }

**AFFIDAVIT OF NOTICE &  
MAILING PURSUANT TO  
PITKIN COUNTY LAND USE  
CODE SECTION 4-90**

I, Sherry Rubin, being or representing an Applicant to the Pitkin County Development Permit, personally certify that I have complied with the public notice requirements pursuant to Section 4-90 of the Pitkin County Land Use Regulations in the following manner:

1. By mailing of notice, a copy of which is attached hereto, by first-class, postage prepaid U.S. Mail at least 30 days prior to the public hearing to all owners of property adjacent to the subject property, as indicated on the attached list, on the 9 day of July, 2004 (which is 39 days prior to the public hearing date of Aug 17). The names and addresses of the adjacent property owners shall be those on the current tax records of Pitkin County as they appeared no more than 60 days prior to the public hearing.
2. By mailing of notice, a copy of which is attached hereto, by first-class, postage prepaid U.S. Mail at least 30 days prior to the public hearing to the owner(s) of the mineral estate underneath the subject property, as indicated on the attached list, on the \_\_\_ day of \_\_\_, 200\_ (which is \_\_\_ days prior to the public hearing date of \_\_\_). The names and addresses of the mineral estate owners shall be those on the current tax records of Pitkin County as they appeared no more than 60 days prior to the public hearing.
3. By posting a sign in a conspicuous place on the subject property (as it could be seen from the nearest public way) and that said sign was posted and visible continuously from the 11 day of July, 2004 to the 20 day of Aug, 2004 (Must be posted for at least fifteen (15) full days before the hearing date). A photograph of the posted sign is attached hereto.

Sherry Rubin  
Applicant's name

Sherry Rubin  
Signature

(Attach photograph here)

Signed before me this 9<sup>th</sup> day of August 2004 by

WITNESS MY HAND AND OFFICIAL SEAL  
My commission expires: 5/12/2008

Notary Public Lisa D. Wagner

Notary Public's Signature Lisa D. Wagner



F14

**PUBLIC NOTICE**

**RE: LaLone Conceptual Submission, Lot Line Adjustment, Minor Plat Amendment, Separation of Substandard Size Lots, 1041 Hazard Review (Case P095-04)**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on Tuesday, August 17, 2004 at a regular meeting to begin at 5:00 pm or as soon thereafter as the conduct of business allows, before the Pitkin County Planning and Zoning Commission, at the Rio Grande Conference Room, 455 Rio Grande Place, Aspen, Colorado to consider an application submitted by Raymond and Vicki LaLone requesting to un-merge lots within the subdivision, to amend the lot line between the new lot and the adjacent metes and bounds parcel to increase the size of the lot, and to establish a building envelope on the new lot. The property is legally described as Lots 19, 20, 21, 24 and 25 in the Elk Mountain Subdivision and a parcel of land situated in the S1/2 NW1/4 and the N1/2 SW1/4 of Section 20, Township 10 South, Range 88 West of the 6<sup>th</sup> P.M. The State Parcel Identification Number for this property is 2729-202-05-071. For further information contact Suzanne Wolff at the Aspen/Pitkin Community Development Department (970) 920-5093.

s/Peter Thomas, Chair

Pitkin County Planning and Zoning Commission

Published in the Aspen Times Weekly on July 17, 2004

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Pitkin County Account 002.02.

Public \_\_\_\_\_ Private \_\_\_\_\_

**Attention Applicant/Representative:**

It is your responsibility to do the following:

1. Mail this Public Notice to all adjacent property owners and mineral estate owners at least 30 days prior to the hearing with the return address of the Community Development Department. The names and addresses shall be those on the current tax records of Pitkin County as they appeared no more than 60 days prior to the date of the public hearing
2. Submit the Affidavit of Notice by Posting & Mailing (previously sent to you with your applicant letter) as proof of compliance with the Code at the hearing.
3. Pick up Public Notice sign from the Pitkin County Community Development Department, 130 South Galena Street, Aspen, CO (970) 920-5526
4. Post the Public Notice sign on the property at least fifteen days (15) prior to the hearing
5. Remove the Public Notice sign within one week after hearing date

7-6-04 to S. Rubin/jt

File

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN** to the general public that on August 17, 2004, the Pitkin County Planning and Zoning Commission granted approval for the **Lalone** Conceptual Submission, Lot Line Adjustment, Minor Plat Amendment, Separation of Substandard Size Lots, 1041 Hazard Review (Case P095-04). The property is legally described as a parcel of land situated in Lots 19, 20, 21, 24 and 25 in the Elk Mountain Subdivision and a parcel of land situated in the S1/2 NW1/4 and the N1/2 SW1/4 of Section 20, Township 10 South, Range 88 West of the 6<sup>th</sup> P.M. The State Identification Number for this Parcel is 2729-202-05-071. This site specific development plan grants a vested property right pursuant to Title 24, Article 68, Colorado Revised Statutes.

S/Peter Thomas, Chairman  
Planning and Zoning Commission  
Pitkin County, Colorado

Published in the Aspen Times Weekly, August 28, 2004.

8/19/04 — JS/S. Rubin /jt

PITKIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

130 South Galena Street  
Aspen, Colorado 81611  
(970) 920-5526 FAX# (970) 920-5439

June 14, 2004

Ms. Sherry Rubin  
Crystal River Realty  
117 Redstone Blvd  
Redstone, CO 81623

Re: **La Lone Conceptual Submission, Lot Line Adjustment, Minor Plat Amendment, Separation of Substandard Size Lots, 1041 Hazard Review (PID 2729-202-05-071; Case P 095-04)**

Dear Ms. Rubin:

The Planning Office has completed its preliminary review of the captioned application. We have determined that this application is incomplete:

1. Please provide a letter signed by both owners of the property consenting to your representation.
2. The Schedules from a 2003 Commitment of Title Insurance do not satisfy the requirements of the Land Use Code Subsec. 5-60-020(D), which requires "a current certificate from a title insurance company or attorney licensed to practice law in the state of Colorado..." While we will begin processing your application without this documentation, please note that the planner assigned to your case may require these documents in the future.
3. New Land Use Application Fees and Referral Fees went into effect on May 24<sup>th</sup>.  
The new Planning Flat Fee for this application is:  
\$2,150: 1041 Hazard Review,  
645: Minor Plat Amendment, and  
860: Lot Line Adjustment,  
\$3,655: Total

The new Referral Fees are: \$520: Wildlife Biologist, and  
\$468: Environmental Health.

Additional Planning hours are now billed at the rate of \$215/hr.

There is, therefore, an additional **\$98 fee due** on this application.

We have scheduled this application at a public hearing before the Pitkin County Planning and Zoning Commission on **Tuesday, August 17, 2004** at a meeting to begin at **5:00 pm** before the Pitkin County Planning and Zoning Commission, in the **Rio Grande Conference Room** (former Youth Center Building) 455 Rio Grande Place, Aspen, Colorado. Should this date be inconvenient for you please contact me within 3 working days of the date of this letter. After that the agenda date will be considered final and changes to the schedule or tabling of the application will only be allowed for unavoidable technical problems. The Friday before the meeting date, we will call to inform you that a copy of the memo pertaining to the application is available for you to pick up at the Community Development Office.



Please note that it is your responsibility to post a public notice sign on the property at least fifteen days prior to the public hearing (and remove it within one week after). You are also required to mail notice (a copy of public notice will be mailed to you by the our office) to all adjacent property owners and mineral estate owners at least 30 days prior to the hearing with the return address of the Community Development Department given above. The names and addresses shall be those on the current tax records of Pitkin County as they appeared no more than 60 days prior to the date of the public hearing. Please submit the enclosed Affidavit of Notice by Posting & Mailing as proof of compliance with the code at the hearing.

If you have any questions, please call Suzanne Wolff, the planner assigned to your case, at (970) 920-5093.

Sincerely,

Janis Taylor  
Administrative Assistant

Encl: Affidavit

**PITKIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
130 South Galena Street  
Aspen, Colorado 81611  
Phone (970) 920-5526 FAX (970) 920-5439**

**M E M O R A N D U M**

**TO: Crystal River Caucus  
Elk Mountain Subdivision  
Environmental Health  
Wildlife Biologist**

**FROM: Suzanne Wolff, Community Development Department**

**RE: La Lone Conceptual Submission, Lot Line Adjustment, Minor Plat Amendment,  
Separation of Substandard Size Lots, 1041 Hazard Review (PID 2729-202-05-  
071; Case P 095-04)**

**DATE: June 14, 2004**

Attached for your review and comments are materials for an application submitted by Raymond and Vickie La Lone. The Pitkin County Planning and Zoning Commission will review the application on Tuesday, August 17, 2004.

Please return your comments to me by **Friday, July 9, 2004**.

PLEASE RETURN APPLICATION MATERIALS TO COMMUNITY DEVELOPMENT IF YOU HAVE NO FURTHER NEED OF THEM.

Thank you.

17702

**COMMUNITY DEVELOPMENT DEPARTMENT**

130 South Galena Street  
Aspen, Colorado 81611  
(970)920-5526

**Pitkin County**

**Land Use:**

- 172 Board of Adjustment \_\_\_\_\_
- 159 County Land Use Code \_\_\_\_\_
- 173 Deposit \_\_\_\_\_
- 174 Flat Fee 98- \_\_\_\_\_
- 162 Zoning and Sign \_\_\_\_\_
- 169 Public Notice \_\_\_\_\_
- 160 Planning Enforcement \_\_\_\_\_

**Referral Fees:**

- 210 Airport \_\_\_\_\_
- LUC01 County Clerk \_\_\_\_\_
- 211 County Engineer \_\_\_\_\_
- 194 Environmental Health \_\_\_\_\_
- 208 Historic \_\_\_\_\_
- 198 Housing \_\_\_\_\_
- 190 Land Management \_\_\_\_\_
- 209 Redstone HPC \_\_\_\_\_
- 206 Wildlife Officer \_\_\_\_\_

**Building Fees:**

- 170 Board of Appeals \_\_\_\_\_
- 135 Building Code Sales \_\_\_\_\_
- 105 Building Permit \_\_\_\_\_
- 100 Contractor License \_\_\_\_\_
- 120 Electrical Permit \_\_\_\_\_
- 195 Energy Code Review \_\_\_\_\_
- 115 Mechanical Permit \_\_\_\_\_
- 150 Plan Check \_\_\_\_\_
- 110 Plumbing Permit \_\_\_\_\_
- 130 Reinspection \_\_\_\_\_
- 151 Aspen Sanitation \_\_\_\_\_
- 152 AVFD Fire Marshal \_\_\_\_\_

**Other Fees:**

- 155 Use Tax \_\_\_\_\_
- 165 Copy \_\_\_\_\_
- PZ005 Master Plan Copy \_\_\_\_\_
- Performance Deposit \_\_\_\_\_
- 185 Park Dedication \_\_\_\_\_
- 186 Parking Cash in Lieu \_\_\_\_\_
- IS GIS Requirements \_\_\_\_\_
- B1202 Road Impact Fee \_\_\_\_\_
- B1203 School Impact Fee \_\_\_\_\_

**TOTAL**

\$98-

NAME: \_\_\_\_\_

ADDRESS/PROJECT: \_\_\_\_\_

PHONE: \_\_\_\_\_

CHECK# \_\_\_\_\_

CASE/PERMIT#: \_\_\_\_\_ # OF COPIES: \_\_\_\_\_

DATE: \_\_\_\_\_ INITIAL: \_\_\_\_\_

17215

**COMMUNITY DEVELOPMENT DEPARTMENT**

130 South Galena Street  
Aspen, Colorado 81611  
(970)920-5526

**Pitkin County**

**Land Use:**

172	Board of Adjustment	_____
159	County Land Use Code	_____
173	Deposit	_____
174	Flat Fee	<u>3570.00</u>
162	Zoning and Sign	_____
169	Public Notice	<u>25.00</u>
160	Planning Enforcement	_____

**Referral Fees:**

210	Airport	_____
LUC01	County Clerk	_____
211	County Engineer	_____
194	Environmental Health	<u>450.00</u>
208	Historic	_____
198	Housing	_____
190	Land Management	_____
209	Redstone HPC	_____
206	Wildlife Officer	<u>500.00</u>

**Building Fees:**

170	Board of Appeals	_____
135	Building Code Sales	_____
105	Building Permit	_____
100	Contractor License	_____
120	Electrical Permit	_____
195	Energy Code Review	_____
115	Mechanical Permit	_____
150	Plan Check	_____
110	Plumbing Permit	_____
130	Reinspection	_____
151	Aspen Sanitation	_____
152	AVFD Fire Marshal	_____

**Other Fees:**

155	Use Tax	_____
165	Copy	_____
PZ005	Master Plan Copy	_____
	Performance Deposit	_____
185	Park Dedication	_____
186	Parking Cash in Lieu	_____
IS	GIS Requirements	_____
B1202	Road Impact Fee	_____
B1203	School Impact Fee	_____

**TOTAL**

4545.00

NAME: \_\_\_\_\_

ADDRESS/PROJECT: \_\_\_\_\_

PHONE: \_\_\_\_\_

CHECK# \_\_\_\_\_

CASE/PERMIT#: P095-04 # OF COPIES: \_\_\_\_\_

DATE: \_\_\_\_\_ INITIAL: \_\_\_\_\_

# PLATS



