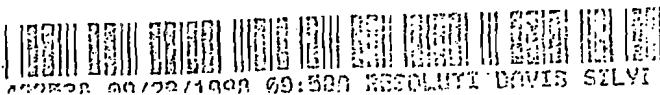


RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO, GRANTING APPROVAL OF SUBDIVISION/PUD
DETAILED SUBMISSION AND 1041 HAZARD REVIEW FOR THE LAZY GLEN
MOBILE HOME PARK

Resolution No. 93-168

RECITALS

1. The Lazy Glen Homeowner's Association, hereinafter "Applicant", has applied to the Board of County Commissioners of Pitkin County, Colorado, hereinafter, "Board", for the following land use approvals:
 - a. Subdivision/PUD Detailed Submission of the Lazy Glen property including:
 - b. 1041 Hazard Review of floodplain and wetlands; and
 - c. Rezoning from SR (special residential) and PMH (permanent moderate housing) to MHP (Mobile Home Park) (see Ordinance #96-30);
2. The applicant proposes to subdivide approximately 30.9 acres of land into 100 lots.
3. Ninety one of the existing homesites are currently zoned SR and nine are zoned PMH.
4. The following County approvals have been granted to Lazy Glen since 1979:
 - Resolution No. 79-42 exempted Lazy Glen from the abatement provisions of the Land Use Code.
 - Pursuant to Resolution No. 79-199, the Board approved the rezoning of approximately 13 acres of land on which 93 owner-occupied mobile homes and related accessory building were located. The Board found the rezoning to SR necessary to "insure the continuance, upgrading and improvement of this vital low and moderate income housing resource..." The portion of the property containing the Lazy Glen Greenhouse was not rezoned to SR and continues to be zoned AFR-10. The 1.9 acre Greenhouse/Nursery parcel is leased out by the Homeowners Association and contains a nursery and landscaping business and a single family residence which has been converted to 3 apartments. The nursery is an approved Special Review Use.
 - Pursuant to Resolution No. 83-55, the Board approved the expansion of the park to allow for the addition of seven new mobile home rental spaces and the relocation of two existing trailers. The expansion area was rezoned to PMH and was therefore exempted from Growth Management competition. The approval required deed restriction of these units to allow for low and moderate employee housing.
 - In 1985, the Planning Commission approved a GMQS Exemption allowing for the addition of 750 square feet of floor area to the Lazy Glen Greenhouse.
 - In 1986, the Board amended Resolution 79-199 to allow dogs (which were originally prohibited) to be kept in the park, subject to conditions of approval.
 - Lazy Glen was purchased by the Lazy Glen Homeowner's Association in 1991. Each homeowner owns 1/100th undivided share of the park. Subdivision provides the opportunity for individual lot ownership.



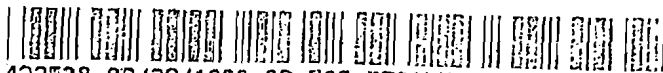
- Pursuant to Resolution No. 95-198, Lazy Glen is currently limited by their zoning to the "placement of trailers no larger than the one being removed, and related accessory structures such as carports, entryways, storage sheds which do not exceed 120 square feet in size, and decks."
 - Resolution 96-168, rescinded Resolution 95-198 regarding the development policy in mobile home parks.
 - Pursuant to Resolution No. 96-153, the Board granted approval for Subdivision/Conceptual Submission, 1041 Hazard Review and Rezoning, subject to conditions of approval.
5. The Lazy Glen Mobile Home Park is located on the north side of Highway 82 at 101 Lazy Glen, Snowmass, Colorado, more specifically described on Exhibit "A".
 6. This application was reviewed by the Pitkin County Planning and Zoning Commission at their regularly scheduled meeting on May 19, 1998 and was continued to June 2, 1998, at which time the Planning Commission recommended conditional Detailed Submission approval of the Subdivision and Rezoning to the Board.
 7. The Board reviewed this application at a public hearing on August 26, 1998, and on September 9, 1998, at a regular meeting, and at which time evidence and testimony were presented with respect to the applications.
 8. The Board finds that the Applicant has complied with the applicable polices and regulations the Pitkin County Land Use Code.

NOW, THEREFORE, BE IT RESOLVED by the Board that it hereby grants Subdivision/PUD Detailed Submission and 1041 Hazard Review approval to the Lazy Glen Mobile Home Park subject to the following conditions:

1. Once a schedule for the wastewater facility has been established, the applicant shall submit to the Environmental Health Department a time-line and a funding plan for the improvements to the proposed water distribution system. The improvements shall be completed no later than January 1, 2010.
- ✓ 2. The Final Plat shall delineate maintenance easements for the RMNG/KN Energy gas lines in the subdivision and easements to accommodate the future undergrounding of overhead electric, telephone and TV cable lines. *p. 1 Plat Note 1*
3. The Applicant agrees to the following plan of action in regard to the wastewater treatment facilities.
 - A. The Applicant shall continue to explore the possibility of connection to the Basalt Sanitation District.

- B. The Environmental Health Department will pursue written confirmation from Colorado Water Quality Control Division as to whether or not ammonia removal will be required of Lazy Glen and the deadline for compliance with any such requirements. The Applicant shall apply for grants or other funding necessary for compliance within one month of being notified by the Colorado Water Quality Control Division of need for compliance;
 - C. Prior to Final Plat, Lazy Glen shall cause its engineers to submit to the Pitkin County Environmental Health Department a list of the sequential steps necessary to accomplish the upgrade of the existing facilities and the associated costs, so that sources of funding can be pursued. This shall address the two alternative scenarios, i.e., with and without an ammonia removal requirement;
 - D. Lazy Glen shall cause its engineers to submit designs and specifications to the Pitkin County Environmental Health Department, within six months after the State has provided the information identified in Paragraph 4(a) above, subject to the acquisition of funding for this purpose;
 - E. Acquisition of funding and the conditions of such funding will provide the basis for a determination as to the deadline for commencing and completing facility upgrades.
4. Lazy Glen shall comply with all applicable requirements of the State of Colorado with respect to the construction, operation, and maintenance of its domestic water distribution system and its water treatment facilities. The Lazy Glen Covenants shall include a provision notifying the members of the Lazy Glen Homeowners Association that they shall be responsible for the costs of any required upgrades of the water distribution system and the water treatment facilities.
5. The Applicant agrees to join any new special district formed for the area including Lazy Glen Mobile Home Park for the purpose of providing domestic water or wastewater treatment in the area of Lazy Glen.
6. The subdivision covenants shall establish the erosion control measures that are represented in the *Stormwater Management Plan* submitted by the applicant. These measures shall be implemented during construction or earthmoving activities to limit sedimentation impacts to the wetland areas(s) within the Subdivision and the River. If any earthmoving activity occurs near the delineated wetland boundary, a point-to-point survey will need to be conducted and reviewed more closely.
7. Prior to recordation of the Final Plat, the applicant shall submit an amended *Declaration of Covenants* for review and approval that include the following provisions. The amended covenants may exclude Article VIII that relates to variance until Final Plat approval.
- A. On street parking shall be prohibited;

- B. Landscaping and parking in the emergency access from the Greenhouse area shall be prohibited.
 - C. Basements are prohibited. Crawls spaces shall be limited to a maximum depth of four feet below existing grade.
 - D. Adequate address numbering of trailers. Corresponding address numbers shall be placed on garages and fences. Addresses should coincide with the 911 system addresses;
 - E. Maintaining clear street access by eliminating and enforcing on-street parking;
 - F. Limiting the amount of flammable and hazardous materials (gas, propane, etc.) that can be stored at each address. For example, no more than 5 gallons of gas, no more than 2 portable propane tanks for grills, etc.
 - G. The members of the Lazy Glen Homeowners Association shall be notified that they shall be responsible for the costs of any required upgrades of the water distribution system and the water treatment facilities.
8. At such time as overhead utilities within the Subdivision are undergrounded, street lighting shall be brought into compliance within Pitkin County Mobile Home Park and Lighting standards.
9. At Final Plat submittal, the Applicant shall verify that all homes are located within 1000 feet of a working fire hydrant, and that applicant shall meet any other requirements of the Basalt and Rural Fire Protection District.
10. Prior to recordation of the Final Plat, that applicant shall record a Fishing Easement agreement acceptable to the County Attorney's Office for the public fishing easement along the Roaring Fork River to Pitkin County. On the Final Plat the applicant shall delineate the public fishing easement.
- ✓ 11. An easement for the private river access between Lot 25 and 26 shall be delineated on the final plat. *P.1, Part note 4 and p 3*
12. Prior to recordation of the Final Plat, residences shall be deed restricted according to the Aspen/Pitkin Housing Guidelines for RO with the exception that "employees" shall be defined as those working at least 1500 hours per calendar year in the Roaring Fork Valley. Any other employment circumstances may be allowed pursuant to Special Review by the Housing Board. The requirements of the deed-restriction shall be incorporated into the Lazy Glen Covenants.
13. The seven PMH lots and two relocated homes (Lots 92, 93, 94, 95, 96, 97, 98, 99, 100) shall be deed restricted according to the Aspen/Pitkin Housing Guidelines for RO.
14. Prior to recording of the final plat, the applicant shall deed restrict the three apartments and one-bedroom log cabin on Parcel "A" as follows:



- A. Category 4 for the 3-bedroom unit;
- B. Category 2 for the 1-bedroom and studio units;
- C. Category 2 for the log cabin.
- D. The three apartments and the log cabin shall be inspected by the Building Division of Community Development for conformity to the Uniform Building Code for life/safety and other building code related concerns prior to Final Plat. If need be, building permits shall be issued and the units brought into compliance for continued occupancy.

15. The Final Plat shall delineate a 20-foot stream setback from the average high-water mark of the Roaring Fork River. New development shall be prohibited within that 20-foot setback, except as allowed in Section 3-50.40 of the Land Use Code. *P. 1, Note 2 on sheets 2 & 3*

16. The Applicant shall comply with the recommendations of the Floodplain Administrator. These recommendations shall be implemented on a phased basis in accordance with the plan to be submitted by the Applicant prior to Final Plat submission. The recommendations are as follows:

- A. Structures on all lots located within the 100-year floodplain shall be placed so that the base habitable floor is at least 1-foot above the Base Flood Elevation;
- B. Structures on all lots located within the 100-year floodplain shall be firmly anchored to the ground so as not to float or drift during the catastrophic event;
- C. Water heater, furnaces, and other major appliances shall be placed on or above the lowest habitable floor in structures on all lots located within the 100-year floodplain;
- D. Owners of lots within the 100-year floodplain shall purchase and maintain flood insurance adequate to cover the loss of property that could occur during the catastrophic event.

Final Shows
17. The applicant shall identify riparian habitat on the Final Plat. Development within the riparian area shall be prohibited.

18. At Final Plat the applicant shall dedicate park space or make a payment of fees-in-lieu of dedication to the County as required by the Land Use Code.

19. At Final Plat the applicant shall submit a Subdivision Improvements Agreement with cost estimates, and time-line acceptable to the Board for required subdivision improvements.

20. Manufactured homes and single family dwelling units are Allowed Uses.

21. The Lazy Glen Mobile Home Park shall be subject to the following variations to the minimum standards of the MHP zone district:

A. The maximum FAR for each individual lot shall be .35.

1. Total floor area may contain a minimum of 728 square feet and in no case exceed 2,200 square feet.
2. Carports up to 300 square feet in size are exempt from floor area. Any area in excess of 300 square feet will be included in floor area calculations. Garages are prohibited. 400
3. Single family residences shall be allowed one private storage shed which shall not exceed 160 square feet and which shall be included in the total allowable floor area. Additional accessory structures shall be prohibited except for decks.
4. The 5' X 20' common sheds are exempt from floor area calculations.

B. Building height shall be measured pursuant to the Pitkin County Land Use Code's definition of building height in effect at the time of building permit issuance.

1. The maximum building height for principal structures shall be 14 feet to the top of eaves for flat roofs and 18 feet to the roof midpoint for peaked roofs.
2. The maximum allowable height for accessory structures shall be 10 feet to top of eaves for flat roofs and 10 feet to roof midpoint for peaked roofs.

C. Basements are prohibited. Crawl spaces shall be limited to a maximum depth of four feet below existing grade.

D. The following setbacks shall apply:

1. Front Yard Setback shall be 20 feet. The front yard setback for carports only shall be 5 feet.
2. Rear Yard Setback shall be 10 feet.
3. Side Yard Setback shall be determined by the Lazy Glen Homeowner's Association and shall be in compliance with the spacing requirements of the Basalt & Rural Fire Protection District.
4. Arterial Highway Setback for each lot shall be 20 feet or existing whichever is less. Prior to Final Plat, the Applicant shall provide the Community Development Department a current plat showing existing setbacks from Highway 82.

sheet 3 + 7 1

- 22. The brown "common" sheds located throughout the Park shall be delineated on the Final Plat.
- 23. All material representations made by the applicants in the application or in public meeting shall be adhered to and considered conditions of approval, unless amended by other conditions.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES ON THE 15TH DAY OF AUGUST, 1998.

INTRODUCED AND FIRST READ at the regular meeting and public hearing on the 26th day of August, 1998.

APPROVED AND ADOPTED AFTER SECOND READING on the 9th day of September, 1998. PUBLISHED AFTER ADOPTION IN THE ASPEN TIMES ON THE 19th OF SEPTEMBER, 1998.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO

Lyndee R. Dean
 Lyndee R. DEAN
 Deputy Clerk and Recorder

Dorothea Farris
 Dorothea Farris
 Chair

Date: 9-28-98

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Ely
 John Ely,
 County Attorney

James Clarke
 James Clarke
 Community Development Director

Case #05-98
PID #2467-213-00-007

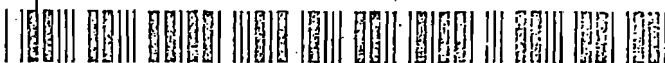


EXHIBIT A

LEGAL DESCRIPTION

The land referred to in the Commission is covering the land in the State of Colorado, County of Pitkin, described as follows:

A parcel of land in Section 21 Township 8 South, Range 86 West of the 6th Principal Meridian, more particularly described as follows:

Beginning at an iron post with a brass cap set for Angle Point 2 of Tract 65 in said Section 21:
thence North 88°32'00" West, 107.21 feet along the Southerly line of said Tract 64 to a point in the center of said river;
thence North 12°40'10" East, 82.92 feet along the center line of said river;
thence North 18°31'23" East, 121.39 feet along the center line of said river;
thence North 64°06'14" East, 116.75 feet along the center line of said river;
thence North 73°50'26" East, 131.53 feet along the center line of said river;
thence South 73°30'00" East, 187.00 feet along the center line of said river;
thence South 76°30'00" East, 540.00 feet along the center line of said river;
thence South 80°10'00" East, 340.00 feet along the center line of said river;
thence South 55°19'55" East, 201.06 feet along the center line of said river to a point on the Southerly line of said Tract 64;
thence North 88°32'00" West, 1,400.00 feet along the Southerly line of said Tract 64 to Angle Point 2 of said Tract 65, the Point of Beginning.

EXCEPTING therefrom the following parcel:

Beginning at an iron post with a brass cap set for Angle Point 2 of Tract 65 in said Section 21:
thence along said Tract line South 98°32'00" East, 116.16 feet;
thence North 77°06'48" West to the center line of the Roaring Fork River;
thence along the center line of the Roaring Fork River South 12°40'10" West, 44.33 feet;
thence South 98°32'00" East, 107.21 feet to the Point of Beginning.

TOGETHER WITH a parcel in Tract 65, Section 21, Township 8 South, Range 86 West of the 6th Principal Meridian, more particularly described as follows:

A parcel of land 15 feet wide, 7.5 feet on either side of a center line beginning on the South line of Tract 64 of said Section 21, Township 8 South, Range 86 West of the 6th Principal Meridian, where Angle Point No. 2 of Tract 65 bears North 88°32' West, 598.0 feet.

(Continued)

REC-008 02/18/93 14:02 Rec 020.00 BK 703 PG 714
Silvia Davis, Pitkin City Clerk, Sec 44.90

42333 09/29/1988 09:58A RESOLUTI DAVIS SILVIA
S of 3 R 0.00 D 0.00 N 0.00 PITKIN COUNTY CO

Handwritten notes and signatures on the right margin, including a large signature that appears to be "Silvia Davis".

1 11111 0011 001111 11111 11111 11111111 11111111 11111111 11111111 11111111

LEGAL DESCRIPTION

thence South 13°23' West, 260.3 feet
thence 70.5 feet along the arc of a curve to the right which arc
subtends a chord bearing South 02°47' West, 62.12 feet
thence North 67°51' West, 78.5 feet
thence 32.5 feet along the arc of a curve to the left, which arc
subtends a chord bearing South 69°53' West, 20.6 feet
thence South 27°37' West, 9.9 feet to the North right of way of
Colorado Highway No. 82.

0354008 02/16/93 14:02 Rm 520.00 SK 703 PG 715
Silvia Davis, Pitkin City Clerk, Doc 36.30

395535 08/05/96 03:11P PG A OF A

422338 09/29/1998 09:50A RESOLUTY DAVIS SILVI
9 of 9 R 0.00 D 0.00 N 0.00 PITKIN COUNTY CO

408183 07/10/1997 03:20A RESOLUTY DAVIS SILVI
4 of 4 R 0.00 D 0.00 H 0.00 PITKIN CO COLORADO