

STATES OF COLORADO

County of Garfield

} ss.

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held at the Court House in Glenwood Springs on Monday, the 19th day of July, A. D. 1982, there were present:

Flaven Cerise , Commissioner Chairman  
Eugene Drinkhouse , Commissioner  
Larry Velasquez , Commissioner  
Earl Rhodes , County Attorney  
Leanne Cleland Deputy , Clerk of the Board

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 82-176

RESOLUTION CONCERNED WITH THE APPROVAL OF A ZONE DISTRICT AMENDMENT TO THE GARFIELD COUNTY ZONING RESOLUTION AND PLANNED UNIT DEVELOPMENT FOR MITCHELL CREEK.

WHEREAS, Harold Denton, on behalf of Mitchell Creek Ltd., a limited partnership, has filed a petition with the Board of County Commissioners of Garfield County to rezone the herein described property in Garfield County from Commercial/Limited/Residential/Limited/Urban Density and Residential/Limited/Suburban Density to a Planned Unit Development zone district and to approve a planned unit development plan for Mitchell Creek planned unit development; and

WHEREAS, a public hearing was held by this Board on April 12, 1982; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, comments of the Garfield County Planning Department, comments of public officials and agencies, comments from all interested parties, this Board finds as follows:

1. That proper publication of the public notice is provided as required by law for the hearing before the Board;
2. That the hearing before the Board was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at that hearing;
3. That the Garfield County Planning Commission has recommended to this Board that the requested rezoning be granted, provided that certain conditions be complied with;
4. That the proposed zoning is in general compliance with the recommendations set forth in the Master Plan for the unincorporated area of the County;
5. That the proposed land use will be compatible with the existing land uses in the nearby area;
6. That in addition to the foregoing particulars, the requested zone change amendment and plan approval are in general conformity with the master plan for Garfield County, Colorado, and meet all requirements of the zoning resolution of Garfield County, and further that the requested planned unit development is suitable and appropriate for the subject property concerning the location, condition circumstances of said property, and that the proposed amendment implements the purposes and meets the standards and requirements of the planned unit development provisions of the Garfield County Zoning Resolution;

WHEREAS, the Board has determined that the orderly development of Garfield County requires that progress be made toward development and occupancy of the proposed Mitchell Creek planned unit development, and that such progress may be assured through the requirement that a final plat for at least 50% of the single-family residential lots within the planned unit development shall receive final approval of the Board of County Commissioners within 12 months of the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado:

Section 1.

That the petition of Harold Denton on behalf of the Mitchell Creek Ltd. for a zone change from Commercial/Limited, Residential/Limited/Urban Density and Residential/Limited/Suburban Density to a planned unit development district for the following described unincorporated area of Garfield County be approved, subject to the conditions, as follows:

1. That the southerly access off 130 Road have some provision for an intermediary turn around;
2. That the county receive a detailed 100 year flood plain study of Mitchell Creek at preliminary plat;
3. That the existing and potential debris flow problems be addressed in detail with mitigation measures at preliminary plat;
4. That consideration be given to providing central sewer to lots 23 through 29;
5. That the applicant demonstrate availability of water by a qualified water attorney or engineer by preliminary plat;
6. That lots 23 through 29 be redesigned so that each site is at least 1 acre and is not split by the access road;
7. That the park site contain active recreation equipment;
8. That all disturbed vegetation be restabilized with native or appropriate plant materials;
9. That the road servicing lots 1-22 not exceed 4% grade within 100' of the intersection with Road 130.
10. That the applicant make reasonable efforts to protect the ditch to the satisfaction of the ditch company.
11. That the access for the lots on 130 Road and the northerly access off 132 Road, meet county standards.
12. That the final plat for at least 50% of the single-family residential lots within the planned unit development shall be submitted in adequate time to assure final approval by this Board within 12 months of the approval of this resolution, in default of which the Board of County Commissioners may, after establishment of such default at a public hearing of which applicant or its successor and interested parties shall be given such notice as is then required for amendments to the Garfield County Zoning Resolution, order that the zone district maps of the Garfield County Zoning Resolution be amended to designate the above-described lands as Commercial/Limited, Residential/Limited/Urban Density, and Residential/Limited/Suburban Density, as such zone districts existed prior to the planned unit development zone district amendment.

Section 2.

That the planned unit development shall consist of one zone district, the boundaries of which shall be indicated upon the final plat or plats of the Mitchell Creek PUD, the planned unit development, which districts shall be designed as follows:

Single-family dwelling zone district

Section 3.

That the uses permitted within said districts, together with the regulations affecting the usage of the lands contained therein, shall be as follows:

Single family dwelling zone district:

1. Uses by right: Single family dwelling and customary accessory uses, including buildings for shelter or enclosure of animals or property accessory to use of the lot for single-family residential purposes and fences, hedges, gardens, walls and similar landscaping features; park.
2. Uses, conditional: none
3. Uses, special: none
4. Minimum Lot Area: as shown on final plat and not less than 7,500 square feet.
5. Minimum Setback: as shown on final plat and designated by building envelopes.
6. Maximum Height of Buildings: 20 feet
7. Maximum Lot Coverage: as indicated on the final plat within the building envelopes.
8. Maximum Floor Area Ratio: .35/1.0 and as provided under supplementary regulations.
9. Additional Requirements: All uses shall be subject to any and all of the provisions covenants, conditions, and restrictions contained in this application and to additional provisions, covenants, conditions and restrictions by the recording of any supplemental declarations.

Supplemental Regulations.

All uses shall be subject to the provisions under section 5.00, Supplementary Regulations, of the January 2, 1979 Garfield County Zoning Resolution, as amended to April 12, 1982.

Definitions

1. Uses, by right: A use allowed in a particular zone district with no conditions or approval required other than the general terms of this application.
2. Uses, conditional: A use allowed in a particular zone district that fulfills all of the provisions, covenants, conditions and restrictions contained in this application or any additional requirements or covenants recorded by any supplemental declarations.
3. Uses, special: Uses allowed by permit only.
4. Minimum Lot Area: The total land area within the boundaries of a lot.
5. Minimum Setback: The minimum dimension of a required yard.
6. Building Height: Measured vertically from the average natural finished grade line immediately adjoining the foundation to the average roof height.
7. Lot Coverage: The portion of a lot or tract which is covered or occupied by buildings, structures, parking and drives.
8. Building Envelopes: Building envelopes are areas which define the sitting of residential homes and accessory structures such as garages or sheds. All such structures shall be confined to designated building envelopes.

Section 4.

That, upon the Board's determination that the foregoing conditions have been satisfied or agreed to by the applicant, the chairman be and hereby is authorized to execute an amended zone district map to the Garfield County Zoning Resolution, reflecting the amendment herein granted to the following described unincorporated area of Garfield County:

TRACT II

A tract of land located in the SW1/4 SW1/4 and the NW1/4 SW1/4 of Section 34, Township 5 South, Range 89 West of the Sixth Principal Meridian more particularly described as follows:

BEGINNING at a point with an iron pipe with cap L.S. no. 12770 from whence the SW corner of said Section 34 bears S.88 35'17"W. 1313.989 feet; THENCE S.89 47'32"W. 339.81 feet along an existing fence line to a point on the east bank of Mitchell Creek being point no. 48; THENCE along the easterly bank of Mitchell Creek the following bearings and distances: N.40 10'24"W. 98.31 feet to point no. 47; N.54 43'24"W. 119.78 feet to point no. 46; N.66 58'19"W. 65.05 feet to point no. 45; N.20 2'39"W. 107.71 feet to point no. 44; N.44 55'39"W. 108.71 feet to point no. 43; N.72 49'59"W. 72.64 feet to point no. 42; N.62 10'54"W. 57.11 feet to point no. 41; N.40 00'00"W. 225.00 feet; N.13 00'32"W. 249.61 feet to point no. 37; N.18 12'27"E. 108.45 feet to point no. 36; N.11 43'43"W. 74.45 feet to point no. 35; N.16 09'57"E. 63.68 feet to point no. 34; N.09 25'53"W. 47.44 feet to point no. 33; N.22 32'07"E. 172.71 feet to point no. 32; N.36 44'57"E. 101.53 feet to point no. 31; N.14 48'57"E. 130.75 feet to point no. 30; N.18 01'17"E. 144.29 feet to point no. 29; N.63 44'57"E. 115.45 feet to point no. 28; N.18 29'17"E. 201.75 feet to point no. 27; N.03 55'03"W. 165.27 feet to point no. 26; N.03 01'47"E. 133.95 feet to point no. 25; N.04 38'47"E. 86.31 feet to point no. 24; N.13 02'23"E. 161.08 feet to point no. 23; N.23 03'15"E. 121.30 feet to point no. 22; N.03 15'15"E. 58.53 feet to point no. 21; N.22 35'35"E. 59.62 feet to a point on the north line of the NW1/4 SW1/4 of said section 34; THENCE N.89 45'35"E. 429.26 feet along the said north line to a point being no. 50 on the east line of the W1/2 SW1/4 of said Section 34; THENCE S.01 08'57"E. 2609.98 feet along the east line of the W1/2 SW1/4 of said Section 34 to the POINT OF BEGINNING containing 42.08 acres, more or less.

BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO

*Flaven Gerise*  
Chairman

ATTEST:

*Deanna Chisler*  
Deputy Clerk of the Board

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

Flaven Gerise.....Aye  
Eugene Drinkhouse.....Aye  
Larry Velasquez.....Aye

Commissioners

STATE OF COLORADO

County of Garfield

} ss

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_

County Clerk and ex-officio Clerk of the Board of County Commissioners.