

Twin Acres

Riding Stable and Boarding Stable

Consolidated Minor Special Use Permit Application

April 27, 2022

Updated July 6, 2022 to address Sufficiency Comments

623 Fender Lane, Eagle County, Colorado
Parcel ID# 2391-223-00-006



PREPARED FOR:

Whiskey Mountain Estates, LLC
Attn: Jess Graber
PO Box 233
Woody Creek, Colorado 81656
(303) 394-5531
jessgrabr1@gmail.com

SUBMITTED BY:

The Land Studio, Inc.
Attn: Douglas J. Pratte
365 River Bend Way
Glenwood Springs, Colorado 81601
(970) 927-3690
landstudio2@comcast.net

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5-210.A. Land Use Application Form**LAND USE APPLICATION FORM
EAGLE COUNTY LAND USE REGULATIONS**

EAGLE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 179, EAGLE, CO 81631
(970) 328-8730 / FAX (970) 328-7185
www.eaglecounty.us



TYPE OF APPLICATION:	LAND USE REGULATION REFERENCE:	TYPE OF APPLICATION:	LAND USE REGULATION REFERENCE:
<input type="checkbox"/> Sketch Plan Subdivision	Section 5-280, SUBDIVISION	<input checked="" type="checkbox"/> Special Use Permit	Section 5-250, SPECIAL USES
<input type="checkbox"/> Sketch Plan PUD	Section 5-240, PUD	<input type="checkbox"/> Consolidated	
<input type="checkbox"/> Preliminary Plan Subdivision	Section 5-280, SUBDIVISION	<input type="checkbox"/> Concept Evaluation	
<input type="checkbox"/> Preliminary Plan PUD	Section 5-240, PUD	<input type="checkbox"/> Final	
<input type="checkbox"/> Final Plat	Section 5-280, SUBDIVISION	<input type="checkbox"/> PUD Amendment	Section 5-240, PUD
<input type="checkbox"/> Exemption Plat	Section 5-270, SUB. EXEMPTION	<input type="checkbox"/> Variance- Zoning/VIS	Section 5-260, VARIANCES
<input type="checkbox"/> Correction Plat	C.R.S. 30-28-133(a)	<input type="checkbox"/> 1041 Permit	Chapter 6, MATTERS OF STATE INTEREST
<input type="checkbox"/> Location & Extent	C.R.S. 30-28-110	<input type="checkbox"/> Limited Review	Section 5-2100, CERTIF. OF ZONING
<input type="checkbox"/> Amended Final Plat	Section 5-290, MINOR SUBDIVISION	<input type="checkbox"/> Vacation	Section 5-2200 VACATIONS
<input type="checkbox"/> Minor Type A Subdivision	Section 5-290, MINOR SUBDIVISION	<input type="checkbox"/> FONSI	FINDING OF NO SIGNIFICANT IMPACT
<input type="checkbox"/> Minor Type B Subdivision	Section 5-290, MINOR SUBDIVISION	<input checked="" type="checkbox"/> Other	Special Use Permit Minor per Pre-App Meeting Notes
<input type="checkbox"/> Zone Change	Section 5-230, ZONE DISTRICT		
<input type="checkbox"/> LUR Text Amendment	AMENDMENT		

INVOLVED PARTIES:**OWNER/APPLICANT:**

Name: Whiskey Mountain Estates LLC / Jess Graber
Mailing Address: PO Box 233
Town/State/Zip: Woody Creek, Colorado 81656
Phone #: (303) 394-5531 FAX #: _____
Email Address: jessgraber1@gmail.com

REPRESENTATIVE (Authorization Required):

Name: The Land Studio, Inc. / Doug Pratte
Mailing Address: 365 River Bend Way
Town /State/Zip: Glenwood Springs, CO 81601
Phone #: (970) 927-3690 FAX #: _____
Email Address: landstudio2@comcast.net

Note: All correspondence will be mailed, emailed or faxed to the representative listed above UNLESS otherwise requested.

SURVEYOR/ENGINEER:

Name: High Country Engineering / Tom Scott
Mailing Address: 1517 Blake Ave., Suite 101
Town/State/Zip: Glenwood Springs, CO 81601
Phone #: (970) 945-8676 FAX #: _____
Email Address: tjs@hceng.com

NOTE: Please read the above referenced Section in Chapter II of the Eagle County Land Use Regulations, and the applicable Process Guide. Please submit all necessary application documentation and fees as required.

ADJACENT PROPERTY OWNERS:

For all applications, please submit a list of all adjacent property owner names and addresses, using the most current Eagle County tax records. These names and addresses must be submitted on adhesive mailing labels or pre-addressed envelopes. Please see corresponding application checklist.

DISCLOSURE OF OWNERSHIP:

For all applications, please submit the necessary ownership disclosure (dated within two months of the application), pursuant to Section 5-210.D.2.c. Please see corresponding application checklist.

SUBSURFACE MINERAL INTERESTS: Pursuant to C.R.S. § 24-65.5-103 Notice Requirements, please note: It is the responsibility of the applicant for any Sketch Plan, Preliminary Plan, Variance, and/or Zone Change application to notify owner(s) and/or lessee(s) of subsurface mineral interests, affected by your proposal.

PROJECT NAME AND LOCATION:

Assessor's Parcel #: 2391-223-00-006
Physical/Street Address: 623 Fender Lane
Eagle County, Colorado
Name of Project: Twin Acres Riding Stable and Boarding Stable
Consolidated Minor Special Use Permit Application

Legal Description of Project:

Subdivision: _____
Lot _____ Block _____ Filing _____ Tract _____
Section _____ Township _____ Range _____
-- OR --

Attach a Metes and Bounds legal description and survey depicting the property boundary.

See Attached Title Commitment

PROJECT DATA (Pursuant to Section 5-210.D.2.e):Written Description of Project:

The Applicant is requesting a Consolidated Minor Special Use Permit for a 25-stall boarding stable and 100' x 200' covered riding stable on the 101 acre parcel zoned Agricultural Residential. 80 acres of this parcel are in an Aspen Valley Land Trust conservation easement and 20+ acres are considered the homestead which allows these uses in the conservation easement. The covered riding arena and boarding stable are proposed to be commercial operations and open to the public on a reservation basis as space allows to accommodate horse boarding and horse riding, training, and lessons for novice to professional equestrians. See additional narrative in the attached Application.

Proposed Land Use Type	# of Lots	# of Units	Acreage	Floor Area Ft ²
<input type="checkbox"/> Single Family	_____	_____	_____	_____
<input type="checkbox"/> Duplex	_____	_____	_____	_____
<input type="checkbox"/> Multi-Family	_____	_____	_____	_____
<input type="checkbox"/> Commercial/Office	_____	_____	_____	_____
<input type="checkbox"/> Industrial	_____	_____	_____	_____
<input checked="" type="checkbox"/> Other: <u>Boarding/Riding Stables</u>	NA	2 stables	101 acres	27,680 SF
Total Project:	_____	2 stables	101 acres	27,680 SF

<input checked="" type="checkbox"/> Existing Zoning	Agricultural Residential (AR)
<input checked="" type="checkbox"/> Proposed Zoning	Agricultural Residential (AR)
<input checked="" type="checkbox"/> Existing Land Use(s) (Be Specific)	Residential, agricultural, equestrian, and outbuildings
<input checked="" type="checkbox"/> Proposed Land Use(s) (Be Specific)	New proposed boarding stable and riding stable
<input checked="" type="checkbox"/> Existing Source of Water	Existing well and spring
<input checked="" type="checkbox"/> Proposed Source of Water	Existing well and spring w/ permitting and augmentation
<input checked="" type="checkbox"/> Existing Source of Waste Disposal	Existing OWTS at existing facilities
<input checked="" type="checkbox"/> Proposed Source of Waste Disposal	New OWTS for new stables
<input checked="" type="checkbox"/> Existing Fire Protection	Roaring Fork Fire Rescue
<input checked="" type="checkbox"/> Proposed Fire Protection	New water storage tank and hydrant for Roaring Fork Fire Rescue fire suppression
<input checked="" type="checkbox"/> Existing Access	Existing ranch access
<input checked="" type="checkbox"/> Proposed Access	Improvements to existing ranch access and emergency egress
<input checked="" type="checkbox"/> Date of Parcel Creation	See attached Title Commitment

☒ VICINITY MAP ATTACHED (Pursuant to Section 5-210.D.2.d).

☐ ENVIRONMENTAL IMPACT REPORT ATTACHED, IF REQUIRED (Pursuant to Section 5-210.D.2.f).

☒ ADDITIONAL REQUIREMENTS ATTACHED, IF REQUIRED (Pursuant to Section 5-210.D.2.g).

☐ REQUIRED* PRE-APPLICATION MEETING ☒ YES ☐ NO

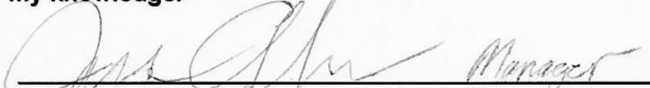
☒ If YES: Date of meeting: 07/22/2021

Planner(s) attended: Olivia Cook and Rickie Davies

*See Section 5-210.D

Names

I do hereby certify that the foregoing representations and attachments are true and correct to the best of my knowledge.


Signature of Property Owner or Authorized Representative

2/15/22
Date

OFFICIAL USE ONLY:

Received By: _____ Date: _____
Amount Received: \$ _____ Receipt #: _____ Check #: _____

5-210.B. Fees

The Applicant has provided a check for the required Application review fees for the Twin Acres Riding and Boarding Stable Consolidated Minor Special Use Permit Application

5-210.C. Pre-Application Conference**Community Development Pre-application Meeting Follow-up**

Date of meeting	07/22/2021
Attendance	Doug Pratte, Representative, landstudio2@comcast.net, 9709273690 Jess Graber, Applicant, jessgraber1@gmail.com Olivia Cook, Meeting Attendee, olivia.cook@eaglecounty.us Rickie Davies, Meeting Attendee, richard.davies@eaglecounty.us, (970) 328-3567
Target Property	623 FENDER LN
Zoning	AR
Existing Use	The property has a single-family home and infrastructure for horseback riding and boarding. Much of the existing infrastructure will be utilized or built upon for this proposal.

Summary of proposal Eagle County staff held a Pre-Application Meeting with the representative and property owner of 623 Fender Lane (the "Property") on July 22, 2021. Staff in attendance were Olivia Cook, Assistant Planner, and Rickie Davies, Staff Engineer. Also in attendance were the Grabers (the Property Owners), and Doug Pratte, the "Representative". The Pre-Application Meeting is known as Pre-App number 544-2021 for Eagle County Records.

The purpose of the Pre-Application Meeting was to discuss the potential for a boarding and riding stable at the Property. 623 Fender Lane is zoned Agricultural Residential (AR) and is approximately 100 acres. The Property is a legal conforming lot. There is an 80 acre conservation easement on the lot recorded with the Eagle County Clerk and Recorder's Office at reception number 669115. The proposal does not include any encroachments into the easement.

The proposal is for about 50 horses to be kept on the property. Horseback riding lessons and arenas will be available as well. Events will also be held on the property about two times a year with approximately 100 people at each event. The Eagle County Land Use Regulations (ECLURs) define a boarding stable as, "a structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises and for which the owner receives compensation." The ECLURs define a riding stable as, "an establishment that has available for rent or lease four (4) or more animals for periods of twenty-four (24) hours or less, or in return for compensation, gives lessons to develop horsemanship."

Boarding and riding stables are listed as separate uses in Table 3-300 of the ECLURs. Both may be approved in the AR zone district through a special use permit. Therefore, this proposal can be pursued through one special use permit for uses of both a riding and boarding stable.

Code enforcement status? None at this time.

Necessary process(es) moving forward

TYPE OF APPLICATION:	LAND USE REGULATION REFERENCE:	TYPE OF APPLICATION:	LAND USE REGULATION REFERENCE:
<input checked="" type="checkbox"/> Special Use Permit Minor		<input type="checkbox"/> Sketch Plan Subdivision	Section 5-280, SUBDIVISION
<input type="checkbox"/> Minor Type A	Section 5-290, MINOR SUBDIVISION	<input type="checkbox"/> Sketch Plan PUD	Section 5-240, PUD
<input type="checkbox"/> Minor Type B	Section 5-290, MINOR SUBDIVISION	<input type="checkbox"/> Preliminary Plan Subdivision	Section 5-280, SUBDIVISION
<input type="checkbox"/> Zone Change	Section 5-230, ZONE DISTRICT AMEND	<input type="checkbox"/> Preliminary Plan PUD	Section 5-240, PUD
<input type="checkbox"/> Special Use Permit	Section 5-250, SPECIAL USES	<input type="checkbox"/> Final Plat	Section 5-280, SUBDIVISION
<input type="checkbox"/> PUD Amendment	Section 5-240, PUD	<input type="checkbox"/> Exemption Plat	Section 5-270, SUB. EXEMPTION
<input type="checkbox"/> Variance-Zoning/VIS	Section 5-260, VARIANCES	<input type="checkbox"/> Correction Plat	C.R.S. 30-28-133(a)
<input type="checkbox"/> 1041 Permit	Chapter 6, MATTERS OF STATE INTERE	<input type="checkbox"/> Location & Extent	C.R.S. 30-28-110
<input type="checkbox"/> Limited Review	Section 5-2100, CERTIF. OF ZONING	<input type="checkbox"/> Amended Final Plat	Section 5-290, MINOR SUBDIVISION
<input type="checkbox"/> Vacation	Section 5-2200 VACATIONS		

During the meeting:

Potential issues The Aspen Valley Land Trust holds a conservation easement on the property. All uses must comply with the requirements of this easement.

Adequate and legal water supply must be demonstrated as part of the application materials. The water supply should indicate that commercial uses are permitted. If a well permit is issued for the property, it is recommended the applicant look into the number of animals that could be watered with a potential well permit.

ECLUR Article 4 outlines standards for review for Site Development Standards. The written description should outline how each standard is met.

Other permits required

Information, studies, reports, required A site plan must be submitted showing proposed locations for all existing and proposed conditions and uses of the property, as well as items listed on the special use permit application checklist. Parking must be shown on the site plan. This should account for the larger events on the property and any additional areas for horse trailer parking, etc.

.
An Environmental Impact Report will not be required for this application. However, the application materials should touch on the standards listed in Article 4 related to the environment and potential impacts to water and air resources, wildlife habitat, and scenic values to the area for staff to fully demonstrate whether the proposal conforms with standards. Please note the application may be referred out to Colorado Geological Survey (CGS) and Colorado Parks and Wildlife. Wildlife mapping should be included in the application materials.

.
The applicant mentioned all fencing will comply with Colorado Parks and Wildlife (CPW) recommended guidelines. It is recommended the application include this information and any other information on proposed plans for the property. This will help CPW during their review process at the referral period for the proposal.

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Next steps Once all application materials are ready, the applicant can submit materials to the online link sent with this email for a completeness check. Staff will reach out within 5 working days to confirm whether the application is complete. Additional direction for submitting hard copies, paying the application fee, and the beginning of staff review times will be provided at that time.

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It is required that public notice is provided prior to the public hearings for a special use permit application. Staff will submit newspaper notice of the application for publication. Eagle County will cover up to \$50 of the public notice fees. Please note anything beyond \$50 becomes the responsibility of the applicant.

**Community Development**

Katie Kent

Senior Planner

970.328.8748

Katie.Kent@eaglecounty.us

www.eaglecounty.us

March 31, 2022

Doug Pratte

[Via Email] landstudio2@comcast.net

Re: Summary for PreApp-000649 - Special Use Permit of Parcel 2391-223-00-006

Mr. Pratte,

Per the Eagle County Land Use Regulations, Section 5-210.C.5, please accept this letter as the written summary of the pre-application meeting.

The following summary represents the proposal details, process overview, and next steps from the land use pre-application meeting for the proposed Special Use Permit on March 31, 2022, as noted by the Eagle County Community Development Team.

Summary of Proposal:	The purpose of this Special Use Permit is for a proposed 25-stall boarding stable and 2000 sq.ft. riding stable. Riding arena and stable will be a commercial operation open to the public.
Address or Parcel Number:	2391-223-00-006
Zoning:	Agricultural Residential (AR)
Existing Use:	Two SFR buildings Agricultural outbuildings 80 acre conservation easement (Reception #669115)
Conforming:	Yes
Code Enforcement Status:	Staff is not aware of any existing code enforcement cases on this site at this time.
Potential Issues:	<ul style="list-style-type: none">• Special Use Permit required for riding stables• Special Use Permit required for boarding• The disclosure of ownership/Title Commitment submitted for the pre-application meeting is out of date and cannot be

	<p>accepted with the application. Disclosure of Ownership shall be dated within two (2) months of application submittal.</p> <ul style="list-style-type: none"> • Modify written description to accurately reflect Agricultural Resource (AR) District (not Agricultural Limited). • Supply Parking Plan with permanent (gravel base) and temporary / event (grass parking). Indicate quantity and location. No striping of grass parking spaces required. • Everyday Parking will need to be at a minimum gravel base. • Vehicle Trip numbers need to be clarified and visitor trips should be in even numbers. • With regards to hazardous materials statement in narrative - clarify if there will be hazardous materials on site, include what type and estimated quantities. Indicate that hazardous materials are fuels with double containment. • ECLUR Section 4-650: (pg. 4-103) Drainage standards: triggered by 10,000 sq feet of impervious surface (Drainage study report will be required) • Landscape plan shall show conformance with ECLUR, 4-230, Landscaping design principles, standards and materials, including but not limited to Landscaping standards within off-street parking areas. • Aspen Valley Land Trust holds a conservation easement on the property. All uses must comply with the requirements of this easement. • Adequate and legal water supply shall be demonstrated with the application submittal. The water supply should indicate that commercial uses are permitted. If a well permit is issued for the property, it is recommended the applicant look into the number of animals that could be watered with a potential well permit. • The written narrative submitted with application materials shall address ECLUR, Article 4. • Road Impact Fees will be assessed based on trip generation supplied in application. • Alternate proposed septic system location should be shown on the site plan.
<p>Information, Studies, Reports, Required:</p>	<ul style="list-style-type: none"> • The Special Use Permit application must demonstrate legal water supply and adequate method of wastewater disposal for the parcel and proposed use(s). For wastewater disposal, have a PE show that there is an adequate area to install a septic, meeting setback requirements, include a soil study and the proposed location shown on a site plan. • ECLUR Section 4-465: (pg. 4-103) Drainage standards: triggered by 10,000 sq feet of impervious surface. • An Environmental Impact Report will not be required with this application. However the application materials should touch on

	<p>the standards listed in Article 4 related to the environment and potential impacts to water and air resources, wildlife habitat, and scenic values to the area for staff to fully demonstrate whether the proposal conforms with standards. Please note the application may be referred out to Colorado Geological Survey (CGS) and Colorado Parks and Wildlife. Wildlife mapping should be included in the application materials.</p> <ul style="list-style-type: none"> • The application materials shall include information on proposed fencing. • A building permit application will be required post planning file approval.
Necessary Process Moving Forward:	<ul style="list-style-type: none"> • Submit for a Special Use Permit as outlined in Article 5 of the Eagle County Land Use Regulations through the Completeness Checklist. \$1,470.00 application fee <ul style="list-style-type: none"> ○ Three (3) paper copies of the application as outlined in Section 5-250 and Section 5-210, including but not limited to, title commitment, narrative, vicinity map, letter of authorization, adjacent property owner list, and a signed land use application completely filled out. ○ One combined electronic copy of the entire application in a .pdf format.
Other:	Not at this time

The chart above summarizes the discussion as represented by the Eagle County Development Review Team. If the applicant team believes anything has been left out please notify Katie Kent at 970-328-8748 or Katie.Kent@eaglecounty.us and the meeting summary will be amended.

Please let staff know if there are any questions or if further clarification is needed. We look forward to facilitating this application with coordination, timeliness, and high-quality review.

When the file is ready for submission, please fill out the [Completeness Checklist](#).

Katie Kent

Cc: Bill Gibson, AICP, MPA, Planning Manager
Ben Gerdes, PE, County Engineer
Rickie Davis, Staff Engineer
File

Special Use Permit Checklist			
Submitted by Applicant	Accepted by County	Waiver Requested	Items Needed - Organized by page number and Table of Contents
Fee and Material Copies			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Submit three (3) hard copies of the complete application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Submit one (1) electronic copy with all attachments combined into one (1) document
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Fee: Consolidated Special Use Permit (Major)* - \$2,205.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Fee: Consolidated Special Use Permit (Minor)** - \$1,470.00
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Fee: Concept Evaluation Special Use Permit (Major)* - \$1,680.00
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Fee: Concept Evaluation Special Use Permit (Minor)** - \$945.00
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Fee: Final Special Use Permit (Major)* - \$1,470.00
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Fee: Final Special Use Permit (Minor)** - \$945.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	*Any application requiring an Environmental Impact Report, Pursuant to Section 4-460 ** Any application NOT requiring an Environmental Impact Report
Minimum Contents of an Application - page 5-16			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Completed and Signed Land Use Application Form including Project Data, Legal Description and Applicant's Identity. The applicant's name, mailing address, telephone, email address and fax number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, mailing address, telephone, email address and fax number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Letter of Authorization. <i>Applicant is Not the Owner.</i> If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application. <i>Applicant is Not the Sole Owner.</i> If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners or an association representing the owners consenting to or joining in the application for development permit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Disclosure of Ownership. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership shall be in the form of a current certificate from a title insurance company (title commitment), or ownership and encumbrance report. The title commitment or ownership and encumbrance report shall be dated within two (2) months prior to formal application submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Vicinity Map. An eight and one-half inch by eleven inch (8 1/2" x 11") vicinity map, locating the subject parcel within Eagle County. The map shall, at a minimum, have a scale bar and clearly identify the subject parcel(s) and the nearest public road. Vicinity map will be accepted on the plat when drawn to scale.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Adjacent Property Owners List obtained from the Eagle County GIS Department. GIS Contacts: Amy Szczesny 970-328-3552; amy.szczesny@eaglecounty.us Scott Fleming 970-328-3551; scott.fleming@eaglecounty.us. In addition to submitting a written list, the applicant shall also submit typed addresses on individual adhesive labels or in the form of pre-addressed envelopes. Handwritten labels or envelopes are unacceptable.
Additional Requirements - page 5-54			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site Plan. A detailed site plan of the property, drawn to scale, showing all existing natural and man-made features and the proposed development of the property. The site plan shall be accompanied by a landscape plan that conforms to the requirements of Section 4-220, Landscape Plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Written Description. A written description of the proposal, in sufficient detail to describe the nature of the proposed use, how it will be operated, and how its impacts on surrounding properties will be minimized and mitigated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Materials. Such other materials as may be necessary to fully evaluate the compliance of the proposed special use with these Land Use Regulations and as required pursuant to Article 4, <u>Site Development Standards</u> .

Special Use Permit Checklist			
Submitted by Applicant	Accepted by County	Waiver Requested	Items Needed - Organized by page number and Table of Contents
NA			Variations Authorized. The Board of County Commissioners shall be authorized to grant variations to the following dimensional limitations and site development standards as part of its approval of the Final Special Use Permit or Consolidated Concept Evaluation and Final Special Use Permit. Each variation that is granted shall be itemized and shown in the Special Use Permit application and attendant site plans.
Standards for Review - page 5-55			
<p>Written Description. These are the standards the application will be reviewed against by staff, elected officials, and appointed officials. It is highly encouraged for these standards to be addressed as part of the application and will be reviewed during sufficiency. Please include a written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards applicable to the application. Written description shall address the <u>Standards</u> listed below.</p>			
<p>Standard: Consistent with Comprehensive Plan. The proposed Special Use shall be in substantial conformance with the Eagle County Comprehensive Plan, Area Community Plans and any applicable ancillary County adopted documents pertaining to natural resource protection, affordable housing, or infrastructure management.</p>			
<p>Standard: Compatibility. The Special Use is generally compatible with the existing and currently permissible future uses of adjacent land and other substantially impacted land, services, or infrastructure improvements.</p>			
<p>Standard: Zone District Standards. The proposed Special Use shall comply with the standards of the zone district in which it is located and any standards applicable to the particular use, as identified in Section 3-310, Review Standards Applicable to Particular Residential, Agricultural and Resource Uses and Section 3-330, Review Standards Applicable to Particular Commercial and Industrial Uses.</p>			
<p>Standard: Design Minimizes Adverse Impact. The design of the proposed Special Use shall reasonably avoid adverse impacts, including visual impacts of the proposed use on adjacent lands including trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration, or otherwise create a nuisance.</p>			
<p>Standard: Design Minimizes Environmental Impact. The proposed Special Use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.</p>			
<p>Standard: Impact on Public Facilities. The proposed Special Use shall be adequately served by public facilities and services, including roads, pedestrian paths, potable water and wastewater facilities, parks, schools, police and fire protection, and emergency medical services.</p>			
<p>Standard: Site Development Standards. The proposed Special Use shall comply with the appropriate standards in Article 4, Site Development Standards.</p>			
<p>Standard: Other Provisions. The proposed Special Use shall comply with all standards imposed on it by all other applicable provisions of these Land Use Regulations for use, layout, and general development characteristics.</p>			


 Signature of Applicant attesting all items are submitted

 Signature of County attesting all items are submitted and the application is complete

5-210.D.2. Minimum Contents of Application**5-210.D.2.a. Applicant's Identity/Authorization Letter**

Whiskey Mountain Estates, LLC
PO Box 233
Woody Creek, Colorado 81656
(303) 394-5531
jessgraber1@gmail.com

February 14, 2022

Eagle County Community Development Department
P.O. Box 179
500 Broadway
Eagle, Colorado 81631

Re: *Twin Acres Riding Stable and Boarding Stable Consolidated Minor Special Use Permit Application*

Dear Madam or Sir:

Whiskey Mountain Estates, LLC is the owner of the real property which is the subject of the above-referenced Application. Whiskey Mountain Estates, LLC hereby authorizes Douglas Pratte, and the firm of The Land Studio, Inc. to act in all respects as the authorized representative of Whiskey Mountain Estates, LLC to submit and prosecute the above-referenced application. The authorization provided by this letter may be revoked at any time by a letter signed by the manager of Whiskey Mountain Estates, LLC.

Very truly yours,

Whiskey Mountain Estates, LLC

By:  Manager
Jess Graber / Manager

5-210.D.2.b. Legal Description

A PARCEL OF LAND LOCATED IN SECTIONS 21, 22, 27 AND 28. TOWNSHIP 7 SOUTH, RANGE 87 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE COUNTY OF EAGLE, STATE OF COLORADO ACCORDING TO THE INDEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE AS APPROVED BY THE OFFICE OF THE U.S. SUPERVISOR OF SURVEYS ON NOVEMBER 15, 1930. SAID PARCEL BEING PART OF THE "FUTURE DEVELOPMENT" AS

SHOWN ON THE ASPEN, MOUNTAIN VIEW, SECOND FILING ON FILE IN THE EAGLE COUNTY CLERK AND RECORDERS OFFICE IN BOOK 365 AT PAGE 922. BEARINGS FOR THIS DESCRIPTION BEING BASED ON A BEARING OF SOUTH 50° 52'18" WEST BETWEEN THE NORTHEASTERLY CORNER OF PARCEL A AS SHOWN HEREON, A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP FOUND MARKED "P.L.S. 20695", AND THE SOUTHWEST CORNER OF THE NORTH ONE- HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 28, A NUMBER FIVE REBAR WITH AN ILLEGIBLE PLASTIC CAP FOUND. SAID PARCEL B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF THE MEADOWS, ASPEN MOUNTAIN VIEW, SECOND FILING, THE POINT OF BEGINNING:

THENCE LEAVING SAID LOT 1, NORTH 00° 17'45" EAST 516.17 FEET; THENCE NORTH 60° 12'10" EAST 80.86 FEET;

THENCE 698.92 FEET; ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 470.00 FEET AND A CENTRAL ANGLE OF 85° 12'10", THE CHORD OF WHICH BEARS NORTH 17° 36'05" EAST 636.28 FEET;

THENCE NORTH 25° 00'00" WEST 80.00 FEET; THENCE NORTH 63° 20'46" EAST 106.52 FEET; THENCE NORTH 02° 20'04" WEST 94.40 FEET; THENCE NORTH 24° 18'22" EAST 67.42 FEET; THENCE NORTH 26° 48'04" EAST 40.26 FEET; THENCE SOUTH 71° 14'04" EAST 54.22 FEET; THENCE SOUTH 86° 54'51" EAST 116.14 FEET; THENCE SOUTH 82° 55'41" EAST 55.19 FEET; THENCE NORTH 74° 44'27" EAST 72.74 FEET; THENCE NORTH 63° 14'22" EAST 48.75 FEET; THENCE NORTH 85° 36'52" EAST 30.09 FEET; THENCE SOUTH 60° 39'42" EAST 48.51 FEET; THENCE SOUTH 42° 38'51" EAST 81.62 FEET;

THENCE SOUTH 87° 47'30" EAST 104.24 FEET; THENCE NORTH 64° 34'51" EAST 58.48 FEET; THENCE NORTH 76° 22'09" EAST 114.50 FEET; THENCE SOUTH 73° 09'09" EAST 77.35 FEET; THENCE SOUTH 70° 17'02" EAST 54.34 FEET;

THENCE NORTH 60° 03'39" EAST 421.05 FEET TO A POINT ON THE NORTH LINE OF A 15 FOOT EQUESTRIAN TRAIL EASEMENT AS PLATTED IN SAID ASPEN MOUNTAIN VIEW, SECOND FILING;

THENCE SOUTH 73° 18'03" EAST 208.81 FEET ALONG SAID NORTH EASEMENT LINE;

THENCE LEAVING SAID EASEMENT, SOUTH 80° 00'00" EAST 512.58 FEET TO A POINT ON THE WESTERLY LINE OF LOT 16 OF SAID ASPEN MOUNTAIN VIEW, SECOND FILING;

THENCE THE FOLLOWING SIX COURSES ALONG SAID LOT 16; THENCE SOUTH 10° 00'00" WEST 488.41 FEET;

THENCE SOUTH 67° 43'09" EAST 218.45 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP FOUND MARKED "L.S.11204";

THENCE NORTH 05° 00'00" EAST 340.00 FEET;

THENCE NORTH 21° 30'00" EAST 175.00 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP FOUND MARKED "L.S. 11204";

THENCE NORTH 24° 06'26" EAST 146.30 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP FOUND MARKED "L.S. 11204"

THENCE NORTH 18° 30'53" EAST 141.61 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP FOUND MARKED "L.S. 11204";

THENCE LEAVING SAID LOT 16, SOUTH $00^{\circ} 54'36''$ WEST 276.17 FEET;

THENCE SOUTH $65^{\circ} 33'11''$ EAST 59.19 FEET TO THE NORTHWEST CORNER OF RED TABLE ACRES NUMBER 2 AMENDED, A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP MARKED "L.S. 11204";

THENCE THE FOLLOWING SEVEN COURSES ALONG THE WESTERLY LINE OF SAID RED TABLE ACRES NUMBER 2;

THENCE SOUTH $09^{\circ} 54' 07''$ WEST 328.41 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 10386 MUSGROVE";

THENCE SOUTH $00^{\circ} 54'57''$ WEST 255.78 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 10386 MUSGROVE";

THENCE SOUTH $04^{\circ} 13'34''$ EAST 23.30 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP FOUND MARKED "L.S. 10386 MUSGROVE";

THENCE SOUTH $23^{\circ} 45'19''$ EAST 181.18 FEET;

THENCE SOUTH $00^{\circ} 05'58''$ WEST 769.21 FEET;

THENCE SOUTH $31^{\circ} 57'43''$ EAST 13.77 FEET;

THENCE SOUTH $12^{\circ} 59'58''$ WEST 333.28 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FENDER LANE AS SHOWN ON SAID ASPEN MOUNTAIN VIEW, SECOND FILING;

THENCE, LEAVING RED TABLE ACRES NUMBER 2, ALONG SAID RIGHT OF WAY LINE, 150.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 479.21 FEET AND A CENTRAL ANGLE OF $18^{\circ} 02'33''$, THE CHORD OF WHICH BEARS SOUTH $87^{\circ} 33'50''$ WEST 150.28 FEET;

THENCE ALONG SAID RIGHT OF WAY LINE 178.71 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 359.29 FEET AND A CENTRAL ANGLE OF $28^{\circ} 29'54''$, THE CHORD OF WHICH BEARS SOUTH $82^{\circ} 20'09''$ WEST 176.87 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH $88^{\circ} 09'20''$ WEST 406.59 FEET TO A POINT ON SAID RIGHT OF WAY LINE;

THENCE THE FOLLOWING THREE COURSES ALONG SAID RIGHT OF WAY LINE; THENCE NORTH $75^{\circ} 13'17''$ WEST 38.90 FEET;

THENCE 148.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 588.47 FEET AND A CENTRAL ANGLE OF $14^{\circ} 30'12''$, THE CHORD OF WHICH BEARS NORTH $82^{\circ} 28'23''$ WEST 148.56 FEET;

THENCE NORTH $89^{\circ} 43'29''$ WEST 591.40 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 1;

THENCE, LEAVING SAID RIGHT OF WAY LINE, THE FOLLOWING NINE COURSES ALONG SAID LOT 1;

THENCE NORTH $27^{\circ} 01'34''$ WEST 59.84 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

THENCE NORTH 33° 52'32" EAST 75.62 FEET;

THENCE NORTH 08° 36'14" WEST 107.33 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

THENCE NORTH 70° 06'42" WEST 36.83 FEET;

THENCE NORTH 70° 17'53" WEST 144.66 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

THENCE NORTH 63° 02'27" WEST 383.67 FEET;

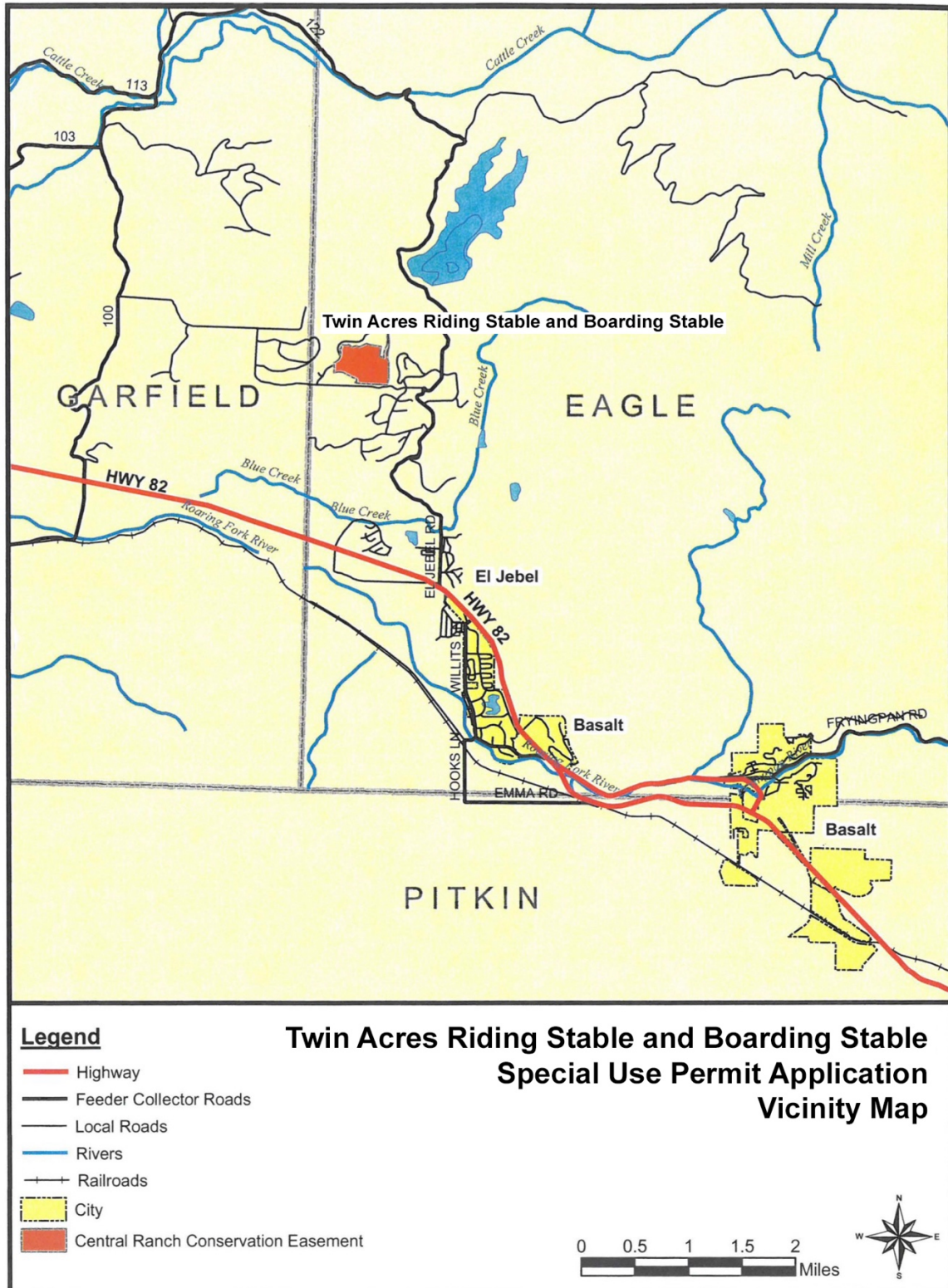
THENCE NORTH 63° 13'14" WEST 152.67 FEET;

THENCE NORTH 81° 18'09" WEST 185.19 FEET;

THENCE SOUTH 74° 34'50" WEST 274.11 FEET TO THE POINT OF BEGINNING.

5-210.D.2.c. Disclosure of Ownership

An Ownership and Encumbrance report and Title Commitment identifying Whiskey Mountain Estates, LLC as Owner is attached as an Exhibit to this Application.

5-210.D.2.d. Vicinity Map

5-210.D.2.e. Written Description

See 5-250.A.1.b.(2) Special Use Permit Application Contents Written Description below.

5-210.D.2.f. Environmental Impact Report

An Environmental Impact Report will not be required for this application. This Application has addressed the standards listed in Article 4 related to the environment and potential impacts to water and air resources, wildlife habitat, and scenic values. The Applicant recognizes that this Application will be referred out to Colorado Geological Survey (CGS) and Colorado Parks and Wildlife. Wildlife mapping has been included in these Application materials.

5-210.D.2.g. Adjacent Property Owners

The following addresses were provided by Eagle County GIS Department Manager Amy Keeley on February 4, 2022:

PARCEL_NUM	SCHEDULE_N	Physical Address	Mailing Name	Mailing Address	Mailing City	Maili	Mailing Zipcod
239121402005	R047875	1021 GREEN MEADOW DR	MONTGOMERY, GLENN P. & DURELLE D.	1021 GREEN MEADOW RD	CARBONDALE	CO	81623-9869
239121403001	R047887	1155 GREEN MEADOW DR	PORTMAN, DAVID & BROOK	850 GREEN MEADOW RD	CARBONDALE	CO	81623-8514
239121403002	R047888	790 GREEN MEADOW DR	DOLMAR DEVELOPMENT INC	0270 SAM GRANGE CT	CARBONDALE	CO	81623-7716
239122302001	R026429	315 FAWN DR	NEILEY, RICHARD Y., III & SARAH M.	315 FAWN DR	CARBONDALE	CO	81623-7701
239122302002	R026974	321 FAWN DR	CAUDILL, JASON - LAPID, JACQUELINE	321 FAWN DR	CARBONDALE	CO	81623-7701
239122302003	R026976	341 FAWN DR	BEEZER, JOHN L.	0341 FAWN DR	CARBONDALE	CO	81623-7701
239122302004	R026433	351 FAWN DR	STRENG, JOHN CHRISTIAN	PO BOX 2973	ASPEN	CO	81612-2973
239122306001	R029131	450 GREEN MEADOW DR	CLARK, JANICE M.	230 COUNTRYBROOK LOOP	SAN RAMON	CA	94583-4475
239122309001	R047889	730 GREEN MEADOW DR	KELLY, ANA - OVEGES, CSABA	730 GREEN MEADOW RD	EL JEBEL	CO	81623-9598
239122309002	R047890	700 GREEN MEADOW DR	MIRFIELD, JEREMIAH - ARENA, NATALIE	PO BOX 11521	ASPEN	CO	81612-9550
239122309003	R047891	670 GREEN MEADOW DR	GADBAW, DAVID ROTH & BARBARA A.	670 GREEN MEADOW RD	CARBONDALE	CO	81623-9598
239127100004	R028350	3033 UPPER CATTLE CREEK RD	CAROLYN CAMPBELL BEALL DECLARATION OF TRUST	1653 RIGGING WAY	FERNANDINA BEACH	FL	32034-5539
239127202008	R026971	135 FAWN DR	135 FAWN DRIVE LLC C/O KEITH BRAND	50 CEDAR ST	CARBONDALE	CO	81623-2249
239127202009	R026428	141 FAWN DR	TUCKER, CAROL B. & MICHAEL D.	PO BOX 148	CARBONDALE	CO	81623-0148
239127202010	R026426		RED TABLE ACRES HOMEOWNERS ASSOC	PO BOX 2536	BASALT	CO	81621-2536
239127202011	R026972	255 FAWN DR	REDD, BRENDA	255 FAWN DR	CARBONDALE	CO	81623-9703
239127202012	R026973	265 FAWN DR	JOYCE M. WOLTMAN REVOCABLE TRUST	265 FAWN DR	CARBONDALE	CO	81623-9703
239127202013	R014079	311 FAWN DR	BORKOVEC, EMILY & JORDAN	311 FAWN DR	CARBONDALE	CO	81623-7701
239127205005	R031385	399 ESCALANTE	MODICH, JEREMIAH R.	399 ESCALANTE RD	CARBONDALE	CO	81623-9733
239127205006	R031386	375 ESCALANTE	FARAGHER, RICHARD J.	375 ESCALANTE RD	CARBONDALE	CO	81623-9733
239127205007	R032956	904 FENDER LN	SARDINSKY, ROBERT	904 FENDER LN	CARBONDALE	CO	81623-9569
239128101001	R029132	401 FENDER LN	BORCHARDT, ROBERT J.	PO BOX 559	WOLCOTT	CO	81655-0559
239128103001	R047876	1155 GREEN MEADOW DR	NICKLES, TIMOTHY	6030 RED HILL RD	BOULDER	CO	80302-9406
239128104002	R047885	1320 GREEN MEADOW DR	ALBRIGHT, JACK L. - FRASCO-ALBRIGHT, DENA ANN	1320 GREEN MEADOW RD	CARBONDALE	CO	81623-9593
239128104003	R047886	1230 GREEN MEADOW DR	BODI HAWKEYE NICHOLS LTD	69 TIMBERWILDE DR	HUNTSVILLE	TX	77320-0732
239128107012	R046733		FOX RUN MEADOWS LLLP	PO BOX 8080	ASPEN	CO	81612-8080

5-250.A.1.b. Special Use Permit Application Contents

5-250.A.1.b.(1) Site Plan

High Country Engineering's Site Plan, Access Plan, Utility Plan, and Grading Plan are attached as an Exhibit to this Application.

5-250.A.1.b.(2) Written Description

The Whiskey Mountain Estates, LLC property is currently used for ranching, residential, existing equestrian facilities, and open pastures. The property is bordered by residential subdivisions, including the Aspen Mountain View, Sopris Mesa, Kings Row and Red Table Acres subdivisions. The Strang and Hunt Ranches are approximately two miles further west along Fender Lane (County Road 102).

The property is zoned Agricultural Residential (AR) as defined in the Land Use Regulations of Eagle County, Colorado. This zone district is intended to maintain the rural character of areas outside of the County's towns, community centers, rural centers, and resorts, while allowing for some appropriate residential development.

Approximately 80.63 acres in the Agricultural Parcel consists of unimproved irrigated hay fields or dry land pasture which exists in an open agricultural/ranching condition. The 20.54- acre Ranch Headquarters Parcel consists of one single family residence and an equestrian facility, barns, arenas, and other related accessory structures. This property has been used historically for agricultural and equestrian purposes and contains characteristic ranching improvements such as fencing, irrigation and dirt ranch roads.

The Applicant is requesting a Special Use Permit for a 25-stall boarding stable and 100' x 200' covered riding stable on the 101 acre parcel zoned Agricultural Residential. 80 acres of this parcel are in an Aspen Valley Land Trust conservation easement and 20± acres are considered the homestead which allows these uses in the conservation easement. The covered riding arena and boarding stable are proposed to be commercial operations and open to the public on a reservation basis as space allows to accommodate horse boarding and horse riding, training, and lessons for novice to professional equestrians.

Twin Acres "TA" is a Colorado Corporation that will lease property from Whiskey Mountain Estates LLC (Applicant). As horse interest continues to grow in the Roaring Fork Valley, TA is dedicated to serve both horses and horse enthusiasts alike. TA is a full service equestrian operation providing but not limited to the following services:

- Pleasure Riding
- Horse Training
- Riding Lessons
- Horse Boarding
- Maintenance/Care of Equines
- Equestrian Events

The Chief Executive Officer of TA is responsible for maintaining the facilities, maintaining and upkeep of the horses, and property management. According to Aspen View covenants, local riders will have priority for use of this facility.

The current ranch facility has a 9 horse stable, a tack/equipment storage space and office, and two outdoor arenas for riding. The Applicant proposes to add an additional stable to accommodate 25 horses and cover one of the existing outdoor arenas for wintertime use. Existing buildings on site will be utilized for hay storage to support the equestrian/agricultural operations.

Basic Operations:

Operations of TA will start at 6:30 am. Daily operations will include:

- Feeding horses morning hay/grain at 7:00 am.
- Horses who live in indoor stalls will be turned out to paddocks/pastures at 7:00 am.
- Daily stall and paddock cleaning around 7:30 am.
- Daily horse training and lessons will commence throughout the day from 8:00 am- 7:00 pm using indoor and outdoor riding arenas.
- Indoor horses will be brought in from paddocks/pastures at 4:00 pm.
- Horses are fed their night hay/grain at 4:30 pm.
- The Barn closes at 8:00 pm to everyone excluding on site management staff or emergency services (Farrier or veterinarian).

Summer Additional Operations:

- The 80 acre conservation easement will be hayed for the use of feeding the horses living on site as well as trail riding for the boarders of the property.

Equestrian Events

- As part of the operations and training/lesson program the Applicant will host a maximum of two horse shows competitions to local riders.

Employees:

- TA will anticipate having three employees at the ranch daily in order to care for the facility and the equines on property.
- One or two employees will live onsite in existing subsidized housing.
- Up to two other staff members will commute to the site for daily ranch chores.
- Outside contractors will be present on the property on an as needed basis including hay operators, veterinarians, and farriers.
- Variations on the above if needed.

Article 4 Site Development Standards**4-120. Number of Required Parking and Loading Spaces****Daily Parking:**

- Table 4-120 does not have a similar use listed that would be appropriate for a boarding stable and covered riding arena (stable).
- One parking space per four horses will be provided based on the maximum number of horses stated on the stable permit.

Event Parking:

- Statistics for Colorado West Hunter Jumper Association for 2021 horse shows in the Roaring Fork Valley resulted in an average 57 participants over two days of events.

4-220. Landscape Plan

The conceptual landscape plan for development of the Riding and Boarding Stables includes revegetation of all areas disturbed due to construction of buildings, driveways, and utilities with Dryland Pasture mix and the preservation of healthy vegetation where it exists elsewhere on the property. The Applicant is currently pursuing noxious weed

eradication on the entire property. The Landscape and Revegetation Plan is attached as an Exhibit to this Application.

4-240. Installation and Maintenance Requirements

The Applicant agrees that all landscaping shall be healthy at the time of its installation and shall meet the standards of the American Association of Nurserymen. Landscaping will be maintained so that it remains alive, or replacement is required and shall be enforced pursuant to Chapter I, Section 1.14 Enforcement of the Eagle County Land Use Regulations.

4-250. Illumination Standards

The Applicant agrees that the Riding and Boarding Stable development will comply with the applicable standards in Section 4-250. Illumination Standards.

4-330. Sign Regulations

All future signage at the Twin Acre Riding and Boarding Stables will comply with the sign regulations in Section 4-330 of the Eagle County Land Use Regulations.

4-410. Wildlife Protection

A Baseline Report was completed for the Conservation Easement placed on 101.18 acres of the property in May of 2006 for AVL. This Baseline Report describes the biological features of the property including wildlife known or likely to occur within the plant communities on the conservation easement parcel. The Baseline Report describes Significant Wildlife Use of the Property and the Wildlife Values preserved by the conservation easement. Placing the conservation easement on the 101.18 acres has assured wildlife protection of this important land. The conservation easement is comprised of two parcels. The Agricultural Parcel is 80.638 acres, and the Ranch Headquarters Parcel is 20.542 acres. The proposed development will be clustered on the Ranch Headquarters Parcel in an area currently used for an existing barn, existing outdoor equestrian areas, a residence, and out-buildings. The Baseline Report and WRIS Wildlife Maps have been included as an Exhibit to this Application.

4-420. Development in Areas Subject to Geologic Hazards

Per the May 24, 2006, Central Ranch Conservation Easement Baseline Documentation Report, which is attached as an Exhibit, the majority of the property is a flat pasture centered on a topographical low point that drains slightly to the southwest. The following figure shows five types of soils on the property: Tridell-Brownston stony sandy loam on a 12 - 50% slope, Forelle-Brownston complex on a 6 - 25% slope, Almy loam on a 1 - 12% slope, Morval loam on a 6-25% slope, and Showalter-Morval complex on a 15 -25% slope.

The majority of the building area resides on Almy loam on a 1 - 12% slope and on some Forelle-Brownston complex on a 6 - 12% slope.

As defined by the Soil Survey of Aspen-Gypsum Area, Colorado, Parts of Eagle, Garfield, and Pitkin Counties:

Almy loam, 1 to 12 percent slopes.

This deep, well-drained soil is on fans and uplands. It formed in alluvium derived dominantly from calcareous redbed sandstone and shale. Elevation is 6,000 to 7,800 feet. The average annual precipitation is 12 to 14 inches, the average annual air temperature is 42 to 46 degrees F, and the average frost-free period is 85 to 105 days.

Typically, the surface layer is reddish brown loam about 8 inches thick. The upper 3 inches of the subsoil is fine sandy loam. The lower 15 inches is sandy clay loam. The substratum to a depth of 60 inches or more is fine sandy loam. The soil is noncalcareous to a depth of 11 inches and calcareous below that depth.

Included in this unit are small areas of Empedrado soils. Included areas make up about 20 percent of the total acreage.

Permeability is moderate in the Almy soil. Available water capacity is high. The effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used as rangeland or hayland. The potential plant community is mainly bluebunch wheatgrass, Indian ricegrass, bottlebrush squirreltail, Douglas rabbitbrush, and Wyoming big sagebrush. Prairie junegrass, needleandthread, and Sandberg bluegrass also are included. The average annual production of air-dry vegetation is about 950 pounds per acre. If the range condition deteriorates, Wyoming big sagebrush, Douglas rabbitbrush, cheatgrass, and annual weeds increase in abundance.

The suitability of this unit for range seeding is good. Loss of the surface layer severely reduces the ability of the unit to produce plants suitable for grazing.

This unit is well suited to hay and pasture. It has few limitations. Grasses and legumes grow well if adequate fertilizer is used. If properly managed, the unit can produce 5 tons of irrigated grass hay per acre annually.

This unit is well suited to homesite development.

This map unit is in capability subclass IVe, irrigated and non-irrigated. It is in the Rolling Loam range site.

Forelle-Brownsto complex, 6 to 12 percent slopes.

This map unit is on mountains and benches. Elevation is 6,500 to 7,500 feet. The average annual precipitation is 12 to 14 inches, the average annual air temperature is 40 to 44 degrees F, and the average frost-free period is 85 to 105 days.

This unit is about 55 percent Forelle soil and 30 percent Brownsto soil.

Included in this unit are small areas of Tridell soils on knolls, Mussel and Morval soils in swales, and basalt Rock outcrop. Also included are small areas of soils that are similar to the Forelle and Brownsto soils but have soft bedrock below a depth of 40 inches. Included areas make up about 15 percent of the total acreage.

The Forelle soil is deep and well drained. It formed in mixed alluvium derived dominantly from sedimentary rocks. Typically, the surface layer is brown loam about 6 inches thick. The subsoil is clay loam about 24 inches thick. The substratum to a depth of 60 inches is loam.

Permeability is moderate in the Forelle soil. Available water capacity is high. The effective rooting depth is 60 inches or more. Runoff is medium. The hazard of water erosion generally is moderate, but it is severe in areas that contain volcanic ash.

The Brownsto soil is deep and well drained. It formed in alluvium derived dominantly from coarse textured, calcareous sandstone and basalt. Typically, the upper part of the surface layer is light brownish gray gravelly sandy loam about 4 inches thick. The lower part is light brownish gray gravelly loam about 7 inches thick. The upper 19 inches of the substratum is very gravelly sandy loam. The next 12 inches is very gravelly loamy sand. The lower part to a depth of 60 inches is gravelly sandy loam. A thin layer of partially decomposed needles, twigs, and leaves is on the surface in many places.

Permeability is moderate in the Brownsto soil. Available water capacity is low. The effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used as rangeland or as wildlife habitat.

The potential plant community on the Forelle soil is mainly western wheatgrass, bluebunch wheatgrass, Indian ricegrass, Douglas rabbitbrush, and Wyoming big sagebrush. Muttongrass, streambank wheatgrass, and winterfat commonly are also included. The average annual production of air-dry vegetation is about 800 pounds per acre. If the range condition deteriorates, Wyoming big sagebrush, Douglas rabbitbrush, cheatgrass, and annual weeds increase in abundance.

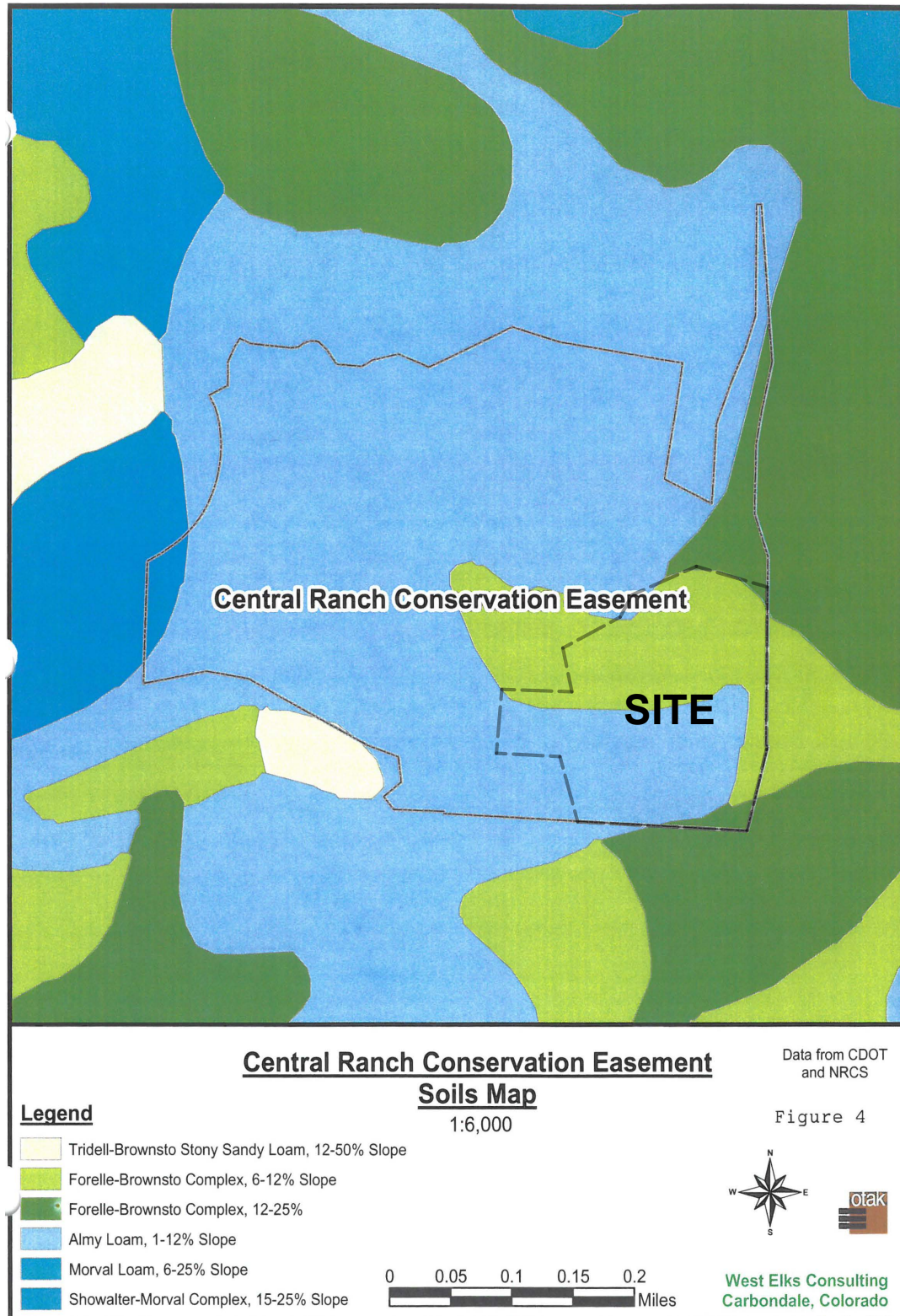
The potential plant community on the Brownsto soil is mainly needleandthread, Indian ricegrass, western wheatgrass, and Wyoming big sagebrush. Bluebunch wheatgrass, bottlebrush squirreltail, and scattered Utah juniper and pinyon pine also are included. The average annual production of air-dry vegetation is about 600 pounds per acre. If the range condition deteriorates, Wyoming big sagebrush, Douglas rabbitbrush, cheatgrass, and annual weeds increase in abundance.

Suitable management practices include proper grazing use and a planned grazing system. If the quality of range vegetation has seriously deteriorated, seeding is needed. The suitability of this unit for range seeding is good in areas of the Forelle soil and poor in areas of the Brownsto soil. The main limitation is the cobbles and stones on the Brownsto soil. For successful seeding, a seedbed

should be prepared, and the seed drilled. In areas of the Forelle soil, brush management improves deteriorated areas of range that are producing more woody shrubs than were present in the potential plant community. This unit is suited to homesite development. The main limitations are the slope in the steeper areas and small stones in the Brownsto soil.

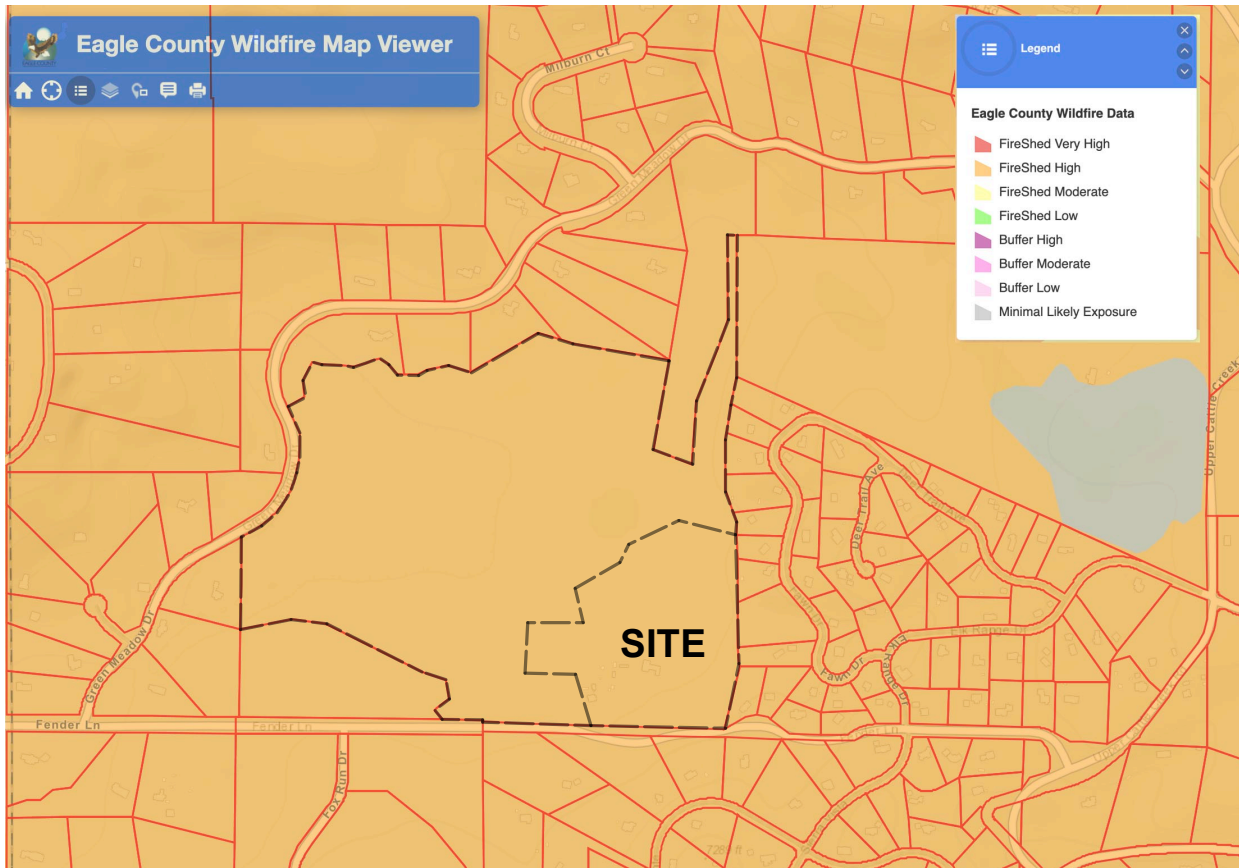
This map unit is in capability subclass IVe, nonirrigated. The Forelle soil is in the Rolling Loam range site, and the Brownsto soil is in the Stony Foothills range site.

As mentioned above, the Brownsto soil is suited to development, though the main development limitations are the slope in the steeper areas and small stones in the Brownsto soil. The proposed locations for the riding stable and boarding stable are in flat areas of the site that have already been developed as outdoor equestrian areas. A site specific soils and geotechnical investigation will need to be conducted in association with future grading and building permit applications to determine the specific design criteria for onsite wastewater treatment, building foundations, utilities, access, paved areas, etc.



4-425: Development in Areas Subject to Wildfire Hazards

Eagle County Wildfire Mitigation Coordinator Eric Lovgren , and Eagle County Wildfire Mitigation Specialist Katie Jenkins have prepared the attached Wildfire Hazard Rating Report. Per the report, the overall wildfire hazard rating is “Moderate Hazard” based on predominant vegetation types, average slope, access, and infrastructure. The report also outlines defensible space requirements, construction guidelines for wildfire hazard areas, and building inspection. The Wildfire Hazard Rating Report is attached as an Exhibit to this Application.



4-450. Ridgeline Protection

The proposed Riding and Boarding Stables are not located near or on a ridgeline or intermediate ridge which are visible from roadway corridors identified in Section 4-450. Ridgeline Protection.

4-520. Noise and Vibration Standards

The Applicant will operate the proposed Riding and Boarding Stables within the permissible noise levels in the Eagle County Land Use Regulations. Noise concerns relate primarily to commercial and/or industrial projects. While this may be considered a commercial project, the potential noise associated with the agricultural nature of the

proposed Riding and Boarding Stables is in keeping with the surrounding agricultural settings.

The proposed Riding and Boarding Stable uses shall be so operated that they do not inherently and recurrently generate a ground vibration that is perceptible, without instruments, at any point along any boundary line of the property on which the use is located.

4-530. Smoke and Particulate Standards

The Applicant will design the Riding and Boarding Stable to ensure that the proposed uses shall operate to comply with smoke emission, particulate matter emission, and projection of dust or fumes Standards in the Eagle County Land Use Regulation.

The proposed project will have no substantial temporary or long-term effects to local or regional air quality. The following mitigation measures will ensure minimal emissions of fugitive dust from vehicle use:

1. Surface each driveway with all-weather gravel surface in accordance with Roaring Fork Fire Rescue standards.
2. Keep vehicle speeds below 15 mph.
3. During construction activities, water unpaved road surfaces 2-4 times daily dependent on temperature and wind speed.

4-540. Heat, Glare, Radiation and Electrical Interference

The proposed riding and boarding stables will be operated so that they will not emit heat, glare, radiation, or electrical interference that will substantially interfere with the existing use of adjoining property or that constitutes a public nuisance or hazard.

All metal wall surfaces will be painted with non-reflective muted colors. All roof materials will be non-reflective and dark in color. The following illustration identifies the preferred colors and materials for the boarding and riding stables.



4-550. Storage of Hazardous and Non-Hazardous Materials

The Project and its manager will comply with all federal and state laws for the handling, transportation, storage, and disposal of any hazardous materials if they are encountered or utilized throughout the development and operation of this Project.

4-560. Water Quality Standards

The existing well (Permit No. 123230) was drilled and constructed in 1984 to a depth of 140 feet. The formation was identified as volcanics, in which perforated casing was installed between depths of 105 to 145 feet. An air lift test was conducted at 10+ gallons per minute (gpm) for four hours, during which the water level went from static depth of 115 down to the bottom of the well. Mr. Graber had a recent (August 2021) pumping test performed on the well by Samuelson Pump Co., Inc. The well was pumped at 25 gpm for 1 hour and reportedly did not have significant drawdown from the static water depth of 112 feet (See attached Exhibit). Of note is the fact that the static water level is still about the same as it was nearly 40 years ago, indicating that the aquifer is not experiencing long term declines due to use or climate change.

Mr. Graber also had some water quality tests performed on the well water in March 2022 by Aspen Water Wise, which are attached as an Exhibit. The results indicated that the water would be characterized as “hard” with a hardness of 188 mg/L. This result is common for bedrock wells and poses no health risks. The total dissolved solids (TDS) was measured to be 37 ppm, which should not put any restrictions on the use of the water. Copper, iron, and sulfide were all below the detection limits. The water quality results suggest that the water would be suitable for the proposed uses.

4-620. Roadway Standards

High Country Engineering has prepared a Civil Engineering Report that addresses access to the 623 Fender Lane Parcel. Refer to the HCE Civil Engineering Report

attached as an Exhibit for additional civil engineering discussion related to access and roadway standards.

4-630. Sidewalk and Trail Standards

No public sidewalks or trails are proposed for the Riding and Boarding Stables.

4-640. Irrigation System Standards

The Conservation Easement includes the preservation of water rights. "Grantor, its heirs, successors and assigns shall retain and reserve the right to use water rights historically used upon and appurtenant to the Property to maintain the agricultural/ranching uses of the Property, and shall not transfer, encumber, lease, sell, or otherwise sever such water rights from title to the Property itself."

Irrigation water will continue to be provided by the Applicant's interest in the Missouri Height Mountain Meadow Irrigation Company and Monarch Ditch Company irrigation water rights. In addition, up to one acre may be irrigated from the Aspen Mountain View Well No. 1. (Note: Based on our conversations with Jess and a review of available documents we understand that The Whiskey Mountain Estate, LLC property is associated with 1.8 c.f.s. or 18.4% of the Monarch Ditch water rights and 150 Class A shares, although we have not independently verified those ownership interests with either the MHMMIC Ditch Company or the other Monarch Ditch water right holders.)

Stock water will be provided by the Aspen Mountain View Well No. 1. The anticipated demands for the horses are calculated at 0.637 acre feet per year. See Table 1 attached hereto. The Aspen Mountain View Well No. 1 was decree to divert up to 4 acre feet for multiple uses including watering of poultry and domestic animals on a ranch; therefore, there is sufficient supply available for the stock watering uses.

4-650. Drainage Standards

High Country Engineering has prepared a Drainage Report that addresses storm water drainage. This report is attached as an Exhibit to this Application.

4-660. Excavation and Grading Standards

No grading shall take place on the property without first obtaining a grading permit and any proposed excavation or grading will follow standards as contained in the current edition of the Uniform Building Code utilized by Eagle County and must comply with the Excavation and Grading Standards in Section 4-660.

4-665. Erosion Control Standards

To minimize erosion of soils on the site the Applicant agrees to use sediment trapping to protect any flow from spilling into drainages. The Applicant also agrees to revegetate all areas disturbed due to construction of roads or utilities with Dryland Pasture mix.

4-670. Utility and Lighting Standards

All proposed gas, electric, phone, and cable utilities will be constructed underground. No street lighting is proposed. All Riding and Boarding Stable lighting will comply with Eagle County Lighting Standards.

4-680. Water Supply Standards

Domestic Water to the site is currently supplied by the Fender Springs No. 1 and No. 2 decreed in Case No. W-1279 on August 24, 1973 in the amount of 0.1 c.f.s. for domestic use with a date of appropriation of September 14, 1934. This water right is also referred to locally as the Sweet Fender Reese Pipeline and has served the property since the original homestead was constructed. Water is collected from the springs and transported by pipeline to The Whiskey Mountain Estate, LLC property. The Fender Springs No. 1 and 2 are Green Mountain Reservoir Historic Users Pool beneficiaries in accordance with Senate Document 80; therefore, the Fender Springs provide a reliable domestic supply not subject to curtailment during periods of call.

Domestic water may also be provided in up to three single family homes from the Aspen Mountain View Well No. 1 decreed in Case No. 82CW142, District Court Water Division No. 5 for 0.033 c.f.s. with a date of appropriation of October 30, 1981, and made absolute by decree entered in Case No. 93CW024, District Court Water Division 5 on July 19, 1993. The Aspen Mountain View Well operates pursuant to Well Permit No. 123230 and also is not subject to curtailment during periods of call due to its operations pursuant to C.R.S. 37-92-602.

Irrigation water will continue to be provided by the Applicant's interest in the Missouri Height Mountain Meadow Irrigation Company and Monarch Ditch Company irrigation water rights. In addition, up to one acre may be irrigated from the Aspen Mountain View Well No. 1.

Stock water will be provided by the Aspen Mountain View Well No. 1. The anticipated demands for the horses are calculated at 0.637 acre feet per year. The Aspen Mountain View Well No. 1 was decree to divert up to 4 acre feet for multiple uses including watering of poultry and domestic animals on a ranch; therefore, there is sufficient supply available for the stock watering uses.

4-690. Sanitary Sewage Disposal Standards

Wastewater disposal will be provided via onsite wastewater treatment systems. High Country Engineering has prepared a Civil Engineering Report that addresses wastewater disposal. This report is attached as an Exhibit to this Application.

4-700. School Land Dedication Standards

The proposed Riding and Boarding Stable development does not include new residential development and thus does not trigger School Land Dedication.

4-710. Road Impact Fees

The Applicant agrees to pay the determined amount of road impact fee at the time of issuance of a building permit for the Riding and Boarding Stable development of this Parcel.

4-720. Emergency Service Impact Fees

The Applicant agrees to pay the determined amount of emergency service impact fees at the time of issuance of a building permit for the Riding and Boarding Stable development of this Parcel.

5-250. Standards for Special Uses

The issuance of a Special Use Permit shall be dependent upon findings that there is competent evidence that the proposed use as conditioned, fully complies with all the standards of this Section, this Division, this Article, and these Land Use Regulations. The Planning Commission may recommend, and the Board of County Commissioners may attach any conditions deemed appropriate to ensure compliance with the following standards, including conformity to a specific site plan, requirements to improve public facilities necessary to serve the Special Use, and limitations on the operating characteristics of the use, or the location or duration of the Special Use Permit. Where the application is for a Concept Evaluation Special Use Permit, the applicant must demonstrate that there is the substantial potential to satisfy the following standards; however, final project designs are not required.

5-250.B.1. Consistent with Comprehensive Plan

The proposed Special Use shall be in substantial conformance with the Eagle County Comprehensive Plan, Mid-Valley Area Community Plan, Eagle County Open Space Plan, and Eagle County Trails Plan (Roaring Fork). This following provides an overview of substantial conformance with these plans.

Eagle County Comprehensive Plan

Section 3.2 General Development

The impacts of development in Eagle County are carefully monitored, and future development occurs in a manner that preserves a high quality of life, a diverse and sustainable economy, the area's scenic beauty, a healthy natural environment, and a vibrant, well designed community.

The proposed riding and boarding stables seek to enhance the rural character of the Missouri Heights area and provide for the equestrian needs of this rural community. They will provide an appropriate scale of economic activity for a ranch property that has anticipated this use since an Aspen Valley Land Trust conservation easement was established for 80 acres of this property in May of 2006 which allows for these equestrian activities on the remaining 20 acres. The Applicant has been working with AVLTT regarding environmental enhancements and the reduction of weeds within the conservation easement area and adjoining 20 acres to create a healthy natural environment that compliments the surrounding residential properties. The ability to ride

and board horses at this location will provide an economic enhancement for this property in order to adequately maintain it and preserve the area's scenic beauty.

Section 3.3 Economic Resources

As mentioned above, the proposed riding and boarding stables will provide an appropriate scale of economic activity for a ranch property that has anticipated this use since an Aspen Valley Land Trust conservation easement was established for 80 acres of this property in May of 2006 which allows for these equestrian activities on the remaining 20 acres. The scale of this economic activity is appropriate for this property and the surrounding equestrian oriented neighborhoods.

Section 3.4 Housing

While housing is not proposed as part of this Special Use Permit Application for the Twin Acres Riding and Boarding Stable, there are residences on the property that will be retained and potentially provide for employees who are working at the stables and equestrian facility. The conservation easement also allows the construction and reconstruction of any residential dwelling, structure or other improvement which exists on the Ranch Headquarters Parcel at its approximate existing location, together with the right to construct one (1) additional single family residence at any location within the Ranch Headquarters Parcel.

Section 3.5 Infrastructure and Services

Domestic Water to the site is currently supplied by the Fender Springs No. 1 and No. 2 decreed in Case No. W-1279 on August 24, 1973 in the amount of 0.1 c.f.s. for domestic use with a date of appropriation of September 14, 1934. This water right is also referred to locally as the Sweet Fender Reese Pipeline and has served the property since the original homestead was constructed. Water is collected from the springs and transported by pipeline to The Whiskey Mountain Estate, LLC property. The Fender Springs No. 1 and 2 are Green Mountain Reservoir Historic Users Pool beneficiaries in accordance with Senate Document 80; therefore, the Fender Springs provide a reliable domestic supply not subject to curtailment during periods of call.

Domestic water may also be provided in up to three single family homes from the Aspen Mountain View Well No. 1 decreed in Case No. 82CW142, District Court Water Division No. 5 for 0.033 c.f.s. with a date of appropriation of October 30, 1981, and made absolute by decree entered in Case No. 93CW024, District Court Water Division 5 on July 19, 1993. The Aspen Mountain View Well operates pursuant to Well Permit No. 123230 and also is not subject to curtailment during periods of call due to its operations pursuant to C.R.S. 37-92-602.

Irrigation water will continue to be provided by the Applicant's interest in the Missouri Height Mountain Meadow Irrigation Company and Monarch Ditch Company irrigation water rights. In addition, up to one acre may be irrigated from the Aspen Mountain View Well No. 1.

Stock water will be provided by the Aspen Mountain View Well No. 1. The anticipated demands for the horses are calculated at 0.637 acre feet per year. The Aspen Mountain View Well No. 1 was decree to divert up to 4 acre feet for multiple uses including

watering of poultry and domestic animals on a ranch; therefore, there is sufficient supply available for the stock watering uses.

Sanitation for the existing residence is currently provided by an existing on site wastewater system at the site. The applicant also intends to construct a separate on site wastewater system to accommodate plumbing fixtures in the proposed stable. Other utilities preset at the site include electricity, telephone, and natural gas. These utilities will be extended in order to serve the proposed stable.

The applicant also intends to install a new water storage tank and hydrant, in conformance with applicable standards, to provide a water supply for emergency fire suppression.

Section 3.6 Water Resources

Again, domestic Water to the site is currently supplied by the Fender Springs No. 1 and No. 2 decreed in Case No. W-1279 on August 24, 1973 in the amount of 0.1 c.f.s. for domestic use with a date of appropriation of September 14, 1934. This water right is also referred to locally as the Sweet Fender Reese Pipeline and has served the property since the original homestead was constructed. Water is collected from the springs and transported by pipeline to The Whiskey Mountain Estate, LLC property. The Fender Springs No. 1 and 2 are Green Mountain Reservoir Historic Users Pool beneficiaries in accordance with Senate Document 80; therefore, the Fender Springs provide a reliable domestic supply not subject to curtailment during periods of call.

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Stock water will be provided by the Aspen Mountain View Well No. 1. The anticipated demands for the horses are calculated at 0.637 acre feet per year. The Aspen Mountain View Well No. 1 was decree to divert up to 4 acre feet for multiple uses including watering of poultry and domestic animals on a ranch; therefore, there is sufficient supply available for the stock watering uses.

Approximately 80.63 acres in the Agricultural Parcel consists of unimproved irrigated hay fields or dry land pasture which exists in an open agricultural/ranching condition. The historically irrigated hay fields will continue to be irrigated.

The conservation easement requires the preservation of water rights and provides that the property owner shall retain and reserve the right to use the water rights historically used upon and appurtenant to the property to maintain the agricultural/ranching uses

and shall not transfer, encumber, lease, sell, or otherwise sever such water rights from title to the property itself.

Section 3.7 Wildlife Resources

A Baseline Report was completed for the Conservation Easement placed on 101.18 acres of the property in May of 2006 for AVLTL. This Baseline Report describes the biological features of the property including wildlife known or likely to occur within the plant communities on the parcel. The Baseline Report describes Significant Wildlife Use of the Property and the Wildlife Values preserved by the conservation easement. Placing the conservation easement on the 101.18 acres has assured wildlife protection of this important land.

The conservation easement is comprised of two parcels. The Agricultural Parcel is 80.638 acres, and the Ranch Headquarters Parcel is 20.542 acres. The proposed development will be clustered on the Ranch Headquarters Parcel in an area currently used for an existing barn, existing outdoor equestrian areas, a residence, and out-buildings. The Baseline Report and WRIS Wildlife Maps have been included at an Exhibit to this Application.

Section 3.8 Sensitive Lands

Significant natural hazards are not located on this parcel. As mentioned below, wildlife habitat and wildlife habitat connections are important attributes of the property to be sensitive to. The positive economic impact of the proposed Riding and Boarding Stables will provide resources to retain and enhance these values.

Section 3.9 Environmental Quality

As mentioned in the Central Ranch Conservation Easement Baseline Report, wildlife values and habitat connectivity are the environmental qualities that the conservation easement is trying to preserve:

1. Wildlife Values: Important winter and summer range habitats for elk and mule deer; WRIS mapped habitats for three other species; habitat for Watchlisted Birds by the Colorado Bird Observatory because of declining numbers; and habitat for numerous mammals, including a sensitive species.
2. Habitat Connectivity: One of the most outstanding elements of the Central Ranch CE is its potential to connect to other land preserved for wildlife, native plants, or open space in the area. In addition to the Strang and Ranch at Coulter Creek CE's, Central Ranch is saddled in between two areas of public land managed by the Bureau of Land Management (BLM). When taken as a whole with the nearby Lake Christine State Wildlife Area, and undeveloped or low-density neighboring ranches, the Central Ranch CE will help create a block of habitat with ecological significance north of El Jebel, Colorado. This 101.18 - acre parcel increases the buffer between developments in adjacent lots and safeguards the travel corridors for wildlife traveling back and forth between summer and winter ranges, preserve winter range habitats, protect native plant species, birds, mammals, and reptiles.

It is the intent of the proposed Twin Acres Riding and Boarding Stables operation to retain and enhance the wildlife values and habitat connectivity on the property. Again, the positive economic impact of the proposed uses will provide resources to retain and enhance these values.

Mid-Valley Area Community Plan

1. Land Use

The Applicant is requesting a Special Use Permit for a 25-stall boarding stable and 100' x 200' covered riding stable on the 101 acre parcel zoned Agricultural Residential. 80 acres of this parcel are in an Aspen Valley Land Trust conservation easement and 20± acres are considered the homestead which allows these uses in the conservation easement. The covered riding arena and boarding stable are proposed to be commercial operations and open to the public on a reservation basis as space allows to accommodate horse boarding and horse riding, training, and lessons for novice to professional equestrians.

2. Design, Character and Appearance

The proposed riding and boarding stables will be operated so that they will not emit heat, glare, radiation, or electrical interference that will substantially interfere with the existing use of adjoining property or that constitutes a public nuisance or hazard.

All metal wall surfaces will be painted with non-reflective muted colors. All roof materials will be non-reflective and neutral in color.

3. Public Services and Infrastructure

Domestic Water to the site is currently supplied by the Fender Springs No. 1 and No. 2 decreed in Case No. W-1279 on August 24, 1973 in the amount of 0.1 c.f.s. for domestic use with a date of appropriation of September 14, 1934. This water right is also referred to locally as the Sweet Fender Reese Pipeline and has served the property since the original homestead was constructed. Water is collected from the springs and transported by pipeline to The Whiskey Mountain Estate, LLC property. The Fender Springs No. 1 and 2 are Green Mountain Reservoir Historic Users Pool beneficiaries in accordance with Senate Document 80; therefore, the Fender Springs provide a reliable domestic supply not subject to curtailment during periods of call.

Domestic water may also be provided in up to three single family homes from the Aspen Mountain View Well No. 1 decreed in Case No. 82CW142, District Court Water Division No. 5 for 0.033 c.f.s. with a date of appropriation of October 30, 1981, and made absolute by decree entered in Case No. 93CW024, District Court Water Division 5 on July 19, 1993. The Aspen Mountain View Well operates pursuant to Well Permit No. 123230 and also is not subject to curtailment during periods of call due to its operations pursuant to C.R.S. 37-92-602.

Irrigation water will continue to be provided by the Applicant's interest in the Missouri Height Mountain Meadow Irrigation Company and Monarch Ditch Company irrigation water rights. In addition, up to one acre may be irrigated from the Aspen Mountain View Well No. 1.

Stock water will be provided by the Aspen Mountain View Well No. 1. The anticipated demands for the horses are calculated at 0.637 acre feet per year. The Aspen Mountain View Well No. 1 was decreed to divert up to 4 acre feet for multiple uses including watering of poultry and domestic animals on a ranch; therefore, there is sufficient supply available for the stock watering uses.

Sanitation for the existing residence is currently provided by an existing on site wastewater system at the site. The applicant also intends to construct a separate on site wastewater system to accommodate plumbing fixtures in the proposed stable.

Other utilities preset at the site include electricity, telephone, and natural gas. These utilities will be extended in order to serve the proposed stable.

The applicant also intends to install a new water storage tank and hydrant, in conformance with applicable standards, to provide a water supply for emergency fire suppression.

4. Natural Resources and Environmental Quality

As mentioned in the Central Ranch Conservation Easement Baseline Report, wildlife values and habitat connectivity are the environmental qualities that the conservation easement is trying to preserve:

1. Wildlife Values: Important winter and summer range habitats for elk and mule deer; WRIS mapped habitats for three other species; habitat for Watchlisted Birds by the Colorado Bird Observatory because of declining numbers; and habitat for numerous mammals, including a sensitive species.
2. Habitat Connectivity: One of the most outstanding elements of the Central Ranch CE is its potential to connect to other land preserved for wildlife, native plants, or open space in the area. In addition to the Strang and Ranch at Coulter Creek CE's, Central Ranch is saddled in between two areas of public land managed by the Bureau of Land Management (BLM). When taken as a whole with the nearby Lake Christine State Wildlife Area, and undeveloped or low-density neighboring ranches, the Central Ranch CE will help create a block of habitat with ecological significance north of El Jebel, Colorado. This 101.18 - acre parcel increases the buffer between developments in adjacent lots and safeguards the travel corridors for wildlife traveling back and forth between summer and winter ranges, preserve winter range habitats, protect native plant species, birds, mammals, and reptiles.

It is the intent of the proposed Twin Acres Riding and Boarding Stables operation to retain and enhance the wildlife values and habitat connectivity on the property.

Again, the positive economic impact of the proposed uses will provide resources to retain and enhance these values.

Future Land Use Map, LLR Designation

The Mid-Valley Area Community Plan and the associated Future Land Use Map (FLUM) designates that this parcel as Outlying Rural Subdivision (ORS) which is Applied to lands in rural areas having previously been subdivided through an adopted County subdivision process. This future land use designation also discourages further subdivision/expansion.

The property is also zoned Agricultural Residential (AR) as defined in the Land Use Regulations of Eagle County, Colorado. This zone district is intended to maintain the rural character of areas outside of the County's towns, community centers, rural centers, and resorts, while allowing for some appropriate residential development.

Clearly the emphasis of both the Mid Valley Area Community Plan Future Land Use Designation and Eagle County Zoning focus on the rural nature of the property and the preservation of rural character outside of more urban centers. The proposed riding and boarding stables seek to reside within a rural area that focuses on ranching and equestrian uses. The conservation also prohibits future subdivision of this parcel thus supporting the future land use designation.

Eagle County Open Space Plan

The Eagle County Open Space Plans are aimed primarily at public open spaces and conservation easements. The existing Aspen Valley Land Trust conservation easement was established for 80 acres of this property in May of 2006 and allows for the proposed equestrian uses on the remaining 20 acres. As a result 80% of this property will continue to be preserved as open space with ranching, agricultural, and equestrian uses.

Eagle County Trails Plan

As identified in the Mid-Valley Trails Plan, there are no public trails associated with this property, though the Missouri Heights area includes larger agricultural properties where horse ownership and horseback riding along County roads and trails is fairly common. Private equestrian trails and bridal paths will be an integral part of the equestrian activities associated with the proposed riding and boarding stables.

5-250.B.2. Compatibility

The proposed Special Use is generally compatible with the existing and currently permissible future uses of adjacent land and other substantially impacted land, services, or infrastructure improvements. As mentioned above, the proposed riding and boarding stables will provide an appropriate scale of activity for a ranch property that has anticipated this use since an Aspen Valley Land Trust conservation easement was established for 80 acres of this property in May of 2006 which allows for these

equestrian activities on the remaining 20 acres. The scale of this activity is appropriate for this property and the surrounding equestrian oriented neighborhoods.

5-250.B.3. Zone District Standards

The proposed Twin Acres Riding and Boarding Stable Special Use complies with the standards of the Agricultural Residential zone district in which it is located as provided in the narrative sections of this document.

5-250.B.4. Design Minimizes Adverse Impact

The design of this proposed Special Use will reasonably avoid adverse impacts, including visual impacts of the proposed use on adjacent lands including trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration, or otherwise create a nuisance. This Application addresses ridgeline protection, noise and vibration standards, smoke and particulate standards, heat, glare, radiation and electrical interference and other Article 4, Site Development Standards in the section above.

5-250.B.5. Design Minimizes Environmental Impact

This Application has addressed the standards listed in Article 4 related to the environment and potential impacts to water and air resources, wildlife habitat, and scenic values. The Applicant recognizes that this Application will be referred out to Colorado Geological Survey (CGS) and Colorado Parks and Wildlife. Wildlife mapping has been included in these Application materials.

5-250.B.6. Impact on Public Facilities

The proposed Special Use will be adequately served by public facilities and services. Attached is an Engineering Report prepared by High Country Engineering that addresses access, irrigation, utilities, fire protection, erosion and sediment control, dust control, and storm water drainage control.

The existing well (Permit No. 123230) was drilled and constructed in 1984 to a depth of 140 feet. The formation was identified as volcanics, in which perforated casing was installed between depths of 105 to 145 feet. An air lift test was conducted at 10+ gallons per minute (gpm) for four hours, during which the water level went from static depth of 115 down to the bottom of the well. Mr. Graber had a recent (August 2021) pumping test performed on the well by Samuelson Pump Co., Inc. The well was pumped at 25 gpm for 1 hour and reportedly did not have significant drawdown from the static water depth of 112 feet (See attached Exhibit). Of note is the fact that the static water level is still about the same as it was nearly 40 years ago, indicating that the aquifer is not experiencing long term declines due to use or climate change.

Mr. Graber also had some water quality tests performed on the well water in March 2022 by Aspen Water Wise (See attached Exhibit). The results indicated that the water would be characterized as "hard" with a hardness of 188 mg/L. This result is common for bedrock wells and poses no health risks. The total dissolved solids (TDS) was measured to be 37 ppm, which should not put any restrictions on the use of the water. Copper,

iron, and sulfide were all below the detection limits. The water quality results suggest that the water would be suitable for the proposed uses.

Also attached is a letter from Balcomb and Green regarding the legal water supply for the proposed uses.

5-250.B.7. Article 4 Site Development Standards

The proposed Special Use will comply with the appropriate standards in Article 4, Site Development Standards. See compliance with Article 4, Site Development Standards in the section above.

Exhibits

- A. Title Commitment**
- B. AVL T Central Ranch Conservation Easement**
- C. Central Ranch Baseline Report**
- D. Central Ranch Wildlife Maps**
- E. Wildfire Hazard Rating Report**
- F. High Country Engineering Report**
- G. High Country Engineering Drainage Report**
- H. High Country Engineering Plans**
- I. Landscape and Revegetation Plan**
- J. Water Supply Evaluation**
- K. Applicant Response to Eagle County Sufficiency Comments**



Land Title Guarantee Company Customer Distribution



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **BAR64004957**

Date: **04/04/2022**

Property Address: **623 FENDER LN, CARBONDALE, CO 81623**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

Tanya Germany
200 BASALT CENTER CIRCLE
BASALT, CO 81621
PO BOX 3440
(970) 927-0405 (Work)
(877) 346-4115 (Work Fax)
tgermany@ltgc.com
Contact License: CO523905
Company License: CO44565

Closers Assistant

Jessica Markham
200 BASALT CENTER CIRCLE
BASALT, CO 81621
PO BOX 3440
(970) 927-0405 (Work)
(877) 346-4115 (Work Fax)
jmarkham@ltgc.com
Contact License: CO721602
Company License: CO44565

Closing Processor

Ashleigh Huff
200 BASALT CENTER CIRCLE
BASALT, CO 81621
PO BOX 3440
(970) 927-0405 (Work)
(877) 346-4115 (Work Fax)
ahuff@ltgc.com
Company License: CO44565

For Title Assistance

Land Title Roaring Fork Valley Title
Team
200 BASALT CENTER CIRCLE
BASALT, CO 81621
PO BOX 3440
(970) 927-0405 (Work)
(970) 925-0610 (Work Fax)
valleyresponse@ltgc.com

Seller/Owner

WHISKEY MOUNTAIN ESTATES LLC,
Delivered via: No Commitment Delivery

THE LAND STUDIO, INC
Attention: JULIE PRATTE
(970) 927-3690 (Work)
jjpratte@comcast.net
Delivered via: Electronic Mail



Land Title Guarantee Company
Estimate of Title Fees

Order Number: **BAR64004957**

Date: **04/04/2022**

Property Address: **623 FENDER LN, CARBONDALE, CO 81623**

Parties:

WHISKEY MOUNTAIN ESTATES, LLC, A COLORADO LIMITED LIABILITY COMPANY

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"TBD" Commitment	\$217.00
	Total \$217.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Eagle county recorded 05/24/2021 under reception no. 202112195](#)

[Eagle county recorded 05/24/2021 under reception no. 202112196](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: BAR64004957

Property Address:

623 FENDER LN, CARBONDALE, CO 81623

1. Effective Date:

03/29/2022 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

WHISKEY MOUNTAIN ESTATES, LLC, A COLORADO LIMITED LIABILITY COMPANY

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

A PARCEL OF LAND LOCATED IN SECTIONS 21, 22, 27 AND 28. TOWNSHIP 7 SOUTH, RANGE 87 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE COUNTY OF EAGLE, STATE OF COLORADO ACCORDING TO THE INDEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE AS APPROVED BY THE OFFICE OF THE U.S. SUPERVISOR OF SURVEYS ON NOVEMBER 15, 1930. SAID PARCEL BEING PART OF THE "FUTURE DEVELOPMENT" AS SHOWN ON THE ASPEN, MOUNTAIN VIEW, SECOND FILING ON FILE IN THE EAGLE COUNTY CLERK AND RECORDERS OFFICE IN BOOK 365 AT PAGE [922](#). BEARINGS FOR THIS DESCRIPTION BEING BASED ON A BEARING OF SOUTH 50° 52'18" WEST BETWEEN THE NORTHEASTERLY CORNER OF PARCEL A AS SHOWN HEREON, A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP FOUND MARKED "P.L.S. 20695", AND THE SOUTHWEST CORNER OF THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 28, A NUMBER FIVE REBAR WITH AN ILLEGIBLE PLASTIC CAP FOUND. SAID PARCEL B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF THE MEADOWS, ASPEN MOUNTAIN VIEW, SECOND FILING, THE POINT OF BEGINNING:

THENCE LEAVING SAID LOT 1, NORTH 00° 17'45" EAST 516.17 FEET;

THENCE NORTH 60° 12'10" EAST 80.86 FEET;

THENCE 698.92 FEET; ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 470.00 FEET AND A CENTRAL ANGLE OF 85° 12'10", THE CHORD OF WHICH BEARS NORTH 17° 36'05" EAST 636.28 FEET;

THENCE NORTH 25° 00'00" WEST 80.00 FEET;

THENCE NORTH 63° 20'46" EAST 106.52 FEET;

THENCE NORTH 02° 20'04" WEST 94.40 FEET;

THENCE NORTH 24° 18'22" EAST 67.42 FEET;

THENCE NORTH 26° 48'04" EAST 40.26 FEET;

THENCE SOUTH 71° 14'04" EAST 54.22 FEET;

THENCE SOUTH 86° 54'51" EAST 116.14 FEET;

THENCE SOUTH 82° 55'41" EAST 55.19 FEET;

THENCE NORTH 74° 44'27" EAST 72.74 FEET;

THENCE NORTH 63° 14'22" EAST 48.75 FEET;

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Old Republic National Title Insurance Company

Schedule A

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THENCE NORTH 85° 36'52" EAST 30.09 FEET;
THENCE SOUTH 60° 39'42" EAST 48.51 FEET;
THENCE SOUTH 42° 38'51" EAST 81.62 FEET;
THENCE SOUTH 87° 47'30" EAST 104.24 FEET;
THENCE NORTH 64° 34'51" EAST 58.48 FEET;
THENCE NORTH 76° 22'09" EAST 114.50 FEET;
THENCE SOUTH 73° 09'09" EAST 77.35 FEET;
THENCE SOUTH 70° 17'02" EAST 54.34 FEET;
THENCE NORTH 60° 03'39" EAST 421.05 FEET TO A POINT ON THE NORTH LINE OF A 15 FOOT
EQUESTRIAN TRAIL EASEMENT AS PLATTED IN SAID ASPEN MOUNTAIN VIEW, SECOND FILING;
THENCE SOUTH 73° 18'03" EAST 208.81 FEET ALONG SAID NORTH EASEMENT LINE;
THENCE LEAVING SAID EASEMENT, SOUTH 80° 00'00" EAST 512.58 FEET TO A POINT ON THE
WESTERLY LINE OF LOT 16 OF SAID ASPEN MOUNTAIN VIEW, SECOND FILING;
THENCE THE FOLLOWING SIX COURSES ALONG SAID LOT 16;
THENCE SOUTH 10° 00'00" WEST 488.41 FEET;
THENCE SOUTH 67° 43'09" EAST 218.45 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM
CAP FOUND MARKED "L.S.11204";
THENCE NORTH 05° 00'00" EAST 340.00 FEET;
THENCE NORTH 21° 30'00" EAST 175.00 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM
CAP FOUND MARKED "L.S. 11204";
THENCE NORTH 24° 06'26" EAST 146.30 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM
CAP FOUND MARKED "L.S. 11204"
THENCE NORTH 18° 30'53" EAST 141.61 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM
CAP FOUND MARKED "L.S. 11204";
THENCE LEAVING SAID LOT 16, SOUTH 00° 54'36" WEST 276.17 FEET;
THENCE SOUTH 65° 33'11" EAST 59.19 FEET TO THE NORTHWEST CORNER OF RED TABLE ACRES
NUMBER 2 AMENDED, A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM CAP MARKED "L.S. 11204";
THENCE THE FOLLOWING SEVEN COURSES ALONG THE WESTERLY LINE OF SAID RED TABLE ACRES
NUMBER 2;
THENCE SOUTH 09° 54' 07" WEST 328.41 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH
ALUMINUM CAP FOUND MARKED "L.S. 10386 MUSGROVE";
THENCE SOUTH 00° 54'57" WEST 255.78 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM
CAP FOUND MARKED "L.S. 10386 MUSGROVE";
THENCE SOUTH 04° 13'34" EAST 23.30 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINIUM
CAP FOUND MARKED "L.S. 10386 MUSGROVE";
THENCE SOUTH 23° 45'19" EAST 181.18 FEET;
THENCE SOUTH 00° 05'58" WEST 769.21 FEET;
THENCE SOUTH 31° 57'43" EAST 13.77 FEET;
THENCE SOUTH 12° 59'58" WEST 333.28 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE
OF FENDER LANE AS SHOWN ON SAID ASPEN MOUNTAIN VIEW, SECOND FILING;
THENCE, LEAVING RED TABLE ACRES NUMBER 2, ALONG SAID RIGHT OF WAY LINE, 150.90 FEET
ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 479.21 FEET AND A CENTRAL
ANGLE OF 18° 02'33", THE CHORD OF WHICH BEARS SOUTH 87° 33'50" WEST 150.28 FEET;
THENCE ALONG SAID RIGHT OF WAY LINE 178.71 FEET ALONG THE ARC OF A CURVE TO THE LEFT
HAVING A RADIUS OF 359.29 FEET AND A CENTRAL ANGLE OF 28° 29'54", THE CHORD OF WHICH
BEARS SOUTH 82° 20'09" WEST 176.87 FEET;
THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 88° 09'20" WEST 406.59 FEET TO A POINT ON SAID
RIGHT OF WAY LINE;
THENCE THE FOLLOWING THREE COURSES ALONG SAID RIGHT OF WAY LINE;
THENCE NORTH 75° 13'17" WEST 38.90 FEET;

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Schedule A

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THENCE 148.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 588.47 FEET AND A CENTRAL ANGLE OF 14° 30'12", THE CHORD OF WHICH BEARS NORTH 82° 28'23" WEST 148.56 FEET;

THENCE NORTH 89° 43'29" WEST 591.40 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 1;

THENCE, LEAVING SAID RIGHT OF WAY LINE, THE FOLLOWING NINE COURSES ALONG SAID LOT 1;

THENCE NORTH 27° 01'34" WEST 59.84 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

THENCE NORTH 33° 52'32" EAST 75.62 FEET;

THENCE NORTH 08° 36'14" WEST 107.33 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

THENCE NORTH 70° 06'42" WEST 36.83 FEET;

THENCE NORTH 70° 17'53" WEST 144.66 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

THENCE NORTH 63° 02'27" WEST 383.67 FEET;

THENCE NORTH 63° 13'14" WEST 152.67 FEET;

THENCE NORTH 81° 18'09" WEST 185.19 FEET;

THENCE SOUTH 74° 34'50" WEST 274.11 FEET TO THE POINT OF BEGINNING.

COUNTY OF EAGLE

STATE OF COLORADO

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: BAR64004957

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: BAR64004957

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
- 8. 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 RESERVED IN UNITED STATES PATENT RECORDED JANUARY 29, 1902, IN BOOK 69 AT PAGE [5](#), AND MARCH 11, 1926 IN BOOK 93 AT PAGE [361](#) AND APRIL 4, 1922 IN BOOK 93 AT PAGE [64](#).**
- 9. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED JANUARY 29, 1902, IN BOOK 69 AT PAGE [5](#), AND MARCH 11, 1926 IN BOOK 93 AT PAGE [361](#).**
- 10. EASEMENT AND RIGHT OF WAY AS GRANTED TO CENTRAL COLORADO POWER COMPANY BY RISETTA HARRIS IN DOCUMENT RECORDED JANUARY 16, 1909 IN BOOK 69 AT PAGE [333](#).**
- 11. AN UNDIVIDED ONE-HALF INTEREST IN ALL OIL, GAS AND OTHER MINERAL RIGHTS, AS RESERVED BY DOROTHY E. DOWNING, FORMERLY DOROTHY E. SWEET IN THE DEED TO SAMUEL A. GRANGE AND AGNES M. GRANGE RECORDED MARCH 20, 1964 IN BOOK 181 AT PAGE [75](#) AND ANY AND ALL ASSIGNMENT THEREOF, OR INTERESTS THEREIN. (SE 1/4 SE 1/4 SECTION 21, SOUTHWEST 1/4 SOUTHWEST 1/4 SECTION 22, NORTHWEST 1/4 NORTHWEST 1/4 SECTION 27, AND NORTH 1/2 NORTHEAST 1/4 SECTION 28, ALL IN TOWNSHIP 7 SOUTH, RANGE 87 WEST)**

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: BAR64004957

12. EASEMENT AND RIGHT OF WAY AS GRANTED TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY BY SAMUEL A. GRANGE AND AGNES M. GRANGE IN DOCUMENT RECORDED JULY 15, 1968 IN BOOK 213 AT PAGE [78](#).
13. RESTRICTIVE COVENANTS WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW AS CONTAINED IN INSTRUMENT RECORDED APRIL 14, 1981, IN BOOK 321 AT PAGE [619](#) AND AMENDED APRIL 14, 1981 IN BOOK 321 AT PAGE [620](#) AND APRIL 2, 1984 IN BOOK 381 AT PAGE [959](#) AND FIRST SUPPLEMENTAL DECLARATION RECORDED APRIL 29, 1991 IN BOOK 552 AT PAGE [830](#).

NOTE: TECHNICAL AMENDMENT TO DECLARATION RECORDED MARCH 20, 2008 UNDER RECEPTION NO. [200805880](#) AND AS AMENDED IN INSTRUMENT RECORDED MAY 9, 2008 UNDER RECEPTION NO. [200809844](#).

14. EASEMENT GRANTED TO HOLY CROSS ELECTRIC ASSOCIATION, INC. BY BASALT MOUNTAIN ASSOCIATES, RECORDED JULY 23, 1981 IN BOOK 326 AT PAGE [532](#).
15. TERMS, CONDITIONS AND PROVISIONS OF WATER USE AGREEMENT RECORDED DECEMBER 21, 1981 IN BOOK 333 AT PAGE [752](#).
16. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS OF AGREEMENT FOR OFF SITE SUBDIVISION IMPROVEMENTS RECORDED AUGUST 15, 1983 IN BOOK 365 AT PAGE [921](#) AND SUBDIVISION IMPROVEMENTS AGREEMENT RECORDED AUGUST 15, 1983 IN BOOK 365 AT PAGE [920](#).
17. EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS, RESERVATIONS AND NOTES AS SHOWN ON THE PLAT OF ASPEN, MOUNTAIN VIEW SECOND FILING RECORDED AUGUST 15, 1983 IN BOOK 365 AT PAGE [922](#).
18. TERMS, CONDITIONS AND PROVISIONS OF SUBDIVISION AND OFF-SITE IMPROVEMENTS AGREEMENT RECORDED OCTOBER 02, 1990 IN BOOK 539 AT PAGE [283](#) AND AMENDED THERETO RECORDED JANUARY 29, 1991 IN BOOK 546 AT PAGE [756](#), AND SECOND AMENDMENT THERETO RECORDED NOVEMBER 20, 1992 IN BOOK 594 AT PAGE [908](#) AND PARTIAL RELEASE OF COLLATERAL RECORDED JANUARY 4, 1994, IN BOOK 629 AT PAGE [223](#) AND AMENDMENT THERETO RECORDED SEPTEMBER 14, 1994, IN BOOK 649 AT PAGE [920](#).
19. TERMS AND CONDITIONS OF THE WATER USE AGREEMENT BETWEEN DON WITT AND ASPEN MOUNTAIN VIEW LTD. RECORDED DECEMBER 21, 1981 IN BOOK 333 AT PAGE [752](#).
20. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN RESOLUTION NO. 97-83 OF THE BOARD OF COUNTY COMMISSIONERS OF EAGLE COUNTY RECORDED NOVEMBER 10, 1997 AS RECEPTION NO. [639078](#).
21. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN RESOLUTION NO. 98-79 OF THE BOARD OF COUNTY COMMISSIONERS OF EAGLE COUNTY RECORDED JUNE 19, 1998 AS RECEPTION NO. [660047](#).

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: BAR64004957

22. TERMS, CONDITIONS AND PROVISIONS OF FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE RECORDED JULY 10, 1998 UNDER RECEPTION NO. [662386](#).
23. TERMS, CONDITIONS AND PROVISIONS OF SUBDIVISION AND OFF-SITE IMPROVEMENTS AGREEMENT RECORDED SEPTEMBER 11, 1998 UNDER RECEPTION NO. [669114](#).
PARTIAL RELEASE OF COLLATERAL RECORDED MAY 6, 1999 UNDER RECEPTION NO. [694980](#).
24. TERMS, CONDITIONS AND PROVISIONS OF DEED OF CONSERVATION EASEMENT RECORDED SEPTEMBER 11, 1998 AT RECEPTION NO. [669115](#).
25. EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS, RESERVATIONS, NOTES AND BUILDING ENVELOPE AS SHOWN OR RESERVED ON THE PLAT OF SOPRIS MESA SUBDIVISION RECORDED SEPTEMBER 11, 1998 RECEPTION NO. [669116](#).
26. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN INSTRUMENT RECORDED APRIL 24, 2008 AS RECEPTION NO. [200808763](#).
27. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF STOCK OWNERSHIP IN THE MISSOURI HEIGHTS MOUNTAIN MEADOW IRRIGATION COMPANY RECORDED MAY 24, 2021 AS RECEPTION NO. [202112197](#).
28. MATTERS DISCLOSED ON IMPROVEMENT SURVEY PLAT ISSUED BY SGM CERTIFIED MAY 05, 2021, JOB NO. 2021-298.001, OUR ESI [39449855](#).



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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DEED OF CONSERVATION EASEMENT

This Deed of Conservation Easement is made and entered into this 10 day of July, 1998 by and between EAGLE RANCH LAND, INC., a Florida Corporation (Grantor) and ASPEN VALLEY LAND TRUST (Grantee).

RECITALS

A. Grantor is the owner in fee simple of the real property more particularly described on Exhibit A attached hereto and incorporated herein by this reference (Property).

B. The Property consists of what is commonly referred to as the Central Ranch of Aspen, Mountain View and is subject to a number of provisions of the Master Declaration of Protective Covenants for the Residential Areas of Aspen, Mountain View, as recorded April 14, 1981 in the records of Eagle County, Colorado, at Book 321, Page 619.

C. In total the Property is a tract of approximately 101.18 acres. The Property is presently a working ranch and equestrian facility. Approximately 80.63 acres of the Property consists of unimproved irrigated hay fields or dry land pasture and it exists in an open, agricultural/ranching condition. Said 80.63 acres shall hereafter be referred to as the Agricultural Parcel and the legal description for the Agricultural Parcel is set forth on Exhibit B attached hereto and incorporated herein by this reference.

The remaining approximately 20.54 acres of the Property shall hereafter be referred to as the Ranch Headquarters Parcel and the legal description for the Ranch Headquarters Parcel is also set forth on Exhibit B. The principal improvements that have been made to the Property are all upon the Ranch Headquarters Parcel and consists primarily of one single family residence and an equestrian facility, together with barns, arenas and other related accessory structures.

The entire Property, consisting of both the Agricultural Parcel and the Ranch Headquarters Parcel, has significant scenic, open space, wildlife and esthetic values.

D. Grantor desires and intends to preserve and maintain the scenic, open space, wildlife, conservation, agricultural and esthetic qualities and values of the Property, while allowing certain uses consistent therewith to be made of the Property, by encumbering the same with a Conservation Easement for the use and benefit of the Grantee pursuant to the provisions of C.R.S. 38-30.5-101, *et. seq.*

E. All of the Property shall be subject to this Conservation Easement; provided, however that except as provided in paragraph 6 hereof, there are no restrictions in this Conservation Easement on the improvements that can be made upon or the uses that can be made of the Ranch Headquarters Parcel.

F. Grantee is a charitable organization exempt from taxation under section 501 (c)(3) of the Internal Revenue Code of 1986, created at least two years prior to the grant of this

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Conservation Easement, and is a "qualified conservation organization" as defined by the Internal Revenue Code of 1986.

CONVEYANCE

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and pursuant to C.R.S. 38-30.5-101, *et. seq.* Grantor hereby conveys to the Grantee a Conservation Easement in Gross (hereinafter the "Easement") consisting of the rights hereinafter described and subject to the rights hereinafter reserved over and across the Property. The Grantee hereby agrees to be bound by the terms and conditions of this Easement.

1. Purpose. It is the purpose of this Easement to preserve and protect in perpetuity the scenic, open space, wildlife and esthetic values of the Property while allowing the continued agricultural/ranching/equestrian uses of the Property and the limited improvement of the Property as hereinafter described.

2. Affirmative Rights Conveyed. The affirmative rights conveyed by this Easement to the Grantee are the following:

- a. To protect in perpetuity the scenic, open space, wildlife, conservation, agricultural and esthetic features and values of the Property.
- b. To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided, that such entry shall be upon at least twenty-four (24) hours' notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quite enjoyment of the Property; and
- c. To enjoin, or to take any other action that is reasonable or necessary in order to prevent, any activity on, or use of, the Property which is prohibited by, or is inconsistent with, this Easement.

3. Rights Retained by Grantor. The Grantor, for the benefit of itself, its heirs, successors, and assigns, retains all of the customary rights of ownership of the Property not hereby granted to the Grantee, including, but not limited to, the present right to the access and use of the Property for all purposes not inconsistent with or prohibited by this Easement or other binding restrictions. The Grantor retains the rights it presently has to control access to the Property; provided, however, that the Grantee and its agents shall have the right of ingress and egress described in paragraph 2(b) above for the purpose of insuring compliance with the terms of this Easement. Upon any sale of the Property, the Grantor shall provide Grantee with written notice of such conveyance and the name, address and telephone number of the transferee.

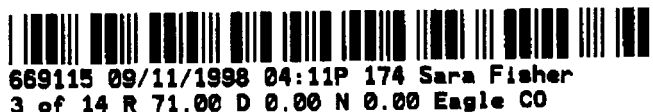


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4. Prohibited Uses and Practices Upon the Agricultural Parcel. The following uses and practices are inconsistent with the purposes of this Easement and shall be prohibited upon or within the Agricultural Parcel:

- a. *Construction of Buildings and Other Structures*. The construction or reconstruction of any building or other structure or improvement.
- b. *Fences*. The construction of fences, except that Grantor may repair or replace existing fences, and may construct new fences for purposes of reasonable and customary management of livestock and wildlife and for delineation of trails as authorized hereby.
- c. *Subdivision*. The Agricultural Parcel shall not be divided or subdivided in any way from the Ranch Headquarters Parcel, nor shall the Agricultural Parcel be internally divided or subdivided, whether by physical or legal process, or otherwise.
- d. *Tree Removal*. The removal, destruction or cutting of native vegetation or timber except for (i) the cutting of dead timber which is appropriate for fire control or (ii) such cutting of vegetation or timber as is necessary for the construction or maintenance of trails as authorized hereby.
- e. *Mining*. The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel, or any other mineral substance.
- f. *Hunting*. Hunting with any type of weapons or the discharge of firearms.
- g. *Trash*. The storage, dumping or any other deposit of refuse, garbage, or other unsightly or offensive material.
- h. *Commercial or Industrial Activity*. The conduct of any business, commercial or industrial enterprise on the Agricultural Parcel, except for the conduct of agricultural/ranching/equestrian operations.
- i. *Fires*. Campfires, picnic fires or fires for any purpose except for controlled and attended fires required for maintenance of the Agricultural Parcel, including ditches.
- j. *Other Activities*. Any other activities which may endanger, disturb or adversely impact the open space, scenic and esthetic qualities of the Property except as permitted in this Conservation Easement.

5. Permitted Uses of the Agricultural Parcel. The Grantor intends that in the future the Agricultural Parcel shall be used as an agricultural/ranching operation, and attendant uses, shall be

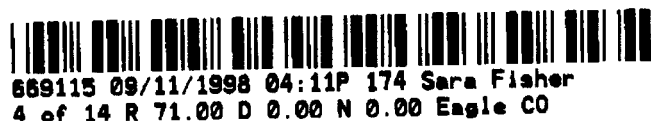


available for limited recreational use by the public on trails specifically designated therefor, and to the extent consistent therewith, shall preserve the existing wildlife, open space, scenic and esthetic values of the Agricultural Parcel. The following uses, though not an exhaustive recital of permitted uses, are therefore permitted under this Easement to the extent that they are permitted under any covenants to which the Property is subject:

- a. *Agricultural/Ranching Uses.* The conduct of agricultural/ranching operations on the Agricultural Parcel is specifically allowed, including the repair and improvement of ditches, pipelines, wells and other features of an irrigation system.
- b. *Utilities.* The construction and operation of underground utility systems, including, without limitation, water wells, water storage tanks, sanitary sewer lines, septic tanks and leach fields, and other underground utility systems.
- c. *Trails.* The establishment and maintenance of trails limited to equestrian, pedestrian, bicycle and cross country skiing use. Such trails may be available to the public, or limited to the Grantor, its guests or invitees, all as shall be designated by Grantor. Furthermore, such trails may be in their present location upon the Agricultural Parcel, or may be relocated, expanded, or newly constructed upon the Agricultural Parcel at locations to be determined by Grantor and upon notice to Grantee.
- d. *Other Uses.* Such other nonmotorized recreational uses or activities which may be authorized by Grantor, and which do not either interfere with the agricultural/ranching/equestrian uses of the Agricultural Parcel or harm the wildlife, open space, scenic and esthetic values of the Agricultural Parcel.

6. Uses of the Ranch Headquarters Parcel. It is the intention of the Grantor that the Ranch Headquarters Parcel shall remain and be allowed to serve as the residential, commercial and business headquarters of the agricultural/ranching/equestrian uses made of and upon the Property. As such, there shall be no restrictions upon the improvements which can be constructed upon or the uses that can be made of the Ranch Headquarters Parcel, except for the following:

- a. *Limitation of Residential Uses Upon the Ranch Headquarters Parcel.* The ability to construct residential dwellings and other residential structures upon the Ranch Headquarters Parcel shall be limited to the construction and reconstruction of any residential dwelling, structure or other improvement which exists on the Ranch Headquarters Parcel as of the date hereof, at its approximate existing location, together with the right to construct one (1) additional single family residence at any location within the Ranch Headquarters Parcel, and other structures and uses typically accessory to residential uses. The construction, maintenance and reconstruction of barns, stables, facilities for boarding and training horses, training and riding arenas, a jumping course, and other facilities and out-buildings normally



attendant to an agricultural/ranch/equestrian facility are specifically allowed within the Ranch Headquarters Parcel.

- b. *Subdivision.* The Ranch Headquarters Parcel shall not be divided or subdivided in any way from the Agricultural Parcel, nor shall the Ranch Headquarters Parcel be internally divided or subdivided, whether by physical or legal process, or otherwise.
- c. *Zoning.* All uses made of the Ranch Headquarters Parcel shall be consistent with the existing zoning of the Ranch Headquarters Parcel and no zone change shall be requested or obtained without the prior written consent of Grantee.

7. Preservation of Water Rights. Grantor, its heirs, successors and assigns shall retain and reserve the right to use water rights historically used upon and appurtenant to the Property to maintain the agricultural/ranching uses of the Property, and shall not transfer, encumber, lease, sell, or otherwise sever such water rights from title to the Property itself.

8. Enforcement Rights of Grantee.

a. In the event of a violation of any term, condition, covenant or restriction contained in this Easement, which remains uncured after thirty (30) days prior notice of the violation, the Grantee may institute legal proceedings to enjoin by temporary or permanent injunction such violation, or to claim damages for breach of any covenant, or may take such other action as it deems necessary to insure compliance with the terms, conditions, covenants and purposes of this Easement; however, any failure to so act by the Grantee shall not be deemed to be a waiver or a forfeiture of the right to enforce any term, condition, covenant or purpose of this Easement in the future. In any case where a violation has occurred, the party found to be in violation shall reimburse the other party for the latter costs, including reasonable attorneys' fees, involved in stopping or correcting the violation.

b. The Grantor intends that should any prohibited activity be undertaken on the Property which has a material adverse effect on the purposes of this Easement, the Grantee shall have the right to cause the restoration of that portion of the Property affected by such activity to the condition that existed prior to the undertaking of such prohibited activity. In such case, the cost of restoration shall be borne by the Grantor or its successors or assigns. Nothing contained herein should be construed to preclude the Grantor, its successors or assigns from exhausting legal remedies in determining whether the activity to which the Grantee has objected has such a material adverse effect.

c. Nothing contained in this Easement shall be construed to entitle the Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond the control of Grantor or its successors including, but

not limited to, fire, flood, storm, and earth movement (unless such fire, flood, or earth movement is caused by the intentional or negligent acts or failures to act by Grantor or its successors) or from any prudent or good faith action taken by the Grantor, its successors or assigns under emergency conditions to prevent, abate or mitigate injury to the Property resulting from such causes.

9. Taxes and Assessments. The Grantor agrees to pay any and all real property taxes and assessments levied by competent authority on the Property, including any tax or assessment on the Easement herein granted. Grantee shall have the right, but not the obligation, to enforce this obligation to pay taxes and assessments against the Grantor and its successors.

10. No Public Access. Nothing contained herein shall be construed as affording the public access to any portion of the Property except for those portions of the Property which are specifically designated by Grantor, its successors or assigns, as public trails for equestrian, pedestrian, bicycle and cross country skiing use. Except for such specifically designated trails, public access to the Property is hereby expressly prohibited, and the Grantor, its successors and assigns, shall have the right to enforce such prohibition by all lawful means.

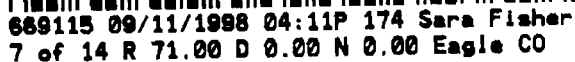
11. Assignment by Grantee. The Grantee may, without the consent of the Grantors, assign this Conservation Easement to any charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which organization was created at least two years prior to the receipt by it of this Easement, provided that (a) in the judgment of the Grantee, the assignee organization has the ability, experience, interest and resources to carry out the conservation objectives expressed in this Easement, and (b) the assignee organization agrees in writing to abide by and to carry out the intentions of the Grantor and the Grantee as expressed in this Easement.

In the unlikely event that the Grantee corporation should be voluntarily or involuntarily dissolved without having assigned this Easement as above provided, all of the Grantee's right, title and interest in and to this Easement shall be deemed automatically transferred and assigned to the County of Eagle, State of Colorado. The County, in turn, shall be obligated promptly to assign the Easement to a charitable organization which meets the requirements set forth above in this Paragraph 11.

12. Amendment. The Grantor and the Grantee recognize that circumstances may arise under which an amendment to or modification of this Easement would be appropriate. Accordingly, the Grantor or its successors and the Grantee may jointly amend this Easement without prior notice to any party, provided that no amendment shall be allowed that will affect the qualification of this Easement under C.R.S. Section 38-30.5-101, *et. seq.*, and any amendment shall be consistent with the purpose of this Easement, and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of Eagle County, Colorado.

13. Grant in Perpetuity. This Easement shall be a burden upon and shall run with the Property in perpetuity.

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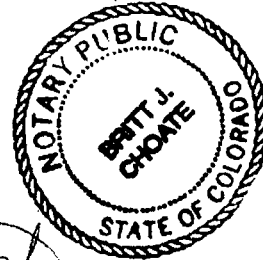


STATE OF COLORADO)
COUNTY OF Garfield) ss

The above and foregoing document was acknowledged before me this 10th day of July, 1998, by Reid Haughey as Executive Director for Aspen Valley Land Trust.

Witness my hand and official seal.

My commission expires: 818 Colorado Avenue
Glenwood Springs, CO 81601
My address is: My Commission expires April 28, 2001



Brett J. Choate
Notary Public



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EXHIBIT "A"

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

A parcel of land located in Sections 21, 22, 27, and 28, Township 7 South, Range 87 West of the Sixth Principal Meridian in the County of Eagle, State of Colorado according to the Independent Resurvey of said Township and Range as approved by the Office of the U.S. Supervisor of Surveys on November 15, 1930. Said parcel being part of the "Future Development" as shown on the Aspen, Mountain View, Second Filing as on file in the Eagle County Clerk and Records office in Book 365 at Page 822. Bearings for this description being based on a bearing of South 50° 52' 18" West between the Northeast corner of Parcel A as shown hereon, a number five rebar with a 1 1/2 inch aluminum cap found marked "P.L.S. 20695", and the Southeast Corner of the North one-half of the Northeast one-quarter of said section 28, a number five rebar with an illegible plastic cap found. Said Parcel B being more particularly described as follows:

Commencing at the Northeast corner of Lot 1 of the Meadows, Aspen Mountain View, Second Filing, the Point of Beginning;
 thence leaving said lot 1, North 00° 17' 45" East 515.17 feet;
 thence North 60° 12' 10" East 80.86 feet;
 thence 698.92 feet along the arc of a curve to the left, having a radius of 470.00 feet and a central angle of 85° 12' 10", the chord of which bears North 17° 36' 05" East 536.28 feet;
 thence North 25° 00' 00" West 80.00 feet;
 thence North 63° 20' 45" West 104.52 feet;
 thence North 02° 20' 04" West 94.40 feet;
 thence North 24° 18' 22" East 67.42 feet;
 thence North 26° 48' 04" East 40.26 feet;
 thence South 71° 14' 04" East 54.22 feet;
 thence South 86° 54' 51" East 116.14 feet;
 thence South 82° 55' 41" East 55.15 feet;
 thence North 74° 44' 27" East 72.74 feet;
 thence North 63° 14' 22" East 68.75 feet;
 thence North 85° 36' 53" East 30.08 feet;
 thence South 60° 39' 43" East 48.51 feet;
 thence South 42° 38' 51" East 81.62 feet;
 thence South 87° 47' 30" East 104.24 feet;
 thence North 54° 34' 51" East 58.48 feet;
 thence North 76° 22' 09" East 114.50 feet;
 thence South 73° 09' 09" East 77.35 feet;
 thence South 70° 17' 03" East 54.34 feet;
 thence North 60° 03' 36" East 421.05 feet to a point on the north line of a 15 foot easement trail easement as plotted in said Aspen, Mountain View, Second Filing;
 thence South 73° 18' 03" East 208.81 feet along said north easement line;
 thence leaving said easement, South 80° 00' 00" East 512.58 feet to a point on the westerly line of Lot 16 of said Aspen, Mountain View, Second Filing;
 thence the following six courses along said Lot 16:
 thence South 10° 00' 00" West 488.41 feet;
 thence South 67° 43' 08" East 218.48 feet to a number five rebar with a 1 1/2 inch aluminum cap found marked "L.S. 11204";
 thence North 05° 00' 00" East 240.00 feet;
 thence North 21° 30' 00" East 175.00 feet to a number five rebar with a 1 1/2 inch aluminum cap found marked "L.S. 11204";
 thence North 24° 08' 28" East 144.30 feet to a number five rebar with a 1 1/2 inch aluminum cap found marked "L.S. 11204";
 thence North 18° 30' 31" East 141.61 feet to a number five rebar with a 1 1/2 inch aluminum cap found marked "L.S. 11204";
 thence leaving said Lot 16, South 00° 54' 36" West 276.17 feet;
 thence South 65° 23' 11" East 89.19 feet to the northeast corner of said Table Acres Number 2 Assented, a number five rebar with a 1 1/2 inch aluminum cap marked "L.S. 11204";

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thence the following seven courses along the westerly line of said Red
 Table Acres Number 2;
 thence South 08° 54' 07" West 328.41 feet to a number five rebar with a
 1 1/2 inch aluminum cap found marked "L.S. 10386 Mangrove";
 thence South 00° 54' 57" West 285.78 feet to a number five rebar with a
 1 1/2 inch aluminum cap found marked "L.S. 10386 Mangrove";
 thence South 04° 13' 34" East 23.30 feet to a number five rebar with a 1
 1/2 inch aluminum cap found marked "L.S. 10386 Mangrove";
 thence South 23° 48' 19" East 181.19 feet;
 thence South 00° 05' 58" West 789.21 feet;
 thence South 31° 57' 43" East 13.77 feet;
 thence South 12° 58' 58" West 333.28 feet to a point on the northerly
 Right of Way line of Funder Lane as shown on said Aspen, Mountain
 View, Second Filing;
 thence, leaving Red Table Acres Number 2, along said Right of Way
 line, 150.90 feet along the arc of a curve to the right, having a
 radius of 479.21 feet and a central angle of 18° 02' 33", the chord of
 which bears South 87° 33' 30" West 150.28 feet;
 thence along said Right of Way line 178.71 feet along the arc of a
 curve to the left having a radius of 389.29 feet and a central angle
 of 28° 29' 54", the chord of which bears South 82° 20' 08" West 176.67
 feet;
 thence leaving said Right of Way line, North 88° 09' 20" West 406.39
 feet to a point on said Right of Way line;
 thence the following three courses along said Right of Way line:
 thence North 75° 13' 17" West 38.80 feet;
 thence 188.96 feet along the arc of a curve to the left having a
 radius of 588.47 feet and a central angle of 14° 30' 12", the chord of
 which bears North 82° 28' 23" West 188.56 feet;
 thence North 88° 43' 29" West 881.40 feet to the Southeastern corner of
 said Lot 1;
 thence, leaving said Right of Way line, the following nine courses
 along said Lot 1:
 thence North 27° 01' 34" West 89.84 feet to a number five rebar with a 1
 1/2 inch aluminum cap found marked "L.S. 11204";
 thence North 33° 52' 52" West 79.62 feet;
 thence North 08° 36' 14" West 107.33 feet to a number five rebar with a
 1 1/2 inch aluminum cap found marked "L.S. 11204";
 thence North 70° 06' 42" West 34.83 feet;
 thence North 70° 17' 53" West 144.66 feet to a number five rebar with a
 1 1/2 inch aluminum cap found marked "L.S. 11204";
 thence North 63° 02' 27" West 383.67 feet;
 thence North 63° 13' 14" West 152.67 feet;
 thence North 81° 18' 09" West 186.19 feet;
 thence South 74° 34' 50" West 274.11 feet to the Point of Beginning.

Said parcel contains 101.18 acres more or less.



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EXHIBIT B

LEGAL DESCRIPTION AGRICULTURAL PARCEL.

A PARCEL OF LAND LOCATED IN SECTIONS 21, 22, 27 AND 28, TOWNSHIP 7 SOUTH, RANGE 87 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE COUNTY OF EAGLE, STATE OF COLORADO ACCORDING TO THE INDEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE AS APPROVED BY THE OFFICE OF THE U.S. SUPERVISOR OF SURVEYS ON NOVEMBER 15, 1930. SAID PARCEL BEING PART OF THE "FUTURE DEVELOPMENT" AS SHOWN ON THE ASPEN, MOUNTAIN VIEW, SECOND FILING AS ON FILE IN THE EAGLE COUNTY CLERK AND RECORDERS OFFICE IN BOOK 365 AT PAGE 922. BEARINGS FOR THIS DESCRIPTION BEING BASED ON A BEARING OF S 50° 52' 18" W BETWEEN THE NORTHEASTERLY CORNER OF PARCEL A AS SHOWN HEREON, A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "P.L.S. 20695", AND THE SOUTHWEST CORNER OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 28, A NUMBER FIVE REBAR WITH AN ILLEGIBLE PLASTIC CAP FOUND. SAID PARCEL B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF THE MEADOWS, ASPEN MOUNTAIN VIEW, SECOND FILING, THE POINT OF BEGINNING; THENCE, LEAVING SAID LOT 1, N 00° 17' 45" E 516.17 FEET; THENCE N 60° 12' 10" E 80.86 FEET; THENCE 698.92 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 470.00 FEET AND A CENTRAL ANGLE OF 85° 12' 10", THE CHORD OF WHICH BEARS N 17° 36' 05" E 636.28 FEET; THENCE N 25° 00' 00" W 80.00 FEET; THENCE N 63° 20' 46" E 106.52 FEET; THENCE N 02° 20' 04" W 94.40 FEET; THENCE N 24° 18' 22" E 67.42 FEET; THENCE N 26° 48' 04" E 40.26 FEET; THENCE S 71° 14' 04" E 54.22 FEET; THENCE S 86° 54' 51" E 116.14 FEET; THENCE S 82° 55' 41" E 55.19 FEET; THENCE N 74° 44' 27" E 72.74 FEET; THENCE N 63° 14' 22" E 48.75 FEET; THENCE N 85° 36' 52" E 30.09 FEET; THENCE S 60° 39' 42" E 48.51 FEET; THENCE S 42° 38' 51" E 81.62 FEET; THENCE S 87° 47' 30" E 104.24 FEET; THENCE N 64° 34' 51" E 58.48 FEET; THENCE N 76° 22' 09" E 114.50 FEET; THENCE S 73° 09' 09" E 77.35 FEET; THENCE S 70° 17' 02" E 54.34 FEET; THENCE N 60° 03' 39" E 421.05 FEET TO A POINT ON THE NORTH LINE OF A 15 FOOT EQUESTRIAN TRAIL EASEMENT AS PLATTED IN SAID ASPEN, MOUNTAIN VIEW, SECOND FILING; THENCE S 73° 18' 03" E 208.81 FEET ALONG SAID NORTH EASEMENT LINE; THENCE, LEAVING SAID EASEMENT, S 80° 00' 00" E 512.58 FEET TO A POINT ON THE WESTERLY LINE OF LOT 16 OF SAID ASPEN, MOUNTAIN VIEW, SECOND FILING; THENCE THE FOLLOWING SIX COURSES ALONG SAID LOT 16:

- 1) THENCE S 10° 00' 00" W 488.41 FEET;
- 2) THENCE S 67° 43' 09" E 218.45 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";
- 3) THENCE N 05° 00' 00" E 340.00 FEET;



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PAGE NO. 2
AGRICULTURAL PARCEL

4) THENCE N 21°%d30'00" E 175.00 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

5) THENCE N 24°%d06'26" E 146.30 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

6) THENCE N 18°%d30'53" E 141.61 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204"; THENCE, LEAVING SAID LOT 16, S 00°%d54'36" W 276.17 FEET; THENCE S 65°%d33'11" E 59.19 FEET TO THE NORTHWEST CORNER OF RED TABLE ACRES NUMBER 2 AMENDED, A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "L.S. 11204"; THENCE THE FOLLOWING FIVE COURSES ALONG THE WESTERLY LINE OF SAID RED TABLE ACRES NUMBER 2:

1) THENCE S 09°%d54'07" W 328.41 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 10386 MUSGRAVE";

2) THENCE S 00°%d54'57" W 255.78 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 10386 MUSGRAVE";

3) THENCE S 04°%d13'34" E 23.30 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 10386 MUSGRAVE";

4) THENCE S 23°%d45'19" E 181.18 FEET;

5) THENCE S 00°%d05'58" W 106.38 FEET; THENCE LEAVING SAID WESTERLY LINE N 75°%d25'13" W 320.94 FEET; THENCE S 64°%d48'58" W 308.43 FEET; THENCE S 26°%d42'22" W 104.09 FEET; THENCE S 56°%d57'19" W 275.23 FEET; THENCE S 11°%d03'46" E 189.43 FEET; THENCE N 89°%d38'00" W 300.00 FEET; THENCE S 01°%d50'40" W 275.37 FEET; THENCE S 88°%d45'54" E 265.52 FEET; THENCE S 15°%d56'28" E 268.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF FENDER LANE; THENCE THE FOLLOWING THREE COURSES ALONG SAID RIGHT OF WAY LINE:

1) THENCE N 75°%d13'17" W 38.90 FEET;

2) THENCE 148.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 588.47 FEET AND A CENTRAL ANGLE OF 14°%d30'12". THE CHORD OF WHICH BEARS N 82°%d28'23" W 148.56 FEET;

3) THENCE N 89°%d43'29" W 591.40 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 1; THENCE, LEAVING SAID RIGHT OF WAY LINE, THE FOLLOWING NINE COURSES ALONG SAID LOT 1:

1) THENCE N 27°%d01'34" W 59.84 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

2) THENCE N 33°%d52'32" E 75.62 FEET;

3) THENCE N 08°%d36'14" W 107.33 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

4) THENCE N 70°%d06'42" W 36.83 FEET;

5) THENCE N 70°%d17'53" W 144.66 FEET TO A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "L.S. 11204";

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PAGE NO. 3
AGRICULTURAL PARCEL

- 6) THENCE N 63°02'27" W 383.67 FEET;
- 7) THENCE N 63°13'14" W 152.67 FEET;
- 8) THENCE N 81°18'09" W 185.19 FEET;
- 9) THENCE S 74°34'50" W 274.11 FEET TO THE POINT OF BEGINNING.

SAID PARCEL B-1 CONTAINS 80.638 ACRES, MORE OR LESS.



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LEGAL DESCRIPTION
RANCH HEADQUARTERS PARCEL

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 87 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE COUNTY OF EAGLE, STATE OF COLORADO ACCORDING TO THE INDEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE AS APPROVED BY THE OFFICE OF THE U.S. SUPERVISOR OF SURVEYS ON NOVEMBER 15, 1930. SAID PARCEL BEING PART OF THE "FUTURE DEVELOPMENT" AS SHOWN ON THE ASPEN, MOUNTAIN VIEW, SECOND FILING AS ON FILE IN THE EAGLE COUNTY CLERK AND RECORDERS OFFICE IN BOOK 365 AT PAGE 922. BEARINGS FOR THIS DESCRIPTION BEING BASED ON A BEARING OF S 50° 52' 18" W BETWEEN THE NORTHEASTERLY CORNER OF PARCEL A AS SHOWN HEREON, A NUMBER FIVE REBAR WITH A 1 1/2 INCH ALUMINUM CAP FOUND MARKED "P.L.S. 20695", AND THE SOUTHWEST CORNER OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 28, A NUMBER FIVE REBAR WITH AN ILLEGIBLE PLASTIC CAP FOUND. SAID PARCEL B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF THE MEADOWS, ASPEN MOUNTAIN VIEW, SECOND FILING, THE POINT OF BEGINNING; THENCE, LEAVING SAID LOT 1, N 79° 21' 26" E 2721.25 FEET TO A POINT ON THE WESTERLY LINE OF RED TABLE ACRES NO. 2; THENCE THE FOLLOWING THREE COURSES ALONG THE WESTERLY LINE OF SAID RED TABLE ACRES NUMBER 2:

- 1) THENCE S 00° 05' 58" W 662.83 FEET;
- 2) THENCE S 31° 57' 43" E 13.77 FEET;
- 3) THENCE S 12° 59' 58" W 333.28 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FENDER LANE AS SHOWN ON SAID ASPEN, MOUNTAIN VIEW, SECOND FILING; THENCE, LEAVING RED TABLE ACRES NUMBER 2, ALONG SAID RIGHT OF WAY LINE, 150.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 479.21 FEET AND A CENTRAL ANGLE OF 18° 02' 33", THE CHORD OF WHICH BEARS S 87° 33' 50" W 150.28 FEET; THENCE, ALONG SAID RIGHT OF WAY LINE, 178.71 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 359.29 FEET AND A CENTRAL ANGLE OF 28° 29' 54", THE CHORD OF WHICH BEARS S 82° 20' 09" W 176.87 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE N 88° 09' 20" W 406.59 FEET TO A POINT ON SAID RIGHT OF WAY LINE; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 15° 56' 28" E 268.00 FEET; THENCE N 88° 45' 54" W 265.52 FEET; THENCE N 01° 50' 40" E 275.37 FEET; THENCE S 89° 38' 00" E 300.00 FEET; THENCE N 11° 03' 48" W 189.43 FEET; THENCE N 56° 57' 19" E 275.23 FEET; THENCE N 26° 42' 22" E 104.09 FEET; THENCE N 64° 48' 58" E 308.43 FEET; THENCE S 75° 25' 13" E 320.94 FEET TO THE POINT OF BEGINNING.

SAID PARCEL B CONTAINS 20.542 ACRES, MORE OR LESS.


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Baseline Documentation Report



***Central Ranch Conservation Easement
El Jebel, Colorado
May 24, 2006***

WEST·ELKS·CONSULTING

DAWN BARTON · *Field Biologist*

Baseline Documentation Report for a Conservation Easement

Prepared for:

**Mr. Jay McGarvey
2453 South Third Street
Jacksonville, FL 32250**

May 24, 2006



ACKNOWLEDGEMENTS

THE DATA AND EXPLANATORY TEXT, PHOTOGRAPHS AND MAPS ASSEMBLED IN THIS BASELINE DOCUMENTATION IS AGREED BY BOTH PARTIES HERETO TO PROVIDE AN ACCURATE REPRESENTATION OF THE SUBJECT TRACT AT THE TIME OF THIS GRANT OF THE CONSERVATION EASEMENT, AND THE PARTIES ACKNOWLEDGE THAT THIS BASELINE DOCUMENTATION SERVES AS AN OBJECTIVE INFORMATION BASELINE FOR MONITORING COMPLIANCE WITH THE CONSERVATION EASEMENT.

GRANTOR: _____ **DATE:** _____

Mr. Jay McGarvey
Eagle Ranch Land, Inc.
2453 South Third Street
Jacksonville, FL 32250

GRANTEE: _____ **DATE:** _____

Martha Cochran, Executive Director
Aspen Valley Land Trust
320 Main Street
Carbondale, CO 81623

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REFERENCES AND QUALIFICATIONS OF PREPARERS

ATTACHMENTS/ FIVE APPENDICES:

- 1. SURVEY AND LEGAL DESCRIPTION**
- 2. VEGETATION REPORT AND INVENTORY**
- 3. WRIS WILDLIFE MAPS**
- 4. MISSOURI HEIGHTS POTENTIAL CONSERVATION AREA**
- 5. PHOTOGRAPHS**

CENTRAL RANCH EL JEBEL, COLORADO

May 24, 2006

BASELINE DOCUMENTATION REPORT FOR A CONSERVATION EASEMENT

This documentation serves as a record of the condition of the encumbered property at the time of conveyance of the conservation easement. The information put forth in this document shall be used as a reference for monitoring compliance with the terms of the conservation easement, and to determine the ongoing condition of the conservation values protected by the easement. Aspen Valley Land Trust (AVLT), located in Carbondale, Colorado, will hold the conservation easement.

GRANTOR INFORMATION:

GRANTOR: Mr. Jay McGarvey
2453 South Third Street
Jacksonville, FL 32250

PROPERTY CONTACT: Mr. Tommy Zordell, Ranch Manager
Phone: 970/963-1624

DATE OF ACQUISITION: July 10, 1998

SUMMARY:

The Central Ranch Conservation Easement (CE) is a 101.18 - acre parcel located north of El Jebel and just east of the Sopris Mesa Subdivision in Eagle County, Colorado. This report describes the biological features and conservation values of the property for the Baseline Documentation Report.

The report describes:

- Five soil types
- 2 plant communities and 24 native plants including the sensitive Harrington's penstemon
- 30 birds, 20 mammals and 6 reptiles which are known or likely to occur on the property
- 4 birds Watchlisted, Sensitive or Species of Concern
- 1 mammal listed as a Sensitive Species
- Important summer and winter range habitats for mule deer and elk
- 5 Conservation Values

PROPERTY INFORMATION AND LOCATION:

COUNTY: Eagle County, Colorado

LOCATION: The CE is located in Sections 22, 22, 27 and 28, Township 7 South, Range 87 West of the 6th P.M. The property is approximately 2 miles north of El Jebel, Colorado off of Fender Lane. Figure 1.

COUNTY ASSESSOR'S PARCEL ID: 239122300006

SIZE: The easement is a 101.18 - acre parcel of land owned by Eagle Ranch Land Inc., Jay McGarvey, 2453 South Third Street, Jacksonville, FL 32250. The conservation easement is comprised of two parcels. The Agricultural Parcel 80.638 acres and the Ranch Headquarters Parcel is 20.542 acres. Appendix 1 gives the legal description and property survey and Figure 2 shows the property boundaries overlaid on the topographic features of the ranch.

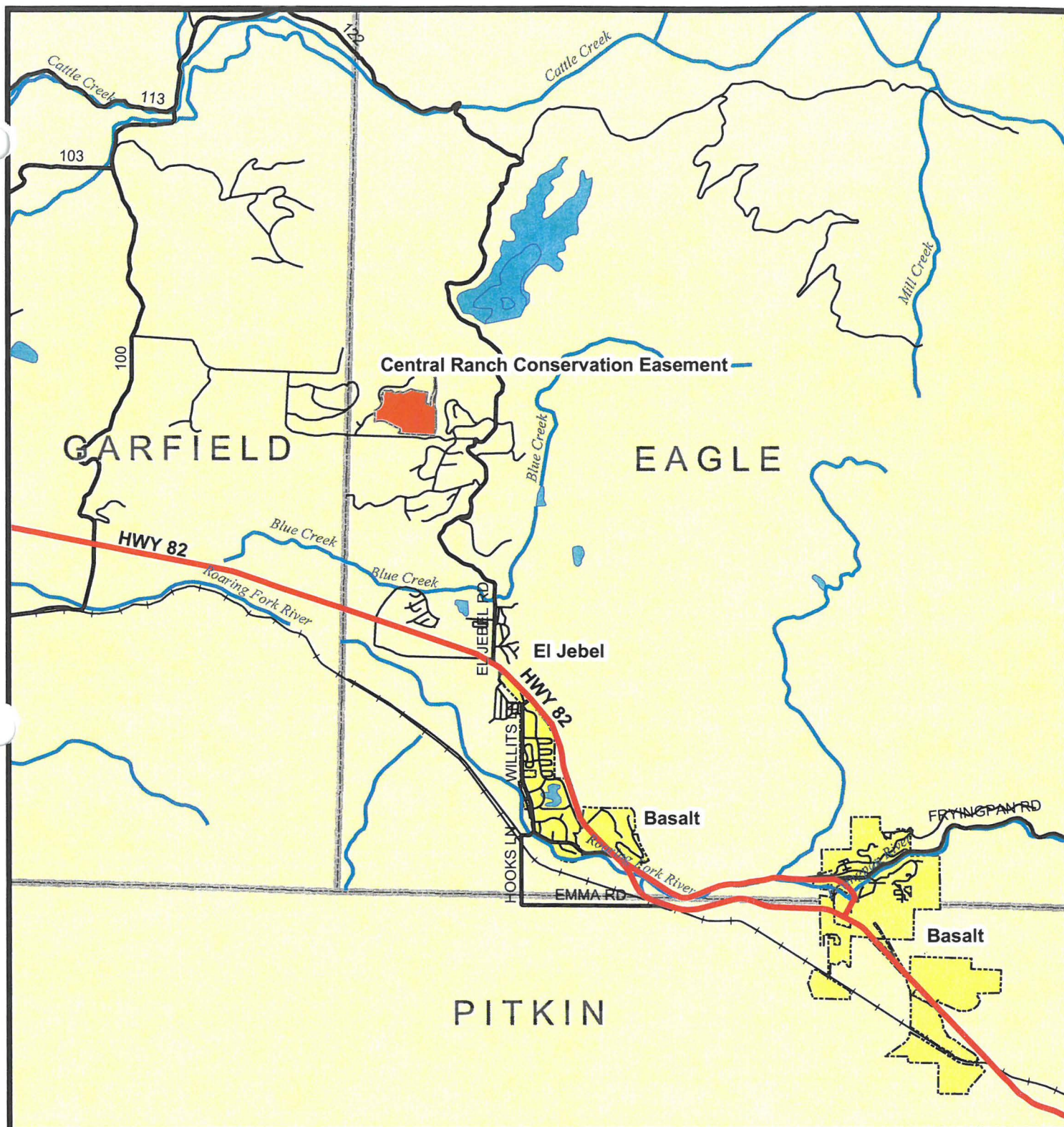
ACCESS: From El Jebel, drive north on El Jebel Road to Fender Lane and turn left. Proceed to the third right, Green Meadow Drive. Turn right. The Agricultural Parcel is located in the center of the pasture that is surrounded by the homesites. The Ranch Headquarters Parcel is the second right off Fender Lane.

CURRENT AND FUTURE USES: The ranch is currently used for ranching, an equestrian facility, open space and a 24-lot residential subdivision. These uses are expected to continue in the future.

ADJACENT LANDS: The Central Ranch CE is bordered by housing subdivisions, including the Sopris Mesa, Kings Row and Red Table Acres subdivisions. The Strang and Hunt Ranches are approximately two miles further west along Fender Lane (County Road 102).

PUBLIC ACCESS: There is no public access permitted on the property except for those portions of the property designated by the Grantor as public trails for equestrian, pedestrian, bicycle and cross county skiing use.

ZONING: The ranch is zoned Agricultural Limited (AL) as defined in Article 3 of Section 3.210 of the 2005 Land Use Regulations of Eagle County, Colorado. This zone district is intended to maintain the rural character of areas outside of the County's towns, community centers, rural centers, and resorts, while allowing for some appropriate residential development. This is accomplished by permitting development of single-family dwelling units on relatively larger lots of five acres or more, or by encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas and by maintaining the remainder of the property as common open space or agricultural land.



Legend

- Highway
- Feeder Collector Roads
- Local Roads
- Rivers
- + + Railroads
- City
- Central Ranch Conservation Easement

Central Ranch Conservation Easement

Site Location

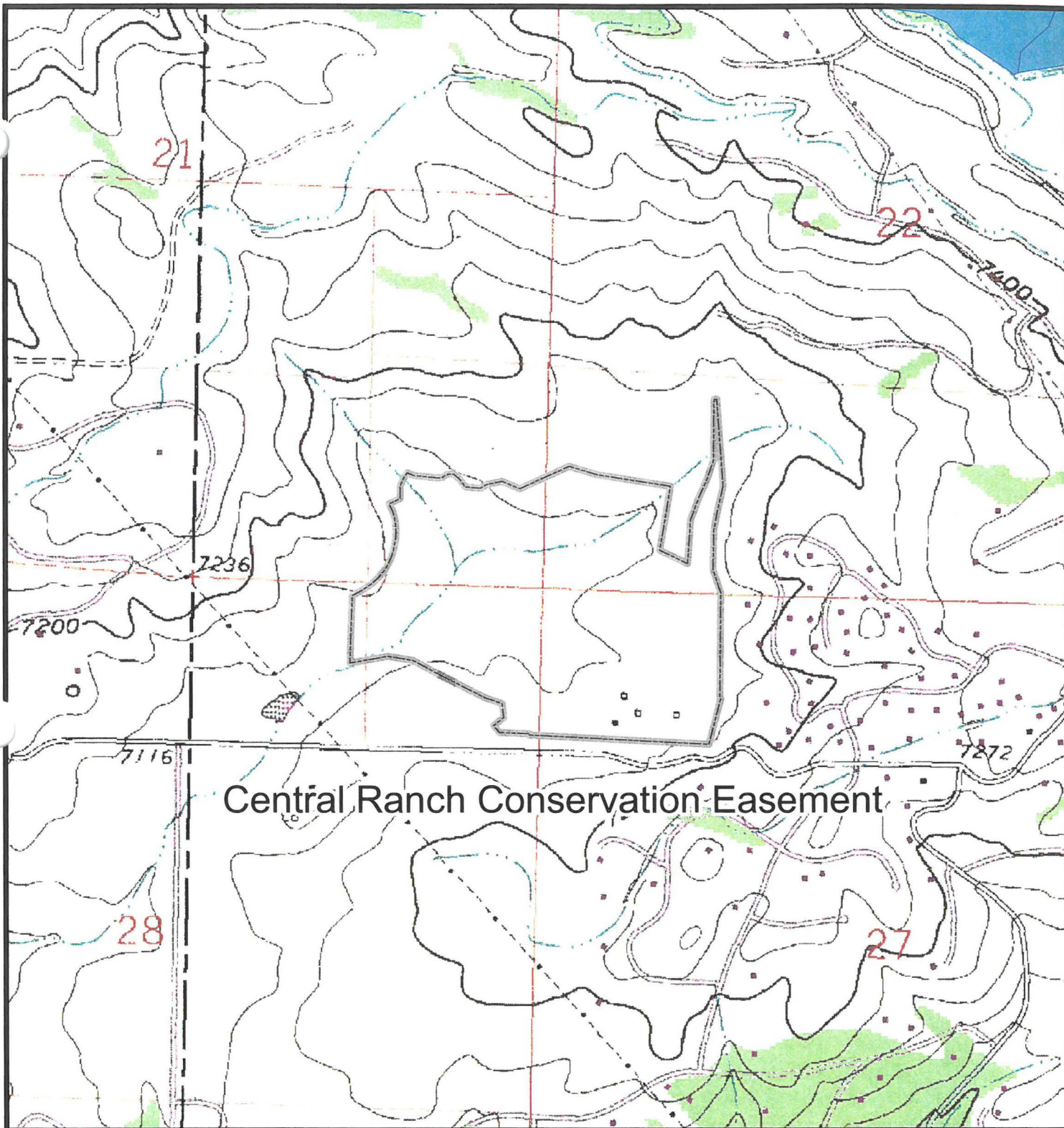
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Data from CDOT
November, 2003

Figure 1



West Elks Consulting
Carbondale, Colorado



Legend

 Central Ranch Conservation Easement

Contour Interval = 40'

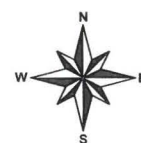
Central Ranch Conservation Easement

Topographic Map

1:12,000

Data from USGS, 1987

Figure 2



0 0.1 0.2 0.3 0.4
Miles

West Elks Consulting
Carbondale, Colorado

HISTORY: Eagle Ranch Land Inc. has owned the property since 1997 when it subdivided this former cattle and haying ranch into 24 lots and a conservation easement. The ranch was commonly referred to as Central Ranch of Aspen, Mountain View.

ENCUMBRANCES: The Deed of Conservation Easement outlines a number of encumbrances having to do with allowed and disallowed uses in Sections 4., 5., 6., and 7. having to do with ranch uses, utilities, trails, use of the Ranch Headquarters Parcel, fences and hunting.

PROPERTY DESCRIPTION:

ELEVATION: 7120'

ASPECT: The majority of the CE is flat and centered around a topographical low point that drains to the southwest.

MAN-MADE IMPROVEMENTS: Approximately 80.63 acres in the Agricultural Parcel consists of unimproved irrigated hay fields or dry land pasture which exists in an open agricultural/ranching condition. The 20.54- acre Ranch Headquarters Parcel consists of one single family residence and an equestrian facility, barns, arenas and other related accessory structures. This property has been used historically for agricultural purposes and contains characteristic ranching improvements such as fencing, irrigation and dirt ranch roads.

Using the land for ranching called for the removal of much of the native vegetation on the easement to make way for grazing and hay pastures. Many weeds have developed in the disturbed areas.



Man-made improvements on the Central Ranch CE.

TOPOGRAPHY: The majority of the CE is a flat pasture centered on a topographical low point that drains slightly to the southwest (Figures 2 and 3).

SOILS: Figure 4 shows five types of soils on the CE: Tridell-Brownsto stony sandy loam on a 12 - 50% slope, Forelle-Brownsto complex on a 6 - 25% slope, Almy loam on a 1 - 12% slope, Morval loam on a 6 - 25% slope, and Showalter-Morval complex on a 15 - 25% slope.

HYDROLOGY: There are no mapped wetlands, riparian areas, or ditches in the conservation easement parcel.

MINERAL RIGHTS: Section 4. e *Mining* states that no mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel, or any other mineral substance is permitted.

CULTURAL RESOURCES: No cultural survey was conducted.

WATER RIGHTS: There are no water rights attached to the conservation easement. not so
pertain to wells dug on the ranch for the two home sites.

METHODOLOGY:

Preparation of this report is based upon a combination of site visits, relevant document research and conversations with the landowners, AVLTT staff, wildlife and land use professionals. A site visit was conducted in October 2005 to determine biological features, inventory plant and animal species, photograph the property, survey its general character, and evaluate the condition of the land.

Reports reviewed for their applicability to this property include: Colorado Division of Wildlife (CDOW) Wildlife Resource Information System (WRIS) maps; Natural Diversity Information System (NDIS) data; Colorado Natural Heritage Program (CNHP) lists of sensitive species; USDA Natural Resources Conservation Service (NRCS) Soils Reports; and the 2005 Eagle County Land Use Regulations. Determination of conservation values was based on the above research and the author's current and previous work in the area during the past 15 years.

BIOLOGICAL FEATURES:

The following section describes plant and wildlife features of the property, including species, habitats, and their significance.

Research and site visits conducted for the property reveal that it supports a notable level of biological diversity:

- Two plant communities
- At least 24 native species of plants, including one sensitive species

- 30 species of birds, four of which are sensitive species
- 20 species of mammals, one of which is ranked as sensitive by the U.S. Forest Service, and eleven reptiles, two which are sensitive species
- WRIS mapped habitats for 5 wildlife species.

Vegetation and Plant Communities

The vegetation found on the site is typical of the Foothills zone of western Colorado. The Foothills zone in the Southern Rockies ranges in elevation from 6,000 to 8,000 feet. A vegetative report is found in Appendix 2 and identifies two dominant plant communities (Figure 5). The majority of the property is agricultural. A small section on the eastern and southern boundaries is sagebrush shrub lands.

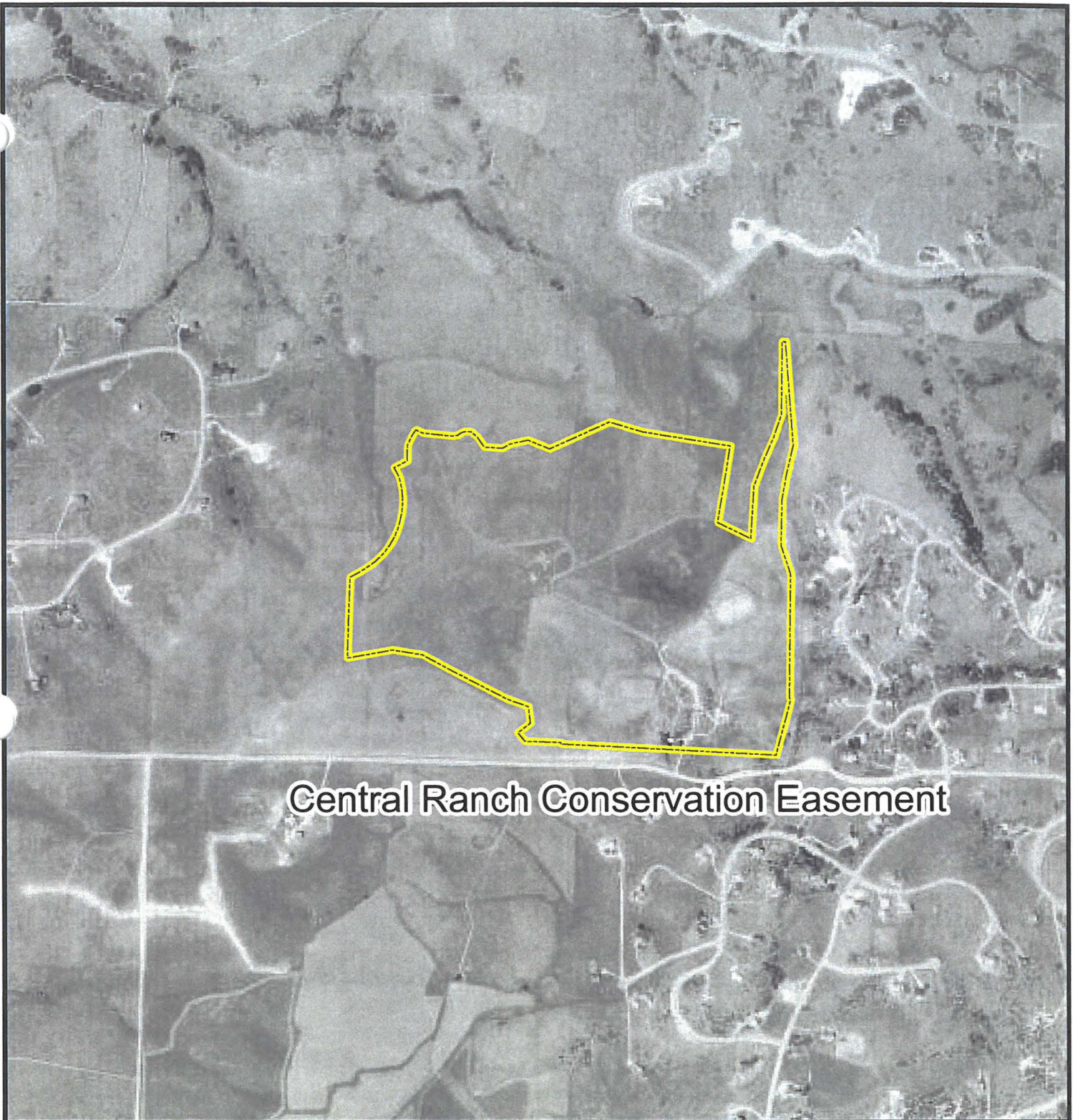


Characteristic vegetation of the CE.

Plant inventories conducted during site visits in October 2005 identified 24 native plants and 30 non-native forbs and grasses. Some of the non-native plants identified are listed as noxious weeds by the Colorado Weed Management Act. That a majority of the plants found on the CE are non-native grasses or weeds is a result of heavy agricultural use that required removal of the native vegetation. The current conservation easement on the property may provide the inspiration to persevere in the battle against weeds.



Weedy species on the CE



Central Ranch Conservation Easement

Central Ranch Conservation Easement
Aerial Photo Map

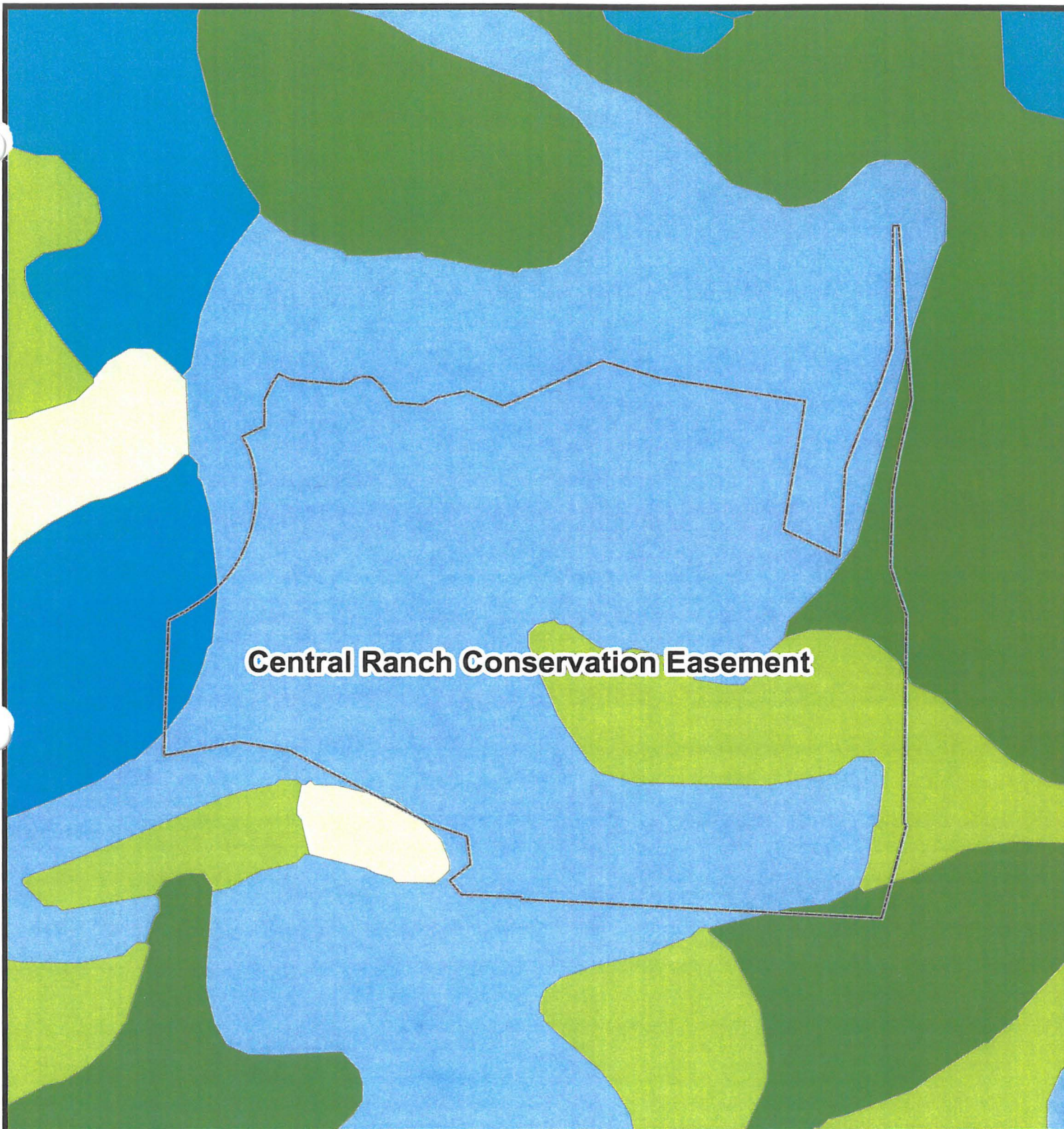
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Data from CDOT,
Photo from USGS

Figure 3



West Elks Consulting
Carbondale, Colorado



Central Ranch Conservation Easement Soils Map

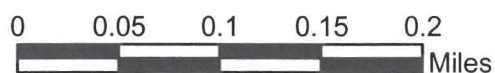
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Data from CDOT
and NRCS

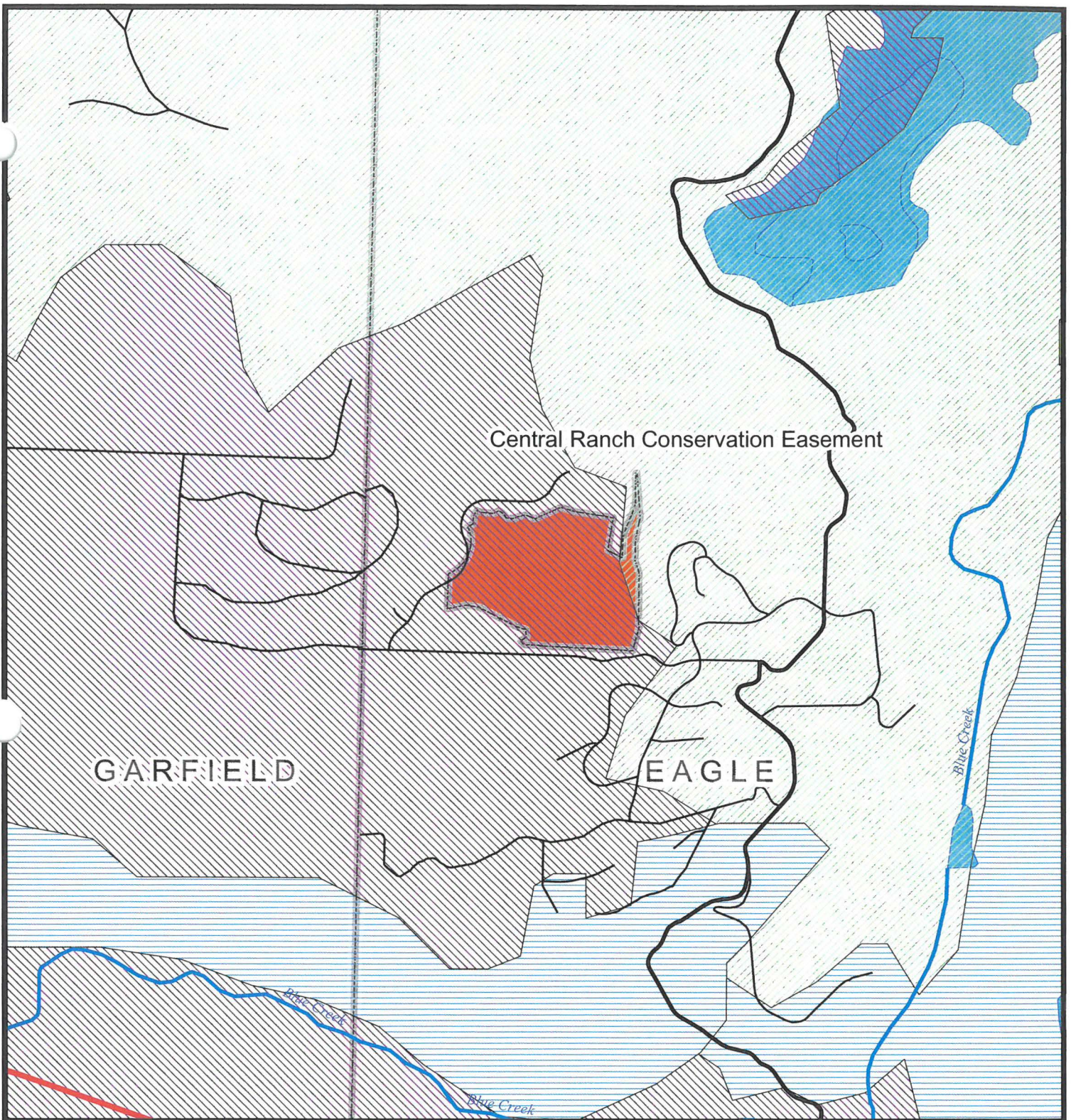
Figure 4

Legend

- Tridell-Brownsto Stony Sandy Loam, 12-50% Slope
- Forelle-Brownsto Complex, 6-12% Slope
- Forelle-Brownsto Complex, 12-25%
- Almy Loam, 1-12% Slope
- Morval Loam, 6-25% Slope
- Showalter-Morval Complex, 15-25% Slope







West Elks Consulting
Carbondale, Colorado



Legend

Primary Vegetation

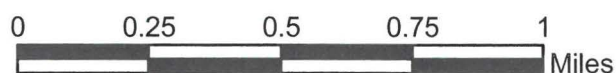
-  Agricultural - Subdivision
-  Big Sagebrush
-  Pinyon Pine - Juniper
-  Central Ranch Conservation Easement

Central Ranch Conservation Easement Vegetation Map

1:24,000

Data from CDOT
and NDIS

Figure 5



West Elks Consulting
Carbondale, Colorado

None of the plants or plant communities inventoried is ranked as sensitive, threatened or endangered except for the Harrington's penstemon which is ranked as sensitive by the U.S. Forest Service.

Wildlife

The following section describes the wildlife known or likely to occur within the two plant communities on the conservation easement parcel.

Birds



Lazuli bunting

The 30 bird species listed below breed, nest, forage or winter on the easement parcel. Table 1 lists the most common birds of the grassland/cropland and sagebrush habitats.

Table 1. Birds of Grassland/Cropland/Rural Areas and Sagebrush Habitats

Common Name	Latin Name	Sensitive Species
Blackbird, brewer's	<i>Euphagus cyanocephalus</i>	
Blackbird, red-winged	<i>Agelaius phoeniceus</i>	
Bluebird, mountain	<i>Sialia currucoides</i>	
Bunting, lazuli	<i>Passerina amoenia</i>	*
Cowbird, brown-headed	<i>Molothrus ater</i>	
Crow, American	<i>Corvus brachyrhynchos</i>	
Dove, mourning	<i>Zenaidura macroura</i>	
Dove, rock	<i>Columba livia</i>	
Eagle, golden	<i>Aquila chrysaetos</i>	
Grackle, common	<i>Quiscalus quiscula</i>	
Hawk, Cooper's	<i>Accipiter cooperii</i>	
Hawk, redtailed	<i>Buteo jamaicensis</i>	
Kestrel, American	<i>Falco sparverius</i>	*
Killdeer	<i>Charadrius vociferous</i>	
Kingbird, western	<i>Tyrannus verticalis</i>	
Magpie, black-billed	<i>Pica pica</i>	

Meadowlark, western	<i>Sturnella neglecta</i>	
Oriole, bullock's	<i>Icterus bullockii</i>	
Owl, great-horned	<i>Bubo virginianus</i>	
Phoebe, Say's	<i>Sayornis saya</i>	
Robin, American	<i>Turdus migratorius</i>	
Sparrow, brewer's	<i>Spizella breweri</i>	*
Sparrow, house	<i>Passer domesticus</i>	
Sparrow, lark	<i>Chondestes grammacus</i>	
Sparrow, vesper	<i>Pooecetes gramineus</i>	
Starling, European	<i>Sturnus vulgaris</i>	
Swallow, barn	<i>Hirundo rustica</i>	
Turkey	<i>Meleagris gallopavo</i>	
Thrasher, sage	<i>Oreoscoptes montanus</i>	
Towhee, green-tailed	<i>Pipilo chlorurus</i>	*

Two species that potentially occur on the Central Ranch CE are Watchlisted by the Colorado Bird Observatory because of concern over their declining numbers. Additionally, one bird is listed as "Concern" by the Office of Migratory Bird Management (Brewer's Sparrow).

Mammals/Reptiles

Table 2 lists the twenty mammal species that were known or likely to occur within the sagebrush plant communities on the CE. The conversion of most of the native plant communities to hayfields and grazing pastures on the CE has shifted the species abundance and use of the land. Species that can live underground to avoid the agricultural activities such as mice and squirrels will increase as will those that can tolerate continual human presence such as raccoons and porcupines. Additionally, species such as fox and coyote that can swiftly escape will also increase. Deer and elk, often seen grazing on the land during the winter, are plentiful, taking advantage of more readily available forage.



Table 2. Mammal species of Grassland/Cropland/Rural Areas and Sagebrush Habitats

Common Name	Latin Name	Sensitive Species
Bear, black	<i>Ursus americanus</i>	
Bobcat	<i>Lynx rufus</i>	
Chipmunk, least	<i>Tamias minimus</i>	
Cottontail, Nuttall's	<i>Sylvilagus nuttalli</i>	
Coyote	<i>Canis latrans</i>	
Deer, mule	<i>Odocoileus hemionus</i>	
Elk	<i>Cervus elaphus</i>	
Fox, red	<i>Vulpes vulpes</i>	
Mountain lion	<i>Felis concolor</i>	
Mouse, deer	<i>Peromyscus maniculatus</i>	
Mouse, house	<i>Mus musculus</i>	
Mouse, western harvest	<i>Reithrodontomys megalotis</i>	
Porcupine	<i>Erethizon dormatum</i>	
Raccoon, western Colorado	<i>Procyon lotor pallidus</i>	
Shrew, dwarf	<i>Sorex nanus</i>	*
Skunk, striped	<i>Mephitis mephitis</i>	
Squirrel, golden-mantled ground	<i>Spermophilus lateralis</i>	
Squirrel, rock	<i>Spermophilus variegates</i>	
Squirrel, Wyoming ground	<i>Spermophilus elegans</i>	
Weasel, long-tailed	<i>Mustela frenata</i>	

Of the twenty species listed in Table 2, one is listed as Sensitive by the U. S. Forest Service Rocky Mountain Region 2 (Dwarf shrew).

Reptiles



Prairie lizard

Table 3 lists the six reptile species that occur in agricultural and sagebrush habitats in Eagle County.

Table 3. Reptiles Species of Grassland/Cropland/Rural Areas and Sagebrush Habitats

Common Name	Latin Name	Sensitive Species
Lizard, sagebrush	<i>Sceloporus graciosus</i>	
Lizard, prairie	<i>Sceloporus undulates</i>	
Rattlesnake, western	<i>Crotalus viridis</i>	
Snake, gopher	<i>Pituophis catenifer</i>	
Snake, smooth green	<i>Liophorophis vernalis</i>	
Snake, western terrestrial garter	<i>Thamnophis elegans</i>	

Significant Wildlife Use of the Property:

The CDOW Wildlife Resource Information System (WRIS) maps delineate important habitats that should be avoided or considered by land use planners, public land agencies, developers, and private landowners in land use decisions. The WRIS maps describe 23 species and 64 habitat types with the information displayed in digital Geographic Information System (GIS) file format.

The Central Ranch CE has WRIS mapped habitats for five species: black bear, mountain lion, mule deer, elk, and turkey. The WRIS maps of these four mammals and one bird are found in Appendix 3. In summary, these species have the following mapped habitats on the CE:

Black bear (*Ursus americanus*) - Suitable habitat occurs throughout the Roaring Fork Valley for black bears. Bears inhabit most of the forested ecosystems in the area, but they are especially fond of areas abundant in nut- or berry-producing vegetation. The availability of these plant species on and adjacent to the conservation easement accounts for the "Overall Range" and "Fall Concentration Area" designations on the WRIS maps. "Fall Concentration Area" is that portion of the overall range occupied from August 15 – September 30 for the purpose of ingesting large quantities of mast and berries to establish fat reserves for winter hibernation.



Black bear cubs

One and a half miles south of the CE around El Jebel is an area designated as "Black Bear/Human Conflict Area". This designation is defined as that portion of the overall Black bear range where two or more confirmed black bear complaints per season were received, which resulted in CDOW investigating damage to property and the removal of problem bears.

The neighboring subdivisions to the CE result in a more densely developed area compared to the Central Ranch CE. When their natural food is scarce, bears are attracted to trash, pet and horse feed, items often plentiful in subdivisions. Maintaining this conservation easement with minimal development will stall additional human/bear conflicts.

Mountain lion (*Felis concolor*) - The entire Central Ranch CE is mapped as overall mountain lion habitat. While found in all forested ecosystems in Colorado, mountain lions prefer rough, rocky terrain of the lower mountains where deer, the key component of their diet, are plentiful. The plentiful deer on the Central Ranch increase the likelihood of mountain lion occurrences on the property. Wide ranging predators, mountain lion activity ranges can cover from 15 to 35 square miles.

Once found throughout this hemisphere, mountain lions now inhabit only 50% of their historic ranges due to habitat loss and over-hunting. Continued preservation of the Central Ranch 101.18 - acre tract will help stall this trend.

Ungulates: Mule deer (*Odocoileus hemionus*) and **Elk** (*Cervus elaphus*) – Summer, winter, and overall range is found on the CE for both species. Additionally, severe winter range and winter concentration areas are found on the ranch for elk.



Mule deer

Field studies revealed moderate use of the property by both mule deer and elk: browsing of under-story plant species, pellet groups, and tracks. In the winter, the relatively lower elevation provides an area of lower snow accumulation thus providing good access to grasses and shrubs for feeding when higher areas are covered in snow.

The Central Ranch CE provides good connectivity to surrounding open space areas. Preservation of this property as open space will aide in the maintenance of a wildlife corridor for migratory ungulates.

Definitions provided by CDOW for WRIS habitats are:

Overall Range	The area which encompasses all known seasonal activity areas within the observed range of a population.
Summer Range	That part of the range of a species where 90% of the individuals are located between spring green-up and the first heavy snowfall, or during a site specific period of summer as defined for each data analysis unit (DAU). Summer range is not necessarily exclusive of winter range; in some areas winter range and summer range may overlap.

Winter Range

That part of the overall range where 90 percent of the individuals are located during the average five winters out of ten from the first heavy snowfall to spring green-up, or during a site specific period of winter as defined for each DAU.

Winter Concentration Area

That part of the winter range where densities are at least 200% greater than the surrounding winter range density during the same period in the average five winters out of ten.

Severe Winter Range

That part of the range of a species where 90% of the individuals are located when the annual snow pack is at its maximum and/or temperatures are at a minimum in the last two most severe winters out of ten.

Wild Turkey (*Meleagris gallopavo*) – The Central Ranch CE contains the oak and sage brush that wild turkeys prefer. According to WRIS documentation, the Central CE is within and surrounded by Overall Range for wild turkey. Turkeys thrive on public lands but intensive grazing can diminish their habitat. The open space comprised in this conservation easement enables the wild turkey to continue use of the area without threat of future development.



Wild turkey

CONSERVATION VALUES:

Described below are the five Conservation Values that the property contains and are worthy of continued preservation. The five values either typify a mountain ecosystem at this elevation or are exceptional or rare features that distinguish the property. The five values fall into two categories: community and biological.

Community Values

Three community values are present on the property, and are preserved by the conservation easement:

1. Agricultural: Approximately 80% of the land is in pastureland historically used for grazing activities. Preservation of this ranch will provide a place for this traditional and community-valued activity to continue as it has since the early 1900's.
2. Scenic Values: Leaving nearly all of the property undeveloped will contribute to the protection of the rural landscape. The Central CE provides views south of Mount Sopris. Maintaining a conservation easement on this property will prevent these views from being compromised.



Scenic views from the Central Ranch CE

3. Open Space Values: This conservation easement protects 101.18 acres of western Colorado landscape by leaving the majority of the land in an undeveloped state. Additionally, two other AVLT conservation easements are nearby. The 182.52-acre Strang Ranch CE is two miles to the west and the 305.25-acre Ranch at Coulter Creek CE is five miles to the north. Placing a conservation easement on this property will add 21% to the number of acres already preserved by conservation easements north of El Jebel for a total of 588.95 acres held by AVLT.

Biological Values

Two Biological Values are present on the property and would be preserved by the conservation easement:

1. Wildlife Values: Important winter and summer range habitats for elk and mule deer; WRIS mapped habitats for three other species; habitat for Watchlisted Birds by the Colorado Bird Observatory because of declining numbers; and habitat for numerous mammals, including a sensitive species.
2. Habitat Connectivity: One of the most outstanding elements of the Central Ranch CE is its potential to connect to other land preserved for wildlife, native plants, or open space in the area. In addition to the Stang and Ranch at Coulter Creek CE's, Central Ranch is saddled in between two areas of public land managed by the Bureau of Land Management (BLM). When taken as a whole with the nearby

Lake Christine State Wildlife Area, and undeveloped or low-density neighboring ranches, the Central Ranch CE will help create a block of habitat with ecological significance north of El Jebel, Colorado. This 101.18 - acre parcel increases the buffer between developments in adjacent lots and safeguards the travel corridors for wildlife traveling back and forth between summer and winter ranges, preserve winter range habitats, protect native plant species, birds, mammals and reptiles.



Photo showing both open space and habitat connectivity values of the CE.

The Central Ranch CE is within a Colorado Natural Heritage Program Potential Conservation Area (PCA). The Missouri Heights PCA (Appendix 4) is a 2079-acre area that contains elements of significant natural heritage. Habitat for Harrington's penstemon (*Penstemon harringtonii*), a sensitive plant found in only a few locations in western Colorado, is within this PCA.

Conclusion:

The abundance of species and wildlife habitats on the Central Ranch parcel identifies natural heritage that is of significant importance, not only to plant and animal communities, but also to the residents of Eagle County, Colorado.

Between 1930 – 1990, the population in Eagle County increased 450%, from 3,924 to 21,928 (State of Colorado Department of Local Affairs 2000). Since 1990, the population has increased another 54% to 34,000 residents. This rapid growth is expected to continue, and by 2025 the population is forecast to grow another 175% to 61,000 (Biological Survey of Eagle County, Colorado).

Eagle County land use regulations provide some measures to preserve open space, sensitive wildlife habitat, and native plant communities to counter the rapid rate of growth, but other tools are needed. Eagle County residents recently passed an Open Space tax, which indicates a willingness to preserve undeveloped lands and holds promise as cost-effective, grassroots means of preserving valued natural landscapes. The

Eagle Valley Land Trust, founded in 1981, currently holds 11 conservation easements for a total of 8900 acres and the Aspen Valley Land Trust currently has 3 conservation easements in Eagle County totaling 282 acres. These are important beginnings for a widespread conservation effort, given the population forecasts for Eagle County.

A combined effort of Eagle County land use regulations, open space programs, visionary private landowners, and financially endowed land trusts will be necessary to meet the challenge of preserving biological diversity in Eagle County. Eagle County's remarkable setting and outstanding biological values deserve protection for future generations. Inspired by visionary residents like Mr. McGarvey, more landowners may be willing to embark on a voluntary path of stewardship.

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Qualifications of the Preparers: West Elks Consulting is a small consulting firm based in Carbondale, Colorado specializing in the management and protection of mountain ecosystems through biological inventories, GIS mapping, monitoring and conservation plans.

Dawn Barton, owner and Field Biologist, holds an M.S. in Environmental Studies and Resource Management from Antioch New England Graduate School and a B.S. in Plant Geography and Biology from Simon Fraser University in British Columbia.

Determination of the conservation values for this report was based on the above research and the author's current and previous work in the area during the past 25 years, including ten years with the U.S Forest Service, six years with the Sierra Club and five years as the Wildlife Specialist for the Town of Snowmass Village. She has owned West Elks Consulting since 2000.

Andrea Sever is a Wildlife Biologist under contract with West Elks Consulting. She has acquired an M.S. and B.S. in Entomology and a B.A. in Communications from Colorado State University. Her education is complemented by seven years of wildlife biological experience gained by working with various government agencies including the U.S. Forest Service in the White River District and the Colorado Department of Transportation as the State Threatened and Endangered Species Biologist. She has also worked extensively with various private consulting firms on wildlife and biological studies region-wide.

APPENDICES

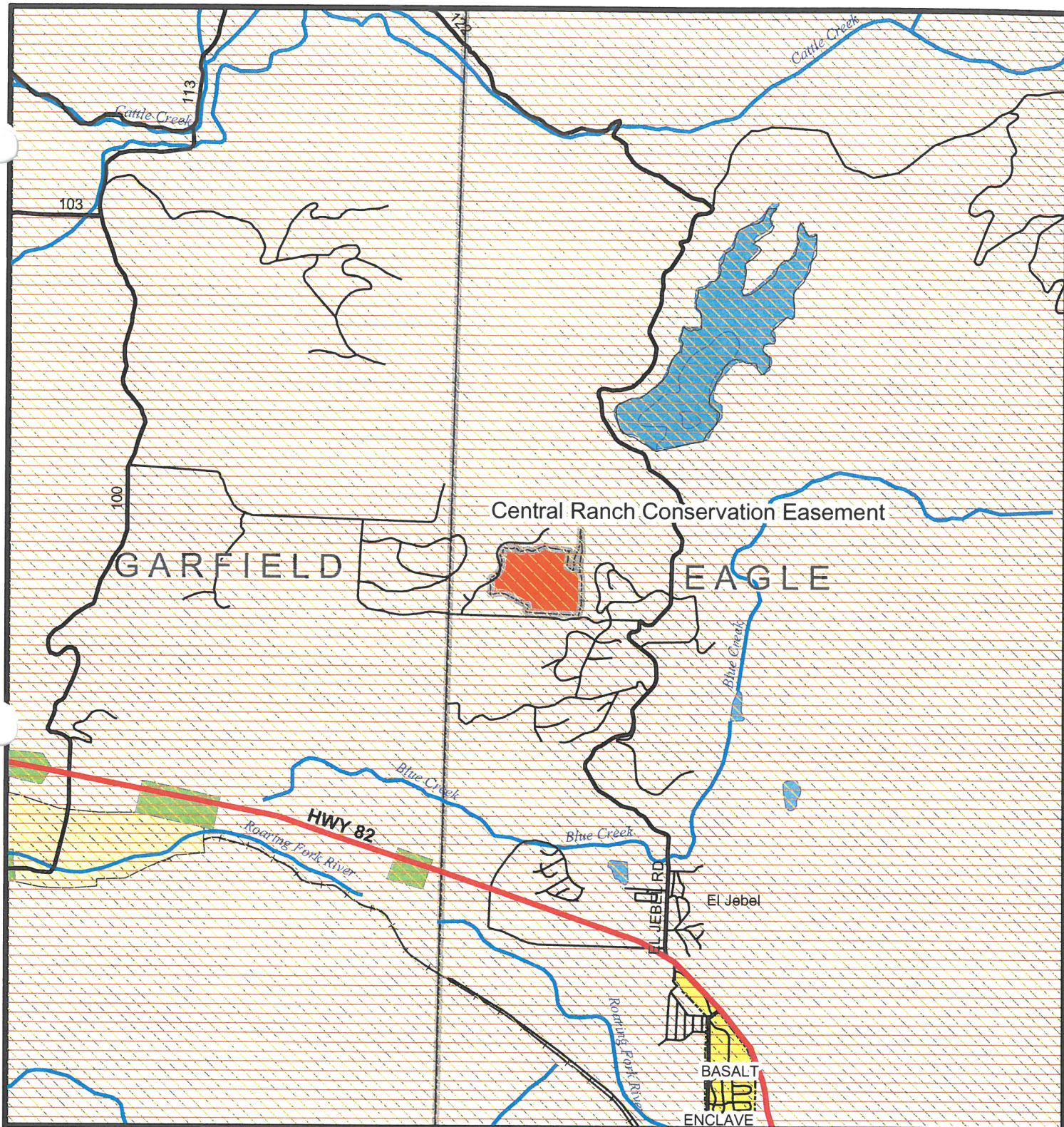
Appendix 1. Survey and Legal Description

Appendix 2. Vegetation Report and Plant Inventory

Appendix 3. WRIS Wildlife Maps

Appendix 4. Missouri Heights Potential Conservation Area

Appendix 5. Photographs



Legend

-  Mule Deer Highway Crossing
-  Mule Deer Resident Population
-  Mule Deer Summer Range
-  Mule Deer Overall Range
-  Central Ranch Conservation Easement

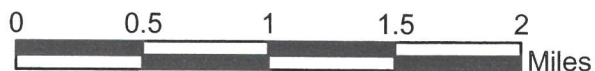
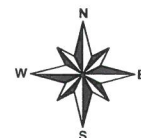
Central Ranch Conservation Easement

Mule Deer Activity Areas:

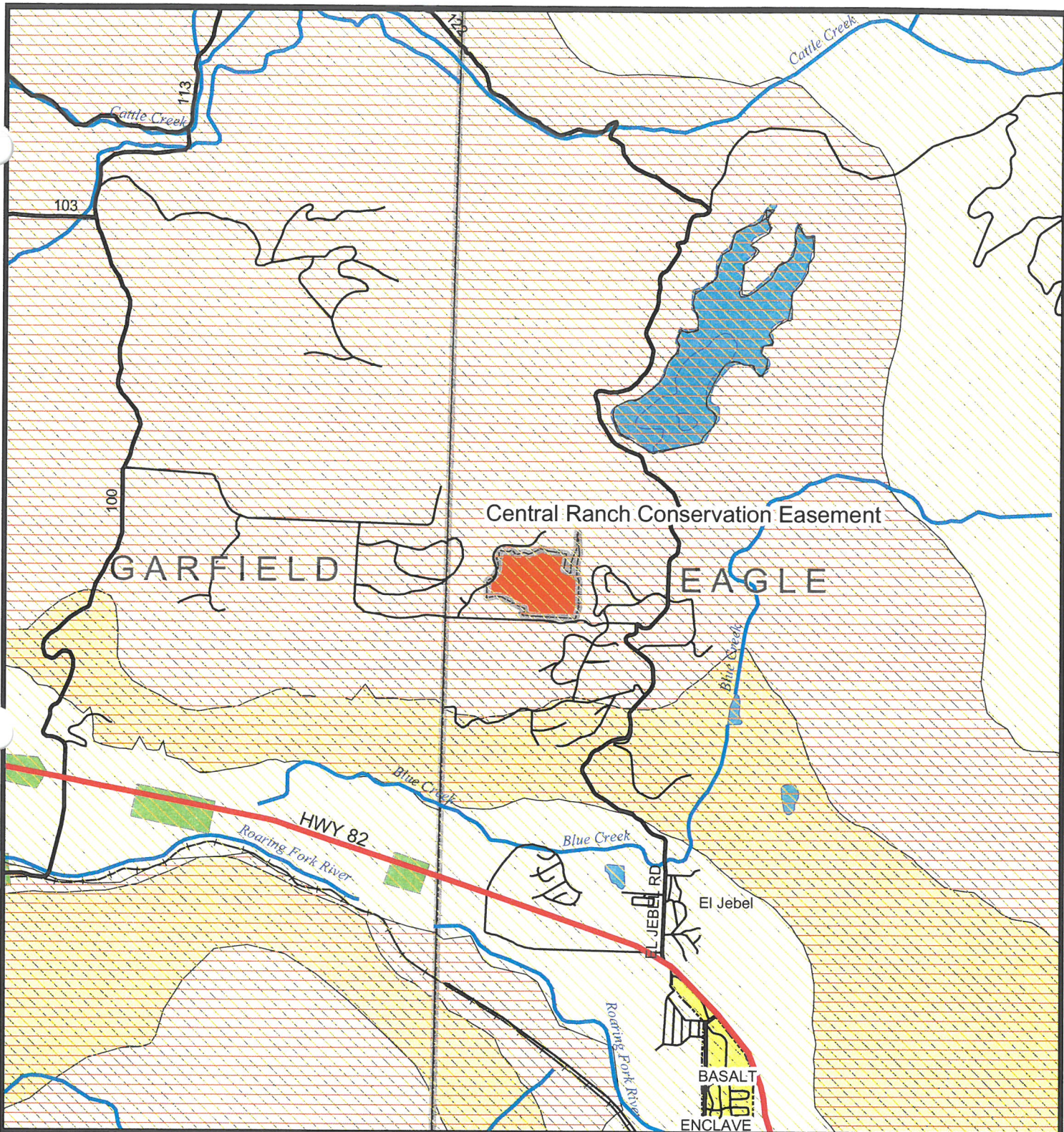
Summer

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Data from CDOT
and NDIS



West Elks Consulting
Carbondale, Colorado



Legend

-  Mule Deer Highway Crossing
-  Mule Deer Winter Concentration
-  Mule Deer Winter Range
-  Mule Deer Overall Range
-  Central Ranch Conservation Easement

Central Ranch Conservation Easement

Mule Deer Activity Areas:

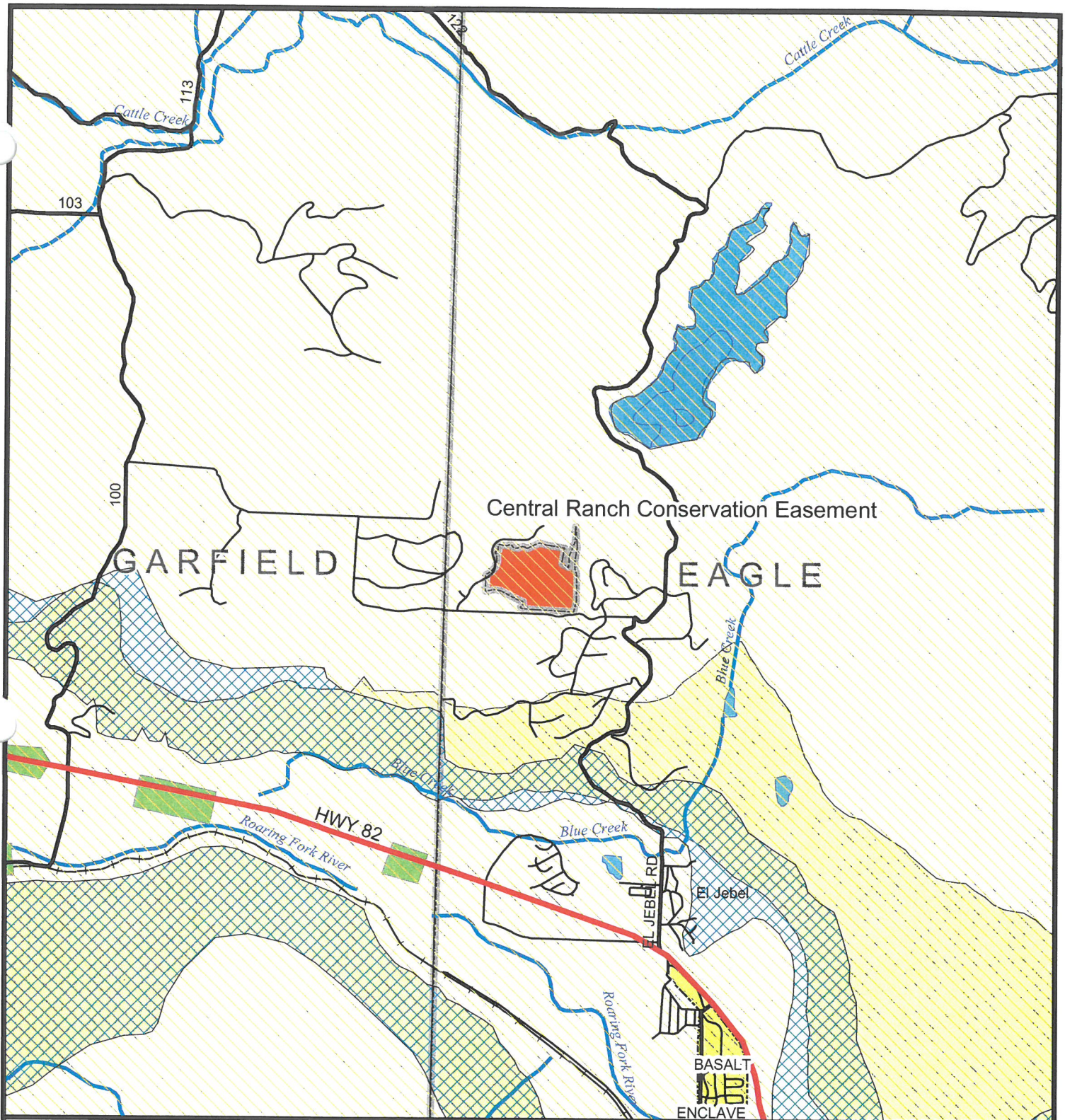
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Data from CDOT
and NDIS



West Elks Consulting
Carbondale, Colorado



Legend

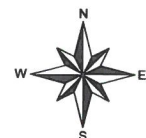
-  Mule Deer Highway Crossing
-  Mule Deer Winter Concentration
-  Mule Deer Severe Winter Range
-  Mule Deer Overall Range
-  Central Ranch Conservation Easement

Central Ranch Conservation Easement

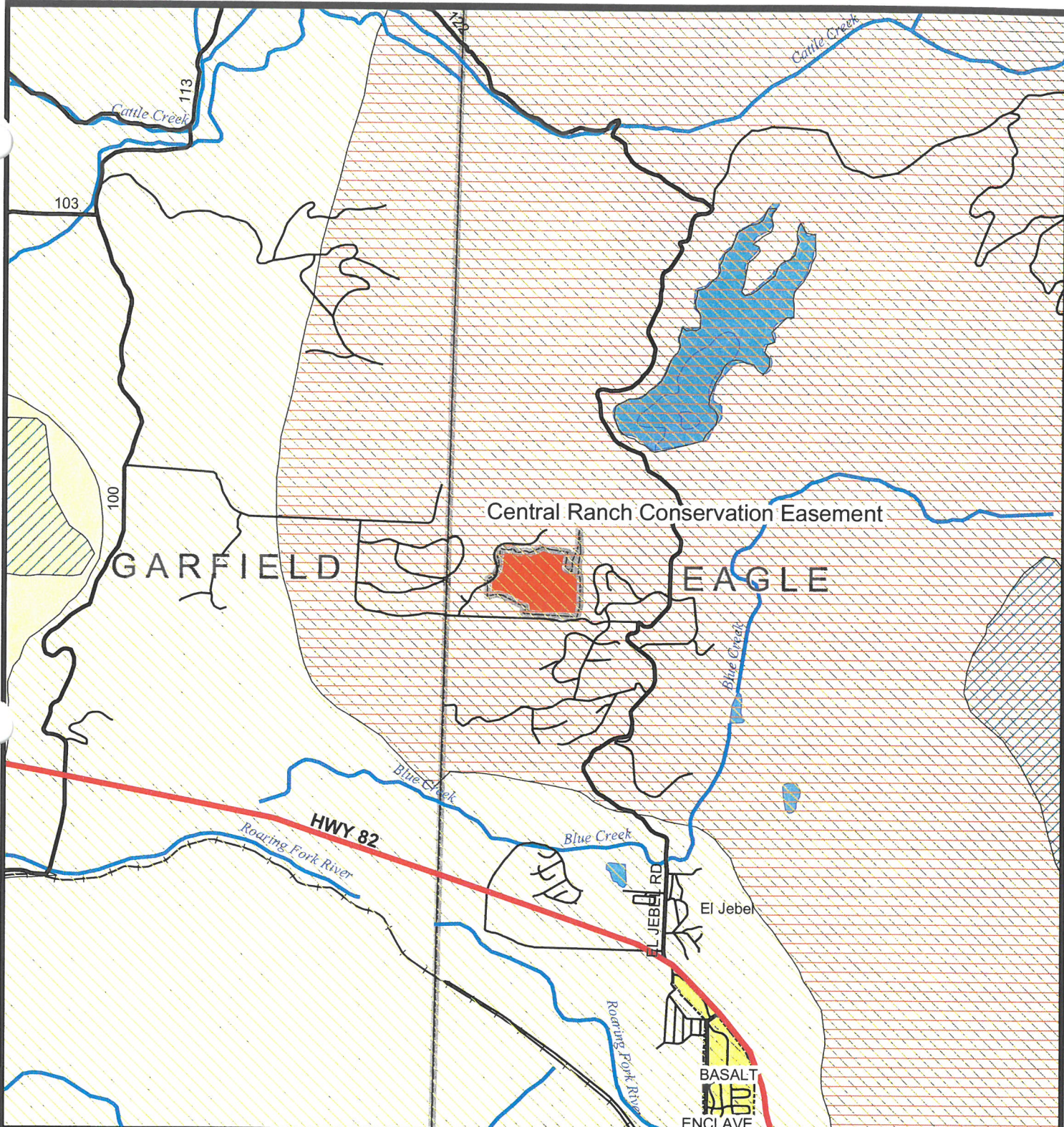
Mule Deer Activity Areas: Severe Winter

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Data from CDOT
and NDIS



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Carbondale, Colorado



Legend

-  Elk Resident Population
-  Elk Production Area
-  Elk Summer Range
-  Elk Overall Range
-  Central Ranch Conservation Easement

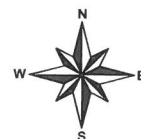
Central Ranch Conservation Easement

Elk Activity Areas:

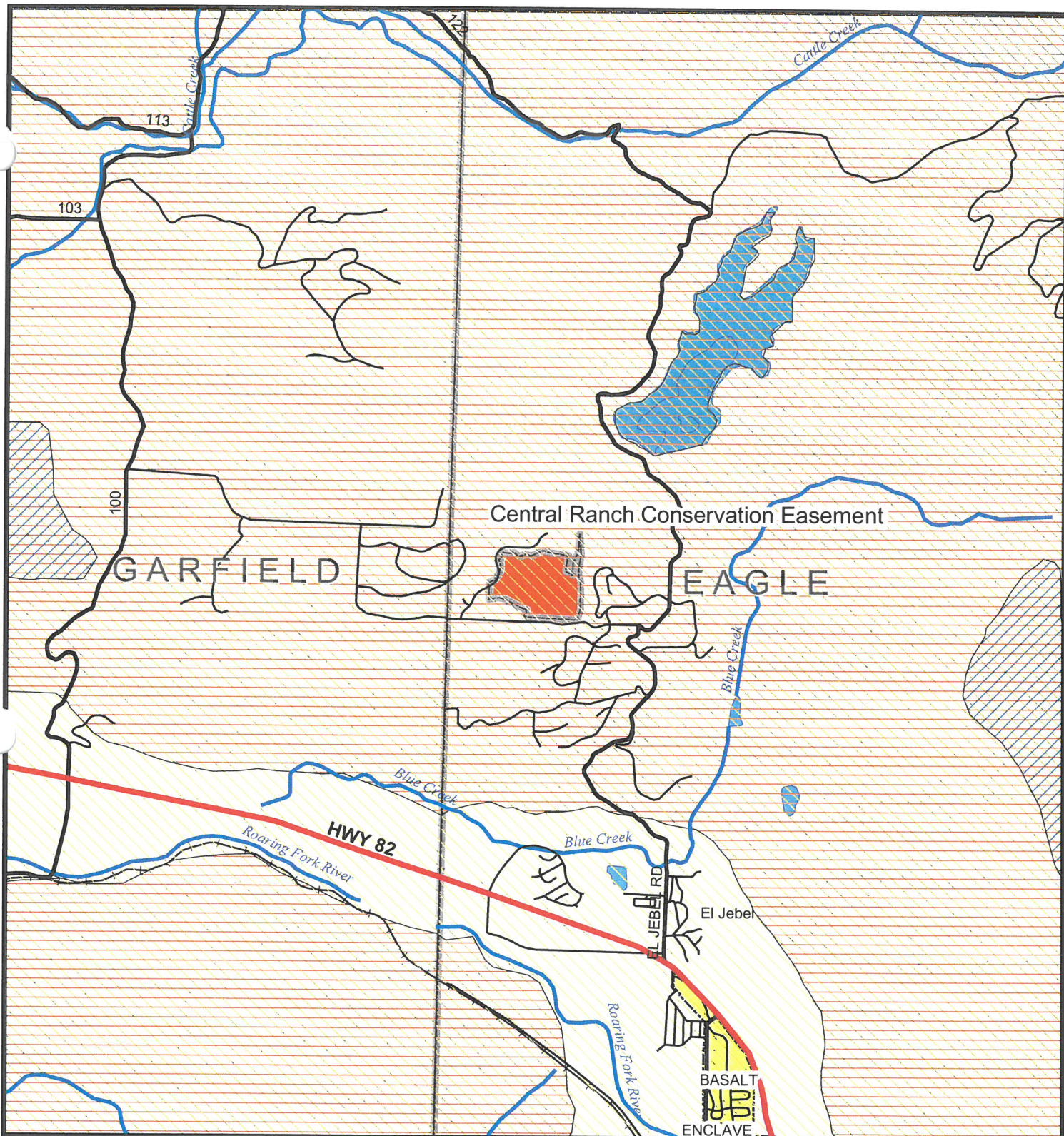
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



Data from CDOT
and NDIS



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Legend

-  Elk Production Area
-  Elk Winter Range
-  Elk Overall Range
-  Central Ranch Conservation Easement

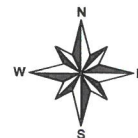
Central Ranch Conservation Easement

Elk Activity Areas:

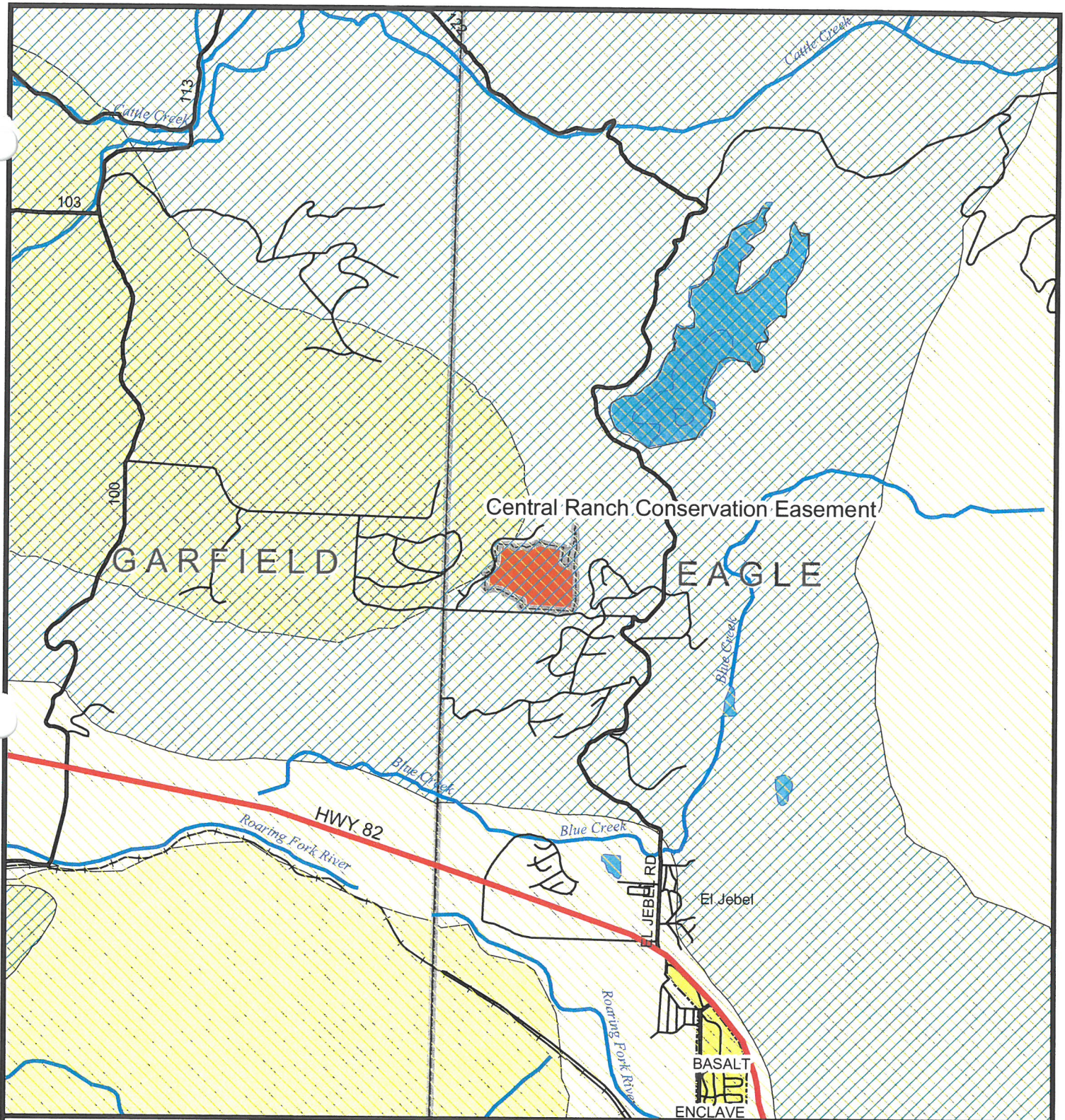
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Data from CDOT
and NDIS



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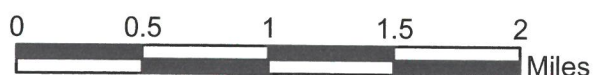
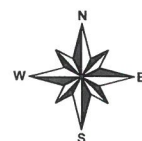
-  Elk Winter Concentration
-  Elk Severe Winter Range
-  Elk Overall Range
-  Central Ranch Conservation Easement

Central Ranch Conservation Easement

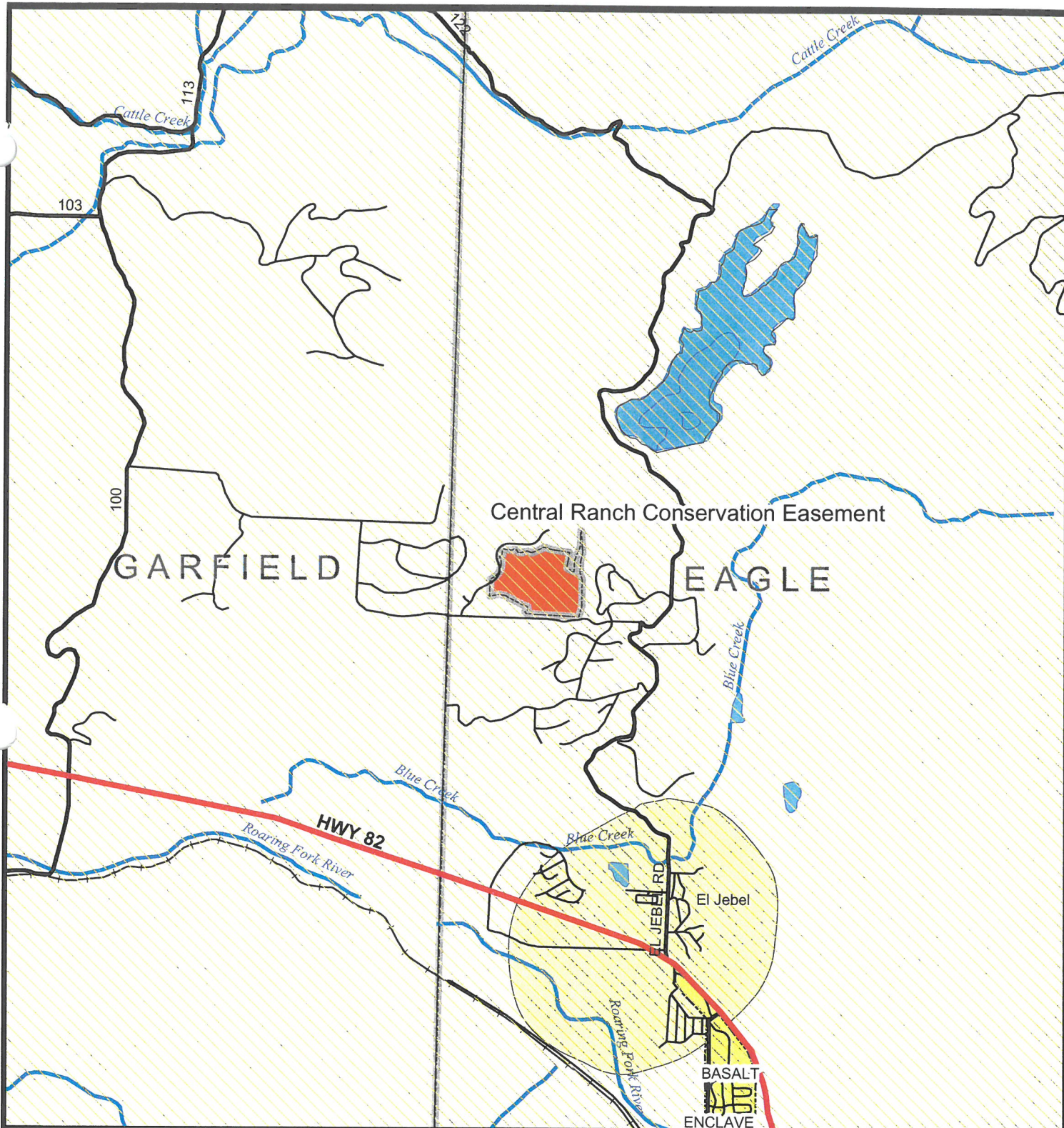
Elk Activity Areas: Severe Winter

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
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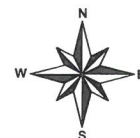
-  Mountain Lion Overall Range
-  Central Ranch Conservation Easement
-  Mountain Lion / Human Conflict Area

Central Ranch Conservation Easement

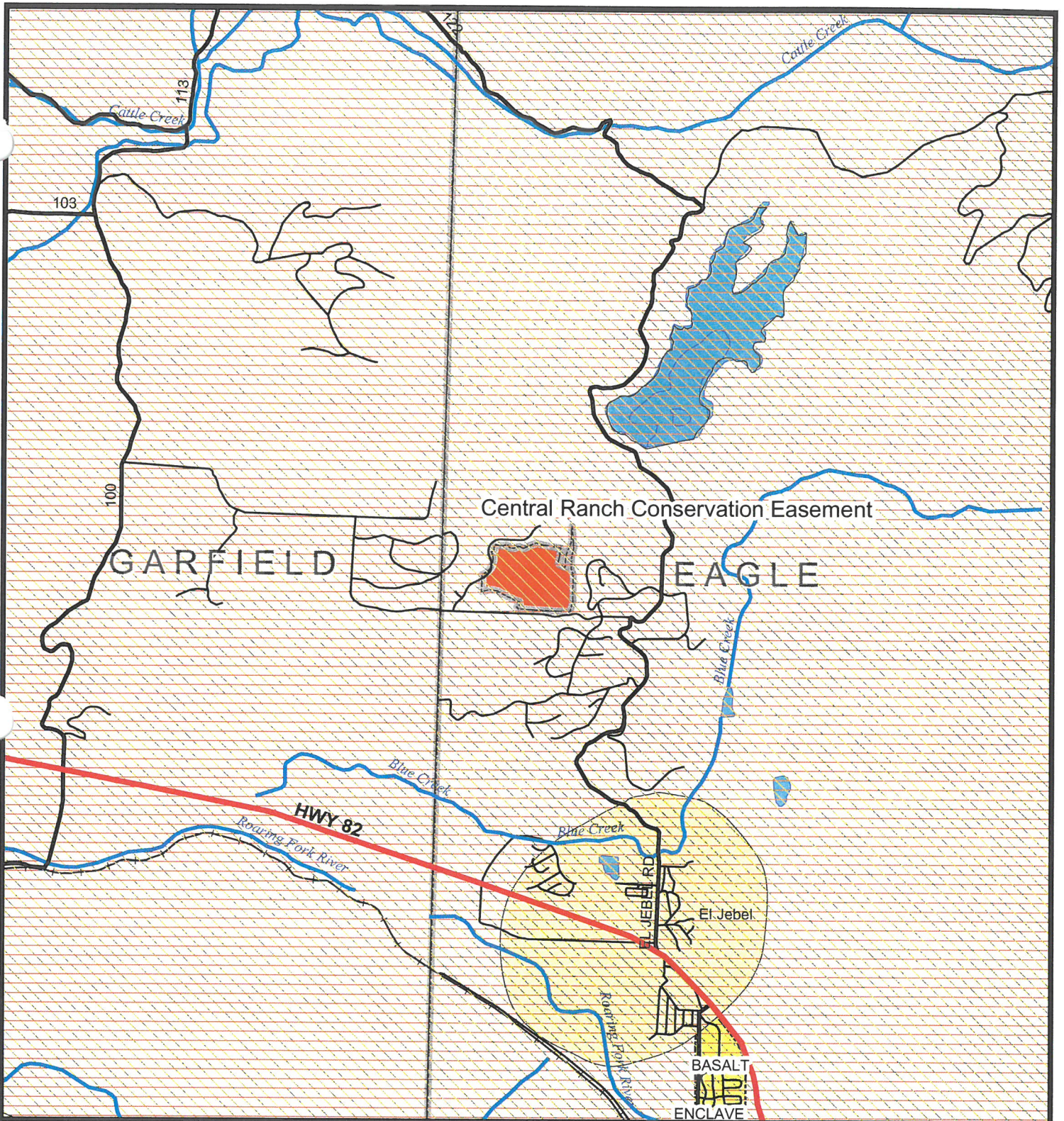
Mountain Lion Activity Areas

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Data from CDOT
and NDIS



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Legend

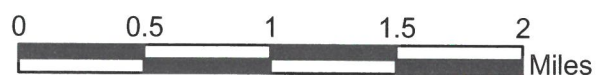
-  Black Bear / Human Conflict Area
-  Black Bear Fall Concentration
-  Black Bear Overall Range
-  Central Ranch Conservation Easement

Central Ranch Conservation Easement

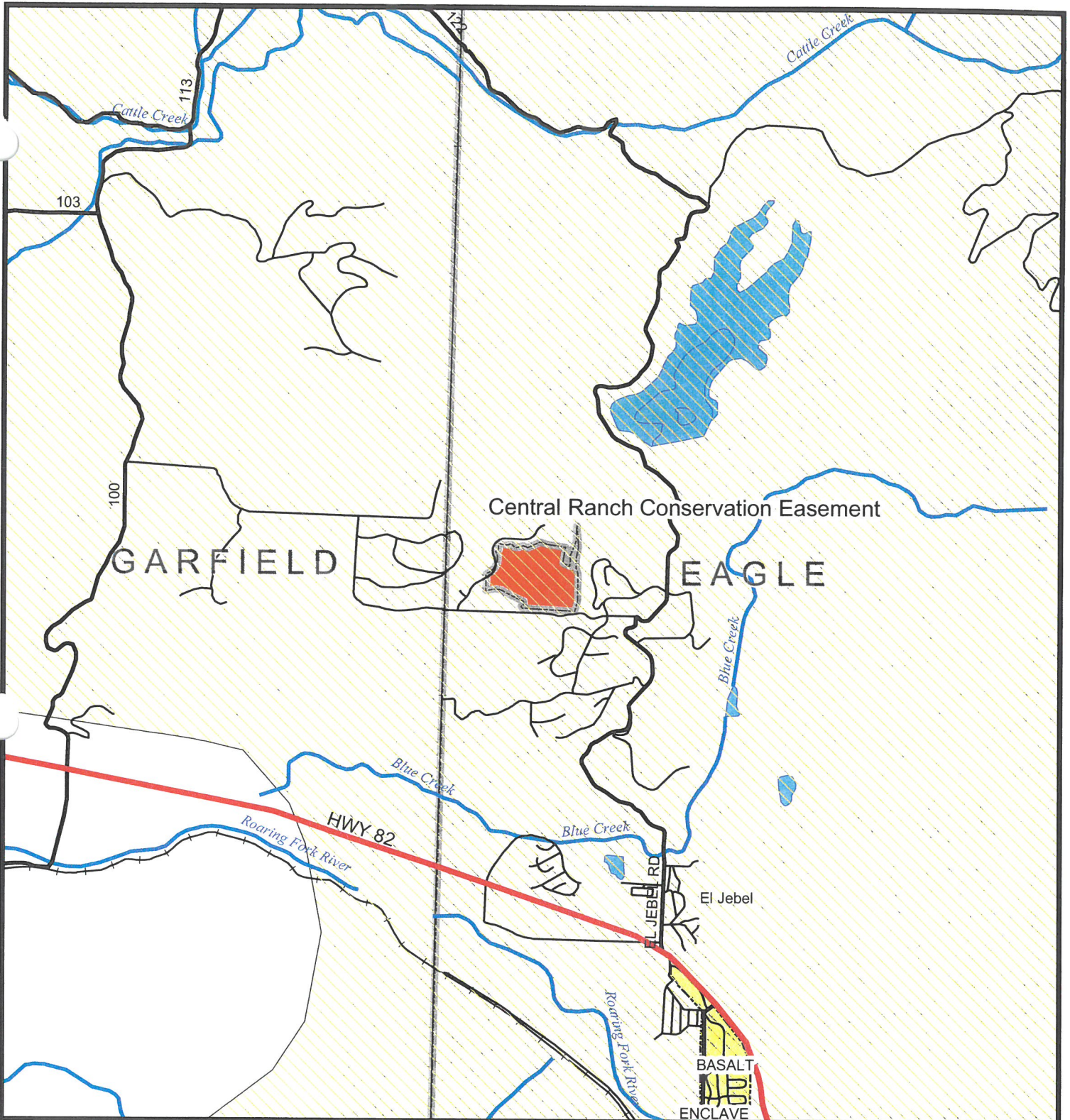
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Data from CDOT
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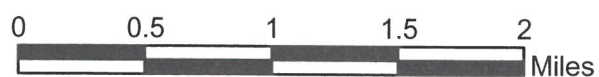
Legend

-  Turkey Overall Range
-  Central Ranch Conservation Easement

Central Ranch Conservation Easement Turkey Activity Areas

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Data from CDOT
and NDIS



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2005 STATUS OF POTENTIAL CONSERVATION AREAS

Name of PCA: Missouri Heights

County: Eagle and Garfield

Location: North of Fender Land between CR 100 and Upper Cattle Creek.

Ownership: Private Land

Number of Private Landowners Over 10 Acres: Eagle County – 7 Landowners; Garfield County - 22 Landowners

Acres: 2,079 Biodiversity Rank: B4 1999 Protection Urgency Rank: P1

Recommended Change to Protection Urgency Rank: Remains at P1.

Distinguishing Elemental Occurrences: Harrington's penstemon.

Contains Existing Conservation Easements or Protected Land (Fine Filters)? Two AVLT easements: Strang Ranch and Central Ranch

How Has Condition of PCA Changed From 1999 to 2005? There has been additional homesite development, including in Central Ranch. Hunt Ranch, a ranch recently purchased for development, is within this PCA.

New homesite development within the PCA has potentially removed some of the sage fields where the Harrington penstemon is most likely to be found. Conversely, the Strang Ranch conservation easement will contribute to the protection of this species.

Stresses Occurring Within the PCA That May Potentially Diminish Biodiversity Rank/Biological Significance: development and roads.

Number Photos Taken: 3

Date: 14 June 05

MISSOURI HEIGHTS (Eagle County)

Upper Cattle Creek Road

Fender Lane

El Jebel

82

CR 100

239121101001
239116400005
239121101002
239121101003
239121400012

239127100004

239122300006

Private Parcels

PCAs

Highway

Secondary

Collector

Minor

4WD

Streams

BLM

State

Private

USFS

Land Status

BLM

State

Private

USFS

West Elks Consulting

Dawn Barton

0 0.25 0.5 1 Miles

Map by EcoGraphics (c) 2005

Wildfire Hazard Rating



02/07/2022 - 623 Fender Lane, Basalt, CO 81621 - 2391-223-00-006

Completed by - Katie Jenkins, Wildfire Mitigation Specialist



Property Photo(s) : [accountPicture - Eric Lovgren.jpg](#)

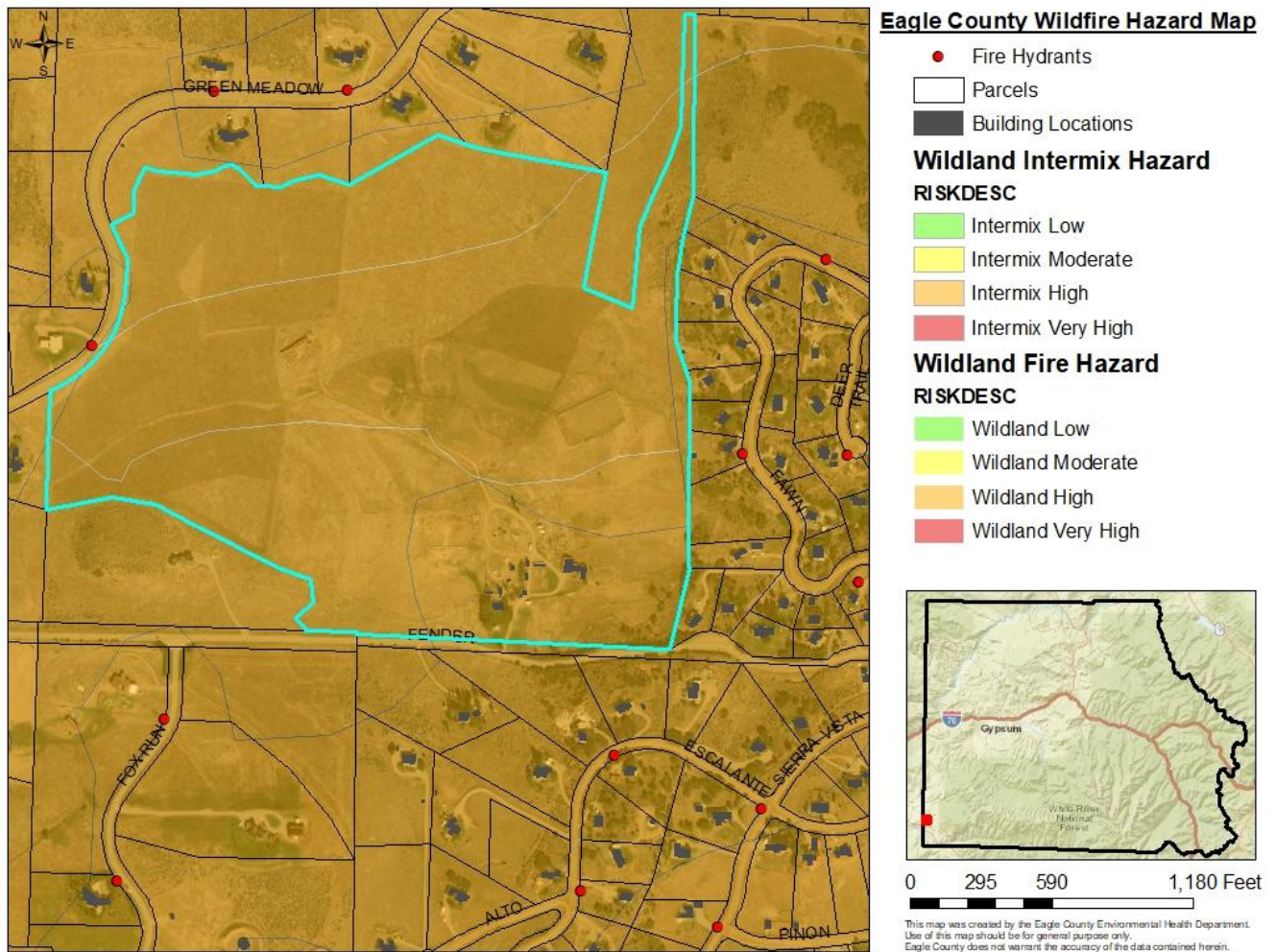
Address : 623 Fender Lane, Basalt, CO 81621

Parcel ID : 2391-223-00-006

Fire District : Roaring Fork Fire and Rescue

Date Completed : 02/07/2022

Overall Wildfire Hazard Rating : Moderate Hazard



Wildfire Hazard Map : [NO_HARM2_Eric - Eric Lovgren.jpg](#)

Predominant Vegetation Type : sage / desert shrub, < 4 feet, dispersed or clustered with native grasses. (30 points)

Average slope (within 200 ft of structure) : 8% to 20% (15 points)

Additional Wildfire Hazards :

Wildfire Hazards Score (Vegetation + Slope + Hazards) : **45**

Building Construction :

Access and Infrastructure : Two or more primary roads, in and out, 20 foot + width. (5 points), Paved surface, 0% to 8% average grade (2 points)

Improvements Score (Building Construction + Access and Infrastructure) : **7**

Overall Wildfire Hazard Rating (Wildfire Hazards - Improvements) : **Moderate Hazard (21 to 45 points)**

Additional Hazards/Observations:

Images/Additional Files:



Defensible Space Requirements: A pre-construction meeting may be required, contact EC Wildfire Mitigation upon issuance of building permit (970-328-8742)

Zone 1: Is the area of maximum modification and treatment. The intent of Zone 1 is to reduce fuels that are immediately adjacent to flammable elements of the structure, and to provide a clear access for firefighting operations. **Zone 1 is an area measured 30 feet from the edges of the structure.** Ideally, all trees within Zone 1 should be removed to reduce the fire hazard. If a tree or cluster of trees must remain, it will be considered as an integral part of the structure and Defensible Space will be measured from the drip line of the tree or tree cluster. Decorative rock or irrigated, mowed grass creates an attractive, easily maintained nonflammable ground cover. All branches that interfere with the structure's roof or chimney must be removed. All ladder fuels (small shrubs, trees, tree limbs and other materials that allow fire to climb into the tree crown) must be removed from beneath the tree or tree cluster.

Zone 2: Within this zone, the continuity and arrangement of vegetation is modified to reduce the intensity of any fire approaching the structure. **Zone 2 is an area measured 30-100 feet from the edges of the structure (or to property boundaries on smaller lots).** Trees and shrubs must be thinned so that there is a minimum of 10 feet between crowns. Crown separation is measured from the furthest branch of one tree to the nearest branch on the next tree. All ladder fuels from under these trees must be removed. All trees must be pruned to at least 10 feet above the ground, but no more than 1/3 the overall height of the tree (Aspen trees, individual spruce, fir and pine specimens are exempt). The inner portions of Zone 2 must be more heavily thinned than the outer portions. Isolated shrubs may remain provided they are not under tree crowns. These shrubs must be pruned and maintained for vigorous growth. Dead stems and shrubs must be removed. Dead trees, which can fall onto a structure or block an access, must be removed.

Construction Guidelines for Wildfire Hazard Areas

Wildfire Hazard Rating	Roofing	Decking	Soffits/Eaves	Siding
Low Hazard	No Limitations	No Limitations	No Limitations	No Limitations
Moderate Hazard	Class B fire rated assembly; roof venting in the soffit shall be in the outer 1/3, with non-combustible vent covers and metal screening with openings less than 1/4 inch.	Ignition resistant construction for beams, posts, joists, and decking (trim, fascia, guards and handrails are exempt). Materials shall be rated Class B or better (ASTM E-84 flame spread ratio of 26-70) and listed for exterior use	Any soffit, eave, or roof-extension projecting over 48" from the structure shall be of ignition resistant construction.	No Limitations
High - Extreme Hazard	Class A fire rated assembly; roof venting in the soffit shall be in the outer 1/3, with non-combustible vent covers and metal screening with openings less than 1/4 inch.	Ignition resistant construction for beams, posts, joists, and decking (trim, fascia, guards and handrails are exempt). Materials shall be rated Class A or better (ASTM E-84 flame spread ratio of 0-25) and listed for exterior use	Any soffit, eave, or roof-extension projecting from the structure shall be of ignition resistant construction.	The exterior of the structure is to be of non-combustible or ignition resistant material (excluding trim).

Fire Rating (Roof) -

Fire ratings for roof coverings are classified either A, B, C or nonrated (*Required Standard: (ASTM) E-108*).

Ignition Resistant Deck Construction-

(*Required Standard: ASTM E84 and listed for exterior use*)

Class A Deck Construction (High Hazard Areas)

- Decks completely built with non-combustible materials.
- Construct a waterproof deck and protect the underside with 5/8" type X gypsum board. Decking can be of any material allowed by code with this method.
- Build deck using Type IV (Heavy Timber) construction (Chapter 6 of the 2009 IBC) Joist and beams to be minimum 6"x 10" Decking to be minimum 4"x in depth Posts to be minimum 8"x 8"
- **Any structural members and decking materials having a flame spread of less than 25.** Some accepted materials: *Ipe, aka: ironwood, Brazilian Redwood and Brazilian Walnut, Brazilian Koa; Kayu Batu hardwood decking; FRX Exterior fire-retardant treated wood; Exterior FireX by Hoover Mfg.; Sensibuilt Composite Decking by Fiberon.*

Class B Deck Construction (Moderate Hazard Areas)

- Any structural members and decking materials having a flame spread of 26-75. Some accepted materials: Redwood, Douglas-fir, Sitka Spruce (minimum one inch nominal thickness); Trex Transcends FR composite decking; Advantage Ipe® decking by Advantage Lumber.

Fire Resistive Soffit Construction -

- Any option listed above for decks can be used to protect soffits, eaves or roof-projections.
- Under Type IV (Heavy Timber) construction, open rafters can be 4"x 6" min. and sheathing can be 2"x T&G Posts supporting roof only, can be 6"x 6".

Fire Resistive Siding (some examples include) -

- Non-combustible material (ie. stone, brick, cement fiber board, etc.)
- 1-hour listed assembly (5/8" type X gypsum board under combustible siding)
- Cement Stucco (1/2" min. thickness)
- 6+" diameter logs

Building Inspection Process - New Building Construction / Exterior Modification / Additions – for all properties in unincorporated Eagle County

- **Initial Site Inspection (Wildfire 1)** – In areas of moderate, high, and extreme wildfire hazard you will need to have defensible space established around the new or existing structure. An initial site inspection by the Eagle County wildfire mitigation specialist will determine the parameters for the creation of defensible space on your property. This must be completed prior to footing or foundation inspections. You will need the following prior to this site-visit:
 - Approved field set of site plans available.
 - Building corners marked with stakes outlining the approximate footprint of any new structures, drive-way, septic, etc.
- **Second Site Inspection (Wildfire 2)** – A second visit to your construction site by the wildfire mitigation specialist may be required during the building process. This visit is to confirm that defensible space around the structure is in place prior to adding combustible material to the site. All vegetation marked for removal during the initial site visit must be gone in order to move on to the next step in the mitigation process.
- **Final wildfire inspection (Wildfire Final)** – Prior to issuance of Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO), you must be approved by the wildfire mitigation specialist during your final wildfire inspection. The following will be examined to ensure:
 - That any new landscaping complies with requirements for defensible space (must have approved landscaping plans on site if not complete)
 - That information about the building, location of water for fire suppression, access, and defensible space boundaries are captured
 - That no new factors contribute to the overall wildfire hazards on the site

Contact Information:

Eric Lovgren - Wildfire Mitigation Coordinator
(970) 328-8742
Eric.Lovgren@eaglecounty.us

Katie Jenkins - Wildfire Mitigation Specialist
(970) 328-8816
Katie.Jenkins@eaglecounty.us

ENGINEERING REPORT
FOR
623 FENDER LANE
EAGLE COUNTY, COLORADO

PREPARED FOR:
Whiskey Mountain Estates, LLC
PO Box 233
Woody Creek, CO 81656

PREPARED BY:
High Country Engineering, Inc.
1517 Blake Avenue, Suite 101
Glenwood Springs, CO 81601
(970) 945-8676

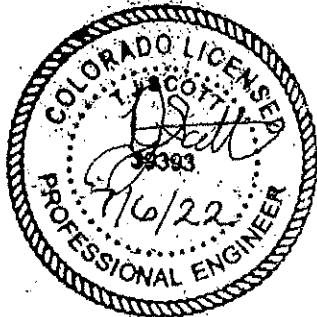
March 4, 2022
Revised: April 26, 2022
Revised: July 6, 2022

HCE PROJECT NUMBER: 2211062.00

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CERTIFICATION



For and on behalf of
High Country Engineering, Inc.

I. INTRODUCTION

The owner Whiskey Mountain Estates, LLC., seeks a Special Use permit for the property located at 623 Fender Lane. The applicant intends to construct a 25-stall boarding stable and a covered riding arena, as shown the Site Plan.

II. LOCATION

The site is located at 623 Fender Lane in County of Eagle, Colorado. The property is situated in Sections: 21, 22, 27 and 28 of Township 7 South, Range 87 West, of the 6th Principal meridian. The site is located approximately 3 miles north of the El Jebel Colorado.

III ACCESS

Vehicular access to the property is present via an existing driveway at Fender Lane. The existing driveway is currently configured to allow emergency vehicles to circulate within the site, and to exit without backing. The applicant also intends to designate additional parking areas within the site to accommodate visiting automobiles, trucks and trailers, as shown on the Access Plan. A secondary access route leading toward the northwest corner of the property is also available if needed during emergency conditions. The internal driveways are to have an all-weather gavel surface in accordance with Roaring Fork Fire Rescue standards.

IV SITE DISTANCES

Fender Lane has a posted speed limit of 25 miles per hour. According to state laws, vehicles exiting the site are required to stop at Fender Lane. Required site distances at the driveway intersection must be 200 feet in both direction as shown on the preliminary Access Plan. According to the aerial mapping, the minimum site distances appear to be adequate, however some vegetation may need to be trimmed to clear obstructions within the sight triangles.

V DRIVEWAY GEOMETRY

In many places, the existing driveway turning radii are insufficient for fire protection vehicles. The widths of existing driveways are also too narrow for two-way traffic. According to the aerial mapping, the exiting driveway slopes exceed the allowable grades.

The applicant plans to improve the existing driveways to meet all of the applicable geometric standards as shown on the preliminary Access Plan.

VI TRAFFIC

Current traffic consists of:

Residents: 2 people: 10 vehicle trips per day

Future traffic is to consist of:

Employees 2 to 3: 6 vehicle trips per day

Visitors: 16 vehicle trips per day

Deliveries: 6 vehicle trips per day

VII PARKING

In addition to the current parking at the site, the applicant intends to formalize an open field to accommodate spaces for twenty-eight (28) new standard sized vehicles, and also twenty-eight (28) new pull-through truck and trailer spaces, near the proposed Arena building.

VIII IRRIGATION

An existing agricultural irrigation system within the property is feed by the Spring Park Reservoir, which provides adequate irrigation for the fields and pastures.

IX UTILITIES

Domestic water for the site currently provided by an existing well, as indexed under permit number: 123230. The annual decreed amount of the well is 4 acre feet, and has a decreed pumping rate of 15 gallons per minute. The applicant intends to extend the piping of the existing water system in order to serve plumbing fixtures in the proposed Stable and Arena.

Wright Water Engineers has also prepared a separate Water Demand Study for the property.

Sanitation for the existing residence and bunk house is currently provided by an on site waste water system at the site, having a 1,250 gallon tank. This septic system was inspected by Altitude Septic Inc. Altitude Septic Inc., prepared an inspection letter dated April 1, 2021 stating that system was found to be in good shape, considering its age.

The applicant also intends to construct a separate on site waste water system to accommodate new plumbing fixtures in the proposed Stable, as shown on the Utility Plan.

The applicant intends on having two (2) dedicated horses washing stalls within the proposed Stable. Grey water from the horse washing is to be piped to a proposed waste water treatment strip, as recommended the Stare of Colorado Agricultural Department.

Propane tanks currently serve the site. The applicant intends to remove the existing propane tanks and extend natural gas into the site. Black Hills Energy Inc. has provided a "Will Serve Letter" for the site.

Electricity service, provided by Holy Cross Energy, is present within the site. The applicant intends to extend additional electrical lines to the proposed Stable and Arena.

Telephone service, provided by Century Link, is present within the site. Century Link has provided a "Will Serve Letter" for the site.

X FIRE PROTECTION

The applicant intends to meet applicable emergency fire protection requirements. It is anticipated that the proposed steel stable and arena buildings will need to meet applicable fire protection standards as defined by the National Fire Protection Association (NFPA) 150 Standard on Fire and Life Safety on Animal Housing Facilities. This standard provides minimum requirements for the design, and construction of fire protection for animal housing.

According to the Roaring Fork Fire Rescue, the new steel buildings may need to be equipped with fire sprinklers, or may need to have a fire protection water storage tank. Roaring Fork Fire Rescue is to make a final determination of this during the building permit review of the project.

XI EROSION AND SEDIMENT CONTROL

Temporary and permanent erosion and sedimentation control measures will be utilized during the construction of the proposed boarding stable and covered riding arena, in accordance with applicable Eagle County Site Development Standard 4-665.

Standard Best Management Practices (BMP) typically include: phased construction, soil stabilization, surface revegetation, slope stabilization, rip rap channel energy dissipation, managed runoff, mud control, sediment detention, basins, installation, inspections and maintenance.

XII CONSTRUCTION DUST CONTROL

Temporary construction dust control practices meeting Eagle County Site Development Standard will be employed, as needed during construction the proposed boarding stable and covered riding arena, in accordance with applicable Eagle County Site Development standards.

Standard Best Management Practices (BMP) typically include: the application of suppressant palliatives such as water, or water-absorbing products as needed during high-wind conditions.

XIII STORM WATER DRAINAGE CONTROL

Permanent storm water improvements will be installed as part of the construction of the proposed boarding stable and covered riding arena, in accordance with applicable Eagle County Site Development standards.

A separate Drainage Study has been prepared per Section 4-650(B)(3)(b) of the Eagle County Land Use Regulations. Hydrology calculations and analysis have been performed to identify the needed storm water infrastructure. The hydrologic analysis for the site was compared to historic conditions prior to the proposed improvements in order to address additional detention storage to mitigate the effects of additional impervious areas. A storm water retention basin is to be constructed in order to maintain the peak discharge leaving the site as required for the 25-year event. The change in flow characteristics is minor and will not adversely affect any downstream landowners or structures. Water quality pollutant removal will be provided by the proposed drywells via retention up to and including the 25-year storm event.

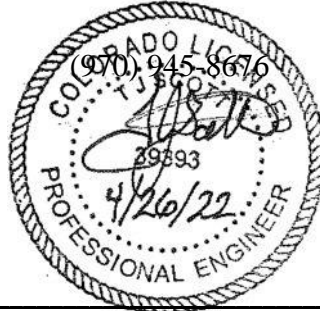
XIV CONCLUSION

It appears feasible that construction of the proposed 25-stall boarding stable and the proposed covered riding arena at the site can be accomplished while meeting applicable Eagle County Development Standards.

DRAINAGE REPORT
FOR
TWIN ACRES
EQUESTRIAN RIDING AND BOARDING ARENA
623 FENDER LANE
EAGLE COUNTY, COLORADO

PREPARED FOR:
Whisky Mountain Estates, LLC
Box 233
Woody Creek Colorado, 81656

PREPARED BY:
High Country Engineering, Inc.
1517 Blake Avenue, Suite 101
Glenwood Springs, CO 81601



Thomas J. Scott, P.E.
Project Manager
Colorado Registered Professional Engineer No. 39393

April 26, 2022

HCE Project Number: 221062.00

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APPENDIX:

- A. Exhibits
- B. Hydrologic Computations
- C. Retention Storage Volume
- D. Drainage Maps

I. GENERAL LOCATION AND DESCRIPTION

A. Location

The subject property is located at 623 Fender Lane, The property is situated in Sections: 21, 22, 27 and 28 of Township 7 South, Range 87 West, of the 6th Principal meridian. The site is located approximately 3 miles north of the El Jebel, within County of Eagle, State of Colorado. A Vicinity Map has been included as **Exhibit 1**.

B. Description of Existing Property

According to the Improvement Survey Plat by SGM, Inc., the property is approximately 101.03 acres. The site consists of agricultural lands and associated buildings. Fender Lane borders the site along the south property line. Generally site drainage flows from east to west across pastures within the property. Existing site drainage discharges offsite via sheet flow at the western property line along established flow paths.

C. Soils Description

Five (5) separate soil types of soils are present within the site:

- 6 – Almy loam, 1 to 12 percent slopes, hydrologic soil group ‘B’
- 43 – Forelle-Brownsto 6% to 12% slopes, hydrologic soil group ‘C’
- 44 – Forelle-Brownsto 12% to 25% slopes, hydrologic soil group ‘C’
- 95 – Showalter-Morval 15% to 25% slopes, hydrologic soil group ‘C’
- 106 – Tridell-Brownsto 12% to 50% slopes, hydrologic soil group ‘A’

Soils information has been included in **Exhibit 2**.

II. HYDROLOGY

The hydrologic methods for this study are outlined in the Soil Conservation Service (SCS) publication "Procedures for Determining Peak Flows in Colorado" (1980). Peak flows in this area will be rainfall derived.

Rainfall amounts were obtained using the Precipitation – Frequency Atlas of the Western United States published by the National Oceanic and Atmospheric Administration (NOAA). Using this atlas the precipitation corresponding to the 2-yr, 24 hr storm event is 1.14 inches; the 25-yr, 24-hr storm event is 1.93 inches; and the 100-yr, 24-hr storm event produces 2.46 inches of precipitation for the El Jebel area. Tabular precipitation is included in **Exhibit 3**.

III. PRE-DEVELOPED CONDITIONS

The pre-developed conditions of the site have been analyzed as a single basin HI-1, consisting of natural rangeland, vegetated by natural ground cover.

Hydrologic analysis has been conducted per Section 4-650(B)(3)(b) of the Eagle County Land Use Regulations. Pre-developed conditions will be compared to the post-development condition with the change in impervious area. The pre-developed and proposed basins have been illustrated on the historic and proposed drainage conditions maps included as **Appendix 4** of this report.

The Soil Conservation Service Procedures for Determining Peak Flows in Colorado (TR-55) method was used to determine runoff and time of concentrations for the basin. Calculated flows for the pre-developed basins are tabulated in Table 1 below. Complete drainage calculations are included in the **Appendix B**.

Table 1. Pre-developed Basin Characteristics

BASIN	AREA (acre)	CN	Tc (Hr.)	25-YR PEAK FLOW (cfs)	100-YR PEAK FLOW (cfs)
HI-1	101.0	64	0.47	4.0	11.8

IV. PROPOSED CONDITIONS

Approximately 80.63 acres of the site consists of unimproved irrigated hay fields or dry land pasture which exists in an open agricultural/ranching condition.

The remaining 20.40 acres consists of one single family residence and an equestrian facility, barns, arenas, and other related accessory structures. This property has been used historically for agricultural and equestrian purposes and contains characteristic ranching improvements such as fencing, irrigation and dirt ranch roads.

The applicant also intends to construct a 25-stall boarding stable and a covered riding arena and improved access driveways.

Analysis for the proposed conditions includes the impervious areas from the proposed improvements. The site has been analyzed as a single basin. This approach allows for a comparison of the same area between existing and proposed conditions to establish a required detention storage volume to historic runoff rates during the 25-year design storm event. Existing drainage patterns are unchanged.

The applicant intends to modify and existing graded depression within the site. The storage volume is proposed to be 0.20 acre-feet, to accommodate proposed runoff from the proposed 25-year storm event. The applicant intends to utilize the captured storm water runoff for livestock watering. For this reason the storage facility will be retention basin and will have no outlet structure.

The proposed basin characteristics and calculated flows are tabulated in Table 2 below. Complete drainage calculations are included in the appendices and a proposed basin map showing the proposed basin delineation and characteristics can be referenced in **Appendix B**.

Table 2. Proposed Onsite Basin Characteristics

BASIN	AREA (acre)	CN	T _c (Hr.)	25-YR PEAK FLOW (cfs)	100-YR PEAK FLOW (cfs)
PR-1	101.0	65	0.47	4.3	12.8

V. RESULTS AND RECOMMENDATIONS

This proposed development has a net increase in runoff from the site prior to detention due to the increased impervious area. The proposed storm water retention will provide adequate storage to maintain the peak 25-year runoff rate from the site.

VI. CONCLUSION

The proposed improvements will require modification of the existing graded depression within the site, to accommodate the required 0.20 acre-feet storage volume.

The hydrologic analysis for the area affected by the drainage was compared to historic conditions prior to the proposed improvements in order to address additional detention storage to mitigate the effects of additional impervious areas. The proposed construction maintains the peak discharge leaving the site as required for the 25-year event. The change in flow characteristics is minor and will not adversely affect any downstream landowners or structures. Water quality pollutant removal will be provided by the proposed drywells via detention up to and including the 25-year storm event.

VII. REFERENCES

SGM Inc. Improvement Survey Plat 623 Fender Lane, 5/5/22

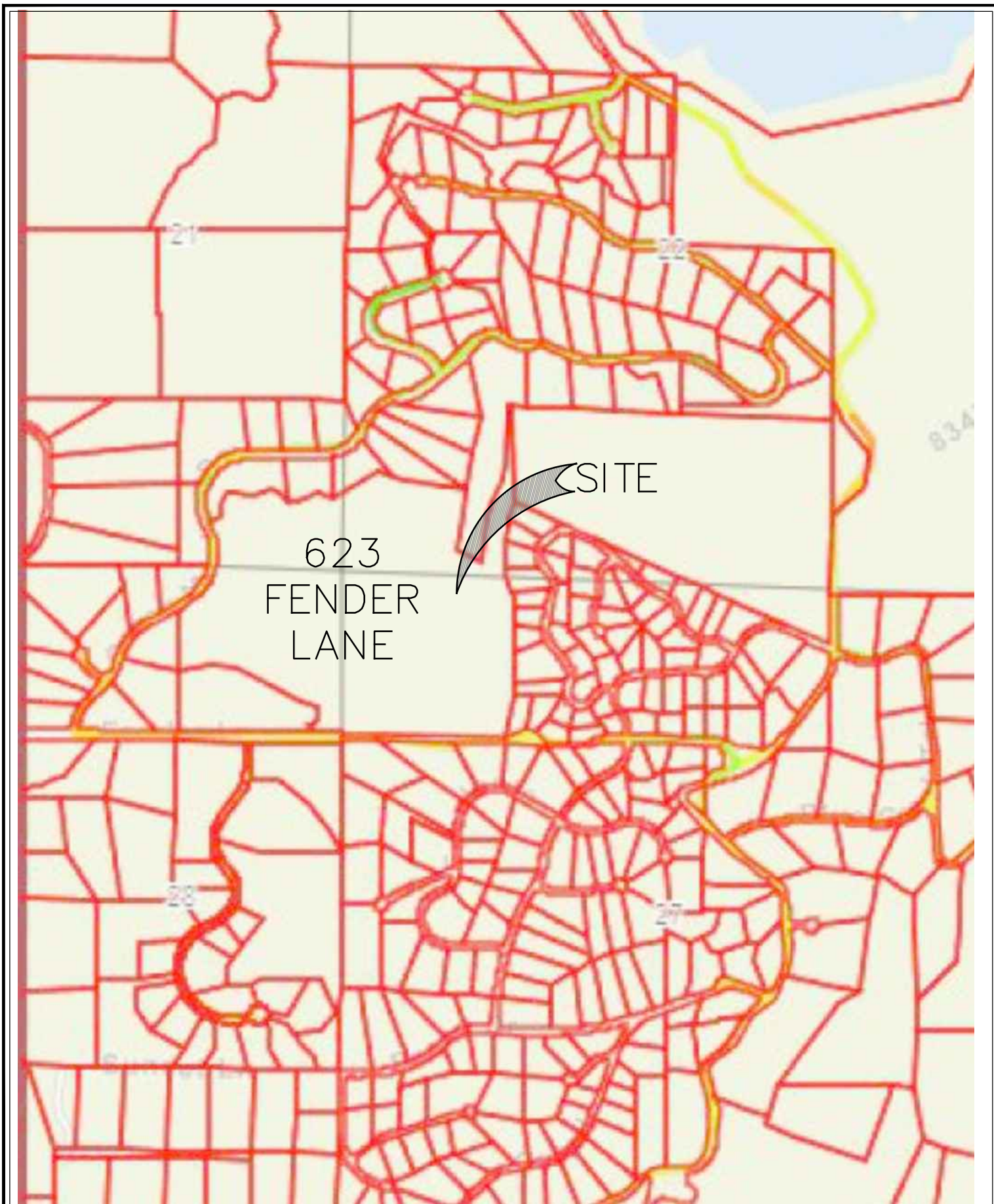
United States Department of Agriculture, Soil Conservation Service: Soil Survey of Aspen-Gypsum Area, Colorado, Parts of Eagle, and Garfield Counties, May 1992.

Soil Conservation Service Procedures for Determining Peak Flows in Colorado, TR-55 (1980)

National Oceanic and Atmospheric Administration: NOAA Atlas 14, Volume 8, Version 2, Point Precipitation Frequency Estimates, 2022

APPENDIX A

Exhibits



HIGH COUNTRY ENGINEERING, INC.

14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
PHONE (303) 925-0544 FAX (303) 925-0547

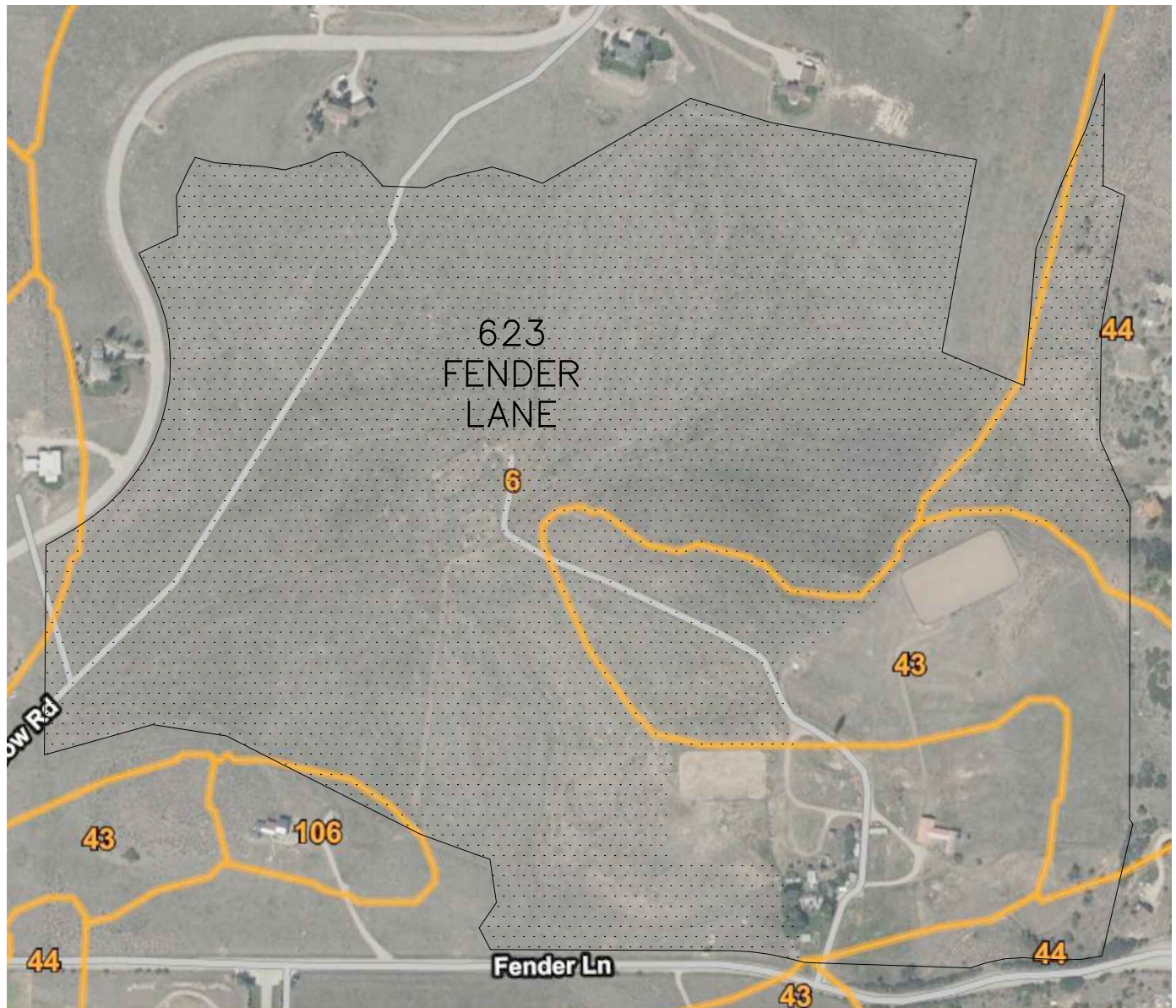
1517 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-8676 FAX (970) 945-2555
www.hceng.com

WHISKEY MTN. ESTATES, LLC
EAGLE COUNTY, CO

TWIN ACRES EQUESTRIAN

623 FENDER LANE
VICINITY MAP

drawn by:	HCE	scale:	1" = 1,000'
checked by:	HCE	Project No:	2211062.00
date:	4 - 14 - 22	page:	1
file:	Vicinity.dwg		



6: ALMY LOAM, 1 TO 12 PERCENT SLOPES
HYDROLOGIC GROUP: B

43: FORELLE-BROWNSTO COMPLEX, 6 TO 12 PERCENT SLOPES
HYDROLOGIC GROUP: C

44: FORELLE-BROWNSTO COMPLEX, 12 TO 25 PERCENT SLOPES
HYDROLOGIC GROUP: C

95: SHOWALTER-MORVAL COMPLEX, 15 TO 25 PERCENT SLOPES
HYDROLOGIC GROUP: C

106: TRIDELL-BROWNSTO STONY SANDY LOAMS, 12 TO 50 PERCENT SLOPES
HYDROLOGIC GROUP: A



HIGH COUNTRY ENGINEERING, INC.

14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
PHONE (303) 925-0544 FAX (303) 925-0547

1517 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-8676 FAX (970) 945-2555
www.hceng.com

WHISKEY MTN. ESTATES, LLC
EAGLE COUNTY, CO

TWIN ACRES EQUESTRIAN

623 FENDER LANE
SOILS MAP

drawn by: HCE	scale: 1" = 400'
checked by: HCE	Project No: 2211062.00
date: 4 - 25 - 22	page: 2
file: SCS Soil s.dwg	



NOAA Atlas 14, Volume 8, Version 2
Location name: Carbondale, Colorado, USA*
Latitude: 39.399°, Longitude: -107.1079°
Elevation: 6422.35 ft**
* source: ESRI Maps
** source: USGS



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Deborah Martin, Sandra Pavlovic, Ishani Roy, Michael St. Laurent, Carl Trypaluk, Dale Unruh, Michael Yekta, Geoffery Bonnin

NOAA, National Weather Service, Silver Spring, Maryland

[PF_tabular](#) | [PF_graphical](#) | [Maps & aeriels](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches) ¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.108 (0.087-0.138)	0.159 (0.127-0.202)	0.238 (0.190-0.305)	0.301 (0.239-0.387)	0.383 (0.289-0.509)	0.443 (0.326-0.601)	0.499 (0.354-0.700)	0.554 (0.375-0.805)	0.621 (0.402-0.937)	0.669 (0.423-1.04)
10-min	0.159 (0.127-0.202)	0.232 (0.187-0.296)	0.348 (0.279-0.446)	0.440 (0.350-0.567)	0.560 (0.423-0.745)	0.648 (0.478-0.880)	0.731 (0.519-1.02)	0.811 (0.549-1.18)	0.910 (0.589-1.37)	0.979 (0.620-1.52)
15-min	0.193 (0.155-0.246)	0.283 (0.227-0.362)	0.425 (0.340-0.544)	0.537 (0.427-0.692)	0.684 (0.515-0.909)	0.790 (0.582-1.07)	0.892 (0.632-1.25)	0.989 (0.669-1.44)	1.11 (0.718-1.67)	1.19 (0.756-1.85)
30-min	0.259 (0.208-0.330)	0.367 (0.294-0.468)	0.535 (0.428-0.685)	0.667 (0.530-0.859)	0.837 (0.631-1.11)	0.960 (0.707-1.30)	1.08 (0.762-1.51)	1.18 (0.800-1.72)	1.32 (0.852-1.98)	1.41 (0.891-2.18)
60-min	0.342 (0.275-0.436)	0.452 (0.363-0.577)	0.625 (0.500-0.800)	0.761 (0.604-0.980)	0.938 (0.708-1.25)	1.07 (0.786-1.45)	1.19 (0.842-1.66)	1.30 (0.880-1.89)	1.44 (0.934-2.17)	1.54 (0.974-2.38)
2-hr	0.425 (0.345-0.535)	0.537 (0.436-0.678)	0.715 (0.577-0.905)	0.855 (0.686-1.09)	1.04 (0.793-1.36)	1.17 (0.874-1.57)	1.30 (0.931-1.80)	1.42 (0.970-2.03)	1.57 (1.03-2.33)	1.67 (1.07-2.55)
3-hr	0.497 (0.406-0.622)	0.600 (0.490-0.752)	0.764 (0.621-0.960)	0.895 (0.723-1.13)	1.07 (0.825-1.40)	1.20 (0.902-1.60)	1.32 (0.958-1.82)	1.45 (0.997-2.06)	1.60 (1.06-2.36)	1.71 (1.10-2.59)
6-hr	0.654 (0.539-0.809)	0.741 (0.611-0.918)	0.888 (0.728-1.10)	1.01 (0.826-1.27)	1.19 (0.936-1.55)	1.33 (1.02-1.77)	1.48 (1.09-2.02)	1.63 (1.14-2.31)	1.83 (1.23-2.69)	1.99 (1.29-2.98)
12-hr	0.823 (0.685-1.00)	0.932 (0.775-1.14)	1.12 (0.927-1.37)	1.28 (1.06-1.58)	1.52 (1.21-1.96)	1.71 (1.32-2.24)	1.91 (1.42-2.58)	2.12 (1.50-2.97)	2.41 (1.63-3.49)	2.64 (1.73-3.88)
24-hr	0.999 (0.840-1.21)	1.14 (0.962-1.38)	1.39 (1.17-1.69)	1.61 (1.34-1.97)	1.93 (1.55-2.46)	2.19 (1.71-2.84)	2.46 (1.84-3.28)	2.74 (1.96-3.79)	3.13 (2.15-4.48)	3.45 (2.29-5.00)
2-day	1.19 (1.01-1.42)	1.36 (1.16-1.63)	1.66 (1.41-1.99)	1.92 (1.62-2.32)	2.31 (1.88-2.91)	2.62 (2.07-3.36)	2.95 (2.24-3.89)	3.30 (2.39-4.50)	3.78 (2.62-5.33)	4.17 (2.80-5.96)
3-day	1.32 (1.13-1.57)	1.51 (1.29-1.79)	1.84 (1.57-2.19)	2.13 (1.80-2.54)	2.54 (2.08-3.18)	2.88 (2.29-3.66)	3.23 (2.47-4.22)	3.60 (2.62-4.86)	4.11 (2.87-5.74)	4.52 (3.05-6.40)
4-day	1.44 (1.23-1.69)	1.64 (1.41-1.93)	1.99 (1.70-2.35)	2.29 (1.94-2.72)	2.72 (2.23-3.37)	3.06 (2.44-3.86)	3.42 (2.63-4.45)	3.80 (2.78-5.10)	4.32 (3.03-5.99)	4.73 (3.21-6.67)
7-day	1.72 (1.49-2.00)	1.94 (1.68-2.26)	2.31 (1.99-2.70)	2.63 (2.25-3.09)	3.08 (2.55-3.77)	3.44 (2.77-4.28)	3.81 (2.95-4.88)	4.19 (3.09-5.55)	4.72 (3.33-6.45)	5.13 (3.51-7.14)
10-day	1.96 (1.71-2.27)	2.20 (1.91-2.55)	2.59 (2.24-3.01)	2.92 (2.52-3.41)	3.39 (2.82-4.12)	3.77 (3.05-4.65)	4.15 (3.22-5.27)	4.54 (3.37-5.96)	5.08 (3.60-6.88)	5.50 (3.78-7.58)
20-day	2.64 (2.33-3.02)	2.93 (2.58-3.36)	3.41 (2.99-3.92)	3.81 (3.32-4.40)	4.37 (3.67-5.22)	4.81 (3.93-5.84)	5.25 (4.13-6.56)	5.70 (4.27-7.36)	6.31 (4.52-8.40)	6.77 (4.71-9.20)
30-day	3.21 (2.84-3.64)	3.56 (3.15-4.05)	4.14 (3.65-4.71)	4.61 (4.04-5.28)	5.26 (4.44-6.22)	5.76 (4.74-6.93)	6.26 (4.95-7.74)	6.76 (5.09-8.63)	7.42 (5.35-9.78)	7.92 (5.55-10.7)
45-day	3.93 (3.51-4.43)	4.38 (3.90-4.94)	5.10 (4.53-5.77)	5.68 (5.01-6.46)	6.46 (5.47-7.55)	7.04 (5.81-8.37)	7.60 (6.04-9.30)	8.16 (6.18-10.3)	8.87 (6.43-11.6)	9.39 (6.62-12.5)
60-day	4.55 (4.08-5.10)	5.10 (4.56-5.71)	5.95 (5.31-6.69)	6.63 (5.88-7.49)	7.52 (6.39-8.72)	8.17 (6.77-9.64)	8.79 (7.01-10.7)	9.39 (7.14-11.8)	10.1 (7.37-13.1)	10.7 (7.55-14.1)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).
Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.
Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

PF graphical



HIGH COUNTRY ENGINEERING, INC.

14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
PHONE (303) 925-0544 FAX (303) 925-0547

1517 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-8676 FAX (970) 945-2555
www.hceng.com

WHISKEY MTN. ESTATES, LLC
EAGLE COUNTY, CO

TWIN ACRES EQUESTRIAN
623 FENDER LANE
PRECIPITATION DATA

drawn by:	HCE	scale:	N/A
checked by:	HCE	Project No:	2211062.00
date:	4-15-22	page:	3
file:	precipitation.dwg		

APPENDIX B

Hydrologic Calculations

TR 55 Worksheet 2: Runoff Curve Number and Runoff

Project: _____ Designed By: HCE Date: 4/25/22

Location: 623 Fender Lane Checked: HCE Date: 4/25/22

Circle one: ☐ Present ☒ Developed ☐ Undeveloped

1. Runoff curve number (CN)

Soil name and hydrologic group (Appendix A)	Cover description (Cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN ^{1/}			Area <input type="checkbox"/> acres <input type="checkbox"/> mi ² <input type="checkbox"/> %	Product of CN x area
		Table 2-2	Fig. 2-3	Fig. 2-4		
Almy loam 1 to 12 percent slopes B	Good Cover	61			75.78	4,622.6
Forelle-Brownsto 6 to 12 percent slopes C	Good Cover	74			15.46	1,144.0
Forelle-Brownsto 12 to 25 percent slopes C	Good Cover	74			7.28	538.7
Howalter-Morval complex 5 to 25 percent slopes C	Good Cover	74			0.25	18.5
Tridell-Brownsto 2 to 50 percent slopes A	Good Cover	39			0.24	9.4
Roofs	Buildings	85			0.85	72.2
Gravel	Driveways	98			1.17	114.7
Totals =					101.03	6,520.1

^{1/} Use only one CN source per line.

$$\text{CN (weighted)} = \frac{\text{total product}}{\text{total area}} = \frac{6,520.1}{101.03} = 65 \quad \text{Use CN} = \boxed{65}$$

2. Runoff

	Storm #1	Storm #2	Storm #3
Frequency years	2	25	100
Rainfall, P (24 hour) in.	1.14	1.93	2.46
Runoff, Q in.	0.0003	0.11	0.27

(Use P and CN with Table 2-1, Figure 2-1, or equations 2-3 and 2-4.)

TR 55 Worksheet 2: Runoff Curve Number and Runoff

Project: _____ Designed By: HCE Date: 4/25/22

Location: 623 Fender lane Checked: HCE Date: 4/25/22

Circle one: ☐ Present ☐ Developed ☒ Undeveloped

1. Runoff curve number (CN)

Soil name and hydrologic group (Appendix A)	Cover description (Cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN ^{1/}			Area <input checked="" type="checkbox"/> acres <input type="checkbox"/> mi ² <input type="checkbox"/> %	Product of CN x area
		Table 2-2 c	Fig. 2-3	Fig. 2-4		
Almy loam 1 to 12 percent slopes B	Good Cover	61			77.51	4,728.1
Forelle-Brownsto 6 to 12 percent slopes C	Good Cover	74			15.76	1,166.2
Forelle-Brownsto 12 to 25 percent slopes C	Good Cover	74			7.28	538.7
howalter-Morval complex 5 to 25 percent slopes C	Good Cover	74			0.25	18.5
Tridell-Brownsto 2 to 50 percent slopes A	Good Cover	39			0.24	9.4
Totals =					101.04	6,460.9

^{1/} Use only one CN source per line.

$$\text{CN (weighted)} = \frac{\text{total product}}{\text{total area}} = \frac{6,460.9}{101.04} = \underline{64} \quad \text{Use CN} = \boxed{64}$$

2. Runoff

Frequency years

Rainfall, P (24 hour) in.

Runoff, Q in.

(Use P and CN with Table 2-1, Figure 2-1,
or equations 2-3 and 2-4.)

Storm #1	Storm #2	Storm #3
2	25	100
1.14	1.93	2.46
0.0000	0.10	0.25

TR 55 Worksheet 3: Time of Concentration (T_c) or Travel Time (T_t)

Project: Twin Acres Equestrian Designed By: HCE Date: 4/25/22

Location: 623 Fender lane Checked By: HCE Date: 4/25/22

Circle one: ☐ Present ☒ Developed ☐ Undeveloped

Circle one: ☒ T_c ☐ T_t through subarea _____

NOTES: Space for as many as two segments per flow type can be used for each worksheet. Include a map, schematic, or description of flow segments.

Sheet Flow (Applicable to T_c only)

Segment ID

1	
---	--

1. Surface description (Table 3-1)
2. Manning's roughness coeff., n (Table 3-1)
3. Flow length, L (total $L \leq 100$ ft) ft
4. Two-year 24-hour rainfall, P_2 in
5. Land slope, s ft/ft
6. $T_t = \frac{0.007 (nL)^{0.8}}{P_2^{0.5} s^{0.4}}$ Compute T_t hr

Range (natural)	
0.13	
96	
1.14	
0.290	
0.08	+
= 0.08	

Shallow Concentrated Flow

Segment ID

2	
---	--

7. Surface description (paved or unpaved)
8. Flow length, L ft
9. Watercourse slope, s ft/ft
10. Average velocity, V (Figure 3-1) ft/s
11. $T_t = \frac{L}{3600 V}$ Compute T_t hr

Unpaved	
3,120	
0.020	
2.2	
0.39	+
= 0.39	

Channel Flow

Segment ID

--	--

12. Cross sectional flow area, a ft²
13. Wetted perimeter, P_w ft
14. Hydraulic radius, $r = \frac{a}{P_w}$ Compute r ft
15. Channel Slope, s ft/ft
16. Manning's Roughness Coeff., n
17. $V = \frac{1.49 r^{2/3} s^{1/2}}{n}$ Compute V ft/s
18. Flow length, L ft
19. $T_t = \frac{L}{3600 V}$ Compute T_t hr
20. Watershed or subarea T_c or T_t (add T_t in steps 6, 11, and 19) hr

	+
=	

0.47

TR 55 Worksheet 3: Time of Concentration (T_c) or Travel Time (T_t)

Project: Twin Acres Equestrian Designed By: HCE Date: 4/25/22

Location: 623 Fender lane Checked By: HCE Date: 4/25/22

Circle one: ☐ Present ☐ Developed ☒ Undeveloped

Circle one: ☒ T_c ☐ T_t through subarea _____

NOTES: Space for as many as two segments per flow type can be used for each worksheet. Include a map, schematic, or description of flow segments.

Sheet Flow (Applicable to T_c only)

Segment ID

1	
---	--

1. Surface description (Table 3-1)
2. Manning's roughness coeff., n (Table 3-1)
3. Flow length, L (total $L \leq 100$ ft) ft
4. Two-year 24-hour rainfall, P_2 in
5. Land slope, s ft/ft
6. $T_t = \frac{0.007 (nL)^{0.8}}{P_2^{0.5} s^{0.4}}$ Compute T_t hr

Range (natural)	
0.13	
96	
1.14	
0.290	
0.08	+
= 0.08	

Shallow Concentrated Flow

Segment ID

2	
---	--

7. Surface description (paved or unpaved)
8. Flow length, L ft
9. Watercourse slope, s ft/ft
10. Average velocity, V (Figure 3-1) ft/s
11. $T_t = \frac{L}{3600 V}$ Compute T_t hr

Unpaved	
3,120	
0.020	
2.2	
0.39	+
= 0.39	

Channel Flow

Segment ID

--	--

12. Cross sectional flow area, a ft²
13. Wetted perimeter, P_w ft
14. Hydraulic radius, $r = \frac{a}{P_w}$ Compute r ft
15. Channel Slope, s ft/ft
16. Manning's Roughness Coeff., n
17. $V = \frac{1.49 r^{2/3} s^{1/2}}{n}$ Compute V ft/s
18. Flow length, L ft
19. $T_t = \frac{L}{3600 V}$ Compute T_t hr
20. Watershed or subarea T_c or T_t (add T_t in steps 6, 11, and 19) hr

	+		=	
--	---	--	---	--

0.47

Tr 55 Worksheet 4: Graphical Peak Discharge Method

Project: Twin Acres Designed By: HCE Date: 4/25/22

Location: 623 Fender Lane Checked By: HCE Date: 4/25/22

Circle one: ☐ Present ☒ Developed ☐ Undeveloped

1. Data:

Drainage area $A_m = 0.158$ mi² (acres/640)

Runoff curve number CN = 65 (From Worksheet 2)

Time of concentration $T_c = 0.47$ hr (From Worksheet 3)

Rainfall distribution type = II (II, III, DMVIII)

Pond and swamp areas spread throughout watershed = 0 percent of A_m (0 acres or mi² covered)

2. Frequency..... yr

Storm #1	Storm #2	Storm #3
2	25	100

3. Rainfall, P (24-hour)..... in

1.14	1.93	2.46
------	------	------

4. Initial abstraction, I_a in
(Use CN with Table 4-1.)

1.077	1.077	1.077
-------	-------	-------

5. Compute I_a/P

0.94	0.56	0.44
------	------	------

6. Unit peak discharge, q_u csm/in
(Use T_c and I_a/P with exhibit 4- II)

250	250	300
-----	-----	-----

7. Runoff, Q in
(From Worksheet 2)

0.0003	0.11	0.27
--------	------	------

8. Pond and swamp adjustment factor, F_p in
(Use percent pond and swamp area with Table 4-2. Factor is 1.0 for zero percent pond and swamp area.)

1.0	1.0	1.0
-----	-----	-----

9. Peak discharge, q_p cfs
(Where $q_p = q_u A_m Q F_p$)

-0.01	4.3	12.8
-------	-----	------

Tr 55 Worksheet 4: Graphical Peak Discharge Method

Project: Twin Acres Designed By: HCE Date: 4/25/22

Location: 623 Fender Lane Checked By: HCE Date: 4/25/22

Circle one: ☐ Present ☐ Developed ☒ Undeveloped

1. Data:

Drainage area $A_m = 0.158$ mi² (acres/640)

Runoff curve number CN = 64 (From Worksheet 2)

Time of concentration $T_c = 0.47$ hr (From Worksheet 3)

Rainfall distribution type = II (II, III, DMVIII)

Pond and swamp areas spread throughout watershed = 0 percent of A_m (0 acres or mi² covered)

2. Frequency..... yr

Storm #1	Storm #2	Storm #3
2	25	100

3. Rainfall, P (24-hour)..... in

1.14	1.93	2.46
------	------	------

4. Initial abstraction, I_a in
(Use CN with Table 4-1.)

1.125	1.125	1.125
-------	-------	-------

5. Compute I_a/P

0.99	0.58	0.46
------	------	------

6. Unit peak discharge, q_u csm/in
(Use T_c and I_a/P with exhibit 4- II)

250	250	300
-----	-----	-----

7. Runoff, Q in
(From Worksheet 2)

0.00001	0.10	0.25
---------	------	------

8. Pond and swamp adjustment factor, F_p in
(Use percent pond and swamp area with Table 4-2. Factor is 1.0 for zero percent pond and swamp area.)

1.0	1.0	1.0
-----	-----	-----

9. Peak discharge, q_p cfs
(Where $q_p = q_u A_m Q F_p$)

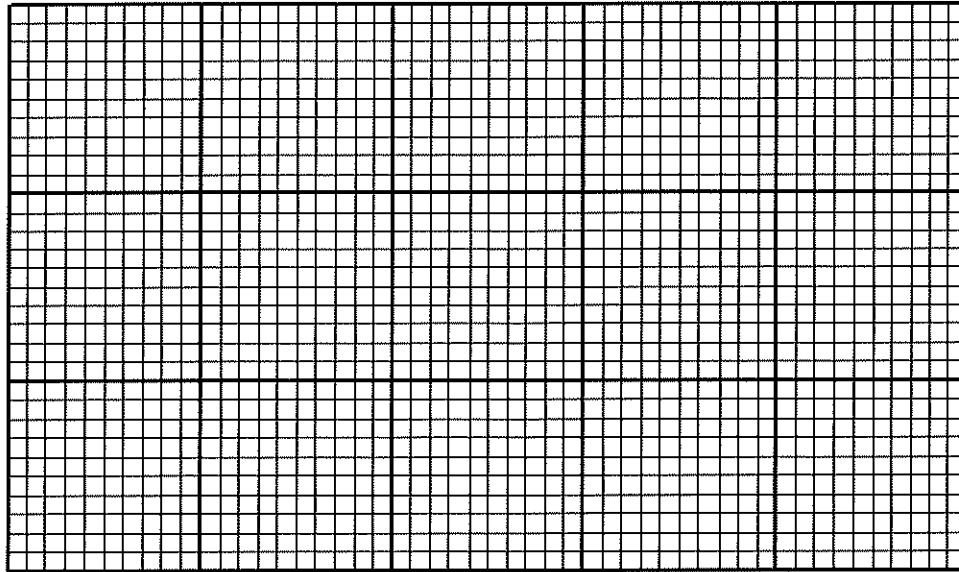
-0.00	4.0	11.8
-------	-----	------

TR 55 Worksheet 6B: Detention Basin Storage, Peak Outflow Discharge (q_o) Known

Project: Twin Acres Location: 623 Fender Lane

Checkone: ☐ Present ☒ Developed

Elevation or Stage



Detention Basin Storage

1. Data:

Drainage area, A_m = 0.158 mi^2
Rainfall distribution
Type (II, III, DMV) = II

6. $\frac{V_s}{V_r}$
(Use $\frac{q_o}{q_i}$ with Figure 6-1)

1st Stage	2nd Stage
0.18	0.18

2. Frequency yr

1st Stage	2nd Stage
25	100

7. Runoff, Q in
(From Worksheet 2)

0.11	0.27
------	------

3. Peak inflow discharge,
 q_i cfs
(From worksheet 4 or 5b)

4.3	12.8
-----	------

8. Runoff Volume, V_r ac-ft
($V_r = 53.53 QA_m$)

0.9	2.3
-----	-----

4. Peak outflow discharge,
 q_o ^{1/} cfs

4.0	11.8
-----	------

9. Storage Volume, V_s .. ac-ft
 $V_s = V_r (V_s / V_r)$

0.2	0.4
-----	-----

5. Compute $\frac{q_o}{q_i}$
 q_i

0.93	0.92
------	------

10. Maximum stage, E_{max}
(From plot)

--	--

^{1/} 2nd stage q_o includes 1st stage q_o .

Designed By: HCE

Date: 4/25/22

Checked By: HCE

Date: 4/25/22

APPENDIX C

Retention Storage

Required Storage Volume

According to Eagle County Development Standards Section 4-650 B.3.b: peak flow reduction shall be accomplished by limiting release rates to historic (undeveloped) flows for all storms up to and including the twenty-five (25) year, twenty-four (24) hour storm.

$$V_{25 \text{ req.}} = 0.20 \text{ acre-feet.}$$

Appendix A

Proposed Retention Volume

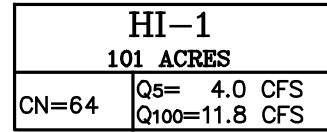
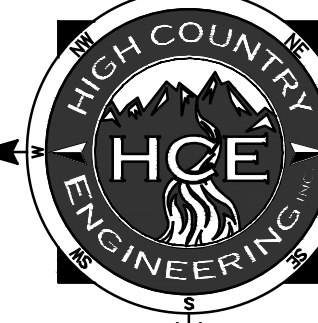
$$V_{25 \text{ prop.}} = 0.20 \text{ acre-feet.}$$

Conclusion

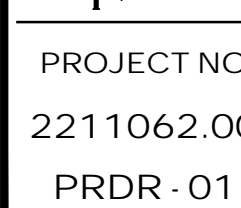
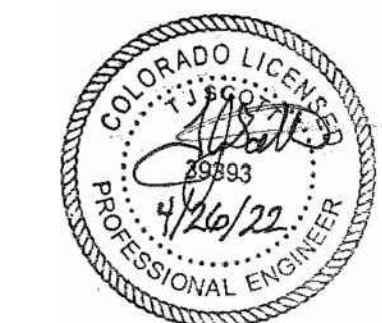
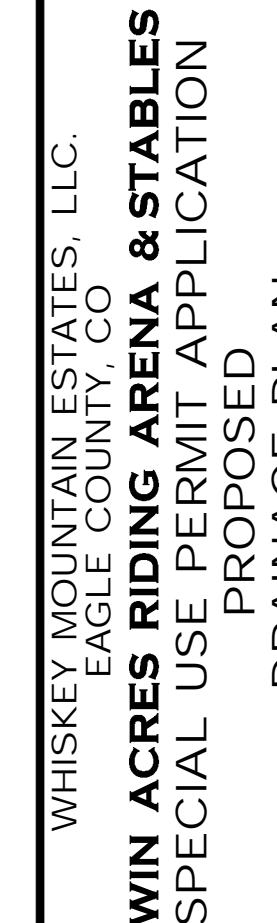
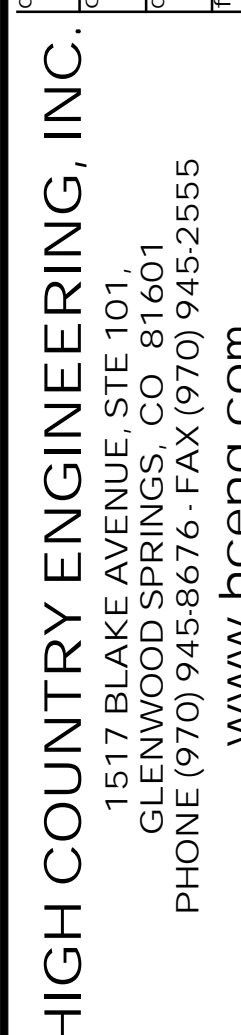
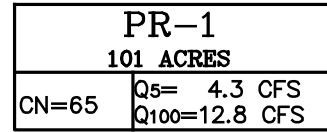
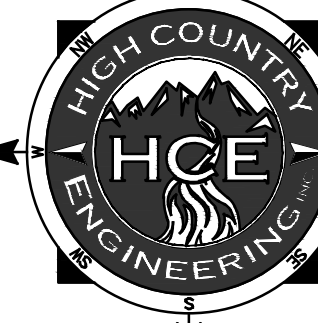
Since the proposed volume of 0.20 acre-feet, equals the required storage volume of 0.20 acre-feet, adequate storage capacity is proposed for storm water runoff from the site.

APPENDIX D

Drainage Maps



FOR AND ON BEHALF OF
HIGH COUNTRY ENGINEERING, INC.



PRELIMINARY SITE PLANS FOR
TWIN ACRES EQUESTRIAN RIDING AND BOARDING STABLE
623 FENDER LANE

SITUATED IN:
SECTIONS 21, 22, 27 AND 28, TOWNSHIP 7 SOUTH, RANGE 87 WEST OF THE SIXTH PRINCIPAL MERIDIAN
EAGLE COUNTY
STATE OF COLORADO
PARCEL NUMBER: 2391-223-00-006

EROSION CONTROL NOTES:

1. GRADING ACTIVITIES SHALL BE CONDUCTED IN CONFORMANCE WITH APPLICABLE EAGLE COUNTY STANDARDS.
2. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN CONFORMANCE WITH APPLICABLE EAGLE COUNTY STANDARDS.
3. REFER TO THE GRADING AND EROSION CONTROL PLAN FOR SURFACE RESTORATION REQUIREMENTS.
4. EROSION CONTROL MATS SHALL BE PLACED ON ALL SLOPES GREATER THAN 2:1.

REVEGETATION NOTES:

ALL AREAS DISTURBED DURING CONSTRUCTION WILL BE REVEGETATED ACCORDING TO THE FOLLOWING CRITERIA. DURING CONSTRUCTION, EROSION WHICH MAY POSE A THREAT TO SURROUNDING PROPERTIES OR WATERWAYS WILL BE CONTAINED THROUGH THE USE OF TEMPORARY EROSION CONTROL MEASURES AS DEEMED NECESSARY.

REVEGETATION OF DISTURBED AREAS SHALL COMMENCE IN THE FALL, PRIOR TO THE FIRST MAJOR SNOWFALL, OR EARLY SPRING WHEN SITE CONDITIONS ALLOW.

EROSION CONTROL MEASURES ARE AIMED AT CONTROLLING / CONFINING SEDIMENT WITHIN OR NEAR THE AREA OF DISTURBANCE. THE LONG TERM STABILITY OF THESE AREAS WILL DEPEND ON THE ESTABLISHMENT OF APPROPRIATE GROUND COVER VEGETATION. THE PRIMARY GOAL OF THE REVEGETATION EFFORT IS TO PROTECT WATER QUALITY THAT WILL REQUIRE A STURDY GROUND COVER AS SOON AS POSSIBLE.

ALL NATURAL VEGETATION TO REMAIN SHALL BE PROTECTED.

EXPOSURE OF SOIL TO EROSION BY REMOVAL OR DISTURBANCE OF VEGETATION SHALL BE LIMITED TO THE AREA REQUIRED FOR IMMEDIATE CONSTRUCTION OPERATIONS AND FOR THE SHORTEST PRACTICAL PERIOD OF TIME.

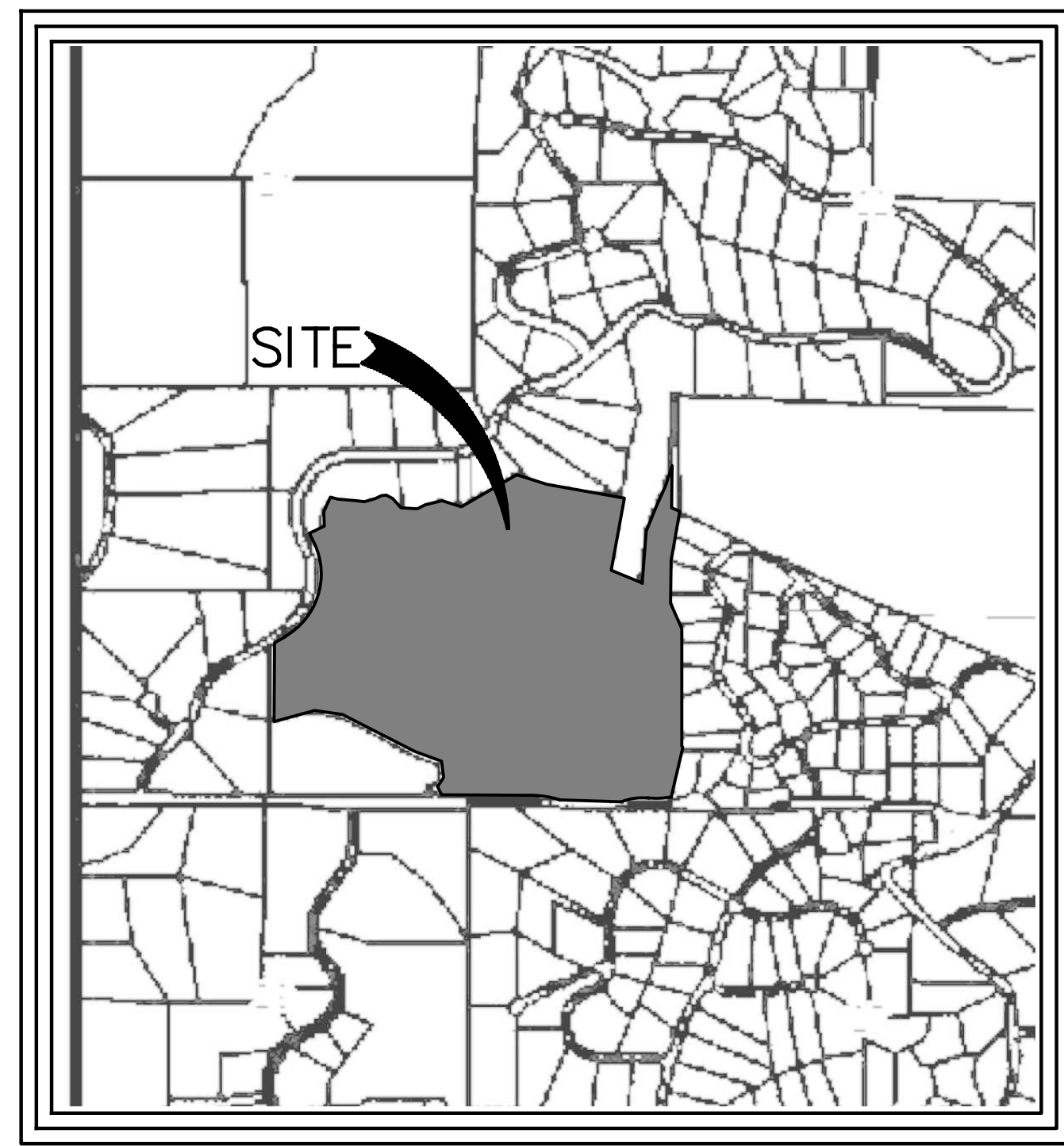
ALL DISTURBED AREAS SHALL BE SEEDED OR COVERED WITH GRAVEL. USE RIVENDELL'S PITKIN COUNTY SEED MIX.

ALL TOPSOIL SHALL BE SALVAGED FROM DISTURBED AREAS, STOCKPILED AND RE-SPREAD PRIOR TO REVEGETATION. TOPSOIL SHOULD NOT BE RE-SPREAD ON AREAS OF THE SITE PROPOSED FOR FUTURE BUILDING.

SEED SHALL BE DRILLED OR OTHERWISE MECHANICALLY INCORPORATED INTO THE SOIL ("FARMED") OR SHALL BE HYDRAULICALLY APPLIED AND FOLLOWED BY APPLICATION OF HYDRAULICALLY APPLIED MULCH OR STRAW. STRAW MULCH SHALL BE SECURED IN PLACE WITH A HYDRAULICALLY APPLIED TACKIFIER.

SEED MIX (RIVENDELL PITKIN COUNTY MIX)

RATE: 1/2 LB PER 1,000 FT²
25% SLENDER WHEATGRASS 20% MOUNTAIN BROME
20% WESTERN WHEATGRASS 20% SECAR BLUEBUNCH
5% THICKSPIKE WHEATGRASS 5% IDAHO FESCUE
3% GREEN NEEDLE
2% INDIAN RICEGRASS



VICINITY MAP
SCALE: 1" = 1,000'

GENERAL GRADING NOTES:

1. THE GROUND SURFACE SHALL BE PREPARED TO RECEIVE FILL BY REMOVING VEGETATION, TOP SOIL AND OTHER UNSUITABLE MATERIALS, AND SCARIFYING THE GROUND TO PROVIDE A BOND WITH THE FILL MATERIAL.
2. FILL MATERIAL SHALL NOT NOT INCLUDE ORGANICS, FROZEN OF OTHER DELETERIOUS MATERIAL. NO ROCKS OR SIMILAR IRREDUCIBLE MATERIAL GREATER THAN 12 INCHES IN ANY DIMENSION SHALL BE INCLUDED IN THE FILL MATERIAL.
3. ALL FILL AREAS SHALL BE COMPACTED TO 90 PERCENT OF MAXIMUM DENSITY, IN LIFTS ON EXCEEDING 12 INCHES, ON IN ACCORDANCE WITH A GEOTECHNICAL ENGINEER'S RECOMMENDATION.
4. THE DRIVEWAYS SHALL HAVE AN ALL-WEATHER SURFACE.
5. ALL SLOPES STEEPER THAN 2:1 SHALL BE TREATED WITH SEED AND MULCH AND EROSION CONTROL BLANKET NORTH AMERICAN GREEN SC150 OR EQUIVALENT.
6. EROSION CONTROL BALES OR SILT FENCE SHALL BE PLACED AT THE TOE AND DRAINAGE OUTFALL POINTS OF ALL SLOPES 2:1 OR STEEPER TO PREVENT SILTATION ON STREETS. REFER TO GRADING AND EROSION CONTROL PLAN FOR DETAIL AND LOCATION OF EROSION CONTROL MEASURES.
7. CONTRACTOR SHALL COMPLY WITH ALL LOCAL, COUNTY AND STATE REGULATIONS PERTAINING TO SHORING, GRADING, TRAFFIC CONTROL, NOISE CONTROL, DUST CONTROL AND EROSION CONTROL.
8. NATURAL VEGETATION SHALL BE RETAINED AND PROTECTED WHEREVER POSSIBLE. EXPOSURE OF SOIL TO EROSION BY REMOVAL OR DISTURBANCE OF VEGETATION SHALL BE LIMITED TO THE AREA REQUIRED FOR IMMEDIATE CONSTRUCTION OPERATIONS AND FOR THE SHORTEST PRACTICAL PERIOD OF TIME.
9. ALL DISTURBED AREAS SHALL BE REVEGETATED PER THE REVEGETATION NOTES AND LANDSCAPE PLAN.
10. TOPSOIL SHALL BE STOCKPILED TO THE EXTENT PRACTICABLE ON THE SITE FOR USE ON AREAS TO BE REVEGETATED. ANY AND ALL STOCKPILES SHALL BE LOCATED AND PROTECTED FROM EROSION ELEMENTS, INCLUDING EROSION CONTROL AROUND THE PERIMETER OF SAID STOCKPILES.
11. AT ALL TIMES, THE PROPERTY SHALL BE MAINTAINED AND/OR WATERED TO PREVENT WIND-CAUSED EROSION. EARTHWORK OPERATIONS SHALL BE DISCONTINUED WHEN FUGITIVE DUST SIGNIFICANTLY IMPACTS ADJACENT PROPERTY. IF EARTHWORK IS COMPLETE OR DISCONTINUED AND DUST FROM THE SITE CONTINUES TO CREATE PROBLEMS, THE OWNER/DEVELOPER SHALL IMMEDIATELY INSTITUTE MITIGATIVE MEASURES AND SHALL CORRECT DAMAGE TO ADJACENT PROPERTIES.
12. ALL EXISTING UTILITY LINE LOCATIONS MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
13. THE CONTRACTOR SHALL PROVIDE SOIL CLASSIFICATION AND GRADATION REPORTS FOR EARTHEN IMPORT MATERIALS TO THE OWNER FOR REVIEW AND APPROVAL, PRIOR TO TRANSPORTING FILL MATERIAL TO THE SITE.
14. THE OWNER SHALL ARRANGE FOR THE INSTALLATION APPROPRIATE SAFETY MEASURES AT THE DRIVEWAY CULVERT CROSSING PRIOR TO COMPLETION OF CONSTRUCTION.
15. EXISTING CONDITIONS SURVEY DATA OBTAINED FROM IMPROVEMENT SURVEY PLAT OF 323 FENDER LANE, BY SGM INC. DATED 5/5/21.

DATUM AND BENCH MARK:

REFER THE IMPROVEMENT SURVEY PLAT OF 323 FENDER LANE, BY SGM INC. DATED 5/5/21

CIVIL SHEET INDEX

SHEET NUMBER	TITLE
C 1 TI-01	TITLE SHEET
C 2 SP-01	SITE PLAN
C 3 AP-01	ACCESS PLAN
C 4 PK-01	PARKING PLAN
C 5 MU-01	UTILITY PLAN
C 6 GR-01	GRADING PLAN

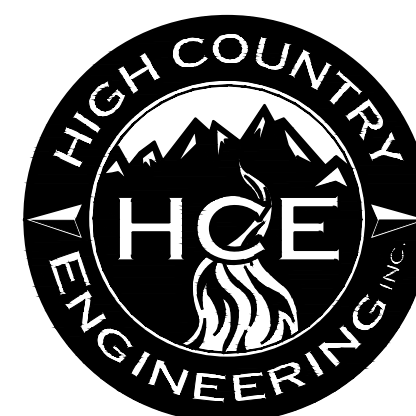


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YOU DIG

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Utility Notification
Center of Colorado
Administrative Office 303-232-1991
12600 W. Colfax Ave., Suite B-310
Lakewood, Co 80215

CALL 2-BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE, OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.



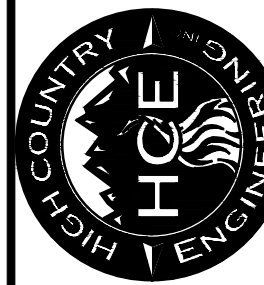
HIGH COUNTRY ENGINEERING, INC.
CONSULTING ENGINEERS AND SURVEYORS
1517 BLAKE AVENUE, STE 101
GLENWOOD SPRINGS, COLORADO 81601
PH: (970) 945-8676
FAX: (970) 945-2555

NOT FOR
CONSTRUCTION

BY	REVISION	DATE	NO	COUNTY REVIEW COMMENTS
HCE		7/6/22	1	

Drawn by:	DMC	Checked by:	HCE	Date:	JULY, 2022	File:	SP01
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HIGH COUNTRY ENGINEERING, INC.
1517 BLAKE AVENUE, STE 101,
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WHISKEY MOUNTAIN ESTATES, LLC.
EAGLE COUNTY, CO
TWIN ACRES RIDING ARENA & STABLES
SPECIAL USE PERMIT APPLICATION
PRELIMINARY SITE PLAN
EXHIBIT

PROJECT NO.
2211062.00
SP-01

C 2

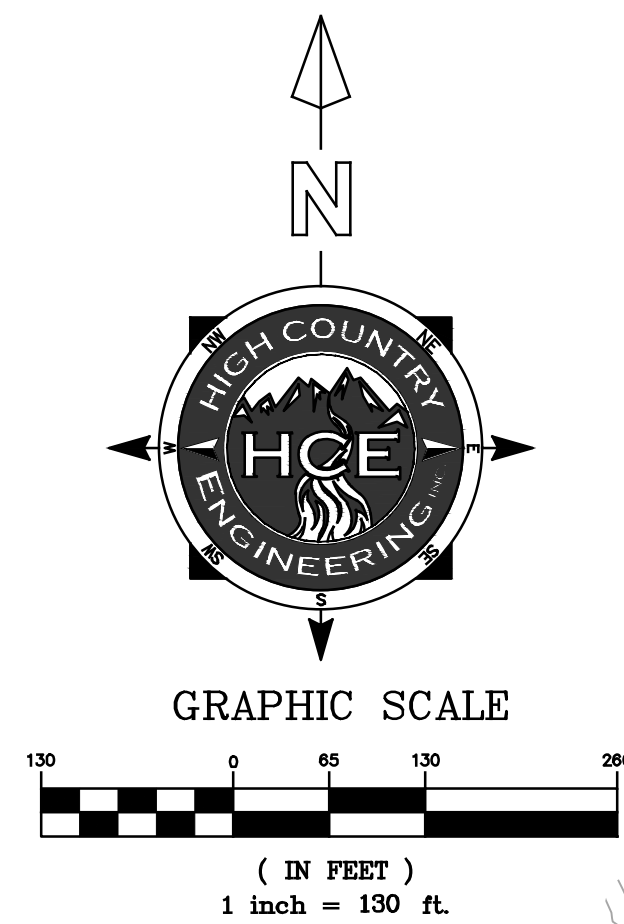
NOTES

1. IMPROVEMENT SURVEY PLAT PERFORMED BY SGM SURVEY DATED MAY 5, 2021 JOB NO. 2021-298.00. FILE NO. 623FENDER-1500 WAS RELIED UPON FOR BOUNDARY AND IMPROVEMENTS INFORMATION. PROVIDED BY CLIENT.
2. PROPOSED STABLE, COVERED RIDING ARENA AND PARKING AREA WAS RELIED UPON THE LAND STUDIO, INC. TWIN ACRES RIDING ARENA AND STABLE CONCEPT DATED JUNE 9, 2021.
3. THE ACTUAL LOCATION OF UNDERGROUND UTILITIES MUST BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
4. ELEVATIONS SHOWN HEREON WERE DERIVED FROM TNM U.S.G.S. LIDAR POINT CLOUD CO CENTRAL-WESTERN 2016 FILES LD 25471581, LD25471584, LD25441584 AND LD25441581.
5. EXISTING AND PROPOSED SITE CONTOURS AT 2' INTERVALS.
6. DESIGN BASED ON 6" OF EXPOSED FOUNDATION/SLAB CONCRETE MINIMUM WITH 6" OF FALL AWAY FROM THE HOME WITHIN THE FIRST 5' OF PERVIOUS LANDSCAPING. AND A MINIMUM SLOPE OF 3" OF FALL AWAY FROM THE HOME WITHIN THE FIRST 10' OF PAVED AREAS. MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL DIRECTIONS AT ALL TIMES.
7. CHANGES TO THE GRADING PLAN AND DRAINAGE SHALL BE VERIFIED THROUGH THE ENGINEER OF RECORD PRIOR TO BEING COMPLETED IN THE FIELD.
8. NORTH AMERICAN GREEN SC150 EROSION CONTROL BLANKET (OR EQUIVALENT) IS TO BE PLACED ON ALL DISTURBED SLOPES GREATER THAN 2:1.
9. MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL DIRECTIONS AT ALL TIMES. DESIGN BASED ON 6" OF EXPOSED FOUNDATION/SLAB CONCRETE MINIMUM WITH 12" OF FALL AWAY FROM THE HOME WITHIN THE FIRST 10' IN UNPAVED AREAS AND 3" OF FALL IN THE FIRST 10' IN PAVED AREAS..
10. LANDSCAPING CANNOT IMPACT GRADING AND DRAINAGE ON THE SITE. LANDSCAPING THAT REQUIRES REGULAR HEAVY IRRIGATION SHOULD BE BEYOND 5' OF THE FOUNDATION WALLS.
11. ROOF DOWNSPOUTS SHOULD DISCHARGE WELL BEYOND THE LIMITS OF BACKFILL.
12. A REPRESENTATIVE OF THE GEOTECHNICAL ENGINEER SHOULD EVALUATE THE COMPACTION OF THE FILL MATERIALS AND OBSERVE ALL FOOTING EXCAVATIONS PRIOR TO CONCRETE PLACEMENT FOR BEARING CONDITIONS.
14. CONTRACTOR TO VERIFY UTILITY LOCATIONS PRIOR TO DIGGING. CALL UNCC FOR ALL EXISTING UTILITY LOCATIONS PRIOR TO DIGGING. UNDERGROUND UTILITY LOCATES WERE PROVIDED BY CLIENT WITH
15. ALL BMP FACILITIES MUST REMAIN IN PLACE UNTIL FINAL RE-VEGETATION HAS BEEN ACCEPTED BY THE COUNTY.
16. SEE ARCHITECTURAL AND STRUCTURAL PLANS FOR TOP OF WALL ELEVATIONS.
17. PROVIDE SEDIMENT CONTROL FENCE BELOW FILL AREAS. CHECK FENCING AFTER MAJOR STORM EVENTS OR ON A WEEKLY BASIS FOR STABILITY.
18. THE PROPERTY IS NOT WITHIN A 100-YEAR FLOODPLAIN.

LEGEND

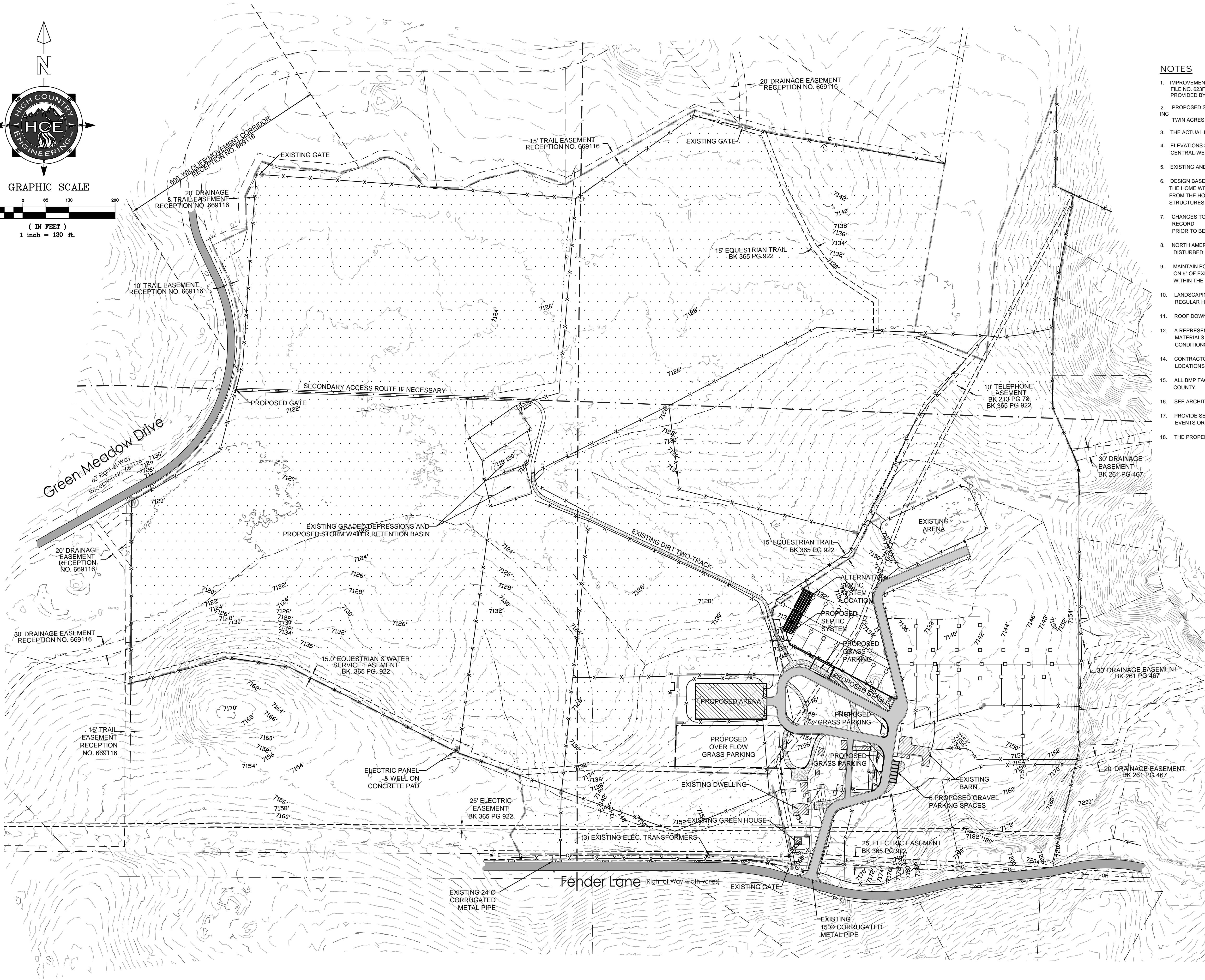
- Electric Meter
- Electric Panel
- Utility Pole
- Telephone Ped
- Telephone Marker
- Water valve
- Water Shut-off
- Water Manhole
- Water Spigot
- Well
- PVC pipe
- Gas Marker
- Gate post

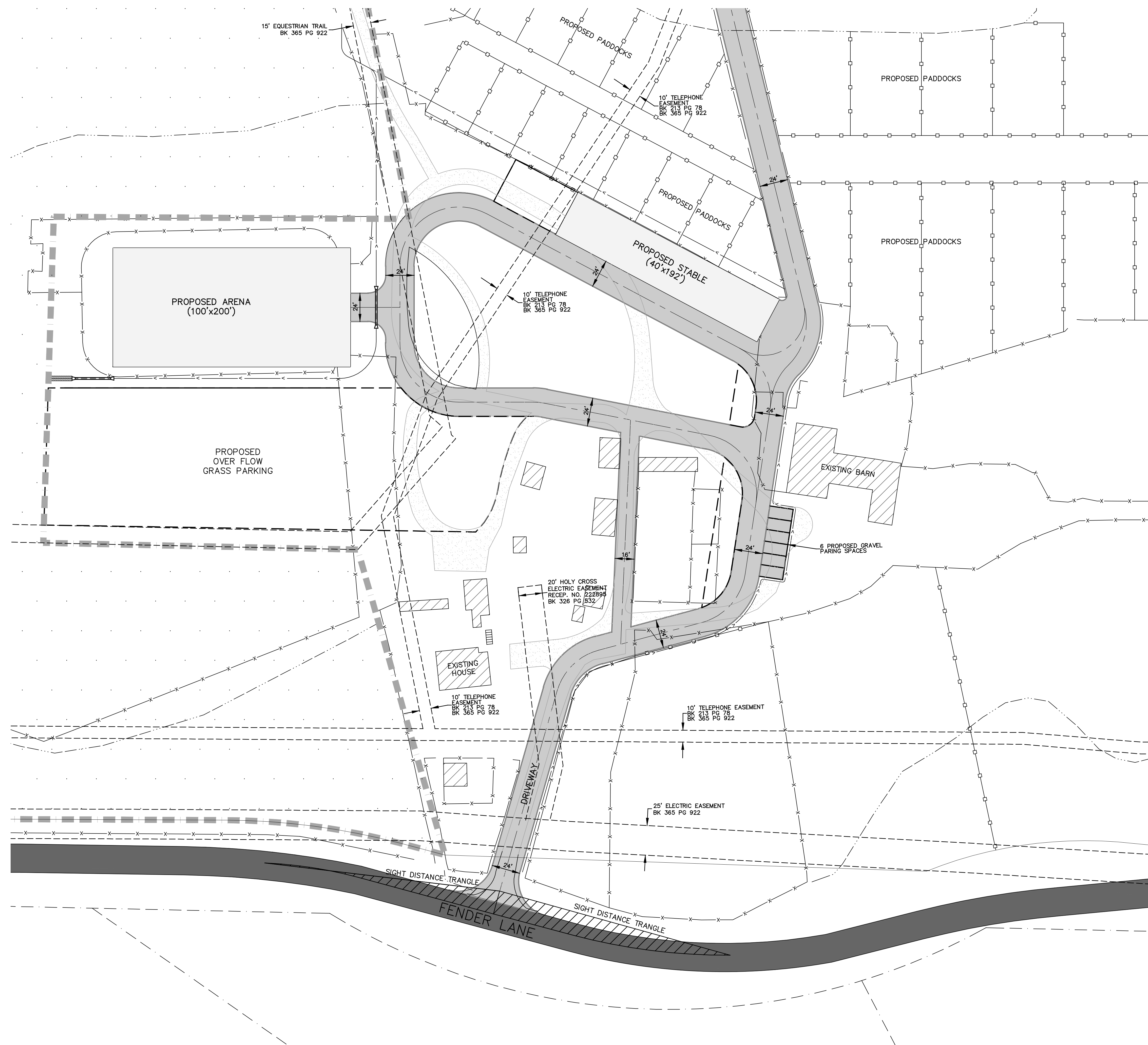
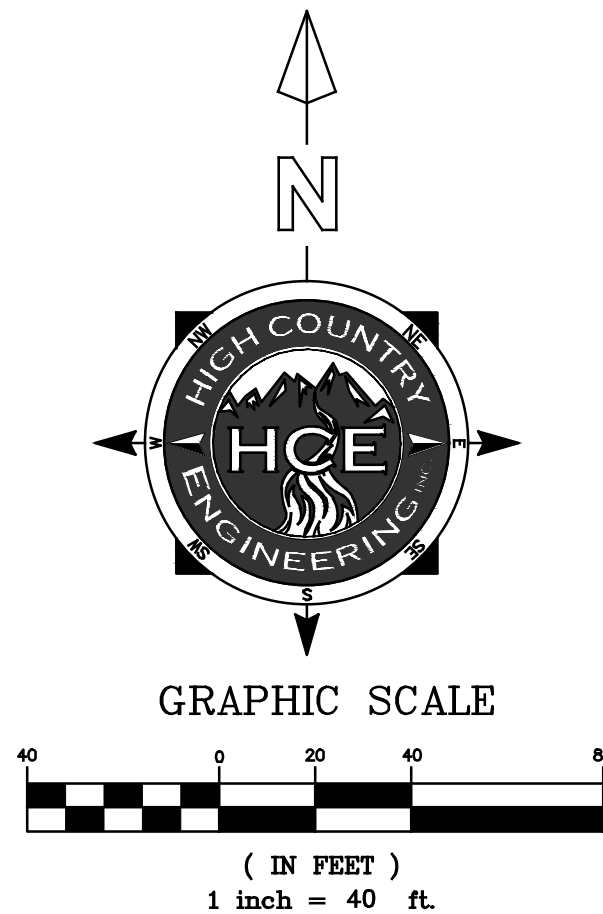
- Boundary
- Section Line
- Conservation Easement Limits
- Major Contour (LIDAR)
- Minor Contour (LIDAR)
- Overhead Electric Line
- Fenceline
- Ditch (all dry at time of survey)
- Existing Gravel
- Driveways
- Existing Structure
- Proposed Structure
- 80.63 Ac. Agricultural Parcel, Deed of Conservation Easement Reception No. 669115



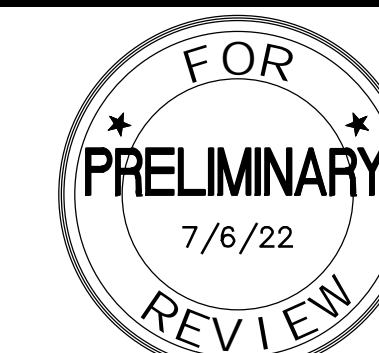
GRAPHIC SCALE

(IN FEET)
1 inch = 130 ft.






NOT FOR
CONSTRUCTION

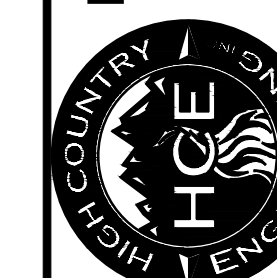


drawn by:	NO.	DATE	REVISION	BY
checked by: HCE	1	7/6/22	COUNTY REVIEW COMMENTS	HCE
date: HCE				
JULY, 2022				
FILE #				



COLORADO
CALL BEFORE YOU DIG
 Utility Notification
 Center of Colorado

HIGH COUNTRY ENGINEERING, INC.
1517 BLAKE AVENUE, STE 101,
GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-8676 · FAX (970) 945-2555
www.hceng.com



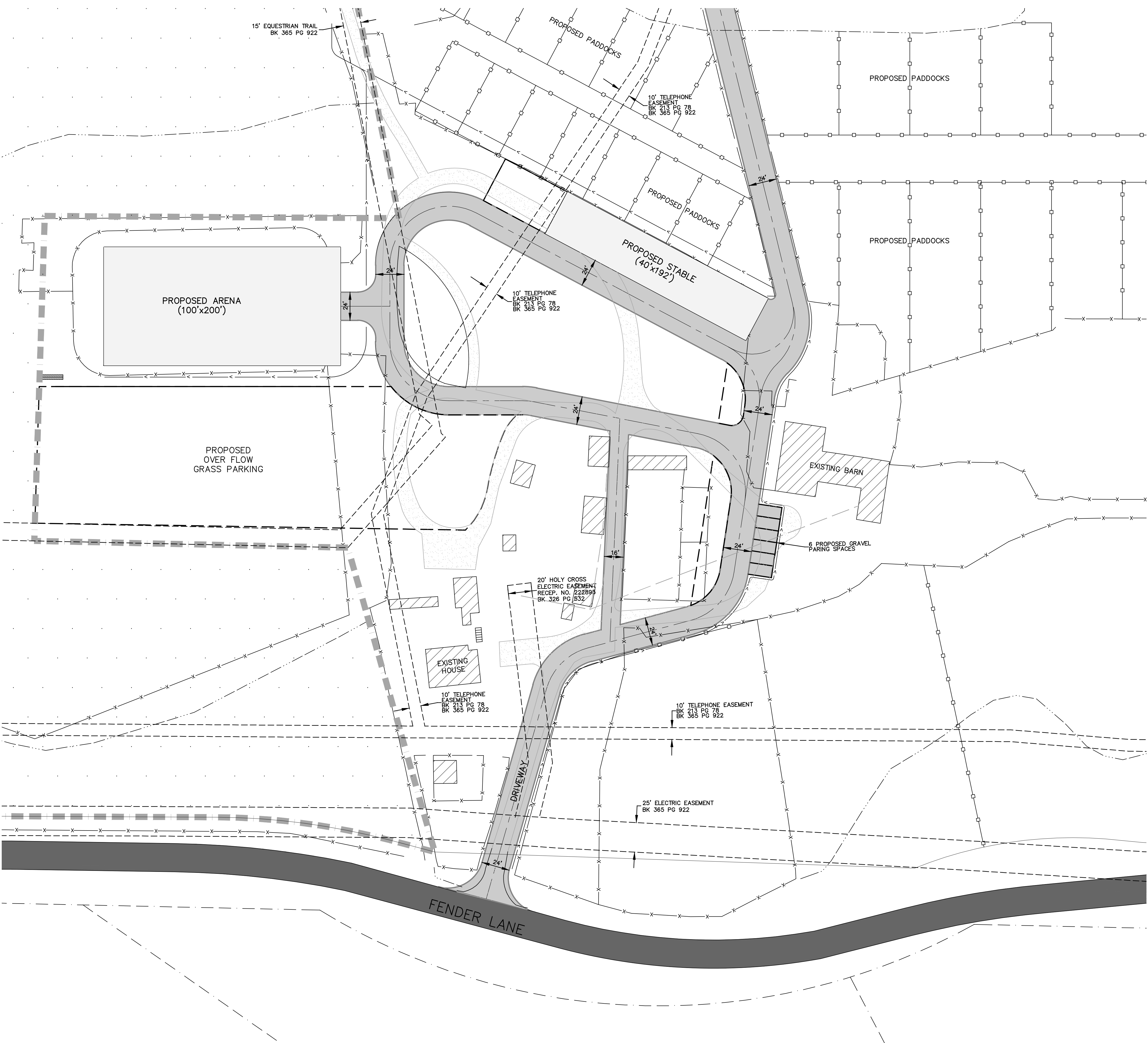
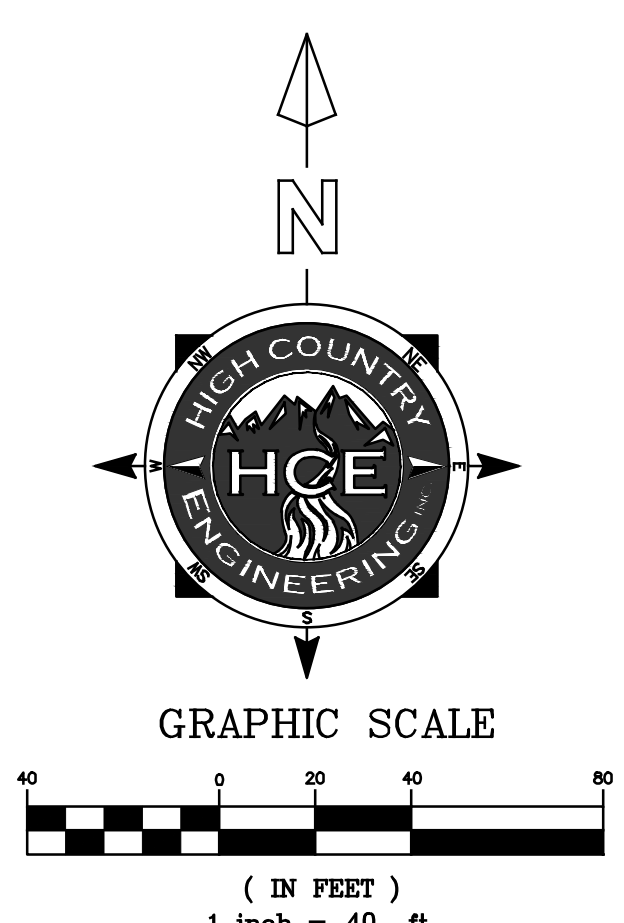
WHISKEY MOUNTAIN ESTATES, LLC;
EAGLE COUNTY, CO

TWIN ACRES RIDING ARENA & STABLES

SPECIAL USE PERMIT APPLICATION
PRELIMINARY
ACCESS PLAN

PROJECT NO.	2211062.00
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C 3



NOT FOR
CONSTRUCTION



**COLORADO 800
CALL BEFORE
YOU DIG**
Utility Notification
Center of Colorado

Drawn by:		HCE		BY	
Checked by:		HCE		HCE	
Date:		JULY, 2022			
File:					
NO.	DATE	REVISION			
1	7/6/22	COUNTRY REVIEW COMMENTS			

HIGH COUNTRY ENGINEERING, INC.
1517 BLAKE AVENUE, STE. 101
GLENWOOD SPRINGS, CO. 81601
PHONE (970) 945-8676 • FAX (970) 945-3555
www.hceng.com



WHISKEY MOUNTAIN ESTATES, LLC.
EAGLE COUNTY, CO

PROJECT NO.
2211062.00
BK 01

C



drawn by:	HCE	NO.	DATE	REVISION	BY
checked by:	HCE	1	7/6/22	COUNTY REVIEW COMMENTS	HCE
date:					
file:	JULY, 2022				

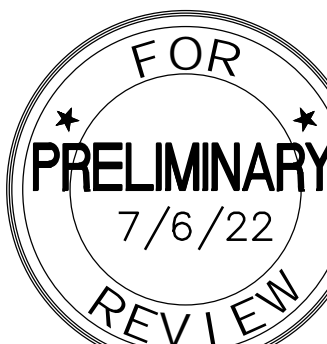
HIGH COUNTRY ENGINEERING, INC.
1517 BLAKE AVENUE, STE 101,
GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-8676 • FAX (970) 945-2555
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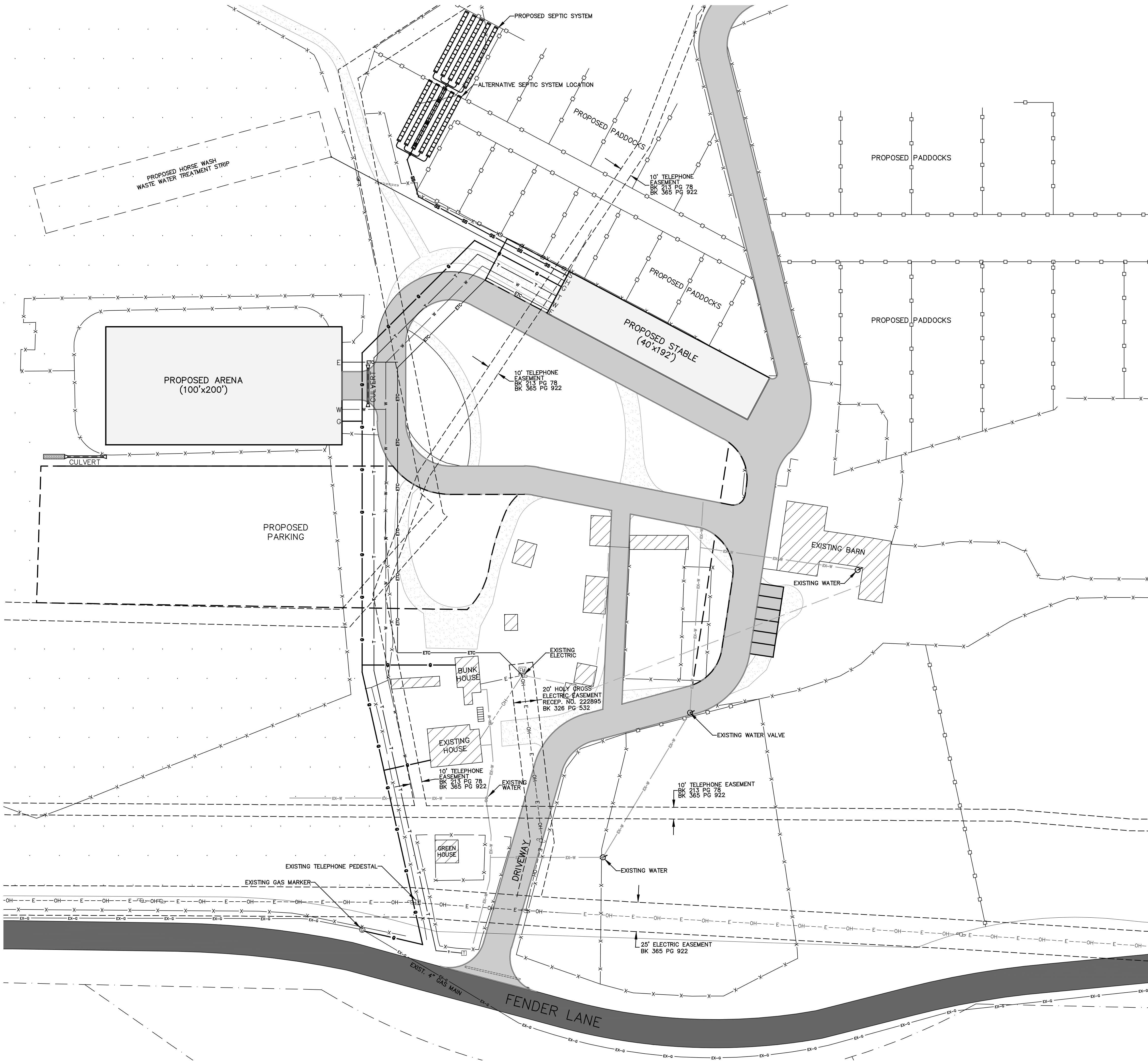
WHISKEY MOUNTAIN ESTATES, LLC.
EAGLE COUNTY, CO
TWIN ACRES RIDING ARENA & STABLES
SPECIAL USE PERMIT APPLICATION
PRELIMINARY

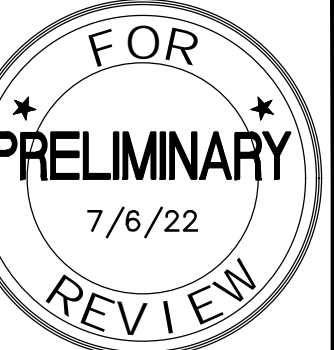
PROJECT NO.
2211062.00
MU-01

C 5



NOT FOR
CONSTRUCTION





REVISION
COUNTY REVIEW COMMENTS

NO.	DATE
1	7/6/22

checked by:	HCE
checked by:	HCE
date:	JULY, 2022
file:	GR-01

HIGH COUNTRY ENGINEERING, INC.
1517 BLAKE AVENUE, STE 101,
GLENWOOD SPRINGS, CO. 81601
PHONE (970) 945-8676. FAX (970) 945-2555
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TWIN ACRES RIDING ARENA & STABLES
SPECIAL USE PERMIT APPLICATION
PRELIMINARY
GRADING PLAN

PROJECT NO.
2211062.00
GR-01

C 6



NOT FOR
CONSTRUCTION

Twin Acres Riding Arena & Stables
Whiskey Mountain Estates, LLC
Eagle County, Colorado

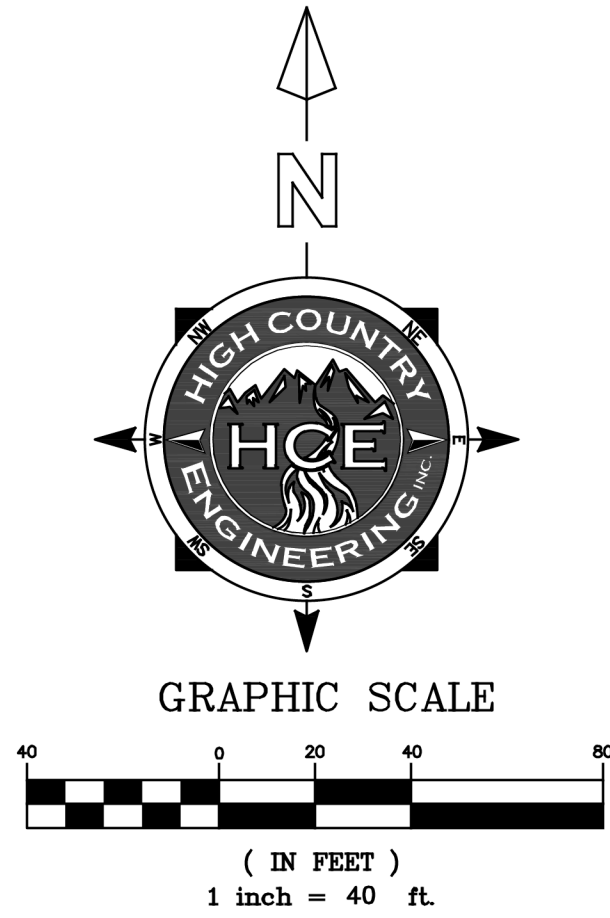
date: February 24, 2022
remarks: Revised June 27, 2022

Landscape &
Revegetation Plan

L1



NOT FOR
CONSTRUCTION



Revegetation notes

All areas disturbed during construction will be revegetated according to the following criteria. During construction, erosion which may pose a threat to surrounding properties or waterways will be contained through the use of temporary erosion control measures as deemed necessary.

Revegetation of disturbed areas shall commence in the fall, prior to the first major snowfall, or early spring when site conditions allow.

Erosion Control measures are aimed at controlling/confining sediment within or near the area of disturbance. The long term stability of these areas will depend on the establishment of appropriate ground cover vegetation. The primary goal of the revegetation effort is to protect water quality that will require a sturdy ground cover as soon as possible.

All natural vegetation to remain shall be protected.

Exposure of soil to erosion by removal or disturbance of vegetation shall be limited to the area required for immediate construction operations and for the shortest practical period of time.

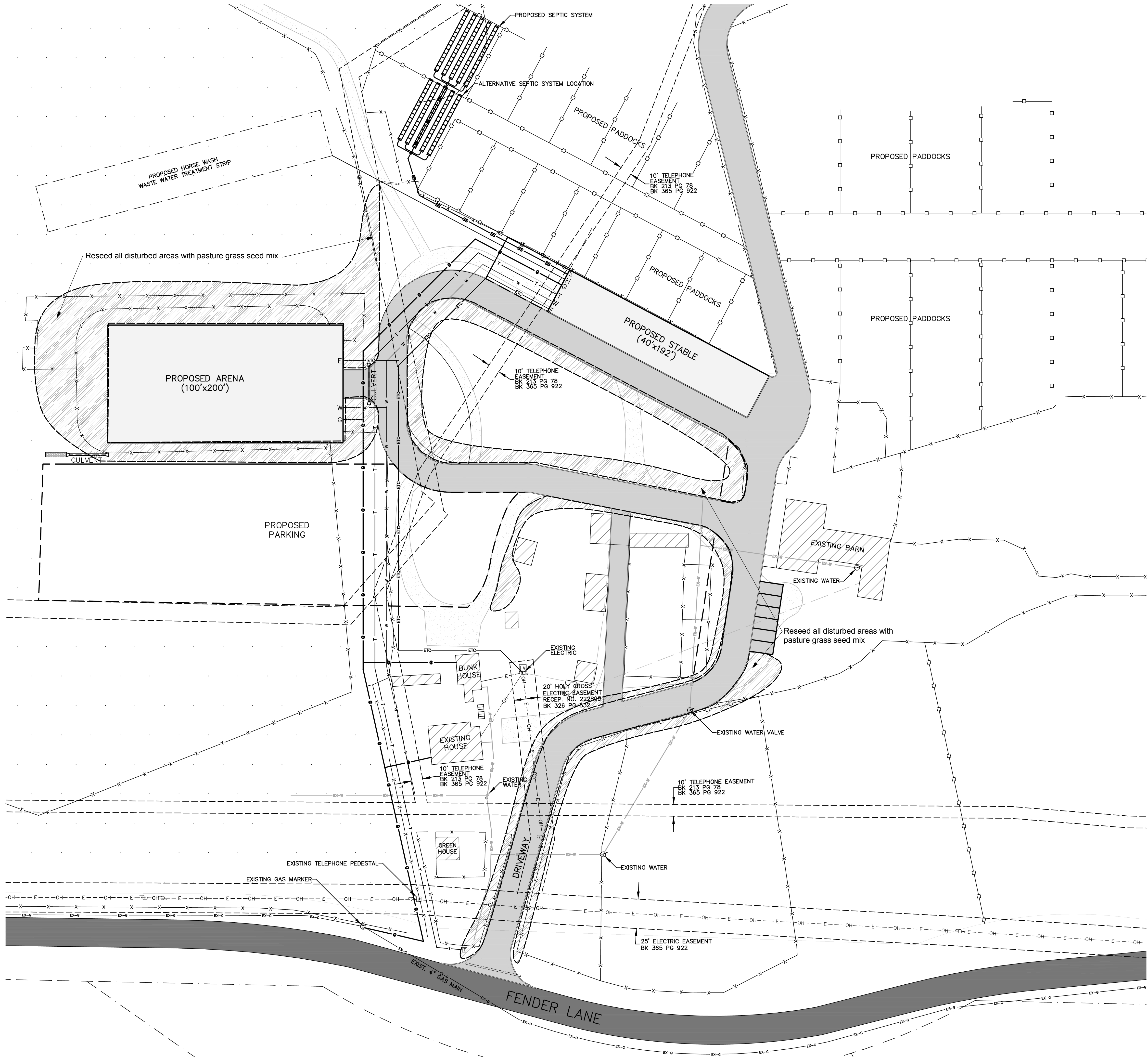
All disturbed areas shall be seeded or covered with gravel. Use Rivendell's Pitkin County seed mix.

All topsoil shall be salvaged from disturbed areas, stockpiled and re-spread prior to revegetation. Topsoil should not be re-spread on areas of the site proposed for future building.

Seed shall be drilled or otherwise mechanically incorporated into the soil ("farmed") or shall be hydraulically applied and followed by application of hydraulically applied mulch or straw. Straw mulch shall be secured in place with a hydraulically applied tackifier.

SEED MIX (RIVENDELL PITKIN COUNTY MIX)

Rate: 1/2-1lb per 1,000 FT²
25% Slender Wheatgrass 20% Mountain Brome
20% Western Wheatgrass 20% Secar Bluebunch
5% Thickspike Wheatgrass 5% Idaho Fescue
3% Green Needle
2% Indian Ricegrass





BALCOMB & GREEN

WATER LAW | REAL ESTATE | LITIGATION | BUSINESS ESTD 1953

Sara M. Dunn
Direct Dial (970) 928-3467
Receptionist (970) 945-6546
sarad@balcombgreen.com

March 25, 2022

Via Electronic Mail: landstudio2@comcast.net

Doug Pratte
The Land Studio, Inc.
365 River Bend Way
Glenwood Springs, CO 81601

RE: THE WHISKEY MOUNTAIN ESTATES, LLC 623 FENDER LANE WATER SUPPLY

Dear Doug:

This letter is in response to your request for information regarding the legal water supply for 623 Fender Lane, Carbondale, Colorado.

Domestic Water to the site is currently supplied by the Fender Springs No. 1 and No. 2 decreed in Case No. W-1279 on August 24, 1973 in the amount of 0.1 c.f.s. for domestic use with a date of appropriation of September 14, 1934. A copy of the Decree is attached hereto as **Exhibit A**. This water right is also referred to locally as the Sweet Fender Reese Pipeline and has served the property since the original homestead was constructed. Water is collected from the springs and transported by pipeline to The Whiskey Mountain Estate, LLC property. The Fender Springs No. 1 and 2 are Green Mountain Reservoir Historic Users Pool beneficiaries in accordance with Senate Document 80. As such, pursuant to the Green Mountain Reservoir Protocol, water is released from Green Mountain Reservoir to replace out of priority depletions from the Fender Springs during periods of call on the Colorado River. Therefore, the Fender Springs provide a reliable domestic supply not subject to curtailment during periods of call.

The Whiskey Mountain Estates also owns the Aspen Mountain View Well No. 1. This well was decreed in Case No. 82CW141, District Court Water Division No. 5 for 0.033 c.f.s. with a date of appropriation of October 30, 1981. A copy of the decree is attached as **Exhibit B**. The well can serve up to three single family homes, an acre of irrigation and livestock associated with the ranch. The total diversions from the well cannot exceed 4.0 acre feet per year. The Aspen Mountain View Well operates pursuant to Well Permit No. 123230 and is considered exempt from administration pursuant to C.R.S. 37-92-602. This well was connected to homes and the corrals and made absolute by decree entered in Case No. 93CW045, District Court Water Division 5 on July 19, 1993. A copy of the decree is attached hereto as **Exhibit C**.

In addition to the one acre that may be irrigated from the Aspen Mountain View Well No. 1, irrigation water will continue to be provided by the Applicant's interest in the Missouri Height Mountain Meadow Irrigation Company and Monarch Ditch Company water rights. Based on our conversations with the owner and a review of available documents we understand that the Whiskey Mountain Estate, LLC property is associated with 1.8 c.f.s. or 18.4% of the Monarch Ditch water rights and 150 Class A MHMMIC shares.


ASPEN | BUENA VISTA | GLENWOOD SPRINGS | LAMAR

Post Office Box 790 | Glenwood Springs, Colorado 81602 | 970.945.6546 | BalcombGreen.com

Stockwater will be provided by the Aspen Mountain View Well No. 1. The anticipated demands for the horses are calculated at 0.637 acre feet per year. See Table 1 attached hereto. The Aspen Mountain View Well No. 1 was decreed to divert up to 4 acre feet for multiple uses including watering of poultry and domestic animals on a ranch; therefore, there is sufficient supply available for the stockwatering uses.

Please do not hesitate to contact me if you have any questions.

Sincerely,
BALCOMB & GREEN, P.C.

By: 
Sara M. Dunn

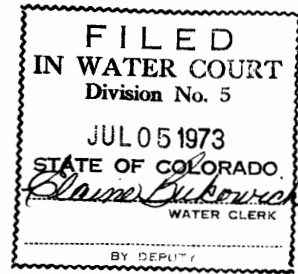
cc: Whiskey Mountain Estates, LLC

IN THE DISTRICT COURT IN AND

FOR WATER DIVISION NO. 5

STATE OF COLORADO

Application No. W-1279



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF HAROLD E.)
FENDER AND RUTH A. FENDER: H.)
GARY FENDER AND LINDA L. FENDER:)
HAROLD LEE BERGES: C. G. DEWELL)
AND RUTH V. DEWELL IN THE ROARING)
FORK RIVER OR ITS TRIBUTARIES)
TRIBUTARY INVOLVED: BLUE CREEK IN)
EAGLE COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 12th day of July, 1972, and again, after withdrawal of Statement of Opposition, on the 25th day of June 1973, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structures are Fender Spring No. 1 and Fender Spring No. 2.
3. The names of claimants and address are: Harold E. Fender and Ruth A. Fender; H. Gary Fender and Linda L. Fender; Harold Lee Berges; C. G. Dewell and Ruth V. Dewell, Rural Route No. 1, Carbondale, Colorado.
4. The source of the water is from springs tributary to Blue Creek, a tributary of the Roaring Fork River.
5. Fender Spring No. 1 is located in the SE 1/4 NW 1/4 of Section 26, T. 7S., R. 87W. of the 6th P.M. at a point whence the West Quarter Corner of said Section 26 bears S. 66°21'08" W. 2605.38 feet.
Fender Spring No. 2 is located in the SE 1/4 NW 1/4 of Section 26, T. 7S., R. 87W. of the 6th P.M. at a point whence the West Quarter Corner of said Section 26 bears S. 66°30'08" W. 2795.12 feet.
6. The proposed use of the water is domestic.
7. The date of initiation of appropriation is September 14, 1934.
8. The amount of water claimed is 0.10 cubic foot per second of time.
9. The water was first applied to the above beneficial use on September 14, 1934.

Exhibit A

10. The water is collected at each of the two springs and diverted into a 1-1/2 inch pipe. The water is then transported Southwesterly for 3/4 mile to the Fender Ranch House.
11. On August 25, 1972, the United States of America filed a Statement of Opposition to this Application for Water Right, and subsequently, on June 20, 1973, withdrew said Statement of Opposition.

The Referee does therefore conclude that the above entitled application should be granted and that 0.10 cubic foot of water per second of time hereby is awarded to the Fender Spring No. 1 and Spring No. 2, for domestic use, with appropriation date of the 14th day of September, 1934, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 5th
day of July, 1973.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: August 24, 1973
[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

CENTRAL FILES

PERMIT NO. 123230
WATER DIVISION NO. 5

SEP 30 1982

IN THE DISTRICT COURT IN AND

MARIE TALAMAS, CLERK

FOR WATER DIVISION NO. 5

STATE OF COLORADO

Application No. 82CW141

RECEIVED

OCT 04 1982

WATER RESOURCES
STATE ENGINEER
COLORADO

IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF)
ASPEN, MOUNTAIN VIEW, LIMITED)
IN THE ROARING FORK RIVER)
IN EAGLE COUNTY)

RULING OF REFEREE

The above entitled application was filed on June 11, 1982, and was referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 13th day of July, 1982, in accordance with Article 92 of Chapter 37, Colorado Revised Statutes 1973, known as The Water Right Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Aspen, Mountain View Ranch Well No. 1.
3. The name of the claimant and address is: Aspen, Mountain View, Ltd.; 0623 Fender Lane; Carbondale, Colorado.
4. The source of the water is a well having a depth of 300 feet and being tributary to the Roaring Fork River.
5. The well is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 7 S., R. 87 W. of the 6th P.M. at a point 900 feet South of the North line and 800 feet West of the East line of said Section 28.
6. The use of the water is domestic, ordinary household purposes, fire protection, watering of poultry and domestic animals on a ranch, irrigation of not over 1 acre of lawns and gardens, but not used for more than 3 single family dwellings.
7. The date of initiation of appropriation is October 30, 1981.
8. The amount of water claimed is 0.033 cubic foot of water per second of time, conditional.
9. On November 10, 1981, Permit No. 123230 was issued by the Office of the State Engineer, subject to the following "conditions of approval":

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OCT 4 1982

WATER RESOURCES
STATE ENGINEER
CCLL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

APPROVED PURSUANT TO CRS 1973, 37-92-602 (3)
(b) (II) AS THE ONLY WELL ON A TRACT OF 35
ACRES OR MORE DESIGNATED AS 95 ACRES IN SEC.
28, T. 7 S., R.87W., 6P.M.

APPROVED FOR DOMESTIC USE, INCLUDING THE
IRRIGATION OF NOT OVER ONE ACRE OF HOME
GARDENS AND LAWNS.

THE AVERAGE ANNUAL AMOUNT OF GROUND WATER APPROPRIATED SHALL NOT EXCEED 4 ACRE-FEET.

10. The well has not yet been completed and the water has not been diverted and applied to beneficial use.

The Referee does therefore conclude that the above entitled application should be granted and that 0.033 cubic foot of water per second of time is hereby awarded conditionally to Aspen, Mountain View Ranch Well No. 1, for domestic, ordinary household purposes, fire protection, watering of poultry and domestic animals on a ranch, irrigation of not over 1 acre of lawns and gardens, but not used for more than 3 single family dwellings, with appropriation date of the 30th day of October, 1981; subject, however, to the "conditions of approval" of the Permit as set fourth in paragraph 9 above.

The above described underground water right meets the criteria for an exempt domestic well pursuant to CRS 1973, 37-92-602 (3) (b), so long as it is used for the purposes set forth herein, and by statute.

The well is hereby awarded its original priority date of the 30th day of October, 1981, in accordance with CRS 1973, 37-92-602 (4).

Application for a quadrennial finding of reasonable diligence shall be filed in October of 1986 and in October of every fourth calendar year thereafter so long as claimant desires to maintain this conditional water right or until a determination has been made that this conditional water right has become an absolute water right by reason of the completion of the appropriation.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject

Exhibit B

82CW141

to Judicial review pursuant to Section 37-92-304 CRS 1973.

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 30th day of SEPTEMBER, 19 82.

BY THE REFEREE:

RECEIVED
NOV 03 1982
WATER
STATE
DIV.

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Order of this court.
Dated: SEP 29 1982

James L. ...
Water Referee
Water Division No. 5
State of Colorado

WATER JUDGE

Copy of the foregoing mailed to
Counsel of record Water
Referee Div. Engineer and
State Engineer Date 9-30-82
CHH
Deputy Clerk, Water Div. No. 5

RECEIVED

JUN 16 '93

DISTRICT COURT, WATER DIVISION NO. 5, COLORADO

Application No. 93CW045

WATER RESOURCES
STATE ENGINEER
SOLO.

RULING OF REFEREE

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF EAGLE RANCH,
INC., IN THE ROARING FORK RIVER, IN EAGLE COUNTY

The above entitled Application was filed on February 26, 1993, and was referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 4th day of March, 1993, in accordance with article 92 of Chapter 37, Colorado Revised Statutes 1973, known as The Water Right Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the Application are true and having become fully advised with respect to the subject matter of the Application does hereby make the following determination and Ruling as the Referee in this matter, to wit:

1. The statements in the Application are true.
2. The name of the structure is Aspen Mountain View Ranch Well No. 1.
3. The name and address of the Claimant: Eagle Ranch, Inc.; c/o James N. Citta, Esq.; P. O. Box 4; Toms River, NJ 08754.
4. The source of the water is a well having a depth of 300 feet and being tributary to the Roaring Fork River.
5. The well is located in the NE1/4NE1/4 of Sec. 28, T. 7 S., R. 87 W. of the 6th P.M. at a point 900 feet South of the North line and 800 feet West of the East line of said Sec. 28.
6. On September 30, 1982, in Case No. 82CW141, the Water Referee for Water Division No. 5 awarded to Aspen Mountain View Ranch Well No. 1 a conditional water right for 0.033 c.f.s., to be used for domestic, ordinary household purposes, fire protection, watering of poultry and domestic animals on a ranch, irrigation of not over 1 acre of lawns and gardens, but not used for more than 3 single family dwellings, with Appropriation date of October 30, 1981. The Claimant was directed to file an Application for Quadrennial Finding of Reasonable Diligence in the development of this conditional water right in October 1986 to maintain said conditional water right in full force and effect. This Ruling of Referee was confirmed and made a Decree of the Court on October 29, 1982.

Div. 5 93CW045

RECEIVED

CENTRAL FILES

JUL 26 '93

WATER RESOURCES
STATE ENGINEER
COLO.

1-1003
Regis Bench 22CW045
Page 3

7. On February 26, 1993, the Applicant filed in Water Court for Water Division No. 5 an Application to Make Absolute a Conditional Water Right in which it is requested that the 0.033 c.f.s. previously awarded conditionally to said well in Case No. 82CW141 be made absolute and unconditional by reason of completion of the appropriation.


The Referee does therefore conclude that the above entitled Application should be granted and that the 0.033 cubic foot of water per second of time previously awarded conditionally to Aspen Mountain View Ranch Well No. 1 in Case No. 82CW141, with Appropriation date of October 30, 1981, should be and hereby is made absolute and unconditional.

It is accordingly ORDERED that this Ruling shall be filed with the Water Clerk subject to Judicial review.

It is further ORDERED that a copy of this Ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Dated May 27, 1993

BY THE REFEREE



Water Referee
Water Division No. 5
State of Colorado

Copy of the foregoing mailed
to all Counsel of record
Water Referee Div. 5
and State Engineer, State of Colorado
7/2/93
Copy filed, Water Div. No. 5
7/2/93

No protest was filed in this matter. The foregoing Ruling is confirmed and approved, and is made the Judgment and Decree of this Court.

Dated July 19, 1993



Water Judge

Copy of the foregoing mailed
to all Counsel of record
Water Referee Div. 5
and State Engineer, State of Colorado
7/2/93
Copy filed, Water Div. No. 5
7/2/93

Rehears

Table 1
Water Demand and Depletion Calculations
Graber Property

All values in acre-feet

	Demands			Depletions		
	In-House	Livestock Uses	Total	In-House	Livestock Uses	Total
Source:	Spring	Exempt Well		Spring	Exempt Well	
Month	(1)	(2)	(3)	(4)	(5)	(6)
November	0.072	0.055	0.127	0.007	0.055	0.062
December	0.066	0.048	0.114	0.007	0.048	0.055
January	0.072	0.052	0.124	0.007	0.052	0.059
February	0.069	0.051	0.120	0.007	0.051	0.058
March	0.072	0.052	0.124	0.007	0.052	0.059
April	0.069	0.051	0.120	0.007	0.051	0.058
May	0.072	0.055	0.127	0.007	0.055	0.062
June	0.072	0.055	0.127	0.007	0.055	0.062
July	0.069	0.053	0.123	0.007	0.053	0.060
August	0.072	0.055	0.127	0.007	0.055	0.062
September	0.069	0.053	0.123	0.007	0.053	0.060
October	0.072	0.055	0.127	0.007	0.055	0.062
Annual	0.844	0.637	1.481	0.084	0.637	0.721

- (1) = 2 EQR (Residence and ADU) at 350 GPD/EQR plus outbuilding use (one washing machine, one toilet, and one sink). Water use estimates are based on the Eagle County OWTS Regulations. In-House uses supplied by the spring are HUP-protected so do not need augmentation supply.
- (2) Livestock uses include horse watering for 50 horses at 11 GPD/horse; horse washing at 10 gallons per horse per wash, and they are each washed once a month from May to November; and dust suppression for arena and roads, with the arena being watered every other day at 25 gallons per day, and road being watered every two weeks of summer and fall at 25 gallons per day; assume these occur May through November to be conservative. Up to one acre of landscaping and greenhouse irrigation and in-house use of up to 3 residences also supplied by exempt well.
- (3) Sum of Columns 1 and 2
- (4) Assume 10% of in-house demands with treatment via OWTS (Column (1))
- (5) 100% consumptive
- (6) Sum of Columns 5 through 7



August 22, 2021

Jess Greber
P.O. Box 233
Woodycreek, Co. 81656

ATTN: Jess


On 7/22/21, a well test was conducted on a well at 623 Fender Lane. The following information was obtained;

Well Depth----- 125' approx.
Casing Size----- (7 x 5)"
Standing water level----- 112.23'
Total test time----- 1 Hours
Drawdown to ----- 112.23'
Production is ----- 25 GPM

This test was conducted with the existing pump. If you have any questions please call me, Raun Samuelson at 970-945-6309.

Sincerely;

Raun E Samuelson
Samuelson Pump Co.

From: Jess Graber jessgraber1@gmail.com 
Subject: Fwd: Water Quality Results
Date: March 11, 2022 at 2:56 PM
To: Doug (landstudio2@comcast.net) landstudio2@comcast.net

JG

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

From: **Gabbie Stark** <gstark@aspenwaterwise.com>
Date: Fri, Mar 11, 2022 at 2:35 PM
Subject: RE: Water Quality Results
To: Jess Graber <jessgraber1@gmail.com>
Cc: Kellen Whitworth <kellen@aspenwaterwise.com>, Sarah Whitworth <sarah@aspenwaterwise.com>

Good afternoon,

The results of the Bacteria Test are in. Please see the updated file for full results of the water quality analysis.

Coliform bacteria are common in the environment and are usually present in most springs. Since E Coli was not present, fecal contamination is unlikely. While coliform is generally harmless, it is important to resolve the contamination. I've attached a spec sheet on the Nano Ceram filter we use to remove any trace of bacteria.

Please feel free to give me a call, I'd be happy to discuss this information with you in more detail.

Thank you,

Gabrielle Stark

Aspen WaterWise

402 Park Ave Suite B

Basalt, CO 81621

www.aspenwaterwise.com

gstark@aspenwaterwise.com

Cell: 970.618.4269 | Office: 970.925.1914



From: Gabbie Stark
Sent: Thursday, March 10, 2022 12:55 PM
To: Jess Graber <jessgraber1@gmail.com>
Cc: Kellen Whitworth <kellen@aspenwaterwise.com>; Sarah Whitworth <sarah@aspenwaterwise.com>
Subject: Water Quality Results

Hi Jess,

Attached is the file with the preliminary results from the water tests we conducted on the water at your ranch. I will update the file when the bacteria tests are complete, and send the revised version to you immediately. You were right – your spring is pretty great!

I did want to note that your water, although softer than other properties in Missouri Heights, is still considered hard-very hard. Your reading of 181 mg/L was above the national average (100 mg/L). This can be easily treated with a water softener. I'd be happy to send you some literature on our equipment, or connect you with Kellen Whitworth (copied here), as he can arrange a consultation with you and discuss possible next steps.

It was a pleasure to meet you yesterday. We are happy to be involved with your new project.

Thank you,

Gabrielle Stark

Aspen WaterWise

402 Park Ave Suite B

Basalt, CO 81621

www.aspenwaterwise.com

gstark@aspenwaterwise.com

Cell: 970.618.4269 | Office: 970.925.1914



Aspen WaterWise

402 Park Ave, Suite B
Basalt, CO 81621
970-925-1914

Jess Graber

623 Fender Lane
El Jebel, CO 81623



10 March 2022

Water Quality Results

Water sample: RAW - spigot

Hardness: 11 gpg (grains per gallon); 188 mg/L

pH: 7

Total Dissolved Solids: 37 ppm (parts per million)

Copper: Not detected

Iron: Not detected

Sulfide: Not detected

Coliform: Present

NanoCeram® & NanoCeram® PAC Filters

Bacteria, Virus, and Cysts Removal

Key Media Features

- NSF/ANSI 53 Certified
- Reduces or Removes Bacteria, Virus, and Cysts
- NASA-derived technology
- Available with Powdered Activated Carbon (PAC) and antimicrobial Agion
- Pleated construction yields high flow rates and low pressure drop.
- Fits standard residential and industrial housings



What is NanoCeram®

Argonide's NanoCeram® & PAC Series of Pleated Filter Cartridges act as a **Broad Spectrum Particle Magnet**. They feature a thermally bonded blend of microglass fibers & cellulose infused with Nanoalumina fibers in a non-woven matrix. By using the scientific principle of electropositive attraction / capture, NanoCeram® NASA-derived technology leads to a rapid and highly efficient adsorption of virtually all particle sizes. When assembled into a pleated cartridge, NanoCeram® offers a unique combination of efficiency, capacity, flow rate & low pressure drop at levels unmatched in today's filtration marketplace.

All NanoCeram® filter cartridges are assembled using only FDA-compliant materials.



Applications / Markets

- Potable Water
 - Residential Point of Use / Under Counter / Counter Top Water Filtration Systems
 - Point of Entry (POE)
- Food & Beverage
- RO Prefiltration (SDI reduction)
- Process Water (turbidity, particulate, colloidal suspensions)
- Waste Water (biologicals, proteins, dyes)
- Cooling Towers, Chill Water Loops (iron removal)

Media Retention Characteristics

- Silt Density Index (SDI) 0.5– 1.0
- >99.99% Efficiency at 0.2 microns (latex spheres)
- >3 LRV Cyst Retention
- >5 LRV Klebsiella terrigena Retention
- <0.01 NTU until Terminal ΔP: 35 psid (2.4 bar)
- Dirt Holding Capacity: 82 g/ft²
 - Superior to microglass, meltblown, and membrane media.
- >99.95% Endotoxin Removal
- Effective at High / Low pH and in Presence of Salt Water



Argonide Corporation

291 Power Court * Sanford, FL 32771 Tel: (407) 322-2500

T-822-05 REV: E 03.22.2021

All NanoCeram® Standard products have been tested and certified by IAPMO R & T to meet NSF/ANSI std. 53 for Material Safety only.



NanoCeram® & NanoCeram® PAC Filters

Virus Removal Comparison

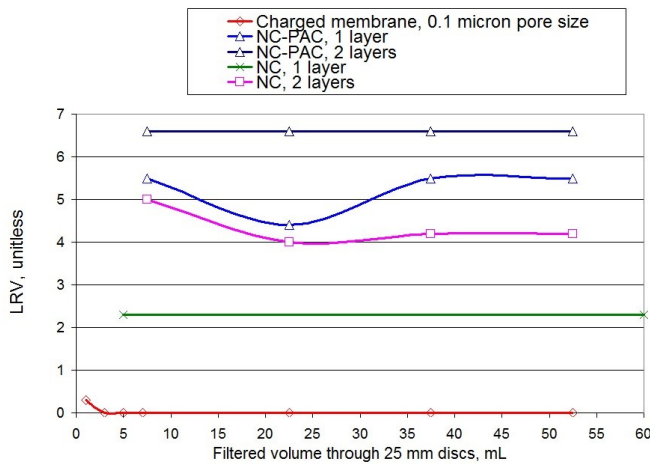
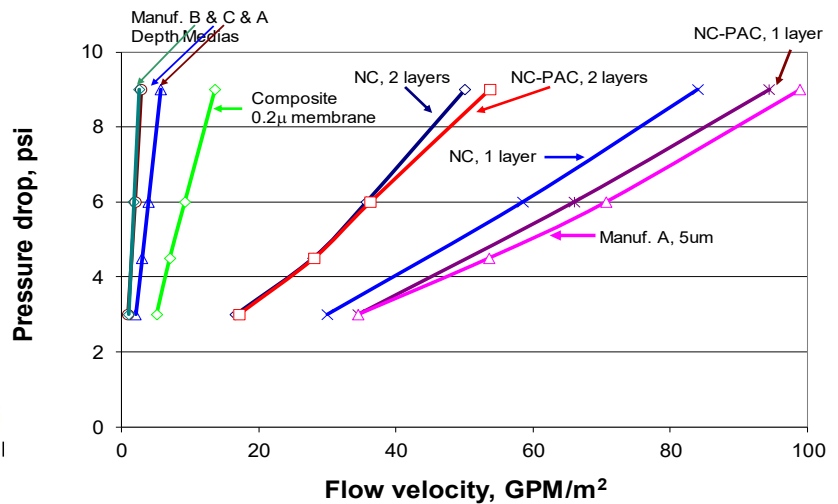


Figure – LRV values for MS2 removal by NC-PAC and 0.1 micron pore size charged membrane

Flowrate Comparison



SDI Comparison

Competitive Comparison - Turbidity and Silt Density Index (SD ₁₅) - 10" cartridges (except where noted)						
Manufacturer	Type	Flow Rate (gpm)	Type of Water	Turbidity In	Turbidity Out	SDI ₁₅ ^A
NanoCeram	P2.5-10	4	A2 dust ^B in RO water	252.00	<0.01	0.2 ± 0.3 ^C
			Municipal Tap Water	0.87	<0.01	0.5 ± 0.1 ^D
A	1µ absolute	4	A2 dust ^B in RO water	239.00	60.00	Failed ^E
			Municipal Tap Water	0.54	0.10	4.4 ± 0.2 ^F
	0.35µ absolute	4	A2 dust ^B in RO water	239.00	55.00	Failed ^E
			Municipal Tap Water	0.57	0.14	4.6 ± 0.2 ^F
B	1µ nominal (20")	4	Municipal Tap Water	1.3 ± 0.1 ^G	0.4 ± 0.1 ^H	Failed ^E
	1µ absolute	4	A2 dust ^B in RO water	243.00	23.00	Failed ^E
		4	Municipal Tap Water	1.3 ± 0.3 ^G	<0.01 ^H	5.5 ± 0.2 ^F
	5µ nominal (20")	4	Municipal Tap Water	1.5 ± 0.7 ^G	1.1 ± 0.4 ^G	Failed ^E

Notes: A) Silt Density Index (SDI₁₅); B) ISO121030-1 A2 Fine Test Dust; C) Average of 6 measurements; D) Average of 4 measurements; E) Failed -Turbidity of filtered water too high; F) Average of 3 measurements; G) Average over 3 hour test; H) During first 30 minutes of run.

Materials of Construction

Media : NanoCeram® Media
Support: Polypropylene, Hot Melt

Operating Conditions

Temperature: 39-140°F (4-60°C)
High Temp: 39-190°F (4-88°C)
pH Range: 5 to 10
Terminal Pressure Drop: 35psi (2.4 bar)
Maximum Salinity: 200,000 ppm

Flow Rate*	Nominal	Maximum
2.5 - 10	4	10
2.5 - 20	8	20
4.5 - 10	10	25
4.5 - 20	20	50

* For maximum CTO efficiency flow rate for PAC unit is reduced.



NanoCeram® cartridges also available with Power Activated Carbon (PAC) and Carbon Block Media.

Cartridges available in Single Open End, Double Open End and custom configurations.

All NanoCeram® Standard products have been tested and certified by IAPMO R&T to meet NSF/ANSI std. 53 for Material Safety only.

Argonide Corporation
291 Power Court * Sanford, FL 32771 Tel: (407) 322-2500

T-822-05 REV: E 03.22.2021



365 River Bend Way • Glenwood Springs, CO 81601 • Tel 970 927 3690 • landstudio2@comcast.net

July 6, 2022

Vince Hooper, PMP
Senior Planner
Eagle County Community Development
vince.hooper@eaglecounty.us

Re: Applicant Response to ZS-009260-2022, Eagle County Sufficiency Comments

Dear Vince:

Thank you for contacting The Land Studio, Inc. with Eagle County's sufficiency comments for the Twin Acres Riding and Boarding Stable Consolidated Minor Special Use Permit Application. The following are Applicant responses to Eagle County's sufficiency comments. A link to the revised documents is provided in the email that transmits this letter to you. This response letter will be included in the updated Application as Exhibit K. Please note that the Applicant's responses are in **bold** below following each of the sufficiency comments received:

Planning Division Comments:

1. The Landscaping Plan and the Site Plan contain inconsistent and contradictory information (such as driveway circulation, parking, seed mixture). Please revise and resubmit.

The Landscape Plan has been revised to include the current Site Plan background and the seed mixture and revegetation notes have been coordinated with Sheet C1 of the Preliminary Site Plan set of drawings.

2. Details for the proposed "horse shows" are inadequate to evaluate compliance. Please provide additional details such as:
 - a. Description of events i.e. Dressage, rodeo, Jumping?
 - b. Location
 - c. Maximum number of events per year
 - d. Show hours
 - e. Maximum number of attendees (participants/spectators)
 - f. PA system use
 - g. Lighting
 - h. Provisions for services for attendees – water & sewer, emergency response, food & beverage service, etc.

This Application is designed to expand and enhance the existing boarding stable, paddocks, pastures, and riding arenas for Twin Acres horse boarders and others.

Horse jumping events are locally known as horse shows and are sometimes hosted by a riding and boarding horse facility such as Twin Acres,

Strang Ranch, approximately two miles to the west in Garfield County, has traditionally hosted one or two shows per year in the summer months.

The average number of participants at local horse shows in the Roaring Fork Valley according to Colorado Western Hunter Jumper Association (CWHJA) is 57 over two days. Spectators will most likely equal that amount. Some shows are single day events when interest and entries are limited.

Because events/classes are based on levels of ability, riders and horses arrive and leave at different times. Boarders of the hosting facility who participate in the show are not commuting their horses.

Horses and riders are judged, separately, on their ability to perform and other classes are judged on the ability of the horse to jump. The show is hosted by a facility to show its ability to manage all things equestrian and is also a way to give back to community by letting local kids and adults show their skill and love of the sport of riding. Most hosts are relieved if the show breaks even.

Local shows are very casual unlike the television versions. Maximum hours will run from 7:00 AM to 7:00 PM.

Horse shows are held in the summer and fall so no additional outdoor lighting is required beyond the architectural lighting on the proposed riding and boarding stables. This lighting will be specified in the building permit application and will be night sky compliant and meet Eagle County lighting standards.

The PA system is a simple amplifier and a microphone that will be used within the riding stable for events.

There will be a paid EMT during events and emergency services are located 2.8 miles away at Roaring Fork Fire Rescue Station 42, 1089 JW Drive, El Jebel, Colorado.

Colorado Site services will provide the sanitary facilities. If a show is held and there are enough participants, a food truck or similar service will be brought in.

3. The application documentation contains conflicting information about the current zoning of the property. The correct zoning is Agriculture Residential. Please correct as necessary.

Page 20 and 38 of the Application have been revised to reflect the correct Agricultural Residential (AR) existing zoning designation.

4. The application contains a statement about the Aspen View Covenants and local riders having priority for use. Please explain.

If there is a waitlist for the horse boarding facility, residents of Aspen Mountain View will be moved to the top of the list if they would like to board a horse on the property.

5. The application contains commitments to compliance with lighting standards, defines operating hours until 7 pm and winter use of the covered area. Please provide specifics of proposed additional lighting locations, types and hours of operation and the potential for direct and indirect glare to surrounding properties.

Shows are held in the summer and fall so no additional outdoor lighting is required beyond the architectural lighting on the proposed riding and boarding stables. This lighting will be specified in the building permit application and will be night sky compliant and meet Eagle County lighting standards.

6. The application contains significant documentation about legal water rights. It does not appear to provide an analysis of water demand in order to quantify adequacy of supply. Application does not address the potential need to convert ag water use to commercial use.

The Applicant maintains that it has the right to utilize its senior rights Fender Springs Nos. 1 & 2 and the Aspen Mountain View Well No. 1. for their intended uses within the Property consistent with past practices. The Applicant anticipates utilizing the Fender Spring Nos. 1 and 2 for livestock uses pursuant to a junior water right augmented by a BWCD contract. The Applicant will pursue the water court approval of the junior water right contemporaneously with the land use application.

7. Please clarify the bunk house. Is it a secondary dwelling unit or an Accessory Dwelling Unit? Will the use be restricted to employees? Staff has been unable to confirm past permits for this use. It is not clear that this use has been incorporated into analysis for water demand, traffic. Please clarify the statement that the property contains the right to construct one additional single family residence.

The "bunkhouse" was constructed sometime in the 1950's or 1960" and is probably not a permitted project by the Eagle County Building Department. It appears to have been upgraded several times. It is intended to be replaced with a modular ADU for employees in a future Application.

8. The Engineering Report states that there is a secondary access in the northeast portion of the property. Please illustrate this access on the Site Plan.

Sheet C2 of the Preliminary Site Plan set of drawings has been updated to illustrate the secondary access in the northwest portion of the property. The Engineering Report has also been updated to reference the secondary access in the northwest portion of the property rather than the northeast.

Engineering Comments:

1. Road Impact Fees will be assessed for the increased traffic. According to the Engineering Report submitted with the application, Section VI on page 3 indicates that the current traffic is 10 vehicle trips per day and the future traffic is estimated at 28 vehicle trips per day. That is a difference of 18 vehicle trips per day. Based on the latest Road Impact Fee Study, the fee will be \$914 for each additional vehicle trip or $18 \times \$914 = \$16,452$.


The Applicant understands the above assessment of the Road Impact Fee.

As mentioned above, a link to the revised documents is provided in the email that transmits this letter to you, and this response letter will be included in the updated Application as Exhibit K. We look forward to working with you during your review of this project. Please email or call as needed.

Kind regards,

THE LAND STUDIO, INC.

By:


Douglas J. Pratte