

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Timothy V. Corrigan
District I

Douglas B. Monger
District II

M. Elizabeth Melton
District III

REGULAR MEETING

September 22, 2020

Times listed on the agenda are approximations and may be longer or shorter, or begin earlier than scheduled, with no notice. Agendas are subject to change 24 hours before the meeting start time. To ensure you have the most up-to-date information, please check the agenda after 24 hours of its start time.

If you are joining the meeting for a specific item, please join 10 minutes before the item to ensure you are present for the beginning of them.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85106670945?pwd=UXZZSGx1OQ01Mc0s2cklGVk13Qld5UT09>

Password: 522

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592
or +1 312 626 6799 or +1 929 205 6099
Webinar ID: 851 0667 0945

Password: 522

The Routt County Board of Health or Board of Commissioners may enter executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice related to specific legal questions concerning Routt County's COVID-19 response.

1. **9:30 A.M. CALL TO ORDER**
2. **APPROVAL OF ACCOUNTS PAYABLE, MANUAL WARRANTS, AND PAYROLL**
3. **CONSENT AGENDA ITEMS**

Items of routine and non-controversial nature are placed on the consent agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner may request that an item be "PULLED" from the consent agenda and considered separately. Any member of the public may "REQUEST" any item to be "PULLED" from the consent agenda.

A. APPROVAL AND AUTHORIZATION TO SIGN A RESOLUTION AMENDING THE ZONING AND SUBDIVISION REGULATIONS;

Documents:

[BCC COMMFORM - RESO SIGNATURE.PDF](#)

B. APPROVAL OF AND AUTHORIZATION FOR THE CHAIR TO SIGN THE ASPEN HIGHLANDS FILING OF WHITEWOOD SUBDIVISION, REPLAT OF LOTS 35 AND 38 FINAL PLAT;

Documents:

[BCC COMMUNICATION FORM 9.22.20.PDF](#)

C. APPROVAL OF AND AUTHORIZATION TO CLOSE THE RECORDING AND MOTOR VEHICLES OFFICES ON ELECTION DAY, NOVEMBER 3, 2020.

Documents:

[CLERKS CLOSURE RESOLUTION.PDF](#)
[CLERKS CLOSURE RESOLUTION1.PDF](#)

4. CONSIDERATION OF ITEMS PULLED FROM THE CONSENT AGENDA

5. 9:40 A.M. PUBLIC COMMENT

Public Comment will be heard on any item except quasi-judicial land use items. County Commissioners will take public comment under consideration but will not make any decision or take action at this time.

1. DUE TO THE CURRENT PANDEMIC, THE COUNTY COMMISSIONERS REQUEST CITIZENS ATTEND THE MEETINGS VIA PHONE. To make a public comment raise your hand on the zoom platform if online; if calling in press *9. Another option is to download the Zoom app that allows you to raise your hand as well. The moderator will then select you when it is your turn. Written public comment can also be submitted to bcc@co.routt.co.us. Please make sure to indicate in the subject line of your email that it is public comment and reference the agenda item to which it relates. Public comments will be entered into the record.

6. 9:40 A.M. LEGAL

Erick Knaus, County Attorney

A. CONTINUED DECLARATION OF LOCAL DISASTER

Consideration of and adoption of a Resolution Continuing Declaration of Local Disaster.

Documents:

[DISASTER DECLARATION COMMUNICATIONS FORM 9-14-2020.PDF](#)
[DISASTER DECLARATION SEVENTH CONTINUE RESOLUTION 9-14-2020.PDF](#)

7. 10:10 A.M. ABATEMENTS

Consideration to approve or deny the following Petition(s) for Abatement to lower the property value for previous tax years:

A. R8171518_SMITH_2019

Abatement Hearing

Documents:

[R8171518_SMITH_2019ONLYOVER5K_ASSESSOR REPORT.PDF](#)

B. R6813758_RIVERSIDE_2019

Abatement Hearing

Documents:

[R6813758_RIVERSIDE_2019ONLYOVER5K_ASSESSOR REPORT.PDF](#)

8. 11:10 A.M. PURCHASE OF DEVELOPMENT RIGHTS (PDR) ADVISORY BOARD

Claire Sollars, Chair

A. PDR WITHDRAWAL OF #193

Consideration to accept the withdrawal of Project #193 and return of funding in the amount of \$310,000 000 for purchasing the conservation easement and \$25,000 for transaction costs (total \$335,000).

Executive Session may be required under C.R.S. 24-6-402 (4)(a) to discuss the purchase, acquisition, lease transfer, or sale of any real, personal, or other property

Documents:

[AGENDA COMMUNICATION FORM FOR 9.22.20- EXECUTIVE SESSION -193.PDF](#)

B. PDR INTERVIEW

PDR interview- Doug Tumminello

Documents:

[AGENDA COMMUNICATION FORM FOR 9.22.20 EXECUTIVE SESSION -PDR INTERVIEW.PDF](#)

9. 12:00 P.M. LUNCH BREAK

10. 2:00 P.M. 2021 BUDGET REVIEW

Presenters:

- Road & Bridge/Motor Pool/Heavy Equip Pool/Weed
- EMS/Communications/Wildfire
- ACET
- Emergency Management
- Environmental Health
- Building

Join Zoom Meeting

[HTTPS://US02WEB.ZOOM.US/J/84775014764?](https://us02web.zoom.us/j/84775014764?pwd=BXFTZLDZyJJDNUJRAHPXL3HTWERTUT09)
[PWD=BXFTZLDZyJJDNUJRAHPXL3HTWERTUT09](#)

Meeting ID: 847 7501 4764

Passcode: 522

Dial by your location

+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)

Meeting ID: 847 7501 4764

Passcode: 522

11. 5:00 P.M. MEETING ADJOURNED

Please click the link below to join the webinar:

[https://us02web.zoom.us/j/85106670945?
pwd=UXZZSGx1Q01Mc0s2cklGVk13Qld5UT09](https://us02web.zoom.us/j/85106670945?pwd=UXZZSGx1Q01Mc0s2cklGVk13Qld5UT09)

Password: 522

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715
8592 or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 851 0667 0945

Password: 522

All programs, services and activities of Routt County are operated in compliance with the Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call the Commissioners Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: September 22, 2020	ITEM TIME: 10:35 am

FROM:	Alan Goldich
TODAY'S DATE:	September 15, 2020
AGENDA TITLE:	Zoning and Subdivision Regulations Amendments; PL-19-102

CHECK ONE THAT APPLIES TO YOUR ITEM:

ACTION ITEM

DIRECTION

INFORMATION

I. DESCRIBE THE REQUEST OR ISSUE:

Authorize the Chair to sign the resolution amending the Zoning and Subdivision Regulations.

II. RECOMMENDED ACTION (*motion*):

Authorize the Chair to sign the resolution amending the Zoning and Subdivision Regulations.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE (*if applicable*): \$

CURRENT BUDGETED AMOUNT: \$

PROPOSED EXPENDITURE: \$

FUNDING SOURCE:

SUPPLEMENTAL BUDGET NEEDED: YES NO

Explanation:

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

These changes were approved by the Board on September 3, 2020.

VI. LEGAL ISSUES:

N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND OTHER OPTIONS:

N/A

IX. LIST OF ATTACHMENTS:

- Resolution
- Exhibit A

STATE OF COLORADO)
)ss.
COUNTY OF ROUTT)

RESOLUTION NO. 2020-P-__
RE: Amendment of the
Routt County Zoning and
Subdivision Regulations
Planning Activity No. PL-19-102

Recitals

A. Colorado counties are authorized by Section 30-28-111, Colorado Revised Statutes, to adopt, by resolution, zoning and subdivision regulations.

B. Pursuant to its statutory authority, the Board of County Commissioners of Routt County (hereinafter the “Board”) first adopted zoning and subdivision regulations in 1972 and has, on a number of occasions thereafter, amended those regulations.

C. The Board has proposed the review and amendment of Section 3.2.9 of the Routt County Zoning Regulations and Section 3.5 of the Subdivision Regulations (hereinafter the “Regulations”), such amendments are attached in “Exhibit A”.

D. In November of 2019 and January of 2020, the the Board held public work sessions concerning the proposed amendments of the Regulations.

E. The Planning Commission held a public hearing on August 20, 2020, notice of said hearing having been advertised in the Steamboat Pilot, a newspaper of general circulation, and posted in accordance with legal requirements.

F. The Board held a public hearing on September 3, 2020, notice of said hearing having been advertised in the Steamboat Pilot, a newspaper of general circulation, and posted in accordance, and, upon a motion made and approved, that the Regulations be amended.

G. Following receipt of public comment and discussion, Commissioner Melton moved to approve amendments to Section 3.5 of the Routt County Subdivision Regulations.

H. The motion was duly seconded by Commissioner Monger and passed on a 3 to 0 vote.

I. Following receipt of public comment and discussion, Commissioner Monger moved to approve amendments to Section 3.2.9 of the Routt County Zoning Regulations.

J. The motion was duly seconded by Commissioner Melton and passed on a 3 to 0 vote.

NOW, THEREFORE, BE IT RESOLVED that by the Board of County Commissioners of Routt County, Colorado, Section 3.2.9 of the Routt County Zoning and Section 3.5 of the

Subdivision Regulations are hereby amended to include the amendments as shown in Exhibit A attached hereto, to be effective on the date set forth below.

ADOPTED AND EFFECTIVE THIS 22ND DAY OF SEPTEMBER, BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY, STATE OF COLORADO.

ATTEST:

BY THE BOARD OF COUNTY
COMMISSIONERS

Kim Bonner, County Clerk

Timothy V. Corrigan, Chair

RESOLUTION VOTE:

Douglas B. Monger:	Yes	No	Abstain	Absent
M. Elizabeth Melton:	Yes	No	Abstain	Absent
Timothy V. Corrigan:	Yes	No	Abstain	Absent

Exhibit A

3.5 Open Spaces & Land Dedications

The Commission and the Board shall require, in addition to the requirements of Section 4.2 of these regulations, the dedication of sufficient open spaces park lands, and school sites of a character, extent, and location suitable for a use that is essential to the public. Such essential uses include open spaces, schools, and active park lands.

The requirements of this section do not alter and shall not be in addition to the twenty-five percent (25%) "useable open space" requirement as set forth in the Planned Unit Development Zone District of the Routt County Zoning Regulations. However, the dedication for park lands and school sites is still required for Planned Unit Developments and is included within the 25% total.

Lot Consolidations that do not increase the density beyond what is currently approved are not subject to the requirements of Section 3.5.

3.5.1 On-Site Open Space

- A. All subdividers in Routt County not applying for a PUD shall convey a minimum of ten percent (10%) of the gross area of the subdivision as open space. Such open space shall be dedicated for the purpose of passive and active recreation to serve the future residents of the project.
- B. The conveyance shall be to a property owners association or similar organization formed for purposes including the perpetual maintenance of such designated areas within the subdivision. Any such organization must provide for funding of said maintenance. The open space area must meet the following requirements:
 - 1) The use of the open space must be restricted for passive and active recreation purposes on the plat.
 - 2) Active park lands shall contain land suitable for the type of recreational amenity proposed. Development constraints such as, but not limited to, wetlands, Waterbodies and Waterbody Setbacks, slopes greater than 30%, critical wildlife habitat, etc. shall not be counted towards the minimum required dedication.
 - 3) Be designed to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
 - 4) Promote continuity of open space links, trails and an overall recreation system.
 - 5) Be consistent with the Master Plan and applicable sub-area plans.
 - 6) Protect natural and historical features, scenic vistas or watercourses.
- C. Proposed public trail dedications, must meet the following requirements:
 - 1) The minimum width for such trail easement shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
 - 2) There shall be adequate provision for public access to the trail easement within the subject property.

- 3) The trail easement may overlap and include other property previously included in other easements such as ditch, canal or utility, public open space or other easement provided no easement compromises the functional use of any other easement.

3.5.2 Park Lands

The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be .013 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

3.5.3 School Sites

The proposed subdivision shall contain lands dedicated for the purpose of school sites. Such dedication shall be .017 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

3.5.4 Conveyance of Open Space, Park Lands, School Sites and Alternatives

- A. Prior to final plat recordation for all subdivisions, the developer shall satisfy the requirements for Open Space, Park Lands, and School Sites through one (1) or a combination of the following:
 - 1) **Conveyance** - Open Space, Park Lands, and/or public School Sites to be conveyed to a homeowners association and/or public agency may be dedicated on the Final Plat, conveyed by Warranty Deed, or other instrument acceptable to the Routt County Planning Department. Any property to be conveyed shall be free and clear of all liens and encumbrances at the time of conveyance.
 - 2) **Fee-in-Lieu for Park Lands and School Sites** - When, after recommendation of the Commission, dedication of all or portions of the land for Park Lands, and/or School Sites is not deemed feasible or in the public interest, the Board may require the subdivider, in lieu thereof, to pay the County a fee. Such payment shall be based on the per acre fair market value of the entire project. Such value shall be based on completion of proposed platting, of the entire property as it may exist without the required infrastructure.
 - 3) The amount of land required to be dedicated by Sections 3.5.1 and 3.5.2 shall be the maximum amount that could be required by the County. If a fee-in-lieu of dedication is required, the total fee shall not exceed the full fair market value of the acreage required by Sections 3.5.1 and 3.5.2. The Board has the discretion to require less than what is required by these regulations, taking into consideration the standards contained in Section 3.5.4.B below.
- B. The County and, in certain cases as outlined above, the subdivider, in formulating the appropriate combination of the options set forth in

Subsection 3.5.2 and 3.5.3, shall take into consideration the following standards:

- 1) The size of the proposed subdivision.
 - 2) The projected additional population associated with the proposed subdivision.
 - 3) The projected need generated by the subdivision for Park Lands and School Sites.
 - 4) The impact of the proposed subdivision on the implementation of the County's Master Plan and its component parts, including transportation, parks, and recreation.
- C. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The appraisal shall be undertaken at the subdivider's cost by an appraiser, approved in advance by the County. The appraiser shall be a Certified General Appraiser with at least three years of local experience in commercial or for-development land appraisals that demonstrates appropriate geographical competence. The per acre appraisal value shall be used in determining the amount of the fee-in-lieu.
- D. In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the impacts of the proposed subdivision on area Park Lands and School Sites. Such study shall be undertaken at the subdivider's cost by a professional approved in advance by the County. To the greatest extent possible, the study shall include an evaluation of the present supply or capacity and present demand for all Park Lands and School Sites required by the proposed subdivision. The study shall identify and quantify the additional demand placed upon such Park Lands and School Sites by the proposed subdivision. The study shall identify the necessary Park Lands and School Sites required to be dedicated by the developer in order to serve the demand generated by the proposed subdivision. The study shall be considered by the County in determining the required dedication of land.
- E. All land to be dedicated shall be designated on the approved final plat as parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to any entities as specified by the Board, at the time of recording of the final plat, or by dedication on the final plat. A title commitment and prepaid fees for a policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State of Colorado shall be required for all such lands prior to recording of the final plat.
- F. All fees-in-lieu required to be paid to satisfy the School Sites requirement shall be paid to the school district that the subdivision is located in. All fees-in-lieu required to be paid to satisfy the Park Lands requirement shall be paid to the parks department that the subdivision is closest to, or as agreed upon by the applicant and Planning Director.

3.5 Open Spaces & ~~Public Sites~~ Land Dedications

The Commission and the Board shall require, in addition to ~~subdivision streets~~ the requirements of Section 4.2 of these regulations, the dedication of sufficient open spaces ~~(parks, greenbelts, trails, etc.) and other park lands, and school sites~~ of a character, extent, and location suitable for a use that is essential to the public. Such essential uses ~~may~~ include open spaces, schools, and active park lands ~~fire stations, and similar facilities. In determining an essential public use, the Commission and Board shall consider:~~

- ~~• the Master Plan;~~
- ~~• nearby recreational amenities;~~
- ~~• nearby public buildings and facilities; and~~
- ~~• the particular type of development proposed in the subdivision.~~

~~The total requirement for public sites and open space shall be 15% of the gross area of the proposed subdivision.~~

The requirements of this section do not alter and shall not be in addition to the twenty-five percent (25%) “useable open space” requirement as set forth in the Planned Unit Development Zone District of the Routt County Zoning Regulations. However, the ~~5%~~ dedication for ~~public sites~~ park lands and school sites is still required for Planned Unit Developments and is included within the 25% total.

Lot Consolidations that do not increase the density beyond what is currently approved are not subject to the requirements of Section 3.5.

3.5.1 On-Site Open Space

A. All subdividers in Routt County not applying for a PUD shall convey a minimum of ten percent (10%) of the gross area of the subdivision as open space, ~~parks, or recreation area.~~ Such open space shall be dedicated for the purpose of passive and active recreation to serve the future residents of the project.

~~A.B.~~ The conveyance shall be to a property owners association or similar organization formed for purposes including the perpetual maintenance of such designated areas within the subdivision. Any such organization must provide for funding of said maintenance. The open space area must meet the following requirements:

- 1) The use of the open space must be restricted for ~~park, recreation, or passive open space~~ passive and active recreation purposes on the plat.
- 2) ~~A percentage of the open space shall be reasonably adapted for use for park and recreational purposes, taking into consideration such factors as the number of proposed lots, size, geology, presence and condition of ground cover and timber, condition of soil, drainage topography, access and availability of water.~~ Active park lands shall contain land suitable for the type of recreational amenity proposed. Development constraints such as, but not limited to, wetlands, Waterbodies and Waterbody Setbacks, slopes greater than 30%, critical wildlife habitat, etc. shall not be counted towards the minimum required dedication.

- 3) Be designed to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
- 4) Promote continuity of open space links, trails and an overall recreation system.
- 5) Be consistent with the Master Plan and applicable sub-area plans.
- 6) Protect natural and historical features, scenic vistas or watercourses.

~~B.C.~~ With respect to proposed public trail dedications, must meet the following requirements: the Board shall consider:

- 1) The minimum width for such trail easement shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
- 2) There shall be adequate provision for public access to the trail easement within the subject property.
- 3) The trail easement may overlap and include other property previously included in other easements such as ditch, canal or utility, public open space or other easement provided no easement compromises the functional use of any other easement.

3.5.2 ~~Public Sites~~ Park Lands

The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be .013 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

3.5.3 School Sites

~~In addition to the requirement for Open Space in Section 3.5.1, the County shall require the dedication of land and/or payment in lieu thereof for public sites such as The proposed subdivision shall contain lands dedicated for the purpose of schools sites, fire stations, or other necessary public facilities, as determined by the Board. Such dedication shall be .017 acres multiplied by the estimated residential population five percent (5%) of the gross land area of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs. The developer shall have the option, in its sole discretion, to accept the County's calculation of the required dedication, or to perform studies to demonstrate the actual impact of the subdivision upon public services and facilities and the resulting appropriate dedication or other contribution.~~

3.5.3 3.5.4 Conveyance of Open Space, Park Lands, School Sites and ~~Public Sites and Alternatives~~

- A. Prior to final plat recordation for all subdivisions, the developer shall satisfy the requirements for Open Space, Park Lands, and School Sites ~~and public sites~~ through one (1) or a combination of the following:
- 1) **Conveyance** - Open Space, Park Lands, and/or public School Sites to be conveyed to a homeowners association and/or public agency may be dedicated on the Final Plat, conveyed by Warranty Deed, or other instrument acceptable to the Routt County Planning Department. Any property to be conveyed shall be free and clear of all liens and encumbrances at the time of conveyance.
 - 2) **Cash Fee-in-Lieu for Public Sites** Park Lands and School Sites - When, after recommendation of the Commission, dedication of all or portions of the land for ~~public sites~~ Park Lands, and/or School Sites is not deemed feasible or in the public interest, the Board may require the subdivider, in lieu thereof, to pay the County a fee. Such payment shall be based on the per acre fair market value of the entire project. Such value shall be based on completion of proposed platting, of the entire property as it may exist ~~when all required infrastructure is completed and functioning~~ without the required infrastructure.
 - ~~2)~~3) The amount of land required to be dedicated by Sections 3.5.1 and 3.5.2 shall be the maximum amount that could be required by the County. If a fee-in-lieu of dedication is required, the total fee shall not exceed the full fair market value of the acreage required by Sections 3.5.1 and 3.5.2. The Board has the discretion to require less than what is required by these regulations, taking into consideration the standards contained in Section 3.5.4.B below. 5% of the entire subdivision or pertinent phase thereof, as applicable, as determined by the Board. In determining the fair market value of land for purposes of calculating a fee-in-lieu payment, the County may require that the developer obtain an appraisal. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full fair market value of the total required dedication of sites and land areas.
- B. The County and, in certain cases as outlined above, the subdivider, in formulating the appropriate combination of the options set forth in Subsection 3.5.2 and 3.5.3.A ~~above~~, shall take into consideration the following standards:
- 1) The size of the proposed subdivision.
 - 2) The projected additional population associated with the proposed subdivision.
 - 3) The projected need generated by the subdivision for Park Lands and School Sites. ~~public services and facilities, particularly recreational, educational, and emergency services, the provision of which is not covered by other requirements herein.~~
 - 4) The impact of the proposed subdivision on the implementation of the County's Master Plan and its component parts, including transportation, parks, and recreation.

- C. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The appraisal shall be undertaken at the subdivider's cost by an appraiser, approved in advance by the County. The appraiser shall be a Certified General Appraiser with at least three years of local experience in commercial or for-development land appraisals that demonstrates appropriate geographical competence. The per acre appraisal value shall be used in determining the amount of the fee-in-lieu.
- ~~C.~~D. In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the ~~demand for public land and improvements made necessary~~ impacts of or generated by the proposed subdivision on area Park Lands and School Sites. Such study shall be undertaken at the subdivider's cost by a ~~licensed professional engineer or other~~ professional approved in advance by the County. To the greatest extent possible, the study shall include an evaluation of the County's present supply or capacity and present demand for all ~~public services~~ Park Lands and School Sites required by the proposed subdivision. The study shall identify and quantify the additional demand placed upon such ~~public services~~ Park Lands and School Sites by the proposed subdivision. The study shall identify the necessary ~~public land and improvements~~ Park Lands and School Sites required to be dedicated ~~or constructed~~ by the developer in order to serve the demand generated by the proposed subdivision. The study shall be considered by the County in determining the required dedication of land.
- ~~D.~~E. All land to be dedicated shall be designated on the approved final ~~approved~~ plat as parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to any entities as specified by the Board, at the time of recording of the final plat, or by dedication on the final plat. A title commitment and prepaid fees for a policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State of Colorado shall be required for all such lands prior to recording of the final plat.
- ~~E.~~F. All fees-in-lieu required to be paid to satisfy the School Sites requirement shall be paid to the school district that the subdivision is located in. All fees-in-lieu required to be paid to satisfy the Park Lands requirement shall be paid to the parks department that the subdivision is closest to, or as agreed upon by the applicant and Planning Director. ~~monies collected by the County under Sub-section 3.5.3.A.2 above shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such monies shall be credited to the account.~~



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: September 22, 2020	ITEM TIME: 9:30 am

FROM:	Tegan Ebbert
TODAY'S DATE:	September 17, 2020
AGENDA TITLE:	Aspen Highlands Lot Line Adjustment Plat Signature; PL-18-204

CHECK ONE THAT APPLIES TO YOUR ITEM:

- X ACTION ITEM**
- DIRECTION**
- INFORMATION**

I. DESCRIBE THE REQUEST OR ISSUE:

Consideration for the approval of and authorization for the Chair to sign the Aspen Highlands Filing of Whitewood Subdivision, Replat of Lots 35 and 38 final plat.

II. RECOMMENDED ACTION (*motion*):

Move to approve and authorize the Chair to sign the Aspen Highlands Filing of Whitewood Subdivision, Replat of Lots 35 and 38 final plat.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

Explanation: N/A

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

N/A

V. BACKGROUND INFORMATION:

The Lot Line Adjustment application was administratively approved on 3/11/19. The intent of the project was to adjust the property boundary to fully contain a tennis court with perimeter fence onto Lot 35 that was accidentally constructed across the property line.

VI. LEGAL ISSUES:

The draft plat was reviewed and approved by the County Attorney's Office

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

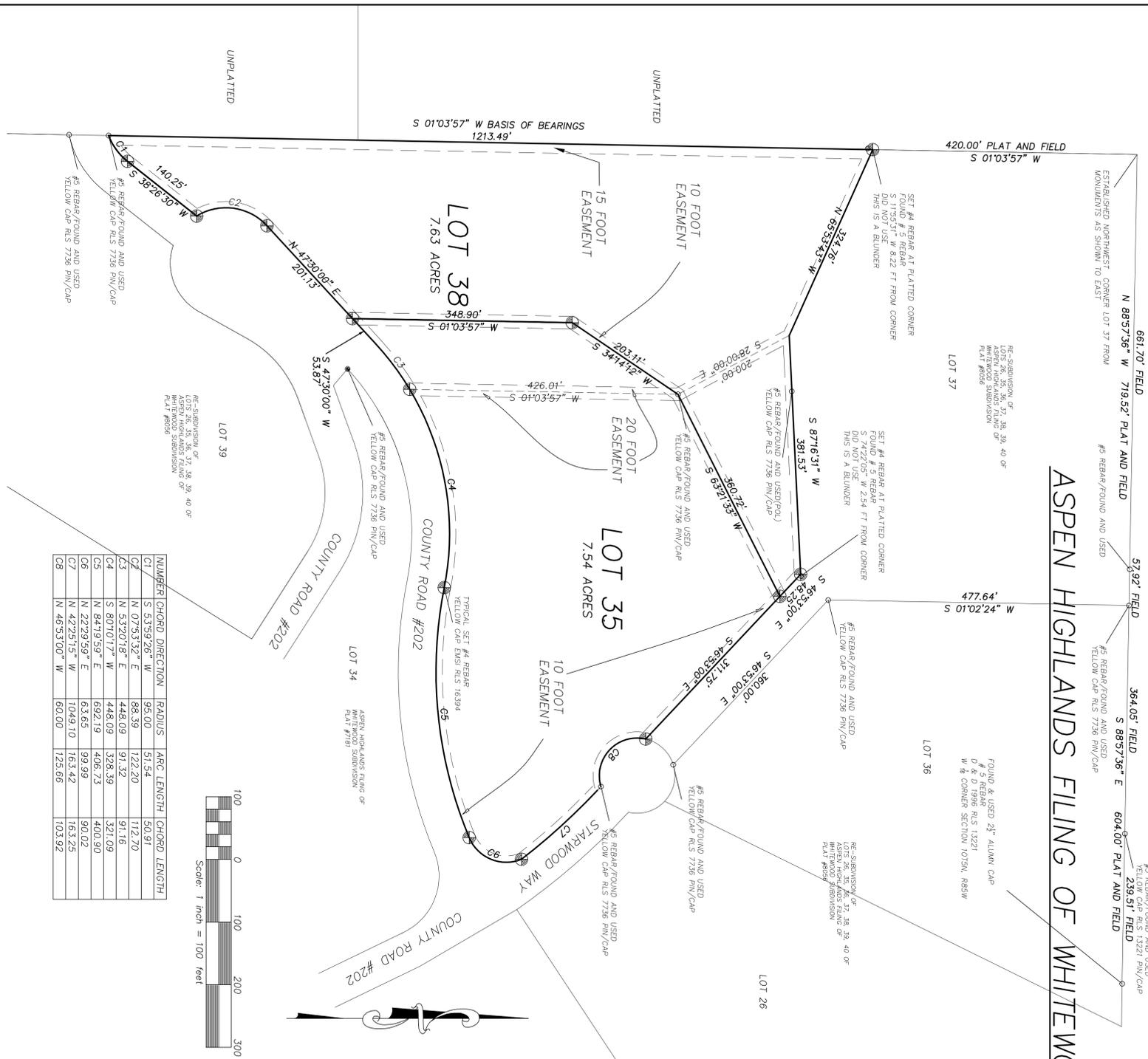
VIII. SUMMARY AND OTHER OPTIONS:

1. Authorize the Chair to sign the final plat
2. Table for more information

IX. LIST OF ATTACHMENTS:

- Draft version of final plat

ASPEN HIGHLANDS FILING OF WHITEWOOD SUBDIVISION, REPLAT OF LOTS 35 AND 38



NUMBER	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	S 53°59'26" W	95.00	51.54	60.91
C2	N 07°53'32" E	88.39	122.20	112.70
C3	N 53°20'18" E	448.09	911.32	911.6
C4	S 80°10'17" W	448.09	328.39	321.09
C5	N 84°19'59" E	692.19	406.73	400.90
C6	N 22°29'59" E	63.65	99.99	90.02
C7	N 42°25'15" W	1049.10	163.42	163.25
C8	N 46°53'00" W	60.00	125.66	103.92

PLAT NOTES

- The suitability of these lots for an individual septic disposal system and the availability of permits for individual septic disposal systems have not been established. The issuance of permits for individual septic disposal systems shall be the responsibility of the local health department.
- Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
- The availability of water and permits for wells on the lots or parcels hereon shown has not been established.
- Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University.
- Extension Office for appropriate grass mixes.
- Any injury, damage or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
- Address signage in conformance with Routt County Road Addressing, Naming, and Signage Policy shall be installed on all lots shown on this plat.
- A certified soils first responder that the soil is of a sufficient stable nature to support development will be required before obtaining a building permit.
- The application is subject to restrictions shown on the Aspen Highlands Filing of Whitewood subdivision Plat at the Clerk and Recorders Office at Reception No. 008056 unless amendments have been recorded.

LOT LINE ADJUSTMENT OF LOTS 35 & 38 OF RE-SUBDIVISION OF LOTS 26, 35, 36, 37, 38, 39, 40 OF ASPEN HIGHLANDS FILING OF WHITEWOOD SUBDIVISION SECTION 9, TOWNSHIP 5 NORTH, RANGE 85 WEST, 6TH, P.M., ROUTT COUNTY, COLORADO SHEET 1 OF 2

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS That Colleen A. Ricker, Thomas F. Kelly III, and Joey-Michelle O. Kelly, being the owners of the land described as follows:

RE-SUBDIVISION OF LOTS 26, 35, 36, 37, 38, 39, 40 OF ASPEN HIGHLANDS FILING OF WHITEWOOD SUBDIVISION PLAT #8056, located in Colorado, and more particularly described as follows:

Containing 15.17 acres, more or less, in the County of Routt, State of Colorado, under the name and style of ASPEN HIGHLANDS FILING OF WHITEWOOD SUBDIVISION, REPLAT OF LOTS 35 AND 38 has laid out, platted and subdivided same as shown on this plat and pursuant to all accompanying documents referenced hereon, and do hereby irrevocably dedicate to and for the perpetual use of the public by and for the use and enjoyment of the people of the State of Colorado, all those portions of land identified as easements for the installation and maintenance of public utilities, snow removal, and storage, as shown hereon.

IN WITNESS WHEREOF, the said Thomas F. Kelly III, and Joey-Michelle O. Kelly, have caused their names to be hereunto subscribed this ____ day of _____, 2019.

Thomas F. Kelly III
 Joey-Michelle O. Kelly
 State of Colorado
 County of Routt

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Thomas F. Kelly III, and Joey-Michelle O. Kelly.

My commission expires on _____.

Witness my hand and official seal:
 Notary Public _____

Colleen A. Ricker
 State of Colorado
 County of Routt

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Colleen A. Ricker.

My commission expires on _____.

Witness my hand and official seal:
 Notary Public _____

(Seal)

LAND SURVEYOR'S CERTIFICATE

I, James B. Ackerman, being a Registered Land Surveyor in the State of Colorado, do hereby certify that this survey and plat prepared from said survey were performed by me or under my direct responsibility, supervision, and checking and further state that said survey and plat are true and correct in accordance with the laws of the State of Colorado, and that all monuments were set as required and shown hereon.

Dated this ____ day of _____, A.D., 2019.

James B. Ackerman R. L. S. #16394

ROUTT COUNTY SURVEYOR'S ACCEPTANCE

This plat was indexed as File SP _____ in index of Land Survey Plats maintained in the Office of the Routt County Clerk pursuant to C. R. S. 38-50-101 and Recorder on _____, 2019 at _____ m.

COUNTY SURVEYOR for ROUTT COUNTY

Thomas H Effinger PLS 17651

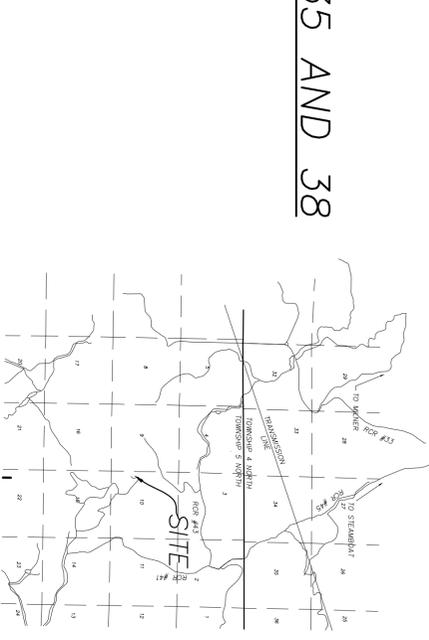
ROUTT COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Routt County, Colorado, on this ____ day of _____, A.D. 2019.

Reception No. _____ Time _____

File Number _____

Signed: _____
 Kim Bonner, Routt County Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS' APPROVAL

This Plat has been reviewed and is hereby approved for recording by the Board of County Commissioners pursuant to Section 2 of the Routt County Subdivision Regulations. Routt County hereby accepts the Roads and Easements as shown on this plat for maintenance of public utilities, snow removal, and storage. The maintenance of any road, right-of-way, or easement shown on this Plat is subject to the discretion of the Board of County Commissioners and the Board, by the approval of this Plat, makes no commitment, either express or implied regarding any level of service or maintenance of such road, right-of-way, or easement as dedicated and accepted hereon.

Dated this ____ day of _____, 2019.

M. Elizabeth Melton, Chair
 BOARD OF COUNTY COMMISSIONERS
 ROUTT COUNTY, COLORADO

Attest:
 Kim Bonner, Routt County Clerk

PLANNING DIRECTOR APPROVAL

The Routt County Planning Director did hereby authorize and approve this plat of the above subdivision on this ____ day of _____, A.D., 2019.

Chad Phillips, Routt County Planning Director

NOTICE: "According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In this survey, the commissioner more than ten years from the date of the certification shown hereon."		CALCD	JBA
		DRAWN	JBA
		SURVEYED BY:	KK & JBA
NO.	REVISION	DATE	
TITLE: ASPEN HIGHLANDS FILING OF WHITEWOOD SUBDIVISION, REPLAT OF LOTS 35 & 38 LOT LINE ADJUSTMENT OF LOTS 35 & 38 OF RE-SUBDIVISION OF LOTS 26, 35, 36, 37, 38, 39, 40 OF ASPEN HIGHLANDS FILING OF WHITEWOOD SUBDIVISION PLAT #8056 SECTION 9, TOWNSHIP 5 NORTH, RANGE 85 WEST, 6TH, P.M., ROUTT COUNTY, COLORADO			
PREPARED BY: EMERALD MOUNTAIN SURVEYS, INC. P. O. BOX 774812 STEAMBOAT SPRINGS, COLORADO 80477 www.emeraldmtn.net			
COPYRIGHT 2019, EMERALD MOUNTAIN SURVEYS, INC.			
PREPARED FOR: COLLEEN MCBRIDEN/CHAD COLLEEN RICKER 33341 STARWOOD WAY STEAMBOAT SPRINGS COLORADO 80487			
SCALE:	1" = 100'	DATE:	11-13-2019
PROJECT NO.	3477-1	SHEET NO.	1 OF 2

STATE OF COLORADO)
)
COUNTY OF ROUTT)

**RESOLUTION 20-
DESIGNATING CLERK AND
RECORDER'S OFFICE BE
CLOSED TO THE PUBLIC
ON ELECTION DAY**

**A RESOLUTION DESIGNATING THE CLERK AND RECORDER'S OFFICE
AND MOTOR VEHICLE DEPARTMENT, CLOSED TO THE PUBLIC ON
ELECTION DAY, NOVEMBER 3, 2020.**

WHEREAS, pursuant to C.R.S. 30-10-109, county offices shall be kept open for transaction of County business on the days and during the hours designated by resolution of the Board of County Commissioners; and

WHEREAS, the staff of the Clerk and Recorder's Office and Motor Vehicle will be utilized by serving as election judges to supervise the Voter Service and Polling Center (VSPC) and oversee the election process; and

WHEREAS, there is adequate time to give notice to the public of said hours.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Routt County, Colorado, that Resolution #20- be adopted and enacted as follows: The office of the Clerk and Recorder's Motor Vehicle Department shall be closed on Election Day, November 3, 2020.

ADOPTED THIS _____ **day of** _____ **A.D. 2020.**

**BY THE BOARD OF COUNTY COMMISSIONERS FOR ROUTT
COUNTY, COLORADO**

Beth Melton, Chairman
Board of County Commissioners

Vote:	Tim Corrigan	Aye	Nay
	Douglas Monger	Aye	Nay
	Beth Melton	Aye	Nay

ATTEST: _____
Kim Bonner, Routt County Clerk and Recorder

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: 09/17/2020	ITEM TIME: CONSENT
------------------------------	---------------------------

FROM:	Kim Bonner Clerk & Recorder
TODAY'S DATE:	09/17/2020
AGENDA TITLE:	Approval of and authorization to close the Recording and Motor Vehicle offices on Election Day, November 3,2020.

CHECK ONE THAT APPLIES TO YOUR ITEM:
<input checked="" type="checkbox"/> ACTION ITEM
<input type="checkbox"/> DIRECTION
<input type="checkbox"/> INFORMATION

I. DESCRIBE THE REQUEST OR ISSUE:
--

A request to close the Routt County Clerk & Recorder's Motor Vehicle and Recording offices on Election Day, November 3, 2020. The staff of the Clerk and Recorder's Office and Motor Vehicle will be utilized by serving as election judges to supervise the Voter Service and Polling Center (VSPC) and oversee the election process; and

II. RECOMMENDED ACTION:

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
--

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

--

VI. LEGAL ISSUES:

--

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

--

VIII. SUMMARY AND OTHER OPTIONS:

--

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: September 22, 2020	ITEM TIME:
--------------------------------------	-------------------

FROM:	Erick Knaus/Lynaia South
TODAY'S DATE:	September 14, 2020
AGENDA TITLE:	Consideration of and adoption of a Resolution Continuing Declaration of Local Disaster (Seventh)

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:
Consideration of and adoption of a Resolution Continuing Declaration of Local Disaster.

II. RECOMMENDED ACTION:
Motion to approve a Resolution Continuing Declaration of Local Disaster

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE:
PROPOSED EXPENDITURE:
FUNDING SOURCE:
N/A

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):
N/A

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

On March 13, 2020, the Chair signed a Declaration of Local Disaster relating to the COVID-19 global pandemic. On March 16, 2020, the Board of County Commissioners ratified and extended this Declaration of Local Disaster. This is the seventh Resolution extending the Declaration and extends the Declaration for another 30 days. It is proposed that the extension be effective from the date of the current expiration as opposed to the date of the approval so as to attempt to be more consistent in the future.

VI. LEGAL ISSUES:

N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND OTHER OPTIONS:

N/A

STATE OF COLORADO)

RESOLUTION NO. 2020-_____

) ss

COUNTY OF ROUTT)

**A RESOLUTION OF THE ROUTT COUNTY BOARD OF COUNTY
COMMISSIONERS CONTINUING THE
DECLARATION OF LOCAL DISASTER**

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. 24-33.5-701, *et seq*, provides procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters; and

WHEREAS, pursuant to C.R.S. § 24-33.5-703(3), a “disaster” is defined to mean “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, or hostile military or paramilitary action, or a condition of riot, insurrection, or invasion”; and,

WHEREAS, pursuant to C.R.S. § 24-33.5-709, a local disaster may be declared “only by the principal executive officer of a political subdivision;” and,

WHEREAS, pursuant to C.R.S. §§ 30-10-307 and 308, as amended, the chair of the Board of County Commissioners (“Board”) is the principal executive officer of Routt County and, in the absence of the chair, the vice-chair is statutorily authorized to act as the principal executive officer; and,

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), the declaration of a local disaster “shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the political subdivision;” and,

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), any order declaring, continuing, or terminating a local disaster “shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder;” and,

WHEREAS, the Routt County Director of Emergency Management has advised the Board of a disaster currently present in Routt County, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID19 Pandemic (“Pandemic”) requiring emergency action to avert danger or damage, which began to occur on or before March 10, 2020, and which continues; and

WHEREAS, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the Board to implement said recommendation; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of the Pandemic is far in excess of the county's available resources; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709(2), the effect of declaring a local disaster "is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans"; and

WHEREAS, Colorado Governor Polis issued a Declaration of a Disaster Emergency on March 10, 2020; the President of the United States declared a National Emergency on March 13, 2020; and those declarations continue; and

WHEREAS, the Chair of the Board declared a Local Disaster on March 13, 2020. On March 16, 2020, the Board adopted Resolution No. 2020-08 Ratifying and Continuing the Declaration of Local Disaster. The Board adopted Resolution Nos. 2020-21, 2020-27, 2020-34, 2020-038, 2020-039 and 2020-044 Continuing the Declaration of Local Disaster and it is the intent of this Resolution to further continue that Declaration; and

NOW THEREFORE, BE IT RESOLVED THAT:

1. That the Board hereby continues the Declaration of Local Disaster. There is a local disaster in Routt County, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from the Pandemic requiring emergency action to avert danger or damage.

2. The effect of this declaration of disaster shall be to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

BE IT FURTHER RESOLVED that the principal executive officers of all other cities and towns in Routt County affected by said disaster are urged to proclaim similar declarations and to cooperate with Routt County as necessary to cope with this incident.

BE IT FURTHER RESOLVED that the Declaration of Local Disaster shall be effective as of the date of the original Declaration, March 13, 2020. This Resolution and the Declaration of Local Disaster shall continue in effect through _____, 2020. True copies will be filed promptly with the Colorado Office of Emergency Management and the Routt County Clerk and Recorder, and shall be promptly distributed to the appropriate representatives of the news media.

ADOPTED THIS __ DAY OF September, 2020, BY THE BOARD OF COUNTY COMMISSIONERS FOR ROUTT COUNTY, COLORADO.

Timothy V. Corrigan, Chair

Vote: Timothy V. Corrigan XAye ~~Nay~~ ~~Abstain~~ ~~Absent~~
Douglas B. Monger XAye ~~Nay~~ ~~Abstain~~ ~~Absent~~
M. Elizabeth Melton XAye ~~Nay~~ ~~Abstain~~ ~~Absent~~

ATTEST:

Kim Bonner,
Routt County Clerk and Recorder



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: 9/22/2020	ITEM TIME: 10:10a.m.

FROM:	Routt County Assessor
TODAY'S DATE:	9/14/2020

AGENDA TITLE:	Abatement Hearings: R8171518 - John C. & Gail A. Smith (JT) - Agent: Jill A Brabec, P.C. – Lot 46, Tree Haus F1 – TY2019 R6813758 – Riverside Properties of Colorado – Agent: Karen Hughes – Lot 34 Riverside Subd F1 – TY2019
----------------------	--

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:
Abatement Hearing

II. RECOMMENDED ACTION (motion):
Hear discussion from petitioner and assessor regarding abatement or refund of taxes.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE (if applicable):
CURRENT BUDGETED AMOUNT: \$0.00
PROPOSED EXPENDITURE:
FUNDING SOURCE:

SUPPLEMENTAL BUDGET NEEDED: YES NO
NO

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

Please review the submitted reports from Office of the Assessor and submission from petitioner.

VI. LEGAL ISSUES:

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

VIII. SUMMARY AND OTHER OPTIONS:

IX. LIST OF ATTACHMENTS: Supplemental Budget Request

**Routt County Board Hearing
Petition for Abatement**

Petitioner: Smith, John C. & Gail A. (JT)
Agent: Jill Brabec, Esq.
Account #: R8171518
PIN #: 272900002
**Tax Year(s)
Under Petition:** 2018 and 2019
Legal: Lot 46 Tree Haus F1

Appraisal Date: 6/30/2016 for Tax Year 2018 and 6/30/2018 for Tax Year 2019

Summary: The subject parcel is a .8-acre vacant lot, adjacent to the Petitioner's improved parcel. Attorney Jill Brabec, submitted abatement for Tax Years 2018 and 2019 on behalf of owners, requesting the vacant lot be classified as residential. Based on Colorado Supreme Court decisions, the account meets the three criteria for residential assessment rate as follows:

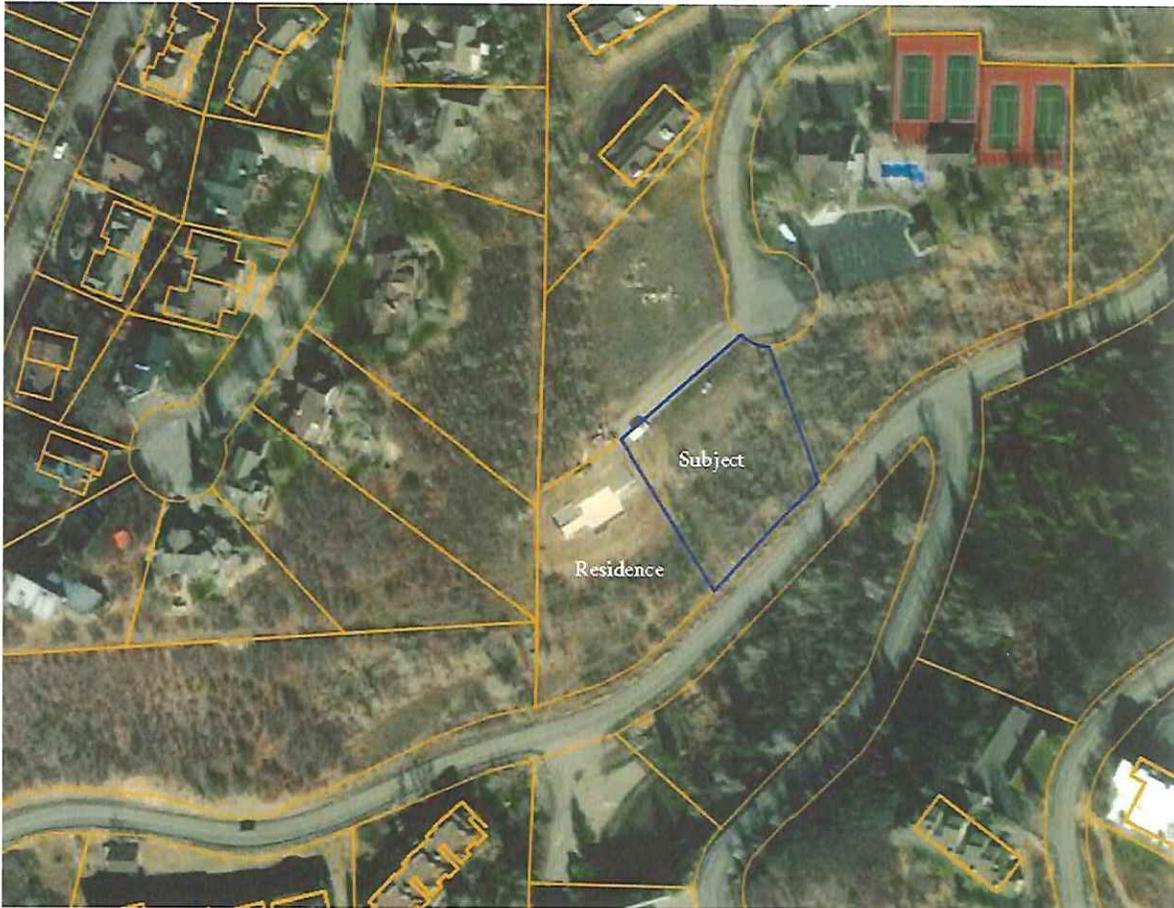
- a) **Contiguous** - the boundary line of the subject vacant parcel is physically touching the improved residential parcel's boundary line.
- b) **Use** - the subject vacant parcel is '*used as a unit in conjunction with the improved parcel*' as established by the Colorado Supreme Court's decision in the *Summit County v. Hogan* case.
- c) **Common Ownership** – the same owner of record between the vacant parcel (subject) and improved parcel containing a residence.

The Colorado Supreme Court ruled on the statutory definition of Residential Land that reads as follows:

Section 39-1-102(14.4)(a) defines residential land as “a parcel or contiguous parcels of land under common ownership upon which residential improvements are located and that is used as a unit in conjunction with the residential improvements located thereon.”

This means that for vacant land to qualify as residential land, it must be:

- (1) *contiguous* with residential land;
- (2) *used as a unit* with residential land; and
- (3) *under common ownership* with residential land.



Conclusion: The lot meets the criteria for residential classification. Valuations are not contested. The corresponding refund for Tax Year 2018 is under the \$5,000 threshold and can be processed internally. The refund for Tax Year 2019 is over the \$5,000 threshold. The Tax Year 2019 recommendation for approval is below.

Recommendation for Tax Year 2019 only:

**Retain actual valuation of \$475,000.
Change classification to residential.
Decrease assessed value from \$137,750 to \$33,960.
Refund \$5,490.28 in taxes.**

Appraiser: **Susan Siggson
Certified Residential Appraiser
CR40032892
Routt County Assessor's Office**

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ROUTT

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

RECEIVED
JUN 19 2020
BY: *[Signature]*

Section I: Petitioner, please complete Section I only.

Date: 06/05/2020
Month Day Year

Petitioner's Name: John C & Gail A Smith

Petitioner's Mailing Address: PO Box 770899
Steamboat Springs CO 80477
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R8171518</u>	<u>Lot 2, Ranch Preserve F2 Subd</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2018 and 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

See attached memo.

RECEIVED Susan
JUN 19 2020
EMAIL

Petitioner's estimate of value: \$ _____ (2018) and \$ _____ (2019)
(optional entry - can be left blank by Petitioner) Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

[Signature] Daytime Phone Number (651) 485-3323
Petitioner's Signature

By *[Signature]* Daytime Phone Number (970) 879-0160
Agent's Signature*

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year <u>2018</u>			Tax Year <u>2019</u>		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	<u>450,000</u>	<u>130,500</u>	<u>6,512.48</u>	<u>475,000</u>	<u>137,750</u>	<u>7,286.68</u>
Corrected	<u>450,000</u>	<u>32,400</u>	<u>1,616.88</u>	<u>475,000</u>	<u>33,960</u>	<u>1,796.40</u>
Abate/Refund	<u>0</u>	<u>98,100</u>	<u>4,895.60</u>	<u>0</u>	<u>1,03,790</u>	<u>5,490.28</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: 2018 Protest? No Yes (if a protest was filed, please attach a copy of the NOD.)

Tax year: 2019 Protest? No Yes (if a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

[Signature]
Assessor's or Deputy Assessor's Signature

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
 [Only for abatements up to \$5,000 (per schedule, per year)]

The Commissioners of Routt County authorize the Assessor by Resolution No. 2019-002 to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$5,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year <u>2018</u>			Tax Year <u>2019</u> - over \$5,000		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	<u>450,000</u>	<u>130,500</u>	<u>6512.48</u>			
Corrected	<u>450,000</u>	<u>32,400</u>	<u>1616.88</u>			
Abate/Refund	<u>0</u>	<u>98,100</u>	<u>4,895.60</u>			

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature: [Signature] Date: 7/11/2020
 Assessor's or Deputy Assessor's Signature: [Signature] Date: Aug 18, 2020

Section IV: Decision of the County Commissioners
 (Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of Routt County, State of Colorado, at a duly and lawfully called regular meeting held on / / , at which meeting there were present the following members:
 Month Day Year
Douglas B. Monger, Timothy V. Corrigan (Chair) and Beth Melton

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Gary J. Peterson (being present-not present) and
 Name
 Petitioner (being present-not present), and WHEREAS, the said
 Name
 County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board ~~agrees~~ does not agree with the recommendation of the Assessor and the petition be ~~approved~~ approved in part-denied with an abatement/refund as follows:

2018			2019		
Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund

Chairperson of the Board of County Commissioners' Signature
 I, County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County
 this day of Month Year
 County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
 (For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby
 Approved Approved in part \$ Denied for the following reason(s):

Secretary's Signature: Property Tax Administrator's Signature: Date:

Law Office of Jill A. Brabec, P.C.

Attorney and Counselor at Law

PO Box 881374
970.879.0160
620 Oak Street, Suite 1
jill@BrabecLaw.com
Steamboat Springs, CO 80488

P:

MEMO

TO: Routt County Assessor
FROM: Jill A Brabec, Esq.
RE: **R8171518** Smith - Petition for Abatement
DATE: June 5, 2020

Petitioner requests an abatement of appropriate taxes for tax years 2018 and 2019. The taxes levied and paid were erroneous as a result of the parcel being classified as vacant when in fact the parcel is residential and should have been classified as same during that time period.

Prior to and during tax years 2018 and 2019, the parcel has been and continues to be used as a unit with residential parcel R8171517 (Lot 1 Ranch Preserve F2 Subd) and served as an extension of this residential use, providing privacy and natural open space. The parcel has been and remains contiguous with the residential parcel R8171517 and has common ownership through that time period. *Bd. Of Cty Comm'rs v. Hogan* 18SC544 (2020).

The *Hogan* case recently clarified the analysis to be applied to classification of certain properties as residential and is applicable for this parcel. As a result of the erroneous classification, taxes for 2018 and 2019 have been overpaid and a refund of the difference in taxes assessed on residential land versus vacant land for tax years 2018 and 2019 is requested.

Thank you for your consideration.

June 5, 2020

Routt County Assessor
522 Lincoln Ave. Suite 10
Steamboat Springs, CO 84087

RE: Abatement – Authorization to Agent

To Whom it May Concern:

The undersigned owners do hereby authorize and appoint Jill A. Brabec, Esq. as agent and attorney-in-fact for purposes of a petition for abatement for 2018-2019 property taxes, attached hereto. Agent is authorized to represent our interests and negotiate on our behalf in relation thereto.

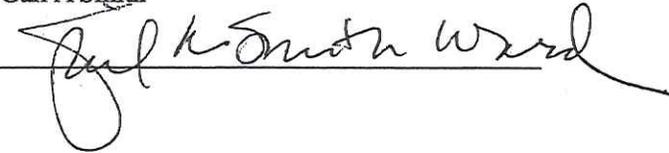
Thank you.

Sincerely,

John C Smith



Gail A Smith





2018 Notice of Correction

Routt County Assessor

As Of: 06/30/2020

Account: R8171518 Parcel: 272900002
SMITH, JOHN C. & GAIL A. (JT)
PO BOX 770899
STEAMBOAT SPRINGS, CO 80477-0899

Routt County Assessor
Gary Peterson
522 Lincoln Ave., Suite 10
Steamboat Springs, CO 80487
(970) 870-5544

Legal Summary

LOT 2, RANCH PRESERVE F2 SUBD .802AC

Petition Date

06/19/2020

Reason For Correction

Abatement

Operator

Susan Siggson (SSIGGSON)

Additional Explanation

BASED ON THE MARCH 2020 DECISION MADE BY THE COLORADO SUPREME COURT IN THE SUMMIT COUNTY V. HOGAN CASE, THIS LOT (A VACANT PARCEL) QUALIFIES FOR THE RESIDENTIAL ASSESSMENT RATE. THE SUBJECT PARCEL MEETS THE CRITERIA OF THE STATUTORY DEFINITION OF RESIDENTIAL LAND AS DECIDED BY THE CSC; THE PARCEL IS CONTIGUOUS (TOUCHING) TO AN IMPROVED RESIDENCE HELD IN THE SAME OWNERSHIP OF RECORD AND IS USED AS A UNIT WITH THE RESIDENCE FOR GENERAL FAMILY ENJOYMENT AND A BUFFER ZONE FOR PRIVACY.

Tax Roll

2018.TRC.782S13

Value Corrections

Tax Area	Property Code	Actual Value		Taxable Value	
		Original	Corrected	Original	Corrected
25	0100 - VACANT LAND-RESID	450,000	0	130,500	0
	1111 - VACANT LAND ASSOCIATED WITH RESIDENTIAL		450,000		32,400
Total		450,000	450,000	130,500	32,400

Tax Corrections

Tax Area	Tax Type	Original	Corrected	Difference
25	TAXCHG	6,512.48	1,616.88	-4,895.60
Total		6,512.48	1,616.88	-4,895.60



2019 Notice of Correction

Routt County Assessor

As Of: 06/30/2020

Account: R8171518 **Parcel:** 272900002
 SMITH, JOHN C. & GAIL A. (JT)
 PO BOX 770899
 STEAMBOAT SPRINGS, CO 80477-0899

Routt County Assessor
 Gary Peterson
 522 Lincoln Ave., Suite 10
 Steamboat Springs, CO 80487
 (970) 870-5544

Legal Summary

LOT 2, RANCH PRESERVE F2 SUBD .802AC

Petition Date

06/19/2020

Reason For Correction

Abatement

Operator

Susan Siggson (SSIGGSON)

Additional Explanation

BASED ON THE MARCH 2020 DECISION MADE BY THE COLORADO SUPREME COURT IN THE SUMMIT COUNTY V. HOGAN CASE, THIS LOT (A VACANT PARCEL) QUALIFIES FOR THE RESIDENTIAL ASSESSMENT RATE. THE SUBJECT PARCEL MEETS THE CRITERIA OF THE STATUTORY DEFINITION OF RESIDENTIAL LAND AS DECIDED BY THE CSC; THE PARCEL IS CONTIGUOUS (TOUCHING) TO AN IMPROVED RESIDENCE HELD IN THE SAME OWNERSHIP OF RECORD AND IS USED AS A UNIT WITH THE RESIDENCE FOR GENERAL FAMILY ENJOYMENT AND A BUFFER ZONE FOR PRIVACY.

Tax Roll

2019.TRC.782S21

Value Corrections

Tax Area	Property Code	Actual Value		Taxable Value	
		Original	Corrected	Original	Corrected
25	0100 - VACANT LAND-RESID	475,000	0	137,750	0
	1111 - VACANT LAND ASSOCIATED WITH RESIDENTIAL		475,000		33,960
Total		475,000	475,000	137,750	33,960

Tax Corrections

Tax Area	Tax Type	Original	Corrected	Difference
25	TAXCHG	7,286.68	1,796.40	-5,490.28
Total		7,286.68	1,796.40	-5,490.28



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: 9/22/2020	ITEM TIME: 10:10a.m.

FROM:	Routt County Assessor
TODAY'S DATE:	9/14/2020

AGENDA TITLE:	Abatement Hearings: R8171518 - John C. & Gail A. Smith (JT) - Agent: Jill A Brabec, P.C. - Lot 46, Tree Haus F1 - TY2019 R6813758 - Riverside Properties of Colorado - Agent: Karen Hughes - Lot 34 Riverside Subd F1 - TY2019
----------------------	--

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:
Abatement Hearing

II. RECOMMENDED ACTION (motion):
Hear discussion from petitioner and assessor regarding abatement or refund of taxes.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE (if applicable):
CURRENT BUDGETED AMOUNT: \$0.00
PROPOSED EXPENDITURE:
FUNDING SOURCE:

SUPPLEMENTAL BUDGET NEEDED: YES NO
NO

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

Please review the submitted reports from Office of the Assessor and submission from petitioner.

VI. LEGAL ISSUES:

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

VIII. SUMMARY AND OTHER OPTIONS:

IX. LIST OF ATTACHMENTS: Supplemental Budget Request

2020
Routt County - Board of County Commissioners (BCC) Hearing
Abatement Response

Petitioner: RIVERSIDE PROPERTIES OF COLORADO, LLC.
Account #: R6813758
Parcel #: 150400034
Tax Years Petitioned: 2019
Legal Description: LOT 34 RIVERSIDE SUBD FILING 1

Appeal History: Neither the property value nor the classification was appealed during the May 2019 protest period.

Subject Description: Built in 2001, the subject property is a two story, wood frame structure located at the southwest corner of Riverside Drive and West Highway 40. Situated on two levels, the subject property is comprised 1,500 sf in GBA. Historically, the property has been used as commercial office space. However, the property has been occupied as a residence over the past few years.

The parcel measures .25 acres or 10,890 sf. The lot is zoned CN – Commercial Neighborhood and is considered a typical sized lot with good utility. The subject property is a corner parcel and fronts W. Highway 40 and Riverside Drive.

As of the January 1, 2019, Assessment Date, the building was residentially occupied.

Summary Comments Addressing the Petitioner’s Request: The petitioner originally submitted the request for an abatement of taxes due to the rapid increase in tax liability between 2014 and 2019. However, while not requesting an adjustment to a specific value or range of value, the petitioners’ agent later submitted a list of sales and asked that the 2019RA actual value be reviewed. The petitioners’ agent also requested the subject property be reclassified from “Commercial” to “Residential” since the property had been residentially occupied for the past several years.

Position of the Assessor’s Office:

A reanalysis of the comparable sale and market rental data occurring during the 2019RA data collection period indicated the original 2019 Reappraisal value of \$616,350 as of June 30, 2018, was well supported. Therefore, no adjustment to value is being recommended.

However, the petitioners have provided a copy of a signed and notarized Residential Lease (Exhibit A) that was in place between May 11, 2018 and May 31, 2019 which reasonably supports a change in classification from “Commercial” to “Residential” as of the January 1, 2019 assessment date.

As set forth on Page 2, Section III of the abatement form submitted March 11, 2020, both the Petitioner and Assessor’s Office mutually agree that the original 2019RA actual value of \$616,350 is a reasonable and supported value. Both parties also agree that the classification of the subject property should be modified from “Commercial” to “Residential” for Tax Year 2019 as provided in the Residential Lease dated May 11, 2018.

Recommendation: the Assessor’s Office requests the commissioners approve the petitioners’ request to re-classify the subject property from “Commercial” to “Residential” for Tax Year 2019 resulting in an adjustment of the original 2019RA Assessed Value of **\$178,740 to \$44,070** and an abatement refund of **\$7,123.80**.

Report Date: September 8, 2020

Appraiser: Kevin M. Krause
Certified General Appraiser
Routt County Assessor’s Office
(970) 870-5454

License # CG1324436
Expiration 12/31/2020
kkrause@co.routt.co.us

Subject Property – R6813758

Sale Date: n/a
2019RA: \$616,350
Effective SF: 1,500 SF
Lot Size: 0.25 Acres
Use: Residence



PROPERTY MAP



Exhibit A

05/12/2018 11:48 3180244021 UNRECORDED OFFICE PAGE 02/03

5/10/2018

RESIDENTIAL LEASE AGREEMENT

THIS LEASE (the "Lease") dated this 11 day of May, 2018

BETWEEN:

John Udouj and Deborah Udouj

(collectively and individually the "Landlord")

- AND -

Bronson Ruybalid and Leslie Ruybalid

(collectively and individually the "Tenant")

(individually the "Party" and collectively the "Parties")

IN CONSIDERATION OF the Landlord leasing certain premises to the Tenant and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties agree as follows:

Leased Property

1. The Landlord agrees to rent to the Tenant the house, municipally described as 2504 Riverside Drive, Steamboat Springs, Colorado 80487 (the "Property"), for use as residential premises only.
2. Subject to the provisions of this Lease, apart from the Tenant, no other persons will live in the Property without the prior written permission of the Landlord.
3. No guests of the Tenants may occupy the Property for longer than one week without the prior written consent of the Landlord.
4. No animals are allowed to be kept in or about the Property without the revocable written permission of the Landlord. *Adden: We will allow tenants 2 dogs to stay outdoors and be brought indoors when tenants present.*
5. Subject to the provisions of this Lease, the Tenant is entitled to the use of parking on or about the Property.
6. The Tenant and members of Tenant's household will not smoke anywhere in the Property nor permit any guests or visitors to smoke in the Property.

6/10/2018

- by the Tenant or by any person whom the Tenant is responsible for;
- g. the cost of extermination where the Tenant or the Tenant's guests have brought or allowed insects into the Property or building;
- h. repairs and replacement required where windows are left open which have caused plumbing to freeze, or rain or water damage to floors or walls;
- i. any other purpose allowed under this Lease or the Act.

For the purpose of this clause, the Landlord may charge the Tenant for professional cleaning and repairs if the Tenant has not made alternate arrangements with the Landlord.

- 17. The Tenant may not use the Security Deposit as payment for the Rent.

Inspections

- 18. At all reasonable times during the term of this Lease and any renewal of this Lease, the Landlord and its agents may enter the Property to make inspections or repairs, or to show the Property to prospective tenants or purchasers in compliance with the Act.

Tenant Improvements

- 19. The Tenant will obtain written permission from the Landlord before doing any of the following:
 - a. applying adhesive materials, or inserting nails or hooks in walls or ceilings other than small picture nails or hooks for decor.
 - b. painting, wallpapering, redecorating or in any way significantly altering the appearance of the Property;
 - c. removing or adding walls, or performing any structural alterations;
 - d. installing a waterbed(s);
 - e. changing the amount of heat or power normally used on the Property as well as installing additional electrical wiring or heating units;
 - f. placing or exposing or allowing to be placed or exposed anywhere inside or outside the Property any placard, notice or sign for advertising or any other purpose; or
 - g. affixing to or erecting upon or near the Property any radio or TV antenna or tower.

Utilities and Other Charges

- 20. The Tenant is responsible for the payment of all utilities in relation to the Property.

Insurance

- 21. The Tenant is hereby advised and understands that the personal property of the Tenant is not insured by

5/10/2018

the Landlord for either damage or loss, and the Landlord assumes no liability for any such loss.

Attorney Fees

- 22. In the event that any action is filed in relation to this Lease, the unsuccessful Party in the action will pay to the successful Party, in addition to all the sums that either Party may be called on to pay, a reasonable sum for the successful Party's attorney fees.

Governing Law

- 23. This Lease will be construed in accordance with and exclusively governed by the laws of the State of Colorado.

Severability

- 24. If there is a conflict between any provision of this Lease and the Act, the Act will prevail and such provisions of the Lease will be amended or deleted as necessary in order to comply with the Act. Further, any provisions that are required by the Act are incorporated into this Lease.
- 25. The invalidity or unenforceability of any provisions of this Lease will not affect the validity or enforceability of any other provision of this Lease. Such other provisions remain in full force and effect.

Amendment of Lease

- 26. This Lease may only be amended or modified by a written document executed by the Parties.

Assignment and Subletting

- 27. The Tenant will not assign this Lease, or sublet or grant any concession or license to use the Property or any part of the Property. Any assignment, subletting, concession, or license, whether by operation of law or otherwise, will be void and will, at Landlord's option, terminate this Lease.

Damage to Property

- 28. If the Property should be damaged other than by the Tenant's negligence or willful act or that of the Tenant's employee, family, agent, or visitor and the Landlord decides not to rebuild or repair the Property, the Landlord may end this Lease by giving appropriate notice.

Maintenance

- 29. The Tenant will, at its sole expense, keep and maintain the Property and appurtenances in good and sanitary condition and repair during the term of this Lease and any renewal of this Lease.
- 30. Major maintenance and repair of the Property not due to the Tenant's misuse, waste, or neglect or that of the Tenant's employee, family, agent, or visitor, will be the responsibility of the Landlord or the Landlord's assigns.

05/12/2018 11:40 9788244827

JACKSONS OFFICE

PAGE 1 OF 12

8/10/2018

31. In particular, the Tenant will keep the fixtures in the Property in good order and repair. The Tenant will, at Tenant's sole expense, make all required repairs to the plumbing, range, heating apparatus, and electric and gas fixtures whenever damage to such items will have resulted from the Tenant's misuse, waste, or neglect or that of the Tenant's employee, family, agent, or visitor.
32. Where the Property has its own sidewalk, entrance, driveway or parking space which is for the exclusive use of the Tenant and its guests, the Tenant will keep the sidewalk, entrance, driveway or parking space clean, tidy and free of objectionable material including dirt, debris, snow and ice.
33. Where the Property has its own garden or grass area which is for the exclusive use of the Tenant and its guests, the Tenant will water, fertilize, cut and otherwise maintain the garden or grass area in a reasonable condition including any trees or shrubs therein.

Care and Use of Property

34. The Tenant will promptly notify the Landlord of any damage, or of any situation that may significantly interfere with the normal use of the Property or to any furnishings supplied by the Landlord.
35. The Tenant will not engage in any illegal trade or activity on or about the Property.
36. The Parties will comply with standards of health, sanitation, fire, housing and safety as required by law.
37. The Parties will use reasonable efforts to maintain the Property in such a condition as to prevent the accumulation of moisture and the growth of mold. The Tenant will promptly notify the Landlord in writing of any moisture accumulation that occurs or of any visible evidence of mold discovered by the Tenant. The Landlord will promptly respond to any such written notices from the Tenant.
38. If the Tenant is absent from the Property and the Property is unoccupied for a period of weeks or longer, the Tenant will arrange for regular inspection by a competent person. The Landlord will be notified in advance as to the name, address and phone number of the person doing the inspections.
39. At the expiration of the term of this Lease, the Tenant will quit and surrender the Property in as good a state and condition as they were at the commencement of this Lease, reasonable use and wear and tear excepted.

Rules and Regulations

40. The Tenant will obey all rules and regulations of the Landlord, and any applicable homeowners' association rules and regulations, regarding the Property.

Lead Warning

41. Housing built before 1978 may contain lead based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint hazards in the dwelling.

05/12/2018 11:40

9708244027

JACKSONS OFFICE

PAGE 01/03

5/10/2018

Residential Lease Agreement

42. If any dispute relating to this Lease between the Parties is not resolved through informal discussion within 14 days from the date a dispute arises, the Parties agree to submit the issue first before a non-binding mediator and to an arbitrator in the event that mediation fails. The decision of the arbitrator will be binding on the Parties. Any mediator or arbitrator must be a neutral party acceptable to both Parties. The cost of any mediations or arbitrations will be shared equally by the Parties.

Address for Notice

43. For any matter relating to this tenancy, the Tenant may be contacted at the Property or through the phone number below:
- Name: Bronson Ruybalid and Lealie Ruybalid.
 - Phone: (970) 620-5893.
 - Email: Ruybalid2010@outlook.com.
44. For any matter relating to this tenancy, whether during or after this tenancy has been terminated, the Landlord's address for notice is:
- Name: John Udouj and Deborah Udouj.
 - Address: 9716 Thistle Court, Fort Smith, Arkansas 72908.
- The contact information for the Landlord is:
- Phone: John (479) 719-6570 Deborah (479) 459-7102.
 - Email address: j.d.udouj.co@gmail.com.

General Provisions

45. All monetary amounts stated or referred to in this Lease are based in the United States dollar.
46. Any waiver by the Landlord of any failure by the Tenant to perform or observe the provisions of this Lease will not operate as a waiver of the Landlord's rights under this Lease in respect of any subsequent defaults, breaches or non-performance and will not defeat or affect in any way the Landlord's rights in respect of any subsequent default or breach.
47. This Lease will extend to and be binding upon and inure to the benefit of the respective heirs, executors, administrators, successors and assigns, as the case may be, of each Party. All covenants are to be construed as conditions of this Lease.
48. All sums payable by the Tenant to the Landlord pursuant to any provision of this Lease will be deemed to be additional rent and will be recovered by the Landlord as rental arrears.
49. Where there is more than one Tenant executing this Lease, all Tenants are jointly and severally liable for each other's acts, omissions and liabilities pursuant to this Lease.
50. Locks may not be added or changed without the prior written agreement of both Parties, or unless the

05/12/2018 11:40

9788244027

JACKSONS OFFICE

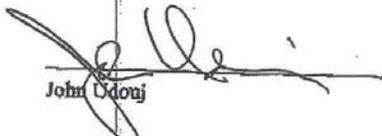
PAGE 00/02

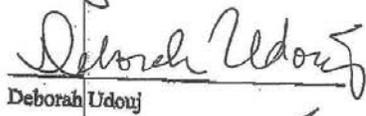
5/10/2018

changes are made in compliance with the Act.

- 51. The Tenant will be charged an additional amount of \$25.00 for each N.S.F. check or checks returned by the Tenant's financial institution.
- 52. Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting this Lease. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.
- 53. This Lease may be executed in counterparts. Facsimile signatures are binding and are considered to be original signatures.
- 54. This Lease constitutes the entire agreement between the Parties.
- 55. During the last 30 days of this Lease, the Landlord or the Landlord's agents will have the privilege of displaying the usual 'For Sale' or 'For Rent' or 'Vacancy' signs on the Property.
- 56. Time is of the essence in this Lease.

IN WITNESS WHEREOF Clifford ^(RMS) Bronson Ruybalid and Leslie Ruybalid and John Udouj ^(RMS) and Deborah Udouj ^(RMS) have duly affixed their signatures on this 11th day of May, 2018.


John Udouj


Deborah Udouj


Bronson Ruybalid

State of Colorado
County of Routt
The foregoing instrument was acknowledged before me on this 11 day of May, 2018, by Clifford Bronson Ruybalid Clifford →
Rebecca Marie Suppeland 9-12-2018 ^(RMS)
Notary Commission Expires

REBECCA MARIE SUPPELAND
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144035218
MY COMMISSION EXPIRES 9-12-2018

State of Colorado
County of Routt
The foregoing instrument was acknowledged before me on this 11 day of May, 2018, by Leslie Ruybalid
Rebecca Marie Suppeland 9-12-2018
Notary Commission Expires


Leslie Ruybalid

REBECCA MARIE SUPPELAND
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144035218
MY COMMISSION EXPIRES 9-12-2018

11/20/2018 14:16

9708700676

STEAMBOAT LUMBER

PAGE 02/02

Extension of Lease Agreement

Extension of Original Lease Agreement made by and between: John and Deborah Udouj Landlord, and Bronson and Leslie Ruybalid Tenant,

relative to a certain lease agreement for premises known

as: 2504 Riverside Drive

Routt County, Steamboat Springs, CO 80487

For good consideration, Landlord and Tenant each agree to extend the term of the said lease

For a period of 6 months commencing on December 1, 2018 (start date), terminating on

May 31, 2019 (ending date).

Tenant shall pay Landlord rent of \$2000 1st of each month along with terms agreed upon with original lease agreement.

IN WITNESS WHEREOF Bronson Ruybalid and Leslie Ruybalid have duly affixed their signatures on this _____ day of _____, 2018.

John Udouj

Deborah Udouj

Bronson Ruybalid

Leslie Ruybalid

State of Colorado County of Routt
Subscribed and sworn before me on 11/20/2018
(Date)

(Notary Signature)

Personally Appeared
Bronson + Leslie Ruybalid

ZACHARY CHELBERG
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20114059137
MY COMMISSION EXPIRES OCTOBER 27, 2019

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Routt

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)



Section I: Petitioner, please complete Section I only.

Date: 2020
Month Day Year

Petitioner's Name: RIVERSIDE PROPERTIES OF COLORADO, LLC

Petitioner's Mailing Address: 9716 THISTLE CT

FORT SMITH AR 72908
City or Town State Zip Code



SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
R6813758/ 150400034	2504 RIVERSIDE DR
	LOT 34 RIVERSIDE SUBD FILING 1

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Please see attached note!

Petitioner's estimate of value: \$ _____ (2019)
(optional entry - can be left blank by Petitioner) Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

See letter of authority Daytime Phone Number (_____)
Petitioner's Signature

By Karen Hughes Daytime Phone Number (970) 846-4841
Agent's Signature*

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II:		Assessor's Recommendation (For Assessor's Use Only)		
		Tax Year <u>2019</u>		
	Actual	Assessed	Tax	
Original	\$616,350	\$178,740	\$9,455.00	
Corrected	\$616,350	\$44,070	\$2,331.20	
Abate/Refund	\$0	\$134,670	\$7,123.80	

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: 2019 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Mary J. Petrus
Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner

[Only for abatements up to \$5,000 (per schedule, per year)]

The Commissioners of Routt County authorize the Assessor by Resolution No. 2020-002 to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$5,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year <u>2019</u>		
	Actual	Assessed	Tax
Original	\$616,350	\$178,740	\$9,455.00
Corrected	\$616,350	\$44,070	\$2,331.20
Abate/Refund	\$0	\$134,670	\$7,123.80

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature: [Signature] Date: 9/8/2020
 Assessor's or Deputy Assessor's Signature: [Signature] Date: Sept. 9th, 2020

Section IV: Decision of the County Commissioners

(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of Routt County, State of Colorado, at a duly and lawfully called regular meeting held on / / , at which meeting there were present the following members:

Douglas B. Monger, Timothy V. Corrigan (Chair) and Beth Melton

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Gary J. Peterson (*being present--not present*) and

Petitioner (*being present--not present*), and WHEREAS, the said

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (*agrees--does not agree*) with the recommendation of the Assessor, and that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
<u>2019</u>		

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

this _____ day of _____, _____
Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator

(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature _____ Property Tax Administrator's Signature _____ Date _____

February 23, 2020

Petitioners Reason for Abatement

Our original intent in 2015 was to purchase property which was zoned as Commercial/Industrial at 2504 Riverside Drive and use as a "Work/Live" Property. Because of immediate family illnesses and the stall in sell of our dental practice in Arkansas we have been prevented from doing so.

When we purchased the property in 2015, the Appraisal noted Real Estate taxes for 2014 as being \$3,854. The structure was built in 2001, this is a 15year history of probable increases to reach \$3,854.

Now for tax year 2019 it has increased to \$9,455! This is a span of less than five years! Had the taxes doubled, which would be an outcry, that would total \$7,708! Which is still 18.47% less than \$9.455!

In 2017, through eminent domain, the city placed a public sidewalk on our property reducing our front yard by 1,747 square feet. In 2017-2018 we had to retain counsel from an attorney to protect our rights and keep the city from trying to acquire more of our property. As the city project moved forward, during the construction phase, our property basically was used and looked like a construction site. Now, not only has there been an appreciable reduction in our lot size and loss of privacy with a public sidewalk at close proximity to our front porch; there has been an unbelievable increase in taxes. An increase of 145.3% since 2014!

We respectfully request an abatement or refund of taxes.

Sincerely,

John Udouj

Deborah Udouj

Riverside Properties of Colorado LLC

479-459-7102

February 23, 2020

To Whom It May Concern:

We, John and Deborah Udouj (Operating Members/Managers of Riverside Properties of Colorado LLC) give Karen Hughes Real Estate Broker with RE/MAX Partners the permission and authorization to represent or discuss on our behalf Petition for Abatement or Refund of Taxes for tax year 2019. This pertains to our property:

Schedule or Parcel Numbers: R6813758/150400034

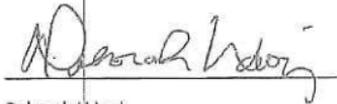
Property Address: 2504 Riverside Drive

Lot 34 Riverside Subdivision



John Udouj

2-23-20
Date



Deborah Udouj

2/23/2020
Date



2019 Notice of Correction

Routt County Assessor

As Of: 09/08/2020

Account: R6813758 **Parcel:** 150400034
 RIVERSIDE PROPERTIES OF COLORADO, LLC
 9716 THISTLE CT
 FORT SMITH, AZ 72908

Routt County Assessor
 Gary Peterson
 522 Lincoln Ave., Suite 10
 Steamboat Springs, CO 80487
 (970) 870-5544

Legal Summary

LOT 34 RIVERSIDE SUBD FILING 1

Petition Date

03/11/2020

Reason For Correction

Abatement

Operator

Kevin Krause (KKRAUSE)

Additional Explanation

TY2019 ABATEMENT (TY2020 FOLLOWS) A REANALYSIS OF MARKET SALES SUPPORTS THE ORIGINAL 2019RA VALUE; HOWEVER, THE PETITIONERS HAVE PROVIDED SIGNED AND NOTORIZED RESIDENTIAL LEASES VERIFYING THE SUBJECT PROPERTY WAS RESIDENTIALLY OCCUPIED AS OF THE RESPECTIVE ASSESSMENT DATE(S). THEREFORE, THE CLASSIFICATION HAS BEEN CHANGED FROM COMMERCIAL TO RESIDENTIAL ACCORDINGLY. KMK

Tax Roll

2019.TRC.784S10

Value Corrections

Tax Area	Property Code	Actual Value		Taxable Value	
		Original	Corrected	Original	Corrected
27X	1112 - SINGLE FAM RESID LAND		156,250		11,170
	1212 - SINGLE FAM RESID IMPROVEMENTS		460,100		32,900
	2120 - OFFICE LAND	156,250	0	45,310	0
	2220 - OFFICE-IMPROVEMENTS	460,100	0	133,430	0
Total		616,350	616,350	178,740	44,070

Tax Corrections

Tax Area	Tax Type	Original	Corrected	Difference
27X	TAXCHG	9,455.00	2,331.20	-7,123.80
Total		9,455.00	2,331.20	-7,123.80

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: 9/22/2020	
-----------------------------	--

FROM:	PDR Board/Claire Sollars – Kendra Alfieri
TODAY’S DATE:	9/18/2020
AGENDA TITLE:	PDR PROJECT 193- Withdrawal

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:

The PDR Board has received notice of the withdrawal for Project #193, and return of allocated funds to the pool.

II. RECOMMENDED ACTION:

Consideration to accept the withdrawal of Project #193 and return of funding in the amount of \$310,000 000 for purchasing the conservation easement and \$25,000 for transaction costs (total \$335,000).

Executive Session may be required under C.R.S. 24-6-402 (4)(a) to discuss the purchase, acquisition, lease transfer, or sale of any real, personal, or other property

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE: n/a

PROPOSED EXPENDITURE: n/a

FUNDING SOURCE: Open Space – PDR Fund

Return of funding in the amount of \$310,000 000 to be used for purchasing the conservation easement and \$25,000 for transaction costs (total \$335,000).

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

V. BACKGROUND INFORMATION:

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

VI. LEGAL ISSUES:
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
VIII. SUMMARY AND OTHER OPTIONS:

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: 9/22/2020	
-----------------------------	--

FROM:	PDR Board/Claire Sollars – Kendra Alfieri
TODAY’S DATE:	9/18/2020
AGENDA TITLE:	PDR interview- Doug Tumminello

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:
PDR interview- Doug Tumminello

II. RECOMMENDED ACTION:
PDR interview- Doug Tumminello

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE: n/a
PROPOSED EXPENDITURE:
FUNDING SOURCE:

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

V. BACKGROUND INFORMATION:

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

VI. LEGAL ISSUES:
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
VIII. SUMMARY AND OTHER OPTIONS: