

Perry Minor Subdivision
MISA-01-24-8998

Packet for BOCC hearing on February 10th, 2025 at 1:00pm
Commissioners Meeting Room
108 8th Street
Glenwood Springs, CO

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January 13, 2025

Ann Perry
88 Cedar St.
Carbondale, CO 81623

RE: Perry Minor Subdivision
(MISA-01-24-8998)

Dear Ann:

Thanks for your ongoing coordination with our offices regarding your Minor Subdivision Application review process. This letter is to inform you that the Director has referred your Application up to the Board of County Commissioners for their consideration at a public hearing. This referral is based on ongoing staff review and research of key issues including technical compliance with Article 7 Standards including but not limited your wastewater (OWTS) plans.

The date for the public hearing has been set for February 10, 2025, at 1:00 p.m. in the Commissioners Meeting Room, 108 8th St. in Glenwood Springs.

As you have previously completed public notice for a Director's Decision, County Staff will complete the public notice for the public hearing. Notice is required consistent with an Administrative Review requiring written notice by written notice by certified mail, to the owners of record of all property adjacent to and within 200 ft. of the Applicant's property. Public notice at least 15 days prior to the public hearing is also required by written notice by certified mail with return receipt requested to the mineral owners of record for the Applicant's property.

Pursuant to Section 4-103(B)(3) of the Land Use and Development Code, the notice shall include a vicinity map, the property's legal description, a short narrative describing the current zoning and the Applicant's proposal, the contact information for the Community Development Department and the date of the public hearing.

The Board of County Commissioner's will consider your request and make a decision to approve, approve with conditions, or deny your Application. Their decision will be formalized by a Board resolution.

You will need to provide 4 additional hard copies of your complete application for future distribution to the Board of County Commissioners. The additional hard copies need to include all supplemental information and should be provided as soon as possible but no later than January 27th.

Please contact us with any questions regarding the scheduling and the upcoming public hearing.

Sincerely,

Glenn Hartmann
Director

John Leybourne
John Leybourne
Planner III

Narrative

Annie P <batadogo@gmail.com>

Nov 1, 2024,
1:08 PM

to John, Keith

Hi John,

Thank you so much for making the time to meet with us yesterday. As discussed, I'm sending you a Narrative to go with the map that we submitted yesterday. Please let me know if I need to send you the Narrative in a different format other than this email.

In order to address the concerns in the Garfield County Public Health Department's letter dated September 10, 2024, we have submitted a revised Lot Split Feasibility Site Plan. This revised plan addresses the issue of a replacement soil treatment area when the proposed soil treatment area fails. As shown on the re-drawn map, there is room for an OWTS design for each lot, and there is room for a replacement OWTS on each lot when the first one fails in the future.

Thank you,
Annie Perry

Annie P <batadogo@gmail.com>

Nov 5, 2024,
11:05 AM

to John, Keith

Hi John,

I'm just checking in. Have you looked at the Narrative I sent you last Friday? Do you think that is sufficient? Is Ted back in the office, and have you had a chance to talk to him?

Thanks,
Annie

Annie P <batadogo@gmail.com>

Nov 8, 2024,
10:44 AM

to John, Keith

Hi John,

Checking to see if you have any updates.

Thanks,
Annie

John Leybourne <jleybourne@garfield-county.com>

Nov 8, 2024,
10:46 AM

to me, Keith

Can you send over the electronic site plan? After I get that I will shoot it over to Ted to have a conversation.

Thanks!

John Leybourne
Planner III
Community Development
970-945-1377 x1614
jleybourne@garfield-county.com

Annie P <batadogo@gmail.com>

Nov 8, 2024,
3:23 PM

to John, Keith

Hi John,

It's attached here.
Thanks so much,
Annie

John Leybourne <jleybourne@garfield-county.com>

Nov 8, 2024,
10:46 AM

to me, Keith

Can you send over the electronic site plan? After I get that I will shoot it over to Ted to have a conversation.

Thanks!

John Leybourne
Planner III
Community Development
970-945-1377 x1614
jleybourne@garfield-county.com

Annie P <batadogo@gmail.com>

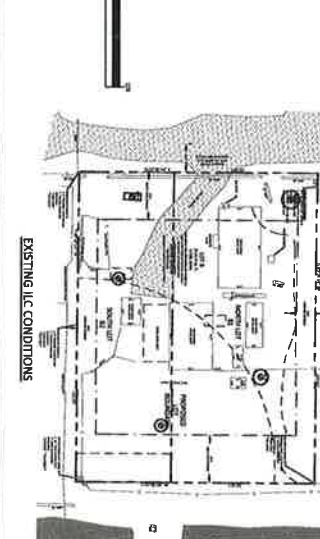
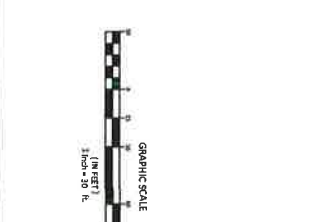
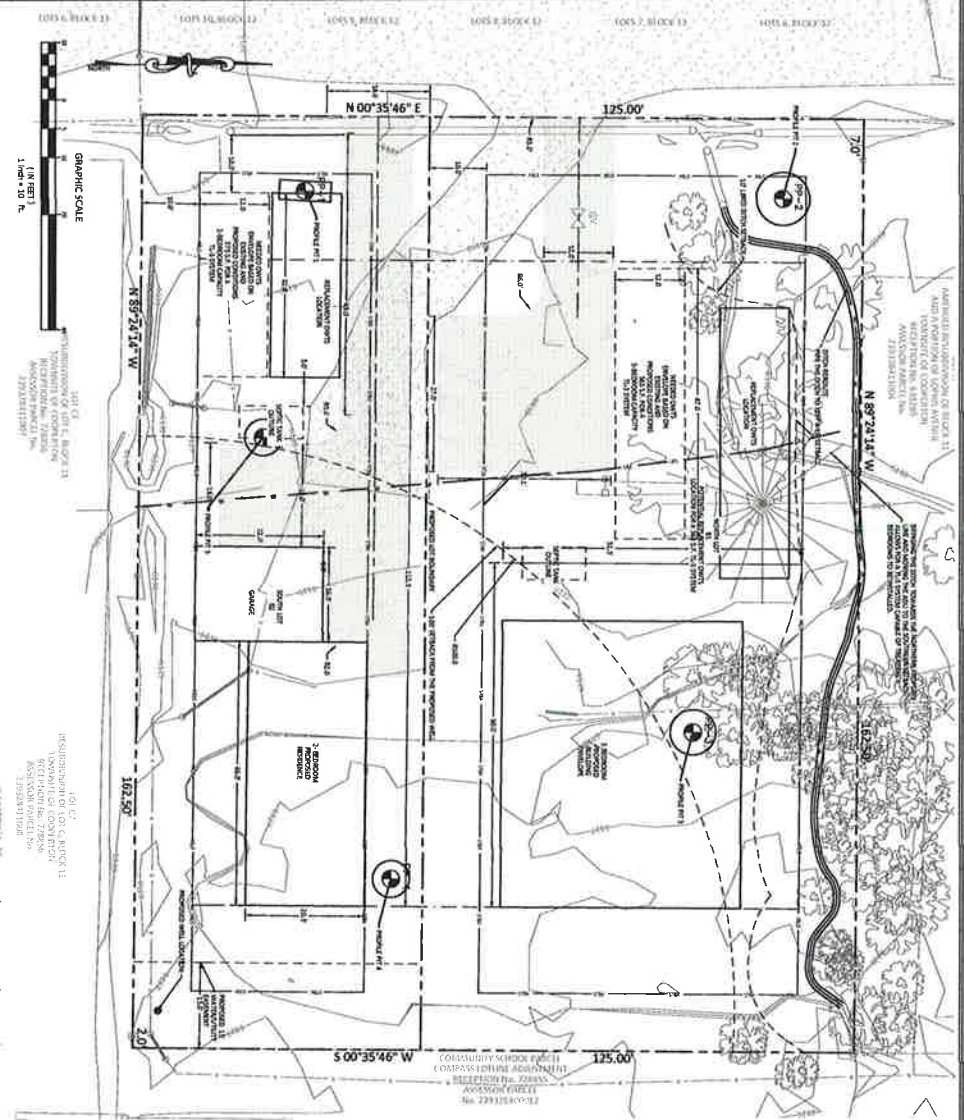
Nov 8, 2024,
3:23 PM

to John, Keith

Hi John,

It's attached here.
Thanks so much,
Annie

Revised site plan showing revised OWTs sites, as requested by G.C. Public Health Dept.



Subcontractor and Vendor List:

1. ARCHITECT: G.C. PUBLIC HEALTH DEPARTMENT
2. ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
3. LANDSCAPE ARCHITECT: G.C. PUBLIC HEALTH DEPARTMENT
4. CIVIL ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
5. ELECTRICAL ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
6. MECHANICAL ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
7. PLUMBING ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
8. STRUCTURAL ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
9. GEOTECHNICAL ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
10. ENVIRONMENTAL ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
11. SOILS ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
12. WATER TREATMENT ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
13. WASTE MANAGEMENT ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
14. AIR POLLUTION ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
15. NOISE ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
16. TRANSPORTATION ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
17. TRAFFIC ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
18. UTILITIES ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
19. CONSTRUCTION ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
20. SAFETY ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
21. QUALITY CONTROL ENGINEER: G.C. PUBLIC HEALTH DEPARTMENT
22. COST ESTIMATOR: G.C. PUBLIC HEALTH DEPARTMENT
23. PROJECT MANAGER: G.C. PUBLIC HEALTH DEPARTMENT
24. SITE SUPERVISOR: G.C. PUBLIC HEALTH DEPARTMENT
25. LABORER: G.C. PUBLIC HEALTH DEPARTMENT
26. OPERATOR: G.C. PUBLIC HEALTH DEPARTMENT
27. DRIVER: G.C. PUBLIC HEALTH DEPARTMENT
28. MAINTENANCE PERSONNEL: G.C. PUBLIC HEALTH DEPARTMENT
29. SECURITY PERSONNEL: G.C. PUBLIC HEALTH DEPARTMENT
30. OTHER PERSONNEL: G.C. PUBLIC HEALTH DEPARTMENT

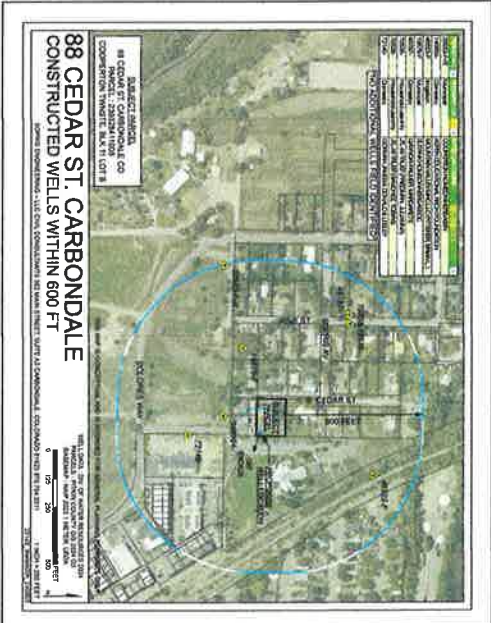


TABLE 1.1: NEW OWT DESIGN CAPACITY NORTH/LT USE

Well No.	Well Type	Well Depth (ft)	Well Diameter (in)	Well Capacity (gpm)	Well Construction
1	1.5\"/>				

811 logo and text: "Don't dig before you dig. Call before you dig." Includes a small map of the area.

PERRY PROPERTY
55 S. CEDAR STREET
CARBONDALE, COLORADO
LOT SPLIT OWT SW FEASIBILITY SITE, WELLS SOILS PLAN - MINOR SUBDV APPL

DATE: 10/20/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

An Employee Owned Company

Office Locations: Denver (HQ), Parker, Colorado Springs, Fort Collins, Glenwood Springs, and Summit County, Colorado

September 17, 2024

Annie Perry
88 Cedar Street
Carbondale, Colorado 81623
batadogo@gmail.com

Project No. 24-7-459

Subject: Subsoil Study for Foundation Design, Proposed Residence, 55 S. Cedar Street, Carbondale, Colorado

Dear Ms. Perry:

As requested, Kumar & Associates, Inc. performed a subsoil study for design of foundations at the subject site. The study was conducted in accordance with our agreement for geotechnical engineering services to you dated August 6, 2024. The data obtained and our recommendations based on the proposed construction and subsurface conditions encountered are presented in this report.

Proposed Construction: The proposed residence will be a one to two story wood frame structure, tentatively located on the north side of the site in the area of Pits 2 and 3 with the septic field in the area of Pit 1 as shown on Figure 1. Ground floor will be structural over crawlspace or slab-on-grade. Cut depths are expected to range between about 3 to 5 feet. Foundation loadings for this type of construction are assumed to be relatively light and typical of the proposed type of construction.

If building conditions or foundation loadings are significantly different from those described above, we should be notified to re-evaluate the recommendations presented in this report.

Site Conditions: The site was occupied by several older, wood frame structures, all of which will be removed prior to new construction. Vegetation consists of several large deciduous and fir trees with a mostly grass understory. The site is relatively flat with a gentle slope down to the east. A small dry pond excavation is located in the southeast corner of the property. The site is bordered to the west by Cedar Street, to the east by a parking area and to the north and south by other residential property. There is an active irrigation ditch along the southwest side of the property and then turning east through the northern part of the property.

Subsurface Conditions: The subsurface conditions at the site were evaluated by excavating four exploratory pits at the approximate locations shown on Figure 1. The logs of the pits are presented on Figure 2. The subsoils encountered, below about up to one foot of topsoil, consist

of 1 to 4 feet of clayey silty sand overlying relatively dense, slightly silty, sandy gravel with cobbles and scattered small boulders. Results of swell-consolidation testing performed on a relatively undisturbed sample of the clayey silty sand, presented on Figure 3, indicate low compressibility under light to moderate loading and a minor settlement potential when wetted. No free water was observed in the pits at the time of excavation and the soils were moist to slightly moist with depth.

Foundation Recommendations: Considering the subsoil conditions encountered in the exploratory pits and the nature of the proposed construction, we recommend spread footings placed on the undisturbed natural soil designed for an allowable soil bearing pressure of 2,000 psf for support of the proposed residence. The soils tend to compress after wetting and there could be some post-construction foundation settlement. Footings should be a minimum width of 16 inches for continuous walls and 2 feet for columns. Loose and disturbed soils and existing fill encountered at the foundation bearing level within the excavation should be removed and the footing bearing level extended down to the undisturbed natural soils. Exterior footings should be provided with adequate cover above their bearing elevations for frost protection. Placement of footings at least 36 inches below the exterior grade is typically used in this area. Continuous foundation walls should be reinforced top and bottom to span local anomalies such as by assuming an unsupported length of at least 10 feet. Foundation walls acting as retaining structures should be designed to resist a lateral earth pressure based on an equivalent fluid unit weight of at least 50 pcf for the on-site soil as backfill.

Floor Slabs: The natural on-site soils, exclusive of topsoil, are suitable to support lightly to moderately loaded slab-on-grade construction. To reduce the effects of some differential movement, floor slabs should be separated from all bearing walls and columns with expansion joints which allow unrestrained vertical movement. Floor slab control joints should be used to reduce damage due to shrinkage cracking. The requirements for joint spacing and slab reinforcement should be established by the designer based on experience and the intended slab use. A minimum 4 inch layer of free-draining gravel should be placed beneath basement level slabs to facilitate drainage. This material should consist of minus 2-inch aggregate with less than 50% passing the No. 4 sieve and less than 2% passing the No. 200 sieve.

All fill materials for support of floor slabs should be compacted to at least 95% of maximum standard Proctor density at a moisture content near optimum. Required fill can consist of the on-site soils devoid of vegetation, topsoil and oversized rock.

Underdrain System: Although free water was not encountered during our exploration, it has been our experience in the area that local perched groundwater can develop during times of heavy precipitation or seasonal runoff. Frozen ground during spring runoff can create a perched condition. We recommend below-grade construction, such as retaining walls, crawlspace and

basement areas, be protected from wetting and hydrostatic pressure buildup by an underdrain system.

The drains should consist of drainpipe placed in the bottom of the wall backfill surrounded above the invert level with free-draining granular material. The drain should be placed at each level of excavation and at least 1 foot below lowest adjacent finish grade and sloped at a minimum 1% to a suitable gravity outlet or drywell. Free-draining granular material used in the underdrain system should contain less than 2% passing the No. 200 sieve, less than 50% passing the No. 4 sieve and have a maximum size of 2 inches. The drain gravel backfill should be at least 1½ feet deep.

Surface Drainage: The following drainage precautions should be observed during construction and maintained at all times after the residence has been completed:

- 1) Inundation of the foundation excavations and underslab areas should be avoided during construction.
- 2) Exterior backfill should be adjusted to near optimum moisture and compacted to at least 95% of the maximum standard Proctor density in pavement and slab areas and to at least 90% of the maximum standard Proctor density in landscape areas. Free-draining wall backfill should be capped with about 2 feet of the on-site, finer graded soils to reduce surface water infiltration.
- 3) The ground surface surrounding the exterior of the building should be sloped to drain away from the foundation in all directions. We recommend a minimum slope of 6 inches in the first 10 feet in unpaved areas and a minimum slope of 3 inches in the first 10 feet in pavement and walkway areas.
- 4) Roof downspouts and drains should discharge well beyond the limits of all backfill.

Limitations: This study has been conducted in accordance with generally accepted geotechnical engineering principles and practices in this area at this time. We make no warranty either express or implied. The conclusions and recommendations submitted in this report are based upon the data obtained from the exploratory pits excavated at the locations indicated on Figure 1 and to the depths shown on Figure 2, the proposed type of construction, and our experience in the area. Our services do not include determining the presence, prevention or possibility of mold or other biological contaminants (MOBC) developing in the future. If the client is concerned about MOBC, then a professional in this special field of practice should be consulted. Our findings include interpolation and extrapolation of the subsurface conditions identified at the exploratory pits and variations in the subsurface conditions may not become evident until excavation is performed. If conditions encountered during construction appear different from those described in this report, we should be notified at once so re-evaluation of the recommendations may be made.

This report has been prepared for the exclusive use by our client for design purposes. We are not responsible for technical interpretations by others of our information. As the project evolves, we should provide continued consultation and field services during construction to review and monitor the implementation of our recommendations, and to verify that the recommendations have been appropriately interpreted. Significant design changes may require additional analysis or modifications to the recommendations presented herein. We recommend on-site observation of excavations and foundation bearing strata and testing of structural fill by a representative of the geotechnical engineer.

If you have any questions or if we may be of further assistance, please let us know.

Respectfully Submitted,

Kumar & Associates, Inc.


Daniel E. Hardin, P.E.

Reviewed by:

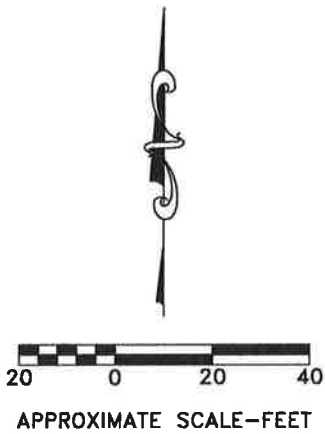

Robert L. Duran, P.E.

DEH/kac

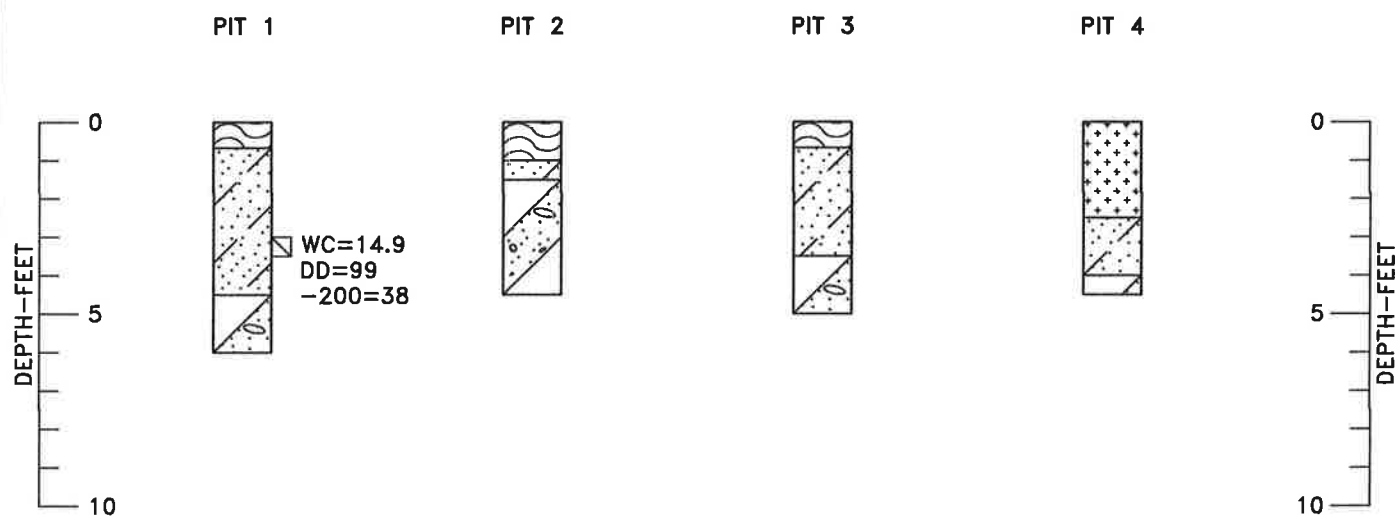
attachments Figure 1 – Location of Exploratory Pits
 Figure 2 – Logs of Exploratory Pits
 Figure 3 – Swell-Consolidation Test Results

cc: Sopris Engineering – Paul Rutledge (prutledge@sopriseng.com)
 Terralink Structures – Keith Brand (keith@terralinkstructures.com)










September 23, 2024 - 08:47am
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LEGEND

-  TOPSOIL; ORGANIC SILTY SAND TO SANDY SILT.
-  POND EXCAVATION.
-  SAND (SC); CLAYEY, SILTY MEDIUM STIFF, MOIST, BROWN.
-  GRAVEL (GM-GP); SANDY, SLIGHTLY SILTY, WITH COBBLES AND SCATTERED SMALL BOULDERS, DENSE, MOIST, BROWN.
-  HAND DRIVE SAMPLE.

NOTES

1. THE EXPLORATORY PITS WERE EXCAVATED WITH A BACKHOE ON AUGUST 21, 2024.
2. THE LOCATIONS OF THE EXPLORATORY PITS WERE MEASURED APPROXIMATELY BY PACING FROM FEATURES SHOWN ON THE SITE PLAN PROVIDED.
3. THE ELEVATIONS OF THE EXPLORATORY PITS WERE NOT MEASURED AND THE LOGS OF THE EXPLORATORY PITS ARE PLOTTED TO DEPTH.
4. THE EXPLORATORY PIT LOCATIONS SHOULD BE CONSIDERED ACCURATE ONLY TO THE DEGREE IMPLIED BY THE METHOD USED.
5. THE LINES BETWEEN MATERIALS SHOWN ON THE EXPLORATORY PIT LOGS REPRESENT THE APPROXIMATE BOUNDARIES BETWEEN MATERIAL TYPES AND THE TRANSITIONS MAY BE GRADUAL.
6. GROUNDWATER WAS NOT ENCOUNTERED IN THE PITS AT THE TIME OF EXCAVATION. PITS WERE BACKFILLED SUBSEQUENT TO SAMPLING.
7. LABORATORY TEST RESULTS:
 WC = WATER CONTENT (%) (ASTM D 2216);
 DD = DRY DENSITY (pcf) (ASTM D 2216);
 -200= PERCENTAGE PASSING NO. 200 SIEVE (ASTM D 1140).

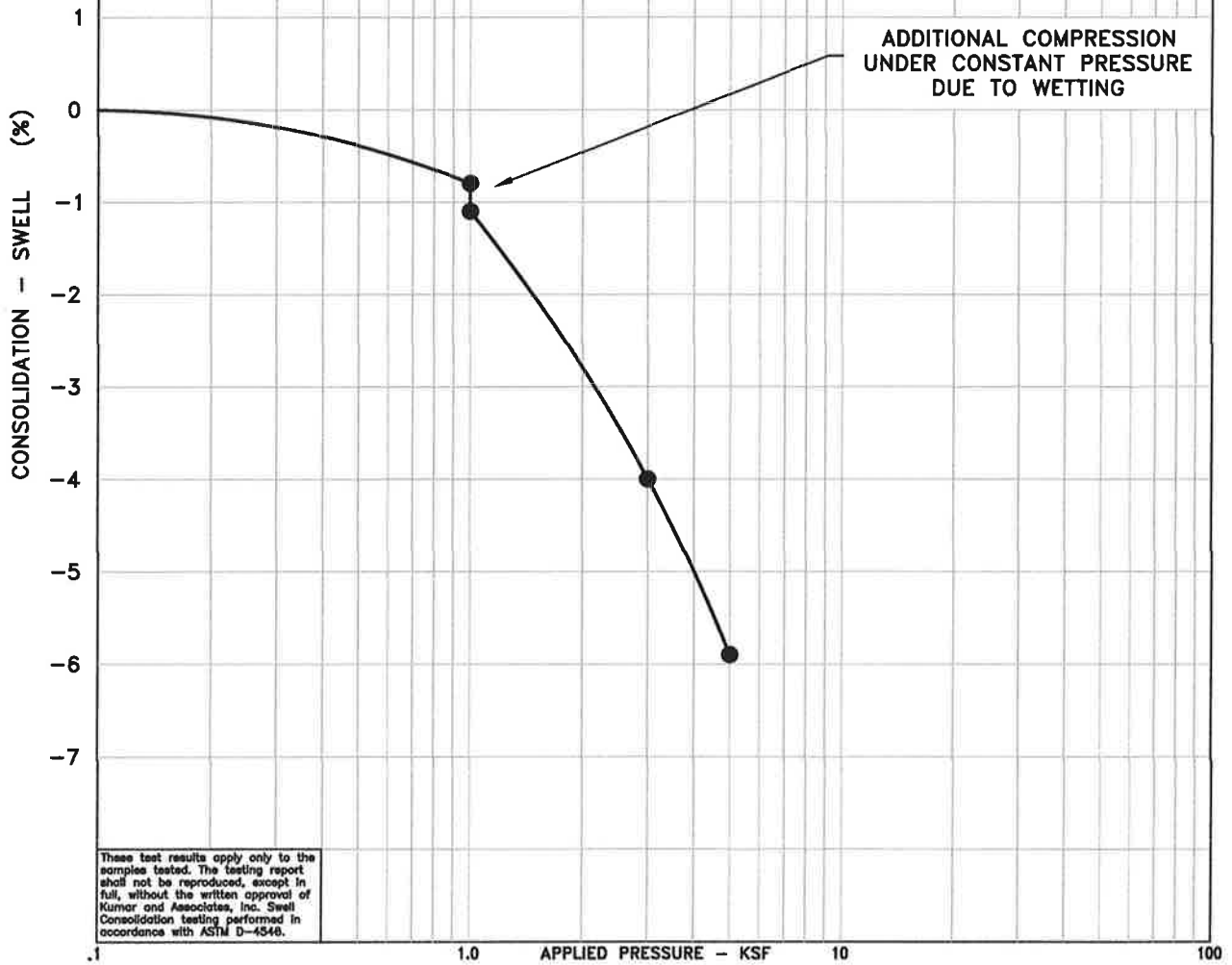
September 23, 2024 - 08:47am
 V:\Projects\2024\24-7-459 Subsoil Study, Proposed Baseline\Drafting\247459-02.dwg

SAMPLE OF: Clayey Silty Sand

FROM: Pit 1 @ 3.5'

WC = 14.9 %, DD = 99 pcf

-200 = 40 %



September 23, 2024 - 10:48am
VA\Projects\2024\24-7-459 Subsoil Study, Proposed Residence\Drilling\247-459-03.dwg



195 West 14th Street
Rifle, CO 81650
(970) 625-5200

2014 Blake Avenue
Glenwood Springs, CO 81601
(970) 945-6614

Garfield County Community Development
108 8th Street, Suite 401
Glenwood Springs, CO 81601
Attention: John Leybourne
jleybourne@garfield-county.com

RE: Perry Minor Subdivision
Parcel No. 2393-284-11-005
55 South Cedar Street
Carbondale, Colorado 81623
File # MISA-01-24-8998

September 10, 2024

John,

Garfield County Public Health (GCPH) has reviewed the application and supplemental information provided for the proposed Perry Minor Subdivision and have the following comments on the application.

Redevelopment of lots smaller than 1 acre (43,560 ft²) has historically caused challenges with setbacks for OWTs, whether new or replacement systems. The size of a soil treatment area (STA, commonly known as a leach field) is determined by the number of bedrooms as well as the ability of the soil to treat the homes effluent from their septic tank. As homes increase in bed count so does the size of the STA, making it more challenging on lots less than 1 acre in size. There is limited space for the originally designed STA and there is not an area for a replacement soil treatment area on these smaller lots.

1. In Garfield County Public Health's (GCPH's) letter dated July 23, 2024, regarding the proposed Perry Minor Subdivision in the Satank Subdivision, we requested additional information from the applicant to address concerns associated with the Onsite Wastewater Treatment Systems (OWTs) that would be created for the proposed lots. Sopris Engineering provided the requested information to us via an email dated August 23, 2024. Specifically, we requested:
 - A site plan showing the actual, in the field location of wells on adjacent properties (not only the location indicated on the Division of Water Resources map) as well as any other water drainage or water courses.
 - The site plan that Sopris Engineering provided indicates that the nearest drinking water wells on adjacent lots are greater than the required setback distances required for the proposed OWTs. The site plan also indicated that a ditch along the northern property boundary of the proposed northern lot will be re-routed on the lot and lined, providing a smaller setback distance to the proposed Soil Treatment Area (STA) on the northern lot.

- A site-specific soil study for OWTS design indicating the soil type present on each lot that would be created by the subdivision.
 - Sopris Engineering provided the requested site-specific soil study for OWTS design for each lot. The profile pits excavated on the lots and the soil analysis indicated an R-Type Soil is generally predominant 2.5 feet below the existing grade. Sopris Engineering provided calculations indicating the size of the STA that will be required for a total of 4 bedrooms on each lot and plotted the proposed locations of the STAs on the site plan. There appears to be sufficient room for each STA as planned. However, there is no room for a replacement soil treatment area when the proposed soil treatment area fails in the future.
- 2. The applicant applied for a waiver from Section 7-105 of the Garfield County Land Use Development Code which stipulates that "Septic systems are prohibited for new developments on parcels less than 1 acre in size, but may be allowable for legal nonconforming lots".

GCPH comments on waiver request: The original lot size is 20,313 ft² in size (an existing legal, nonconforming lot) and splits it into two smaller nonconforming lots (12,187 ft² and 8,125 ft²) per Section 7-105 of the Garfield County Land use Development Code. GCPH does not believe splitting an original legal, nonconforming lot into two smaller lots meets the intent of the LUDC or creates two legal nonconforming lots. GCPH staff recommend denial of the waiver request.

- 3. The site plan provided by Sopris Engineering indicates that the north lot will be developed with a single 4-bedroom residence in a building envelope that is 60 feet by 51.5 feet in size. The site plan also indicates that the south lot will be developed with a 3-bedroom main residence 20.5 feet by 46 feet in size, and a 1-bedroom Accessory Dwelling Unit (ADU) that will be 16.5 feet by 18 feet in size.

GCPH comments on proposed development: The proposed developments on each lot restrict the available area of OWTS components and setback distances (both new installations and repairs). Further, we are unclear if an ADU is allowable per the LUDC in the zone district the proposed subdivision is located.

GCPH recommends denial of the proposed Perry Minor Subdivision.

Thank you,



Edward R. "Ted" White, P.E.
Environmental Health Specialist III
Garfield County Public Health
2014 Blake Avenue
Glenwood Springs, CO 81601
(970) 665-6383
twhite@garfield-county.com



File# :
MISA-01-24-8998

TIMELINE WAIVER REQUEST

August 13, 2024
(Date)

I, Anne Perry (print name) hereby waive any applicable timelines specified in the Garfield County Land Use and Development Code, as amended and in the Colorado Revised Statutes for scheduling and/or conducting a public hearing before the Garfield County Planning Commission and/or the Board of County Commissioners for (project name and number) _____

Perry Minor Subdivision

Parcel No. 2393-284-11-005

55 S. Cedar St. Carbondale, CO 81623

File# : MISA-01-24-8998

Signed by:

Anne Perry
(Applicant or Authorized Representative)



195 West 14th Street
Rifle, CO 81650
(970) 625-5200

2014 Blake Avenue
Glenwood Springs, CO 81601
(970) 945-6614

Garfield County Community Development
108 8th Street, Suite 401
Glenwood Springs, CO 81601
Attention: John Leybourne
jleybourne@garfield-county.com

RE: Perry Minor Subdivision
Parcel No. 2393-284-11-005
55 South Cedar Street
Carbondale, Colorado 81623
File # MISA-01-24-8998

July 23, 2024

John,

The proposed minor subdivision would be part of the greater Satank subdivision. Most of the residential lots in the Satank area consist of lots smaller than 1 acre in size. Lots smaller than 1 acre may cause challenges with setbacks with drinking wells and/or Onsite Wastewater Treatment Systems (OWTS). Also, the Satank residential area is outside the limits of the Town of Carbondale. Most lots in Satank are served by well water while a few are served by a community water system. All residential homes are served by individual Onsite Wastewater Treatment Systems. Redevelopment of these lots has historically caused challenges with setbacks for OWTSs, whether new or replacement systems. The size of a treatment area is determined by the number of bedrooms as well as the ability of the soil to treat the homes effluent from their septic tank. As homes increase in bed count so does the size of the soil treatment area, making it more challenging with lots less than 1 acre. The sizes of the lots in Satank, as well as other physical features (wells on adjacent lots, other OWTSs on adjacent lots, ditches, etc.) requiring setback distances from OWTS components make constructing new OWTSs on the existing lots difficult. Therefore, GCPH has concerns about this lot split and the number of bedrooms proposed for each subdivided lot.

We require additional information regarding the existing lot as well as neighboring lots that may impact the available space for a new OWTS in each subdivided lot. The following information is needed to continue our review of this application:

- A site plan showing the actual, in the field location of wells on adjacent properties (not only the location indicated on the Division of Water Resources map) as well as any other water drainage or water courses.
- A site-specific soil study for OWTS design indicating the soil type present on each lot that would be created by the subdivision.

Without the above information, we cannot adequately determine if the proposed OWTS for each of the lots will meet Regulatory requirements. The proposed subdivision may create a situation where the residences cannot be served by properly sized OWTSs.

Thank you,

A handwritten signature in blue ink that reads "Edward R. White, P.E.".

Edward R. "Ted" White, P.E.
Environmental Health Specialist III
Garfield County Public Health
2014 Blake Avenue
Glenwood Springs, CO 81601
(970) 665-6383
twhite@garfield-county.com



February 22, 2024

Anne Perry
88 Cedar Street
Carbondale, CO 81623

RE: Completeness Review Perry Minor Subdivision (MISA-01-24-8998)

Dear Anne:

Thank you for the detailed submittals that you have provided for your Minor Subdivision application. Our completeness review includes input from the County Attorney's Office and review of submittals as documented in your pre-application summary. Our review has determined the following items need to be addressed prior to a determination of technical completeness.

1. A current Title Commitment is requested by the County Attorney's office.
2. More information needs to be provided on the mineral interest such as estate transfers to descendants.
3. A draft minor subdivision plat needs to be provided.
4. A well permit or a request for a waiver with justification will need to be submitted as well as a water distribution plan if proposed.
5. The OWTS feasibility study dated November 17, 2023, is marked as DRAFT and is not signed. Please submit final signed study.

Once the above topics are addressed, we can schedule a date for your Directors Decision. Please note that the Garfield County Land Use and Development Code requires that the technical completeness issues be resolved within 60-days of the date of this letter, otherwise the application will be deemed withdrawn unless a request for extension is submitted and approved. Please feel free to contact me with any questions on the completeness topics noted above or if you need clarification on any of the items.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Leybourne', written over a horizontal line.

John Leybourne
Planner III

John Leybourne <jleybourne@garfield-county.com>

Mon, Jun 3, 2024,
4:29 PM

to me, Andie

Annie,

It looks like everything is in order to schedule the decision. I will get out a letter with the notice and timeframe this week.

Thanks for your patience.

John Leybourne
Planner III
Community Development
970-945-1377 x1614
jleybourne@garfield-county.com

From: Gmail <batadogo@gmail.com>
Sent: Tuesday, May 21, 2024 2:48 PM
To: John Leybourne <jleybourne@garfield-county.com>
Cc: Andie Hall <ahall@balcombgreen.com>
Subject: Re: Checkin on Satank lot split

Hi John,
I haven't gotten a response yet, so just checking in.
Please let me know where things stand
Thanks,
Annie

On May 14, 2024, at 16:33, Annie P <batadogo@gmail.com> wrote:

Hi John,

If the letter you just received from Balcomb and Green satisfies the mineral rights research requirement, then I believe I have satisfied all of the requirements for my NTC submittals. Please let me know if you agree.

Thanks,
Annie Perry

On Thu, Apr 25, 2024 at 10:36 AM John Leybourne <jleybourne@garfield-county.com> wrote:
Annie.

Many thanks for your NTC submittals. I am currently working to get the application to Technical completeness. The question of whether the mineral interests were passed onto descendants is not addressed in the title work provided. More research is needed and a new mineral rights form will need to be submitted to reflect the outcome of the research. I have forwarded the proposed Plat for review and will forward any comments.

Do you have a copy of the proposed well sharing agreement? In addition, the Water district is requiring that a HOA be established if the two lots are to be separately owned. Can you clarify if the lots are to be separately owned.

Once the mineral issue is resolved I will schedule the Directors Decision and public notice can be sent out.

Thanks!

John Leybourne
Planner III
Community Development
970-945-1377 x1614
jleybourne@garfield-county.com

From: Annie P <batadogo@gmail.com>
Sent: Thursday, April 25, 2024 9:12 AM
To: John Leybourne <jleybourne@garfield-county.com>
Cc: Andie Hall <ahall@balcombgreen.com>
Subject: Checkin on Satank lot split

Hi John,

Can you please send me an update on where my application is in the process?

Thanks,
Annie

Many thanks for your NTC submittals. I am currently working to get the application to Technical completeness. The question of whether the mineral interests were passed onto descendants is not addressed in the title work provided. More research is needed and a new mineral rights form will need to be submitted to reflect the outcome of the research. I have forwarded the proposed Plat for review and will forward any comments.

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Subject: Checkin on Satank lot split

Hi John,

Can you please send me an update on where my application is in the process?

Thanks,
Annie



TITLE COMPANY
of the rockies

1620 Grand Avenue, Suite B
Glenwood Springs, CO 81601
Phone: 970-945-1169 Fax: 844-269-2759
www.titlecorockies.com

COMMITMENT TRANSMITTAL

Commitment Ordered By:

Owner

Inquiries should be directed to:

Authorized Officer or Agent
Title Company of the Rockies
1620 Grand Avenue, Suite B
Glenwood Springs, CO 81601
Phone: 970-945-1169 Fax: 844-269-2759

Commitment Number:

0604645-C

Buyer's Name(s):

Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below

Seller's Name(s):

Anne U. Perry

Property:

55 S Cedar Street, Carbondale, CO 81623
Lot B, Block 11, Cooperton Townsite, Garfield County, Colorado

COPIES / MAILING LIST

Purchaser with contractual rights under a purchaser agreement Anne U. Perry
with the vested owner identified at item 4 below

COLORADO NOTARIES MAY REMOTELY NOTARIZE REAL ESTATE DEEDS AND OTHER DOCUMENTS USING REAL-TIME AUDIO-VIDEO COMMUNICATION TECHNOLOGY. YOU MAY CHOOSE NOT TO USE REMOTE NOTARIZATION FOR ANY DOCUMENT.

Title Company of the Rockies maintains branch operations in Eagle, Garfield, Grand, Lake, Moffat (dba Northwest Title Company), Pitkin, Routt, and Summit Counties along with Front Range coverage. Closing services are available for all Mountain Communities, throughout the State of Colorado, and on a nationwide basis. Experience the Excellence, www.titlecorockies.com



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1620 Grand Avenue, Suite B
Glenwood Springs, CO 81601
Phone: 970-945-1169 Fax: 844-269-2759

Commitment Number:

0604645-C

Buyer's Name(s):

Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below

Seller's Name(s):

Anne U. Perry

Property:

55 S Cedar Street, Carbondale, CO 81623
Lot B, Block 11, Cooperton Townsite, Garfield County, Colorado

TITLE CHARGES

These charges are based on issuance of the policy or policies described in the attached Commitment for Title Insurance, and includes premiums for the proposed coverage amount(s) and endorsement(s) referred to therein, and may also include additional work and/or third party charges related thereto.

If applicable, the designation of "Buyer" and "Seller" shown below may be based on traditional settlement practices in Garfield County, Colorado, and/or certain terms of any contract, or other information provided with the Application for Title Insurance.

Owner's Policy Premium:	\$0.00
Loan Policy Premium:	\$0.00
Additional Lender Charge(s):	
Additional Other Charge(s):	
Tax Certificate:	
Total Endorsement Charge(s):	
TBD Charge(s):	\$250.00
TOTAL CHARGES:	\$250.00



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1620 Grand Avenue, Suite B
Glenwood Springs, CO 81601
Phone: 970-945-1169 Fax: 844-269-2759

Commitment Number: 0604645-C
Buyer's Name(s): Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below
Seller's Name(s): Anne U. Perry
Property: 55 S Cedar Street, Carbondale, CO 81623
 Lot B, Block 11, Cooperton Townsite, Garfield County, Colorado

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Additional Lender Charge(s):	
Additional Other Charge(s):	
Tax Certificate:	
Total Endorsement Charge(s):	
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TOTAL CHARGES:	\$250.00

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COMMITMENT FOR TITLE INSURANCE

Issued by



as agent for

Westcor Land Title Insurance Company

SCHEDULE A

Reference:

Commitment Number: 0604645-C

1. Effective Date: **February 16, 2024, 7:00 am** Issue Date: **February 28, 2024**

2. Policy (or Policies) to be issued:

ALTA® 2021 Owner's Policy

Policy Amount:
Premium:

Amount to be Determined
Amount to be Determined

Proposed Insured: **Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below**

3. The estate or interest in the Land at the Commitment Date is **Fee Simple**.


4. The Title is, at the Commitment Date, vested in:
Anne U. Perry

5. The Land is described as follows:

FOR LEGAL DESCRIPTION SEE SCHEDULE A CONTINUED ON NEXT PAGE

For Informational Purposes Only - APN: **R040726 / 2393-284-11-005**

Countersigned
Title Company of the Rockies, LLC

By: 

Mike Mulligan

Commitment No: 0604645-C

SCHEDULE A (continued)

LEGAL DESCRIPTION

The Land referred to herein is located in the County of Garfield, State of Colorado, and described as follows:

Lot B,
Block 11,
RESUBDIVISION OF BLOCK 11 AND A PORTION OF SOPRIS AVENUE, TOWNSITE OF
COOPERTON, according to the Plat thereof filed August 21, 2002 as Reception No. 609325 and
Amended Plat filed October 8, 2003 at Reception No. 638286.

For each policy to be issued as identified in Schedule A, Item 2, the Company shall not be liable under this commitment until it receives a specific designation of a Proposed Insured, and has revised this commitment identifying that Proposed Insured by name. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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SCHEDULE A (continued)

LEGAL DESCRIPTION

The Land referred to herein is located in the County of Garfield, State of Colorado, and described as follows:

Lot B,
Block 11,
RESUBDIVISION OF BLOCK 11 AND A PORTION OF SOPRIS AVENUE, TOWNSITE OF
COOPERTON, according to the Plat thereof filed August 21, 2002 as Reception No. 609325 and
Amended Plat filed October 8, 2003 at Reception No. 638286.

For each policy to be issued as identified in Schedule A, Item 2, the Company shall not be liable under this commitment until it receives a specific designation of a Proposed Insured, and has revised this commitment identifying that Proposed Insured by name. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.

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Commitment No: 0604645-C**COMMITMENT FOR TITLE INSURANCE**

Issued by

Westcor Land Title Insurance Company**SCHEDULE B, PART I
Requirements**

The following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the effective date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded in the office of the clerk and recorded of the county in which said property is located.

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

NOTE: Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

5. Deed from Anne U. Perry to Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below.

NOTE: Duly executed real property transfer declaration, executed by either the Grantor or Grantee, to accompany the Deed mentioned above, pursuant to Article 14 of House Bill No. 1288-CRA 39-14-102.

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Commitment No: 0604645-C

THE COMPANY RESERVES THE RIGHT TO CONDUCT AN ADDITIONAL SEARCH OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER FOR GARFIELD COUNTY, COLORADO FOR JUDGMENT LIENS, TAX LIENS OR OTHER SIMILAR OR DISSIMILAR INVOLUNTARY MATTERS AFFECTING THE GRANTEE OR GRANTEES, AND TO MAKE SUCH ADDITIONAL REQUIREMENTS AS IT DEEMS NECESSARY, AFTER THE IDENTITY OF THE GRANTEE OR GRANTEES HAS BEEN DISCLOSED TO THE COMPANY.

NOTE: THIS COMMITMENT IS ISSUED UPON THE EXPRESS AGREEMENT AND UNDERSTANDING THAT THE APPLICABLE PREMIUMS, CHARGES AND FEES SHALL BE PAID BY THE APPLICANT IF THE APPLICANT AND/OR ITS DESIGNEE OR NOMINEE CLOSES THE TRANSACTION CONTEMPLATED BY OR OTHERWISE RELIES UPON THE COMMITMENT, ALL IN ACCORDANCE WITH THE RULES AND SCHEDULES OF RATES ON FILE WITH THE COLORADO DEPARTMENT OF INSURANCE.

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Commitment No: 0604645-C

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Commitment No: 0604645-C**SCHEDULE B, PART II**
Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, right, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
2. Easements or claims of easements, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Any lien, or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the Public Records or attaching subsequent to the effective date hereof, but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. Right of the Proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as reserved in United States Patent recorded April 4, 1892 in Book 12 at Page 125.
8. Right of way for ditches or canals constructed by the authority of the United States, as reserved in

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Commitment No: **0604645-C**

United States Patent recorded April 2, 1901 in [Book 51 at Page 70](#).

9. Terms, agreements, provisions, conditions and obligations as contained in Resolution No. 78-67 recorded June 27, 1978 in [Book 511 at Page 824](#).
10. Terms, agreements, provisions, conditions and obligations as contained in Access and Utility Easement recorded February 16, 1999 at [Reception No. 540423](#).
11. Easements, rights of way and all other matters as shown on the Plat of Resubdivision of Block 11 and a Portion of Sopris Avenue, Townsite of Cooperton, filed August 21, 2002 as [Reception No. 609325](#) and Amended Plat filed October 8, 2003 at [Reception No. 638286](#).
12. Terms, agreements, provisions, conditions and obligations as contained in Finding and Order recorded April 7, 2023 at [Reception No. 984853](#).
13. Terms, agreements, provisions, conditions and obligations as contained in Memorandum of Water Allotment Contract recorded May 19, 2023 at [Reception No. 985987](#).

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Commitment No: **0604645-C**

United States Patent recorded April 2, 1901 in Book 51 at Page 70.

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DISCLOSURE STATEMENTS

Note 1: Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII, requires that "Every Title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the Title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." (Gap Protection)

Note 2: Exception No. 4 of Schedule B, Section 2 of this Commitment may be deleted from the Owner's Policy to be issued hereunder upon compliance with the following conditions:

1. The Land described in Schedule A of this commitment must be a single-family residence, which includes a condominium or townhouse unit.
2. No labor or materials may have been furnished by mechanics or materialmen for purpose of construction on the Land described in Schedule A of this Commitment within the past 13 months.
3. The Company must receive an appropriate affidavit indemnifying the Company against unfiled mechanic's and materialmen's liens.
4. Any deviation from conditions A through C above is subject to such additional requirements or Information as the Company may deem necessary, or, at its option, the Company may refuse to delete the exception.
5. Payment of the premium for said coverage.

Note 3: The following disclosures are hereby made pursuant to §10-11-122, C.R.S.:

- (i) The subject real property may be located in a special taxing district;
- (ii) A certificate of taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent; and
- (iii) Information regarding special districts and the boundaries of such districts may be obtained from the County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note 4: If the sales price of the subject property exceeds \$100,000.00, the seller shall be required to comply with the disclosure or withholding provisions of C.R.S. §39-22-604.5 (Non-resident withholding).

Note 5: Pursuant to C.R.S. §10-11-123 Notice is hereby given:

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

Note 6: Effective September 1, 1997, C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half inch the clerk and recorder may refuse to record or file any document that does not conform.

Note 7: Our Privacy Policy:

We will not reveal nonpublic personal customer information to any external non-affiliated organization unless we have been authorized by the customer, or are required by law.

Note 8: Records:

Regulation 3-5-1 Section 7 (N) provides that each title entity shall maintain adequate documentation and

records sufficient to show compliance with this regulation and Title 10 of the Colorado Revised Statutes for a period of not less than seven (7) years, except as otherwise permitted by law.

Note 9: Pursuant Regulation 3-5-1 Section 9 (F) notice is hereby given that "A title entity shall not earn interest on fiduciary funds unless disclosure is made to all necessary parties to a transaction that interest is or has been earned. Said disclosure must offer the opportunity to receive payment of any interest earned on such funds beyond any administrative fees as may be on file with the division. Said disclosure must be clear and conspicuous, and may be made at any time up to and including closing."

Be advised that the closing agent will or could charge an Administrative Fee for processing such an additional services request and any resulting payee will also be subjected to a W-9 or other required tax documentation for such purpose(s).

Be further advised that, for many transactions, the imposed Administrative Fee associated with such an additional service may exceed any such interest earned

Therefore, you may have the right to some of the interest earned over and above the Administrative Fee, if applicable (e.g., any money over any administrative fees involved in figuring the amounts earned).

Note 10: Pursuant to Regulation 3-5-1 Section 9 (G) notice is hereby given that "Until a title entity receives written instructions pertaining to the holding of fiduciary funds, in a form agreeable to the title entity, it shall comply with the following:

1. The title entity shall deposit funds into an escrow, trust, or other fiduciary account and hold them in a fiduciary capacity.
2. The title entity shall use any funds designated as "earnest money" for the consummation of the transaction as evidenced by the contract to buy and sell real estate applicable to said transaction, except as otherwise provided in this section. If the transaction does not close, the title entity shall:
 - (a) Release the earnest money funds as directed by written instructions signed by both the buyer and seller; or
 - (b) If acceptable written instructions are not received, uncontested funds shall be held by the title entity for 180 days from the scheduled date of closing, after which the title entity shall return said funds to the payor.
3. In the event of any controversy regarding the funds held by the title entity (notwithstanding any termination of the contract), the title entity shall not be required to take any action unless and until such controversy is resolved. At its option and discretion, the title entity may:
 - (a) Await any proceeding; or
 - (b) Interplead all parties and deposit such funds into a court of competent jurisdiction, and recover court costs and reasonable attorney and legal fees; or
 - (c) Deliver written notice to the buyer and seller that unless the title entity receives a copy of a summons and complaint or claim (between buyer and seller), containing the case number of the lawsuit or lawsuits, within 120 days of the title entity's written notice delivered to the parties, title entity shall return the funds to the depositing party."

records sufficient to show compliance with this regulation and Title 10 of the Colorado Revised Statutes for a period of not less than seven (7) years, except as otherwise permitted by law.

Note 9: Pursuant Regulation 3-5-1 Section 9 (F) notice is hereby given that "A title entity shall not earn interest on fiduciary funds unless disclosure is made to all necessary parties to a transaction that interest is or has been earned. Said disclosure must offer the opportunity to receive payment of any interest earned on such funds beyond any administrative fees as may be on file with the division. Said disclosure must be clear and conspicuous, and may be made at any time up to and including closing."

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 - (a) Await any proceeding; or
 - (b) Interplead all parties and deposit such funds into a court of competent jurisdiction, and recover court costs and reasonable attorney and legal fees; or
 - (c) Deliver written notice to the buyer and seller that unless the title entity receives a copy of a summons and complaint or claim (between buyer and seller), containing the case number of the lawsuit or lawsuits, within 120 days of the title entity's written notice delivered to the parties, title entity shall return the funds to the depositing party. "



BALCOMB & GREEN

WATER LAW | REAL ESTATE | LITIGATION | BUSINESS

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

Andrea J. Hall
Direct Dial (970) 928-3462
ahall@balcombgreen.com

May 14, 2024

Via Email:

John Leybourne, Planner III
Garfield County Community Development Department
108 8th Street, #401
Glenwood Springs, CO 81601
jleybourne@garfield-county.com

Re: Perry Minor Subdivision Application and Review – Mineral Interests

Dear John:

We write this letter to respond to your letter dated February 22, 2024, and subsequent email on April 25, 2024 to Ms. Perry regarding her subdivision application materials. Our office conducted additional mineral owner research for Assessor's Parcel Number 2393-284-11-005 (the "Property").

The Garfield County Land Use and Development Code ("GCLU DC") requires an Applicant to provide notice to mineral owners in accordance with C.R.S. § 24-65.5-101, *et seq.*, "as such owners can be identified through records in the office of the Clerk and Recorder or Assessor, or through other means." GCLU DC 4-101(E)(4). Section 24-65.5-101 requires that an applicant notify a mineral estate owner who either (1) is identified as such by the county tax assessor's records; or (2) has filed in the Clerk and Recorder a request for notification. If such records do not identify any mineral estate owners, including their addresses of record, "the applicant shall be deemed to have acted in good faith and shall not be subject to further obligations...." By this letter, the Applicant certifies that mineral owners have been researched for the Property as required pursuant to C.R.S. § 24-65.5-101, *et seq.*, and Section 4-101 (E)(1)(b)(4) of the GCLU DC, as amended.

Our office conducted the following to research mineral interests on the Property:

1. Reviewed the current vesting deed for the Property;

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2. Reviewed the title commitment Ms. Perry ordered as part of her subdivision planning and preparation;
3. Researched the Garfield County Clerk and Recorder's index of mineral owner requests for notification per C.R.S. § 24-65.5-103(a)(I)(B) and confirmed that no mineral owner for the Property has filed a request for notification; and
4. Analyzed two United States Patents: (1) issued to Sarah F. Cooper and recorded April 4, 1892 in Book 12 at Page 125, and (2) issued to Arthur L. Beardsley on April 2, 1901 recorded in Book 51 at Page 70 (the "Patents").

Neither the title commitment, Garfield County Clerk and Recorder's Office records, nor vesting deed for the Property indicate any mineral interests are owned separately from the surface estate. The Patents do not indicate that any mineral interests were severed from the land by either the United States or Mr. Beardsley. This is supported by the title commitment and Ms. Perry's chain of title review.

Please do not hesitate to call with any questions.

Sincerely,

BALCOMB & GREEN, P.C.

By: 

Sara M. Dunn
Andrea J. Hall

FINAL PLAT OF: LOT B, BLOCK 11 COOPERTON MINOR SUBDIVISION

A RE-SUBDIVISION OF LOT B, BLOCK 11 COOPERTON MINOR SUBDIVISION
SITUATE IN LOT 19 OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE 6th P.M.
COUNTY OF GARFIELD, STATE OF COLORADO

SHEET 1 OF 2

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS: THE UNDERSIGNED, BEING SOLE OWNERS IN FEE SIMPLE OF ALL THAT REAL PROPERTY SITUATED IN GARFIELD COUNTY, COLORADO AS FOLLOWS:

LOT B,
BLOCK 11,
RE-SUBDIVISION OF BLOCK 11 AND A PORTION OF SPURS AVENUE, TOWNSHIP OF COOPERTON, ACCORDING TO THE PLAT THEREOF FILED AUGUST 21, 2002 AS RECEPTION NO. 005025 AND AMENDED PLAT FILED OCTOBER 9, 2009 AT RECEPTION NO. 038206.

HAVE CAUSED THE DESCRIBED REAL PROPERTY TO BE SURVEYED, Laid OUT, PLATTED, AND SUBDIVIDED INTO LOTS 1 AND 2 AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF LOT B, BLOCK 11, COOPERTON MINOR SUBDIVISION, A SUBDIVISION IN THE COUNTY OF GARFIELD.

THE OWNER DOES HEREBY DEDICATE AND SET APART ALL OF THE STREETS AND ROADS AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER, AND HEREBY DEDICATE TO THE PUBLIC UTILITIES THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE LABELED AS UTILITY EASEMENTS ON THE ACCOMPANYING PLAT AS PERPETUAL EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, IRRIGATION AND DRAINAGE FACILITIES INCLUDING, BUT NOT LIMITED TO, ELECTRIC LINES, GAS LINES AND TELEPHONE LINES, TOGETHER WITH THE RIGHT TO TRIM INTERFERING TREES AND BRUSH, WITH PERPETUAL RIGHT OF ACCESS AND EGRESS FOR INSTALLATION AND MAINTENANCE OF SUCH LINES. SUCH EASEMENT AND RIGHTS SHALL BE UTILIZED IN A REASONABLE AND PRUDENT MANNER. ALL EXPENSE FOR STREET PAVING OR IMPROVEMENTS SHALL BE FURNISHED BY THE SELLER OR PURCHASER, NOT BY THE COUNTY OF GARFIELD.

AND OWNER DOES HEREBY DEDICATE TO THE OWNERS (OR LOT 1), THEIR SUCCESSORS AND ASSIGNS A PRIVATE NON-EXCLUSIVE EASEMENT, SHOWN ON SHEET 2 HEREOF AS "12' WIDE PRIVATE WATERLINE EASEMENT" ACROSS LOT 2 FOR A PRIVATE DOMESTIC WATER SERVICE.

DECEASED THIS ____ DAY OF _____, A.D., 20__.

ANNE U. PERRY (OWNER)

STATE OF COLORADO
(BY)
COUNTY OF GARFIELD

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, A.D., 20__ BY ANNE U. PERRY

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

TITLE CERTIFICATE

I, _____, AGENT AUTHORIZED BY TITLE COMPANY OF THE ROCKIES, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES (INCLUDING MORTGAGES, DEEDS OF TRUST, JUDGMENTS, EASEMENTS, CONTRACTS AND AGREEMENTS OF RECORD AFFECTING THE REAL PROPERTY IN THIS PLAT), EXCEPT AS FOLLOWS:

DATED THIS ____ DAY OF, A.D., 20__.

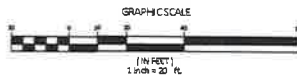
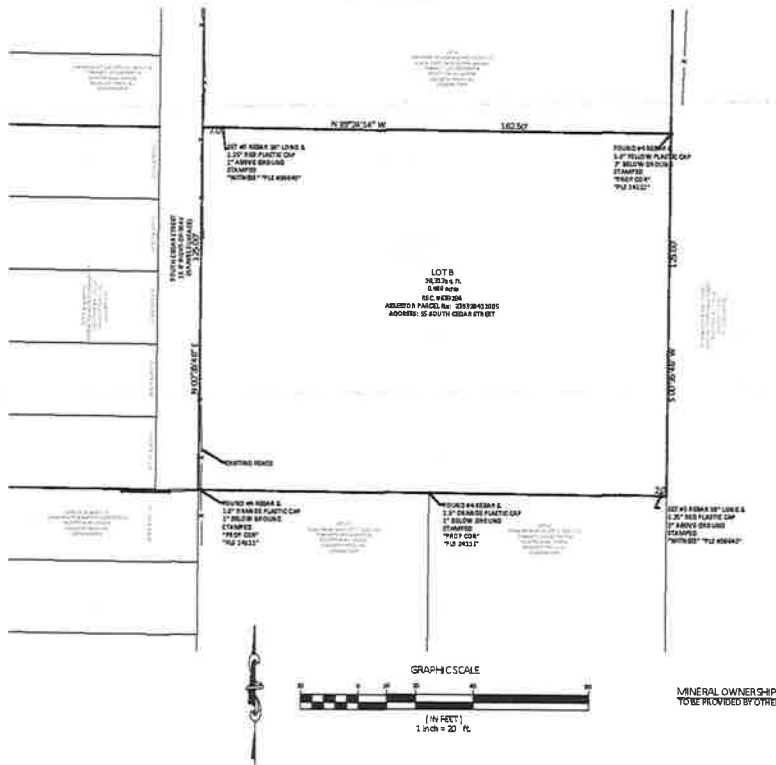
NAME
TITLE COMPANY OF THE ROCKIES
1520 GLENWOOD AVENUE, SUITE B
GLENWOOD SPRINGS, CO 80601

CERTIFICATE OF TAXES PAID

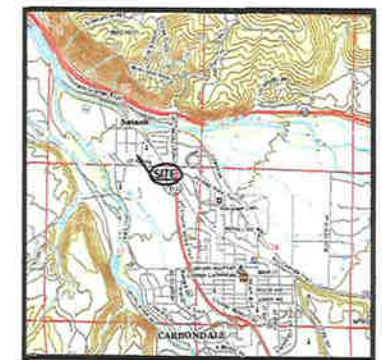
I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF TAXES AND ASSESSMENTS DUE AND PAYABLE AS OF, UPON ALL PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL.

DATED THIS ____ DAY OF, A.D., 20__.

TREASURER OF GARFIELD COUNTY



MINERAL OWNERSHIP TO BE PROVIDED BY OTHERS



VICINITY MAP
SCALE: 1" = 2000'

COUNTY COMMISSIONERS' CERTIFICATE

BASED UPON THE REVIEW AND RECOMMENDATION OF GARFIELD COUNTY DIRECTOR OF COMMUNITY DEVELOPMENT, THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO, HEREBY APPROVES THIS AMENDED PLAT THIS ____ DAY OF _____, A.D., 20__ FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY AND FOR CONVEYANCE TO THE COUNTY OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISIONS THAT APPROVAL IN NO WAY OBLIGATES GARFIELD COUNTY FOR THE FINANCING OR CONSTRUCTION OF IMPROVEMENTS ON LINES, PUBLIC LINES, HIGHWAYS OR EASEMENTS DEDICATED TO THE PUBLIC, EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF COUNTY COMMISSIONERS BY SUBSEQUENT RESOLUTION. THIS APPROVAL SHALL IN NO WAY OBLIGATE GARFIELD COUNTY FOR THE CONSTRUCTION, REPAIR OR MAINTENANCE OF PUBLIC ROADS, HIGHWAYS OR ANY OTHER PUBLIC DEDICATIONS SHOWN HEREON.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS
GARFIELD COUNTY, COLORADO

WITNESS MY HAND AND SEAL OF THE COUNTY OF GARFIELD.

ATTEST: _____
COUNTY CLERK

SURVEYOR'S CERTIFICATE

I, MARK S. BECKER, DO HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO THAT THIS IS A TRUE, CORRECT AND COMPLETE FINAL PLAT OF LOT B, BLOCK 11, COOPERTON MINOR SUBDIVISION, AS Laid OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE BOUNDARY LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN CONFORMANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS ____ DAY OF _____, A.D., 20__.

MARK S. BECKER, L.S. 50000
DRAFT

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY AT _____ O'CLOCK ____ M., ON THE ____ DAY OF _____, A.D., 20__, AND IS DULY RECORDED IN BOOK ____ PAGE ____ RECEPTION NO. _____

CLERK AND RECORDER
BY: _____
DEPUTY



- SURVEY NOTES**
- 1) DATE OF SURVEY: 2024
 - 2) DATE OF PREPARATION: APRIL 2024
 - 3) BASIS OF BEARING: A BEARING OF S 89°22'00" E BETWEEN THE STREET MONUMENTS LOCATED AT THE INTERSECTION OF GLENWOOD AVENUE AND SPURTS STREET AND THE INTERSECTION OF GLENWOOD AVENUE AND PINE STREET BOTH BEING 2.5" ALLEGIBLE BRASS CAPS.
 - 4) BASIS OF SURVEY: THE PLAT OF THE TOWNSHIP OF COOPERTON RECORDED OCTOBER 1, 1899 AS RECEPTION NO. 709, & THE AMENDED PLAT OF THE TOWNSHIP OF COOPERTON RECORDED AUGUST 28, 1977 AS RECEPTION NO. 280206, THE AMENDED RESUBDIVISION OF BLOCK 11 AND A PORTION OF SPURS AVENUE, TOWNSHIP OF COOPERTON RECORDED OCTOBER 9, 2009 AND THE FOUND SURVEY MONUMENTS, AS SHOWN.
 - 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SOPRIS ENGINEERING, LLC (SE) TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS OF WAY AND/OR TITLE OF RECORD, BE RELIED UPON THE ABOVE SAID ITEMS DESCRIBED IN NOTE 4 AND THE TITLE COMMITMENT INFERRED BY TITLE COMPANY OF THE ROCKIES UNDER ORDER NO. 0024645-C EFFECTIVE FEBRUARY 14, 2020.
 - 6) THIS PROPERTY IS INCLUDED IN THE BASALT WATER CONSERVATION DISTRICT, PER THAT CIVIL ACTION NO. 5593, RECORDED APRIL 7, 2023 AS RECEPTION NO. 90835 OF THE GARFIELD COUNTY RECORDS.
 - 7) THE LINEAR UNIT LISTED ON THIS PLAT IS THE U.S. SURVEY FOOT

NOTICE: ADDRESSES TO CUSTOMERS MAY NOT BE CORRECT AND MAY BE CHANGED WITHOUT NOTICE. THE INFORMATION ON THIS PLAT IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A TITLE SEARCH. THE INFORMATION ON THIS PLAT IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A TITLE SEARCH. THE INFORMATION ON THIS PLAT IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A TITLE SEARCH.

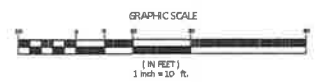
FINAL PLAT OF: LOT B, BLOCK 11 COOPERTON MINOR SUBDIVISION

A RE-SUBDIVISION OF LOT B, BLOCK 11 COOPERTON MINOR SUBDIVISION
SITUATE IN LOT 19 OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE 6th P.M.
COUNTY OF GARFIELD, STATE OF COLORADO

SHEET 2 OF 2
LOTS AND EASEMENTS PER THIS PLAT

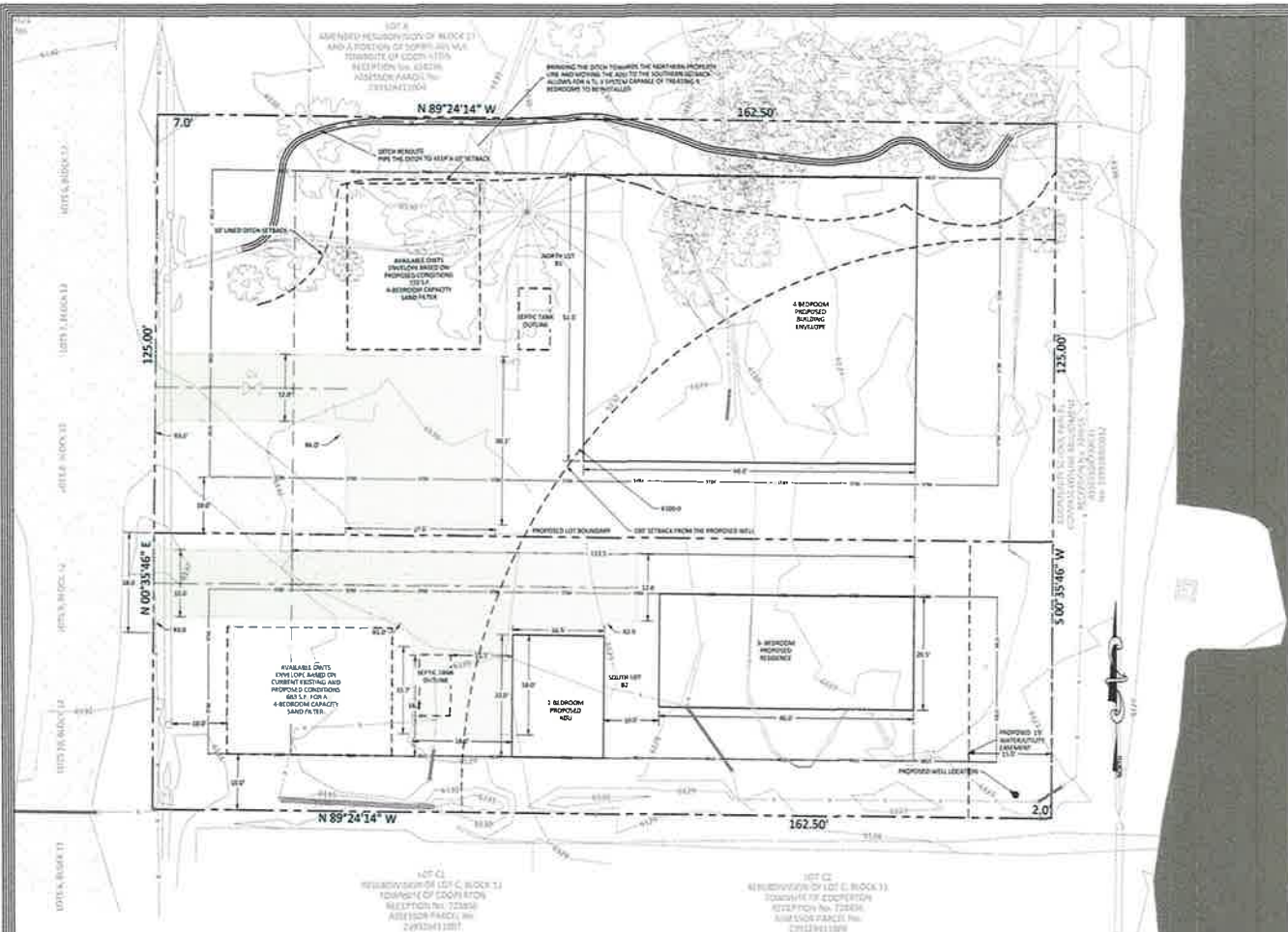


LANDAREA TABLE	SQ. FT.	ACRES
ORIGINAL LOT B, BLK 11	35,913	0.466
PER THIS PLAT		
LOT 1	12,225	0.291
LOT 2	8,088	0.220
TOTAL	35,913	0.466



DRAFT
SOPHIS ENGINEERING LLC
212 West 27th Street, Suite 200, Fort Collins, CO 80521
P.O. Box 1000, Fort Collins, CO 80521

NOTES: ACCORDING TO COLORADO LAW YOU MUST OBTAIN AN ASSESSOR'S CERTIFICATE OF VALUE FOR THE PROPERTY BEING PLATTED. THE ASSESSOR'S CERTIFICATE OF VALUE MUST BE OBTAINED FROM THE COUNTY ASSESSOR'S OFFICE. THE ASSESSOR'S CERTIFICATE OF VALUE MUST BE OBTAINED FROM THE DATE OF THE ASSESSOR'S VALUATION. MAKE SURE YOU OBTAIN THE ASSESSOR'S CERTIFICATE OF VALUE FROM THE CORRECT ASSESSOR'S OFFICE.



NEW DWTS 1 DESIGN CAPACITY NORTH LOT USE

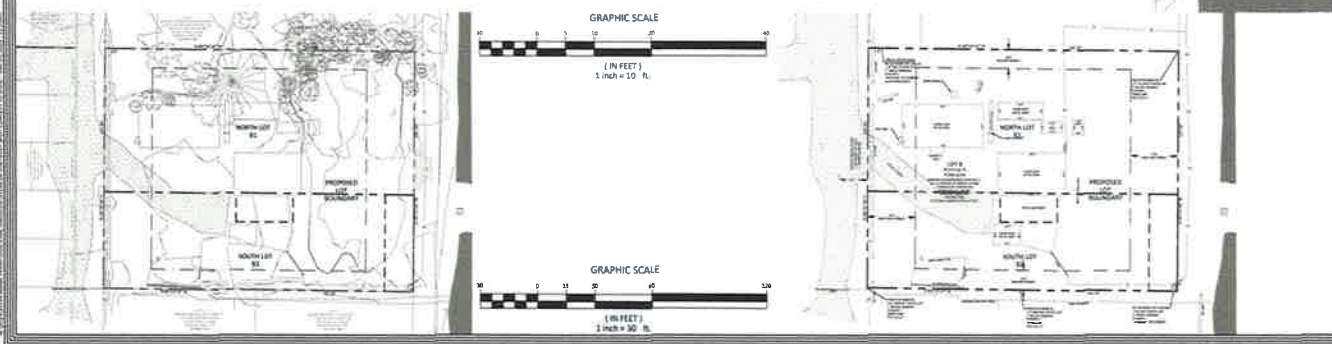
DESIGN DWTS 1 GRAVITY TRENCH CHAMBER FIELD CAPACITY
AS CONSTRUCTED DWTS (OWNER SOL. TREATMENT UNITS - CURRENT REGULATORY FIELD DESIGN)

SYSTEM	USE TYPE / FLOOR AREA REDUCTION	SEE PLAN	Flow Rate	Flow Rate	%	LF	Flow Area	DESIGN AREA
DWTS 1	TYPE 2, 36" I.D. CHAMBER WITH 12" DIA. HUBS GALVANIZED FLOOR-LESS CHAMBERS + S.P. 152 GRAVITY TRENCHES FIELD	525	0.000	1.0	1.0	1.0	804	804

NEW DWTS 1 DESIGN CAPACITY SOUTH LOT USE

DESIGN DWTS 1 GRAVITY TRENCH CHAMBER FIELD CAPACITY
AS CONSTRUCTED DWTS (OWNER SOL. TREATMENT UNITS - CURRENT REGULATORY FIELD DESIGN)

SYSTEM	USE TYPE / FLOOR AREA REDUCTION	SEE PLAN	Flow Rate	Flow Rate	%	LF	Flow Area	DESIGN AREA
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SOPRIS ENGINEERING, LLC
CIVIL CONSULTANTS

100 WEST WASHINGTON
CARBONDALE, CO 81301
TEL: 970.338.2222

DESIGNED BY: PER 02/29/24
DRAWN BY: MBH 11/26/23
CHECKED BY: ATN 11/26/23
DATE: 03-05-24
JOB NO.: 83549-01

PERRY PROPERTY
55 S. CEDAR STREET
CARBONDALE, COLORADO

LOT SPLIT FEASIBILITY SITE PLAN - MINOR SUBDIVISION APPLICATION

DATE: _____ REVISION: _____

LOT SPLIT FEASIBILITY SITE PLAN

TRACING NO. C-1.0





BALCOMB & GREEN

WATER LAW | REAL ESTATE | LITIGATION | BUSINESS

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

Andrea J. Hall
Direct Dial (970) 928-3462
ahall@balcombgreen.com

March 23, 2024

Via Email

Garfield County
Community Development Department
Mr. John Leybourne, Planner III

Re: Perry Minor Subdivision Application and Review

Dear Mr. Leybourne:

Ms. Anne Perry has retained us to assist her in (1) confirming an adequate water supply for her proposed subdivision at 55 South Cedar Steet in Carbondale; (2) obtaining a well permit; and (3) completing the Garfield County review process.

As described in her application (MISA-01-24-8998), Ms. Perry plans to drill a well for residential uses in a single-family dwelling and an accessory dwelling unit on each lot, for a total of four units. Ms. Perry has obtained Contract No. 811 from the Basalt Water Conservancy District ("District") to replace depletions from the proposed well. A copy of the executed District contract was included in her application. The District will operate Contract No. 811 under its umbrella plan for augmentation as decreed in Case No. 02CW77, eliminating the need for Ms. Perry to obtain court approval of a plan for augmentation for the well herself. Following approval of the subdivision, Ms. Perry will enter into a well sharing agreement with the new lot owner, a copy of which will be provided to the District as required by the District contract.

We submitted Ms. Perry's well application to the Division of Water Resources on March 23, 2024. A copy is attached for your reference, and we will provide a copy of the final well permit once issued. It is our opinion that Ms. Perry's District contract and pending well permit meet the Garfield County Minor Subdivision application water supply requirements and we therefore request that the County approve the water supply component of Ms. Perry's application.

Please do not hesitate to call with any questions or concerns.

Sincerely,

BALCOMB & GREEN, P.C.

By: 

Sara M. Dunn
Andie J. Hall

SERVING COLORADO SINCE 1953

March 5, 2024

Anne Perry
88 Cedar St.
Carbondale, CO 81623
"Annie P" <batadogo@gmail.com>

RE: Lot Split Feasibility and OWTS Evaluation and Findings for 55 S Cedar Street, Carbondale Garfield County, CO
SE Job No. 33149.01, Parcel No: 239328411005.

Dear Annie Perry:

This letter report presents the applicable findings in regard to the proposed lot split at the above referenced site. A new minor subdivision permit is required for the proposed lot split with respect to proposed usage on the subject property. This site layout and onsite wastewater treatment system (OWTS) feasibility evaluation was performed in support of your minor subdivision application to split the above referenced lot with respect to current regulatory design and setback requirements. Based on our findings we believe that adequate land area exists with respect to setback limitations to allow for the placement of new OWTS components, building envelopes, access, and utility envelopes to serve the needs of two single family lots on the property.

Preliminary planning has been performed to implement a formal lot split/adjustment process with delineation of specific redevelopment envelopes. Based on knowledge of existing OWTS components, soil conditions and site limitation in the immediate vicinity we believe the design and installation of treatment level 3 standard OWTS installations is feasible for both proposed lots. The attached exhibit delineates existing property conditions, pertinent OWTS setbacks required and conceptual alternative OWTS component envelopes that may be considered and adjusted as needed based on future planning proposals.

The proposed lot split is based on our evaluation of the site conditions in regards to setbacks, proposed OWTS design flow, system design criteria and soil conditions for use in obtaining a minor subdivision approval. We have evaluated the existing and proposed site conditions with respect to the operation and installation of site specific system design in accordance with County OWTS Regulations and State of Colorado Regulation 43 in support of your subdivision permit application. The proposed lot split meets all required setback requirements in regards to existing structures and potential future lot use. Based on the physical site features, soils, and existing building layout, we have prepared a civil subdivision design plan for permit approval that was prepared with GIS, Survey Plat information and aerial mapping. The design recommendations are delineated on the current civil design plan, C1-Site Plan dated 02-28-2024, by Sopris Engineering.

Existing and Proposed Site Conditions

The existing developed parcel will be split into two lots and the current structures will not be maintained on the proposed lots. The existing buildings will be demolished and the site will be prepared for new construction. The subject property is located at 55 S Cedar Street near the intersection of Sopris Road and Cedar Street. The proposed improvements consist of two new residential lots sized to allow for the

502 Main Street • Suite A3 • Carbondale, CO 81623 • (970) 704-0311 • Fax (970) 704-0313

SOPRIS ENGINEERING • LLC

civil consultants

installation of an individual OWTS on each lot. The proposed lots are designed with respect to the existing topography, development envelopes, vegetation, and other existing and proposed site features as shown on the Improvement Survey prepared by Sopris Engineering dated March 19, 2021.

The proposed development site is situated on a flat to gently sloped (approximately 0%-9%) lightly wooded and grassy area. Topography within the development is generally flat from the western, envelope boundary draining into a small ditch on the eastern edge of the property.

Water

The existing source of water is an irrigation ditch that comes from a pipe along the western boundary and crosses from the northern boundary to the southern boundary and back to the northern boundary. A new well is proposed to be installed near the southeastern corner of the site to serve both lots. The site is included in the Basalt Water Conservancy District per civil action no. 5593, augmented per BWCD contract number: 3.3.5.811, March 14, 2023 for two single family homes, 2 adu's, 4,000 SF lawn.

There is an existing fire hydrant across the street from the southeast corner of the proposed southern lot. The use of the existing hydrant for fire suppression should be explored. The existing ditch laterals will be used for irrigation. A portion of the existing ditch lateral on the northerly lot will be abandoned. And new ditch lateral pipeline will be installed along the northerly property line to connect to the existing irrigation pipeline.

Utilities

The closest established electric service is a transformer located 23 feet off of the eastern boundary of the proposed southern lot. The electric service provider will establish electric service onto the site in accordance with the site development requirements. Telephone and communications service will be coordinated with the applicable service providers. There is a gas stub on what will be the northern lot that currently ties into one of the existing metal barns. Gas service installations will be coordinated with the applicable service provider as needed. The utilities lines will need to be located in order to formalize utility easements as necessary. The utility easements may be established and utility installations may be installed in alignments within the proposed driveways.

OWTS Conditions and Design Criteria

The lots were sized to insure that an OWTS system sized for the proposed number of bedrooms for each residence could be fit on each lot accounting for existing and proposed conditions. Sand filter beds sized for an assumed type 2 soil matrix are recommended for both lots.

Both the northerly and southerly lot's conceptual OWTS was sized, pursuant to treatment level 3 criteria, to fit a 1500 gallon tank and a pressure dosed sand filter bed system for a minimum four bedroom residential treatment capacity. The preliminary OWTS envelopes are delineated on the attached plan.

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Preliminary Design Calculations OWTS

The required onsite wastewater treatment system (OWTS) for each lot is designed to serve a 4-bedroom residential facility based on type-2 soils sizing criteria. The design flow treatment capacity is calculated as follows for a minimum equivalent 4-bedroom single family residence that is typical for both lots.

Design Flow

From the Regulation 43 usage table:

Minimum population based on 4 bedrooms = 7 persons.

Gallons per day per person = 75 gal/person/day, No peaking factor

Max. Design flow (Qd) gallons/day = (# of people) x (avg. flow) gal/person/day.

Design flow Qd = $7 \times 75 = 525$ gpd

Septic Tank Sizing

Qd x 2 day detention time = 525 gpd x 2 days = 1050 gallons . Use a 1500 gallon, two compartment concrete septic tank with a high head pump assembly in the second chamber.

Preliminary Sub Surface Conditions and Testing

Based on soil evaluations performed by Sopris Engineering in the immediate vicinity and observation of shallow excavations on the site, the soils consist of Type 2 silt loam near the surface and transition to rocky type R1 soils with type 2 sandy silt loam matrix. Future soil investigations will be performed prior to building and OWTS permit application. Required profile pits will be excavated and logged for design confirmation and documentation in the permit application plan and report. The treatment level 3 soil treatment areas (STA) are sized based on the long term acceptance rate (LTAR) for the use of 24-inch depth of secondary filter sand (ASTM-33, concrete sand) that allows for a loading rate of 0.8 gal/S.F./day soil overlying type-2 soil matrix.

Soil Treatment Area/ Pressure dosed chamber trench Absorption System Design

The conceptual treatment/absorption field envelopes are designed based on utilizing the effective Long Term Acceptance Rate (LTAR) for the soils and the application of appropriate loading factors for a new soil treatment area system utilizing distribution technology with custom perforated distribution laterals installed over sand filter, in accordance with Regulation 43 design criteria for this technology.

Long Term Acceptance Rate (LTAR)

Considering the allowable application of the OWTS regulation 43 and CDPHE approved Distribution Product for Unlined Sand Filter Technologies product:

Receiving septic tank effluent, a treatment level-1 (TL 1) system requires the infiltrative surface being at least 4-feet above a limiting layer (43.8, Table 7-2.4); Maximum hydraulic loading rate for TL1 effluent is the long term acceptance rate of non-rocky Type 2 receiving soil is 0.6 gal./S.F./day.

A treatment level-3 (TL 3) system requires the infiltrative surface being at least 2.5-feet above a limiting layer (43.8, Table 7-2.4); Maximum hydraulic loading rate for a TL3 system is based on the LTAR of the native soils underlying the 24' depth of filter sand. The septic tank effluent is dispersed on the surface of the sand layer and treated to treatment level 3 prior to infiltration through the unlined sand filter for absorption into the native soils. The long term acceptance rate for R1 type 2 soil underlying secondary filter sand is 0.8 gal/S.F./day.

Below are sizing calculations for the soil treatment level conditions, typical of each lot.

$$A(\text{sf}) = \frac{Qd \times L.F.1 \times L.F.2.}{LTAR}$$

A = Area;
 LTAR = 0.8 gal/S.F./day for filter sand over silt loam matrix soils
 Qd = flow (gal/day) for OWTS = 525 gpd
 L.F.1=1.0 pressure dosed bed application

OWTS: $A(\text{sf}) = \frac{525 \text{ gpd} \times 1.0}{0.8 \text{ Gal/S.F./day}} = 657 \text{ S.F.}$

Proposed Lots

The attached exhibit delineates proposed lot lines, setbacks, OWTS component layouts, access drives, parking, utilities, and proposed building envelopes. The exhibit delineates adjoining parcels, existing conditions and offsite features. The proposed lot layout generally complies with land use setback requirements. Minimum lot setbacks defined in Garfield County codes have been included.

If you have any question or need any additional information, please call.

Sincerely,
 SOPRIS ENGINEERING, LLC



Paul E. Rutledge
 Design Engineer



Yancy Nichol, PE
 Principal

Receiving septic tank effluent, a treatment level-1 (TL 1) system requires the infiltrative surface being at least 4-feet above a limiting layer (43.8, Table 7-2.4); Maximum hydraulic loading rate for TL1 effluent is the long term acceptance rate of non-rocky Type 2 receiving soil is 0.6 gal./S.F./day.

A treatment level-3 (TL 3) system requires the infiltrative surface being at least 2.5-feet above a limiting layer (43.8, Table 7-2.4); Maximum hydraulic loading rate for a TL3 system is based on the LTAR of the native soils underlying the 24' depth of filter sand. The septic tank effluent is dispersed on the surface of the sand layer and treated to treatment level 3 prior to infiltration through the unlined sand filter for absorption into the native soils. The long term acceptance rate for R1 type 2 soil underlying secondary filter sand is 0.8 gal/S.F./day.

Below are sizing calculations for the soil treatment level conditions, typical of each lot.

$$A(\text{sf}) = \frac{Qd \times L.F.1 \times L.F.2.}{LTAR}$$

A = Area;
LTAR = 0.8 gal/S.F./day for filter sand over silt loam matrix soils
Qd = flow (gal/day) for OWTS = 525 gpd
L.F.1=1.0 pressure dosed bed application

OWTS: $A(\text{sf}) = \frac{525 \text{ gpd} \times 1.0}{0.8 \text{ Gal/S.F./day}} = 657 \text{ S.F.}$

Proposed Lots

The attached exhibit delineates proposed lot lines, setbacks, OWTS component layouts, access drives, parking, utilities, and proposed building envelopes. The exhibit delineates adjoining parcels, existing conditions and offsite features. The proposed lot layout generally complies with land use setback requirements. Minimum lot setbacks defined in Garfield County codes have been included.

If you have any question or need any additional information, please call.

Sincerely,
SOPRIS ENGINEERING, LLC

Paul E. Rutledge
Design Engineer



Yancy Nichol, PE
Principal

Division of Land for Minor Subdivision Application Packet

Parcel # 2393-284-11-005

Cooperton/Satank

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3. Ownership deed (3 pages)
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Garfield County

Community Development Department
 108 8th Street, Suite 401
 Glenwood Springs, CO 81601
 (970) 945-8212
www.garfield-county.com

**DIVISIONS OF LAND
 APPLICATION FORM**

TYPE OF SUBDIVISION/EXEMPTION	
<input checked="" type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Preliminary Plan Amendment
<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Final Plat Amendment
<input type="checkbox"/> Sketch <input type="checkbox"/> Preliminary <input type="checkbox"/> Final	<input type="checkbox"/> Common Interest Community Subdivision
<input type="checkbox"/> Conservation Subdivision	<input type="checkbox"/> Public/County Road Split Exemption
<input type="checkbox"/> Yield <input type="checkbox"/> Sketch <input type="checkbox"/> Preliminary <input type="checkbox"/> Final	<input type="checkbox"/> Rural Land Development Exemption
<input type="checkbox"/> Time Extension	<input type="checkbox"/> Basic Correction Exemption

INVOLVED PARTIES

Owner/Applicant
 Name: Anne U. Perry Phone: (360) 621-1519
 Mailing Address: 88 Cedar St.
 City: Carbondale State: CO Zip Code: 81623
 E-mail: bataadogo@gmail.com

Representative (Authorization Required)
 Name: N/A Phone: ()
 Mailing Address: _____
 City: _____ State: _____ Zip Code: _____
 E-mail: _____

PROJECT NAME AND LOCATION

Project Name: Minor Subdivision of residential parcel into two (2) lots.
 Assessor's Parcel Number: 2393-284-11-005
 Physical/Street Address: 55 South Cedar St, Carbondale CO 81623
 Legal Description: Section: 28 Township: 7 Range: 88
Subdivision: Cooperston Twaste Block: 11 Lot: B
 Zone District: Residential/Urban Property Size (acres): 0
20,313 Sq. Ft.

Project Description

Existing Use: Vacant Land.

Proposed Use (From Use Table 3-403): Residential; Household Living; Dwellings
Description of Project: Land parcel w/ total sq. footage 20,313 - we propose to split into 2 lots. One lot 12,187 sq ft to the north, and one lot 8,125 sq. ft to the south. The lots would share a well agreement and have separate access from Cedar St.

Proposed Development Area

Land Use Type	# of Lots	# of Units	Acreage	Parking
Single Family	2	4	20,313 sq ft	Yes
Duplex				
Multi-Family				
Commercial				
Industrial				
Open Space				
Other				
Total				

REQUEST FOR WAIVERS

Submission Requirements

The Applicant requesting a Waiver of Submission Requirements per Section 4-202. List:

Section: _____ Section: _____

Section: _____ Section: _____

Waiver of Standards

The Applicant is requesting a Waiver of Standards per Section 4-118. List:

Section: 7-105 . B . 2 . b . Section: _____

Section: 7-104 Section: _____

I have read the statements above and have provided the required attached information which is correct and accurate to the best of my knowledge.

Ann Perry

Signature of Property Owner or Authorized Representative, Title

Jan. 18, 2024

Date

OFFICIAL USE ONLY

File Number: _____

Fee Paid: \$ _____



PAYMENT AGREEMENT FORM

GARFIELD COUNTY ("COUNTY") and Property Owner ("APPLICANT") Anne U. Perry agree as follows:

1. The Applicant has submitted to the County an application for the following Project: Minor Subdivision of residential parcel into 2 lots.
2. The Applicant understands and agrees that Garfield County Resolution No. 2014-60, as amended, establishes a fee schedule for each type application, and the guidelines for the administration of the fee structure.
3. The Applicant and the County agree that because of the size, nature or scope of the proposed project, it is not possible at this time to ascertain the full extent of the costs involved in processing the application. The Applicant agrees to make payment of the Base Fee, established for the Project, and to thereafter permit additional costs to be billed to the Applicant. The Applicant agrees to make additional payments upon notification by the County, when they are necessary, as costs are incurred.
4. The Base Fee shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board of County Commissioners for the consideration of an application or additional County staff time or expense not covered by the Base Fee. If actual recorded costs exceed the initial Base Fee, the Applicant shall pay additional billings to the County to reimburse the County for the processing of the Project. The Applicant acknowledges that all billing shall be paid prior to the final consideration by the County of any Land Use Change or Division of Land.

I hereby agree to pay all fees related to this application:

Billing Contact Person: Anne Perry Phone: (360) 621-1519

Billing Contact Address: 88 Cedar St

City: Carbondale State: CO Zip Code: 81623

Billing Contact Email: bataadogo@gmail.com

Printed Name of Person Authorized to Sign: Anne Perry

Anne Perry
(Signature)

Jan. 18, 2024
(Date)

COLORADO QUITCLAIM DEED

This Quitclaim Deed (the "Deed") is made effective this March 5th, 2021 (the "Effective Date") between the following Grantor (the "Grantor"): Charles M. Moore

an individual a married individual a married couple a corporation a limited liability company
 a partnership a trust individuals whose mailing address(es) is 23 S. Cedar Street, Carbondale, Colorado 81623,

And the following Grantee (the "Grantee"): Anne U. Perry

an individual a married individual a married couple a corporation a limited liability company
 a partnership a trust individuals whose mailing address(es) is 27237 Ohio Ave NE, Kingston, Washington 98346.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$ 10 (United States Dollars) and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby quitclaim, convey, and release unto Grantee all interest Grantor has, if any, in the real property (the "Property") located in (an unincorporated area in) Garfield County, Colorado, and more particularly described as follows:

Account	R040726
Parcel	239328411005
Property Address	55 S CEDAR ST, CARBONDALE, CO 81623
Legal Description	Section: 28 Township: 7 Range: 88 Subdivision: COOPERTON TWNSTE. Block: 11 Lot: B
Acres	0
Land SqFt	20,313
Tax Area	9
Mill Levy	75.5010
Subdivision	COOPERTON TWNSTE.
Unit Type	SINGLE FAM.RES.-LAND - 1112 (RESIDENTIAL PROPERTY)
Square Feet	20,313

The Property will be held as: (Check one)

- Sole ownership
 Joint tenancy
 Tenancy in common
 Tenancy by the entirety

SUBJECT to the following: NONE.

Homestead (Check one)

- The Property is the homestead of the Grantor.
 The Property is NOT the homestead of the Grantor.
 Not applicable



TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, forever.

Transfer Tax (Check one)

- Grantor declares that the documentary transfer tax is \$5, computed on the full consideration or value of property conveyed.
- Grantor declares that the transfer is EXEMPT from any documentary transfer taxes.

EXECUTED this 5th day of March, 2021.

Charles M. Moore
Grantor Signature

CHARLES M. MOORE
Grantor Name

Anne U. Perry
Grantee Signature

Anne U. Perry
Grantee Name

Witness 1 Signature

Witness 1 Name (Print)

Witness 2 Signature

Witness 2 Name (Print)




ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF Colorado

COUNTY OF Boulder

On this day, personally appeared before me, Charles M. Moore
to me known to be the person(s) described in and who executed the within instrument, and acknowledged
that they signed the same as their voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed on this 5th day of
March, 2021.



Notary's Public Signature

LUIS ALBERTO ORONA
Notary Public - State of Colorado
Notary ID 20174049026
My Commission Expires Nov 29, 2021

(Date) Nov 29 2021
My Commission Expires



Project Narrative

The land parcel 239328411005 is located at 55 South Cedar with a total sq footage of 20313 sq ft. We propose to split this parcel into two lots. One lot of 12,187sq ft to the north and one lot of 8,125 sq ft to the south (see attached survey.) The lots would share a well with a well agreement and each lot will have separate access from Cedar St. The lots have adequate space for a home, parking, septic system, and off-street parking. Electric, cable, and phone are located at the lot perimeter and a fire hydrant is located across the street. In order to obtain a well permit, we petitioned and were granted inclusion into the Basalt Water Conservancy District. The BWCD's water engineer advised us to apply for a well after we were granted a lot split. We are prepared to submit a well permit as soon as we have two parcel numbers we can include in our well permit application.

Sopris Engineering has concluded that there is adequate space and acceptable conditions for each lot to have an OWTS (see report from Sopris Engineering). The survey plan from Sopris Engineering represents possibilities for buildings and is not a set-in-stone plan and has flexibility.

Notes:

1. The lots created will comply with Residential/Urban zone district.
2. These lots will be in general conformance with the 2030 comprehensive plan.
3. Water will be provided by a shared well with a well agreement and easements for access.
4. Access is direct from Cedar St, a county road.
5. Easements are noted on the survey provided by Sopris Engineering.
6. Sewage disposal can be provided onsite, see report from Sopris Engineering.
7. Sopris Engineering has surveyed the property and has not identified any hazards that need mitigating.
8. It does not appear that there will be any outside costs for road improvements, utilities, or water runoff mitigation.
9. All applicable taxes have been paid.
10. All road, school, and land dedication fees will be paid.
11. Sopris Engineering will provide a final plat meeting the requirements of 5-402.F

Buffer at 200'

Garfield County Land Explorer

Parcel	Physical Address	Owner	Account Num	Mailing Address
239328400012	1505 106 COUNTY RD CARBONDALE	COMPASS FOR LIFELONG DISCOVERY	R090032	PO BOX 336 WOODY CREEK, CO 81656
239328409015	24 CEDAR ST CARBONDALE	MACE, DAVID DYLAN	R044360	88 CEDAR CARBONDALE, CO 81623
239328410002	27 CEDAR CARBONDALE	YOUNG, RALPH DANIEL	R083346	27 S CEDAR STREET CARBONDALE, CO 81623
239328411004	23 S CEDAR ST CARBONDALE	MOORE, CHARLES MEREDITH	R040725	23 SOUTH CEDAR STREET CARBONDALE, CO 81623
239328411005	55 S CEDAR ST CARBONDALE	PERRY, ANNE U	R040726	27237 OHIO AVENUE NE KINGSTON, WA 98346
239328411007	4075 DOLORES WAY CARBONDALE	SHNIDER, BRYAN & MONAHAN, KATHLEEN	R044468	4075 DOLORES WAY CARBONDALE, CO 81623
239328411008	4059 DOLORES WAY CARBONDALE	WILLIAMS, WESLEY MORGAN	R044469	4059 DOLORES WAY CARBONDALE, CO 81623
239328412002	38 S CEDAR ST CARBONDALE	LUCK, STEPHEN M & SUZANNE M	R090050	38 S CEDAR STREET CARBONDALE, CO 81623-2202
239328412003	68 S CEDAR ST CARBONDALE	MENKE, JAKE & RACHEL	R090062	68 S CEDAR STREET CARBONDALE, CO 81623
239328412004	61 PINE ST CARBONDALE	JENSEN, NEIL O & DONNA M	R090047	56 SOUTH PINE AVENUE CARBONDALE, CO 81623
239328412005	40 PINE ST CARBONDALE	BARKER, ERYN & LONG, BRIAN	R090012	40 PINE STREET CARBONDALE, CO 81623
239328412006	20 PINE ST CARBONDALE	KIERSTEAD WILLIAMS, CINDY L	R090016	20 PINE STREET CARBONDALE, CO 81623
239328412007	75 PINE ST CARBONDALE	FMS LLC	R090124	2000 BEAR RIDGE ROAD BASALT, CO 81621
239328412008	111 SOPRIS AVE CARBONDALE	MOORE, CHARLES MEREDITH	R040724	23 SOUTH CEDAR STREET CARBONDALE, CO 81623
239328417008	1629 DOLORES WAY CARBONDALE	WAGNER EQUIPMENT COMPANY	R590316	18000 SMITH ROAD AURORA, CO 80011
239333100038	1493 106 COUNTY RD CARBONDALE	COLORADO ROCKY MOUNTAIN SCHOOL	R084066	1493 COUNTY ROAD 106 CARBONDALE, CO 81623-2357
ROW	Not available null			



CERTIFICATION OF MINERAL OWNER RESEARCH

This form is to be completed and submitted with any application for a Land Use Change Permit.

Mineral interests may be severed from surface right interests in real property. C.R.S. § 24-65.5-101, *et seq*, requires notification to mineral owners when a landowner applies for an application for development from a local government. As such, the landowner must research the current owners of mineral interests for the property.

The Garfield County Land Use and Development Code of 2013 ("LUDC") Section 4-101(E)(1)(b)(4) requires written notice to owners of mineral interests in the subject property in accordance with C.R.S. § 24-65.5-101, *et seq*, "as such owners can be identified through the records in the office of the Clerk and Recorder or Assessor, or through other means." This form is proof of applicant's compliance with the Colorado Revised Statutes and the LUDC.

The undersigned applicant certifies that mineral owners have been researched for the subject property as required pursuant to C.R.S. § 24-65.5-101, *et seq*, and Section 4-101 (E)(1)(b)(4) of the Garfield County Land Use and Development Code, as amended. As a result of that research, the undersigned applicant certifies the following (Please initial on the blank line next to the statement that accurately reflects the result of research):

I own the entire mineral estate relative to the subject property; or

Minerals are owned by the parties listed below

The names and addresses of any and all mineral owners identified are provided below (attach additional pages as necessary):

Name of Mineral Owner	Mailing Address of Mineral Owner
Arthur Beardley (Deceased)	Patent date April 2, 1901 *

I acknowledge I reviewed C.R.S. § 24-65.5-101, *et seq*, and I am in compliance with said statute and the LUDC.

Ann Puy
Applicant's Signature

January 18, 2024
Date

* See Explanation of Mineral Owner Research Note

Explanation of Mineral Owner Research Note

In my research on mineral ownership of my lot, I took it all the way back to patent. Arthur Beardsley purchased the patent on the land from the U.S. Government on April 2, 1900. No sales after that purchase date mention minerals, and I found no evidence that the mineral interests have ever been severed.



Community Development Department

108 8th Street, Suite 401

Glenwood Springs, CO 81601

(970) 945-8212

www.garfield-county.com



TAX PARCEL NUMBER: 239328411005

DATE: 7-18-2023

PROJECT: Perry Minor Subdivision

OWNERS: Annie Perry

CONTACT/REPRESENTATIVE: Annie Perry

PRACTICAL LOCATION: 55 South Cedar Street, Carbondale CO, 81623

TYPE OF APPLICATION: Administrative Review

ZONING: Residential Urban

COMPREHENSIVE PLAN: Urban Growth Area, Carbondale Area of Influence

I. GENERAL PROJECT DESCRIPTION

The applicant proposes dividing the existing parcel into two lots. The lots are proposed to be served by a shared well and separate septic systems. The current parcel is 20,313 sf ft according to information from the Assessor's office. The parcel is within the Residential Urban zone district. Lots in the Rural District have a minimum size of 7,500 sq ft. The proposed lot sizes have not been indicated.

The County's Land Use & Development Code (LUDC) requires a subdivision to demonstrate legal and adequate water for each lot. The applicant indicated that one well will serve each of the lots. The applicant will need to demonstrate a well with appropriate domestic use permitting and any required contracts. Four-hour pump test and water quality test results should be provided for the well. Section 4-203.M contains the full requirements for water supply plans. A waiver of submittal requirements may be included in the application for these items to be provided as Conditions of Approval, though staff recommends the application include at least permitting and water contracts as applicable.

To meet the requirements of 4-203.N regarding wastewater management, staff recommends a report showing the adequate functioning of any existing systems and soil percolation tests or

similar reports from a qualified professional demonstrating the adequacy of proposed lots without current OWTS. Compliance with Table 7-105 will need to be demonstrated for the OWTS. The applicant has also indicated they have spoken to the Town of Carbondale concerning a out of Town tap to the sewer system. The Town have indicated that a tap would not be feasible.

All access easements will need to be shown on the final plat to ensure physical access for all lots. Any necessary shared road agreement should be included for review and to be recorded with the final plat.

The application should provide a response to Article 7, Divisions 1-4. These responses can be brief, indicate that the applicant believes it is not applicable, or take the form a waiver from standards request. Longer, detailed responses may be warranted for some items. School land dedication fees are included in this Article and will have to be paid prior to final plat. Road impact fees are currently collected at the time of building permit.

Proof of ownership in the form of a recent title report is required to process the application. All property owners, per County assessor records, will need to sign the application and provide a letter of authorization for anyone serving as the applicant's representative.

Please reference Section 4-202, Submittal Waivers and Section 4-118, Waivers from Standards as applicable, for any submittal or standards waivers that you will request.

If the application needs to be referred to the Colorado Geologic Survey, the referral form needs to be submitted with the application along with the applicable fee.

All of these requirements, digital copies of the LUDC, and forms can be found online within the Garfield County Community Development website located at: <https://www.garfield-county.com/community-development/>

II. COMPREHENSIVE PLAN

The minor subdivision is in compliance with the future land use map's designation.

III. REGULATORY PROVISIONS AND POLICY THE APPLICANT IS REQUIRED TO ADDRESS

The following Sections of the Garfield Land Use and Development Code as amended apply to the Application:

- Garfield County Comprehensive Plan 2030 as amended
- Garfield County Land Use and Development Code as amended
 - Section 5-301 Minor Subdivision
 - Table 5-103 Common Review Procedures and Required Notice
 - Section 5-401 and Table 5-401 Submittal Requirements including preliminary engineering reports for Access, Sanitation, Groundwater Drainage, and any preliminary cost estimates.
 - Section 5-402 Description of Submittal Requirements including Final Plat
 - Section 4-103 Administrative Review (public notice)
 - Section 4-203 Description of Submittal Requirements (as applicable)
 - Provisions of Article 7, Articles 1, 2, 3 and 4, as applicable including site planning and subdivision standards.

- Section 4-202, Submittal Waivers and Section 4-118, Waivers from Standards as applicable or needed.

IV. SUBMITTAL REQUIREMENTS

As a convenience outlined below is a list of information typically required for this type of application. Table 5-401 outlines the specific application submittal criteria. The following list can function as a checklist for your submittal. Submit three paper copies and one digital of all application materials. Additional copies will be requested upon determination of completeness. See the land use code for additional information on submittal requirements.

- **General Application Materials**
 - Signed Application Form
 - Signed Payment Agreement Form and application fees
 - Proof of ownership (copy of deed, title work) and information on any lien holders.
 - A narrative describing the request and related information
 - Names and mailing addresses of properties within 200 feet of the subject property.
 - Mineral rights ownership for the subject property (demonstrated through a search of Clerk and Records database and/or Assessor database, memo attached).
 - If the owner is an entity or trust, a recorded Statement of Authority, authorizing a person to encumber the property.
 - If the applicant is a representative of the owner, a letter of authorization to represent is needed.
 - A copy of the Pre-application Summary needs to be submitted with the Application.
- Vicinity Map including areas within approximately 3 miles.
- Site Plan including topography, existing improvements, infrastructure, irrigation ditches, and significant features. The site plan should include improvement location information adequate to confirm that no nonconforming conditions will result from the proposed subdivision. See *Section 4-201.D*
- The Proposed Final Plat showing the proposed lot lines, all easements, required certificates, and other requirements of *Section 5-402.F*.
- Water Supply Plans needs to include details on legal water (well permit and/or draft contracts with Water Conservation District), well production tests, and water quality tests. *Section 4-203.M*
- Wastewater management plan shows the adequacy of the proposed systems to serve future development on the lots. *Section 4-203.N*.
- Information as applicable to demonstrate compliance with provisions of Article 7 Standards, Divisions 1, 2, 3, and 4.
- Engineering Reports, as applicable per Table 5-401, Minor Subdivision, A (Roads, Trails, Walkways, and Bikeways), C (Sewage Collection and Water Supply and Distribution System), E (Groundwater Drainage), and H (Preliminary Cost Estimates for Improvements).
- Referral to the Colorado Geological Survey is also required with an additional referral fee.

- Requests for waivers that fulfill the requirements of *Section 4-118 Waivers of Standards* or *Section 4-202 Submittal Waivers* as appropriate.

Community Development Staff is available to meet with the Applicant to provide additional information and clarification on any of the submittal requirements and waiver requests.

V. REVIEW PROCESS

The Application may be "Called-Up" for review by the Director and the Board of County Commissioners. In addition, the Applicant and any affected Adjacent Property Owner can request a Call-Up for review by the Board in accordance with the procedures and review process contained in Section 4-112.

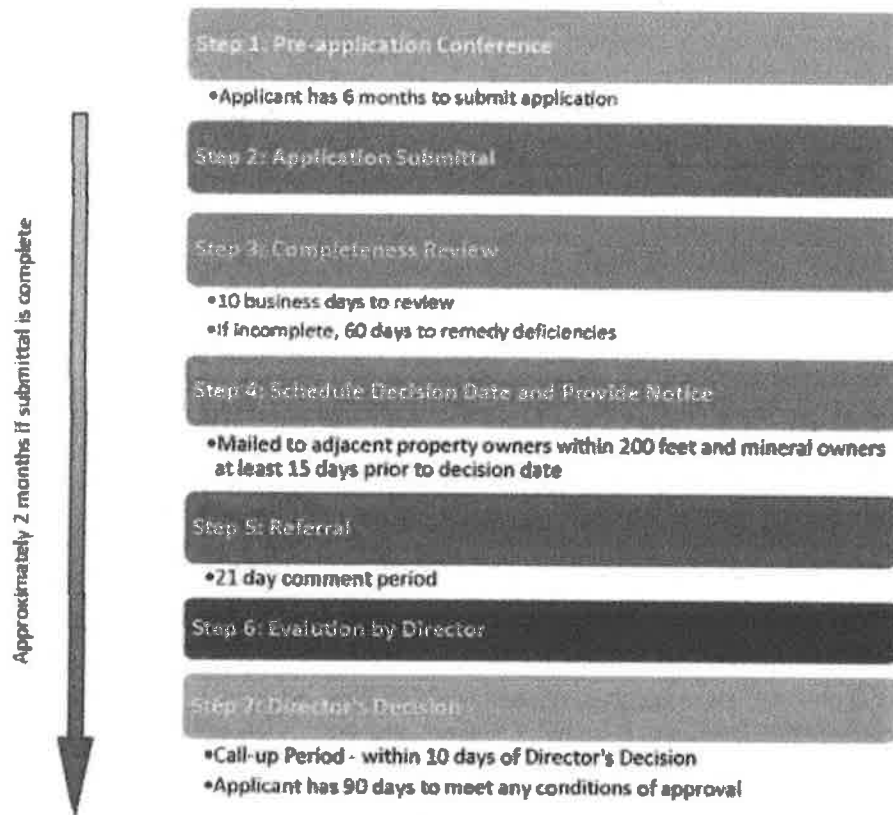
Staff will review the application for completeness prior to requesting referral agencies to provide additional technical review. Staff will prepare a report based on received comments and their review of the application.

- Public Hearing(s): No Public Hearing, Directors Decision (with notice per code)
 Planning Commission
 Board of County Commissioners
 Board of Adjustment

Referral Agencies may include but are not limited to: Garfield County Surveyor, Garfield County Road and Bridge Department, Garfield County Consulting Engineer, Garfield County Attorney's Office, Garfield County Vegetation Manager, Garfield County Department of Environmental Health, Department of Water Resources, Carbondale Rural Fire Protection District, Colorado Geological Survey.



Minor Subdivision Review Process
(Section 5-301)



VI. APPLICATION REVIEW FEES

Planning Review Fees:	\$400
Referral Agency Fees:	\$TBD (\$600 Colo.Geological Survey - others TBD)
Total Deposit:	\$400(additional hours are billed at hourly rate of \$40.50)

VII. GENERAL APPLICATION PROCESSING

The foregoing summary is advisory in nature only and is not binding on the County. The summary is based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. This summary does not create a legal or vested right. The summary is valid for a six-month period, after which an update should be requested.

The Applicant is advised that the Application submittal once accepted by the County becomes public information and will be available (including electronically) for review by the public. Proprietary information can be redacted from documents prior to submittal.

Pre-application Summary Prepared by:

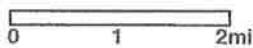
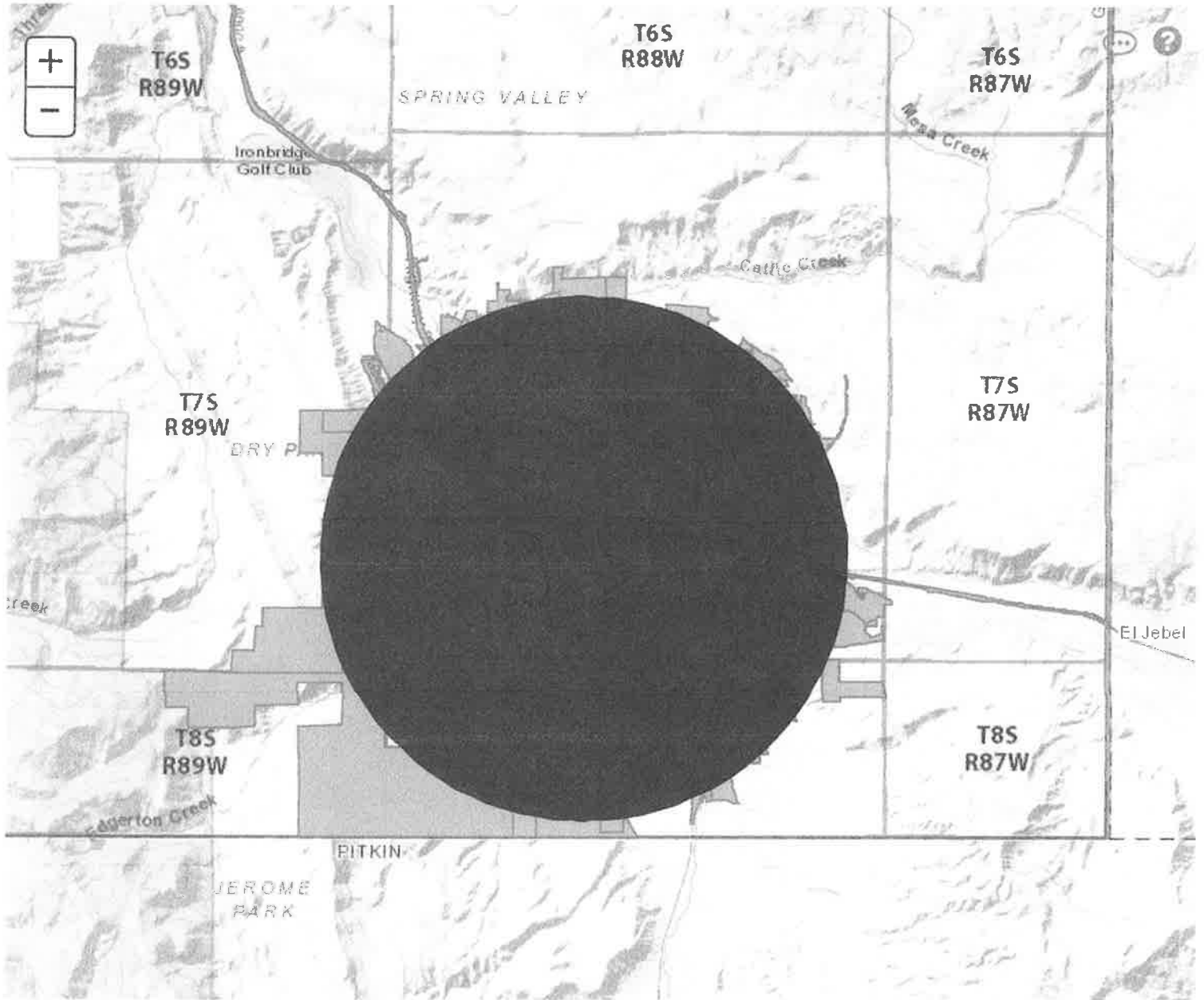


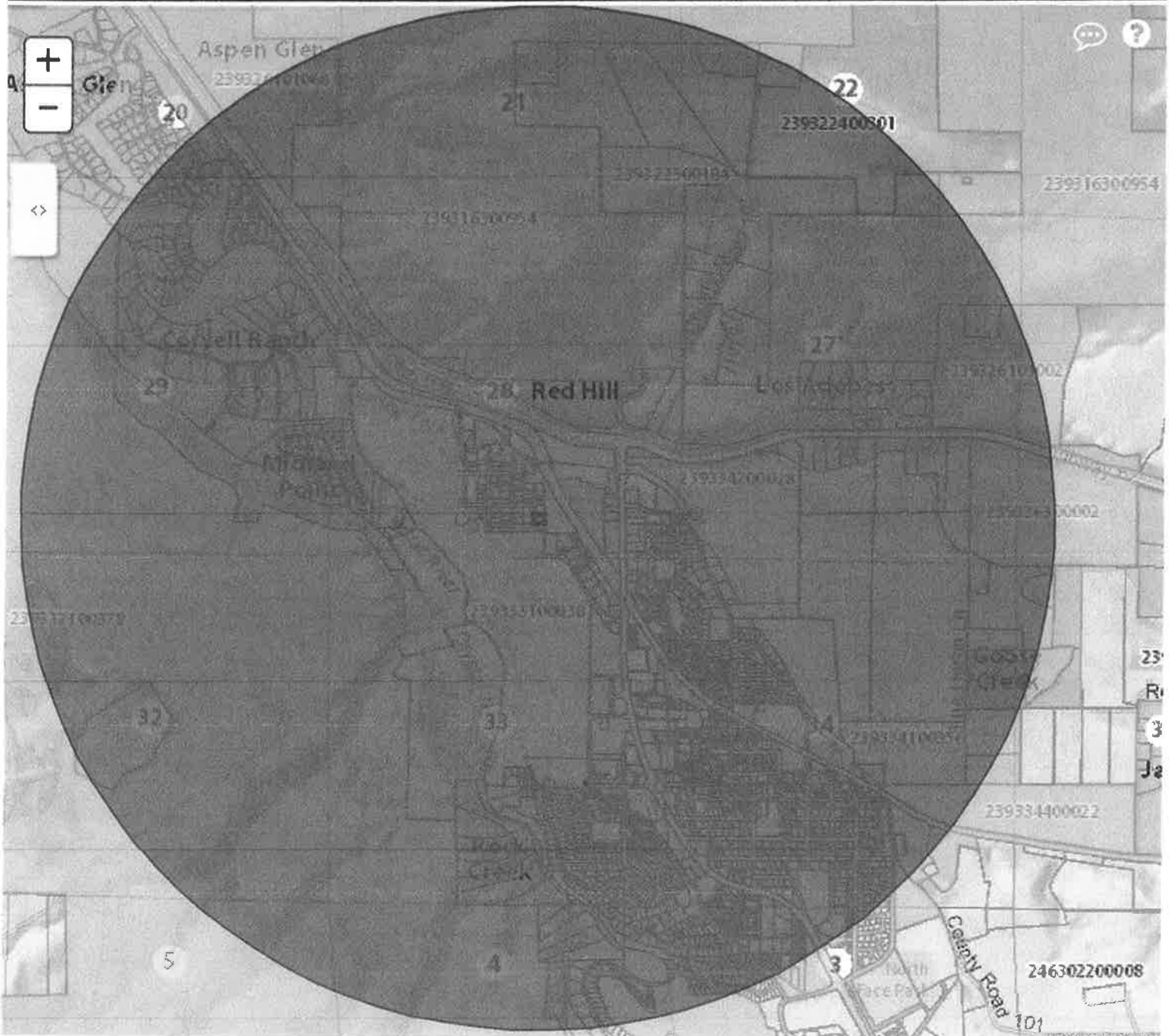
July 18, 2023

John Leybourne, Planner III

Date

Vicinity Map including area within 3 miles of parcel.





vicinity map 20 mile

1.5 miles





Search

Buffer

- 1. Set distance and units
- 2. Click Buffer button
- 3. Click parcel on map to buffer

Distance:

Draw

Layers

Measure

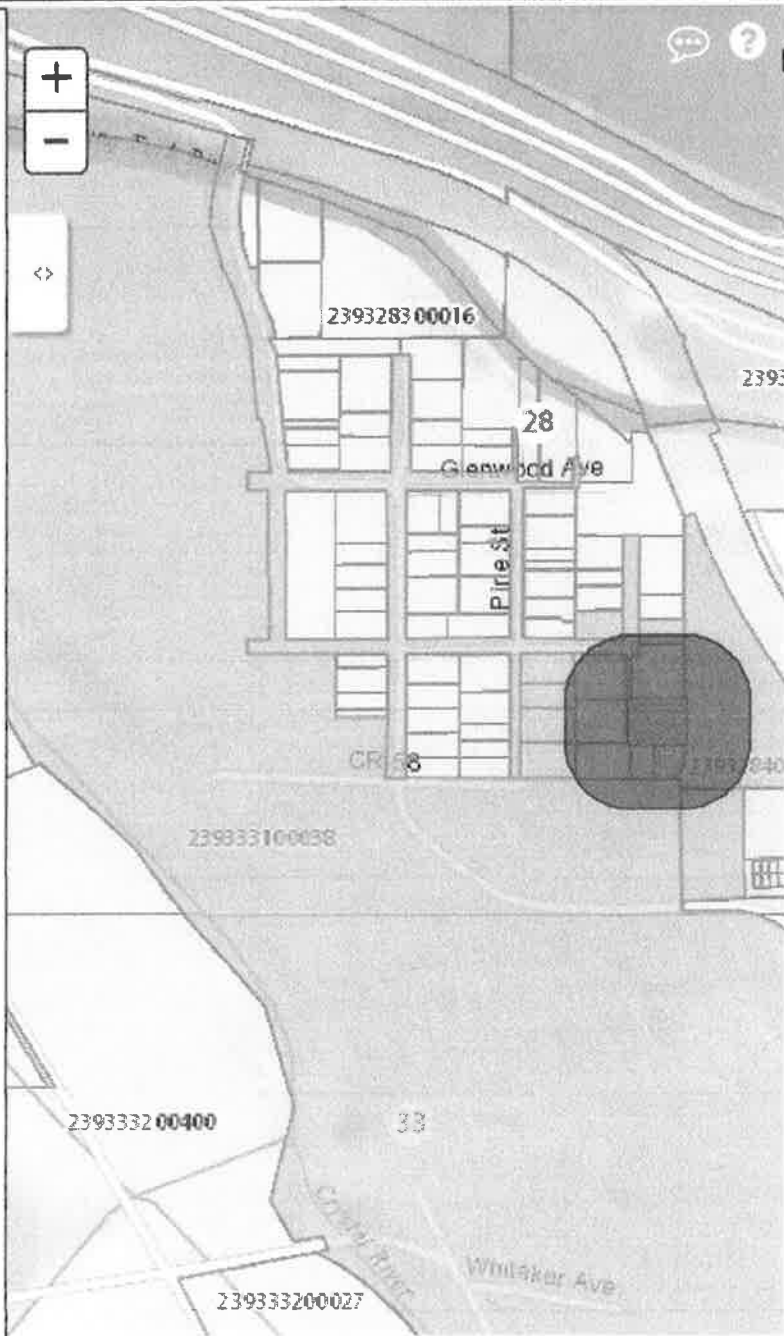
Locate

Basemap

Results

Search:

Parcel	Physical Address	Owner
239328412005	40 PINE ST CARBONDALE	BARKER, ERYN & LONG, BRIAN
239328412006	20 PINE ST CARBONDALE	KIERSTEAD WILLIAMS, CINDY L
239328412007	75 PINE ST CARBONDALE	FMS LLC
239328412008	111 SOPRIS AVE CARBONDALE	MOORE, CHARLES MEREDITH
239328417008	1629 DOLORES WAY CARBONDALE	WAGNER EQUIPMENT COMPANY
	1483-106 COUNTY	COLORADO ROCKY



Anne Perry
27237 Ohio Avenue NE
Kingston, WA 98346

RE: DRAFT Lot Split Feasibility and OWTS Evaluation and Findings for 55 S Cedar Street, Carbondale
Garfield County, CO
SE Job No. 33149.01, Parcel No: 239328411005.

Dear Annie Perry:

This letter report presents the applicable findings in regard to the proposed lot split at the above referenced site. A new minor subdivision permit is required for the proposed lot split with respect to proposed usage on the subject property. This site layout and onsite wastewater treatment system (OWTS) feasibility evaluation was performed in support of your minor subdivision application to split the above referenced lot with respect to current regulatory design and setback requirements. Based on our findings we believe that adequate land area exists with respect to setback limitations to allow for the placement of new OWTS components, building envelopes, access, and utility envelopes to serve the needs of two single family lots on the property.

Preliminary planning has been performed to implement a formal lot split/adjustment process with delineation of specific redevelopment envelopes. Based on knowledge of existing OWTS components, soil conditions and site limitation in the immediate vicinity we believe the design and installation of treatment level 3 standard OWTS installations is feasible for both proposed lots. The attached exhibit delineates existing property conditions, pertinent OWTS setbacks required and conceptual alternative OWTS component envelopes that may be considered and adjusted as needed based on future planning proposals.

The proposed lot split is based on our evaluation of the site conditions in regards to setbacks, potential residence size and OWTS design criteria and soil conditions for use in obtaining a subdivision permit. We have evaluated the existing and proposed site conditions with respect to the operation and installation of site specific system design in accordance with County OWTS Regulations and State of Colorado Regulation 43 in support of your subdivision permit application. The proposed lot split meets all required setback requirements in regards to existing structures and potential future lot use. Based on the physical site features, soils, and existing building layout, we have prepared a civil subdivision design plan for permit approval that was prepared with GIS, Survey Plat information and aerial mapping. The design recommendations are delineated on the civil design plan, C1-Site Plan dated 11-16-2023, by Sopris Engineering.

Existing and Proposed Site Conditions

The existing developed lot will be split into two and the current structures will not be maintained on the proposed lots. The existing buildings will be demolished and the site will be prepared for new construction. The subject property is located at 55 S Cedar Street near the intersection of Sopris Road and Cedar Street. The proposed improvements consist of two new residential lots sized to allow for the installation of an individual OWTS on each lot. The proposed lots are designed with respect to the existing topography,

502 Main Street • Suite A3 • Carbondale, CO 81623 • (970) 704-0311 • Fax (970) 704-0313

SOPRIS ENGINEERING • LLC

civil consultants

development envelopes, vegetation, and other existing and proposed site features as shown on the Improvement Survey prepared by Sopris Engineering dated March 19, 2021.

The proposed development site is situated on a flat to gently sloped (approximately 0%-9%) lightly wooded and grassy area. Topography within the development is generally flat from the western, envelope boundary draining into a small ditch on the eastern edge of the property.

Water

The existing source of water is an irrigation ditch that comes from a pipe along the western boundary and crosses from the northern boundary to the southern boundary and back to the northern boundary. A new well is proposed to be installed near the southeastern corner of the site to serve both lots. There is an existing fire hydrant across the street from the southeast corner of the lot southern. The use of the existing hydrant for fire suppression should be explored. The existing ditch laterals will be used for irrigation. A portion of the existing ditch lateral on the northerly lot will be abandoned. And new ditch lateral pipeline will be installed along the northerly property line to connection to the existing irrigation pipeline.

Utilities

The closest electric service to the box is a transformer located 23 feet off of the eastern boundary of the proposed southern lot. The electric service provider will establish electric service onto the site in accordance with the site development requirements. Telephone and communications service will be coordinated with the applicable service providers. There is a gas stub on what will be the northern lot that currently ties into one of the existing metal barns. Gas service installations will be coordinated with the applicable service provider as needed. The utilities lines will need to be located in order to formalize a utility easements as necessary . The utility installations and easements may be installed in alignments within the proposed driveways.

OWTS Conditions and Design Criteria

The lots were sized to insure that an OWTS system sized for the proposed number of bedrooms for each residence could be fit on each property accounting for existing and proposed conditions. Sand filter beds sized for an assumed type 2 soil matrix are recommended for both lots.

Both the northerly and southerly lot's conceptual OWTS was sized, pursuant to treatment level 3 criteria, to fit a 1500 gallon tank and a pressure dosed sand filter bed system for a minimum four bedroom residential treatment capacity. The preliminary OWTS envelopes are delineated on the attached plan.

Preliminary Design Calculations OWTS

The required onsite wastewater treatment system (OWTS) is necessary to serve a 4-bedroom residential facility in an area of type-2 soils. The design flow treatment capacity is calculated as follows for a minimum equivalent 4-bedroom single family residence that is typical for both lots.

From the Regulation 43 usage table:

Minimum population based on 4 bedrooms = 7 persons.

Gallons per day per person = 75 gal/person/day, No peaking factor

Max. Design flow (Qd) gallons/day = (# of people) x (avg. flow) gal/person/day.

Design flow Qd = $7 * 75 = 525$ gpd

Septic Tank sizing

Use a 1500 gallon, two compartment concrete septic tank with a high head pump assembly in the second chamber.

Preliminary Sub Surface Conditions and Testing

Based on soil evaluations performed by Sopris Engineering in the immediate vicinity and observation of shallow excavations on the site, the soils consist of Type 2 silt loam near the surface and transition to rocky type R1 soils with type 2 sandy silt loam matrix. Future soil investigations will be performed prior to building and OWTS permit application. Required profile pits will be excavated and logged for design confirmation and documentation in the permit application plan and report. The treatment level 3 soil treatment areas (STA) are sized based on the long term acceptance rate (LTAR) for the use of 24-inch depth of secondary filter sand (ASTM-33, concrete sand) that allows for a loading rate of 0.8 gal/S.F./day soil overlying type-2 soil matrix.

Soil Treatment Area/ Pressure dosed chamber trench Absorption System Design

The conceptual treatment/absorption field envelopes are designed based on utilizing the effective Long Term Acceptance Rate (LTAR) for the soils and the application of appropriate loading factors for a new soil treatment area system utilizing distribution technology with custom perforated distribution laterals installed over sand filter, in accordance with Regulation 43 design criteria for this technology.

Long Term Acceptance Rate (LTAR)

Considering the allowable application of the OWTS regulation 43 and CDPHE approved Distribution Product for Unlined Sand Filter Technologies product:

Receiving septic tank effluent, a treatment level-1 (TL 1) system requires the infiltrative surface being at least 4-feet above a limiting layer (43.8, Table 7-2.4); Maximum hydraulic loading rate for TL1 effluent is the long term acceptance rate of non-rocky Type 2 receiving soil is 0.6 gal./S.F./day.

A treatment level-3 (TL 3) system requires the infiltrative surface being at least 2.5-feet above a limiting layer (43.8, Table 7-2.4); Maximum hydraulic loading rate for a TL3 system is based on the LTAR of the native soils underlying the 24' depth of filter sand. The septic tank effluent is dispersed on the surface of the sand layer and treated to treatment level 3 prior to infiltration through the unlined sand filter for absorption into the native soils. The long term acceptance rate for R1 type 2 soil underlying secondary

filter sand is 0.8 gal/S.F./day. Below are sizing calculations for the soil treatment level conditions, typical of each lot.

$$A(\text{sf}) = \frac{Qd \times L.F.1 \times L.F.2.}{LTAR}$$

A = Area;

LTAR = 0.8 gal/S.F./day for filter sand over silt loam matrix soils

Qd = flow (gal/day) for OWTS = 525 gpd

L.F.1=1.0 pressure dosed bed application

OWTS: $A(\text{sf}) = \frac{525 \text{ gpd} \times 1.0}{0.8 \text{ Gal/S.F./day}} = 657 \text{ S.F.}$

Proposed Lots

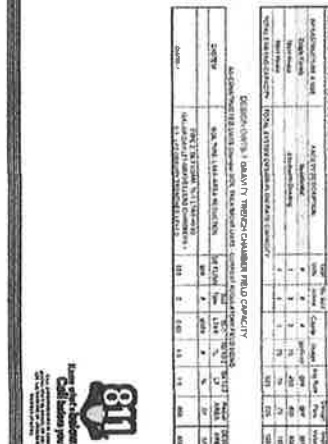
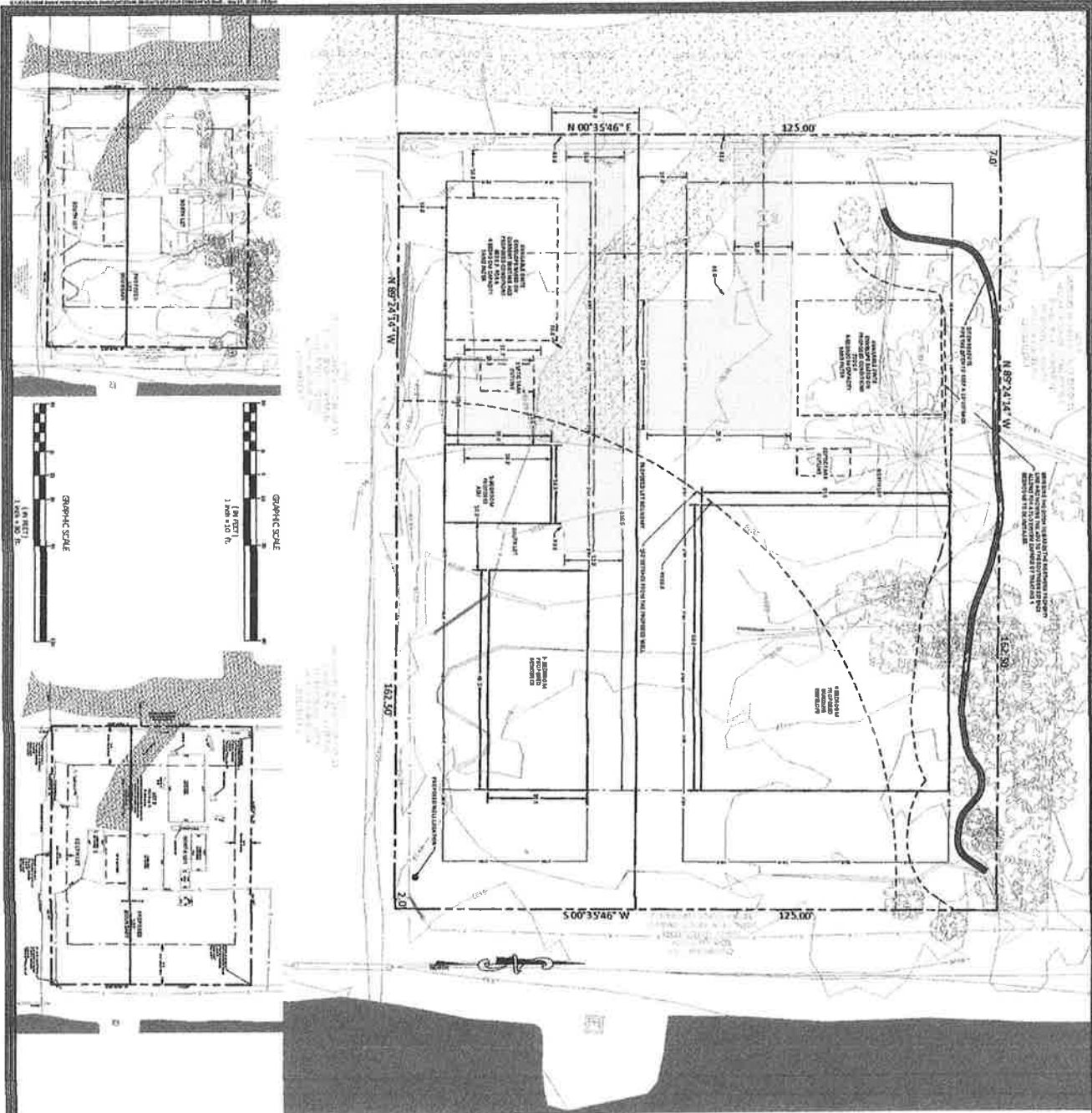
The attached exhibit delineates proposed lot lines, setbacks, OWTS component layouts, access drives, parking, utilities, and proposed building envelopes. The exhibit delineates adjoining parcels, existing conditions and offsite features. The proposed lot layout generally complies with land use setback requirements. Minimum lot setbacks defined in Garfield County codes have been included.

If you have any question or need any additional information, please call.

Sincerely,
SOPRIS ENGINEERING, LLC

Paul E. Rutledge
Design Engineer

Yancy Nichol, PE
Principal



- THE EXISTING STRUCTURE SHALL REMAIN AND THE NEW LOT SHALL BE CREATED BY SETBACKS
- COMPLETION
- THE PROPOSED LOT CREATION IS BY SETBACKS
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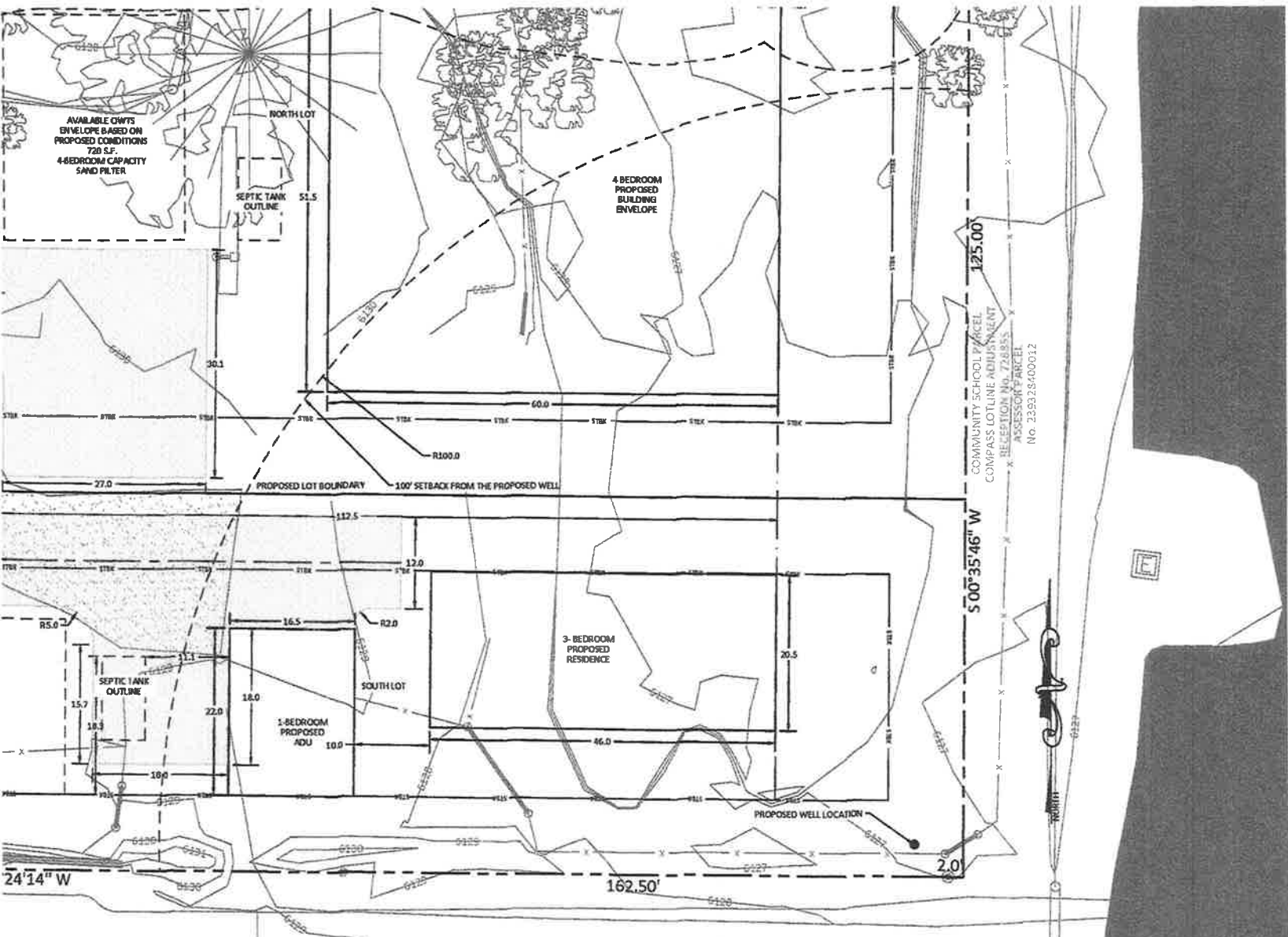
2. SITE PLAN

NO.	DATE	DESCRIPTION	BY	CHKD	APP'D
1	01/15/20	DESIGN CONCEPT PLAN AND SITE PLAN
2	01/15/20
3	01/15/20

PERRY RESIDENCE
55 S. CEDAR STREET
CARBONDALE, COLORADO
LOT SPLIT REQUIREMENTS

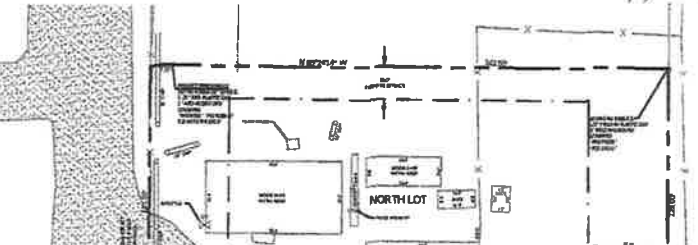
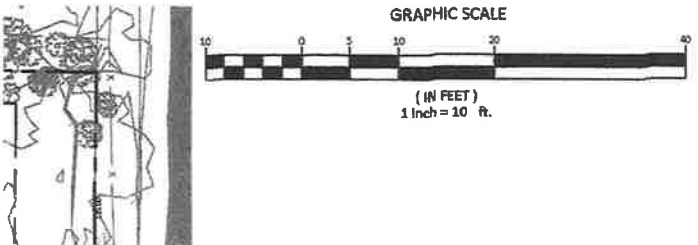
DATE: 11/13/20
 SHEET NO.: 300101

811
 CALL BEFORE YOU DIG
 1-800-4-A-DIG
 1-800-427-3747
 WWW.CALLBEFOREYOU.DIG.COM



LOT C1
RESUBDIVISION OF LOT C, BLOCK 11
TOWNSHIP OF COOPER TON
RECEPTION No. 728856
ASSESSOR PARCEL No.
239328411007

LOT C2
RESUBDIVISION OF LOT C, BLOCK 11
TOWNSHIP OF COOPER TON
RECEPTION No. 728856
ASSESSOR PARCEL No.
239328411308



NEW OWTS-1 DESIGN CAPAC
TABLE 1. SEWAGE DESIGN FLOW, FACILITY USAGE AND STU
Proposed Residential per Reg 431OWTS Capacity

INFRASTRUCTURE & USE	FACILITY DESCRIPTION
Single Family	Residential
Main House	4 bedroom dwelling
Main House	
TOTAL EXISTING CAPACITY	TOTAL SYSTEM DESIGN FLOW RATE CA

DESIGN OWTS-1 GRAVITY TRENCH
AS-CONSTRUCTED OWTS Chamber SOL TREATMENT U

SYSTEM	SOIL TYPE-LTAR-AREA REDUCTION
OWTS-1	TYPE 2, SLOAM, TL-1 LTAR +0.00 GAL/S/DAY/LF I-GRAVELLESS CHAMBE 0.7 LF2 GRAVITY TRENCHER L+E-1.1

NEW OWTS-1 DESIGN CAPAC
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DESIGN OWTS-1 GRAVITY TRENCH
AS-CONSTRUCTED OWTS Chamber SOL TREATMENT L

SYSTEM	SOIL TYPE-LTAR-AREA REDUCTION
	TYPE 2, SLOAM TL-1 LTAR +0.00



NEW OWTS-1 DESIGN CAPACITY NORTH LOT USE

TABLE 1. SEWAGE DESIGN FLOW, FACILITY USAGE AND SITU ANALYSIS

Proposed Residential per Reg 43/OWTS Capacity								
INFRASTRUCTURE & USE	FACILITY DESCRIPTION	Total Units	No. Bed rooms	Capita	Usage	Avg Rate	Design Flow	Septic Volume
Single Family	Residential	0	0	0	gpd/cap	gpd	gpd	gpd
Main House	4 bedroom dwelling	1	3	2	75	450	450	800
Main House		1	1	1	75	75	75	150
TOTAL EXISTING CAPACITY	TOTAL SYSTEM DESIGN FLOW RATE CAPACITY					525	525	1050

DESIGN OWTS-1 GRAVITY TRENCH CHAMBER FIELD CAPACITY

AS-CONSTRUCTED OWTS Chamber SOL TREATMENT UNITS - CURRENT REGULATORY FIELD SIZING

SYSTEM	SOL TYPE- LTAR-AREA REDUCTION	DE FLOW	Sol Type	TL-1 LTAR	TL-1 TL	TL-10-3 LF	Require AREA	DESIGN AREA
		gpd	0	gpd	0	0	SF	SF
OWTS-1	TYPE 2, SLYLOAM TL-1 LTAR=0.60 GAL/SF/DAY(LF) GRAVELLESS CHAMBERS = 0.7 LF2 GRAVITY TRENCHES LF=1.0	525	2	0.60	1.0	1.0	856	608

NEW OWTS-1 DESIGN CAPACITY SOUTH LOT USE

TABLE 1. SEWAGE DESIGN FLOW, FACILITY USAGE AND SITU ANALYSIS

Proposed Residential per Reg 43/OWTS Capacity								
INFRASTRUCTURE & USE	FACILITY DESCRIPTION	Total Units	No. Bed rooms	Capita	Usage	Avg Rate	Design Flow	Septic Volume
Single Family	Residential	0	0	0	gpd/cap	gpd	gpd	gpd
Main House	4 bedroom Dwelling	1	3	2	75	450	450	800
Main House		1	1	1	75	75	75	150
TOTAL EXISTING CAPACITY	TOTAL SYSTEM DESIGN FLOW RATE CAPACITY					525	525	1050

DESIGN OWTS-1 GRAVITY TRENCH CHAMBER FIELD CAPACITY

AS-CONSTRUCTED OWTS Chamber SOL TREATMENT UNITS - CURRENT REGULATORY FIELD SIZING

SYSTEM	SOL TYPE- LTAR-AREA REDUCTION	DE FLOW	Sol Type	TL-1 LTAR	TL-1 TL	TL-10-3 LF	Require AREA	DESIGN AREA
		gpd	0	gpd	0	0	SF	SF
OWTS-1	TYPE 2, SLYLOAM TL-1 LTAR=0.60 GAL/SF/DAY(LF) GRAVELLESS CHAMBERS = 0.7 LF2 GRAVITY TRENCHES LF=1.0	525	2	0.60	1.0	1.0	856	608

Water Supply

DATE FILED: March 28, 2023 9:40 AM

DISTRICT COURT, COUNTY OF GARFIELD, COLORADO GARFIELD COUNTY COURTHOUSE 109 8TH STREET, SUITE 104 GLENWOOD SPRINGS, CO 81601 PHONE: (970) 928-3065		CASE NUMBER: 1900CV5593 ▲ COURT USE ONLY ▲
IN THE MATTER OF THE PETITION FOR THE ORGANIZATION OF THE BASALT WATER CONSERVANCY DISTRICT		CIVIL ACTION No. 5593 (ALTERNATIVE CASE No. 1900CV5593)
FINDINGS AND ORDER CONCERNING THE INCLUSION OF LANDS IN THE BASALT WATER CONSERVANCY DISTRICT		

THIS MATTER COMING BEFORE THE COURT upon the filing of an Order by the Board of Directors of the Basalt Water Conservancy District granting the Petition of Anne U. Perry, for the inclusion into the District of the lands hereinafter described. the Court having reviewed said Order and the findings therein contained, and having concluded that the statutory requirements for inclusion of lands within said District have been met.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following described lands situate and being in the County of Garfield, State of Colorado be and hereby are included in the Basalt Water Conservancy District, to wit:

SECTION 28, TOWNSHIP 7, RANGE: 88 SUBDIVISION: COOPERTON
TOWNSITE, BLOCK 11, LOT B, UNINCORPORATED GARFIELD COUNTY.

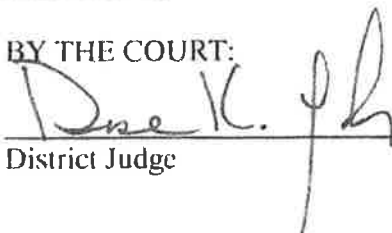
COUNTY OF GARFIELD
STATE OF COLORADO

Also known by street and number as: 55 South Cedar Street, Carbondale, CO 81623

IT IS FURTHER ORDERED that the above-described lands be included within and made a part of existing Division 4 of said District.

DONE this 28th day of March, 2023, in Glenwood Springs, Colorado.

BY THE COURT:


District Judge

BASALT WATER CONSERVANCY DISTRICT
WATER ALLOTMENT CONTRACT NO. 811
Pursuant to C.R.S. § 37-45-131

ANNE U. PERRY ("Applicant") has applied to the Basalt Water Conservancy District ("District") a political subdivision of the State of Colorado, organized pursuant to and existing by virtue of Section 37-45-101, Colorado Revised Statutes, *et seq.*, for an allotment contract for beneficial use of water rights owned, leased, or hereafter acquired by the District ("Contract"). By execution of this Contract, Applicant agrees to the following terms and conditions and those certain terms and conditions set forth in the attached Order, which is fully incorporated as a part of this Contract.

1. QUANTITY: In consideration of the covenants and conditions herein contained, Applicant shall be entitled to receive and apply to beneficial use 0.033 cubic feet of water per second from the District's direct flow rights and 0.5 acre feet per year of storage or other augmentation water owned or controlled by the District. Applicant shall restrict actual diversions and consumptive use under this Contract to these amounts. The Contract amount is based on the water requirements table attached hereto as Exhibit B. Any increase or change in the water requirements to be served by the District will require an amendment to the subject Contract.

2. SOURCE OF ALLOTTED WATER: Water rights allotted pursuant to this Contract shall be from the District's water rights decreed to the Basalt Conduit, Landis Canal, Stockman's Ditch Extension, Troy and Edith Ditch, Robinson Ditch, or other water rights hereafter acquired by the District, including the District's right to receive storage water from Ruedi Reservoir and Green Mountain Reservoir. The District shall have the right to designate the water right or Decree of the District from which the Applicant's allotted rights shall be obtained. The Applicant's use of any of the District's water rights shall be subject to any and all terms and conditions imposed by the Water Court on the use of the District's said rights. Exchange or augmentation releases made from the District's storage rights in Ruedi or Green Mountain Reservoirs or other works and facilities of the District shall be delivered to the Applicant at the outlet works of said storage facility and release of water at such outlet works shall constitute full performance of the District's delivery obligation. Delivery of water from the District's storage rights in Ruedi or Green Mountain Reservoir shall be subject to the District's lease contract with the United States Bureau of Reclamation and any rules and regulations promulgated pursuant thereto. Releases from other facilities available to the District shall be subject to the contracts, laws, rules, and regulations governing releases therefrom. Furthermore, the District hereby expressly reserves the right to store water and to make exchange releases from structures that may be built or controlled by the District in the future, so long as the water service to the Applicant pursuant to this agreement is not impaired by said action.

3. At Applicant's request, this water allotment contract supply and Applicant's structure(s) benefited hereunder have been included in the District's umbrella plan for

augmentation decreed in Case No. 02CW77 ("Umbrella Plan"). Applicant agrees to pay \$1,200.00 for inclusion in the Umbrella Plan contemporaneously with acceptance of this Order, unless otherwise agreed in writing by the parties, which amount is based on and limited to the type(s) and amount of water use made by Applicant as detailed in Exhibit B to this Water Allotment Contract.

4. PURPOSE AND LOCATION OF USE: Applicant will use the water rights allotted pursuant to this Contract for beneficial purposes by diversion at Applicant's point of diversion under the District's direct flow water rights and/or for use by augmentation or exchange. Applicant will use the water allotted by the District within or through facilities or upon lands owned, operated, or served by Applicant, which lands are described on Exhibit A attached hereto; provided that the location and purpose of Applicant's use of said water shall be legally recognized and permitted by the applicable governmental authority having jurisdiction over the property served. Applicant's contemplated usage for the water allotted hereunder is for the following use or uses:

Domestic/Municipal Industrial Commercial Agricultural Other

It is acknowledged that certain locations within the District may not be susceptible to service solely by the District's water rights allotted hereunder or the District's said water rights may not satisfy Applicant's needs and purposes. To the extent that service cannot be achieved by use of the District's allotted water rights, or in the event said service is inadequate, Applicant may utilize such other water rights, by way of supplementing the District's water rights, or otherwise, as is necessary to assure water service sufficiently reliable for Applicant's intended purpose or purposes.

All lands, facilities and areas served by water rights allotted hereunder shall be situated within the boundaries of the District.

Any quantity of the Applicant's allocation not delivered to or used by Applicant by the end of each water year shall revert to the water supplies of the District. Such reversion shall not entitle Applicant to any refund of payment made for such water.

Water service provided by the District shall be limited to the amount of water available in priority at the original point of diversion of the District's applicable water right and neither the District, nor those entitled to utilize the District's decrees, may call on any greater amount at new or alternate points of diversion. The District shall request the Colorado State Engineer to estimate any conveyance losses between the original point and any alternate point and such estimate shall be deducted from this amount in each case. The District, or anyone using the District's decrees, may call on any additional sources of supply that may be available at an alternate point of diversion, but not at the original point of diversion, only as against water rights which are junior to the date of application for the alternate point of diversion.

In the event the Applicant intends to institute any legal proceedings for the approval of an augmentation plan and/or any change to an alternate point of diversion of the District's

water right to allow the Applicant to utilize the water allotted hereunder, the Applicant shall give the District written notice of such intent. In the event the Applicant develops and adjudicates an alternate point of diversion and/or an augmentation plan to utilize the water allotted hereunder, Applicant shall not be obligated to bear or defray any legal or engineering expense of the District incurred by the District for the purpose of developing and adjudicating a plan of augmentation for the District. In any event, the District shall have the right to approve the Applicant's application for change of water right, and/or augmentation plan or other water supply plan involving the District's rights, and the Applicant shall provide the District copies of such application and of all pleadings and other papers filed with the Water Court in the adjudication thereof.

The District reserves the exclusive right to review and approve any conditions which may be attached to judicial approval of Applicant's use of the District's water rights allotted hereunder. Applicant agrees to defray any out-of-pocket expenses incurred by the District in connection with the allotment of water rights hereunder, including, but not limited to, reimbursement of legal and engineering costs incurred in connection with any further water rights adjudication necessary to allow Applicant's use of such allotted water rights; provided, however, in the event any such adjudication involves more of the District's water rights than are allotted pursuant to this Contract, Applicant shall bear only a pro rata portion of such expenses. Applicant shall be solely responsible for providing the structures, works and facilities, if any, necessary to utilize the District's water rights allotted hereunder for Applicant's beneficial use.

5. PAYMENT: Applicant shall pay annually for the water service described herein at a price to be fixed annually by the Board of Directors of the District for such service. Payment of the annual fee shall be made, in full, within fifteen (15) days after the date of a notice from the District that the payment is due. Said notice will advise the Applicant, among other things, of the water delivery year to which the payment shall apply and the price which is applicable to that year. If a payment is not made by the due date, a late fee of \$50 (or such other amount as the Board may set from time to time) will be assessed and final written notice of the delinquent account and late fee assessment will be sent by the District to the Applicant at Applicant's address set forth below. If payment is not made within thirty (30) days after said final written notice, the District may, at its option, elect to terminate all of the Applicant's right, title, or interest under this Contract, in which event the water right allotted hereunder may be transferred, leased or otherwise disposed of by the District at the discretion of its Board of Directors.

In the event water deliveries hereunder are made by or pursuant to agreement with some other person, corporation, quasi-municipal entity, or governmental entity, and in the event the Applicant fails to make payments as required hereunder, the District may, at its sole option and request, authorize said person or entity to curtail the Applicant's water service pursuant to this Contract, and in such event neither the District nor such persons or entity shall be liable for such curtailment.

6. APPROPRIATION OF FUNDS: The Applicant agrees that so long as this Contract is valid and in force, Applicant will budget and appropriate from such sources of revenues as may be legally available to the Applicant the funds necessary to make the annual payments in advance of water delivery pursuant to this Contract. The Applicant will hold harmless the District and any person or entity involved in the delivery of water pursuant to this Contract, for discontinuance in service due to the failure of Applicant to maintain the payments herein required on a current basis.

7. BENEFIT OF CONTRACT: The water right allotted hereunder shall be beneficially used for the purposes and in the manner specified herein and this Contract is for the exclusive benefit of the Applicant and shall not inure to the benefit of any successor, assign, or lessee of said Applicant without the prior written approval of the Board of Directors of the District.

Upon the sale of the real property to which this Contract pertains, Applicant has a duty to make the buyer aware of this Contract and the need to assign the Contract to the buyer. However, prior written approval of the Board of Directors of the District is required before the assignment is effective. Payment of an assignment fee in an amount determined by the Board shall be required as a prerequisite to approval of the assignment.

In the event the water right allotted hereunder is to be used for the benefit of land which is now or will hereafter be subdivided or otherwise held or owned in separate ownership interest, the Applicant may assign the Applicant's rights hereunder only to a homeowners association, water district, water and sanitation district or other special district, or other entity properly organized and existing under and by virtue of the laws of the State of Colorado, and then only if such association, entity or special district establishes to the satisfaction of the Basalt Water Conservancy District that it has the ability and authority to assure its performance of the Applicant's obligations under this Contract. In no event shall the owner of a portion, but less than all, of the Applicant's property to be served under this Contract have any rights hereunder, except as such rights may exist through a homeowners association or special district as above provided.

Any assignment of the Applicant's rights under this Contract shall be subject to and must comply with such requirements as the District has adopted or may hereafter adopt regarding assignment of Contract rights and the assumption of Contract obligations by assignees and successors, provided that such requirements shall uniformly apply to all allottees receiving District service. The restrictions on assignment as herein contained shall not preclude the District from holding the Applicant, or any successor to the Applicant, responsible for the performance of all or any part of the Applicant's covenants and agreements herein contained.

8. OTHER RULES: Applicant's rights under this Contract shall be subject to the Water Service Plan as adopted by the District and amended from time to time; provided that such Water Service Plan shall apply uniformly throughout the District among water users receiving the same service from the District. Applicant shall also be bound by all applicable law, including, for example, the provisions of the Water Conservancy Act of the State of Colorado,

the Rules and Regulations of the Board of Directors of the District, the plumbing advisory, water conservation, and staged curtailment regulations, if any, applicable within the County in which the water allotted hereunder is to be used, together with all amendments of and supplements to any of the foregoing.

9. CURTAILMENT OF USE: The water service provided hereunder is expressly subject to the provisions of that certain Stipulation in Case No. 81CW253 on file in the District Court in Water Division 5 of the State of Colorado, which Stipulation provides, in part, for the possible curtailment of out-of-house municipal and domestic water demands upon the occurrence of certain events and upon the District giving notice of such curtailment, all as more fully set forth in said Stipulation.

10. OPERATION AND MAINTENANCE AGREEMENT: Applicant shall enter into an "Operation and Maintenance Agreement" with the District if and when the Board of Directors finds and determines that such an agreement is required by reason of additional or special services requested by the Applicant and provided by the District or by reason of the delivery or use of water by the Applicant for more than one of the classes of service which are defined in the Rules and Regulations of the Board of Directors of said District. Said agreement may contain, but not be limited to, provision for water delivery at times or by means not provided within the terms of standard allotment contracts of the District and additional annual monetary consideration for extension of District services and for additional administration, operation and maintenance costs, or for other costs to the District which may arise through services made available to the Applicant.

11. CHANGE OF USE: The District reserves the exclusive right to review and approve or disapprove any proposed change in use of the water right allotted hereunder. Any use other than that set forth herein or any lease or sale of the water or water rights allotted hereunder without the prior written approval of the District shall be deemed to be a material breach of this Contract.

12. PRIOR RESOLUTION: The water service provided hereunder is expressly subject to that certain Resolution passed by the Board of Directors of the District on September 25, 1979, and all amendments thereto, as the same exists upon the date of this application and allotment Contract.

13. NO FEE TITLE: It is understood and agreed that nothing herein shall give the Applicant any equitable or legal fee title interest or ownership in or to any of the water or water rights of the District, but that Applicant is entitled to the right to use the water right allotted hereunder, subject to the limitations, obligations and conditions of this Contract.

14. COMPLIANCE WITH SECTION 404 OF THE CLEAN WATER ACT. Applicant shall comply with Section 404 of the Clean Water Act and consult with the Army Corps of Engineers to complete any Section 404 compliance that may be required as a result of the construction of any facilities necessary to use contract water.

15. CONSERVATION PRACTICES: Applicant shall implement and use commonly accepted conservation practices with respect to the water and water rights allotted hereunder and shall be bound by any conservation plan hereafter adopted by the District, as the same may be amended from time to time.

16. WELL PERMIT: If Applicant intends to divert through a well, then Applicant must provide to District a copy of Applicant's valid well permit before the District is obligated to deliver any water hereunder, and it is the Applicant's continuous duty to maintain a valid well permit. Applicant shall also comply with all restrictions and limitations set forth in the well permit obtained from the Colorado Division of Water Resources. Applicant must comply with the well-spacing requirements set forth in C.R.S. § 37-90-137, as amended, if applicable. Compliance with said statutory well-spacing criteria shall be an express condition of the extension of service hereunder, and the District shall in no way be liable for an Applicant's failure to comply. Applicant agrees to mark the well in a conspicuous place with the permit number.

17. MEASURING DEVICE OR METER: Applicant agrees to provide, at its own expense, a totalizing flow meter with remote readout to continuously and accurately measure at all times all water diverted pursuant to the terms of Applicant's water right and the terms of this Contract. On or before November 15 of each year, Applicant will provide accurate readings from such device or meter (recorded on a monthly basis for the period November 1 through October 31 of each year) to District, the Division Engineer and Water Commissioner. Applicant acknowledges that failure to comply with this paragraph could result in legal action to terminate Applicant's diversion of water by the State of Colorado Division of Water Resources. By signing this Contract, Applicant hereby specifically allows District, through its authorized agent, to enter upon Applicant's property during ordinary business hours for the purposes of determining Applicant's actual use of water.

18. CONTRACT TERMINATION:

A. Termination by District:

1. The District may terminate this Contract for any violation or breach of the terms of this Contract by Applicant, or Applicant's breach of any other contract with the District.

2. The District may terminate this Contract if, in its discretion, any judicial or administrative proceedings initiated by Applicant threaten the District's authority to contract for delivery or use of the District's water rights, or threaten the District's permits, water rights, or other interests of the District.

B. Termination by Applicant:

1. Applicant may terminate this Contract in its entirety for any reason by notifying the District in writing of the termination on or before April 1. Notice by said date will prevent the Applicant's liability for the next annual contract charge.

19. RECORDING OF MEMORANDUM: In lieu of recording this Water Allotment Contract, a Memorandum of Water Allotment Contract will be recorded with the Garfield County Clerk and Recorder's Office. The costs of recording the Memorandum shall be paid by Applicant.

APPLICANT:

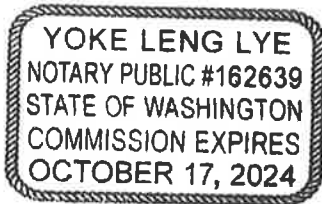
Anne U. Perry
Anne U. Perry

Applicant's Address:
27237 Ohio Avenue NE
Kingston, WA 98346
Telephone No.: (360) 621-1519
E-mail: batadogo@gmail.com

STATE OF WA)
) ss.
COUNTY OF Kitsap)

Subscribed and sworn to before me this 2nd day of May, 2023, by Anne U. Perry.

WITNESS my hand and official seal.
My commission expires: 10/17/2024.



Yoke Leng Lye
Notary Public

EXHIBIT A

Legal Description

SECTION 28, TOWNSHIP 7, RANGE: 88 SUBDIVISION: COOPERTON TOWNSITE, BLOCK 11, LOT B, UNINCORPORATED GARFIELD COUNTY.

COUNTY OF GARFIELD
STATE OF COLORADO

Also known by street and number as: 55 South Cedar Street, Carbondale, CO 81623

Water User :	Anne Perry	
Analysis Date :	December 12, 2022	
District Area:	A	
Source Series:	4	
Maximum Demand:	15	0.033
	(GPM)	(CFS)

**BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS**
(acre feet)

Month	Total Demand						Consumptive Use						(13)* Delayed Depletions	(14) Source of Aug/Replace
	(1) Domestic In-house	(2) Pond Evap.	(3) Lawn Irrigation	(4) Crop Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Pond Evap.	(9) Lawn Irrigation	(10) Crop Irrigation	(11) Livestock	(12)* TOTAL		
January	0.133	0.000	0.000	0.000	0.000	0.133	0.020	0.000	0.000	0.000	0.000	0.022	0.027	GNM
February	0.120	0.000	0.000	0.000	0.000	0.120	0.018	0.000	0.000	0.000	0.000	0.020	0.027	GNM
March	0.133	0.000	0.000	0.000	0.000	0.133	0.020	0.000	0.000	0.000	0.000	0.022	0.027	GNM
April	0.129	0.000	0.010	0.000	0.000	0.139	0.019	0.000	0.008	0.000	0.000	0.030	0.029	GNM
May	0.133	0.000	0.045	0.000	0.000	0.178	0.020	0.000	0.036	0.000	0.000	0.062	0.051	GNM
June	0.129	0.000	0.056	0.000	0.000	0.185	0.019	0.000	0.045	0.000	0.000	0.071	0.063	GNM
July	0.133	0.000	0.053	0.000	0.000	0.187	0.020	0.000	0.043	0.000	0.000	0.070	0.062	GNM
August	0.133	0.000	0.033	0.000	0.000	0.166	0.020	0.000	0.026	0.000	0.000	0.051	0.051	GNM
September	0.129	0.000	0.030	0.000	0.000	0.159	0.019	0.000	0.024	0.000	0.000	0.048	0.047	GNM
October	0.133	0.000	0.011	0.000	0.000	0.144	0.020	0.000	0.009	0.000	0.000	0.032	0.033	GNM
November	0.129	0.000	0.000	0.000	0.000	0.129	0.019	0.000	0.000	0.000	0.000	0.021	0.027	GNM
December	0.133	0.000	0.000	0.000	0.000	0.133	0.020	0.000	0.000	0.000	0.000	0.022	0.027	GNM
TOTALS -->	1.568	0.000	0.238	0.000	0.000	1.806	0.235	0.000	0.190	0.000	0.000	0.473	0.473	

Assumptions					
(1)	NUMBER OF RESIDENCES	4	(5) # of Livestock @ 11 gals/day	0	
	# persons/residence	3.5	(7) % CU for Domestic/Commercial	15	
	# gallons/person/day	100	(9) % Lawn Irrig. Efficiency	80	
(2)	Commercial/Other Demand (af)	0.000	Office	Consumption of Irrig. (af/ac)	2.071
(3)	Sq. Ft. of Lawn Irrigated	4,000	(10) % Crop Irrig. Efficiency	80	
	Lawn Application Rate (af/ac)	2.589	Consumption of Irrig. (af/ac)	0.000	
(4)	Acres of Crop Irrigated	0.00	(9-10) Elevation (feet)	6136	
	Crop Application Rate (af/ac)	0.000			

Area A-4
Roaring Fork River
Type A Well

*(12) Total Includes 5% Transit Loss
10% from Green Mtn.

ORDER GRANTING APPLICATION FOR ALLOTMENT CONTRACT
ANNE U. PERRY
CONTRACT NO. 811

Application having been made by or on behalf of ANNE U. PERRY, and hearing on said Application having been duly held, it is hereby ordered that said Application be granted and that the attached Water Allotment Contract for 0.033 cubic feet of water per second from the District's direct flow rights and 0.5 acre feet per year of storage/augmentation water owned or controlled by the District is hereby approved and executed by and on behalf of the Basalt Water Conservancy District, for the beneficial use of the water allotted in the attached Contract, upon the terms, conditions and manner of payment as therein specified and subject to the following specific conditions:

1. The Applicant has acknowledged that the land to be benefited by the attached Contract is described on Exhibit A attached hereto and incorporated herein by this reference.
2. Because this application anticipates a division of the parcel into multiple lots, prior to the delivery of water, Applicant must enter into a well share agreement and submit a copy of said Agreement to the District upon execution. Upon agreement execution, the District will consider this Contract active. By executing this Contract and accepting the benefits thereof, the Applicants, and each of them, agree that all charges and fees assessed under this Contract are the joint and several obligation of all of the owners of the property described in the Agreement; provided, however, the owners of said property shall at all times designate one person as a responsible designated party to whom the District should direct all communication regarding the Contract. Such designated party's address shall be reflected in the well share agreement and any change must be communicated to the District in writing. The Applicants, and each of them, acknowledge for themselves and for their successors in interest that the allotment of water under this Contract is expressly conditioned upon the full and timely performance of all obligations of this Contract.
3. In the event of the division of the property served by this Contract into two or more parcels owned by different persons, the Applicant shall establish a homeowners association or other entity acceptable to the District for the ongoing payment of charges due under the approved Contract following subdivision of the property. The Applicant shall give notice to purchasers of all or any part of the subject property of the obligation of this Contract and shall record such notice in the records of the Clerk and Recorder of Garfield County, Colorado. Applicant and their successors and assigns shall comply with all rules and regulations now existing or hereafter adopted by the District, including enforcing payment of charges due under the approved Contract by present and future owners of all or any part of the real property served under this Contract.
4. Any allotment of less than 1.0 acre foot of storage water in Paragraph 1 of the attached Contract shall be deemed 1.0 acre foot for purposes of establishing the annual water service charge for such water allotment.

5. The Applicant shall provide the District proof that the proposed land use of the land to be benefited by the water allotted hereunder has been approved by the applicable governmental authorities having jurisdiction over such land use, including evidence satisfactory to the District that each lot or parcel to be benefited hereunder is legally subdivided.

6. Any well permits issued on the basis of this Contract shall be applied for and issued in the name of the Applicant.

7. This Contract is conditioned upon and water may be delivered hereunder only in conformity with a water rights plan of augmentation decreed by the Water Court of Water Division No. 5, including Case No. 02CW77. Any and all conditions imposed upon the release and diversion of the water allotted hereunder in the decree of said Water Court shall be incorporated herein as a condition of approval of this Contract. Granting of this Allotment Contract does not constitute the District's representation that the Applicant will receive a well permit or water rights decree for the land to be benefited hereby.

8. If Applicant intends to divert water through a well or wells, Applicant shall provide the District a copy of Applicant's valid well permit for each such well before the District is obligated to deliver water for the benefit of Applicant hereunder. Applicant must comply with the well-spacing requirements set forth in C.R.S. § 37-90-137, as amended, if applicable. Compliance with said statutory well-spacing criteria shall be an express condition of the extension of service hereunder, and the District shall in no way be liable for an Applicant's failure to comply.

Approved this 14th day of March, 2023.

BASALT WATER CONSERVANCY DISTRICT

By: 
Gary D. Knaus, President

Attest:


By: 
Secretary to the Meeting

EXHIBIT A

Legal Description

SECTION 28, TOWNSHIP 7, RANGE: 88 SUBDIVISION: COOPERTON TOWNSITE, BLOCK 11, LOT B, UNINCORPORATED GARFIELD COUNTY.

COUNTY OF GARFIELD
STATE OF COLORADO

Also known by street and number as: 55 South Cedar Street, Carbondale, CO 81623

To: Keith Brand and Anne Perry
From: Michael Erion, P.E. and Peter Van Dusen
Date: 11/14/2022
Subject: Local Impact of Proposed Well at 55 South Cedar Street, Carbondale, CO

Job # 1269 – Keith Brand, Anne Perry

Colorado River Engineering (CRE) reviewed wells in proximity to the parcel located at 55 South Cedar Street, Carbondale, CO 81623 (Garfield County Parcel ID No. 239328411005). The proposed well will have a condition that it be constructed more than 600 feet from an existing well, or otherwise obtain consent from the well owners. You will need to get a 600-foot spacing waiver from well owners with wells located within 600 feet of the proposed well. It is CRE's opinion that pumping of the proposed well on the property will result in **no material injury** to neighboring wells within 600 feet.

Analysis

The proposed project includes subdividing the parcel into two parcels, with each parcel containing a single-family dwelling unit, an accessory dwelling unit, and residential watering of lawns/gardens. The local water provider, Satank Water Association, does not have a tap allocated to the property, so a single well will be drilled on the existing parcel and will be shared as the sole source of water supply for the subdivided parcels.

All wells and their associated permits/owners in proximity to the property are shown in the attached **Figure 1**. The locations are based on the DWR database and the actual location may not be within 600 feet. In addition, we identified a nearby well that plots more than 600 feet, but based on the address, may be within 600 feet. The actual location of the wells should be identified.

CRE reviewed documents, including well driller logs on the well completion reports and pump installation reports, when available, for each of these wells. All of the wells are located within the alluvial aquifer of the Roaring Fork and Crystal Rivers consisting of sand and gravels. The well completion reports indicate that the yields are between 15 gpm and 200 gpm. The pump installation reports indicate the drawdown in the well due to pumping is generally 1 to 2 feet and the saturated thickness of the aquifer is 20 to 40 feet. The maximum drawdown of the aquifer during pumping occurs at the well, and is less as the distance from the well increases. Conservatively assuming pumping of the proposed well will result in 2 feet of drawdown at a neighboring well, the combined drawdown of 4 feet will have no impact on the ability of the neighboring well to pump its permitted amount of water. The attached Figure 1 shows a high density of wells in some areas and the 200 gpm mobile home park well. CRE is not aware of any issues with existing wells not supplying the houses. It is CRE's opinion that there will be no material injury to any well located within 600 feet of the proposed well.

If a neighbor within 600 feet is concerned about impacts from pumping of the proposed well, they will need to have a technical analysis showing such impact. If the 600 foot spacing waivers cannot be obtained, CRE will need to provide more detailed analysis to support the well permit request and testimony at a hearing before the State Engineer in Denver. Any well owners concerned about impacts must present their technical analysis at the hearing to demonstrate material injury to their ability to pump the amount allowed under their permit.

This letter can be used when obtaining consent from well owners with wells within 600 feet of the proposed well location. We are available to discuss our opinion of no material injury with neighboring well owners and listen to any concerns they may have about impact to their well. An example consent form was provided over email on October 3, 2022.

Please call if you have any questions or need additional information.

Sincerely,

Colorado River Engineering, Inc.



Michael Erion, P.E.
Principal Water Resources Engineer

Job No. 1269
MJE/mje/pcv

Taxes paid

[Skip to main content](#)

Summary
Garfield County, CO

Parcel 239328411005
Property Address 55 S CEDAR ST, CARBONDALE, CO 81623
Legal Section: 28 Township: 7 Range: 88 Subdivision: COOPERTON TWNSTE. Block: 11 Lot: B 20313 SQUARE FEET
Description
Acres 0
Land SqFt 20,313
Tax Area 11
Mill Levy 81.0290
Subdivision COOPERTON TWNSTE.



[View Map](#)

Owner

PERRY, ANNE U
 27237 OHIO AVENUE NE
 KINGSTON WA 98346

Land

Unit Type VACANT RES LOTS - 0100 (VACANT LAND)
Square Feet 20,313

Actual Values

Assessed Year	2023	2022	2021
Land Actual	\$465,110.00	\$230,000.00	\$230,000.00
Improvement Actual	\$0.00	\$13,360.00	\$13,360.00
Total Actual	\$465,110.00	\$243,360.00	\$243,360.00

Assessed Values

Assessed Year	2023	2022	2021
Land Assessed	\$129,770.00	\$66,700.00	\$16,450.00
Improvement Assessed	\$0.00	\$930.00	\$960.00
Total Assessed	\$129,770.00	\$67,630.00	\$17,410.00

Tax History

Tax Year	2022	2021	2020	2019
Taxes Billed	\$5,477.64	\$1,388.28	\$1,079.68	\$1,089.28

[Click here to view the tax information for this parcel on the Garfield County Treasurer's website.](#)

Transfers

Sale Date	Deed Type	Reception Number	Book - Page	Sale Price
3/28/2023	ORDER OF INCLUSION	984853		\$0
3/5/2021	QUIT CLAIM DEED	951729		\$50,000
2/16/1999	AGREEMENT	540422	1114-957	\$0
3/17/1998	WARRANTY DEED	522056	1058-0431	\$425,000
3/28/1996	SPECIAL WARRANTY DEED	491051	0972-0666	\$0
6/26/1978	RESOLUTION	286584	0511-0824	\$0

Property Related Public Documents

[Click here to view Property Related Public Documents](#)

Photos

Responses to Article 7 Divisions 1 through 4

Division 1

- 7-101. These lots are located in the Rural/Residential zone district and will comply with its use restrictions and regulations.
- 7-102. The lot split is in general conformance with the Garfield County Comprehensive plan.
- 7-103. The nature, scale, and intensity of the proposed use is compatible with adjacent land uses.
- 7-104. Both the Town of Carbondale and the Satank Water Board said NO to our request for a tap. We then waived into the Basalt Water Conservancy District in order to obtain a well permit. The BWCD Engineer advised us to first apply for a lot split before we apply for a well so that we can include two parcel numbers in our well permit application. We are including a Waiver of Standards for this Section.
- 7-105. The Town of Carbondale said NO to our request to hook up to their public wastewater system. The existing one lot is under 1 acre. Thus, both of the proposed lots are under 1 acre. Sopris Engineering has determined that there is adequate space and acceptable conditions for each lot to have an OWTS. (See attached Sopris Engineering report.) We are including a Waiver of Standards for this Section.
- 7-106. Adequate underground Electric, Gas, Phone, and Cable are available to each lot. No additional easements are necessary.
- 7-107. A. Each lot has access to Cedar Street, a public right of way.
- 7-107. B, C, D, E, F Garfield County Road and Bridge will be contacted for access design and permitting.
- 7-108. Sopris Engineering surveyed the property and did not identify the land to be subject to any natural hazards.
- 7-109. Adequate fire protection will be provided as required by Carbondale Rural Fire Protection District.

Division 2

- 7-201. N/A
- 7-202. N/A
- 7-203. N/A
- 7-204. N/A
- 7-205. Air and Water quality standards will be observed.
- 7-206. N/A
- 7-207. N/A
- 7-208. Reclamation guidelines will be observed.

Division 3

7-301. Exempt.

7-302. Exempt.

7-303. Exempt.

7-304. Current lighting standards will be observed.

7-305. Exempt.

7-306. Exempt.

Division 4

7-401. Each lot will comply with these standards.

7-402. Each lot meets the subdivision lot guidelines.

7-403. Survey monuments are in place for the existing parcel. Sopris Engineering will add permanent monuments for each lot prior to the final plat.

7-404. School dedication fees will be paid for each lot.

7-405. Road dedication fees will be paid at building permitting for each lot.

Waiver of Standards Request

I am requesting a Waiver of Standards per Section 4-118 of the following:

7-104. SOURCE OF WATER

We approached both the Town of Carbondale and the Satank Water Board to ask if we could have a tap. Both entities answered NO. We then went through the process of waiving into the Basalt Water Conservation District. After that process was completed, the BWCD engineer advised us to wait to apply for a well permit until after Garfield County granted us a lost split so that we have two parcel numbers to include in the shared well application. Therefore, we are requesting a waiver of this requirement with the understanding that the source of water will be a shared well between the two lots.

7-105. CENTRAL WATER DISTRIBUTION AND WASTEWATER SYSTEMS. B. 2. b.

This section states that septic systems are prohibited for new developments on parcels less than 1 acre in size, but they may be allowable for legal nonconforming lots. The Sopris Engineering report dated Nov. 17, 2023, states that the lots were "sized to ensure that an OWTS system sized for the proposed number of bedrooms for each residence could be fit on each property accounting for existing and proposed conditions."

The Sopris Engineering wastewater management plan identifies the two proposed lots as legal nonconforming lots, so we respectfully request a waiver of the 1-acre requirement for septic systems.



TIMELINE WAIVER REQUEST

Jan. 18, 2024
(Date)

I, Anne W. Perry (print name) hereby waive any applicable timelines specified in the Garfield County Unified Land Use Resolution of 2008, as amended and in the Colorado Revised Statutes for scheduling and/or conducting a public hearing before the Garfield County Planning Commission and/or the Board of County Commissioners for (project name and number) _____

Signed by:

Anne Perry
(Applicant or Authorized Representative)

