

PARK COUNTY BOARD OF COMMISSIONERS  
AGENDA  
501 Main Street  
FAIRPLAY, COLORADO  
**Thursday, December 22, 2016**

9:30 AM CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

APPROVAL OF VOUCHERS

CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:

- .I. APPROVE/DENY NEW LIQUOR LICENSE FOR THE SHAGGY SHEEP, INC.  
Address: 50455 US Hwy 285, Grant, CO  
**APPLICANT:** Sarah Bennett  
**POSTPONED FROM OCTOBER 20, 2016**

.II. APPROVE/DENY THE 2017 PARK COUNTY COOP PLAN

.III. CONSIDERATION OF RESOLUTIONS APPROVING 2017 FINAL BUDGET

- Resolution of County Mill Levy
- Budget Resolution
- Resolution of Appropriations
- Resolution Levying General Property Taxes

.IV. CONSIDERATION OF RESOLUTION FOR SUPPLEMENTAL APPROPRIATIONS TO 2016 BUDGET

PUBLIC HEARING(S)

.I. REZONING CASE #16ZON-14:

Property is New Lot 19, Badger Creek Ranch No. 1, addressed as 353 McMurry Road, Hartsel. Applicant is requesting to rezone the lot from the Residential zone district to the Residential Estate zone district.

**APPLICANT:** Erik and Michele Wayland

Documents:

[16ZON-14 BOCC Staff Report and Atts..pdf](#)  
[PC Resolution 12-2016-02.pdf](#)  
[Referral Responses.pdf](#)  
[Application.pdf](#)

.II. COMMON PLAT AMENDMENT CASE #16AMN-04:

Property is lots 1-29, tract 171, lots 1-4, tract 159, Wandcrest Park 3<sup>rd</sup> Filing, and an adjacent 5 acre metes-and-bounds parcel, addressed as 15674 South

Pitkin Lane, Pine. Applicant is requesting to remove the platted lots from the Wandcrest Park subdivision and to consolidate them with the metes-and-bounds parcel.

**APPLICANT:** Rocky Guerrero

**.III. PUD AMENDMENT CASE #16PUD-02:**

Property is known as Unit 49 Moore Dale Ranch Resort, addressed as 57920 Highway 285. Applicant is requesting an amendment to the PUD changing the use of the existing Event Center/Club House to single family residence.

**APPLICANT:** Moore Dale Ranch Resort Homeowners Association

PUBLIC COMMENTS

EXECUTIVE SESSION IN REGARD TO LEGAL & PERSONNEL MATTERS (CLOSED SESSION)

ADMINISTRATIVE SESSION (OPEN)

12:00 PM LUNCH

TIMES ARE APPROXIMATE. ITEMS MAY BE HEARD EARLIER OR LATER THAN SHOWN ABOVE.

NOTE: Items May Be Added To These Agendas Up To 48 Hours Before The Scheduled Time. Items May Be Deleted Or Cancelled At Any Time. Please Check Website [www.parkco.us](http://www.parkco.us) for most Updated Agendas. If You Need Further Information, please contact the BOCC Office At (719) 836-4201.

**PARK COUNTY BOARD OF COUNTY  
COMMISSIONERS  
PLANNING DEPARTMENT STAFF REPORT**

Commission Hearing Date: December 22, 2016

To: Board of County Commissioners

Date: December 13, 2016

Prepared by: John Deagan, AICP; Planner

Case Number: 16ZON-14

Subject: Wayland Rezoning

Request: Applicant is requesting a rezoning from Residential to Residential Estate.

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**Application Summary:**

Applicant:	Erik and Michele Wayland
Owner:	Same
Location:	New Lot 19, Badger Mountain Ranch No. 1, addressed as 353 McMurry Road
Current Zone District:	Residential
Surrounding Zoning:	Residential, Conservation/Recreation, and Residential Estate - a zoning map is included as Attachment 1.
Lot Size:	39.9 acres
Proposed Zoning:	Residential Estate

**Background:**

The subject property is located in the Badger Creek Ranch subdivision in the southwest corner of the county, 28 road miles from Hartsel. A Vicinity Map is included as Attachment 2. It consists of one metes-and-bounds parcel zoned Residential. The applicant wishes to rezone the parcel to Residential Estate in order to have cattle on the lot. This is appropriate due to the large size of the lot (39.9 acres) and the existence of other land zoned Residential Estate in the vicinity.

**Land Use Regulations and Strategic Master Plan:**

Each of the standards for approval of a Zoning Map Amendment (LUR Section 5-202, page 9) is addressed below.

**A. In considering any petition for amendment of the Official Zoning Map, the following standard shall govern. The applicant for the proposed amendment shall bear the burden of proof and the resolution approving the zoning map amendment shall be approved and adopted only if it is demonstrated by clear and convincing evidence presented during the public hearing that the following conditions or circumstances exist:**

- 1. The property possesses the geological, physical, and other environmental conditions that are compatible with the potential uses permitted in the proposed zone district; and**

The property's geological, physical, and other environmental conditions are compatible with the potential permitted uses in the Residential Estate Zone District.

- 2. The property has a reasonably certain right of permanent legal access permitting vehicular ingress and egress from the property to the public thoroughfare; and**

The property has extensive frontage along McMurry Road.

- 3. Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit; and**

Access will have to meet relevant requirements prior to issuance of a building permit.

- 4. The potential uses of the property within the proposed zone district are compatible with other properties within the immediately surrounding area; and**

Permitted uses within the Residential Estate zone district that are not allowed in the Residential zone district are the keeping of Large Livestock, Duplex, Guest House, Private Riding Arena, and Private Stable. With the exception of the keeping of Large Livestock, none of these represent a radical change from uses allowed in the Residential zone district. The applicants intend to keep cattle on the lot and could have up to four cow/calf pairs. They intend to fence their lot to contain the cattle.

- 5. At least one of the following:**

- a. The rezoning, as proposed, is consistent with the advisory provisions of the Park County Strategic Master Plan; or**

The subject property's rezoning is consistent with the advisory provisions of the 2016 Park County Strategic Master Plan. Goal 3.2, Strategy D is to "encourage a transition to agricultural uses with more livestock than would be typically allowed in platted subdivisions...where lot sizes are large enough...Special consideration should be given to the compatibility of agricultural

uses on platted subdivisions with nearby residential development.”

- b. The rezoning, as proposed, is supported by circumstances and conditions within the immediate area which have changed since the adoption of the Park County Strategic Master Plan; or**  
Not Applicable.
- c. The rezoning, as proposed, is to a Planned Unit Development**  
Not Applicable.

### **Impact Analysis:**

If the lot is fenced to prevent livestock from leaving, no significant impacts resulting from the rezoning are anticipated.

### **Planning Commission and Public Comment:**

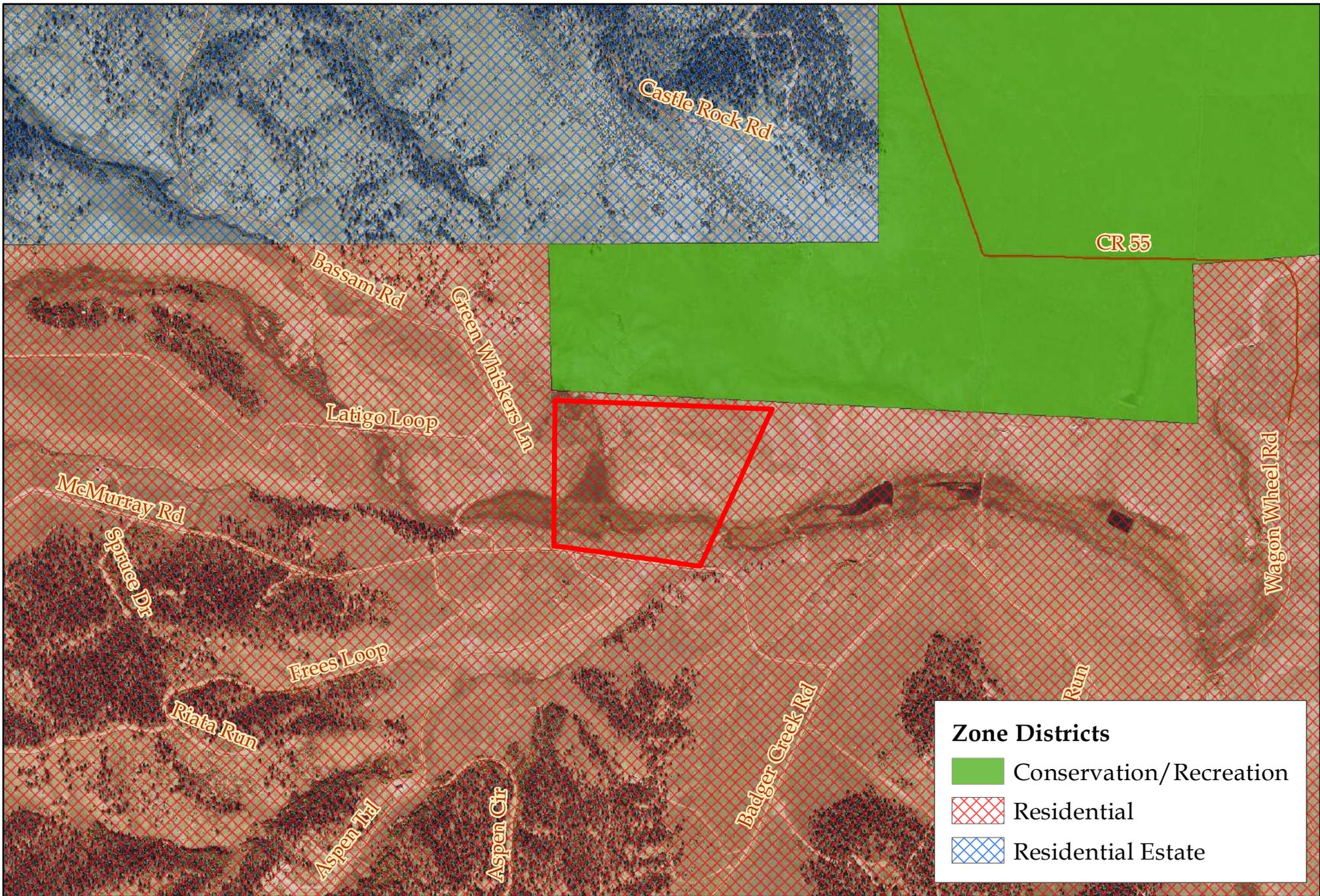
The Planning Commission reviewed this application at their December 13, 2016 meeting and unanimously recommended approval of the application with no conditions. No public comment was received.

### **Recommendation:**

Staff recommends that the application be approved with no conditions. The BOCC's options are to authorize the County Attorney to prepare a resolution to:

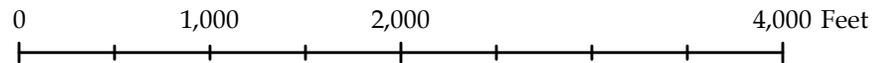
- Approve the application with no conditions;
- Approve the application with newly identified conditions;
- Deny the application;

Or to continue the application so that the applicant or staff can provide additional information.



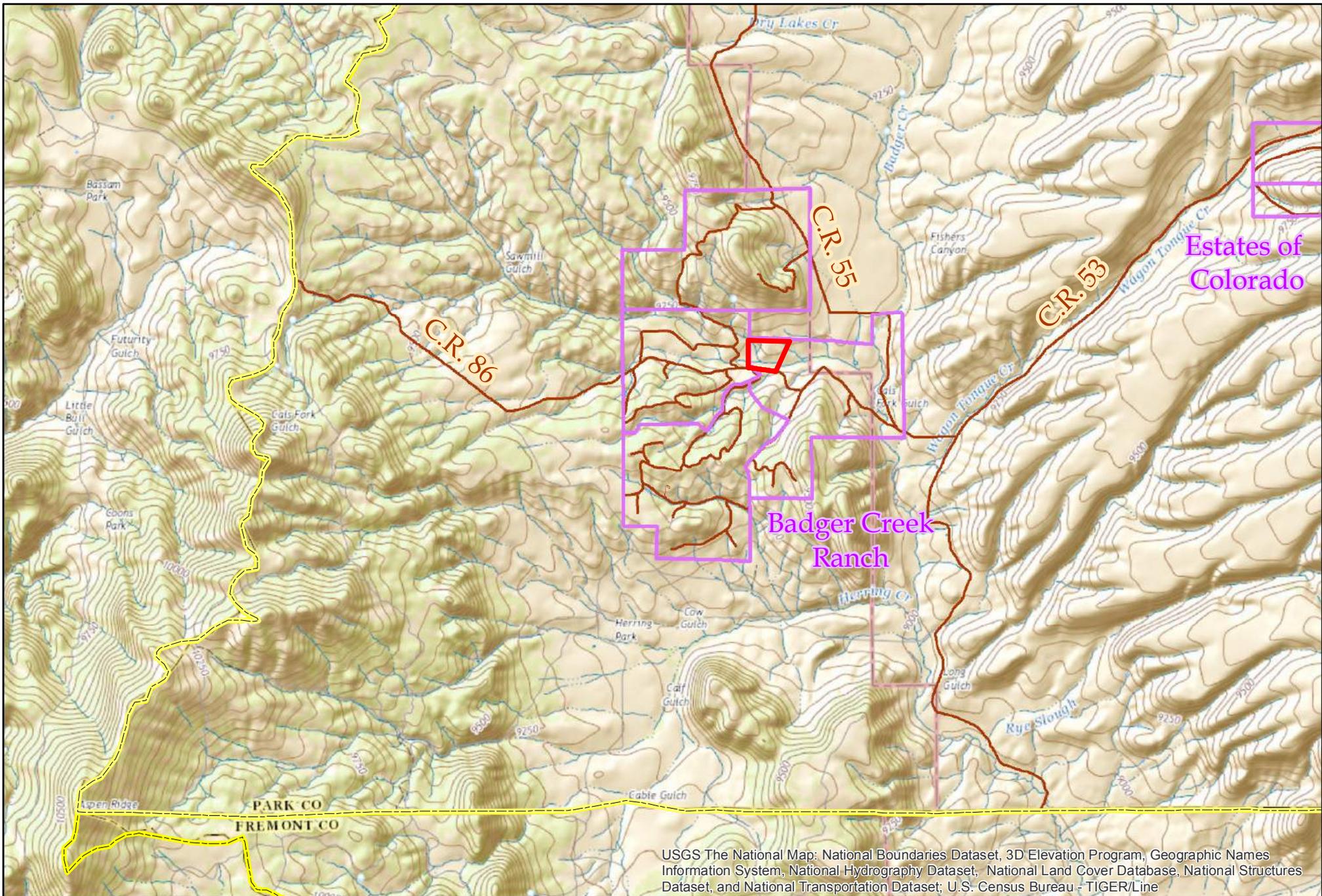
# Attachment 1 - Zone Districts

*Aerially Photographed in 2013*



Park County Planning Department

*This map is not a survey.*

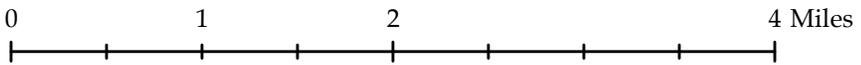


USGS The National Map: National Boundaries Dataset, 3D Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line



# Attachment 2 - Vicinity

Contour Interval is Fifty Feet



Park County Planning Department

*This map is not a survey.*

**PARK COUNTY  
PLANNING COMMISSION  
RESOLUTION # 12-2016-02**

**A RESOLUTION RECOMMENDING APPROVAL OF AN APPLICATION FOR  
REZONING FROM RESIDENTIAL TO RESIDENTIAL ESTATE OF NEW LOT 19,  
BADGER CREEK RANCH NUMBER ONE, ADDRESSED AS 353 MCMURRY ROAD.**

**WHEREAS**, the Planning Commission held an open public meeting, notice duly given thereof, on December 13<sup>th</sup>, 2016, at the Commissioner's Meeting Room in Fairplay, Colorado; and

**WHEREAS**, Erik and Michele Wayland have applied for Rezoning from Residential to Residential Estate of the abovementioned legal description; and

**WHEREAS**, the Park County Planning Commission has reviewed the application and the recommendations of the Planning Department;

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR PARK COUNTY, COLORADO, THAT:**

Section 1. The application for Rezoning of the abovementioned legal description, County of Park, State of Colorado is hereby recommended to the Board of County Commissioners for:

Approval

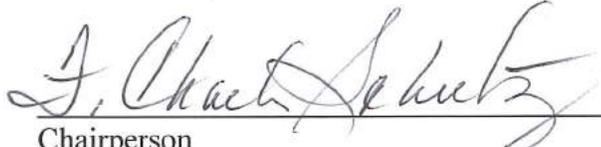
Denial

With no conditions.

Section 2. The basis and grounds supporting such recommendation are documented by the recorded testimony and other evidence presented before the Planning Commission. In particular, the Planning Commission finds that the application for a Rezoning:

Meets  Does not meet the requirements for a Rezoning as provided by the current Park County Land Use Regulations.

MOVED, SECONDED, AND PASSED THIS 13<sup>TH</sup> DAY OF DECEMBER, 2016.

  
\_\_\_\_\_  
Chairperson

ATTEST:

  
\_\_\_\_\_  
Secretary

# Park County Planning Department

P.O. Box 1598  
Fairplay, Colorado 80440

Phone: (719) 836-4254 • Fax: 719-836-4268 • E-mail address: jdeagan@parkco.us

## Referral Response

**Comment Deadline Date:** December 12<sup>th</sup>, 2016 **Submitted Date:** October 31<sup>st</sup>, 2016

**Case #:** 16ZON-14 **Case Name:** Wayland Rezoning

**Request:** Applicant is requesting to rezone a 39.9 acre lot from the Residential zone district to the Residential Estate zone district.

**Location/Legal Description:** New Lot 19, Badger Creek Ranch No. 1, addressed as 353 McMurry Road, Hartsel.

**Date of Planning Commission Hearing:** Tuesday, December 13<sup>th</sup>, 2016

**Date of BOCC Hearing:** To be determined.

           We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

           We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

           We have reviewed this referral and find no conflicts with our interests.

           A formal recommendation is under consideration and will be submitted to you prior to \_\_\_\_\_.

           Please refer to the enclosed letter.

  **X**   We offer the following comments regarding this referral:

The board understands that the current application is for rezoning from R to R-20, and as such we have no environmental concerns.

However, mapping in the application provided indicates a proposed driveway through existing wetland. To our knowledge, there has been no wetland delineation or Wetland Restoration and Replacement plan provided. As the Applicant proceeds with the proposed project, the Board believes that a Wetland Restoration and Replacement Plan will be required in accordance with Park County Land Use Regulations, Article VII, Division 9 - Wetland Regulations to disturb the wetlands for the driveway creation.

Signed: Terrance O'Neill for the Advisory Board on the Environment

Date: 12.07.16

Title: Chairman

# Park County Planning Department

P.O. Box 1598  
Fairplay, Colorado 80440

Phone: (719) 836-4254 • Fax: 719-836-4268 • E-mail address: [jdeagan@parkco.us](mailto:jdeagan@parkco.us)

## Referral Response

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**Date of BOCC Hearing:** To be determined.

\_\_\_\_\_ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

\_\_\_\_\_ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

✓ \_\_\_\_\_ We have reviewed this referral and find no conflicts with our interests.

\_\_\_\_\_ A formal recommendation is under consideration and will be submitted to you prior to \_\_\_\_\_.

\_\_\_\_\_ Please refer to the enclosed letter.

\_\_\_\_\_ We offer the following comments regarding this referral:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: Arlene Samuels Date: 11/28/16

Title: Admin. Supervisor

**PARK COUNTY APPLICATION FOR  
REZONING  
NON-REFUNDABLE APPLICATION FEE: \$1680**

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty (20) collated copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail [pcpd@parkco.us](mailto:pcpd@parkco.us), fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

**A. APPLICANT AND OWNERSHIP INFORMATION**

Applicant's Name: Erik D. Wayland & Michele C. Wayland

Mailing Address: P.O. Box 4508

City: Buena Vista State: CO Zip: 81211

Telephone

(work) 719-221-9616 (home) <sup>(719)</sup> 837-2885 (fax) n/a

Owner's Name: Erik D. Wayland & Michele C. Wayland

Mailing Address: P.O. Box 4508, Buena Vista, CO 81211

Telephone No.: (719) 221-9616 / (719) 837-2885

**B. PROPERTY INFORMATION**

Complete Legal Description of Property Proposed for the Rezoning (attach additional page, if necessary):

see attached (Item #4)

Street Address of Property: 353 McMurry Rd

Property's Total Acreage: 39.9

Current Zone District of Property: R

Proposed Zone District of Property: R-20

<p><b>For County Use Only</b>          Planning Department Confirmation of Current          Zone District:          District: <u>RESIDENTIAL</u>  <u>John Deagan</u>          Print Full Name</p>
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**Requirements for a Rezoning  
Article V, Division 2, Section 5-201**

**C. APPLICATION REQUIREMENTS**

1. Application Fee. An application fee in the amount of \$1680.00 must be paid at the time of submission of the application. Make the check or money order to: Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.
2. Tax receipt-showing payment of current taxes. This can be obtained at the Park County Treasurer's office.
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Records office.
4. A legal description of the property proposed for the Rezoning prepared by a licensed Colorado land surveyor.
5. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed amendment to the Official Zoning Map, this information is at Park County Assessor's Office.
6. A Vicinity Map of where the proposed property is located within Park County.
7. A map or other description of the property proposed to be subject of the Rezoning including the following information:
  - a. The current zone district(s) of the property proposed to be subject of the Rezoning and of the adjacent properties;
  - b. A map showing the boundaries of the property proposed to be subject of the Rezoning;
  - c. Description of the existing uses on the property and on adjacent properties.
8. A map or other description of the Current Conditions of the property proposed to be subject of the Rezoning including the following information:
  - a. Topography of the property subject to rezoning, shown in elevation contours of not greater than twenty (20) or forty (40) foot increments. Applicants are encouraged to use the USGS topographic mapping or other form of commercially produced topographic map;
  - b. Points of access to the property, internal roads and trails including widths, and approximate grades. The Current Conditions Map must illustrate how access is

<b>For County Use Only:</b>	
Initial Receipt of the Required Information	
(1.)	JW
(2.)	JW
(3.)	JW
(4.)	JW
(5.)	JW
(6.)	JW
(7a.)	JW
(7b.)	JW
(7c.)	JW
(8a.)	JW

For County Use Only: Initial Receipt of the Required Information	
(8b.)	JW
(8c.)	N/A
(8d.)	JW
(8e.)	JW
(9.)	JW
(10.)	JW
(1.)	N/A
(2a.)	N/A
(2b.)	N/A

- obtained from the property subject to rezoning to the nearest county road or highway;
- c. Where any access to the property subject to rezoning is obtained from a road, trail, easement, driveway, or other private access other than an adjacent County-owned highway, street or road, the applicant shall provide evidence of permanent legal right of access. Such evidence may include, but not be limited to, deed, easement agreement, or attorney opinion that a permanent legal right of access exists to the property;
  - d. Natural features of the property subject to rezoning including wetlands, floodplain, riparian areas, water bodies (e.g., lakes, ponds, streams, whether continuous or seasonal), rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than twenty-five percent (25%);
  - e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas.
9. Applicant must provide a Proposed Development Plan describing in mapped form and/or text the existing and proposed physical improvements of the property and the approximate locations of improvements.
- ✓ 10. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).

***For properties currently within a Mining Zone District, the following additional materials must be included in a complete application:***

- 1. The building envelope must be at an elevation of not more than 11,500 feet.
- 2. The application must include a geo-technical report prepared by a qualified Geo-technical professional utilizing the information and guidelines contained in "Guidelines and Criteria for Identification of Land Use Controls of Geological Hazards and Mineral Resource Areas" Colorado Geological Survey Publication 6, or the updated version of this publication. The geo-technical report must be accompanied by a statement of the engineer's qualifications relative to geology, mine economics and geological hazards. At a minimum, this report must address the following information specific to the property in question, all of which shall be considered in evaluating the Rezoning application.
  - a. The presence and extent of any geological hazards, including but not limited to underground excavations on or adjacent to the subject property and the presence of radioactive or toxic materials and minerals.
  - b. The presence of surface and subsurface minerals, including but not limited to the types and amounts of minerals present and the viability of mineral extraction now and in the future.

**D. APPLICANT AND LANDOWNER SIGNATURES:**

The undersigned applicant and landowner hereby verify and affirm that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: Erik D. Wayland / Michèle C. Wayland  
Print name: Erik D. Wayland / Michèle C. Wayland  
If company, state Title/Position: n/a

**E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION**

This application was submitted to the Park County Planning Department on the following date and time:

October 31, 2016  
Month Day Year

**For County Use Only:**  
Verification of Date of Delivery and  
County Receipt of Application  
Date: October 31<sup>st</sup>, 2016  
Print Name: John Deegan

Payment of the Applicant Fee was made by:

X Personal Check # 4449 Amount \$ 1,680  
Cash Amount \$ \_\_\_\_\_  
Other \_\_\_\_\_ Amount \$ \_\_\_\_\_

**APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.**

**ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.**

#2



[New Search](#) | [Return To Search Results](#) | [Print Bill](#)

Real Estate TAX/NOTICE RECEIPT FOR PARK COUNTY

SCHEDULE # R 4526 2015

PROPERTY ADDRESS: MCMURRY RD 353 HRT

TAXABLE VALUE: \$19,050.00 ACTUAL VALUE: \$65,692.00 TAX DISTRICT: 019

Owners Name

**WAYLAND ERIK D**  
**WAYLAND MICHELE C**  
**PO BOX 4508**  
**BUENA VISTA CO 81211-4508**

Legal Description

T15 R76 S14 NW4 BADGER CREEK RANCH NO 1  
 LOT 019 NEW

TAX:	\$944.02
INTEREST:	\$0.00
FEE:	\$0.00
TOTAL TAX & ASMTS.:	\$944.02
UNPAID BALANCE:	\$0.00

Select a payment option below.

First Half: Feb 28th  
 Second Half: June 15th  
 OR  
 Full Payment: April 30th

Pay Full Amount

Paid

Last Payment: 06/27/2016 Amount : \$944.02

[Help Center](#) | [Site Instructions](#) | [Report a problem](#)



#3

\*712905\*

712905 2/4/2015 1:29 PM  
1 of 2 QCD R\$16.00 D\$0.00

Debra A Green  
Park County Clerk

**Prepared By:** |  
Michele C. Wayland |  
P.O. Box 4508 |  
Buena Vista, Colorado 81211 |

STATE DOCUMENTARY FEE  
DATE: 2/4/15  
\$ 0

**After Recording Return To:** |  
Erik D. Wayland |  
P.O. Box 4508 |  
Buena Vista, Colorado 81211 |

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**QUITCLAIM DEED**

On February 02, 2015 THE GRANTOR(S),

- Erik D. Wayland and Michele C. Wayland, a married couple,
- Michele C. Wayland and Erik D. Wayland, a married couple,

for and in consideration of: One Dollar (\$1.00) and/or other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, conveys, releases and quitclaims to the GRANTEE(S):

- Erik D. Wayland and Michele C. Wayland, a married couple, residing at 2181 Badger Creek Road, Hartsel, Park County, Colorado 80449
- ~~Michele C. Wayland and Erik D. Wayland, a married couple, residing at 2181 Badger Creek Road, Hartsel, Park County, Colorado 80449~~

as joint tenants with rights of survivorship, the following described real estate, situated in Hartsel, in the County of Park, State of Colorado, described as follows:

Legal Description: T15 R76 S14 NW4 BADGER CREEK RANCH NO 1 LOT 019 NEW

Tax Parcel Number: Lot #19

Grantor does hereby convey, release and quitclaim all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee(s), and to the Grantee(s) heirs and assigns forever, so that neither Grantor(s) nor Grantor's heirs, legal representatives or assigns shall have, claim or demand any right or title to the property, premises, or appurtenances, or any part thereof.

This is a corrective transfer that does not affect ownership of the property in question.

Mail Tax Statements To:  
Erik D. Wayland

TRANSFER DECLARATION  
ACCOMPANIED THIS DOCUMENT

**Grantor Signatures:**

DATED: 2-2-15 DATED: EW

*Erik D. Wayland*

Erik D. Wayland ~~Michele C. Wayland~~  
2181 Badger Creek Road ~~2181 Badger Creek Road~~  
Hartsel, Colorado ~~Hartsel, Colorado~~ EW  
80449 80449

**Grantor Signatures:**

DATED: 2/2/2015 DATED: MCW

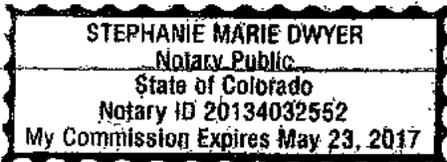
*Michele C. Wayland*

Michele C. Wayland ~~Erik D. Wayland~~  
2181 Badger Creek Road ~~2181 Badger Creek Road~~  
Hartsel, Colorado ~~Hartsel, Colorado~~ MCW  
80449 80449

STATE OF COLORADO, COUNTY OF CHAFFEE, ss:

This instrument was acknowledged before me on this 2<sup>nd</sup> day of February,  
2015 by Erik D. Wayland and Michele C. Wayland.

*Stephanie Marie Dwyer*  
Notary Public



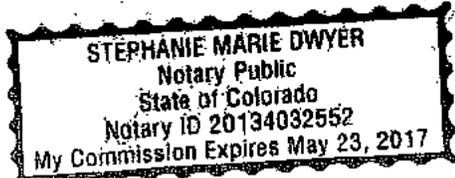
Title (and Rank)

My commission expires 5/23/2017

STATE OF COLORADO, COUNTY OF CHAFFEE, ss:

This instrument was acknowledged before me on this 2<sup>nd</sup> day of February,  
2015 by Michele C. Wayland and Erik D. Wayland.

*Stephanie Marie Dwyer*  
Notary Public



Title (and Rank)

My commission expires 5/23/2017

\*701777\*

701777 9/16/2013 3:30 PM  
1 of 2 QCD R\$16.00 D\$0.00

Debra A Green  
Park County Clerk

**PREPARED BY:**  
Michele Wayland  
P.O. Box 4508  
Buena Vista, CO 81211

**RECORDING REQUESTED BY**

**AND WHEN RECORDED MAIL TO:**  
Michele C. Wayland  
2181 Badger Creek Road  
Hartsel, CO 80449

**MAIL TAX STATEMENTS TO:**  
Michele Wayland  
P.O. Box 4508  
Buena Vista, CO 81211

STATE DOCUMENTARY FEE

DATE 9/16/13

\$ 0

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### QUITCLAIM DEED

**KNOW ALL MEN BY THESE PRESENTS THAT:**

THIS QUITCLAIM DEED, made and entered into on the 13<sup>th</sup> day of September, 2013, between Erik Douglas Wayland, a married person, whose address is 2181 Badger Creek Road, Hartsel, Colorado 80449 ("Grantor"), and Michele C. Wayland, whose address is 2181 Badger Creek Road, Hartsel, Colorado 80449, and Erik D. Wayland, whose address is 2181 Badger Creek Road, Hartsel, Colorado 80449, a married couple ("Grantees").

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby Remises, Releases, AND FOREVER Quitclaims to Grantees, as Tenants in Common, the property located in Park County, Colorado, described as:

Lot 19, Badger Creek Ranch NO. 1 which has the address of 353 McMurry Rd.

Prior instrument reference: General Warranty Deed, Volume/Book \_\_\_\_\_, Page \_\_\_\_\_, Document No. 665472, of the Recorder of Park, Colorado, recorded Wednesday, September 23, 2009.

SUBJECT TO all, if any, valid easements, rights of way, covenants, conditions, reservations and restrictions of record.

Grantor grants all of the Grantor's rights, title and interest in and to all of the above described property and premises to the Grantees, and to the Grantees' heirs and assigns forever in fee simple, so that neither Grantor nor Grantor's heirs legal representatives or assigns shall have, claim, or demand any right or title to the property, premises, or appurtenances, or any part thereof.

NO REAL PROPERTY  
TRANSFER DECLARATION  
ACCOMPANIED THIS DOCUMENT

**\*701777\***

701777  
2 of 2

9/16/2013 3:30 PM  
QCD RS16.00 D\$0.00

Debra A Green  
Park County Clerk

Tax/Parcel ID Number: 4526 R 001

IN WITNESS WHEREOF the Grantor has executed this deed on the 13 day of September, 2013.

9/13/13  
Date

Erik Douglas Wayland  
Erik Douglas Wayland, Grantor

State of Colorado  
County of Chaffee

The foregoing instrument was acknowledged before me this the 13 day of September, 2013 by Erik Douglas Wayland

Colleen Sikes Notary's official signature

2-21-2014 Commission expiration date



IN WITNESS WHEREOF the Grantees have executed this deed on the 13 day of September, 2013.

9/13/13  
Date

Michele C. Wayland  
Michele C. Wayland, Grantee

9/13/13  
Date

Erik D. Wayland  
Erik D. Wayland, Grantee

State of Colorado  
County of Chaffee

The foregoing instrument was acknowledged before me this the 13 day of September, 2013 by Michele C. Wayland & Erik D. Wayland

Colleen Sikes Notary's official signature

2-21-2014 Commission expiration date





665472  
1 of 2

QCD

9/23/2009 11:17 AM  
R\$11.00 D\$0.00

Debra A Green  
Park County Clerk

STATE DOCUMENTARY FEE

DATE 9-23-09

\$ 11.00

RECORDED BY  
DATE  
LIBRARY FILED IN

LF298-04  
R298-04

### QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 23rd day of September, 2009, by first party, Grantor, Judith K. Wayland, whose post office address is 5632 Styron Dr. Oriental, NC 28571 to second party, Grantee, Erik Douglas Wayland, whose post office address is P.O. Box 4508 Buena Vista, CO 81211

WITNESSETH, That the said first party, for good consideration and for the sum of TEN AND 00/100 Dollars (\$ 10.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Park State of Colorado to wit:

Lot 19,  
BADGER CREEK RANCH NO. 1

which has the address of 353 McMurry rd.



665472  
2 of 2

9/23/2009 11:17 AM  
QCD R\$11.00 D\$0.00

Debra A Green  
Park County Clerk

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Signature of Witness

*Judith K. Wayland*  
Signature of First Party

\_\_\_\_\_  
Print name of Witness

Judith K. Wayland  
Print name of First Party

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of First Party

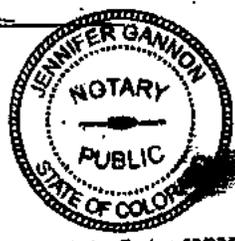
\_\_\_\_\_  
Print name of Witness

\_\_\_\_\_  
Print name of First Party

State of Pack  
County of Colorado }  
On Sept. 23, 2009 before me,  
appeared Judith K. Wayland

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

*Jennifer Gannon*  
Signature of Notary



Affiant Known Produced ID  
Type of ID DL NC (Seal)

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ }  
On \_\_\_\_\_ before me,  
appeared \_\_\_\_\_

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary

Affiant Known Produced ID  
Type of ID \_\_\_\_\_ (Seal)

\_\_\_\_\_  
Signature of Preparer

\_\_\_\_\_  
Print Name of Preparer

\_\_\_\_\_  
Address of Preparer

515939 10/28/1999 01:25P  
1 of 1 R 5.00 D 2.00 BARBARA J PASCO PARK CO

WARRANTY DEED

THIS DEED, Made this 28th day of October, 1999,  
between Douglas B. Pikul

STATE DOCUMENTARY FEE

DATE 10-29-99

\$ 2.00

of the County of \_\_\_\_\_ and State of Colorado  
grantor, and Judith K. Wayland

whose legal address is 3300 Leland Street, Chevy Chase, MD 20815

of the County of \_\_\_\_\_ and State of Maryland, grantee:

WITNESSETH, That the grantor, for and in consideration of the sum of TWENTY THOUSAND AND NO/100-----

-----DOLLARS, (\$20,000.00)

), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Park, and State of Colorado, described as follows:

Lot 19,  
BADGER CREEK RANCH NO. 1,

County of Park, State of Colorado

also known by street and number as vacant land, Hartsel, CO 80449

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the enacting and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due or payable, easements, restrictions, reservations, covenants and rights-of-way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

*Douglas B. Pikul*  
\_\_\_\_\_  
Douglas B. Pikul

STATE OF COLORADO  
COUNTY OF *Chaffee*

The foregoing instrument was acknowledged before me this 28th day of October, 1999 by Douglas B. Pikul

My Commission expires: 12-11-2001



Witness my hand and official seal  
*Douglas M. Bunkley*  
\_\_\_\_\_  
Notary Public

200

\*701778\*

701778  
1 of 2

9/16/2013 3:30 PM  
QCD R\$16.00 DS0.00

Debra A Green  
Park County Clerk

**PREPARED BY:**  
Michele Wayland  
P.O. Box 4508  
Buena Vista, CO 81211

**RECORDING REQUESTED BY**

**AND WHEN RECORDED MAIL TO:**  
Michele C. Wayland  
2181 Badger Creek Road  
Hartsel, CO 80449

**MAIL TAX STATEMENTS TO:**  
Michele Wayland  
P.O. Box 4508  
Buena Vista, CO 81211

STATE DOCUMENTARY FEE

DATE 9/16/13

\$ 0

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### QUITCLAIM DEED

**KNOW ALL MEN BY THESE PRESENTS THAT:**

THIS QUITCLAIM DEED, made and entered into on the 13<sup>th</sup> day of September, 2013, between Michele Chwan, whose address is 2181 Badger Creek Road, Hartsel, Colorado 80449, and Erik Wayland, whose address is 2181 Badger Creek Road, Hartsel, Colorado 80449, a married couple ("Grantors"), and Michele C. Wayland, whose address is 2181 Badger Creek Road, Hartsel, Colorado 80449, and Erik D. Wayland, whose address is 2181 Badger Creek Road, Hartsel, Colorado 80449, a married couple ("Grantees").

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby Remise, Release, AND FOREVER Quitclaim to Grantees, as Tenants in Common, the property located in Park County, Colorado, described as:

Lot 20, Badger Creek Ranch NO. 1 County of Park, State of, Colorado

Prior instrument reference: General Warranty Deed, Volume/Book \_\_\_\_\_, Page \_\_\_\_\_, Document No. 474672, of the Recorder of Park, Colorado, recorded Wednesday, May 21, 1997.

SUBJECT TO all, if any, valid easements, rights of way, covenants, conditions, reservations and restrictions of record.

Grantors grant all of the Grantors' rights, title and interest in and to all of the above described property and premises to the Grantees, and to the Grantees' heirs and assigns forever in fee simple, so that neither Grantors nor Grantors' heirs legal representatives or

NO REAL PROPERTY  
TRANSFER DECLARATION  
ACCOMPANIED THIS DOCUMENT

\*701778\*

701778  
2 of 2

9/16/2013 3:30 PM  
QCD R\$16.00 D\$0.00

Debra A Green  
Park County Clerk

assigns shall have, claim, or demand any right or title to the property, premises, or appurtenances, or any part thereof.

Tax/Parcel ID Number: 4764 R 001

IN WITNESS WHEREOF the Grantors have executed this deed on the 13 day of September, 2013.

9/13/13  
Date

Michele Chwan  
Michele Chwan, Grantor

9/13/13  
Date

Erik Wayland  
Erik Wayland, Grantor

State of Colorado  
County of Chaffee

The foregoing instrument was acknowledged before me this the 13 day of September, 2013 by Michele Chwan + Erik Wayland

Colleen Sikes Notary's official signature

2-21-2014 Commission expiration date



IN WITNESS WHEREOF the Grantees have executed this deed on the 13 day of Sept, 2013.

9/13/13  
Date

Michele C Wayland  
Michele C. Wayland, Grantee

9/13/13  
Date

Erik D Wayland  
Erik D. Wayland, Grantee

State of Colorado  
County of Chaffee

The foregoing instrument was acknowledged before me this the 13 day of September, 2013 by Michele C Wayland, Grantee  
Erik D Wayland, Grantee

Colleen Sikes Notary's official signature

2-21-2014 Commission expiration date



Recorded at \_\_\_\_\_ o'clock \_\_\_\_\_

Reception No. \_\_\_\_\_



474671 05/21/1997 01:04P

1 of 1 R 6.00 D 2.50 BARBARA J PASCO PARK CO

### WARRANTY DEED

THIS DEED, Made this 15th day of May, 19 97, between

William R. Luellen and Gloria Luellen, as to an undivided one-half interest and Stan Trueblood and Ann Trueblood, as to an undivided one-half

of the County of \_\_\_\_\_ and State of Colorado grantor, and Erik Wayland and Michele Chwan

STATE DOCUMENTARY FEE

DATE 5-21-97

\$ 2.50

whose legal address is PO Box 4508, Buena Vista, CO 81211

of the County of \_\_\_\_\_ and State of Colorado grantees:

WITNESS, That the grantor, for and in consideration of the sum of TWENTY FIVE THOUSAND AND NO/100--

----- DOLLARS, (\$25,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of Park and State of Colorado, described as follows:

Lot 20,  
BADGER CREEK RANCH NO. 1,

County of Park, State of \_\_\_\_\_, Colorado

also known by tax parcel number as \_\_\_\_\_

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the

NEW LOT 19 LEGAL DESCRIPTION

**LEGAL DESCRIPTION:**

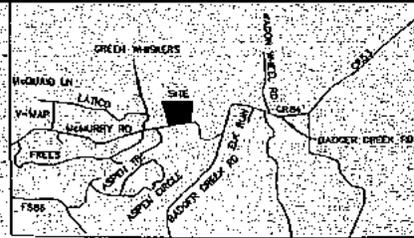
Erik D. Wayland and Michele C. Wayland, ("Owner/s") being the owner(s) of the real property of 39.9 acres located in Park County, Colorado, described as follows:

LOTS 19 & 20, BADGER CREEK RANCH NO. 1, BEING IN SECTION 14, TOWNSHIP 15 SOUTH, RANGE 76 WEST OF THE 6TH P.M.

A TRACT OF LAND COMBINING SAID LOT 19 & 20 BEING IN SECTION 14, TOWNSHIP 15 SOUTH, RANGE 76 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF NEW LOT 19 THE FOLLOWING 4 COURSES AND DISTANCES:

- NO1°44'41"W FOR A DISTANCE OF 1140.11 FEET TO A POINT;
  - NB9°33'45"E FOR A DISTANCE OF 1712.16 FEET TO A POINT;
  - S22°28'27"W FOR A DISTANCE OF 1370.42 FEET TO A POINT;
  - NB4°22'16"W FOR A DISTANCE OF 1159.12 FEET TO THE POINT OF BEGINNING.
- CONTAINING 39.9 ACRES MORE OR LESS.



UND 5/8" REBAR

**LEGAL DESCRIPTION:**

Erik D. Wayland and Michele C. Wayland, ("Owner/s") being the owner(s) of the real property of 39.9 acres located in Park County, Colorado, described as follows:

LOTS 19 & 20, BADGER CREEK RANCH NO. 1, BEING IN SECTION 14, TOWNSHIP 15 SOUTH, RANGE 76 WEST OF THE 6TH P.M.

A TRACT OF LAND COMBINING SAID LOT 19 & 20 BEING IN SECTION 14, TOWNSHIP 15 SOUTH, RANGE 76 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF NEW LOT 19 THE FOLLOWING 4 COURSES AND DISTANCES:

- NO1°44'41"W FOR A DISTANCE OF 1140.11 FEET TO A POINT;
  - NB9°33'45"E FOR A DISTANCE OF 1712.16 FEET TO A POINT;
  - S22°28'27"W FOR A DISTANCE OF 1370.42 FEET TO A POINT;
  - NB4°22'16"W FOR A DISTANCE OF 1159.12 FEET TO THE POINT OF BEGINNING.
- CONTAINING 39.9 ACRES MORE OR LESS.

**DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS, THAT the owner(s) of the land described above have caused the land to be laid out and divided under the terms of LOT CONSOLIDATION PLAN, and do hereby dedicate, grant and convey to the public forever and in fee simple all streets, alleys, easements, improvements, fixtures, utility and drainage easements, park, lawn, and open space as indicated by lines on this plat in compliance with the Park Land Use Regulations and controlled in this plat in compliance with the Park Land Use Regulations and the landowners shall bear all expense involved in planning, design, and construction of all public improvements except to the extent otherwise stated in any duly approved and recorded Subdivision Improvement Agreement. Dedication shall be final upon adoption of a resolution by the Board of County Commissioners accepting the property dedicated by this plat. Except as otherwise stated on this plat, there shall be no restriction or restriction upon the purpose or public use of property dedicated by this plat.

**RECORDER'S CERTIFICATE:**

This plat was filed for record in the office of the County Clerk and Recorder of Park County, of

3:58 P.M. on the 22 day of October, 2013 and duly filed at

Reception No. 702716

*[Signature]*  
Park County Clerk and Recorder



**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THE SURVEY AND PLAT OF THIS PROPERTY SHOWN AND DESCRIBED HEREON WERE MADE BY ME OR UNDER MY SUPERVISION, SUPERVISION, AND CHECKING, IN STRICT COMPLIANCE WITH COLORADO STATUTES, AND THAT BOTH SURVEY AND PLAT ARE TRUE, ACCURATE AND COMPLETE.



*[Signature]*  
ROY R. GERDEL  
(PRINT AS REGISTERED)

DATE 9-7-13

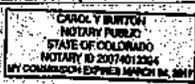
**NOTES:**

- 1) BASIS OF BEARING IS THE LINE BETWEEN THE SOUTHWEST CORNER OF NEW LOT 19 AS MONUMENTED BY A REBAR 1 1/2" ALUMINUM CAP-LS4440 AND THE SOUTHWEST CORNER OF NEW LOT 19 AS MONUMENTED BY A REBAR AND BLUE PLASTIC CAP LS4440. THIS LINE BEARS N84°22'40"W.
  - 2) NO TITLE REPORT PROVIDED.
  - 3) THE PURPOSE OF THIS SURVEY IS TO DO A LOT CONSOLIDATION OF LOT 19 AND 20 INTO ONE NEW LOT 19.
  - 4) CERTIFICATION NOT VALID WITHOUT ORIGINAL SEAL AND SIGNATURE. THIS SURVEY AND ALL RELATED DOCUMENTS ARE FOR THE SOLE USE OF THE CLIENT AT THE DATE OF CERTIFICATION AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR MAKING SAID PERSON OR ENTITY.
  - 5) UNMEASURED COURSE AND DISTANCE.
  - 6) UNPLATTED COURSE AND DISTANCE.
  - 7) SUBMISSION PLAT RECORDED AT THE PARK COUNTY CLERK AND RECORDERS OFFICE AT RECEPTION NO. 186619.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU POST ANY SUCH DEFECT, OR NO DEFECT, MAY ANY ACTION BE COMMENCED MORE THAN THREE YEARS AFTER YOU POST ANY SUCH DEFECT.

In Witness Whereof, we do hereunto set our hands and seals this 15 day of October, 2013.  
*[Signature]* Erik D. Wayland  
*[Signature]* Michele C. Wayland

STATE OF Colorado )  
COUNTY of Park ) ss.  
Acknowledged before me this 15 day of October, 2013 by *[Signature]* Michael C. Wayland

Witness my hand and official seal.  
My commission expires March 4, 2017



**FILE CERTIFICATE:**  
Facility National Title Insurance Company hereby certifies that title to the above-described property is vested in the Owner(s).

DATE Oct 17, 2013  
*[Signature]*  
(Signatures of Authorized Agent)

**PARK COUNTY ADMINISTRATIVE APPROVAL:**  
APPROVED as an administrative LOT CONSOLIDATION by the planning director of Park County Colorado and approved for recordation with the Park County Clerk and Recorder's Office pursuant to the Park County Land Use Regulations, effective July 1, 2010.

ATTEST: *[Signature]* Planning Director of Title of Agency/Board  
Park County Clerk and Recorder or Deputy Clerk

Owners of Lots Adjacent to Tax Parcel 4526, November 16<sup>th</sup> 2016

UNITED STATES OF AMERICA U S D A

6655 W JEWELL AVE

LAKWOOD, CO 80226

ANDREWS PHYLLIS

PO BOX 1595

FAIRPLAY, CO 80440-1595

VASOLD KRISTINA JO

142 BONITA PL

NORTHGLENN, CO 80234

COPPOCK DENNIS C

2758 MIRAGE DR

COLORADO SPRINGS, CO 80920-4306

BOOTH DUSTIN

568 HOLIDAY HILLS DR

HOWARD, CO 81233

STONE PAUL EDWARD

6930 OLD SYCAMORE DR

MINT HILL, NC 28227

GOTWALD WILLIAM A

10984 BELLAIRE WY

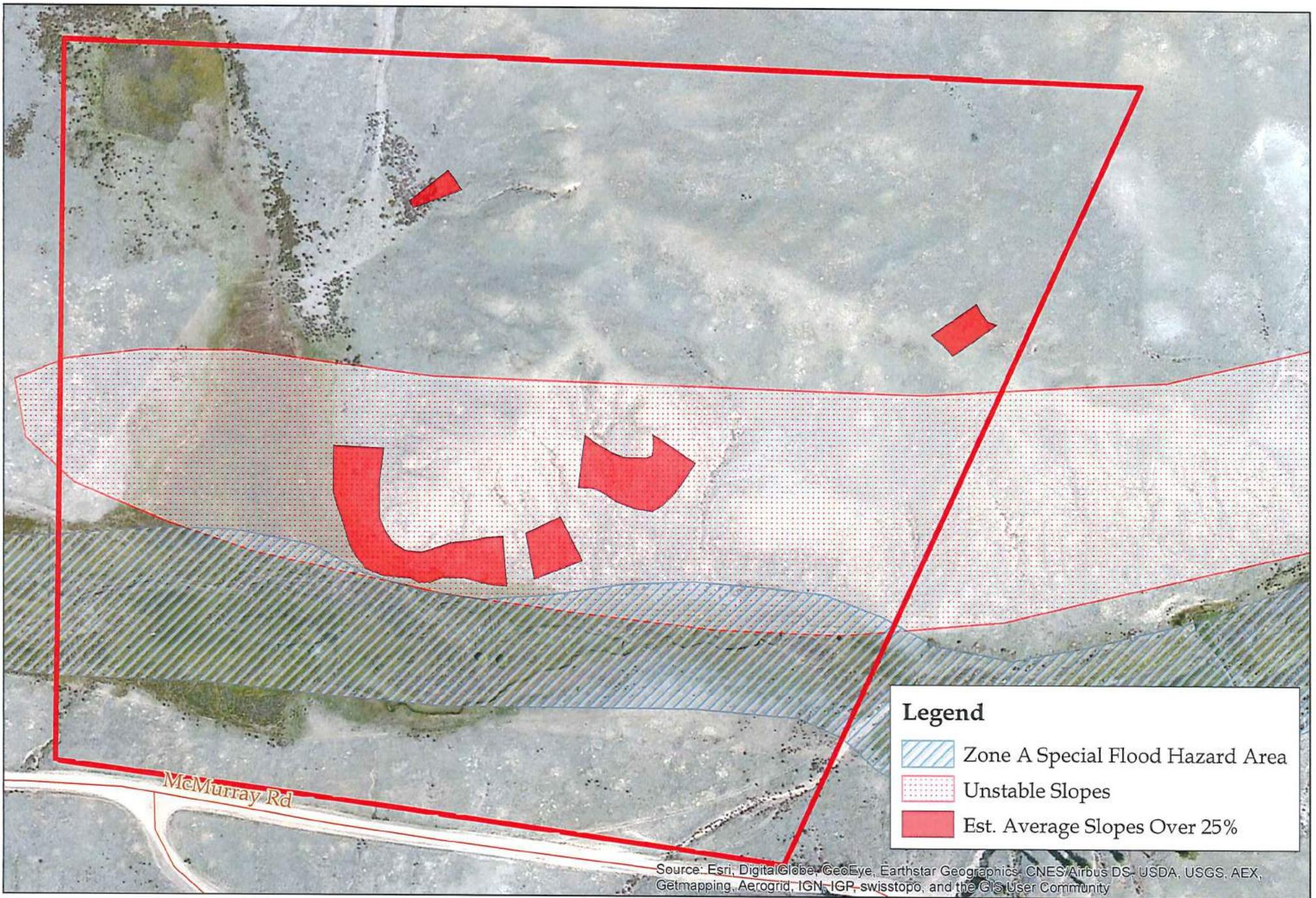
THORNTON, CO 80233

#6

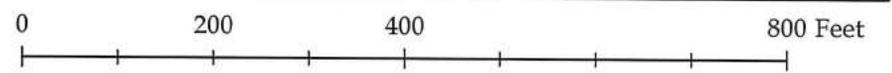
### Location of Subject Property in Park County







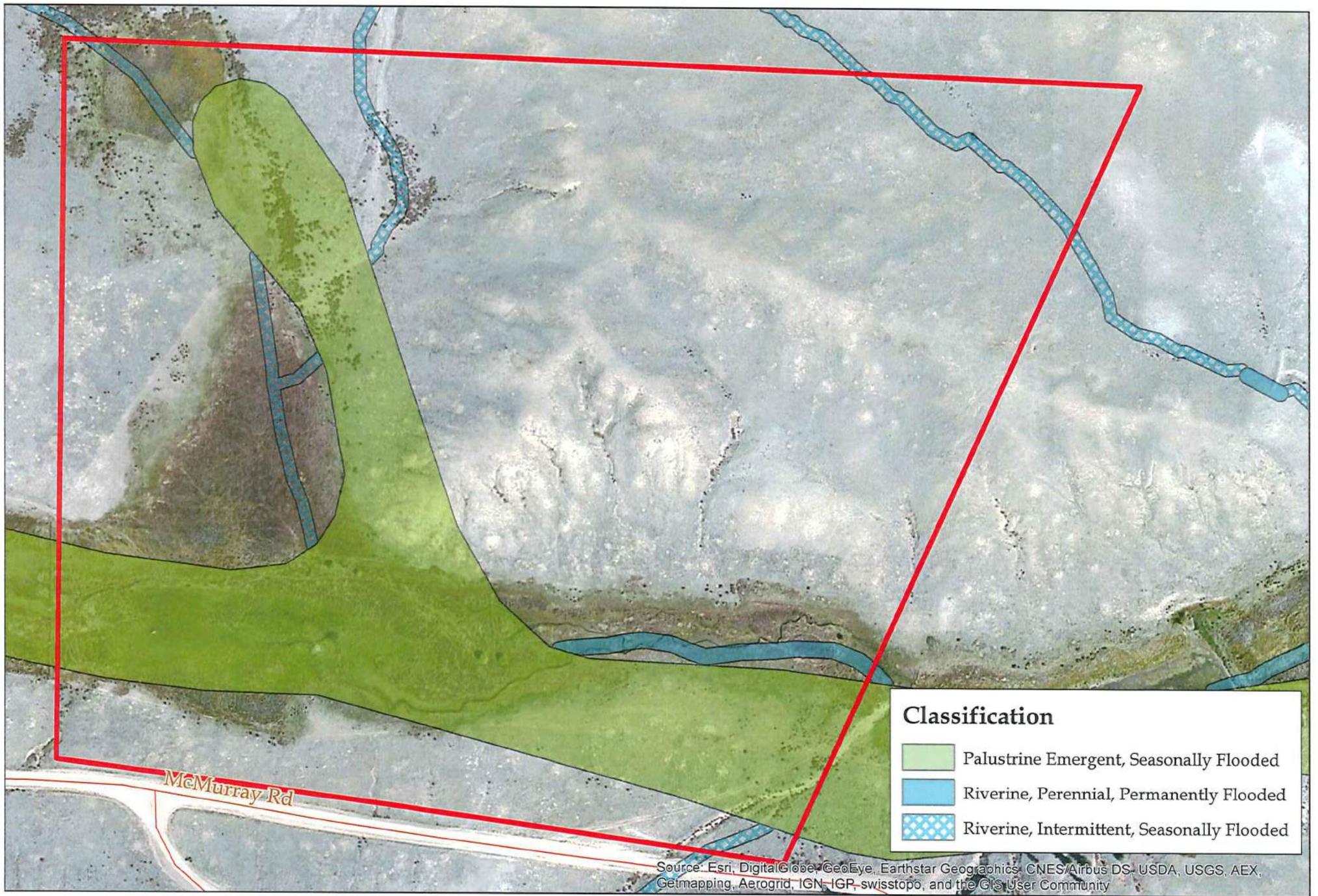
**Floodplains, Geologic Hazards,  
and Steep Slopes**  
*Aerially Photographed in 2013*



Park County Planning Department

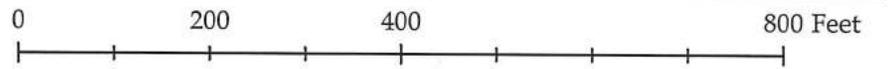
*This map is not a survey.*





# Wetlands According To USFWS

*Aerially Photographed in 2013*

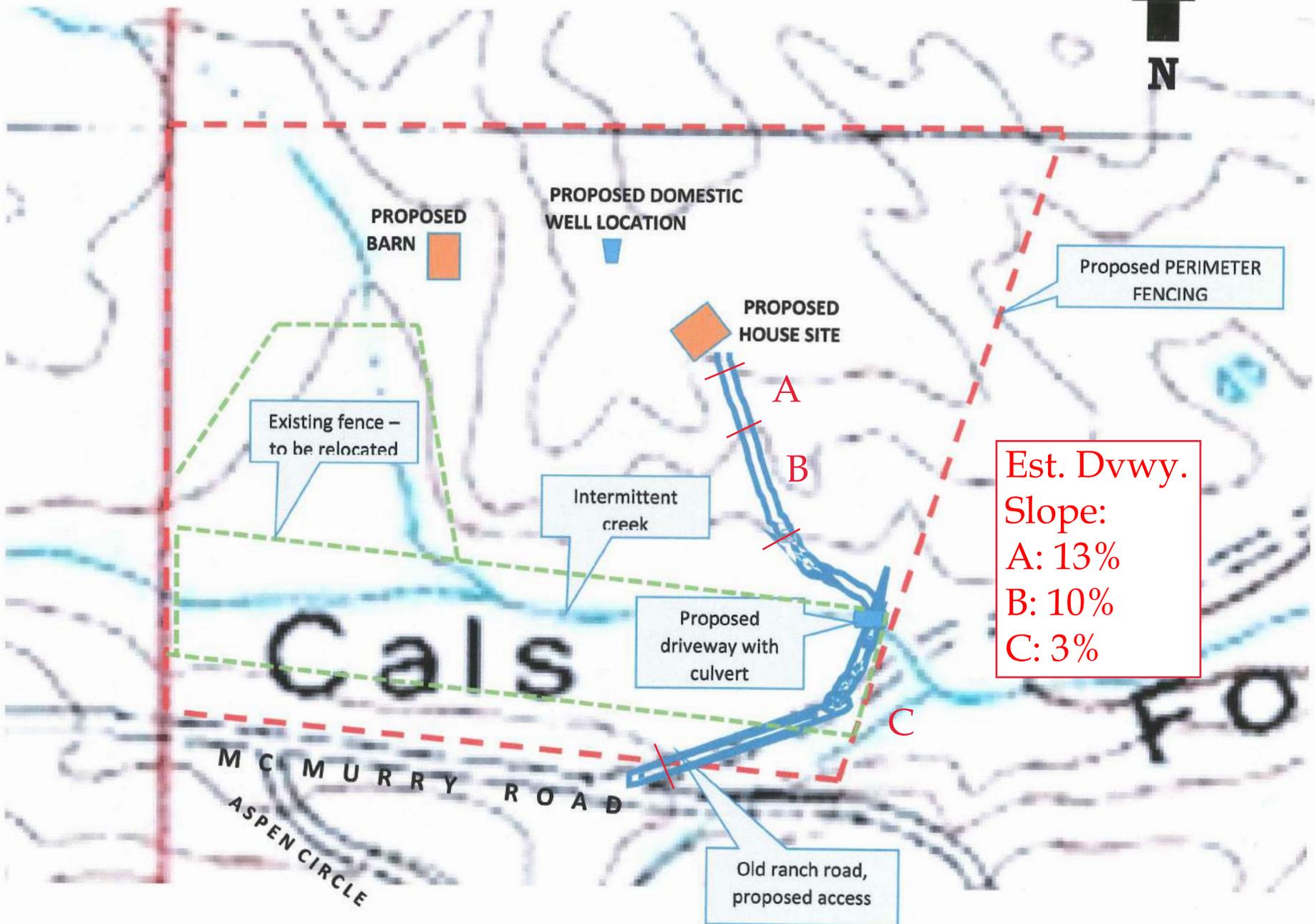


Park County Planning Department

*This map is not a survey.*

20' Contour Intervals

# Lot 19 Proposed Development Plan w/Topography



Est. Dvwy.  
Slope:  
A: 13%  
B: 10%  
C: 3%

#85#9



3

5

3