

**PARK COUNTY BOARD OF COMMISSIONERS**  
**AGENDA**  
**TUESDAY, JULY 5, 2022**  
**11:00 AM CALL TO ORDER**

**Video**

To join the meeting, click on the link below or copy and paste into your preferred web browser: <https://zoom.us/j/632627219?pwd=Q2gvUVEwd0JuQ0R3TE9qWE9LTk9kQT09>

**Audio**

Upon joining the meeting, you will have the option to use either your computer mic and speakers for audio interaction, or participate by phone. If you are not using your computer speakers and mic to interact in the meeting, you may use the dial- option below:

**Dial by your location**

**(669) 900-6833 US (Western US)**

**(929) 205-6099 US (Eastern US)**

**Meeting ID: 632 627 219**

**Password: 04408**

**\*For the purpose of an accurate public record, you will need to identify yourself when you enter the meeting and when prompted\***

11:00 AM CALL TO ORDER

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

CONSENT ITEMS:

- .I. APPROVAL OF MINUTES
- .II. APPROVAL OF VOUCHERS

CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:

- .I. APPROVE/DENY LAND AND WATER TRUST FUND (LWTF) FUNDING APPLICATIONS
  - I. MOUNTAIN AREA LAND TRUST: SACRAMENTO CREEK COMMUNITY CONSERVATION PROJECT PHASE TWO
  - II. COLORADO OPEN LANDS: GOLD NUGGETS RIVER RANCH CONSERVATION EASEMENT
- .II. REZONING CASE #22ZON-01

APPROVE/DENY A RESOLUTION APPROVING A REZONING OF PART OF THE NW ¼ OF SECTION 18, T9S R77W, ADDRESSED AS 52516 HWY. 9 FROM COMMERCIAL TO RESIDENTIAL.

Documents:

[22ZON-01 BOCC Resolution.pdf](#)

**.III. CONDITIONAL USE PERMIT CASE #22CUP-02**

APPROVE/DENY A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SINGLE-FAMILY RESIDENCE ON PART OF THE NW ¼ OF SECTION 2, AND PART OF THE NE ¼ OF SECTION 3, T9S R78W, ADDRESSED AS 1470 C.R. 787.

Documents:

[22CUP-02 BOCC Resolution.pdf](#)

**.IV. BELLINGER EXEMPTION APPLICATION**

APPROVE/DENY A RESOLUTION APPROVING A REQUEST FOR A STATUTORY EXEMPTION FROM SUBDIVISION REGULATIONS FOR A 0.129-ACRE PARCEL, CURRENTLY PART OF LOT 1154, WESTERN UNION RANCH FILING 9, ADDRESSED AS 377 WINDMILL DRIVE.

Documents:

[Bellinger Exemption Resolution.pdf](#)

PUBLIC HEARING(S)

PUBLIC COMMENTS

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

ADJOURN

ADMINISTRATIVE SESSION

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 "[parkco.us](http://parkco.us)" for most Updated Agendas. If You Need Further Information, Please Contact The [BOCC](#) (Board of County Commissioners) Office At: 719-836-4201.

**PARK COUNTY, COLORADO**  
**BOARD OF COUNTY COMMISSIONERS**  
**Resolution No. 2022-\_\_\_\_\_**

**A RESOLUTION APPROVING THE REZONING FROM COMMERCIAL TO RESIDENTIAL  
OF PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 9 SOUTH  
RANGE 77 WEST OF THE 6<sup>th</sup> PRINCIPAL MERIDIAN, ADDRESSED AS 52516 HWY. 9**

WHEREAS, the Applicants, Brian and Erin Kelly, have applied to rezone the property mentioned above and more particularly described in the attached Exhibit A from Commercial to Residential; and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners, preceded by the required public notice, the Board of County Commissioners conducted a public hearing on the application for rezoning at which it reviewed the application and supporting documentation, the recommendations of the Planning Department and the Park County Planning Commission, and considered the testimony of the Applicants; and

WHEREAS, based on the testimony and evidence presented at the public hearing the Board of County Commissioners determines and finds that compliance with the standards for approval of a rezoning set forth in Section 5-203 of the Park County Land Use Regulations has been demonstrated by clear and convincing evidence.

NOW, THEREFORE, BE IT RESOLVED THAT:

The application to rezone the above-described real property from Commercial to Residential is approved with no conditions.

Moved, seconded, and passed this 5<sup>th</sup> day of July, 2022.

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Richard Elsner, Chairperson

ATTEST:

\_\_\_\_\_  
County Clerk

Exhibit A

BEGINNING AT THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 9 SOUTH, RANGE 77 WEST OF THE 6TH P.M.,  
PARK COUNTY, COLORADO,

THENCE S 32°07'47" E, 1,833.17 FEET TO A BRASS CAP R.O.W. MARKER ON THE EASTERLY R.O.W. OF STATE

HIGHWAY NO. 9 BEING THE TRUE POINT OF BEGINNING;

THENCE N 66°54'20" E, 50.0 FEET TO A BRASS CAP R.O.W. MARKER; THENCE NORTHWESTERLY AND ALONG THE EASTERLY R.O.W. OF STATE HIGHWAY 9 AND ALONG A CURVE TO THE LEFT OF WHICH THE RADIUS IS 5,830.0 FEET AND DELTA ANGLE OF 57°0'28" FOR A DISTANCE ON THE ARC OF 526.49 FEET; THENCE N 82°06'12" E, 502.36 FEET TO A POINT ON THE EAST LINE OF SAID W1/2NW1/4; THENCE S 0°31'45" W AND ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 18, 1,258.54 FEET TO A POINT ON THE EASTERLY R.O.W. OF SAID STATE HIGHWAY NO. 9; THENCE N 23°05'40" W AND ALONG THE EASTERLY R.O.W., 756.02 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF PARK, STATE OF COLORADO.

EXCEPT ANY PORTION LYING WITHIN COLORADO STATE HIGHWAY NO. 9.

**PARK COUNTY, COLORADO**  
**BOARD OF COUNTY COMMISSIONERS**  
**Resolution No. 2022- \_\_\_\_\_**

**A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL  
USE PERMIT ALLOWING A RESIDENCE UNRELATED TO MINING  
ACTIVITY ON PART OF THE NORTHWEST QUARTER OF SECTION 2,  
AND PART OF THE NORTHEAST QUARTER OF SECTION 3,  
TOWNSHIP 9 SOUTH RANGE 78 WEST OF THE 6<sup>th</sup> PRINCIPAL  
MERIDIAN, ADDRESSED AS 1470 C. R. 787.**

WHEREAS, the Applicant, John Ringelberg, has applied for a Conditional Use Permit allowing a residence within the legal description mentioned above and more particularly described in the attached Exhibit A; and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners (BOCC), the BOCC reviewed the application and all supporting documentation, the recommendations of the Planning Commission, the Planning Department, and the testimony of the Applicant; and

WHEREAS, during said public meeting, the BOCC found that the application for the Conditional Use Permit meets the criteria for a Conditional Use Permit as set forth in Section 5-503 of the Park County Land Use Regulations.

NOW THEREFORE, BE IT RESOLVED THAT:

The application for a Conditional Use Permit on the property described above is approved with the following conditions:

1. The proposed yurt must meet all regulatory and code requirements for a dwelling unit.
2. Future replacement of the yurt with a stick-built or modular residence will require approval of a conditional use permit amendment by the Board of County Commissioners.

Moved, seconded, and passed this 5<sup>th</sup> day of July, 2022.

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Richard Elsner, Chairperson

ATTEST:

\_\_\_\_\_  
County Clerk

## Exhibit A

Beginning at the Northwest corner of Section 2, Township 9 South Range 78 West of the 6<sup>th</sup> P.M., thence S 89°01'18" E for a distance of 1,301.52 feet; thence S 88°57'27" E for a distance of 890.14 feet to the point of beginning;  
Thence S 02°03'06" W for a distance of 917.76 feet;  
Thence N 89°14'11" W for a distance of 237.94 feet;  
Thence S 02°09'30" W for a distance of 448.72 feet;  
Thence N 89°22'34" W for a distance of 1096.76 feet;  
Thence N 01°02'13" E for a distance of 479.95 feet;  
Thence N 55°28'22" W for a distance of 104.65 feet;  
Thence S 45°22'23" W for a distance of 36.60 feet;  
Thence N 62°12'28" E for a distance of 382.08 feet to a point on the east line of the County Road 787 right-of-way;  
Thence N 04°50'49" E for a distance of 12.70 feet;  
Thence along a curve to the right with a delta of 62°24'53", a radius of 191.89 feet, and an arc length of 209.03 feet;  
Thence N 67°15'42" E for a distance of 838.68 feet;  
Thence along a curve to the left with a delta of 08°47'48", a radius of 969.42 feet, and an arc length of 148.84 feet;  
Thence N 58°27'54" E for a distance of 200.60 feet;  
Thence leaving the County Road 787 right-of-way and traveling S 88°57'27" E for a distance of 831.16 feet to the point of beginning.

**PARK COUNTY, COLORADO**  
**BOARD OF COUNTY COMMISSIONERS**  
**Resolution No. 2022- \_\_\_\_\_**

**A RESOLUTION GRANTING A SUBDIVISION EXEMPTION PURSUANT TO SECTION 6-101(A) OF THE PARK COUNTY LAND USE REGULATIONS AND C.R.S. SECTION 30-28-101(10)(d) TO ALLOW FOR A DIVISION OF LAND WITHIN WESTERN UNION RANCH FILING 9 UNIT 2 LOT 1154, COUNTY OF PARK, STATE OF COLORADO**

WHEREAS, pursuant to Section 6-100(A) of the Park County Land Use Regulations ("LUR"), unless otherwise exempted by Section 6-101 of Article VI of the LUR, every division of property within unincorporated areas of Park County requires prior County approval of a subdivision plat; and

WHEREAS, pursuant to Section 6-101(B)(1), LUR, divisions of interests in land to which the term "subdivision" does not apply pursuant to Section 30-28-101(10)(d), C.R.S. are statutory exemptions; and

WHEREAS, pursuant to Section 30-28-101(10)(d), C.R.S., a board of county commissioners may, pursuant to resolution, exempt from the definition of the terms "subdivision" and "subdivided land" any division of land if the board of county commissioners determines that such division is not within the purposes of part 1 of article 28, title 30, C.R.S.; and

WHEREAS, Ken and Patricia Bellinger have requested an exemption from Park County's subdivision regulations pursuant to Section 6-101(A), LUR and Section 30-28-101(10)(d), C.R.S. as shown on the attached Exhibit A; and

WHEREAS, the purpose of the exemption is to transfer a 0.129-acre parcel containing a cluster mailbox unit owned by the Ranch of the Rockies Association ("Association") to the Association; and

WHEREAS, at a regularly scheduled meeting of the Park County Board of County Commissioners ("BOCC"), the BOCC reviewed the request and all supporting documentation, and the testimony of the applicant and staff, and determined that such transfer of land is not intended to circumvent Park County's subdivision regulations and is not contrary to Park County's Strategic Master Plan.

NOW THEREFORE, BE IT RESOLVED THAT THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY GRANTS THE REQUEST FROM KEN AND PATRICIA BELLINGER FOR A SUBDIVISION EXEMPTION FOR THE ABOVEMENTIONED PROPERTY. THE BOARD OF COUNTY COMMISSIONERS FURTHER FINDS THAT AFTER DONATION AND CONVEYANCE OF THE OF THE 0.129 ACRE PARCEL TO THE ASSOCIATION, NEITHER THAT PARCEL OR THE RETAINED BELLINGER PARCEL ARE, OR SHALL BE CONSIDERED TO BE SUBDIVIDED LAND.

Moved, seconded, and passed this 5<sup>th</sup> day of July, 2022.

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**

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Richard Elsner, Chairperson

ATTEST:

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County Clerk

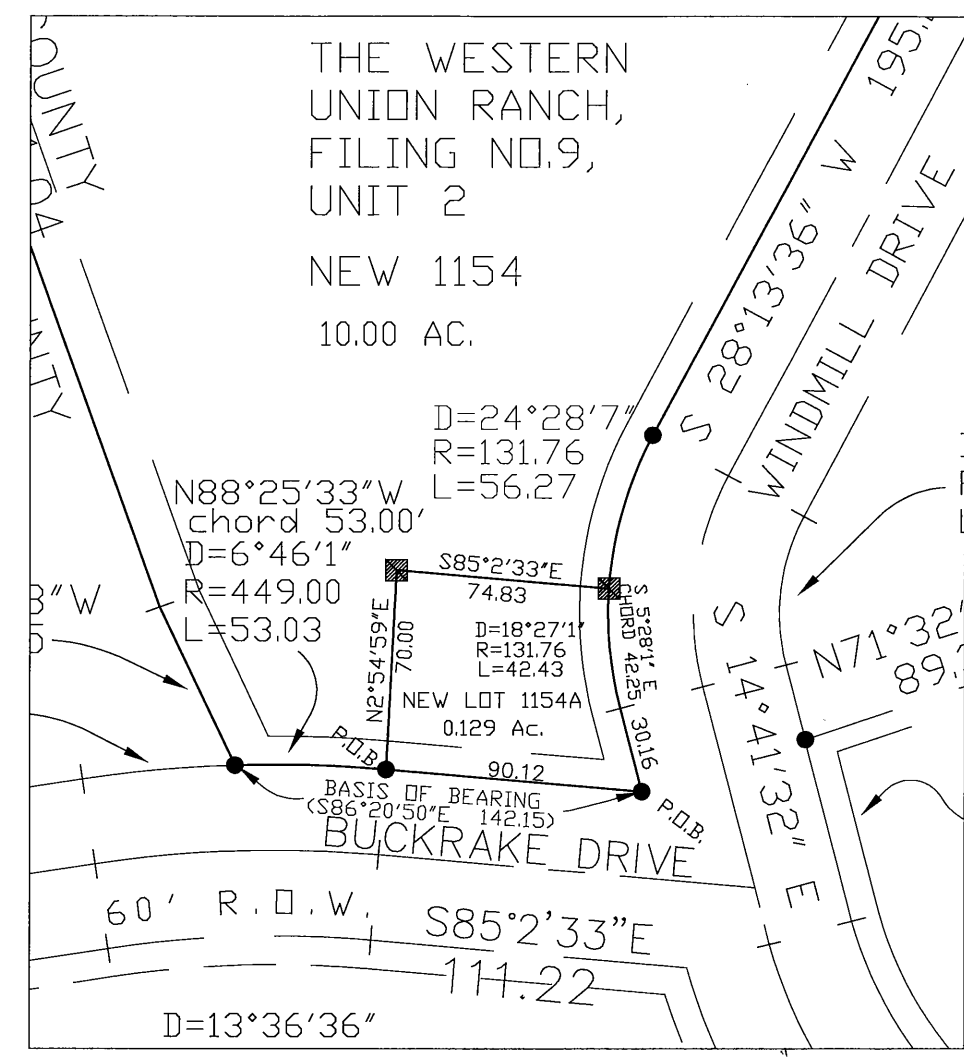
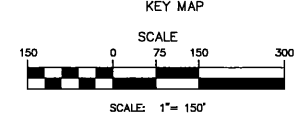
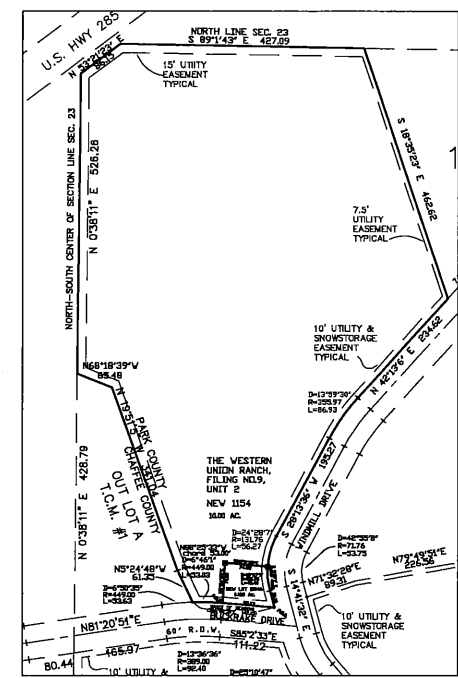


# EXEMPTION FROM SUBDIVISION REGULATIONS

### LEGEND

- INDICATES FOUND NO. 5 REBAR AND 1 1/2" ALUM CAP, LS 25955
  - INDICATES SET NO. 5 REBAR WITH 1 1/2" ALUM. CAP, LS 11944
  - ( ) INDICATES FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.
- ALL TIES ARE PERPENDICULAR TO PROPERTY LINES

A PART OF LOT 1154, THE WESTERN UNION RANCH, FILING NO. 9, UNIT 2  
 LOCATED IN SECTION 23, T.13., R.77W., 6th P.M., RECORDED AT RECEPTION # 374302,  
 COUNTY OF PARK, STATE OF COLORADO



**LEGAL DESCRIPTION AND CERTIFICATE OF OWNERSHIP**  
 KNOW ALL MEN BY THESE PRESENTS THAT KEN BELLINGER AND PATRICIA M. BELLINGER BEING THE OWNER(S) OF THAT PART OF LOT 1154, THE WESTERN UNION RANCH, FILING NO. 9, UNIT 2 LOCATED IN SECTION 23, TOWNSHIP 13 SOUTH, RANGE 77 WEST OF THE 6th P.M., COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 Property Description New LOT 1154A  
 A tract of land being located in a part of Lot 1154, The Western Union Ranch, Filing No. 9, Unit 2, Section 23, Township 13 South, Range 77 West of the 6th P.M., County of Park, State of Colorado, being more particularly described as follows:

Beginning at the SE Corner of said Lot 1154, thence N85°02'33"W along the south line of said Lot 1154 and the north Right of Way of Buckrake Drive for a distance of 90.12', thence N02°54'59"E leaving said south line and right of way of Buckrake Drive for a distance of 70.00', thence S85°02'33"E for a distance of 74.83' to a point on the westerly Right of Way of Windmill Drive, thence southerly along said R.O.W. for the following courses, to the left along the arc of a curve whose delta is 18°27'01" and whose radius is 131.76' for a distance of 42.43' and whose chord bears S05°28'01"E for a distance of 42.25', thence S14°41'32"E for a distance of 30.16' to a point on intersection with the North R.O.W. line of said Buckrake Dr., the point of beginning. Containing 0.129 Acres, more or less.

In Witness Whereof, we do hereunto set our hands and seals this \_\_\_ day of \_\_\_

BY KEN BELLINGER PATRICIA M. BELLINGER  
 (If by corporation, president signs, secretary attests and corporate seal is affixed)

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_  
 Acknowledged before me this \_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_  
 Witness my hand and official seal.  
 My commission expires: \_\_\_\_\_  
 Notary Public

**RECORDER'S CERTIFICATE**  
 This Plat was filed for record in the office of the County Clerk and Recorder of Park County, at \_\_\_\_\_ M. on the day of \_\_\_\_\_ A.D. 20\_\_\_, and duly filed at Reception No. \_\_\_\_\_  
 County Clerk and Recorder

**TITLE COMPANY CERTIFICATE OF OWNERSHIP**  
 TITLE CERTIFICATE: \_\_\_\_\_  
 Title Insurance Company hereby certifies that title to the above described property is vested in the Owner(s).  
 Date: \_\_\_\_\_  
 [Signature of Authorized Agent]

**SURVEYOR'S CERTIFICATE**  
 I hereby certify that the survey and the plat of the real property shown and described hereon were made by or under my direct responsibility, supervision, and checking, in strict compliance with Colorado statutes, and both survey and plat are true, accurate and complete.  
 Thomas L. Burnett  
 (print as registered)  
 Colorado License No. 11944  
 Date \_\_\_\_\_

**APPROVAL BY PARK COUNTY BOARD OF COUNTY COMMISSIONERS**  
 Approved by the Park County Board of County Commissioners, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 ATTEST:

Chairperson \_\_\_\_\_  
 Clerk and Recorder or Deputy Clerk \_\_\_\_\_

**Property Description NEW LOT 1154**  
 A tract of land being a part of Lot 1154, The Western Union Ranch, Filing No. 9, Unit 2, located in Section 23, Township 13 South, Range 77 West of the 6th P.M., County of Park, State of Colorado, being more particularly described as follows:

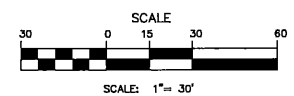
Beginning at the SW corner of the New Lot 1154A from whence the SE Corner of said Lot 1154 bears S85°02'33"E a distance of 90.12', thence along the North Right of Way of Buckrake Drive and the line between Park County and Chaffee County line, and to the left along the arc of curve whose delta is 08°45'01" and whose radius is 449.00' for a distance of 53.03' and whose chord bears N88°25'33"W 53.00', thence leaving said Buckrake Drive R.O.W. but continuing along said Park Chaffee county line for the following courses, N25°24'48"W 61.35', N19°51'05"W 341.04', N88°18'39"W 65.48' to a point on the North South center line of said Section 23, thence N00°38'11"E along said center of section line for a distance of 526.26' to a point on the South Easterly Right of Way of U. S. Highway No. 285, thence N33°12'25"E along said R.O.W. for 66.15' to a point on the North line of said Section 23, thence S89°01'43"E along said North Section line for a distance of 427.09' to the common corner between Lots 1154 and 1155, thence S18°35'23"E along the common line between Lots 1154 and 1155 for a distance of 462.62', to the intersection of the common line between Lots 1154 and 1155 and the Northwesterly Right of Way of Windmill Drive, thence southwestwardly along said R.O.W. for the following courses, S42°13'08"W 234.62', thence to the left along the arc of a curve whose delta is 13°58'30" and whose radius is 355.97' for a distance of 86.93', thence S28°13'36"W for a distance of 195.27', thence to the left along the arc of a curve whose delta is 24°28'07" and whose radius is 131.76' for a distance of 56.27' to the North East corner of the New Lot 1154A, thence N85°02'33"W along the north line of the New Lot 1154A for a distance of 74.83' to the NW Cor of the New Lot 1154A, thence S02°54'59"W along the west line of the New Lot 1154A for a distance of 70.00' to a point on the North R.O.W. line of Buckrake Drive the point of beginning. Containing 10.00 Acres, more or less.

- NOTES:
- 1) THE BASIS OF BEARING IS A ASSUMED BEARING OF THE LINE BETWEEN THE SW COR. OF LOT 1154 AND THE SE COR. OF LOT 1154 AS BEING S86°20'50"E, WITH BOTH CORNERS BEING FOUND MONUMENTS AS SHOWN.
  - 2) CLIENT DID NOT WANT RIGHT-OF-WAYS AND EASEMENTS RESEARCHED AND SHOWN.
  - 3) THE PURPOSE OF THIS SURVEY IS TO SPLIT OFF A SMALL TRACT TO BE USED FOR THE MAIL BOX LOCATION.
  - 4) MEASUREMENTS SHOWN IN PARENTHESIS ARE FIELD MEASUREMENTS, UNLESS OTHERWISE NOTED.
  - 5) 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 NAMING SAID PERSON OR ENTITY.
  - 6) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS, OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO
  - 7) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
  - 8) ALL DIMENSIONS ARE IN U.S. SURVEY FEET
  - 9) LEGAL DESCRIPTION FROM DEED FOR THIS PROPERTY IS RECORDED AT REC. NO. 780214.

**LIMITATIONS OF ACTIONS AGAINST LAND SURVEYORS**  
 ALL ACTIONS AGAINST ANY LAND SURVEYOR BROUGHT TO RECOVER DAMAGES RESULTING FROM ANY ALLEGED NEGLIGENCE OR DEFECTIVE LAND SURVEY SHALL BE BROUGHT WITHIN THREE YEARS AFTER THE PERSON BRINGING THE ACTION EITHER DISCOVERED, OR IN THE EXERCISE OF REASONABLE DILIGENCE AND CONCERN, SHOULD HAVE DISCOVERED THE NEGLIGENCE OR DEFECT WHICH GAVE RISE TO SUCH ACTION, AND NOT THEREAFTER, BUT IN NO CASE SHALL SUCH AN ACTION BE BROUGHT MORE THAN TEN YEARS AFTER THE COMPLETION OF THE SURVEY UPON WHICH SUCH ACTION IS BASED.

**NOTICE:** ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**TITLE COMMITMENT NOTES:**  
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THE RECORD INFORMATION, WHICH IS REFERENCED HEREON, IS THE RESULT OF RESEARCH PERFORMED BY BURNETT LAND SURVEYING, AND IS NOT NECESSARILY COMPLETE OR CONCLUSIVE.



EXEMPTION FROM SUBDIVISION REGULATIONS	
A TRACT OF LAND BEING A PART OF LOT 1154, THE WESTERN UNION RANCH, FILING NO. 9, UNIT 2, SECTION 23, TOWNSHIP 13 SOUTH, RANGE 77 WEST OF THE 6th P.M., PARK COUNTY, COLORADO	
ADDRESS: BURNETT LAND SURVEYING, INC. P.O. BOX 1963, 361 HWY 285, STE 104 FAIRPLAY, COLORADO 80440 (719) 838-1426	DATE: MAY 11, 2022 SCALE: 1"= 30' DRAWN BY: TLB JOB NO. 2022-128
PREPARED FOR: BELLINGER	

