



RESOLUTION NO. 2018- 49  
BOARD OF COUNTY COMMISSIONERS  
OF RIO BLANCO COUNTY,  
COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO  
BLANCO COUNTY, COLORADO, APPROVING THE SLEEPY CAT MINOR  
SUBDIVISION PSUB-0006-18 IN RIO BLANCO COUNTY, COLORADO**

WHEREAS, Sleepy Cat Ranch, LLC (“Applicant”) is requesting a Minor Subdivision PSUB-0006-18 located on land owned by the Applicant in Rio Blanco County, Colorado; and

WHEREAS, the subject property is located at 80 County Road 54, Meeker, CO 81641 situated in the N1/2S1/2 of Section 23, Township 1 South, Range 92 West of the 6th Principal Meridian, specifically Rio Blanco County Assessor Parcel Number 1621-234-00-019; and

WHEREAS, the Applicant is requesting a Minor Subdivision known as the Sleepy Cat Minor Subdivision; and

WHEREAS, a Public Hearing was held by the Rio Blanco County Planning Commission on December 11, 2018 at which time the Planning Commission voted unanimously to forward a recommendation to the Board of County Commissioners to approve the Minor Subdivision; and

WHEREAS, the Board of County Commissioners has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Regulations (LUR), the materials submitted by the Applicant and the materials submitted by members of the public at the hearing held pursuant to notice duly given in Rangely, Colorado on December 17, 2018;

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:

- A. The application is complete.
- B. The public hearing before the Board of County Commissioners was extensive and complete, pertinent facts, matters, and issues were submitted, and any interested parties were given an opportunity to be heard at the hearing;
- C. The record is complete.
- D. The proposed Minor Subdivision is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.



THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO:

- A. The Sleepy Cat Minor Subdivision PSUB-0006-18, is hereby approved with the following conditions:

**Conditions Prior to signature on the Final Plat by the Rio Blanco County Board of Commissioners and recording in the office of the Rio Blanco County Clerk & Recorder:**

1. Construction of the Access Road by the Applicant from Station 0+00 to Station 1+76.97 shall be completed and shall meet the requirements of Section 7-305 Roadway and Access Standards as a "Local" roadway and shall conform to the Rio Blanco County Subdivision Road Standards and Specifications- Section IV- Design Control and Criteria. This Access Road is a private-right-of-way and is not accepted by Rio Blanco as a County Road. Construction and/or maintenance of this Access Road is not the responsibility of Rio Blanco County.

- a. The Applicant shall prepare and submit a Floodplain Permit application in compliance with the Rio Blanco County Land Use Regulations- Article 18- Standards for Floodplains and Floodways. A Colorado Professional Engineer shall prepare the necessary analysis and shall provide a "No-Rise Certification" as required by FEMA. The Rio Blanco County Floodplain Permit shall be required to be acquired by the Applicant prior to start of construction of the Access Road.
- b. The Applicant shall prepare and submit a Pre-Construction Notification, Permit Request and request for a Jurisdictional Determination from the U.S. Army Corp of Engineers. All permits as required by the U.S. Army Corp of Engineers shall be acquired by the Applicant prior to start of construction of the Access Road.
- c. Construction of the Access Road shall not be conducted between February 1 and June 15 as per recommendation from Colorado Parks and Wildlife.
- d. Materials and density testing shall be conducted by a geotechnical engineering firm for the construction of the Access Road including scarification and compaction of the subgrade, the CDOT Class 3 aggregate, and the CDOT Class 6 aggregate. These test reports shall be provided by the Applicant to the Rio Blanco County Community Development Department.
- e. The Access Road must be constructed as required by paragraph 5 of the Settlement Agreement and Ditch Operations Agreement- Rio Blanco County Reception #311212 recorded on 10/20/15.
- f. The Applicant shall provide a location improvement survey demonstrating the Access Road is located within the easement granted to Applicant by the Settlement Agreement with Elk Creek HOA.



- g. The Applicant shall notify the Rio Blanco County Community Development Department to schedule a final inspection of the Access Road installation.

## 2. Electricity

Lot 1- The Applicant to provide a deposit to White River Electric Association in an amount to allow for the future installation of an electric transformer, 200 amp single phase electric service and electric meter at a location on Lot 1.

## 3. Telecommunications

The Applicant shall install the telephone conduit and telecommunications wiring from the existing telephone pedestal East of County Road 54 to the new telephone pedestal located at the South boundary of Lot 1 as shown on the Land Survey Plat.

4. The shared access and utility easement, which is created by the Declaration of Easement, shall be presented by the Applicant for recordation in the office of the Rio Blanco County Clerk and Recorder. The Declaration of Easement shall provide details regarding road construction and maintenance and noxious weed management responsibilities.

5. The following plat notes and details shall be added to the Sleepy Cat Minor Subdivision Final Plat:

- a. The sixty (60) foot wide permanent easement shall require the preparation of a legal description and recordation of the easement in the office of the Rio Blanco County Clerk and Recorder. A Plat Note shall be added to the Sleepy Cat Minor Subdivision Final Plat stating *"The 60' wide non-exclusive, permanent access and utility easement is subject to the Easement Agreement recorded as Reception #?????? at Book ???, Page ?? in the Office of the Rio Blanco County Clerk and Recorder"*
- b. *"Prior to issuance of a Rio Blanco County Certificate of Occupancy, the driveway from Station 1+76.97 to Station 5+26.66 shall be constructed by the lot purchasers. Construction of the driveway shall meet the Rio Blanco County Land Use Regulations Section 7-305.A. and Driveway Standards, Rio Blanco County Land Use Regulations Section 7-208 Reclamation and Rio Blanco County Land Use Regulations Article 18- Standards for Floodplains and Floodways. U.S. Army Corp of Engineers permitting may be required for disturbance of wetlands. Construction of the driveway shall not be conducted between February 1 and June 15 as per the recommendation from Colorado Parks and Wildlife."*
- c. *"Prior to issuance of a Rio Blanco County Certificate of Occupancy, driveways constructed from Station 5+26.66 to the residences on Lot 1 and Lot 2 shall be constructed by the lot purchasers. Construction of these driveways shall meet the RBCLUR Section 7-305.A. Driveway Standards, Rio Blanco County Land Use Regulations Section 7-208 Reclamation and Rio Blanco County Land Use Regulations Article 18- Standards for Floodplains and Floodways. U.S. Army Corp*



*of Engineers permitting may be required for disturbance of wetlands. A turnaround adequate for turning around emergency vehicles shall be constructed within 150 feet of residential structures. Construction of the driveways shall not be conducted between February 1 and June 15 as per the recommendation from Colorado Parks and Wildlife."*

- d. *"Prior to obtaining a Rio Blanco County Building Permit, Lot purchasers shall be required to obtain a water well permit from the State of Colorado and/or install a cistern on-site in conformance with the Rio Blanco County Land Use Regulations."*
- e. *"Prior to obtaining a Rio Blanco County Building Permit, Lot purchasers shall be required to provide an engineered on-site wastewater treatment system design prepared and sealed by a Colorado Professional Engineer to Rio Blanco County with the on-site wastewater treatment system application."*
- f. *"Prior to obtaining a Rio Blanco County Building Permit, Lot purchasers shall be required to provide a site specific Geotechnical Investigation prepared by a Colorado Professional Engineer. The Geotechnical Investigation shall include recommendations for building foundations, grading and drainage adjacent to structures, on-site wastewater system, floor systems and pavements."*
- g. *"All electrical services extended from the electrical transformer to structures shall be constructed underground. All wired telephone services extended from the telephone pedestal to structures shall be constructed underground."*
- h. The Plat Note on the Sleepy Cat Minor Subdivision Final Plat for the shared access and utility easement shall be updated to include the reception number, book and page.
- i. A separate detail shall be added to the Sleepy Cat Subdivision Final Plat noting the access road, driveway and associated stationing to add clarity regarding the plat notes.
- j. A detail shall be added to the Sleepy Cat Subdivision Final Plat noting the following recorded documents addressing fishing rights and privileges and the location of river accesses:
  - i. Reservation of fishing privilege as described in Deeds recorded July 23, 1946 in Book 104, Page 66, Reception No. 70415; February 1, 1958 in Book 199, Page 463, Reception No. 105663; February 26, 1960 in Book 218, Page 418, Reception No. 112517 and September 17, 1971 in Book 312, Page 291, Reception No. 151509.
  - ii. Conveyance of fishing privileges as described in Deed recorded September 21, 1960 in Book 223, Page 109, Reception No. 294048.
  - iii. License and easement for fishing rights as conveyed to the State of Colorado, Division of Wildlife, acting through the Department of Natural Resources, in



Deeds recorded November 8, 1972 in Book 321, Page 387, Reception No. 155773 and December 4, 1972 in Book 322, Page 80, Reception No. 155951 and as modified by instrument recorded October 22, 2008 as Reception No. 294048.

- iv. Terms and Conditions of Memorandum of Agreement and between the Rolling R Ranch and the State of Colorado, acting by and through the Department of Natural Resources for the use and benefit of the Division of Wildlife and Wildlife Commission recorded December 10, 1999 in Book 549, Page 781, Reception No. 266216.
  
- k. Legal descriptions of Buildable Areas L1-A, L1-B, L1-C, L2-A, L2-B, L2-C and L2-D shall be added to the Final Plat. A Plat Note shall be added to the Final Plat *“Structures shall only be constructed within the “Buildable Areas” described on this Final Plat, subject to all Federal, State and Local regulations. The definition of Structure does not include bridges or fences not over 6 feet high used for non-agricultural uses and any fence built for agricultural purposes that is post and wire construction.”*
  
- B. The final plat must be signed and recorded prior to any lots within the Sleepy Cat Minor Subdivision being listed for sale or sold in compliance with the Rio Blanco County Land Use Regulations Section 5-103 *“Sales Prohibited Prior to Final Plat Approval and Recording. Sales of lots are prohibited prior to Final Plat approval and recording and shall be enforced in accordance with Article 12, Division 3, Subdivision Regulation Enforcement.”*
  
- C. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado declares that it would have adopted this Resolutions and each section, subsection, sentence, clause, phrases, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.
  
- D. Approval of this Minor Subdivision constitutes approval of a site specific development plan which establishes a vested property right, as provided by §24-28-101 C.R.S., et.seq. This vested right is valid for a period of 3 years from the date of publication of this approval. The Community Development Department of Rio Blanco County, Colorado, will publish notice of this approval and vested right in the Meeker Herald as soon as possible.

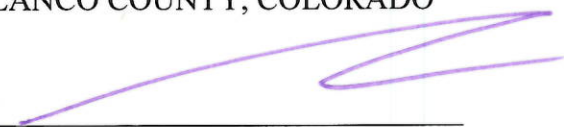


DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0  
AGAINST, THIS 17<sup>th</sup> DAY OF DECEMBER ~~17~~, 2018.

THE BOARD OF COUNTY  
COMMISSIONERS OF  
RIO BLANCO COUNTY, COLORADO

ATTEST:

*Boots M. Campbell by -  
Jenny L. Stran*  
Boots Campbell  
Clerk to the Board

By:   
Shawn J. Bolton, Chairman

  
Jeff Rector, Commissioner

  
Si Woodruff, Commissioner

