

**Posted April 30, 2015**

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN TO THE GENERAL PUBLIC OF THE FOLLOWING MATTERS OF INTEREST REGARDING THE PITKIN COUNTY BOARD OF COUNTY COMMISSIONERS:**

- Unless otherwise notified all regular and special meetings will be held in the Board of County Commissioners, Plaza One Conference Room, 530 E Main St, Aspen
- All regular meeting items begin at 12:00 p.m., or as soon thereafter as the conduct of business allows. Check agenda at <http://www.aspenpitkin.com> or call 920-5200 for meeting times for special meetings.
- Copies of the full text of any resolution(s) and ordinance(s) referred to are available during regular business hours (8:30 – 4:30) in the Clerk and Recorder’s office, 530 East Main Street, Suite 101, Aspen, Colorado 81611 or at <http://aspenpitkin.com/Whats-New-/Calendar-Events/>

**NOTICE OF PUBLIC HEARINGS BEFORE THE BOARD OF COUNTY COMMISSIONERS ON WEDNESDAY, MAY 13, 2015:**

**The following Ordinance:**

**AN ORDINANCE  
OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY  
COLORADO, AMENDING TITLE 12 OF THE COUNTY CODE REGARDING  
PUBLIC USE OF PITKIN COUNTY OPEN SPACE AND TRAILS**

**ORDINANCE # \_\_\_\_ -2015**

**RECITALS**

WHEREAS, the Board of County Commissioners of Pitkin County, Colorado makes the following findings:

1. The preservation of open space is one of the highest priorities for Pitkin County.
2. Public uses on open space lands and trails require careful management to ensure optimal mitigation of impacts on the lands and public safety.
3. The Open Space and Trails Board recommended the adoption of these amendments on April 5, 2015.
4. The BOCC finds that this code amendment is necessary to protect the public health and welfare of Pitkin County.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pitkin County, Colorado, that

1. Pitkin County Code Sections 12.04.030 and 12.04.100 are amended as set forth in Exhibit A hereto, and sections 12.04.040, 12.04.050 are repealed.

**Exhibit to Ordinance \_\_\_ - 2015 AMENDING TITLE 12 OF THE COUNTY CODE REGARDING PUBLIC USE OF PITKIN COUNTY OPEN SPACE AND TRAILS**

Existing sections 12.40.030, 12.40.040, and 12.40.050 are repealed and the following language is adopted as section 12.40.030 of the Pitkin County Code.

12.40.030 Rules Regarding Public Use of Pitkin County Open Space and Trails Properties.

The following restrictions apply to all open space and trails properties owned in fee simple by Pitkin County. These restrictions also apply where public access is provided in trail and conservation easements held by Pitkin County, unless superseded by the specific terms of the easement in question. Nothing contained herein limits or otherwise modifies rights reserved to the owner of fee simple property subject to a conservation or trail easement held by Pitkin County.

A. Motorized vehicles. Motorized Vehicles Restricted. Motorized vehicles are restricted to parking areas, driveways and other areas specifically posted for motor vehicle occupancy. Parking in any posted “no parking” area is prohibited. The exception to this shall be county or other maintenance or construction vehicles specifically authorized for access pursuant to the Asset Management Plan Section 6, emergency vehicles acting in the line of duty, or private vehicles specifically authorized under Section 2-4 or Article 3 or authorized by previous written access easement. No motorized vehicles whatsoever, including automobiles, trucks, farm or agricultural vehicles, motorcycles, motorbikes, motor scooters, go-carts, snowmobiles, motorized bicycles, mopeds, e-bikes, electrically assisted bicycles or all-terrain vehicles will be allowed on any county trail at any time. The following vehicles and uses are exempted from this prohibition:

1. County maintenance vehicles, ambulance, law enforcement, fire or other emergency vehicles will be allowed to enter onto county open space and trails in the course of carrying out their normal duties.
2. Snowmobiles or snow cats may be allowed onto county trails to set cross-country ski tracks or to otherwise install or maintain Nordic trails with approval of the Open Space and Trails department.
3. Construction or maintenance vehicles owned and operated by private contractors may enter onto county trails, subject to specific permission as set forth in the Asset Management Plan Section 6.02, as may be amended from time to time.

4. Agricultural, ranch or personal vehicles belonging to specific owners, their employees or assigns, may enter onto county trails subject to the terms of easements or agreements between the county and individual landowners.
5. Use of mobility devices by persons with mobility impairments as provided in the Other Power Driven Mobility Device Management Plan adopted August 23, 2011, as may be amended from time to time.

B. Allowed Uses. Bicycles, pedestrians, horses, skates, skateboards, skis, snowshoes, non-motorized scooters, wheelchairs, and baby strollers are allowed on designated trails and routes at all times unless specifically prohibited and posted otherwise. All trail users will travel at safe speeds at all times.

C. Equestrian Use. Horse traffic is restricted to walk or trot speeds. Horses must be under control at all times. Buggies, carts, or other horse-drawn vehicles are prohibited from all trails.

D. Right of Way. In areas of mixed use, i.e. horses, bicycles and pedestrians, equestrians have the right of way in all circumstances. All traffic is to yield to equestrians. Bicycle or other wheeled traffic is to yield to pedestrians. Hikers/bikers moving downhill must yield to hikers/bikers moving uphill.

1. Passing on Natural Surface Trails: At no less than fifteen (15) feet of approaching other trail users from any direction, slow to a speed comparable to the trail user being passed, communicate and gain their attention. Pass safely, single file and when oncoming traffic is clear. Stop when necessary to allow safe passage.
2. Passing on Paved Trails: When passing other trail users from behind, slow to a safe speed, communicate and gain the attention of the user being passed. Pass safely, single file, at a safe distance (no less than 2 feet) and on the left when oncoming traffic is clear. Stop when necessary to allow safe passage.
3. Attentiveness on Trails. Trail users must listen for and be aware of other trail users and yield appropriately. Earphones, ear buds or any personal audio device must be kept at an appropriate level to hear approaching trail users.
4. Stop Required. Trail users shall stop at all road and driveway crossings and yield to any motorized traffic, except where the trail right of way takes precedence over a driveway crossing, in which case driveway users shall yield to trail users. Trails and roads will be posted with informational signs designating intersections.

E. Trespass Prohibited. It is prohibited to trespass from trails onto adjacent private lands.

F. Closed Areas. Entry onto or use of Open Space lands posted as closed is prohibited. Trails and lands may be subject to seasonal closures and the use of such when so posted shall constitute a trespass.

G. Camping Prohibited. Overnight camping is prohibited on Open Space and Trails properties.

H. Dogs. Dogs must be leashed at all times, with a leash extended no greater than 6 feet in length. A single person may walk no more than three dogs. Those persons attending dogs on trails must always carry a receptacle, such as a plastic bag, for removal of excrement. Dog waste must be immediately picked up and either carried until off the Open Space property or disposed of in a trash receptacle by owners or guardians. Leaving the scene of the waste is considered a failure to remove the waste. A pet owner's or guardian's lack of knowledge of the location of the pet's excrement is also considered a failure to remove the waste. Trails will be posted if dogs are prohibited. Trails may be closed to dogs pursuant to a management plan adopted pursuant to Section 12.04.060 or by action of the Open Space and Trails Board.

I. Domestic Animals. Domestic animals are prohibited on Open Space properties except pack animals such as Llamas, Burros and the like, or where specifically permitted pursuant to an agricultural lease, or for land management purposes authorized by the county. It is unlawful to chase or molest any livestock on Open Space properties. All gates, fences and other entry points must be closed in areas where livestock is permitted.

J. Commercial Activities Limited. Commercial activities are those for which a fee is charged for any person to undertake an activity, including but not limited to guiding, training, instructing, or outfitting, where the entity charging the fee also provides personnel during the activity itself. ~~provision of services, or any activity for which a fee may be charged~~ Commercial activities are prohibited on any Open Space land except when specifically authorized pursuant to applicable laws, as noted herein; commercial activities that occur entirely within an Open Space property may be approved by the Open Space director or his/her designee pursuant to Section 12.04.075. Commercial activities that occur on both Open Space properties and other county-owned property or roads require a special review use approval from the county, subject to Pitkin County Land Use Code section 4-30-40(q).

K. Hunting. All Open Space and Trails properties are closed to hunting unless authorized pursuant to a management plan adopted pursuant to Section 12.04.060 in accordance with other applicable laws.

L. Fishing Restricted. Fishing is permitted according to the regulations of Colorado Parks and Wildlife, except where otherwise posted and prohibited in a management plan enacted pursuant to Section 12.04.060. A valid fishing license is required. ~~Fishing access is by designated trails only.~~

M. Firearms. It is forbidden to discharge firearms or projectile weapons on any Open Space or Trails property unless hunting is specifically authorized by the Open Space and Trails Board in a management plan and in accordance with other applicable laws. The intent is not to supersede Colorado Revised Statutes Article 12 of Title 18.

N. Disorderly Conduct Prohibited. Disorderly conduct of any kind is prohibited on Open Space and Trails properties. Disorderly conduct includes, but is not limited to, making any coarse, annoying, derisive or obviously offensive utterance, gesture or display which tends to incite an immediate breach of the peace. Also fighting, littering or abandonment of private property, making excessive or amplified noise that would tend to disturb the peace and quiet of adjacent residents or occupants, or any other activity that deliberately infringes on the ability of others to use or enjoy open space or trails facilities. No person shall remain in any pedestrian underpass, or at or within 200 feet of the entrance for a period longer than is reasonably necessary to move through the underpass.

O. Fires Prohibited. Fires are prohibited at any location and at all times, except where explicitly allowed in a Management Plan, or for management purposes as authorized by the director of Open Space and Trails, and/or for irrigation ditch maintenance, and in accordance with all other applicable laws. Gas grills may be permitted by special use permit only. Charcoal grills are prohibited due to the fire hazard and difficulty of disposal.

P. Specified Hazardous Activities Prohibited. Hazardous activities which might constitute or contribute to a hazard to the safety of any person are prohibited on Open Space and Trails properties except where allowed in a management plan. Prohibited activities include, but are not limited to, use of fireworks or other explosives, use of remote-controlled craft or drones, and launching of missiles. Exceptions or additions to these restrictions may be made in specific locations or circumstances pursuant to a management plan or special use review under Section 12.04.070 and posted accordingly.

Q. Non-motorized Aircraft Restricted. Hang-gliding or operation of any motorized or non-motorized aircraft, glider, parachute, paraglider or balloon for landing or take-off is prohibited except pursuant to valid special use permit pursuant applicable sections of the Pitkin County Code.

R. Boating Restricted. Boat launching is limited to sites designated for that purpose. Man-made structures for boating such as access ramps, docks, kayak courses or buoys are prohibited except in locations specifically authorized by a management plan enacted pursuant to Article 4.5, or pursuant to a special use review under Section 12.04.070.

S. Resource Protection. Vandalism, property damage or removal of resources or facilities is prohibited on any Open Space or Trails property. It is unlawful to alter, move, remove, damage, deface, mutilate or destroy any structure, poster, sign, marker, fence, gate, furniture, vegetation, rock, or any object of scientific or historic value or interest. It shall be unlawful to install or replace rock bolts or other fixtures, plant trees or any other type of landscape material, or alter nordic trails, or establish or construct trails or other

facilities for public or private use without written approval from the Pitkin County Open Space and Trails Department. Geocaching shall be unlawful unless the person placing or searching the cache first registers the cache with the Open Space and Trails Department to ensure compliance with existing regulations, closures, and management plans. Travel off designated trails by bicycle or other mechanized means is prohibited at all times.

**T. Wildlife Protected.** Wildlife is protected on all Open Space and Trails properties. Hunting, trapping, chasing, molesting, harming, removing, killing or otherwise disturbing wildlife on Open Space and Trails properties is prohibited at all times and under all circumstances, with the exception of hunting authorized by the Open Space and Trails Board in a management plan and in accordance with other applicable laws, and fishing (See paragraphs K-L, above). Damaging or destroying the habitat of any species of wildlife is prohibited. Removing or destroying, native plants, bird or reptile eggs is prohibited. Nothing in this section shall prohibit trapping for research, management and monitoring purposes as authorized by the director of Open Space and Trails.

**U. Littering and Waste Disposal Prohibited.** Any disposal, depositing or abandonment of trash, garbage, litter, waste paper, waste food products, human or animal wastes, garden waste, landscape waste, toxic materials, oil and other mechanical waste products, animal parts, fire ash or other combustion byproducts, or other waste products on Open Space or Trails properties other than in designated containers and locations is prohibited.

**V. Structures, Storage of Materials, and Notices Prohibited.** Construction of any kind not specifically authorized by Pitkin County Open Space and Trails is prohibited. Activities prohibited include, but are not limited to, excavations, ground clearing or grading, erection of permanent or temporary structures, erection of signs, posting of bills, notices or posters, storage of items, fencing or clearing of vegetation.

Section 12.04.100 of the Pitkin County Code is amended as follows:

**12.04.100: VIOLATIONS, ENFORCEMENT AND PENALTIES**

**A. Unlawful Activity.** It shall be unlawful to engage in any activity that is in violation of Sections 12.04.030-12.04.075.

**B. Penalty.** Violation of this ordinance is a class 2 petty offense, punishable by a fine of \$100 for the first offense, \$500 for the second offense, and \$1,000 for the third and subsequent offenses. Violations of subsection (S) of Section 12.04.030 are punishable by a fine up to \$1,000 for each offense. Violations of hunting related regulations, or any provision of a special use permit, commercial use permit, or right of way permit, issued by any Pitkin County department for use of an Open Space and Trails property, or the failure to obtain such permits when required, are each punishable by a fine of \$1,000 for each offense.

**C. Criminal Enforcement.** The director of Pitkin County Open Space and Trails, assistant director of Open Space and Trails, Open Space and Trails rangers, Pitkin County code

enforcement officer, the Pitkin County Community Development director, Pitkin County engineer, or any law enforcement officer may follow the penalty assessment procedure provided in Section 16-2-201, C.R.S. for any violation of this ordinance, or may enforce the provisions of this ordinance by filing and service of summons and complaint in accordance with county court procedures. In the event the penalty assessment procedure is followed, the penalty shall be the as set forth in 3B, and such assessment shall also include a surcharge required by C.R.S. Section 30-15-402(2). A person who violates this ordinance three (3) or more times in the space of one (1) year shall be subject to imprisonment for no more than ninety days per offense pursuant to C.R.S. 30-35-201 C.R.S. and Article 12 of the Pitkin County Home Rule Charter. Each ~~occurrence day a violation of this ordinance continues~~ shall constitute a separate offense.

Civil Enforcement. In the event of any activity in violation of this ordinance, the county attorney, in addition to other remedies provided by law or specified herein, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, or abate any unlawful activity, or to remove any improvements on construction resulting from such unlawful activity. In the event that such unlawful activity has damaged any county open space property, the violator shall be liable for any damage to county property resulting from any such unlawful activity, including, but not limited to, compensation for staff time and for use of county equipment to repair such damage. Any civil action or proceeding can include a claim to recover all such money damages. (*Ord. 01-4 (part); Ord. 93-25 (part); Ord. 30-05 (repealed and re-enacted) prior code Title IX*)

#### **NOTICE OF CONTRACTORS SETTLEMENT (FINAL PAYMENT)**

Notice is hereby given that the Board of County Commissioners of Pitkin County, Colorado, hereinafter the "Board," shall make final settlement for the work contracted to be done on the project known as Pitkin County Library Re-Roof Project #60.2014, hereinafter the "Project," to FCI, INC, Grand Junction Colorado, hereinafter the "Contractor," on May 25, 2014.

Any person, co-partnership, association of persons, company or corporation that has furnished labor, materials, team hire, sustenance, provisions, provender, or other supplies used or consumed by the Contractor or its subcontractors in or about the performance of the Project contracted to be done or that supplies rental machinery, tools, or equipment to the extent used in the prosecution of the Project, whose claim therefor has not been paid by the Contractor or its subcontractors shall file with the Board written verified notice of such claims at any time up to and including the time of final settlement first stated above or forever waive any and all claims, without limitation, pursuant to C.R.S. § 38-26-107, as amended, against the Board of County Commissioners, Pitkin County, Colorado and the Project.

All claims must be addressed as follows: Board of County Commissioners c/o Jodi Smith, Facilities Superintendent, 485 Rio Grande Pl #101 Aspen, Colorado 81611.

**NOTICE OF APPLICATIONS TO BE CONSIDERED BY THE COMMUNITY DEVELOPMENT DIRECTOR:**

**RE: RR Aspen LLC Activity Envelope, Site Plan Review and Restoration of Non-Conforming Structure without Significant Changes (Case P029-15)**

**NOTICE IS HEREBY GIVEN** that an application has been submitted by RR Aspen LLC (715 West Main Street, Aspen, CO 81611) requesting approval to reconstruct a legal non-conforming residence that exceeds the FAR (.13) in the R-30 Zone District. The property is located at 122 East Reads Road and is legally described as Lot 1, Block 1, Red mountain Ranch Subdivision. The State Parcel Identification Number for the property is 2737-064-03-009. The application is available for public inspection in the Pitkin County Community Development Department, City Hall, 130 S. Galena St., Aspen, CO 81611. Comments or objections are due by June 8, 2015. For further information, contact Mike Kraemer at (970) 920-5482.

**NOTICE OF DETERMINATIONS GRANTED BY THE COMMUNITY DEVELOPMENT DIRECTOR:**

**NOTICE IS HEREBY GIVEN** to the general public that on April 28, 2015, the Pitkin County Community Development Director granted approval for the AVR AH LLC Activity Envelope and Site Plan Review - Detention Basin (Case P110-14; Deter. #024-2015). The property is located at 1135 Aspen Valley Ranch Road and is legally described as Homestead 9, Aspen Valley Ranch Subdivision. The State Parcel Identification Number for the property is 2643-042-01-001. This site-specific development plan grants a vested property right pursuant to Title 24, Article 68, Colorado Revised Statutes.

S/Cindy Houben  
Community Development Director  
Pitkin County, Colorado

Jeanette Jones, Deputy County Clerk  
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