CBOE # 8

Gunnison County
COLORADO

# 2018 REAL PROPERTY NOTICE OF DETERMINATION

Kristy McFarland
Gunnison County Assessor
221 N Wisconsin St, Suite A
Gunnison, CO 81230

Date of Notice: August 31, 2018
Phone: (970) 641-1085
Fax: (970) 641-7920
Email: assessor@gunnisoncounty.org
Website: http://www.gunnisoncounty.org/assessor.html

| ACCOUNT NUMBER | TAX YEAR | TAX AREA | PARCEL NUMBER |
|---|---|---|---|
| R071844 | 2018 | 617 | 2917-271-00-033 |

| PROPERTY OWNER | LEGAL DESCRIPTION |
|---|---|
| GARDNER CHARLES R<br>5516 COUNTY ROAD 3<br>MARBLE, CO 81623-9357 | 9.31A IN SE4NE4. SEC 27 11S88W B690 P150 B702 P812 #604635 #628638 |

| PROPERTY CLASSIFICATION | PROPERTY OWNER'S ESTIMATE OF VALUE | ASSESSOR'S VALUATION | |
|---|---|---|---|
| | | ACTUAL VALUE PRIOR TO REVIEW | ACTUAL VALUE AFTER REVIEW |
| Residential | | 903,070 | 903,070 |
| TOTALS | | $903,070 | $903,070 |

Received
County Administration
9/17/18

The Assessor has carefully studied all the available information, giving particular attention to the specifics included on your protest. The Assessor's determination of value after review is based on the following:

*The actual value of the property is determined by appropriate consideration of the approaches to appraisal set forth in § 39-1-103(5)(a), C.R.S.*

*Property has year round access via County Road 3*

**If you disagree with the Assessor's decision, you have the right to appeal to the County Board of Equalization for further consideration, § 39-8-106(1)(a), C.R.S.**

**The deadline for filing real property and personal property appeals is September 15.**

The Assessor establishes property values. The local taxing authorities (county, school district, city, fire protection, and other special districts) set mill levies. The mill levy requested by each taxing authority is based on a projected budget and the property tax revenue required to adequately fund the services it provides to its taxpayers. The local taxing authorities hold budget hearings in the fall. If you are concerned about mill levies, we recommend that you attend these budget hearings. Please refer to last year's tax bill or ask your Assessor for a listing of the local taxing authorities.

**Please refer to the reverse side of this notice for additional information.**

## APPEAL PROCEDURES

**County Board of Equalization Hearings will be held from September 1 through November 1 at Gunnison County Courthouse or Blackstock Government Center.**

To appeal the Assessor's decision, complete the Petition to the County Board of Equalization shown below, and mail or deliver a copy of both sides of this form to:

CBOE # 8

Gunnison County Board of Equalization
200 E Virginia Ave
Gunnison, CO 81230
(970) 641-0248

To preserve your appeal rights, your Petition to the County Board of Equalization must be postmarked or delivered on or before **September 15 for real property and personal property** – after such date, your right to appeal is lost. You may be required to prove that you filed a timely appeal; therefore, we recommend that all correspondence be mailed with proof of mailing.

You will be notified of the date and time scheduled for your hearing. The County Board of Equalization must mail a written decision to you within five business days following the date of the decision. The County Board of Equalization must conclude hearings and render decisions by November 1, § 39-8-107(2), C.R.S. If you do not receive a decision from the County Board of Equalization and you wish to continue your appeal, you must file an appeal with the Board of Assessment Appeals by December 8, § 39-2-125(1)(e), C.R.S.

If you are dissatisfied with the County Board of Equalization's decision and you wish to continue your appeal, you must appeal within 30 days of the date of the County Board's written decision to ONE of the following:

**Board of Assessment Appeals**
1313 Sherman Street, Room 315
Denver, CO 80203
(303) 866-5880
*www.dola.colorado.gov/baa*

**District Court**
Contact the District Court in the county where the property is located. See your local phone book for the address and telephone number.

**Binding Arbitration**
For information about binding arbitration, contact the County Board of Equalization at the address above.

*If the date for filing any report, schedule, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday, or legal holiday, it shall be deemed to have been timely filed if filed on the next business day, § 39-1-120(3), C.R.S.*

## PETITION TO COUNTY BOARD OF EQUALIZATION

**What is your estimate of the property's value as of June 30, 2016?** (Your opinion of value in terms of a specific dollar amount is required for real property pursuant to § 39-8-106(1.5), C.R.S.)

$ 725,000. 2 adjoining property's combined.

**What is the basis for your estimate of value or your reason for requesting a review?** (Please attach additional sheets as necessary and any supporting documentation, i.e., comparable sales, rent roll, original installed cost, appraisal, etc.)

Request for reclassification denied, however it appears our protest for considering land description was not addressed in the decision. Please see attached studies and appeals.

## ATTESTATION

I, the undersigned owner or agent* of the property identified above, affirm that the statements contained herein and on any attachments hereto are true and complete.

Signature: [signature]
Telephone Number: 9702744720
Date: 9/5/2018

*Attach letter of authorization signed by property owner.

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EXHIBIT A
Page 1 of 1

County Board of Equalization
Acct R071844
Parcel # 2917-271-00-033
5516 CR 3
Marble, CO 81623

9/13/2018

To Whom It May Concern:

We would like to request further consideration regarding our land value following the county assessor's decision, as it appears only the appeal for reclassification was addressed on the Notice of Determination.

We are not residing in the state of Colorado at present and would like to request a phone hearing if necessary.

Please send mailings to
Charles Gardner
1711 E Indigo St
Mesa, AZ 85203

480 414 9178
gargirl.sheri@gmail.com

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EXHIBIT B
Page 1 of 1

County Board of Equalization
Parcel Account R071844
5516 CR 3
Marble, CO 81623
Charles Gardner

9/13/18

We are requesting further review of our petition based on the identification of the unique characteristics outlined within the Wright Water Engineers Floodplain analysis, as well as the CTL/Thompson, INC. Consulting engineers' Geologic Hazard Evaluation, and images provided.

It is our understanding that due to the fact our county road is maintained the first part of our appeal for reclassification to seasonal was denied, as the property has year round access. However, due to the land value being such a big portion of the total value and the fact the decision did not appear to address this second part of our protest to the assessor, we ask for your additional consideration.

Our understanding of the parcel and interpretation of the above mentioned studies confirm the area of improvement has multiple threat magnifiers, including Slate Creek slope instability, mud/debris alluvial fan flowplain to the north and west. Potential unstable Ragged/Raspberry Creek mountain range south of the Crystal River with multiple avalanche and bare rock landslide chutes, rock cliffs, steep to very steep valley sides. This area is subject to moderate to potential rockfall hazards, and high potential avalanche hazards. In the years since these two studies were performed, the multiple bare rock landslide chutes have pushed the river toward the improvement eroding the riverbank with the loss of trees and landmass. The river floodplain is another threat, and the mudflow of September 2017 missed the drive access by less than 25 feet. US Forest Service land adjoins the parcel south of the river. We argue that nearly half of the parcels topography is inaccessible by all sides south of the river, rendering that large portion unuseable, and unsafe for even pedestrian use if the river were to be traversed.

We greatly appreciate your attention, time, and consideration of this request.

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EXHIBIT C
Page 1 of 1

# REAL PROPERTY QUESTIONNAIRE

ATTACH ADDITIONAL DOCUMENTS AS NECESSARY.

**MARKET APPROACH:** This approach to value uses sales from the **appropriate time period** to determine the actual value of your property. The following items, if known, will help you estimate the market value of your property. If available, attach a copy of any appraisal or written estimate of value. Have similar properties in your immediate neighborhood sold?

| DATE SOLD | PROPERTY ADDRESS | SELLING PRICE |
|---|---|---|
| | | |
| | | |
| | | |

Based on these sales and accounting for differences between sold properties and your property, state the value of your property.

$_____

**COST APPROACH:** (USE FOR NON-RESIDENTIAL PROPERTIES ONLY) This approach to value uses replacement construction costs from the appropriate time period to determine the value of your property. The following items, if known, will help you estimate the replacement cost of your property.

Year Built _____ Builder _____ Original Cost of Construction _____

List all changes made to your property prior to January 1 of the current year (i.e. remodeling of storefront; expansion of storage area; addition to parking, service or manufacturing area.)

| DATE | DESCRIPTION OF CHANGE | COST |
|---|---|---|
| | | |
| | | |

Is your structure in typical condition for its age? _____

If not, why ? _____

Based on the replacement cost of construction and of any changes, including depreciation, state the total value of your property:

$_____

**INCOME APPROACH:** (USE FOR NON-RESIDENTIAL PROPERTIES ONLY.) This approach to value converts economic net income from the appropriate time period into present worth.

If your property was rented or leased, attach operating statements showing rental and expense amounts for this property. Indicate square foot rental rate for all tenants who negotiated leases. (Attach rent schedule.)
If known, list rents of comparable properties.

If available, attach operating statements showing rental and expense amounts for comparable properties.
If an appraisal using the income approach was conducted, please attach.

*** FINAL ESTIMATE OF VALUE:** $_____

**AGENT ASSIGNMENT:** I authorize the below-named agent to act on my behalf regarding the property tax valuation of the property described herein for the year CRS

Agent's Name (please print): Sheri Gardner Telephone Number: 4804149178

Please mail all correspondence regarding this protest to the above-named agent at the following address: gargirl.sheri@gmail.com

Owner's Signature: Charles R Gardner Date: 4/24/18

Indicate name and telephone number for a person the Assessor may contact if an on-site inspection is necessary:

Charles R Gardner 9.5.18 9702744720

VERIFICATION: I, the undersigned owner or agent of this property, state that the information and facts contained herein and on any attachment constitute true and complete statements concerning the described property.

* Signature Charles R Gardner Date 4/24/18

Charles R Gardner 9.5.18

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EXHIBIT D
Page 1 of 5

WWE
Wright Water Engineers, Inc.

DENVER OFFICE
2490 West 26th Ave., Suite 100 A
Denver, Colorado 80211
(303) 480-1700
(303) 480-1020 FAX

GLENWOOD SPRINGS OFFICE
818 Colorado Avenue
P. O. Box 219
Glenwood Springs, Colorado 81602
(303) 945-7755
(303) 893-1608 Denver Direct Line
(303) 945-9210 FAX

October 6, 1995

Charles Gardner
c/o Charley Parker
Marble Water Company
420 W. Silver Street
Marble, CO 81623

RE: Floodplain Analysis for Gardner Property Near Marble, Colorado

Dear Mr. Gardner:

At your request, Wright Water Engineers (WWE) evaluated the Crystal River 100-year floodplain on the Gardner property near Marble, Colorado. This letter report presents our findings including the recommended lowest finish floor elevation for the proposed homesite.

## SUMMARY

According to the FEMA Flood Insurance Rate Map (FIRM) for the area (Community Panel No. 080078 0150 B, September 28, 1989), the proposed building site lies in the floodplain. Based on field observations this year and our floodplain analysis, we believe the 100-year flood event will be contained within the banks of the river and away from the proposed building site. However, the area may be subject to shallow flooding due to potential erosion and/or failure of the man-made levee upstream. Therefore, we recommend that the lowest finish floor elevation should be set three feet higher than the existing ground elevation at the proposed building site. This would represent an elevation approximately one foot above the top of casing of the existing well.

## GARDNER PROPERTY

The Gardner property is located in the SE¼ of the NE¼ of Section 27, Township 11 South, Range 88 West of the 6th P.M. in Gunnison County, Colorado near the Town of Marble (see Exhibit 1). Construction of a single family residential homesite is proposed on the property within the FEMA floodplain boundary. The FEMA floodplain is shown on Exhibit 2 from the FIRM map for Community Panel No. 080078 0150 B, effective date September 28, 1989. The

FEMA floodplain delineation was based on a cursory study in which base flood elevations (BFE) were not calculated. Therefore, the FEMA floodplain elevation is not determinable from the existing FIRM map and floodplain study.

## VERTICAL ELEVATION CONTROL

The base flood elevations (when calculated) for FEMA floodplain mapping is referenced to the 1929 National Vertical Geodetic Datum (NVGD). Since BFE's were not calculated and 1929 NVGD control is not available at the project site, all elevations used in our analysis are relative to an arbitrary assumed vertical datum tied into the existing well casing on the property. For future reference, we have tied together the elevations of the top of well casing and a USGS Quarter Corner Monument, located approximately 600 feet from the site. WWE has referenced an elevation to this permanent monument from a USGS reference spot elevation.

The reference elevation is 7,956 feet, located at the intersection of Park and Third Street in Marble. This spot elevation is delineated on the Marble Quadrangle Map within the SW¼, SW¼, NE¼ of Section 26, Township 11 South, Range 88 West of the 6th P.M. No vertical control "Benchmark" was located and we believe none exist at this time. The elevations presented below and in the exhibits are based on the above referenced USGS spot elevation.

## ANALYSIS

Our floodplain analysis is based upon use of the HEC-II computer model. Four surveyed cross-sections upstream and downstream of the site were input with an estimated 100-year peak flow of 2,400 cfs (see Exhibit 3). Other input data is based on appropriate parameters for a high mountain stream and consistent with detailed FEMA analysis downstream in Pitkin County. The peak flow of 2,400 cfs was established in a 1979 U.S. Army Corps of Engineers flood hydrology report on the Crystal River.

A review of Crystal River streamflow data from the USGS gaging station near Redstone, Colorado indicates that high flow in the Crystal River this year was approximately equal to the 100-year event. In a conversation with Brian Hyde, the Colorado Water Conservation Board has noted that the Crystal River 1995 peak flow was equal to the 100-year event. All of the flow stayed in the main channel adjacent to the Gardner property as predicted by the HEC-II Model. However, there exists the potential for erosion and failure of the levees upstream of the site. Such failure could channel a portion of the flood flow across the site in the form of shallow flooding. The results of the analysis are presented in Exhibits 1 through 3.

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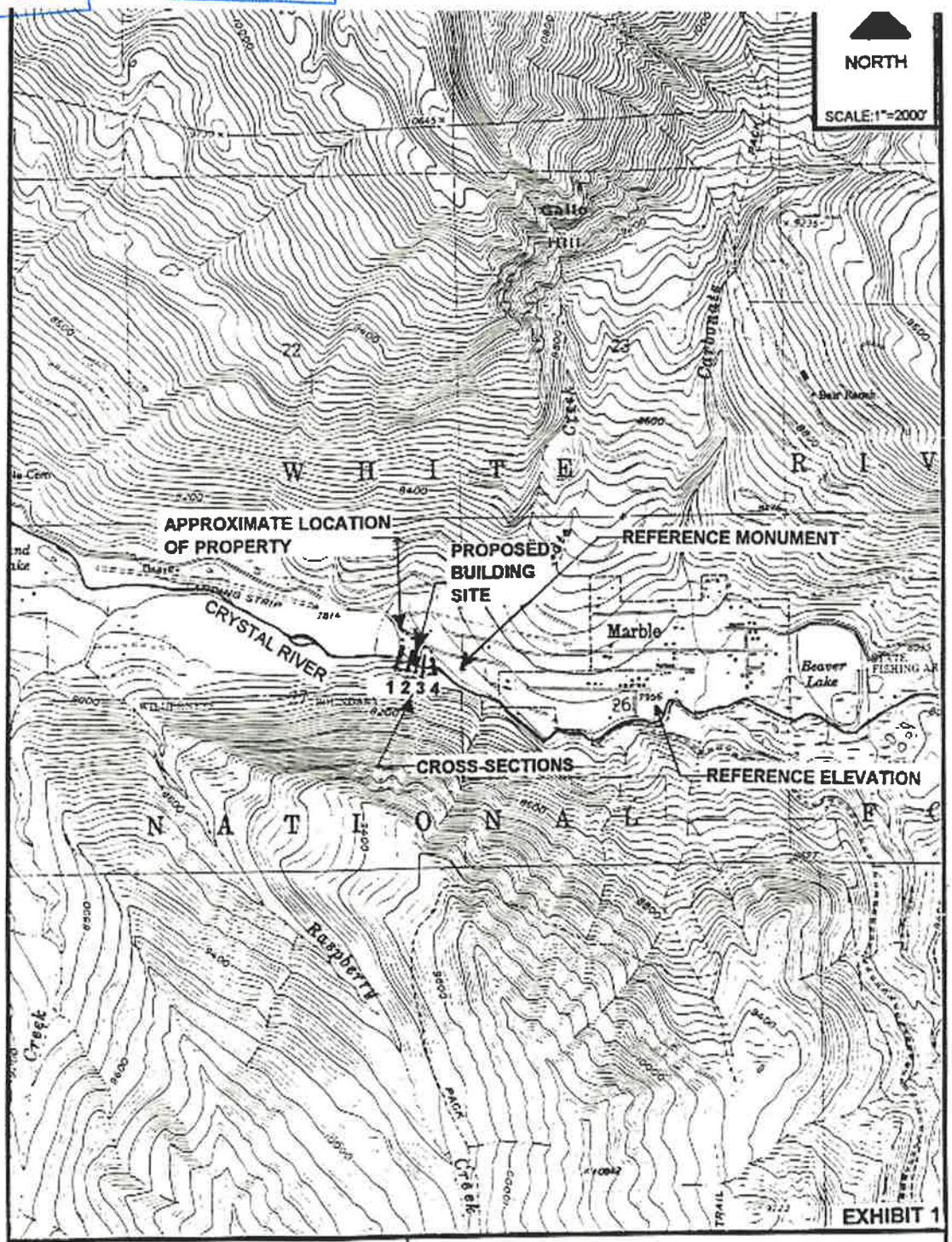
EXHIBIT D
Page 3 of 5




| | | |
|---|---|---|
| WRIGHT WATER ENGINEERS, INC.<br>818 Colorado Avenue<br>Glenwood Springs, CO 81602<br>(970)945-7755 | DRAWN PER<br>CHECK MJE<br>DATE Sep-95<br>SCALE | LOCATION MAP<br>MARBLE, CO 1987<br>SEC. 27, T11S, R88W 6th PM<br>951-130.000 |

4

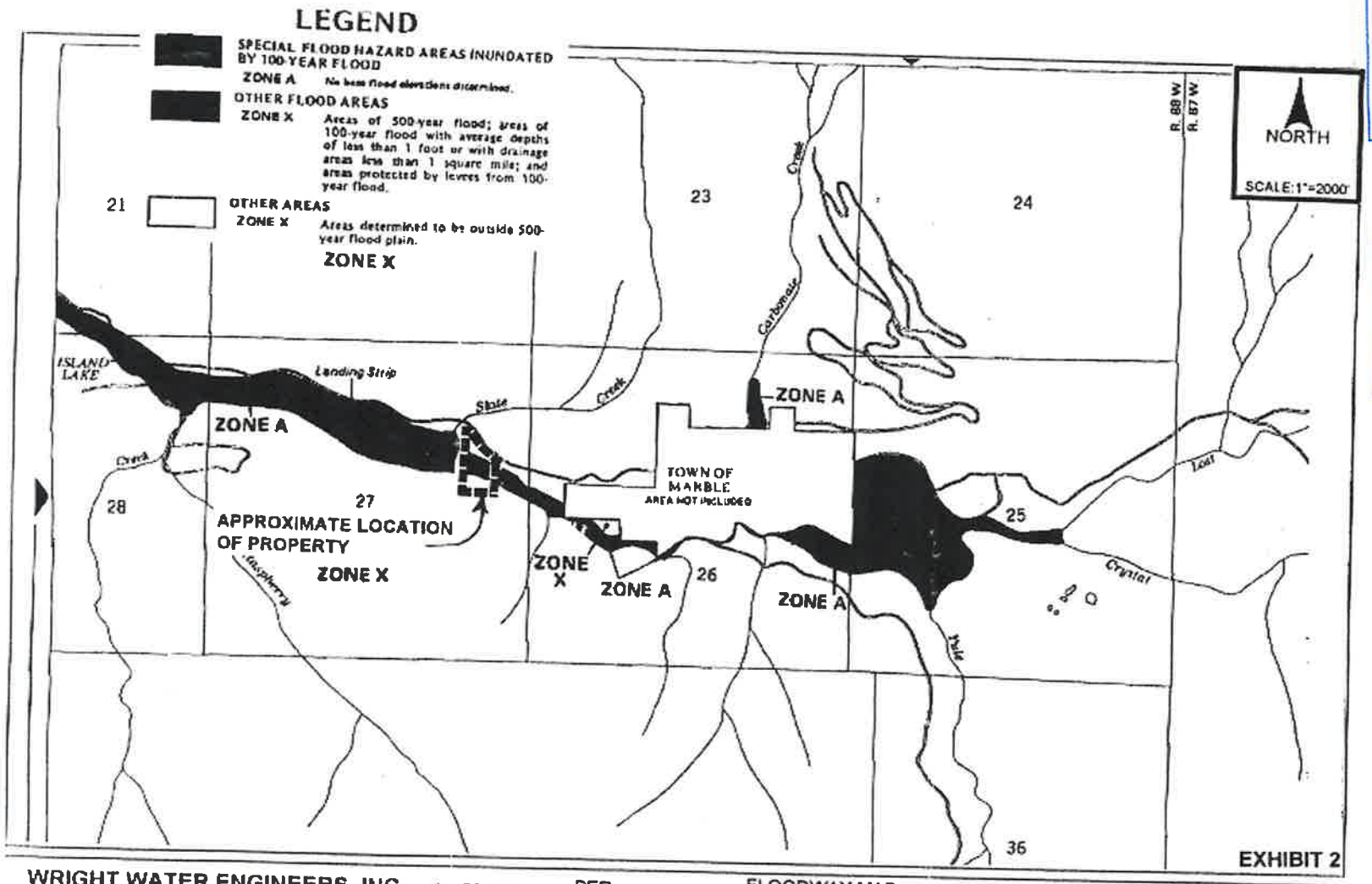



EXHIBIT 2

**WRIGHT WATER ENGINEERS, INC.**
818 Colorado Avenue
Glenwood Springs, CO 81602
(970)945-7755

| | |
|---|---|
| DRAWN | PER |
| CHECK | MJE |
| DATE | Sep-95 |
| SCALE | |

FLOODWAY MAP
GUNNISON COUNTY, CO
COMMUNITY PANEL NUMBER
080078 0150 B
SEPTEMBER 28, 1989

GARDNER RESIDENCE
FLOODWAY MAP
CRYSTAL RIVER

951-130.000

CBOE # 8

EXHIBIT D
Page 4 of 5

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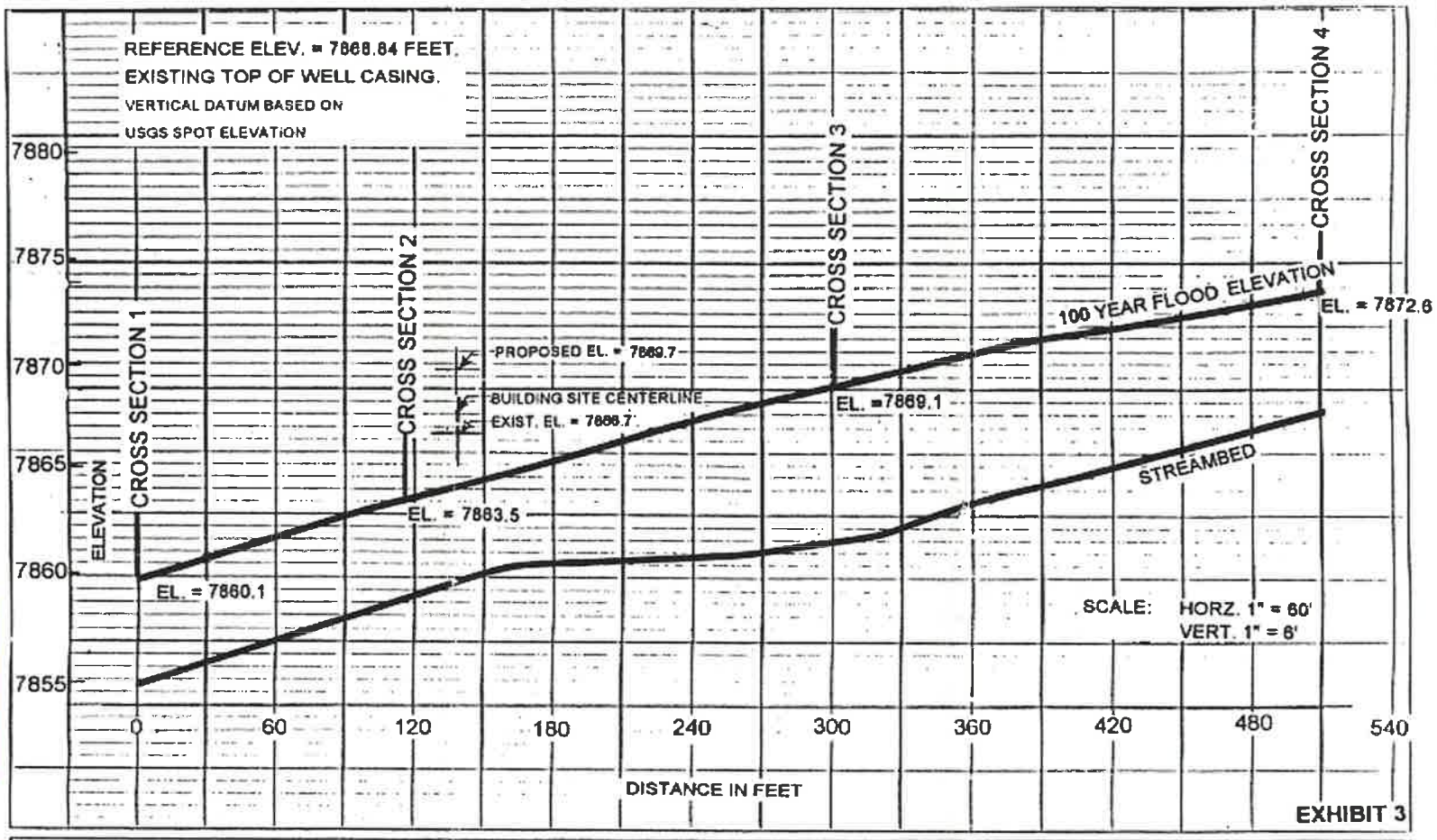



EXHIBIT 3


WRIGHT WATER ENGINEERS, INC.
818 Colorado Avenue
Glenwood Springs, CO 81602
(970)945-7755


DRAWN PER
CHECK MJE
DATE SEPTEMBER 1995
SCALE AS SHOWN

GARDNER RESIDENCE
FLOOD PROFILE SHEET
CRYSTAL RIVER

951-130.000

EXHIBIT D Page 5 of 5

CBOE # 8

CBOE # 8

EXHIBIT E
Page 1 of 3

July 12, 1995

Mr. Charlie Gardner
1711 Indigo
Mesa, AZ 85203

Subject: Geologic Hazard Evaluation
4.75 Acre Tract in
SE 1/4, NE 1/4 of Sec 27, T11S, R88W, 6th P.M.
Gunnison County, Colorado
Job No. GS-1571

Our engineering geologist, Mr. Liv Bowden, met with Mr. Charlie Parker at the subject site on June 30, 1995 to observe site conditions and perform a field reconnaissance of geologic hazards. Our geologic hazard evaluation is based on a review of published geologic maps and literature, a geologic field reconnaissance and our experience. This letter summarizes our field observations and presents the results of our geologic hazard evaluation and our recommendations.

The site is located on the valley floor and sides between the Marble air strip and the townsite of Marble, Colorado. The Crystal River runs from the west down to the east through the site. Road 314 is aligned through the north part of the property. Geographically the site can be visualized as being made up of three areas. An area south of the Crystal River, a "lower alluvial plain" area adjacent to and north of the Crystal River and an "upper bench" area above and to the north of the Crystal River.

CTL/THOMPSON, INC.
CONSULTING ENGINEERS
234 CENTER DRIVE ■ GLENWOOD SPRINGS, COLORADO 81601 ■ (970) 945-2809

The area south of the Crystal River consists of valley sides that are steep to very steep with several avalanche and rockfall chutes. The slopes are heavily vegetated with conifer trees and brush except for the chutes which are bare. This area is subject to moderate to high potential rockfall hazards and high potential avalanche hazards. We were told that development in this area is not being considered.

The "lower alluvial plain" area has been cut by erosion from the Crystal River into the debris fan developed by Slate Creek to the north and west. Ground surfaces are comparatively flat and generally less than 4 feet above the Crystal River. Vegetation consists of conifer and deciduous trees, brush, grasses and weeds. This area is mapped as being in a potential flood plain. Development in this area will need to address potential flooding from the Crystal River and potential debris flows and mudflows from Slate Creek. In our opinion development in this area will likely involve raising overall grades above the 100 year flood plain, extensive access drive excavation and debris/mudflow mitigation. We understand this area is being considered as a "second choice" building location.

The "upper bench" area is on the south facing slopes above and north of the Crystal River and is being considered as the primary building site. Ground surfaces slope gentle to the south and west at grades visually estimated at 5 to 10 percent. The south edge of the bench drops abruptly approximately 30 vertical feet down to the "lower alluvial plain" at grades of approximately 1.5 to 1 (horizontal to vertical). Parts of the south edge are likely made of the fill balance from excavating an

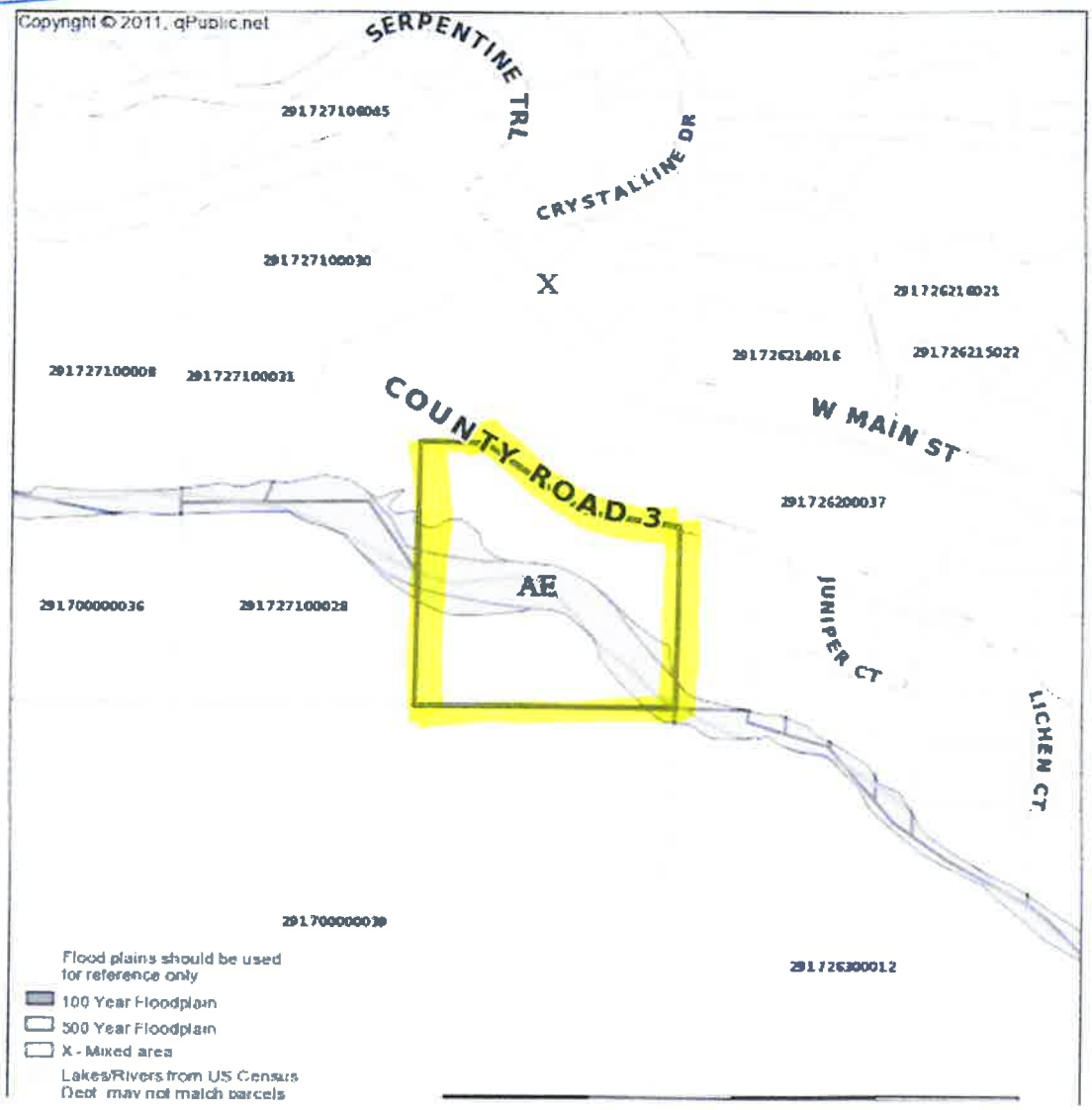
abandoned railroad grade that runs east-west through the site. Large blocks of marble have been dumped along the sides of the railroad grade making a discontinuous "berm". The west end of the benched area has been used as a landfill for dumping domestic trash and garbage. Piles of old food cans and debris were observed along the edges of the bench at its west end. The building site is located below (south of) the marble block berm on the central part of the bench.

The "upper bench" area is in a mapped debris/mudflow hazard area. Site specific observations indicate the area is on the fringe of an active mudflow area. In our opinion the "upper bench" area is in a moderate potential debris/mudflow hazard area. We recommend mitigation of the potential debris/mudflow hazard by building up the marble berm to make it a continuous, solid berm to direct potential flows down, around and away from the planned building. The berm should be at least 7 feet tall and 14 feet wide at its base. The berm should extend at least 10 feet beyond and below the farthest downhill part of the proposed building where it can then diminished in height to match existing grade. The uphill face of the berm should be between vertical and 1 to 1 (horizontal to vertical) . The steeper the uphill face the better. Construction of a berm as recommended above will, in our opinion, reduce the potential debris/mudflow hazards from "moderate" to "low".

We believe a footing foundation may be appropriate for the planned building. A detailed soils and foundation investigation will need to be performed to determine subsurface conditions and develop design level geotechnical foundation criteria.

CBOE # 8

EXHIBIT F
Page 1 of 1

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CBOE # 8

EXHIBIT G
Page 1 of 1



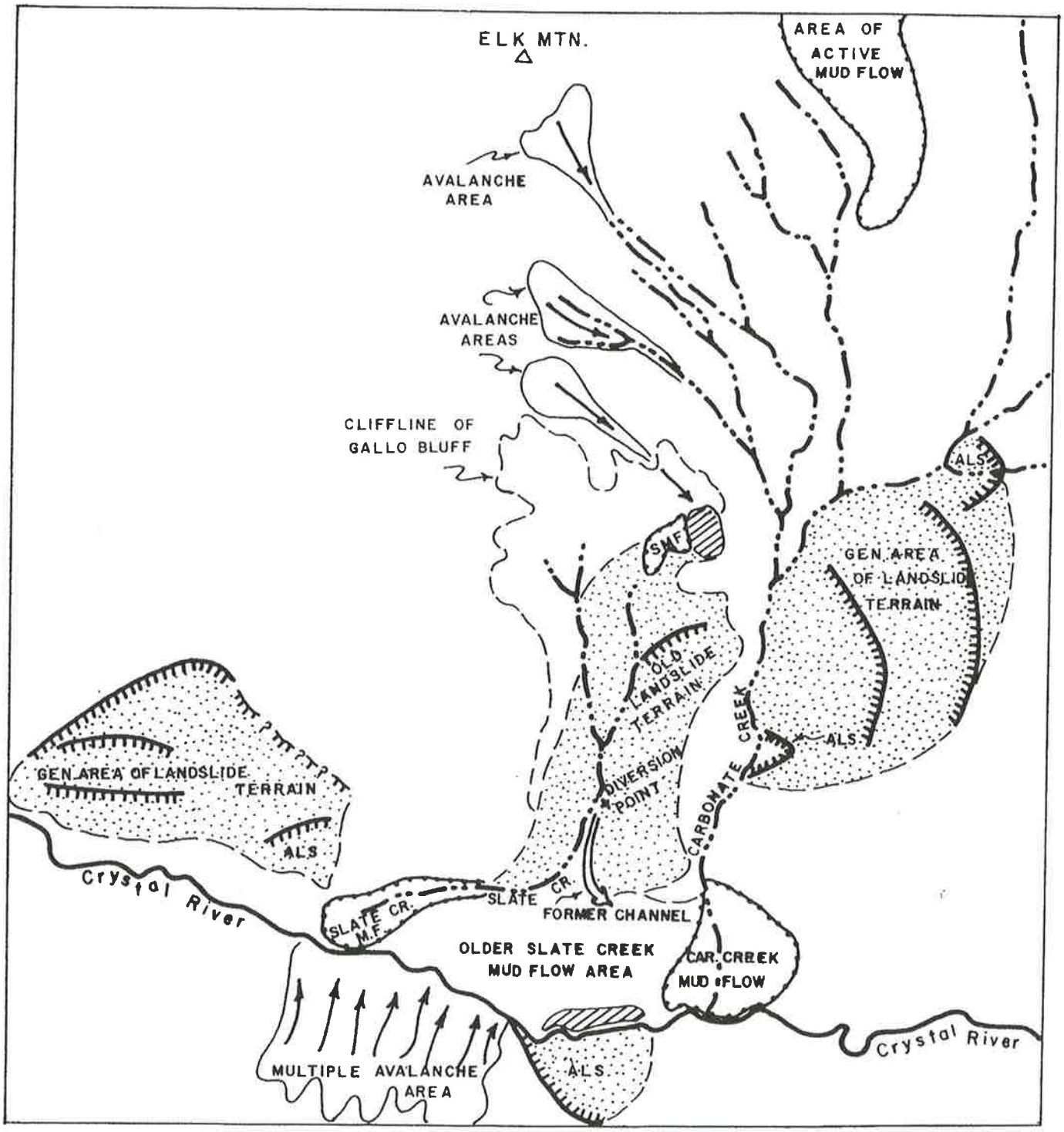


**Fig. 6 — Photogeologic interpretation of major features.**

Easily identifiable features recognizable from photograph on facing page are shown in line drawing below. Symbols not self-explanatory are listed below.

ALS indicates areas believed to be active landslides.
*Landslide Scarps* are shown by heavy lines with teeth indicating direction of downslope movement.
*Heavy Arrows* indicate snow avalanche chutes, and *Diagonal Pattern* shows identifiable landing areas.
*SMF* indicates area of small mudflows at base of Gallo Bluff.

Halfway down driveway large marble has been placed to mitigate mudflow to east toward structures.

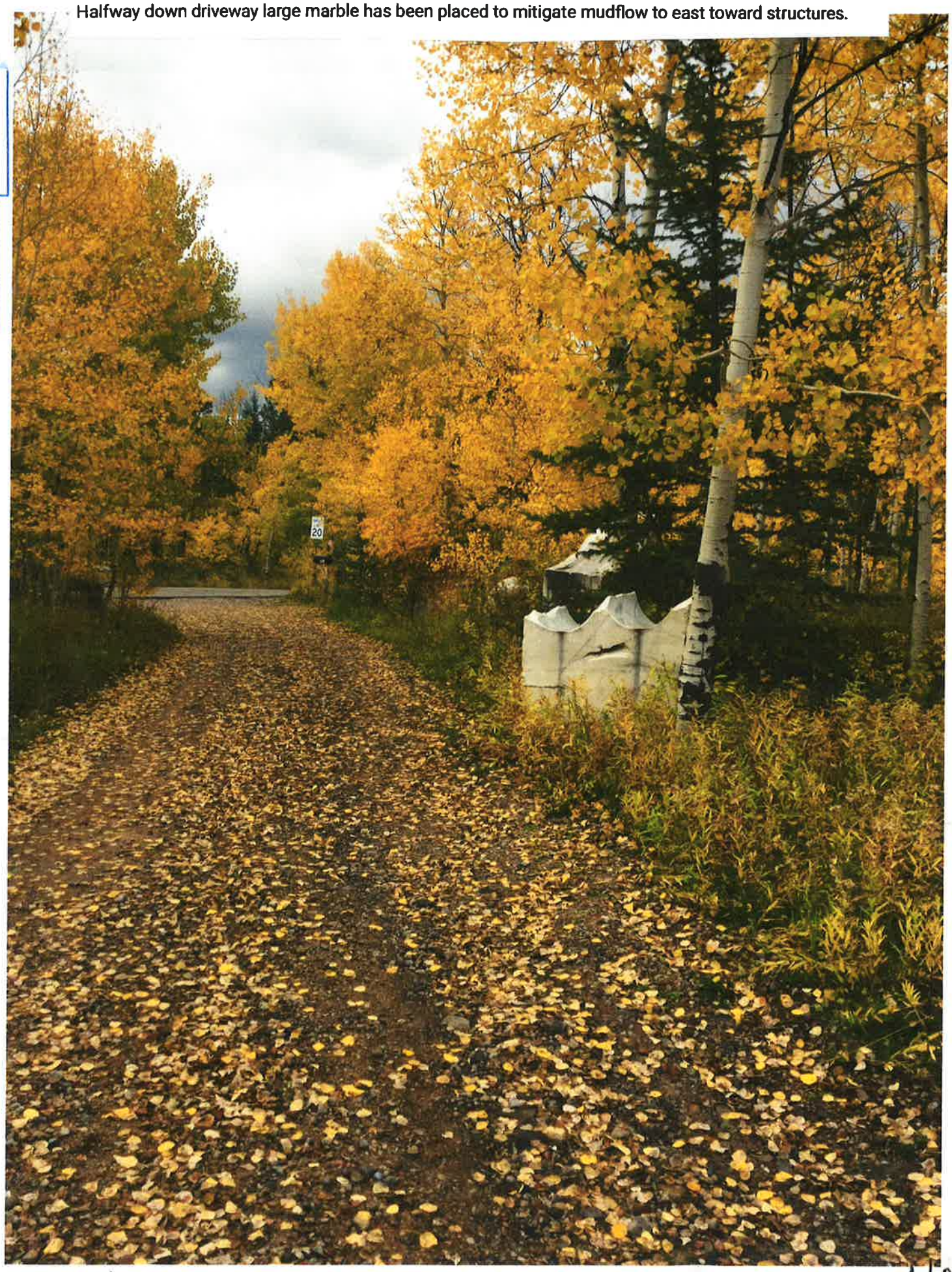

EXHIBIT #1 Page 1 of 1

CBOE # 8

Driveway @ R071844

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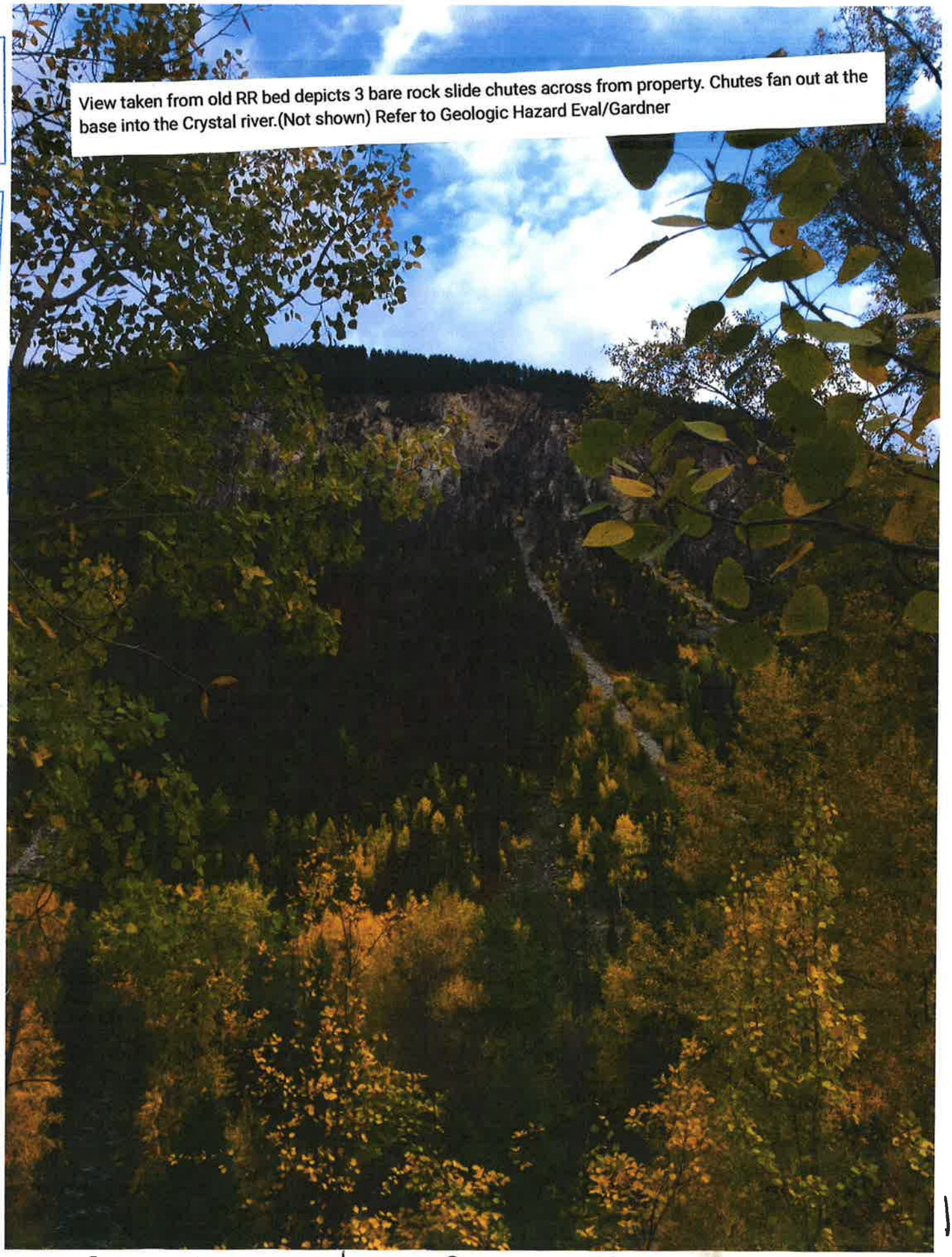
CBOE # 8

EXHIBIT Page 1 of 1

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Ragged Mountain Range / Raspberry Creek

EXHIBIT J
Page 1 of 1

CBOE # 8

View from top of our driveway of mudflow 9/2017 flow is within estimated 25' of our drive entrance.

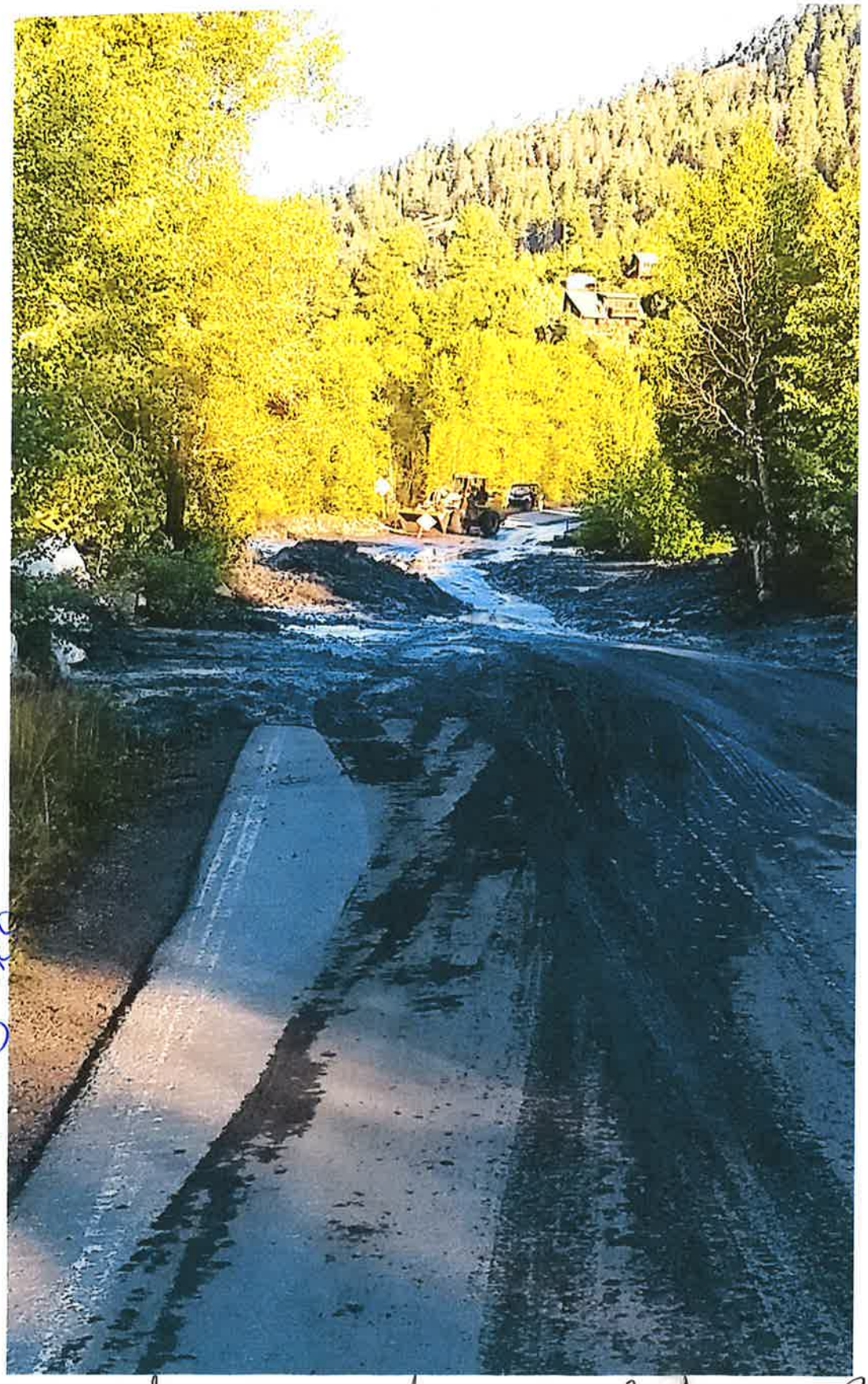

Photo taken standing @ drive entrance to 5516 CR3 GARDNER Property.

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Mud flow @ our driveway entrance & County Rd 3

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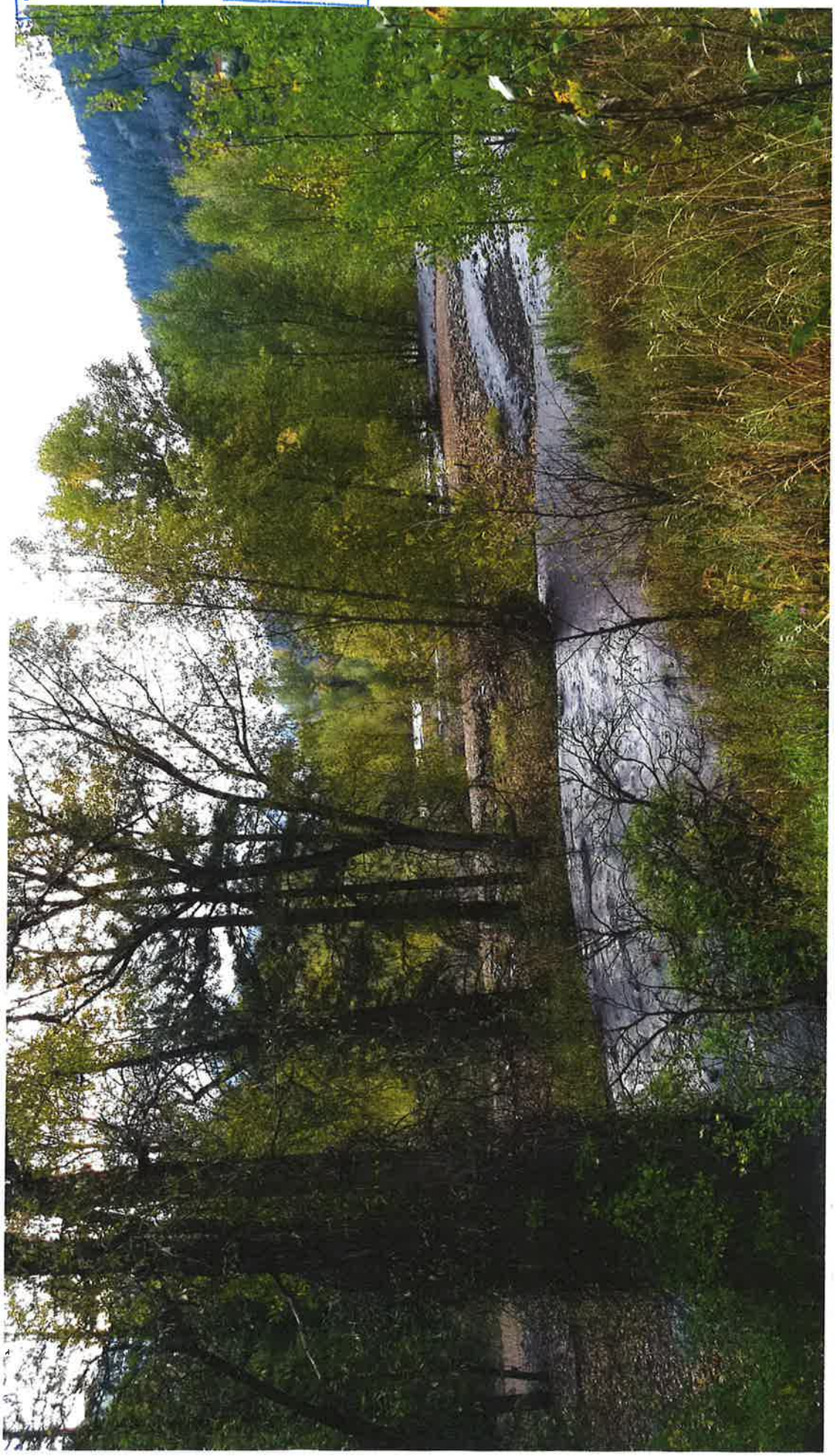
EXHIBIT
Page 1 of K1



Standing halfway down our driveway view to the west shows mudflow proximity.

CBOE # 8

EXHIBIT L
Page 1 of 1

Robert Pettijohn from Marble whom works for County begins using our driveway @ the old RR bed to dump excess mud on clean up of CR 3.

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EXHIBIT M
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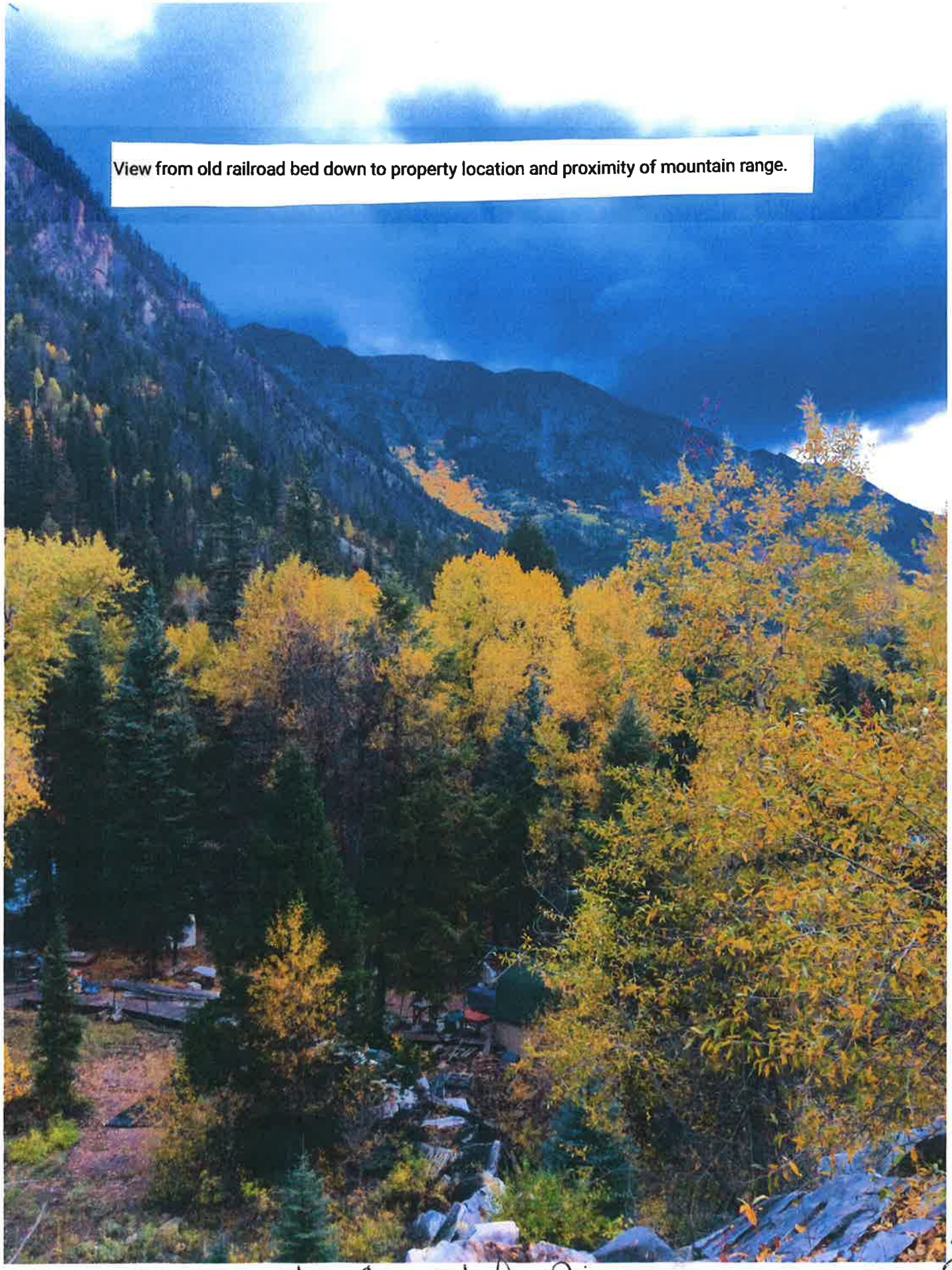


Walkway to Crystal River

22

note

Mudflow from base of adjoining property to the west and ~~not~~ the drive entrance chain and truck passing on CR 3

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EXHIBIT 2 of 7 Page 1

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F

US POSTAGE AND FEES PAID
FIRST – CLASS
Sep 14 2018
Mailed from ZIP 85203
3oz First – Class Pkg Svc

CID: 166778
CommercialBasePrice

071V01023394

endicia.com

# FIRST – CLASS PKG SVC

MAIL AND MORE
Tyler Pace
1106 N GILBERT RD STE 2
MESA AZ 85203

0024

Received
County Administration
9/17/18

Shipped using PostalMate®
Pkg:59154

SHIP TO:

Gunnison County BOE
200 E VIRGINIA AVE
GUNNISON CO 81230 – 2248

CBOE # 8

USPS TRACKING #

9400 1102 0088 2840 8868 69

SEE NOTICE ON REVERSE regarding UPS Terms, and notice of limitation of liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodities, technology or software were exported from the US in accordance with the Export Administration Regulations. Diversion contrary to law is prohibited.
RRD RF2 0818