CBOE #322

Gunnison County
COLORADO

2019 REAL PROPERTY NOTICE OF DETERMINATION

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

Date of Notice: August 15, 2019
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
R007595	2019	601	3975-000-00-004

PROPERTY OWNER	LEGAL DESCRIPTION
BURT ASHLEY J 8100 E UNION AVE UNIT 1204 DENVER, CO 802372976	NW4SE4. SEC 1 48N1W #556739

PROPERTY CLASSIFICATION		PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
			ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Vacant Received County Administration 9/13/19 (FEDEX)			82,970	62,230
	TOTALS		$82,970	$62,230

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.

Thank you for providing information about your property; we have updated our records.

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.

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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:

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, 2018? (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.)

$ 1,500.00

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.)

(1) Letter enclosed
(2) Grouse Study enclosed

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: 720.778.4451
970.275.6009
Date: 9/10/19

*Attach letter of authorization signed by property owner.

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EXHIBIT A
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September 10, 2019

Ashley Burt
aburt@gunnisonbank.com

Gunnison County Board of Equalization
200 E Virginia Ave
Gunnison, CO 81230

Re: Appeal of assessed value - NW4SE4. SEC 1 48N1W #556739. Acc. R007595

Dear Equalizers,

I have owned the 40 acre subject property for about 14 years. During this time the value increased until the sage grouse was listed. Since that occured the value has fallen dramatically. I am disappointed in the reduction of value, but have come to accept that there is nothing that can be done about it currently. However, during this same time I have been paying taxes on an inaccurate value, and that inequity can be corrected. This is the relief I ask for today.

The property has been valued as high as $95,580, and that was likely accurate. You received no protest from me then. In 2015 I had a sage grouse study done. It revealed that there were very limited allowable uses, any use would come with a long list of requirements and uncertainties, and that no use was guaranteed. I have been trying to sell the property since then, and it is clear the grouse has extinguished any market interest - why would anyone buy it?

While the sage grouse study may indicate the remote possibility of limited development in one small area, the reality is that no purchaser will take that chance. I did manage to get the property under contract earlier this year. However, after the prospective purchaser read the grouse study, they went to the county to discuss it. The note I received back from my listing agent follows:

Mr. & Mrs Burt,
Just got a call and an email from Selling Agent stating that the Buyer wished to cancel the deal on your 40 acre tract. She stated that the reason she was given was that the County told the Buyers that there would have to be a new Sage Grouse study since the present study was about to expire, and that it would be tougher to pass the land at this point due to the fact that there was a declining amount of birds at this time etc.

The property has been listed for years. The list price is $49,000, and will soon be much lower. It is obviously above its value as indicated by market interest. The contract that was cancelled earlier this year is the only interest I have seen - and as soon as they found out the reality of the situation, they withdrew. I will now lower my list price, but I still do not expect it to generate any interest. The listing agent has been telling anyone with even a remote interest to just make <u>any</u> offer... and no one has.

In addition to the devaluation due to the grouse listing, there is a county/BLM, sponsored or tolerated, shooting range directly adjacent to the property. Why this use is allowed to continue in light of "delicate tier 1 bird habitat" is a mystery to me, but nonetheless, it has added to the devaluation of this particular parcel.

I wish I could put a grazing lease on it, however that is prohibited by the sage grouse. Therefore, the property value is below a comparable ag property since it cannot even accommodate that use. Please assess it at its real value, that being a property with no development potential, no use potential, no market value, and unavailable as ag property. In the current environment It is truly a worthless piece of property. Please limit my damage to a simple $95,000 loss. Please do not add to the burden with an inaccurate value and inequitable taxes.

Thank you for your consideration,

Ashley Burt

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EXHIBIT B
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James O. Cochran
Gunnison County Wildlife Conservation Coordinator
221 N. Wisconsin
Gunnison, CO 81230
Phone: 970-641-7604
Email: jcochran@gunnisoncounty.org
Website: www.gunnisoncounty.org

TO: Ashley J. Burt
303 E. San Juan Ave.
Gunnison, CO 81230

FROM: James O. Cochran
Wildlife Conservation Coordinator
Gunnison County

DATE: April 14, 2015

SUBJECT: Sage-grouse Habitat Site Specific Analysis
Pre-Application Conference Request

Location: Adjacent to CR 38
NW1/4 SE1/4 Sec 1 T48N R1W
Parcel No. 397500000004

Agencies/Departments/Personnel: James O. Cochran, Gunnison County Wildlife Conservation Coordinator; Neal Starkebaum, Gunnison County Community Development Department; Sparky Casebolt, Gunnison County Public Works Department; Nathan Seward, Colorado Parks and Wildlife; Ashley Burt, Owner

Notes: The owner requested an assessment of sage-grouse values on the parcel. He currently has no plans to develop the property, but is considering putting it up for sale. An onsite assessment was accomplished on April 7, 2015.

The entire parcel is within Tier 1 Habitat (score ≥ 15) as mapped using the 2012 Habitat Prioritization tool (HPT) (Gunnison Basin Sage-grouse Strategic Committee 2012). The parcel is not within 0.6 miles of a Gunnison sage-grouse lek. There is an active lek approximately 1 mile to the west, physically separated from this parcel by steep terrain. The lek is not visible from the parcel.

The overall Gunnison sage-grouse habitat scores for this parcel range from +15 to +20.

There is no riparian area on the parcel. The creek on the southwest corner has downcut to the point that sagebrush has encroached into any potential brood rearing habitat. The parcel is primarily winter habitat with some late fall habitat. There is little herbaceous cover in the understory. Development away from the County road, north and east, would impact sage-grouse habitats on adjacent public lands as well as on this parcel. On the southwest corner of the parcel

adjacent to CR 38 is a relatively flat area under a steep rock face. Though this area is entirely sagebrush, there is little understory and is of little value to sage-grouse. It is the only area on the parcel that has the potential to avoid and/or minimize impacts of development to sage-grouse.

Based on this analysis and a review of the data available, I find that development on this parcel may adversely impact Gunnison sage-grouse and/or their habitats. Permit conditions will depend upon the specific proposal for development. Those conditions are intended to avoid, minimize and/or mitigate impacts to Gunnison sage-grouse and their habitats. They will include, but are not limited to:

1) A Gunnison County Reclamation Permit will be required for any site disturbing activities on this parcel. That permit will contain specific reclamation conditions. Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix. All reclamation activities, including seed application and final grading must be completed according to NRCS guidance on timing of reclamation plantings at this elevation and latitude.

2) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main/CDAGLayout The Gunnison County Weed Management Program should be contacted (970-641-4393) for additional information and technical assistance.

3) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution,* dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.

4) Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.

5) No woven wire fencing is allowed for perimeter fencing or as interior cross fencing. Perimeter and cross fencing shall be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife in Mind*.

6) No roads, routes or trails shall be constructed on the property without additional review by Gunnison County for impacts to Gunnison sage-grouse and their habitats.

7) If the owner intends to utilize the area for grazing animals, they must contact the Natural Resources Conservation Service (NRCS) in Gunnison at 970-641-0494 for assistance in conservation planning. This will help avoid unintended impacts to sage-grouse habitat.

A separate analysis will be required, which may include additional conditions, when a specific development is proposed.

James O. Cochran

James O. Cochran,
Wildlife Conservation Coordinator
Gunnison County

cc: Debbi Ferchau, Gunnison County Public Works Department
Neal Starkebaum, Gunnison County Community Development Department
Jon Mugglestone, Gunnison County Weed Management Program
J Wenum, Colorado Parks and Wildlife
Nick Gallowich, Colorado Parks and Wildlife
Nathan Seward, Colorado Parks and Wildlife

NOTICE REGARDING U.S. FISH AND WILDLIFE SERVICE DETERMINATION THAT THE GUNNISON SAGE-GROUSE IS A THREATENED SPECIES

The U.S. Fish and Wildlife Service has determined, effective December 22, 2014, threatened species status under the Endangered Species Act of 1973, as amended, for the Gunnison Sage-grouse.

Gunnison County approval of a County permit is not U.S. Fish and Wildlife Service approval of any activity described or authorized by a County permit.

Gunnison County is not and does not act as your representative with regard to consultation with the U.S. Fish and Wildlife Service or performance of U.S. Fish and Wildlife Service requirements.

ORIGIN ID:ARBA (970) 275-6009
ASHLEY BURT

8100 E UNION AVE
UNIT 1204
DENVER, CO 80237
UNITED STATES US

SHIP DATE: 12SEP19
ACTWGT: 0.20 LB
CAD: 6997233/SSF02021

BILL CREDIT CARD

TO **GUNNISON COUNTY**
BOARD OF EQUALIZATION
200 E VIRGINIA AVE

GUNNISON CO 81230

(970) 275-6009 REF:
INV:
PO: DEPT:

FedEx Express

TRK# 0201 **7897 7056 3144**

FRI - 13 SEP 4:30P
PRIORITY OVERNIGHT

XH MTJA

81230
CO-US **GJT**

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