

Posted: _____

Remove: _____



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Planning and Zoning Commission Regular Meeting
Wednesday, March 23, 2022, 7:00 PM

Virtual Meetings are subject to internet and technical capabilities.
[To join by computer, smart phone or tablet Click Here:](#)

If you prefer to telephone in:
Please call: 1-346-248-7799
Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until called on.

Call to Order, Roll Call, Meeting Notice

Conflicts of Interest

Citizen Comments on Items NOT on Agenda

Public Hearing

- A.** Consider Resolution PZ 2022-03 - Recommending Approval of a Conditional Use Permit for a Storage Facility on Property Located in the Performance Zone District

Comments/Reports

- Items for Next Planning and Zoning Agenda
- Commission Comments/Reports
- Staff Reports

Review Minutes of Previous Meetings

- B.** Draft Minutes March 9, 2022

Adjournment

**TOWN OF NEW CASTLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2022-3**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR A STORAGE FACILITY ON PROPERTY LOCATED IN THE
PERFORMANCE ZONE DISTRICT.

WHEREAS, on January 27, 2022, Columbine Moving & Storage C/O Patrick Pelton (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property owned by Church Extension Plan located at TBD Highway 6 & 24, New Castle, Colorado, and legally described in Exhibit A hereto (“Property”); and

WHEREAS, the Property is zoned Performance District; and

WHEREAS, the Property is currently unimproved, vacant land; and

WHEREAS, Applicant seeks to operate a storage business on the Property, which will involve the construction of up to 1,600 square feet of office space and the location of up to 50 movable storage containers totaling 6,400 square feet on the Property; and

WHEREAS, Chapter 17.56 of the New Castle Municipal Code (the “Code”) establishes the permitted and conditional uses for the Performance District; and

WHEREAS, Applicant’s proposed “outdoor storage” use is eligible for conditional use review by virtue of its inclusion on the list of conditional uses under § 17.56.040 and, therefore, requires the issuance of a conditional use permit pursuant to Chapter 17.84 of the Code; and

WHEREAS, as required under Code § 17.84.040(B), the New Castle Planning and Zoning Commission (“Commission”) held a duly noticed public hearing on March 23, 2022, to consider the Application; and

WHEREAS, pursuant to Code § 17.84.050, the Commission hereby finds that the Application:

1. is eligible for conditional review under § 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets all requirements of § 17.84.020 of the Code, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
4. is consistent with the comprehensive plan; and
5. the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Planning and Zoning Commission.

2. Listing of Approved Uses. The following constitute the uses for the Property that the Commission recommends be approved under the Application.

A. Operation of a personal storage business including an office/administrative building and not more than 50 transportable storage containers

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application and use proposed therein pursuant to § 17.84.050 of the Code, subject to the following conditions:

A. Designate a 15' setback along the north property line consistent with *MC* 17.56.070(C) for emergency egress and landscape screening.

B. Provide a gable roof for the office building that is more consistent with the public works facility;

C. No hazardous or flammable materials shall be stored in any storage container or elsewhere on the Property;

D. In the event Applicant's business model changes to allow customers to regularly access their storage containers at the Property whether during or outside business hours, Applicant will update its traffic study upon request from Town staff to confirm that Applicant's use of the Property remains in compliance with the CDOT access permit;

E. Prior to issuance of a building permit, an easement deed or other conveyance document approved by the Town attorney establishing the access, parking, and utility easements called for in that certain Cost Sharing Agreement dated December 16, 2008, between the Town and Owner's predecessor shall be signed and recorded;

F. The use approved in the application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect;

G. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in § 17.84.070 of the Code;

H. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf;

I. Applicant shall comply with all applicable building and municipal code requirements, including all accessibility requirements;

J. Applicant shall be required to pay all water and sewer tap fees and water rights dedication fees associated with the conditional use at a rate of 1.0 EQRs. The applicant shall pay the dedication fee (\$6,000) within 30 days of the effective date of this resolution and prior to, and as a condition of, the issuance of the town planner's conditional use certificate. Applicant shall pay remaining tap fees prior to the issuance of the building permit for the office building;

K. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4;

L. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the Applicant; and

M. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.

THIS RESOLUTION PZ 2022-03 was adopted by the New Castle Planning and Zoning Commission by a vote of __ to __ on the 23rd day of March, 2022.

NEW CASTLE PLANNING AND
ZONING COMMISSION

By: _____
Commission Chair Chuck Apostolik

ATTEST:

Mindy Andis CMC, Deputy Town Clerk

EXHIBIT A

Legal Description

The property that is the subject of the Application described in Resolution PZ 2022-3 is legally described as follows:

Lot 1, SHILO SUBDIVISION, according to the plat thereof recorded September 30, 1999, as Reception No. 553022, County of Garfield, State of Colorado

commonly known as TBD Highway 6 & 24, New Castle, Colorado 81647.

CHURCH EXPANSION PLAN
PO Box 12629, Salem, OR 97309-0629
(800) 821-1112

January 26, 2022

New Castle Planning Department
PO Box 90
450 West Main Street
New Castle, CO 81647

Re: Lot 1, Shilo Subdivision;
PID No. 2123-313-07-001

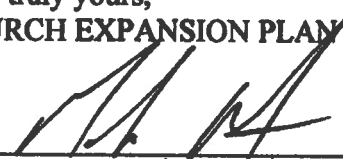
Dear Planning Department:

Church Expansion Plan, an Oregon Non-profit corporation, is the owner of the above-referenced property (the "Property").

We do hereby authorize Patrick Pelton of Columbine Moving & Storage, ppelton@columbinemoving.com, (832) 721-9733 and his counsel, Joseph E. Edwards, III, of Klein Coté Edwards Citron LLC, jee@kceclaw.com, (970) 925-8700 to act as our designated representative with respect to any land use applications submitted to your office concerning the Property. They are authorized to submit such land use applications as he shall deem appropriate concerning the Property, including an application for Conditional Use Permit. Further, they are authorized to represent us in any meetings or hearings with staff and the City's decision-making bodies.

Should you have any need to contact us during the course of your review of this application, please do so through Patrick Pelton.

Very truly yours,
CHURCH EXPANSION PLAN

By: 
Name: Mark A. Whitney
Title: President

Administration Department
 (970) 984-2311
 Fax: (970) 984-2716
www.newcastlecolorado.org



Town of New Castle
 PO Box 90
 450 W. Main Street
 New Castle, Co 81647

DEVELOPMENT APPLICATION

Applicant: Columbine Moving & Storage			
Address: P.O. Box 2009 Glenwood Springs, CO 81602	Phone: 832-721-9733 FAX: E-mail: ppelton@columbinemoving.com		
Property Owner: Church Expansion Plan			
Address: 4070 27th Ct SE #210 Salem, OR 97302	Phone: FAX: (800) 821-1112 E-mail:		
Contact Person: Clinton Carroll			
Address: 415 E. Hyman Aspen, CO 81611	Phone: 970-366-3511 FAX: E-mail:		
Property Location/Address: TBD 6 & 24, New Castle, CO 81647			
Legal Description: Land	Acres: 2.39		
Existing Zone (<u>Not sure? Click here for help</u>): Performance			
Existing Land Use: N/A Undeveloped			
TYPE(S) OF LAND USE(S) REQUESTED			
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Pre-Annexation Agreement <input type="checkbox"/> Annexation <input type="checkbox"/> Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) <input type="checkbox"/> Amended Plat <input type="checkbox"/> Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) <input type="checkbox"/> Floodplain Development Permit </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Lot Line Adjustment or Dissolution <input type="checkbox"/> Site Specific Development Plan/Vested Rights <input type="checkbox"/> Variance <input type="checkbox"/> Zoning <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Re-zoning <input type="checkbox"/> R-1-HC Identification <input checked="" type="checkbox"/> Conditional Use Permit or Special Review Use Permit <input type="checkbox"/> Other </td> </tr> </table>		<input type="checkbox"/> Pre-Annexation Agreement <input type="checkbox"/> Annexation <input type="checkbox"/> Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) <input type="checkbox"/> Amended Plat <input type="checkbox"/> Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) <input type="checkbox"/> Floodplain Development Permit	<input type="checkbox"/> Lot Line Adjustment or Dissolution <input type="checkbox"/> Site Specific Development Plan/Vested Rights <input type="checkbox"/> Variance <input type="checkbox"/> Zoning <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Re-zoning <input type="checkbox"/> R-1-HC Identification <input checked="" type="checkbox"/> Conditional Use Permit or Special Review Use Permit <input type="checkbox"/> Other
<input type="checkbox"/> Pre-Annexation Agreement <input type="checkbox"/> Annexation <input type="checkbox"/> Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) <input type="checkbox"/> Amended Plat <input type="checkbox"/> Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) <input type="checkbox"/> Floodplain Development Permit	<input type="checkbox"/> Lot Line Adjustment or Dissolution <input type="checkbox"/> Site Specific Development Plan/Vested Rights <input type="checkbox"/> Variance <input type="checkbox"/> Zoning <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Re-zoning <input type="checkbox"/> R-1-HC Identification <input checked="" type="checkbox"/> Conditional Use Permit or Special Review Use Permit <input type="checkbox"/> Other		
This development would create <u>0</u> residences and <u>1,600</u> square feet of commercial space.			
Applicant must also complete and submit the appropriate <u>checklist</u> for the type of land use requested. Both the applicant and the property owner must sign this application.			
Applicants are encouraged to schedule a pre-application meeting with the Town Administrator and/or Town Consultants prior to submitting this application.			

AGREEMENT TO PAY CONSULTING FEES AND EXPENSES

It is the policy of the Town of New Castle that all land use applications must be filed in the Office of the Town Clerk to receive formal consideration. Please refer to the Town Clerk's Office for all applicable procedures.

However, the Town encourages land use applicants to consult informally with members of the Town Staff, including outside consultants, prior to filing applications if the applicant has questions regarding areas within Staff members' particular expertise; PROVIDED THAT THE POTENTIAL APPLICANT AGREES TO REIMBURSE THE TOWN FOR ALL FEES AND EXPENSES RELATING TO SUCH INFORMAL MEETINGS.

The Town employs outside consultants for engineering, surveying, planning, and legal advice. These consultants bill the Town on an hourly basis as well as for expenses including but not limited to copies, facsimile transmissions, and long distance telephone calls.

It is the Town's policy that all persons wishing to hold informal meetings with members of the Town Staff acknowledge responsibility for all fees and expenses charged by outside consultants by signing this Agreement below.

I acknowledge and agree to pay the Town of New Castle all actual costs incurred by the Town in relation to legal, engineering, surveying, planning, or other services performed by consultants to the Town as a result of such consultants' review and comment upon, or other services related to, land use proposals and/or applications proposed by me or on my behalf, regardless of whether or not such application is formally filed with the Town. Interest shall be paid at the rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect all costs of collection in addition to the amount due and unpaid, including but not limited to reasonable attorney's fees and costs.

SO AGREED this 27 day of January 2022



Columbine Moving & Storage
Applicant (Print Name)

Signature

832-721-9733
Telephone

P.O. Box 2009, Glenwood Springs, CO 81602
Mailing Address

Church ^{Extension} Expansion Plan
Property Owner

Mailing Address If Different From Above

Seller of Property
Relationship to Applicant or Potential Applicant

Type of application: Land Use Application

Property description: Undeveloped Land

Columbine Moving & Storage

1/27/2022

Town of New Castle
Attn: Planning and Zoning Commission
Town of New Castle, CO
450 West Main Street
PO Box 90
New Castle, Colorado 81647

Dear Commissioners,

Columbine Moving & Storage ("Columbine") is submitting their Conditional Use Application, regarding the property located at, TBD 6 & 24, New Castle, CO 81647 (Shilo Subdivision, Lot 1). The targeted property is zoned as Performance District, and currently resides as a vacant lot. In accordance with the zoning regulations in the Code of Ordinances, Chapter 17.56, permitted uses would most likely be available only to the Town of New Castle. Therefore, Columbine is requesting conditional use that is authorized in Section 17.56.040. Columbine's application, and corresponding documents, is being filed in accordance with the guidelines established in Section 17.84.20. The required documents per the Conditional Use Permit Application Checklist, and section 17.84.20 are listed below, and deemed to form the comprehensive documents that satisfies all requirements of the Conditional Use Permit Application:

- A. Development Application – 15 Copies
- B. Proof of Legal Ownership of all Property Involved
- C. Names and Addresses of all Property Owners, Mineral Owners, and Lien Holders of all Property Involved ~ Title Commitment
- D. Complete Site Plan, Drawn to Scale,
 1. Site Plan (Survey) Illustrating:
 - i. Adjacent Land Uses and Location of Adjacent Structures, Including Sidewalks, Alleys or Streets
 - ii. Boundary and Size of Site
 - iii. Building Location, Height and Setbacks, Include any Building Modifications that the Variance may Create
 - iv. Off-Street Parking and Loading Areas
 - v. Points of Ingress and Egress
 - vi. Service and Refuse Areas
 - vii. Signs and Exterior Lighting
 - viii. Fencing, Landscaping and Screening
 - ix. Compliance with Performance Standards

Exhibit A

- x. Location and Size of easements, Power Poles, Fire Hydrants, Gas Lines, Water and Sewer Lines and Other Items Which Might Impact the Property, as well as Anticipated Utility Requirements
- 2. Site Pictures (Potential) Office and Portable Storage Container
- 3. Comprehensive Plan
- 4. Performance Standards
- E. Time Schedule for Development
- F. If You Believe that any of the Above Requirements are not Applicable, Provide a Statement Explaining why you Believe the Requirements are not Applicable.
- G. Other Information Supporting Your Application
 - 1. Performance District – Conditional Uses
 - 2. Conditional Use – Approval Criteria
 - 3. Comprehensive Plan Assessment
- H. List of Owners of Property within 250 Feet of your Property Along with Their Mailing Addresses
- I. \$250.00 Non-refundable Application Fee

Columbine has reviewed and satisfied all the requirements for the Conditional Use Permit approval, per Section 17.84.050 as noted below.

1. Columbine is submitting a request for permitted conditional uses in accordance with section 17.56.040.
2. Columbine's requested use is compatible with the adjacent land uses. Either adjacent to the property or in the general vicinity, the Town of New Castle operates a wastewater treatment facility and a Police Department. These facilities have warehouses and/or workshops on the property. Columbine's requested use would be consistent with either of these neighboring or nearby properties, although Columbine would not be constructing any permanent warehouse, workshop, or storage facility.
3. Columbine has reviewed and included as part of its Conditional Use Permit Application all documents listed in Section 17.84.020. Columbine did not identify any potential negative implications to adjacent properties as a result of assessing and completing the Conditional Use Permit Application documents. Additionally, the requested use will not impact traffic flow for adjacent properties as the requested use will be limited to seven to eight employees.
4. Columbine has reviewed and addressed compatibility with the Comprehensive Plan (See Attachment)
5. Columbine's consumption of resources (i.e. water) or services provided by the Town of New Castle will be minimal. Water consumption will be limited to an office of seven to eight employees and potential irrigation, depending on landscape requirements. Other services, excluding sewer, will only be required as needed, but are not services that are requested or required in order to conduct business.

The targeted property is deemed a Gateway entrance into New Castle, thus additional consideration for commercial operations was evaluated, and deemed to be consistent with adjacent and nearby properties. Columbine has observed that commercial retail businesses and professional service providers were located primarily east of 7th street, thus concern for inconsistency and/or incompatibility with other types of commercial businesses is not warranted or justified. Columbine is committed to supporting initiatives set forth for Gateway properties by maintaining an attractive commercial business site and providing the necessary signage to inform inbound traffic of Town attractions and key sites. Although the property is deemed a Gateway property, there are constraints, as they currently stand,

that limit development opportunities. These constraints consist of the noise nuisance caused by the railroad and Hwy 6 traffic as both means of transportation run parallel with this property. The observed noise from the railroad and highway traffic could result in an obstruction for certain professional or retail settings.

In summary, Columbine has completed the Conditional Use Application, assessed the objectives of the Town's Comprehensive Plan (Attachment H-3), and concluded that if the requested conditional use is permitted that there would be economic benefits for both the residents and Town of New Castle. Columbine is seeking to bring diversity to service offerings which would be more affordable for local residents, while also offering employment opportunities that would reduce outbound traffic congestion and tax leakage as most residents work outside of the Town of New Castle. We appreciate your consideration and look forward to the open dialogue.

Sincerely,

Patrick Pelton
VP Operations



**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **ABS63018060**

Date: **11/12/2021**

Property Address: **TBD 6 & 24, NEW CASTLE, CO 81647**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

Becky Blanchard
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 930-9812 (Work)
(800) 318-8206 (Work Fax)
bblanchard@ltgc.com
Contact License: CO30323
Company License: CO44565

Closers Assistant

Desi Kirkpatrick
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 945-2610 (Work)
(800) 318-8206 (Work Fax)
dkirkpatrick@ltgc.com
Company License: CO44565

Closing Processor

Jordan Thomas
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 945-2610 (Work)
(800) 318-8206 (Work Fax)
jthomas@ltgc.com
Company License: CO44565

For Title Assistance

George Rietsch
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
(303) 850-4151 (Work)
grietsch@ltgc.com

Buyer/Borrower

COLUMBINE MOVING & STORAGE
Attention: PATRICK PELTON
Delivered via: Electronic Mail

Agent for Buyer

SOPRIS REALTY LLC
Attention: BRAD PLANTZ
51753 HWY 6 & 24 #2
GLENWOOD SPRINGS, CO 81601
(970) 618-9745 (Cell)
(970) 945-7677 (Work)
brad@soprisrealty.com
Delivered via: Electronic Mail

Seller/Owner

CHURCH EXPANSION PLAN
Delivered via: Delivered by Realtor

Agent for Seller

ROARING FORK SOTHEBY'S INTERNATIONAL REALTY
Attention: CLINTON CARROLL
150 W MEADOWS SUITE 3
GLENWOOD SPRINGS, CO 81601
clinton.carroll@aspensnowmassir.com
joe@j5etc.com
Delivered via: Electronic Mail



**Land Title Guarantee Company
Estimate of Title Fees**

Order Number: **ABS63018060** Date: **11/12/2021**
Property Address: **TBD 6 & 24, NEW CASTLE, CO 81647**
Parties: **COLUMBINE MOVING & STORAGE, A COLORADO NON-PROFIT CORPORATION**
CHURCH EXPANSION PLAN, AN OREGON NON-PROFIT CORPORATION

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"ALTA" Owner's Policy 06-17-06 Non-Profit Rate	\$651.00
Deletion of Standard Exception(s)	\$100.00
Tax Certificate	\$27.00
	Total \$778.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Garfield county recorded 10/20/2021 under reception no. 965050](#)

[Garfield county recorded 01/12/2001 under reception no. 574901](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: ABS63018060

Property Address:

TBD 6 & 24, NEW CASTLE, CO 81647

1. Effective Date:

10/22/2021 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 06-17-06 Non-Profit Rate

\$375,000.00

Proposed Insured:

COLUMBINE MOVING & STORAGE, A COLORADO NON-PROFIT CORPORATION

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

CHURCH EXPANSION PLAN, AN OREGON NON-PROFIT CORPORATION

5. The Land referred to in this Commitment is described as follows:

LOT 1

SHILO SUBDIVISION

ACCORDING TO THE FINAL PLAT THEREOF RECORDED SEPTEMBER 30, 1999 AS RECEPTION NO.

553022.

COUNTY OF GARFIELD

STATE OF COLORADO

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABS63018060

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A COPY OF THE BYLAWS OF CHURCH EXPANSION PLAN, AN OREGON NON-PROFIT CORPORATION. SAID BYLAWS MUST CONTAIN A PROVISION FOR A RESOLUTION TO CONVEY, ENCUMBER AND/OR EXECUTE INDEMNITIES REGARDING REAL PROPERTY.
2. CERTIFIED COPY OF RESOLUTION OF THE GOVERNING BOARD OF THE CHURCH EXPANSION PLAN, AN OREGON NON-PROFIT CORPORATION (AUTHORIZING THE SALE OF THE SUBJECT PROPERTY AND THE EXECUTION OF NECESSARY DOCUMENTS) AND RECITING THAT THE BOARD HAS BEEN DULY AUTHORIZED IN THE PREMISES BY THE CONGREGATION. SAID RESOLUTION MUST BE PROPERLY CERTIFIED BY AN OFFICER OF THE CORPORATION. SAID RESOLUTION MUST BE SUBMITTED TO AND APPROVED BY LAND TITLE GUARANTEE COMPANY BUT NEED NOT BE RECORDED.
3. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A COPY OF THE BYLAWS OF COLUMBINE MOVING & STORAGE, A COLORADO NON-PROFIT CORPORATION. SAID BYLAWS MUST CONTAIN A PROVISION FOR A RESOLUTION TO CONVEY, ENCUMBER AND/OR EXECUTE INDEMNITIES REGARDING REAL PROPERTY.
4. CERTIFIED COPY OF RESOLUTION OF THE GOVERNING BOARD OF THE COLUMBINE MOVING & STORAGE, A COLORADO NON-PROFIT CORPORATION (AUTHORIZING THE BORROWING OF MONEY AND EXECUTION OF NECESSARY DOCUMENTS) AND RECITING THAT THE BOARD HAS BEEN DULY AUTHORIZED IN THE PREMISES. SAID RESOLUTION MUST BE PROPERLY CERTIFIED BY AN OFFICER OF THE CORPORATION WITH THE CORPORATE SEAL AFFIXED. SAID RESOLUTION MUST BE SUBMITTED TO AND APPROVED BY LAND TITLE GUARANTEE COMPANY BUT NEED NOT BE RECORDED.
5. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT SURVEY OF SUBJECT PROPERTY. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID SURVEY.

SAID SURVEY MUST BE CERTIFIED TO LAND TITLE GUARANTEE COMPANY AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

6. SPECIAL WARRANTY DEED FROM CHURCH EXPANSION PLAN, AN OREGON NON-PROFIT CORPORATION TO COLUMBINE MOVING & STORAGE, A COLORADO NON-PROFIT CORPORATION CONVEYING SUBJECT PROPERTY.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABS63018060

All of the following Requirements must be met:

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. ITEMS 1-3 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED UPON RECEIPT OF AN APPROVED SURVEY. MATTERS DISCLOSED BY SAID SURVEY MAY BE ADDED TO SCHEDULE B, PART II HEREOF.

B. UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM 4 OF THE PRE-PRINTED EXCEPTIONS, WILL BE AMENDED TO READ:

ITEM 4 OF THE PRE-PRINTED EXCEPTIONS IS DELETED AS TO ANY LIENS OR FUTURE LIENS RESULTING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF CHURCH EXPANSION PLAN, AN OREGON NON-PROFIT CORPORATION.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF COLUMBINE MOVING & STORAGE, A COLORADO NON-PROFIT CORPORATION.

C. ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

D. UPON PROOF OF PAYMENT OF 2020 TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2021 AND SUBSEQUENT YEARS.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABS63018060

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
- 8. EXISTING LEASES AND TENANCIES, IF ANY.**
- 9. RIGHT OF PROPRIETOR OF A VEIN OR LODGE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 13, 1889, IN BOOK 12 AT PAGE [7](#).**
- 10. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 13, 1889, IN BOOK 12 AT PAGE [7](#).**
- 11. RESERVATION OF ALL OIL, GAS AND OTHER MINERALS RESERVED BY THE DENVER RIO GRANDE WESTERN RAILROAD COMPANY IN DEED RECORDED DECEMBER 18, 1967 IN BOOK 391 AT PAGE [40](#) ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.**
- 12. ANY AND ALL MINERAL AND MINERAL RIGHTS CONVEYED TO CB MINERALS COMPANY LLC IN DEED RECORDED DECEMBER 28, 1994 IN BOOK 926 AT PAGE [677](#) AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.**
- 13. TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 99-20, SERIES OF 1999 APPROVING THE FINAL SUBDIVISION PLAT FOR THE SHILO SUBDIVISION RECORDED SEPTEMBER 30, 1999 IN BOOK 1153 AT PAGE [178](#).**

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: ABS63018060

14. EASEMENTS, RIGHTS OF WAY AND OTHER MATTERS AS SHOWN ON FINAL PLAT OF SHILO SUBDIVISION RECORDED SEPTEMBER 30, 1999 AS RECEPTION NO. [553022](#).
15. EASEMENTS AND RIGHTS OF WAY AS GRANTED TO PUBLIC SERVICE COMPANY IN INSTRUMENTS RECORDED SEPTEMBER 7, 2000 IN BOOK 1205 AT PAGE [828](#) AND RECORDED SEPTEMBER 7, 2000 IN BOOK 1205 AT PAGE [831](#).
16. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT DEED RECORDED JUNE 05, 2013 AT RECEPTION NO. [836326](#).



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice, Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org> arbitration.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.


Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880

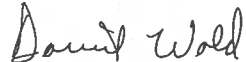


Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By  President

Attest  Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent; that may be in electronic form.

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CONFIRMATION DEED
(CRS §38-38-502)

Public Trustee's Foreclosure Sale No. 21-004

THIS DEED is made October 20, 2021 between Carrie Couey as the Public Trustee in and for the County of Garfield, State of Colorado, grantor and Church Extension Plan, an Organ nonprofit corporation, grantee, the holder of the certificate of purchase whose legal address is Attn: Timothy Landis, Esq., PO Box 12629, Salem, OR 97309-0629.

WHEREAS, the Grantor(s) described below did convey to the public trustee, in trust, the property hereinafter described to secure the payment of the indebtedness provided in said deed of trust:

Original Grantor(s)	La Roca Assembly of God; and Central Latin American District Council of the Assemblies of God
Original Beneficiary(ies)	Church Extension Plan, an Organ nonprofit corporation
Current Holder of Evidence of Debt	Church Extension Plan, an Organ nonprofit corporation
Date of Deed of Trust	
County of Recording	Garfield
Recording Date of Deed of Trust	January 12, 2001
Recording Information (Reception Number)	574902

WHEREAS, a violation was made in certain of the terms and covenants of said deed of trust as shown by the notice of election and demand for sale filed with the Public Trustee; the said property was advertised for public sale at the place and in the manner provided by law and by said deed of trust; combined notice of sale and right to cure and redeem was given as required by law; said property was sold according to said combined notice; and a certificate of purchase thereof was made and recorded in the office of said county Clerk and Recorder; and

WHEREAS, all periods of redemption have expired.

NOW, THEREFORE, the Public Trustee, pursuant to the power and authority vested by law and by the said deed of trust, confirms the foreclosure sale and sells and conveys to grantee the following described property located in the County of Garfield, State of Colorado, to wit:

LOT 1 SHILO SUBDIVISION, ACCORDING TO THE FINAL PLAT THEREOF RECORDED
SEPTEMBER 30, 1999 AS RECEPTION NO. 553022, COUNTY OF GARFIELD, STATE OF COLORADO

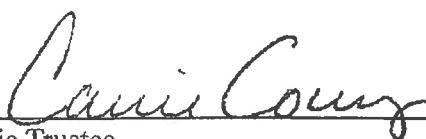
Also known by street and number as: , New Castle, CO 81647

THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

To have and to hold the same, with all appurtenances, forever.

Executed on: October 20, 2021

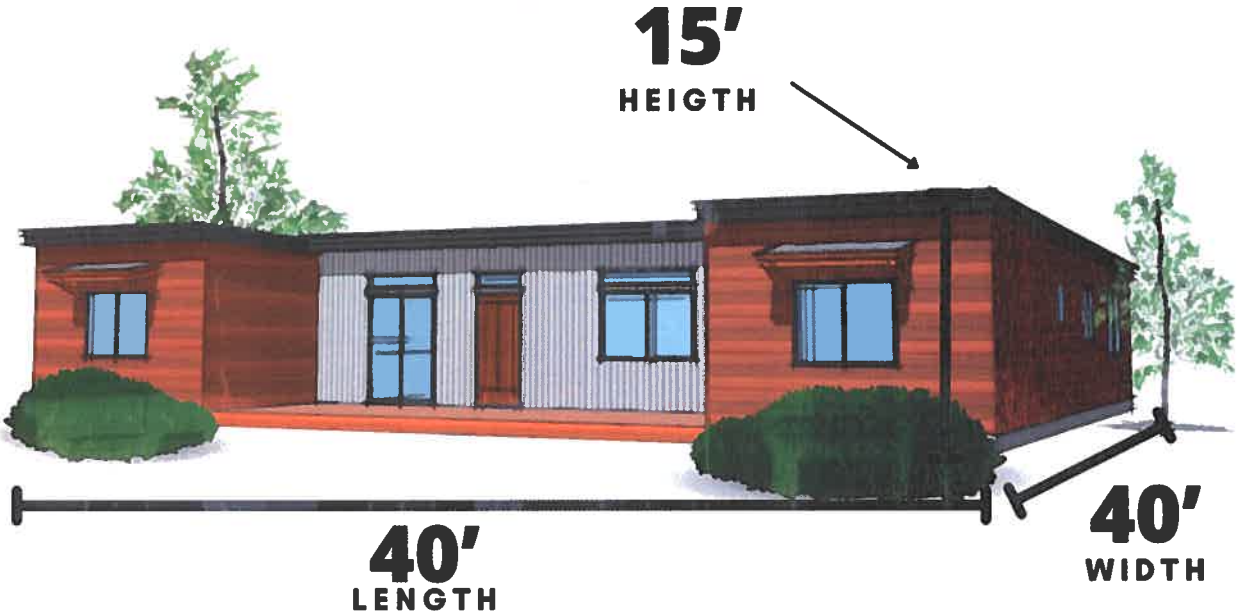
Carrie Couey, Public Trustee in and for the County of Garfield, State of Colorado


By: Public Trustee

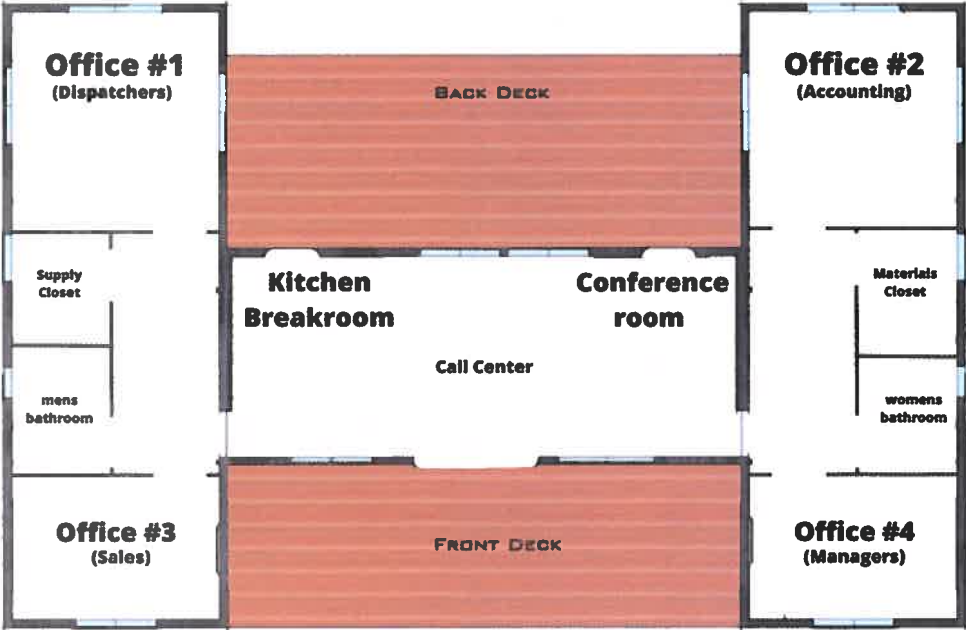


When Recorded Return to: Garfield County Public Trustee

Columbine Moving & Storage
Conditional Use Permit Application
Attachment D-2a: Office Sketch



- Construction materials: Wood, metal/steel, vinyl flooring, energy efficient windows, HVAC
- Parking: 8 to 10 parking spots



**Columbine Moving & Storage
Conditional Use Application
Attachment D-2b:**

The height differential between HWY 6 and the property provides opportunity for natural landscape screening. The height differential is approximately 4 to 6 feet in certain areas of the property. Columbine can also evaluate excavating the lot to reduce visual exposure of the portable storage containers.









**Columbine Moving & Storage
Conditional Use Permit Application
Attachment E: Time Schedule**

Property Location/Address: TBD 6 & 24, New Castle, CO 81647

Requested Information: Time schedule for development:

Columbine Moving & Storage ("Columbine") will seek to develop the referenced property within 12 to 18 months of finalizing the acquisition. As part of the Building Permit process, and after completion of the Conditional Use Application process, Columbine will work with the Town of New Castle to finalize the design of the planned office site.

Columbine Moving & Storage
Conditional Use Permit Application
Attachment F: Not Applicable Documents

Property Location/Address: TBD 6 & 24, New Castle, CO 81647

Requested Information: If you believe that any of the above requirements are not applicable, provide a statement explaining why you believe the requirements are not applicable:

Columbine Moving & Storage (“Columbine”) will be completing the required Building Permit Application once the Land Use Application process has been completed. The “complete” site plan is a requirement of the Building Permit and should not have any impact on our requested Conditional Use Permit Application. Columbine will engage an Engineering and/or Architectural Firm to assist in the completion of the Site Plan once the Conditional Use as been approved.

Columbine is however able to provide the proposed building area on the Survey Map. The intended size of the office will be 1,400 to 1,600 sqft. The site will contain off-street parking in accordance with section 17-76-020 F.3 (for offices other than medical and dental). Columbine anticipates having 7 to 10 parking spots for employees.

Signs and exterior lighting specifications will be finalized and submitted with the Sign Permit Application. These building details have not been considered given the property must be approved for business purpose, while considering any potential restrictions on Conditional Use. Outdoor lighting will only be utilized to ensure safety of employees in the event an employee is at work prior to or after standard business hours.

**Columbine Moving & Storage
Conditional Use Permit Application
Attachment G: Other Information**

Property Location/Address: TBD 6 & 24, New Castle, CO 81647

Requested Information: Other Information

Columbine is requesting a “conditional use” for property zoned Performance District. in accordance with section 17.56.40, Columbine’s requested use aligns with the uses highlighted below, Office and Outdoor storage.

Chapter 17.56 - PERFORMANCE DISTRICT

17.56.040 - Conditional uses.

Conditional uses shall be as follows:

- A. Domestic animals;
- B. Substation;
- C. PUD;
- D. School;
- E. Museum;
- F. Public institution;
- G. Retail and wholesale business;
- H. Office;**
- I. Personal, social and professional service;
- J. Automobile service station;
- K. Vehicle sales lot;
- L. Limited industrial use;
- M. Wholesaling or manufacturing industry;
- N. Storage of oil, gasoline and petroleum products;
- O. Retail or service business;
- P. Outdoor storage;**
- Q. Overhead utilities;
- R. Excavation and/or road construction facility;
- S. Day nursery or child care facility;
- T. Parking lot;
- U. Community center;
- V. Wholesaling;
- W. Church;
- X. Accessory uses.

Any conditional use permit granted under this section shall state with specificity the accessory uses permitted along with the conditional use.

(Ord. 2005-7 § 3; prior code § 13-04-110(C))

Columbine also assessed the approval criteria for conditional use, within Section 17.84.050. The approval criteria is listed below:

- A. A conditional use application shall be approved only if the town council finds that the application:
 - 1. Is eligible for conditional review under Section 17.84.040;
 - 2. Is generally compatible with adjacent land uses;
 - 3. Meets all requirements of Section 17.84.020, is in compliance with this title and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
 - 4. Is consistent with the comprehensive plan; and
 - 5. The town has the capacity to serve the proposed use with water, sewer, fire and police protection.
- B. In considering an application for a conditional use, the town council may impose conditions on the application to ensure compliance with this section.

Columbine has reviewed each of the criteria above for conditional use approval and concluded the following:

- 1. Columbine is submitting a request for permitted conditional uses in accordance with section 17.56.040.
- 2. Columbine's requested use is compatible with the adjacent land uses. Either adjacent to the property or in the general vicinity, the Town of New Castle operates a wastewater treatment facility and a Police Department. These facilities have warehouses and/or workshops on the property. Columbine's requested use would be consistent with either of these neighboring or nearby properties, although Columbine would not be constructing any permanent warehouse, workshop, or storage facility.
- 3. Columbine has reviewed and included as part of its Conditional Use Permit Application all documents listed in Section 17.84.020. Columbine did not identify any potential negative implications to adjacent properties as a result of assessing and completing the Conditional Use Permit Application documents. Additionally, the requested use will not impact traffic flow for adjacent properties as the requested use will be limited to seven to eight employees.
- 4. Columbine has reviewed and addressed compatibility with the Comprehensive Plan (See Attachment D-3)
- 5. Columbine's consumption of resources (i.e. water) or services provided by the Town of New Castle will be minimal. Water consumption will be limited to an office of seven to eight employees and potential irrigation, depending on landscape requirements. Other services, excluding sewer, will only be required as needed, but are not services that are requested or required in order to conduct business.

**Columbine Moving & Storage
Conditional Use Permit Application
Attachment H: List of Owners within 250 Feet**

Property Location/Address: TBD 6 & 24, New Castle, CO 81647

Requested Information: List of owners of property within 250 feet of your property along with their mailing addresses.

Property 1:

Owner: Town of New Castle

Address: 801 W MAIN ST, NEW CASTLE, CO 81647

Section: 31 Township: 5 Range: 90 Subdivision: SHILO SUBDIVISION Lot: 2

Parcel Number: 212331307002

Property 2:

Owner: Garfield County School District RE-2

Address: 804 W MAIN ST NEW CASTLE 81647

Parcel Number: 212331200019

Property 3:

Owner: Burning Mountain Land & Cattle

Address: 39399 6 HWY NEW CASTLE 81647

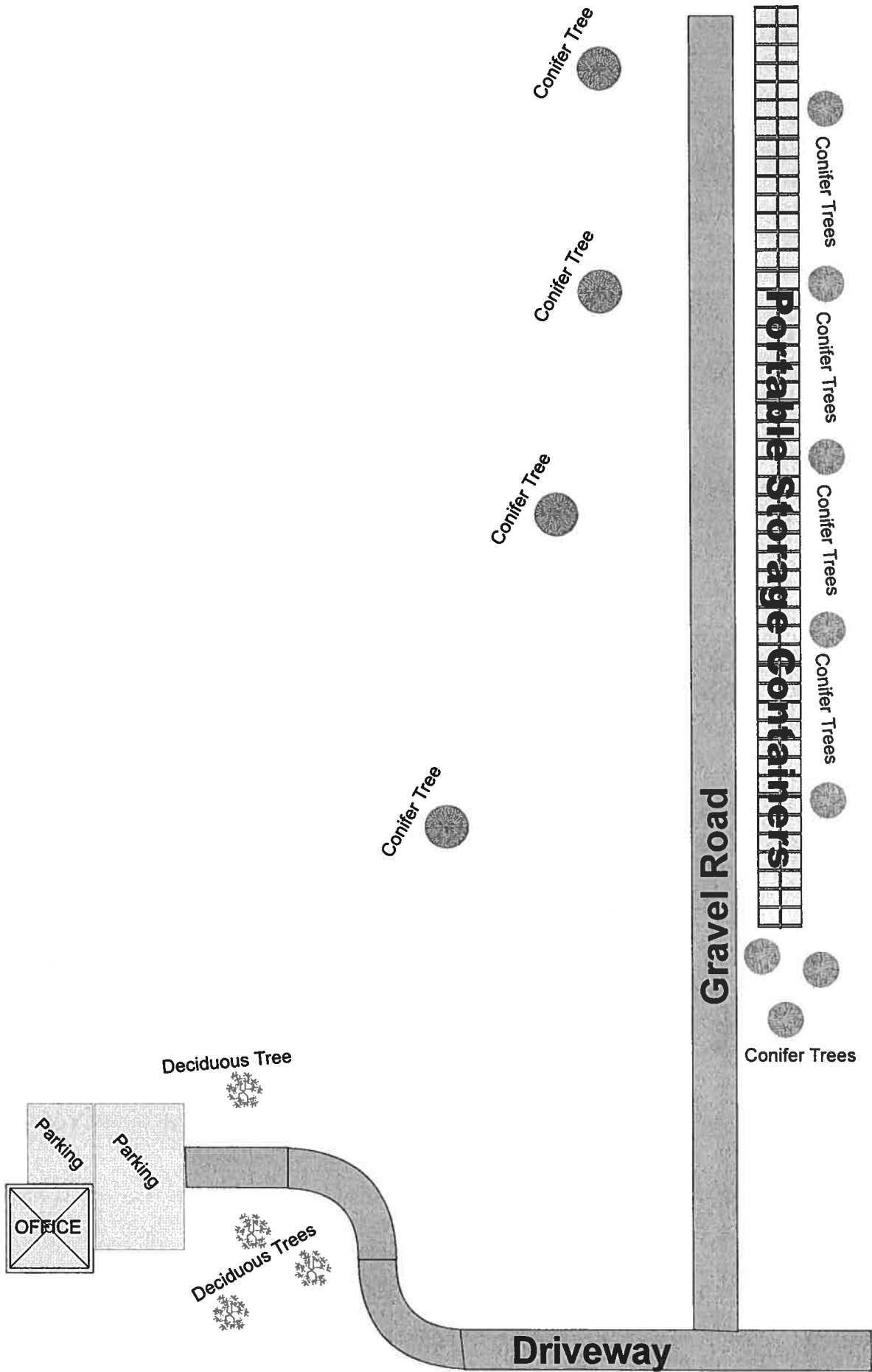
Parcel Number: 212331200017

Property 4:

Owner: Burning Mountain Land & Cattle

Address: 39399 6 HWY NEW CASTLE 81647

Parcel Number: 212536200060





13. Community Gateways

GUIDING PRINCIPLE.

New Castle has identified four primary gateways:

1. I-70 interchange at Highway 6 & 24 (Exit 105).
2. East Highway 6 & 24 at County Road 240.
3. West Highway 6 & 24 at Elk Creek Elementary School.
4. County Road 245 at the northwest New Castle municipal boundary.

Each gateway serves as a town welcome entry and offers visitors a first impression of the community. First impressions are those that remain and shape perceptions. The gateways present an opportunity to give visitors information about the community attractions, services, businesses and the like. Each gateway should include the following attributes: attractive appearance, offer information, appealing natural landscape and reflect community pride. The gateways should include an attractive identifying monument sign, effective well-designed lighting, natural xeric landscaping, and informational signage that guide visitors to key points of interest. The gateways are important to community economic development and well-being and help to provide a sense of place to New Castle. The gateways on Highway 6 & 24 should welcome and direct visitors to New Castle's historic downtown with signage and attractive street lighting. Wide landscaped sidewalks should accommodate pedestrians and bicycles as alternatives to the automobile. Roadways and intersections should be designed to afford a free flow of traffic.

Goal CGW-1: *New Castle will create and maintain inviting gateways to the community by making aesthetic and design improvements to both its vehicular and pedestrian entry points.*

Policy CGW-1A: The four community gateways will be improved based upon site-specific plans to define the entry portals to add to the sense of "arrival."

Policy CGW-1B: New Castle will work with the Colorado Department of Transportation and Garfield County on the gateways to ensure consistency of signage, landscape design, lighting and other characteristics in these transition areas.

Policy CGW-1C: Pedestrians, bicycles and other non-motorized traffic should be accommodated on wide well laid-out sidewalks and trail systems that connect to the primary locations in the community.

Policy CGW-1D: The LoVa Trail will transition from a rural corridor into the New Castle urban setting through the east, I-70 and west gateways and provide access to the downtown where restaurants, parks and other amenities are available to travelers.

Policy CGW-1E: New Castle will work with community organizations, the business community and development community to support right-of-way cleanup and beautification efforts in each gateway.

Policy CGW-1F: A master signage plan will be developed to limit the total number of signs, height, and square footage. The sign plan will focus on aesthetic character through use of design, materials, and thematic designs.

STATE OF COLORADO

Region 3 Traffic Section
222 S. Sixth St., Room 100
Grand Junction, Colorado 81501
(970) 683-6284 Fax:(970) 683-6290



January 7, 2009

ATTN: Lee Barger
Schmueser Gordon Meyer
118 West 6th, Suite 200
Glenwood Springs, CO 81601

RE: State Highway Access Permit No. 308154, Located on Highway 006, Milepost 105.64, in Garfield County.

Dear Permittee or Applicant:

The Colorado Department of Transportation (CDOT) has received your signed permit and application fee. A copy of the issued permit is enclosed. The next step in the CDOT access permitting process is for you (Applicant) to obtain a Notice to Proceed (NTP). *Failure to obtain an approved Notice to Proceed prior to any construction will be a violation of the State Highway Access Code (2 CCR 601-1, "the Code") § 2.4.*

Notice to Proceed Information

Well in advance of construction, the Applicant shall request a NTP in writing along with submitting other items, such as construction drawings, specifications, and other required documents to CDOT. The Applicant must submit a complete packet of this information to CDOT with their written request. If the Applicant chooses not to request the NTP, the permit expires pursuant to subsection 2.3(11)(d).

CDOT has seven days to determine if the NTP submittal is complete for review and then notify the applicant of any deficiencies. If complete, CDOT will review and comment on the submitted information within 30-days. If CDOT determines the information is unacceptable, missing, or in need of correction, the Applicant shall correct their submittal and resubmit the complete request for NTP.

Once resubmitted, CDOT will review the revised NTP documents within 10-days. If the revised documents are satisfactory, CDOT will issue a NTP. If further corrections are necessary, the cycle of submittal, review and comments will repeat itself until approval is granted and the NTP is issued.

The request for NTP shall include the following documents, along with any other items specified in the Terms and Conditions of your permit:

- 1) **Cover Letter Requesting a NTP**
- 2) **Traffic Control Plan**

The traffic control plan must be:

- A. Consistent with CDOT Standard Plans Manual for Maintenance and Signing
- B. Consistent with the MUTCD
- C. Prepared by individual with American Traffic Safety Services Association (ATSSA) or Colorado Contractors Association certification – or sealed (stamped) by a Colorado registered professional engineer
- D. Acceptable to CDOT prior to any construction within the right-of-way
- E. Presented in a manner that provides a method of handling traffic (MHT) for each different phase of construction. The MHT will describe proposed construction phasing and will include dimensioned diagrams of work zone elements.

The final traffic control plan must be submitted a minimum of three working days in advance of construction. Such plans may be revised as necessary with CDOT concurrence.

3) Insurance Liability Certification

The Applicant or contractor shall be required to provide a comprehensive general liability and property damage insurance naming CDOT as an additional insured party, in the amounts of not less than \$1,000,000 per occurrence and automobile liability insurance of \$1,000,000 combined single limit bodily injury and property damage for each accident, during the period of access construction.

4) Complete Construction Plans

The Applicant shall provide two copies of construction plans and specifications for the proposed improvements. The plans shall:

- A. Address, as applicable, geometry, drainage, striping, signing, and signalization
- B. Include, but not limited to, layout of the access, highway improvements, utility locations, present and proposed drainage, present and proposed right-of-way lines, present and proposed traffic control devices, and clear zone analysis
- C. Sealed by a Colorado Professional Engineer in accordance with CRS 12-25-117
- D. Conform to the requirement of the permit terms and conditions
- E. Include the following statement on the cover page of the plans: "This design is in full compliance with Section 4 of the State Highway Access Code, 2 CCR 601-1 except for the following approved design waivers:"

5) Construction Progress Schedule

The Applicant shall provide a construction progress schedule that identifies all critical path items including but not limited to excavation, embankment, surfacing, culvert installation, traffic control placement and removal, and access construction completion.

6) Notice to Proceed Checklist

The Applicant shall provide a completed NTP Checklist. The Engineer Design Certificate shall be completed, signed, and sealed by the Engineer of Record (See page 13). Complete and provide all required items marked with an "X" on this checklist and then mark an "X"

in the provided column. This Checklist and associated plans and specifications will be included as exhibits to the NTP.

7) **Performance and Warranty Bonds**

Both bonds must be at least 110% of the estimated total highway construction costs. Bonding agency must be licensed to do business in the State of Colorado. A cost estimate, sealed by a Colorado registered professional engineer, and a draft of each bond must be provided and approved by CDOT, prior to issuing a NTP.

8) **Pre-construction Meeting**

Meeting shall be scheduled between, but not limited to, Applicant, a CDOT representative, construction personnel, Traffic Control Supervisor, and Permittee (if other than Applicant).

Please call to schedule a pre-design meeting with a CDOT engineer at (970) 683-6284. This meeting will go over all items that shall need to be submitted with the NTP.

Respectfully,



Dan Roussin
Region 3 Access Manager

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 308154
			State Highway No/Mp/Slide 006 D / 105.640 / R
Permit fee \$0.00	Date of transmittal 10/15/2008	Region/Section/Patrol 3 / 02 / 10-2 Don Poole	Local Jurisdiction Garfield County

The Permittee(s); Town of New Castle PO Box 90 New Castle, CO 81647 970-945-1004	Applicant: Schmueser Gordon Meyer Lee Barger 118 West 6th, Suite 200 Glenwood Springs, CO 81601 970-945-1004	Ref No.:
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Is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violates any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: It is across from Riverside Access also know as 811 West Main Street

Access to Provide Service to:	(Land Use Code)	(Size or Count)	(Units)
560 - Church			
565 - Day Care Center			
811 - Specialty Store - Public Works Facility			
Total Traffic		100	DHV

Additional Information:
Please review additional terms and conditions.

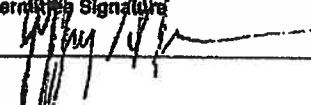
MUNICIPALITY OR COUNTY APPROVAL
Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Title	Date
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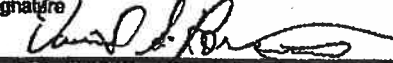
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify D'Wayne Gaymon with the Colorado Department of Transportation in Grand Junction, Colorado at (970) 683-3355, at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature 	Print Name JEFFREY S. SIMONSON, P.E. TOWN ENGINEER	Date 1/05/09
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This permit is not valid until signed by a duly authorized representative of the Department.
COLORADO DEPARTMENT OF TRANSPORTATION

Signature 	Print Name Daniel Roussin	Title Permit Manager	Date (of Issue) 1-7-09
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**State Highway Access Permit
Form 101, Page 2**

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.
2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.
3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.
4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)
2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.
3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.
4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger

highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the

right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE


1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

STATE HIGHWAY ACCESS PERMIT 308154

Located on Highway 006D near RP 105.634 Right
Issued to Town of New Castle

October 15, 2008

TERMS AND CONDITIONS

1. This permitted access is only for the use and purpose stated in the Application and Permit. This Permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based in part upon the information submitted by the Permittee. Any subsequent relocation, reconstruction, or modifications to the access or changes in the traffic volume or traffic nature using the access shall be requested for by means of a new application. Any changes causing non-compliance with the Access Code may render this permit void, requiring a new permit.
2. This permit replaces any and all additional access permits that may be in existence. All other access onto the property from the Highway shall be closed.
3. A left turn lane for the school shall be constructed, signed and striped. The left turn lane is considered a safety improvement and shall be constructed to meet the SHAC requirements or as approved by the Region 3 Traffic Engineer if the geometry of the roadway requires a lesser standard.
4. The Permittee shall do a safety improvement for the Riverside Access Road. The safety improvement shall be an installation of a left turn deceleration lane. The left turn lane shall maximize lengths provided.
5. The permit is for Church with Daycare and Public Works facility use only. The traffic volume will be 100 DHV.
6. The sight distance shall meet the conditions of the State Highway Access Code upon completion of construction at the site.
-  7. The Permittee shall design and install a left turn deceleration lane in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
8. The Permittee shall design and install a right turn deceleration lane in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
9. A full width 2-inch minimum depth overlay of the entire length of highway improvements shall be required in accordance with section 4.7(6) of the Access Code.
10. The access shall be constructed with one entering and one exiting lane.
11. This access shall be constructed 25-40 feet wide. This access shall be constructed with turning radii to accommodate an AASHTO WB-50 turning radius. The turning radius shall be measured from the white line on the Hwy to the edge of the driveway. A drawing of the design vehicle turning template for the largest vehicle entering/exiting site will be required to ensure proper radius and lane widths.
12. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet from the edge of roadway. Side slopes shall be at a 4:1 slope on the roadway and at 6:1 to the approach. The driveway shall slope away from the highway at a -2% grade for the first 20 feet of driveway. This design shall be in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
13. This permit replaces any and all additional access permits that may be in existence. All other State Highway access to the property shall be removed.
14. The permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board), and incorporated by the U.S. Attorney General as a federal standard. These guidelines provide requirements for design and construction. The

STATE HIGHWAY ACCESS PERMIT 308154

Located on Highway 006D near RP 105.634 Right
Issued to Town of New Castle

October 15, 2008**TERMS AND CONDITIONS (cont.)**

current Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

15. A pre-design meeting is required prior to construction design. Required personnel for this meeting are: Professional Engineer of Record (ie. The person who shall sign and seal the plan set), Design Engineer, and Permittee. Please contact Devin Drayton 970-683-6286 or Brian Killian at 970-683-6285 and Alan Clubb 970-683-6284 for scheduling this pre-design meeting.
16. A Notice to Proceed, CDOT Form 1265 is required before beginning the construction of the access or any activity within the highway right-of-way. To receive the Notice to Proceed the applicant shall submit a complete packet to CDOT with the following items:
 - (a) A cover letter requesting a Notice to Proceed.
 - (b) Certificate of Insurance Liability as per Section 2.3(11)(i) of the State Highway Access Code.
 - (c) A certified Traffic Control Plan in accordance with Section 2.4(6) of the Access Code. The Traffic Control Plan shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during construction.
 - (d) Ten copies of Construction Plans Stamped (11"x 17" with a minimum scale of 1" = 50') by a Colorado Registered Professional Engineer in full compliance with the State Highway Access Code.
 - (e) Signed and sealed Notice to Proceed Checklist.
 - (f) Signed and sealed drainage report or narrative.
 - (g) Prior to the issuance of any Notice to Proceed, the applicant shall schedule a pre-construction meeting including but not limited to applicant, Engineer of Record, Construction Inspector, construction personnel, permittee (if other than applicant), CDOT representative and Traffic Control Supervisor.
 - (h) A construction schedule will be required at the pre-construction meeting.
17. No drainage from this site shall enter onto the State Highway travel lanes. The Permittee is required to maintain all drainage in excess of historical flows and time of concentration on site. All existing drainage structures shall be extended, modified or upgraded, as applicable, to accommodate all new construction and safety standards, in accordance with the Department's standard specifications.
18. A new culvert may be required for this access. The drainage study will be used to size all culverts. As a minimum, an 18-inch culvert with protective end treatments will be required. The culvert shall be kept free of blockage to maintain proper flow and drainage.
19. Open cuts, which are at least 4 inches in depth, within 30 feet of the edge of the State Highway traveled way, will not be left open at night, on weekends, or on holidays, or shall be protected with a suitable barrier per State and Federal Standards.
20. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee. Permittee is also responsible for obtaining all necessary utility permits in addition to this access permit.
21. All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health

STATE HIGHWAY ACCESS PERMIT 308154

Located on Highway 006D near RP 105.634 Right
Issued to Town of New Castle

October 15, 2008

TERMS AND CONDITIONS (cont.)

Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation.

22. CDOT requires submission of SWMP plans on any projects where the area of CDOT ROW impacted exceeds one acre.
23. On all CDOT access permit projects where the developers are required to apply and obtain a CSP (Construction Storm Water Permit) from the respective regulatory agency, "The Permittee/Applicant is required to include the portion of CDOT Rights of Way to be impacted by the construction of the access within their Construction Storm Water Permit (CSP). A notice to proceed will not be issued until the Permittee/applicant provides CDOT region permit office with the proof of such inclusion on the developer's CSP.
24. It is the responsibility of the permittee/applicant to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly from the appropriate agency. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" for details. **FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.**
 - ALL discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.
 - Unless otherwise identified by CDOT or the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) as significant sources of pollutants to the waters of the State, the following discharges to storm water systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. However, construction activities may require a Construction Stormwater Permit. Contact the CDOT Water Quality Program Manager at 303-757-9343.
 - ANY OTHER DISCHARGES may require Colorado Discharge Permit(s) or separate permits from CDPHE or the appropriate agency before work begins. For additional information and forms, go to the CDPHE website at:
<http://www.cdphe.state.co.us/wq/PermitsUnits/wqcdpmt.html>.
25. Nothing in this permit shall prohibit the chief engineer from exercising the right granted in CRS 43-3-102 including but not limited to restricting left hand turns by construction of physical medial separations.
26. A signed and approved temporary lease agreement is required if construction trailers are to be located on CDOT ROW during construction.
27. The Permittee shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during and after construction.
28. During access construction no construction personnel vehicles will be permitted to park in the state highway right-of-way.

STATE HIGHWAY ACCESS PERMIT 308154

October 15, 2008

Located on Highway 006D near RP 105.634 Right
Issued to Town of New Castle**TERMS AND CONDITIONS (cont.)**

29. The access shall be completed in an expeditious and safe manner and shall be completed within 45 days from initiation of construction within State Highway right-of-way or in accordance with written concurrence of the Access Manager. All construction shall be completed in a single season.
30. All costs associated with any type of utility work will be at the sole responsibility and cost of the permittee and at no cost to CDOT.
31. Any damage to present highway facilities including traffic control devices shall be repaired immediately at no cost to the Department and prior to continuing other work.
32. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department inspector. If mud is obvious condition during site construction, it is recommended that the contractor build a Stabilized Construction Entrance or Scrubber Pad at the intended construction access to aid in the removal of mud and debris from vehicle tires. The details of the Stabilized Construction Entrance are found in the M & S Standards Plan No. M-208-1.
33. A fully executed complete copy of this permit and the Notice to Proceed must be on the job site with the contractor at all times during the construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
34. All construction and inspection work must be under the direction of a Colorado Registered Professional Engineer. The PE's responsibilities include, but are not limited to:
 - (a) The PE shall evaluate compliance with plans and specifications with regard to the roadway improvements within the State right-of-way. The PE shall carefully monitor the contractor's compliance on all aspects of construction, including construction zone traffic control.
 - (b) Engineering Certification: After inspection and before final acceptance, the Engineer shall certify to CDOT in writing that all inspections, materials, materials testing, and construction methods conform to the plans, specifications and purpose of design. Upon completion of the work, that responsible Engineer shall submit an "As Built" plans, showing in detail all approved construction changes, modification.
35. No work will be allowed at night, Saturdays, Sundays and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
36. Areas of roadway and/or right-of-way disturbed during this installation shall be restored to their original conditions to insure proper strength and stability, drainage and erosion control. Restoration shall meet the Department's standard specifications for topsoil, fertilization, mulching, and re-seeding.

Construction Completion & Final Acceptance

37. The permittee shall construct all improvements stated on this permit prior to any use as allowed by this permit. The permittee shall notify the Permit Manager by certified mail within 10 working days to request a final inspection. This request shall include signed and sealed certification that all materials and construction have been completed in accordance with all applicable Department Standards and Specifications; and that the access is constructed in conformance with the State Highway Access Code, 2 CCR 601-1, and the terms and conditions included in this permit. The engineer of record shall be present for this inspection.

STATE HIGHWAY ACCESS PERMIT 308154

Located on Highway 006D near RP 105.634 Right
Issued to Town of New Castle

October 15, 2008

TERMS AND CONDITIONS (cont.)

The access serviced by this permit may not be opened to traffic until the CDOT Access Manager provides written initial approval.

38. Following the final inspection, CDOT will prepare an Access Construction Inspection Summary Letter and send it to the applicant, permittee, and engineer of record. If additional items are required to complete the access construction, a list of these items will be part of the access construction inspection summary letter. All required items and final as-built survey shall be completed within 30 days from receiving the Access Construction Summary Letter. The access serviced by this permit may not be opened to traffic until written approval has been given from the CDOT Access Manager. If all work appears to have been done in general close conformity with the above named permit, an initial acceptance letter will be sent to the permittee and this access may be opened for traffic.
39. The 2 year warrantee period will begin when the initial acceptance letter is issued. In accordance with section 2.5(6) of the State Highway Access Code, if any construction element fails within two-years due to improper construction or material specifications, the Permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access. The letter of final acceptance will be issued once the access has been inspected and is found to comply with all material and construction in accordance with all applicable Department Standards and Specifications approx. 2 years after initial acceptance.

COLORADO DEPARTMENT OF TRANSPORTATION Environmental Clearances Information Summary

PURPOSE - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive - additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT – Please Review The Following Information Carefully – Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies**

CLEARANCE CONTACTS - As indicated in the permit/clearance descriptions listed below, the following individuals or agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE) – General Information – (303) 692-2035
Water Quality Control Division (WQCD) (303) 692-3500
Environmental Permitting Website <http://www.cdphe.state.co.us/permits.asp>.
- CDOT Water Quality Program Manager; Rick Willard (303) 757-9343
- CDOT Asbestos Project Manager; Julia Horn (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-3395
- U.S. Army Corps of Engineers, District Regulatory Offices
Omaha District (NE Colorado), Denver Office (303) 979-4120 <http://www.nwo.usace.army.mil/html/od-tl/tri-lakes.html>
Sacramento Dist. (Western CO), Grand Junction Office (970) 243-1199 <http://www.spk.usace.army.mil/cespk-co/regulatory/>
Albuquerque District (SE Colorado), Pueblo Reg. Office (719)-543-6915 <http://www.spa.usace.army.mil/req/>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9854 <http://www.dot.state.co.us/Permits/>

Ecological Resources – Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat will require special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website <http://www.dot.state.co.us/environmental/Wildlife/Guidelines.asp>, or the Colorado Division of Wildlife website <http://wildlife.state.co.us/WildlifeSpecies/SpeciesOfConcern/>. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions.

Cultural Resources – The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified. Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of OAHP and/or CDOT. If archaeological or historical artifacts are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information** Contact the OAHP at (303) 866-3395.

General Prohibition – Discharges - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as wash water, paint, automotive fluids, solvents, oils or soaps. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343, or the Colorado Department of Public Health and Environment, Water Quality Control Division (WQCD) at (303) 692-3500.

General Authorization - Allowable Non-Stormwater Discharges - Unless otherwise identified by CDOT or the WQCD as significant sources of pollutants to the waters of the State, the following discharges to stormwater systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. **Contact Information:** The CDOT Water Quality Program Manager or the CDPHE Water Quality Control Division (telephone #'s listed above).

Hazardous Materials, Solid Waste - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or gasoline contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed. **Contact Info:** Contact the CDOT/CDPHE Liaison at (303)757-9787.

Asbestos Containing Materials, Asbestos Contaminated Soil – All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. **Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information concerning clearance on CDOT projects is available from Julia Horn, CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Drelling, Property Management Supervisor (303) 512-5524.

Construction Stormwater Permit: Stormwater Discharge From Industrial Facilities - Discharges of stormwater runoff from construction sites disturbing one acre or more - or certain types of industrial facilities - requires a CDPS Stormwater Permit. **Contact Information:** For Utility/Special Use activities being performed in conjunction and coordination with a CDOT highway construction contract, please contact the CDOT Water Quality Program Manager at (303) 757-9343. Otherwise, contact the CDPHE Water Quality Control Division at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

Construction Dewatering (Discharge or Infiltration) – Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering Discharge Permit. **Contact Information:** For Construction Dewatering Discharge Permits, contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

Minimal Industrial Discharge Permit – Discharges of small quantities of wastewater or wastewater requiring minimal treatment, such as that resulting from hydrostatic testing or certain wash waters, may require a Minimal Industrial Discharge Permit ("MIND"). **Contact Info:** Contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

Municipal Separate Storm Sewer System (MS4) Discharge Permit – Discharges from the storm sewer systems of larger municipalities, and from the CDOT highway drainage system that lies within those municipalities, are subject to MS4 Permits issued by the CDPHE WQCD. For facilities that lie within the boundaries of a municipality that is subject to a MS4 permit, the owner of such facility should contact the municipality regarding stormwater related clearances that may have been established under that municipality's MS4 permit. All discharges to the CDOT highway drainage system must comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations, and are subject to inspection by the CDOT and the CDHPE. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500 for a listing of municipalities required to obtain MS-4 Permits, or go to <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html#MunicipalFormsGuidance>.

Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD - Corps of Engineers 404 Permits are required for the discharge of dredged or fill materials into waters of the United States, including wetlands. There are various types of 404 Permits, including Nationwide Permits, which are issued for activities with relatively minor impacts. For example, there is a Nationwide Permit for Utility Line Activities (NWP #12). However, depending upon the specific circumstances, it is possible that either a "General" or "Individual" 404 permit would be required. If an Individual 404 Permit is required, Section 401 water quality certification from the CDPHE WQCD is also required. **Contact Information:** Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (information provided at top of ECIS). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

Erosion and Sediment Control Practices - For activities requiring a Construction Stormwater Permit, erosion control requirements will be specified through that permit. In those situations where a stormwater permit is not required, all reasonable measures should be taken in order to minimize erosion and sedimentation. In either case, the CDOT Stormwater Quality and Erosion Control Guide (2002) should be used to design erosion controls. **Contact Information:** The CDOT Stormwater Quality and Erosion Control Guide may be obtained from the Bid Plans Office at (303) 757-9313 or from: <http://www.dot.state.co.us/environmental/envWaterQual/wqms4.asp>

Disposal of Drilling Fluids - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes", and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact the CDOT / CDPHE Liaison or CDOT Water Quality Program Manager.

Concrete Washout - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility. Concrete washout shall only be performed as specified by the CDOT Environmental Program and shall be in accordance to CDOT specifications and guidelines. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343.

Spill Reporting - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4446 (4H2O), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, or that may otherwise present an

Immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-(877)-518-5608.

Transportation of Hazardous Materials - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

Paleontology - The applicant must request a fossil locality file search through the University of Colorado Museum, Boulder, and the Denver Museum of Nature and Science to ascertain if paleontological resources have been previously identified. Inventory of the permit area by a qualified paleontologist may be necessary, per the recommendation of CDOT. If fossils are encountered during the permitted work, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information:** Contact the CDOT Paleontologist at (303) 757-9632.

Working on or in any stream or its bank - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project. The Colorado Division of Wildlife (CDOW) application, as per guidelines agreed upon by CDOT and CDOW, can be accessed at www.dof.state.co.us/environmental/wildlife/permitapplication.asp.

About This Form - Questions or comments about this Information Summary may be directed to Dahir Egal, CDOT Safety & Traffic Engineering, Utilities Unit, at (303) 757-9344, dahir.egal@dot.state.co.us

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 3 Traffic & Safety
222 South 6th Street, Room 100
Grand Junction, Colorado 81501
(970) 248-7230



February 18, 2009

Schmueser Gordon Meyer
Attn: Lee Barger
118 West 6th, Suite 200
Glenwood Springs, CO 81601

**RE: Design Waiver Request for State Highway Access Permit No. 308154
Located on Highway No. 006D, Milepost 105.64, in Garfield County**

Dear Applicant:

The purpose of this letter is to address a design waiver request that was submitted by the Town of New Castle on behalf of Christ the Rock Church. The design waiver has been accepted by the department.

The design waiver request for Access Permit # 308154 asked to wave term and condition #7 which requires an east bound right turn decel lane. This request was approved due to the projected opposing trips being below 150 vph and the posted speed limit of 35 mph. This waiver procedure is detailed in the State Highway Access Code Section 3.5(5).

If I can be of any further assistance in this or any other matter, please feel free to contact me at the office listed above.

Sincerely,

A handwritten signature in black ink that reads "Dan Roussin". The signature is written in a cursive style.

Dan Roussin
Permit Unit Manager
Daniel.roussin@dot.state.co.us

cc: File

**COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ACCESS CODE - DESIGN WAIVER**

Region/Section/Patrol 3	Local Jurisdiction Town of New Castle	State Highway No./Mp/Side US 6/MP 105.64/South	Permit No. (if approved) 308154
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WHEN USED, THIS FORM SHALL BE ACCOMPANIED BY AN ACCESS PERMIT APPLICATION.

1. State specific reasons for this waiver request. Documents verifying statements should be provided with the request. State the specific sections of the State Highway Access Code from which this request seeks relief. (Additional sheets may be attached). If waiver is temporary, state conditions which will change allowing the access to conform to the access code. If date is known when conformance can be achieved, provide that date.

Please see attached memorandum from SGM dated 2/10/09

NOTICE: Providing false information to a government agency is punishable as perjury in the second degree, as well as being punishable under any other applicable state or federal laws.

This form submitted by Lee Barger, SGM - Glenwood Springs

(X)

Date

2/10/09 LRB

ITEMS BELOW THIS LINE ARE FOR OFFICE USE ONLY.

2. Recommendation of local government authority. When local government has issuing authority, this recommendation must be signed by an authorized official. (provide written statement)

(X)

Date

3. Recommendation of region traffic engineer or design engineer. (provide written statement)

I recommend approval based on facts below.

(X)

Date

2/18/09

4. Recommendation of the region access manager. (provide written statement)

I recommend approval of the waiver due to the projected opposing trips being below 150 vph and the posted speed limit is 35 mph.

(X)

Date

2/17/09

FINAL ACTION TAKEN BY REGION TRANSPORTATION DIRECTOR.

Having reviewed this waiver request and all materials attached, I hereby approve, deny, this request for waiver from the design standards of the Highway Access Code. (signature shall be that of a registered professional engineer)

(X)

Date

2/18/09

Paul Smith

From: ppelton@columbinemoving.com
Sent: Monday, February 28, 2022 4:06 PM
To: Paul Smith
Cc: 'Jody Edwards'
Subject: RE: Columbine CUP materials

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Paul,

Thank you for the information below. We discussed the landscaping requirements with the attorney assisting us with the application and thought the requirement was satisfied with what we provided in the Site Plan tabs. We are working to pull something together for screening of the containers (landscaping). The ordinance 17.84.020, does not reference a separate landscape plan, but states landscaping should be noted on the completed site plan. We are not sure how we could have an official landscape plan when we have not even finalized our building plans. We have provided a sample of what we would like to build, but those details still need to be finalized once the CUP process is complete. We do not plan on having any signage (this is not a customer location and we do not plan on a sign on the building or around a driveway). We plan on having a light above the entrance of the office door, but do not need additional lighting (out standard office hours are 8:00am to 4:30pm M-F). We also do not plan on having a "refuse area" and will utilize a maid service to remove any office trash weekly. I will look back at the setbacks on the site plan and see if we missed something.

Thanks,
Patrick

From: Paul Smith <psmith@newcastlecolorado.org>
Sent: Monday, February 28, 2022 10:28 AM
To: ppelton@columbinemoving.com
Subject: Columbine CUP materials

Hi Patrick,
Below are some remaining items we request that are included on the checklist:

- Attached is the performance standards template that needs a signature.
- The town code requires a landscaping plan (17.56.100) for Council approval. Council will want P&Z's review and opinion. You mentioned elsewhere your intention to landscape, but the code wants Council to review a plan.
- It is advisable to address signage and lighting to some extent as well, especially as a gateway property. (I know you want to defer till after an approval. I'm just included it in this list of items not included in the submittal contents.)
- How and where will you be handling refuse? Locate trash container location on the site plan.
- Property setbacks need to be identified on the site plan particularly their distance to storage containers.

The fire marshal will also provide input when he has completed his review. I'll forward you what he says. We will submit this email and any response as part of the packet.

Thank you,
Paul

Paul Smith

From: ppelton@columbinemoving.com
Sent: Monday, March 7, 2022 7:42 PM
To: Paul Smith
Subject: RE: Public Notice - CUP Application
Attachments: Landscape_Design_Newcastle.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Paul,

Let me know if this provides enough description for what we want to do in regards to landscaping. It is hard to capture the height differential between HYW 6 and the property, but it is fairly substantial as it currently stands (4' to 5').

Also, I believe the Fire Marshall had a question about items permitted to be stored. **Our customers are not permitted to store any hazardous materials in our container. If our team loads the containers for our client, we complete an inventory of the items being stored.** If the customer loads their own container (not very often), we inform them that they are not permitted to store any hazardous and/or flammable items in our containers.

I will sign and scan over the Performance Standards tomorrow.

Thanks,
Patrick Pelton

-----Original Message-----

From: Paul Smith <psmith@newcastlecolorado.org>
Sent: Monday, March 7, 2022 3:16 PM
To: ppelton@columbinemoving.com
Subject: RE: Public Notice - CUP Application

Thanks for these. Just checking, are you going to include anything more with a landscaping plan? I'm in process of wrapping up the staff report.

-----Original Message-----

From: ppelton@columbinemoving.com [mailto:ppelton@columbinemoving.com]
Sent: Monday, March 7, 2022 11:05 AM
To: Paul Smith <psmith@newcastlecolorado.org>
Subject: Public Notice - CUP Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Paul,

Attached are pictures of the sign we posted on the property to provide public notice. We did not pick up the sign until late Friday evening, and then posted it yesterday afternoon. Let me know if we need to pull it up to seek your approval.

Thanks,
Patrick

-----Original Message-----

From: Paige Pelton <pppelton@gmail.com>

Sent: Monday, March 7, 2022 11:00 AM

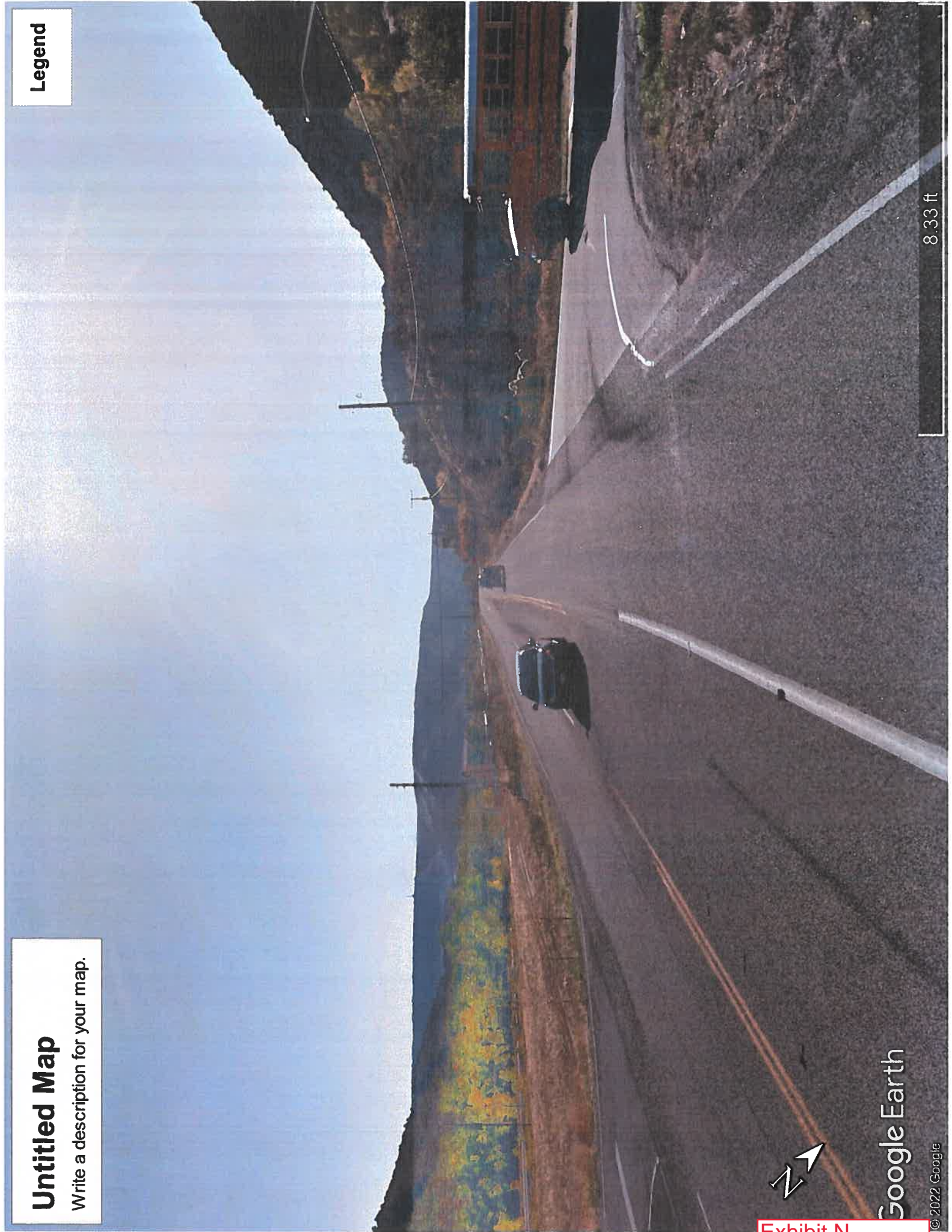
To: Paige Pelton <ppelton@columbinemoving.com>

Subject:

Legend

Untitled Map

Write a description for your map.



Google Earth

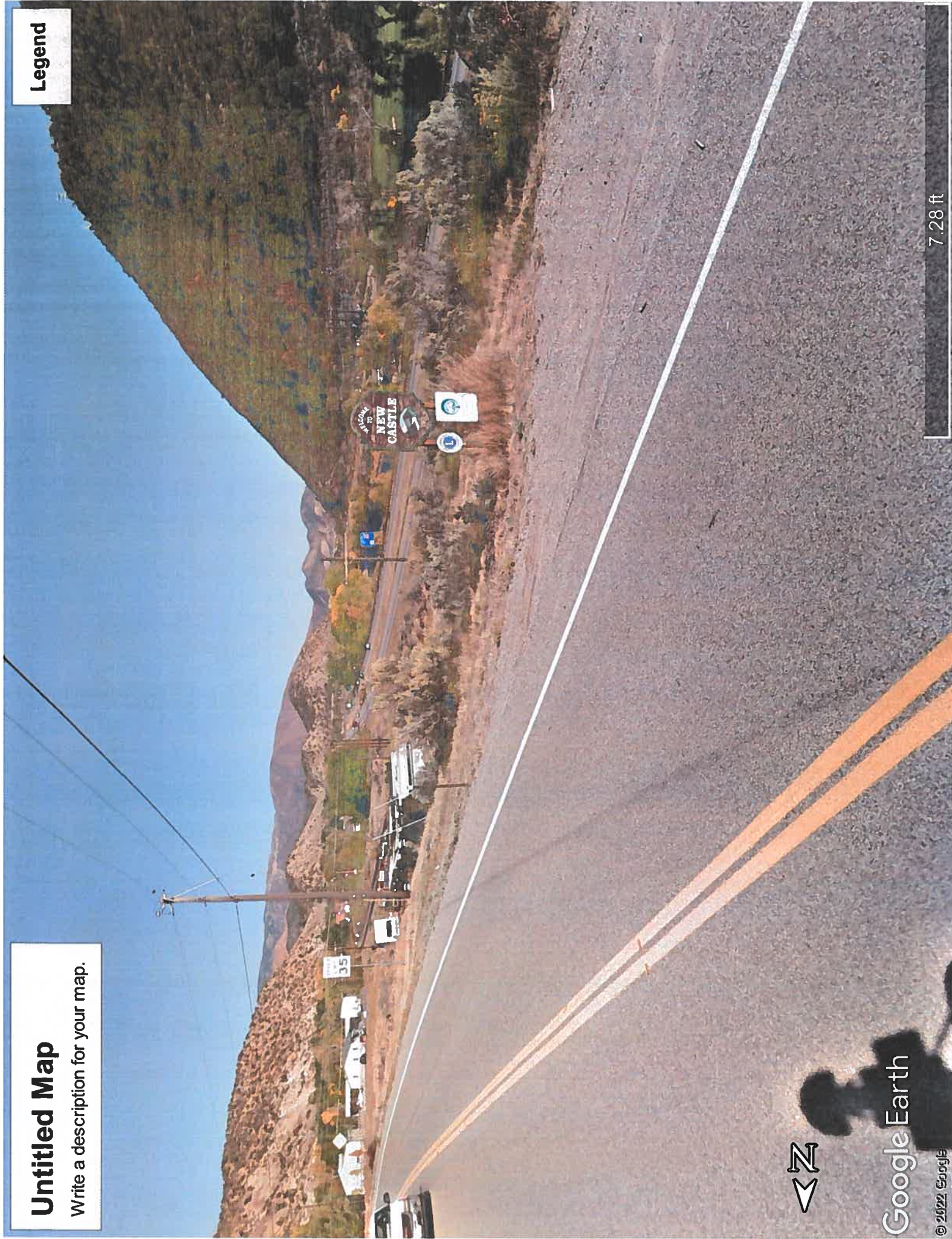
© 2022 Google

8.33 ft

Untitled Map

Write a description for your map.

Legend



Google Earth

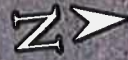
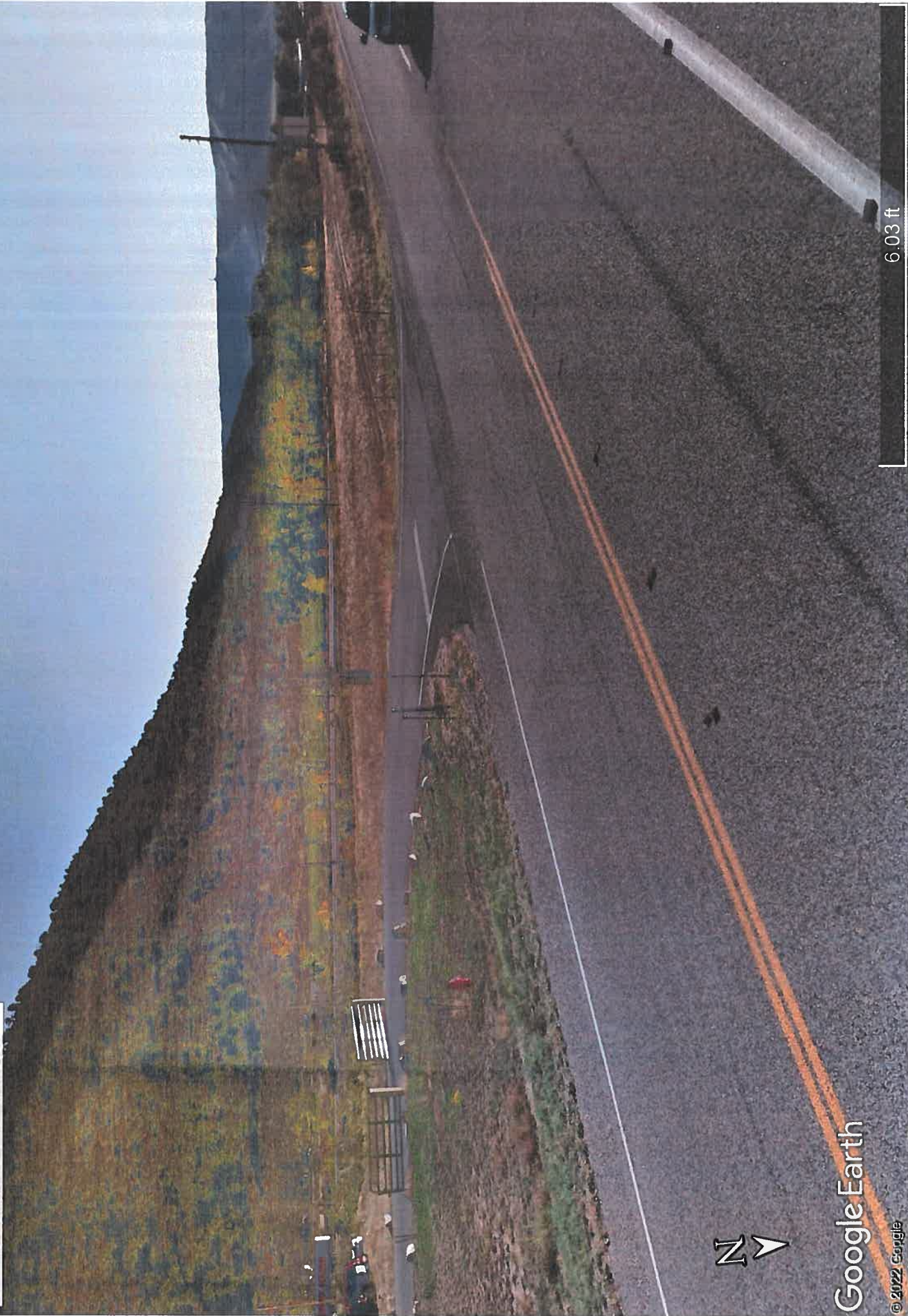
© 2022 Google

7.28 ft

Untitled Map

Write a description for your map.

Legend



Google Earth

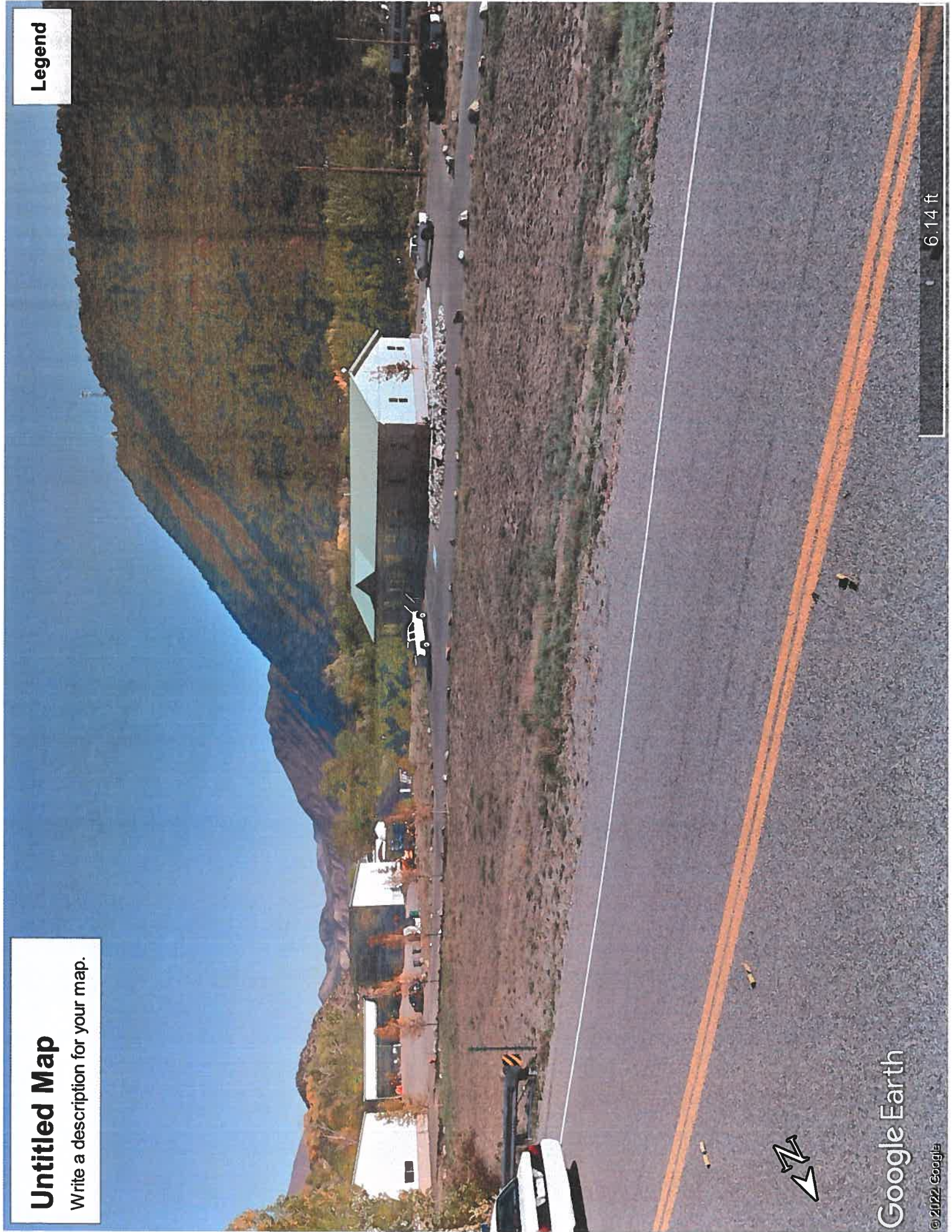
© 2022 Google

6.03 ft

Untitled Map

Write a description for your map.

Legend




Google Earth

© 2022 Google

6.14 ft

PERFORMANCE STANDARDS

I,  ON THIS DATE 3/8/2022 agree to abide by the following PERFORMANCE STANDARDS:

Performance Standards

- (A) Smoke. No use shall be permitted in any district unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of smoke.
- (B) Particulate Matter. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of particulate matter.
- (C) Dust, Odor, Gas, Fumes, Glare or Vibration. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of dust, odor, gas, fumes, glare or vibration.
- (D) Radiation Hazards and Electrical Disturbances. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to radiation control.
- (E) Noise. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to noise.
- (F) Water Pollution. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to water pollution.

Source: Ord. 261, Sec. 15.04.090, 1983

NOTICE OF PUBLIC HEARING

Town of New Castle

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet:

<https://us02web.zoom.us/j/7096588400>

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until called on.

Date: March 23rd, 2022

Time: 7:00 PM

Place of hearing: New Castle Town Hall, 450 West Main Street, New Castle, CO

Public body conducting hearing: Planning & Zoning Commission

Brief description of application: Conditional Use Permit for the development of an administrative office and uniformly designed outdoor portable storage containers

Legal description: LOT 1 SHILO SUBDIVISION. ACCORDING TO THE FINAL PLAT THEREOF RECORDED SEPTEMBER 30, 1999 AS RECEPTION NUMBER 553022. COUNTY OF GARFIELD, STATE OF COLORADO

Common address: TBD 6 & 24, New Castle, CO 81647

Applicant: Columbine Moving and Storage

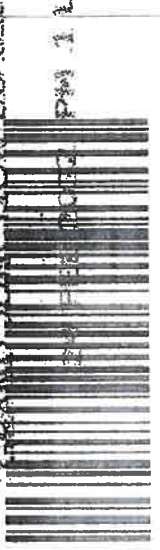
Landowner: Church Extension Plan

The complete application is available at the Town Clerk's office at 450 West Main Street, P.O. Box 90, New Castle, CO 81647. All interested persons are invited to appear and state their views, protests or objections. If you cannot appear personally at such hearing, then you are urged to state your views by letter.



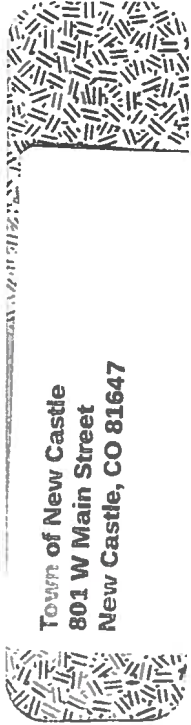
Allied Van Lines
P.O. Box 2009
Glenwood Springs, CO 81602

Locally Owned and Operated Since 1974



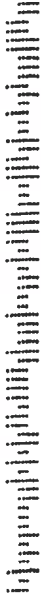
7021 0950 0001 7029 6072

**ELECTRONIC
RETURN RECEIPT**



Town of New Castle
801 W Main Street
New Castle, CO 81647

8164798719 H072



1023

81647



U.S. POSTAGE PAID
FORM LETTER
GLENWOOD SPRINGS, CO
81601
FEB 24, 22
AMOUNT

\$6.18

R2304M110054-08

90

446



PO Box 629
Mesa, CO 81643
970-314-4888

March 11, 2022

Brian Killian, Access Manager
CDOT Region 3 Traffic Section
222 South 6th Street, Room 100
Grand Junction, CO 81501



Re: Private Access Rd., US-6D, MP 105.64, New Castle
Columbine Storage Project – Compliance with CDOT Access Permit

Dear Brian:

This letter describes the existing CDOT access permit, the current land uses on this private road, and the proposed business operations in terms of peak hour trip generation. Columbine Storage (Project) proposes a new portable storage facility on a site that has existing access to US-6, which has a valid access permit. We provide a comparison between the permitted traffic volume and the proposed peak hour traffic volumes using this access.

Existing & Proposed Land Use Conditions

This section includes land use information and access information.

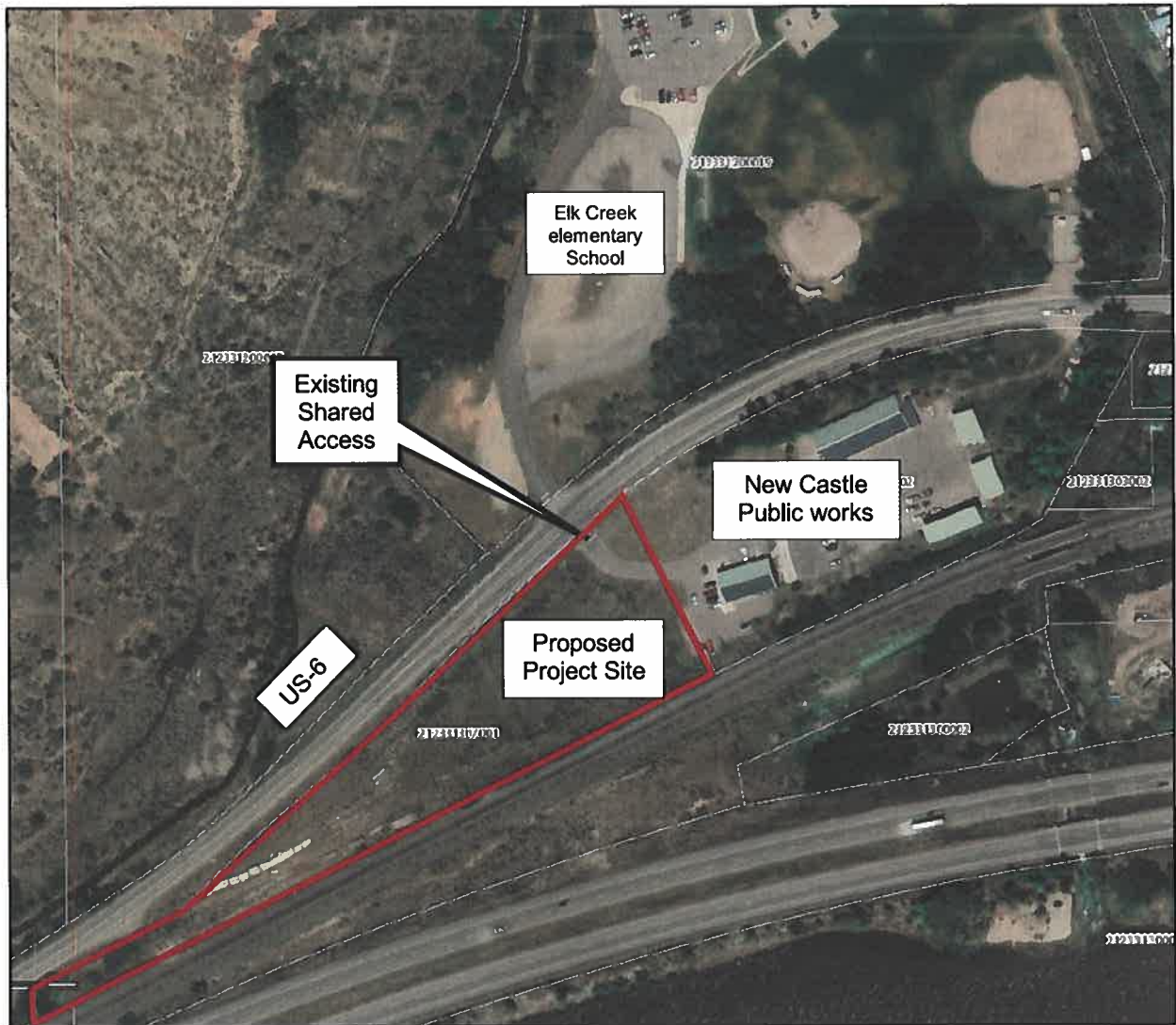
Current Land Uses

The current driveway services a site owned by the City of New Castle that has public works and emergency response buildings, as shown on the following images.

Proposed Land Use

The Project site would share the current driveway and it would service Project traffic associated with business office operations and transport of portable container storage units. The attached statement from the Project owner provides Project details, which include:

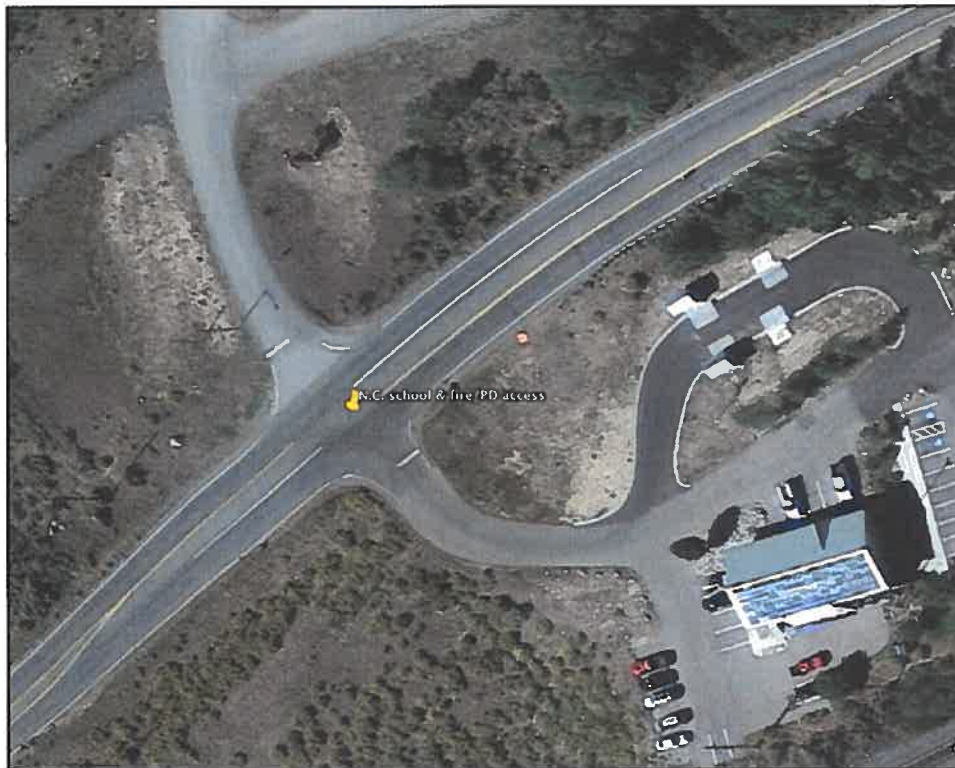
- Office operations will include 8 employees that arrive during the AM peak hour and depart during the PM peak hour
- Storage container transport would have no more than 3 vehicles per day, based on actual traffic data from other existing facilities.



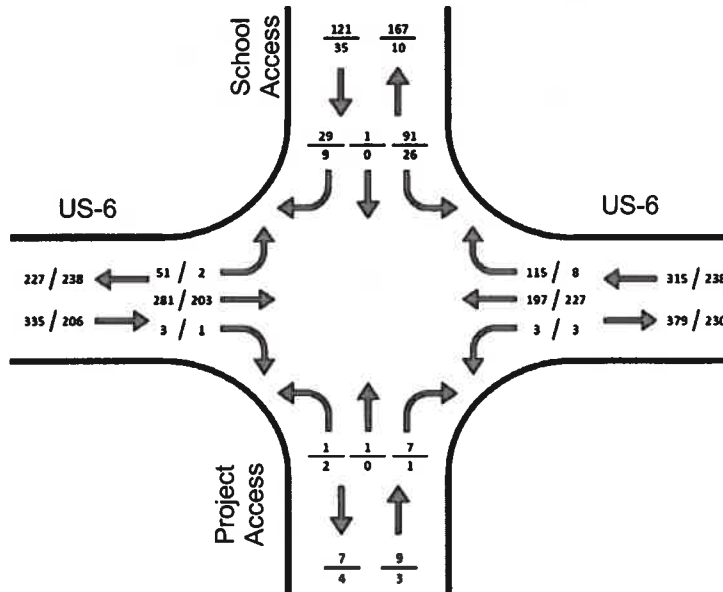
Site Access Information

The existing site access on US-6D at MP 105.64 is shown in the following images. It is located in an access easement across the Project site for the benefit of New Castle. CDOT Access Permit #308154 (see attached) was issued on 1/7/09 and it allows 100 vph (DHV) for both properties south of US-6. The permitted church and day care center were never constructed.

The access permit required construction of a westbound left turn lane, which is currently in place. CDOT issued a design waiver for construction of an eastbound right turn lane, based on 35 mph speed limit, and estimated conflicting volume being less than 150 vph.



The following image summarizes the recent traffic count (March 3, 2022) at the intersection of US-6. & Project Access.



Access Traffic Volume Calculations

This calculation included background traffic, Project traffic, and total traffic on the south leg of the access intersection.

Existing & Future Background Traffic

Per the recent count, the current 2-way access volumes on the south leg were 16 vph (AM) and 7 vph (PM). The public works site is built-out so it is unlikely likely that there would be any traffic growth over time.

Project Trip Generation

The following table shows the Project trip generation estimate, based on Project characteristics described by the owner. This is a conservative estimate because non-employee-based trips would occur randomly during the day and this estimate assumed these trips would happen during the peak hour. The container transportation vehicle is 36-ft long.

Peak Hour Trip Generation Calculation Table

Trip Information	Purpose	Workers	Other Site Visits	Material Hauling		Total Peak Hour Trips (PCE)		
	Vehicle Type	Passenger vehicle (<20 ft)	Small Trucks* (< 20 ft)	Medium Trucks* (20-40 ft)	Large Trucks (> 40 ft)			
	Passenger Car Equivalent Factor	1	1	2	3			
Phase 1	Actual Number of Vehicles Per Day	8	2	3	0			
	PCE Number of Vehicles per day	8	2	6	0			
	Work Hours per day	n/a	n/a	n/a	8			
	PCE Number of Vehicles per hour	8	2	6	0			
	AM Peak Period Trips	PCE in	8	1	3	0	12	AM in
		PCE out	0	1	3	0	4	AM out
	PM Peak Period Trips	PCE in	0	1	3	0	4	PM in
		PCE out	8	1	3	0	12	PM out

*Calculation methodology conservatively assumes that all non-employee trips happen during the peak hours only vs. throughout the day.



Total Future Project Access Volumes

The combination of future background traffic and Project trips resulted in the following two-way volumes:

- AM Peak Hour = 32 vph (16 + 16)
- PM Peak Hour = 23 vph (7 + 16)

CDOT Access Permitting Considerations

There were two aspects of the existing access permit to consider.

Permitted Traffic Volume

Per Section 2.6(3) of the State Highway Access Code, an access permit is required for an existing connection to a state highway if the proposed land use change does not increase vehicular traffic by 20% or more. In this case, the total future access volume of 32 vph is well below the permitted access volume of 100 vph. Therefore, the existing permit volume is still valid.

Need for Eastbound Right Turn Lane On US-6

This section of US-6 has an access category of R-B. A right turn deceleration lane would be warranted when the turning volumes exceeds 25 vph. The combination of future background traffic and Project trips resulted in the following eastbound right turn volumes, assuming 100% of all inbound Project traffic would arrive from the west (which is not the case):

- AM Peak Hour = 15 vph (3 + 12)
- PM Peak Hour = 5 vph (1 + 4)

Since these volumes would be less than 25 vph, an eastbound right turn deceleration lane would not be warranted in the proposed condition.

In summary, Project traffic would comply with the existing access permit volumes and conditions. **If you concur with these findings, please provide a written confirmation that CDOT access permitting would not be necessary for the proposed use.** Thanks for your help and please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Skip Hudson'.

Skip Hudson, P.E.
President

Copy: Patrick Pelton (Columbine M&S), Paul Smith (New Castle Planner)

Attachments

- Current CDOT access permit
- Description of Project Operations
- CDOT data for US-6
-

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 308154
			State Highway No/Mp/Side 006 D / 105.640 / Right
Permit fee \$0.00	Date of transmittal 10/15/2008	Region/Section/Patrol 3 / 02 / 10-2 Don Poole	Local Jurisdiction Garfield County

The Permittee(s); Town of New Castle PO Box 90 New Castle, CO 81647 970-945-1004	Applicant: Schmueser Gordon Meyer Lee Barger 118 West 6th, Suite 200 Glenwood Springs, CO 81601 970-945-1004	Ref No.:
<p>is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.</p>		
Location: It is across from Riverside Access also know as 811 West Main Street		
Access to Provide Service to:	(Land Use Code:)	(Size or Count) (Units)
	560 - Church	
	565 - Day Care Center	
	811 - Specialty Store - Public Works Facility	
	Total Traffic-----	100 DHV
Additional Information: Please review additional terms and conditions.		

MUNICIPALITY OR COUNTY APPROVAL
Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Title	Date

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify D'Wayne Gaymon with the Colorado Department of Transportation in Grand Junction, Colorado at (970) 683-3355, at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature 	Print Name JEFFERY S. SIMONSON, P.E. TOWN ENGINEER	Date 1/05/09
-------------------------	---	------------------------

This permit is not valid until signed by a duly authorized representative of the Department.

COLORADO DEPARTMENT OF TRANSPORTATION

Signature 	Print Name Daniel Roussin	Title Permit Manager	Date (of Issue) 1-7-09
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Copy Distribution: Required: 1. Region 2. Applicant 3. Staff Access Section 4. Central Files

Make copies as necessary for: Local Authority MTCE Patrol Inspector Traffic Engineer

Previous editions are obsolete and may not be used
Page 1 of 3 CDOT Form #101 5/07

Current CDOT Access Permit

1/2

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 3 Traffic & Safety
222 South 6th Street, Room 100
Grand Junction, Colorado 81501
(970) 248-7230



February 18, 2009

Schmueser Gordon Meyer
Attn: Lee Barger
118 West 6th, Suite 200
Glenwood Springs, CO 81601

**RE: Design Waiver Request for State Highway Access Permit No. 308154
Located on Highway No. 006D, Milepost 105.64, in Garfield County**

Dear Applicant:

The purpose of this letter is to address a design waiver request that was submitted by the Town of New Castle on behalf of Christ the Rock Church. The design waiver has been accepted by the department.

The design waiver request for Access Permit # 308154 asked to waive term and condition #7 which requires an east bound right turn decel lane. This request was approved due to the projected opposing trips being below 150 vph and the posted speed limit of 35 mph. This waiver procedure is detailed in the State Highway Access Code Section 3.5(5).

If I can be of any further assistance in this or any other matter, please feel free to contact me at the office listed above.

Sincerely,



Dan Roussin
Permit Unit Manager
Daniel.roussin@dot.state.co.us

cc: File

Columbine Moving & Storage

Traffic Study - Inputs

Project Name: Columbine Moving & Storage Administrative Office and Portable Storage Yard

Project Location/Address: TBD HWY 6 & 24, New Castle, CO 81647 (Shilo Subdivision, Lot 1)

Company Name: Columbine Moving & Storage

Person Completing This Form (Name): Patrick Pelton

Title: VP Operations

Phone: 970-230-2731

Description of Business Use:

The property in question will be developed for an administrative office building and for outdoor portable storage containers. The office building will offer offices for 8 employees

- 2 Bookkeepers
- 2 Estimators (utilize office part-time as they also have an office in Eagle and Aspen, respectively)
- 1 Dispatcher
- 1 Operations Manager
- 1 Business Owner
- 1 Receptionist

Currently, all but 1 employee that would office in New Castle would be traveling from east to west on Hwy 6, thus turning left into the business site. One current employee would be traveling west to east and turn right into the business site. Standard operating hours are from 8:00am to 4:30pm.

Our current portable storage operations are located in Eagle, Co and Aspen, Co. All our current customers either store their rented storage container at one of our facilities, or at their desired location between Glenwood to Aspen, and Gypsum to Vail. We currently do not have any clients storing containers west of Glenwood Springs. Therefore, most of the inbound and outbound traffic for portable storage containers will be east to west on Hwy 6, thus turning left into the business site.

106

105

- Route 006D
From 105 To 106
- Ramps
- Overpass
- Underpass
- Structures

CLASSIFICATION	
Access Control	MRA-El. Main-Right Arterial
Functional Class	5) Major Collector
NHS Designation	0 Not on NHS
Scenic Byway	
SAFETY	
Primary Speed Limit	55
Secondary Speed Limit	55
TRAFFIC	
AADT	4100
DHV	840
Peak Truck Percentage	1.5%
Year 20 Factor	

CDOT DATA
US-6

If any appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.

Access
MP 105.64

100297 006D 105.906 107.118 Garfield New ON SH 6 W/O CR 240, CONNECTION TO I-70 E/O NEW
 Castle CASTLE

Found 2 Short Duration stations and 0 Continuous Count stations. Click the magnifying glass icon in front of a station to see count data below.

[Export to Excel \(/otis/API/TRANSYS/GetAadtsByRouteRefs/006D/105/106/true/true.csv\)](#)

Station ID	Route	Start	End	Description	AA	DT	Year	Single Unit	Comb Trucks	% Trucks	20 Year Factor	DHV	DVMT	DD
100296	006D	104.429	105.906	ON SH 6 E/O PEACH VALLEY RD, CR 214	2,200	2020	120	20	6.5	1.31	11	3,241	57	
100297	006D	105.906	107.118	ON SH 6 W/O CR 240, CONNECTION TO I-70 E/O NEW CASTLE	4,100	2020	130	50	4.5	1.23	11	4,526	57	

Projection Year: 2042

[Export to Excel](#)

[\(/otis/API/TRANSYS/GetFutureTrafficByRouteRefs/2042/006D/105/106/true/true.csv\)](#)

Station ID	Route	Start	End	AA	DT	Year	Single Trucks	Combined Trucks	% Trucks	DHV	Projected AADT	Projected Single Trucks	Projected Combined Trucks
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Build Year: _____ Design Life (yrs): _____ Lanes: 1 Rigid pavement: _____

[Export to Excel \(/otis/API/TRANSYS/GetEsalsByRouteRefs///1/false/006D/105/106/true/true.csv\)](#)

Route	Start	End	Length	AA	DT	Year	20 Year Factor	Single Trucks	Combined Trucks	Projected AADT	Projected Single Trucks	Projected Combined Trucks	18 Kip ESALS
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ON SH 6 E/O PEACH VALLEY RD, CR 214 (Station Id: 100296)

- [Daily \(#daily-tab\)](#)
- [Monthly Summaries \(#monthly-tab\)](#)
- [Annual \(#annual-tab\)](#)

07/24/2019

Data is only available on select dates for Short Duration sites.

[Export to Excel \(/otis/API/TRANSYS/GetDailyTrafficVolumeForStationByDay/100296/false/2019-7-24.csv\)](#) [View Entire](#)

[Month \(/otis/TrafficData/GetDailyTrafficVolumeForStationByMonth/100296/false/2019/7\)](#)

Dir	0h	1h	2h	3h	4h	5h	6h	7h	8h	9h	10h	11h	12h	13h	14h	15h	16h	17h	18h	19h	20h	21h	22h	23h
P ^{EB}	00000	00001	00000	00000	00004	00038	81	145	104	88	78	69	92	72	71	106	100	107	86	64	63	26	18	3
S ^{WB}	00002	00000	00004	00000	00004	00020	75	87	74	54	59	46	39	71	64	90	109	144	105	95	79	38	28	14

P = Primary direction S = Secondary direction C = Combined traffic counts

Annual data is only available for continuous sites.

Click [here \(https://dtdapps.coloradodot.info/staticdata/Downloads/TrafficDataBase/\)](https://dtdapps.coloradodot.info/staticdata/Downloads/TrafficDataBase/) to download current and historical CDOT traffic databases as either Excel (.xlsx) or compressed Access (.zip)



[\(/otis/\)](#)

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- [CDOT Home \(https://www.codot.gov\)](https://www.codot.gov)

From: [Killian - CDOT, Brian](#)
To: [Skip Hudson](#)
Cc: [Paul Smith](#); [Patrick Pelton](#); [Kandis Aggen](#); [Mark Bunnell - CDOT](#); [Karthik Vishwamitra - CDOT](#)
Subject: Re: Request for review - Columbine Storage Project at existing permitted access (US-6 New Castle)
Date: Tuesday, March 15, 2022 8:52:02 AM
Attachments: [Columbine Storage Access Permit compliance letter 220311 entire \(1\).pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Skip,

After reviewing your traffic analysis for Columbine Storage, CDOT concurs that no CDOT access permit is needed for the new use.

Please let me know if you have any questions.

Thanks,

Brian Killian
Region 3 Access Program Manager
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290
222 S. 6th St, Room 100 Grand Junction, CO 81501
brian.killian@state.co.us | www.codot.gov | www.cotrip.org

On Fri, Mar 11, 2022 at 2:03 PM Skip Hudson <skip@skiphudson.com> wrote:

Hello Brian:

Please review the attached report and send your response to me. This is essentially a L1 trip generation letter that documents the existing permit would remain valid with this new development proposal.

Thanks, and let me know if you have any questions along the way.

Respectfully,

Skip Hudson, PE, TTMSC

Turnkey Consulting LLC / Skip Hudson LLC / 970-314-4888



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Planning Department

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

Staff Report
Columbine Moving & Storage
Conditional Use Permit PZ 2022-03
Planning Commission Hearing – March 23, 2022

Report Date: 3/18/22

Project Information

Name of Applicant/Email: Columbine Moving and Storage c/o Patrick Pelton
E-mail: ppelton@columbinemoving.com

Applicant's Address: PO Box 2009, Glenwood Springs, CO 81602

Property Address: TBD 6 & 24, New Castle, CO 81647

Property Owner: Church Extension Plan

Owner Address/Phone: 4070 27th Ct SE #210 Salem, OR 97302
Phone: 1-800-821-1112

Proposed Use: 1,600 sf Office Space and 6,400 sf Storage Containers

Municipal Code Reference: Chapter 17.84 – Conditional Uses & Chapter 17.56 – Performance District

Size of Site: 2.39 acres

Street Frontage: U.S. Highway 6

Existing Zoning: Performance District

Surrounding Zoning: Performance District

Parking Requirements: None specified for Performance District

I Description of Application:

The applicant requests a conditional use permit to expand their storage business, currently operating out of Aspen and Eagle, to the property west of New Castle's Public Works facility in the Shilo Subdivision. Columbine Moving and Storage operates differently than more conventional storage facilities. Rather than fixed, self-service storage units the business offers the flexibility of transportable storage containers which are hauled to-and-from a client's location and stored at various offsite locations. The applicant's intent is for the New Castle location to become one of these storage options. Therefore they are asking approval to store up to 50 containers on the property including the construction of a staff office building.

The location falls within the Performance District zone which, according to section MC 17.56.020, is an area intended for "industry with minimal adverse environmental effects." Because the proposed use is not specifically permitted by right, the applicant is subject to a conditional use review.

As a conditional use application, the Planning Commission (P&Z) is required to hold a public hearing in accordance with the procedures set forth in Municipal Code chapter 16.08. Within 30 days after the hearing, P&Z must make one of three recommendations to Town Council:

- 1) Approve the CUP unconditionally;
- 2) Approve the CUP with conditions;
- 3) Deny the CUP.

II Application Requirements:

The conditional use process determines whether or not the nature of a proposed use: is appropriate to the location, is consistent the character of the surrounding zoning, does not overwhelm traffic capacities of adjacent streets, and mitigates potential environmental effects that the Town may deem relevant to the proposed land use. The application submittal attempts to demonstrate the compatibility of the proposed use with these concerns.

Submittal Requirements:

- (1) Adjacent land uses and location of adjacent structures:
Staff Comment – The proposed lot is bound by the Town of New Castle Public Works & Police Departments to the east; The Union Pacific Railroad corridor borders directly to the south; Elk Creek Elementary and Burning Mt. Land and Cattle are across Highway 6 to the north and west. The lot is the property furthest west in New Castle along US 6.
- (2) Boundary and size of lot
Staff Comment – **Exhibit D-1** illustrates the property boundary and specifies the size of lot (2.39ac or 104,108.4sf). The minimum lot size for a Performance District is 2,500sf.
- (3) Boundary location, height and setbacks
Staff Comment – **Exhibit D-1** shows the building location on the east with portable storage units along the north property line at US 6. MC 17.56.070 requires the following setbacks:

- A. Principal structure: fifteen (15) feet;
- B. Accessory structure: ten (10) feet;
- C. Conditional uses: fifteen (15) feet, unless otherwise specified by the town council;

The containers and office structure would be subject to provision (C) above. The site plan does not clearly specify setbacks particularly for the containers. The application specifies a 15' office building height and 8' container height. Building heights may not exceed 40' in the Performance District.

- (4) Off-street parking and loading areas
Staff Comment – **Exhibit D-1** shows 8-10 off-street parking places for employees only. As proposed clients of the business are prohibited from accessing the units privately while on the property. *MC 17.76.020* specifies one parking place for each 300sf of office space. In this case six places are required. The applicant will be required to provide accessible parking as necessary and no less than one ADA van parking place per the adopted building code.
- (5) Points of ingress and egress
Staff comment – Currently the lot shares the entry from US 6 with the Public Works facility and is aligned with the Elk Creek Elementary entry. The Colorado Department of Transportation (CDOT) originally contemplated the need for an eastbound deceleration lane on US 6 per the Terms and Conditions, item #7, of the original Notice to Proceed (**Exhibit K**). A traffic impact study was performed by the applicant and reviewed by CDOT (**Exhibit S**). The results confirmed the adequacy of the current entry for the proposed use.
- (6) Service and refuse areas
Staff Comment – According to the 2/28/22 email response from the applicant, **Exhibit M**, no refuse location collection will be required.
- (7) Signs and exterior lighting
Staff Comment – **Exhibit M** also states that no signage will be included since customers will not access the location. Any future signage shall comply with sign code provisions in the municipal code. The property shall also post an address positioned near the property entry to direct emergency personnel. An address will be assigned pending approval. The email furthermore indicates that a single light will illumine the main entry. The expectation for all lighting is to be dark sky compliant. Illumination requirements for the building shall comply with all building code requirements.
- (8) Fencing, landscaping and screening
Staff Comment According to Performance District zoning requirements (*MU 17.56.100*), "A landscaping plan must be provided to and approved by the town council." **Exhibit I** anticipates conifers to the south and east of the storage containers and deciduous trees near the office structure. Evergreen screening is also shown to the north of the property between US 6 and the containers.
- (9) Compliance with performance standards
Staff Comment – Evidenced by **Exhibit O**, the applicant has submitted a signed document stating they will comply with all performance standards.

- (10) Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines; anticipated utility requirements

Staff Comment – Utility stub-outs are currently installed on the property. Electrical service will be provided through Xcel energy. The town does not anticipate any issues with providing water, sewer, or any public services for the proposed use.

17.84.070 Alterations

No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84 – Conditional Uses

III 17.84.050 – CUP Approval Criteria and Comments:

A conditional use application shall be approved only if the town council finds that the application:

1. Is eligible for conditional review under Section 17.84.040;

Staff Comment: “Outdoor storage” is eligible for conditional use review by virtue of its inclusion on the list of conditional uses per *MC 17.56.040*.

2. Is generally compatible with adjacent land uses;

Staff Comment: Adjacent land uses consist of public works, the police department, an elementary school, and state highway. The land west of the town borderline is rural Garfield County. The proposed use is compatible with adjacent uses to the extent that the neighboring uses are non-residential. Outdoor storage is possibly better suited for Coal Ridge Industrial Park where storage uses are already established. Nevertheless a storage facility is not unreasonable for that location.

The applicant has attempted to design the office building to conform to neighboring buildings. Exhibit D-2 shows a modest office structure with a combination of metal and wood siding. Various “eyebrow” features shade the front windows. The building shows a flat roof which is inconsistent with the neighboring gable roof at the public works facility (Exhibit N).

3. Meets all requirements of Section 17.84.020, is in compliance with this title and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;

Staff Comment: The application addresses all the requirements of *MC 17.84.020* and ostensibly minimizes adverse impacts. The fire marshal Orrin Moon has requested clarification about hazardous material storage onsite. In his opinion, hazardous material storage may prompt additional fire suppression infrastructure on the property. From Exhibit M the applicant indicates that hazardous materials will not be allowed. Moreover, the containers are generally packed by employers rather than clients.

Traffic flow at US 6 and the property entry may be impacted with container

truck traffic. Therefore the applicant shall consult with CDOT on the potential of an eastbound deceleration lane at the intersection as described in the recommendations below. The applicant will also be expected to satisfy the requirements of current building and town codes as a condition of approval.

4. Is consistent with the comprehensive plan;

Comment: The property's location on the west end of the town along US 6 is positioned near one of four gateways to the town. According to guiding principal 13 "[e]ach gateway serves as a town welcome entry and offers visitors a first impression of the community" (Exhibit J). To be sure a "gateway" refers to the entrance portal into town including appropriate wayfaring, lighting, and/or landscaping. Nevertheless gateways shall be developed as part of a site-specific plan (CGW-1A, pg. 73). The town may have an opportunity to work with the applicant in improving the gateway at the west town boundary at US 6.

5. The town has the capacity to serve the proposed use with water, sewer, fire and police protection.

Comment: The property is serviced by town water and sewer. Tap fees and water dedication (or fees in lieu of) will be required as described in the recommended conditions of approval. Fire safety access is sufficient for the occupancy especially with a 15' setback adjacent to US 6. A hydrant is located on the northwest corner of the public works property and has been deemed adequate by the fire marshal. The police chief recommends surveillance cameras to monitor access, regardless whether clients are prohibited from entry.

IV Staff Recommendations

Staff recommends the following conditions in the Planning Commission's consideration of ***Resolution No. PZ 2022-03:***

- A. Designate a 15' setback along the north property line consistent with MC 17.56.070(C) for emergency egress and landscape screening.
- B. Provide a gable roof for the proposed office building that demonstrates greater architectural consistency with the roof of the public works facility.
- C. The use approved in the application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect.
- D. No approved conditional use may be altered, structurally enlarged, expanded in parking

area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in MC 17.84.070.

- E. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf.
- F. The applicant shall comply with all applicable building and municipal code requirements including all accessibility requirements.
- G. Applicant shall be required to pay all water and sewer tap fees and water rights dedication fees associated with the conditional use at a rate of 1.0 EQRs. The applicant shall pay the dedication fee (\$6,000) within 30 days of the effective date of this resolution and prior to, and as a condition of, the issuance of the town planner's conditional use certificate. The applicant shall pay remaining tap fees prior to the issuance of the building permit the office building;
- H. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
- I. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the applicant.
- J. The applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the town's outside consultants such as legal and engineering costs.

V Application Exhibits:

- A. Application Narrative
- B. Title Commitment
- C. Confirmation Deed
- D-1 Site Plan
- D-2 Office Sketch
- E. Time Schedule
- F. Not Applicable Documents
- G. Performance District Zoning Requirements
- H. Property owners within 250'
- I. Landscaping Plan
- J. Comprehensive Plan – 13. Community Gateways
- K. State Highway Access Permit – Notice to Proceed
- L. State Highway Access Permit – Design Waiver Request
- M. Email Correspondence
- N. Images of Property and Property Access
- O. Performance Standards

- P. Notarized Affidavit of Notice
- Q. Public Notice
- R. Notarized Envelope
- S. Traffic Impact Study/CDOT Referral Email

1 **New Castle Planning and Zoning Commission Special Virtual Meeting**
2 **Wednesday, March 9, 2022, 7:00 p.m.,**

3
4 **Virtual Meetings are subject to internet and technical capabilities.**

5
6 **To join by computer, smart phone or tablet:**
7 **<https://us02web.zoom.us/j/7096588400>**

8
9 **If you prefer to telephone in:**
10 **Please call: 1-346-248-7799**
11 **Meeting ID: 709 658 8400**

12
13 **Call to Order**

14 Commission Chair Apostolik called the meeting to order at 7:00 p.m.

15
16 **Roll Call**

17 Present Chair Apostolik
18 Commissioner Martinez
19 Commissioner McDonald
20 Commissioner Riddile
21 Commissioner Sass
22 Commissioner Westerlind
23 Commission Alternate Rittner (coin toss)
24
25 Commission Alternate Parks
26
27 Absent Commissioner Bourquin

28
29
30 Also present at the meeting were Town Administrator Dave Reynolds, Town
31 Planner Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk
32 Mindy Andis and members of the public.

33 **Meeting Notice**

34 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
35 in accordance with Resolution TC 2022-1.

36
37 **Conflicts of Interest**

38 There were no conflicts of interest.

39
40 **Citizen Comments on Items NOT on the Agenda**

41 There were no citizen comments.

42
43 **Public Hearing**

44 **Consider Resolution PZ2022-2 Recommending Approval of Amendments to**

1 **sections 16.04.060 & 17.104.020 of the New Castle Municipal Code**

2
3 Chair Apostolik opened the Public Hearing at 7:02 p.m.

4
5 Town Planner Paul Smith reviewed the proposed resolution with the commission.

6
7 Assistant Town Attorney Haley Carmer said once the resolution is approved by
8 Planning and Zoning Commission, the recommendation will move forward to Town
9 Council for an ordinance. Code Section 17.104.020 is in the Castle Valley Ranch
10 (CVR) zoning regulation, there will be language stating the changes are intended
11 to be in consistence with vested rights. The changes are not intended to change
12 current vested rights.

13
14 Town Administrator Dave Reynolds said the resolution is getting rid of old chapters
15 13 and 14 that no longer exists. The code chapters changed with new codifiers
16 there are references in Chapter 16 that refers to Chapter 13, but there no longer is
17 Chapters 13 and 14. Therefore, the resolution is meant to clean the code up and
18 makes the references accurate.

19
20 Chair Apostolik closed the Public Hearing at 7:14 p.m.

21
22 **MOTION: Commissioner Chair Apostolik made a motion to approve**
23 **Resolution PZ 2022-02, a Resolution Recommending Approval of**
24 **Amendments to sections 16.04.060 & 17.104.020 of the New Castle**
25 **Municipal Code. Commissioner Riddile seconded the motion and it passed**
26 **on a roll call vote: Chair Apostolik: Yes; Commissioner Riddile: Yes;**
27 **Commissioner Sass: Yes; Commissioner Rittner: Yes; Commissioner**
28 **McDonald: Yes; Commissioner Westerlind: Yes; Commissioner Martinez:**
29 **Yes.**

30
31 **Items for Discussion**

32
33 **Road/Traffic Impact Fee**

34 Attorney Carmer said she did look into how the impact fees would affect current
35 developments and how it would affect town wide impact fees on roads and traffic.
36 There is currently no road or traffic impact fees imposed in any of the proposed
37 documents for CVR PUD. The developer was required to develop Castle Valley
38 Boulevard. There was nothing in the approval documents saying they are exempt
39 from any future impact fees the town might impose on a town wide bases.

40
41 Attorney Carmer said Lakota Canyon Ranch (LCR) did have two separate impact
42 fees. One was a cost recovery fee which was a pay back to CVR Developer for a
43 portion of the cost for Castle Valley Boulevard which since has sunset. The second
44 impact fee is currently in effect for just LCR that is to fund future improvements to
45 Castle Valley Boulevard specifically making Castle Valley Boulevard into a four lane
46 road, installing a traffic signal at Clubhouse Drive and Castle Valley Boulevard and

1 installing a traffic signal at Castle Valley Boulevard and Highway 6 & 24. The
2 impact fee is collected at the time of building permit. Each year the fee increases
3 by the greater of four percent or CPI. LCR doesn't have vested rights therefore
4 there would be no complications for an impact fee. However, there is a current
5 agreement which states the town can impose additional impact fees on a town
6 wide bases those fees would equally apply to LCR.
7

8 Attorney Carmer said the discussion would need to be is what the purpose of the
9 impact fees would be and it would affect LCR. If, the purpose and scope is to
10 improve Castle Valley Boulevard specifically the current LCR impact fee already
11 cover the town could run into some issues imposing the town wide fee on LCR
12 since there already an existing fee. However, if the fee is more general such as
13 street maintenance, filling pot holes, re constructing the street, chop and seal and
14 such. The current LRC impact fee is not for the general maintenance of streets.
15 LCR could be subject to the current impact fee plus the town wide general impact
16 fee.
17

18 Attorney Carmer said when the town does impose a new impact fee that fee would
19 be imposed on new development and are meant to offset the cost associated with
20 the impact of the new development and infrastructure (roads). The way to set
21 those types of fees is by doing a detailed analysis of incremental cost and marginal
22 cost of each vehicle and the different road usage would impact the road. There
23 would be fiscal analysis that would go into looking at those types of costs and what
24 is need to defer or defray the financial impacts as the support for the impact fee.
25

26 Attorney Carmer said Town Council would need to look at the scope what the
27 impact fee is for and then getting the finical back up to justify the impact fee.
28

29 Chair Apostolik said he would like to see it town wide not just necessarily Castle
30 Valley Boulevard. The traffic not only impacts Castle Valley Boulevard but also
31 Downtown is CDOT but the side streets and 7th Street.
32

33 Chair Apostolik said the Town of Eagle has an impact fee that is town wide and the
34 fee is applied per dwelling unit and the money is used for anything. Pitkin County
35 is \$2.52 per square foot of heated space for both residential and commercial.
36 Garfield County has a fee depending on the area will depend on the fee. The fee is
37 based on the square footage. The fee is a street impact fee not a tax it's a fee
38 applied to building permits.
39

40 Administrator Reynolds said the impact fee is to help offset the extra stress that
41 are being places on the roads because of the construction project. As long as the
42 town were to implement the impact fee equally across town and not be specific on
43 what LCR impact fee is already covering and be general such as pot holes, general
44 maintenance and etc. throughout town because of the wear and tear on the roads
45 due to the incoming construction. Then, the impact fee would be enforceable and
46 chargeable to building permits.

1 Attorney Carmer said there has been background to support the cost number that is
2 reached to show what it costs the town to up keep the streets. Also, to show how
3 new development increases the cost.
4

5 Attorney Carmer said since the impact fee would be in affect town wide, something
6 to consider is remodels, demolition, adding a new construction accessory dwelling
7 unit (ADU), would that trigger the fee and just not new construction. The point of
8 the see is offset the increases in development and increases of the impact because
9 of the new development. Will need to be careful on how the impact fee is defined
10 in the code. The impact fee is used for the area where the impact occurs.
11

12 Administrator Reynolds said he would bring this discussion before council for their
13 discussion and direction on the impact fee.
14

15 **Review of Conditional Use Permit Process**

16 Planner Smith outlined the process for Conditional Use Permits (CUP), which is
17 attached to these minutes as exhibit "A".
18

19 **Staff Reports**

20 There were no staff reports.
21

22 **Commission Comments and Reports**

23 There were no commission comments or reports
24

25 **Review Minutes from Previous Meeting**

26 **MOTION: Commissioner Westerlind made a motion to approve the**
27 **February 23, 2023 meeting minutes as submitted. Commission Chair**
28 **Apostolik seconded the motion and it passed unanimously.**
29

30 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**
31 **Commissioner Sass seconded the motion and it passed unanimously.**
32

33 The meeting adjourned at 8:15 p.m.
34

35 Respectfully Submitted,
36
37
38
39
40
41
42

Chair Chuck Apostolik

43 Deputy Town Clerk Mindy Andis, CMC