

**TOWN OF SILT
SPECIAL PLANNING AND ZONING COMMISSION AGENDA
TUESDAY, FEBRUARY 18, 2019 6:30 P.M.
MUNICIPAL COUNCIL CHAMBERS**

ESTIMATED TIME	ELECTRONIC AGENDA ITEM	PUBLIC HEARING/ ACTION	ELECTRONIC LOCATION AND PRESENTOR
	Agenda		Tab 1
6:30 P.M.	Call to Order		Chair Classen
	Roll Call		Chair Classen
	Pledge of Allegiance		Chair Classen
6:32 P.M.	Consent agenda Minutes of the February 4, 2020 P & Z Meeting	Action Item	Tab 2 Chair Classen
6:35 P.M.	Public Comments - A "Sign In Sheet" is available in the Council Chambers. Each speaker will limit comments to no more than three (3) minutes, with a total time of 30 minutes allotted to public comments, pursuant to Section 2.28.020 of the Silt Municipal Code		Chair Classen
6:38 P.M.	Conflicts of Interest		Chair Classen
6:39 P.M.	Agenda Changes		Chair Classen
6:40 P.M. 20 minutes	Resolution 13, Series of 2020, A RESOLUTION APPROVING THE SILT CASTLE LLC SPECIAL USE PERMIT FOR THE KIND CASTLE RETAIL MARIJUANA STORE ON A PROPERTY KNOWN AS LOT PARCEL A, AMENDED KEITHLEY EXEMPTION PLAT, ALSO KNOWN AS PARCEL # 217910100039, AND COMMONLY KNOWN AS 1421 RIVER FRONTAGE ROAD, TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO	Recommendation to Board of Trustees (Public Hearing)	Tab 3 Director Aluise
7:00 P.M. 20 minutes	Ordinance 3, Series of 2020, AN ORDINANCE ANNEXING THAT CERTAIN PROPERTY KNOWN AS THE VILLAGE AT PAINTED PASTURES ANNEXATION, A 9.223-ACRE PARCEL AND A 2.001-ACRE PARCEL, BOTH SOUTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE LYON COMMERCIAL PLANNED UNIT DEVELOPMENT, WITHIN GARFIELD COUNTY, STATE OF COLORADO	Recommendation to Board of Trustees (Public Hearing)	Tab 4 Director Aluise
7:20 P.M. 20 minutes	Ordinance 4, Series of 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS A PLANNED UNIT DEVELOPMENT CERTAIN ANNEXED LAND KNOWN AS THE VILLAGE AT PAINTED PASTURES ANNEXATION, A 9.223-ACRE PARCEL AND A 2.001-ACRE PARCEL, BOTH SOUTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE LYON COMMERCIAL PLANNED UNIT DEVELOPMENT, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO	Recommendation to Board of Trustees (Public Hearing)	Tab 5 Director Aluise

7:40 P.M. 5 minutes	Ordinance 5, Series of 2020, AN ORDINANCE ANNEXING THAT CERTAIN PROPERTY KNOWN AS THE HIGHLANDS AT PAINTED PASTURES ANNEXATION, A 41.743-ACRE PARCEL NORTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF BOTH THE CAMARIO PLANNED UNIT DEVELOPMENT AND THE HEAVENLY VIEW SUBDIVISION WITHIN GARFIELD COUNTY, STATE OF COLORADO	Continuance Requested (Public Hearing)	Tab 6 Director Aluise
7:45 P.M. 5 minutes	Ordinance 6, Series of 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS R-2, GENERAL RESIDENTIAL DISTRICT, CERTAIN ANNEXED LAND KNOWN AS THE HIGHLANDS AT PAINTED PASTURES ANNEXATION, A 41.473-ACRE PARCEL NORTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF BOTH THE CAMARIO PLANNED UNIT DEVELOPMENT AND THE HEAVENLY VIEW SUBDIVISION, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO	Continuance Requested (Public Hearing)	Tab 7 Director Aluise
7:50 P.M. 5 minutes	Old Business		
7:55 P.M. 5 minutes	New Business		
8:00 P.M.	Future Business		
8:05 P.M.	Commissioner Comments		
8:10 P.M.	Adjourn		
<p>The next regularly scheduled meeting of the Silt Planning & Zoning Commission is tentatively set for Tuesday, March 3, 2020, at 6:30 p.m. Items on the agenda are approximate and intended as a guide for the Planning and Zoning Commission. "Estimated Time" is subject to change, as is the order of the agenda. For deadlines and information required to schedule an item on the agenda, please contact the Town of Silt at 876-2353. Please be aware that this agenda is given to the public and to the Commission in electronic form. If you require a hard-copy, please request one before or after the scheduled meeting. Normal Town copying charges may apply. Thank you.</p>			

**TOWN OF SILT
MINUTES FOR
REGULAR PLANNING & ZONING COMMISSION MEETING
TUESDAY, FEBRUARY 4, 2020, 6:30 P.M.**

Call to Order

Chair Classen called the meeting to order at 6:31 p.m.

Roll Call

Present: Chair Chris Classen
Commissioner Eddie Aragon
Commissioner Marcia Eastlund
Commissioner Brittany Cocina (Voting Member)

Absent: Vice Chair Lindsey Williams
Commissioner Joelle Dorsey
Alternate Commissioner #2

Also present at the meeting was Community Development Director Janet Aluise.

Pledge of Allegiance

At 6:31 p.m., the Commission cited the Pledge of Allegiance.

Public Comments

There were no public comments.

Conflicts of Interest

There were no stated conflicts of interest.

Tab 2 - Consent Agenda

At 6:32 p.m., Commissioner Aragon made a motion to approve the January 7, 2020 Planning & Zoning Commission meeting minutes, as written. Commissioner Cocina seconded the motion and the motion carried unanimously.

Agenda Changes

There were no agenda changes.

Tab 3 – Garfield County Comprehensive Plan 2030 – Review of Urban Growth Boundary

At 6:34 p.m., Director Aluisse reviewed the Kancilia Small Kennel (Limited Impact Review)/Large Kennel (Major Impact Review) request, stating that the use is proposed on a 2-acre property located west of the Silt River Preserve and south of the Colorado River, outside the Town limits but within the Urban Growth Boundary (3-mile sphere of influence). The applicants indicate to the County in their application, “The property is zoned rural and is located in the Urban Growth Area for the Town of Silt. The Town of Silt has been informed of our intention to obtain this permit. A verbal communication with the P/Z occurred and no objection was registered.” The applicants have not been scheduled nor have appeared before the Planning & Zoning Commission in the last decade. Further, Director Aluisse states that Ms. Kancilia came to the Community Development Department over a month ago, stating that she was thinking of opening a kennel. Ms. Kancilia gave no scope to the project and did not indicate that she had actually submitted an application with Garfield County, so therefore Director Aluisse assumed that Ms. Kancilia’s idea was inspirational.

The Commission had the following questions/discussion:

- What measures will the County employ to ensure that the applicant keeps 8 or fewer dogs? (Director Aluisse stated that she did not know how Garfield County enforces its land use.)
- Dog kennels take an enormous amount of water to provide drinking water and to clean the kennels and bedding (Director Aluisse stated that many County residents fill up tanks of potable water every week for both residential and commercial purposes);
- The septic system should not be used for animal waste (Director Aluisse stated that the application indicates that the animal waste will be placed in the landfill); &
- The property is well-positioned to mitigate barking dogs.

At 6:47 p.m., the Commission had consensus that Director Aluisse should forward to Garfield County Planning Department the comments stated herein.

Tab 4 – Parks, Recreation, and Culture Master Plan Draft

At 6:48 p.m., Director Aluisse stated that staff has been making progress on the document, having finished descriptions and inventories, and is currently building budget forecasts, and making park maps. The map project will include an interactive online map detailing each of the Town’s parks, open space areas, drainages, and trails, with descriptions and inventories built into the portal. The Subcommittee is very supportive of the effort and will schedule a meeting soon to review further progress.

The Commission had the following questions/discussion:

- The Master Plan document looks great so far, and the Commission appreciates the efforts;
- The historical descriptions are very helpful and enlightening;
- How will the Town attempt to pay for the suggested improvements/land acquisitions? (Director Aluisse stated that the upkeep on existing equipment is possible through the

general fund, but that larger capital improvements and land acquisitions will be difficult without grants or intergovernmental cooperation.);

- The inclusion of the Silt Historical Park and its potential future relocation is necessary; &
- Parkland throughout the Town has been donated by civic-minded individuals, including Judge A. A. Alley, whose adopted daughter was the long time Town Clerk Elsa Pyles.

Tab 5 – RBW Automotive and Removal of Abandoned Dwelling Unit at 512 Main Street

Director Aluise stated that the plaintiffs who own the abandoned dwelling unit at 512 Main Street (James Wallace and Ian Wallace, owners of RBW Automotive, Inc.) recently obtained a demolition permit with the State of Colorado and the Town of Silt, with a demolition window of April 1, 2020 to May 31, 2020. She stated that the trial has been stayed, and may be dismissed with the mitigation of unauthorized/dangerous uses on the property. The Commission had consensus that the junk vehicles on the site should also be removed, as per the Silt Municipal Code and the issued citation.

Tab 6 – 2020 Special Event List and Call for Volunteers

Director Aluise stated that the 2020 Special Event List has been posted and it promises to be a great season, with a few co-sponsored events. She advised that the Silt Hey Day celebration will be in Veterans' Park this year, utilizing the Town's Pig Roast (typically reserved for veterans' benefit). The Town will still be a co-sponsor of the events in terms of monetary contributions and in-kind labor, but the Silt Hey Day Committee is coordinating and holding the event, as usual.

The Commission expressed satisfaction that the event is back in Veterans' Park.

Old Business

There was no old business.

New Business

There was no new business.

Other Business

At 7:40 p.m., Director Aluise stated that the Town Administrator is requesting two members of the Planning & Zoning Commission to be part of the Marijuana Code Revision Subcommittee, which will likely meet before select Board meetings at Town Hall. This Subcommittee will look at the current code and determine if the Town shall limit the number of stores within the Town, the location of retail marijuana stores, and the processing guidelines for such applications. Because there are several members missing tonight, Director Aluise will send out an email soliciting volunteers for this Subcommittee. In the case there are more than two volunteers, she will ask the Commission to decide amongst itself who the designated members will be.

At 7:43 p.m., Director Aluise stated that there will be a special Planning & Zoning Commission meeting on February 18, 2020, to consider five (5) applications in as many public hearings.

At 7:44 p.m., Director Aluise stated that there is a FEMA (floodplain) meeting in Berthoud, Colorado, on February 14, 2020, from 9 a.m. to 4 p.m. The Town will provide for travel and meal expenses.

At 7:46 p.m., Director Aluise stated that there is a Rocky Mountain Land Use Institute Planning Conference on March 5 and 6, 2020, in Denver. The Town can sign up P & Z members interested in attending, and as usual, the Town will provide for travel and meal expenses.

Future Business

There was no future business.

Commissioner and Staff Comments

At 7:50 p.m., Chair Classen requested whether the owners of the 2nd Street and Grand Avenue have finished the home. Director Aluise stated that the home is not complete and that she would get further information from the Building Inspector Mike Styk.

At 7:53 p.m., Chair Classen stated that he noticed the street lights have the new LED fixtures attached, but that the lights are not as soft as the former ones. Director Aluise informed the Commission that the Town approved the replacement of the fixtures for a 7% reduction in the Town's flat rate. Each fixture should save approximately 40% - 80% in electric costs to operate.

Adjournment

At 7:57 p.m., Commissioner Eastlund made a motion to adjourn. Commissioner Cocina seconded the motion, and the motion carried unanimously.

Chairman Chris Classen

Community Development Director Janet Aluise

**TOWN OF SILT
RESOLUTION NO. 13
SERIES OF 2020**

A RESOLUTION APPROVING THE SILT CASTLE LLC SPECIAL USE PERMIT FOR THE KIND CASTLE RETAIL MARIJUANA STORE ON A PROPERTY KNOWN AS LOT PARCEL A, AMENDED KEITHLEY EXEMPTION PLAT, ALSO KNOWN AS PARCEL # 217910100039, AND COMMONLY KNOWN AS 1421 RIVER FRONTAGE ROAD, TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

WHEREAS, Red Horse LLC, 16604 County Road # 8, Meeker, CO 81641 owns real property described as Lot A, Amended Keithley Exemption Plat, also known as Parcel # 217910100039, hereinafter known as “Subject Property”, located south of River Frontage Road and west of County Road 311, in the Town of Silt, Garfield County, state of Colorado; and

WHEREAS, on or about January 10, 2020, Silt Castle LLC, P.O. Box 687 Glenwood Springs, CO 81602 (“Applicant”) filed a retail marijuana store application with the Town of Silt (“Town”), such establishment proposed on the Subject Property; and

WHEREAS, on or about January 10, 2020, the Applicant filed a special use permit (“SUP”) for the proposed retail marijuana store, as the Subject Property is located in a B-2 Highway Business District; and

WHEREAS, pursuant to Titles 5 and 17 of the Silt Municipal Code (“Code”), the Town processed the applications as required by the code, and forwarded the SUP Application as well as staff comments about the Application in various memoranda to the Town Planning & Zoning Commission (“Commission”); and

WHEREAS, on or about February 18, 2020, the Commission considered the application and staff memoranda in a duly noticed public hearing; and

WHEREAS, on or about February 18, 2020, the Commission recommended to the Board of Trustees (“Board”) (approval, approval with conditions, or denial) of the Silt Castle LLC Retail Marijuana Store Special Use Permit, with conditions as stated in the staff report and this resolution; and

WHEREAS, on or about March 9, 2020, the Board held a public hearing to consider the Silt Castle LLC Retail Marijuana Store Special Use Permit Application at the Board’s regularly scheduled meeting; and

WHEREAS, on or about March 9, 2020, the Board (approved, approved with conditions, or denied) the Silt Castle LLC Retail Marijuana Store Special Use Permit Application at the Board's regularly scheduled meeting.

WHEREAS, the Board finds that the Applicant (has/has not) substantially met the requirements of Silt Municipal Code Chapters 5.32 and 17.78 and other sections and that (approval, approval with conditions, denial) of the Silt Castle LLC Retail Marijuana Store Special Use Permit should be (approved and issued, approved with conditions and issued, denied.)

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THAT the Silt Castle LLC Retail Marijuana Store Special Use Permit is hereby (approved, approved with conditions, denied) and (shall be/shall not be) issued on that property known as 1421 River Frontage Road, otherwise known as Parcel A, Amended Keithley Exemption Plat, and further known as Parcel Number 217910100039, within the Town of Silt, Garfield County, state of Colorado (subject to the following conditions):

- 1) That all statements made by the applicant both in the application and in meetings before the Board of Trustees, be considered conditions of approval, unless modified in the following conditions:
- 2) That the Applicant abide by all those conditions as imposed by Resolution 13, Series of 2020;
- 3) That the Applicant pays all fees associated with the Town's review and approval of renewal of the special use permit, including but not limited to attorney, engineering, planning, administrative and other related costs;
- 4) That the Applicant (or his heirs, successors, or assigns), if he wishes to continue utilizing the property in the above stated manner, submits a written request to the Board of Trustees not fewer than twenty (20) days prior to the end date of the renewal of the SUP, such request to be considered by the Board of Trustees in a regular meeting. Such written request must state the reason for the SUP extension request. The Applicant (or its heirs, successors, or assigns), shall be in good standing with the Town with regards to payment of utility bills and maintenance of the property; and
- 5) That the Board of Trustees reviews the Silt Castle Special Use Permit every two (2) years, beginning on the date of approval by the Board of Trustees, and continuing thereafter until or unless such occupancy is discontinued, and determines in its sole discretion, that continuation of this Special Use Permit is in the best interests of its citizens.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Silt, Colorado held on the 9th day of March, 2020.

TOWN OF SILT

ATTEST:

Mayor Keith B. Richel

Town Clerk Sheila M. McIntyre, CMC

STAFF REPORT

For the Planning & Zoning Commission Meeting of February 18, 2020

Application: Silt Castle LLC Special Use Permit for Retail Marijuana Store

Applicant: Silt Castle LLC
John Oliver Dyet, Manager of LLC
P.O. Box 687
Glenwood Springs, CO 81602

Property Owner Red Horse LLC
16604 County Road 8
Meeker, CO 81641

Site Location: 1421 River Frontage Road



Acreage: 15.215 acres

Present Zoning: B-2, Highway Business District (Retail/Service)
“B-2 Highway Business District is established as a district in which the principal use of land is for retail sales and services to the motoring public and other uses not requiring a centralized location, but which do require major highway frontage, comparatively large lot area, and carefully planned outdoor sales and/or open storage reviewed and approved by the town. It is the intention of these regulations to encourage the orderly development and expansion of the district with such uses and in such a manner as to provide ample parking space and a minimum of traffic congestion.”

Proposed Zoning: The applicant requests no change.

Public Notice: Town publicly noticed the February 18, 2020 Planning & Zoning Commission meeting on January 30, 2020 in Citizen Telegram and

the Post Independent; the Town sent out adjacent property owner notifications on 1/29/20.

Fees: Applicant submitted the required \$250.00 SUP application fee; however, consultant attorney and engineer fees (if any), plus 15% administrative fee on all consultant charges (if any), plus public notice and copying charges;

Adjacent Land Use: South – Colorado River
North – River Frontage Road and Interstate-70 (ROW)
West – Camp Colorado RV Park (Commercial PUD)
East – Holiday Inn Express (B-2)

Present Land Use: Vacant (occasionally used for agriculture)

I. Applicant’s Description of Proposal

Silt Castle, LLC (“Applicant”) is under contract to purchase Parcel A Second Amended Keithley Subdivision Exemption Plat located along the River Frontage Road (“Site”) as shown in Figure 1. The Applicant intends to purchase the Site and construct a new retail marijuana store if the Special Use Permit and required license are approved by the Town of Silt (“Town”). The Applicant also plans to submit the required development applications to subdivide the Site for future commercial development if the proposed retail store is approved by the Town.

The Property contains 15.215 acres and is characterized by flat topography that drops off into the Colorado River. The Property is located in the B-2 Zone District as shown in Figure 2.

The Applicant desires to construct a new 2,292.8 sq. ft. retail store on the Site pursuant to the Municipal Code requirements. Access to the Site will be provided by an existing access road off of River Frontage Road as shown in the plan set.

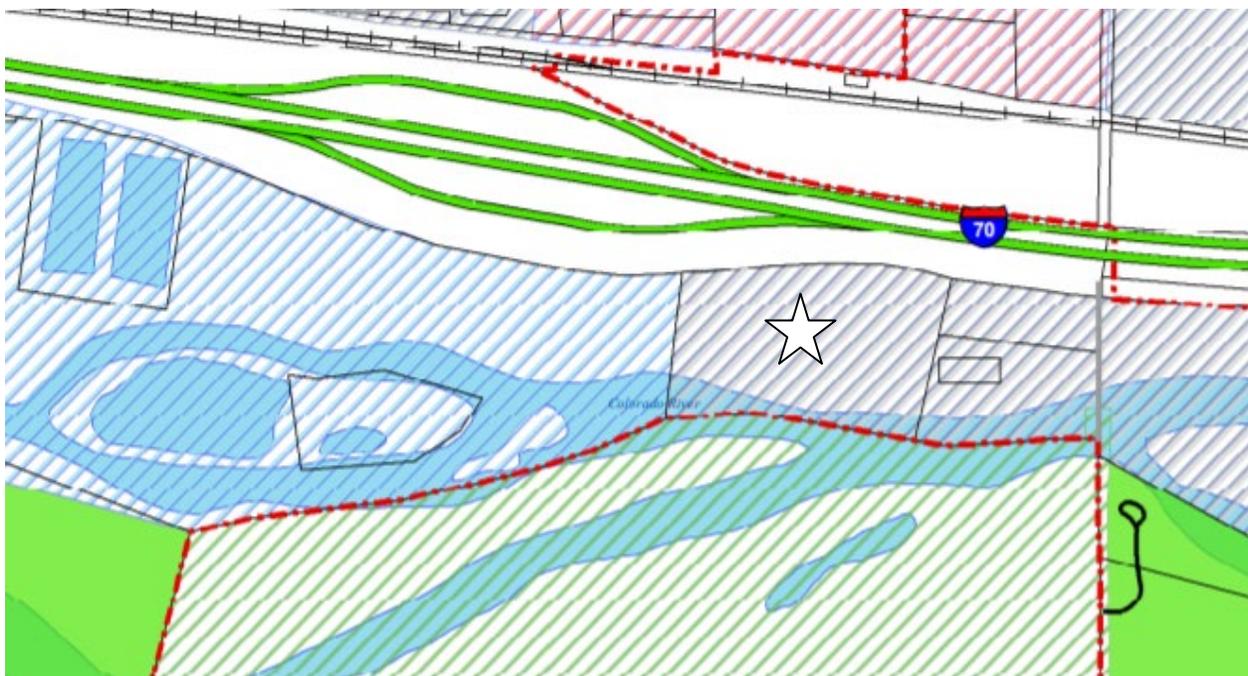
The reason for the request is to permit the establishment of a retail marijuana store pursuant to the Town of Silt Municipal Code (“Municipal Code”) Section 17.13.020, Schedule of Uses, that permits retail marijuana stores through a special use permit in the B-2 Zone District. It is important to note that there will not be any marijuana cultivation or production facilities on the Site, which will significantly limit odors and other potential impacts associated with such uses.



Figure 1. The Site

II. Comprehensive Plan General Policies and Goals– Designated Urban Growth Areas Service and Commercial Support- Click + Ctrl for description

The Silt Comprehensive Plan land use designation for Service & Commercial Support states: “Those properties within the Comprehensive Plan Land Use Designation of “Service and Commercial Support” are outside of the Town’s Downtown area, but are expected to have good visibility from Main Street and/or the I-70 corridor. The “Service and Commercial Support” designation is not expected to extend more than two blocks north of Highway 6. For this reason, it is appropriate to expect that these properties will provide the Town with solid retail and service commercial businesses, such as construction related businesses like supply companies, office-type businesses such as real estate offices, craftsmen-type businesses such as cabinet makers, and other services such as auto repair and small appliance repair, hotels, and convenience stores. These properties should look inviting and aesthetically professional and the structures should have a western appeal or theme if possible. This area is crucial for the Town’s employment picture, providing local jobs within the core of the community, and keeping the residents close to enjoy their time not spent working with their families and friends. While retail businesses may not be the main focus in the “Service and Commercial Support” area, it is important for the Town to encourage any business that provides clean commercial without air pollution, noise, undesired odor, vibration or wasted resources. As the Town and/or businesses grow(s), this Comprehensive Plan Land Use Designation will have to shrink in order to accommodate a larger “Downtown” area. The Town should carefully scrutinize marijuana applications in this land use designation.”



Applicant’s Statement of Conformance with Comprehensive Plan

The proposed retail store conforms to the Silt Comprehensive Plan (“Comprehensive Plan”) as follows:

- A. The Comprehensive Plan Map designates the Site as “Service and Commercial Support” as shown in Figure 4. The Comprehensive Plan states the Service and Commercial Support area will provide:

“...retail and service commercial businesses, such as construction related businesses like supply companies, office-type businesses such as real estate offices, craftsmen-type businesses such as cabinet makers, and other services such as auto repair and small appliance repair, hotels, and convenience stores. These properties should look inviting and aesthetically professional, and the structures should have a western appeal or theme if possible. This area is crucial for the Town’s employment picture, providing local jobs within the core of the community, and keeping the residents close to enjoy the time not spent working with their families and friends. While retail businesses may not be the main focus in the “Service and Commercial Support” area, it is important for the Town to encourage any business that provides clean commercial without air pollution, noise, undesired odor, vibration or wasted resources.”

The proposed store provides a retail commercial business as envisioned by the Comprehensive Plan. The future subdivision of the site will provide the impetus for additional commercial uses as envisioned by the Comprehensive Plan with the store only using approximately 0.80 acre, or 5.3% of the 15 acre site. The proposed store will look inviting and has a western theme. The proposed store will also employ up to 10 full-time employees in the town that do not have to commute up valley. The proposed store also provides clean commercial development that will not have any adverse impacts.

- B. The proposed retail store conforms to Economic Development Goal 2: “Enhance commercial corridors and attract high-quality commercial development.” The proposed store provides for an attractive and high quality design consistent with Town regulations and provides the impetus for the future development of the Site.
- C. The proposed store meets Economic Development Policy C2: “Foster economic development opportunities that provide diversification of the employment base to accommodate job-generating developments.” The retail store will employ approximately 10 full time employees. The Town’s support and approval of the retail store will also implement Action C2.2: “Encourage businesses that will provide jobs for Silt’s residents.”
- D. The proposed store also conforms to Economic Development Action C3.1: “Use the following location criteria to determine where economic development (employment, commercial and industrial) uses may be located”, with our comments on applicable criteria shown in *italics*:
1. Proximity to major highways and access to an arterial street without the need to pass through less intensive land uses. *The proposed store is an excellent location in close proximity to the I-70 interchange with great access via the River Frontage Road. Traffic will not have to pass through the Town to reach the store.*
 2. Availability of existing or planned utility services, including water, sewer and electricity. *Water, sewer, electric, gas and telecommunications are available to the site.*

(Staff note: The Comp Plan stresses the need to heavily scrutinize marijuana businesses. In this proposal, the proposed store is well away from the other retail marijuana stores and away from daycares/churches, is on a well-traveled street (River Frontage Road), is adjacent to a busy arterial road (Interstate-70), perhaps lending to the applicant’s position that a retail store of this nature is appropriate. As the property has been vacant for decades, this application represents the first development proposal.)

III. Pertinent Silt Municipal Code - B-2 Highway Business Zone District

[Chapter 5.32 Licensing and Regulation of Marijuana](#) (Click + Ctrl to view entire marijuana licensing and regulations.)

Chapter 5.32 regulates the marijuana licensing application provisions.

5.32.200 Signage and Advertising.

- A. All signage for a medical marijuana and/or retail marijuana establishment shall comply with the requirements of this code, including without limitation Chapter 17.73;
- B. Any person or his agent licensed pursuant to this code, may not cause advertisements, signs, displays, or other promotional material depicting marijuana use or symbols to be shown or exhibited off the premises or in any manner which is visible to the public from roadways, pedestrian sidewalks or walkways, other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by this code; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this subsection shall not apply to:
 - 1. Any sign located on the same zone lot as the medical marijuana and/or retail marijuana establishment which exists solely for the purpose of identifying the location of the medical marijuana and/or retail marijuana establishment and which otherwise complies with the requirements of this code;
 - 2. Any advertisement contained within a newspaper, magazine, or other periodical;
 - 3. Advertising which is purely incidental to sponsorship of a charitable or community event by the medical marijuana and/or retail marijuana establishment.
- C. No licensed medical marijuana and/or retail marijuana establishment shall use any advertising material that is misleading, deceptive, or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated is designed to appeal to minors;
- D. Any person licensed as a medical marijuana and/or retail marijuana store shall include in any advertisement for marijuana the following language: "FOR ADULTS 21 AND OVER ONLY". Provided, however, this language shall not be required to be displayed upon any sign identifying a medical marijuana store.

(Staff note: While the entire chapter of 5.32 is pertinent to the applicant, most of the requirements are related to operational standards and state licensing, except 5.32.200, which is related to signage; although the applicant has not submitted a complete sign permit application, the preceding would necessarily apply.)

17.13.020 Schedule of uses. (Click + Ctrl to view entire Schedule of Uses.)

X = Permitted Use; PR = Prohibited Use; SU = Special Use

Land Use Activity	AG	R-1	R-2	R-3	B-Ind	B-1	B-2	B-3	PU	DMD
Retail Marijuana Store or Dispensary	PR	PR	PR	PR	X	SU	SU	X	PR	PR

(Staff note: Retail marijuana stores are a special use permit in the B-2 Zone District.)

[Chapter 17.73](#) [Marijuana Establishment in Commercial Zone District](#) (Click + Ctrl to view Marijuana Criteria.)

17.73.010 Purpose.

The purpose and object of this chapter is to establish reasonable and uniform regulations to allow for the sale of medical and retail marijuana, the cultivation of medical and retail marijuana, the manufacturing of marijuana products, and the testing of marijuana within certain zone districts and within certain parameters pursuant to this chapter and this code. Voters approved Amendment 20 to the Colorado Constitution on November 7, 2000, as well as Amendment 64 to the Colorado Constitution on November 6, 2012, both further codified at Article XVIII, section 16 of the Colorado Constitution, and hereinafter known as Amendment 20 and Amendment 64, respectively. It is the desire of the town to prevent an undue concentration of medical and retail marijuana stores, marijuana cultivation facilities, marijuana products manufacturing facilities and marijuana testing facilities, as defined herein, and to attempt to mitigate the consequential secondary effects created by the concentration of such establishments within the Town of Silt, and to promote the health, safety, and general welfare of the citizens of the town. Lastly, the purpose of this chapter is to prohibit marijuana clubs, bars or other facilities that include or consist of the consumption of marijuana in a public setting within the town limits.

(Staff note: While all other sections are pertinent, the Town underscores the ‘purpose’ of the chapter and the enforcement.)

[17.78.010](#) [Special use](#). (Click + Ctrl to view Special Use Permit Criteria in its entirety.)

17.78.010 Special use.

Special uses are uses other than permitted uses. A special use is granted by a special use permit which is defined at Section 17.08.400. A special use may or may not be appropriate and may or may not be allowed by the board, in its discretion.

[17.78.020](#) [When allowed](#).

Special uses may be permitted only upon prior approval of the board. The board shall first receive and consider recommendations from the planning and zoning commission and town administration, and shall conduct a public hearing.

[17.78.030](#) [Review Criteria](#) (for Special Use Permits)

Criteria for review of special use applications are:

- A. Compliance of the application with this code;
- B. Compatibility of the proposal with the character of the surrounding area;
- C. Desirability and need for the proposed use;
- D. Encouragement of the most appropriate use of land throughout town;
- E. Potential for adverse environmental influences that might result from the proposed use;
- F. Compatibility of the proposed use with the comprehensive plan;
- G. Adequate provision for ingress and egress of vehicular and other traffic; parking, servicing and loading/unloading; refuse and service areas; utilities; screening and buffering; signage; yards and open space; and any other items determined necessary or appropriate by the board.)

A. Compliance of the application with this code:

Applicant’s Response:

The proposed retail marijuana store conforms with the intent or purpose of the applicable sections of the Municipal Code. The proposed store conforms with the purpose of Municipal Code Section 5.32, Licensing and Regulation of Marijuana Businesses. The Applicant is concurrently submitting the required retail marijuana store license to the Town pursuant to Section 5.32. The proposed store will protect the public health, safety and general welfare of the community because:

1. The proposed retail marijuana store is located in the B-2 Zone District that permits such stores pursuant to the Town special use permit process.
2. The Applicant is concurrently submitting all of the required forms and materials for the retail marijuana store license in accordance with Municipal Code Section 5.32.
3. The Applicant and store manager do not have any criminal history that would disqualify them from owning and operating the store.
4. The Applicant and his manager have a strong moral character and a proven track record of successfully and safely opening, operating and managing a store in an area community in compliance with State and local laws and regulations, including but not limited to the standards and procedures set forth in the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.
5. The proposed retail store will be designed and built in accordance with the Municipal Code requirements, including strong security measures.

The proposed store also meets the purpose of Municipal Code Section 17.73, Land Use Regulation of Marijuana Facilities that are designed to mitigate the impacts of such facilities. Mitigation for the retail store will be provided as required by the Municipal Code. The proposed store will not create a concentration of facilities, with the closest store located over 1,500 feet away as shown in Figure 3. The other store in the town is located over 2,000 feet away. The proposed store site is providing over three times more separation than required by the 500 feet established in Section 17.73.030.A. The proposed store is located in the B-2 Zone District and not a residential zone district. The proposed store is also located more than 500 feet away from any school or daycare as required by Municipal Code Section 17.73.030.C. The new retail store will also be designed and constructed in accordance with the Town’s adopted building regulations.

(Staff note: At this time, the Town is only considering the applicant’s marijuana license application and the applicant’s special use permit for a marijuana store on a B-2 zoned property. These applications are complete. The applicant proposes to submit a commercial site plan for the building soon, if approved for the license; the applicant supplied conceptual architectural renderings in this application to give the Town a level of comfort in the building’s quality.)

B. Compatibility of the proposal with the character of the surrounding area;

Applicant’s Response:

The proposed retail store is very compatible with adjacent commercial and transportation development. A new gas station is located to the west by the I-70 interchange. The intensive I-70 corridor and River Frontage Road are located to the north. The Colorado River is located to the south. The Holiday Inn Express and Suites is located to the east.

Architecture will meet or exceed the Town’s Site Planning and Design Standards in Municipal Code Section 17.42.120 that include the requirement for landscape buffering, and the Town’s Architectural and Site Planning Standards in Chapter 17.43. All of these standards will help ensure compatibility with adjacent development. The proposed building is designed with one-story and a minimal amount of floor area which also ensures compatibility with surrounding area development.

The Site will be subdivided and developed over time with the store occupying approximately 5.3% of the Site. Thus, the store will blend into the surrounding commercial and service commercial development with a high quality design as envisioned by Town regulations and the Comprehensive Plan. The Comprehensive Plan reiterates this commercial character for the Service and Commercial Support area with the policies stated above. A retail marijuana store that meets all of the Town regulations clearly fits into the mix of existing, envisioned and zoned commercial land uses on the north side of I-70 by the Colorado River.

(Staff note: A retail store is compatible with the character of the surrounding area, which includes a hotel, a recreational vehicle park, and a convenience store. The surrounding zoning (B-2 Highway Business and Commercial PUD) is also compatible with the subject property’s B-2 Highway Business zoning. At question is whether the Town believes that a retail marijuana business is in character with the surrounding area. As there are two other retail marijuana businesses in close proximity to commercial uses downtown, it appears that this particular use is compatible to restaurants, a coffee shop, a grocery store, a flooring store, a clothing store, a property management shop, and two liquor stores. However, the Commission and/or the Board may find that this proposed business is not compatible with the existing family-friendly hotel and recreational vehicle park.)

C. Desirability and need for the proposed use;

Applicant’s Response:

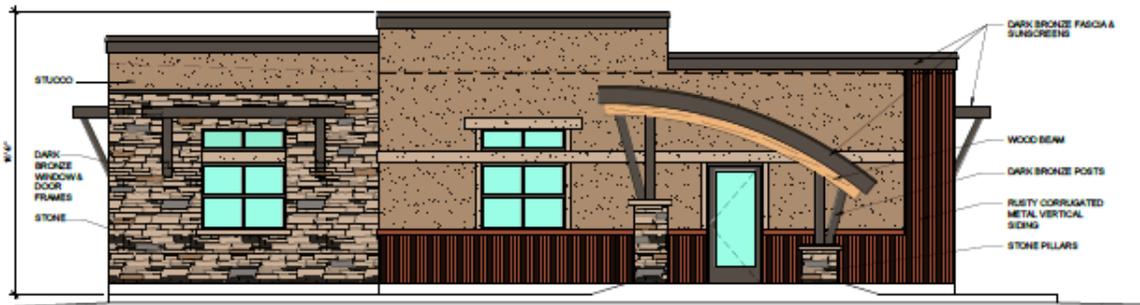
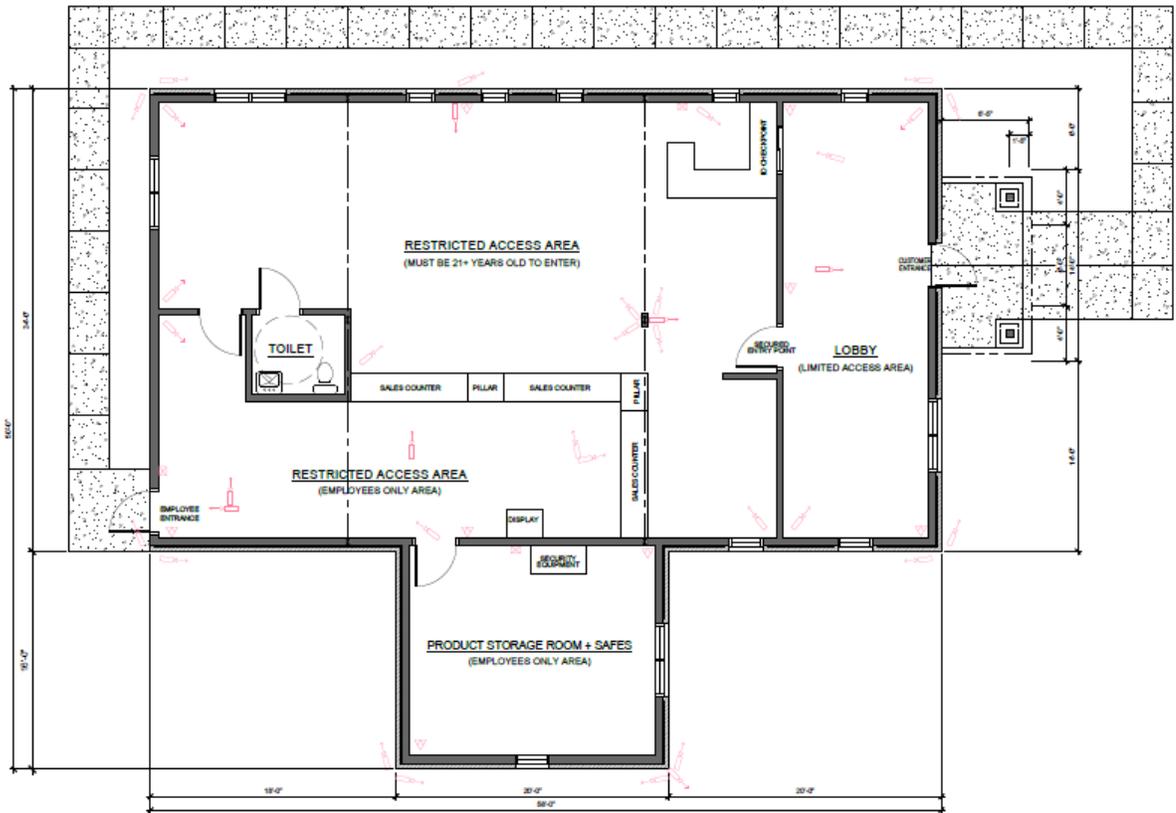
The proposed retail store is supported by several Comprehensive Plan policies which makes the proposed store a desirable land use. The proposed store will generate activity and vitality as envisioned in the Comprehensive Plan and provide the Town with an estimated annual revenue of approximately \$90,000.

The Town of Silt Board of Trustee’s unanimously approved an ordinance to allow retail marijuana stores in 2013 in part because a majority of the Town’s electorate voted to approve Amendment 64 which legalized marijuana cultivation, use and possession. Only two other stores have opened in the town since the Town enacted the original zoning and license regulations in 2013. We believe that retail marijuana stores remain a desired use based on the 2013 town vote and Council approval of the Municipal Code provisions concerning the allowance of retail marijuana stores in the town. The Town Zoning Regulations will limit the number of shops in the town due to the separation and spatial requirements.

There is a high demand for organic marijuana products that are grown without chemicals. The Kind Castle brand is strong and brings in shoppers from as far away as Utah due to the high quality, organic products, and knowledgeable staff. Kind Castle has unique partnerships with small-batch, craft growers throughout Colorado. We therefore believe there is a strong desire for Kind Castle in the Silt community.

The proposed retail store provides the impetus for the future development of the Property by utilizing only 5.3% of the total Site area leaving the remainder of the Site for uses permitted under the B-2 Zone District. The Town’s approval of the special use permit will help promote all of the desired commercial and service commercial uses on the Site, and will encourage the development of the area south of I-70.

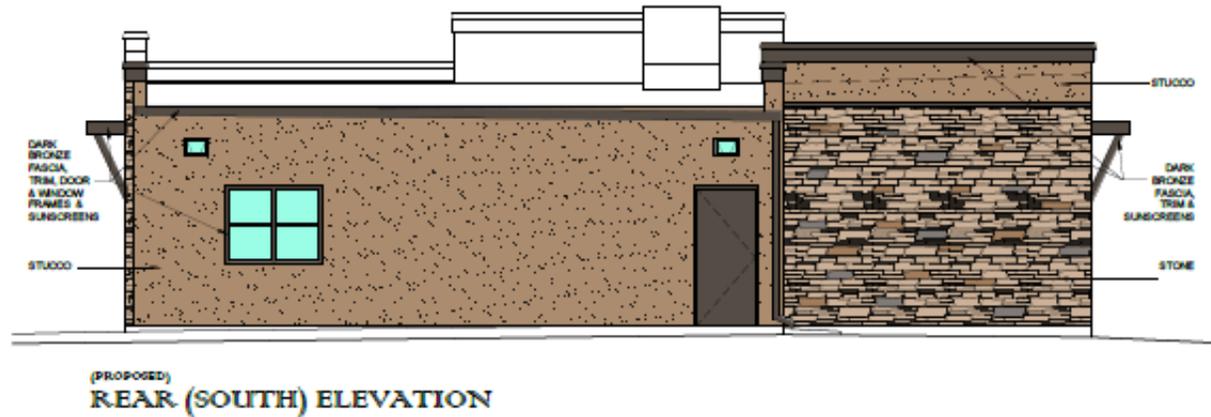
(Staff note: While there is a chance that the existing retail marijuana stores will lose sales, there is also a possibility that the proposed store will appeal to consumers not yet spending money in the Town, thus enhancing all the stores’ sales and allowing for consumers’ options in variety and pricing of product. Should the Board of Trustees approve this use, the applicant proposes to build an architecturally-pleasing building, subdivide the 15-acre parcel into 2-3 acre parcels, and install extensive infrastructure that not only benefits the applicant’s property, but also lends to the Town’s overall utility plan. The Town has several larger commercial parcels, but lacks smaller lots (with access to utilities) that are more economical to develop. In this age of home delivery, many would-be retailers are foregoing the investment in storefronts, damaging both communities (from collecting sales tax) and private citizens (who do not shop online). However, the Commission and/or the Board of Trustees might find that the proposed use is not desirable due to its proximity to the family-friendly hospitality businesses currently in Ferguson Crossing. The Board, in its sole discretion, shall determine if this use is both desirable and necessary for the Town.)



(PROPOSED)
FRONT (NORTH) ELEVATION



(PROPOSED)
SIDE (WEST) ELEVATION



- D. Encouragement of the most appropriate use of land throughout the town;
Staff note: Retail development is very appropriate, as is the installation of infrastructure and the subdivision of commercial property. Economic development continues to be one of the Board of Trustees' highest priorities. The Board of Trustees shall ultimately determine if a retail marijuana store in this location is an appropriate land use.)

- E. Potential for adverse environmental influences that might result from the proposed use;
Applicant's Response:

The proposed retail store will not have any production or grow operations so the potential environmental impacts are like any other retail store in the town. Water quality and wetlands will be protected during and after construction through the use of Best Management Practices, such as strong erosion control, and engineered detention or retention based on plans prepared by a Colorado Professional Engineer. No significant odors will be emitted from the retail store.

The only significant natural feature present on the Site are the Colorado River and the associated riparian habitat. These areas will not be impacted by the proposed retail store.

The Site is located in an area identified on the Flood Insurance Rate Map as Special Flood Hazard Area Zone A. Thus the development of the Site will have to comply with Municipal Code Chapter 15.32, Flood Damage Prevention, including but not limited to determining the base flood elevation; anchoring of the building; and ensuring the retail space is located one (1) foot over the base flood elevation. There will be no development of the floodway that is located on the Site along the Colorado River.

(Staff note: If this special use permit is approved and the applicant proceeds to submit utility infrastructure plans, commercial building permit and commercial site

plan applications, such applications shall indicate compliance with state and Town code related to storm water treatment, underground utility infrastructure construction, trail and sidewalk installation, floodplain development, and the Town’s adopted building code. As well, the Town will determine if the applications are in compliance with Chapter 17.49 Home Occupation, Commercial and Industrial Performance Standards (glare, odor, dust, hazardous waste, noise, etc.).)

F. Compatibility of the proposed use with the comprehensive plan; and

Applicant’s Response:

The proposed retail store conforms to the Silt Comprehensive Plan (“**Comprehensive Plan**”) as follows:

- A. The Comprehensive Plan Map designates the Site as “Service and Commercial Support” as shown in Figure 4. The Comprehensive Plan states the Service and Commercial Support area will provide:

“...retail and service commercial businesses, such as construction related businesses like supply companies, office-type businesses such as real estate offices, craftsmen-type businesses such as cabinet makers, and other services such as auto repair and small appliance repair, hotels, and convenience stores. These properties should look inviting and aesthetically professional, and the structures should have a western appeal or theme if possible. This area is crucial for the Town’s employment picture, providing local jobs within the core of the community, and keeping the residents close to enjoy the time not spent working with their families and friends. While retail businesses may not be the main focus in the “Service and Commercial Support” area, it is important for the Town to encourage any business that provides clean commercial without air pollution, noise, undesired odor, vibration or wasted resources.”

- B. The proposed retail store conforms to Economic Development Goal 2: “Enhance commercial corridors and attract high-quality commercial development.” The proposed store provides for an attractive and high quality design consistent with Town regulations and provides the impetus for the future development of the Site.
- C. The proposed store meets Economic Development Policy C2: “Foster economic development opportunities that provide diversification of the employment base to accommodate job-generating developments.” The retail store will employ approximately 10 full time employees. The Town’s support and approval of the retail store will also implement Action C2.2: “Encourage businesses that will provide jobs for Silt’s residents.”
- D. The proposed store also conforms to Economic Development Action C3.1: “Use the following location criteria to determine where economic development (employment, commercial and industrial) uses may be located”, with our comments on applicable criteria shown in *italics*:
1. Proximity to major highways and access to an arterial street without the need to pass through less intensive land uses. *The proposed store is an excellent location in close proximity to the I-70 interchange with great access via the River Frontage Road. Traffic will not have to pass through the Town to reach the store.*
 2. Availability of existing or planned utility services, including water, sewer and electricity. *Water, sewer, electric, gas and telecommunications are available to the site.*

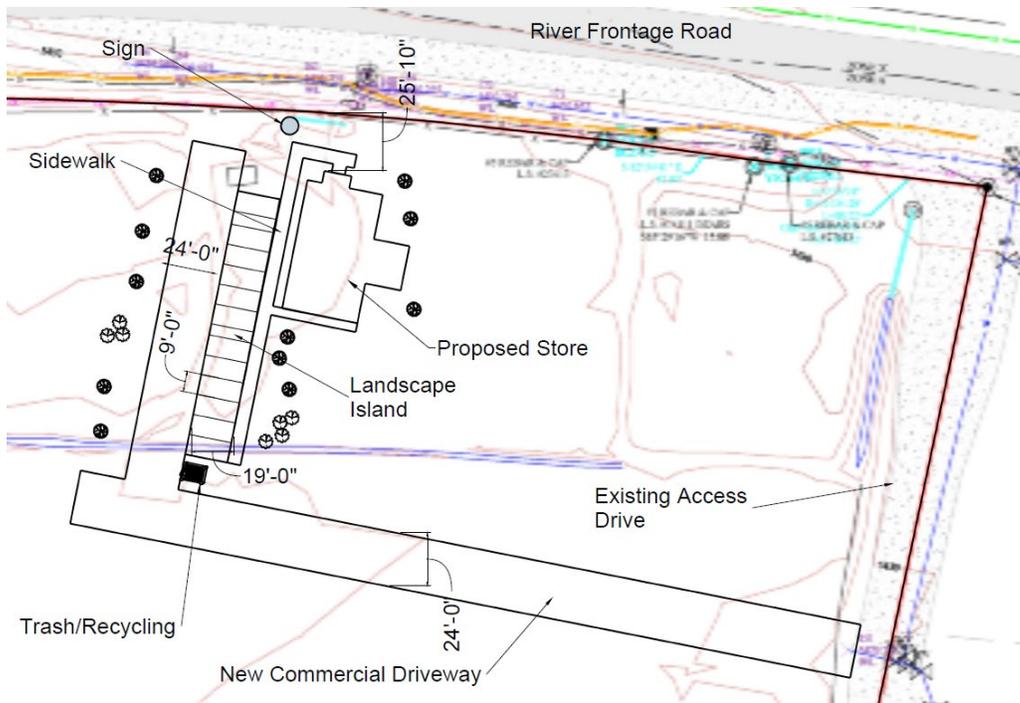
(Staff note: Staff supports the applicant’s citations as to the sections within the Comprehensive Plan that promote economic development, diversification of businesses, employment, and utility infrastructure. The Comprehensive Plan stresses the need to heavily scrutinize marijuana businesses, as well, however. In this proposal, the proposed store is located over a thousand feet from the other retail marijuana stores and daycare establishments/churches, is on a well-traveled street (River Frontage Road), is adjacent to a busy arterial road (Interstate-70), perhaps lending to the applicant’s position that a retail store of this nature is appropriate. As the property has been vacant for decades, this application represents the first development proposal and the first opportunity for sales tax generation. As the Comprehensive Plan is a guide, the Board of Trustees may find that the provisions within the document are pertinent to this application, or conversely, may find that other factors outweigh economic development provisions as cited herein.)

- G. Adequate provision for ingress and egress of vehicular and other traffic; parking, servicing and loading/unloading; refuse and service areas; utilities; screening and buffering; signage; yards and open space; and any other items determined necessary or appropriate by the board.

Applicant’s Response:

The proposed retail store has excellent access via River Frontage Road. The required parking for the retail store is shown on the conceptual site plan. A landscape buffer will be provided around the site while leaving open key visual corridors to ensure the visibility and success of the store. Signage will be provided in accordance with the Town and CDOT Sign Regulations as applicable.

Water, sewer, electric, gas and telecommunications connections are available in the CDOT right-of-way along River Frontage Road. Police protection for the proposed store will be provided by the Town of Silt. Fire protection and emergency medical services are available from the Colorado River Fire Rescue District. Trash and recycling will be provided for in an enclosure. Any marijuana product waste will be securely disposed as required by State and local law.



(Staff note: The applicant proposes to use the existing access on River Frontage Road (that serves the Holiday Inn Express) for his proposed retail marijuana store use. The Colorado Department of Transportation (CDOT) issued an Access Permit and Region 3 CDOT Director Brian Killian both agree that the proposed activity via this entrance is appropriate without modification to the permit. Conformance with the Town’s sign code would be a positive amenity for this area and the Town. Commercial site plan review addresses conformance with these provisions, as well.)

IV. Disadvantages and Advantages of Approving Special Use Permit

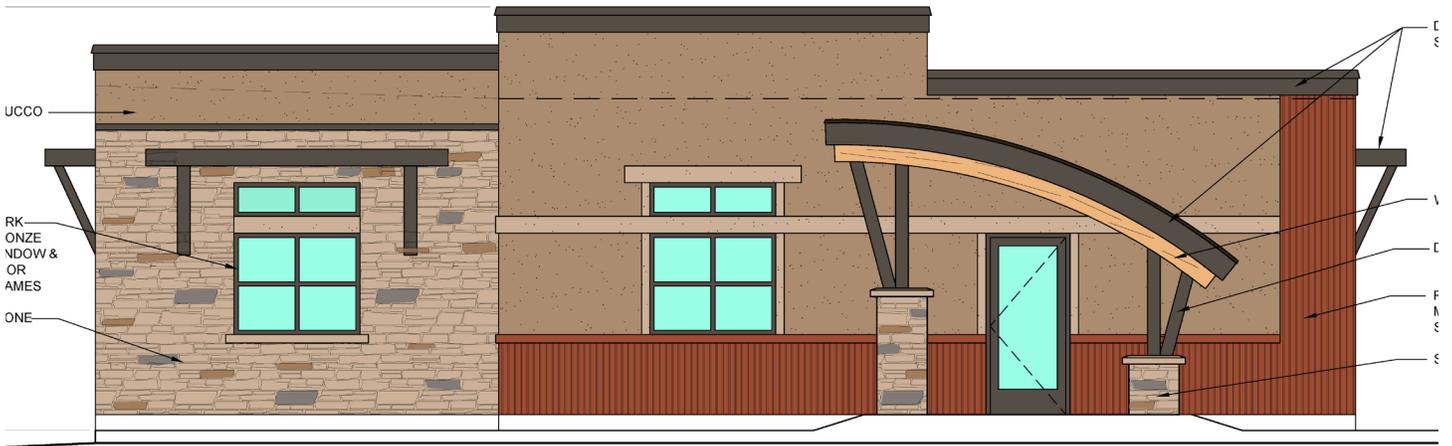
Disadvantages	Advantages
1) Town might be perceived as a ‘Pot Town’	1) Increase in sales tax;
2) Traffic added to River Frontage Road further accelerates the need for improvements to the interchange;	2) Increase in property tax;
3) Addition of this business may negatively affect the existing marijuana businesses; &	3) Retail brick/mortar is rare & expensive;
4) Proposed use may not be compatible with family-friendly hospitality area already developed in Ferguson Crossing.	4) Increase in jobs;
	5) Increase in local retail selection;
	6) Possible subdivision, adding smaller, more developable lots with infrastructure
	7) Regional lift station/collection lines installed the length of property (de-commissioning of temporary lift station)
	8) Commercial construction leads to a synergy that attracts other development;
	9) Gaining customers that the businesses in Town do not already have;
	10) Constructed trails mean public access to the Colorado River;
	11) Water main is looped for a more healthy and safe delivery of water;
	12) Possibility for this parcel to contribute to the regional interchange solution via special district or some other financial mechanism not dependent on the Town;
	13) Free market and private property rights upheld.

The Board shall conduct a public hearing on the special use permit application on March 9, 2020, following a recommendation from the Planning & Zoning Commission on February 18, 2020.

Should the Planning & Zoning Commission wish to make a motion to recommend to the Board of Trustees approval of this application, staff would recommend the following conditions:

- 1) That all statements made by the applicant both in the application and in meetings before the Planning & Zoning Commission and the Board of Trustees, be considered conditions of approval, unless modified in the following conditions:
- 2) That the Applicant abides by all those conditions as imposed by Resolution 13, 2020;
- 3) That the Applicant pays all fees associated with the Town’s review and approval of the special use permit, including but not limited to attorney, engineering, planning, administrative and public notifications costs;

- 4) That the Applicant (or his heirs, successors, or assigns), if he wishes to continue utilizing the property in the above stated manner, submits a written request to the Board of Trustees not fewer than twenty (20) days prior to the end date of the SUP, such request to be considered by the Board of Trustees in a regular meeting. Such written request must state the reason for the SUP extension request. The Applicant (or his heirs, successors, or assigns), shall be in good standing with the Town with regards to payment of utility bills and maintenance of the property; and
- 5) That the Board of Trustees reviews the Silt Castle LLC Special Use Permit every two (2) years, beginning on the date of approval by the Board of Trustees, and continuing thereafter until or unless such occupancy is discontinued, and determines in its sole discretion, that continuation of this Special Use Permit is in the best interests of its citizens.



Retail Marijuana Store Special Use Permit



BACKGROUND

Silt Castle, LLC (“**Applicant**”) is under contract to purchase Parcel A Second Amended Keithley Subdivision Exemption Plat located along the River Frontage Road (“**Site**”) as shown in Figure 1. The Applicant intends to purchase the Site and construct a new retail marijuana store if the Special Use Permit and required license are approved by the Town of Silt (“**Town**”). The Applicant also plans to submit the required development applications to subdivide the Site for future commercial development if the proposed retail store is approved by the Town.

The Property contains 15.215 acres and is characterized by flat topography that drops off into the Colorado River. The Property is located in the B-2 Zone District as shown in Figure 2.

The Applicant desires to construct a new 2,292.8 sq. ft. retail store on the Site pursuant to the Municipal Code requirements. Access to the Site will be provided by an existing access road off of River Frontage Road as shown in the plan set.

LETTER OF INTENT - SPECIAL USE PERMIT CRITERIA

Request + Reason for Request

The reason for the request is to permit the establishment of a retail marijuana store pursuant to the Town of Silt Municipal Code (“**Municipal Code**”) Section 17.13.020, Schedule of Uses, that permits retail marijuana stores through a special use permit in the B-2 Zone District. It is important to note that there will not be any marijuana cultivation or production facilities on the Site, which will significantly limit odors and other potential impacts associated with such uses.



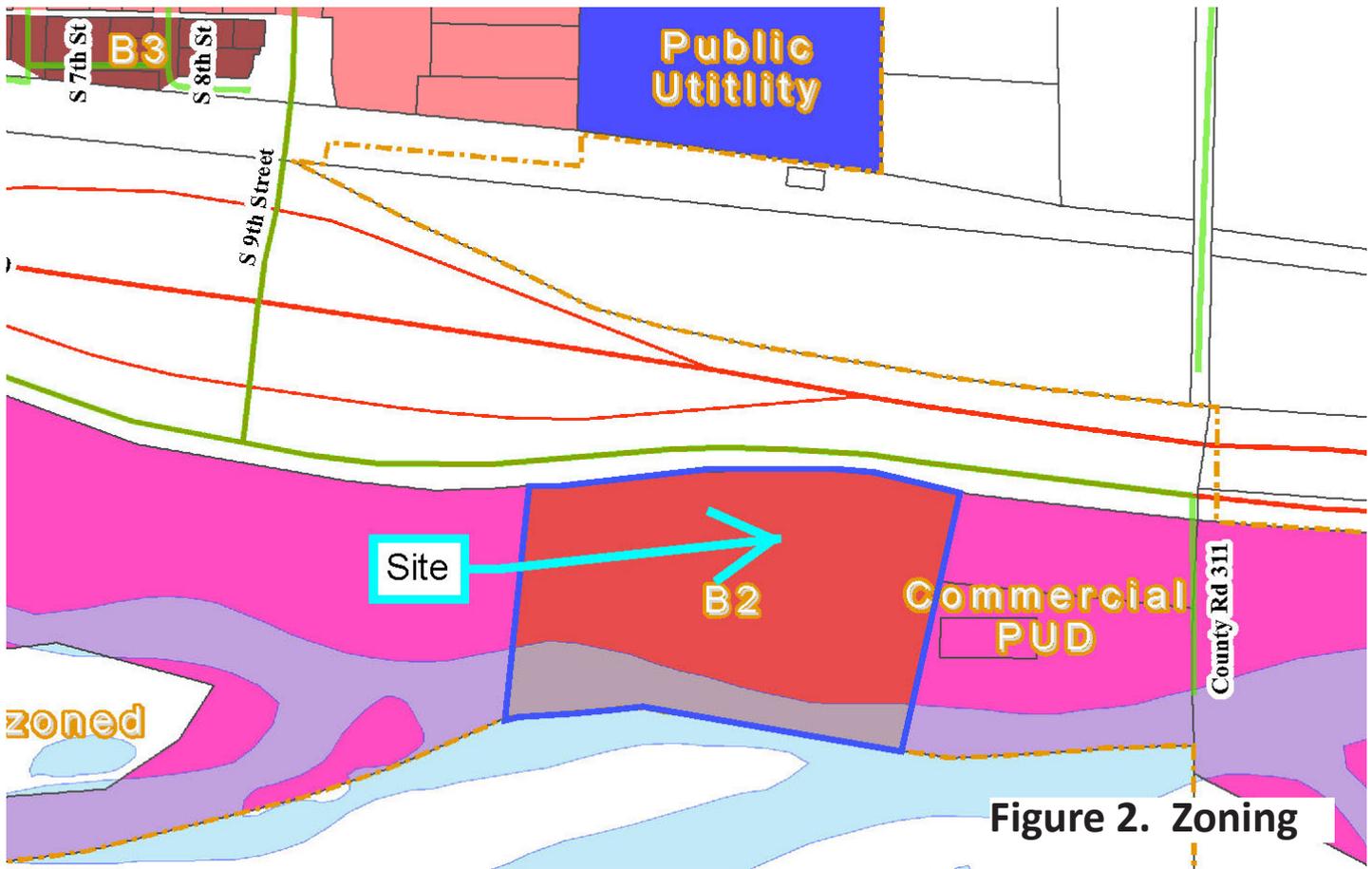


Figure 2. Zoning

Conformance with the Intent of the Silt Municipal Code

The proposed retail marijuana store conforms with the intent or purpose of the applicable sections of the Municipal Code. The proposed store conforms with the purpose of Municipal Code Section 5.32, Licensing and Regulation of Marijuana Businesses. The Applicant is concurrently submitting the required retail marijuana store license to the Town pursuant to Section 5.32. The proposed store will protect the public health, safety and general welfare of the community because:

1. The proposed retail marijuana store is located in the B-2 Zone District that permits such stores pursuant to the Town special use permit process.
2. The Applicant is concurrently submitting all of the required forms and materials for the retail marijuana store license in accordance with Municipal Code Section 5.32.
3. The Applicant and store manager do not have any criminal history that would disqualify them from owning and operating the store.
4. The Applicant and his manager have a strong moral character and a proven track record of successfully and safely opening, operating and managing a store in an area community in compliance with State and local laws and regulations, including but not limited to the standards and procedures set forth in the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.
5. The proposed retail store will be designed and built in accordance with the Municipal Code requirements, including strong security measures.

The proposed store also meets the purpose of Municipal Code Section 17.73, Land Use Regulation of Marijuana Facilities that are designed to mitigate the impacts of such facilities. Mitigation for the retail store will be

provided as required by the Municipal Code. The proposed store will not create a concentration of facilities, with the closest store located over 1,500 feet away as shown in Figure 3. The other store in the town is located over 2,000 feet away. The proposed store site is providing over three times more separation than required by the 500 feet established in Section 17.73.030.A. The proposed store is located in the B-2 Zone District and not a residential zone district. The proposed store is also located more than 500 feet away from any school or daycare as required by Municipal Code Section 17.73.030.C. The new retail store will also be designed and constructed in accordance with the Town's adopted building regulations.

Conformance/Compatibility with the Silt Comprehensive Plan

The proposed retail store conforms to the Silt Comprehensive Plan ("**Comprehensive Plan**") as follows:

- A. The Comprehensive Plan Map designates the Site as "Service and Commercial Support" as shown in Figure 4. The Comprehensive Plan states the Service and Commercial Support area will provide:

"...retail and service commercial businesses, such as construction related businesses like supply companies, office-type businesses such as real estate offices, craftsmen-type businesses such as cabinet makers, and other services such as auto repair and small appliance repair, hotels, and convenience stores. These properties should look inviting and aesthetically professional, and the structures should have a western appeal or theme if possible. This area is crucial for the Town's employment picture, providing local jobs within the core of the community, and keeping the residents close to enjoy the time not spent working with their families and friends. While retail businesses may not be the main focus in the "Service and Commercial Support" area, it is important for the Town to encourage any business that provides clean commercial without air pollution, noise, undesired odor, vibration or wasted resources."

The proposed store provides a retail commercial business as envisioned by the Comprehensive Plan. The future subdivision of the site will provide the impetus for additional commercial uses as envisioned by the Comprehensive Plan with the store only using approximately 0.80 acre, or 5.3% of the 15 acre site. The proposed store will look inviting and has a western theme. The proposed store will also employ up to 10 full-time employees in the town that do not have to commute up valley. The proposed store also provides clean commercial development that will not have any adverse impacts.

- B. The proposed retail store conforms to Economic Development Goal 2: "Enhance commercial corridors and attract high-quality commercial development." The proposed store provides for an attractive and high quality design consistent with Town regulations and provides the impetus for the future development of the Site.
- C. The proposed store meets Economic Development Policy C2: "Foster economic development opportunities that provide diversification of the employment base to accommodate job-generating developments." The retail store will employ approximately 10 full time employees. The Town's support and approval of the retail store will also implement Action C2.2: "Encourage businesses that will provide jobs for Silt's residents."
- D. The proposed store also conforms to Economic Development Action C3.1: "Use the following location criteria to determine where economic development (employment, commercial and industrial) uses may be located", with our comments on applicable criteria shown in *italics*:
1. Proximity to major highways and access to an arterial street without the need to pass through less intensive land uses. *The proposed store is an excellent location in close proximity to the I-70 interchange with great access via the River Frontage Road. Traffic will not have to pass through the Town to reach the store.*
 2. Availability of existing or planned utility services, including water, sewer and electricity. *Water, sewer, electric, gas and telecommunications are available to the site.*

Figure 3. Current and Proposed Retail Store Locations

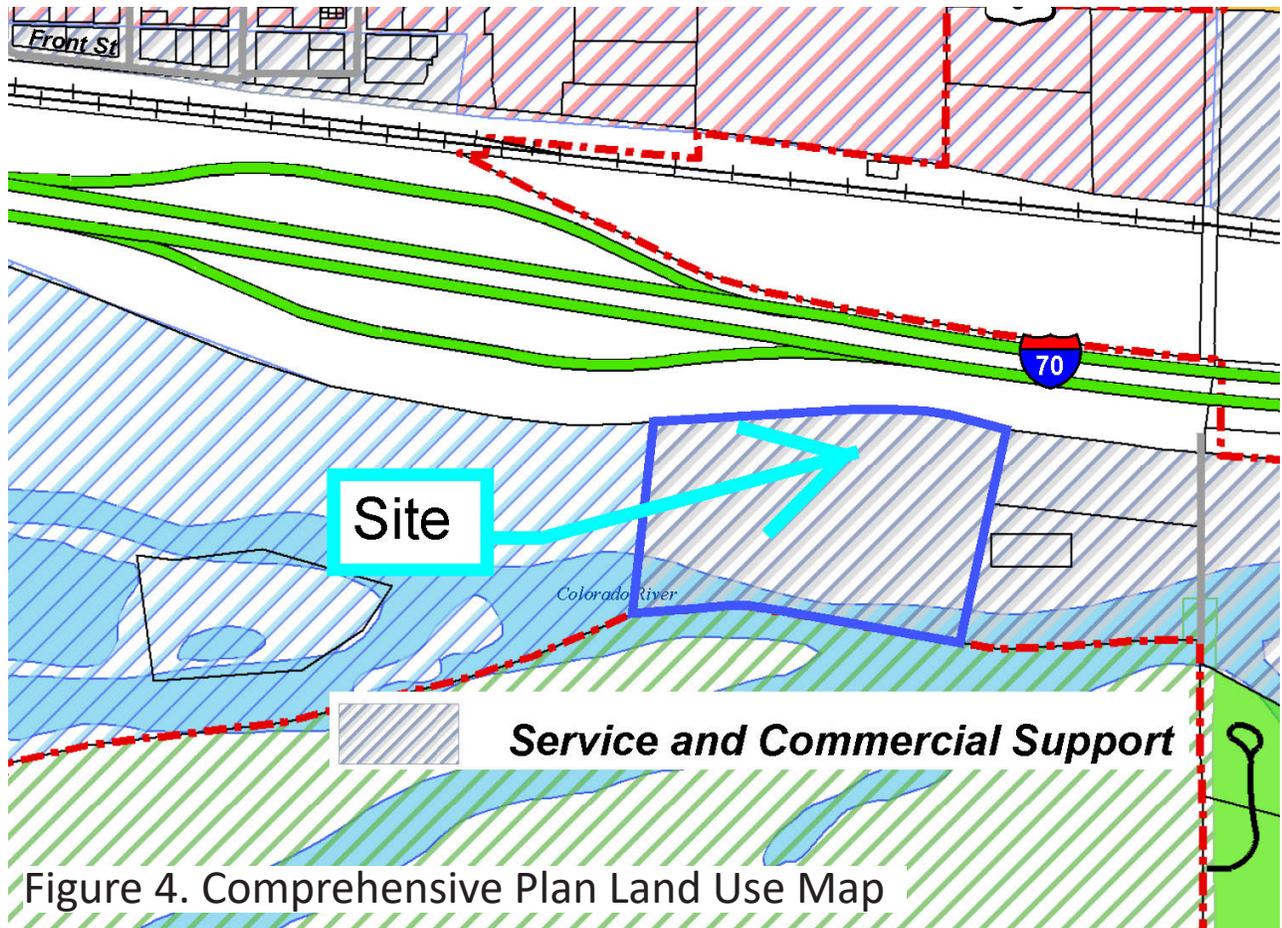


Figure 4. Comprehensive Plan Land Use Map

3. Encourage employment and commercial development along the I-70 and 6/24 highway corridors. *The proposed retail store is located along the I-70 corridor and will provide the impetus for the future development of the Site.*
- D. The proposed store conforms to Economic Development Goal 3: “Diversify the economy and attract a broad range of employment types” and the associated Policy C4: “Encourage new businesses and retain existing businesses that provide needed local services and municipal revenues.” The proposed retail store will help to diversify the economy with an estimated annual sales tax revenue of approximately \$207,000, and municipal tax of approximately \$90,000 to the Town. The estimated sales tax for Garfield County is \$30,000 with the rest going to the State of Colorado.

Compatibility with Adjacent Development and Character of the Area

The proposed retail store is very compatible with adjacent commercial and transportation development. A new gas station is located to the west by the I-70 interchange. The intensive I-70 corridor and River Frontage Road are located to the north. The Colorado River is located to the south. The Holiday Inn Express and Suites is located to the east.

Architecture will meet or exceed the Town’s Site Planning and Design Standards in Municipal Code Section 17.42.120 that include the requirement for landscape buffering, and the Town’s Architectural and Site Planning Standards in Chapter 17.43. All of these standards will help ensure compatibility with adjacent development. The proposed building is designed with one-story and a minimal amount of floor area which also ensures compatibility with surrounding area development.

The Site will be subdivided and developed over time with the store occupying approximately 5.3% of the Site. Thus, the store will blend into the surrounding commercial and service commercial development with a high quality design as envisioned by Town regulations and the Comprehensive Plan. The Comprehensive Plan reiterates this commercial character for the Service and Commercial Support area with the policies stated above. A retail marijuana store that meets all of the Town regulations clearly fits into the mix of existing, envisioned and zoned commercial land uses on the north side of I-70 by the Colorado River.

Desirability, Need and Promotion of the Best Land Use for the Site

The proposed retail store is supported by several Comprehensive Plan policies which makes the proposed store a desirable land use. The proposed store will generate activity and vitality as envisioned in the Comprehensive Plan and provide the Town with an estimated annual revenue of approximately \$90,000.

The Town of Silt Board of Trustees unanimously approved an ordinance to allow retail marijuana stores in 2013 in part because a majority of the Town’s electorate voted to approve Amendment 64 which legalized marijuana cultivation, use and possession. Only two other stores have opened in the town since the Town enacted the original zoning and license regulations in 2013. We believe that retail marijuana stores remain a desired use based on the 2013 town vote and Council approval of the Municipal Code provisions concerning the allowance of retail marijuana stores in the town. The Town Zoning Regulations will limit the number of shops in the town due to the separation and spatial requirements.

There is a high demand for organic marijuana products that are grown without chemicals. The Kind Castle brand is strong and brings in shoppers from as far away as Utah due to the high quality, organic products, and knowledgeable staff. Kind Castle has unique partnerships with small-batch, craft growers throughout Colorado. We therefore believe there is a strong desire for Kind Castle in the Silt community.

The proposed retail store provides the impetus for the future development of the Property by utilizing only 5.3% of the total Site area leaving the remainder of the Site for uses permitted under the B-2 Zone District. The Town’s approval of the special use permit will help promote all of the desired commercial and service com-

mercial uses on the Site, and will encourage the development of the area south of I-70.

Potential for Adverse Environmental Influences

The proposed retail store will not have any production or grow operations so the potential environmental impacts are like any other retail store in the town. Water quality and wetlands will be protected during and after construction through the use of Best Management Practices, such as strong erosion control, and engineered detention or retention based on plans prepared by a Colorado Professional Engineer. No significant odors will be emitted from the retail store.

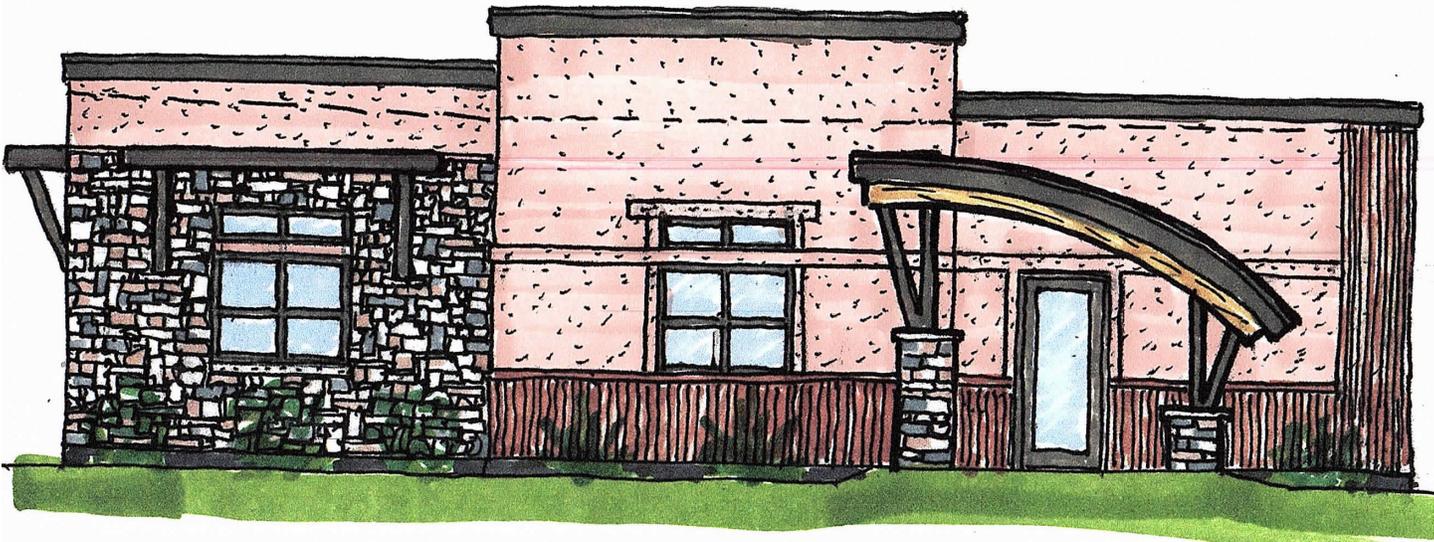
The only significant natural feature present on the Site are the Colorado River and the associated riparian habitat. These areas will not be impacted by the proposed retail store.

The Site is located in an area identified on the Flood Insurance Rate Map as Special Flood Hazard Area Zone A. Thus the development of the Site will have to comply with Municipal Code Chapter 15.32, Flood Damage Prevention, including but not limited to determining the base flood elevation; anchoring of the building; and ensuring the retail space is located one (1) foot over the base flood elevation. There will be no development of the floodway that is located on the Site along the Colorado River.

Adequate Access and Infrastructure

The proposed retail store has excellent access via River Frontage Road. The required parking for the retail store is shown on the conceptual site plan. A landscape buffer will be provided around the site while leaving open key visual corridors to ensure the visibility and success of the store. Signage will be provided in accordance with the Town and CDOT Sign Regulations as applicable.

Water, sewer, electric, gas and telecommunications connections are available in the CDOT right-of-way along River Frontage Road. Police protection for the proposed store will be provided by the Town of Silt. Fire protection and emergency medical services are available from the Colorado River Fire Rescue District. Trash and recycling will be provided for in an enclosure. Any marijuana product waste will be securely disposed as required by State and local law.



Architecture and Planning Inc

320 JENKINS RANCH RD. DURANGO, CO 81301 • 970-682-3237

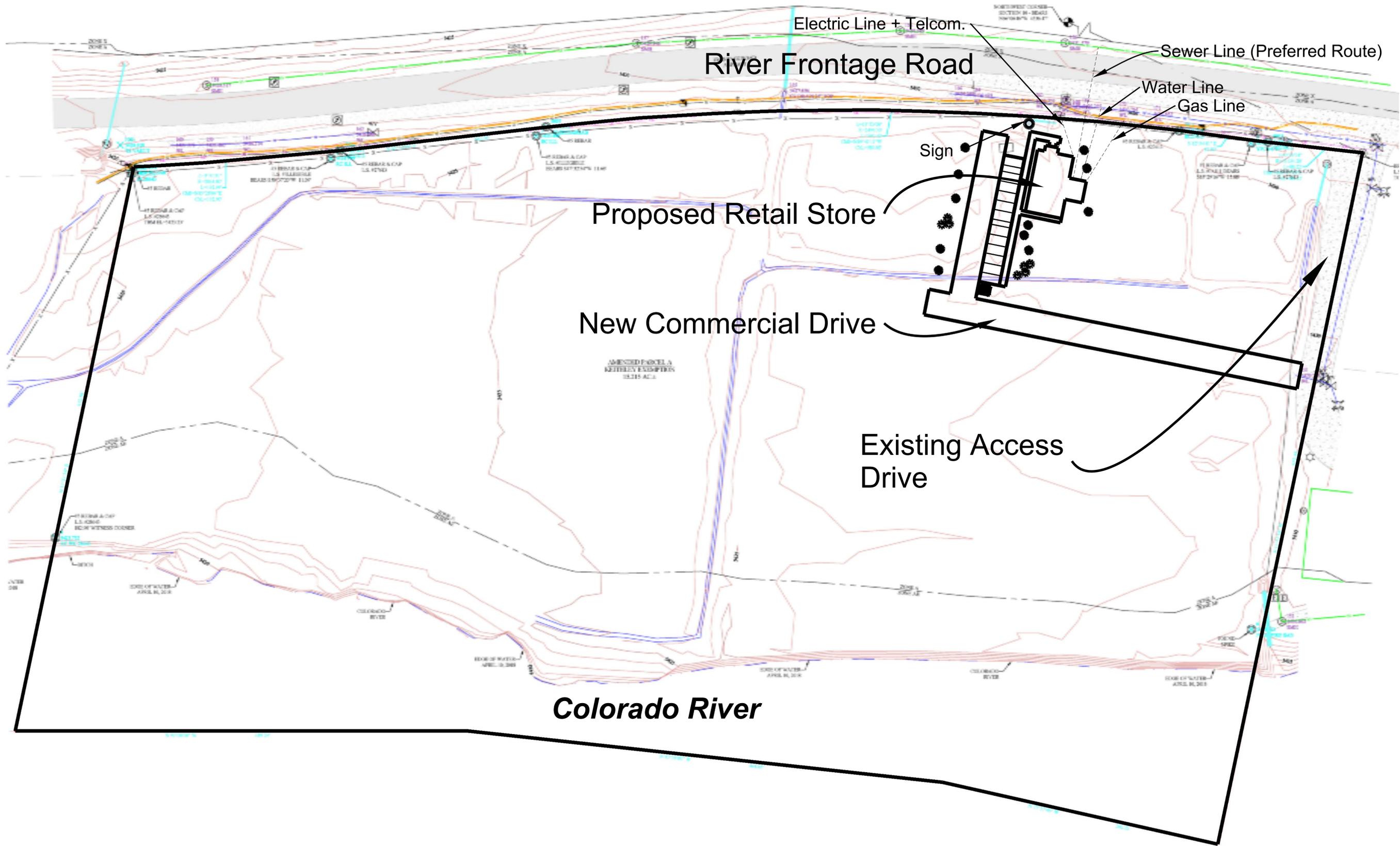


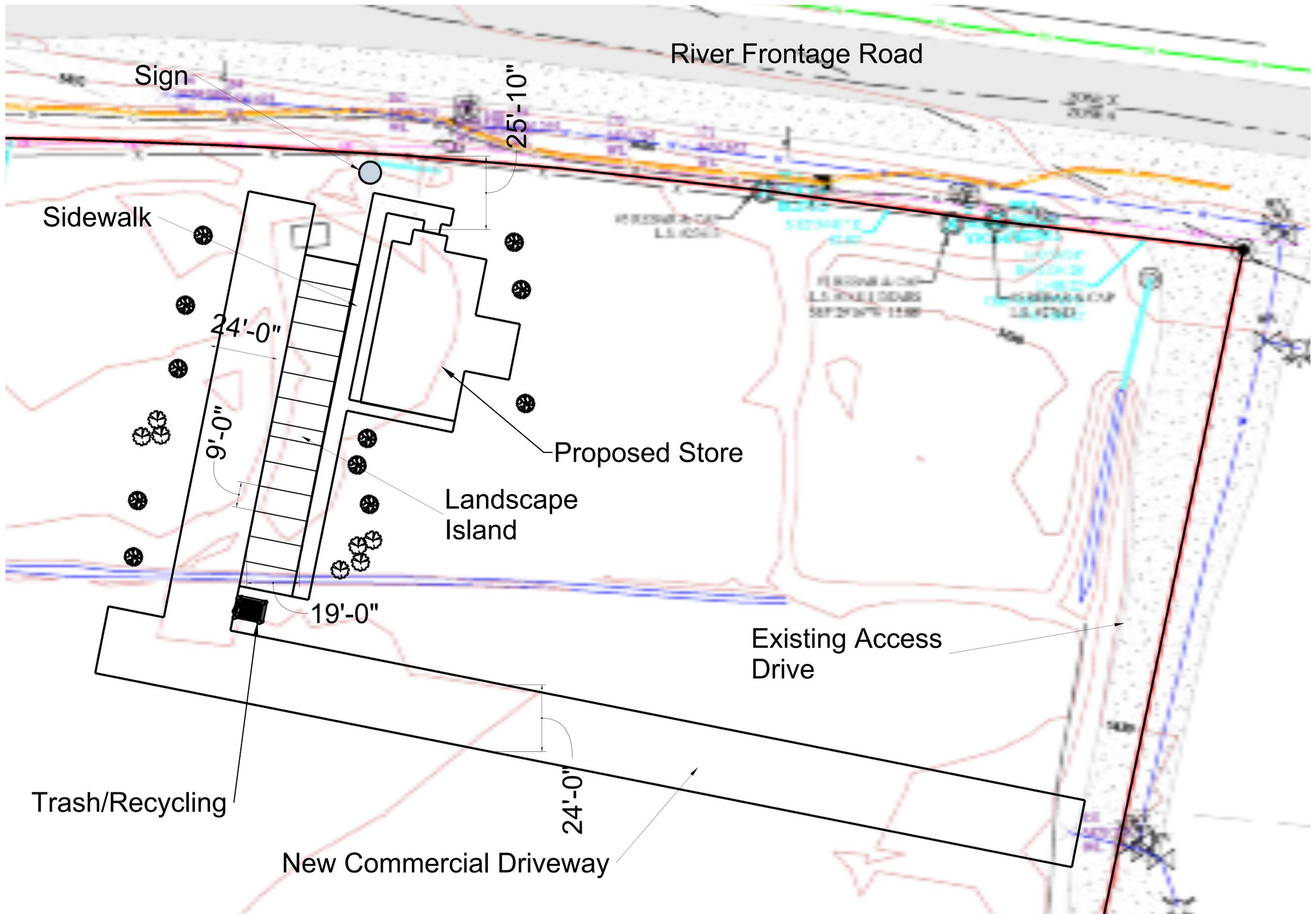
Silt Castle

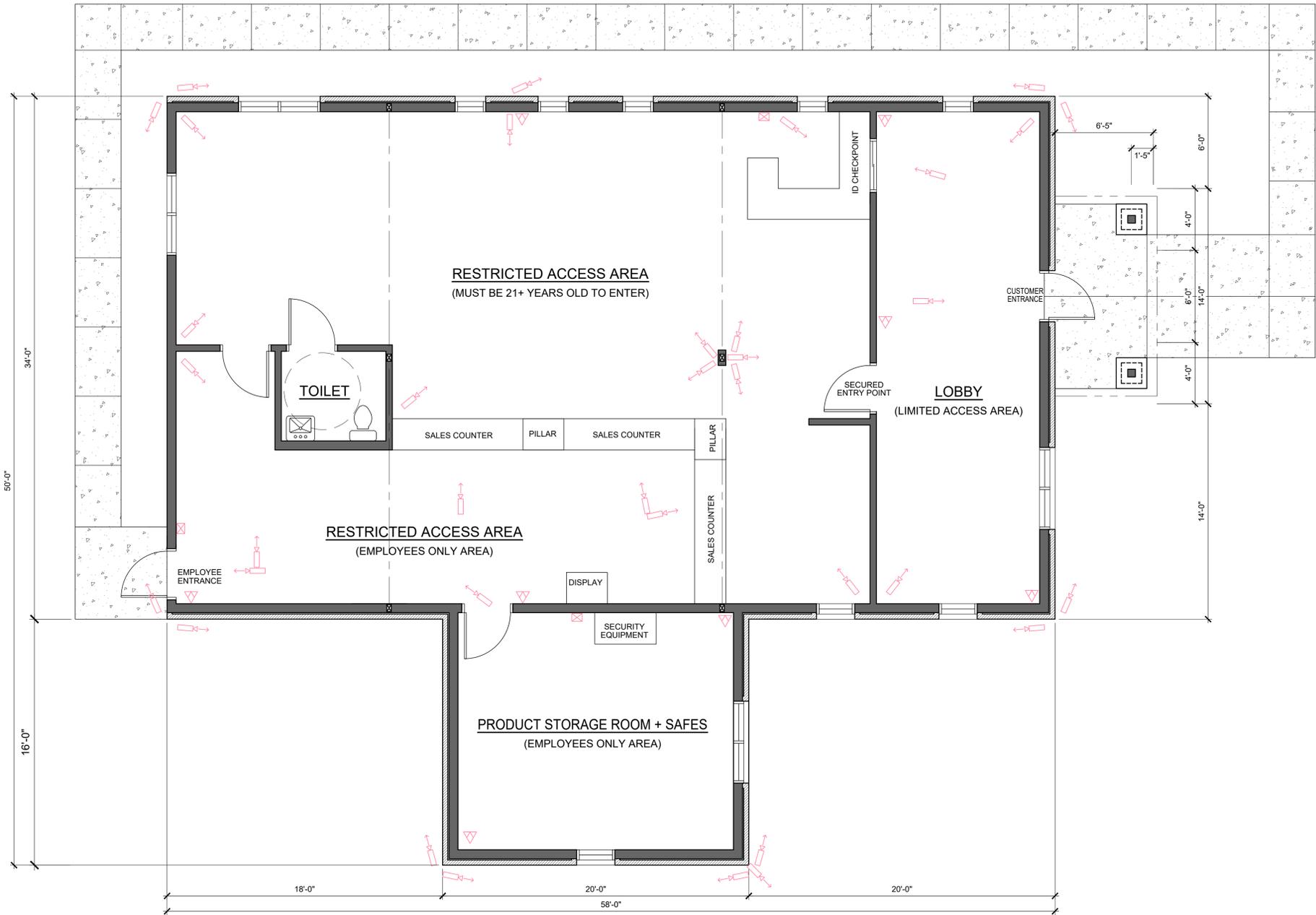
PROJECT
Silt Castle

ISSUE
January 29, 2019
DRAWN BY
Chris Hawkins

Overall Plan





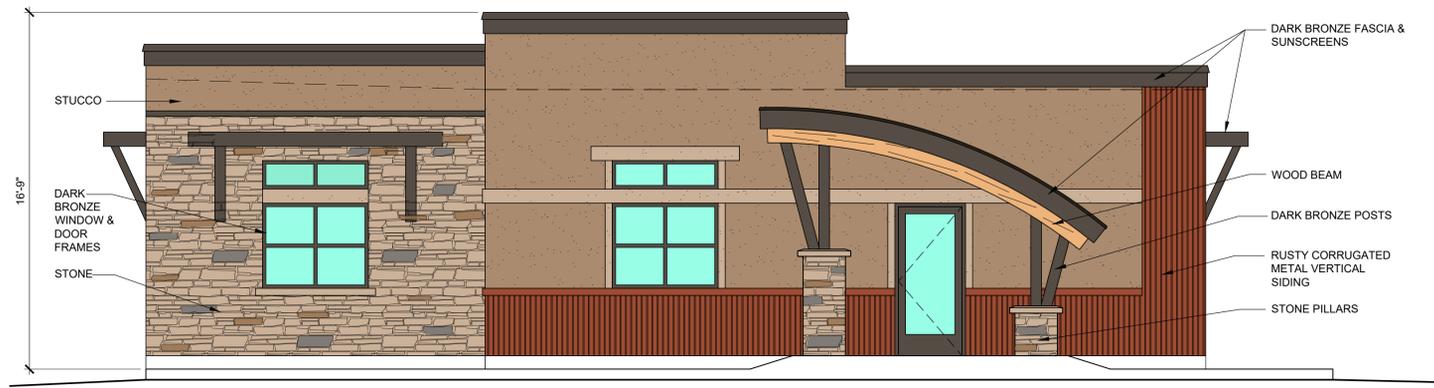


(PROPOSED)
FLOOR PLAN
 SCALE 1/4"=1'-0"
 2,292 SQUARE FEET



JOB NO. 19-236	REVISIONS:
DATE: December 3, 2019	-
CHECKED: PRG	-
DRAWN: AG	-

PROPOSED NEW DISPENSARY BUILDING:
THE KIND CASTLE
 (PARCEL 1) MAIN STREET
 SILT, CO 81652



(PROPOSED)
FRONT (NORTH) ELEVATION

SCALE 1/4"=1'-0"



(PROPOSED)
SIDE (WEST) ELEVATION

SCALE 1/4"=1'-0"



(PROPOSED)
SIDE (EAST) ELEVATION

SCALE 1/4"=1'-0"



(PROPOSED)
REAR (SOUTH) ELEVATION

SCALE 1/4"=1'-0"

Architecture and Planning Inc
 320 Jenkins Ranch Rd. Durango, Colorado 81301
 970.692.8237
 @aplaninc | @aplaninc

PROPOSED NEW DISPENSARY
THE KIND CASTLE
 MAIN STREET
 SILT, CO 81652

JOB NO. 19-236	REVISIONS:
	DATE: December 3, 2019
CHECKED: PRG	DRAWN: AG

STATE OF COLORADO

Region 3 Traffic Section
222 S. Sixth St., Room 100
Grand Junction, Colorado 81501
(970) 248-7021 Fax:(970) 248-7230



Permit No. **307072**

August 22, 2007

To: Mark Butler
Sopris Eng.
502 Main St., Suite A3
Carbondale, CO 81623

Dear Permittee or Applicant:

1. Please review the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose NOT to act on the permit, please return the permit unsigned.
3. If you wish to APPEAL the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
4. If you ACCEPT the Permit and its Terms and Conditions and are authorized to sign as legal owner of the property or as an authorized representative, please sign and date the Access Permit form on the line marked "PERMITTEE". Your signature confirms your agreement to all the listed Terms and Conditions.
5. Provide a check or money order made out to the jurisdiction named on the next line for the amount due.

Make check or money order payable to: CDOT

Amount Due: \$.00

6. **Return the Access Permit including all pages of terms and conditions along with your payment back to the Colorado Department of Transportation (CDOT) at the address noted below. The Department will process and return to you a validated (signed and recorded) copy of your State Highway Access Permit. You may retain this cover letter for your records.**
7. If you fail to sign and return the attached Access Permit within 60 days of the date of this transmittal letter, Colorado Department of Transportation will consider this permit withdrawn and void.
8. **As described in the attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed. DO NOT begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law.**

If you have any questions, please call Devin Drayton, Access Technician at (970) 248-7245.

Please return Access Permit and attachments to: Region 3 Traffic Section
222 S. Sixth St., Room 100
Grand Junction, Colorado 81501

This Page Intentionally Left Blank

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 307072
			State Highway No/Mp/Side 070 A / 97.760 / R
Permit fee \$0.00	Date of transmittal 8/22/2007	Region/Section/Patrol 3 / 02 / 10-2 Alen Hayes	Local Jurisdiction Silt

The Permittee(s); Town of Silt Richard Aluise PO Box 70 Silt, CO 81652 970-876-2353	Applicant: Sopris Eng. Mark Butler 502 Main St., Suite A3 Carbondale, CO 81623 970-704-0311	Ref No.: 07-052																				
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.																						
Location: Located on the south side of I-70 Frontage, a distance of 547 feet west of County Road 311.																						
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Access to Provide Service to:</th> <th style="text-align: left;">(Land Use Code:)</th> <th style="text-align: left;">(Size or Count)</th> <th style="text-align: left;">(Units)</th> </tr> </thead> <tbody> <tr> <td></td> <td>820 - Shopping Center (26,400 sqft)</td> <td>84</td> <td>DHV</td> </tr> <tr> <td></td> <td>310 - Hotel (80 Rooms)</td> <td>38</td> <td>DHV</td> </tr> <tr> <td></td> <td>230 - Residential Condominium/Townhouse (8 Units)</td> <td>8</td> <td>DHV</td> </tr> <tr> <td></td> <td>Total</td> <td>130</td> <td>DHV</td> </tr> </tbody> </table>			Access to Provide Service to:	(Land Use Code:)	(Size or Count)	(Units)		820 - Shopping Center (26,400 sqft)	84	DHV		310 - Hotel (80 Rooms)	38	DHV		230 - Residential Condominium/Townhouse (8 Units)	8	DHV		Total	130	DHV
Access to Provide Service to:	(Land Use Code:)	(Size or Count)	(Units)																			
	820 - Shopping Center (26,400 sqft)	84	DHV																			
	310 - Hotel (80 Rooms)	38	DHV																			
	230 - Residential Condominium/Townhouse (8 Units)	8	DHV																			
	Total	130	DHV																			
Other 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 Devin Drayton with the Colorado Department of Transportation in Grand Junction, Colorado at (970) 248-7245, 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	Date	
This permit is not valid until signed by a duly authorized representative of the Department.			
COLORADO DEPARTMENT OF TRANSPORTATION			
Signature	Print Name	Title	Date (of issue)

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.

This Page Intentionally Left Blank

STATE HIGHWAY ACCESS PERMIT 307072

Located on Highway I-70 Frontage near RP 97.760 Right
Issued to Town of Silt

August 22, 2007

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. The Permittee shall design and install an eastbound right turn deceleration lane in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
3. It appears Hwy modifications can be made without a 2" pavement overlay or chip-n-seal overlay for this project. However, the details of the striping modifications shall be addressed during the pre-design and pre-construction meetings once an actual design is overlaid on the existing Hwy striping. If an asphalt joint is within 2 feet of a wheel path of through traffic 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.
4. This access shall have 1 entry lane and 2 exit lanes on to the Frontage Road. The access turning radii shall accommodate the minimum turning radius of the largest vehicle or 50 foot, whichever is greater. The design vehicle turning template for largest vehicle entering/exiting site shall be plotted on a plan detail to insure proper radii and lane widths.
5. 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.
6. 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.
7. 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 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*.
8. 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 for scheduling this pre-design meeting.
9. 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.

TERMS AND CONDITIONS (cont.)

- (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.
10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. 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 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.
 15. CDOT requires submission of SWMP plans on any projects where the area of CDOT ROW impacted exceeds one acre.
 16. A temporary construction easement is required if highway improvements necessitate entering another private properties for any reason. The Permittee is responsible for obtaining the said easement and providing the lease information to CDOT prior to obtaining the NTP. The easement shall be a signed legal agreement between the property owner and the permittee of the access permit. This easement shall stipulate

TERMS AND CONDITIONS (cont.)

the range of dates the permittee's contractor may enter the property and provide any construction plan & profiles attachments that have been agreed upon.

17. 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.
18. 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>.
19. 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.
20. A signed and approved temporary lease agreement is required if construction trailers are to be located on CDOT ROW during construction.
21. The Permittee shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during and after construction.
22. During access construction no construction personnel vehicles will be permitted to park in the state highway right-of-way.
23. 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.

TERMS AND CONDITIONS (cont.)

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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

31. Upon the completion of the access and 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. The access serviced by this permit may not be opened to traffic until the CDOT Access Manager provides written initial approval.
32. 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

STATE HIGHWAY ACCESS PERMIT 307072

Located on Highway I-70 Frontage near RP 97.760 Right
Issued to Town of Silt

August 22, 2007**TERMS AND CONDITIONS (cont.)**

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.

33. 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.

**TOWN OF SILT
ORDINANCE NO. 3
SERIES OF 2020**

AN ORDINANCE ANNEXING THAT CERTAIN PROPERTY KNOWN AS THE VILLAGE AT PAINTED PASTURES ANNEXATION, A 9.223-ACRE PARCEL AND A 2.001-ACRE PARCEL, BOTH SOUTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE LYON COMMERCIAL PLANNED UNIT DEVELOPMENT, WITHIN GARFIELD COUNTY, STATE OF COLORADO

WHEREAS, Raley Ranch Project, LLC, a Colorado limited liability company (hereinafter referred to as “Owner”), 8191 E. Kaiser Boulevard, Anaheim, California 92808 is the owner of real property comprised of a 9.223-acre parcel and a 2.001-acre parcel, both south of the existing Painted Pastures Subdivision and east of the Lyon Commercial Planned Unit Development, as further described in “**Exhibit A**” hereto, within Garfield County, state of Colorado; and

WHEREAS, on or about January 10, 2020, Raley Ranch Project, LLC (hereinafter referred to as “Owner”) submitted an Annexation Application, a Petition for Annexation, and an Affidavit of Circulator for that real property specifically described on Exhibit “A” attached hereto and known as the Village at Painted Pastures Annexation, or more generally known as the “Property”; and

WHEREAS, on or about February 18, 2020, the Planning & Zoning Commission considered the Annexation Petition and Application materials for the Property and recommended to the Board of Trustees approval of the Annexation application; and

WHEREAS, on or about February 24, 2020, the Board of Trustees (“Board”) approved Resolution 9, Series of 2020, determining that the Petition and appurtenant documents were in substantial compliance with the requirements of sections 31-12-104, 31-12-105, and 31-12-107, C.R.S.; and

WHEREAS, on or about April 13, 2020, the Board of Trustees approved Resolution 11, Series of 2020, determining with regard to the Petition for Annexation: (1) the requirements of the “Municipal Annexation Act of 1965”, as amended including the applicable parts of Sections 31-12-104 and 31-12-105, C.R.S. and Section 30 of Article II of the Colorado Constitution have been met and (2) an election is not required under section 31-12-107(2), C.R.S.; and

WHEREAS, Petitioner owns 100% of the Property proposed for annexation; and

WHEREAS, based on hearings conducted on April 13, 2020 and April 27, 2020, the Board hereby finds that the Village at Painted Pastures Annexation is in the best interests of the Town, for the health, safety and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THAT:

Section I. That the annexation to the Town of the Annexation Property be, and is hereby approved and said real property as described on the annexation map accompanying the Petition for Annexation is hereby annexed to the Town, and shall be known as the “Village at Painted Pastures Annexation”.

Section II. As required by statute, the Town of Silt shall:

- (a) File one (1) copy of the annexation map with the original of this Annexation Ordinance in the office of the Town Clerk of the Town of Silt, Colorado; and
- (b) File three (3) certified copies of the annexation ordinance and three (3) copies of the annexation plat with the Garfield County Clerk and Recorder: 1) for recordation; 2) transmission to the Department of Local Affairs and 3) transmission to the Department of Revenue.
- (c) File one (1) certified copy of the annexation ordinance and one (1) copy of the annexation plat in the office of the County Assessor of Garfield County, Colorado.

INTRODUCED, READ AND CONTINUED ON FIRST READING UPON A PUBLIC HEARING the 13th day of April, 2020.

PASSED, APPROVED FOLLOWING A CONTINUED PUBLIC HEARING, ADOPTED AND ORDERED PUBLISHED, this 27th day of April, 2020.

TOWN OF SILT

Mayor Keith B. Richel

ATTEST:

Town Clerk Sheila M. McIntyre, CMC

EXHIBIT A LEGAL DESCRIPTION

PARCEL A:

A PARCEL OF LAND SITUATED IN GOVERNMENT LOTS 2 AND 3 OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 11, A GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE SOUTH 42°43'47" EAST A DISTANCE OF 1243.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HIGHWAY 6 & 24, THE POINT OF BEGINNING,
THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00°22'23" EAST A DISTANCE OF 244.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD;
THENCE SOUTH 81°07'25" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 836.61 FEET TO A POINT ON THE WESTERLY BOUNDARY OF GOVERNMENT LOT 2;
THENCE LEAVING SAID RIGHT-OF-WAY NORTH 00°02'03" EAST ALONG THE WESTERLY BOUNDARY OF SAID GOVERNMENT LOT 2 A DISTANCE OF 94.23 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY ON THE NORTHERLY SIDE OF THE CACTUS VALLEY DITCH; THENCE NORTH 88°30'46" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 106.71 FEET;
THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 71°55'19" WEST A DISTANCE OF 66.86 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 58°43'20" WEST A DISTANCE OF 93.99 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 79°28'08" WEST A DISTANCE OF 91.49 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 57°21'03" WEST A DISTANCE OF 97.90 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 37°22'45" WEST A DISTANCE OF 86.40 FEET;
THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 50°07'22" WEST A DISTANCE OF 173.85 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HIGHWAY 6 & 24;
THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY SOUTH 86°28'33" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HIGHWAY 6 & 24 A DISTANCE OF 333.80 FEET;
THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 01°12'33" WEST A DISTANCE OF 50.17 FEET;
THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 86°28'33" EAST A DISTANCE OF 903.33 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO COLORADO DEPARTMENT OF TRANSPORTATION IN SPECIAL WARRANTY DEED RECORDED DECEMBER 31, 2008 AT RECEPTION NO. 760876, COUNTY OF GARFIELD, STATE OF COLORADO.

ALONG WITH

PARCEL B:

A PARCEL OF LAND SITUATED IN GOV'T LOT 2 OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 11, A GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE S 42°43'47" E A DISTANCE OF 1243.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HWY. 6 & 24, THE POINT OF BEGINNING; THENCE S 86°28'33" E ALONG SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 443.07 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID GOV'T LOT 2;
THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY S 00°22'23" E ALONG THE EASTERLY BOUNDARY OF SAID GOV'T LOT 2 A DISTANCE OF 147.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD;
THENCE LEAVING SAID EASTERLY BOUNDARY S 81°07'25" W ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 448.97 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY N 00°22'23" W A DISTANCE OF 244.62 FEET TO THE POINT OF BEGINNING, COUNTY OF GARFIELD, STATE OF COLORADO.

AND CONTAINING 11.224 ACRES, MORE OR LESS; HAVE BY THESE PRESENTS ANNEXED THE PROPERTY SHOWN HEREON AND DESIGNATED AS THE ANNEXATION OF THE VILLAGE AT PAINTED PASTURES, IN THE TOWN OF SILT, COUNTY OF COLORADO.

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS:

THAT RALEY RANCH PROJECT, LLC, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

ANNEXATION BOUNDARY DESCRIPTION

PARCEL A: A PARCEL OF LAND SITUATED IN GOVERNMENT LOTS 2 AND 3 OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 11, A GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE SOUTH 42°43'47" EAST A DISTANCE OF 1243.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HIGHWAY 6 & 24, THE POINT OF BEGINNING, THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00°22'25" EAST A DISTANCE OF 244.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 81°07'25" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 856.61 FEET TO A POINT ON THE WESTERLY BOUNDARY OF GOVERNMENT LOT 2; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 00°02'03" EAST ALONG THE WESTERLY BOUNDARY OF SAID GOVERNMENT LOT 2 A DISTANCE OF 94.23 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY ON THE NORTHERLY SIDE OF THE CACTUS VALLEY DITCH; THENCE NORTH 88°30'46" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 106.71 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 71°55'19" WEST A DISTANCE OF 66.86 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 58°43'20" WEST A DISTANCE OF 93.99 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 79°28'08" WEST A DISTANCE OF 91.49 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 57°21'03" WEST A DISTANCE OF 97.90 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 37°22'45" WEST A DISTANCE OF 86.40 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 50°07'22" WEST A DISTANCE OF 173.85 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HIGHWAY 6 & 24; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY SOUTH 86°28'33" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HIGHWAY 6 & 24 A DISTANCE OF 553.80 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 01°12'33" WEST A DISTANCE OF 50.17 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 86°28'33" EAST A DISTANCE OF 903.53 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO COLORADO DEPARTMENT OF TRANSPORTATION IN SPECIAL WARRANTY DEED RECORDED DECEMBER 31, 2008 AT RECEPTION NO. 760876, COUNTY OF GARFIELD, STATE OF COLORADO.

ALONG WITH

PARCEL B: A PARCEL OF LAND SITUATED IN GOVT LOT 2 OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 11, A GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE S 42°43'47" E A DISTANCE OF 1243.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HWY. 6 & 24, THE POINT OF BEGINNING; THENCE S 86°28'33" E ALONG SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 445.07 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID GOVT LOT 2; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY S 00°22'25" E ALONG THE EASTERLY BOUNDARY OF SAID GOVT LOT 2 A DISTANCE OF 147.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD; THENCE LEAVING SAID EASTERLY BOUNDARY S 81°07'25" W ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 448.97 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY N 00°22'25" W A DISTANCE OF 244.62 FEET TO THE POINT OF BEGINNING, COUNTY OF GARFIELD, STATE OF COLORADO.

AND CONTAINING 11.224 ACRES, MORE OR LESS; HAVE BY THESE PRESENTS ANNEXED THE PROPERTY SHOWN HEREON AND DESIGNATED AS THE ANNEXATION OF THE VILLAGE AT PAINTED PASTURES, IN THE TOWN OF SILT, COUNTY OF COLORADO.

EXECUTED THIS _____ DAY OF _____, A.D., 2019.

OWNER(S) RALEY RANCH PROJECT, LLC BY: AS _____

STATE OF COLORADO)

COUNTY OF GARFIELD) §§

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D., 2019 BY _____ AS _____ OF RALEY RANCH PROJECT, LLC.

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND SEAL _____ NOTARY PUBLIC

LIENHOLDER'S SUBORDINATION

THE UNDERSIGNED, BEING THE HOLDER OF A LIEN ON THE HEREIN DESCRIBED PROPERTY PURSUANT TO A DEED OF TRUST RECORDED AS RECEPTION NO. _____ IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, HEREBY CONSENTS AND APPROVES THIS ANNEXATION MAP OF THE VILLAGE AT PAINTED PASTURES AND HEREBY SUBORDINATES THE LIEN OF SAID DEED OF TRUST TO THE MATTERS SET FORTH HEREIN.

DATED THIS ___ DAY OF _____, 2019.

BY: _____

ITS: _____

STATE OF _____)

) SS.

COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2019, BY _____ AS _____ OF _____.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

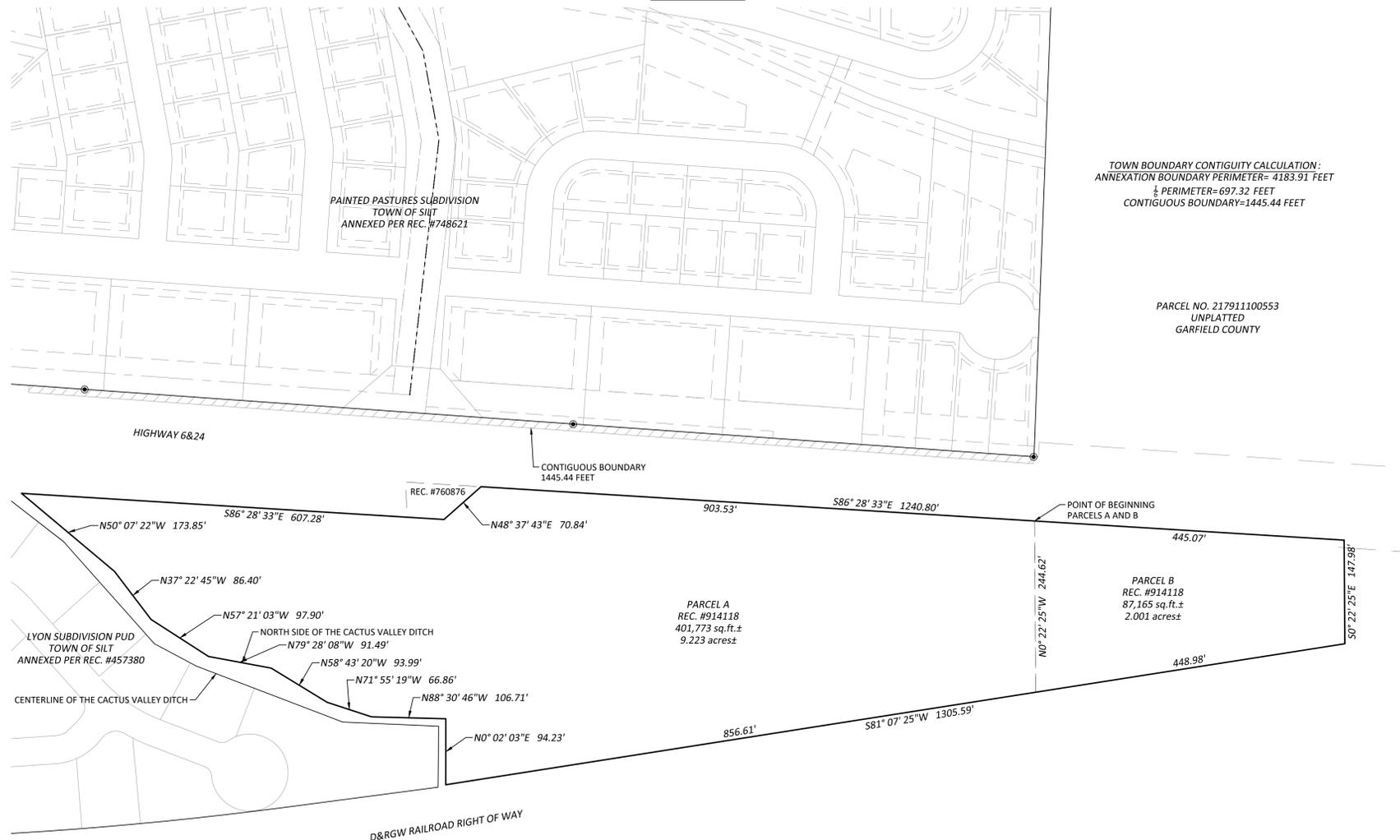
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

ANNEXATION MAP OF:

THE VILLAGE AT PAINTED PASTURES

A PARCEL OF LAND SITUATED IN LOTS 2 AND 3 OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6th P.M. GARFIELD COUNTY, COLORADO

SHEET 1 OF 1

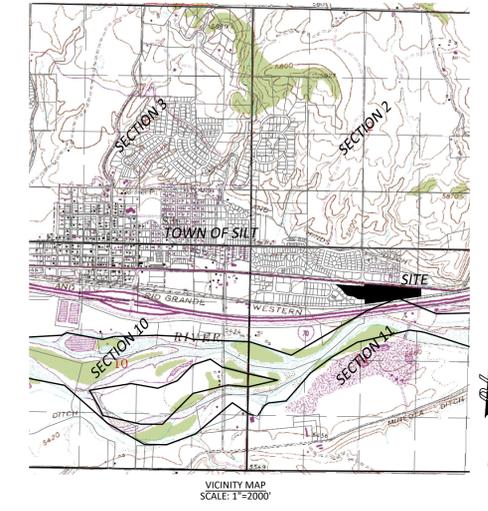


TOWN BOUNDARY CONTIGUITY CALCULATION: ANNEXATION BOUNDARY PERIMETER= 4183.91 FEET 1/2 PERIMETER=697.32 FEET CONTIGUOUS BOUNDARY=1445.44 FEET

PARCEL NO. 217911100553 UNPLATTED GARFIELD COUNTY

PARCEL A REC. #914118 401,773 sq.ft.± 9.223 acres±

PARCEL B REC. #914118 87,165 sq.ft.± 2.001 acres±



SURVEY NOTES

- 1) DATE OF PREPARATION: OCTOBER-DECEMBER 2019
2) BASIS OF BEARING: A BEARING OF S 86°28'33" W ALONG THE NORTH LINE OF THE ANNEXATION PARCELS, AS SHOWN HEREON.
3) BASIS OF SURVEY: THE FINAL PLAT MAP OF PAINTED PASTURES SUBDIVISION RECORDED MAY 15, 2008 AS RECEPTION NO. 748623, FINAL PLAT OF MESA VIEW ESTATES, FILING 1 RECORDED JULY 14, 1998 AS RECEPTION NO. 528556, THE CORRECTION PLAT OF MESA VIEW ESTATES, FILING 1 RECORDED DECEMBER 17, 2002 AS RECEPTION NO. 616742, THE FINAL PLAT OF CAMARIO SUBDIVISION RECORDED JUNE 22, 2007 AS RECEPTION NO. 726116, THE RALEY EXEMPTION PLAT RECORDED AUGUST 17, 1987 AS RECEPTION NO. 385045, THE LYON SUBDIVISION PLANNED UNIT DEVELOPMENT RECORDED DECEMBER 8, 1994 AS RECEPTION NO. 471909, THE AMENDED PLAT OF HEAVENLY VIEW SUBDIVISION RECORDED MAY 4, 1982 AS RECEPTION NO. 327466, VARIOUS DOCUMENTS OF RECORD AND THE FOUND MONUMENTS AS SHOWN HEREON.
4) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SOPRIS ENGINEERING, LLC (SE) TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND/OR TITLE OF RECORD SE RELIED UPON THE ITEMS OUTLINED IN NOTE 4. NO TITLE COMMITMENT WAS USED IN THE PREPARATION OF THIS ANNEXATION MAP.
5) THE LINEAR UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

SURVEYOR'S CERTIFICATE

I, MARK S. BECKLER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE ANNEXATION PLAT OF THE VILLAGE AT PAINTED PASTURES AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME OR UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS _____ DAY OF _____, A.D. 2019.

MARK S. BECKLER, L.S. #28643

PLANNING COMMISSION CERTIFICATE

THIS PLAT APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SILT, COLORADO THIS _____ DAY OF _____, A.D. 2019.

CHAIRMAN

BOARD OF TRUSTEES CERTIFICATE

THIS PLAT APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO THIS _____ DAY OF _____, A.D. 2019, FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO AND FOR CONVEYANCE TO THE TOWN OF SILT OF THE PUBLIC DEDICATIONS SHOWN HEREON; SUBJECT TO THE PROVISION THAT APPROVAL IN NO WAY OBLIGATES THE TOWN OF SILT FOR FINANCING OR CONSTRUCTION OF IMPROVEMENTS ON LANDS, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF TRUSTEES AND FURTHER THAT SAID APPROVAL SHALL IN NO WAY OBLIGATE THE TOWN OF SILT FOR MAINTENANCE OF STREETS AND UTILITIES DEDICATED TO THE PUBLIC UNTIL CONSTRUCTION OF IMPROVEMENTS THEREON SHALL HAVE BEEN COMPLETED TO THE SATISFACTION OF THE BOARD OF TRUSTEES.

TOWN OF SILT

BY: _____

MAYOR

WITNESS MY HAND AND SEAL OF THE TOWN OF SILT, COLORADO

ATTEST: _____

TOWN CLERK

TITLE INSURANCE COMPANY CERTIFICATE

FIRST AMERICAN TITLE INSURANCE COMPANY, DOES HEREBY CERTIFY THAT IT HAS EXAMINED THE TITLE TO ALL LANDS HEREIN DEDICATED AND SHOWN UPON THIS PLAT AND TITLE TO SUCH LAND IS IN THE DEDICATOR FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

DATED THIS _____ DAY OF _____, A.D., 2019.

AGENT

FIRST AMERICAN TITLE INSURANCE COMPANY

SOPRIS ENGINEERING - LLC CIVIL CONSULTANTS 502 MAIN STREET, SUITE A3 CARBONDALE, COLORADO 81623 (970) 704-0311 SOPRISENG@SOPRISENG.COM

STAFF REPORT

For the Planning & Zoning Commission Meeting of February 18, 2020

Application: The Village at Painted Pastures Annexation
The Village at Painted Pastures Planned Unit Development
Zoning (PUD)

**Applicant/
Property Owner:** Raley Ranch Project, LLC
8191 E. Kaiser Boulevard
Anaheim, CA 92808

Representatives: Doug and Julie Pratte
The Land Studio, Inc.
365 River Bend Way
Glenwood Springs, CO 81601

Mineral Rights Owners: **1/16 Interest** - John H. Conto (as reserved in deed to C.R. Youker and Mildred Youker) recorded November 9, 1951 in Book 260 at Page 606;
1/4 Interest – Harold A. Deter and Maysel E. Deter (as conferred by Henry Meisner and Mary Meisner), recorded July 28, 1959 in Book 319 at Page 248;
All oil, gas, and other mineral rights (as reserved by Edward E. Walters in the deed to Davis Point Park, LLC), recorded November 17, 2006 at Reception No. 711354;

Site Location: East of Lyon Commercial PUD and south of existing Painted Pastures (Phases I & II)

Acreage: 9.223-acre parcel known as Parcel # 2179-111-00-445
2.001-acre parcel known as Parcel # 2179-111-00-721

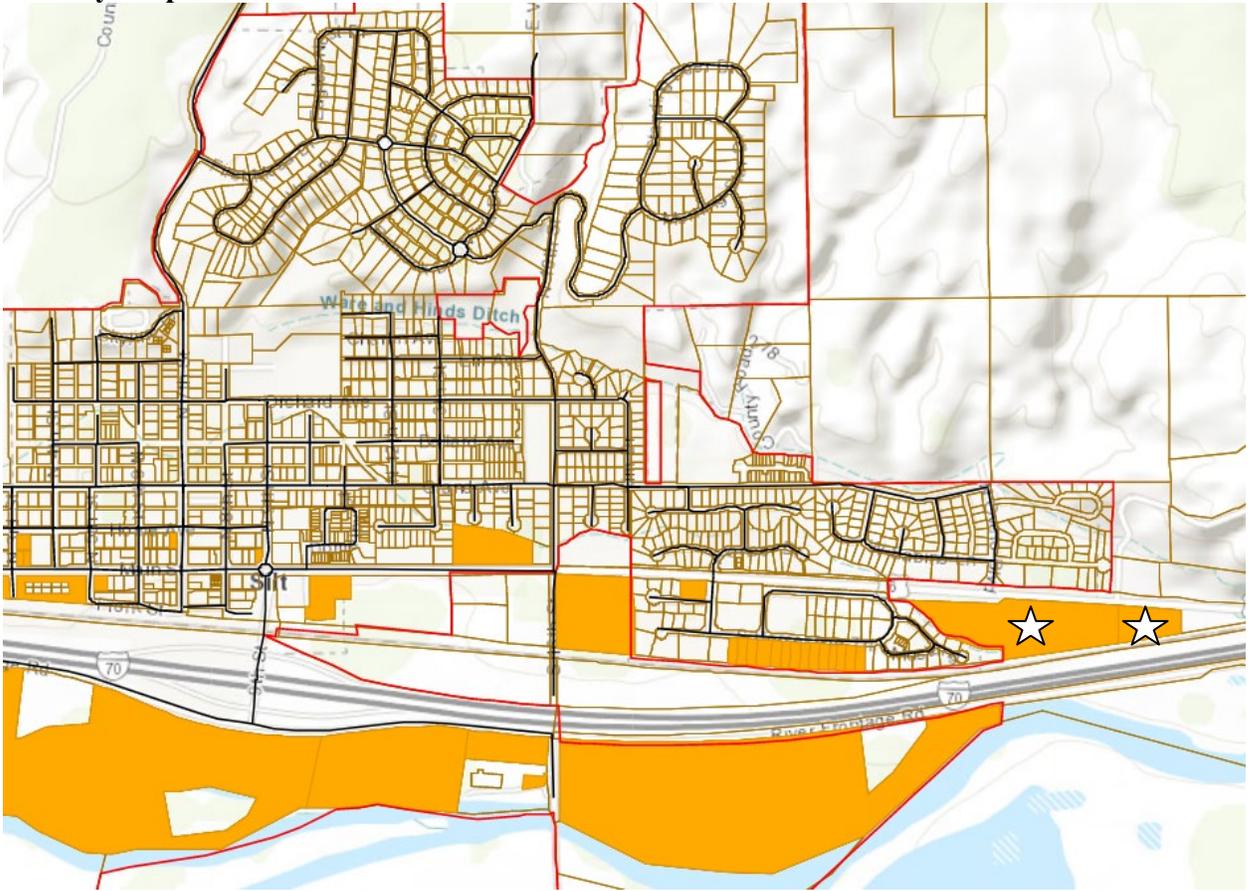
Present Zoning: Rural (County) – comprised of the County’s rural residential areas, agricultural resource lands, agricultural production areas, and natural resource areas.

Present Land Use: Vacant (non-agricultural)

Proposed Zoning: Planned Unit Development – mixed use of residential and commercial

Fees: Fee of \$1,200 + \$400 deposit (Annexation); &
Fee of \$ 500 + \$500 deposit.

Vicinity Maps:



Closer View:



I. Description of Proposal

The applicant, Raley Ranch Project, LLC, submitted an annexation petition, annexation application, affidavit of circulator, and Planned Unit Development zoning application for a property known as the Village at Painted Pastures Annexation and Planned Unit Development, comprised of two parcels in Garfield County (a 9.223-acre parcel and a 2.001-acre parcel) located east of the Silt Trade Center (Lyon Commercial Planned Unit Development) and south of the existing Painted Pastures Subdivision (Phases I & II). The land is contiguous to the Town's boundary (both Silt Trade Center and Painted Pastures) and is thus eligible for annexation. The applicant's proposal of planned unit development zoning is necessary due to the mixed commercial (light commercial, storage) and residential (multifamily) uses proposed.

II. Comprehensive Plan General Policies and Goals– Designated Urban Growth Areas

Service and Commercial Support

The subject property lies within the Service and Commercial Support Comprehensive Plan Land Use Designation, which states the following:

“Those properties within the Comprehensive Plan Land Use Designation of “Service and Commercial Support” are outside of the Town's Downtown area, but are expected to have good visibility from Main Street and/or the I-70 corridor. The “Service and Commercial Support” designation is not expected to extend more than two blocks north (or south) of State Highway 6. For this reason, it is appropriate to expect that these properties will provide the Town with solid retail and service commercial businesses, such as construction related businesses like supply companies, office-type businesses such as real estate offices, craftsmen-type businesses such as cabinet makers, and other services such as auto repair and small appliance repair and small appliance repair, hotels, and convenience stores. These properties should look inviting and aesthetically professional, and the structures should have a western appeal or theme, if possible. This area is crucial for the Town's employment picture, providing local jobs within the core of the community, and keeping the residents close to enjoy the time not spent working, with their families and friends. While retail businesses may not be the main focus in the “Service and Commercial Support” area, it is important for the Town to encourage any business that provides clean commercial without air pollution, noise, undesired odor, vibration, or wasted resources. As the Town and/or businesses grow(s), this Comprehensive Plan Land Use Designation will have to shrink in order to accommodate a larger “Downtown” area.

The Town should carefully scrutinize marijuana applications in this land use designation.”

(Staff note: The applicant proposes Planned Unit Development Zoning at the Village at Painted Pastures, allowing for mixed uses of residential and commercial. The Comprehensive Plan does not describe residential uses within the Service and Commercial Support Land Use Designation, and therefore, the Board of Trustees shall make the final decision as to whether the proposed annexation and zoning meet the intent of the 2017 Comprehensive Plan.)

III. Pertinent Silt Municipal Code

§16.08.010 Intent (Annexation).

A. The intent of this chapter is to detail the various steps necessary in order to annex a parcel into the Town of Silt, negotiate terms of an annexation and development agreement to enumerate the exactions and public dedications, and subsequently zone the parcel. The process by which the Town approves a parcel for annexation into the Town is ruled by this Code, state statutes and the Town's Home Rule Charter. Because the annexation of property is a matter of state law, the provisions of Colorado law will control in addition to this chapter. In the event of a conflict between a statutory provision and a provision of this Chapter 16.08, the more specific shall control;

B. As described in this chapter, the Commission shall review and consider an applicant's annexation petition and annexation application, together with the applicant's zoning application and sketch plan application for the property, and provide recommendations concerning the subject annexation, zoning, and sketch plan to the board, prior to any action by the board on an applicant's annexation petition and annexation application, zoning application and sketch plan application;

C. The applicant for annexation should consider retaining a planning consultant, attorney or other professional(s) if the proposed annexation is complex. A property owner considering an annexation petition and annexation application may wish to consult an attorney familiar with municipal annexation law. While the Town staff will cooperate with the landowner and/or applicant for annexation, the Town is not bound by any representations made by staff regarding the status of or requirements of applicable laws, rules or regulations;

D. The annexation process may be a lengthy process, in order for the Town and the applicant and/or property owner to negotiate terms acceptable to both parties regarding the annexation. Further, the Town requires that the property owner and/or applicant proceed through the subdivision and zoning process concurrently with the annexation process, in order for the town to fully understand the scope of the request.

(Staff note: The applicant proposes to develop the Village at Painted Pastures according to the Planned Unit Development Guidelines. Although the applicant proposes to submit a Sketch Plan application shortly, the Town deems the immediate processing of the annexation and PUD zoning applications in the best interests of the Town – therefore, staff recommends that the applicant be allowed P & Z consideration of the annexation and PUD zoning applications in advance of consideration of the Sketch Plan.)

§16.12.050 Procedure - Submission to planning and zoning.

The PUD plan shall be submitted by the town planner, within ten days of his acceptance of same for filing, to the planning and zoning commission for approval, disapproval or conditional approval, as stated in Sections 16.12.090, 16.12.100 and 16.12.110.

(Staff note: The applicant submitted the PUD application on January 14, 2020, shy of the amount of time to review and subsequently publicly notice the hearing for the February 4, 2020 Planning & Zoning Commission meeting; therefore, the Planning & Zoning Commission scheduled a special meeting on February 18, 2020 to consider

both the annexation and zoning applications, acting in due diligence to process in conformance with the Silt Municipal Code.)

§16.12.090 Planning and zoning commission - Investigation - Action.

A. The planning and zoning commission is responsible for initially investigating all PUD applications, plans and accompanying information in detail to ensure conformity with the provisions of this chapter. Within thirty days from receipt thereof by the planning and zoning commission, the commission shall approve a PUD application, disapprove it or approve it upon the imposition of conditions reasonable related to the intent and purposes of this PUD chapter.

B. Disapproval of a PUD application by the planning and zoning commission shall be based only on the failure of the PUD application to conform to the requirements of Sections 16.12.410 through 16.12.460.

(Staff note: Again, staff requested a special Planning & Zoning Commission meeting to process these applications in as timely a manner as possible, in conformance with the Silt Municipal Code.)

§16.12.100 Planning and zoning commission - Public hearing.

A public hearing on the PUD application shall be held by the planning and zoning commission prior to approval, disapproval or conditional approval by the commission, at which hearing the applicant, town officials and all interested parties shall be afforded the reasonable opportunity of being heard. Public notice of the public hearing shall be given in the manner prescribed by Colorado law for the amendment of zoning ordinances.

(Staff note: The applicant is responsible for showing proof of publication for the newspaper advertisement, as well as the certified mailings to adjacent property owners. The deadline for the applicant's submittal of these items is February 14, 2020.)

§16.12.110 Planning and zoning commission—Conditional approval—Submission to board.

A. Approval as provided in Section 16.12.090 may be given on a conditional basis; provided, that the developer submits a written agreement, approved by the planning and zoning commission, to incorporate such conditions upon approval of the final PUD plan.

B. The planning and zoning commission shall, promptly upon rendering its decision, submit the PUD application and plan, along with its conclusions and findings in written form, to the board, whether the planning and zoning commission approves, conditionally approves or disapproves such application and plan.

C. The findings, conclusions and recommendations of the commission shall be advisory only and nonbonding on the board.

§16.12.150 Conformity with comprehensive plan.

No PUD shall be approved unless it is found by the board to be in general conformity with the town's comprehensive plan.

(Staff note: The 2017 Comprehensive Plan does not speak to residential housing in this land use designation (Service and Commercial Support), and therefore, the Planning & Zoning Commission shall make a recommendation on such request to

the Board of Trustees, who will then make the final decision on conformance of this application to the 2017 Comprehensive Plan.)

§16.12.210 Relationship to surrounding area.

The PUD shall have an appropriate relationship to the surrounding area, with unreasonable adverse effects on the surrounding area being minimized.

(Staff note: The commercial aspects of the PUD (light commercial, storage) are in line with the adjacent land uses in Silt Trade Center to the east. The residential aspects of the PUD (multifamily) are in line with adjacent land uses in the existing Painted Pastures to the north. The applicant should be careful to minimize mitigations from both commercial uses and residential uses within the planned unit development.)

§16.12.240 Open space—Preservation of natural features.

The PUD shall provide common open space, adequate in terms of location, area and type of the common open space and in terms of the uses permitted in the PUD. The PUD shall strive for optimum preservation of the natural features of the terrain.

(Staff note: The applicant states in the application that 25% of the total acreage would be dedicated to open space, but the exact locations of such dedications are likely to be seen on the Sketch Plan submitted in the future.)

§16.13.030 Planning and zoning commission review and action (Annexation).

A. The commission shall review and consider the annexation at a regularly scheduled meeting to be held within sixty days after town staff has determined that the application materials are complete.

B. The commission, within fifteen days after the meeting or meetings, if the consideration of the annexation is continued, shall make recommendations to the board to approve, deny, or approve upon conditions, the application. Such recommendations shall be reasonably related to the intent and purposes of this chapter.

C. A full description of the action taken on the application by the commission shall be stated upon the minutes of the commission, a copy of which minutes shall be promptly forwarded to the board.

D. Any corrections required by town staff or the planning and zoning commission must be complied with before the application is submitted to the board.

(Staff note: The Commission must consider both the annexation and zoning applications on February 18, 2020, in order to be in (inexact) conformance with the Silt Municipal Code regarding the PUD application. Staff will promptly forward to the Board of Trustees the Commission's recommendation for both the annexation and PUD zoning applications. The Board shall consider the Resolution of Substantial Compliance on February 24, 2020. The Board shall consider the Resolution of Finding of Facts and Conclusions on April 13, 2020, a public hearing. The Board shall also consider the ordinances to annex and zone as a planned unit development the Village at Painted Pastures, in public hearings on April 13, 2020 and April 27, 2020.)

IV. Staff Comments/Concerns

Property History

The subject property proposed for annexation and PUD zoning is comprised of two parcels, a western 9.223-acre parcel (Parcel # 217911100445) and an eastern 2.001-acre parcel (Parcel # 217911100721). The parcels have historically been used for residential and agricultural purposes, but prior property owners removed the residence almost twenty years ago.

Current County Zoning

The property is zoned 'Rural', a Garfield County designation, which is defined as "comprised of the County's rural residential areas, agricultural resource lands, agricultural production areas, and natural resource areas. Uses, densities, and standards established for this zone district are intended to protect the existing character of the area from uncontrolled and unmitigated residential, commercial, and industrial use. The zone district provides for the use of natural resources, recreational development, rural residential, and other uses." Rural zoning requires a minimum lot size of two acres, and therefore, the two parcels could support up to five single family lots, with a maximum lot coverage of 15%, setbacks of fifty feet from State Highway 6, twenty-five foot rear yard setback and ten-foot side yard setback. Building heights in this zone district are twenty-five feet for residential uses and forty feet for non-residential uses.

Proposed Planned Unit Development Zoning

The applicant proposes the following:

Permitted Uses

A. Residential Use

1. Multi-family residential units;
2. Age-restricted multi-family residential units;
3. Memory care and assisted living for occupancy of more than one hundred (100) days per annum;
4. Residential units above a commercial, industrial, or fabrication business.

(Staff note: These uses are appropriate.)

B. Commercial Use

1. Alteration, tailoring, or mending facility;
2. Appliance or equipment rental facility;
3. Auto parts retail facility;
4. Automobile washing facility;
5. Bakery;
6. Barber/beautician;
7. Brewery;

8. Clothing establishment;
9. Coffee roasting establishment;
10. Convenience store;
11. Copy/printing facility (retail);
12. Grocery store;
13. Laundromat;
14. Liquor store;
15. Multi-unit commercial establishment;
16. Paint material store;
17. Pawn shop/store;
18. Photographic studio;
19. Restaurant/deli;
20. Retail establishment with on-site transactions;
21. Shoe store;
22. Tattoo parlor with or without body piercing; &
23. Thrift store.

(Staff note: These uses are appropriate.)

C. Office/Service/Scientific Use

1. Animal hospital/clinic;
2. Financial institution;
3. Title company;
4. Government or nonprofit administrative office, fire station, police station, and post office;
5. Healthcare facility;
6. Office for a professional business; &
7. Scientific laboratory.

(Staff note: These uses are appropriate.)

D. Industrial/Fabrication Use

1. Auto body or mechanical repair;
2. Cabinet making facility or furniture restoration;
3. Gasoline station;
4. Metal fabrication or welding;
5. Panelized construction facility;
6. Utility facilities; &
7. Woodworking establishment.

(Staff note: These uses have some mitigations; applicant should ensure that these uses do not conflict with other proposed uses on the property, such as residential.)

E. Storage/Warehouse Use

1. Automobile parking lot (no more than two acres);
2. Mini-warehouse storage facility (no more than two acres);
3. Open storage and outside storage, if adequately screened and appurtenant to an allowed commercial use;
4. Recreational vehicle storage facilities (no more than two acres); &
5. Warehouse space associated with commercial or industrial fabrication use.

(Staff note: These uses have some mitigations; applicant should ensure that these uses do not conflict with other proposed uses on the property, such as residential.)

F. Public/Institutional Use

1. Assisted living and memory care/skilled nursing facility/hospice/behavioral care;
2. Bus station;
3. Child care facilities;
4. Community center;
5. Libraries; &
6. Parks and playgrounds.

(Staff note: These uses are appropriate; bus stations have idling buses, so care should be taken to mitigate this use, if proposed.)

Development Standards

A. Residential Use Development Standards

Development of a Residential Use shall meet the following applicable requirements:

1. Minimum lot width: As defined by the PUD Final Plat;
 2. Maximum building height: 35'
 3. Maximum lot coverage: 70%
 4. Front yard setback*: 15'
 5. Rear yard setback*: 15'
 6. Side yard setback*: 5'
- *Multi-family residential unit setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings
7. Minimum distance between structures: 10'
 8. Minimum unit size: 450 sf
 9. Maximum density: 20 units/acre
 10. Minimum parking: 1 space/1 bedroom unit;
1.5 spaces/2 bedroom unit;
2 spaces per 3 bedroom unit
 11. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest

point to the sky by permanent above-grade structures requiring a building permit, except as follows:

- a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
- b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
- c. Balconies and decks projecting into a yard setback not more than 6 feet;
- d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

(Staff note: These development parameters are similar to other planned unit developments and/or Town code. The maximum density is slightly higher in this PUD than in R-3 zone district (16 units/acre), and minimum unit size in R-3 district (800 square feet).)

B. Commercial Use Development Standards

Development of a Commercial Use shall meet the following applicable requirements:

1. Minimum lot width: As defined by the PUD Final Plat;
2. Maximum building height: 35'
3. Maximum lot coverage: 70%
4. Front yard setback*: 20'
5. Rear yard setback*: 20'
6. Side yard setback*: 10'
*Commercial building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings
7. Minimum distance between structures: 10'
8. Maximum density: 20,000 sf gross floor area per acre
9. Minimum parking: 1 space/200 sf of gross Commercial Use floor area;
1 space/1,000 sf of gross Storage/Warehouse floor area related to Commercial Use

10. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:
- a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
 - b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
 - c. Balconies and decks projecting into a yard setback not more than 6 feet;
 - d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

(Staff note: Parking for these uses deviates from Town code, where warehousing requires 1 space per every 600 square feet of gross floor area.)

- C. Office/Service/Scientific Use Development Standards
Development of an Office/Service/Scientific Use shall meet the following applicable requirements:

- 1. Minimum lot width: As defined by the PUD Final Plat;
 - 2. Maximum building height: 35'
 - 3. Maximum lot coverage: 70%
 - 4. Front yard setback*: 20'
 - 5. Rear yard setback*: 20'
 - 6. Side yard setback*: 10'
- *Office/Service/Scientific building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings
- 7. Minimum distance between structures: 10'
 - 8. Maximum density: 20,000 sf gross floor area per acre
 - 9. Minimum parking: 1 space/400 sf of gross Office/Service/Scientific Use floor area;

10. Open space projections:
- 1 space/1,000 sf of gross Storage/Warehouse floor area related to Commercial Use
- Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:
- a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
 - b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
 - c. Balconies and decks projecting into a yard setback not more than 6 feet;
 - d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

(Staff note: Parking for these uses deviates from Town code, where warehousing requires 1 space per every 600 square feet of gross floor area.)

- D. Industrial/Fabrication Use Development Standards
- Development of Industrial/Fabrication Use shall meet the following applicable requirements:

- 1. Minimum lot width: As defined by the PUD Final Plat;
 - 2. Maximum building height: 35'
 - 3. Maximum lot coverage: 70%
 - 4. Front yard setback*: 20'
 - 5. Rear yard setback*: 20'
 - 6. Side yard setback*: 10'
- *Industrial/Fabrication building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings
- 7. Minimum distance between structures: 10'
 - 8. Maximum density: 20,000 sf gross floor area per acre
 - 9. Minimum parking: 1 space/600 sf of gross Industrial/Fabrication Use floor area;

11. Open space projections:
- 1 space/1,000 sf of gross Storage/Warehouse floor area related to Commercial Use
- Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:
- a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
 - b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
 - c. Balconies and decks projecting into a yard setback not more than 6 feet;
 - d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

(Staff note: Parking for these uses deviates from Town code, where warehousing requires 1 space per every 600 square feet of gross floor area.)

- E. Storage/Warehouse Use Development Standards
- Development of Storage/Warehouse uses shall be restricted to the eastern most three acres of the PUD and meet the following applicable requirements:

- 1. Minimum lot width: As defined by the PUD Final Plat;
 - 2. Maximum building height: 35'
 - 3. Maximum lot coverage: 70%
 - 4. Front yard setback*: 20'
 - 5. Rear yard setback*: 20'
 - 6. Side yard setback*: 10'
- *Storage/Warehouse building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings
- 7. Minimum distance between structures: 10'
 - 8. Maximum density: 20,000 sf gross floor area per acre

9. Minimum parking: 1 space/1,000 sf of gross Storage/Warehouse floor area
10. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:
 - a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
 - b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
 - c. Balconies and decks projecting into a yard setback not more than 6 feet;
 - d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

(Staff note: Parking for these uses deviates from Town code, where warehousing requires 1 space per every 600 square feet of gross floor area.)

F. Public/Institutional Use Development Standards

Development of a Public/Institutional Use shall meet the following applicable requirements:

1. Minimum lot width: As defined by the PUD Final Plat;
2. Maximum building height: 35'
3. Maximum lot coverage: 70%
4. Front yard setback*: 20'
5. Rear yard setback*: 20'
6. Side yard setback*: 10'
*Public/Institutional building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings
7. Minimum distance between structures: 10'
8. Maximum density: 20,000 sf gross floor area per acre
9. Minimum parking: 1 space/400 sf of gross Public/Institutional floor area

10. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:
- a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
 - b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
 - c. Balconies and decks projecting into a yard setback not more than 6 feet;
 - d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

(Staff note: Parking for these uses deviates from Town code, where warehousing requires 1 space per every 600 square feet of gross floor area.)

Land Use Equivalency

The Village at Painted Pastures Zone District shall allow for a proportional trade of residential unit density to non-residential floor area density at a ratio of one residential unit to 1,000 sf of non-residential floor area.

For example:

- The maximum density for a one-acre parcel is 20 residential units **OR** 20,000 sf of non-residential floor area;
- A one-acre parcel may contain a mix of residential and non-residential uses;
- If a one-acre parcel contains 10 residential units, then it may also contain 10,000 sf of non-residential floor area at a ratio of one residential unit to 1,000 sf non-residential floor area.

(Staff note: Silt Municipal Code allows a maximum of 16 residential units per acre. The PUD is for mixed commercial and residential use.)

Open Space/Parkland

The Village at Painted Pastures PUD Zone District shall provide open space and/or parkland in an amount of at least twenty-five percent (25%) of the total project acreage to serve the project's residents and/or occupants.

(Staff note: This provision is in conformance with Silt Municipal Code.)

V. Staff Recommendation (Annexation)

Staff recommends that the Planning & Zoning Commission recommend to the Board of Trustees approval of Ordinance 3, Series of 2020, an ordinance annexing that certain property known as the Village at Painted Pastures Annexation, a 9.223-acre parcel and a 2.001-acre parcel, both south of the existing Painted Pastures Subdivision and east of the Lyon Commercial Planned Unit Development, within Garfield County, state of Colorado, with the following condition:

- 1) That all statements made by the Applicant in its application and in meetings before the Planning & Zoning Commission and the Board of Trustees be considered conditions of approval, unless modified in the following conditions:
- 2) That the Applicant pay all fees associated with the Town's review and approval of the special use permit, including but not limited to attorney, engineering, planning, administrative and public notification costs.

PETITION FOR ANNEXATION

TO: The Town Clerk and the Board of Trustees of the Town of Silt, Colorado

Pursuant to the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, the undersigned, being the owner of 100% of the property described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter the "Property"), does hereby petition and request the Board of Trustees of the Town of Silt, Colorado (hereinafter the "Town") to approve and complete the annexation of the Property to the Town. In support of this Petition, petitioner states as follows:

1. The undersigned Petitioner, Raley Ranch Project, LLC, a Colorado limited liability company, is the owner of one hundred percent (100%) of the fee interest in the Property described on Exhibit A.

2. It is desirable and necessary that the Property be annexed to the Town.

3. The requirements of C.R.S. §§31-12-104 and 31-12-105, as amended, exist and have been met as follows:

4. Not less than one sixth of the perimeter of the Property is contiguous with the Town.

5. A community of interest exists between the Property and the Town.

6. The Property is urban or will be urbanized in the near future.

7. The Property is integrated or capable of being integrated with the Town.

8. All other requirements of C.R.S. 31-12-104 and 31-12-105 exist or have been satisfied as these sections apply to the annexation of the Property.

9. The annexation of the Property complies with Section 30(1)(b) of Article II of the Colorado Constitution; that is, the petitioner comprises the ownership of more than fifty percent (50%) of the Property, exclusive of streets and alleys.

10. No land in the Property sought to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been or shall be divided into separate parcels without the written consent of the landowner(s).

11. No land in the Property sought to be annexed which is held in identical ownership and comprising twenty (20) or more acres and having an assessed valuation for ad valorem tax purposes in excess of \$200,000.00 has been included in the area without the written consent of the landowner(s).

12. The proposed annexation will not result in detachment of the Property from any school district or attachment to another district.

13. The Property to be annexed is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for annexation of part or all of the Property to any other municipality; nor has any election for annexation of such Property or substantially the same Property to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.

14. The annexation of the Property proposed to be annexed will not have the effect of extending the boundary of the Town more than three (3) miles in any direction from any point of the Town municipal boundary in any one (1) year.

15. Attached hereto and incorporated herein by reference are four (4) copies of an annexation map in the form required by C.R.S. §31-12-107(1)(d) and containing:

- a. a written legal description of the boundaries of the area proposed to be annexed;
- b. a map showing the boundary of the area proposed to be annexed;
- c. within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or lots and blocks; and
- d. next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

16. The undersigned petitioner requests that the Town approve the annexation of the Property.

SIGNATURE OF LAND OWNER AND MAILING ADDRESS

RALEY RANCH PROJECT, LLC,
a Colorado limited liability company

Date: December 17, 2019

By: 
John Tallichet, Manager

Mailing Address: 8191 East Kaiser Blvd.
Anaheim, CA 92808

EXHIBIT A

Legal Description

Parcel A:

A parcel of land situated in government Lots 2 and 3 of Section 11, Township 6 South, Range 92 West of the Sixth Principal Meridian, County of Garfield, State of Colorado; said parcel being more particularly described as follows:

Commencing at the North quarter corner of Section 11, a Garfield County surveyor brass cap in place; thence South 42°43'47" East a distance of 1243.83 feet to a point on the Southerly right-of-way of Highway 6 & 24, the POINT OF BEGINNING,

thence leaving said right-of-way South 00°22'25" East a distance of 244.62 feet to a point on the Northerly right-of-way of the Union Pacific Railroad;

thence South 81°07'25" West along said Northerly right-of-way a distance of 856.61 feet to a point on the Westerly boundary of government Lot 2;

thence leaving said right-of-way North 00°02'03" East along the Westerly boundary of said government Lot 2 a distance of 94.23 feet to a point on the Northerly right-of-way on the Northerly side of the Cactus Valley Ditch;

thence North 88°30'46" West along said Northerly right-of-way a distance of 106.71 feet;

thence continuing along said Northerly right-of-way North 71°55'19" West a distance of 66.86 feet; thence

continuing along said Northerly right-of-way North 58°43'20" West a distance of 93.99 feet; thence continuing

along said Northerly right-of-way North 79°28'08" West a distance of 91.49 feet; thence continuing along said

Northerly right-of-way North 57°21'03" West a distance of 97.90 feet; thence continuing along said Northerly right-of-way North 37°22'45" West a distance of 86.40 feet;

thence continuing along said Northerly right-of-way North 50°07'22" West a distance of 173.85 feet to a point on the Southerly right-of-way of Highway 6 & 24;

thence leaving said Northerly right-of-way South 86°28'33" East along the Southerly right-of-way of said Highway 6 & 24 a distance of 553.80 feet;

thence continuing along said Southerly right-of-way North 01°12'33" West a distance of 50.17 feet;

thence continuing along said Southerly right-of-way South 86°28'33" East a distance of 903.53 feet to the POINT OF BEGINNING.

EXCEPT that portion conveyed to Colorado Department of Transportation in Special Warranty Deed recorded December 31, 2008 at Reception No. 760876,

County of Garfield, State of Colorado.

Parcel B:

A parcel of land situated in Gov't Lot 2 of Section 11, Township 6 South, Range 92 West of the 6th P.M., County of Garfield, State of Colorado,

Said parcel being more particularly described as follows:

Commencing at the North 1/4 corner of Section 11, a Garfield County surveyor brass cap in place; thence S 42°43'47" E a distance of 1243.83 feet to a point on the southerly right-of way of Hwy. 6 & 24, the point of beginning;

thence S 86°28'33" E along said southerly right-of-way a distance of 445.07 feet to a point on the easterly boundary of said Gov't Lot 2;

thence leaving said southerly right-of-way S 00°22'25" E along the easterly boundary of said Gov't Lot 2 a distance of 147.98 feet to a point on the northerly right-of-way of the Union Pacific Railroad;

thence leaving said easterly boundary S 81°07'25" W along said northerly right-of-way a distance of 448.97 feet;

thence leaving said northerly right-of-way N 00°22'25" W a distance of 244.62 feet to the point of beginning, County of Garfield, State of Colorado.

TOWN OF SILT ANNEXATION APPLICATION

Name of Applicant: Raley Ranch Project LLC

Applicant's (Billing) Address: 8191 E. Kaiser Blvd., Anaheim, CA 92808

Property Owner: Raley Ranch Project, LLC

Address: 8191 E. Kaiser Blvd., Anaheim, CA 92808

Attach Legal Description of Property to be annexed: Yes No

Attach Annexation Map: Yes No

Attach Vicinity Map (in 8.5 inch x 11 inch): Yes No

Number of Acres or Square Feet included in Annexation Request: 9.223 & 2.001 acres

Present Zoning: Garfield County Rural

Proposed Zoning: Planned Unit Development

REQUIRED INFORMATION – 1-7 ON ATTACHED IMPACT CHECKLIST

Fee: \$1200 + Consultant fees + 15% Administrative fee (based on Consultant charges)

I certify that the information and exhibits herewithin submitted are true and correct to the best of my knowledge, and that in filing this application, I am acting with knowledge and consent of the person (s) listed above without whose consent the requested action cannot lawfully be accomplished.

Name (please print) Douglas Pratte, The Land Studio, Inc

Signature  Date Dec. 2, 2019

Address 365 River Bend Way, Glenwood Springs, CO 81601

Capacity: (Owner, agent, surveyor, engineer, etc.) Planner

Date submitted: _____

Application complete? Yes/No

First Meeting Board of Trustee (date): _____

Second Meeting (Public Hearing) Board of Trustee (date): _____



365 River Bend Way • Glenwood Springs, CO 81601 • Tel 970 927 3690 • landstudio2@comcast.net

January 7, 2020

Ms. Janet Aluise
Town of Silt Community Development Director
231 N. 7th Street
Silt, Colorado 81652

Re: The Village at Painted Pastures and The Highlands at Painted Pastures Annexation and Zoning Applications

Dear Janet:

Raley Ranch Project, LLC owns three parcels of land in Garfield County, Colorado contiguous to the Town of Silt's municipal boundaries. The Land Studio, Inc. has been working with representatives of Raley Ranch Project, LLC and its consultant team to prepare The Village at Painted Pastures and The Highlands at Painted Pastures Annexation and Zoning Applications per the discussed requirements at our October 9, 2019 Pre-Application meeting with you at the Town of Silt's Community Development Office. The intent of this Application is to Annex the Village at Painted Pastures parcels with Garfield County Parcel No. 217911100445 (9.223 acres±) and Parcel No. 217911100721 (2.001 acres±) into the Town of Silt with PUD Zoning per the attached PUD Guide, and to Annex The Highlands at Painted Pastures parcel with Garfield County Parcel No. 217902300006 (41.743 acres±) into the Town of Silt with R2 Zoning. The following is a list of the documents provided in this Application:

The Village at Painted Pastures Exhibits

- A. Completed and signed Town of Silt Community Development Land Use Application Form for Annexation and Planned Unit Development Zoning
- B. Completed Town of Silt Community Development Land Use Activity Impact Statement for Annexation and Planned Unit Development Zoning.
- C. Public notice property owner addresses for properties within 200 feet of property from Garfield County qPublic.net
- D. Petition for Annexation
- E. Affidavit of Circulator
- F. Town of Silt Annexation Application
- G. Office of the Secretary of State of the State of Colorado Raley Ranch Project, LLC Certificate of Fact of Good Standing
- H. Commitment for Title Insurance
- I. Annexation Map of The Village at Painted Pastures
- J. Town of Silt Zoning Map with Proposed Zoning

- K. The Village at Painted Pastures Planned Unit Development Guide
- L. Raley Ranch Project, LLC - Water Dedication Proposal for Town of Silt
- M. Water Requirements for The Village and The Highlands at Painted Pastures
- N. Affidavits of Historical Use

The Highlands at Painted Pastures Exhibits

- A Completed and signed Town of Silt Community Development Land Use Application Form for Annexation and R-2 Zoning
- B Completed Town of Silt Community Development Land Use Activity Impact Statement for Annexation and R-2 Zoning.
- C Public notice property owner addresses for properties within 200 feet of property from Garfield County qPublic.net
- D Petition for Annexation
- E Affidavit of Circulator
- F Town of Silt Annexation Application
- G Office of the Secretary of State of the State of Colorado Raley Ranch Project, LLC Certificate of Fact of Good Standing
- H Commitment for Title Insurance
- I Annexation Map of The Highlands at Painted Pastures
- J Town of Silt Zoning Map with Proposed Zoning
- K Raley Ranch Project, LLC - Water Dedication Proposal for Town of Silt
- L Water Requirements for The Village and The Highlands at Painted Pastures
- M Affidavits of Historical Use

We look forward to working with you on this project and please email or call with discussion related to this Application as needed.

Sincerely,

THE LAND STUDIO, INC

By:



Douglas J. Pratte

Painted Pastures Annexation & Zoning Applications

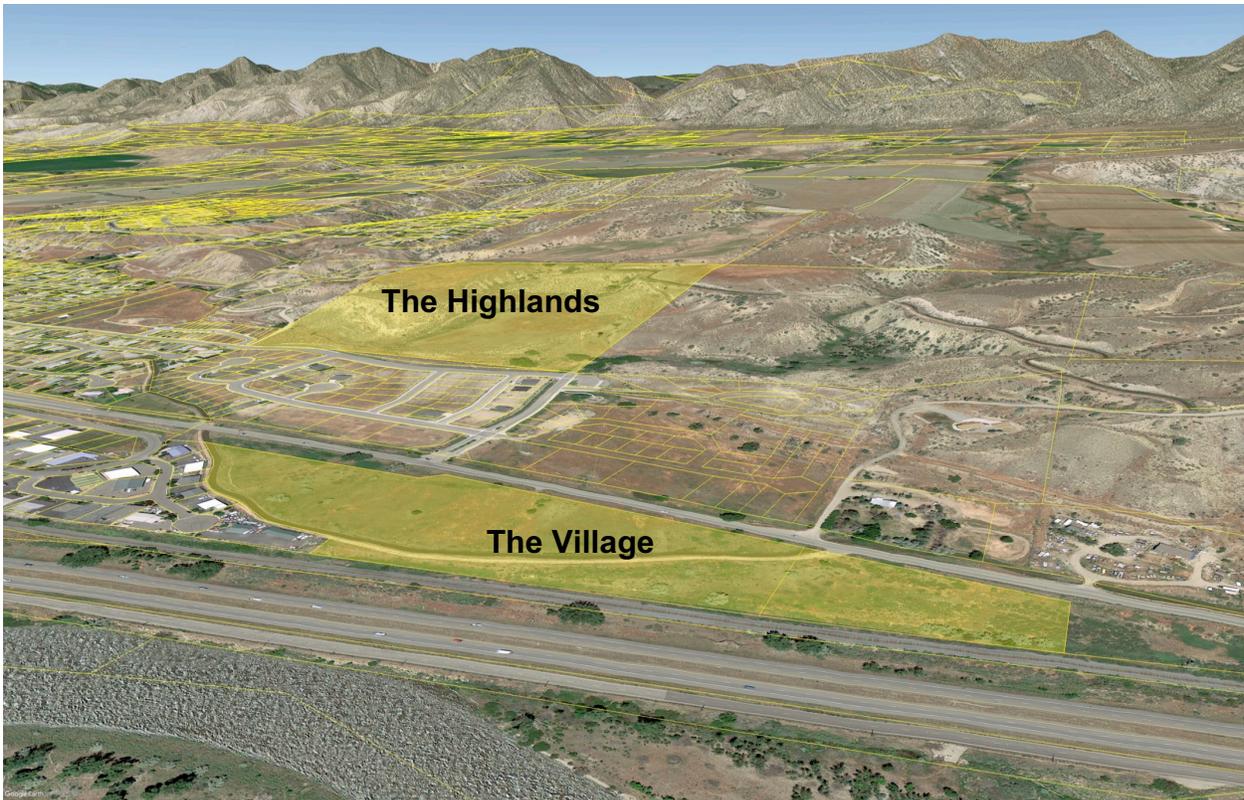
Town of Silt, Colorado

The Village at Painted Pastures

Annexation & Planned Unit Development

The Highlands at Painted Pastures

Annexation & R2 Zoning



Submitted January 8, 2020 by:
The Land Studio, Inc.
365 River Bend Way
Glenwood Springs, Colorado 81601

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Raley Ranch Project, LLC

is a

Limited Liability Company

formed or registered on 07/20/2005 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20051278741 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/18/2019 that have been posted, and by documents delivered to this office electronically through 11/19/2019 @ 15:58:27 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 11/19/2019 @ 15:58:27 in accordance with applicable law. This certificate is assigned Confirmation Number 11921156 .



A handwritten signature in blue ink that reads "Jena Griswold".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

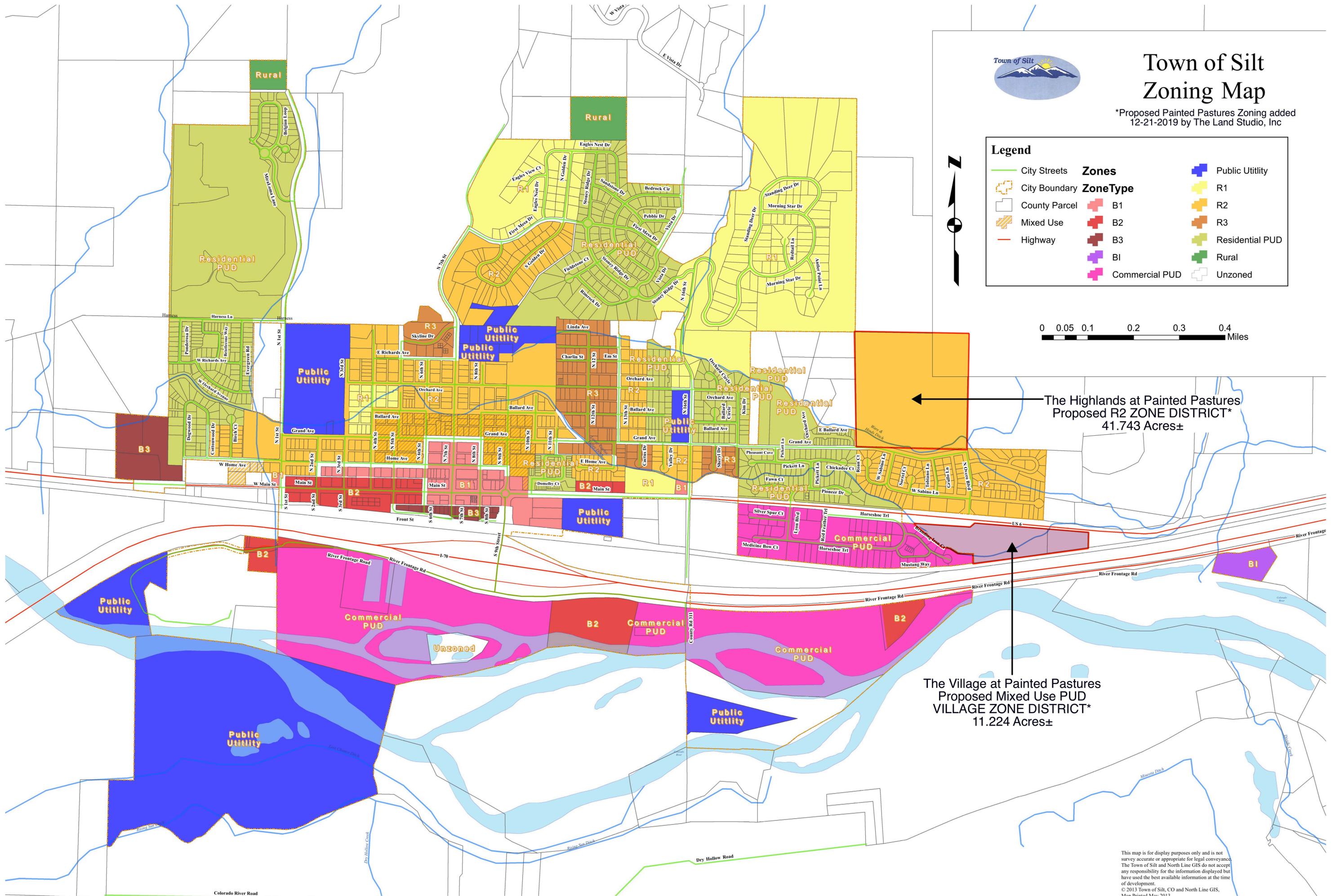


Town of Silt Zoning Map

*Proposed Painted Pastures Zoning added 12-21-2019 by The Land Studio, Inc

Legend

City Streets	Zones	Public Utility
City Boundary	ZoneType	R1
County Parcel	B1	R2
Mixed Use	B2	R3
Highway	B3	Residential PUD
	BI	Rural
	Commercial PUD	Unzoned



The Highlands at Painted Pastures Proposed R2 ZONE DISTRICT* 41.743 Acres±

The Village at Painted Pastures Proposed Mixed Use PUD VILLAGE ZONE DISTRICT* 11.224 Acres±

This map is for display purposes only and is not survey accurate or appropriate for legal conveyance. The Town of Silt and North Line GIS do not accept any responsibility for the information displayed but have used the best available information at the time of development. © 2013 Town of Silt, CO and North Line GIS. Most Recent Map: 2012

Town of Silt Community Development

231 N. 7th Street, Silt Colorado 81652; (970)876-2353 ext. 108



LAND USE ACTIVITY IMPACT STATEMENT

The Village at Painted Pastures

Name of Applicant: Raley Ranch Project, LLC Date: December 2, 2019

Location of Property: 34488 6 & 24 Hwy

Land Use Request: Annexation and Planned Unit Development Zoning

Please answer the following questions to the best of your ability. Attach additional pages as needed.

1. Is your request compatible with the Silt Municipal Code? Yes No
Yes, attached is an Application that outlines compliance with the Silt Municipal Code.

2. Is your request compatible with the Silt Comprehensive Plan? Yes No
Yes, The Village is designated as Service & Commercial Support.

If not, how is your request useful to the Town of Silt?

3. Explain how your request is compatible with the immediate area surrounding the site. **Surrounding Land Use to the West and South of the Highlands parcel is residential and those parcels have been incorporated into the Town of Silt. Annexation would create an expansion of that existing residential. Surrounding Land Use to the Village parcel is Commercial/Service to the West, highway to the North, railroad to the South, and Hwy 6 & 24 ROW to the East. Annexation of these parcels would create an expanded use of the surrounding residential and commercial.**
4. How is your request desirable for the Town of Silt?
Annexation of these parcels will add valuable additional residential development and commercial development to areas that are immediately adjacent to current Town of Silt boundaries. The goal is to provide a diversity of housing types and to include opportunities for both rental housing and home ownership.

**Annexation Impact Statement
The Village at Painted Pastures
SE Job #19112**

5. Detail any real or possible environmental, Town service or other impacts your request may have.

Impacts to acquire utilities, allow access, accommodate site and existing drainage, etc are all very minimal as the Site is currently adjacent to the Town boundary and has utilities and infrastructure within close proximity. Having the infrastructure close to the Site will help reduce any potential environmental impact this project may create.

6. Please give a brief statement about the impacts listed below and how you have addressed them.

a) Traffic

We anticipate the Village increasing traffic upon HWY 6 which CDOT owns and maintains. We are currently proposing a roundabout at the intersection of HWY 6 and North Overo Blvd to ensure minimal traffic impacts. The roundabout will provide access to the Village and will have the capacity for HWY 6 as well as all the proposed future development within the area. We additionally anticipate a right in and right out intersection coming out of the Village to the eastern portion of the site that will also be in compliance with the access code and access control plan. We have done a brief traffic study based on the assumed uses at this time using the ITE manual. In the Village we are expecting 2 different uses based upon the ITE coding, 220 Multifamily housing and 770 Business Park. Currently without knowing exactly the uses for the multi-tenant space we have chosen the code 770 because it seems conservative for trip generation. Below is a quick table showing the assumed trips generated from the proposed Village development:

The Village	# of Units	ITE CODE	DAILY RATE	TOTAL TRIPS
The Village Center	16	770	12.44	199.04
Vista Multi Family I	16	220	7.32	117.12
Vista Multi Family II	160	220	7.32	1,171.20
				1,487

b) Town Services (water sewer etc)

The Town will supply domestic water, sewer and irrigation to the Village, raw water will be supplied through a separate system. The Village at Painted Pastures currently has the water and sewer infrastructure running through the property. We also understand Silt to have adequate pipe sizing and capacity at both the sewer treatment plant and the water plant to be able to serve this project and therefore this project does not create a burden upon that infrastructure. We also understand the Grand River Ditch Company’s Cactus Valley Ditch runs through the property, which based upon discussions at our pre-annexation meeting, the Town will allow the Village to pump directly from, therefore requiring very minimal new infrastructure and minimal impacts to existing infrastructure. Please see Wright Water Engineers, Inc. letter addressed to Balcomb & Green January 6, 2020 for an EQR estimate which is submitted with this annexation application.

c) Signage

The highway will have all appropriate signage per CDOT specifications. We anticipate additional design as the project moves forward for a “branding” sign for the Village which would be near the roundabout access to the site. The sign would follow and adhere to the Town and CDOT codes and standards.

d) Open Space

It is our intent to provide various areas of open space throughout the development. At this time we believe these would be both public and private amenities to guests and tenants.

e) Emergency services

At this time we do not anticipate any negative impacts to emergency services. As we move forward on this project we will work with emergency services.

f) Utilities

All utilities in addition to the previously discussed sewer, water and irrigation are currently in the area. Minimal efforts should be needed in order to bring utilities onto the site to serve the project. We are coordinating with the following utility companies for the associated service:

Utility Provider	Utility	Contact	Phone #	EMAIL
Town of Silt Water and Sanitation	Sewer and Water	Trey Fonner	970-876-2353	trey@townofsilt.org
Xcel Energy	Electricity and Gas	Samantha Wakefield	970-244-2622	Samantha.l.wakefield@xcelenergy.com
Cable, Internet, Telephone	Comcast	Michael Johnson	970-205-5432	Michael_Johnson@comcast.com
Telephone, Internet	CenturyLink	Jason Sharpe	970-328-8290	Jason.Sharpe@CenturyLink.com

We are also currently working on Will Serve letters from all providers.

g) Other

At this time we do not foresee any negative impacts to the Town, Town resources, or surrounding neighborhoods, infrastructure or otherwise. We believe this development will provide housing, revenue and will be an overall asset to the community.

7. Are there or have there ever been any landfills on any part of the property included in your request? Yes/ No

No

8. Please mark all the concerns or impacts listed below which apply to your request and give a brief statement about how you have addressed them.

The above Impact Statements address the following topics

- a. traffic
- b. town services (water, sewer, etc.)
- c. signage
- d. open space
- e. schools (see below)
- f. emergency services (police, fire, medical)
- g. other utilities (electrical, etc.)
- h. other (pollution, etc.)

Please list any other items or information which you feel would be of help in assessing your application.

School Impacts

The Applicant agrees to pay up to \$500.00 per residential unit to be paid at the time of building permit to offset impacts to the RE-2 School District.



First American

Commitment

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: 5554-3299882

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN 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 EXTRACONTRACTUAL 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, ***First American Title Insurance Company***, a Nebraska 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 six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

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, this 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.

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.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

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>.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

DISCLOSURE STATEMENT

Pursuant to C.R.S. 30-10-406(3)(a) 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 will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Nonresident withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.

Pursuant to C.R.S. 10-11-122, the company will not issue its owner's policy or owner's policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. 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: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 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 a 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 Colorado Division of Insurance Regulations 8-1-2, 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 the Commitment, the**

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

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 C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

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 an ALTA Closing Protection Letter which may, upon request, be provided to certain parties to the transaction identified in the commitment.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



First American

Schedule A

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: 5554-3299882

Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company
Issuing Office: 7887 East Belleview Avenue, Ste 170
Englewood, CO 80111

Commitment No.: 5554-3299882
Property Address: 34488 Highway 6 & 24, Silt, CO 81652
Revision No.: **3: Add addit. parcel, fee; Add. Exc.#35-36**

Issuing Office File No.: 5554-3299882

SCHEDULE A

1. Commitment Date: October 9, 2019 8:00 AM
2. Policies to be issued:
 - (a) ALTA® Owner's Policy (6-17-06)
Proposed Insured:TBD
Proposed Policy Amount: \$1,000.00
 - (b) ALTA® Loan Policy (6-17-06)
Proposed Insured:
Proposed Policy Amount: \$
3. The estate or interest in the Land described or referred to in this Commitment is

Fee Simple

4. The Title is, at the Commitment Date, vested in: Raley Ranch Project, LLC, a Colorado limited liability company
5. The Land is described as follows:

See Exhibit "A" attached hereto and made a part hereof

Premiums:

Owner's Policy: \$
Lender's Policy: \$
Tax Certificate Fee: \$
Endorsement(s): \$

TBD Fee: \$100.00
Third Party Search Fee: \$427.25
Additional Parcel Third Party Search Fee: \$200.00

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



First American

Schedule BI & BII

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: 5554-3299882

Commitment No.: 5554-3299882

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The 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.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. 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.
5. Payment of all taxes and assessments now due and payable as shown on a certificate of taxes due from the County Treasurer or the County Treasurer's Authorized Agent.
6. Evidence that all assessments for common expenses, if any, have been paid.
7. Final Affidavit and Agreement executed by Owners and/or Purchasers must be provided to the Company.
8. Intentionally deleted.
9. Warranty Deed sufficient to convey the fee simple estate or interest in the land described or referred to herein, to the Proposed Insured, Schedule A, Item 2A.

NOTE: Statement of Authority recorded November 10, 2015 at Reception No. [870326](#), discloses that John D. Tallichet and William R. Tallichet is/are authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of Raley Ranch Project, LLC.

10. Intentionally deleted.
11. We find no outstanding voluntary liens of record affecting subject property. Disclosure should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any possible security interest in the subject property.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

NOTE: This Commitment is subject to such further Exceptions and Requirements as may appear necessary when the instruments called for above have been recorded and the name of the Grantee has been disclosed.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



First American

Schedule BI & BII (Cont.)

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: 5554-3299882

Commitment No.: 5554-3299882

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct land survey and inspection of the Land would disclose, and which are not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.
5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.

Note: Exception number 5 will be removed from the policy provided the Company conducts the closing and settlement service for the transaction identified in the commitment.

6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
8. Any water rights, claims of title to water, in, on or under the Land.
9. Any existing leases or tenancies.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

10. Right of the Proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, and right of way for ditches and canals constructed by the authority of the United States as reserved in United States Patent recorded April 27, 1892 in [Book 12 at Page 142](#), February 27, 1896 in [Book 12 at Page 410](#) and January 5, 1903 in [Book 56 at Page 467](#) (Parcel A and B).
11. An undivided one-sixteenth (1/16) interest in oil, gas and other mineral rights, as reserved by John H. Conto in the Deed to C.R. Youker and Mildred Youker, recorded November 9, 1951 in [Book 260 at Page 606](#), and any and all assignments thereof or interests therein.
12. An undivided one-fourth (1/4) interest in all oil, gas and other mineral rights, as conveyed by Henry Meisner and Mary Meisner to Harold A. Deter and Maysel E. Deter by Deed recorded July 28, 1959 in [Book 319 at Page 248](#), and any and all assignments thereof or interests therein.
13. Easement and right of way for ingress and egress purposes, as granted by Howard E. Raley and Angelina A. Raley to Raysel E. Pferdesteller, by instrument recorded February 15, 1966 in [Book 374 at Page 137](#), said easement being more particularly described therein.
14. Easement and right of way for road purposes, as granted by Angelina A. Raley and Howard E. Raley to United States of America, by instrument recorded May 1, 1967 in [Book 384 at Page 117](#), said easement being more particularly described therein.
15. Easement and right of way for ditch, electric power, telephone and cable television purposes, as granted by David Keith Raley, Karma Jo Raley, Howard Elzy Raley, Jr. and Diane Katherine Rose to David Keith Raley and Cathy A. Raley, by instrument recorded March 11, 1980 in [Book 545 at Page 64](#), said easement being more particularly described therein.
16. Terms, agreements, provisions, conditions and obligations as contained in Resolution No. 97-101 recorded September 7, 1994 at Reception No. 468124, in [Book 915 at Page 56](#).
17. Easement and right of way for pipeline purposes, as granted by Jim Mazuchi to Carol L. Collins and Steven L. Collins, by instrument recorded November 8, 1995 at Reception No. 485232, [Book 958 Page 169](#), said easement being more particularly described therein.
18. Easement and right of way for ingress, egress and utilities purposes, as granted by Jim Mazuchi to Carol L. Collins and Steven L. Collins, by instrument recorded November 8, 1995 at Reception No. 485233, [Book 958 Page 170](#), said easement being more particularly described therein.
19. Easement and right of way for electric transmission and distribution line purposes, as granted by Carol L. Collins and Steven L. Collins to Public Service Company of Colorado, by instrument recorded November 8, 1995 at Reception No. 485235, [Book 958 Page 172](#), said easement being more particularly described therein (Parcel A and B).
20. Intentionally deleted.
21. Terms, agreements, provisions, conditions and obligations as contained in Boundary Line Adjustment recorded August 23, 2005 at Reception No. [704983](#) (Parcel A and B).
22. Easements, rights of way and all other matters as shown on the Plat of Lot Boundary Adjustment Map, filed August 24, 2006 at Reception No. [705026](#) (Parcel A and B).

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

23. All oil, gas and other mineral rights, as reserved by Edward E. Walters in the Deed to Davis Point Park, LLC, recorded November 17, 2006 at Reception No. [711354](#), and any and all assignments thereof or interests therein, together with any rights of ingress and egress therein.
24. Terms, agreements, provisions, conditions and obligations as contained in Easement Deed and Agreement recorded January 20, 2010 at Reception No. [780819](#).
25. Easement and right of way for sewer line purposes, as granted by Davis Point Park, LLC to Raley Ranch Project, LLC, by instrument recorded August 9, 2010 at Reception No. [789716](#), said easement being more particularly described therein.
26. Easement and right of way for water line purposes, as granted by Davis Point Park, LLC to Raley Ranch Project, LLC, by instrument recorded August 9, 2010 at Reception No. [789717](#), said easement being more particularly described therein.
27. Any and all water and water rights, reservoir and reservoir rights, ditches and ditch rights, and the enlargements and extensions thereof, and all laterals, flumes and headgates used in connection therewith (Parcel A and B).
28. Any question, dispute or adverse claims to any loss or gain of land as a result of any change in the riverbed location by other than natural causes, or alteration through accretion, reliction, erosion or evulsion of the center thread, bank, channel or flow of the waters in the Cactus Valley Ditch lying within the subject land; and any question as to the location of such center thread, bank, bed or channel as a legal description monument or marker for the purposes of describing or locating subject lands (Parcel A and B).
29. Any rights, interest or easements in favor of the United States, the State of Colorado or the Public, which exists or are claimed to exist in and over the present and past bed, banks or waters of unnamed river/stream/creek/canal/ditch, un-named pond/lake, Cactus Valley Ditch, the Lower Cactus Valley Ditch aka the Grand River Ditch and the Ware & Hinds Ditch (Parcel A and B).
30. Dedication of Easements recorded September 27, 2010 at Reception No. [791969](#), and the terms and conditions contained therein.
31. All matters shown by Improvement Survey Plat dated October 2, 2018 by Bookcliff Survey Services, Inc. as evidenced in Deed recorded November 14, 2018 at Reception No. [914118](#) and Reception No. 914119.
32. Quit Claim deed from Davis Point Park, LLC and Edward S. Walters to Raley Ranch Project, LLC conveying all oil and gas and other mineral rights recorded November 14, 2018 at Reception No. [914120](#) .
33. Easement and right of way for Highway 6 and 24 as the same exist and or are presently in use (Parcel A and B).
34. Rights-of-way for railroad, switch tracks, spur tracks, railway facilities and other related easements, if any, on, across or adjacent to the land (Parcel A and B).
35. Easement and right of way for ditch right of way purposes, as granted to The Cactus Valley Ditch Company, by instrument recorded August 16, 1910 in Book 62 at Page 454, said easement being more particularly described therein (Parcel B).

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

36. Easement and right of way for right of way purposes, as granted by Angelina A. Raley and Howard E. Raley to United States of America, by instrument recorded September 20, 1965 in Book 369 at Page 507 and Correction recorded May 1, 1967 in [Book 384 at Page 117](#), said easement being more particularly described therein (Parcel B).

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



First American

Exhibit A

ISSUED BY

First American Title Insurance Company

File No: 5554-3299882

File No.: 5554-3299882

The Land referred to herein below is situated in the County of Garfield, State of Colorado, and is described as follows:

Parcel A:

A parcel of land situated in government Lots 2 and 3 of Section 11, Township 6 South, Range 92 West of the Sixth Principal Meridian, County of Garfield, State of Colorado; said parcel being more particularly described as follows:

Commencing at the North quarter corner of Section 11, a Garfield County surveyor brass cap in place; thence South 42°43'47" East a distance of 1243.83 feet to a point on the Southerly right-of-way of Highway 6 & 24, the POINT OF BEGINNING,
thence leaving said right-of-way South 00°22'25" East a distance of 244.62 feet to a point on the Northerly right-of-way of the Union Pacific Railroad;
thence South 81°07'25" West along said Northerly right-of-way a distance of 856.61 feet to a point on the Westerly boundary of government Lot 2;
thence leaving said right-of-way North 00°02'03" East along the Westerly boundary of said government Lot 2 a distance of 94.23 feet to a point on the Northerly right-of-way on the Northerly side of the Cactus Valley Ditch;
thence North 88°30'46" West along said Northerly right-of-way a distance of 106.71 feet;
thence continuing along said Northerly right-of-way North 71°55'19" West a distance of 66.86 feet; thence continuing along said Northerly right-of-way North 58°43'20" West a distance of 93.99 feet; thence continuing along said Northerly right-of-way North 79°28'08" West a distance of 91.49 feet; thence continuing along said Northerly right-of-way North 57°21'03" West a distance of 97.90 feet; thence continuing along said Northerly right-of-way North 37°22'45" West a distance of 86.40 feet;
thence continuing along said Northerly right-of-way North 50°07'22" West a distance of 173.85 feet to a point on the Southerly right- of-way of Highway 6 & 24;
thence leaving said Northerly right-of-way South 86°28'33" East along the Southerly right-of-way of said Highway 6 & 24 a distance of 553.80 feet;
thence continuing along said Southerly right-of-way North 01°12'33" West a distance of 50.17 feet;
thence continuing along said Southerly right-of-way South 86°28'33" East a distance of 903.53 feet to the POINT OF BEGINNING.

EXCEPT that portion conveyed to Colorado Department of Transportation in Special Warranty Deed recorded December 31, 2008 at Reception No. 760876,

County of Garfield, State of Colorado.

Parcel B:

A parcel of land situated in Gov't Lot 2 of Section 11, Township 6 South, Range 92 West of the 6th P.M., County of Garfield, State of Colorado,
Said parcel being more particularly described as follows:

Commencing at the North 1/4 corner of Section 11, a Garfield County surveyor brass cap in place; thence S 42°43'47" E a distance of 1243.83 feet to a point on the southerly right-of way of Hwy. 6 & 24, the point of beginning;

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

thence S 86°28'33" E along said southerly right-of-way a distance of 445.07 feet to a point on the easterly boundary of said Gov't Lot 2;
thence leaving said southerly right-of-way S 00°22'25" E along the easterly boundary of said Gov't Lot 2 a distance of 147.98 feet to a point on the northerly right-of-way of the Union Pacific Railroad;
thence leaving said easterly boundary S 81°07'25" W along said northerly right-of-way a distance of 448.97 feet;
thence leaving said northerly right-of-way N 00°22'25" W a distance of 244.62 feet to the point of beginning, County of Garfield, State of Colorado.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

TOWN OF SILT, PROOF OF PUBLIC NOTICE AND CERTIFICATE OF MAILING

Project: The Village at Painted Pastures

I HEREBY AFFIRM THAT Public Notice requirements of the Silt Municipal Code have been met for the Public Hearing before the Silt Planning & Zoning Commission/Board of Trustees to be held on Feb 18, 2020

In addition, I hereby affirm that on 28th day of January, 2020 I mailed first class, certified return receipt, a true copy of the attached Public Notice by placing the same postage prepaid in the United States Mail at _____, Colorado, addressed to those property owners on the attached list.

Attached are:

1. Certificate(s) of Mailing (green cards and return receipts)
2. Proof of publication from a newspaper of general circulation within the Town showing that prior to the meeting, the Public Notice was advertised as required per Silt Municipal Code.
3. List of names and mailing addresses of all surrounding property owners within 200 feet of subject property.

Doug Pratte
Name of Applicant (printed)

[Signature]
Signature of Applicant

2.13.2020
Date

County of Garfield)
State of Colorado)

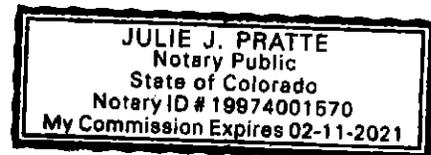
ss.

Sworn to and subscribed before me this 13 day of February, 2020.
(fill in day) (fill in month) (fill in year)

By Doug Pratte
Name (printed)

Witness my hand and official seal.

Julie J Pratte
Notary Public



My Commission Expires: 2.11.2021

Ad #: 0000543031-01

Customer: PRATTE, JULIE

Your account number is: 4533593

**PROOF OF PUBLICATION
RIFLE CITIZEN TELEGRAM**

**STATE OF COLORADO
COUNTY OF GARFIELD**

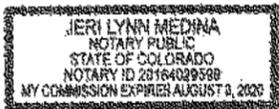
I, Samantha Johnston, do solemnly swear that I am Associate General Manager of the RIFLE CITIZEN TELEGRAM, that the same weekly newspaper printed, in whole or in part and published in the County of Garfield, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Garfield for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as a periodical under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 insertion; and that the first publication of said notice was in the issue of said newspaper dated 1/30/2020 and that the last publication of said notice was dated 1/30/2020 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 2/7/2020.

Samantha Johnston, Associate General Manager

Subscribed and sworn to before me, a notary public in and for the County of Garfield, State of Colorado this day 2/7/2020.

Jerilynn Medina, Notary Public
My Commission Expires: August 3, 2020



PUBLIC NOTICE

Please take notice that a public hearing will take place before the Silt Planning & Zoning Commission on February 18, 2020, in the Town of Silt Council Chambers, 231 N 7th. Street, at 6:30 p.m., to consider the following application:

Applicant: Raley Ranch Project LLC
Property Owner: Same
Request: Annexation and PUD Zoning for a 9.223 acre parcel and a 2.001 acre parcel
Parcel # 217911100445 and Parcel # 217911100721 Parcels A and B, formerly
Legal Description: Lots 2 and 3 of Section 11, Township 6 South, Range 92 West of the 6th P.M.
34488 State Highway 6, Silt, CO 81652; two parcels of land south of State
Common Description: Highway 6, north of the Cactus Valley Ditch, east of the Silt Trade Center

The purpose of the hearing is to receive public comments. Public written comments may also be submitted in advance of the hearing to: Town of Silt, P.O. Box 70, Silt, CO 81652

For more information, please contact the Town of Silt Community Development Department:

Mailing address: P.O. Box 70, Silt, CO 81652
Town Hall address: 231 N 7th Street, Silt, CO 81652
Phone: (970) 876-2353 Ext. 108
Fax: (970) 876-2937
Email: jaluisse@townofsilt.org

Published in the Citizen Telegram on January 30, 2019. 0000543031



Land Use Application Form

<input type="checkbox"/> Amended Plat	<input type="checkbox"/> Boundary Adjustment	<input type="checkbox"/> Subdivision Exemption
<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Floodplain Development
<input type="checkbox"/> Final Plan	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Vacation of Right-of-Way
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Re-Subdivision Final Plan
<input type="checkbox"/> Easement Agreement	<input checked="" type="checkbox"/> Zoning or Rezoning	<input type="checkbox"/> Subdivision Improvement Agreement
<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Annexation & Development Agreement
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other: _____	

Project Name: The Village at Painted Pastures

Project Description / Property Information: 217911100445,
217911100721

Address: 34488 6 & 24 Hwy, Silt Parcel ID Number: _____

Legal Description (*attach additional sheets if necessary*): Attached

Access to Property: Hwy. 6 & 24

Acres or Square Footage: 9.223, 2.001 Existing Land Use Designation: Service and Commercial Support

Proposed Land Use Designation: Service & Commercial Support/Neighborhood Residential

Existing Zoning: Rural Proposed Zoning: PUD

Proposed Use / Intensity of Use: Residential / Service & Commercial

Submittal Requirements:

- Initially, a completed application with original signatures and four copies shall be submitted to the department for review. The application shall include four sets of 24" x 36" plans, plats and other appropriate drawings. Application must also be submitted in electronic format (MS Word).
- In addition to this application, all information on the supplemental checklist must be submitted.
- Incomplete applications will not be accepted and will delay processing.
- When the documents are deemed adequate, additional copies as required by the department shall be submitted ten (10) days before the public hearing.
- All documents submitted for public hearing shall be hole-punched, collated and paper-clipped (no staples). All plans, plats or drawings shall be folded to 8 1/2" x 11" and inserted into the collated application. Each individual application shall be banded together and ready for public distribution.

STAFF USE ONLY

Pre-app conference: _____ (date)	Application received: _____ (date)
Application complete: _____ (date)	File Number: _____
Fees: _____	Referrals Sent: _____ (date)
Deposits: _____	PZC approval: _____ (date)
Paid: _____ (date)	BOT approval: _____ (date)

Project Team Information (fill in all that apply) *(add additional sheets if needed):*

Property Owner(s): Name: Raley Ranch Project, LLC, John Tallichet, Manager Phone: 714-279-6101

Company: _____ Fax: _____

Address: 8191 E. Kaiser Blvd., Anaheim, CA 92808

Authorized Rep.: Name: Douglas Pratte, The Land Studio, Inc Phone: 970-927-3690

Company: The Land Studio, Inc Fax: _____

Address: 365 River Bend Way, Glenwood Springs, CO 81601

Engineer/Designer: Name: Yancy Nichol Phone: 970-704-0311

Company: Sopris Engineering LLC Fax: _____

Address: 502 Main St, #A-3, Carbondale CO 81623

Billable Party: Owner Representative _____ Engineer _____

The Billable Party, by signing below, hereby agrees to reimburse the Town the actual costs to the Town plus 15% administrative fees for all engineering, surveying and legal services rendered in connection with the review of the Application. The Billable Party shall also reimburse the Town for the cost of making any corrections or additions to the master copy of the official Town map and for any fees for recording any plats and accompanying documents with the County Clerk and Recorder of Garfield County. The Billable Party agrees that interest shall be imposed at a rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In addition to any and all remedies available to the Town and in the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid.

Raley Ranch Project, LLC John Tallichet, Manager § _____
Name (printed)

8191 E. Kaiser Blvd. Anaheim, CA 92808
Address

714 279-6101 _____
Phone Fax


Signature

Type of Identification

- Disclosure of Property Ownership**
- _____ If owner is an individual, indicate name exactly as it appears on the deed.
 - If owner is a corporation, partnership, limited partnership or other business entity, name principals on a separate page. Please include articles of organization, partnership agreement, etc., as applicable.
 - _____ If owner is a land trust, name beneficiaries on a separate page.
 - _____ If applicant is a lessee, indicate the owner(s) on a separate page.
 - _____ If applicant is a contract purchaser, attach a copy of the contract and indicate the owner(s) on a separate page.

Please provide the name(s), mailing address(es), street address(es) and phone number(s) for all owners.

Property Owner Affidavit

I/We, John Tallichet, Manager, Raley Ranch Project, LLC, being first duly sworn, depose and state under penalties of perjury that I am (we are) the owner(s) of the property described herein and which is the subject of the application and proposed hearings; that all answers provided to the questions in this application, and all sketches, data and all other supplementary matter attached hereto and made part of this application are honest and true to the best of my (our) knowledge and belief. I (we) understand that this application must be complete and accurate prior to a hearing being scheduled. I (we) authorize Town staff to visit the site as necessary for proper review of this application.

(If there are special conditions such as guard dogs, locked gates, restricted hours, etc., please give the name and phone number of the person(s) who can provide access to the site)

John Tallichet
Name (printed)
8191 E. Kaiser Blvd., Anaheim, CA 92808
Address
714-279-6101
Phone

Name (printed)

Address

Phone

Fax

Signature
California Drivers License
Type of Identification

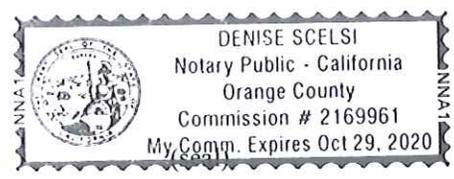
Fax

Signature

County of Orange
State of California

ss.
Sworn to and subscribed before me this 17 day of December, 2019.
(fill in day) (fill in month) (fill in year)

By John Tallichet
(name printed)



Witness my hand and official seal.
[Signature]
Notary Public

My Commission expires: 10/29/2020

Authorized Representative

I/We further permit Doug Pratte, The Land Studio, Inc to act as my/our representative in any manner regarding this application, to answer any questions and to represent me/us at any meeting(s) and public hearing(s) which may be held on this application.

NOTE: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owner(s) adequately informed as to the status of the application.

John Tallichet
Name (printed)

8191 E. Kaiser Blvd., Anaheim, CA 92808
Address

714-279-6101
Phone

Fax

[Signature]
Signature

California Driver's License
Type of Identification

County of Orange)

State of California)

ss.

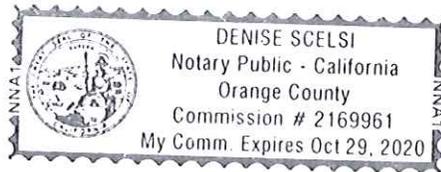
Sworn to and subscribed before me this 17 day of December, 2019.
(fill in day) (fill in month) (fill in year)

By John Tallichet
(name printed)

Witness my hand and official seal.

[Signature]
Notary Public

My Commission expires: 10-29-2019



LAND USE APPLICATION FEES

Application	Fee	Deposit	SMC Section
Annexation	\$1,200	\$400	16.13.040
Annexation & Development Agreement amendment	\$400	\$400	16.13.130
Boundary Adjustment/Lot Line	\$100	\$0	16.04.907
Condominiumization	See Major	Subdivision	16.05.110
Easement Agreement and Amendments	\$500	\$500	2.44.110
Intergovernmental Agreement and Amendments	\$500	\$500	2.44.100
Major Subdivision-Sketch Plan	\$500	\$500	16.04.120
Major Subdivision-Preliminary Plan	\$800	\$800	16.04.180
Major Subdivision-Final Plan	\$500	\$500	16.04.270
Sign Exception	\$70	\$0	
Fence Exception	\$70	\$0	
Replat or Re-subdivision	\$500	\$0	16.04.945
Site Plan Review- Commercial/Multi-Family	\$500	\$0	17.42.030
Special Use Permit	\$250	\$0	17.78.040
Minor Subdivision-Sketch/Final	\$500	\$500	16.04.906
Subdivision Improvement Agreement Amendment	\$400	\$400	16.04.315
Vacation of Right of Way	\$400	\$400	2.44.120
Zoning Variance	\$250	\$0	17.84.080
Zoning or Rezoning	\$500	\$100	16.12.410

**Deposits must be included with application submittal. The deposit is used as security for department staff and consultant time to review the project application. Applicant shall also pay for fees and charges incurred by the town, such as legal fees, planning fees, engineering fees, and filing or recording fees, plus an administrative fee of 15% of the total consultant charges.*

ATTACHMENTS/EXHIBITS MUST BE COMPLETE FOR SUBMITTAL.

Incomplete applications **will not** be reviewed until deemed complete.

Checklist below for Office use only.

- 1] ___ A legal description of the property.
- 2] ___ Evidence of legal ownership. May be a deed, title commitment, title insurance policy, or attorney's opinion of ownership.
- 3] ___ Letter of consent. Required if the Applicant is not the property owner.
- 4] ___ List of property owners within 200 feet. Call Garfield County Assessor's Office at 970/ 945-9134 for information.
- 5] ___ Impact statement (description of how the proposed land use complies with the Town of Silt Municipal Code and Comprehensive Plan).
- 6] ___ A copy of the completed application in electronic format (Microsoft Word).
- 7] ___ A diskette, compatible with the Town of Silt GIS system, must be submitted before final recording of land use action. Mylars will not be signed prior to submittal of GIS disk. (For GIS information, call the Community Development Department, (970)876-2353.) Please do not print Final Plat Mylars until you receive approval by Town staff.

**TOWN OF SILT
ORDINANCE NO. 4
SERIES OF 2020**

**AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS A
PLANNED UNIT DEVELOPMENT CERTAIN ANNEXED LAND KNOWN AS
THE VILLAGE AT PAINTED PASTURES ANNEXATION, A 9.223-ACRE
PARCEL AND A 2.001-ACRE PARCEL, BOTH SOUTH OF THE EXISTING
PAINTED PASTURES SUBDIVISION AND EAST OF THE LYON
COMMERCIAL PLANNED UNIT DEVELOPMENT, WITHIN THE TOWN OF
SILT, GARFIELD COUNTY, STATE OF COLORADO**

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §§29-20-101, et seq., C.R.S.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town of Silt, Colorado ("Town") to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding areas; and

WHEREAS, Raley Ranch Project, LLC, a Colorado limited liability company (hereinafter "Owner"), 8191 E. Kaiser Boulevard, Anaheim, California 92808, is the owner of certain real property that collectively includes a 9.223-acre parcel and a 2.001-acre parcel ("Subject Property") south of the existing Painted Pastures Subdivision and east of the Lyon Commercial Planned Unit Development, within the Town of Silt, Garfield County, state of Colorado; and

WHEREAS, on or about January 10, 2020, the Owner submitted an Annexation Application, a Petition for Annexation, and an Affidavit of Circulator for the Village at Painted Pastures Annexation of Subject Property; and

WHEREAS, on or about January 10, 2020, the Owner submitted to the Town the Village at Painted Pastures Planned Unit Development Zoning Application for the Subject Property, proposing a mixed use of commercial and multifamily zoning; and

WHEREAS, on or about February 18, 2020, the Planning & Zoning Commission ("Commission") considered the Village at Painted Pastures Annexation Application, Petition for Annexation, and Affidavit of Circulator, together with the proposed Planned Unit Development guidelines; and

WHEREAS, on or about February 18, 2020, in a duly noticed public hearing, the Commission recommended to the Board of Trustees ("Board") approval of the Village at Painted Pastures Annexation and Village at Painted Pastures PUD zoning; and

WHEREAS, on or about February 24, 2020, the Board approved Resolution 9, Series of 2020, a resolution finding substantial compliance regarding the Owner's Annexation Petition for the Subject Property; and

WHEREAS, on or about April 13, 2020, the Board approved Resolution 11, Series of 2020, a resolution setting forth findings of fact and conclusions regarding the Owner's Annexation Petition for the Subject Property, following a duly noticed public hearing in accordance with the Silt Municipal Code ("Code") and state statutes; and

WHEREAS, on or about April 13, 2020, the Board approved 1st Reading of Ordinance 3, Series of 2020, an ordinance approving the Painted Pastures Village Annexation, following a duly noticed public hearing in accordance with the Code and state statutes; and

WHEREAS, on or about April 13, 2020, the Board approved 1st Reading of Ordinance 4, Series of 2020, an ordinance approving the Village at Painted Pastures Planned Unit Development, following a duly noticed public hearing in accordance with the Code and state statutes; and

WHEREAS, on or about April 27, 2020, in a continued public hearing, the Board approved 2nd Reading of Ordinance 3, Series of 2020, and Town recorded the ordinance on _____, 2020 as Reception # _____; and

WHEREAS, on or about April 27, 2020, the Board, in a continued public hearing, determined that the proposed PUD zoning for the Subject Property is consistent and in conformity with the existing pattern of zoning within the Town, with the Town's annexation plan, with the Town's Comprehensive Plan, as amended, and that the proposed Village at Painted Pastures Planned Unit Development zoning will allow the Subject Property to be developed in an efficient and economical manner, as required by the Planned Unit Development Act of 1972 set forth in C.R.S. §§24-67-101, *et seq.*; and

WHEREAS, the Town has held the required duly-noticed public hearings before the Board, pursuant to the Code and pertinent Colorado Revised Statutes, as necessary for the Town to act on Applicant's Village at Painted Pastures Planned Unit Development zoning request for the Subject Property; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THAT:

Section 1. Findings of Fact. The Board incorporates the foregoing recitals as findings and determinations, and conclusively makes all of the Findings of Fact, Determinations, and Conclusions contained herein.

Section 2. Planned Unit Development Zoning. The Subject Property shall be considered and is hereby zoned as a planned unit development, and the zone district created by this ordinance shall be governed in conformity with the regulations contained in this ordinance, and shall be known as the Village at Painted Pastures Planned Unit Development (PUD). The provisions of the future zoning ordinances of the Town of Silt that conflict with the provisions of this ordinance shall not apply to the subject property.

Section 3. Zoning Ordinance Applies. Except as hereinabove provided, all provisions of the zoning, subdivision and other ordinances of the Town of Silt, Colorado shall be applicable to the Subject Property.

Section 4. Zone Location and Boundaries. The location and boundaries of the Zone District established by this Ordinance for the Subject Property are as shown on the final Village at Painted Pastures Planned Unit Development Zoning Plan Map, attached hereto as Exhibit B, which shall be as recorded in the office of the Garfield County, Colorado Clerk and Recorder upon satisfaction of the conditions set forth herein. Upon recordation, said map shall be incorporated herein by this reference.

Section 5. Village at Painted Pastures Planned Unit Development Zone District Text. The regulation of the Village at Painted Pastures Planned Unit Development Zone District shall be as follows:

- I. Village at Painted Pastures Planned Unit Development Zone District General Purpose:
 - A. This Planned Unit Development Guide (“Guide”, “PUD Guide” or “Development Guide”) sets forth the land use and development standards for the properties in the Village at Painted Pastures Planned Unit Development (“PUD”). The PUD Guide defines the permitted use(s) of land, provides for open spaces, and includes additional supplementary regulations;
 - B. The primary purpose of the PUD Guide is to establish standards, restrictions and regulations that govern development and land use within the PUD as shown on The Village at Painted Pastures PUD Plan. It also ensures the PUD is developed as a comprehensive planned community. The PUD Guide will ensure the orderly and compatible development of the property. The PUD Guide constitutes the standard zoning provisions for the PUD with standards for the development plan and the land contained within this development;

- C. This PUD Guide shall supersede the Town of Silt Municipal Code (“Code”) with site specific regulations that are more appropriate to the design goals and objectives of lands contained within this PUD. Where the PUD Guide falls silent, the Code shall control. In instances of conflict between the Code and the PUD Guide, the PUD Guide shall control;
 - D. The intent of the Village at Painted Pastures PUD Zone District is to provide appropriate locations for businesses, multi-family residential units, and related activities that are compatible with adjacent uses and promote a favorable visual image of the community. This zoning is meant to accommodate a range of activities as identified in the permitted uses listed below;
 - E. This PUD Guide is authorized pursuant the Board’s approval of Ordinance 4, Series of 2020, approving the Village at Painted Pastures PUD.
- II. Permitted Uses in the Village at Painted Pastures Zone District
The following are permitted uses within the Village at Painted Pastures Zone District:
- A. Residential Use
 - 1. Multi-family residential units;
 - 2. Age-restricted multi-family residential units;
 - 3. Memory care and assisted living for occupancy of more than one hundred (100) days per annum;
 - 4. Residential units above a commercial, industrial, or fabrication business.
 - B. Commercial Use
 - 1. Alteration, tailoring, or mending facility;
 - 2. Appliance or equipment rental facility;
 - 3. Auto parts retail facility;
 - 4. Automobile washing facility;
 - 5. Bakery;
 - 6. Barber/beautician;
 - 7. Brewery;
 - 8. Clothing establishment;
 - 9. Coffee roasting establishment;
 - 10. Convenience store;
 - 11. Copy/printing facility (retail);
 - 12. Grocery store;
 - 13. Laundromat;

14. Liquor store;
15. Multi-unit commercial establishment;
16. Paint material store;
17. Pawn shop/store;
18. Photographic studio;
19. Restaurant/deli;
20. Retail establishment with on-site transactions;
21. Shoe store;
22. Tattoo parlor with or without body piercing; &
23. Thrift store.

C. Office/Service/Scientific Use

1. Animal hospital/clinic;
2. Financial institution;
3. Title company;
4. Government or nonprofit administrative office, fire station, police station, and post office;
5. Healthcare facility;
6. Office for a professional business; &
7. Scientific laboratory.

D. Industrial/Fabrication Use

1. Auto body or mechanical repair;
2. Cabinet making facility or furniture restoration;
3. Gasoline station;
4. Metal fabrication or welding;
5. Panelized construction facility;
6. Utility facilities; &
7. Woodworking establishment.

E. Storage/Warehouse Use

1. Automobile parking lot (no more than two acres);
2. Mini-warehouse storage facility (no more than two acres);
3. Open storage and outside storage, if adequately screened and appurtenant to an allowed commercial use;
4. Recreational vehicle storage facilities (no more than two acres); &
5. Warehouse space associated with commercial or industrial fabrication use.

F. Public/Institutional Use

1. Assisted living and memory care/skilled nursing facility/hospice/behavioral care;
2. Bus station;
3. Child care facilities;
4. Community center;
5. Libraries; &
6. Parks and playgrounds.

III. Development Standards

A. Residential Use Development Standards

Development of a Residential Use shall meet the following applicable requirements:

1. Minimum lot width: As defined by the PUD Final Plat;
2. Maximum building height: 35'
3. Maximum lot coverage: 70%
4. Front yard setback*: 15'
5. Rear yard setback*: 15'
6. Side yard setback*: 5'

*Multi-family residential unit setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings

7. Minimum distance between structures: 10'
8. Minimum unit size: 450 sf
9. Maximum density: 20 units/acre
10. Minimum parking: 1 space per studio unit;
1 space/1 bedroom unit;
1.5 spaces/2 bedroom unit;
2 spaces per 3 bedroom unit
11. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:
 - a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
 - b. Open or enclosed fire escapes and fireproof outside stairways

projecting into a yard setback not more than 6 feet;

c. Balconies and decks projecting into a yard setback not more than 6 feet;

d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

B. Commercial Use Development Standards

Development of a Commercial Use shall meet the following applicable requirements:

1. Minimum lot width: As defined by the PUD Final Plat;
2. Maximum building height: 35'
3. Maximum lot coverage: 70%
4. Front yard setback*: 20'
5. Rear yard setback*: 20'
6. Side yard setback*: 10'

*Commercial building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings

7. Minimum distance between structures: 10'
8. Maximum density: 20,000 sf gross floor area per acre
9. Minimum parking: 1 space/200 sf of gross Commercial Use floor area;
1 space/1,000 sf of gross Storage/Warehouse floor area related to Commercial Use
10. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:

a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;

- b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
- c. Balconies and decks projecting into a yard setback not more than 6 feet;
- d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

C. Office/Service/Scientific Use Development Standards
 Development of an Office/Service/Scientific Use shall meet the following applicable requirements:

- 1. Minimum lot width: As defined by the PUD Final Plat;
 - 2. Maximum building height: 35'
 - 3. Maximum lot coverage: 70%
 - 4. Front yard setback*: 20'
 - 5. Rear yard setback*: 20'
 - 6. Side yard setback*: 10'
- *Office/Service/Scientific building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings
- 7. Minimum distance between structures: 10'
 - 8. Maximum density: 20,000 sf gross floor area per acre
 - 9. Minimum parking: 1 space/400 sf of gross Office/Service/Scientific Use floor area;
1 space/1,000 sf of gross Storage/Warehouse floor area related to Commercial Use
 - 11. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:
 - a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting

into a setback of not more than 24 inches;

b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;

c. Balconies and decks projecting into a yard setback not more than 6 feet;

d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

D. Industrial/Fabrication Use Development Standards

Development of Industrial/Fabrication Use shall meet the following applicable requirements:

1. Minimum lot width: As defined on the PUD Final Plat;
2. Maximum building height: 35'
3. Maximum lot coverage: 70%
4. Front yard setback*: 20'
5. Rear yard setback*: 20'
6. Side yard setback*: 10'

*Industrial/Fabrication building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings

7. Minimum distance between structures: 10'
8. Maximum density: 20,000 sf gross floor area per acre
9. Minimum parking: 1 space/600 sf of gross Industrial/Fabrication Use floor area;
1 space/1,000 sf of gross Storage/Warehouse floor area related to Commercial Use
11. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:

- a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
- b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
- c. Balconies and decks projecting into a yard setback not more than 6 feet;
- d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

E. Storage/Warehouse Use Development Standards

Development of Storage/Warehouse uses shall be restricted to the eastern most three acres of the PUD and meet the following applicable requirements:

- 1. Minimum lot width: As defined by the PUD Final Plat;
- 2. Maximum building height: 35'
- 3. Maximum lot coverage: 70%
- 4. Front yard setback*: 20'
- 5. Rear yard setback*: 20'
- 6. Side yard setback*: 10'

*Storage/Warehouse building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings

- 7. Minimum distance between structures: 10'
- 8. Maximum density: 20,000 sf gross floor area per acre
- 9. Minimum parking: 1 space/1,000 sf of gross Storage/Warehouse floor area
- 11. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:

- a. The ordinary projection of sills, cornices, buttresses, ornamental features and eaves projecting into a setback of not more than 24 inches;
- b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
- c. Balconies and decks projecting into a yard setback not more than 6 feet;
- d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

F. Public/Institutional Use Development Standards

Development of a Public/Institutional Use shall meet the following applicable requirements:

- 1. Minimum lot width: As defined by the PUD Final Plat;
- 2. Maximum building height: 35'
- 3. Maximum lot coverage: 70%
- 4. Front yard setback*: 20'
- 5. Rear yard setback*: 20'
- 6. Side yard setback*: 10'

*Public/Institutional building setbacks are measured from the perimeter of the overall parcel and not between adjacent buildings

- 7. Minimum distance between structures: 10'
- 8. Maximum density: 20,000 sf gross floor area per acre
- 9. Minimum parking: 1 space/400 sf of gross Public/Institutional floor area
- 11. Open space projections: Every part of a required yard setback shall be unobstructed from its lowest point to the sky by permanent above-grade structures requiring a building permit, except as follows:

- a. The ordinary projection of sills, cornices, buttresses, ornamental

- features and eaves projecting into a setback of not more than 24 inches;
- b. Open or enclosed fire escapes and fireproof outside stairways projecting into a yard setback not more than 6 feet;
- c. Balconies and decks projecting into a yard setback not more than 6 feet;
- d. The ordinary projections of chimneys and flues so placed as not to obstruct the light and ventilation of the proposed unit or any adjacent unit(s).

IV. Land Use Equivalency

The Village at Painted Pastures Zone District shall allow for a proportional trade of residential unit density to non-residential floor area density at a ratio of one residential unit to 1,000 sf of non-residential floor area.

For example:

- The maximum density for a one-acre parcel is 20 residential units **OR** 20,000 sf of non-residential floor area;
- A one-acre parcel may contain a mix of residential and non-residential uses;
- If a one-acre parcel contains 10 residential units, then it may also contain 10,000 sf of non-residential floor area at a ratio of one residential unit to 1,000 sf non-residential floor area.

V. Open Space/Parkland

The Village at Painted Pastures PUD Zone District shall provide open space and/or parkland in an amount of at least twenty-five percent (25%) of the total project acreage to serve the project's residents and/or occupants.

Section 7. Zone District Maps. By the adoption of this Ordinance, the Town has brought the Property under the Town's zoning ordinance and, by the adoption of this Ordinance, has authorized the amendment of the Town's zone district maps to include the Property. The Town's zone district maps are

currently on file at the Town Hall, in accordance with the Colorado Revised Statutes.

Section 8. All Other Laws Applicable. Except as hereinabove provided, all provisions of the zoning, subdivision and other ordinances or regulations of the Town shall apply to the Property.

Section 9. Severability. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a courts of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ AND APPROVED ON FIRST READING the 13th day of April, 2020, and a public hearing ordered upon second reading on the 27th day of April, 2020, at 7 p.m. in the Municipal Building of the Town of Silt, Colorado.

PASSED, APPROVED ON SECOND READING, ADOPTED AND ORDERED PUBLISHED FOLLOWING A PUBLIC HEARING, this 27th day of April, 2020.

TOWN OF SILT

Mayor Keith B. Richel

ATTEST:

Town Clerk Sheila M. McIntyre, CMC

Exhibit A
Legal Description

PARCEL A:

A PARCEL OF LAND SITUATED IN GOVERNMENT LOTS 2 AND 3 OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 11, A GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE SOUTH 42°43'47" EAST A DISTANCE OF 1243.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HIGHWAY 6 & 24, THE POINT OF BEGINNING,
THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00°22'25" EAST A DISTANCE OF 244.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD;
THENCE SOUTH 81°07'25" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 856.61 FEET TO A POINT ON THE WESTERLY BOUNDARY OF GOVERNMENT LOT 2;
THENCE LEAVING SAID RIGHT-OF-WAY NORTH 00°02'03" EAST ALONG THE WESTERLY BOUNDARY OF SAID GOVERNMENT LOT 2 A DISTANCE OF 94.23 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY ON THE NORTHERLY SIDE OF THE CACTUS VALLEY DITCH; THENCE NORTH 88°30'46" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 106.71 FEET;
THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 71°35'19" WEST A DISTANCE OF 66.86 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 38°43'20" WEST A DISTANCE OF 93.99 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 79°28'08" WEST A DISTANCE OF 91.49 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 37°21'03" WEST A DISTANCE OF 97.90 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 37°22'45" WEST A DISTANCE OF 86.40 FEET;
THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 50°07'22" WEST A DISTANCE OF 173.85 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HIGHWAY 6 & 24;
THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY SOUTH 86°28'33" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HIGHWAY 6 & 24 A DISTANCE OF 553.80 FEET;
THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 01°12'33" WEST A DISTANCE OF 50.17 FEET;
THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 86°28'33" EAST A DISTANCE OF 903.53 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO COLORADO DEPARTMENT OF TRANSPORTATION IN SPECIAL WARRANTY DEED RECORDED DECEMBER 31, 2008 AT RECEPTION NO. 760876, COUNTY OF GARFIELD, STATE OF COLORADO.

ALONG WITH

PARCEL B:

A PARCEL OF LAND SITUATED IN GOV'T LOT 2 OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 11, A GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE S 42°43'47" E A DISTANCE OF 1243.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HWY. 6 & 24, THE POINT OF BEGINNING; THENCE S 86°28'33" E ALONG SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 445.07 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID GOV'T LOT 2;
THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY S 00°22'25" E ALONG THE EASTERLY BOUNDARY OF SAID GOV'T LOT 2 A DISTANCE OF 147.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD;
THENCE LEAVING SAID EASTERLY BOUNDARY S 81°07'25" W ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 448.97 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY N 00°22'25" W A DISTANCE OF 244.62 FEET TO THE POINT OF BEGINNING, COUNTY OF GARFIELD, STATE OF COLORADO.

AND CONTAINING 11.234 ACRES, MORE OR LESS; HAVE BY THESE PRESENTS ANNEXED THE PROPERTY SHOWN HEREON AND DESIGNATED AS THE ANNEXATION OF THE VILLAGE AT PAINTED PASTURES, IN THE TOWN OF SILT, COUNTY OF COLORADO.