

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, June 25th, 2019
Regular Meeting; 5:30 pm
Ridgway Community Center
201 North Railroad Street, Ridgway, Colorado

ROLL CALL: Chairperson: Doug Canright, Commissioners: Tessa Cheek, John Clark, Thomas Emilson, Larry Falk, Bill Liske, and Jennifer Nelson

PUBLIC HEARINGS:

1. **Application:** Preliminary Plat for Vista Park Commons; **Location:** Ridgway USA Subdivision, Lots 30-34; **Address:** TBD Redcliff Drive; **Zone:** General Commercial (GC); **Applicant:** Vista Park Development, LLC; **Owners:** Ridgway Land Company, LLLP

OTHER BUSINESS:

2. Master Sign Plans discussion
3. International Dark Skies Community designation discussion and draft revisions to Outdoor Lighting Regulations RMC 6-5

APPROVAL OF MINUTES:

4. Minutes from the meeting of May 28th, 2019

ADJOURN

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING** at the Town Hall Community Center, 201 N. Railroad Street, Ridgway, Colorado, on Tuesday, June 25th, 2019 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: Preliminary Plat

Location: Ridgway USA Subdivision, Lots 30-34

Address: TBD Redcliff Drive

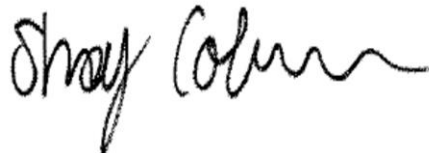
Zoned: General Commercial (GC)

Applicant: Vista Park Development LLC

Property Owner: Ridgway Land Company

ALL INTERESTED PARTIES are invited to attend said hearing and express opinions or submit written testimony for or against the proposal to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.



DATED: June 14, 2019

Shay Coburn, Town Planner

Vista Park Commons - P.U.D.
Replat of Lots 30-34, Ridgway Land Company Subdivision
Located in the South 1/2 of the North 1/2, Section 16, Township 45 North, Range 8 West, NMPM,
Town of Ridgway, County of Ouray, State of Colorado
(Preliminary Plat)

Certificate of Creation of Community, Dedication, and Ownership:

Visa Park Development, LLC, a Colorado limited liability company ("Owner") does certify the following:

1. The Owner is the current fee simple owner of certain real property in the Town of Ridgway, County of Ouray and State of Colorado, situated in Section 16, Township 45, Range 8, containing 2.443 acres more or less, and being more particularly described as follows:

Lots 30-34 of the Ridgway Land Co. Subdivision, according to the recorded plat filed
October 9, 1990 at Reception No 147701, Town of Ridgway, County of Ouray, State of Colorado.

This real property, together with the rights, duties and obligation under these certain easements which benefit and burden the Property and further together with all the improvements, consisting of building and other structures on the real property are collectively referred to on this Plat as the "Property". The Owner has by these presents laid out, re-platted and subdivided the Property into 23 new lots, Common Areas, and Limited Common Areas, all as shown on this Plat.

2. This is the same Property and the same Plat that is defined, described and referred to in the Declaration of Covenants, Conditions, and Restrictions for Vista Park Commons, a Planned Common Interest Community (the "Declaration"), which was recorded in the office of the Ouray County Clerk and Recorder, State of Colorado on _____, 2019 at Reception No. _____.

3. Owner, as Declarant and as the fee simple title owner of the Property, does hereby submit governance of the Property and the Community to the (i) Declaration, (ii) the Colorado Common Interest Ownership Act, as set forth in Colorado Revised Statutes §§38-33.3-101 et. seq., and (iii) the Colorado Revised Nonprofit Corporation Act, as set forth in Colorado Revised Statutes §§7-121101 et. seq.

4. Owner does hereby dedicate, grant and convey to the Town of Ridgway, State of Colorado, the following easements as indicated on this Plat:

- (i) Utility easements (as shown on the Plat) for Town utilities and public utilities, including, but not limited to water, sewer, electrical, telephone, gas, CATV lines, and fiber optic lines, together with perpetual blanket right of ingress and egress from and over anywhere on the Property for installation, maintenance and replacement of such lines;
- (ii) Drainage easements (as shown on the Plat) for Town storm drainage features and facilities.

Owner reserves or conveys private easements for the Unit Owners in the Common Elements (General and Limited) as indicated on this Plat and as further described in the Declaration.

Owner reserves or conveys private easements for the Association in the Common Elements (General and Limited) in the Property as a whole as described in the Declaration.

5. Owner does hereby dedicate, grant and convey to the Town of Ridgway, State of Colorado, the new water main and the new sewer main, including, but not limited to, the valves, manholes, appurtenances, etc.

Executed this ____ day of _____, A.D. 2019.

Vista Park Development, LLC

by _____
F. Guthrie Castle, Jr.
Managing Member

STATE OF COLORADO)
) ss.
COUNTY OF Ouray)

The foregoing Certificate of Ownership and Dedication was acknowledged before me this ____ day of _____, A.D. 2019, by F. Guthrie Castle, Jr., as Managing Member of Vista Park Development, LLC.

Witness my hand and official seal.

My Commission expires _____
Notary Public

Notes:

1. This subdivision will be governed by Vista Park Commons HOA as set forth in the Declaration recorded at Reception # _____ on _____ at the Ouray County Clerk and Recorder, and the Lots/Units are subject to assessments by the HOA, including, but not limited to, a Transfer Assessment as a fee for the transfer of a Lot/Unit to a new owner(s) assessable as a closing cost at the time of the transfer in the amount of one percent (1%) of the sale price of the Lot/Unit.

2. The Limited Common Element areas designated hereon are for parking or for storage. The conveyance of each Lot/Unit will include an inalienable right to two (2) assigned parking spaces for 2-bedroom Units and one (1) assigned parking space for 1-bedroom and studio Units. The conveyance of each Lot/Unit will also include an inalienable right to one (1) assigned storage unit. The rights conveyed in this note are subject to refinement as set forth in the Declarations.

3. The maximum number of dwelling units allowed is 23 for which the applicable excise tax has been paid.

4. Short-term rentals, as defined in the Town regulations, are prohibited in all Units.

5. Deed Restricted Units.

a. The Owner has agreed to provide deed restricted housing in connection with the development of this project. The Owner hereby restricts Units 8 and 18 (hereinafter the "Deed Restricted Property") which are deed restricted in accordance with the terms of this Plat Note 5, and shall run with the land in perpetuity and not expire unless the restrictions are otherwise released or modified with the written consent of the Town. Any instrument of conveyance will clearly indicate that they are deed restricted and reference this plat map and applicable plat notes, as amended from time to time, and shall be in a form approved by the Town. The Town is granted and conveyed the right to enforce compliance with these restrictions applicable to the Deed Restricted Units. The Deed Restricted Units shall be owned and occupied by persons who qualify with the terms and conditions of this note.

b. On the day of making an offer to purchase a Deed Restricted Property, the prospective new owner(s) shall maintain their sole residence and abode in Ouray County, Colorado, or provide written intent of their desire and intent to do so within 30 days of purchasing the Unit. Acceptable written proof of said residency or residency intent must be presented to the Town in advance of any transfer of a Deed Restricted Property, including the original property transfer and all subsequent resales or transfers of such property. If required by a title company insuring the transfer, the Town shall provide timely written affirmation of its determination that the prospective owner(s) have met this requirement.

c. A statutory or common law entity such as a trust, corporation, LLC, etc, does not qualify to purchase one of these Deed Restricted Units.

d. At the time of the original Deed Restricted Property transfer and all subsequent resales or transfers of such property, at least one person in the household shall earn the majority of their income in Ouray County or from an employer based in Ouray County or be a retired person that some previous point in the last ten (10) years earned the majority of their income in Ouray County or from an employer based in Ouray County. Written proof of this must be presented to the Town in advance of any transfer of the property. The majority of income for purposes of this note shall be 51%. If required by a title company insuring the transfer, the Town shall provide timely written affirmation of its determination that the prospective owner(s) have met this requirement.

e. At the time of purchase of a Deed Restricted Property, including the original property transfer and all subsequent resales and transfers of the property, the household income will be 80% or less of the Area Median Income (AMI) as determined by the United States Department of Housing and Urban Development (HUD) for Ouray County, as adjusted annually. Written proof of this, such as the prior year's income tax returns, must be presented to the Town in advance of any transfer of property. If required by a title company insuring the transfer, the Town shall provide timely written affirmation of its determination that the prospective owner(s) have met this requirement.

f. The forgoing notwithstanding, there shall be an initial maximum sales price on every Deed Restricted Unit. The initial maximum sales price of a Deed Restricted Unit shall be equal to the cost of acquiring and developing the Deed Restricted Unit, including fees, infrastructure costs, and cost of sales, plus a maximum of ten (10%) profit; provided, however, that if the initial maximum sale price exceeds the maximum affordable purchase price for an 80% AMI household for Ouray County, the Owner agrees to reduce the profit downward from 10% to an amount that achieves the targeted AMI affordable maximum purchase price, except that in no event will the initial maximum sales price be reduced to an amount that requires the Owner to achieve less than a 3% profit on that Unit. Prior to any transfer of the Deed Restricted Unit, evidence of the Owner's cost shall be submitted to the Town Manager, or their designee, who shall review the Owner's computation of cost and approve, in writing, the proposed initial maximum sales price. In no event should the requirements of this section be read to require the Owner to achieve less than a 3% profit in connection with the sale of the Deed Restricted Property. The Town Manager, based on the review of the Owner's cost, may deviate from the 80% AMI restriction if the cost plus 3% profit exceeds affordability for an 80% or less income level. The documents establishing the Property Owner's cost must be approved by the Town Manager, or their designee, prior to any transfer of property. The guiding principal in determining initial sales price of any unit is that the Owner should be constructing and selling these units without exceeding the prescribed profit.

g. This plat note and these deed restrictions shall survive any foreclosure on Units 8 and 18, provided, however, said notes and restrictions shall not be deemed to over-ride or interfere with the enforcement of a mortgagee's security interest in the property.

h. Resale Cap.

1. The maximum resale price of these Deed Restricted Units is limited to an annual price appreciation cap of 3% of the initial sales price, as determined pursuant to note "f". All resale pricing is subject to the review and approval of the Town of Ridgway Town Manager, or their designee, for the sole purpose of insuring the resale price is in compliance with this plat note.

2. If an owner of a Deed Restricted Property makes any capital improvements requiring a building permit to the property during their term of ownership, the cost of those capital improvements, as indicated on the building permit, may be added to the gross purchase price of the property for the purpose of computing the annual price appreciation cap created herein. Any costs of capital improvements to be added to the gross purchase price of the property, including but not limited to upgrades during construction, shall require the prior, written approval of the Town.

i. The seller of the Deed Restricted Property agrees to consult with the Town of Ridgway Town Manager, or their designee, regarding any potentially qualified buyer(s) and the maximum sale and resale price under these plat restrictions and requirements.

j. The above referenced Deed Restricted Properties shall be, and remain, owner occupied. Long-term and short-term rental of these units is prohibited.

k. The Town hereby waives development excise tax RMC 3-4-1, et seq., on these Deed Restricted Properties.

l. The Town waives all "plan check fees" and building permit fees charged by the Town on these Deed Restricted Properties.

m. A Deed Restricted Property owner, subject to the above stated covenants, may apply to the Town Planning Commission for a waiver from the strict application of any one or more of these provisions. A waiver from the strict application of these provisions may be granted at the discretion of the Planning Commission and may only be granted if the applicant can establish that the following criteria are substantially met:

1. There are practical difficulties or unnecessary hardships caused to the individual lot owner if these provisions are strictly applied. Any such practical difficulty and/or unnecessary hardship must be of such a nature as to create an individually differentiated situation from any and all other owners' of units burdened by these regulations; and

2. The spirit of these provisions will be observed, the public health safety and welfare secured and substantial justice done by granting the waiver.

The burden shall be on the applicant to establish by a preponderance of the evidence that these criteria have been met. No waiver under this provision shall be granted with less than four (4) concurring votes of the Planning Commission.

n. Owner agrees to construct at least one the dwelling units on these Deed Restricted Properties in the Phase 1 of the development plan.

6. This subdivision and Plat are further subject to the Ridgway Land Co. Master Plat (the "Master Plat") found at Reception #147701, Ouray County, and filed on October 10, 1990, and to Ridgway Land Co. Declarations (the "Master Declarations") found at Reception #147105, Ouray County on July 24, 1990. Prior easements from the Master Plat are shown hereon.

7. All outdoor lighting fixtures to comply with Town of Ridgway regulations.

8. The Townhome Units. Lots 8-9, 17-18 (the 4 Townhome Units) have shared elements, such as exterior walls, roof, and foundation. The Townhome Units will not share a interior common wall, but will be built with an interstitial space between.

a. Responsibility for maintenance of the shared elements of each Townhome will be the individual and several responsibility the Units Owners of the Townhome.

b. The Townhome Units depicted on this plat shall have uniform exterior appearance. Future improvements, modifications and repair to the units' exteriors shall be done in accordance with any applicable covenants and regulations of the HOA, and performed in such a manner as to ensure uniformity and compatibility of the exterior of the units.

9. As between the Town of Ridgway and the HOA, the HOA shall be jointly and severally liable for the maintenance of all General and Limited Common Elements, including, but not limited to the following:

The Common Building
The parking lot
The pathways
The storage units
The fences located in Common Elements
Landscaping and weed control in the Common Elements
Operation and maintenance of the irrigation system
Operation and maintenance of the storm water system

As between the HOA and Unit Owners, these duties shall be as set forth in the Declarations.

In the event that said maintenance is not properly performed, the Town of Ridgway may cause the work to be done, assess the cost to the said owners, may certify such charges as delinquent charges to the County Treasurer to be collected similarly to taxes, may record a lien on said lots which may be foreclosed in any lawful manner, or may pursue any other remedy available in order to collect such charges. These obligations shall run with the land and be binding upon all successors in interest to the said lot(s).

10. Drainage Easements. The drainage easement(s) shown hereon shall be maintained by the owners of all lots encumbered by the easement, jointly and severally in a manner that preserves the grade as established and so as to not impede the free flow of water or cause erosion, including but not limited to the planting or encroachment of trees and shrubs and other impeding vegetation. The Town is not responsible or liable in any manner for the maintenance, repair, or operation of any pipelines, ditches or improvements as located within said easements. Upon failure to properly maintain

the drainage easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the Town may cause the maintenance or repair to be performed and assess the costs thereof to such owners, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

11. Irrigation System - An irrigation system will be built for the area designated as the General Common Elements. Said irrigation system shall be owned and maintained by the HOA and shall not be impeded or altered in any way so as to impact the delivery of water, unless otherwise determined by the HOA according the Declaration and the HOA Bylaws. The Town is not responsible or liable in any manner for the maintenance, repair, or operation of any irrigation pipelines, improvements or ditches as located within said easements. However, in the event of a failure to properly maintain the irrigation system, or in the need to abate a nuisance or public hazard, the Town may cause the maintenance or repair to be performed and assess the costs thereof to the HOA, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner. The Town is granted a perpetual blanket right of ingress and egress from and over anywhere on the Property for any such maintenance or repair of the irrigation system.

12. Maintenance of the driveways shall be as set forth in the Declaration. This provision shall run with the land in the Vista Park Commons subdivision, and shall be a benefit and a burden to the owners of all lots final platted thereon, and shall be applicable to said owners, their successors, heirs, and assigns, and all parties claiming by through or under them.

13. Soils throughout the Ridgway area have been found to have the potential to swell, consolidate and cave. All owners, contractors, and engineers are required to investigate soil, groundwater, and drainage conditions on a particular lot prior to design and construction. On April 25, 2017, Lambert and Associates of Montrose and Grand Junction, Colorado issued a Geotechnical Engineering Study discussing soil characteristics in the "Ridgway Village Housing Development" now known as "Vista Park Commons," which all owners, contractors and engineers are encouraged to obtain and review prior to building. By accepting a deed to real property located in this subdivision, the owners of land herein agree to hold the Town of Ridgway harmless from any claim related to soils and groundwater conditions present in this subdivision.

14. NO FURTHER SUBDIVISION. There shall be no further subdivision of any Lot or Common Space Tract.

15. Town of Ridgway Benchmark, K-19 a 3 1/4" brass cap set in concrete stamped "K-19 6987.73" 1928" elevation 6987.73.

16. Units Statement: The Linear Unit used on this plat is U.S. Survey Feet.

17. Zoning: The Zoning of this Project is General Commercial, as shown on the Town of Ridgway Zoning Map May 2018, and defined and described by the Town of Ridgway Municipal Code at the time of approval and recordation of this plat, and is subject to change.

SURVEYOR'S CERTIFICATE:

I, Peter C. Sauer, being a Registered Land Surveyor in the State of Colorado do hereby certify that this map and survey of Vista Commons Plat (Map)(I) was prepared under my direct supervision, responsibility and checking; (i) is true and accurate to the best of my knowledge and belief; (ii) is clear and legible; (iv) contains all the information required by C.R.S. 38-33.3-209; and, (v) that all monuments and markers were set as required by Articles 50 and 51 of Title 38 C.R.S. and conforms to all requirements of the Colorado Revised Statutes, and all applicable Town of Ridgway regulations.
Dated _____ 20th of _____, 2019.

Peter C Sauer
License No. 38135

ATTORNEY'S CERTIFICATE:

I, _____, an attorney at law duly licensed to practice before the courts of record of the State of Colorado, do hereby certify that I have examined the title of all land herein platted and that title to such land is in the dedicatior(s) and Owners, and that the property dedicated hereon has been dedicated free and clear of all liens and encumbrances, except as follows:

Dated this ____ day of _____, 2019.

_____, Attorney at Law

LIENHOLDER'S CERTIFICATE

The undersigned holder of a lien pursuant to an instrument recorded in the Ouray County records at _____, hereby joins in this subdivision, any applicable subdivision improvements agreement, and the dedication of easements, property and streets as shown hereon.

By _____

STATE OF COLORADO)
) ss.
COUNTY OF OURAY)

The foregoing Certificate was acknowledged before me this ____ day of _____, 2019, by _____, _____, _____, of _____, _____, _____.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

ENGINEER'S CERTIFICATE:

I, _____, a Registered Engineer in the State of Colorado, do certify that the streets, curb gutter & sidewalk, sanitary sewer system, the water distribution system, fire protection system and the storm drainage system for this subdivision are properly designed, meet the Town of Ridgway specifications, are adequate to serve the Subdivision shown hereon.

Date: _____

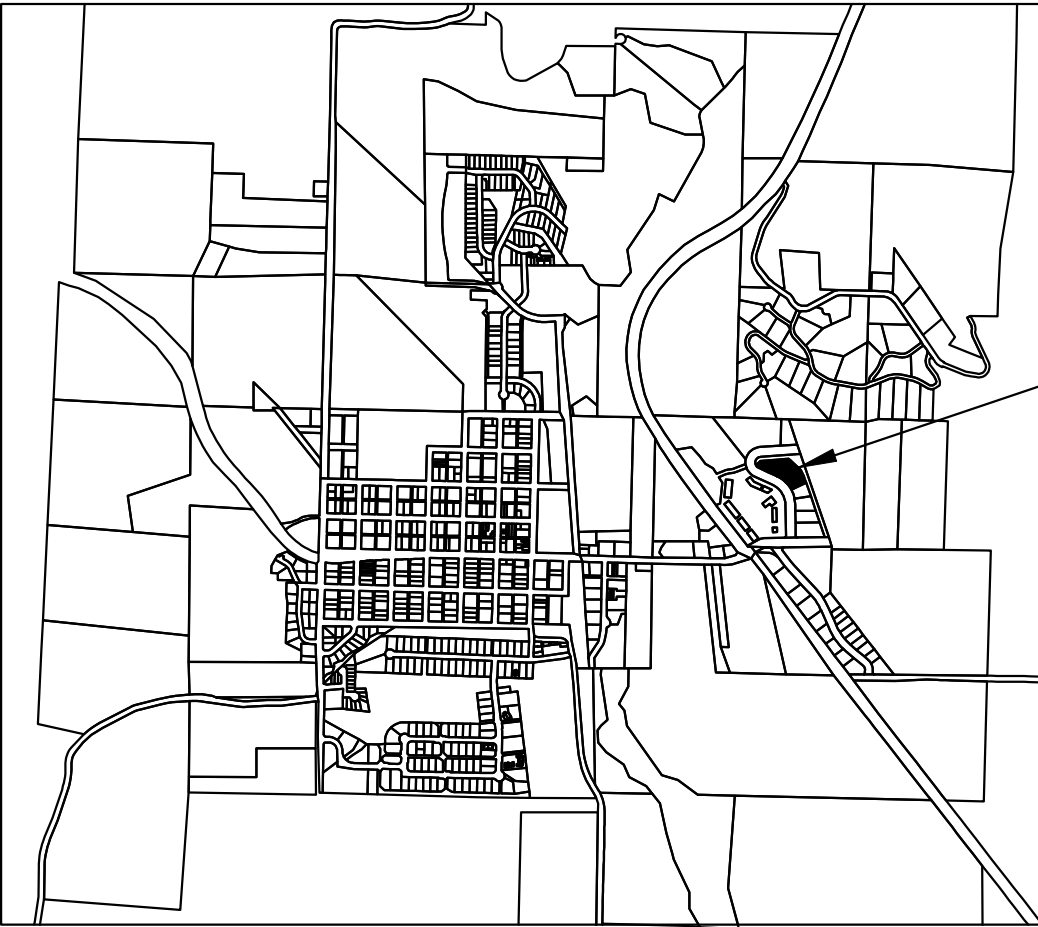
Engineer _____ Registration Number _____

CERTIFICATE OF IMPROVEMENT COMPLETION:

The undersigned, Town Manager of the Town of Ridgway, do certify that all improvements and utilities required by the current Subdivision Regulations of the Town of Ridgway have been installed in this Subdivision in accordance with the specifications of the Town except for the following which have been secured pursuant to Town subdivision regulations:

Date: _____
Jen Coates - Town Manager

Vista Park Commons
Vicinity Map
(Not to Scale)



Project Location

PAGE INDEX:

Page 1 Certificates and Notes
Page 2 Lot Line Vacation and Topographic Information
Page 3 and 4 Units Boundary and Easements
 Building Setbacks, Parking Area
 and Storage Areas

PLANNING COMMISSION:

Approved by the Ridgway Town Planning Commission this ____ day of _____, 2019, as certified by Doug Canright, Chairman.

Date: _____
Doug Canright - Chair

TOWN COUNCIL:

Approved by the Ridgway Town Council this ____ day of _____, 2019, as certified by John Clark, Mayor.

Date: _____
John Clark - Mayor

TOWN ATTORNEY'S CERTIFICATE:

Approved for recording this ____ day of _____, 2019.

Bo James Nerlin - Town Attorney

TREASURER'S CERTIFICATE:

I certify that as of the ____ day of _____, there are no delinquent taxes due, nor are there any tax liens, against the property described herein or any part thereof, and that all current taxes and special assessments have been paid in full.

Date: _____
Jennie Casolari - Ouray County Treasurer

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 the certification shown hereon.


RECORDER'S CERTIFICATE:

This plat was filed for record in the office of Clerk and Recorder of Ouray County at _____, M. on the ____ day of _____, 2019, under

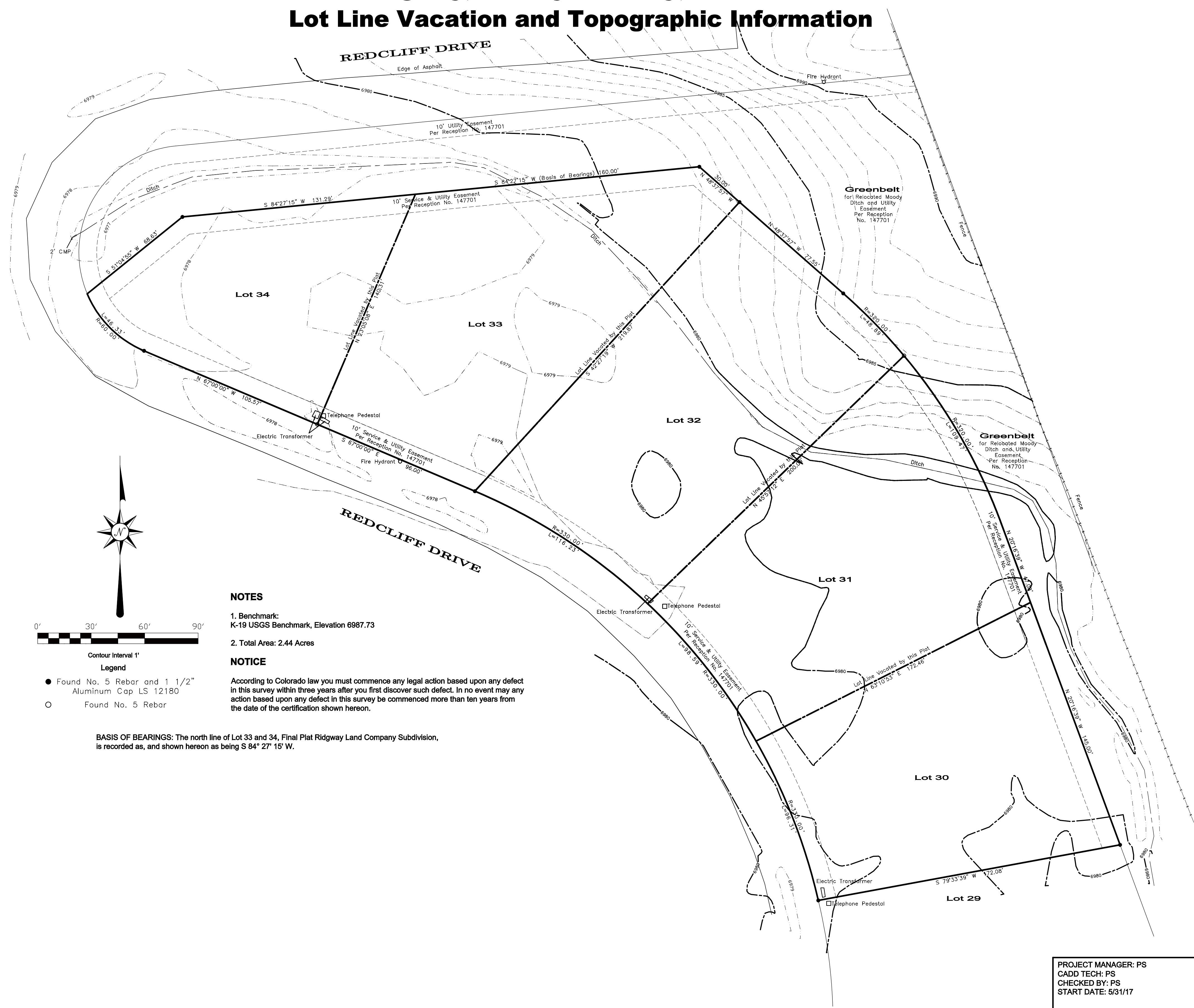
Reception No. _____

By _____
Michelle Nauer, Ouray County Clerk and Recorder

Deputy

PROJECT MANAGER: PS CADD TECH: PS CHECKED BY: PS START DATE: 5/31/17	REVISIONS	DATE	DESCRIPTION	BY
	1			
	2			
	3			
	4			
	5			
	OFFICE (970) 249-5349 - FAX (970) 626-6261 CELL (970) 729-1289 23414 UNCOMPAGHRE ROAD MONTROSE, COLORADO 81403 WWW.ORIONSURVEYING.COM			
DRAWING PATH: Preliminary Plat 5-17		SHEET No. 1 OF 4		PROJECT: 17025

Vista Park Commons - P.U.D.
Replat of Lots 30-34, Ridgway Land Company Subdivision
Located in the South 1/2 of the North 1/2, Section 16, Township 45 North, Range 8 West, NMPM,
Town of Ridgway, County of Ouray, State of Colorado
Lot Line Vacation and Topographic Information



0' 30' 60' 90'

Contour Interval 1'

Legend

- Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 12180
- Found No. 5 Rebar

NOTES

1. Benchmark:
K-19 USGS Benchmark, Elevation 6987.73


2. Total Area: 2.44 Acres

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 the certification shown hereon.

BASIS OF BEARINGS: The north line of Lot 33 and 34, Final Plat Ridgway Land Company Subdivision, is recorded as, and shown hereon as being S 84° 27' 15' W.

PROJECT MANAGER: PS CADD TECH: PS CHECKED BY: PS START DATE: 5/31/17	REVISIONS	DATE	DESCRIPTION	BY
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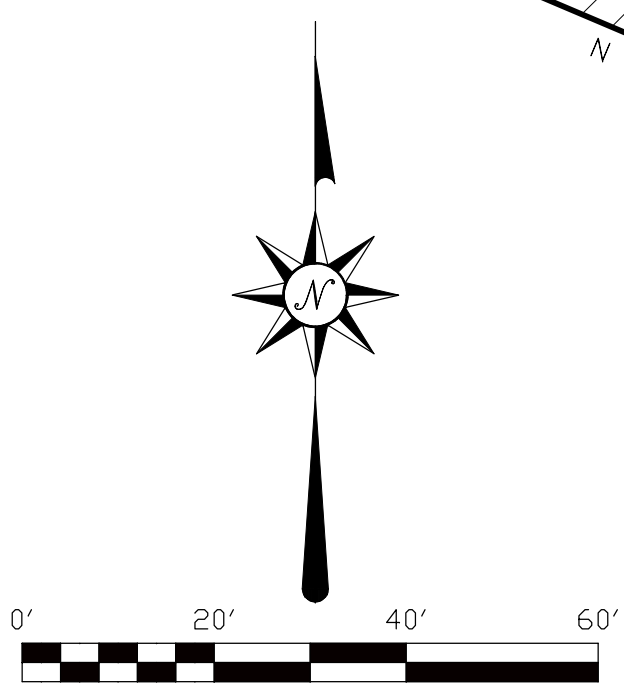
OFFICE (970) 249-5349 - FAX (970) 626-6261
CELL (970) 729-1289
23414 UNCOMPAHGRE ROAD
MONTROSE, COLORADO 81403
WWW.ORIONSURVEYING.COM

DRAWING PATH: Preliminary Plat 5-17 SHEET No. 2 OF 4 PROJECT: 17025

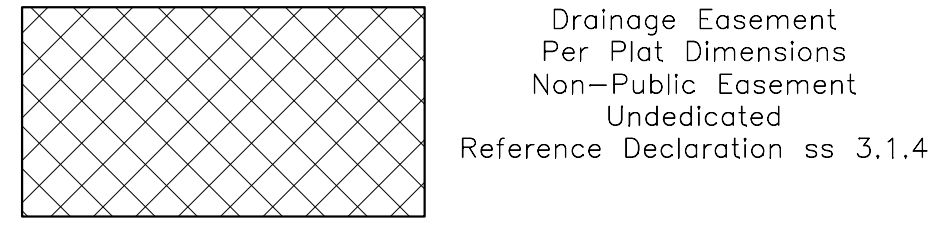
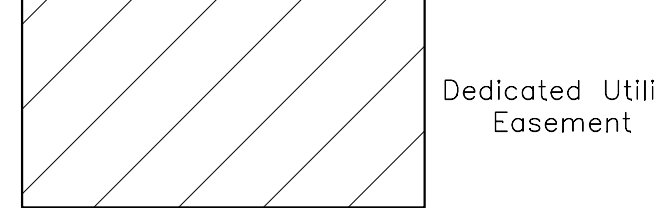
Vista Park Commons - P.U.D.
Replat of Lots 30-34, Ridgway Land Company Subdivision
Located in the South 1/2 of the North 1/2, Section 16, Township 45 North, Range 8 West, NMPM,
Town of Ridgway, County of Ouray, State of Colorado

REDCLIFF DRIVE

10' Utility Easement
Per Reception No. 147701



- Legend**
- Set 18" No. 5 Rebar with 1 1/2" Aluminum Cap LS 38135
 - Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 12180
 - Found No. 5 Rebar
 - Building Setback
 - Easement Edge



NOTES

1. Benchmark:
K-19 USGS Benchmark, Elevation 6987.73

2. Total Area: 2.44 Acres

3. L.C.E. = Limited Common Element
G.C.E. = General Common Element

4. A.D.A. = American with Disabilities Act Parking Space

5. BASIS OF BEARINGS: The north line of Lot 33 and 34, Ridgway Land Company Subdivision, is recorded as, and shown hereon as being S 84° 27' 15" W.

LINE	BEARING	DISTANCE
L1	S 65° 37' 03" E	16.00'
L2	N 26° 34' 07" E	15.66'
L3	S 43° 00' 49" W	10.01'
L4	N 01° 45' 24" W	3.57'

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 the certification shown hereon.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	241.00'	24.41'	24.40'	N 23° 44' 59" W	5° 48' 11"	12.21'

Page 3
Page 4

PROJECT MANAGER: PS
CADD TECH: PS
CHECKED BY: PS
START DATE: 5/31/17

REVISIONS	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			



OFFICE (970) 249-5349 - FAX (970) 626-6261
CELL (970) 729-1289
23414 UNCOMPAHGRE ROAD
MONTROSE, COLORADO 81403
WWW.ORIONSURVEYING.COM

DRAWING PATH: Preliminary Plat 5-17

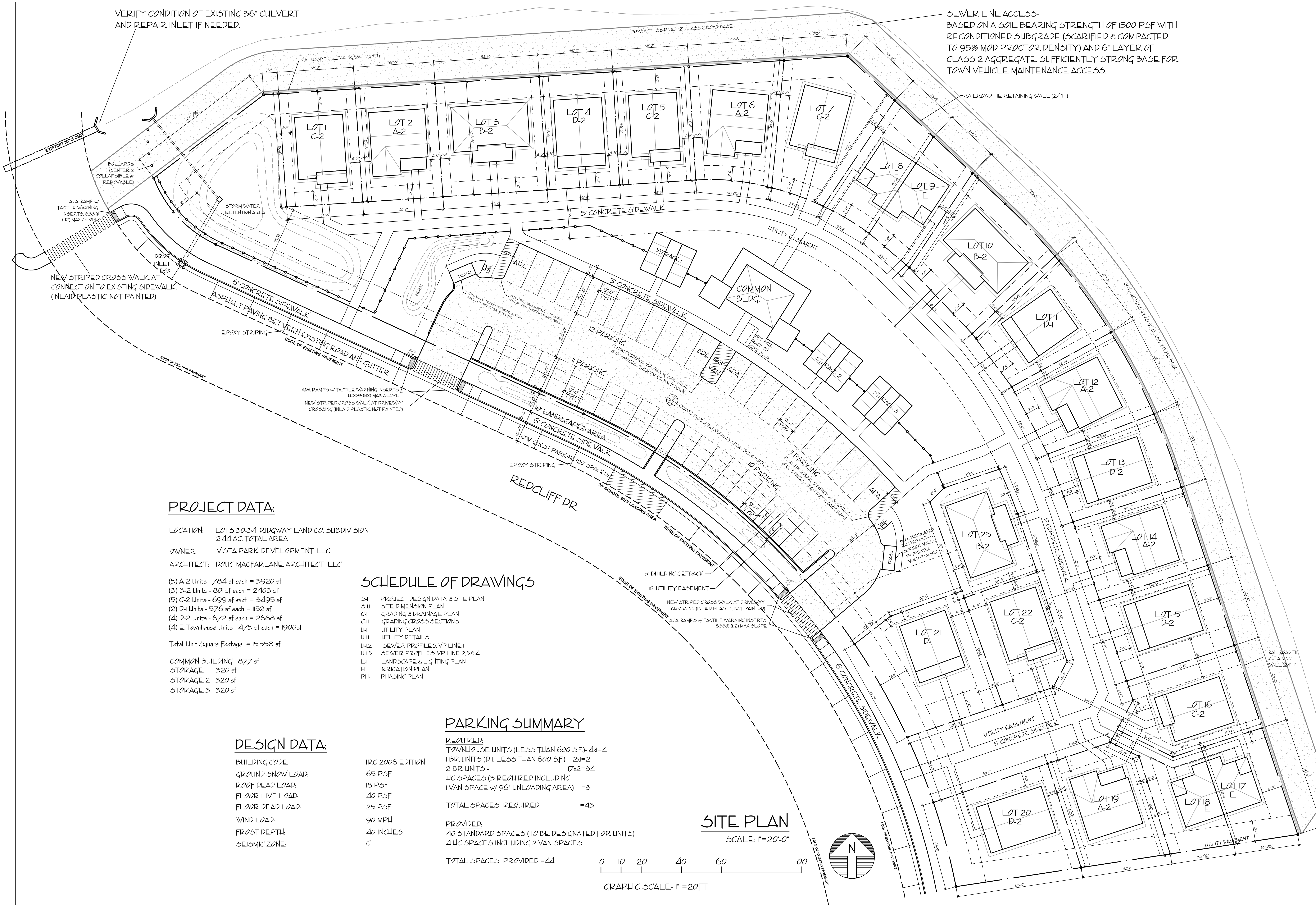
SHEET No. 3 OF 4

PROJECT: 17025

Town of Ridgway, County of Ouray, State of Colorado



OFFICE (970) 249-5349 - FAX (970) 626-6261
CELL (970) 729-1289
23414 UNCOMPAHGRE ROAD
MONTROSE, COLORADO 81403
WWW.ORIONSURVEYING.COM



PROJECT DATA:

LOCATION: LOTS 30-34, RIDGWAY LAND CO. SUBDIVISION
2.44 AC. TOTAL AREA
OWNER: VISTA PARK DEVELOPMENT, LLC
ARCHITECT: DOUG MACFARLANE, ARCHITECT, LLC

(5) A-2 Units - 784 sf each = 3920 sf
(3) B-2 Units - 801 sf each = 2403 sf
(5) C-2 Units - 699 sf each = 3495 sf
(2) D-4 Units - 576 sf each = 1152 sf
(4) D-2 Units - 672 sf each = 2688 sf
(4) E Townhouse Units - 475 sf each = 1900sf

Total Unit Square Footage = 15558 sf

COMMON BUILDING 877 sf
STORAGE 1 320 sf
STORAGE 2 320 sf
STORAGE 3 320 sf

DESIGN DATA:

BUILDING CODE:
GROUND SNOW LOAD:
ROOF DEAD LOAD:
FLOOR LIVE LOAD:
FLOOR DEAD LOAD:
WIND LOAD:
FROST DEPTH:
SEISMIC ZONE:

IRC 2006 EDITION
65 PSF
18 PSF
40 PSF
25 PSF
90 MPH
40 INCHES
C

SCHEDULE OF DRAWINGS

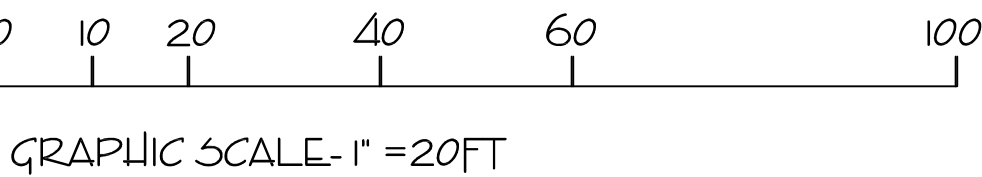
S-1 PROJECT DESIGN DATA & SITE PLAN
S-1.1 SITE DIMENSION PLAN
C-1 GRADING & DRAINAGE PLAN
C-1.1 GRADING CROSS SECTIONS
U-1 UTILITY PLAN
U-1.1 UTILITY DETAILS
U-1.2 SEWER PROFILES VP LINE 1
U-1.3 SEWER PROFILES VP LINE 2,3&4
L-1 LANDSCAPE & LIGHTING PLAN
I-1 IRRIGATION PLAN
P-1.1 PLANNING PLAN

PARKING SUMMARY

REQUIRED:
TOWNHOUSE UNITS (LESS THAN 600 SF) - 4x1=4
1 BR UNITS (D-4, LESS THAN 600 SF) - 2x1=2
2 BR UNITS - 17x2=34
4C SPACES (3 REQUIRED INCLUDING
1 VAN SPACE w/ 96" UNLOADING AREA) =3
TOTAL SPACES REQUIRED =43
PROVIDED:
40 STANDARD SPACES (TO BE DESIGNATED FOR UNITS)
4 1C SPACES INCLUDING 2 VAN SPACES
TOTAL SPACES PROVIDED =44

SITE PLAN

SCALE: 1"=20'-0"



REVISIONS
5/23 PRELIM PLAT REVIEW

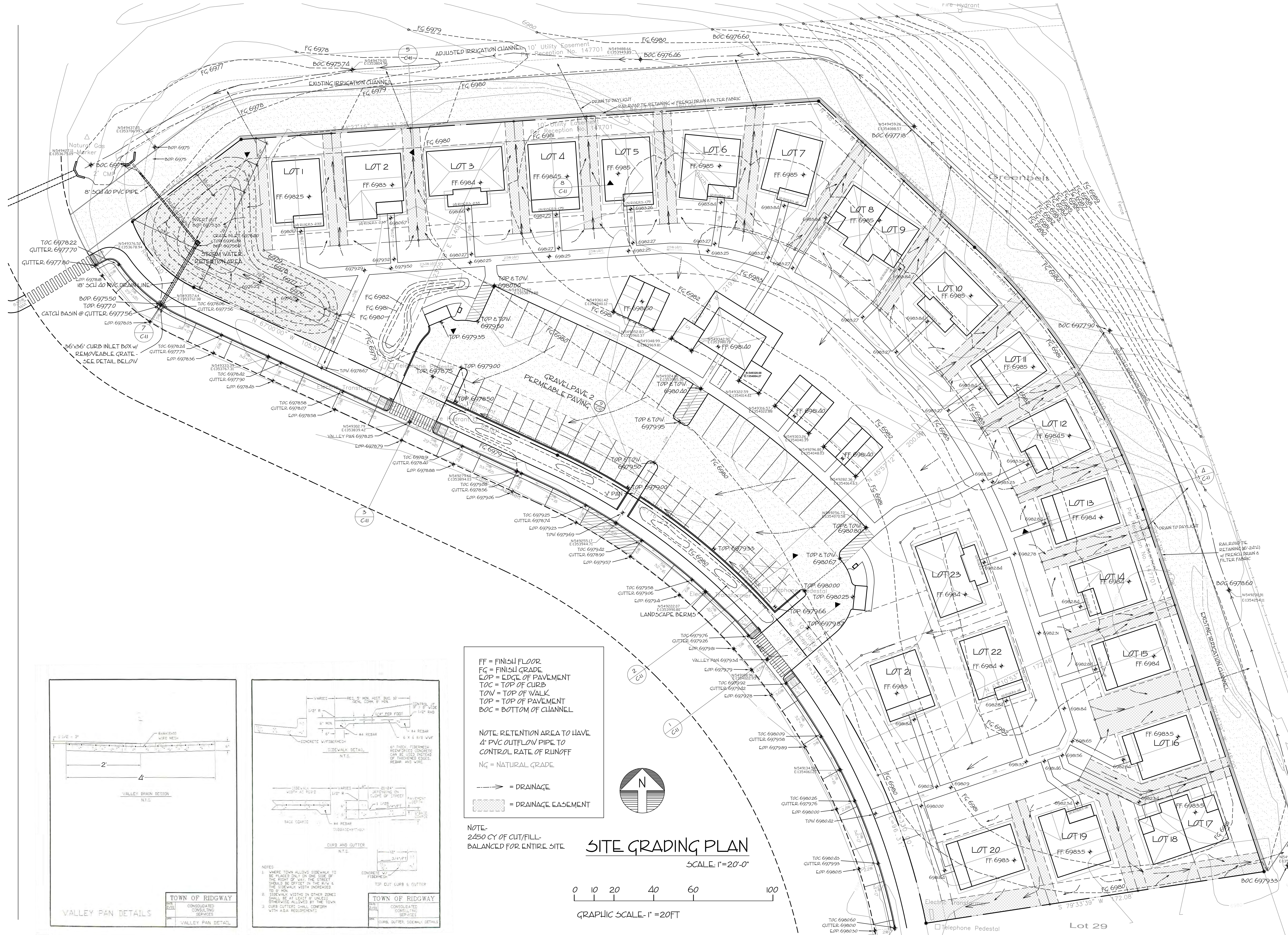
VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

SITE PLAN

DOUG MACFARLANE
ARCHITECT, LLC
6553 N. CORA SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C.
DATE: 5/23/19
SCALE:
SHEET:

5-1



FF = FINISH FLOOR
 FG = FINISH GRADE
 EOP = EDGE OF PAVEMENT
 TOC = TOP OF CURB
 TOV = TOP OF WALK
 TOP = TOP OF PAVEMENT
 BOC = BOTTOM OF CHANNEL

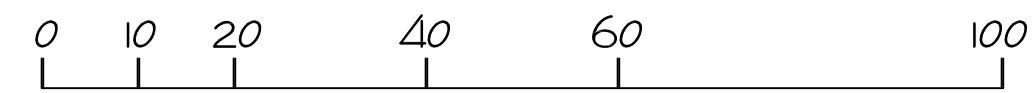
NOTE: RETENTION AREA TO HAVE
 4" PVC OUTFLOW PIPE TO
 CONTROL RATE OF RUNOFF
 NG = NATURAL GRADE

---> = DRAINAGE
 [Shaded Area] = DRAINAGE EASEMENT

NOTE:
 2450 CY OF CUT/FILL -
 BALANCED FOR ENTIRE SITE

SITE GRADING PLAN

SCALE: 1"=20'-0"



GRAPHIC SCALE-1"=20FT

REVISIONS
5/23 PRELIM PLAT REVIEW

VISTA PARK COMMONS
 RIDGWAY LAND COMPANY SUBDIVISION
 LOTS 30-34

GRADING & DRAINAGE PLAN

DOLG MACFARLANE
 ARCHITECT- LLC

653 N CORA SUITE 201 RIDGWAY, CO. (970) 626-3308



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C-1



5

FRENCH DRAIN

6

STORM WATER RETENTION AREA

7

DRAINAGE BETWEEN HOUSES @ N&E PROPERTY LINES

8

SOUTH DRIVEWAY ENTRY

SIDEWALK/BERM AT REDCLIFF DR.

NORTH DRIVEWAY ENTRY

ACCESS ROAD @ EAST PORTION OF DITCH

NEW ASPHALT - PER
LAMBERT GEOTECH STUDY.
40,000 ESAL : 3" ASPHALT/ 4"
CLASS 6 BASE COURSE/ 12"
CLASS 2 SUBGRADE BASE/ 12"
RECONDITIONED SUBGRADE

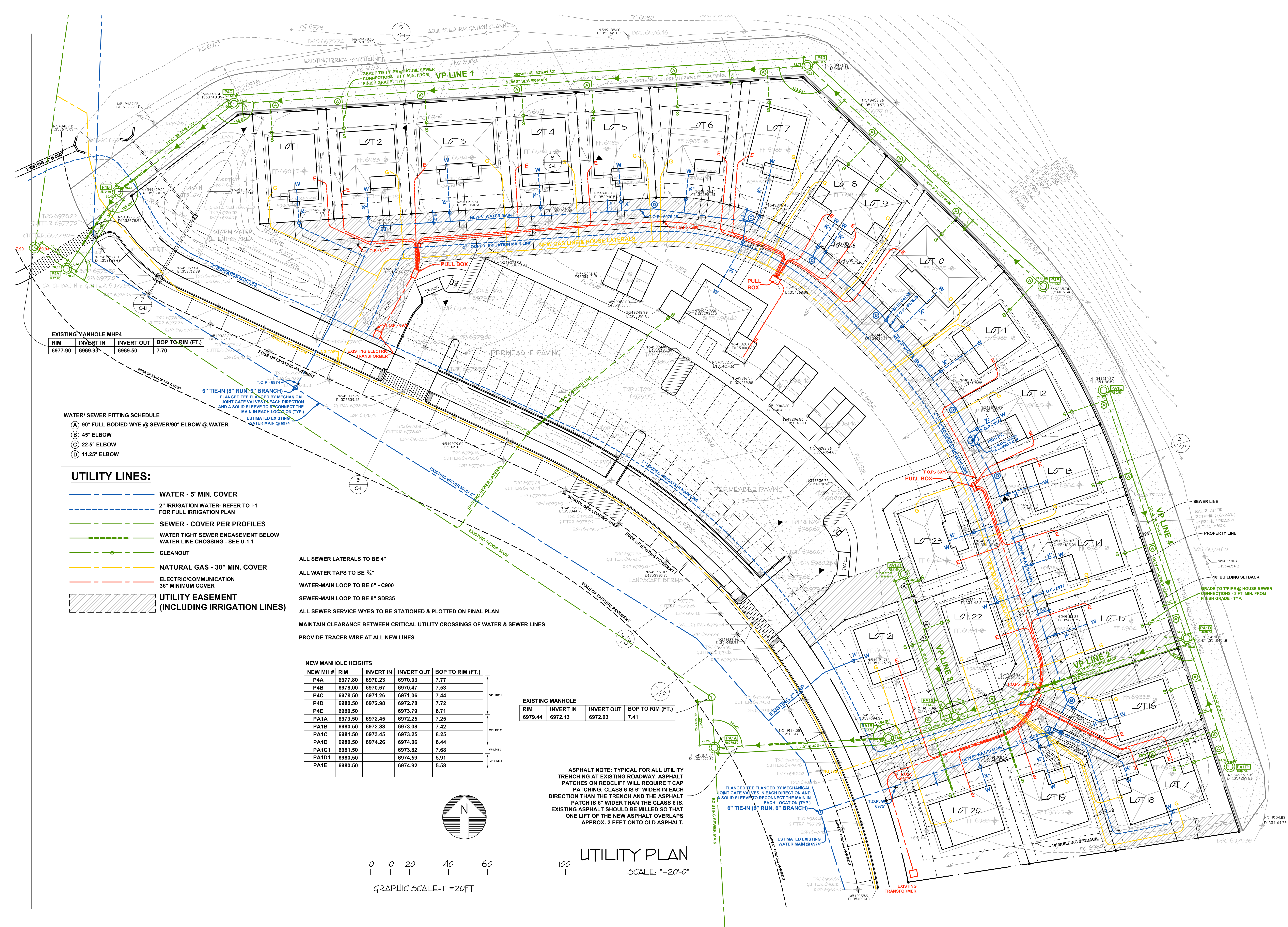
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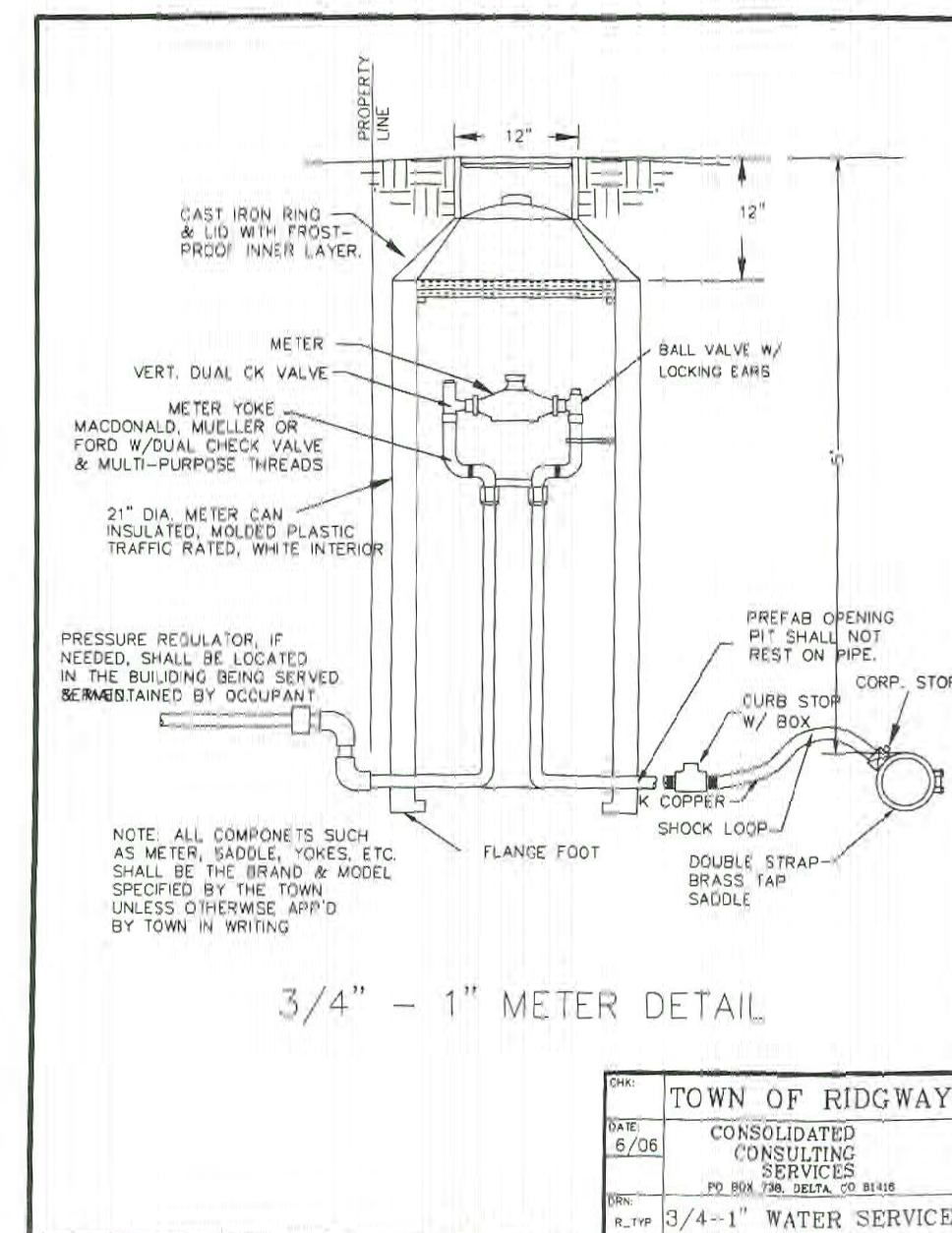
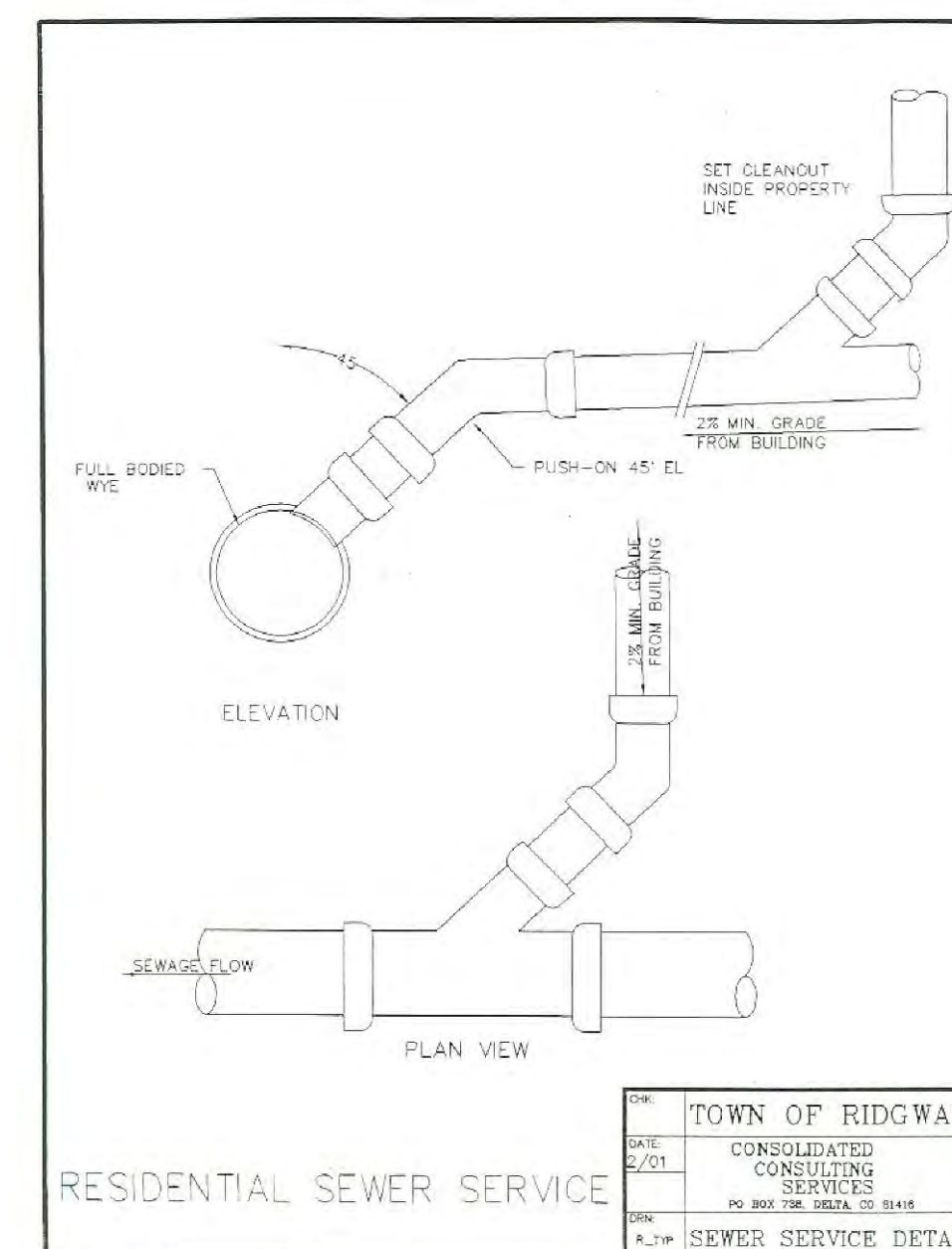
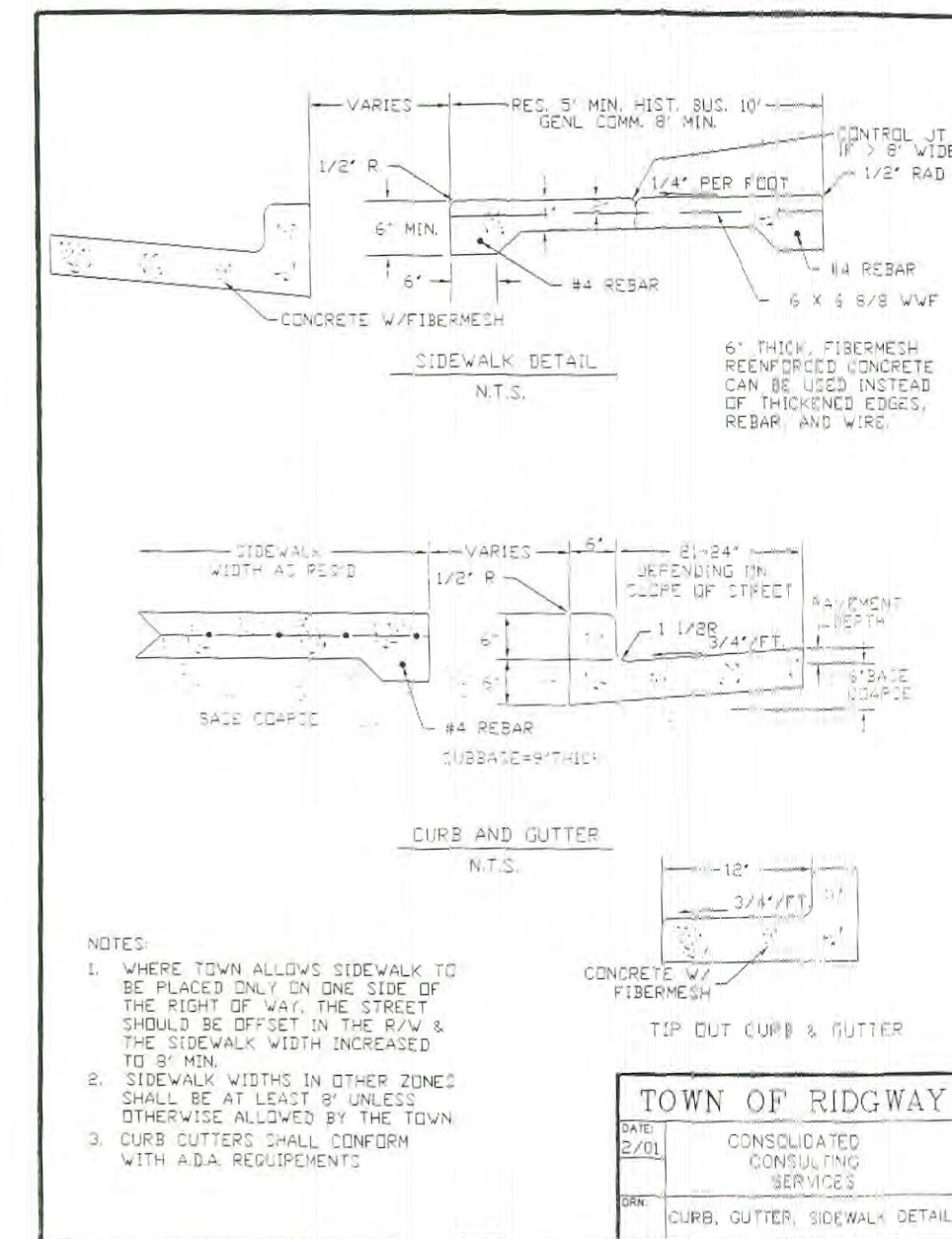
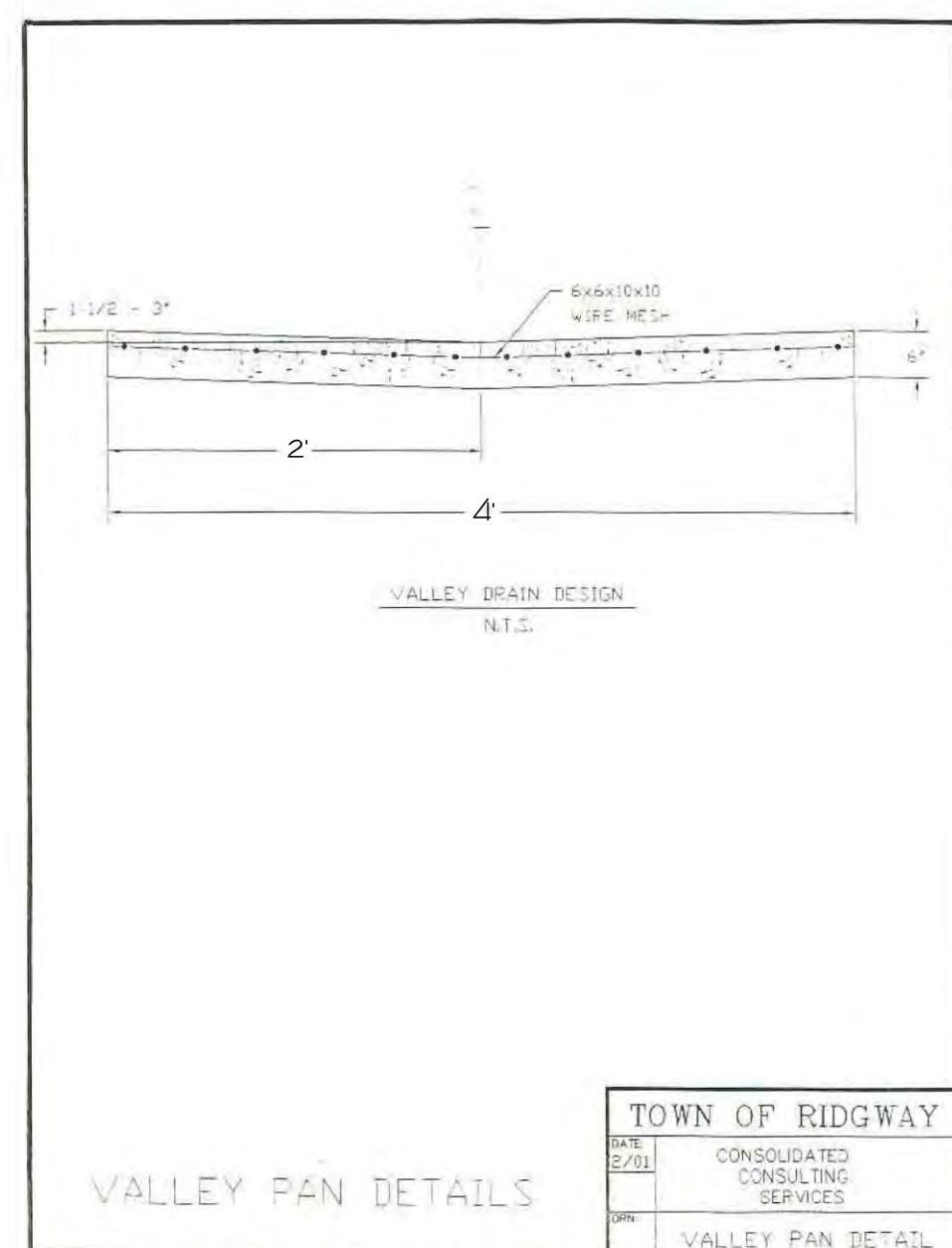
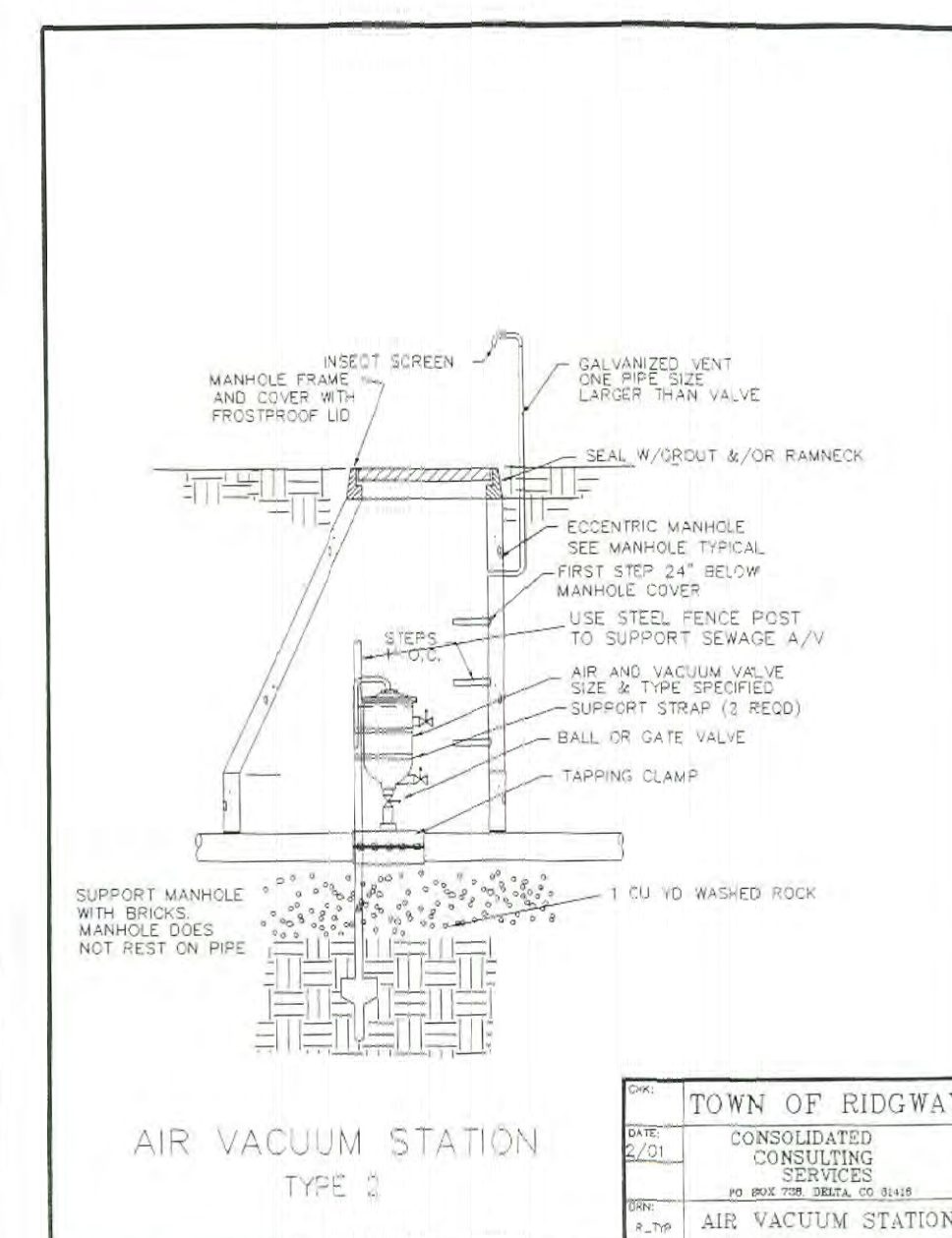
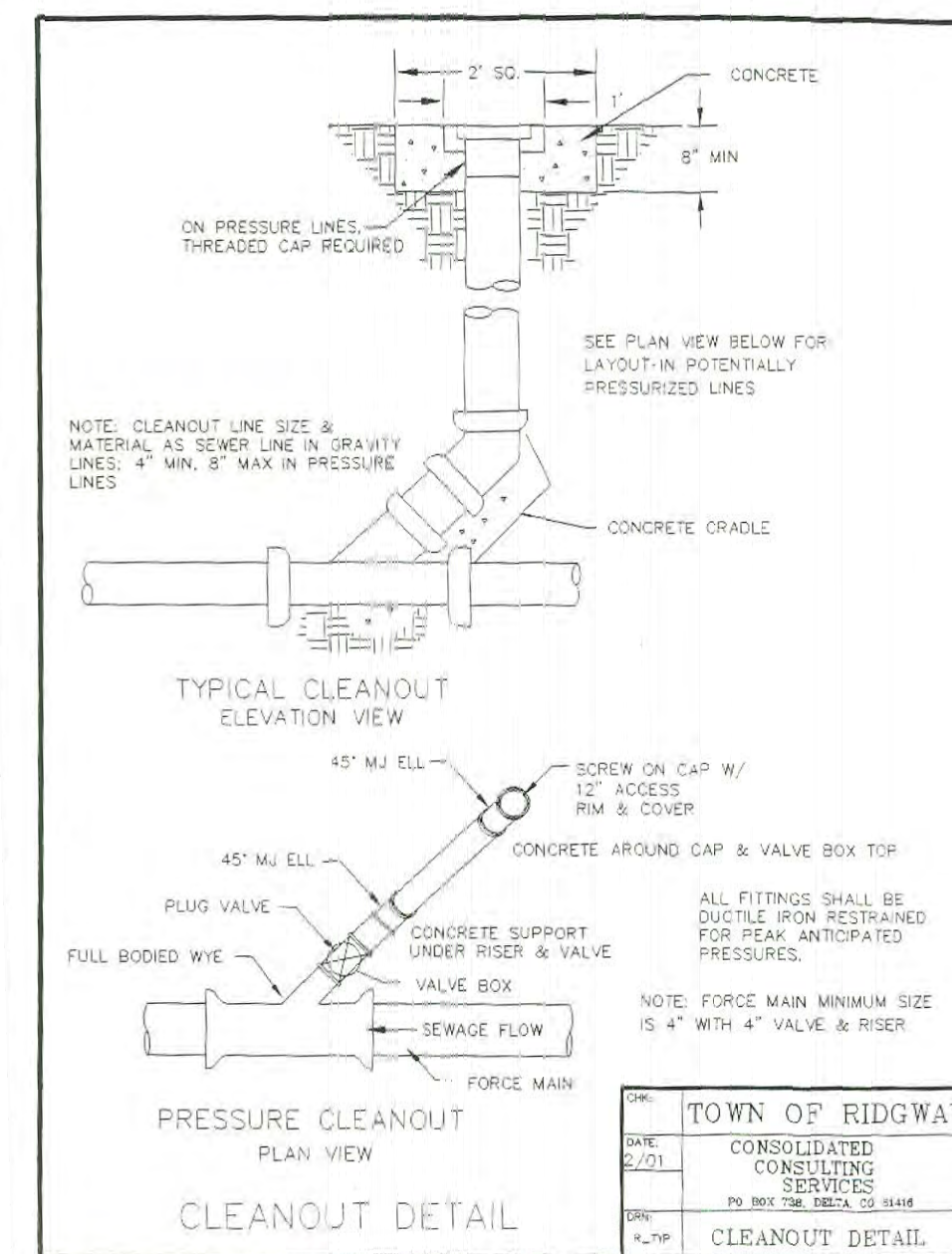
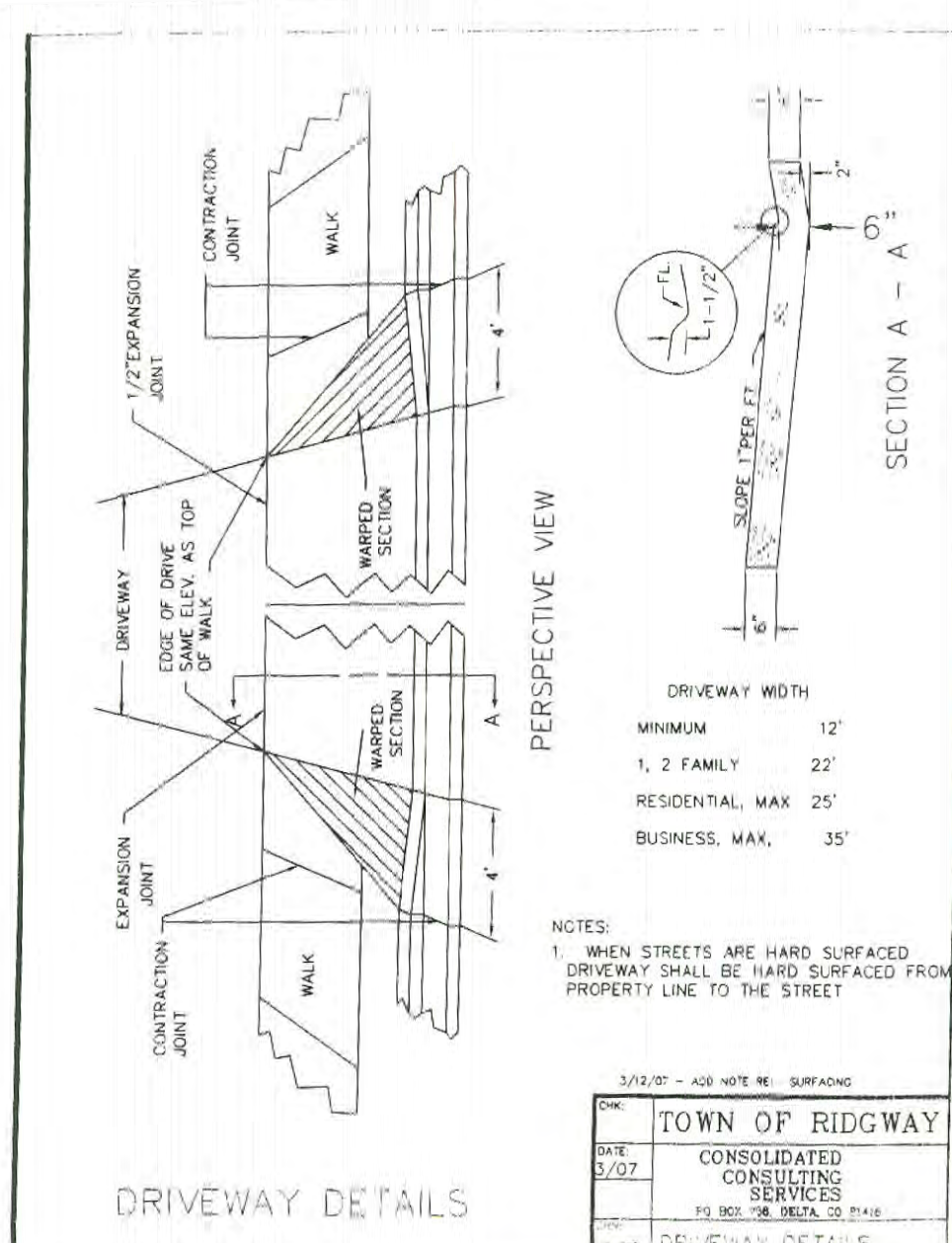
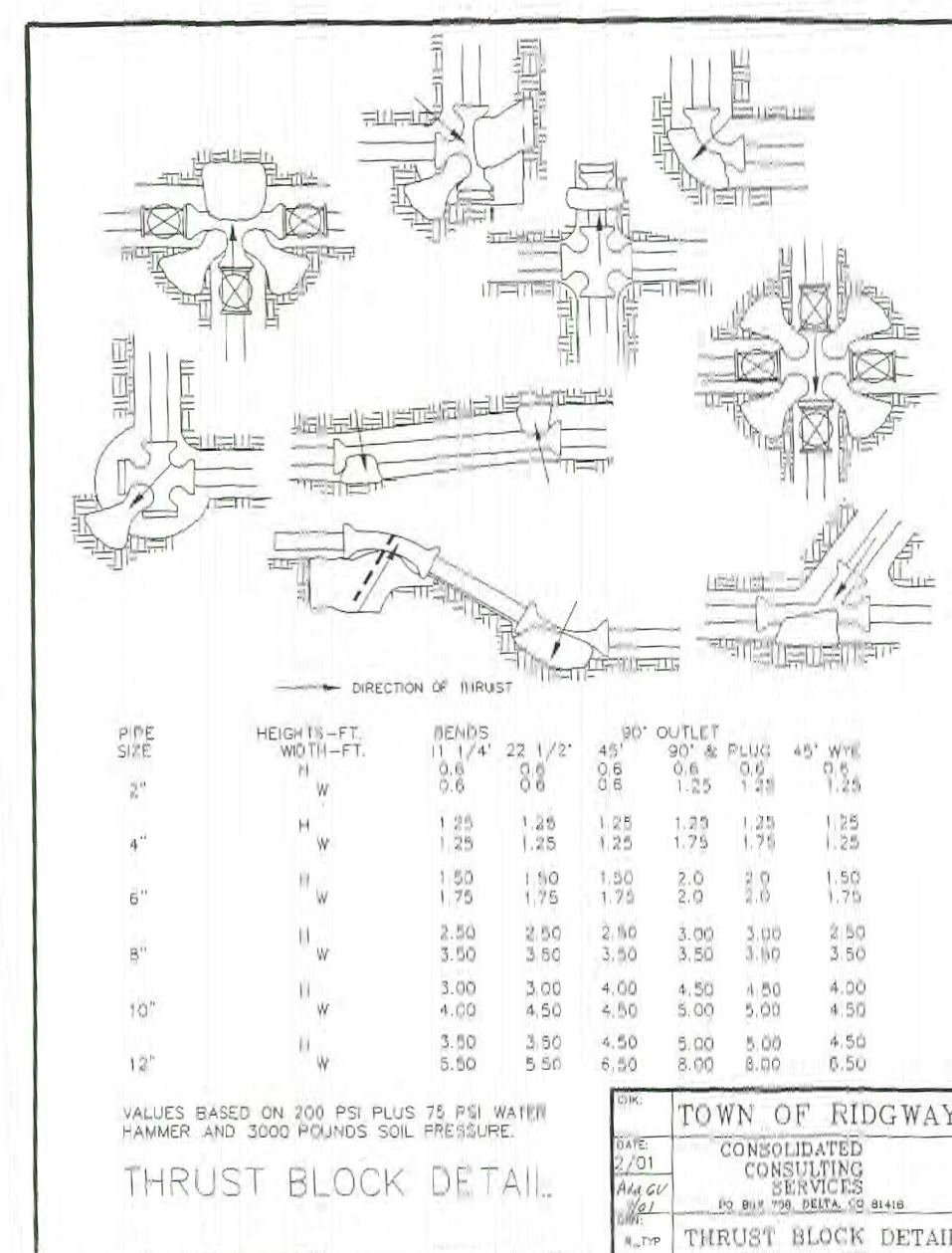
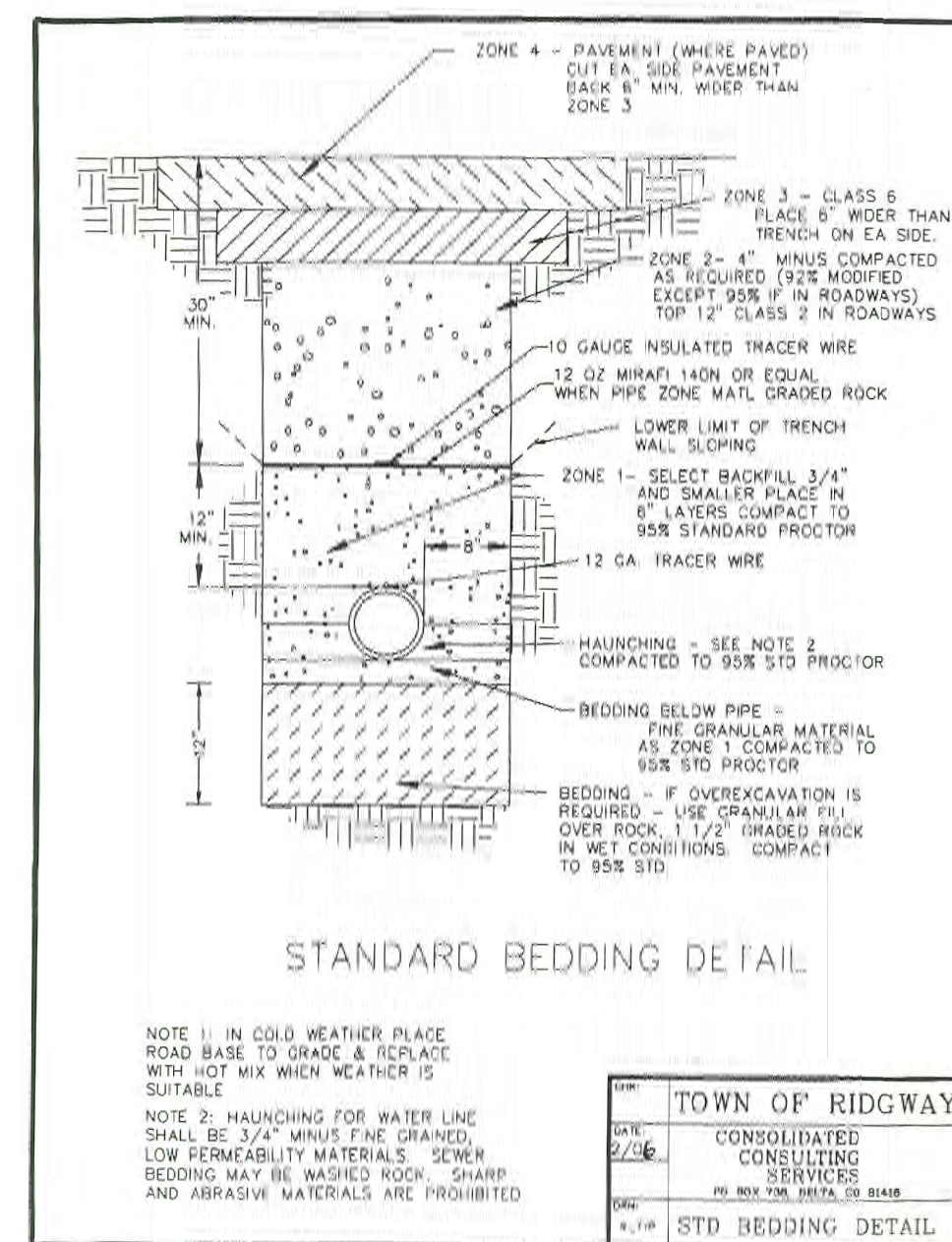
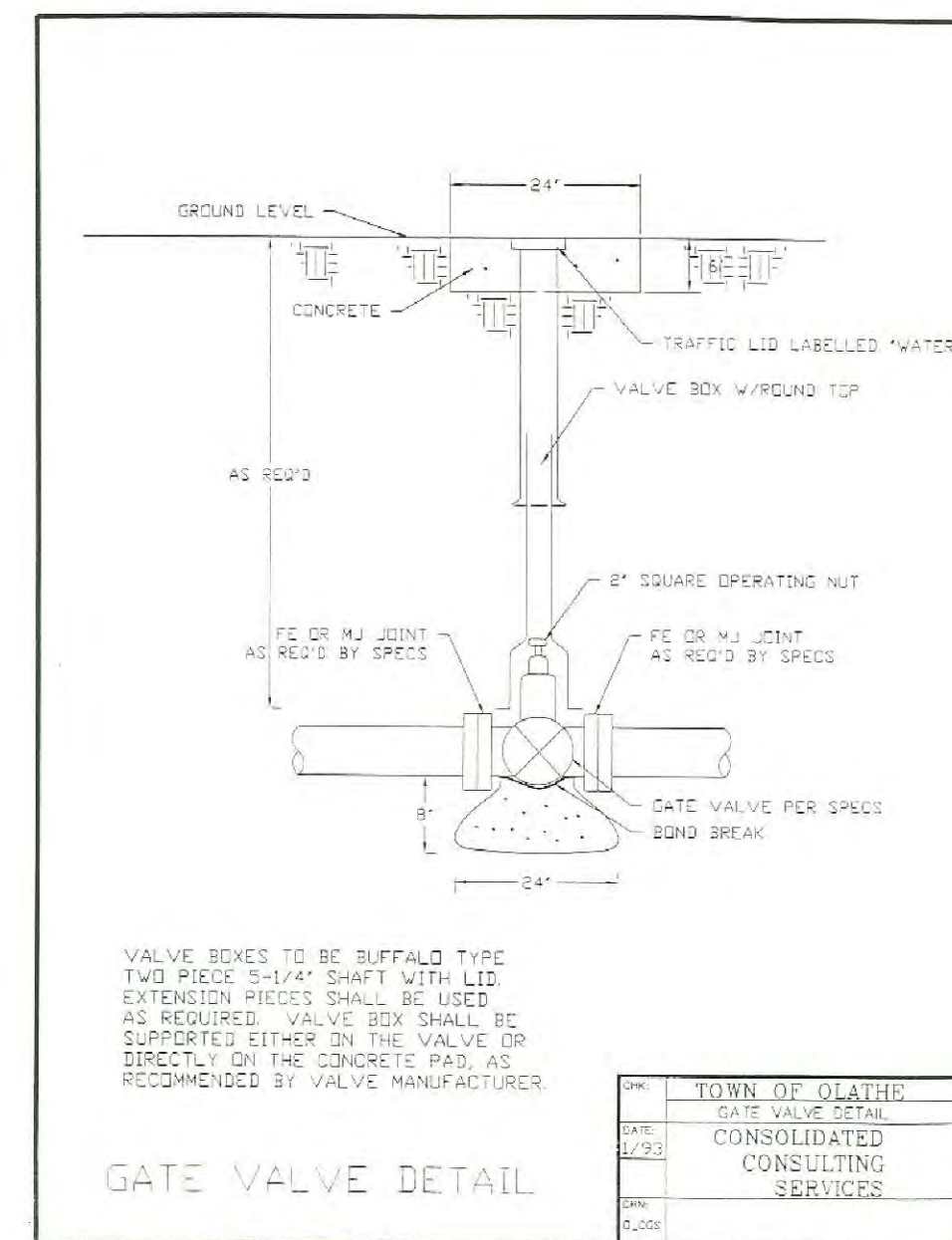
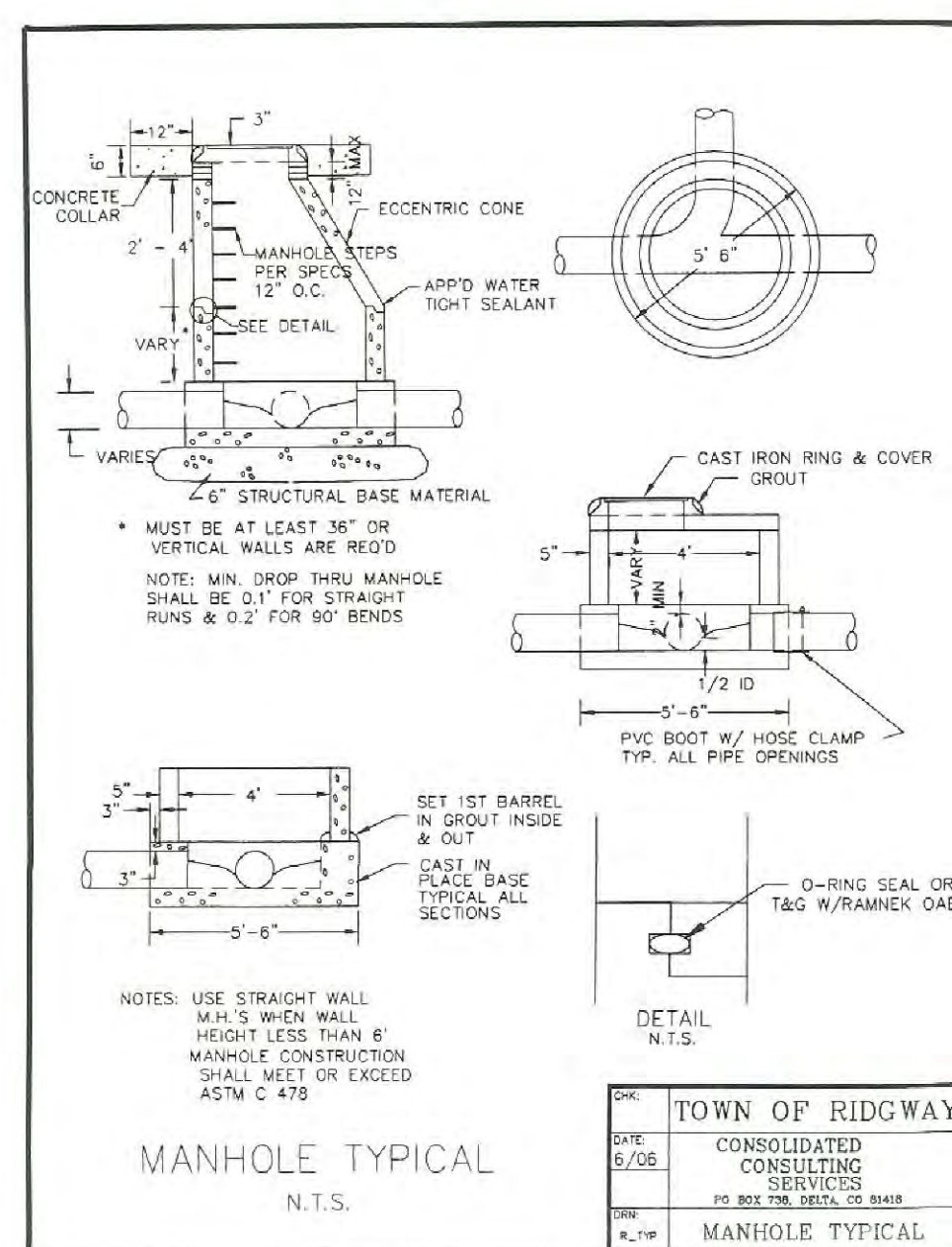
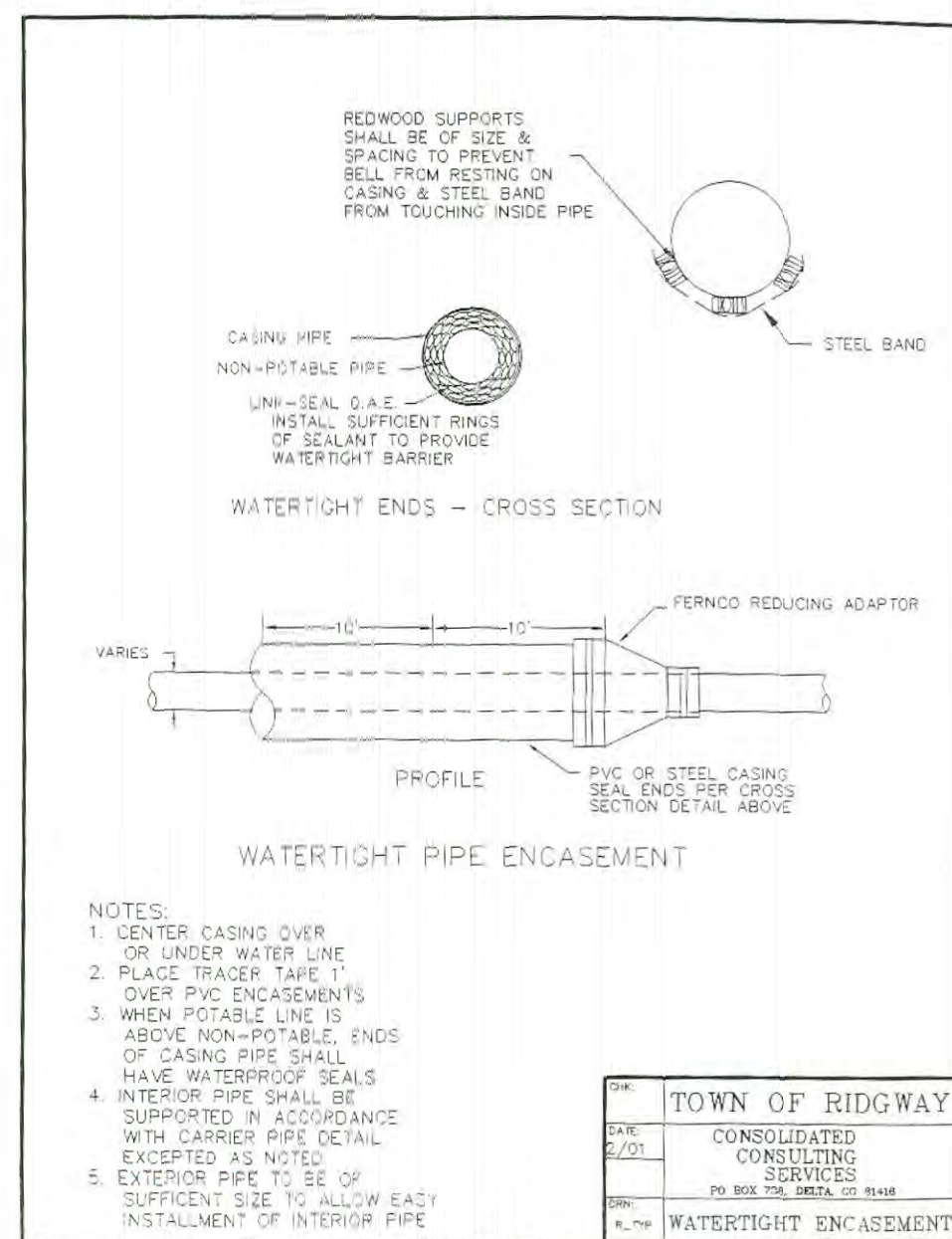


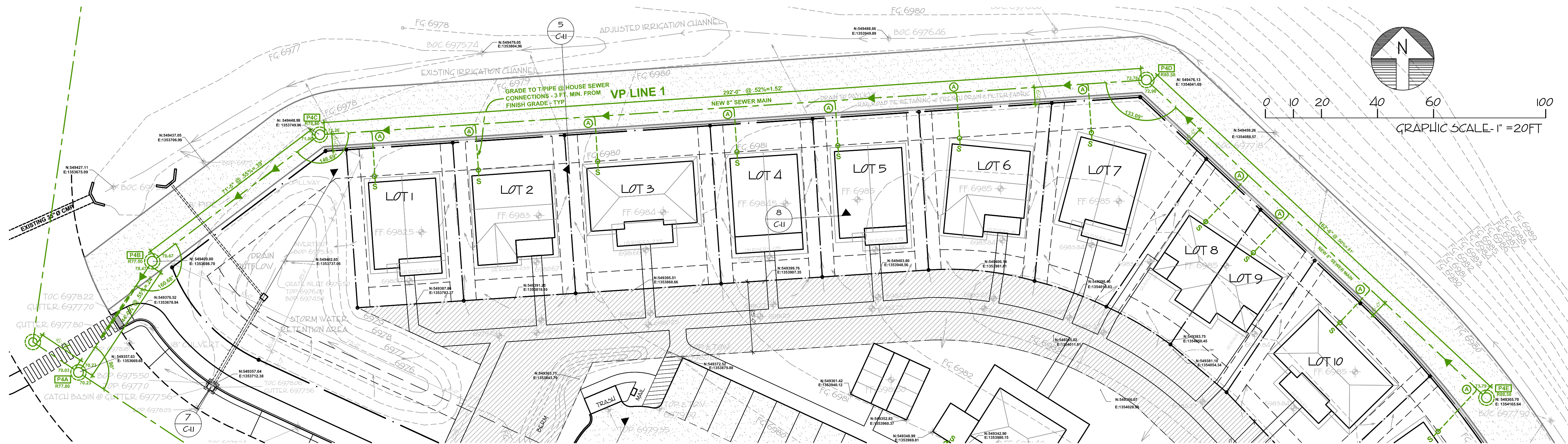
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ARCHITECT-LLC

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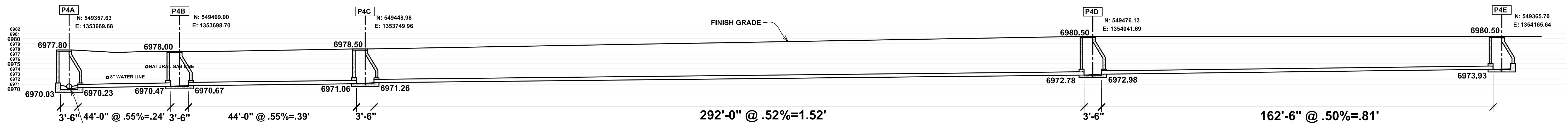
C-1.1







VP LINE I PLAN SCALE: 1"=20'-0"



VP LINE I PROFILE

INTERCEPT RIDGWAY USA
"PA" LINE - 20" SOUTH/EAST
OF MH-P4 - 8" PVC 3034

REVISIONS
5/23 PRELIM PLAT REVIEW

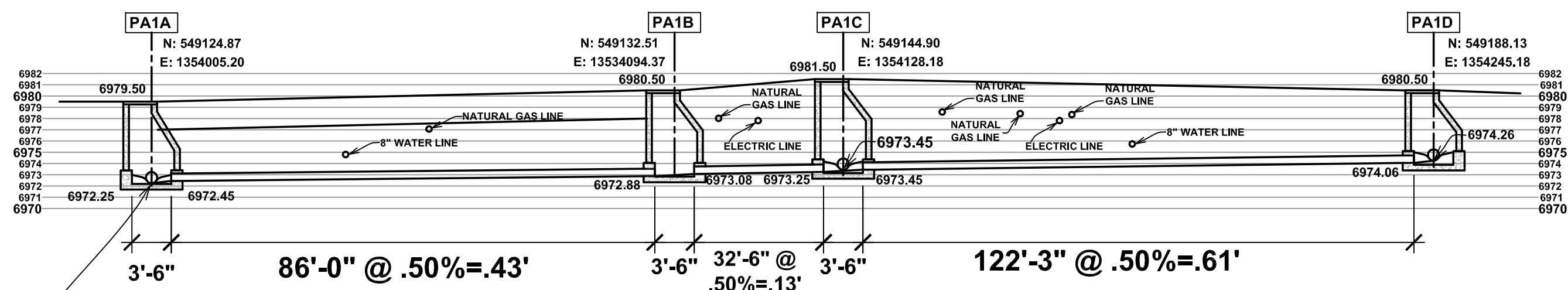
VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

SEWER VP LINE I PLAN & PROFILE

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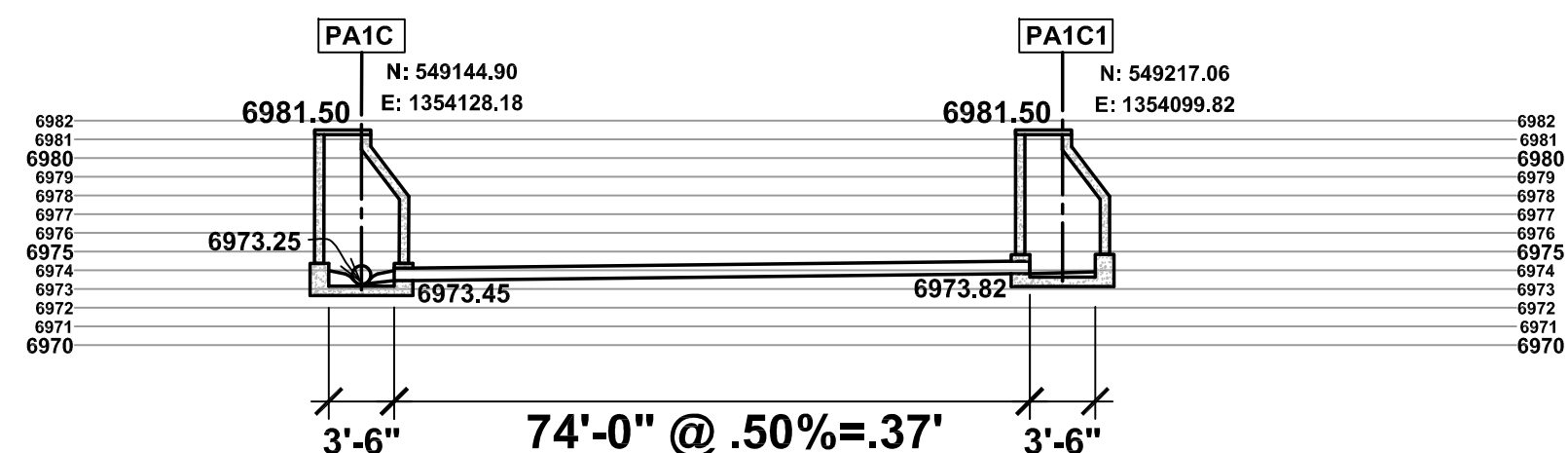
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SCALE:
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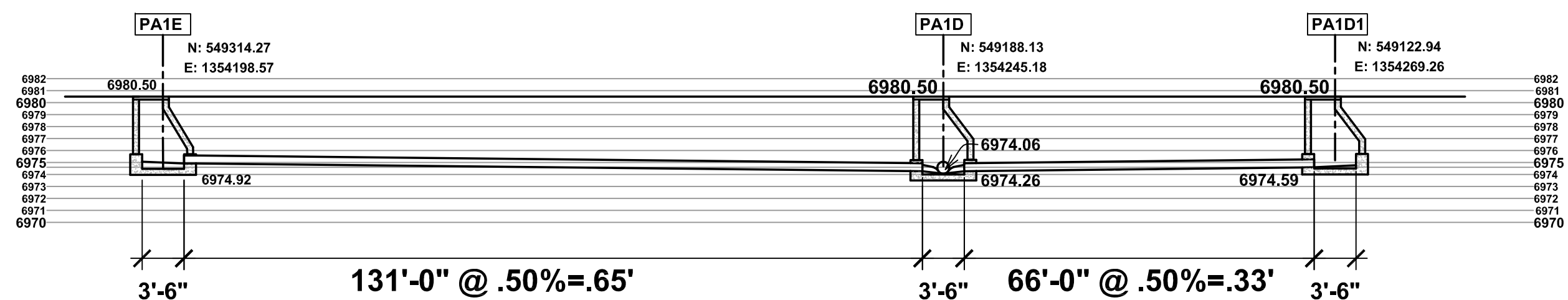


INTERCEPT RIDGWAY USA
"PA" LINE - 20' SOUTH/EAST
OF MH-P4 - 8" PVC 3034

VP LINE 2 PROFILE



VP LINE 3 PROFILE



VP LINE 4 PROFILE



VP LINE 2,3,& 4 PLAN SCALE: 1"=20'-0"

IRRIGATION LINE
FROM PUMPHOUSE
- 3HP-2" PUMP
- 35 PSI @ 95 GPM

ZONE I
RAINBIRD 5000 SERIES ROTORS
PSI = 35
3EA - FULL R = 5 GPM EA = 15
11EA - 1/2 R = 2.6 GPM EA = 28.6
7EA - 1/4 R = 1.3 GPM EA = 9.1
TOTAL GPM = 52.7

ZONE IV
RAINBIRD 1800 SERIES
W/U SERIES NOZZLES @ 30 PSI
2EA - U15F - 3.7 GPM EA = 7.4
14EA - U15H - 1.85 GPM EA = 25.9
14EA - U15Q - .92 GPM EA = 12.8
1EA - U8H - 1.05 GPM EA = 3.12
6EA - U8R - .32 GPM EA = 2.34
9EA - U8Q - .26 GPM EA = 2.34
TOTAL GPM = 43.5

ZONE II
RAINBIRD 1800 SERIES
W/U SERIES NOZZLES @ 30 PSI
17EA - U10R - .82 GPM EA = 14
4EA - U10Q - .41 GPM EA = 3.6
TOTAL GPM = 17.6

ZONE V
RAINBIRD 1800 SERIES
W/U SERIES NOZZLES @ 30 PSI
4EA - U8F - 1.05 GPM EA = 4.2
32EA - U8H - .32 GPM EA = 16.64
13EA - U8Q - .26 GPM EA = 3.38
TOTAL GPM = 22.22

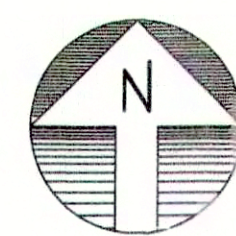
ZONE III
RAINBIRD 5000 SERIES ROTORS
PSI = 35
1 - FULL R = 3.34 GPM = 3.34
11 - 1/2 R = 1.73 GPM = 19
5 - 1/4 R = .88 GPM = 4.4
TOTAL GPM = 26.74

ZONE VIII
RAINBIRD 1800 SERIES
W/U SERIES NOZZLES @ 30 PSI
27EA - U12H - 1.3 GPM EA = 35.1 GPM
TOTAL = 35.1 GPM

ZONE VIII
RAINBIRD 1800 SERIES
W/U SERIES NOZZLES @ 30 PSI
3EA - U12H - 1.3 GPM EA = 3.9 GPM
11EA - U15H - 1.85 GPM EA = 20.35 GPM
TOTAL = 24.25 GPM

IRRIGATION PLAN

SCALE 1" = 20'-0"



3/4" IRRIGATION LINE
WITH VALVE TO EACH
OF 23 LOTS

- Seeded Grass Area
- Bark Ground Cover over Weed Cloth
- Bark Ground Cover over Weed Cloth with Perennial Wildflowers in Season
- Permeable Pavement Parking Area

Planting Ratio:
212 Total Shrubs = 9 per House
85 Total Trees = 3.7 per House

18 ea. - LANCELEAF - COTTONWOOD (1.5" Min Caliper)



16 ea. - CLUSTERS OF 3 - CLUMPING ASPEN (1.5" Min Caliper)



9 ea. - CRABAPPLE - SPRING SNOW (1.5" Min Caliper)

10 ea. - MAPLE - GINNALA (1.5" Min Caliper)



40 ea. - BARBERRY - ROYAL BURGANDY (15 Gal)



40 ea. - BOXWOOD - CHICAGOLAND (15 Gal)

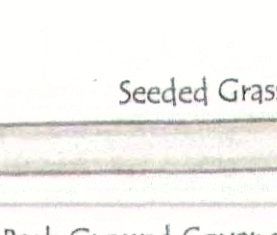


40 ea. - AZELLIA - MANDARIN LIGHT (15 Gal)



160 Total Shrubs - Selected in field to best complement each individual house color

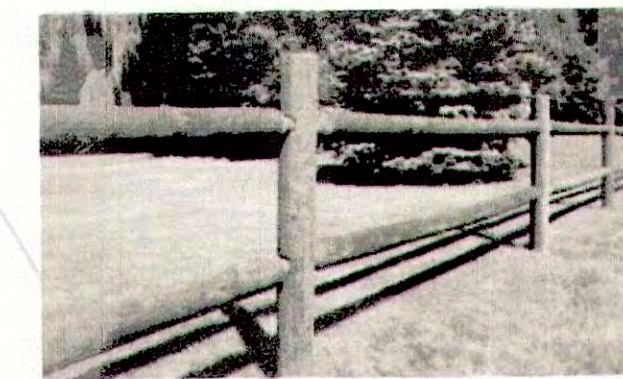
40 ea. - BARBERRY - GOLD (15 Gal)



7 ea. - PARKING LOT LIGHTS - RUSTY METAL TUBE (3"x8")
20,000 LUMENS EACH @ 20'



44 ea. - PATH LIGHTS - RUSTY METAL TUBE (2"x6")
200 LUMENS EACH @ 30'



3,655 LF - ROUND RAIL FENCING
W/ 2 HORIZONTAL RAILS

REVISIONS
PRELIM PLAT: 5/23/19

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

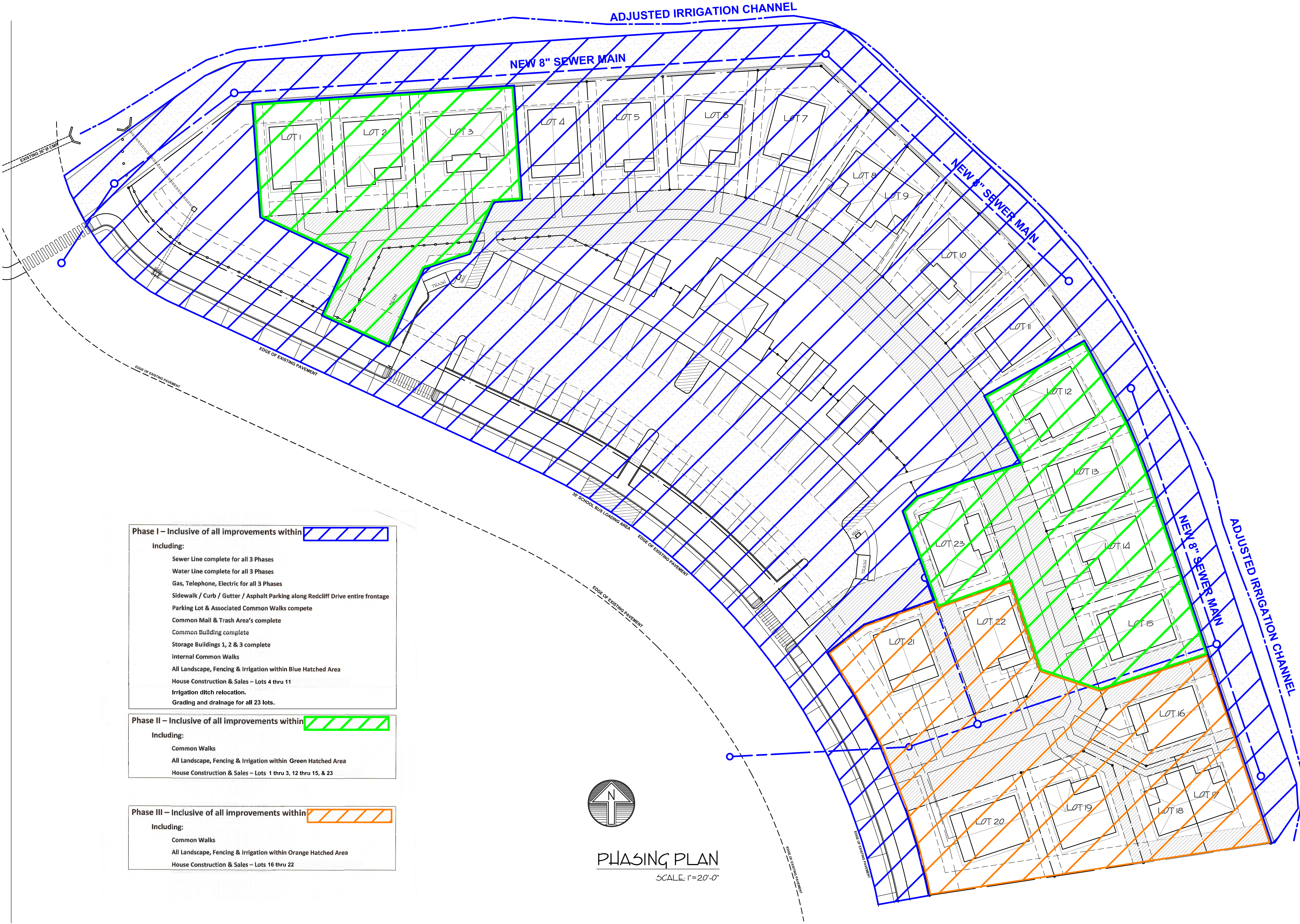
IRRIGATION PLAN

DOUG MACFARLANE
ARCHITECT- LLC

653 N CORA SUITE 201 RIDGWAY, CO. (970) 626-3308

JOB: VPC
DATE: 5/23/19
SCALE:
SHEET:

I-1



Phase I – Inclusive of all improvements within 


Including:

- Sewer Line complete for all 3 Phases
- Water Line complete for all 3 Phases
- Gas, Telephone, Electric for all 3 Phases
- Sidewalk / Curb / Gutter / Asphalt Parking along Redcliff Drive entire frontage
- Parking Lot & Associated Common Walks complete
- Common Mail & Trash Area's complete
- Common Building complete
- Storage Buildings 1, 2 & 3 complete
- Internal Common Walks
- All Landscape, Fencing & Irrigation within Blue Hatched Area
- House Construction & Sales – Lots 4 thru 11
- Irrigation ditch relocation.
- Grading and drainage for all 23 lots.

Phase II – Inclusive of all improvements within 

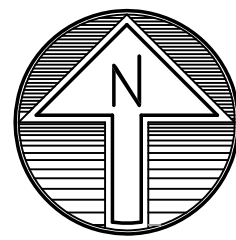
Including:

- Common Walks
- All Landscape, Fencing & Irrigation within Green Hatched Area
- House Construction & Sales – Lots 1 thru 3, 12 thru 15, & 23

Phase III – Inclusive of all improvements within 

Including:

- Common Walks
- All Landscape, Fencing & Irrigation within Orange Hatched Area
- House Construction & Sales – Lots 16 thru 22



PHASING PLAN
SCALE: 1"=20'-0"

REVISIONS
5/23 PRELIM PLAT REVIEW

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PHASING PLAN

DOLG MACFARLANE
ARCHITECT- LLC
653 N. CORA SUITE 201 RIDGWAY, CO. (970) 626-3308

JOB: V.P.C.
DATE: 5/23/19
SCALE:
SHEET:

PH-1

**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS**

for

Vista Park Commons

A Planned Common Interest Community

by

Vista Park Development, LLC

May ____, 2019

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**DECLARATION OF
VISTA PARK COMMONS
A PLANNED COMMON INTEREST COMMUNITY**

THIS DECLARATION OF VISTA PARK COMMONS, A PLANNED COMMON INTEREST COMMUNITY (the “**Declaration**”) is made effective this _____ day of _____, 2017, (the “**Effective Date**”) by Vista Park Development, LLC, a Colorado limited liability company (the “**Declarant**”).

RECITALS

- A. Declarant is owner of certain real property in the Town of Ridgway, County of Ouray, State of Colorado, described as the Property (as defined below).
- B. The Property is subject to the Master Association Documents (as defined below), as such documents may be supplemented and/or amended from time-to-time, and the covenants, restrictions, terms and other provisions contained therein.
- C. Declarant desires to subject and submit the Property to additional covenants, conditions and restrictions and, thereby, to create a planned common interest community as the Project (as defined below), all pursuant to the Act (as defined below).
- D. The Association (as defined below) shall be charged with the management and maintenance of the Project, which Association shall be governed by an Executive Board (as defined below).
- E. The purpose of this Declaration and the corresponding mandate and duty of the Association are to preserve and maintain the value of the Project and the Units (as defined below).

**ARTICLE 1
DECLARATION AND SUBMISSION**

Section 1.1 *Declaration:* Declarant hereby declares that the Property shall be held, sold and conveyed subject to the following terms, conditions, covenants, easements, restrictions, uses, reservations, limitations and obligations which shall run with the land and be binding on all parties and heirs, successors and assigns of parties having any right, title or interest in or to all of any part of the Property. Additionally, Declarant hereby submits and subjects the Property to the provisions of the Act.

ARTICLE 2 DEFINITIONS

The following words when used in the Declaration or any Supplemental Declaration shall have the following meanings. Each capitalized term not otherwise defined in the Declaration or on the Plat shall have the same meaning specified or used in the Act.

Section 2.1 “**Act**” means the Colorado Common Interest Ownership Act, as set forth in Colorado Revised Statutes §§38-33.3-101 *et. seq.*

Section 2.2 “**Allocated Interest(s)**” means the percentage membership in the Association, the percentage of Common Expense Liability, and the percentage of votes in the Association as allocated to each Unit. Each Unit shall have a 1/23^d (4.3478%) Allocated Interest.

Section 2.3 “**Annual Assessments**” means all assessments levied upon the Units according to the Allocated Interests based on the Board’s annual budget for usual Common Expenses and Reserves for the purposes of operating the Project.

Section 2.4 “**Articles**” means the Articles of Incorporation for the Association, currently on file with the Colorado Secretary of State, and any amendments that may be made to those Articles from time-to-time.

Section 2.5 “**Association**” means the Vista Park Commons HOA, and its successors and assigns of which all Unit Owners shall be the sole Members, and which Association shall be incorporated pursuant to the Colorado Revised Nonprofit Corporation Act, CRS §§7-121 through 137, and charged with the management and maintenance of the Project.

Section 2.6 “**Association Documents**” means this Declaration, the Articles, the Bylaws, minutes, the Plat, and Rules and Regulations or other procedures, rules, regulations or policies adopted under such documents by the Association, all as in effect from time-to-time.

Section 2.7 “**Board**” means the Board of Directors of the Association or their duly-appointed representatives in accordance with the Bylaws, and the Rules and Regulations of the Association.

Section 2.8 “**Bylaws**” means the Bylaws adopted by the Association, as they may be amended from time-to-time.

Section 2.9 “**Common Elements**” means and refers to all portions of the Project except the Units, including the General Common Elements and the Limited Common Elements.

2.9.1 “**General Common Elements**” means and includes all of the Project except (i) portions of the Project contained entirely within a Unit; and (ii) portions of the Project

which are designated as Limited Common Elements.

2.9.2 “Limited Common Elements” means those Common Elements designated and reserved for the exclusive use by Owners of particular Units. Assignment of specific Limited Common Elements to specific Units will be made from time-to-time by the Association pursuant to the Bylaws.

Section 2.10 “Common Expense Liability” means the liability for Common Expenses allocated to each Unit pursuant to §38-33.3-207 of the Act and the Bylaws.

Section 2.11 “Common Expenses” means (i) all expenses expressly declared by the Association Documents to be expenses common to the Units; (ii) all other expenses of administering, servicing, conserving, managing, maintaining, repairing or replacing the Common Elements; (iii) insurance premiums for the insurance carried under **Article VIII**; (iv) assessments from the Master Association, and (v) all expenses lawfully determined and approved to be Common Expenses by the Board, including legal expenses, consistent with the Association Documents and/or the Master Declaration.

Section 2.12 “Curative Assessments” means all assessments levied upon any of the Units for maintenance, repair, improvements, replacement or reconstruction of a Unit in accordance with Sections ____ and/or ____ of the Declaration.

Section 2.13 “Curative Expenses” means all expenses incurred by the Association pursuant to Section _____, for the proper maintenance, repair, restoration or reconstruction of a Unit, and including costs of collection, court costs, and attorney’s fees.

Section 2.14 “Declarant” means Vista Park Development, LLC, or its successors or assigns, if any such successor or assign acquires any undeveloped portion of the Project from the Declarant for the purpose of development and is designated as such by the Declarant.

Section 2.15 “Declaration” means this Declaration and the final Plat, and any duly executed amendments, supplements or additions, all as recorded by the Clerk and Recorder of Ouray County.

Section 2.16 “Default Assessments” means all monetary fines assessed against a Unit Owner pursuant to the Association Documents, any past-due Annual, Curative or Default Assessments and/or any expense of the Association, including attorney’s fees and/or accountant’s fees, which is the obligation of a Unit Owner or which is incurred on behalf of a Unit Owner pursuant to the Association Documents.

Section 2.17 “Master Assessments” means lawful assessments made by the Master Association.

Section 2.18 “Master Association” means Ridgway USA Association, Inc., a Colorado nonprofit corporation and its successors and assigns. The Association is a sub-association and voting member of the Master Association and must therefore coordinate with the Master Association for all affairs pertinent to the Ridgway USA Development and shall be subject to the terms of the Master Association Documents.

Section 2.19 “Master Association Documents” means the Master Declaration, the articles of incorporation of the Master Association, the bylaws of the Master Association, the Master Plat, the Master Plat Restrictions, related documents, and any procedures, rules, regulations, or policies adopted under such documents by the Master Association in effect from time-to-time.

Section 2.20 “Master Declarant” means the Ridgway Land Company, L.L.L.P

Section 2.21 “Master Declaration” means the Declaration of Covenants, Conditions and Restrictions recorded by the Master Declarant at reception #147105, Ouray County on July 24, 1990.

Section 2.22 “Master Plat” means the final plat of the Master Declarant found at record #147701, Ouray County, and filed on October 10, 1990, together with the Master Plat Restrictions.

Section 2.23 “Master Plat Restrictions” means the Master Declarant’s plat restrictions found at reception #147699, Ouray County, and filed on October 10, 1990.

Section 2.24 “Member” means every Person that holds membership in the Association.

Section 2.25 “Person” means any natural person, corporation, partnership, limited liability company, association, trust, trustee, governmental or quasi-governmental entity, or any other entity having the right to hold title to real property.

Section 2.26 “Plat” means the Final Plat for the Property as duly approved by the Town of Ridgway and the Master Association and filed as reception #_____, Ouray County.

Section 2.27 “Project” means the common interest community created by the Declaration and as shown on the Plat, consisting of the Property, the Units and the Common Elements, all under the name and style of “Vista Park Commons”.

Section 2.28 “Property” means that certain real property owned in fee simple by Declarant known as lots 30-34 on the Master Plat, together with all grantee rights under all easements and water rights in favor of such real property and/or Declarant, all situated in the Town of Ridgway in the County of Ouray.

Section 2.29 “Rules and Regulations” means any instruments, however denominated, which are adopted by the Association for the regulation and management of the Project, including any amendment to those instruments.

Section 2.30 “Special Assessments” means all assessments levied upon any of the Units for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction of Common Elements not otherwise covered by insurance or the Reserve, or for unexpected repairs or replacements of improvements within the Common Elements, or for any other out-of-the-ordinary expense incurred or to be incurred in furtherance of the Board’s ability to preserve and maintain the value of the Property and the Project.

Section 2.31 “Transfer Assessments” means the fee charged by the Association for the transfer of a Lot or Unit to a new Unit Owner(s) assessable as a closing cost at the time of the transfer.

Section 2.32 “Units” means the physical portions of the Property which are designated as the 23 separate Lots for separate ownership represented on the Plat, together with the improvements thereon and the appurtenant rights and privileges described in **Section 5.2.2**. There are 23 Units.

Section 2.31 “Unit Owner” means the Declarant or other person who owns a Unit, but does not include a person having an interest in a unit solely as security for an obligation. The Declarant is the owner of all units created by the Declaration until that unit is conveyed to another person.

ARTICLE 3

EASEMENTS, USE OF GENERAL COMMON AREAS, AND RELATED DUTIES

Section 3.1 *Unit Owner Easements.*

Section 3.1.1 *General Common Elements.* Subject to the limitations hereinafter provided, all Unit Owners, their successors, assigns, tenants, licensees, and invitees shall have a non-exclusive perpetual easement in and to the General Common Elements the general use and enjoyment thereof and for reasonable ingress and egress by vehicular and pedestrian traffic and for vehicle parking, upon, over, and across the driveways and access ways, sidewalks and walkways, exits and entrances. Said easement shall be appurtenant and shall pass with title to every Unit.

Section 3.1.2 *Rules and Regulations.* Said Unit Owner General Common Element Easements are subject to the right of the Association to promulgate Rules and Regulations for the use or enjoyment thereof, and to suspend the enjoyment thereof by any Unit Owner for any period during which any Annual, Curative, Default, Special, or Transfer Assessment remains unpaid or for any period during which any infraction of its published Rules and Regulations continues, it being understood that any suspension for either non-payment of any assessment or for a breach of the Rules and Regulations of the Association shall not constitute a waiver or discharge of the Unit Owner’s continuing obligation to pay any accruing assessments.

Section 3.1.3 Use. Subject to the preceding, each Unit Owner may use the General Common Elements in accordance with the purpose for which they are intended and for the comfort and enjoyment of the Unit Owners and tenants, and their guests and invitees, but only to the extent that such usage does not hinder, interfere, or encroach upon the lawful right of the other Unit Owners and subject to the use and occupancy restrictions set forth in the Association Documents from time-to-time. There shall be no obstruction of Common Elements, nor shall anything be kept or stored on any part of the Common Elements without the prior written consent of the Association.

Section 3.1.4 Utility Runs. All Unit Owners shall also have a perpetual easement in common with the other Unit Owners to use all pipes, wires, cables, public utility lines, and other common elements serving their Unit. All storm drains, utility lines, transformers, and meters of the Unit Owners shall be maintained in a safe condition.

Section 3.3 Association Easements. The Association shall have the following perpetual easements with respect to the Property:

3.3.1 Encroaching Common Elements. A perpetual and exclusive easement for the maintenance of any Common Elements which may presently or hereafter encroach upon a Unit; and

3.3.2 French Drains and Retaining Walls. A perpetual easement for construction and maintenance of French Drains and Retaining Walls in the Service and Utility Easement on Units adjacent to the Greenbelt as shown on the Plat; and

3.3.3 Access to the Units. The Association shall have the perpetual and non-exclusive right of access to each Unit (i) to inspect same for purpose of verifying conformance with this Declaration, the Bylaws, the Articles, and any Rules and Regulations of the Association; (ii) to remedy any violations; and (iii) to perform any operations required in connections with the maintenance, repairs, or replacements of or to the Common Elements, or any equipment, facilities, or fixtures affecting or serving other Units; provided that requests for entry are made in advance and that any such entry is a time reasonably convenient to the Unit Owner(s) and/or tenants. In case of an emergency, such right of entry shall be immediate whether the Unit Owner(s) and/or tenants are present at the time or not; and

Section 3.4 Utility Easements.

3.4.1 Granted to Utility Servicers. Governmental entities, utility companies, and other entities that provide utility services shall have a blanket perpetual and non-exclusive easement for installation, maintenance, repair, service, and replacement of all sewer, water, power, gas, cable TV, broadband, telephone, and utility pipes, lines, mains, conduits, waters, transformers, meters, and any and all other equipment or machinery necessary or incidental

to the proper functioning of any utility system serving the Project, over, across, and through the Common Elements and Unit areas shown on the Plat as being for utility easement. All utility connections shall be underground.

3.4.1 *Modifications to Utility Easements.* In the event that the Association shall reasonably determine that the utility lines and facilities cannot for some reason be located within the area designated on the Plat for public utility and drainage easements, then the Association, together with the affected Unit Owners, shall cooperate in the granting of appropriate and proper easements for the installation, repair, and replacement of storm drains, sewers, utility lines, and their proper services necessary for the orderly development and operation of the Project.

Section 3.5 *No Obstructions Across Easements.* No walls, fences, or barriers of any kind shall be constructed or maintained in the General Common Elements area which shall prevent or impair the use or exercise of any of the easements granted herein or the free access and movement, including without limitation, pedestrian and vehicular traffic. The Association, however, in its discretion may (and should) implement landscape projects within the General Common Elements area as long as it does not unreasonably interfere with the foregoing.

ARTICLE 4

LIMITED COMMON ELEMENTS: PARKING AND STORAGE

Section 4.1 *Limited Common Elements.* The Limited Common Element areas on the Plat are for Unit parking or for Unit storage. The conveyance of each Unit will, by this Article, include an inalienable right to two (2) assigned parking spaces for 2-bedroom Units and one (1) assigned parking space for 1-bedroom and studio Units. The conveyance of each Unit will also, by this Article include an inalienable right to one (1) assigned storage unit.

Section 4.2 *Use.* Each Unit Owner may use their assigned Limited Common Elements in accordance with the purpose for which they are intended, but only to the extent that such usage does not hinder, interfere or encroach upon the lawful rights of other Unit Owners and subject to the use and occupancy restrictions set forth in the Association Documents from time-to-time. Each Unit Owner shall be responsible for any liability or obligation arising with respect to usage or misuse of their assigned Limited Common Elements.

Section 4.3 *Damage or Destruction.* In the event of damage or destruction of a Limited Common Element, then the Association shall bear the cost for remediation of such damage or destruction. If the Unit Owner, or their agent, lessee, invitee, licensee, or guest through negligence or tortious acts or omissions causes damage or destruction of any Limited Common Element, the Association can recoup its remediation expense from the negligent or tortious Unit Owner. *Ref. §§ 6.10, 7.4*

Section 4.4 *Assignment of Parking and Storage.* Assignment of specific parking spaces and storage units to each Unit will be made by the Association in its discretion. As much as reasonably possible, upon request the Association shall assign parking places and storage units that are as close as possible to each respective Unit. The Association shall also take into consideration the reasonable individual wants and needs of the affected Unit Owners and/or their tenants.

Section 4.5 *Sub-Assignment of Parking or Storage.* A Unit Owner may also assign and/or lease its allotted parking spaces or storage unit to another Unit Owner or its tenant. Any such assignment or lease will be personal and will not run with the land and will automatically terminate when the assignee or lessee no longer occupies a Unit. Moreover, any such assignment or lease will automatically terminate in the event that the Unit Owner assigning or leasing the space conveys its Unit to another party. Any assignment or lease of parking spaces or storage units will be subject to the written approval of the Association, which approval shall not be unreasonably withheld. In the event that a parking space or storage unit is assigned or leased, the Association may, in its discretion, reorganize or consolidate the assignment of parking spaces or storage units.

Section 4.6 *Rules and Regulations.* The Association shall formulate reasonable Rules and Regulations to govern the use and enjoyment of parking and storage.

ARTICLE 5

DIVISION INTO AND USE OF UNITS

Section 5.1 *Number of Units.* The Project shall initially be comprised of 23 (twenty three) separately designated Units (including 2 Units each for 2 duplexes) all as set forth in the Plat and as described in the Declaration.

Section 5.2 *Identification and Description of Units.*

Section 5.2.1 *Identification.* The identification number of each Unit is shown on the Plat.

Section 5.2.2 *Description.* Each Unit, the Unit Owner's membership in the Association, the Unit Owner's undivided interest in the General Common Element easements, and the Unit Owner's exclusive use of the Limited Common Elements designated for such Unit, shall together comprise one Unit, shall be inseparable, and may be transferred, devised, or encumbered only as a complete single Unit. *Ref. § 9.1*

Section 5.2.3 *Plat.* Prior to the conveyance by Declarant of a Unit, Declarant shall cause the Plat to be filed for record with the Clerk and Recorder, which Plat shall contain a sufficient survey description of the Property and the portions of the Property dedicated to each Unit so as to locate the same accurately and properly. The Plat may be filed in whole or in parts or sections, from time-to-time, as stages of construction of the Units are

substantially completed, if ever, in accordance with this Declaration. Each section of the Plat filed subsequent to the first filed Plat shall be termed a Supplemental Plat to the Plat and the numerical sequence of such Supplemental Plat shall be shown thereon.

Section 5.2.4 *Description for Conveyance.* Any instrument conveying title to a Unit shall describe the Unit as follows: “Lot __, Vista Park Commons, a planned common interest community, Town of Ridgway, County of Ouray, State of Colorado, according to the Plat thereof recorded at Reception No. _____, and the Declaration recorded at Reception No. _____, in the records of the Clerk and Recorder of the County of Ouray, Colorado,” all as amended and/or supplemented from time-to-time.

Section 5.3 *Use of Units.*

Section 5.3.1 *Restricted Use.* Each Unit shall be used and occupied solely for residential purposes. No Unit shall be left unoccupied for more than six (6) months in any twelve (12) month period.

Section 5.3.2 *Right to Lease.* An Owner shall have the right to lease the Owner’s Unit upon such terms and conditions as the Owner may deem advisable; provided, however, that (i) no leases shall be for a term of less than six months (6 months) or such other term as may be approved by the Board; (ii) all leases shall be made in writing and shall specify that the lease is subject to the terms of the Association Documents; (iii) a Unit may be leased only for residential use; and (iv) any failure of a lessee to comply with any terms of the Association’s Documents shall constitute a default under the lease enforceable by the Association as a third-party beneficiary against the lessee and/or the Unit Owner, whether or not the lease contains any such enforcement provision. No provision in any lease shall be construed to amend, relieve, abate, waive, or modify any obligation of a Unit Owner contained in this Declaration.

Section 5.3.3 *Rules and Regulations for Use of Unit.* The Units shall be used and occupied in strict accordance with all applicable governmental, zoning, land use and other regulations, the Association Documents and the laws of the State of Colorado, and as follows:

5.3.3.1 In accordance with the Association’s Rules and Regulations. Such matters may include, without limitation, (i) use of the Common Elements; (ii) regulation of animals within the Project; (iii) prohibition of combustible or dangerous materials; (iv) the orderly abatement of nuisances; and (v) general matters governing the administration of the Project to ensure high standards of safety, cleanliness, a pleasing professional appearance, and to otherwise protect property value within the Project.

5.3.3.2 No part or appurtenance of or to any Unit visible outside the Unit

(e.g., windows, doors, awnings, etc.) shall be added or altered in appearance or color or modified without approval by (i) the Board or (ii) the Architectural Review Committee governing the Project and established by the Board, if any, in their sole discretion. Any such alterations must, in any event, also comply with the provisions of the Association Documents. Reasonable modifications to a Unit as necessary to afford a person with disabilities full use and enjoyment of the Unit in accordance with the federal "Fair Housing Act of 1968" will be allowed.

5.3.3.3 No unsightly object or nuisances shall be erected, placed or permitted to remain on or in any Unit, nor shall any Unit be used in any way for any purpose which may endanger the health of, or unreasonable disturb, any Unit Owner or any tenant thereof.

5.3.3.2 Subject to the provisions regarding construction and renovation, no nuisances shall be allowed in the Project, nor shall any use or practice be allowed to annoy or harass other Unit Owners or their tenants or interfere with the peaceful enjoyment, possession and/or use of the Project by the Unit Owners or their tenants. All parts of the Project will be kept in a clean and sanitary condition and no rubbish, refuse or garbage shall be allowed to accumulate, nor any fire hazard to exist or combustible or hazardous material to be maintained at any time on any portion of the Project. No Unit Owner shall permit any use of such Owner's Unit, or make any use of the General Common Elements or Limited Common Elements that will increase insurance rates for any portion of the Project or that will otherwise not comply with the laws of the State of Colorado.

Section 5.4 *Conveyance of a Unit.* Upon the conveyance of any Unit by the Declarant or a Unit Owner, a copy of each instrument of conveyance shall be furnished to the Association.

ARTICLE 6

ASSESSMENTS AND ALLOCATIONS

Section 6.1 *Covenant to Pay.* Each Unit Owner hereby covenants to pay the Association all Annual Assessments, Special Assessments, Curative Assessments, and Default Assessments as more specifically describe herein.

Section 6.2 *Budget.* Within thirty (30) days after the adoption of any proposed budget for the Association, the Board shall distribute by mail or verified email or hand delivery and shall publish on its web site, if any, a summary of the budget to all the Unit Owners and shall set a date for a meeting of the Unit Owners to consider ratification of the budget not less than fourteen (14) now more than sixty (60) days after mailing or delivery or publication of the summary or as may otherwise be provided for in the Act. Unless at that meeting a majority of all Unit Owners reject the budget, the budget is ratified, whether or not a quorum is present. In the event that the proposed

budget is rejected, the periodic budget last ratified by the Unit Owners must be continued until such time as the Unit Owners ratify a subsequent budget proposed by the Board. The Board shall adopt a budget and submit the budget to a vote of the Unit Owners as provided herein no less frequently than annually. The Board shall levy and access the Annual Assessments in accordance with the annual budget.

Section 6.3 *Annual Assessments.*

Section 6.3.1 *Defined with Examples.* Annual Assessments for usual Common Expenses shall be based upon the estimated cash requirements, for the purposes of operating the Project in accordance with this Declaration, as the Board shall from time-to-time determine shall be paid by all of the Unit Owners, subject to **Section 6.2** above. Estimated usual Common Expenses shall include, without limitation, the cost of routine maintenance, necessary improvements, and operation of the General Common Elements, expenses of management and insurance premiums for insurance coverage as deemed desirable or necessary by the Association, landscaping of the Property, care of grounds within the General Common Elements, snow removal, routine repairs, replacements and renovations within and of the General Common Elements, wages, common water and utility charges for the General Common Elements, taxes or any other fees imposed by a governmental body, legal and accounting fees, Master Assessments, management fees, expenses and liabilities incurred by the Association under or by reason of this Declaration, and payment of any default remaining from a previous assessment period.

Section 6.3.2 *Payments.* Annual Assessments shall be payable in monthly installments on a prorated basis in advance and shall be due on the first day of each month. The association may enter into an escrow agreement with the holder of a Unit Owner's mortgage so that assessments may be combined with the Unit Owner's mortgage payments and paid at the same time and in the same manner. The omission or failure of the Association to fix the Annual Assessments for any assessment period shall not be deemed a waiver, modification or release of the Unit Owners from their Common Expense Liability. The Board may establish Rules and Regulations for Default Assessments, *e.g.*, late fees, interest charges, in the event a Unit Owner's untimely payment.

Section 6.3.3 *Apportionment.* The Common Expenses shall be allocated among the Units on the basis of each Unit's Allocated Interests in effect on the date of assessment, provided, however, that the Association (through the Board, in its sole discretion) reserves the right to allocate expenses relating to fewer than all of the Units to those Unit Owners of the affected Units only.

Section 6.4 *Capitalization of the Association - Transfer Assessment.* Whenever a Unit is sold, a Transfer Assessment will attach to the sale thereof, payable to the Association as a condition of sale and from the proceeds of the sale. If uncollected, the Transfer Assessment will be an obligation of both the new Unit Owner and the preexisting Unit Owner, and will attach to the Unit

as a first priority lien until satisfied. Furthermore, the new Unit Owner will subject to late fees and interest and will not be allowed voting rights in the Association until the Transfer Assessment is paid. Funds accumulated from the Transfer Assessments will be utilized by the Association to fund (i) capital projects, (ii) repair and replacement reserves dedicated to the Common Elements, (iii) repair and replacement of Common Elements due to damage or destruction, and (iv) Curative Expenses until reimbursement from the Unit Owner. The Transfer Assessment will be one percent (1%) of the sale price of the Unit. CRS § 38-33.3-207 (4)(a)(IV)

Section 6.5 *Reserves and Surplus Funds.* The Board shall have the right, but not the obligation, to create a further contingency or other reserve or surplus fund out of Annual and/or Transfer Assessments for capital replacements, insurance deductibles and/or maintenance, repairs and replacements of improvement within the General Common Elements or for Curative Expenses on a periodic basis, as may be required. In the event that the Board determines that the Association has surplus funds, the Board, in accord with the Bylaws, may resolve the same to be distributed to Unit Owners pursuant to CRS §38-33.3-314.

Section 6.6 *Special Assessments.* In addition to the Annual Assessments (and other assessments described herein), the Association may levy in any fiscal year, one or more Special Assessments, payable over such a period as the Association may determine, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of improvements within the Common Elements, or for any other expense incurred or to be incurred in furtherance of the Board's ability to preserve and maintain the value of the Property and the Project, as provided in the Declaration. Any amounts assessed pursuant to the Section shall be assessed to Unit Owners according to their Allotted Interests, subject to the right of the Association to assess only against the Unit Owners of affected Units (i) Curative Assessments (as describe below), (ii) any extraordinary maintenance, repair or restorative work on fewer than all of the Units, which shall be borne by the Unit Owners of those affected Units only, (iii) any extraordinary insurance costs incurred as a result of the actions of a particular Unit Owner (or their agents, servants, guests, tenants, invitees, or licensees), which shall be borne by that Unit Owner. Notice in writing of the amount of such Special Assessments and the time for payment of the Special Assessments shall be given promptly to the Unit Owners. The Board, in its sole power and discretion, shall have the absolute power and authority to levy and make any Special Assessment up to a principal amount (not including and in addition to any Default Assessments) of \$25,000 per year. Any amount in excess of this shall require additional approval by Members holding no less than fifty one percent (51%) of the Allocated Interests.

Section 6.7 *Default Assessments.* Notice in writing of the amount of each Default Assessment, including any ongoing accruing amount, and the time for payment of the Default Assessment shall be given promptly to the applicable Unit Owner. The Board shall establish written and reasonable Rules and Regulations for making Default Assessments and the payment thereof.

Section 6.8 *Curative Assessments.*

Section 6.8.1 *Notice.* Notice in writing of the amount of each Curative Assessment, including any Default Assessments that may attach, and the time for payment of the Curative Assessment shall be given promptly to the applicable Unit Owner, and no payment shall be due less than thirty (30) days after such notice shall have been given.

Section 6.8.2 *Payment Plan.* If requested by the Unit Owner, the Board shall make a good-faith effort to set up a payment plan; except that this does not apply if the Unit Owner does not occupy the unit and has acquired the property as a result of a default of a security interest encumbering the Unit, or if the Unit Owner has previously entered into a payment plan under this section. A payment plan negotiated between the Association and the Unit Owner pursuant to this section must permit the Unit Owner to pay off the deficiency in equal installments over a period of at least six months. Nothing in this section prohibits Association from pursuing legal action against a Unit Owner if the Unit Owner fails to comply with the terms of their payment plan. A Unit Owner's failure to remit payment of an agreed-upon installment, or to remain current with regular assessments as they come due during the six-month period, constitutes a failure to comply with the terms of their payment plan.

Section 6.9 *Master Assessments.* The Association assumes as a Common Expense the obligation of the Unit Owners to pay all just and reasonable assessments made by the Master Association.

Section 6.10 *Effect of Nonpayment; Assessment Lien.* Any Assessment or Assessment installment, whether pertaining to any Annual, Special, Curative, Default or Transfer Assessment, which is not paid as of its due date, shall be delinquent. If an Assessment becomes delinquent, the Association (acting through its Board), in its sole discretion, may take any or all of the following actions:

Section 6.10.1 *Default Assessments.*

Section 6.10.1.1 Assess a late charge for each delinquency in conformance with the Bylaws, the Act, and otherwise permissible under Colorado law;

Section 6.10.1.2 Assess an interest charge from the due date in conformance with the Bylaws, the Act, and otherwise permissible under Colorado law;

Section 6.10.1.3 Assess professional fees reasonably incurred by the Association in support of actions taken to address the delinquency.

Section 6.10.2 Suspend the voting rights of the Unit Owner during any period of delinquency;

Section 6.10.3 Suspend the rights of the Unit Owner, and the Unit Owner's family,

guests, lessees and invitees, to use the General Common Elements during any period of delinquency;

Section 6.10.4 Accelerate all remaining Assessment installments so that all unpaid Assessments shall be immediately and fully due and payable;

Section 6.10.5 Bring an action at law against any Unit Owner personally to pay the delinquent Assessments (*Ref.* §6.11); and/or

Section 6.10.6 *Proceed with foreclosure.* Assessments chargeable to any Unit shall constitute a lien in such Unit in the manner for foreclosing a mortgage on real property under the laws of the State of Colorado. In the event of any foreclosure brought by the Association, the Unit Owner shall be liable for the amount of unpaid Assessments, any penalties, and interest thereon, the cost and expense of such proceedings, the cost and expenses for filing any notice of claim and lien, and all reasonable attorney's fees incurred in connection with the enforcement of the lien. The Association shall have the power to bid on a Unit at foreclosure sale and to acquire and hold, lease, mortgage and convey the same.

Section 6.11 *Personal Obligation.* In addition to being a lien on each Unit, each Assessment shall also be the personal obligation of the Person who owned the Unit at the time the Assessment became due. In the event of a legal action at law, the prevailing party will be liable for all or a portion of the non-prevailing party's attorney's fees and costs as determined or ordered by the court. No Unit Owner may exempt themselves from liability for the Assessment by abandonment of their Unit or by waiver of the use or enjoyment of all or any part of the Common Elements. Suit to recover a money judgment for unpaid Assessments shall be maintainable without foreclosing or waiving the Assessment lien provided in the Declaration.

Section 6.12 *Payment by Mortgagee.* Any mortgagee holding a lien on a Unit may pay any unpaid Assessment payable with respect to such Unit, together with any and all costs and expenses incurred with respect to the lien, and, upon such payment, the mortgagee shall have a lien on the Unit for the amounts paid with the same priority as the lien on the mortgage.

ARTICLE 7 MAINTENANCE

Section 7.1 *Maintenance by Unit Owners.* Each Unit Owner shall maintain, repair, replace and reconstruct as needed the improvements on said Unit and shall maintain the Limited Common Elements assigned to said Unit and the landscaping of said Unit. All fixtures and equipment installed within the Unit shall be maintained and kept in repair by the Unit Owner.

Section 7.2 *Curative Assessment - Unit Owner's Failure to Maintain or Repair.* In the event that a Unit is not properly maintained (including landscape elements) and repaired, or in the

event that the Unit is damaged or destroyed by an event of casualty, and/or an act or omission by a Unit Owner, and the Unit Owner does not take reasonable measures to diligently pursue the repair and reconstruction of those portions of the damaged or destroyed Unit to substantially the same condition in which they existed prior to the damage or destruction, then the Association, in furtherance of its duty to preserve and maintain the value of the Property and the Project, after notice to the Unit Owner and with the unanimous approval of the Board or the majority approval of the Members of the Association, shall have the right to enter upon the Unit to perform such work as is reasonably required to restore the Unit to a condition of good order and repair. All costs incurred by the Association in connection with steps taken under this section shall be reimbursed to the Association by the Unit Owner as a Curative Assessment.

Section 7.3 *Maintenance by Association.* The Association shall be responsible for the maintenance and repair of the Common Elements, and the French Drains and Retaining Walls to be constructed in the Service and Utility Easement adjacent to the Greenbelt shown on the Plat, which maintenance and repair (unless necessitated by damage caused by the negligence, misuse or tortious act of a Unit Owner or Owner's Agent as set forth in **Section 7.4** below) shall be the Common Expense of all Unit Owners and shall be in accordance with standards that may be established from time-to-time by the Board in its sole discretion. This maintenance shall include, but shall not be limited to, upkeep (including snow removal, grass cutting, and keeping storm system drywells cleared out), repair and replacement of all landscaping, walls, gates, signage, irrigation systems, sidewalks, driveways, the parking lot, and the common building. In the event the Association does not maintain or repair the Common Elements, the French Drains, and Retaining Walls, Declarant shall have the right, but not the obligation, to do so at the expense of the Association.

Section 7.4 *Limited Common Element Damage.* In the event of damage or destruction of a Limited Common element from any cause other than the negligence or tortious acts or omissions to act of a Unit Owner or Unit Owner's agent, the Association shall bear the expense to repair or rebuild the Limited Common Element to its previous condition. If a Unit Owner or Owners or their agents have caused such damage by negligence or tortious conduct, as outlined above, such Unit Owners shall bear the cost of the damage to the extent of negligent or tortious culpability. The Association can make a Default Assessment and/or pursue an action at law to collect said cost of damage. *Ref. §§ 4.3, 6.10.*

Section 7.5 *Maintenance of Duplex Units.* Certain Units will share certain common elements, *e.g.*, a common foundation, exterior finish, and roof with a second Unit (the "Duplex Units"). The Duplex Units will not share a interior common wall, but will be built with an interstitial space between. Notwithstanding, responsibility for maintenance of the elements that are common to each Duplex will be individual and several responsibility of the Units Owners of the respective Duplex, and each Duplex shall be maintained by those Unit Owners with a uniform exterior appearance. Examples of Duplex common elements include exterior painting, roof replacement, and foundation maintenance. If the Unit Owners of a Duplex are in disagreement over this responsibility, they must submit such to the Board for binding arbitration. If one or more of the parties to the dispute are on the Board, such parties may not participate in making a determination

of the arbitration.

Section 7.6 *Maintenance of Fences.* Fences between Units shall be placed directly on the property line and maintenance thereof shall be the joint duty of the respective adjoining Unit Owners. Any fence which borders a Unit and abuts the Property shall be maintained by the respective Unit Owner. Fences which border the Units and abut the General Common Elements shall be placed 1" past the property line and onto the General Common Element. Maintenance of fences on the General Common Element shall be the duty of the Association per §7.3 above.

ARTICLE 8 INSURANCE

Section 8.1 *Association Insurance Provisions.* The Association shall acquire and pay for, out of the Annual Assessments, the following insurance policies carried with reputable insurance companies authorized to do business in Colorado:

Section 8.1.1 *Property Hazard Insurance Coverage.* Insurance for fire, with extended coverage, vandalism, malicious mischief, all-risk (a/k/a special form, or special cause of loss) on a replacement cost basis. Coverage shall include endorsements in amounts deemed reasonable and as determined by the Board to represent not less than the full then-current insurable replacement cost of the common building(s) and its contents located on the Property, all General and Limited Common Elements (but not the Unit Owner contents of the Limited Common Elements), and any Units owned by the Association. Maximum deductible amounts, if available, shall be the lesser of \$10,000 or 1% of the policy face amount. Such hazard insurance policy must be written by an insurance carrier that has an "A" or better policyholder's rating and a financial size category of "VIII" or better in Best's Insurance Reports - International Edition.

Section 8.1.2 *General Liability.* Commercial general liability insurance for the Common Elements in such amounts as the Board deems desirable, provided that such coverage shall be for at least \$1,000,000 for bodily injury, including deaths, and for property damage arising out of a single occurrence insuring the Association, the Board, a Manager or managing agent, or both, if any, and their respective agents and employees from liability in connection with the operation, maintenance and use of the Common Elements and/or any Unit owned by the Association.

Section 8.1.3 *General Provisions.*

8.1.3.1 All policies required to be carried under this **Article 8** shall provide a standard non-contributory mortgagee clause in favor of the first mortgagee and shall provide that such policy cannot be canceled by the insurance company without at least thirty (30) days prior written notice to the Board, except that ten (10) days is required for reason of non-payment of premium.

8.1.3.2 If the insurance describe in this **Article 8** is not reasonable available, or if any policy of insurance is cancelled or not renewed without a replacement policy therefore having been obtained, The Association shall promptly cause notice of that fact to be hand delivered or sent by United States mail to all Owners and to any first mortgagee of the Association. The Association shall additionally provide supplement notice via email to Unit Owners and posting on the Association's website.

8.1.3.2 To the extent the Association settles insurance claims for damages to the Common Elements or to any Units it owns, it shall have the authority to assess negligent Unit Owners causing such loss all deductibles paid or uncovered losses incurred by the Association. *Ref. §§ 4.3, 7.4.*

Section 8.2 *Unit Owner Insurance Provisions.* Each Unit Owner shall maintain, in such amounts and form acceptable to the Board from time-to-time (i) property hazard insurance coverage on their respective Unit, including insurance for fire, with extended coverage, vandalism, malicious mischief, all-risk (a/k/a special form, or special cause of loss) on a replacement cost basis. (ii) casualty and public liability insurance coverage for such Unit Owner's Unit and the Limited Common Elements assigned thereto for amounts not less than \$1,000,000 for bodily injury, including deaths, and for property damage arising out of a single occurrence. Such policy or policies shall name the Association as an additional insured in a form acceptable to the Association. Each Unit Owner shall be solely responsible for the operation and use of the Limited Common Elements assigned to such Unit. Each Unit Owner is also encouraged to obtain hazard coverage for their personal property, including all personal property stored in their Limited Common Elements.

Section 8.3 *Insurer Obligation.* An insurer that has issued an insurance policy for the insurance describe in this **Article 8**, or its authorized agent, shall issue certificates or memoranda of insurance to the Association and, upon request, to any Unit Owner or mortgagee. Unless otherwise provided by statute, the insurer issuing the policy may not cancel or refuse to renew it until thirty (30) days after notice of the proposed cancellation or non-renewal has been mailed to the Association and to any mortgagee to whom a certificate or memorandum of insurance has been issued at their respective last-know addresses, except that ten days notice is required for reason of non-payment of premium.

Section 8.4 *Repair and Replacement.* Any portion of the Common Elements for which insurance is required under the Article which is damaged or destroyed must be repaired or replaced promptly by the Association unless:

Section 8.4.1 The common interest community created by the Declaration is terminated;

Section 8.4.2 Repair or replacement would illegal under any state statute or regulation or local ordinance governing health or safety;

Section 8.4.3 There is a vote not to rebuild by (i) sixty seven percent (67%) of the Unit Owners entitled to vote.

The cost of repair or replacement of Common Elements in excess of insurance proceeds and reserves shall be a Common Expense. If all the Common Elements are not repaired or replaced, the insurance proceeds attributable to the damaged Common Elements must be first used to restore the damaged area to a condition compatible with the remainder of the Project, and secondly distributed to all the Unit Owners or mortgagees, as their interests may appear in proportion to each Unit's Allocated Interests.

Section 8.5 *Fidelity Insurance.*

Section 8.5.1 If any Unit Owner or Board member or employee of the Association controls or disburses funds of the Project, the association must obtain and maintain, to the extent reasonably available, fidelity insurance. Coverage shall not be less in aggregate than two months' current Annual Assessments, plus reserves, if any, as calculated from the current budget of the Association, plus the current balance of the Transfer Assessment fund.

Section 8.5.2 Any Person engaged as an independent contractor by the Association for the purposes of managing the Project must obtain and maintain fidelity insurance in an amount reserved for the engagement of not less than the amount specified above unless the Association names such Person as an insured person in a contract of fidelity insurance.

Section 8.6 *Other Insurance.* The Association shall also maintain insurance, to the extent reasonably available, and in such amount as the Board may deem appropriate, on behalf of members of the Board against any liability asserted against a member of the Board or incurred by such member in their capacity or arising out of their status as a member of the Board. The Board may also obtain insurance against such other risks or a similar or dissimilar nature as it shall deem appropriate with respect to the Association's responsibilities and duties.

ARTICLE 9
MEMBERSHIP AND VOTING RIGHTS; ASSOCIATION OPERATIONS

Section 9.1 *The Association.* Every Unit shall be accorded one Membership to the Unit Owners. Membership shall be appurtenant to, and may not be separated from ownership of a Unit. *Ref. §5.2.2.*

Section 9.2 *Transfer of Membership.* A Unit Owner shall not transfer, pledge, or alienate such Unit Owner's membership in the Association in any way, except upon the sale, transfer, or encumbrance of such Unit and then only to the purchaser, transferee, or mortgagee of the Unit.

Section 9.3 *Membership.* The Association shall have one class of membership consisting

of all Unit Owners, including the Declarant so long as Declarant continues to own an interest in a Unit. Except as otherwise provided in this Declaration or other Association Documents, each Unit Owner shall be entitled to vote on Association matters as a Member, in accordance with the Allocated Interests allocated to such Unit.

Section 9.4 *Multiple Owners of a Unit.* If title to any Unit shall be held by two or more Persons, then each such Person shall be a Member of the Association, provided however, that the voting rights of such Unit Owners shall not be divided, but shall be exercised as if the Unit Owner consisted of only one Person. A majority of said multiple Unit Owners shall designate in writing to the Association one of the Unit Owners with respect to all matters relating to the Association, including voting (the “**Designated Member**”). In the event no Designated Member is designated by said multiple Unit Owners to the Association, the Board reserves the right to take action without the vote of the Unit, provided, however, that the provisions of this sub-section _____ shall be subject to the requirements of §38-33.3.310 of the Act.

Section 9.5 *Books and Records.* Upon reasonable advance request by a Member or Unit mortgagee, the Association shall make available to the requester, during normal business hours or under other reasonable circumstances, the Association Documents and the books, records and financial statements of the Association. If requested, the Association will make hard or electronic copies of said documents for the requester and will transmit them via reasonable means including by mail or e-mail. The Association may charge a reasonable fee for copying such material and for preparation and presentation time. The foregoing notwithstanding, the provisions of this **Section 9.5** shall comply with the provisions of §38-33.3-209.4 of the Act.

Section 9.6 *Manager.* The Association, through the Board, may employ or contract for services of a Manager or Managers to whom the Board may delegate certain powers, functions or duties of the Association, as may be more specifically provided by the Bylaws.

Section 9.7 *Enforcement and Attorney’s Fees.* It is hereby declared to be the intention of the Association to enforce the provisions of the Association Documents by any and all means available to the Association at law or equity, and to seek recovery and reimbursement of all attorney’s fees, Association expenses and costs incurred by the Association in connection therewith as may be required from time-to-time. Failure by the Association to enforce compliance with any provisions of the Association Documents shall not be deemed a waiver of the right to enforce any provision thereafter. The foregoing notwithstanding, the provisions of this **Section 9.7** shall comply with the provisions of §§ 38-33.3-123 and 124(2) of the Act.

Section 9.8 *Implied Rights and Obligations.* The Association may exercise any right or privilege expressly granted to the Association in the Association Documents, by the Act and/or by the Nonprofit Act or as otherwise permitted by Colorado Law.

Section 9.9 *Notice.* Any notice to a Unit Owner of matters affecting the Project by the Association or by another Unit Owner shall be sufficiently given if in writing and delivered

personally, by courier or private service delivery, or by email if addressed to the Unit Owner's designated email of record in the Association's records, or on the third business day after deposit in the US mails for certified mail, return receipt requested, at the address of record for real property tax assessment notices with respect to that Unit, or as otherwise may be provided for in the Act.

ARTICLE 10

FORMATION OF THE BOARD AND POWERS OF THE ASSOCIATION

Section 10.1 *Formation of the Board.* Subject to the limitations contained in the Act, from the effective date of this Declaration, the Board shall consist of three members appointed by the Declarant. Then within sixty (60) days of 25% of the Units being first sold and closed to non-Declarant Unit Owners, said non-Declarant Unit Owners shall elect one Board member and the Declarant will appoint two Board members. Then within sixty (60) days of 75% of the Units being first sold and closed to non-Declarant Unit Owners, the Board shall consist of five members, four of whom shall be elected and removed in accordance with the Articles and Bylaws of the Association, and one of whom shall be appointed by the Declarant. Then within (60) sixty days of 100% of the Units being first sold and closed to non-Declarant Unit Owners, all five Board members shall be elected and removed in accordance with the Articles and Bylaws of the Association.

Except with respect to Declarant-appointed Board members, the Unit Owners, by a vote of sixty-seven percent (67%) of all Allocated Interests represented or present and entitled to vote at any properly called meeting of the Unit Owners at which a quorum is present may remove any member of the Board with or without cause. Only the Declarant may remove a member of the Board appointed by the Declarant.

The Board shall appoint the officers of the Association.

Section 10.2 *Association Powers.* The Association shall be granted all powers necessary to govern, manage, maintain, repair, improve, administer and regulate the Project and to perform all of the duties required of it and to impose Assessments to carry out its obligations, including, without limitation the obligation to preserve and maintain the value of the Property and the Project. In furtherance of the Association purposes, the Association, by the action of the members of the Board, unless otherwise provided in the Articles, Bylaws or herein shall have the full power bestowed by CRS §38-33.3-302 and to:

Section 10.2.1 Adopt and amend (i) the Bylaws regarding Association operational matters; and (ii) the Rules and Regulations, which Rules and Regulations shall address various matters to promote the quiet enjoyment, smooth operation and enhancement of the value of the Property and the Project (including, without limitation, architecture, maintenance, signage and collection of Assessments);

Section 10.2.2 Adopt and amend budgets for revenues, expenditures and reserves

of the Association;

Section 10.2.3 Collect Assessments and fines from Unit Owners;

Section 10.2.4 Hire and discharge managers and other employees, agents, and independent contractors engaged in pursuing the goals of maintaining the value of the Property and Project;

Section 10.2.5 Negotiate and provide for reasonable compensation to be paid to any Member, manager, member of the Board, or officer while such Member, manager, member of the Board or officer is acting as an agent or employee of the Association, for services rendered in effecting one or more of the purposes of the Association;

Section 10.2.6 Instigate, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more Unit Owners, on matters affecting the Project or the Association;

Section 10.2.7 Make and enter into contracts and incur liabilities, both on behalf of the Association and any individual Unit Owners engaging the Association as an attorney-in-fact for such purposes;

Section 10.2.8 Regulate the use, maintenance, repair, replacement and modification of Common Elements;

Section 10.2.9 Cause additional improvement to be made as part of the Common Elements;

Section 10.2.10 Acquire, hold, encumber and convey in the name of the Association any right, title or interest in or to real or personal property, except that the Common Elements may be conveyed, or subjected to a security interest, only upon an affirmative vote of sixty-seven percent (67%) of the Allocated Interests;

Section 10.2.11 Grant easement for any period of time, including permanent easement, and grant leases, licenses and concessions through or over and upon the Common Elements;

Section 10.2.12 Impose and receive any payment, fee, charge or fine for services provided to Unit Owners and for the use, rental or operation of the Common Elements or Units of the Declarant or the Association, respectively;

Section 10.2.13 All subject to the provisions of the Act in effect from time-to-time, impose charges for late payment of Assessments, access reasonable attorney fees and other costs for collection of Assessments and other actions to enforce the power of the Association,

regardless of whether or not suit was initiated, and levy reasonable fines for violations of the Association Documents;

Section 10.2.14 Impose reasonable charges for the preparation and recordation of amendments to the Declaration and/or Plat and/or any Supplemental Declarations or Plats or statements of unpaid Assessments;

Section 10.2.15 Provide the necessary resources for the indemnification of the Association's officers and Board and maintain director's and officer's liability insurance;

Section 10.2.16 Assign its right to future income, including the right to receive Assessments, but only upon an affirmative vote of sixty-seven percent (67%) of the Allocated Interests;

Section 10.2.17 Exercise any other powers conferred by the Association Documents or the Act;

Section 10.2.18 Exercise all other powers that may be exercised in the state by legal entities of the same type as the Association;

Section 10.2.19 Provide and pay for internal bookkeeping, external accounting and filing requirements;

Section 10.2.20 Enforce any covenants, restrictions, and conditions affecting the Project;

Section 10.2.21 Borrow money and, upon the affirmative vote of sixty-seven percent (67%) of the Allocated Interests and, to mortgage, pledge, or hypothecate any or all of its Project property as security for money borrowed or debts incurred;

Section 10.2.22 Engage in all lawful activities which will actively foster, promote, and advance the common ownership interests of the Unit Owners;

Section 10.2.23 Establish the Vista Park Commons Architectural Review Committee and its rules, provided that the Board shall have the power to act as same until such time as the Board chooses to create such a committee in its own right.

Section 10.2.24 Accept title to the Common Elements from the Declarant subject to the easements created in **Article 3**.

Section 10.2.25 Exercise any other power necessary and proper for the governance and operation of the Association, to protect the Common Elements, and to preserve, maintain and enhance the value of the Project and the Units.

Section 10.3 *Certain Powers Subject to Approval.* Notwithstanding the above, but subject to the Declarant's rights and additional reserved rights set forth in **Article 14** below, the Association shall not be empowered nor entitled to do any of the following without the consent of sixty-seven (67%) of the Allocated Interests:

Section 10.3.1 By act or omission, abandon or terminate the planned common interest regime created pursuant to this Declaration;

Section 10.3.2 Partition or subdivide any Unit;

Section 10.3.3 Combine two or more Units into fewer Units.

Section 10.3.4 Use the insurance proceeds for a loss to an improvement within the Project for other than the repair, replacement, or reconstruction of such improvements; and,

Section 10.3.5 Change the Allocated Interests of any Unit for the purposes of (i) levying Assessments, (ii) distribution of hazard insurance proceeds or condemnation awards hereunder, or (iii) determination of the pro rata share of ownership each Unit has in the Common Elements.

Section 10.4 *Association as Attorney-in-Fact.* Each Unit Owner, by such Owner's acceptance of a deed or other conveyance of an interest in a Unit, does irrevocably constitute and appoint the Association and/or the Declarant with full power of substitution in the Unit Owner's place and stead to deal with such Unit Owner's interest in order to effectuate the rights reserved by Declarant or granted to the Association, as applicable, with full power, right and authorization to execute and deliver any instrument affecting the interest of the Unit Owner and to take any other action which the Association of Declarant may consider necessary or advisable to give effect to the provisions of this Declaration. If requested to do so by the Association or Declarant, each Unit Owner shall execute and deliver a written, acknowledged instrument confirming such appointment.

ARTICLE 11

MECHANIC'S LIENS

Section 11.1 *No Joint Liability.* If any Unit Owner shall cause any material to be furnished to such Owner's Unit or any labor to be performed therein or thereon, no Unit Owner of any other Unit nor shall the Association under any circumstances be liable for the payment of any expense incurred or for the value of any work done or material furnished. All such work and materials shall be at the expense of the Unit Owner causing it to be done or delivered, and such Unit Owner shall be solely responsible to contractors, laborers, materialmen and other Persons furnishing labor or materials to such Owner's Unit.

Section 11.2 *Indemnification.* If, because of any act or omission of any Unit Owner, any mechanic's or other lien or order for the payment of money shall be filed against the Common Elements or against any other Owner's Unit or a Unit Owner or the Association (whether or not such lien or order is valid or enforceable as such), the Unit Owner whose act or omission forms the basis for such lien or order shall, at such Unit Owner's own cost and expense, cause the same to be cancelled and discharged of record or bonded by a surety company reasonably acceptable to the Association, or to such other Unit Owners, within twenty (20) days after the date of filing thereof, and further shall indemnify and save all the other Unit Owners and the Association harmless from and against any and all costs, expenses, claims, losses or damages including, without limitation, reasonable attorney's fees resulting therefrom.

Section 11.3 *Limitation for Association Common Element Work.* Labor performed or material furnished for the Common Elements, if duly authorized by the Association in accordance with this Declaration or the Bylaws, shall entitle third parties performing such work to file liens pursuant to law against the Common Elements. However, no such liens shall be effected against any individual Unit or Unit Owners and shall be limited exclusively to claims against the Common Elements.

ARTICLE 12

DAMAGE OR DESTRUCTION

Section 12.1 *The Role of the Board.* Except as provided in **Section 10.3.4**, in the event of damage to or destruction of all or part of any portion of the Common Elements, or other Project property covered by insurance written in the name of the Association under Article ____, the Board shall arrange for and supervise the prompt repair and restoration of the damaged Project property.

Section 12.2 *Estimates of Damages or Destruction.* As soon as practicable after an event causing damage to or destruction of any part of the Project property, the Board shall obtain an estimate or estimates that it deems reliable and complete of the costs of repair and reconstruction and/or of replacement. Such costs may also include professional fees.

Section 12.3 *Repair and Reconstruction or Replacement.* As soon as practical after obtaining estimates, the Association shall diligently pursue to completion the repair and reconstruction or replacement of the damaged or destroyed Project property. As attorney-in-fact for the Unit Owners, the Association may take any and all necessary or reasonable steps or actions to effect repair and reconstruction or replacement, and no consent or other action by any Unit Owner shall be necessary. Assessments of the Association shall not be abated during the period of insurance adjustments and repair and reconstruction or replacement.

Section 12.4 *Funds for Repair and Reconstruction or Replacement.* The proceeds received by the Association from any hazard insurance shall be used for the purpose of repair and reconstruction or replacement for the benefit of the Unit Owners and mortgagees. If the proceeds

of the Association's insurance are insufficient to pay the estimated or actual cost of such repair, reconstruction, or replacement, the Association may pay the difference from excess reserves, if any, and/or, pursuant to **Section 6.6**, levy, assess and collect in advance from the Unit Owners (without the necessity of a vote of the Unit Owners), a Special Assessment sufficient to provide funds to pay such estimated or actual costs of repair, reconstruction, or replacement.

ARTICLE 13 CONDEMNATION

Section 13.1 *Rights of Unit Owners.* Whenever all or any part of the Common Elements shall be taken by any authority having power of condemnation or eminent domain, or whenever all or any part of the Common Elements is conveyed in lieu of a taking under threat of condemnation by the Board acting as attorney-in-fact for all Unit Owners under instructions from any authority having the power of condemnation or eminent domain, each Unit Owner shall be entitled to reasonable notice of the taking or conveying, subject to the limitation contained in **Section 9.9**. The Association shall act as attorney-in-fact for all Unit Owners in the proceedings incident to the condemnation proceeding, unless otherwise prohibited by law.

Section 13.2 *Partial Condemnation; Distribution of Award; Reconstruction.* If any portion of the Common Elements should ever be acquired by eminent domain, the award must be paid to the Association. To the extent that any individual Unit Owner's interest in the Limited Common Elements is permanently impaired by the eminent domain acquisition, the Board shall attribute and pay a fairly portioned amount of the award to said Unit Owner(s), after which said Unit Owner's interest in the effected Limited Common Elements will fully or proportionately extinguished.

Section 13.3 *Complete Condemnation.* If all of the Property is taken, condemned, sold or otherwise disposed of in lieu of or in avoidance of condemnation, then the regime created by this Declaration shall terminate, provided that the approval is first obtained by fifty-one percent (51%) of the Unit Owners.

ARTICLE 14 RESERVED DEVELOPMENT AND SPECIAL DECLARANT RIGHTS

Section 14.1 *Reserved Rights.* Declarant reserves the right for itself and any Successor Declarant at any time and from time-to-time to: (i) maintain and relocate sales/leasing offices, management offices, signs advertising the Project and models, of any size, within one or more Units or the common building; (ii) maintain on the Project temporary construction facilities and construction materials, staging yards and other facilities reasonably required during the construction and sale/leasing period of the Units by Declarant and/or Successor Declarant; and (iii) alter the size and relocate the boundaries of Units (including, without limitation, executing and delivering all necessary amendments to any Association Documents) so long as Declarant or Successor Declarant

continue to be an Owner of any such Units.

During the period of time set forth in **Section 10.1**, Declarant, acting alone, reserves to itself the right and power to modify and amend this Declaration and the Plat to the fullest extent permitted under the Act and the Declaration.

Section 14.2 *Unit Owner Notice and Acceptance.* Each Unit Owner takes title to the Unit with the understanding and recognition that the Project construction will occur in phases, with the Units and the Common Elements to be developed, constructed, and completed over time. In addition, together with vesting of title in and to a Unit, each Unit Owner shall be deemed to understand, acknowledge, and accept the phased construction contemplated for the Project and the further fact that ongoing alterations, renovations and maintenance to Units and/or Common Elements are anticipated to occur from time-to-time. As a result, certain inconvenience (including, without limitation, odors, dust, noise, traffic disruption, temporary closure of roadways and parking facilities and unsightliness) are understood and accepted by all Unit Owners as potentially occurring until the construction of the Project, and/or renovation of any portion thereof, have been completed. Notwithstanding the foregoing, the Board shall bear the responsibility to strive to ensure that, as much as reasonably possible, the party or parties undertaking any such construction and/or renovation work do so in a manner designed to mitigate as many of the associated impacts on the Project, Units, and Unit Owners, and to the greatest extent, reasonably possible.

ARTICLE 15 DESIGN REVIEW; CONSTRUCTION

Section 15.1 *Design Review.* No part or appurtenance of or to any Unit visible outside the Unit (e.g., windows, doors, awnings, etc.) shall be added or altered in appearance or color or modified without approval by (i) the Board or (ii) the Architectural Review Committee governing the Project and established by the Board, if any, in their sole discretion, and by the Master Architectural Review Committee. In addition, no alteration or additions to the Common Elements shall be made unless first approved in writing by the same. All modifications approved under this section shall reasonably conform to and harmonize with existing surroundings and structures.

Section 15.2 *Construction by Unit Owners.* Construction performed on any Unit must be performed in a good and workmanlike manner and in accordance with this Declaration and the Rules and Regulations.

ARTICLE 16 MORTGAGEE'S RIGHTS

The following provisions are for the benefit of holders, insurers or guarantors of first

mortgages on Units. To the extent permitted under Colorado law and applicable, necessary, or proper, the provisions of this **Article 16** apply to the Association Documents, as adopted by the Association and in effect from time-to-time.

Section 16.1 *Distribution of Insurance or Condemnation Proceeds.* In the event of a distribution of insurance proceeds or condemnation awards allocable among the Units for losses to, or taking of, all or part of the Common Elements, neither the Unit Owner nor any other Person shall take priority in receiving the distribution over the right of any mortgagee who is a beneficiary of a first mortgage against the Unit, unless distribution to the Unit Owner or other Person is in accord with the deed of trust.

Section 16.2 *Notice of Action.* Any first mortgagee or any agency which holds, insures or guarantees a first mortgage on a Unit, upon written request to the Association (which request shall include the agency's name and address and the Unit number to be valid), will be entitled to timely written notice of:

Section 16.2.1 Any proposed amendment of the Association Documents effecting a change in (i) the boundaries of any Unit or the exclusive easement rights appertaining thereto; (ii) the interest in the Common Elements appurtenant to the Unit or the Common Expense Liability relating thereto; (iii) the number of votes in the Association relating to any Unit; or (iv) the purposes to which any Unit or the Common Elements are restricted or any amendment set forth in **Section 17.2** below;

Section 16.2.2 Any proposed termination of the Project created pursuant to this Declaration;

Section 16.2.3 Any condemnation loss or casualty loss which affects a material portion of the Project or which affects any Unit on which the first mortgage is held;

Section 16.2.4 Any delinquency in the payment of Assessments owed by a Unit Owner subject to the mortgage where such delinquency has continued for a period of sixty (60) days; and

Section 16.2.5 Any lapse, cancellation or material modification of any insurance policy maintained by the Association pursuant to **Article 8**.

Section 16.3 *No Further Rights.* Nothing contained in this **Article 16**, or otherwise set forth in this Declaration or other Association Documents, shall be construed or deemed to grant any first mortgagee or other parties, other than Unit Owners holding mortgage or other interests in or to any Units, any rights of consent, approval or veto with respect to any actions by or on behalf of the Unit Owners, the Board or the Association, whether with respect to the Project, or any Unit, or otherwise.

ARTICLE 17

DURATION OF COVENANTS AND AMENDMENT

Section 17.1 *Term.* The covenants and restrictions of this Declaration shall run with and bind the land in perpetuity, subject to the termination provisions of the Act and herein set forth.

Section 17.2 *Amendment.* This Declaration, or any provision of it, may be amended at any time by the vote of Unit Owners holding not less than sixty-seven percent (67%) of the Allocated Interests at a meeting of the Association called for that purpose. Any amendment must be executed by the President of the Association and recorded with the Clerk and Recorder. Approval of such amendment may be shown by attaching a certificate of the Secretary of the Association to the recorded instrument certifying the approval by a sufficient number of Unit Owners and/or Allocated Interests of the amendment. Notwithstanding the foregoing, Declarant, during the period of time set forth in **Section 10.1** herein, acting alone, reserves to itself the right and power to modify and amend this Declaration and the Plat to the fullest extent permitted under the Act and the Declaration.

Section 17.3 *Revocation.* This Declaration shall not be revoked nor shall the planned common interest regime created hereby be terminated (except as provided in **Article 12** regarding total destruction and **Article 13** regarding total condemnation), without (io) the consent of Unit Owners representing at least sixty-seven percent (67%) of the Allocated Interests, as evidenced by a written instrument duly recorded with the Clerk and Recorder.

ARTICLE 18

PROHIBITION AGAINST TIMESHARING

No Unit Owner shall offer or sell any interest in such Unit under a “timesharing” or “interval ownership” plan, or any similar plan.

ARTICLE 19

GENERAL PROVISIONS

Section 19.1 *Restriction on Declarant Power.* Notwithstanding anything to the contrary contained herein, no rights or powers reserved to the Declarant hereunder shall exceed the time limitations or permissible extent of such rights and powers as restricted under the Act. Any provision in this Declaration in conflict with the requirements of the Act shall not be deemed to invalidate such provision as a whole, but shall be adjusted as is necessary to comply with the Act (but to the most limited extent possible).

Section 19.2 *Severability.* Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 19.3 *Alternative Dispute Resolution.* Prior to commencement of any legal proceeding, any controversy between the Association and a Unit Owner not involving eminent threats to the peace, health or safety of the Project or of any Unit Owners, Common Elements, or Units, may be unilaterally submitted to mediation by either party and said mediation shall be completed in good faith before any opposing party may commence the legal proceeding. The statute of limitations will be tolled during the period of mediation. Any mediation agreement entered into as a result of such mediation may be presented to the court of competent jurisdiction as a stipulation. If a party subsequently violates a court-entered stipulation, the other party may apply immediately to the court for relief.

Section 19.4 *Conflicts Between Documents.* In case of conflict between this Declaration and the Articles and/or Bylaws of the Association, this Declaration shall control. In the case of conflict between the Articles and the Bylaws, the Articles shall control. In case of conflict between this Declaration and the Master Declaration, the Master Declaration shall control.

IN WITNESS WHEREOF, Declarant has duly adopted, executed and delivered this Declaration, effective as of the Effective Date.

DECLARANT:

VISTA PARK DEVELOPMENT, LLC
a Colorado limited liability company

By: _____
Managing Member

STATE OF COLORADO)
)
COUNTY OF OURAY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as Managing Member of Vista Park Development, LLC, a Colorado limited liability company.

Notary Public

EXHIBIT "A"
THE PLANNED COMMON INTEREST COMMUNITY OF
VISTA PARK COMMONS

Property Description

Lots 30-34 of the Ridgway USA Development by the Ridgway Land Company, according to the recorded plat filed October 9, 1990 at Reception No 147701, Town of Ridgway, County of Ouray, State of Colorado.

Vista Park Commons Storm Water Run-Off Calculations & Conclusions

Lots # 1 thru 18 - Run-Off to Irrigation Ditch & Off-Site Pond

Lot #	Lot Size	House Plan	Roof Area Per Plan	Sidewalk Per Lot	Balance of Area Landscaped	Drainage to Irrigation Ditch & Off-Site Pond
1	2,203	C-2	1,200	60	943	
2	2,260	A-2	1,100	75	1,085	
3	2,880	B-2	1,300	75	1,505	
4	2,057	D-2	1,200	60	797	
5	2,147	C-2	1,200	60	887	
6	2,534	A-2	1,100	75	1,359	
7	3,019	C-2	1,200	90	1,729	
8	1,590	E	800	96	694	
9	1,484	E	800	105	579	
10	2,925	B-2	1,300	78	1,547	
11	2,264	D-1	1,100	69	1,095	
12	2,392	A-2	1,100	72	1,220	
13	2,153	D-2	1,200	60	893	
14	2,347	A-2	1,100	75	1,172	
15	2,406	D-2	1,200	60	1,146	
16	2,538	C-2	1,200	90	1,248	
17	1,693	E	800	120	773	
18	1,715	E	800	165	750	
	40,607	< Total Area of Lots 1 thru 18				40,607
Total Area of Roofs - Lots 1 thru 18 >			19,700			
Total Area of Sidewalks - Lots 1 thru 18 >				1,485		
Total Area of Grass / Vegetated Loam (Permiabile) >					19,422	

Rational Method Used Here for 100 Year Flood Calculations

Rational Method $Q = C \times I \times A / 96.23$	Coefficient of Run-Off	Rainfall Intensity Inches Per Hr - 100 Year Event	Total Area	Area Adjusted for Coefficient of Run-Off & Intensity	Divided by
					96.23
					Equals Q
					Q = Gallons per Min in 100 Year Event
	C x	I x	A /	96.23	Q
Total Area of Roofs	1.00	1.75	19,700	34475	358
Total Area of Sidewalks	1.00	1.75	1,485	2598.75	27
Total Area of Grass & Vegitated Loam	0.35	1.75	19,422	11896	124
Total Gallons per Minute for Developed Land in 100 Year Event					509
Less Total Gallons per Minute for Pre-Development Vegitated Land					
Total Area of Grass & Vegitated Loam	C x	I x	A /	96.23	Q
	0.35	1.75	40,607	24,872	258
Improved Area Gallons per Minute - Less Previous Vegitated Land Gallons per Minute					250
				Minutes - Duration	60
Total Gallons Run-Off for 60 minutes in 100 Year Event (See Coverage Area in Blue)					15,025

Conclusion for this Run-Off Area:

Storm water storage is available in 800 foot long irrigation chanel along the east & northern property boundries. The cubic feet available is 1' deep x 3' wide x 800' long = 2,400 cf x 7.48 = 18,000 Gallons. This is 3,000 gallons more than the required 15,000 gallons for 100 year event for 60 minutes, as shown in table above. In addition, 18,000 gallons would not significantly impact the larger master development pond. If all 18,000 gallons reached the master pond it would raise the level less than 1/8".

Lots # 19 thru 23 & Common Area's - Run-Off to Street & On-Site Catchment Area						
Lot #	Lot Size	House Plan	Roof Area Per Plan	Sidewalk Per Lot	Balance of Area Landscaped	Drainage to Street & On-Site Catchment
19	2529	A-2	1100	90	1339	
20	2971	D-2	1200	126	1645	
21	3182	D-1	1100	120	1962	
22	2118	C-2	1200	96	822	
23	2112	B-2	1300	45	767	
		Totals >	5900	477	6535	
	12912	< Total Area of Lots 19 thru 23				
Common Area & Parking Lot		Permiabile Gravel	Roof Area	Sidewalk Area	Balance of Area - Landscaped	
Common Space Tract	52,946					
Area of Gravel Drives & Parking		15016				
Common Bldg Roof			1500			
Storage Bldg Roofs			1720			
Parking Lot Walks	330 lf x 4.5 Wide			1485		
All Common Internal Walks	750 lf x 4' Wide			3000		
Balance of Area - Landscaped					30,225	
	52,946	< Total Area of Common Space Tract				
		15016	< Total Area of Gravel Paving			
Total Area of Roofs in Common Area >			3,220			52,946
Total Area of Sidewalks - Common & Parking >				4,485		
Total Area of Grass / Vegetated Loam - Common Area & Parking >					30,225	

Rational Method Used Here for 100 Year Flood Calculations

Rational Method $Q = C \times I \times A / 96.23$	Coefficient of Run-Off	Rainfall Intensity Inches Per Hr - 100 Year Event	Total Area	Area Adjusted for Coefficient of Run-Off & Intensity	Divided by
					96.23
					Equals Q
					Q = Gallons per Min in 100 Year Event
	C x	I x	A /	96.23	Q
Total Area of Gravel Paving	0.65	1.75	15016	17080.7	177
Total Area of Roofs	1	1.75	9120	15960	166
Total Area of Sidewalks	1	1.75	4,962	8683.5	90
Total Area of Grass & Vegitated Loam	0.35	1.75	36,760	22516	234
Total Gallons per Minute in 100 Year Event					668

Less Total Gallons per Minute for Pre-Development Vegitated Land

Total Area of Grass & Vegitated Loam	C x	I x	A /	96.23	Q
	0.35	1.75	52,946	32,429	337

Improved Area Gallons per Minute - Less Previous Vegitated Land Gallons per Minute

					331
Minutes - Duration					60
Total Gallons Run-Off for 60 minutes in 100 Year Event (See Coverage Area in Orange)					19,834

Less Total Gallons per Minute for Off-Site Road & Right-of-Way

Total Area of Grass & Vegitated Loam	C x	I x	A /	96.23	Q
	0.35	1.75	10,450	6,401	67
Total Area of Asphalt Road & Concrete Sidewalk	1	1.75	5500	9625	100
Total Gallons per Minute - from Right-of-Way in 100 Year Event					167

Less Total Gallons per Minute for Pre-Development Vegitated Land

Total Area of Grass & Vegitated Loam	C x	I x	A /	96.23	Q
	0.35	1.75	15,950	9,769	0

Improved Area Gallons per Minute - Less Previous Vegitated Land Gallons per Minute

					167
Minutes - Duration					60
Total Gallons Run-Off for 60 minutes in 100 Year Event (Road Right-of-Way)					9,992

Total Gallons Run-Off for 60 minutes for Road Right-of Way & On-Site in Orange

					29,826
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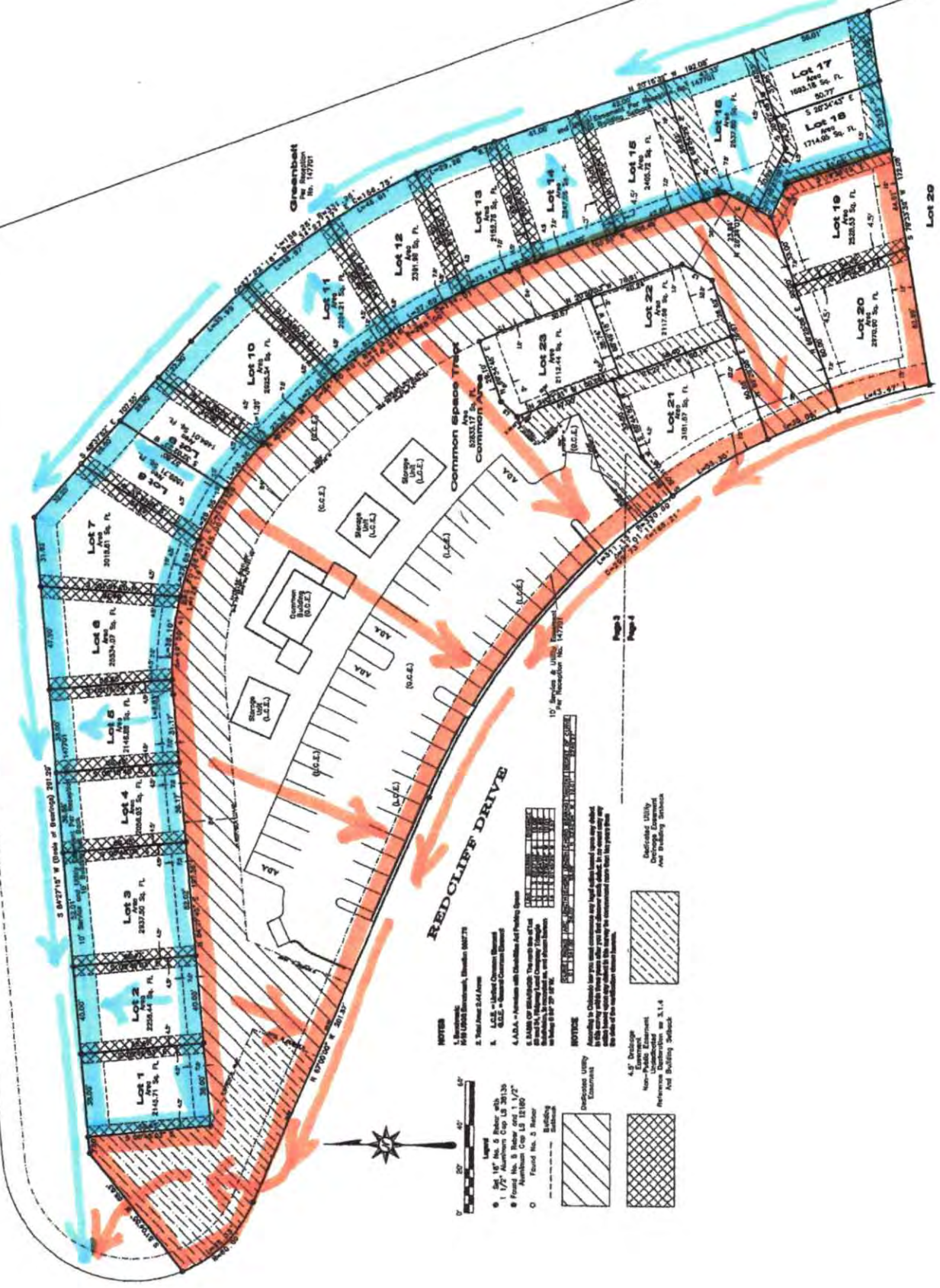
Conclusion for this Run-Off Area:

Our On-Site Pond area, as shown on grading plan, has an aproximate storage capacity of 4,600 cf x 7.48 = 34,400 gallons. This is more capacity than is needed for 100 year event for 60 minutes, as shown in table above. Note that 19,834 gallons is needed for on-sites and that we are also handling the 9,992 gallons of run-of from road & road right-of way.

Vista Park Commons - P.U.D.
Replat of Lots 30-34, Ridgway Land Company Subdivision
Located in the South 1/2 of the North 1/2, Section 16, Township 45 North, Range 8 West, NMPM,
Town of Ridgway, County of Ouray, State of Colorado

REDCLIFF DRIVE

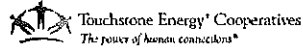
1/2" = 100' Horizontal
 1/4" = 100' Vertical
 Plat No. 141701



REDCLIFF DRIVE

- NOTES**
1. Boundary lines shown are based on the 1987-75 survey.
 2. Total Area: 5.44 Acres.
 3. L.C.E. = Limited Common Element.
 4. A.D.A. = Association with Character and Parking Space.
 5. S.A.M.E. = Subdivision with Character and Parking Space.
 6. S.A.M.E. = Subdivision with Character and Parking Space.
 7. S.A.M.E. = Subdivision with Character and Parking Space.
 8. S.A.M.E. = Subdivision with Character and Parking Space.
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 25. S.A.M.E. = Subdivision with Character and Parking Space.
 26. S.A.M.E. = Subdivision with Character and Parking Space.
 27. S.A.M.E. = Subdivision with Character and Parking Space.
 28. S.A.M.E. = Subdivision with Character and Parking Space.
 29. S.A.M.E. = Subdivision with Character and Parking Space.
- LEGEND**
- 1. 1/4" = 100' Horizontal
 - 2. 1/4" = 100' Vertical
 - 3. Plat No. 141701
 - 4. Plat No. 141701
 - 5. Plat No. 141701
 - 6. Plat No. 141701
 - 7. Plat No. 141701
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 - 25. Plat No. 141701
 - 26. Plat No. 141701
 - 27. Plat No. 141701
 - 28. Plat No. 141701
 - 29. Plat No. 141701

Page 2
 Page 4



Date: 1-22-2019

To whom it may concern:

This is a "will-serve" letter for VISTA PARK COMMONS

I have reviewed the plans based on drawing PROJECT UTILITY PLAN SHEET U-2
DATED 1-22-2019

SMPA will be the electric service provider for VISTA PARK COMMONS and has sufficient capacity and ability to provide single phase and or three phase electrical service subject to the provisions of the Service Connection and Line Extension Policy as found in SMPA's Rules, Regulations, and Policies.

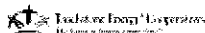
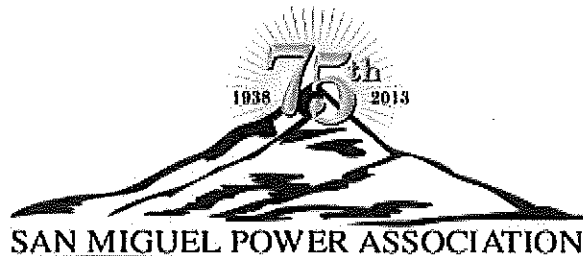
If you have any questions please feel free to contact me at our Ridgway office.

Best regards,

Duane DeVeney
Service Planner

Mobile: (970) 209-5684

Office: (970) 626-5549 x214



Hrs: **MON.-THUR. 7:00 a.m. - 5:30 p.m.**

San Miguel Power is an equal opportunity provider and employer

Vista Park Commons

To whom it may Concern

After reviewing the utility plan and where the placement and the tie in points to the existing gas line are located we are good with what is shown on the utility plan. If you have any other questions please email me or give me a call.

Thank You

A handwritten signature in black ink that reads "Scott Hunter". The signature is written in a cursive, flowing style.

Scott Hunter

Utility Construction Planner

scott.hunter@blackhillscorp.com

970-255-7543 – Office

970-596-1924 - Mobile

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 518006
			State Highway No / Mp / Side 550B / 103.66 / Right
Permit Fee N/A	Date of Transmittal 03/27/2018	Region / Section / Patrol / Name 5 / 03 / 15	Local Jurisdiction Ouray County

The Permittee(s): Town of Ridgway P.O. Box 10 Ridgway, Colorado 81432 (970) 626-5308	The Applicant(s): Ridgway Land Company 102 Village Square West Ridgway, Colorado 81432 (970) 626-2800
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is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use 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: Access to be located on the East side of State Highway 550, a distance of approximately 3,485 feet North of Milepost 103.

Access to Provide Service to: (Land Use Code)	(Size)	(Units)
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* See attached Terms & Conditions for permitted land uses. *

Additional Information:

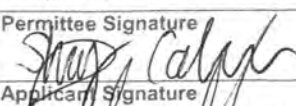
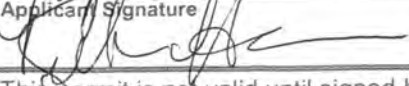
* See attached pages 2-3 of Form 101, and all other attachments, enclosures, and exhibits for additional terms and conditions. *

MUNICIPALITY OR COUNTY APPROVAL Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Date	Title
N/A			

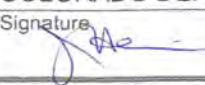
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance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

The permittee shall notify Vance Kelso with the Colorado Department of Transportation, at (970) 759-2641 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 Shay Coburn for Town of Ridgway	Date 4.23.18
Applicant Signature 	Print Name Rob Hunter for Ridgway Land Company	Date 4/10/2018

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

Signature	Print Name	Title	Date (of issue)
	Jo Harkin	Access Manager	5/1/18

Copy Distribution:

Required:
 1. Region
 2. Applicant

3. State Access Section
 4. Central Files

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

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

APR 27 2018
TRAFFIC & SAFETY

State Highway Access Permit Form 101, Page 2

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

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

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

CONSTRUCTION

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

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

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

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

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

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

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

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan..

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

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

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

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

MAINTENANCE

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

Permit Number 518006
State Highway 550, Milepost 103.66 Right
Ridgway Land Company Access

LEVEL 2 - ACCESS PERMIT TERMS & CONDITIONS
FULL-MOVEMENT ACCESS

A. PERMIT REQUIREMENTS SPECIFIC TO THIS ACCESS:

1. **Permit Number 518006** is issued by the Colorado Department of Transportation (CDOT) in accordance with the 1998 Access Code and is based upon the information submitted by the Permittee.
 - a. Any changes in the herein permitted type and use and/or volume of traffic using the access, drainage, or other operational aspects shall render this permit void, requiring that a new application be submitted for review based upon currently existing and anticipated future conditions.
 - b. Upon completion of the improvements identified in this permit, Permit **518006** shall replace and void all previous access permits for this location.
 - c. If the requirements of this Permit are not satisfied or this Permit expires, the access rights will revert to the access permit issued prior to this permit. If there is no prior permit then the access rights and uses shall revert to the historic use.
2. Permit Number **518006** is issued for the **continued use** of:
 - a. A **existing paved Full-Movement** access to **State Highway 550** for **Ridgway Land Company at approximate mile marker 103.66 Right**
3. The category for this section of **SH 550** is **NR-B**. The access shall be in conformance with the State of Colorado State Highway Access Code, Volume Two, Code of Colorado Regulations 601-1, August 31, 1998 as amended.
4. The access shall serve Hunter Parkway in Ridgway, Ouray County, Colorado.
5. Incorporated as part of this permit are the following:
 - a. State Highway Access Permit pages 1-3 and Page 101a
 - b. Access Permit Terms and Conditions Pages **1 through 2**
 - c. **EXHIBIT "A,"** (Location Map)
 - d. State Highway Access Permit Application (CDOT Form No. 137) received **February 12, 2018**
6. This Permit describes the access and improvements that will serve the following land uses:
 - a. **Apartment (ITE Code 220) - 25 Each**
 - b. **Residential Condominium/Townhouse (ITE Code 230) - 52 Each**
 - c. **Church (ITE Code 560) -10708 Sq Ft**
 - d. **General Office Building (ITE Code 710) – 5288 SqFt**
 - e. **Retail-General Merchandise – Tobacco Shop (ITE Code 810) – 2145 SqFt**
 - f. **Pharmacy/Drugstore (ITE Code 880) – 2940 SqFt**
 - g. **General Office Building – Construction Office (ITE Code 710)– 2432 SqFt**
 - h. **Marijuana Dispensary – (ITE Code 882) – 1567 SqFt**
 - i. **Free-Standing Discount Superstore – Family Dollar (ITE Code 813) – 8000 SqFt**

Permit Number 518006
State Highway 550, Milepost 103.66 Right
Ridgway Land Company Access

- j. Hotel – (ITE Code 310) – 52 Rooms
 - k. Gasoline Service Station (ITE Code 844) – 6 Fueling Stations
 - l. Warehousing - Personal Storage/Workshop (ITE Code 150) – 12,682 SqFt
 - m. High-Turnover (Sit-Down) Restaurant – Sandwich Shop (ITE Code 832) – 1536 SqFt
 - n. High-Turnover (Sit-Down) Restaurant – (ITE Code 832) – 1146 SqFt
 - o. Shopping Center (ITE Code 820) – 12,586 SqFt
 - p. Single-Family Detached Housing (ITE Code 210) – 19 Each
 - q. General Office Building – Church Admin Building (ITE Code 710) – 5452 SqFt
 - r. Veterinary Hospital – Dog Physical Therapy – (ITE Code 609) – 578 SqFt
 - s. Residential Condominium/Townhouse – Duplexes (ITE Code 230) – 9 Each
7. At the access location, SH 550 has a posted speed limit of 45 mph with approximate 6:1 foreslopes and an Average Daily Traffic of 5,500 which correlates to a minimum Clear Zone of 16 feet from the edge of traveled way.
8. Any changes in the type, use and/or volume of traffic using the access may require a new permit and may require modification of the intersection including potential signal changes.
9. Any future warranted highway improvements shall be designed and constructed by the Permittee or the property owner at no cost to CDOT.
10. Under no circumstances will the access be allowed to continue operation in an unsafe manner. Failure to provide the warranted improvements will result in closure of the access.
11. It is acknowledged that the existing access is sufficient for the land uses described herein, and no new construction will be required.

B. REQUIREMENTS PRIOR TO NOTICE-TO-PROCEED (NTP) FOR CONSTRUCTION:

1. A written request for a Notice to Proceed must be submitted to this issuing office.

PERMITTEE: Shay Coburn DATE 4.23.18
Shay Coburn for TOWN OF RIDGWAY

APPLICANT: Robert Hunter DATE 4/10/2018
Robert Hunter for RIDGWAY LAND COMPANY

Ridgway Land Company Access – Exhibit “A”



COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application
acceptance date:

Instructions:

**Please print
or type**

518006

- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
- Submit an application for each access affected.
- If you have any questions contact the issuing authority.
- For additional information see CDOT's Access Management website at <http://www.dot.state.co.us/AccessPermits/index.htm>

1) Property owner (Permittee) Ridgway Land Company		2) Applicant or Agent for permittee (if different from property owner) Town of Ridgway	
Street address 102 VILLAGE SQUARE WEST		Mailing address PO Box 10	
City, state & zip Ridgway, CO 81432	Phone # 970.626.2800	City, state & zip Ridgway, CO 81432	Phone # (required) 970.626.5308
E-mail address Rob@robhunter.com		E-mail address if available scoburn@town.ridgway.co.us	
3) Address of property to be served by permit (required) No address has been assigned. See legal description.			
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? county Ouray subdivision Ridgway Land Co. block 30-34 lot 16 section 45 township 8			
5) What State Highway are you requesting access from? HWY 550B MP 103.66R		6) What side of the highway? <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W	
7) How many feet is the proposed access from the nearest mile post? feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from:		How many feet is the proposed access from the nearest cross street? 940 feet <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W from: Hunter Parkway	
8) What is the approximate date you intend to begin construction? 4/1/2018			
9) Check here if you are requesting a: <input type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated:) <input type="checkbox"/> improvement to existing access <input checked="" type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)			
10) Provide existing property use Vacant property			
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: 589050 and/or, permit date: 8/9/1989 attached			
12) Does the property owner own or have any interests in any adjacent property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - please describe: Current owner does, buyer for the development doesn't			
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.			
14) If you are requesting agricultural field access - how many acres will the access serve? N/A			
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.			
business/land use	square footage	business	square footage
N/A			
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?			
type	number of units	type	number of units
Residential - duplexes	6 units		
Residential - single-family	19 units		
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.			
Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes 75	# of multi unit trucks at peak hour volumes 0	
# of single unit vehicles in excess of 30 ft. 0	# of farm vehicles (field equipment) 0	Total count of all vehicles 75	

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- | | |
|--|---|
| a) Property map indicating other access, bordering roads and streets. | e) Subdivision, zoning, or development plan. |
| b) Highway and driveway plan profile. | f) Proposed access design. |
| c) Drainage plan showing impact to the highway right-of-way. | g) Parcel and ownership maps including easements. |
| d) Map and letters detailing utility locations before and after development in and along the right-of-way. | h) Traffic studies. |
| | i) Proof of ownership. |

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage <http://www.dot.state.co.us/environmental/Forms.asp>.

2- 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. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new 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*.

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

I understand receipt of an access permit does not constitute permission to start access construction work.

Applicant or Agent for Permittee signature

Print name

Shay Coburn

Date

2.2.18

If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.

Property owner signature

Print name

Rob Hunter

Date

2/2/18





COLORADO

Department of Transportation

Region 5

Traffic & Safety
3803 N. Main Avenue, Suite 100
Durango, CO 81301

May 1, 2018

Town of Ridgway
ATTN: Shay Coburn
P.O. Box 10
Ridgway, Colorado 81432

RE: State Highway Access Permit No. 518006, Located on State Highway 550B, Milepost 103.66 Right, in Ouray County

Dear Permittee or Applicant:

Enclosed is your Notice to Proceed (NTP) for the above stated access. As stated in the Notice to Proceed, no access improvement or construction is required under this permit. You are therefore authorized to begin the permitted use of the access.

If you have any questions or need more information, please contact me at the office listed above.

Respectfully,

Jo Heinlein
Access Manager

Cc: File
Town of Ridgway Planning
Maintenance
Staff Traffic



COLORADO DEPARTMENT OF TRANSPORTATION**STATE HIGHWAY ACCESS CODE****NOTICE TO PROCEED**

CDOT Permit No.

518006

State Highway/Mile Post/Side

550B / 103.66/Right

Local Jurisdiction

Ridgway

Permittee(s):

Town of Ridgway
P.O. Box 10
Ridgway, Colorado 81432
(970) 626-5308

Applicant:

Ridgway Land Company
102 Village Square West
Ridgway, Colorado 81432
(970) 626-2800

The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(11)(d), of the Access Code.

Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

It is acknowledged that the existing access is sufficient for the land uses described herein, and no new construction will be required.

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By

(X)N/A

Title

Date

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

Colorado Department of Transportation

By

(X)

Title

Access Manager

Date

5/1/18

Copy distribution:

Required:

Region (original)

Applicant

Staff Access Section

Make copies as necessary for:

Local Authority

MTCE Patrol

Inspector

Traffic Engineer

Form 1265 8/98, 6/99

From: Guthrie
To: [Shay Coburn](#)
Cc: [Joseph Nelson](#); [Doug Macfarlane](#)
Subject: Fw: Re-locating the Moody Ditch, Corps regulations
Date: Tuesday, February 20, 2018 12:00:54 PM
Attachments: [Exempt-Irrigation.pdf](#)

Shay,

After further research, Ben went in a different direction from where things stood when we met on Friday. It's all good. Previously he was not aware of the Ouray County GIS Google Earth overlay, so I made him aware of it, and once he got it and was able to clearly visualize, he saw that this is no big deal and he deemed it to be exempt. I hope that this letter from him will suffice for our project.

Best regards,
Guthrie

----- Forwarded Message -----

From: "Wilson, Benjamin R CIV USARMY CESPCK (US)" <Benjamin.R.Wilson@usace.army.mil>
To: "mountainlover101@yahoo.com" <mountainlover101@yahoo.com>
Sent: Tuesday, February 20, 2018 11:37 AM
Subject: Re-locating the Moody Ditch, Corps regulations

Mr. Castle,

The Corps regulates the placement of fill material into waters of the U.S. (rivers, streams, wetlands, etc.) Typically, ditches that return flows to a natural river are considered a tributary and thus are regulated by the Corps. However, there are several exemptions to the Corps' regulations. One such exemption involves the construction of irrigation ditches (attached). Based on our discussions, you are planning on re-locating a portion of the Moody Ditch to accommodate the approved land use plan. Re-locating an irrigation ditch is considered construction of a new irrigation ditch and therefore is exempt from Corps regulations.

Please let me know if further clarification is needed.

Thank you,

Ben Wilson
Project Manager, Colorado West Regulatory Section
U.S. Army Corps of Engineers
400 Rood Avenue, Room 224
Grand Junction, Colorado 81501
PH: (970) 243-1199, #1012
FAX: (970) 241-2358
Benjamin.R.Wilson@usace.army.mil

Let us know how we're doing. Please complete the survey at:

http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey



US Army Corps of Engineers

Irrigation Exemption Summary

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

FARM OR STOCK POND OR IRRIGATION DITCH CONSTRUCTION OR MAINTENANCE

Pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Federal Regulations (33 CFR 323.4(a)(3)), certain discharges for the construction or maintenance of farm or stock ponds or irrigation ditches have been exempted from requiring a Section 404 permit. Included in the exemption are the construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not the construction) of drainage ditches. Discharges associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures, and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exemption.

A Section 404 permit is required if either of the following occurs:

- (1) Any discharge of dredged or fill material resulting from the above activities which contains any toxic pollutant listed under Section 307 of the Clean Water Act shall be subject to any applicable toxic effluent standard or prohibition, and shall require a permit.
- (2) Any discharge of dredged or fill material into waters of the United States incidental to the above activities must have a permit if it is part of an activity whose purpose is to convert an area of the waters of the United States into a use to which it was not previously subject, where the flow or circulation of waters of the United States may be impaired or the reach of such waters reduced. Where the proposed discharge will result in significant discernible alterations to flow or circulation, the presumption is that flow or circulation may be impaired by such alteration. For example, a permit will be required for the conversion of a wetland from silvicultural to agricultural use when there is a discharge of dredged or fill material into waters of the United States in conjunction with construction of dikes, drainage ditches, or other works or structures used to effect such conversion. A discharge which elevates the bottom of waters of the United States without converting it to dry land does not thereby reduce the reach of, but may alter the flow or circulation of, waters of the United States.

If the proposed discharge satisfies all of the above restrictions, it is automatically exempted and no further permit action from the Corps of Engineers is required. If any of the restrictions of this exemption will not be complied with, a permit is required and should be requested using ENG Form 4345 (Application for a Department of the Army permit). A nationwide permit authorized by the Clean Water Act may be available for the proposed work. State or local approval of the work may also be required.

For general information on the Corps' Regulatory Program please check our web site at www.spk.army.mil/regulatory. For additional information or for a written determination regarding a specific project, please contact the Corps at the following addresses:

Sacramento Main Office -1325 J Street, Room 1480, Sacramento, CA 95814	(916) 557-5250
Redding Field Office -310 Hemsted, Suite 310, Redding, CA 96002	(530) 223-9534
Reno Field Office -300 Booth Street, Room 3050, Reno, NV 89509	(775) 784-5304
Bountiful Field Office - 533 West 2600 South, Suite 150, Bountiful, UT 84010	(801) 295-8380
Grand Junction Field Office - 400 Rood Ave., Room 224, Grand Junction, CO 81501	(970) 243-1199
Durango Field Office -1970 East 3rd Avenue, Suite 109, Durango, CO 81301	(970) 259-1764
St. George Field Office - 196 East Tabernacle St., Suite 30, St. George, UT 84770	(435) 986-3979

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

GEOTECHNICAL ENGINEERING STUDY
RIDGWAY VILLAGE HOUSING DEVELOPMENT
REDCLIFF DRIVE
RIDGWAY, COLORADO

Prepared for:

JSN

PROJECT NUMBER: M17003GE

APRIL 25, 2017

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

April 25, 2017

JSN
P.O. Box 318
Ridgway, Colorado

Attention: Mr. Joseph Nelson

Subject: Geotechnical Engineering Study for the
Proposed Ridgway Village Housing Development
Ridgway, Colorado

Mr. Nelson:

Lambert and Associates is pleased to present our geotechnical engineering study for the subject project. The field study was completed March 27, 2017. The laboratory study was completed on April 12, 2017. The analysis was performed and the report prepared April 13 through 25, 2017. Our geotechnical engineering report is attached.

We are available to provide material testing services for soil and concrete and provide foundation excavation observations during construction. We recommend that Lambert and Associates, the geotechnical engineer, for the project provide material testing services to maintain continuity between design and construction phases.

If you have any questions concerning the geotechnical engineering aspects of your project please contact us. Thank you for the opportunity to perform this study for you.

Respectfully submitted,

LAMBERT AND ASSOCIATES



Daniel R. Lambert, P.E.

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1.0 INTRODUCTION

This report presents the results of the geotechnical engineering study we conducted for the proposed multi-family residential development site. The study was conducted at the request of Mr. Joseph Nelson, JSN, in accordance with our proposal for geotechnical engineering services dated January 19, 2017.

The conclusions, suggestions and recommendations presented in this report are based on the data gathered during our site and laboratory study and on our experience with similar soil conditions. Factual data gathered during the field and laboratory work are summarized in Appendices A and B.

1.1 Proposed Construction

It is our understanding the proposed development is to include approximately twenty-two (22) residential structures and associated parking and drive areas and utilities.

1.2 Scope of Services

Our services included geotechnical engineering field and laboratory studies, analysis of the acquired data and report preparation for the proposed site. The scope of our services is outlined below.

- The field study consisted of describing and sampling the soil materials encountered in nine (9) small diameter continuous flight auger advanced test borings in the general vicinity of the proposed structures.
- The materials encountered in the test borings were described and samples retrieved for the subsequent laboratory study.
- The laboratory study included tests of select soil samples obtained during the field study to help assess:
 - . the soil strength potential (internal friction angle and cohesion) of samples tested,
 - . the swell and expansion potential of the samples tested,
 - . the settlement/consolidation potential of the samples tested, and
 - . the moisture content and density of samples tested.
- This report presents our geotechnical engineering comments, suggestions and recommendations for planning and design of site development including:

- . viable foundation types for the conditions encountered,
 - . allowable bearing pressures for the foundation types,
 - . lateral earth pressure recommendations for design of laterally loaded walls,
 - . geotechnical engineering considerations and recommendations for concrete slab on grade floors, and
 - . geotechnical engineering considerations and recommendations for compacted structural fill.
- Our comments, suggestions and recommendations are based on the subsurface soil and ground water conditions encountered during our site and laboratory studies.
- Our study did not include any environmental or geologic hazard issues.

2.0 SITE CHARACTERISTICS

Site characteristics include observed existing and pre-existing site conditions that may influence the geotechnical engineering aspects of the proposed site development.

2.1 Site Location

The site is located east of Redcliff Drive, Ridgway, Colorado. A project vicinity map is presented on Figure 1.

2.2 Site Conditions

The site is relatively flat exhibiting surface drainage away from the elevated eastern portion of the site. A small ditch is located on the eastern portion of the site. The site is bordered to the north and west by Redcliff Drive, to the east by a vacant, undeveloped parcel and to the south by the Ridgway Christian Center.

2.3 Subsurface Conditions

The subsurface exploration consisted of observing, describing and sampling the soil materials encountered in nine (9) small diameter test borings. The approximate locations of the test borings are shown on Figure 2. The logs describing the soil materials encountered in the test borings are presented in Appendix A.

The soil materials encountered in the test borings consisted generally of sandy, silty clay materials underlain by sandy, clayey gravels and cobbles. The granular materials were encountered at approximate depths of two (2) to ten and one half (10-1/2) feet below existing site grades.

Free subsurface water was encountered at approximate depths of five and one-half (5-1/2) to seven (7) feet below existing site grades.

It may be necessary to install standpipe piezometers in areas where basements will be planned and the free subsurface water elevation monitored for a significant period of time to help identify the anticipated highest elevation of the free subsurface water.

It is difficult to predict if unexpected subsurface conditions will be encountered during construction. Since such conditions may be found, we suggest that the owner and the contractor make provisions in their budget and construction schedule to accommodate unexpected subsurface conditions.

2.4 Site Geology

A brief discussion of the general geology of the area near the site is presented in Appendix C. The surface geology of the site was determined by observation of the surface conditions at the site and observing the soils encountered in the test borings on the site.

2.5 Seismicity

According to the International Building Code, 2009 Edition, based on the subsurface conditions encountered and the assumption that the soils described in the test borings are likely representative of the top 100 feet of the soil profile, we recommend that the site soil profile be S_D .

3.0 PLANNING AND DESIGN CONSIDERATIONS

All of the suggestions and design parameters presented in this report are based on high quality craftsmanship, care during construction and post construction cognizance of the potential for swell or settlement of the site support materials and appropriate post construction maintenance.

All construction excavations should be sloped to prevent excavation wall collapse. We suggest that as a minimum the excavation walls should be sloped at an inclination of one-and-one-half (1-1/2) to one (1) (horizontal to vertical) or flatter. The area above the foundation excavations should be observed at least daily for evidence of slope movement during construction. If evidence of slope movement is observed we should be contacted immediately.

We anticipate that excavation and fill placement operations may be associated with the proposed site development. Excavations in the area which generate vertical or sloped exposures should be kept to a minimum.

Excavations which result in cut slopes with a vertical height greater than about four (4) feet or with a slope or structure above should be analyzed on a site specific basis. Temporary excavation cut slopes in competent material should not exceed a one-and-one-half to one (1-1/2 to 1) (horizontal to vertical) inclination. All construction excavations should conform to Occupational Safety and Health Administration (OSHA) standards or safer. All permanent slopes should be constructed with inclinations of approximately three to one or flatter.

We anticipate that some embankment fill slopes will be constructed on the site. Fill slopes greater than about three (3) feet vertical height or fill slopes supporting structures will require additional analysis. We recommend that each proposed fill slope on the site be analyzed on a per site basis when the proposed site configuration and fill material has been determined. If fill slopes will be constructed on site we should be contacted to provide geotechnical engineering review and recommendations for the design and construction of the slopes.

Generally, fill material placed on a site surface which will be used to support structures or additional fill material should be placed so that the contact between the existing site surface and the added fill material will be strong enough to support the added load. This should be addressed on a site and fill area specific basis. The technique recommended will be based on the site configuration, the finished fill configuration the actual material to be used for the fill material and the size of the area thus constructed. Frequently the preparation of the site area to receive fill material will include removing organic and loose near surface native material in the area to receive fill material, placing the material in thin horizontal lifts which are compacted at the appropriate moisture content. Some fill areas could benefit

from the installation of a subsurface drain system at the fill material/natural material contact. We are available to, and recommend that, we discuss this with you and provide site and fill specific recommendations when this portion of your development plan merits the additional study.

4.0 ON-SITE DEVELOPMENT CONSIDERATIONS

We anticipate that the subsurface water elevation may fluctuate with seasonal and other varying conditions. Excavations may encounter subsurface water and soils that tend to cave or yield. If water is encountered it may be necessary to dewater construction excavations to provide more suitable working conditions. Excavations should be well braced or sloped to prevent wall collapse. Federal, state and local safety codes should be observed. All construction excavations should conform to Occupational Safety and Health Administration (OSHA) standards or safer.

The site construction surface should be graded to drain surface water away from the site excavations. Surface water should not be allowed to accumulate in excavations during construction. Accumulated water could negatively influence the site soil conditions. Construction surface drainage should include swales, if necessary to divert surface water away from the construction excavations.

Organic soil materials in areas to receive fill material or structure components should be removed. The organic soil materials are not suitable for support of the structure or structural components.

Man placed fill material exists on site. The quality of the man placed fill is not known and may not be suitable for support of the structure or structural components. The quality of the existing man placed fill should be verified or the fill removed and replaced with compacted structural fill prior to supporting building or building components on the fill.

It has been our experience that sites in developed areas may contain existing subterranean structures or poor quality man placed fill. If subterranean structures or poor quality man placed fill are suspected or encountered, they should be removed and replaced with compacted structural fill as discussed under COMPACTED STRUCTURAL FILL below.

The soil materials exposed in the bottom of the excavation may be moist and may become yielding under construction traffic during

construction. It may be necessary to use techniques for placement of fill material or foundation concrete which limits construction traffic in the vicinity of the very moist soil material. If yielding should occur during construction it may be necessary to construct a subgrade stabilization fill blanket or similar to provide construction traffic access. The subgrade stabilization blanket may include over excavating the subgrade soils one (1) to several feet and replacing with aggregate subbase course type material. The stabilization blanket may also include geotextile stabilization fabric at the bottom of the excavation prior to placement of aggregate subbase course stabilization fill. Other subgrade stabilization techniques may be available. We are available to discuss this with you.

5.0 FOUNDATION SUPPORT CHARACTERISTIC

Two criteria for foundation design which must be satisfied for satisfactory performance are:

- 1) contact stresses must be low enough to preclude shear failure of the foundation soils which would result in lateral movement of the soils from beneath the foundation, and
- 2) settlement or heave of the foundation must be within amounts tolerable to the superstructure.

The soil materials encountered in the test borings have varying engineering characteristics that may influence the design and construction considerations of foundations. The characteristics include swell potential, settlement potential, bearing capacity and the bearing conditions of the soils supporting the foundations. These are discussed below.

5.1 Swell Potential

Some of the materials encountered in the test borings at the anticipated foundation depths may have swell potential. Swell potential is the tendency of the soil to increase in volume when it becomes wetted. The volume change occurs as moisture is absorbed into the soil and water molecules become attached to or adsorbed by the individual clay platlets. Associated with the process of volume change is swell pressure. The swell pressure is the force the soils applies on its surroundings when moisture is absorbed into the soil. Foundation design considerations concerning swelling soils include structure tolerance to movement and dead load pressures to help restrict uplift. The structure's tolerance

to movement should be addressed by the structural engineer and is dependent upon many facets of the design including the overall structural concept and the building material. The uplift forces or pressure due to wetted clay soils can be addressed by designing the foundations to account for swelling soils.

5.2 Settlement Potential

Settlement potential of a soil is the tendency for a soil to experience volume change when subjected to a load. Settlement is characterized by downward movement of all or a portion of the supported structure as the soil particles move closer together resulting in decreased soil volume. Settlement potential is a function of foundation loads, depth of footing embedment, the width of the footing and the settlement potential or compressibility of the influenced soil. Foundation design considerations concerning settlement potential include the amount of movement tolerable to the structure and the design and construction concepts to help reduce the potential movement.

5.3 Soil Support Characteristics

The soil bearing capacity is a function of the engineering properties of the soils supporting the foundations, the foundation width, the depth of embedment of the bottom of the foundation below the lowest adjacent grade, the influence of the ground water and the amount of settlement tolerable to the structure.

Foundations for the structures should be placed on relatively uniform bearing conditions. Varying support characteristics of the soils supporting the foundation may result in nonuniform or differential performance of the foundation. The influence of nonuniform bearing conditions may be reduced by recognizing and accommodating during the site specific design.

6.0 FOUNDATION RECOMMENDATIONS

Geotechnical engineering considerations which influence the foundation design and construction recommendations presented below are discussed in Appendix D.

We have analyzed spread footing foundations as potential foundation systems for the proposed structures. These are discussed below. Due to the number of possible foundation types available and design and construction techniques there may be

design alternatives which we have not presented in this report. We are available to discuss other foundation types.

We recommend that the entire structure be supported on only one foundation type. Combining foundation types will result in differential and unpredictable foundation performance between the varying foundation types. We recommend that the structure footprint not be traversed by the cut/fill contact which would result in a portion of the structure underlain by fill material and part of the structure underlain by materials exposed by excavated cut. If this condition will exist please contact us so that we can revise our recommendations to accommodate the cut/fill contact scenario.

All of the design parameters presented below are based on techniques performed by an experienced competent contractor and high quality craftsmanship and care during construction. We recommend post construction cognizance of the volume change potential of the near surface soil materials and the need for appropriate post construction maintenance.

The spread footing recommendations include recommended design and construction techniques to reduce the influence of movement of the soil materials supporting the foundation but should not be interpreted as solutions for completely mitigating the potential for movement from the support soil material volume change.

Exterior column supports should be supported by foundations incorporated into the foundation system of the structure not supported on flatwork. Column supports placed on exterior concrete flatwork may move if the support soils below the concrete slab on grade become wetted and swell or freeze and raise or settle. Differential movement of the exterior columns may cause stress to accumulate in the supported structure and translate into other portions of the structure.

6.1 Spread Footing Foundations

In our analysis it was necessary to assume that the material encountered in the test borings extended throughout the building site and to a depth below the maximum depth of the influence of the foundations. We should be contacted to observe the soil materials exposed in the foundation excavations prior to placement of foundations to verify the assumptions made during our analysis.

The bottom of the foundation excavations should be thoroughly cleaned and observed when excavated. Any loose or disturbed

material exposed in the foundation excavation should be removed or compacted prior to placing foundation concrete.

The bottom of the foundation excavations should be compacted prior to placing compacted structural fill or foundation concrete. We suggest the materials exposed be compacted to at least ninety (90) percent of the materials moisture content-dry density relationship (Proctor) test, ASTM D1557. Excavation compaction is to help reduce the influence of any disturbance that may occur during the excavation operations. Any areas of loose, low density or yielding soils evidenced during the excavation compaction operation should be removed and replaced with compacted structural fill. Caution should be exercised during the excavation compaction operations. Excess rolling or compacting may increase pore pressure of the subgrade soil material and degrade the integrity of the support soils. Loose or disturbed material in the bottom of the foundation excavations which are intended to support structural members will likely result in large and unpredictable amounts of settlement, if the loose or disturbed material is not removed or compacted.

The bottom of any footings exposed to freezing temperatures should be placed below the maximum depth of frost penetration for the area. Refer to the local building code for details.

All footings should be appropriately proportioned to reduce the post construction differential settlement. Footings for large localized loads should be designed for bearing pressures and footing dimensions in the range of adjacent footings to reduce the potential for differential settlement. We are available to discuss this with you.

Foundation walls should be reinforced for geotechnical engineering purposes. The structural engineer should be consulted for foundation design. The structural engineering reinforcing design tailored for this project will be more appropriate than the suggestions presented above.

The structures may be founded on spread footings. We recommend the use of a blanket of structure fill material beneath the spread footing foundation members. Spread footings may be placed either on the natural undisturbed soils or on a blanket of compacted structural fill. The blanket of compacted structural fill is to help provide uniform support for the footings and to help reduce the theoretical calculated post construction settlement. The theoretical calculated post construction settlement and associated fill thickness supporting the footings are presented below.

We suggest that you consider the foundation be supported on a blanket of compacted structural fill at least one (1) foot thick to help mask the influence of volume change soil materials supporting the footings. The blanket of compacted structural fill will not prevent movement of the footings from volume change in the support soil materials but will mask the influence of volume changes of the soils supporting the footings. If the footings are supported on a blanket of compacted structural fill the blanket of compacted structural fill should extend beyond each edge of each footing a distance at least equal to the fill thickness. This concept is shown on Figure 3. Geotechnical engineering recommendations for constructing compacted structural fill are presented below.

All footings should have a minimum depth of embedment of at least one (1) foot below the lowest adjacent grade when placed either on the natural undisturbed soils or a blanket of compacted structural fill. Deeper embedment will be needed for footings exposed to exterior climate.

The bearing capacity will depend on the minimum depth of embedment of the bottom of the footings below the lowest adjacent grade and the support characteristics of the soils supporting the foundation. Other characteristics may influence embedment. The embedment concept is shown on Figure 4. Bearing capacity and associated minimum depth of embedment of the bottom of the footing below the lowest adjacent grade are presented below.

SPREAD FOOTING		
SOIL BEARING CAPACITY		
CONTINUOUS	ISOLATED	D*
(POUNDS PER SQUARE FOOT)		(feet)
1,025	1,100	0
1,175	1,250	1
1,350	1,425	2
1,500	1,575	3

D* Minimum depth of embedment for footings adjacent to level areas.

If deeper embedment is considered for increased bearing capacity greater than presented above, we should be contacted to provide additional analysis and recommendations as needed. The bearing capacity design value is based on several considerations and these may change with depth.

The bearing capacity may be increased by about twenty (20) percent for transient loads such as wind and seismic loads.

It is our opinion that footings exposed to frost or freezing ground influences and all exterior footings should be embedded to frost depth or deeper. Interior footings should have a minimum depth of embedment of at least one (1) foot on all sides to provide a more predictable long term performance of the footing. We understand that construction techniques typically used in the area may result in some of the footings in the crawl space constructed without significant embedment of the bottom of the footing below the lowest adjacent grade. For this reason we have provided design values for footings constructed with little or no embedment. It is our opinion that the performance of footing constructed without embedment may be influenced by erosion, temperature changes, moisture content changes, swell potential of the soil supporting the footings and weathering of the soils supporting the footings and will have a less predictable settlement response than footings with embedment.

Exterior footings and footings with uneven backfill may result in movement of the footings. Embedment of the footings on all sides will help reduce the potential for movement of footings with uneven backfill. We do not recommend exterior footings or footings with uneven backfill be constructed without a minimum depth of embedment of the bottom of the footing below the lowest adjacent grade of at least one (1) foot on all sides of the interior footings and frost depth for exterior footings.

The minimum depth of embedment is sufficient only to develop the bearing capacity for design purposes and does not account for frost influences. Actual design and construction should result in interior footings with one (1) foot or more embedment and exterior footings with frost depth or more embedment. Typically deeper embedment will increase bearing capacity and decrease post construction settlement and decrease the influence of expansive soils.

The soil samples tested had measured swell pressures of up to approximately 600 pounds per square foot and the actual swell pressure of the support materials could be greater. When wetted the site soil materials have the ability to raise supported foundation members with loads less than the swell pressure. The foundation design should be as rigid as possible with as high of a dead load as can be available. The greater the dead load on the footings the less the potential for movement from the foundation soils should they become wetted. If the soils become wetted they will swell and will raise the foundation portions supported on the wetted soils. If the structure is supported on spread footings the

owner must realize that post construction movement of the footings is likely. We are available to discuss the implications of supporting foundations on swelling soils.

Interior column loads supported on spread footings which are structurally connected to the other foundation members will provide more uniform performance of the interior footings with respect to the other foundation members and will help reduce the potential differential settlement between interior and exterior foundation members. The foundation walls should be designed to act as beams to distribute stresses associated with the swelling volume changes of soils. The beam design should be addressed by the project structural engineer.

Exterior column supports should be supported by foundations incorporated into the foundation system of the structure not supported on flatwork. Column supports placed on exterior concrete flatwork may move if the support soils below the concrete slab on grade become wetted and swell or freeze and raise or settle. Differential movement of the exterior columns may cause stress to accumulate in the supported structure and translate into other portions of the structure.

The calculated theoretical estimated post construction settlement and swell potential may be reduced by placing the footings on a blanket of compacted structural fill. The calculated theoretical estimated post construction settlement and associated thickness of compacted structural fill are presented below.

THICKNESS OF COMPACTED STRUCTURAL FILL SUPPORTING FOOTINGS	CALCULATED THEORETICAL ESTIMATED POST CONSTRUCTION SETTLEMENT FOR CONTINUOUS SPREAD FOOTINGS (INCHES)
0	7/8 to 1-1/8
1 foot	5/8 to 3/4
2 feet	3/8 to 1/2

THICKNESS OF COMPACTED STRUCTURAL FILL SUPPORTING FOOTINGS	CALCULATED THEORETICAL ESTIMATED POST CONSTRUCTION SETTLEMENT FOR ISOLATED SPREAD FOOTINGS (INCHES)
0	7/8 to 1-1/8
1 foot	5/8 to 3/4
2 feet	3/8 to 1/2

The calculated theoretical settlement estimated values above are appropriate for continuous spread footings with a width of about two (2) feet or less and isolated spread footings with a width of about three (3) feet or less. Larger footings should be analyzed on a footing, load and width specific basis.

Footings should be sized so that each footing is in a similar size and load range as nearby footings to encourage similar performance. Very large footings or heavily loaded footings will influence the support soil materials to a deeper depth than small or lightly loaded footings and therefore will have different post construction performance.

The calculated settlement estimates are theoretical only. Actual settlement could vary throughout the site and with time.

If the footings are supported on a blanket of compacted structural fill, the blanket of compacted structural fill should extend beyond each edge of each footing a distance at least equal to the fill thickness. This concept is shown on Figure 3. Compacted Structural Fill is discussed in section 8.0 below.

The site soil samples tested have a measured swell pressure up to approximately 600 pounds per square foot and the actual swell pressure of the support material could be greater. This swell pressure was measured for soils at the initial moisture content of the soil sample tested. The swell potential of the site soil materials could vary significantly and could be greater than that measured. The measured swell pressure may be influenced by disturbance of the sample during the sampling operation and the soil suction potential and initial moisture content.

The foundation design should be as rigid as possible with as high of a dead load as can be available. The greater the dead load on the footings the less the potential for movement from the foundation soils should they become wetted. If the soils become wetted they will swell and will raise the foundation portions supported on the wetted soils.

Changes in the initial moisture content will significantly influence the swell pressure of the site soils. If the initial moisture content of the foundation soils is less than that of the test sample the actual swell pressures will likely be significantly higher than measured. If the initial moisture content of the foundation soils is greater than that of the test sample the actual swell pressures may be less than measured.

If lightly loaded structure members are supported on spread footings on expansive soil material then the owner must realize that post construction movement of the footings is likely. These lightly loaded areas of the footing should be designed with sufficient structural integrity to resist the forces from swelling soils.

Foundation members that will have significantly small or low dead loads, such as foundations beneath wall openings such as doorways, may be provided with a strengthened grade beam and/or positive separation between the foundation concrete and the underlying soil materials. That separation may be provided by using commercial void form material. We recommend that the structural engineer be consulted concerning the void form design concept.

If the void form design concept is part of the foundation design we suggest that the foundation design may consider including a four (4) to six (6) inch corrugated paper void form material beneath the footings in the lightly loaded portions of the foundation. The corrugated paper void forms provide temporary support for foundation concrete during construction. The low strength of the void form material is intended to allow the underlying soil materials to expand into the void form thereby exerting less or no uplift pressure on the foundation in the areas it is used. We are available to discuss the implications of supporting foundations on swelling soils.

The bottom of the foundation excavations should be thoroughly cleaned and observed by the project Geotechnical Engineer or his representative when excavated. Any loose or disturbed material exposed in the foundation excavation should be removed or remedied prior to additional construction.

We recommend that we be contacted to observe the foundation excavations and backfill operations during construction to verify the soil support conditions and our assumptions upon which our recommendations are based. If necessary we may revise our recommendations based on our observations. We are available to provide material testing services during the construction phase of the project.

7.0 INTERIOR FLOOR SLAB DISCUSSION

It is our understanding that, as currently planned, the floor may be either a concrete slab on grade or a supported structural floor. The natural soils that will support interior floor slabs are stable

at their natural moisture content. However, the owner should realize that when wetted, the site soils may experience volume changes. The site soil samples tested had a measured swell pressures of up to approximately 600 pounds per square foot and an associated magnitude of 1.2 percent of the wetted soil volume at a surcharge load of 100 pounds per square foot and the actual swell pressure could be greater.

The recommendations in this report do not address a monolithic floor slab/footing combination. The design and construction characteristics of the monolithic floor slab need geotechnical engineering design parameters tailored specifically for a monolithic slab and integral footing. Generally this type foundation/floor combination in this area with these site conditions does not perform as well as other choices.

Conditions which vary from those encountered during our field study may become apparent during excavation. We should be contacted to observe the conditions exposed at concrete slab on grade subgrade elevation to verify the assumptions made during the preparation of this report and to provide additional geotechnical engineering suggestions and recommendations as needed.

Engineering design dealing with swelling soils is an art which is still developing. The owner is cautioned that the soils on this site may have swelling potential and concrete slab on grade floors and other lightly loaded members may experience movement when the supporting soils become wetted. We suggest you consider floors suspended from the foundation systems as structural floors or a similar design that will not be influenced by subgrade volume changes. If the owner is willing to accept the risk of possible damage from swelling soils supporting concrete slab on grade floors, the following recommendations to help reduce the damage from swelling soils should be followed. These recommendations are based on generally accepted design and construction procedures for construction on soils that tend to experience volume changes when wetted and are intended to help reduce the damage caused by swelling soil materials. Lambert and Associates does not intend that the owner, or the owner's consultants should interpret these recommendations as a solution to the problems of swelling soils, but as measures to reduce the influence of swelling soils.

The shallow soil materials tested have a low to moderate volume change potential under light loading conditions. Concrete slab on grade floors may experience significant movement when supported by the natural onsite soils. Concrete slab on grade floors will

perform best if designed to tolerate movement introduced by the subgrade soil materials.

Concrete flatwork, such as concrete slab on grade floors, should be underlain by compacted structural fill. The layer of compacted fill should be at least one (1) foot thick or thicker and constructed as discussed under COMPACTED STRUCTURAL FILL below. A one (1) foot thick or thicker blanket of structural fill material beneath the concrete flatwork is not sufficient to entirely mask the settlement or swell potential of the subgrade soil material but will only provide better subgrade conditions for construction. The concrete slab on grade should be designed by a structural engineer to be compatible with the site soil conditions.

The calculated theoretical estimated post construction heave potential of the slab may be reduced by placing the slab on a blanket of compacted structural fill. The calculated theoretical estimated post construction heave, at the moisture content tested, and associated thickness of compacted structural fill are presented below.

<u>THICKNESS OF COMPACTED STRUCTURAL FILL SUPPORTING SLABS</u>	<u>CALCULATED THEORETICAL ESTIMATED POST CONSTRUCTION HEAVE (INCHES)</u>
0	3/8 to 1/2
1 foot	1/4 to 3/8
2 feet	1/8 to 1/4

The calculated post construction heave estimates are theoretical only. Actual heave could vary throughout the site and with time.

The natural soil materials exposed in the areas supporting concrete slab on grade floors should be kept very moist during construction prior to placement of concrete slab on grade floors. This is to help increase the moisture regime of the potentially expansive soils supporting floor slabs and help reduce the expansion potential of the soils. We are available to discuss this concept with you.

Concrete slab on grade floors should be provided with a positive separation, such as a slip joint, from all bearing members and utility lines to allow their independent movements and to help reduce possible damage that could be caused by movement of soils supporting interior slabs. The floor slab should be constructed as a floating slab. All water and sewer pipe lines should be isolated from the slab. Any equipment placed on the floating floor slab should be constructed with flexible joints to accommodate future

movement of the floor slab with respect to the structure. We suggest partitions constructed on the concrete slab on grade floors be provided with a void space above or below the partitions to relieve stresses induced by elevation changes in the floor slab.

Floor slabs should not extend over foundations or foundation members. Floor slabs which extend over foundations or foundation members will likely experience post construction movement as a result of foundation movements. We are available to discuss this with you.

The concrete slabs should be scored or jointed to help define the locations of any cracking. We recommend that joint spacing be designed as outlined in ACI 224R. In addition joints should be scored in the floors a distance of about three (3) feet from, and parallel to, the walls.

It should be noted that when curing fresh concrete experiences shrinkage. This shrinkage almost always results in some cracks in the finished concrete. The actual shrinkage depends on the configuration and strength of the concrete and placing and finishing techniques. The recommended joints discussed above are intended to help define the location of the cracks but should not be interpreted as a solution to shrinkage cracks. The owner must understand that concrete flatwork will contain shrinkage cracks after curing and that all of the shrinkage cracks may not be located in control joints. Some cracking at random locations may occur.

If moisture migration through the concrete slab on grade floors will adversely influence the performance of the floor or floor coverings we suggest that a moisture barrier may be installed beneath the floor slab to help discourage capillary and vapor moisture rise through the floor slab. The moisture barrier may consist of a heavy plastic membrane, six (6) mil or greater, protected on the top and bottom by clean sand. The clean sand will help to protect the plastic from puncture. The layer of clean sand on the top of the plastic membrane will help the overlying concrete slab cure properly. According to the American Concrete Institute, proper curing requires at least three (3) to six (6) inches of clean sand between the plastic membrane and the bottom of the concrete. The plastic membrane should be lapped and taped or glued and protected from punctures during construction.

If the moisture content of the slab on grade floor will be influential to the performance of the future floor coverings then

the moisture content of the slab can be measured. We are available to monitor the floor slab moisture content prior to the installation of the floor covering. If this service is needed please contact us during the construction phase of the project.

The Portland Cement Association suggests that welded wire reinforcing mesh is not necessary in concrete slab on grade floors when properly jointed. It is our opinion that welded wire mesh may help improve the integrity of the slab on grade floors. We suggest that concrete slab on grade floors should be reinforced, for geotechnical purposes, with at least 6 x 6 - W2.9 x W2.9 (6 x 6 - 6 x 6) welded wire mesh positioned midway in the slab. The structural engineer should be contacted for structural design of floor slabs.

8.0 PAVEMENT SECTION DESIGN RECOMMENDATIONS

It is our understanding that the proposed development will include paved parking and drive areas. The paved areas will include gravel or asphalt paved parking areas. Our pavement section analysis was based on estimated traffic volumes, laboratory test results of the soils sampled during our field study, and on our experience on similar projects. The traffic volumes used in our analysis assumed 18,000 pound equivalent single axle loads (ESALs) of 20,000 and 40,000 repetitions for a twenty (20) year life. Our analysis included pavement sections based on dynamic loading as discussed in the Colorado Department of Transportation 2004 Pavement Design Manual.

8.1 Subgrade Preparation

Proper performance of the subgrade support soils requires surface preparation, scarification and moisture conditioning, compaction, and surface and subsurface drainage during construction prior to placement of the overlying pavement section materials.

Subgrade preparation may result in areas which yield under construction traffic. If yielding areas are encountered during subgrade preparation in the paved areas, the subgrade material may be overexcavated to a depth of about one foot below the subgrade elevation or more if needed and backfilled with a compacted structural fill. The structural fill material may aid in construction of the paved areas subgrade. The structural fill material should be an aggregate subbase course or aggregate base course type material placed and compacted as discussed below.

All organic and other deleterious material should be removed from the areas proposed for pavement section construction. The soils exposed by the removal of the organic materials should be scarified to a depth of about twelve (12) inches, moisture conditioned to near optimum moisture content, and compacted to at least ninety (90) percent of maximum dry density as defined by ASTM D1557, modified moisture content-dry density relationship (Proctor) test. The moisture conditioning may require addition of water, or air drying if the soil is too moist, in either case, the material should be sufficiently mixed to promote a uniform soil moisture content. The soils should be compacted using machinery designed for soil compaction. Wheel rolling with loaded equipment and other techniques may not provide a uniform, properly compacted roadway subgrade.

Utility trench backfill in areas supporting pavement or other structural components should be placed in thin lifts and compacted to at least ninety (90) percent of the maximum dry density as defined by ASTM D1557 to subgrade elevation.

After the subgrade soils have been prepared the surface should be crowned or surface graded in the same orientation as the proposed final surface of the asphalt pavement. The reason for this is to promote water migration away from the roadway more readily. If the subgrade soil surface is not graded to properly drain, water may accumulate within the pavement section soils. The increased moisture content and subsequent soil strength decrease may promote pavement section support degradation. If a full section asphalt concrete design is used, the subgrade soils should be graded parallel the final asphalt concrete surface for drainage so that a uniform asphalt concrete thickness exists.

8.2 Aggregate Sub-Base and Base Course Material Characteristics and Placement

Specific aggregate types and sources for potential use on the project were not known at the time of the preparation of this report. Our analysis assumed that the proposed aggregate base course would consist of a Class 6 type material, and the aggregate sub-base course would consist of a Class 2 type material, as designated in the "Colorado Department of Highways Standard Specification for Road and Bridge Construction", 1991. If it is desirable to use material which does not meet these criteria we should be contacted to assess the specific material characteristics of the proposed road base and provide additional pavement design sections for differing materials.

The aggregate sub-base and base course materials should be placed on the prepared subgrade soils as soon as possible after the subgrade soils are compacted and graded to drain. Placement of the aggregate materials will help limit the influence of construction and other traffic on the subgrade soil conditions.

The aggregate materials should not be allowed to become segregated either at the source, prior to hauling to the project site, or during the placement of the materials. The coarser aggregate sub-base soils have a greater tendency to become segregated, particularly during the grading and placement operations. Segregated sub-base and base course do not provide as uniform support as well blended materials.

The sub-base and base course materials should be moisture conditioned and compacted to at least ninety-five (95) percent of maximum dry density as defined by ASTM D1557, modified moisture-content-dry density relationship (Proctor) test.

8.3 Asphalt Concrete Materials and Placement

The asphalt concrete should be prepared using a mix design which has been prepared by a professional engineer experienced in asphalt concrete materials. The mix design should establish, as a minimum, the quality of the aggregates used, asphalt concrete material properties, asphalt cement content, mix and lay down temperatures. Either the Marshall Method or Hveem Stabilometer method of mix design may be used for the mix design preparation. We suggest that the asphalt concrete be compacted to between ninety-two (92) and ninety-six (96) percent of the maximum mix design density.

Aggregate shape maximum size and particle size distribution are important factors influencing the performance of an asphalt concrete mix. Crushed aggregate with fractured faces and angular shapes tend to interlock and provide an asphalt concrete with high strength and limited flexibility. Natural aggregates with rounded shapes tend to provide an asphalt concrete which is more flexible and may have lower strengths than mixes produced with angular shaped aggregates. Incorrect particle or grain size distribution of the aggregate used to manufacture the asphalt concrete can result in poor performance of the in-place asphalt mix. The grain size distribution of the mix aggregate will influence the size and volume of voids and the stability of the asphalt mix. Verification of the asphalt mix design aggregate properties and the asphalt concrete mix should be performed by testing prior to and during the paving operation.

8.4 Flexible Pavement Design Sections

Our laboratory analysis of the support characteristics of the subgrade soils on the project included a California Bearing Ratio test. A "CBR" value of 1.2 was used in our analysis. Alternative pavement sections are presented below. The pavement thickness sections below are based on the Design Nomograph for Flexible Pavements as recommended in the Colorado Department of Transportation 2004 pavement Design Manual.

Construction traffic will have a greater influence on the performance of the pavement section than the commercial use after construction. The design recommendations presented below are based on typical post construction commercial use and do not include accommodation for heavy loading as a result of construction traffic. It may be beneficial to consider partial pavement section construction for use during on-site development construction with the section repaired and completed after the heavy construction traffic use has ended. This technique may provide a more serviceable and structurally acceptable pavement for the completed project.

PAVEMENT THICKNESS DESIGN SECTIONS

*ESAL = 40,000

Asphalt Concrete (inches)	Aggregate Base Course Class 6 or Similar (inches)	Aggregate Subbase Course Class 2 or Similar (inches)	Reconditioned Subgrade (inches)
3	4	12	12
4	4	8	12
4	10-1/2	0	12
5	7-1/2	0	12

PAVEMENT THICKNESS DESIGN SECTIONS

*ESAL = 20,000

Asphalt Concrete (inches)	Aggregate Base Course Class 6 or Similar (inches)	Aggregate Subbase Course Class 2 or Similar (inches)	Reconditioned Subgrade (inches)
3	4	8	12
3	11	0	12
4	7-1/2	0	12

* Equivalent 18,000 pounds single axle load

Pavement section considerations for Asphalt concrete and Class 6 type aggregate base course in sections which do not include Class 2 type aggregate subbase course include a subgrade stabilization fabric such as Mirafi 500X or similar placed on the prepared subgrade material prior to placing the pavement section materials. The sections tabulated above are based on this inclusion.

Pavement thickness design section of less than three (3) inches of asphalt over aggregate base course may be used, although, because of the shorter life before maintenance and the relatively poor long term performance, we suggest that this be considered as an intermediate design section only. If a lesser design section is used we suggest you consider a later asphalt overlay of appropriate thickness to extend the life of the pavement section. The overlay should be constructed prior to any visible distress occurring in the pavement.

The asphalt concrete pavement should be placed on the prepared support section as soon as possible so that interim traffic does not decrease the integrity of the support section.

9.0 COMPACTED STRUCTURAL FILL

Material characteristics desirable for compacted structural fill are discussed in Appendix D. Areas that are over excavated or slightly below grade should be backfilled to grade with properly compacted structural fill or concrete, not loose fill material. If backfilled with other than compacted structural fill material or concrete there will be significant post construction settlement proportional to the amount of loose material.

The natural on site clay soils are not suitable for use as compacted structural fill material supporting building or structure members because of their clay content and swell potential. The natural on-site soils may be used as compacted fill in areas that will not influence the structure such as to establish general site grade. We are available to discuss this with you.

All areas to receive compacted structural fill should be properly prepared prior to fill placement. The preparation should include removal of all organic or deleterious material. The areas to receive fill material should be compacted after the organic deleterious material has been removed prior to placing the fill material. The area may need to be moisture conditioned for compaction. Any areas of soft, yielding, or low density soil, evidenced during the excavation compaction operation should be removed. The area excavated to receive fill should be moisture conditioned to wet of optimum moisture content as part of the preparation to receive

fill. Fill should be moisture conditioned, placed in thin lifts not exceeding six (6) inches in compacted thickness and compacted to at least ninety (90) percent of maximum dry density as defined by ASTM D1557, modified moisture content-dry density (Proctor) test.

After placement of the structural fill the surface should not be allowed to dry prior to placing concrete or additional fill material. This may be achieved by periodically moistening the surface of the compacted structural fill as needed to prevent drying of the structural fill. We are available to discuss this with you.

The soil materials exposed in the bottom of the excavation may be moist and may become yielding under construction traffic during construction. It may be necessary to use techniques for placement of fill materials or foundation concrete which limit construction traffic in the very moist soil materials. If yielding should occur during construction it may be necessary to construct a subgrade stabilization fill blanket or similar to provide construction traffic access. We are available to discuss this with you.

We recommend that the geotechnical engineer or his representative be present during the excavation compaction and fill placement operations to observe and test the material.

10.0 LATERAL EARTH PRESSURES

Laterally loaded walls supporting soil, such as basement walls, will act as retaining walls and should be designed as such. Walls that are designed to deflect and mobilize the internal soil strength should be designed for active earth pressures. Walls that are restrained so that they are not able to deflect to mobilize internal soil strength should be designed for at-rest earth pressures. The values for the lateral earth pressures will depend on the type of soil retained by the wall, backfill configuration and construction technique. If the backfill is not compacted the lateral earth pressures will be very different from those noted below.

Lateral earth pressure (L.E.P.) values are presented below:

	Level Backfill with on-site soils (pounds per cubic foot per foot of depth)
Active L.E.P.	62
At-rest L.E.P.	80
Passive L.E.P.	194

The soil samples tested have measured swell pressure of about 350 to 850 pounds per square foot and the actual swell pressure of the backfill material could be greater. Our experience has shown that the actual swell pressure may be much higher. If the retained soils should become moistened after construction the soil may swell against retaining walls. The walls should be designed to resist the swell pressure of the soil materials if these are used as part of the backfill within the zone of influence. The zone of influence concept is presented on Figure 5.

The above lateral earth pressures may be reduced by overexcavating the wall backfill area beyond the zone of influence and backfilling with crushed rock type material. The zone of influence concept is presented on Figure 5.

The lateral earth pressure design parameters may change significantly if the area near the wall is loaded or surcharged or is sloped. If any of these conditions occur we should be contacted for additional design parameters tailored to the specific site and structure conditions.

Suggested lateral earth pressure (L.E.P.) values if the backfill is overexcavated beyond the zone of influence and backfilled with crushed rock are presented below.

	Level Backfill with crushed rock material (pounds per cubic foot per foot of depth)
Active L.E.P.	30
At-rest L.E.P.	50

If the area behind a wall retaining soil material is sloped we should be contacted to provide lateral earth pressure design values tailored for the site specific sloped conditions.

Resistant forces used in the design of the walls will depend on the type of soil that tends to resist movement. We suggest that you consider a coefficient of friction of 0.20 for the on site soil.

The lateral earth pressure values provided above, for design purposes, should be treated as equivalent fluid pressures. The lateral earth pressures provided above are for level well drained backfill and do not include surcharge loads or additional loading as a result of compaction of the backfill. Unlevel or non-horizon-

tal backfill either in front of or behind walls retaining soils will significantly influence the lateral earth pressure values. Care should be taken during construction to prevent construction and backfill techniques from overstressing the walls retaining soils. Backfill should be placed in thin lifts and compacted, as discussed in this report to realize the lateral earth pressure values.

Walls retaining soil should be designed and constructed so that hydrostatic pressure will not accumulate or will not affect the integrity of the walls. Drainage plans should include a subdrain behind the wall at the bottom of the backfill to provide positive drainage. Exterior retaining walls should be provided with perimeter drain or weep holes to help provide an outlet for collected water behind the wall. The ground surface adjacent to the wall should be sloped to permit rapid drainage of rain, snow melt and irrigation water away from the wall backfill. Sprinkler systems should not be installed directly adjacent to retaining or basement walls.

11.0 DRAIN SYSTEM

A drain system should be provided around building spaces below the finished grade and behind any walls retaining soil. The drain systems are to help reduce the potential for hydrostatic pressure to develop behind retaining walls. A sketch of the drain system is shown on Figure 6.

Subdrains should consist of a three (3) or four (4) inch diameter perforated rigid pipe surrounded by a filter. The filter should consist of a filter fabric or a graded material such as washed concrete sand or pea gravel. If sand or gravel is chosen the pipe should be placed in the middle of about four (4) cubic feet of aggregate per linear foot of pipe. The drain system should be sloped to positive gravity outlets. If the drains are daylighted, the drains should be provided with all weather outlets and the outlets should be maintained to prevent them from being plugged or frozen. We do not recommend that the drains be discharged to dry well type structures. Dry well structures may tend to fail if the surrounding soil material becomes wetted and swells or if the ground water rises to a elevation of or above the discharge elevation in the dry well. We should be called to observe the soil exposed in the excavations and to verify the details of the drain system.

12.0 CRAWL SPACE CONSIDERATIONS

We anticipate that free subsurface water may be shallow enough during wetter seasons to exist in crawl space areas or create very moist conditions in crawl space areas. We suggest that if it is desired to reduce the influence of water in the crawl space area a foundation drain should be installed as discussed above.

The surface of the crawl space may be provided with a layer of about six (6) inches of clean washed gravel or an impervious geotextile fabric to reduce the inconvenience of very moist or muddy crawl space conditions if these should occur. The crawl space should be adequately vented to reduce the potential for humidity to accumulate in the crawl space area.

13.0 BACKFILL

Backfill areas and utility trench backfill should be constructed such that the backfill will not settle after completion of construction, and that the backfill is relatively impervious for the upper few feet. The backfill material should be free of trash and other deleterious material. It should be moisture conditioned and compacted to at least ninety (90) percent relative compaction using a modified moisture content-dry density (Proctor) relationship test (ASTM D1557). Only enough water should be added to the backfill material to allow proper compaction. Do not pond, puddle, float or jet backfill soil materials.

Improperly placed backfill material will allow water migration more easily than properly recompacted fill. Improperly compacted fill is likely to settle, creating a low surface area which further enhances water accumulation and subsequent migration to the foundation soils.

Improperly placed backfill will allow water to migrate along the utility trench or backfill areas to gain access to the subgrade support soils with subsequent mobilization of the swell or settlement mechanism resulting in movement of the supported structure. Moisture migration could also result in the inconvenience of free water in the crawl space.

Backfill placement techniques should not jeopardize the integrity of existing structural members. We recommend recently constructed concrete structural members be appropriately cured prior to adjacent backfilling.

14.0 SURFACE DRAINAGE

The foundation soil materials should be prevented from becoming wetted after construction. Post construction wetting of the soil support soil materials can initiate swell potential or settlement potential as well as decrease the bearing capacity of the support soil materials. Protecting the foundation from wetting can be aided by providing positive and rapid drainage of surface water away from the structure.

The final grade of the ground surface adjacent to the structure should have a well defined slope away from the foundation walls on all sides. The ability to establish proper site surface drainage away from the structure foundation system may be influenced by the existing topography, existing structure elevations and the grades and elevations of the ground surface adjacent to the proposed structure. We suggest where possible a minimum fall of the surface grade away from the structure be that which will accommodate other project grading constraints and provide rapid drainage of surface water away from the structure. If there are no other project constraints we suggest a fall of about one (1) foot in the first ten (10) feet away from the structure foundation. Appropriate surface drainage should be maintained for the life of the project. Future landscaping plans should include care and attention to the potential influence on the long term performance of the foundation and/or crawl space if improper surface drainage is not maintained.

Roof runoff should be collected in appropriate roof drainage collection devices, such as eve gutters or similar, and directed to discharge in appropriate roof drainage systems. Roof runoff should not be allowed to fall on or near foundations, backfill areas, flatwork, paved areas or other structural members. Downspouts and faucets should discharge onto splash blocks that extend beyond the limits of the backfill areas. Splash blocks should be sloped away from the foundation walls. Snow storage areas should not be located next to the structure. Proper surface drainage should be maintained from the onset of construction through the proposed project life.

If significant water concentration and velocity occurs erosion may occur. Erosion protection may be considered to reduce soil erosion potential. A landscape specialist or civil engineer should be consulted for surface drainage design, erosion protection and landscaping considerations.

15.0 LANDSCAPE IRRIGATION

An irrigation system should not be installed next to foundations, concrete flatwork or paved areas. If an irrigation system is installed, the system should be placed so that the irrigation water does not fall or flow near foundations, flatwork or pavements. The amount of irrigation water should be controlled.

We recommend that wherever possible xeriscaping concepts be used. Generally, the xeriscape includes planning and design concepts which will reduce irrigation water. The reason we suggest xeriscape concepts for landscaping is because the reduced landscape water will decrease the potential for water to influence the long term performance of the structure foundations and flatwork. Many publications are available which discuss xeriscape. Colorado State University Cooperative Extension has several useful publications and most landscape architects are familiar with the subject. Montrose Botanical Society has a Botanical Garden, 1800 Pavilion Drive, south of Niagara Drive, Montrose, Colorado, that has a very good exhibit with examples and information regarding successful xeriscape concepts.

Due to the expansive nature of the soils tested we suggest that the owner consider landscaping with only native vegetation which requires only natural precipitation to survive. Additional irrigation water will greatly increase the likelihood of damage to the structure as a result of volume changes of the material supporting the structure.

Impervious geotextile material may be incorporated into the project landscape design to reduce the potential for irrigation water to influence the foundation soils.

16.0 SOIL CORROSIVITY TO CONCRETE

Our scope of services did not include performing chemical tests to help identify the potential for soil corrosivity to concrete.

It has been our experience that much of the soils in the area contain sufficient water soluble sulfate content to be corrosive to concrete. We suggest sulfate resistant cement be used in concrete which will be in contact with the on-site soils. American Concrete Institute recommendations for sulfate resistant cement based on the water soluble sulfate content should be used.

If it is desirable by you or your design team to help identify the potential for corrosivity to concrete at the proposed development site we suggest that site specific chemical tests be performed.

17.0 RADON CONSIDERATIONS

Our experience indicates that many of the soils in western Colorado produce small quantities of radon gas. Radon gas may tend to collect in closed poorly ventilated structures. Radon considerations are presented in Appendix D.

18.0 POST DESIGN CONSIDERATIONS

The project geotechnical engineer should be consulted during construction of the project to observe site conditions and open excavations during construction and to provide materials testing of soil and concrete.

This subsurface soil and foundation condition study is based on limited sampling; therefore, it is necessary to assume that the subsurface conditions do not vary greatly from those encountered in the field study. Our experience has shown that significant variations are likely to exist and can become apparent only during additional on site excavation. For this reason, and because of our familiarity with the project, Lambert and Associates should be retained to observe foundation excavations prior to foundation construction, to observe the geotechnical engineering aspects of the construction and to be available in the event any unusual or unexpected conditions are encountered. The cost of the geotechnical engineering observations and material testing during construction or additional engineering consultation is not included in the fee for this report. We recommend that your construction budget include site visits early during construction schedule for the project geotechnical engineer to observe foundation excavations and for additional site visits to test compacted soil.

We recommend that the observation and material testing services during construction be retained by the owner or the owner's engineer or architect, not the contractor, to maintain third party credibility. We are experienced and available to provide material testing services. We have included a copy of a report prepared by Van Gilder Insurance which discusses testing services during construction. It is our opinion that the owner, architect and engi-

neer be familiar with the information. If you have any questions regarding this concept please contact us.

We suggest that your construction plans and schedule include provisions for geotechnical engineering observations and material testing during construction and your budget reflect these provisions.

It is difficult to predict if unexpected subsurface conditions will be encountered during construction. Since such conditions may be found, we suggest that the owner and the contractor make provisions in their budget and construction schedule to accommodate unexpected subsurface conditions.

18.1 Structural Fill Quality

It is our understanding that the proposed development may include compacted structural fill. The quality of compacted structural fill will depend on the type of material used as structural fill, fill lift thickness, fill moisture condition and compactive effort used during construction of the structural fill. Engineering observation and testing of structural fill is essential as an aid to safeguard the quality and performance of the structural fill.

Fill materials placed on sloped areas require special placement techniques that key the fill materials unto the underlying support materials. These techniques include a toe key at the toe contact of the slope fill and benching the fill/natural contact up the slope into the competent natural material. The placing technique will also include subdrains at several locations to intercept subsurface water and route it away from the fill materials. We are available to discuss these techniques with you and your earthwork contractor.

Testing of the structural fill normally includes tests to determine the grain size distribution, swell potential and moisture-density relationship of the fill material to verify the material suitability for use as structural fill. As the material is placed the in-place moisture content and dry density are tested to indicate the relative compaction of the placed structural fill. We recommend that your budget include provisions for observation and testing of structural fill during construction.

Testing of the compacted fill material should include tests of the moisture content and density of the fill material placed and compacted prior to placement of additional fill material. We

suggest that a reasonable number of density tests of the fill material can best be determined on a site, material and construction basis although as a guideline we suggest one test per about each 300 to 500 square feet of each lift of fill material. Utility trench backfill may need to be tested about every 100 linear feet of lift of backfill.

18.2 Concrete Quality

It is our understanding current plans include reinforced structural concrete for foundations and walls and may include concrete slabs on grade and pavement. To insure concrete members perform as intended, the structural engineer should be consulted and should address factors such as design loadings, anticipated movement and deformations.

The quality of concrete is influenced by proportioning of the concrete mix, placement, consolidation and curing. Desirable qualities of concrete include compressive strength, water tightness and resistance to weathering. Engineering observations and testing of concrete during construction is essential as an aid to safeguard the quality of the completed concrete.

Testing of the concrete is normally performed to determine compressive strength, entrained air content, slump and temperature. We recommend that your budget include provisions for testing of concrete during construction. We suggest that a reasonable frequency of concrete tests can best be determined on a site, materials and construction specific basis although as a guideline American Concrete Institute, ACI, suggests one test per about each fifty (50) cubic yards or portion thereof per day of concrete material placed.

19.0 LIMITATIONS

It is the owner's and the owner's representatives' responsibility to read this report and become familiar with the recommendations and suggestions presented. We should be contacted if any questions arise concerning the geotechnical engineering aspects of this project as a result of the information presented in this report.

The scope of services for this study does not include either specifically or by implication any environmental or biological (such as mold, fungi, bacteria, etc.) Assessment of the site or identification or prevention of pollutants, hazardous materials or

conditions. If the owner is concerned about the potential for such contamination or pollution, other studies should be performed.

The proposed building site contains soil materials with significant swell potential. For this reason we suggest that you consult, as suggested by Senate Bill 13, a copy of Colorado Geological Survey Special Publication 11, "Home Construction on Shrinking and Swelling Soils", and a copy of CGS Special Publication 14, "Home Landscaping and Maintenance on Swelling Soils". We are available to discuss this with you.

The recommendations outlined above are based on our understanding of the currently proposed construction. We are available to discuss the details of our recommendations with you and revise them where necessary. This geotechnical engineering report is based on the proposed site development and scope of services as provided to us by Mr. Doug Macfarlane, on the type of construction planned, existing site conditions at the time of the field study, and on our findings. Should the planned, proposed use of the site be altered, Lambert and Associates must be contacted, since any such changes may make our suggestions and recommendations inappropriate. This report should be used ONLY for the planned development for which this report was tailored and prepared, and ONLY to meet information needs of the owner and the owner's representatives. In the event that any changes in the future design or location of the building are planned, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and conclusions of this report are modified or verified in writing. It is recommended that the geotechnical engineer be provided the opportunity for a general review of the final project design and specifications in order that the earthwork and foundation recommendations may be properly interpreted and implemented in the design and specifications.

This report does not provide earthwork specifications. We can provide guidelines for your use in preparing project specific earthwork specifications. Please contact us if you need these for your project.

This report presents both suggestions and recommendations. The suggestions are presented so that the owner and the owner's representatives may compare the cost to the potential risk or benefit for the suggested procedures.

This report contains suggestions and recommendations which are intended to work in concert with recommendations provided by the

other design team members to provide somewhat predictable foundation performance. If any of the recommendations are not included in the design and construction of the project it may result in unpredictable foundation performance or performance different than anticipated. We recommend that we be requested to provide geotechnical engineering observation and materials testing during the construction phase of the project as discussed in this report. The purpose for on site observation and testing by us during construction is to help provide continuity of service from the planning of the project through the construction of the project. This service will also allow us to revise our recommendations if conditions occur or are discovered during construction that were not evidenced during the initial study. We suggest that the owner and the contractor make provisions in their construction budget and construction schedule to accommodate unexpected subsurface conditions.

We represent that our services were performed within the limits prescribed by you and with the usual thoroughness and competence of the current accepted practice of the geotechnical engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or our contract. We are available to discuss our findings with you. If you have any questions please contact us. The supporting data for this report is included in the accompanying figures and appendices.

This report is a product of Lambert and Associates. Excerpts from this report used in other documents may not convey the intent or proper concepts when taken out of context, or they may be misinterpreted or used incorrectly. Reproduction, in part or whole, of this document without prior written consent of Lambert and Associates is prohibited.


This report and information presented can be used only for this site, for this proposed development, and only for the client for whom our work was performed. Any other circumstances are not appropriate applications of this information. Other development plans will require project specific review by us.

We have enclosed a copy of a brief discussion about geotechnical engineering reports published by Association of Soil and Foundation Engineers for your reference.

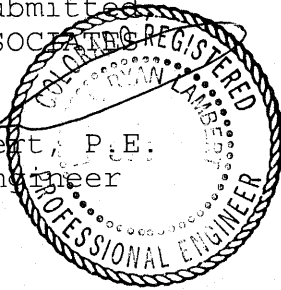
Please call when further consultation or observations and tests are required.

If you have any questions concerning this report or if we may be of further assistance, please contact us.


Respectfully submitted,
LAMBERT AND ASSOCIATES

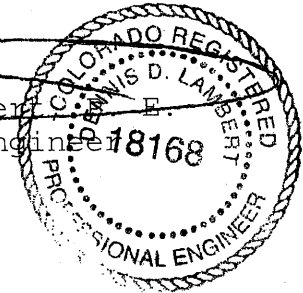

Daniel R. Lambert, P.E.
Geotechnical Engineer

DRL/nr



Reviewed by:


Dennis D. Lambert, P.E.
Geotechnical Engineer





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THE PROFESSIONAL LIABILITY PERSPECTIVE

Vol. 8, No. 8

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August 1988

WHO HIRES THE TESTING LABORATORY?

It is one of those relatively small details in the overall scheme of things. Independent testing may be required by local building codes, or it may be insisted upon by lenders. Additional testing can usually be ordered by the design team during construction. Whatever the source of the requirement, many owners perceive it to be an unnecessary burden—an additional cost imposed principally for someone else's benefit.

What does this have to do with you? You may be the only one in a position to influence the use of testing and inspection services so they become more, rather than less likely to contribute to a successful outcome. There seems to be an almost irresistible inclination on the part of some owners to cast aside their potential value to the project in favor of the administrative and financial convenience of placing responsibility for their delivery into the hands of the general contractor.

Resist this inclination where you can. It is not in your client's best interests, and it is certainly not in yours. There are important issues of quality and even more important issues of life safety at stake. In the complex environment of today's construction arena, it makes very little sense for either of you to give up your control of quality control. Yet it happens altogether too often.

What's Behind this Misadventure?

The culprit seems to be the Federal Government. In the 1960's, someone came up with

the idea that millions could be saved by eliminating the jobs of Federal workers engaged in construction inspection. The procurement model used to support this stroke of genius was the manufacturing segment of the economy, where producers of goods purchased by the Government had been required for years to conduct their own quality assurance programs. The result was a trendy new concept in Federal construction known as Contractor Quality Control (CQC).

It was a dumb idea. Costs were simply shifted from the Federal payroll to capital improvement budgets. Government contractors, selected on the basis of the lowest bid, were handed resources to assure the quality of their own performance. Some did so; many did not. All found themselves caught up in an impossible conflict between the demands of time and cost, on one hand, and the dictates of quality, on the other.

CQC was opposed by the Associated General Contractors of America, by independent testing laboratories, by the design professions, and by those charged with front-line responsibility for quality control in the Federal Agencies. Eventually, even the General Accounting Office came to the conclusion that it ought to be abandoned. But, once set in motion and fueled by the pervasive influence of the Federal Government, the idea spread—first to state and local governments; finally, to the private sector.

Why would the private sector embrace such an ill-conceived notion? Because so many

owners view testing and inspection as an undertaking which simply duplicates something they are entitled to in any event. They are confident they will be protected by contract documents which cover every detail and contingency. They look to local building inspectors to assure compliance with codes. And they fully expect the design team to fulfill its obligation to safeguard the quality of the work.

A Fox in the Henhouse

If testing is perceived as little more than an 'unnecessary, but unavoidable expense, why not make the general contractor responsible for controlling the cost? It may produce a savings, and it certainly eliminates an administrative headache. If contractual obligations dealing with the project schedule and budget can be enforced, surely those governing quality can be enforced, as well. Possibly so, but who is going to do it?

Some testing consultants will not accept CQC work. The reasons they give come from firsthand experience. They include: 1) inadequate to barely adequate scope, 2) selection based on the lowest bid; 3) non-negotiable contract terms inappropriate to the delivery of a professional service; 4) intimidation of inspectors by field supervisors; and 5) suppression of low or failing test results. This ought to be fair warning to any owner.

Keeping Both Hands on the Wheel

The largest part of the problem, from your point of view, is one of artful persuasion. If you cannot convince your client of the value of independent testing and inspection, no one can. Yet, if you do not, you are likely to find yourself responsible for an assurance of quality you are in no position to deliver. How can you keep quality control where it belongs and, in the process, prevent the owner from compromising his or her interests in the project as well as yours? Consider these suggestions:

1. Put the issue on an early agenda. It needs your attention. Anticipate the owner's inclination to avoid dealing with testing and

inspection, and explain its importance to the success of the project. Persist, if you can, until your client agrees to hire the testing laboratory independently and to establish an adequate budget to meet the anticipated costs. A testing consultant hired by the owner cannot be fired by the general contractor for producing less than favorable results.

2. Tailor the testing requirements carefully. Scissors and paste can be your very worst enemies. Specify what the job requires, retain control of selection and hiring, make certain the contractor's responsibilities for notification for scheduling purposes are clear, and require that copies of all reports be distributed by the laboratory directly to you.

3. Insist on a preconstruction testing conference. It can be an essential element of effective coordination. Include the owner, the general contractor, major subcontractors, the testing consultant, and the design team. Review your requirements, the procedures to be followed, and the responsibilities of each of the parties. Have the testing consultant prepare a conference memorandum for distribution to all participants.

4. Monitor tests and inspections closely. Make certain your field representative is present during tests and inspections, so that deficiencies in procedures or results can be reported and acted upon quickly. Scale back testing if it becomes clear it is appropriate to do so under the circumstances; do not hesitate to order additional tests if they are required.

5. Finally, keep your client informed. Without your help, he or she is not likely to understand what the test results mean, nor will your actions in response to them make much sense. If additional testing is called for, explain why. Remember, it is an unexpected and, possibly, unbudgeted additional cost for which you will need to pave the way. In this sense, independent testing and inspection can serve an important, secondary purpose. You might view it as a communications resource. Use it in this way, and it just may yield unexpected dividends.

IMPORTANT INFORMATION ABOUT YOUR GEOTECHNICAL ENGINEERING REPORT

More construction problems are caused by site subsurface conditions than any other factor. As troublesome as subsurface problems can be, their frequency and extent have been lessened considerably in recent years, due in large measure to programs and publications of ASFE/The Association of Engineering Firms Practicing in the Geosciences.

The following suggestions and observations are offered to help you reduce the geotechnical-related delays, cost-overruns and other costly headaches that can occur during a construction project.

A GEOTECHNICAL ENGINEERING REPORT IS BASED ON A UNIQUE SET OF PROJECT-SPECIFIC FACTORS

A geotechnical engineering report is based on a subsurface exploration plan designed to incorporate a unique set of project-specific factors. These typically include: the general nature of the structure involved, its size and configuration; the location of the structure on the site and its orientation; physical concomitants such as access roads, parking lots, and underground utilities, and the level of additional risk which the client assumed by virtue of limitations imposed upon the exploratory program. To help avoid costly problems, consult the geotechnical engineer to determine how any factors which change subsequent to the date of the report may affect its recommendations.

Unless your consulting geotechnical engineer indicates otherwise, *your geotechnical engineering report should not be used:*

- When the nature of the proposed structure is changed, for example, if an office building will be erected instead of a parking garage, or if a refrigerated warehouse will be built instead of an unrefrigerated one;
- when the size or configuration of the proposed structure is altered;
- when the location or orientation of the proposed structure is modified;
- when there is a change of ownership, or
- for application to an adjacent site.

Geotechnical engineers cannot accept responsibility for problems which may develop if they are not consulted after factors considered in their report's development have changed.

MOST GEOTECHNICAL "FINDINGS" ARE PROFESSIONAL ESTIMATES

Site exploration identifies actual subsurface conditions only at those points where samples are taken, when they are taken. Data derived through sampling and subsequent laboratory testing are extrapolated by geo-

technical engineers who then render an opinion about overall subsurface conditions, their likely reaction to proposed construction activity, and appropriate foundation design. Even under optimal circumstances actual conditions may differ from those inferred to exist, because no geotechnical engineer, no matter how qualified, and no subsurface exploration program, no matter how comprehensive, can reveal what is hidden by earth, rock and time. The actual interface between materials may be far more gradual or abrupt than a report indicates. Actual conditions in areas not sampled may differ from predictions. *Nothing can be done to prevent the unanticipated, but steps can be taken to help minimize their impact.* For this reason, *most experienced owners retain their geotechnical consultants through the construction stage*, to identify variances, conduct additional tests which may be needed, and to recommend solutions to problems encountered on site.

SUBSURFACE CONDITIONS CAN CHANGE

Subsurface conditions may be modified by constantly-changing natural forces. Because a geotechnical engineering report is based on conditions which existed at the time of subsurface exploration, *construction decisions should not be based on a geotechnical engineering report whose adequacy may have been affected by time.* Speak with the geotechnical consultant to learn if additional tests are advisable before construction starts.

Construction operations at or adjacent to the site and natural events such as floods, earthquakes or groundwater fluctuations may also affect subsurface conditions and, thus, the continuing adequacy of a geotechnical report. The geotechnical engineer should be kept apprised of any such events, and should be consulted to determine if additional tests are necessary.

GEOTECHNICAL SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES AND PERSONS

Geotechnical engineers' reports are prepared to meet the specific needs of specific individuals. A report prepared for a consulting civil engineer may not be adequate for a construction contractor, or even some other consulting civil engineer. Unless indicated otherwise, this report was prepared expressly for the client involved and expressly for purposes indicated by the client. Use by any other persons for any purpose, or by the client for a different purpose, may result in problems. *No individual other than the client should apply this report for its intended purpose without first conferring with the geotechnical engineer. No person should apply this report for any purpose other than that originally contemplated without first conferring with the geotechnical engineer.*

A GEOTECHNICAL ENGINEERING REPORT IS SUBJECT TO MISINTERPRETATION

Costly problems can occur when other design professionals develop their plans based on misinterpretations of a geotechnical engineering report. To help avoid these problems, the geotechnical engineer should be retained to work with other appropriate design professionals to explain relevant geotechnical findings and to review the adequacy of their plans and specifications relative to geotechnical issues.

BORING LOGS SHOULD NOT BE SEPARATED FROM THE ENGINEERING REPORT

Final boring logs are developed by geotechnical engineers based upon their interpretation of field logs (assembled by site personnel) and laboratory evaluation of field samples. Only final boring logs customarily are included in geotechnical engineering reports. *These logs should not under any circumstances be redrawn* for inclusion in architectural or other design drawings, because drafters may commit errors or omissions in the transfer process. Although photographic reproduction eliminates this problem, it does nothing to minimize the possibility of contractors misinterpreting the logs during bid preparation. When this occurs, delays, disputes and unanticipated costs are the all-too-frequent result.

To minimize the likelihood of boring log misinterpretation, *give contractors ready access to the complete geotechnical engineering report prepared or authorized for their use.* Those who do not provide such access may proceed un-

der the *mistaken* impression that simply disclaiming responsibility for the accuracy of subsurface information always insulates them from attendant liability. Providing the best available information to contractors helps prevent costly construction problems and the adversarial attitudes which aggravate them to disproportionate scale.

READ RESPONSIBILITY CLAUSES CLOSELY

Because geotechnical engineering is based extensively on judgment and opinion, it is far less exact than other design disciplines. This situation has resulted in wholly unwarranted claims being lodged against geotechnical consultants. To help prevent this problem, geotechnical engineers have developed model clauses for use in written transmittals. These are *not* exculpatory clauses designed to foist geotechnical engineers' liabilities onto someone else. Rather, they are definitive clauses which identify where geotechnical engineers' responsibilities begin and end. Their use helps all parties involved recognize their individual responsibilities and take appropriate action. Some of these definitive clauses are likely to appear in your geotechnical engineering report, and you are encouraged to read them closely. Your geotechnical engineer will be pleased to give full and frank answers to your questions.

OTHER STEPS YOU CAN TAKE TO REDUCE RISK

Your consulting geotechnical engineer will be pleased to discuss other techniques which can be employed to mitigate risk. In addition, ASFE has developed a variety of materials which may be beneficial. Contact ASFE for a complimentary copy of its publications directory.

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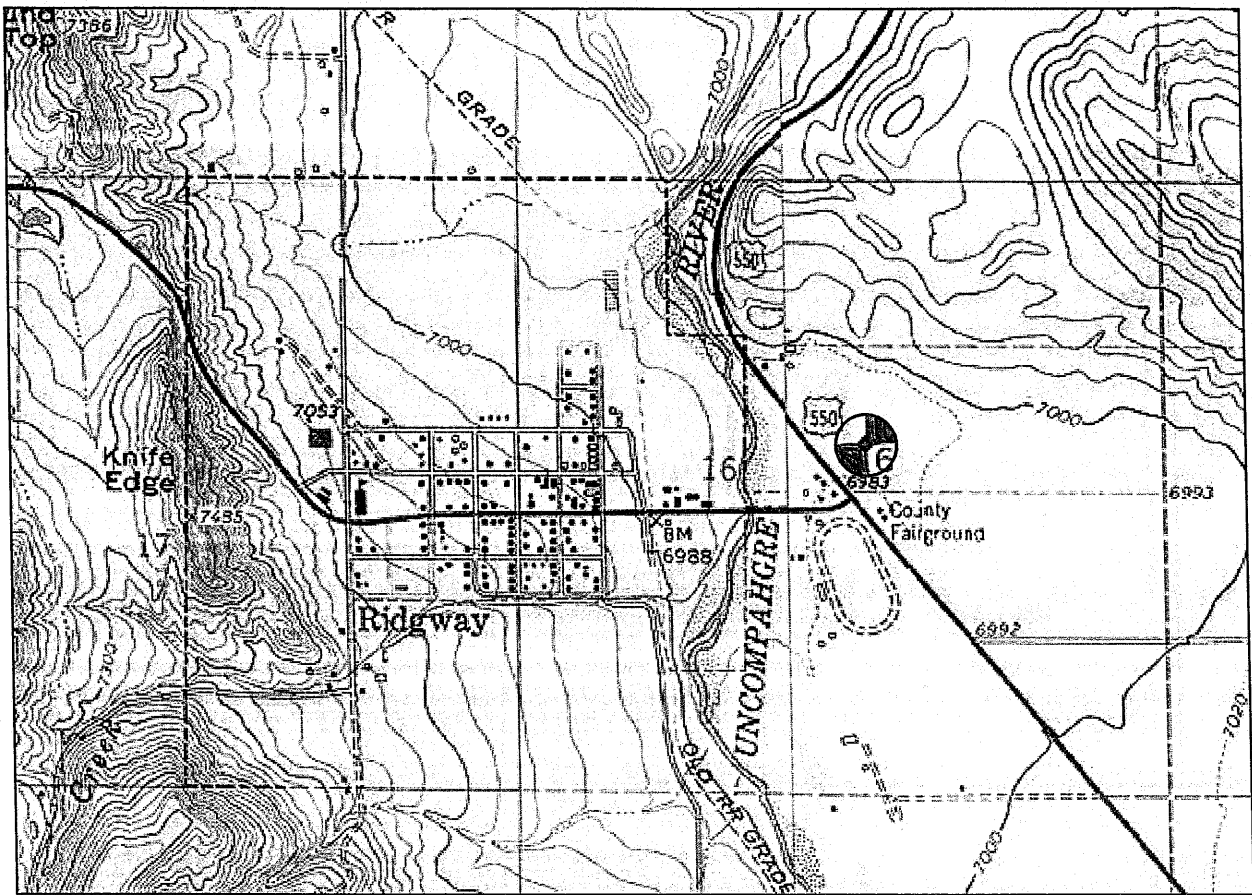
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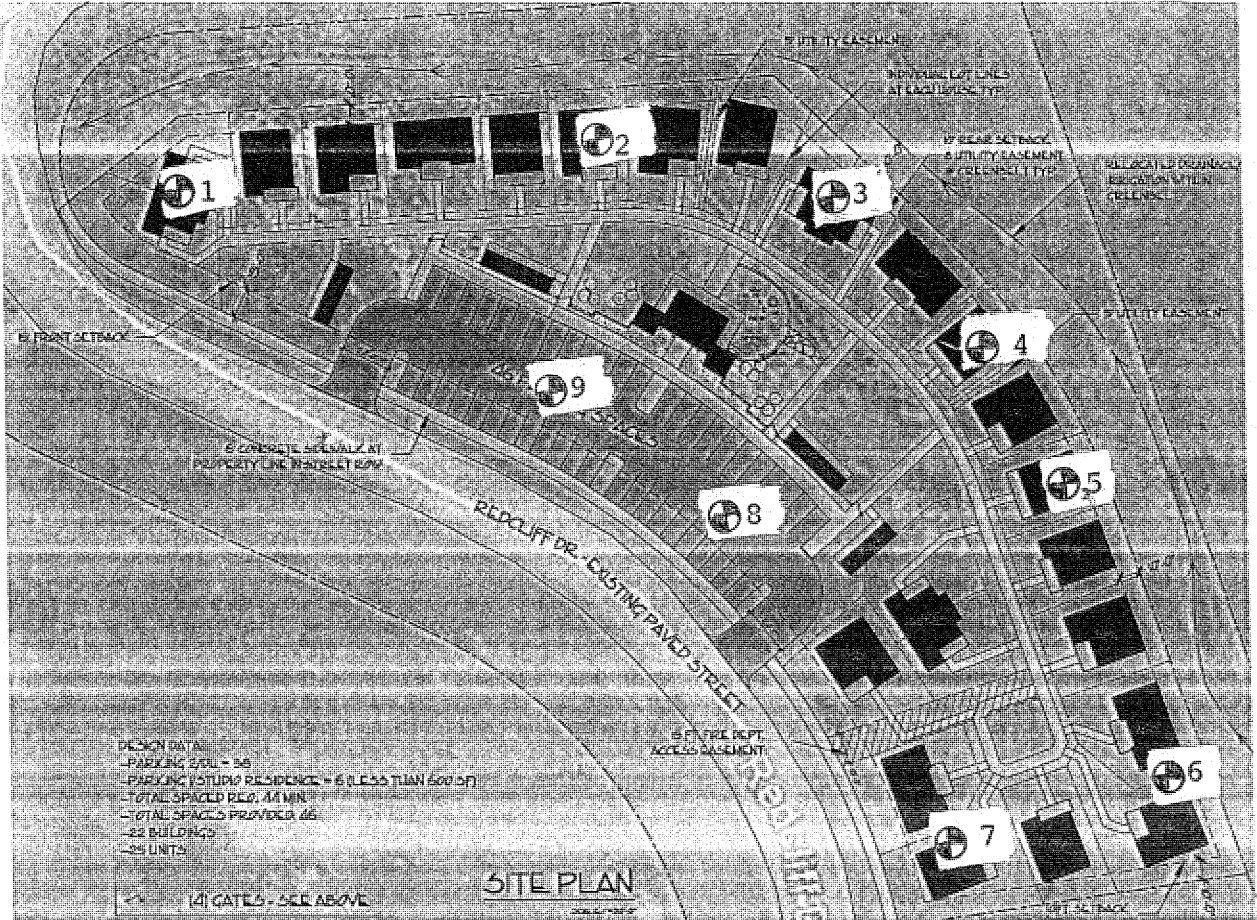
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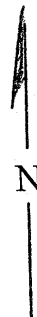
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PROJECT VICINITY MAP



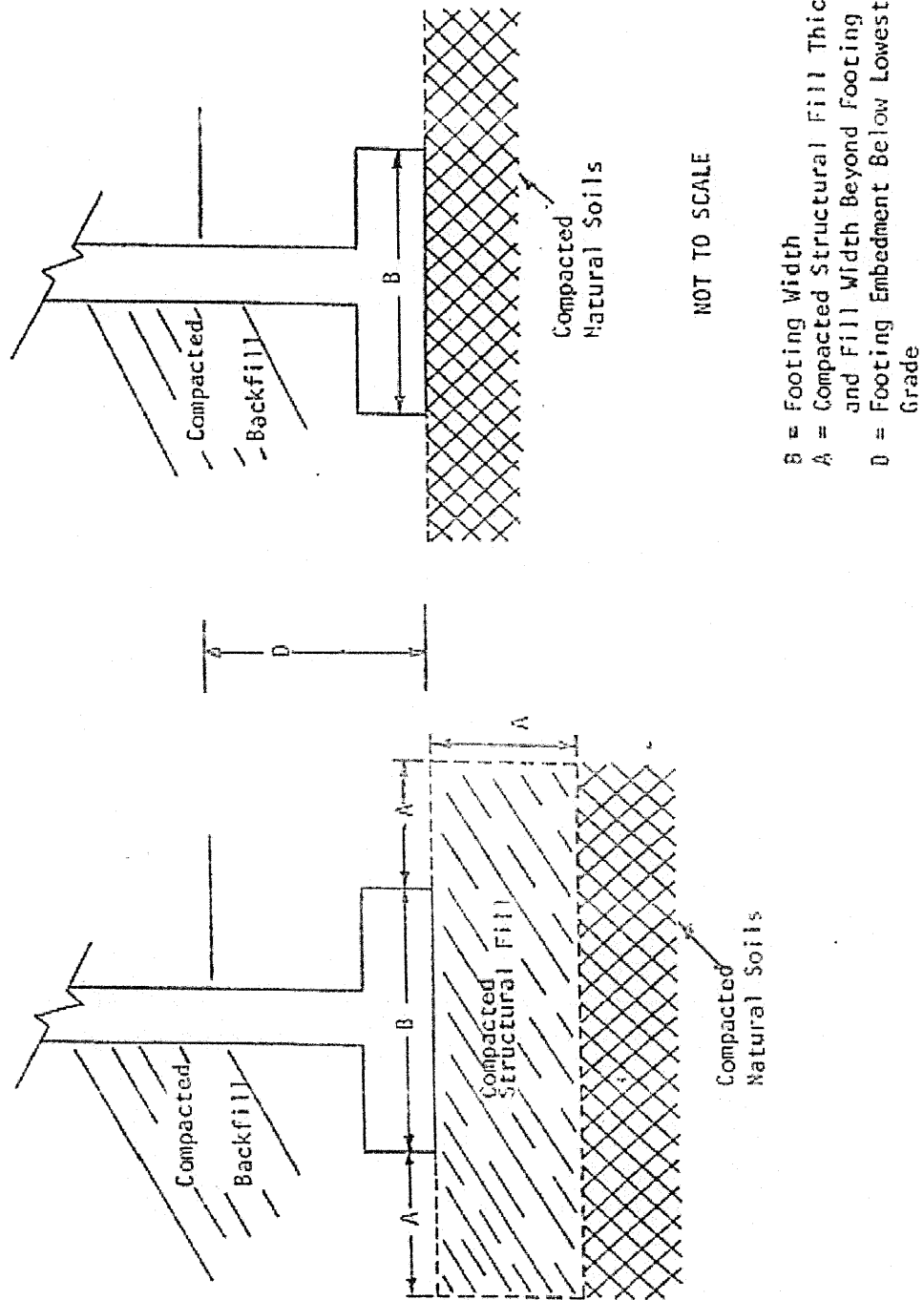
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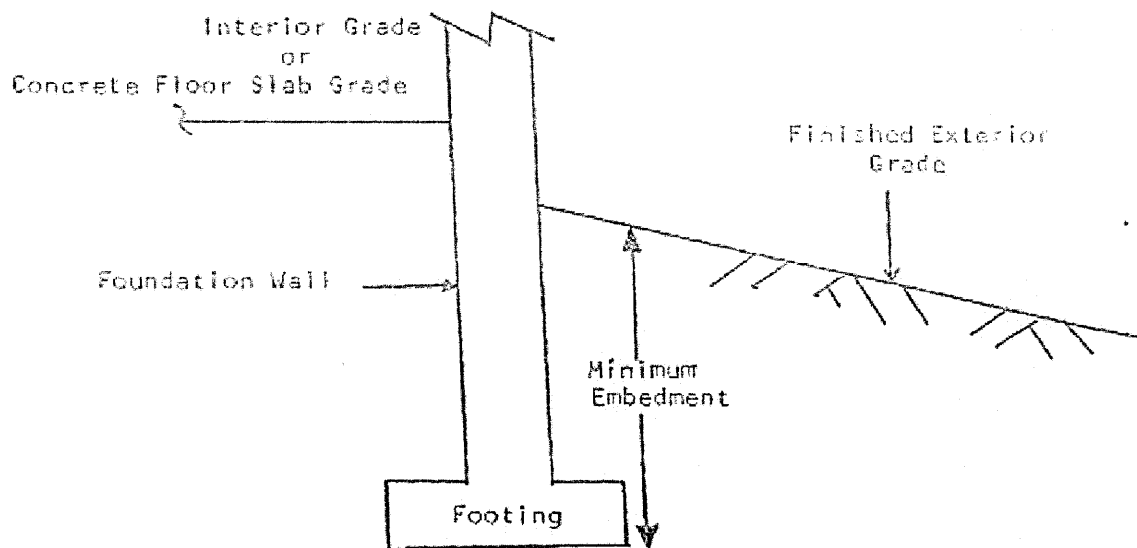
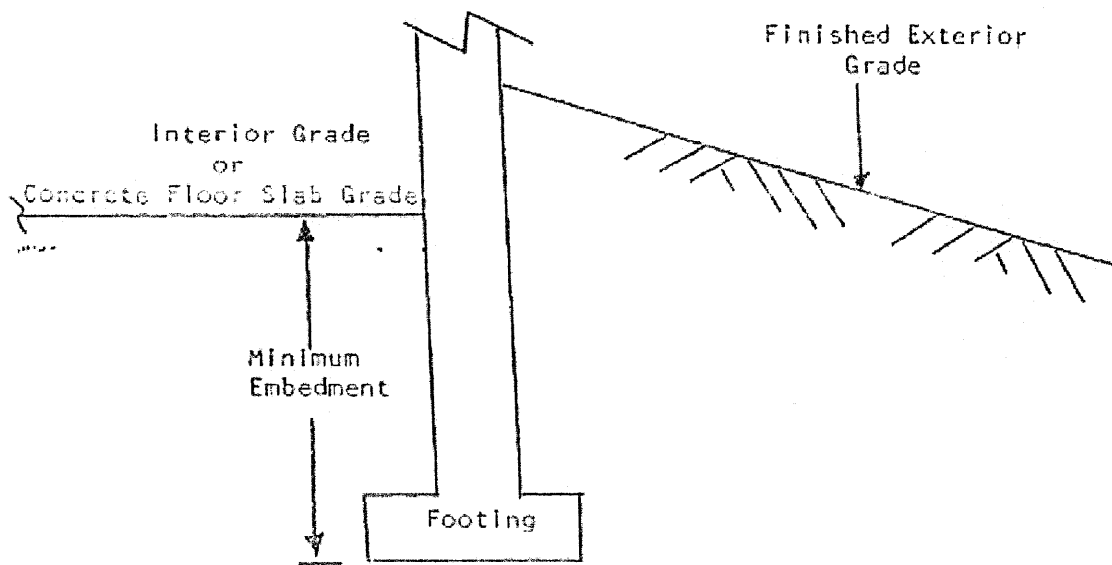


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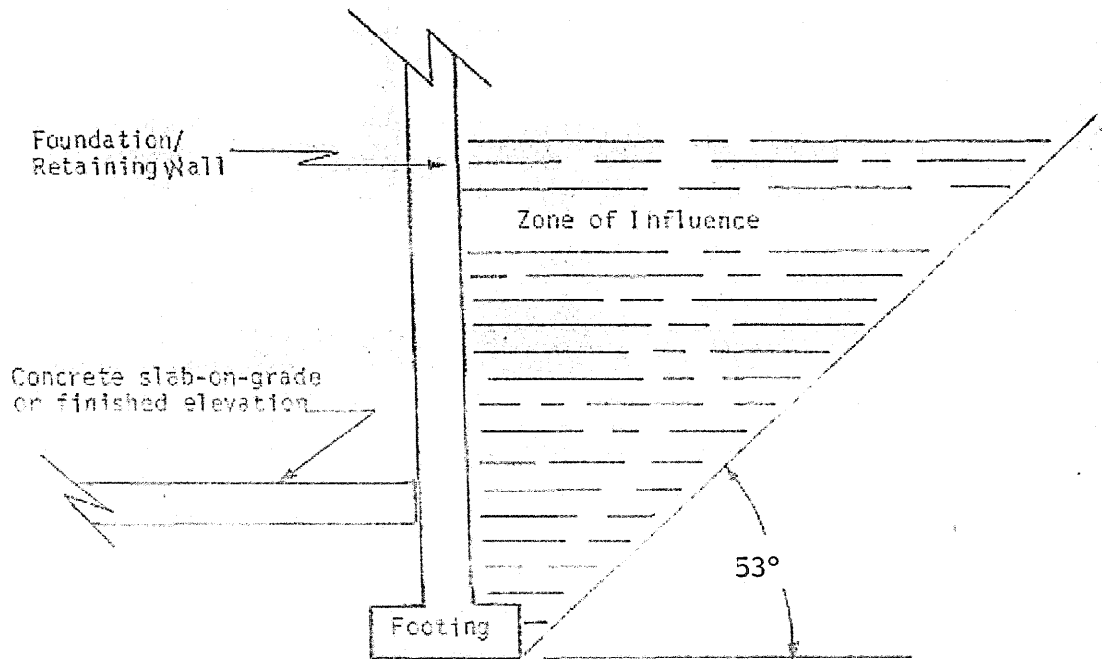
TEST BORING LOCATION SKETCH



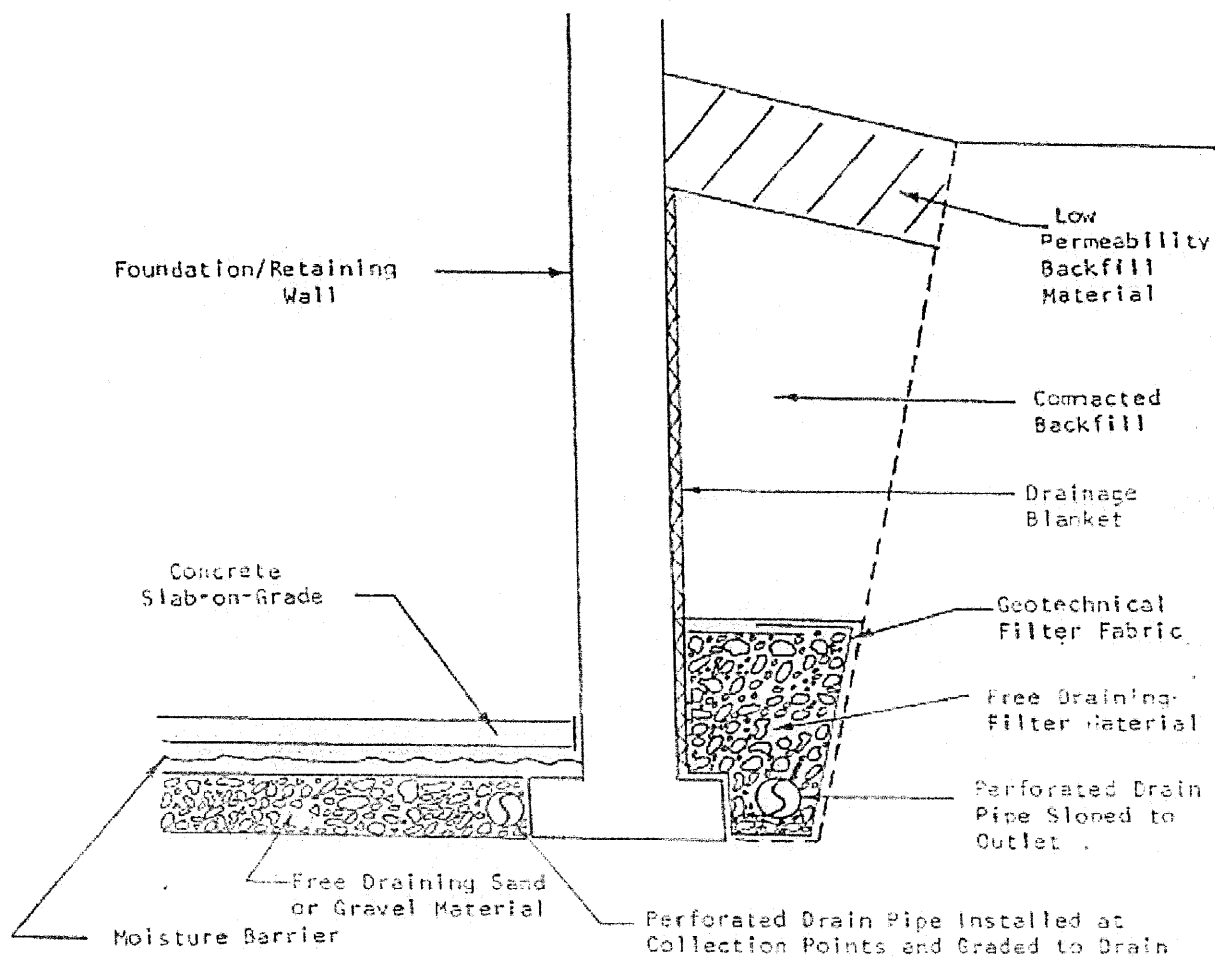
CONCEPTUAL SKETCH OF FOOTING SUBGRADE TREATMENT



EMBEDMENT CONCEPT



BACKFILL ZONE OF INFLUENCE CONCEPT



This sketch is to show concept only.
The text of our report should be
consulted for additional information.

CONCEPTUAL SKETCH OF FOUNDATION DRAIN SYSTEM

APPENDIX A

The field study was performed on March 14, 17 and 27, 2017. The field study consisted of logging and sampling the soils encountered in nine (9) small diameter test borings. The approximate locations of the test borings are shown on Figure 2. The log of the soils encountered in the test borings are presented on Figures A2 through A10.

The test borings were logged by Lambert and Associates and samples of significant soil types were obtained. The samples were obtained from the test borings using a Modified California Barrel sampler and bulk disturbed samples were obtained. Penetration blow counts were determined using a 140 pound hammer free falling 30 inches. The blow counts are presented on the logs of the test borings such as 8/6 where 8 blows with the hammer were required to drive the sampler 6 inches.

The engineering field description and major soil classification are based on our interpretation of the materials encountered and are prepared according to the Unified Soil Classification System, ASTM D2488. The description and classification which appear on the test boring log is intended to be that which most accurately describes a given interval of the test boring (frequently an interval of several feet). Occasionally discrepancies occur in the Unified Soil Classification System nomenclature between an interval of the soil log and a particular sample in the interval. For example, an interval on the test boring log may be identified as a silty sand (SM) while one sample taken within the interval may have individually been identified as a sandy silt (ML). This discrepancy is frequently allowed to remain to emphasize the occurrence of local textural variations in the interval.

The stratification lines presented on the logs are intended to present our interpretation of the subsurface conditions encountered in the test boring. The stratification lines represent the approximate boundary between soil types and the transition may be gradual.

KEY TO LOG OF TEST BORING

Date Drilled:

Field Engineer:

Boring Number:

Location:

Elevation:

Diameter:

Total Depth:

Depth to Water at Time of Drilling:

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Sand, silty, medium dense, moist, tan (SM)	<p>Notes in this column indicate tests performed and test results if not plotted.</p> <p>DD: Indicates dry density in pounds per cubic foot</p> <p>MC: Indicates moisture content as percent of dry unit weight</p> <p>LL: Indicates Liquid Limit</p> <p>PL: Indicates Plastic Limit</p> <p>PI: Indicates Plasticity Index</p>
		B		Indicates Bulk Bag Sample	
		C		Indicates Drive Sample	
				Indicates Sampler Type:	
				C - Modified California St - Standard Split Spoon H - Hand Sampler	
			7/12	Indicates seven blows required to drive the sampler twelve inches with a hammer that weighs one hundred forty pounds and is dropped thirty inches.	
				BOUNCE: Indicates no further penetration occurred with additional blows with the hammer	
				NR: Indicates no sample recovered	
				CAVED: Indicates depth the test boring caved after drilling	
				▼ Indicates the location of free subsurface water when measured	
				CLAY	<p>Note: Symbols are often used only to help visually identify the described information presented on the log.</p>
				SILT	
				SAND	
				GRAVEL	
				CLAYSTONE	
				SANDSTONE	

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A1

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 14, 2017 **Field Engineer:** DRL **Boring Number:** 1
Location: See test boring location diagram **Elevation:**
Diameter: 4 inches **Total Depth:** 15 feet **Depth to Water at Time of Drilling:** 7 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
		C	8/6 5/6	Gravel, sandy, clayey, med dense, moist to wet, brown, gray	Direct Shear Test DD: 102 pcf MC: 5.2%
	5			* Intermittent Silty Sand Lenses	
	10			* Intermittent Cobbles	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A2

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 14, 2017 Field Engineer: DRL Boring Number: 2
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: 7 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	4	C	50/7	Gravel, sandy, clayey, med dense, moist to wet, brown, gray * Intermittent Cobbles	Swell/Consolidation Test DD: 110 pcf MC: 4.8%
	10			* Intermittent Silty Sand Lenses	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A3

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 27, 2017

Field Engineer: DRL

Boring Number: 3

Location: See test boring location diagram

Elevation:

Diameter: 4 inches

Total Depth: 15 feet

Depth to Water at Time of Drilling: 7 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	5	C	17/6 21/6	Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	10				
	15			* Intermittent Clayey Sand Lenses	
	20				
	25			Bottom of Test Boring at 15 feet	

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A4

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 27, 2017 **Field Engineer:** DRL **Boring Number:** 4
Location: See test boring location diagram **Elevation:**
Diameter: 4 inches **Total Depth:** 15 feet **Depth to Water at Time of Drilling:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	5	C	10/6 17/6	* Intermittent Gravels	Swell/Consolidation Test DD: 117 pcf MC: 10.9%
	10			Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	15			* Increased Moisture Content Observed	
	20			Bottom of Test Boring at 15 feet	
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A5

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CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 17, 2017 Field Engineer: DRL Boring Number: 5
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: 6 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	4	C	11/6 15/6		Direct Shear Test DD: 104 pcf MC: 17.0%
	5			Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	10			* Intermittent Silty Sand Lenses	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A6

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 17, 2017 Field Engineer: DRL Boring Number: 6
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: 5-1/2 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	5			Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	10			* Intermittent Silty Sand Lenses	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A7

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 17, 2017 Field Engineer: DRL Boring Number: 7
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: 6 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	5	C	13/6 12/6	Gravel, sandy, clayey, med dense, moist to wet, brown, gray * Intermittent Silty Sand Lenses	Swell/Consolidation Test DD: 97 pcf MC: 4.3%
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A8

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 27, 2017 Field Engineer: DRL Boring Number: 8
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 5 feet Depth to Water at Time of Drilling: None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0	Bulk		Clay, sandy, silty, med stiff, moist, brown	
				Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	5			Bottom of Test Boring at 5 feet	
	10				
	15				
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A9

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 27, 2017 Field Engineer: DRL Boring Number: 9
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 5 feet Depth to Water at Time of Drilling: None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0	Bulk		Clay, sandy, silty, med stiff, moist, brown	
				Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	5			Bottom of Test Boring at 5 feet	
	10				
	15				
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A10

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CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

APPENDIX B

The laboratory study consisted of performing:

- . Moisture content and dry density tests,
- . Swell-consolidation tests,
- . Direct Shear Strength tests,
- . California bearing ratio tests, and
- . Moisture Content-dry density relationship tests.

It should be noted that samples obtained using a drive type sleeve sampler may experience some disturbance during the sampling operations. The test results obtained using these samples are used only as indicators of the in situ soil characteristics.

TESTING

Moisture Content and Dry Density

Moisture content and dry density were determined for each sample tested of the samples obtained. The moisture content was determined according to ASTM Test Method D2216 by obtaining the moisture sample from the drive sleeve. The dry density of the sample was determined by using the wet weight of the entire sample tested. The results of the moisture and dry density determinations are presented on the logs of borings, Figures A2 through A10.

Swell Tests

Loaded swell tests were performed on drive samples obtained during the field study. These tests are performed in general accordance with ASTM Test Method D2435 to the extent that the same equipment and sample dimensions used for consolidation testing are used for the determination of expansion. A sample is subjected to static surcharge, water is introduced to produce saturation, and volume change is measured as in ASTM Test Method D2435. Results are reported as percent change in sample height.

Consolidation Tests

One dimensional consolidation properties of drive samples were evaluated according to the provisions of ASTM Test Method D2435. Water was added in all cases during the test. Exclusive of

special readings during consolidation rate tests, readings during an increment of load were taken regularly until the change in sample height was less than 0.001 inch over a two hour period. The results of the swell-consolidation load tests are summarized on Figures B1 through B3, swell-consolidation tests.

It should be noted that the graphic presentation of consolidation data is a presentation of volume change with change in axial load. As a result, both expansion and consolidation can be illustrated.

Direct Shear Strength Tests

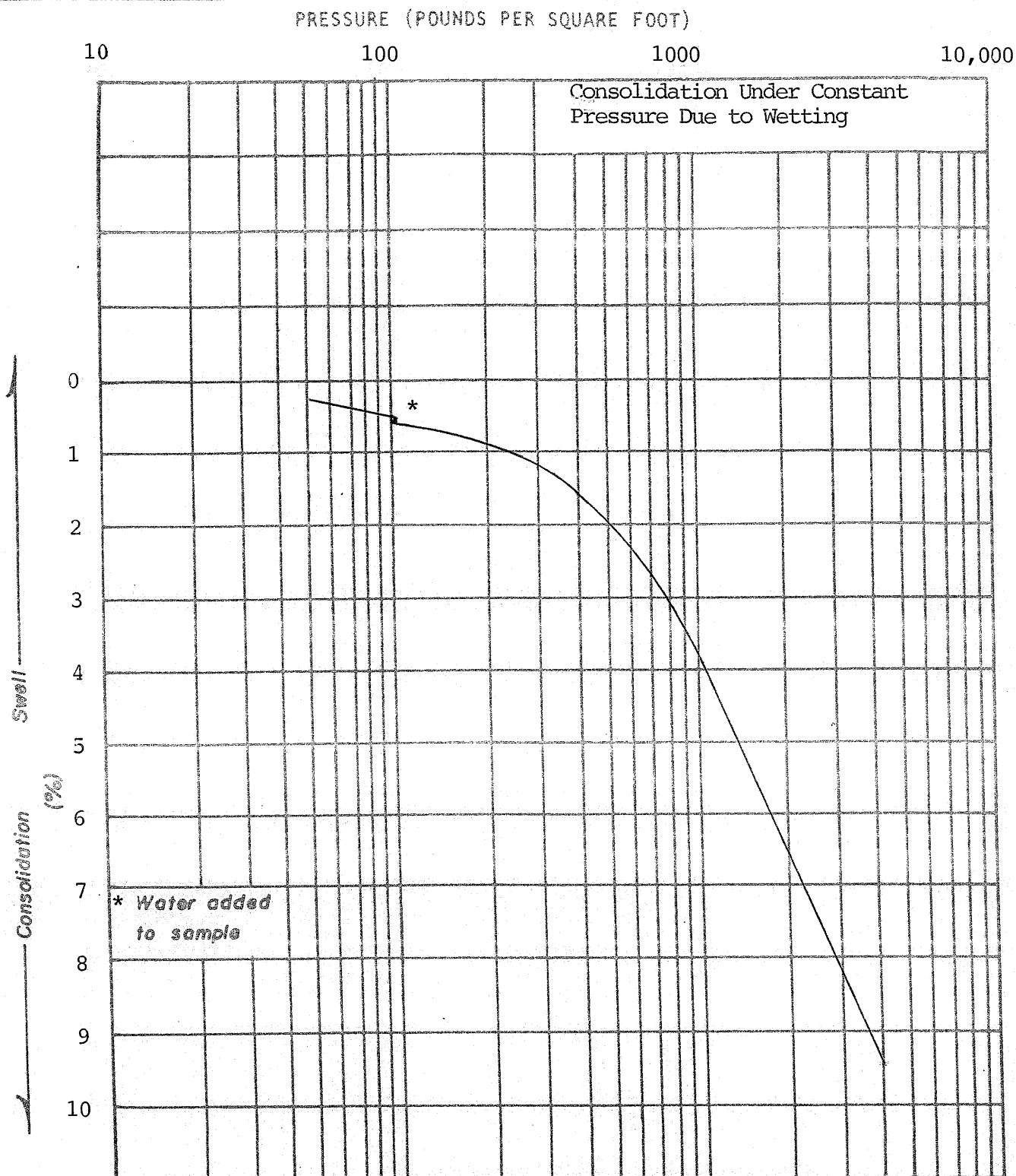
Direct shear strength properties of sleeve samples were evaluated in general accordance with testing procedures defined by ASTM Test Method D3080. The results of the direct shear strength tests are summarized on Figures B4 and B5, direct shear strength tests.

California Bearing Ratio Tests

California bearing ratio tests were conducted on select soil samples obtained during our field study. The California bearing ratio tests were conducted in accordance with ASTM Test Method D1883. The results of the California bearing ratio tests are presented on Figure B6.

Moisture Content-Dry Density Relationship Tests

Moisture content-dry density relationship tests were conducted on select soils subgrade samples obtained during our field study. The moisture-density relationship tests were conducted in accordance with ASTM Test Method D1557. The results of the moisture-density relationship tests are presented on Figure B7.



Boring No. 2 Depth 3-4 ft.	SUMMARY OF TEST RESULTS				
	Moisture Content (%)	Dry Density (P.C.F.)	Height (in.)	Diameter (in.)	Swell Pressure (P.S.F.)
Initial	4.8	110.0	1.0	1.94	less than 100
Final	17.0	117.0	.906	1.94	
Soil Description	Sand, gravel, clayey, brown				

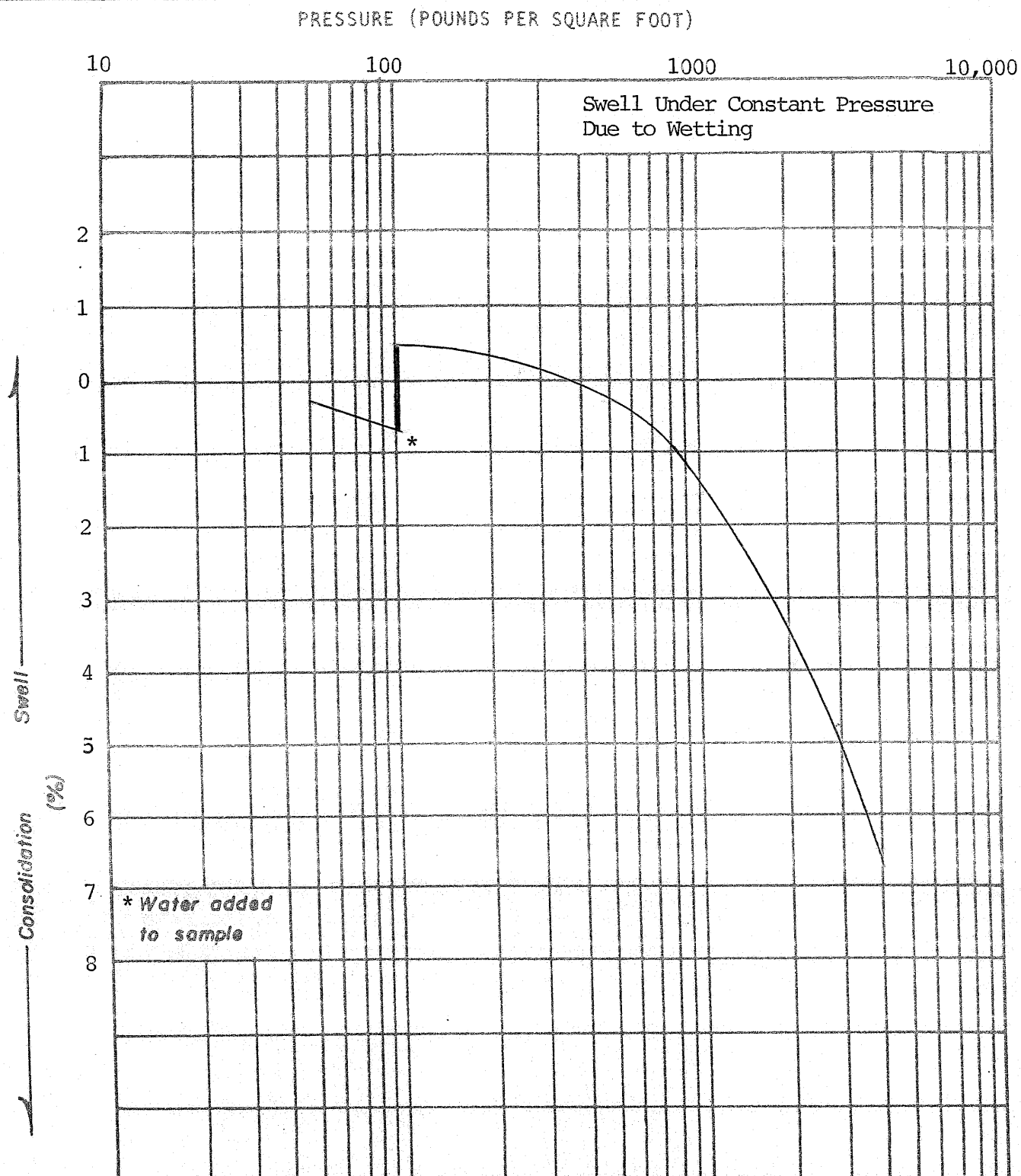
SWELL - CONSOLIDATION TEST

Project No.: M17003GE

Lambert and Associates

Date: April 25, 2017

Figure: B1



Boring No. 4 Depth 4-5 ft.	SUMMARY OF TEST RESULTS					
	Moisture Content (%)	Dry Density (P.C.F.)	Height (in.)	Diameter (in.)	Swell Pressure (P.S.F.)	
	Initial	10.9	117.0	1.0	1.94	600 ±
	Final	18.3	124.0	.935	1.94	
	Soil Description	Clay, silt, sandy, few gravel, brown				

SWELL - CONSOLIDATION TEST

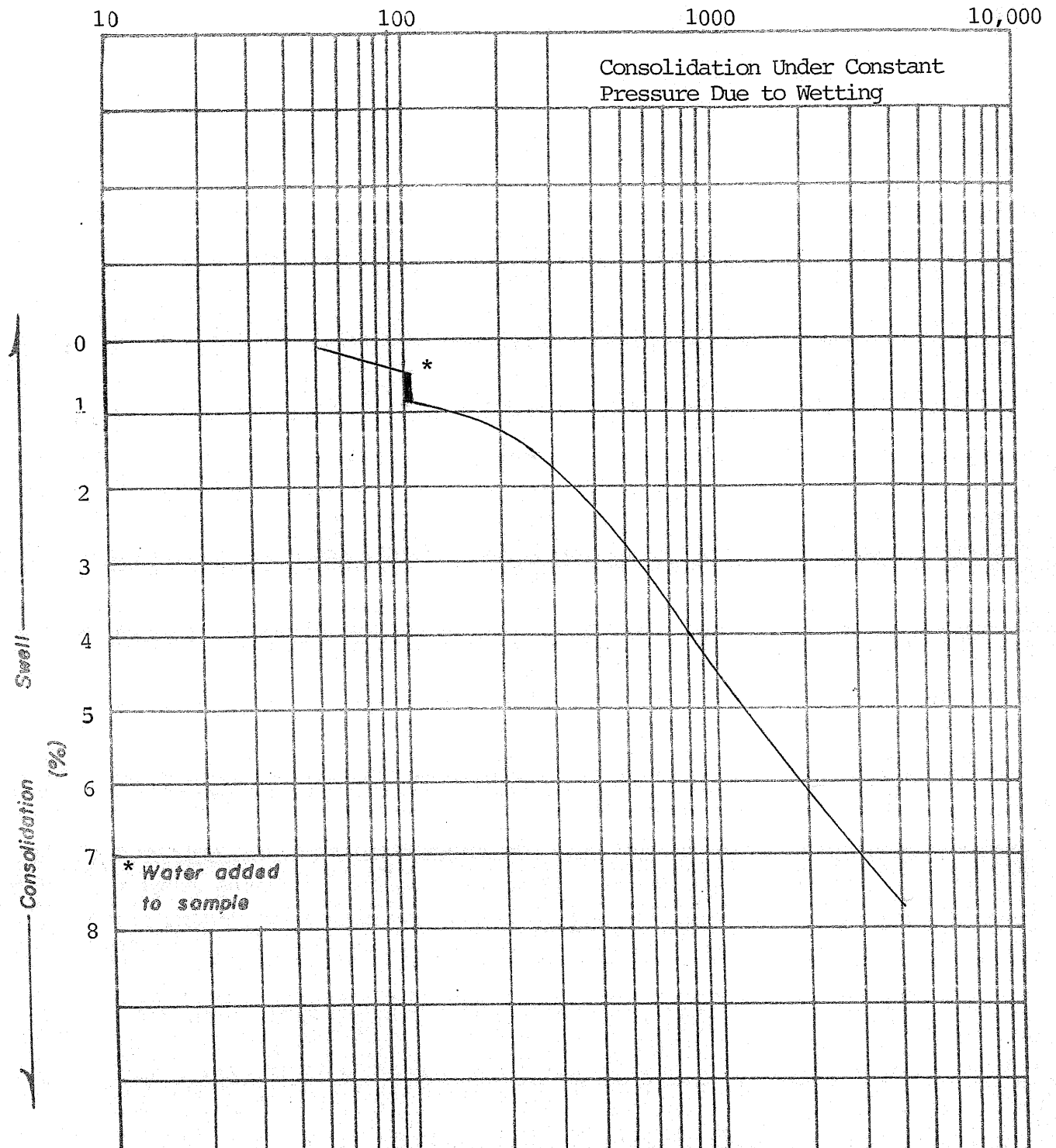
Project No.: ML7003GE

Lambert and Associates

Date: April 25, 2017

Figure: B2

PRESSURE (POUNDS PER SQUARE FOOT)



Boring No. 7 Depth 4-5 ft.	SUMMARY OF TEST RESULTS				
	Moisture Content (%)	Dry Density (P.C.F.)	Height (in.)	Diameter (in.)	Swell Pressure (P.S.F.)
Initial	4.3	97.0	1.0	1.94	less than 100
Final	20.9	107.0	.923	1.94	
Soil Description	Sand, gravel, silty, brown				

SWELL - CONSOLIDATION TEST

Project No.: M17003GE

Lambert and Associates

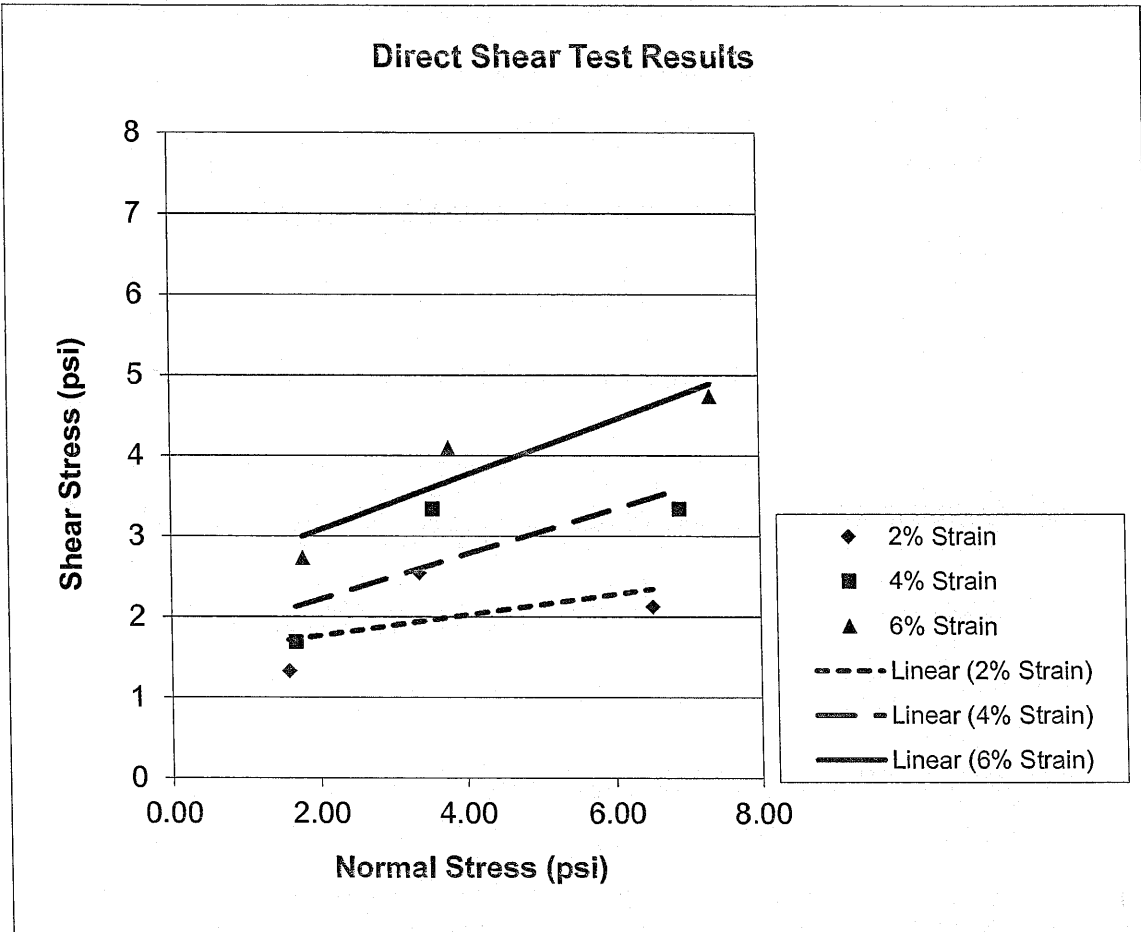
Date: April 25, 2017

Figure: B3

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CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

Project:	Ridgway Village Housing	Project Number:	M17003GE	Date Sampled:	3/14/2017
Location:	Ridgway, Colorado	Sample Source:	TB 1 @ 2-3 ft	Lab Sample #:	3367
Sample Description:	Sand, gravel, silty, brown	Date Tested:	3/29/2017	Tested By:	AC



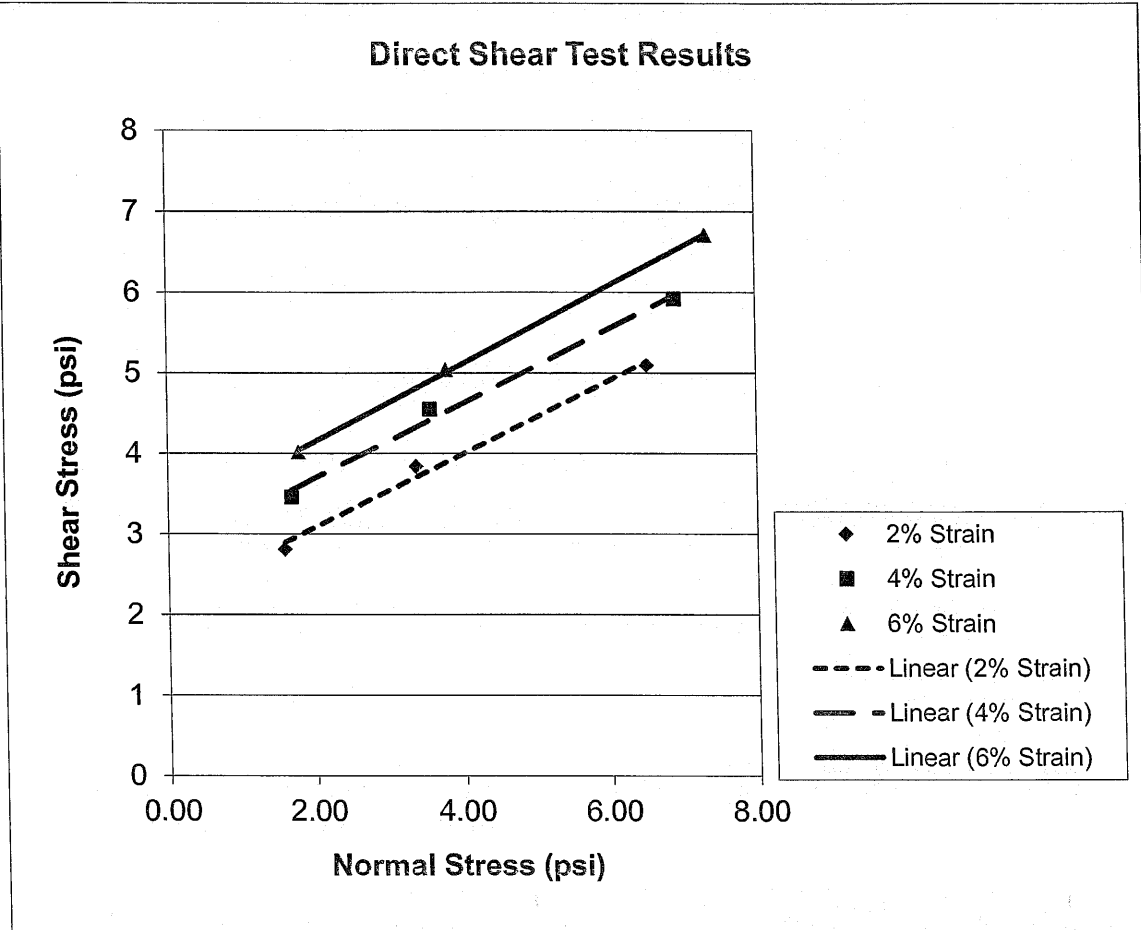
% Strain	Cohesion (psf)	Friction Angle (deg)
2	218	7
4	239	16
6	345	19

Project No.:	M17003GE
Date:	April 25, 2017
Figure:	B4

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

Project:	Ridgway Village Housing	Project Number:	M17003GE	Date Sampled:	3/17/2017
Location:	Ridgway, Colorado	Sample Source:	TB 5 @ 3-4 ft	Lab Sample #:	3367
Sample Description:	Clay, sandy, brown	Date Tested:	4/4/2017	Tested By:	AC

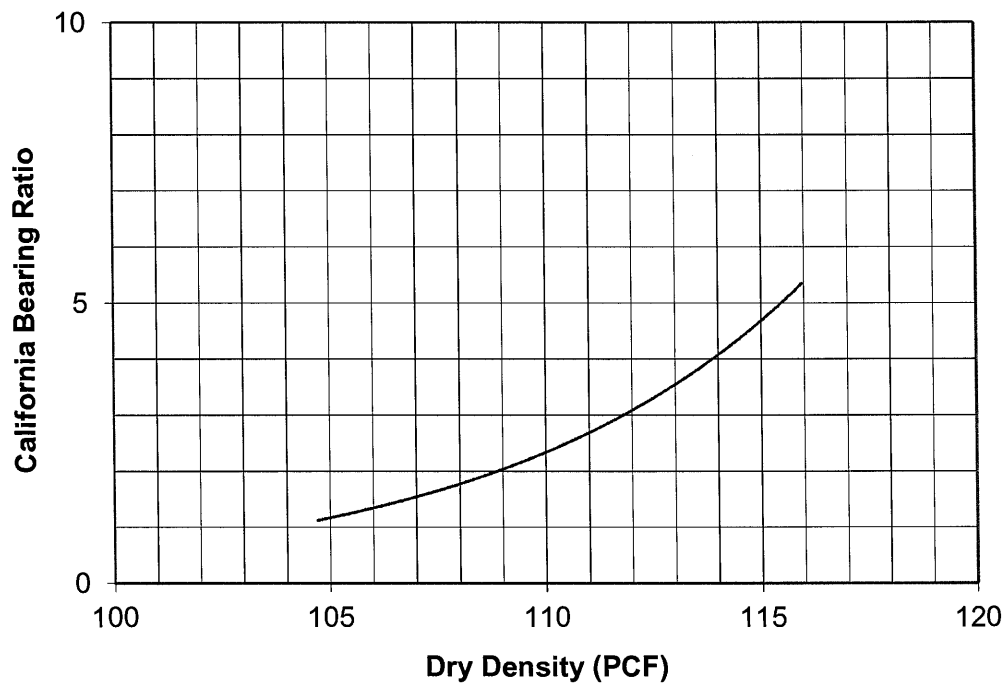


% Strain	Cohesion (psf)	Friction Angle (deg)
2	313	24
4	399	25
6	458	26

Project No.:	M17003GE
Date:	April 25, 2017
Figure:	B5

CALIFORNIA BEARING RATIO TEST RESULTS
ASTM D1883

Project Name : Ridgway Village Date: April 25, 2017
 Project Number : M17003GE Lab Number : 3367
 Proctor Method Used : D1557 Sample Location : TB 8 @ 1-5 ft
 Sample Description : Clay, sandy, brown Surcharge Weight : 15



TEST DATA

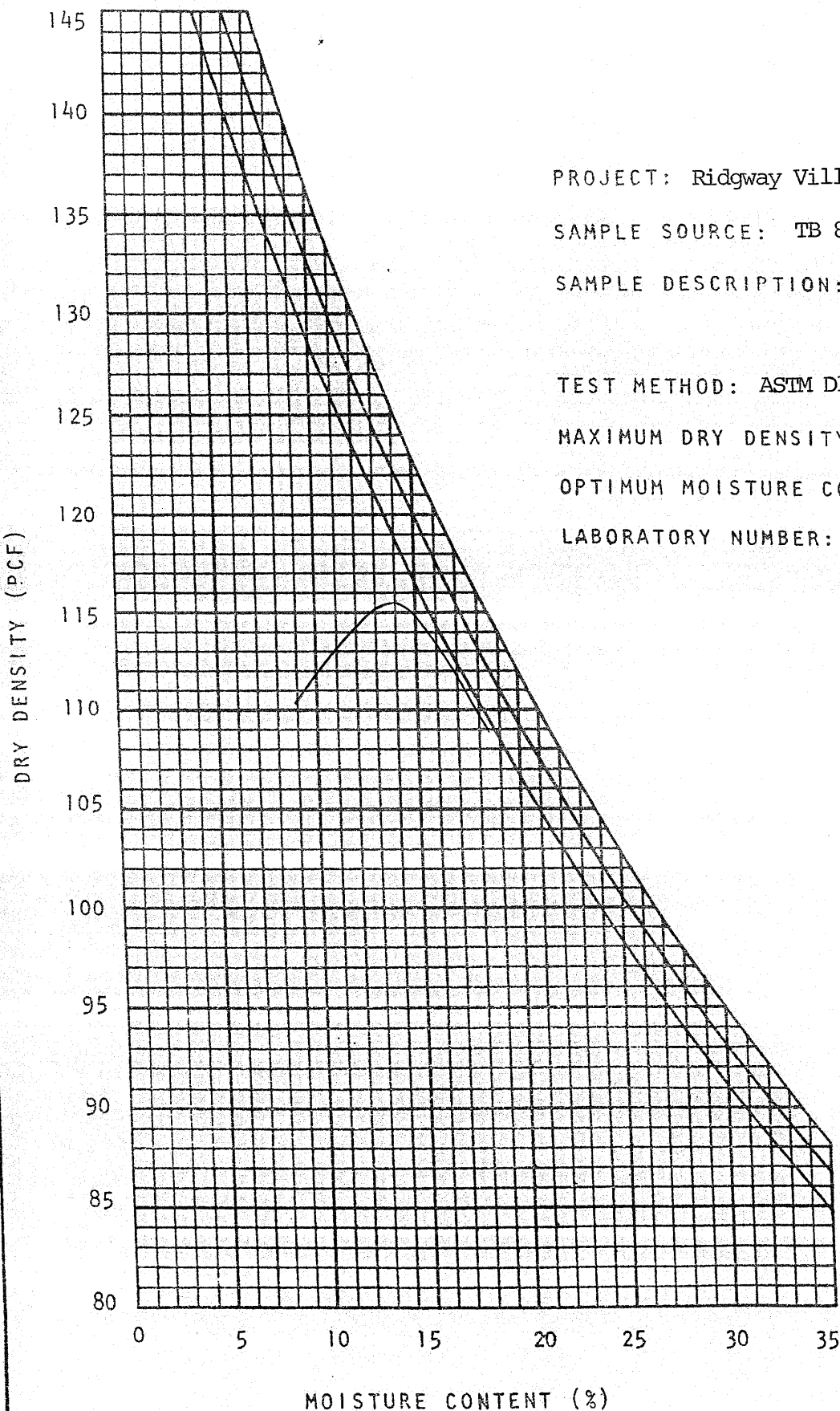
PRE-SOAK

AFTER 96 HOUR SOAK

Dry Density (pcf)	Moisture Content (%)	Dry Density (pcf)	Moisture Content Top One (1) Inch (%)	Swell (%)	CBR (%)
104.7	13.8	101.2	24.8	3.5	1.2
110.8	13.8	108.0	23.5	2.6	2.4
116.0	13.8	113.3	20.1	2.4	5.7

Lambert and Associates

Project No. : M17003GE
 Date: April 25, 17
 Figure : B6



PROJECT: Ridgway Village Housing

SAMPLE SOURCE: TB 8 & 9 at 1 to 5 feet

SAMPLE DESCRIPTION: Clay, sandy, few gravel,
brown

TEST METHOD: ASTM D1557C

MAXIMUM DRY DENSITY: 115.5 pcf

OPTIMUM MOISTURE CONTENT: 14.0%

LABORATORY NUMBER: 3367

2.8
2.7 Zero Air Voids for
2.6 Specific Gravity

Lambert and Associates

Project No.: M17003GE
Date: April 25, 2017
Figure: B6

APPENDIX C
GEOLOGY DISCUSSION
SOUTHWEST COLORADO GEOLOGY

Southwest Colorado exhibits many geologic features formed by a multitude of geologic processes. Regional inundation, uplift, volcanism and glaciation are responsible for some of the complex geology of the region. Many theories and speculations concerning the mode of occurrence of the regions's geology have been presented over the years. This cursory discussion of the geology of southwest Colorado presents some theories accepted by the geologic community, but is only intended to introduce the basic concepts and restraints that arise due to geologic activity.

Prior to the formation of the Rocky Mountains southwest Colorado was a primarily a flat lying region with little topographic expression. The North American continent was experiencing many episodes of deposition. The Transcontinental Sea was transgressing and regressing across the continent, these transgressions and regressions are the cause for such diverse rock types. The stratigraphic column in southwestern Colorado expresses rock types from variable depositional environments. Limestones are formed in deeper water, sandstones are formed in beach and tidal flat environments, while arkosic sandstone and conglomerates are formed in alluvial plains and fans. Particle size and mineralogic content in rock units are related to the depositional environment. A sandstone or conglomerate would not be likely to form in a deep sea environment because there would not be enough energy to carry such large particles a great distance from the source lands. As one observes the stratigraphic column of southwest Colorado a siltstone may be overlain by a sandstone which is in turn overlain by a siltstone. This represents a regressional then transgressional sequence. Many such sequences or combinations of other rock units are exhibited throughout southwest Colorado.

The final regression of the sea may have been caused by orogenic activity and uplift. This uplift was not confined to Colorado, it was a regional uplift that occurred in many stages. The uplift is what caused the formation of the ancestral rockies. The Larimide Orogenic episode is responsible for the formation of the San Juan dome. (Note: The San Juan dome theory is not accepted by the entire geologic community. It is used here for descriptive purposes). The San Juan dome was essentially an upwarp of the stratigraphy formed by sedimentation during the Transcontinental Sea. An actual dome probably never existed due to erosion during the uplift. The idea being that a dome of sediment and rock units would have existed had erosion and diastrophism not taken place.

The orientation of bedding planes forms a radial pattern around the San Juan region which seems to vindicate this theory.

The stresses need to "upwarp" this large area were obviously tremendous. Locally occurring stresses may not be sufficient to move this quantity of material, global tectonics, directly or indirectly, may have been involved. Compression of the entire North American plate could have occurred. The magnitude of the stresses and the deep seated origin of these stresses also have caused extensive volcanism. Colorado has many large remnants of Calderas that were active during the orogenic activity. The Silverton and Lake City Calderas are the largest in the San Juan region. Activity in the Silverton Caldera has been estimated (radiometrically) to have occurred 22 million years ago. Calderas of this magnitude are believed to have formed by the collapse of epierogenic magma chambers. Volcanic and metamorphic rock bodies are common in the San Juan region, many of these units are related to the orogenic activity in the region.

Faults associated with local orogenic activity are another common geologic feature found in southwestern Colorado. As stated previously, extreme stresses were probably associated with the formation of the San Juan Mountains and may be responsible for deep-seated volcanic and metamorphic processes. These stresses had to be released, the geologic mode for stress release is faulting. Diastrophic activity in the area today is quite low, the lack of seismic activity indicates that stresses are not currently being released. An explanation for the loss of stresses is through faulting.

The last episode of regional geologic activity in the area was glaciation. The most recent period of glacial activity ended approximately 10,000 years ago. Glacial activity is responsible for much of the topographic expression in the area. "U-Shaped" valleys, moraine deposits, tarns, (glacial formed lakes), and rock glaciers are the most prominent features which are found in southwestern Colorado as a result of glacial activity. The valley configurations are a result of the erosional activity of the glaciers. Moraine deposits developed during the glacial activity. Rock glaciers are moving masses of rock which are thought to have an ice core which may be the last remnant of glacial ice. As the subsurface ice core moves and melts, the overlying mass of rock also moves.

APPENDIX D

GENERAL GEOTECHNICAL ENGINEERING CONSIDERATIONS

D1.0 INTRODUCTION

Appendix D presents general geotechnical engineering considerations for design and construction of structures which will be in contact with soils. The discussion presented in this appendix are referred to in the text of the report and are intended as tutorial and supplemental information to the appropriate sections of the text of the report.

D2.0 FOUNDATION RECOMMENDATIONS

Two criteria for any foundation which must be satisfied for satisfactory foundation performance are:

- . contact stresses must be low enough to preclude shear failure of the foundation soils which would result in lateral movement of the soils from beneath the foundation, and
- . settlement or heave of the foundation must be within amounts tolerable to the superstructure.

The soils encountered during our field study have varying engineering characteristics that may influence the design and construction considerations of the foundations. The characteristics include swell potential, settlement potential, bearing capacity and the bearing conditions of the soils supporting the foundations. The general discussion below is intended to increase the readers familiarity with characteristics that can influence any structure.

D2.1 Swell Potential

Some of the materials encountered during our field study at the anticipated foundation depth may have swell potential. Swell potential is the tendency of the soil to increase in volume when it becomes wetted. The volume change occurs as moisture is absorbed into the soil and water molecules become attached to or adsorbed by the individual clay platlets. Associated with the process of volume change is swell pressure. The swell pressure is the force the soil applies on its surroundings when moisture is absorbed into the soil. Foundation design considerations concerning swelling soils include structure tolerance to movement and dead load pressures to help restrict uplift. The structure's tolerance to movement should be

addressed by the structural engineer and is dependent upon many facets of the design including the overall structural concept and the building material. The uplift forces or pressure due to wetted clay soils can be addressed by designing the foundations with a minimum dead load and/or placing the foundations on a blanket of compacted structural fill. The compacted structural fill blanket will increase the dead load on the swelling foundations soils and will increase the separation of the foundation from the swelling soils. Suggestions and recommendations for design dead load and compacted structural fill blanket are presented below. Compacted structural fill recommendations are presented under COMPACTED STRUCTURAL FILL below.

D2.2 Settlement Potential

Settlement potential of a soil is the tendency for the soil to experience volume change when subjected to a load. Settlement is characterized by downward movement of all or a portion of the supported structure as the soil particles move closer together resulting in decreased soil volume. Settlement potential is a function of;

- . foundation loads,
- . depth of footing embedment,
- . the width of the footing, and
- . the settlement potential or compressibility of the influenced soil.

Foundation design considerations concerning settlement potential include the amount of movement tolerable to the structure and the design and construction concepts to help reduce the potential movement. The settlement potential of the foundation can be reduced by reducing foundation pressures and/or by placing the foundations on a blanket of compacted structural fill. The anticipated post construction settlement potential and suggested compacted fill thickness recommendations are based on site specific soil conditions and are presented in the text of the report.

D2.3 Soil Support Characteristics

The soil bearing capacity is a function of;

- . the engineering properties of the soil material supporting the foundations,
- . the foundation width,
- . the depth of embedment of the bottom of the foundation below the lowest adjacent grade,
- . the influence of the ground water, and
- . the amount of settlement tolerable to the structure.

Soil bearing capacity and associated minimum depth of embedment are presented in the text of the report.

The foundation for the structure should be placed on relatively uniform bearing conditions. Varying support characteristics of the soils supporting the foundation may result in nonuniform or differential performance of the foundation. Soils encountered at foundation depths may contain cobbles and boulders. The cobbles and boulders encountered at foundation depths may apply point loads on the foundation resulting in nonuniform bearing conditions. The surface of the formational material may undulate throughout the building site. If this is the case it may result in a portion of the foundation for the structure being placed on the formational material and a portion of the foundation being placed on the overlying soils. Varying support material will result in nonuniform bearing conditions. The influence of nonuniform bearing conditions may be reduced by placing the foundation members on a blanket of compacted structural fill. Suggestions and recommendations for constructing compacted structural fill are presented under COMPACTED STRUCTURAL FILL below and in the text of the report.

D3.0 COMPACTED STRUCTURAL FILL

Compacted structural fill is typically a material which is constructed for direct support of structures or structural components.

There are several material characteristics which should be examined before choosing a material for potential use as compacted structural fill. These characteristics include;

- . the size of the larger particles,
- . the engineering characteristics of the fine grained portion of material matrix,
- . the moisture content that the material will need to be for compaction with respect to the existing initial moisture content,
- . the organic content of the material, and
- . the items that influence the cost to use the material.

Compacted fill should be a non-expansive material with the maximum aggregate size less than about two (2) inches and less than about twenty five (25) percent coarser than three quarter (3/4) inch size.

The reason for the maximum size is that larger sizes may have too great an influence on the compaction characteristics of the material and may also impose point loads on the footings or floor slabs that are in contact with the material. Frequently pit-run material or crushed aggregate material is used for structural fill material. Pit-run material may be satisfactory, however crushed aggregate material with angular grains is preferable. Angular particles tend to interlock with each other better than rounded particles.

The fine grained portion of the fill material will have a significant influence on the performance of the fill. Material which

has a fine grained matrix composed of silt and/or clay which exhibits expansive characteristics should be avoided for use as structural fill. The moisture content of the material should be monitored during construction and maintained near optimum moisture content for compaction of the material.

Soil with an appreciable organic content may not perform adequately for use as structural fill material due to the compressibility of the material and ultimately due to the decay of the organic portion of the material.

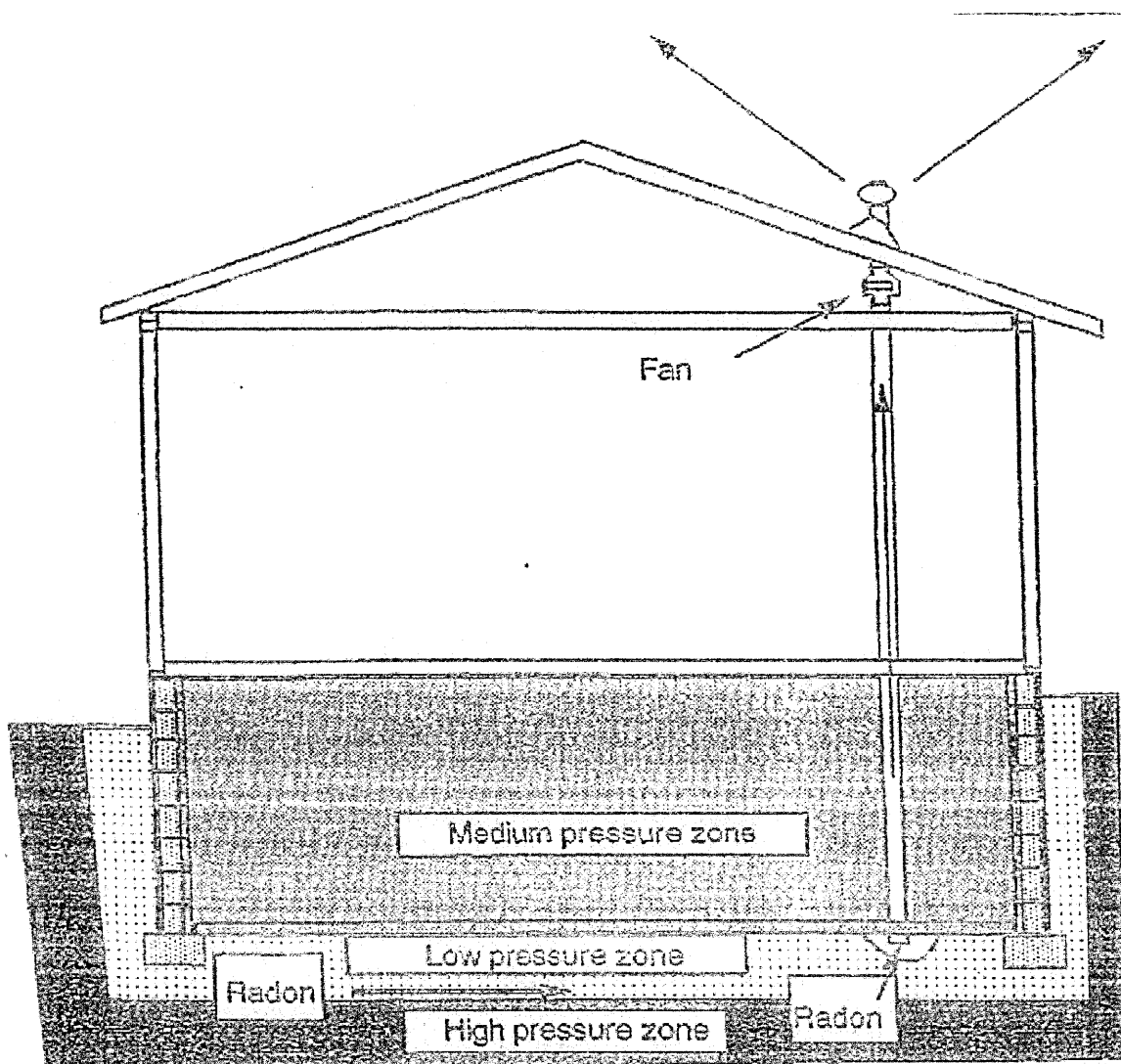
D4.0 RADON CONSIDERATIONS

Information presented in "Radon Reduction in New Construction, An Interim Guide: OPA-87-009 by the Environmental Protection Agency dated August 1987 indicates that currently there are no standard soil tests or specific standards for correlating the results of soil tests at a building site with subsequent indoor radon levels. Actual indoor levels can be affected by construction techniques and may vary greatly from soil radon test results. Therefore it is recommended that radon tests be conducted in the structure after construction is complete to verify the actual radon levels in the home.

We suggest that you consider incorporating construction techniques into the development to reduce radon levels in the residential structures and provide for retrofitting equipment for radon gas removal if it becomes necessary.

Measures to reduce radon levels in structures include vented crawl spaces with vapor barrier at the surface of the crawl space to restrict radon gas flow into the structure or a vented gravel layer with a vapor barrier beneath a concrete slab-on-grade floor to allow venting of radon gas collected beneath the floor and to restrict radon gas flow through the slab-on-grade floor into the structure. These concepts are shown on Figure D1.

If you have any questions or would like more information about radon, please contact us or the State Health Department at 303-692-3030.



This figure was excerpted from an EPA manual "Radon-resistant Construction Techniques for New Residential Construction" and reproduced here for reference only

RADON FLOW CONCEPT

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

GEOLOGIC HAZARD AND PRELIMINARY
GEOTECHNICAL ENGINEERING STUDY
RIDGWAY VILLAGE
RIDGWAY, COLORADO

Prepared for:
JSN

PROJECT NUMBER: M17003GE
APRIL 2, 2018

P.O. Box 3986
Grand Junction, CO 81502
(970) 245 6506

P.O. Box 45
Montrose, CO 81402
(970) 249 2154

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

April 2, 2018

JSN
P.O. Box 318
Ridgway, Colorado

Attention: Mr. Joseph Nelson

PN: M17003GE

Subject: Geologic Hazards and Preliminary
Geotechnical Engineering Study for the
Proposed Ridgway Village Housing Development
Ridgway, Colorado

Mr. Nelson :

Lambert and Associates is pleased to present our geologic hazards and preliminary geotechnical engineering study for the subject project. The field study was completed March 27, 2017.

This report does not present site and structure specific design parameters. For structure specific design parameters, please refer to the Geotechnical Engineering Study prepared for the project, M17003GE, dated April 25, 2017. We are available to provide material testing services for soil and concrete and provide foundation excavation observations during construction when needed. Lambert and Associates is available to be the geotechnical engineer for the project and provide material testing services to maintain continuity between design and construction phases.

If you have any questions concerning the information presented in this report for your project please contact us. Thank you for the opportunity to perform this study for you.

Respectfully submitted,
LAMBERT AND ASSOCIATES



Daniel R. Lambert, P.E.

1.0 INTRODUCTION

This report presents the results of the geologic hazard and feasibility level geotechnical engineering study we conducted for the proposed multi-family residential development site. The study was conducted at the request of Mr. Doug Macfarlane, Architect, following the March 25, 2018 email request.

The conclusions, suggestions and recommendations presented in this report are based on the data gathered during our site and laboratory study and on our experience with similar soil conditions. Factual data gathered during the field and laboratory work are summarized in Appendices A and B.

1.1 Proposed Construction

It is our understanding the proposed development is to include approximately 22 residential structures and associated parking and drive areas and utilities.

1.2 Scope of Services

Our services for this Geologic Hazard and Preliminary Geotechnical Engineering included the following scope of our services as outlined below.

- We performed a literature search and review of existing appropriate information.
- The site characteristics observed are those outlined in the Geologic Hazard Colorado Geologic Survey Special Publication Number 6 which discusses H.B. 1041 and include:
 - . Avalanche
 - . Landslide
 - . Rockfall
 - . Mudflow
 - . Debris Fan
 - . Unstable Slopes
 - . Potentially Unstable Slopes
 - . Seismic Effect
 - . Radioactivity
 - . Ground Subsidence, and
 - . Expansive Soil and Rock.
- The field study included observing, describing and sampling the soil materials

encountered in nine (9) small diameter continuous flight auger test borings at the subdivision site area. Site conditions restricted and somewhat dictated the location of the test borings.

- The field study consisted of describing the soil materials encountered in small diameter continuous flight auger test borings at the subdivision site area. Site conditions restricted and somewhat dictated the location of the test borings.
- The soil materials encountered in the test borings were described.
- This report presents our discussion of the observed geologic hazards on the site and general feasibility level geotechnical engineering comments and suggestions for planning and preliminary design of the site development including:
 - . measured subsurface water levels,
 - . ground water elevation encountered and associated considerations.
- Our comments, suggestions and recommendations are based on the subsoil and ground water conditions encountered during our site studies.
- Our study did not address environmental or geotechnical engineering design level issues. Our study did not address site and structure specific soil design parameters. For structure specific design parameters, please refer to the Geotechnical Engineering Study prepared for the project, M17003GE, dated April 25, 2017.

2.0 SITE CHARACTERISTICS

Site characteristics include observed existing and pre-existing site conditions that may influence the geotechnical engineering aspects of the proposed site development.

2.1 Site Location

The site is located east of Redcliff Drive, Ridgway, Colorado. A project vicinity map is presented on Figure 1.

2.2 Site Conditions

The site is relatively flat exhibiting surface drainage away from the elevated eastern portion of the site. A small ditch is located on the eastern portion of the site. The site is bordered

to the north and west by Redcliff Drive, to the east by a vacant, undeveloped parcel and to the south by the Ridgway Christian Center.

2.3 Subsurface Conditions

The subsurface exploration consisted of observing, describing and sampling the soil materials encountered in none (9) small diameter test borings. The approximate locations of the test borings are shown on Figure 2. The logs describing the soil materials encountered in the test borings are presented in Appendix A.

The soil materials encountered in the test borings consisted generally of sandy, silty clay with gravel materials underlain by sandy, clayey gravels and cobbles. The granular materials were encountered at approximate depths of two (2) to ten and one half (10-1/2) feet below existing site grades. Free subsurface water was encountered at approximate depths of five and one half (5-1/2) to seven (7) feet below existing site grades during the drilling activities.

3.0 GENERAL REGIONAL GEOLOGY DISCUSSION

3.1 Introduction

The proposed development site is located in the Uncompahgre River Valley north of the flanks of the San Juan Mountain range in southwestern Colorado. The region's geologic history is complex and the current expression of the area reflects the recent geologic events. A discussion of the southwestern Colorado geology is presented in Appendix B.

The Uncompahgre River Valley is an area located from Ouray at the south to the confluence of the Uncompahgre River with the Gunnison River near Delta to the north. The valley is flanked along the western edge by the Uncompahgre Plateau along the southeastern edge by the mountainous areas of the northern San Juan Mountains and along the northeastern edge by the Gunnison Uplift.

The dominant geologic unit in the valley is the unconsolidated alluvial, colluvial and glacial quaternary soil deposits. Generally the soils consist of relatively granular soil deposits, often associated with relatively shallow groundwater. Other soils in the area are results of decomposition of the Mancos formational shale. These soils are generally clay soils which commonly exhibit expansive characteristics.

The formational Mancos shale, Dakota sandstone, and Morrison Formation are the common sedimentary units in the valley. The Mancos shale and associated soils are by

far the most common unit encountered during land development. The shale often crops out in rolling hills and flat-topped bluffs.

The Mancos shale is the formational geological unit underlying the north/west portion of the subject site and the Dakota sandstone formation in the geological unit underlying the south portion of the site. The Mancos shale consists of a thinly laminated fissile carbonaceous shale. Portions of the unit consist of a blocky limestone. The shale weathers rapidly by exposure to air or water commonly producing expansive clay with shale fragments. Development of land with the presence of the Mancos shale requires geotechnical engineering assessment. This material is encountered throughout western Colorado and can be developed using prudent and proper geotechnical engineering techniques throughout planning, design and construction.

The Dakota sandstone formational material consists of interlayered claystone and sandstone with the sandstone layer becoming very thick. The claystone layers in the Dakota sandstone formational material commonly has a very high swell potential.

The Morrison Formation consists generally of shales and sandstones with some conglomerate. The sandstones are lenticular, meaning they thin and pinch out in either direction. The shale layers in the Morrison Formation typically have high to very high swell potential and weathers to expansive clay.

4.0 GENERAL BACKGROUND DISCUSSION OF GEOLOGIC HAZARDS

This section of the report is intended to discuss the various geologic hazards which are not necessarily site specific which may be encountered when developing any parcel of land. The explanations are brief and are only intended to familiarize the reader with the definition of the basic generally formed hazards and the context in which they are discussed. The information is not intended to be site specific to the proposed subdivision.

In 1974 the Colorado Legislature passed House Bill 1041. The purpose of the bill, in brief, was to designate potential geologic hazards which, if present, may pose a threat to the loss of life and property. This section of the report provides a definition of these and other geologic hazards which were considered as part of this study. The definitions presented below are a paraphrased version of more lengthy discussion presented in Colorado Geological Survey Special Publication 6, "Guidelines and Criteria for Identification and Land-Use Control of Geologic Hazard and Mineral Resource Areas".

Site specific observed hazard considerations are presented in section 5.0.

4.1 Radioactivity

Several locations in western Colorado have been mined for radioactive elements and by-products such as, Uranium, Thorium, and Vanadium. Tailings from these mines are one of the chief sources of hazards due to radioactivity. Other sources of radioactive hazards are natural surficial deposits of ore laden with radioactive elements and the sun. The emission of radiation may consist of the release of Alpha or Beta particles or Gamma rays. The radiation is released as part of the decay of a radiometrically unstable isotope. As this decay occurs, by products are produced. Gaseous radioactive substances, such as radon, are common radioactive hazards.

Site specific radioactivity hazard considerations are presented in section 5.1.

4.2 Seismic Effects

Hazards from diastrophic (earth movement) activity are any effects that may be directly or indirectly related to earthquakes. The effects of a formidable earthquake may be ground displacement, ground shaking, ground failure, abnormal water wave action and a host of other less prominent effects. Most of the State of Colorado is classified as a Zone 1 seismic risk on maps in the Uniform Building Code and other references. Zone 1 seismic risk areas are considered as low risk areas for hazards for seismic effects. The seismic risk zone map is presented on Figure 3. A small part of Colorado, in the vicinity of Pagosa Springs, is Zone 2B, most likely because of a recent event centered in Dulce, New Mexico.

In general, Colorado has had various sequences of seismic activity in the past. Initial seismic activity was associated with the relief of stresses during the uplift of the ancestral Rockies, during Paleozoic times. During the Cenozoic period little seismic activity occurred. Many of the fault trends associated with the uplift of the ancestral Rockies were fractured during the Neogene in association with the Laramide orogeny. An orogeny is a mountain building episode. The Laramide orogeny occurred about 68 to 75 million years ago and is credited with the formation of our current Rocky Mountains.

Recent activity, though mild, has occurred in the Montrose and Ridgway area.

Site specific seismic considerations are presented in section 5.2.

4.3 Ground Subsidence

Ground subsidence may be caused by man or natural processes. Subsidence of the ground surface may be attributed to collapsible soils, failure of subsurface voids, removal

of subsurface fluids, or mining activities. Collapsible soils may cause settlement of structure, however, geotechnical analysis and foundation design have advanced considerably in the past decade and engineering procedures for dealing with collapsible soils is available. Subsurface voids may be caused by hydrothermal or mining activity. The presence of subsurface voids may be recognized through subsurface exploratory drilling and often surficial topographic evidence of such voids may be observed.

Site specific ground subsidence information is presented in Section 5.3.

4.4 Landslides

"Landslide" is a term that is used in an extremely broad scope. Generally speaking, a landslide is the mass movement of a unit of material as a somewhat singular body. Commonly a landslide will move, or fail, on a semi-circular arc or plane. Features that are common to most landslides are; the main scarp, which is where the upper portion of the failure plane intersects the ground surface; transverse or extension fractures, this is the area of the slide that is usually in the lower third of the mass where bending of the materials occur; and the toe, this is the bottom of the slide which is often a lobate bulge in the ground surface. Landslides can encompass very large masses of soil, some covering several acres in size while others only encompass a few hundred square feet. Smaller movements are often referred to as slumps.

Site specific landslide considerations are presented in Section 5.4.

4.5 Avalanches

Avalanches are a common process in the Rocky Mountains and adjacent areas in the high country of Colorado.

There are three primary zones within an avalanche path. The zone of accumulation and failure exists at the highest elevation in an avalanche path (usually 20 degrees to 45 degrees slope gradient). This is the area where the avalanche begins. As the snow moves downslope it travels through the track which can be a relatively narrow chute which may be easily identified in the field, on topographic maps, and on areal photographs. The snow loses velocity and subsequently stops in the runout zone (usually less than 20 degrees slope gradient). The runout zone may also be easily identified in the field, on maps or photographs. Avalanches commonly occur at elevations in excess of 8,000 feet above sea level.

Avalanche considerations for this site are discussed in Section 5.5.

4.6 Rockfall

Rockfall is a hazard that may occur in areas where a rock becomes detached from a larger rock body or slope and moves downslope by the force of gravity. The movement of a singular rock may trigger the movement of other rocks downslope. Hazards from falling rocks generally occurs in areas beneath steep slopes or cliffs.

Rockfall hazard considerations for this site are presented in Section 5.6.

4.7 Flooding

Flooding of streams occurs when the gradient and size of the stream channel is not large enough to accommodate the amount of water flowing in the channel, therefore, water flow outside of the channel occurs.

Flooding considerations for this site are presented in Section 5.7.

4.8 Mudflows and Debris Fans

Mudflows are the mass movement of saturated soils downslope under the force of gravity. Debris fans occur under the same set of conditions, but the shape of the flow will be wider at the bottom due to decreased energy from slope gradient changes which gives the flow a "fan" appearance when viewed from above.

The site specific debris fan and mud flow considerations are presented in section 5.8.

4.9 Expansive Soil and Rock

Expansive materials are soils or rock that will experience volume changes as conditions such as moisture content and load are varied in or on them. Materials with clay are usually the most likely to exhibit expansive characteristics, however, a soil that is predominately sand, which is typically non-expansive, may exhibit expansive characteristics. A small amount of clay within the material matrix can expand and exert expansion forces throughout the sand. There are several design and construction techniques that may be used to reduce the effect of expansive soil materials.

Site specific expansive soil and rock considerations are presented in Section 5.9.

4.10 Slopes

An unstable slope may be considered as a slope that, due to natural factors, exhibits deterioration or movement of the materials within the slope. The movement of a slope is distinguished from a landslide in that a landslide will have a distinct failure plane which may or may not be evident in slope movement. Generally speaking, slope movement is a slow, continual movement whereas a landslide will be relatively rapid and occurs in intervals as the stresses required to cause failure become large. The natural factors often concerned with the destabilization of a slope are; slope angle, surface and subsurface water, seismic effects, and the nature of the material involved. Slope stability may be further influenced by construction and engineering. Careful planning, engineering, and construction may promote a more stable condition within a slope while unplanned development may decrease the stability of the slope.

Site specific slope stability considerations are presented in Section 5.10.

5.0 GEOLOGIC HAZARDS DISCUSSION

This section of our report discusses the observed site geologic hazards in the same order as they were discussed above. Potential mitigation concepts and suggestions for continued engineering assessment are presented for each of the observed hazard conditions.

The information presented below is based on field observations, literature research, observations of topographic maps and on discussions with other members of the project development design team.

5.1 Radioactivity

There were no signs of naturally occurring radioactive mineral, rock deposits, or mine tailings observed on the site at the time of the field observations. Based on our observations we do not feel that there is a potential for hazards from radiation on the site. A radiation survey was not included in our scope of work. A more detailed radiation survey may be performed if desired by the owner, at additional cost.

Information presented in "Radon Reduction in New Construction, An Interim Guide" OPA-87-009 by the Environmental Protection Agency dated August 1987 indicates that currently there are no standard soil tests or specific standards for correlating the results of soils tests at a building site with subsequent indoor radon levels. Soil radon tests are only indicators of the potential for site soils to produce radon gas. Actual indoor levels can be affected by

construction techniques and may vary greatly from soil radon test results. Therefore it is recommended that radon tests be conducted in the home after construction is complete to verify the actual radon levels in the home.

Much of the soil material and formational material in western Colorado produce small quantities of radon gas. We anticipate that the potential for radon gas may exist at this development site. We suggest that construction techniques be incorporated into the development to reduce radon levels in the residential structures and provide for retrofitting equipment for radon gas removal if it becomes necessary. Follow up radon tests should also be performed after completion of construction to verify radon levels in the structure.

Measures to reduce radon levels in residential structures include vented crawl spaces with vapor barrier at the surface of the crawl space to restrict radon gas flow into the house or a vented gravel layer with a vapor barrier beneath a concrete slab-on-grade floor to allow venting or radon gas collected beneath the floor and to restrict radon gas flow through the slab-on-grade floor into the structure. These concepts are shown on Figure 3.

If you have any questions or would like more information about radon please contact us or the State Health Department at 303-692-3030.

5.1.1 Mitigation/Assessment

If individual lot or project owners require a more in depth analysis of potential radiation sources, including measurement of site background radiation, we suggest that this be done on a lot specific basis.

5.2 Seismic Effects

Labeled faults near the site are 86Q, 87Q, 88Q, 89Q, 179Q and 95Mi approximately twenty five (25) miles west, south and east of the site. The fault labels are from Colorado Geological Survey Bulletin 43, "Earthquake Potential in Colorado". The fault number is followed by letters, the letters signify the oldest and youngest units displaced by the fault, or in the case of only one letter, the most recent movement.

The labeled faults are associated with the Uncompahgre block uplift and have displaced Quaternary period geologic units. (Kirkham, Rogers, 1981). The location of the faults is presented on Figure 4.

5.2.1 Mitigation/Assessment

Based on the information we have obtained and the site observations we do not feel that significant hazard such as rupture or significant shaking associated with seismic activity are likely on this site.

5.3 Ground Subsidence

There does not appear to be any large scale mining features on or near the site. There was no evidence of excavations significant enough to pose a hazard.

Our consolidation tests, which measure settlement potential, indicate that settlement of the near surface soil materials is likely after imposed loads from structures or fills.

It has been our experience in the area that natural subsurface voids may exist near the drainages, either natural or man made. These may be a result of surface water eroding the subsurface soil materials resulting in voids of varying sizes with very limited if any surface expression.

5.3.1 Mitigation/Assessment

Geotechnical engineering analysis and recommendations should be conducted on a lot and building specific basis to further assess the soil conditions, settlement potential and their influence on the proposed construction.

Observations of the site did not disclose any information which would indicate that subsurface voids exist, however our experience indicates that voids may exist without surface expression. For this reason we suggest that a geotechnical engineering study be performed for each proposed building site to help identify subsurface voids, if any, and that each foundation excavation be observed for evidence of potential subsurface voids.

5.4 Landslides

Landslides are common in the Montrose area along the mesa edges and steep slopes. The relatively steep slope inclinations below the mesa, the relatively moist soil conditions and regular irrigation on the mesas can all attribute to an environment for landslides as well as mudflows and slope instabilities.

Based on our observations of the subject subdivision site it is our opinion that landslides are not located on or are influencing the subject lots.

5.4.1 Mitigation/Assessment

Based on our information we do not feel that landslides exist on or influencing the site.

5.5 Avalanches

The proposed development is located in a relative flat area with no steep slopes above the site.

5.5.1 Mitigation/Assessment

Based on our information we feel avalanche hazard does not exist.

5.6 Rockfall

Rockfall hazards exist in areas below talus slopes, loose boulders, or more commonly below fractured cliff exposures of formational material. Formational material talus slopes or loose rock is not exposed above the site.

5.6.1 Mitigation/Assessment

Based on our observations of the site we feel that rockfall hazard does not exist on or influence the proposed subdivision.

5.7 Flooding

The site is located east of the Uncompahgre River. FEMA Flood Map Service Center does not include this site in a special flood hazard area. The western site boundary is approximately 850 feet east of the Uncompahgre river.

5.7.1 Mitigation/Assessment

Based on our observation of the site we do not feel that flooding hazard exists from the Uncompahgre River. It is our understanding the flow in the irrigation ditches on the site is a controlled flow.

5.8 Mudflow and Debris Fans

We did not observe any areas above or on the site that show signs of mudflow or debris fans.

5.8.1 Mitigation/Assessment

We do not feel that mudflow or debris fan hazards exist or influence the proposed development.

5.9 Expansive Soil and Rock

The Mancos shale and Dakota sandstone is the underlying formational material on the development. The Mancos shale and the claystone layers in the Dakota sandstone weathers to a clay and shale fragment soil. The soil, claystone and shale are almost always expansive in nature and construction problems may be associated with this type soil.

5.9.1 Mitigation/Assessment

If proper engineering, design and construction is done, construction on the expansive soil materials can typically be accommodated. For structure specific design parameters, please refer to the Geotechnical Engineering Study prepared for the project, M17003GE, dated April 25, 2017.

5.10 Slopes

This site is relatively flat and does not contain slopes with inclinations steeper than 3 to 1 (horizontal to vertical). The slopes appear stable at their current condition, however construction on or adjacent to the slopes may influence the stability of the slopes.

5.10.1 Mitigation/Assessment

Proper engineering design and construction for structures on or adjacent to these slopes can provide a foundation which will be compatible with the slope conditions. For structure specific design parameters, please refer to the Geotechnical Engineering Study prepared for the project, M17003GE, dated April 25, 2017.

6.0 GEOTECHNICAL ENGINEERING FEASIBILITY DISCUSSION

For structure specific design parameters, please refer to the Geotechnical Engineering Study prepared for the project, M17003GE, dated April 25, 2017.

7.0 RADON CONSIDERATIONS

Our experience indicates that many of the soils in western Colorado produce small quantities of radon gas. Radon gas may tend to collect in closed poorly ventilated structures. Radon considerations are discussed in section 5.1 above.

8.0 LIMITATIONS

This geologic hazard study is based on limited sampling, therefore it is necessary to assume that the subsurface conditions do not vary greatly from those encountered in the test borings. Our experience has shown that significant variations are likely to exist and can become apparent only during additional on-site excavation.

The information presented in this report is not intended to be used as design level geotechnical engineering recommendations. For structure specific design parameters, please refer to the Geotechnical Engineering Study prepared for the project, M17003GE, dated April 25, 2017.

It is the owner's and the owner's representatives responsibility to read this report and become familiar with the recommendations and suggestions presented. We should be contacted if any questions arise concerning the geotechnical engineering aspects of this project as a result of the information presented in this report.

The comments, suggestions and recommendations outlined above are based on our understanding of the currently proposed construction. We are available to discuss the details of our recommendations with you and revise them where necessary. This geotechnical engineering report is based on the proposed site development and scope of services as provided to us by Mr. Doug Macfarlane, Architect, on the type of construction planned, existing site conditions at the time of the field study, and on our findings. Should the planned, proposed use of the site be altered, Lambert and Associates must be contacted, since any such changes may make our suggestions and recommendations given inappropriate. This report should be used ONLY for the planned development for which this report was tailored and prepared, and ONLY to meet information needs of the owner and the owner's representatives.

We represent that our services were performed within the limits prescribed by you and with the usual thoroughness and competence of the current accepted practice of the geotechnical engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or our contract. We are available to discuss our findings with you. If you have any questions please contact us. The

supporting data for this report is included in the accompanying figures and appendices.

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Please call when further consultation or observations and tests are required.

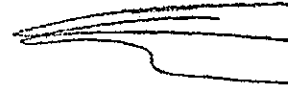
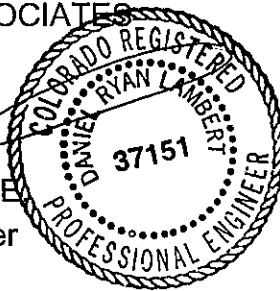
If you have any questions concerning this report or if we may be of further assistance, please contact us.

Respectfully submitted

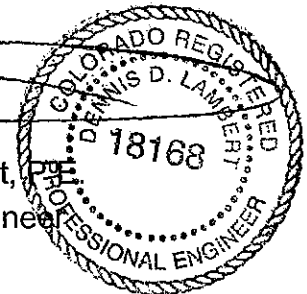
LAMBERT AND ASSOCIATES

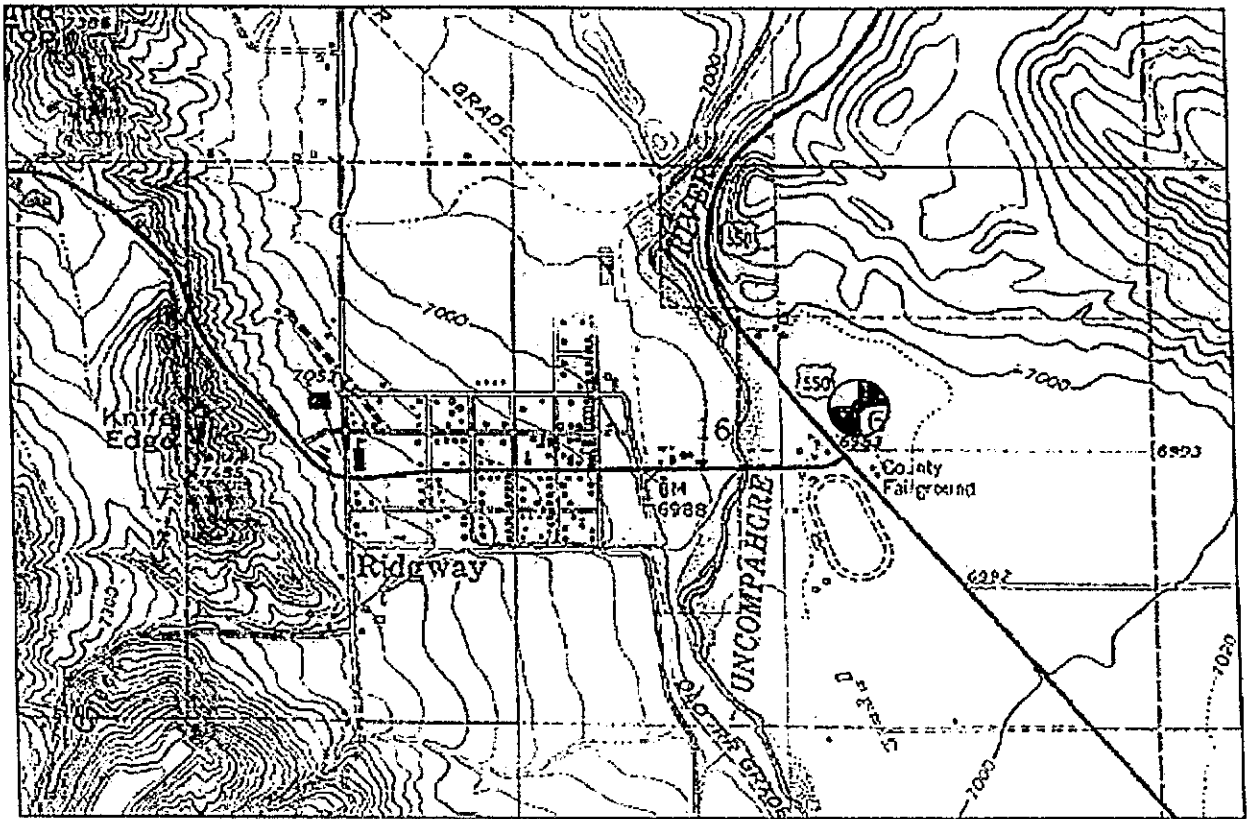


Daniel R. Lambert, P.E.
Geotechnical Engineer



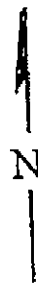
Dennis D. Lambert, P.E.
Geotechnical Engineer





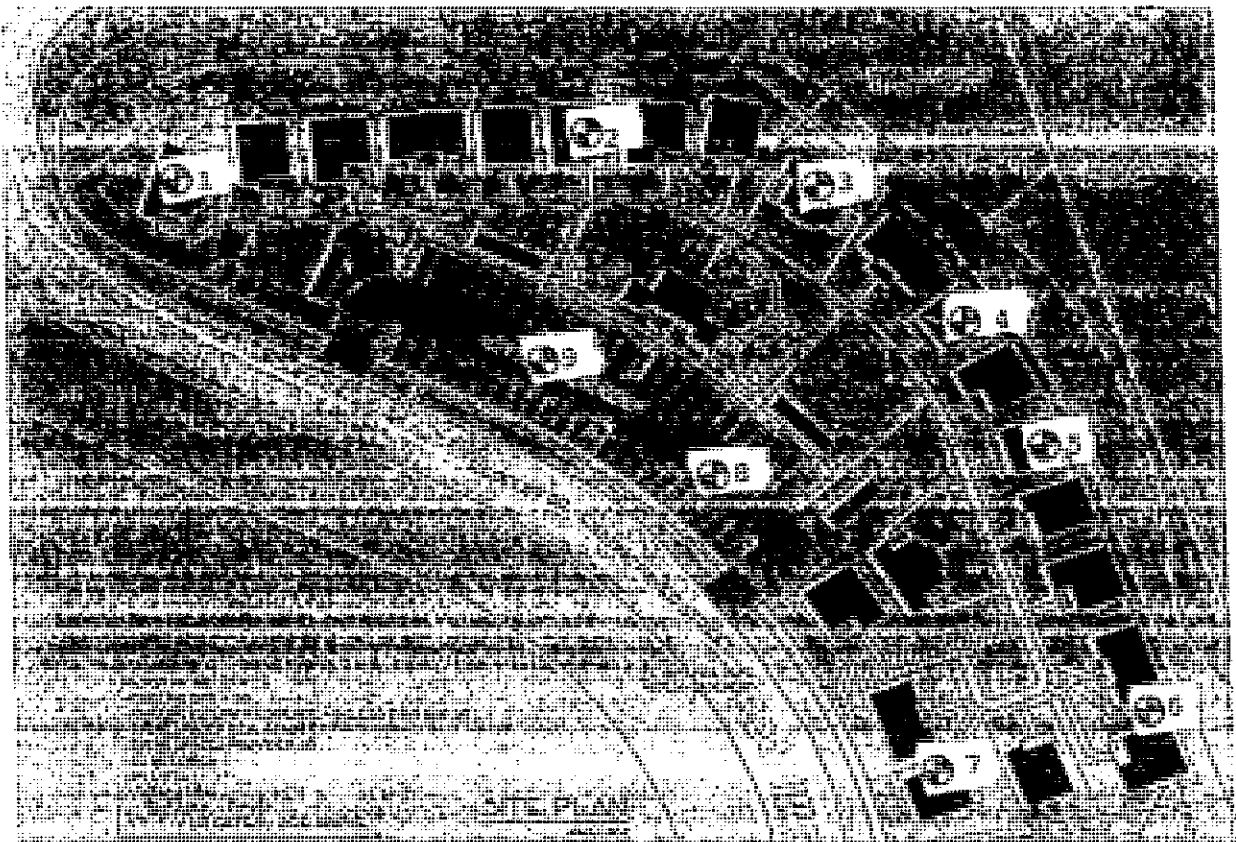
Indicates approximate project location

This map is intended to present geotechnical engineering data only



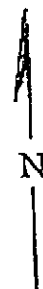
NO SCALE

PROJECT VICINITY MAP



⊙ Indicates approximate test boring locations

This sketch was reproduced by information provided by others
and is intended to present geotechnical engineering data only



NO SCALE

TEST BORING LOCATION SKETCH

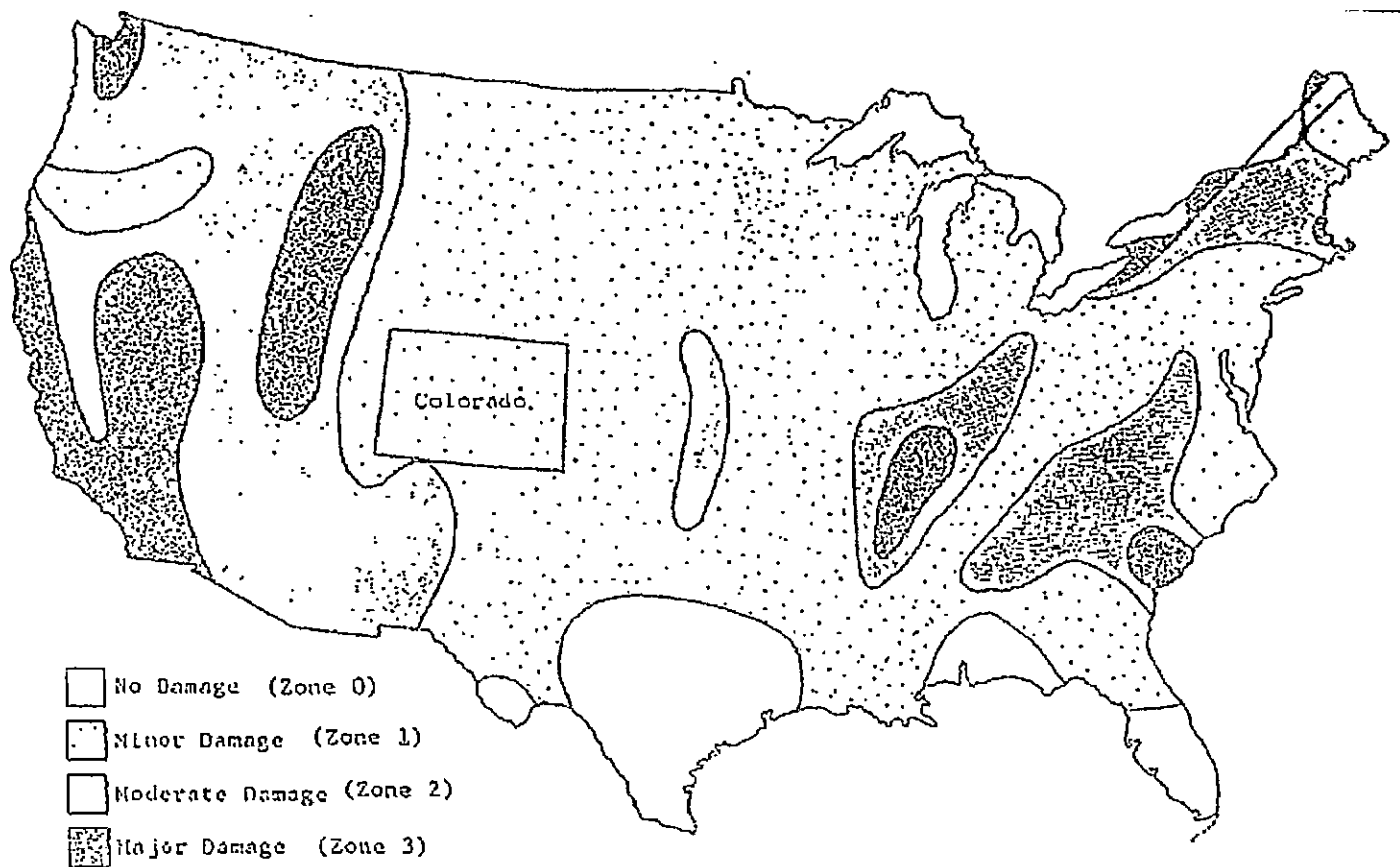
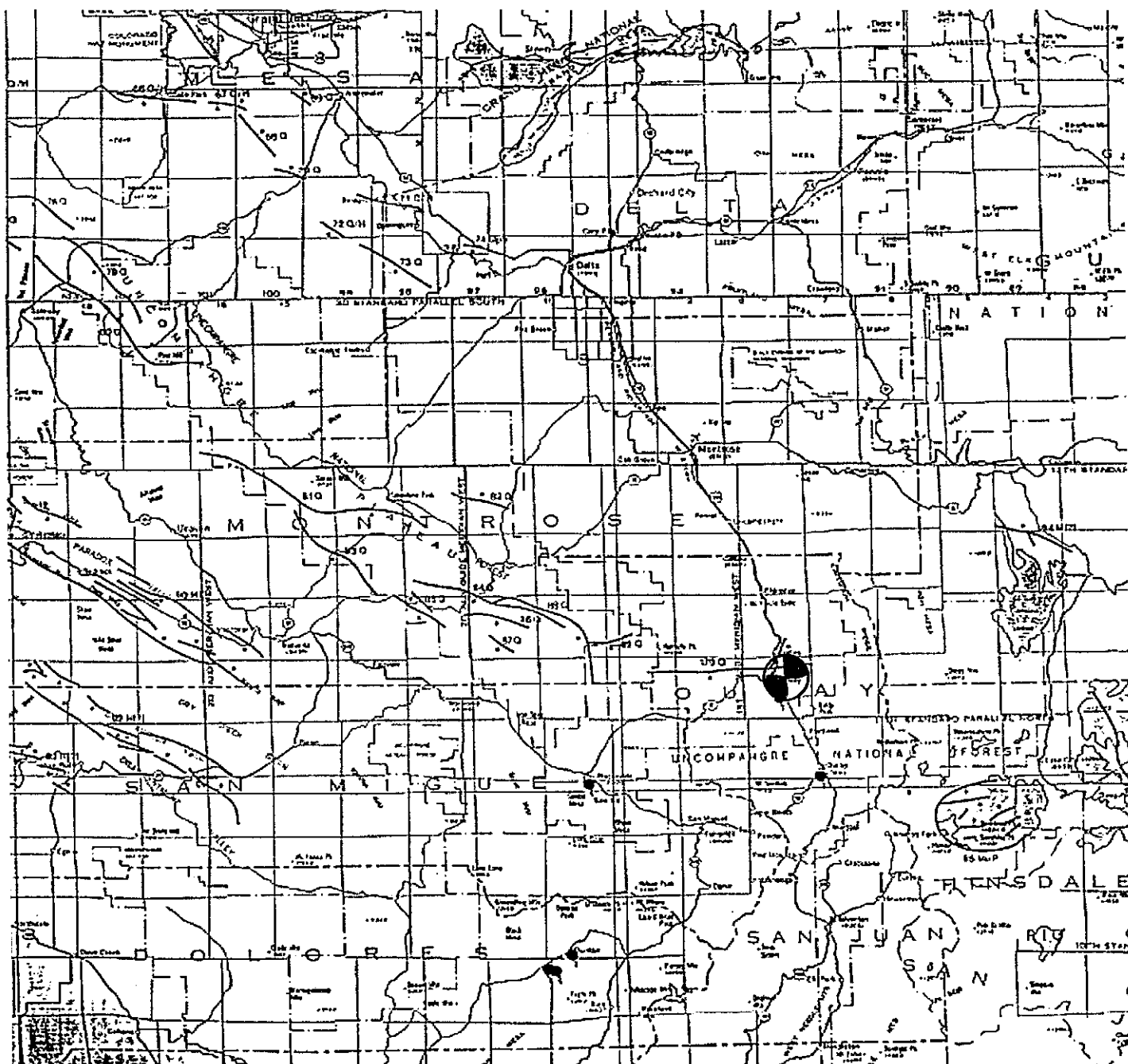


Figure 23. SEISMIC RISK MAP OF THE UNITED STATES (FROM ALGERMISSSEN, 1969)

SEISMIC RISK MAP



Indicates approximate project location

FAULT LOCATION SKETCH

Lambert and Associates

Project No.	M17003GE
Date:	April 2, 2018
Figure:	4

APPENDIX A

The field study was performed on February 9, 2018. The field study consisted of logging and sampling the soils encountered in nine (9) small diameter test borings. The approximate locations of the test borings are shown on Figure 2. The log of the soils encountered in the test borings are presented on Figures A2 through A10.

The test borings were logged by Lambert and Associates and samples of significant soil types were obtained. The samples were obtained from the test borings using a Modified California Barrel sampler and bulk disturbed samples were obtained. Penetration blow counts were determined using a 140 pound hammer free falling 30 inches. The blow counts are presented on the logs of the test borings such as 8/6 where 8 blows with the hammer were required to drive the sampler 6 inches.

The engineering field description and major soil classification are based on our interpretation of the materials encountered and are prepared according to the Unified Soil Classification System, ASTM D2488. The description and classification which appear on the test boring log is intended to be that which most accurately describes a given interval of the test boring (frequently an interval of several feet). Occasionally discrepancies occur in the Unified Soil Classification System nomenclature between an interval of the soil log and a particular sample in the interval. For example, an interval on the test boring log may be identified as a silty sand (SM) while one sample taken within the interval may have individually been identified as a sandy silt (ML). This discrepancy is frequently allowed to remain to emphasize the occurrence of local textural variations in the interval.

The stratification lines presented on the logs are intended to present our interpretation of the subsurface conditions encountered in the test boring. The stratification lines represent the approximate boundary between soil types and the transition may be gradual.

KEY TO LOG OF TEST BORING

Date Drilled:

Field Engineer:

Boring Number:

Location:

Elevation:

Diameter:

Total Depth:

Depth to Water at Time of Drilling:

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Sand, silty, medium dense, moist, tan (SM)	Notes in this column indicate tests performed and test results if not plotted.
				Unified Soil Classification	
				Indicates Bulk Bag Sample	DD: Indicates dry density in pounds per cubic foot
				Indicates Drive Sample	MC: Indicates moisture content as percent of dry unit weight
	5	C		Indicates Sampler Type:	LL: Indicates Liquid Limit
				C - Modified California	PL: Indicates Plastic Limit
				SS - Standard Split Spoon	PI: Indicates Plasticity Index
				H - Hand Sampler	
			7/12	Indicates seven blows required to drive the sampler twelve inches with a hammer that weighs one hundred forty pounds and is dropped thirty inches.	
	10			BOUNCE: Indicates no further penetration occurred with additional blows with the hammer	
				NR: Indicates no sample recovered	
	15			CAVED: Indicates depth the test boring caved after drilling	
				▼ Indicates the location of free subsurface water when measured	
				CLAY	Note: Symbols are often used only to help visually identify the described information presented on the log.
				SILT	
	20			SAND	
				GRAVEL	
				FORMATION	
				SANDSTONE	
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A1

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 14, 2017 Field Engineer: DRL Boring Number: 1
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: 7 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
		C	8/6 5/6	Gravel, sandy, clayey, med dense, moist to wet, brown, gray	Direct Shear Test DD: 102 pcf MC: 5.2%
	5			* Intermittent Silty Sand Lenses	
	10			* Intermittent Cobbles	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A2

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 14, 2017 Field Engineer: DRL Boring Number: 2
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: 7 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
		C	50/7	Gravel, sandy, clayey, med dense, moist to wet, brown, gray * Intermittent Cobbles	Swell/Consolidation Test DD: 110 pcf MC: 4.8%
	5				
	10			* Intermittent Silty Sand Lenses	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A3

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 27, 2017 Field Engineer: DRL Boring Number: 3
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: 7 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	5	C	17/6 21/6	Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	10			* Intermittent Clayey Sand Lenses	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A4

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 27, 2017 Field Engineer: DRL Boring Number: 4
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	5	C	10/6 17/6	* Intermittent Gravels	Swell/Consolidation Test DD: 117 pcf MC: 10.9%
	10			Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	15			* Increased Moisture Content Observed	
	20			Bottom of Test Boring at 15 feet	
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A5

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 17, 2017 **Field Engineer:** DRL **Boring Number:** 5
Location: See test boring location diagram **Elevation:**
Diameter: 4 inches **Total Depth:** 15 feet **Depth to Water at Time of Drilling:** 6 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	11/6 15/6	C	X		Direct Shear Test DD: 104 pcf MC: 17.0%
	5			Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	10			* Intermittent Silty Sand Lenses	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A6

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 17, 2017 **Field Engineer:** DRL **Boring Number:** 6
Location: See test boring location diagram **Elevation:**
Diameter: 4 inches **Total Depth:** 15 feet **Depth to Water at Time of Drilling:** 5-1/2 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	5			Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	10			* Intermittent Silty Sand Lenses	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A7

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 17, 2017 Field Engineer: DRL Boring Number: 7
 Location: See test boring location diagram Elevation:
 Diameter: 4 inches Total Depth: 15 feet Depth to Water at Time of Drilling: 6 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, sandy, silty, med stiff, moist, brown	
	5	C	13/6 12/6	Gravel, sandy, clayey, med dense, moist to wet, brown, gray	Swell/Consolidation Test DD: 97 pcf MC: 4.3%
	10			* Intermittent Silty Sand Lenses	
	15			Bottom of Test Boring at 15 feet	
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE




Figure: A8

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled: March 27, 2017 **Field Engineer:** DRL **Boring Number:** 8
Location: See test boring location diagram **Elevation:**
Diameter: 4 inches **Total Depth:** 5 feet **Depth to Water at Time of Drilling:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
 	0			Clay, sandy, silty, med stiff, moist, brown	
				Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	5			Bottom of Test Boring at 5 feet	
	10				
	15				
	20				
	25				

Project Name: Ridgway Village

Project Number: M17003GE

Figure: A9

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING					
Date Drilled:		March 27, 2017		Field Engineer: DRL	
Location:		See test boring location diagram		Boring Number: 9	
Diameter:		4 inches		Total Depth: 5 feet	
				Depth to Water at Time of Drilling: None Encountered	
Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0	Bulk		Clay, sandy, silty, med stiff, moist, brown	
				Gravel, sandy, clayey, med dense, moist to wet, brown, gray	
	5			Bottom of Test Boring at 5 feet	
	10				
	15				
	20				
	25				

Figure: A10

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

APPENDIX B

The laboratory study consisted of performing:

- . Moisture content and dry density tests,
- . Swell-consolidation tests,
- . Radon tests.

It should be noted that samples obtained using a drive type sleeve sampler may experience some disturbance during the sampling operations. The test results obtained using these samples are used only as indicators of the in situ soil characteristics.

TESTING

Moisture Content and Dry Density

Moisture content and dry density were determined for each sample tested of the samples obtained. The moisture content was determined according to ASTM Test Method D2216 by obtaining the moisture sample from the drive sleeve. The dry density of the sample was determined by using the wet weight of the entire sample tested. The results of the moisture and dry density determinations are presented on the logs of borings, Figures A2 through A10.

Swell Tests

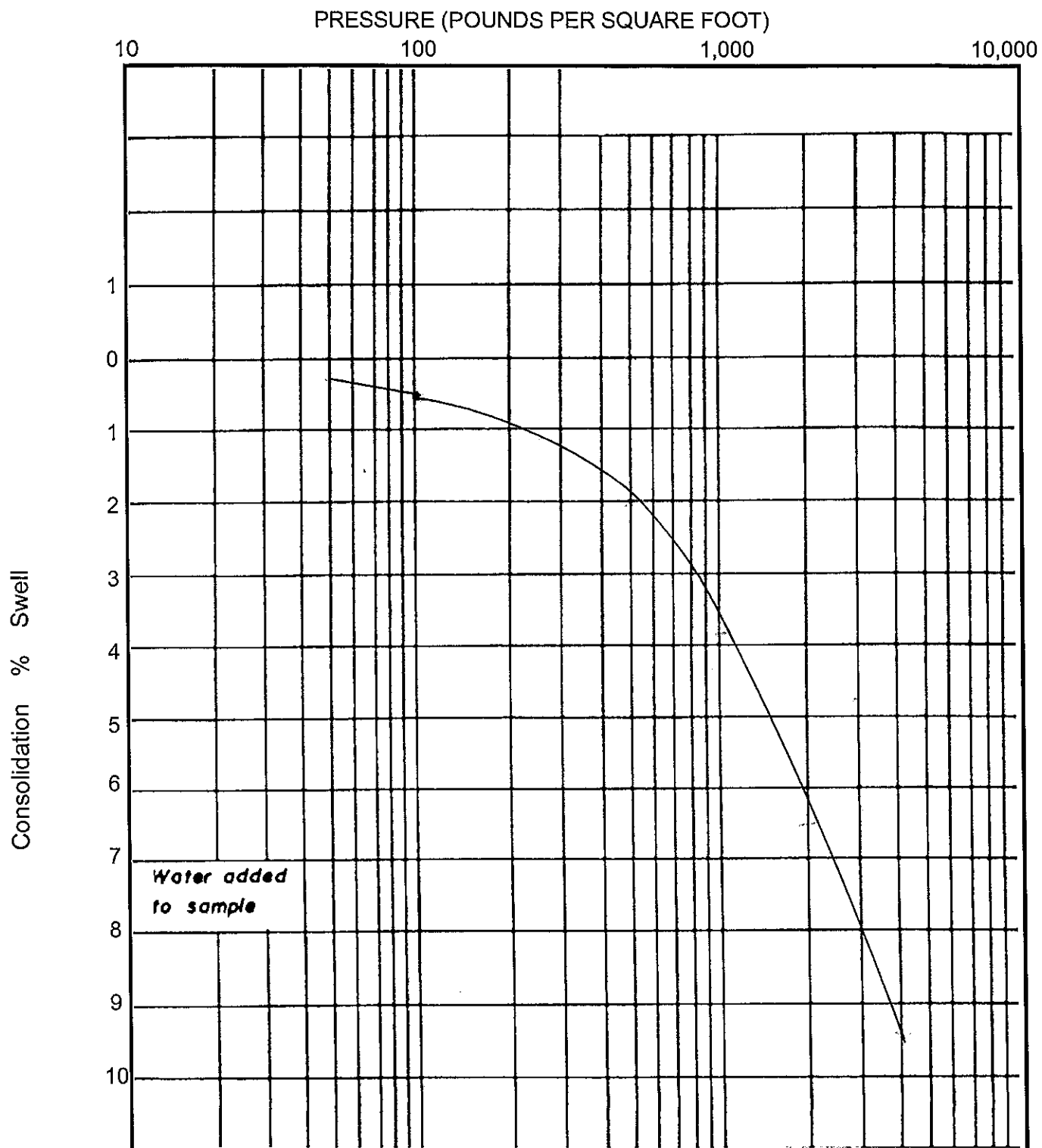
Loaded swell tests were performed on drive samples obtained during the field study. These tests are performed in general accordance with ASTM Test Method D2435 to the extent that the same equipment and sample dimensions used for consolidation testing are used for the determination of expansion. A sample is subjected to static surcharge, water is introduced to produce saturation, and volume change is measured as in ASTM Test Method D2435. Results are reported as percent change in sample height.

Consolidation Tests

One dimensional consolidation properties of samples were evaluated according to the provisions of ASTM Test Method D2435. Water was added in all cases during the test. Exclusive of special readings during consolidation rate tests, readings during an increment of load were taken regularly until the change in sample height was less than 0.001 inch

over a two hour period. The results of the swell-consolidation load tests are summarized on Figures B1 through B3, swell-consolidation tests.

It should be noted that the graphic presentation of consolidation data is a presentation of volume change with change in axial load. As a result, both expansion and consolidation can be illustrated.

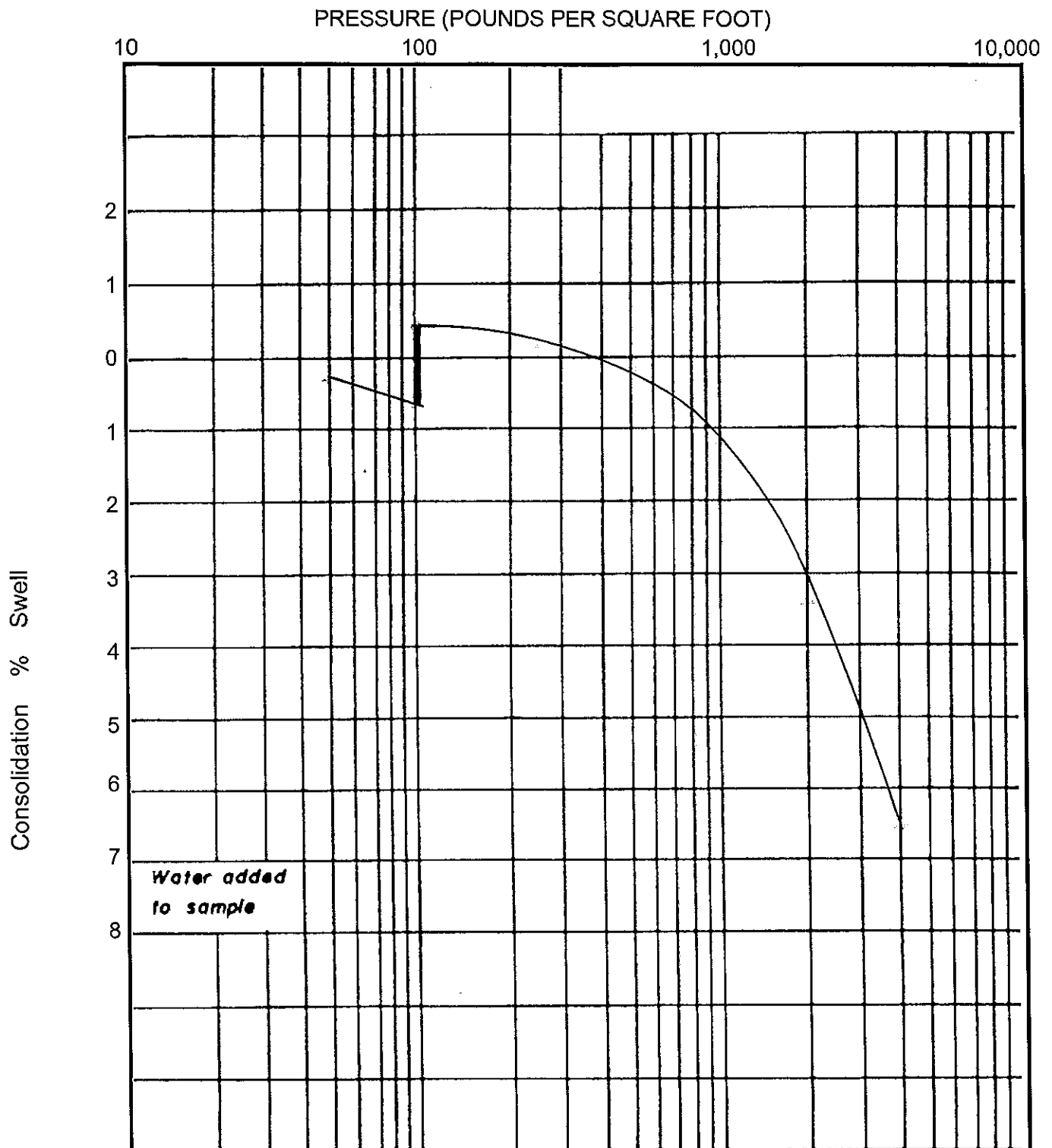


SUMMARY OF TEST RESULTS					
Boring No. 2	Moisture	Dry Density	Height	Diameter	Swell Pressure
Depth 3-4 ft	Content %	PCF	in	In	PSF
Initial	4.8	110	1.00	1.94	Less Than 100
Final	17.0	117	0.906	1.94	
Soil Description	Sand, gravel, clayey, brown				

SWELL-CONSOLIDATION TEST

Lambert and Associates

Project No.	M17003GE
Date:	April 2, 2018
Figure:	B1

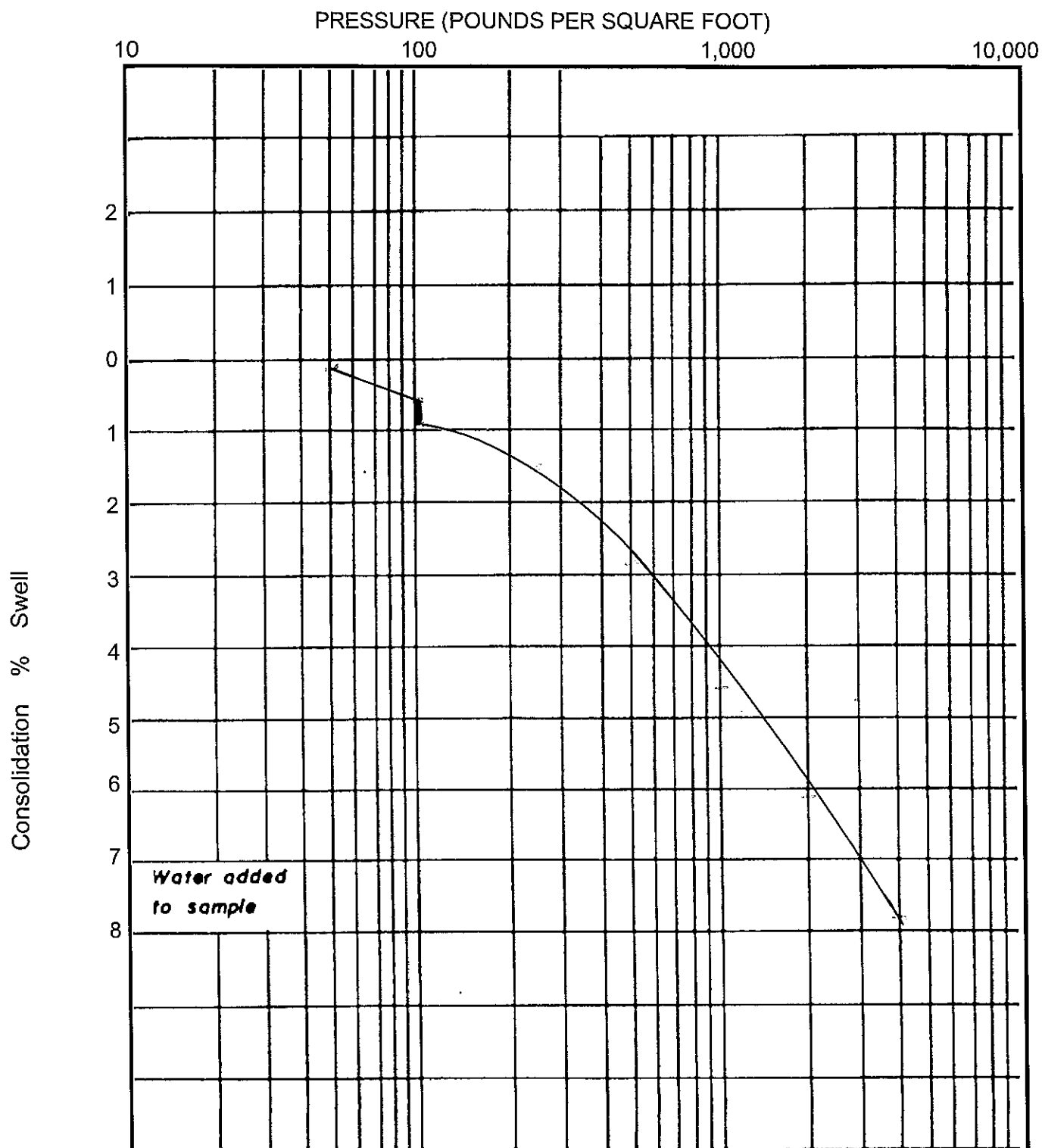


SUMMARY OF TEST RESULTS					
Boring No. 4	Moisture	Dry Density	Height	Diameter	Swell Pressure
Depth 4-5 ft	Content %	PCF	in	In	PSF
Initial	10.9	117	1.00	1.94	± 600
Final	18.3	124	0.935	1.94	
Soil Description	Clay, silt, sandy, few gravels, brown				

SWELL-CONSOLIDATION TEST

Lambert and Associates

Project No. M17003GE
 Date: April 2, 2018
 Figure: B2



SUMMARY OF TEST RESULTS					
Boring No. 7	Moisture	Dry Density	Height	Diameter	Swell Pressure
Depth 4-5 ft	Content %	PCF	in	In	PSF
Initial	4.3	97	1.00	1.94	Less Than 100
Final	20.9	107	0.923	1.94	
Soil Description	Sand, gravel, silty, brown				

SWELL-CONSOLIDATION TEST

Lambert and Associates

Project No.	M17003GE
Date:	April 2, 2018
Figure:	B3

APPENDIX C

GEOLOGY DISCUSSION SOUTHWEST COLORADO GEOLOGY

Southwest Colorado exhibits many geologic features formed by a multitude of geologic processes. Regional inundation, uplift, volcanism and glaciation are responsible for some of the complex geology of the region. Many theories and speculations concerning the mode of occurrence of the regions's geology have been presented over the years. This cursory discussion of the geology of southwest Colorado presents some theories accepted by the geologic community, but is only intended to introduce the basic concepts and restraints that arise due to geologic activity.

Prior to the formation of the Rocky Mountains southwest Colorado was a primarily a flat lying region with little topographic expression. The North American continent was experiencing many episodes of deposition. The Transcontinental Sea was transgressing and regressing across the continent, these transgressions and regressions are the cause for such diverse rock types. The stratigraphic column in southwestern Colorado expresses rock types from variable depositional environments. Limestones are formed in deeper water, sandstones are formed in beach and tidal flat environments, while arkosic sandstone and conglomerates are formed in alluvial plains and fans. Particle size and mineralogic content in rock units are related to the depositional environment. A sandstone or conglomerate would not be likely to form in a deep sea environment because there would not be enough energy to carry such large particles a great distance from the source lands. As one observes the stratigraphic column of southwest Colorado a siltstone may be overlain by a sandstone which is in turn overlain by a siltstone. This represents a regressive then transgressive sequence. Many such sequences or combinations of other rock units are exhibited throughout southwest Colorado.

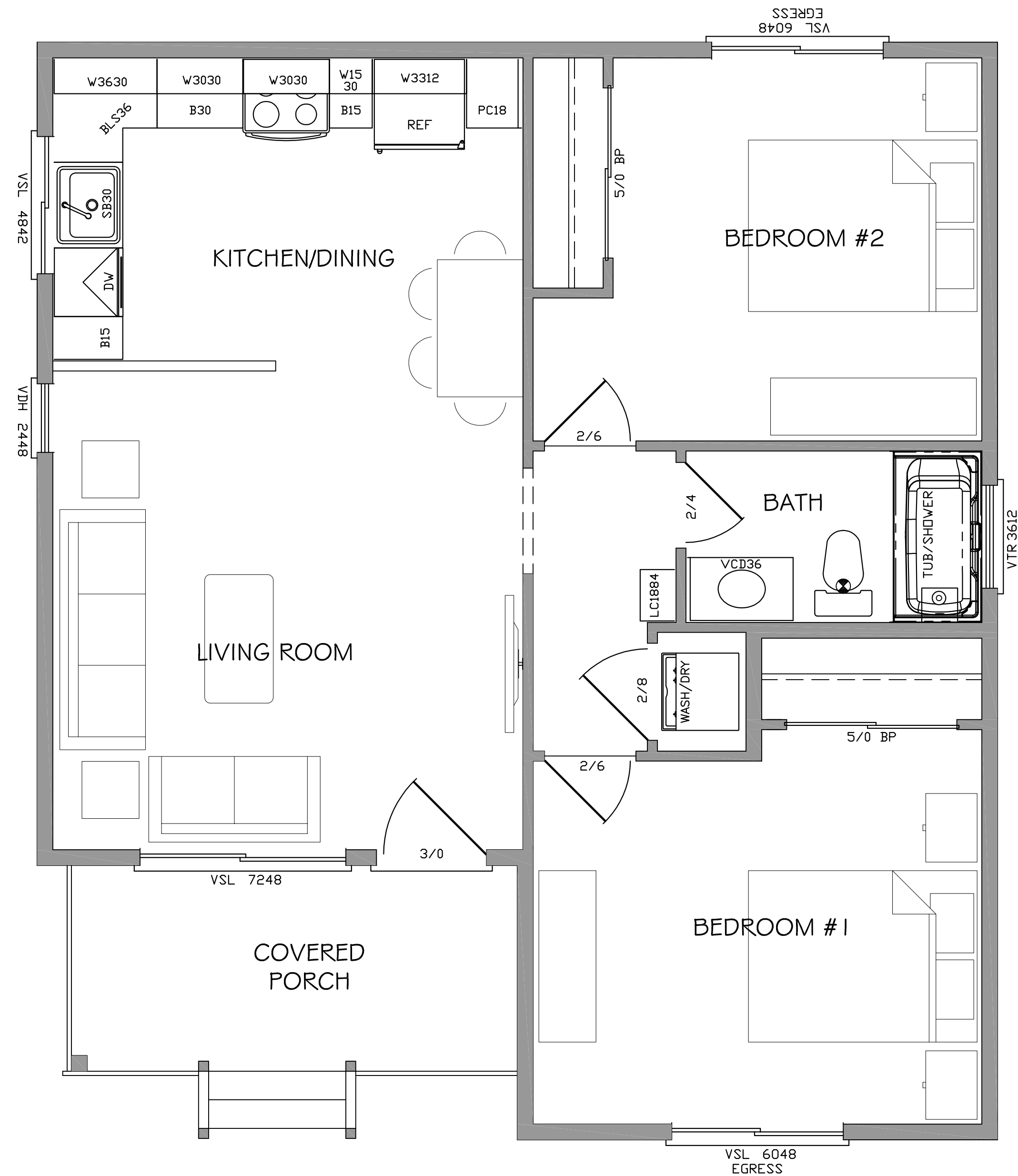
The final regression of the sea may have been caused by orogenic activity and uplift. This uplift was not confined to Colorado, it was a regional uplift that occurred in many stages. The uplift is what caused the formation of the ancestral rockies. The Larimide Orogenic episode is responsible for the formation of the San Juan dome. (Note: The San Juan dome theory is not accepted by the entire geologic community. It is used here for descriptive purposes). The San Juan dome was essentially an upwarp of the stratigraphy formed by sedimentation during the Transcontinental Sea. An actual dome probably never

existed due to erosion during the uplift. The idea being that a dome of sediments and rock units would have existed had erosion and diastrophism not taken place. The orientation of bedding planes forms a radial pattern around the San Juan region which seems to vindicate this theory.

The stresses need to "upwarp" this large area were obviously tremendous. Locally occurring stresses may not be sufficient to move this quantity of material, global tectonics, directly or indirectly, may have been involved. Compression of the entire North American plate could have occurred. The magnitude of the stresses and the deep seated origin of these stresses also have caused extensive volcanism. Colorado has many large remnants of Calderas that were active during the orogenic activity. The Silverton and Lake City Calderas are the largest in the San Juan region. Activity in the Silverton Caldera has been estimated (radiometrically) to have occurred 22 million years ago. Calderas of this magnitude are believed to have formed by the collapse of epierogenic magma chambers. Volcanic and metamorphic rock bodies are common in the San Juan region, many of these units are related to the orogenic activity in the region.

Faults associated with local orogenic activity are another common geologic feature found in southwestern Colorado. As stated previously, extreme stresses were probably associated with the formation of the San Juan Mountains and may be responsible for deep-seated volcanic and metamorphic processes. These stresses had to be released, the geologic mode for stress release is faulting. Diastrophic activity in the area today is quite low, the lack of seismic activity indicates that stresses are not currently being released. An explanation for the loss of stresses is through faulting.

The last episode of regional geologic activity in the area was glaciation. The most recent period of glacial activity ended approximately 10,000 years ago. Glacial activity is responsible for much of the topographic expression in the area. "U-Shaped" valleys, moraine deposits, tarns, (glacial formed lakes), and rock glaciers are the most prominent features which are found in southwestern Colorado as a result of glacial activity. The valley configurations are a result of the erosional activity of the glaciers. Moraine deposits developed during the glacial activity. Rock glaciers are moving masses of rock which are thought to have an ice core which may be the last remnant of glacial ice. As the subsurface ice core moves and melts, the overlying mass of rock also moves.



PLAN "A-2"
2 Bedroom / 1 Bath
784 sq. ft.

"Vista Park Commons"



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN A-2

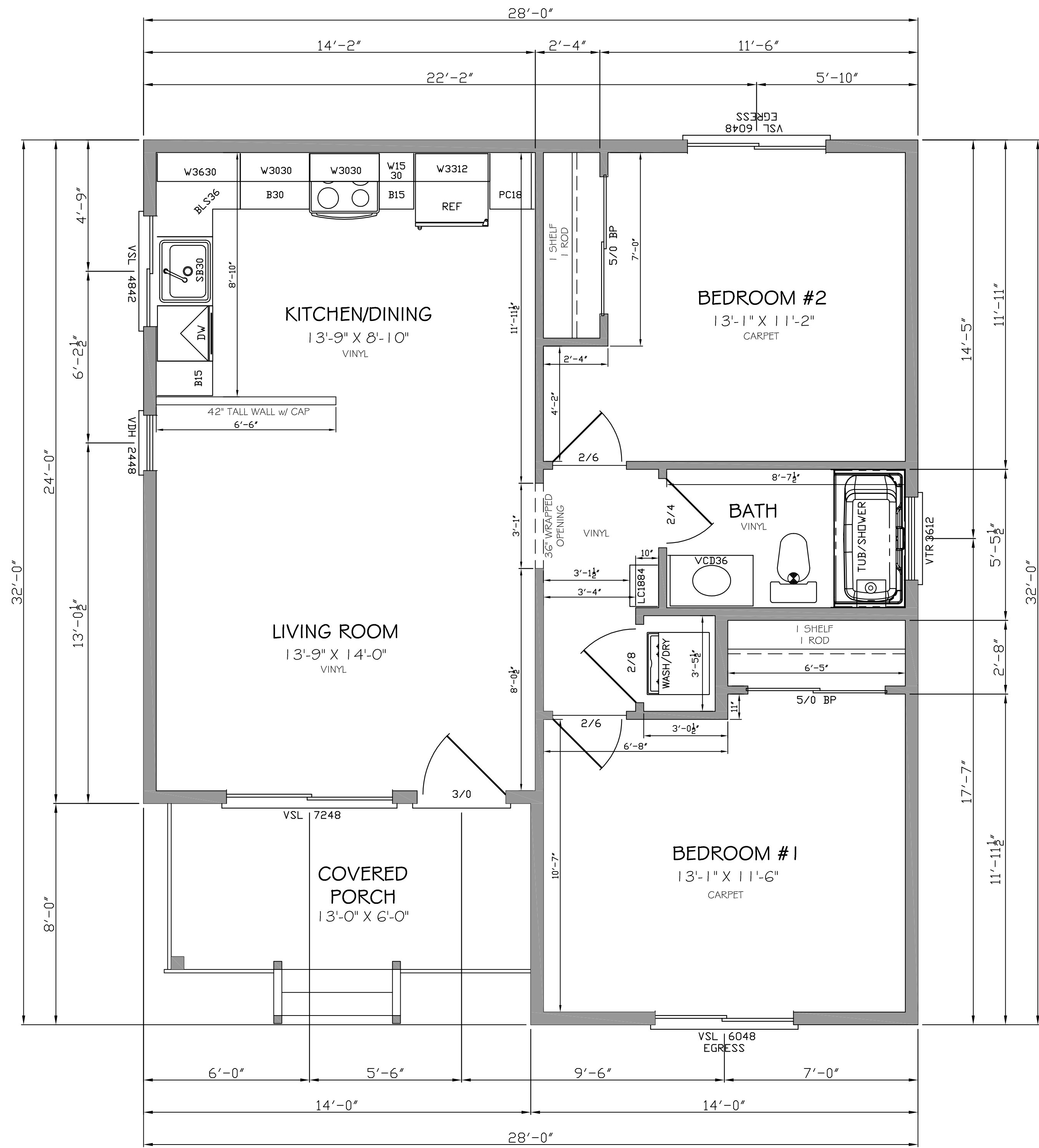
DOUG MACFARLANE
ARCHITECT-LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. (A-2)
DATE: 1/9/2018
SCALE: 3/8"=1'-0"
SHEET:

CP

PROGRESS SET— NOT FOR CONSTRUCTION

PLAN "A-2"



FLOOR PLAN
784 SQ. FT.

GENERAL NOTES:

- EXTERIOR WALLS: 2x6 @ 24" O.C. - LINE UP WITH TRUSSES
- INTERIOR WALLS: 2x4 @ 24" O.C.
- VINYL WINDOWS
- TRUSSES: 1 2 1/2" @ HEEL, R-49 BLOWN-IN FIBERGLASS INSULATION
- FURNACE & WATER HEATER IN ATTIC
- ROOF VENTING: CONT. SOFFIT VENTS & RIDGE VENTS
- CRAWLSPACE VENTS: 8"x16" w/ METAL GRILLS
- WATERPROOFING @ STEM WALLS: ROLL ON BLACK DAMP-PROOFING

REVISIONS
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VISTA PARK COMMONS
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LOTS 30-34

PLAN A-2

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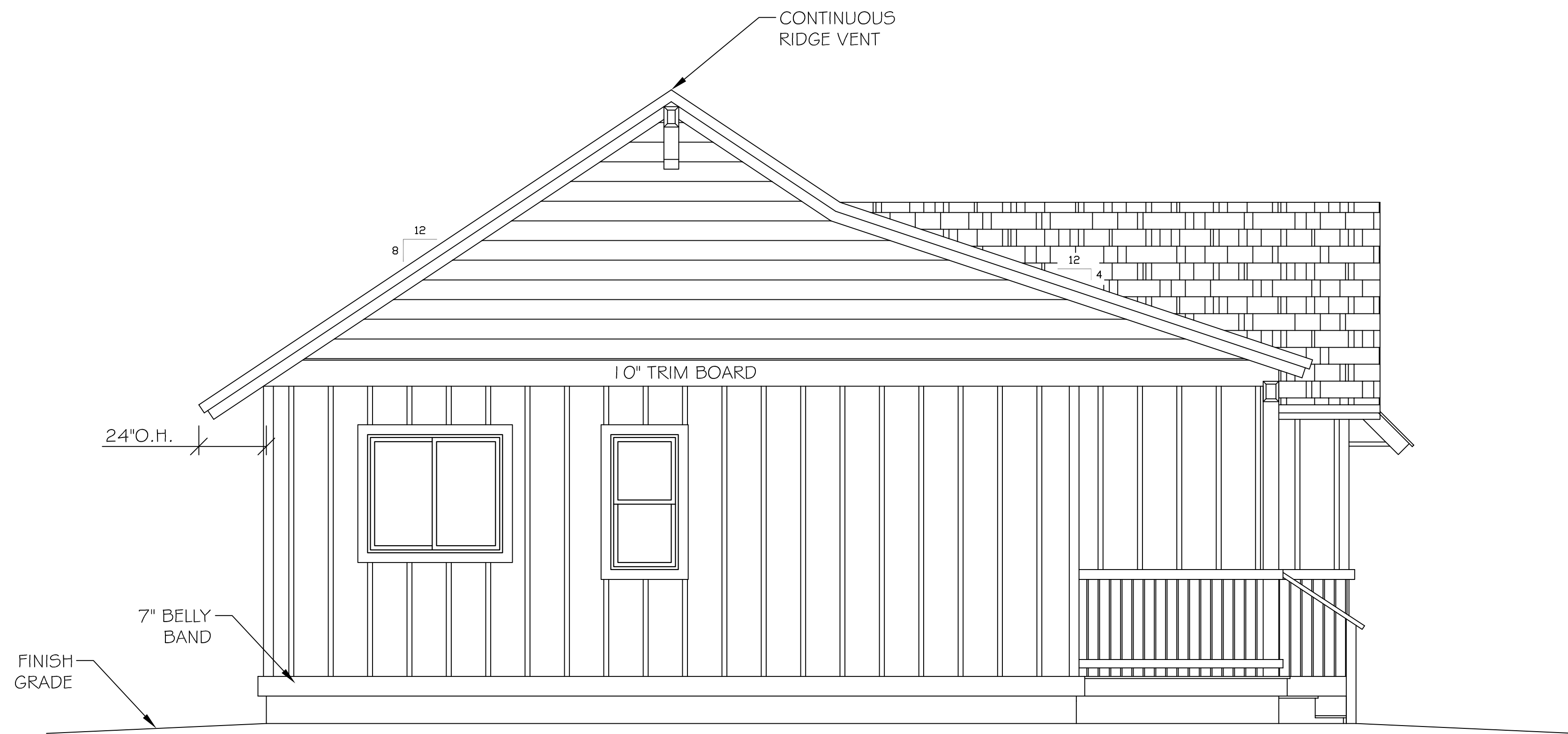


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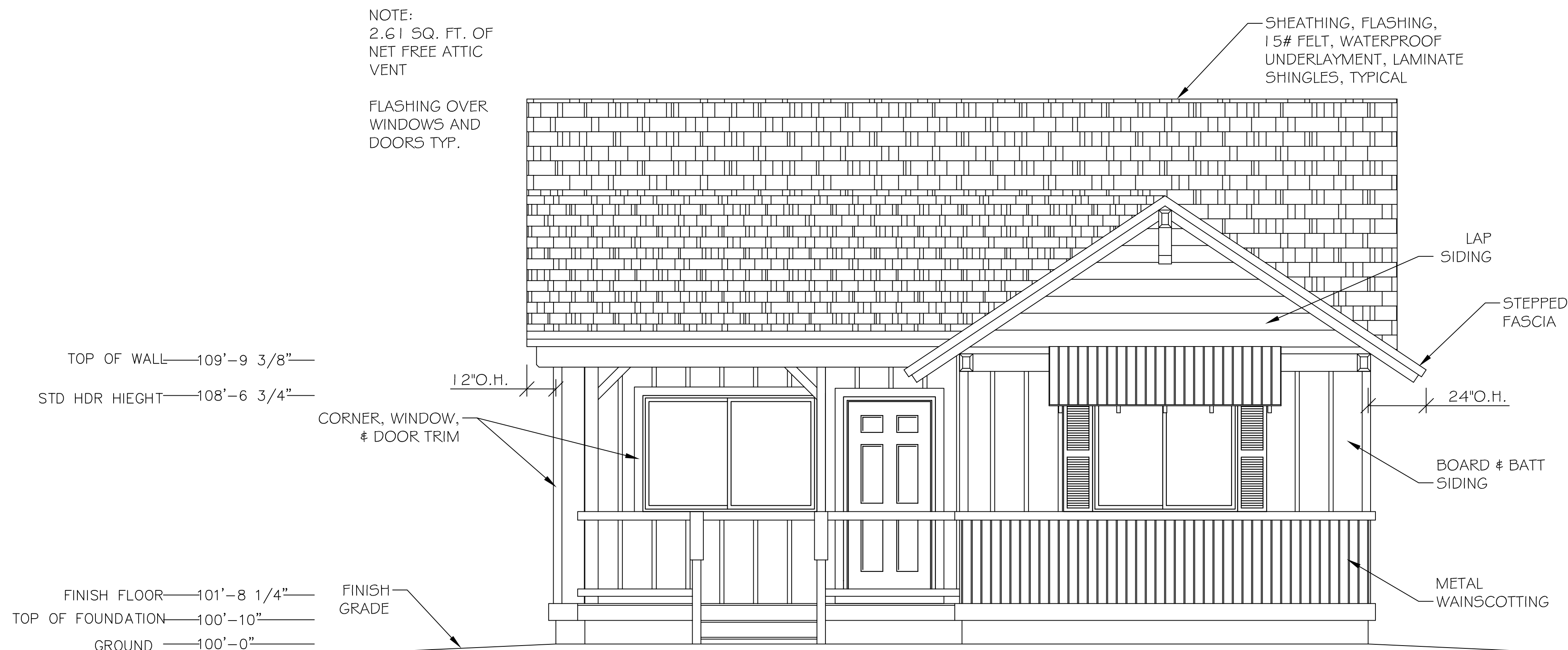
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A-1

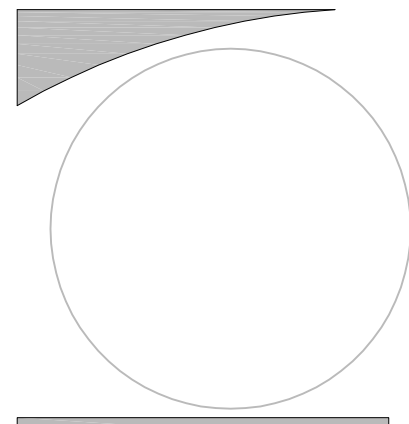
PROGRESS SET- NOT FOR CONSTRUCTION



LEFT ELEVATION



FRONT ELEVATION

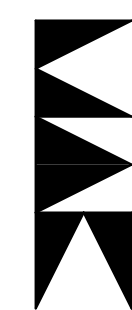


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LOTS 30-34

PLAN A-2

DOUG MACFARLANE
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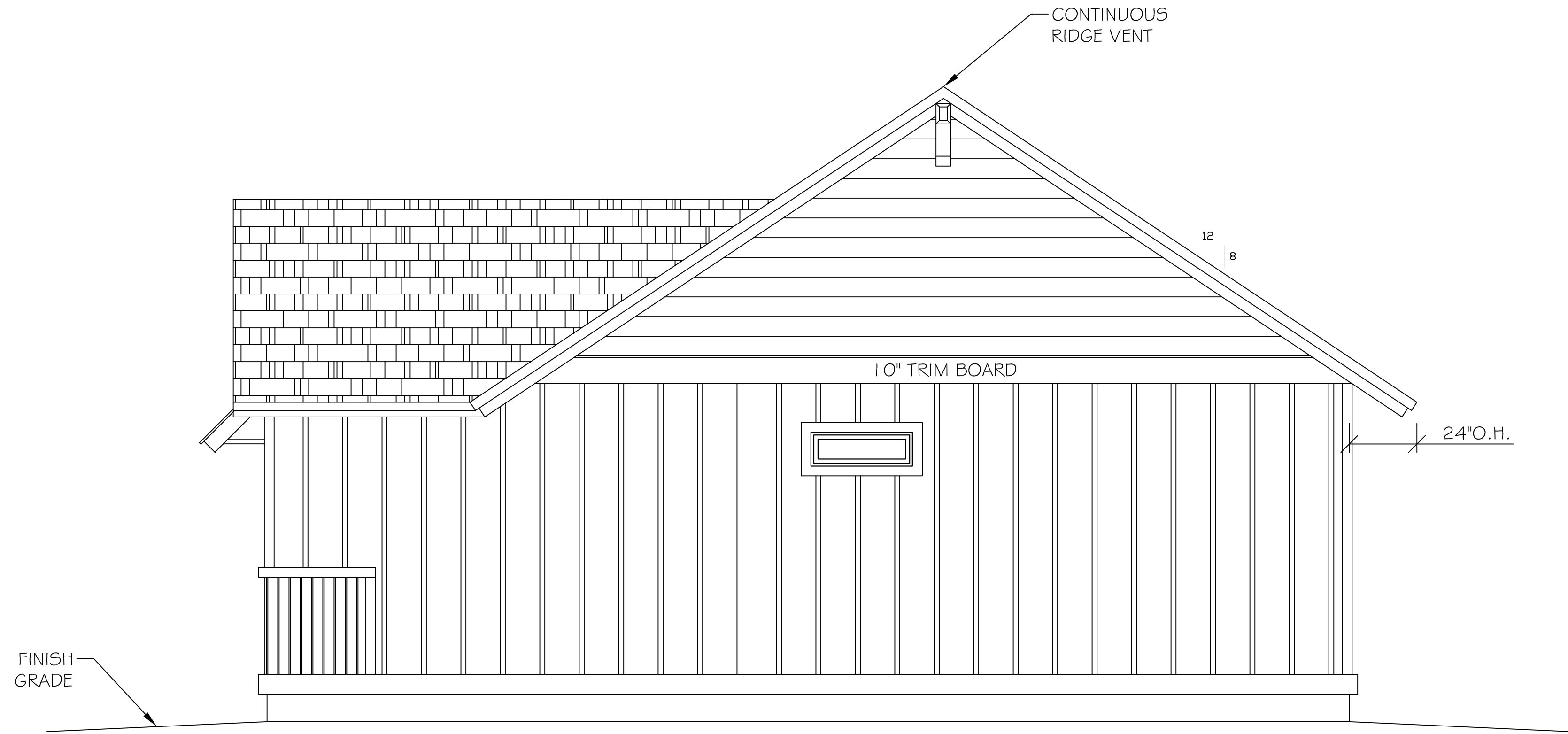


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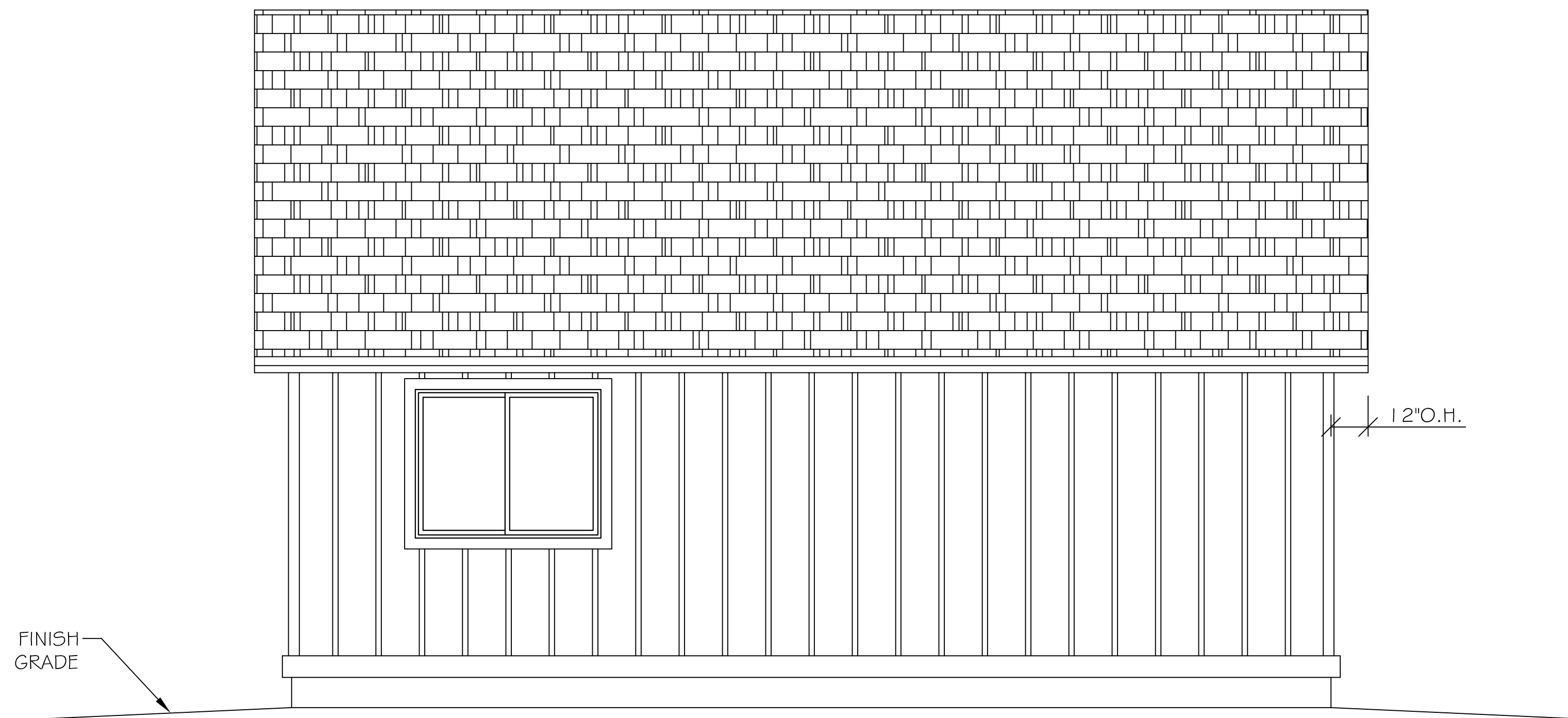
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A-2

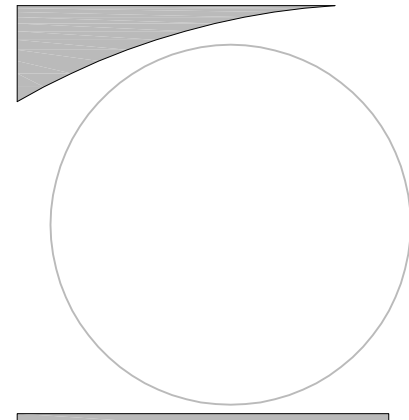
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RIGHT ELEVATION



REAR ELEVATION

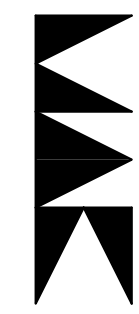


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LOTS 30-34

PLAN A-2

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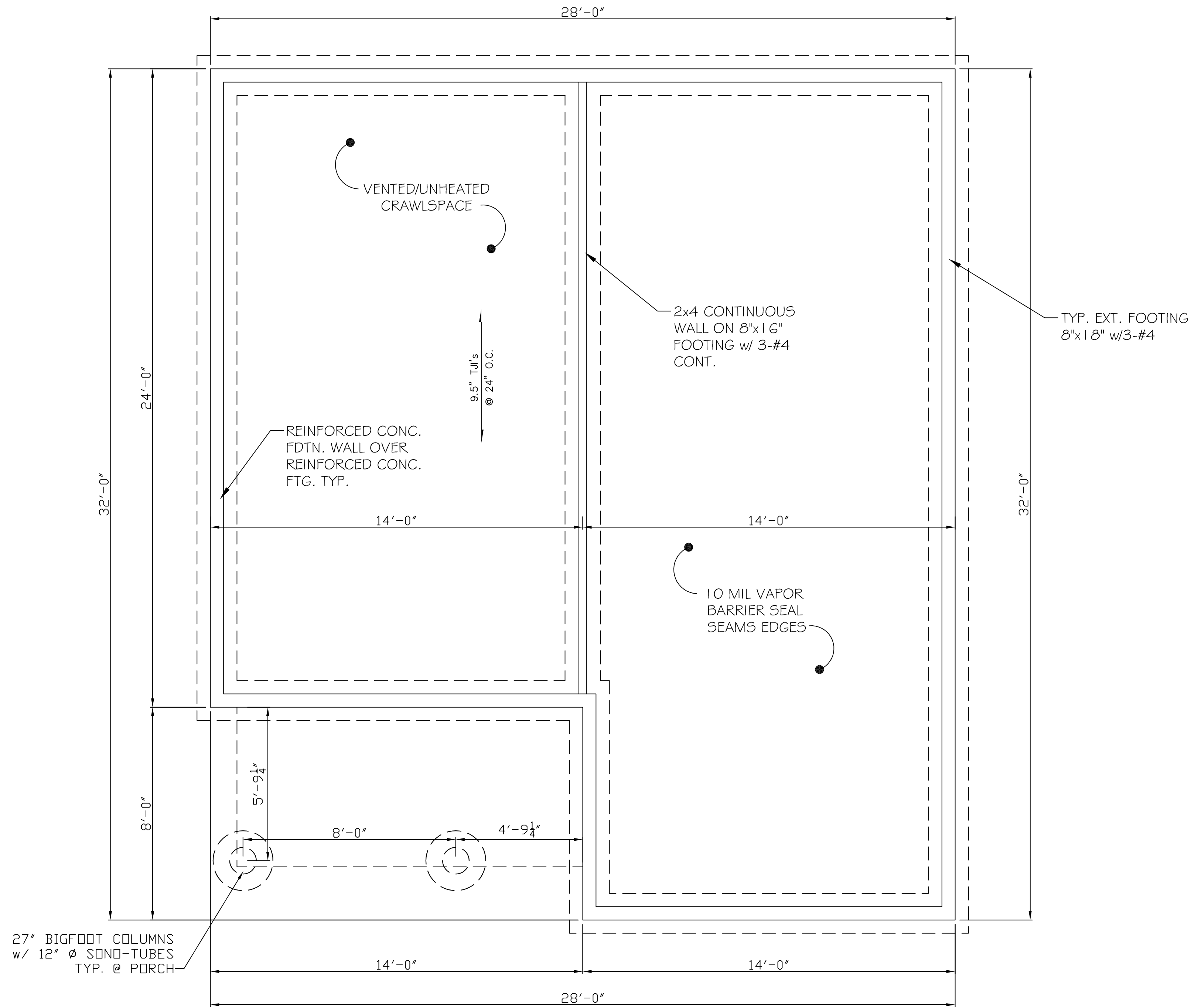
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A-3

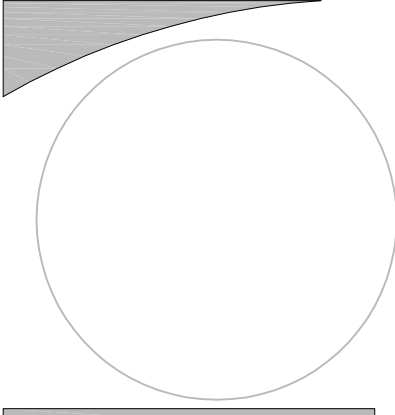
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A-4



FOUNDATION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN A-2

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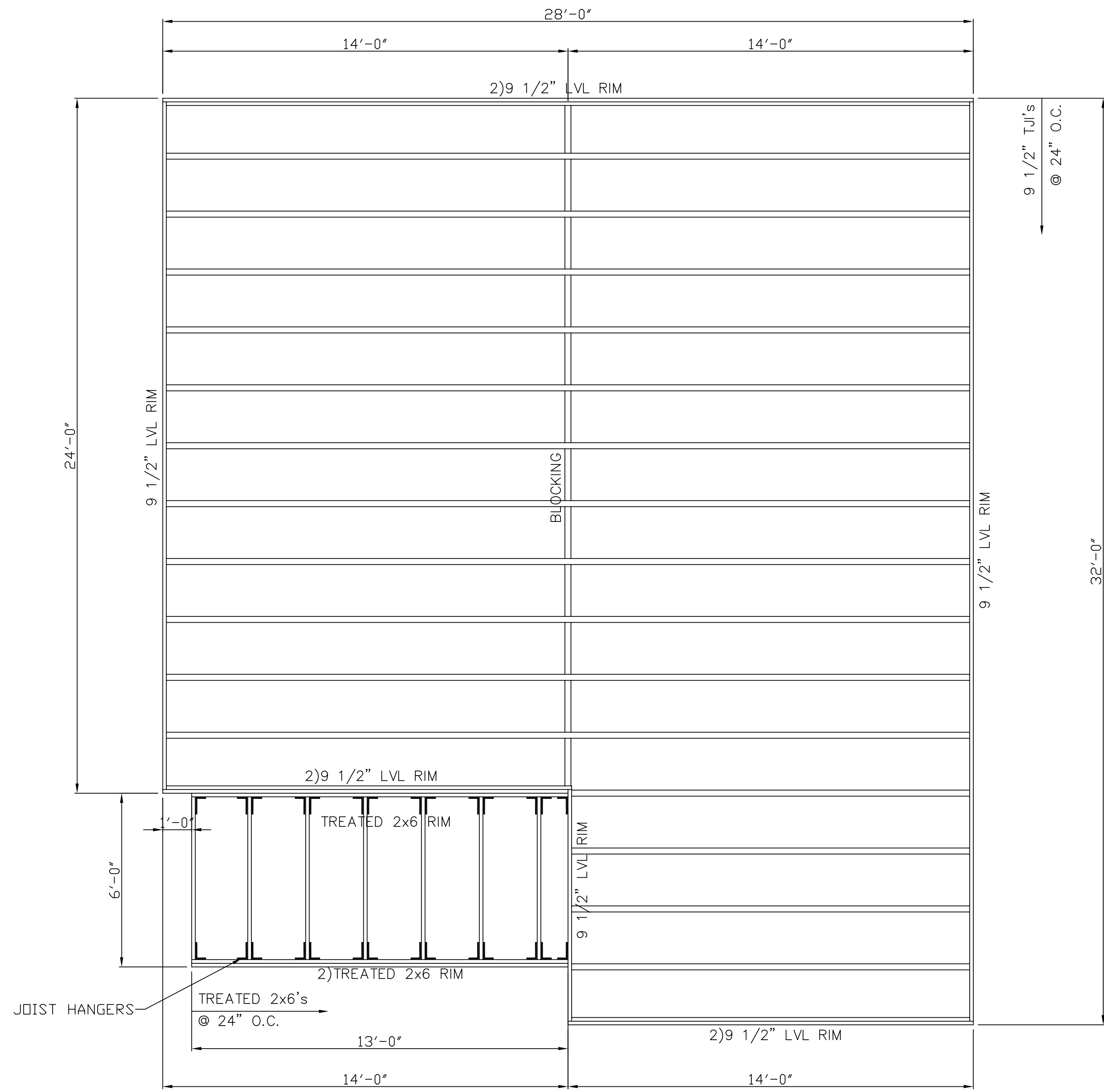


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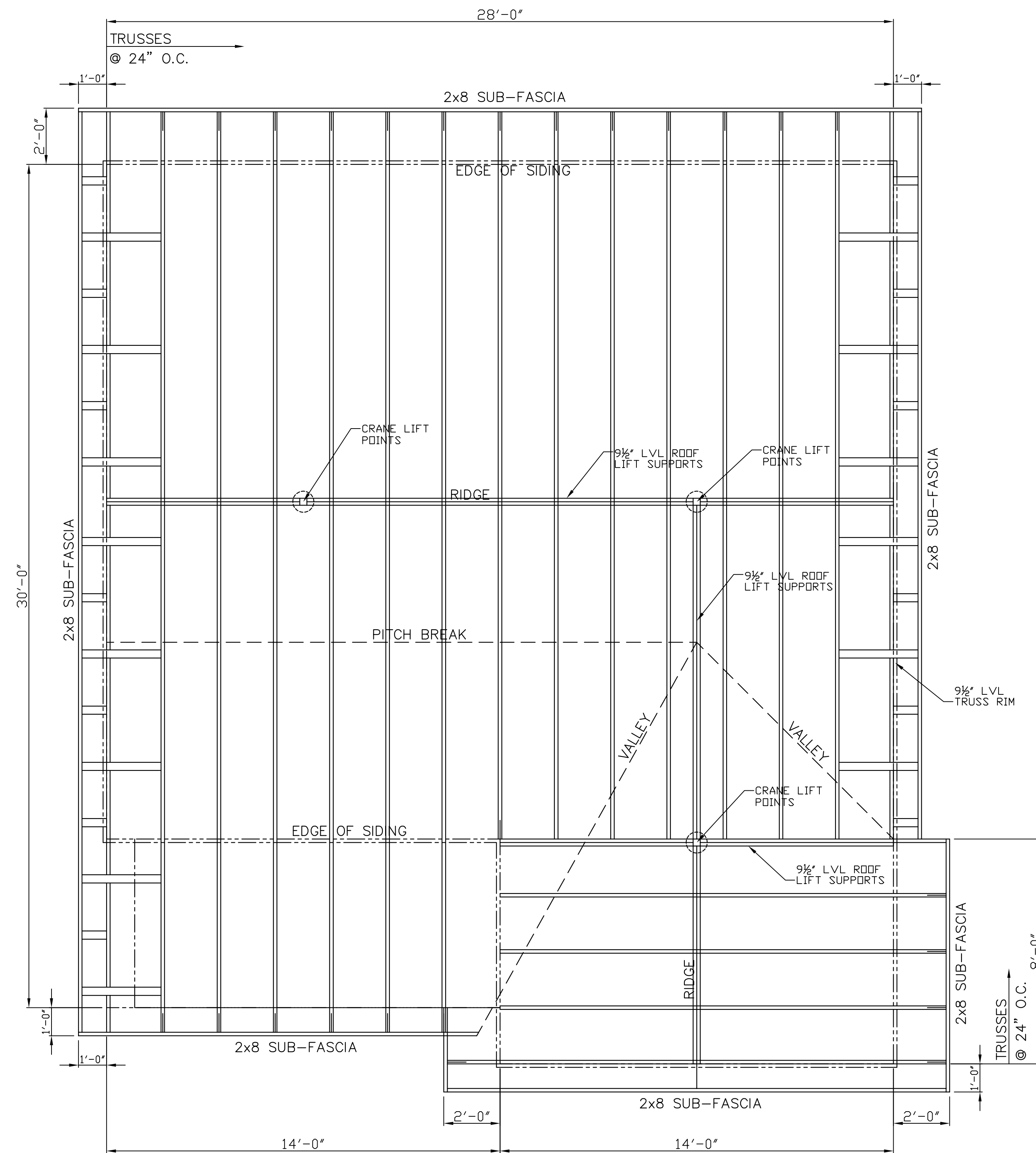
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DATE: 1/23/2018
SCALE: 3/8"=1'-0"
SHEET:

S-1

PROGRESS SET- NOT FOR CONSTRUCTION



FLOOR FRAMING



REVISIONS

PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

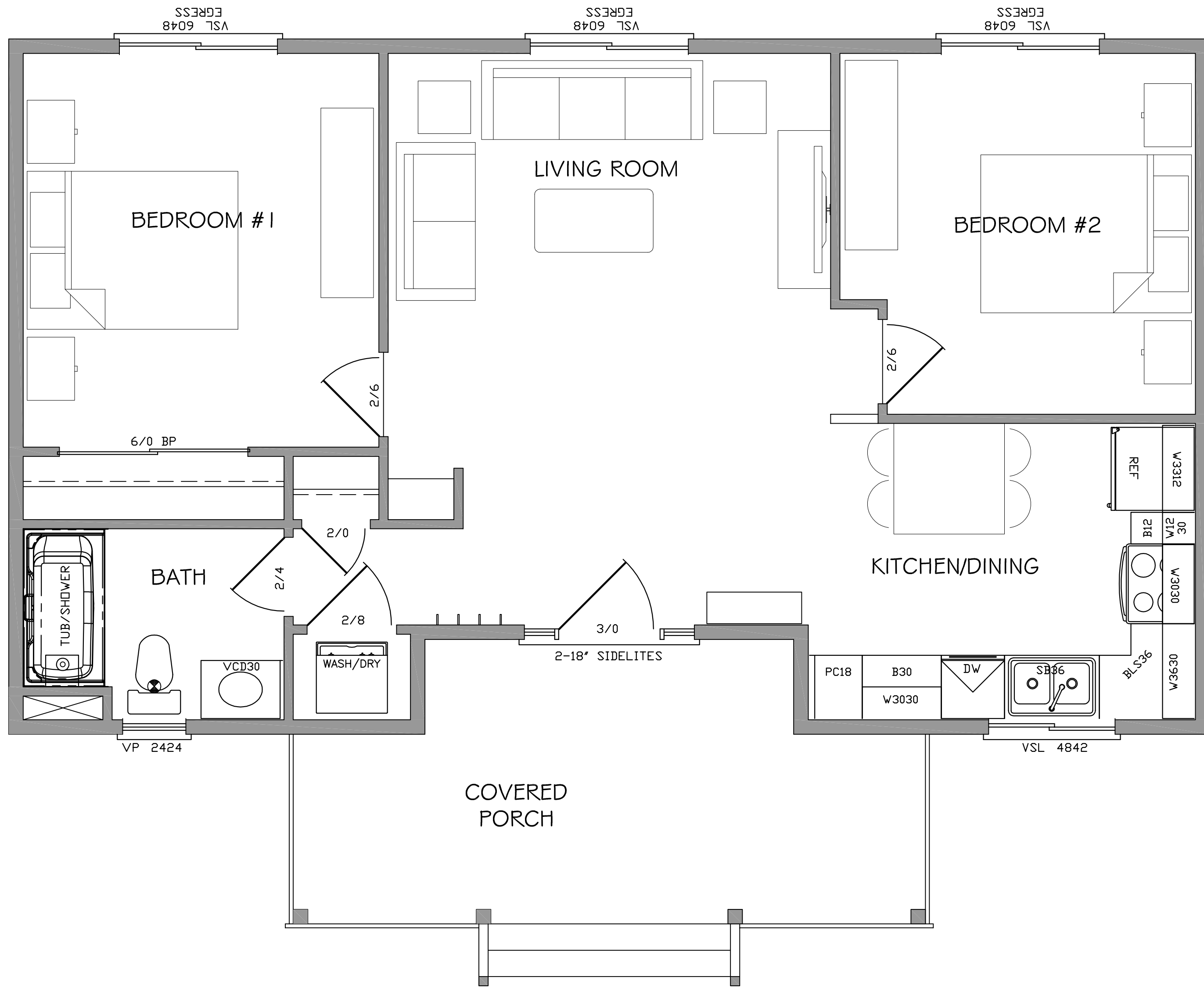
PLAN A-2

DOUG MACFARLANE
ARCHITECT- LLC

653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

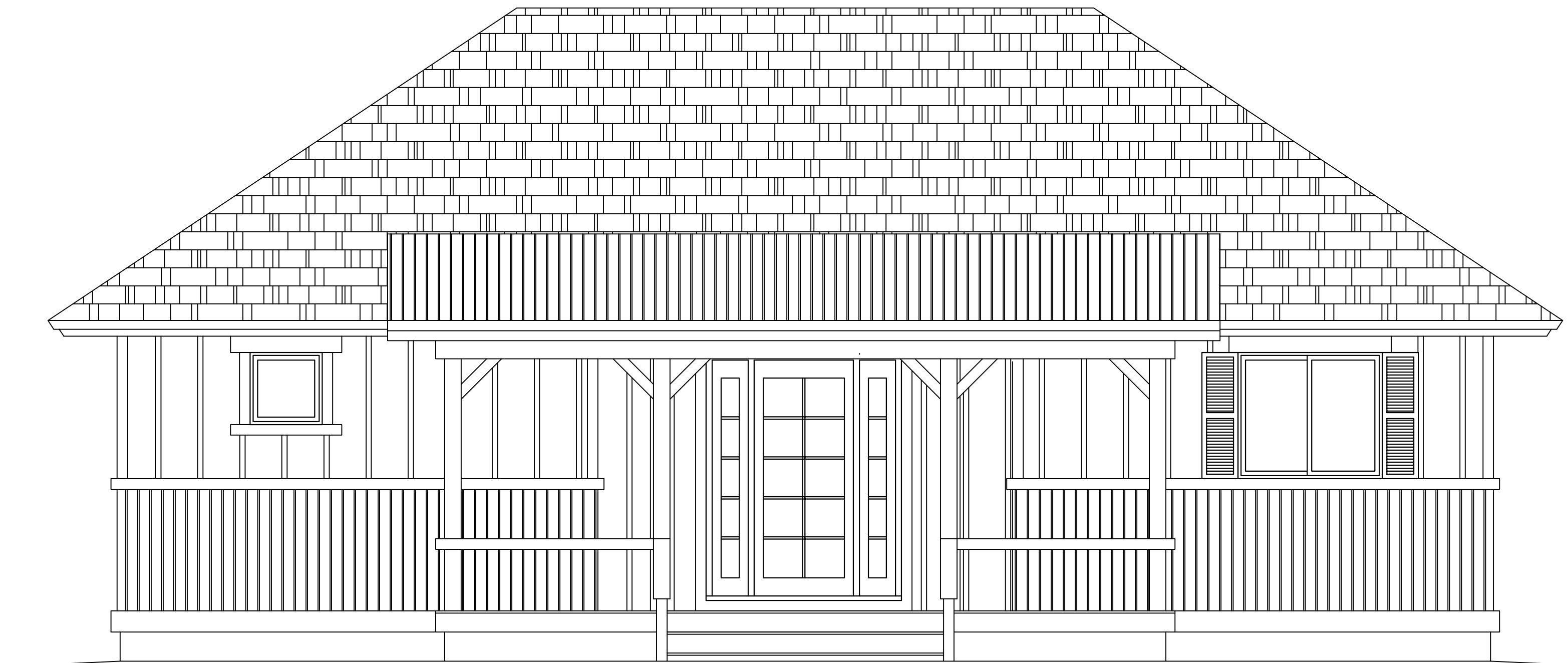
JOB: V.P.C. (A-2)
DATE: 1/23/2018
SCALE: 3/8" = 1'-0"
SHEET:

S-3



PLAN "B-2"
2 Bedroom / 1 Bath
804 sq. ft.

"Vista Park Commons"



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN B-2

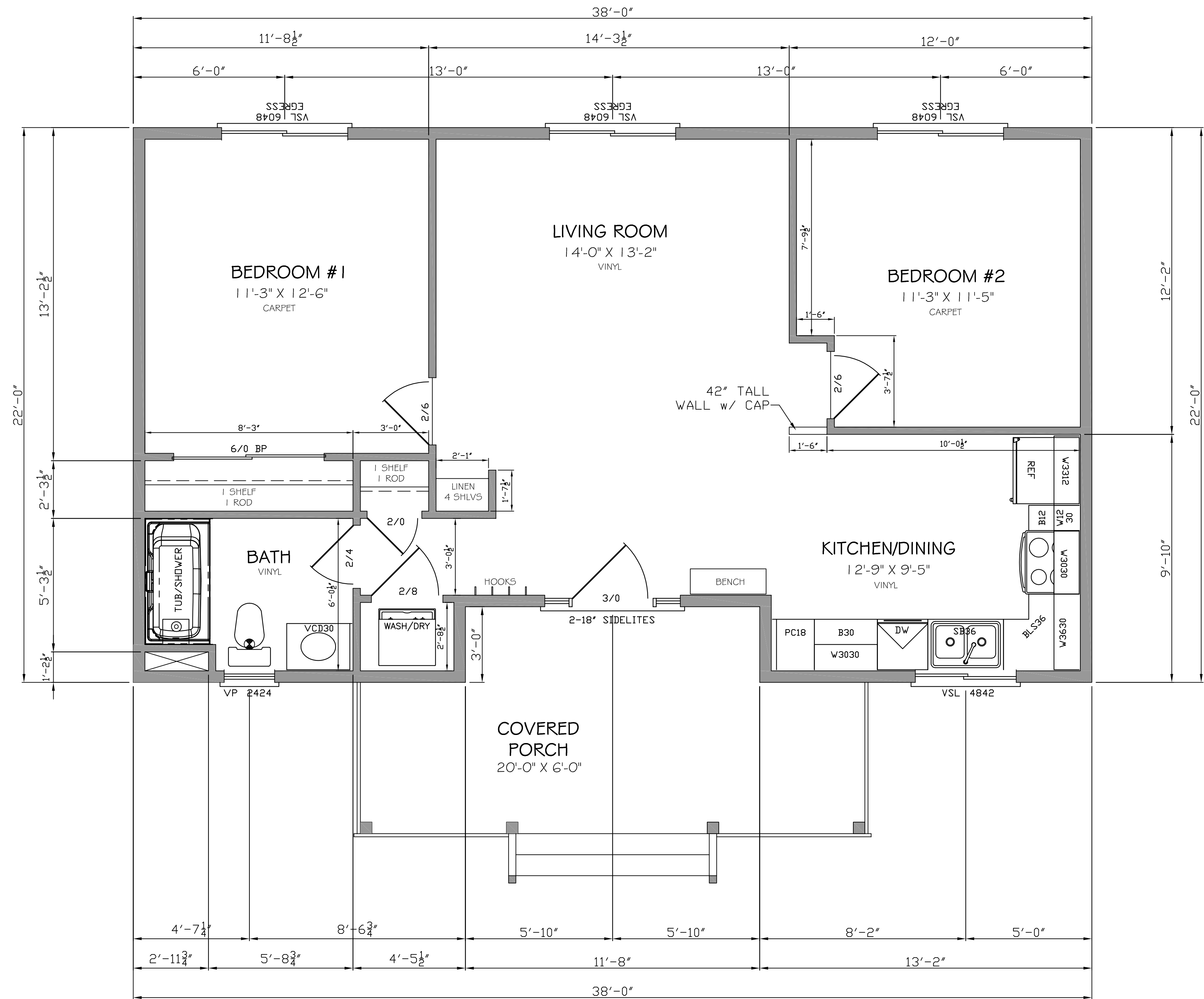
DOUG MACFARLANE
ARCHITECT-LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. (B-2)
DATE: 1/10/2018
SCALE: 3/8"=1'-0"
SHEET:

CP

PROGRESS SET— NOT FOR CONSTRUCTION

PLAN "B-2"



FLOOR PLAN
801 SQ. FT.

GENERAL NOTES:

- EXTERIOR WALLS: 2x6 @ 24" O.C. - LINE UP WITH TRUSSES
- INTERIOR WALLS: 2x4 @ 24" O.C.
- VINYL WINDOWS
- TRUSSES: 1 2 1/2" @ HEEL, R-49 BLOWN-IN FIBERGLASS INSULATION
- FURNACE & WATER HEATER IN ATTIC
- ROOF VENTING: CONT. SOFFIT VENTS & RIDGE VENTS
- CRAWLSPACE VENTS: 8"x16" w/ METAL GRILLS
- WATERPROOFING @ STEM WALLS: ROLL ON BLACK DAMP-PROOFING

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN B-2

DOUG MACFARLANE
ARCHITECT-LLC

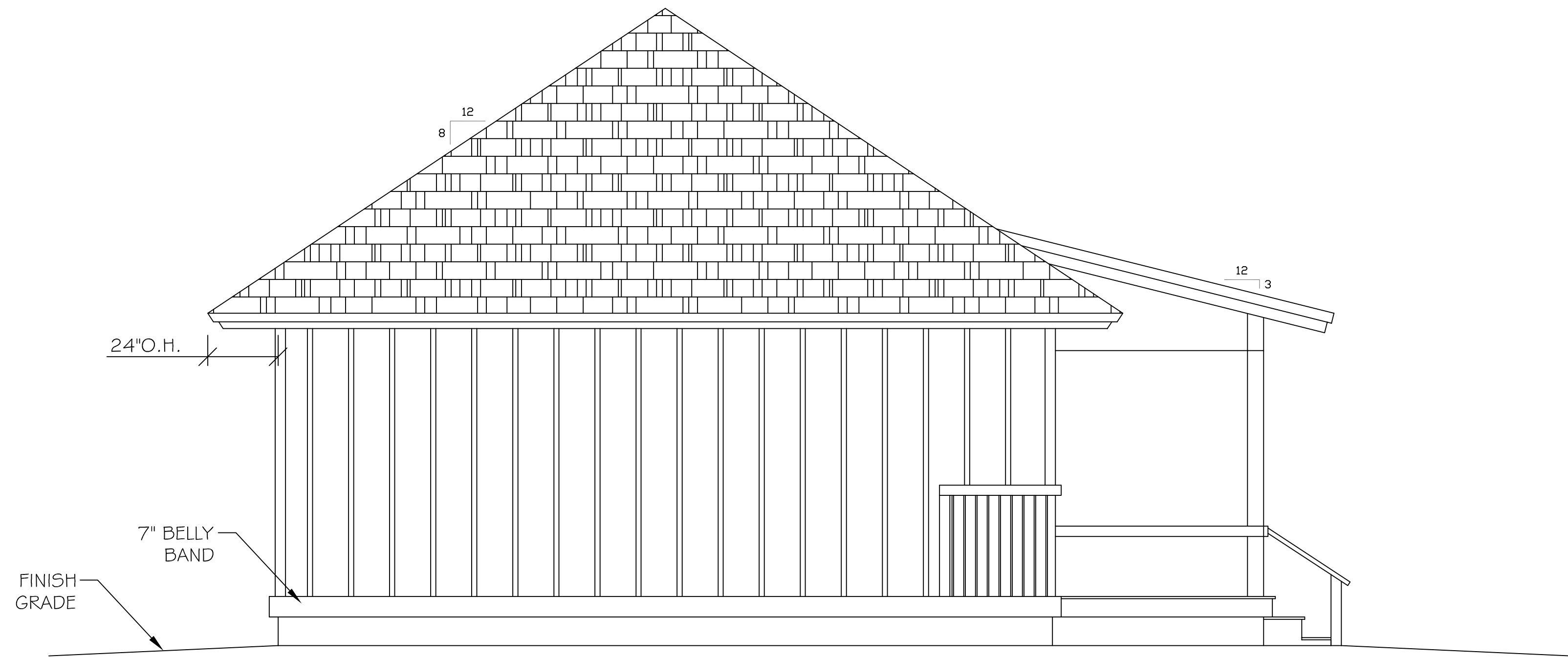


653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. - (B-2)
DATE: 1/10/2018
SCALE: 3/8"=1'-0"
SHEET:

A-1

PROGRESS SET- NOT FOR CONSTRUCTION



LEFT ELEVATION



FRONT ELEVATION

NOTE:
2.68 SQ. FT. OF
NET FREE ATTIC
VENT

FLASHING OVER
WINDOWS AND
DOORS TYP.

TOP OF WALL—109'-9 3/8"
STD HDR HIEGHT—108'-6 3/4"

FINISH FLOOR—101'-8 1/4"
TOP OF FOUNDATION—100'-10"
GROUND —100'-0"

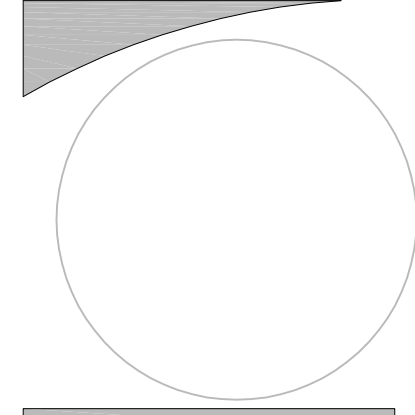
SHEATHING, FLASHING,
15# FELT, WATERPROOF
UNDERLAYMENT, LAMINATE
SHINGLES, TYPICAL

RUSTY METAL
ROOFING

STEPPED
FASCIA

BOARD & BATT
SIDING

METAL
WAINSCOTTING



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

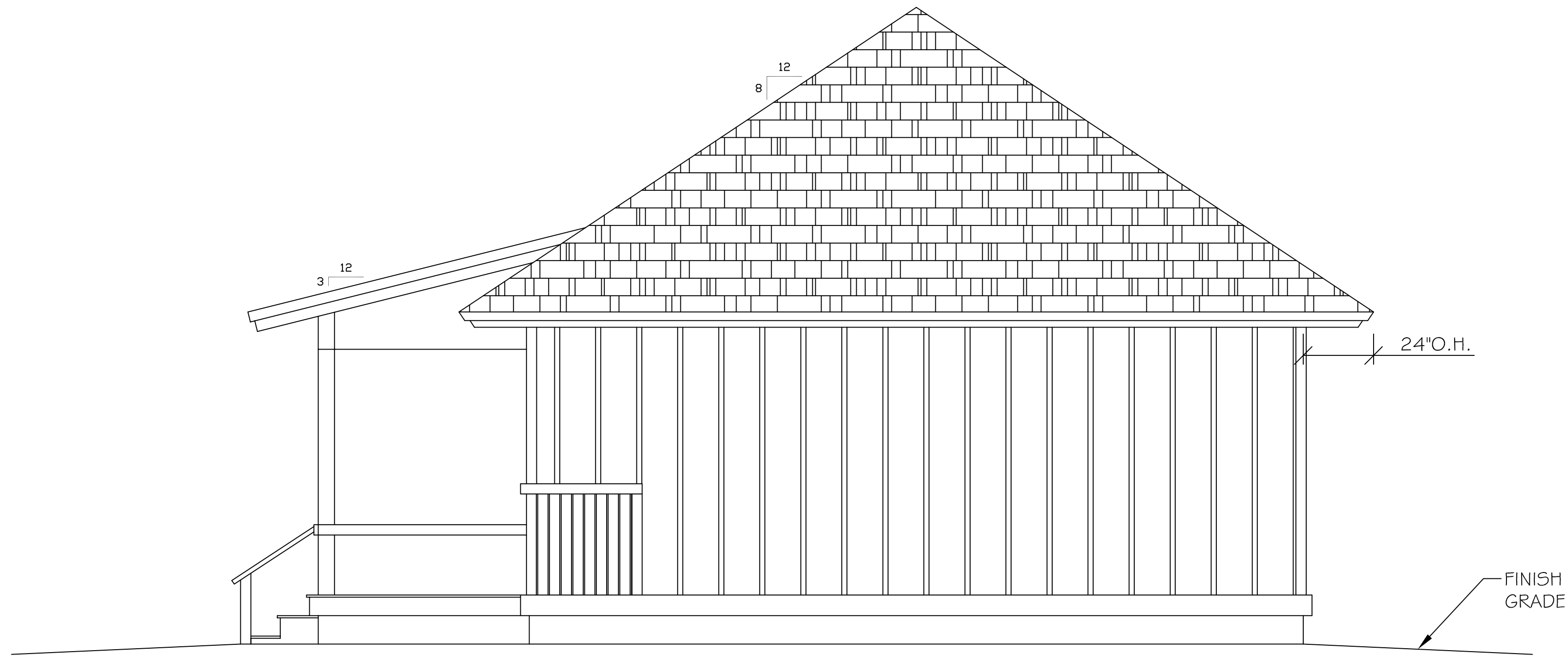
PLAN B-2

DOUG MACFARLANE
ARCHITECT-LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

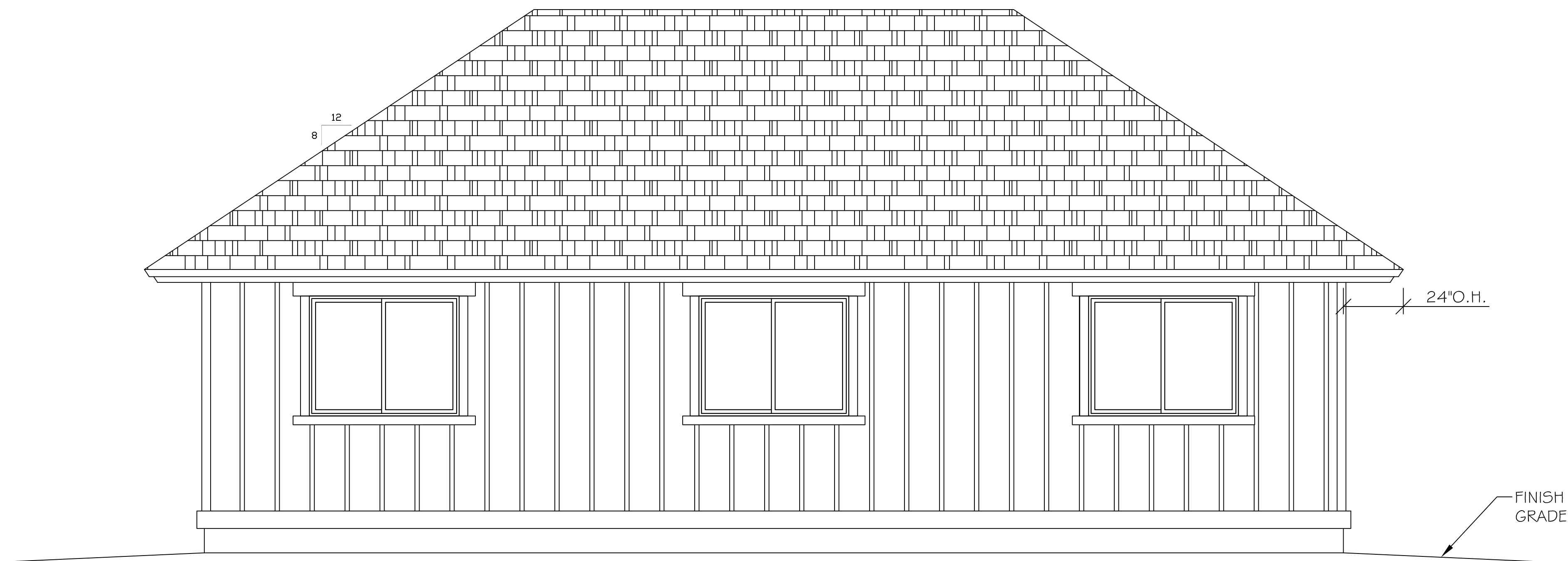
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DATE: 1/10/2018
SCALE: 3/8"=1'-0"
SHEET:

A-2

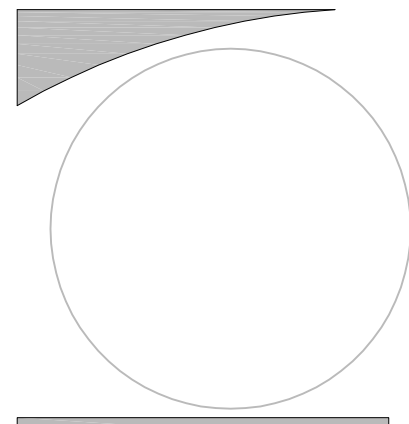
PROGRESS SET— NOT FOR CONSTRUCTION



RIGHT ELEVATION



REAR ELEVATION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

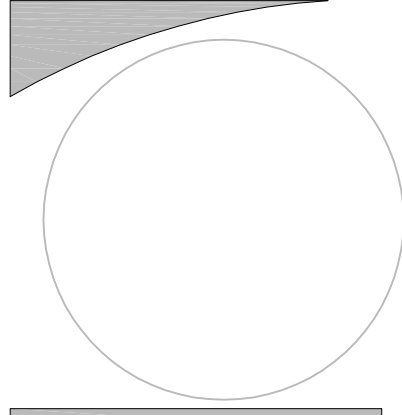
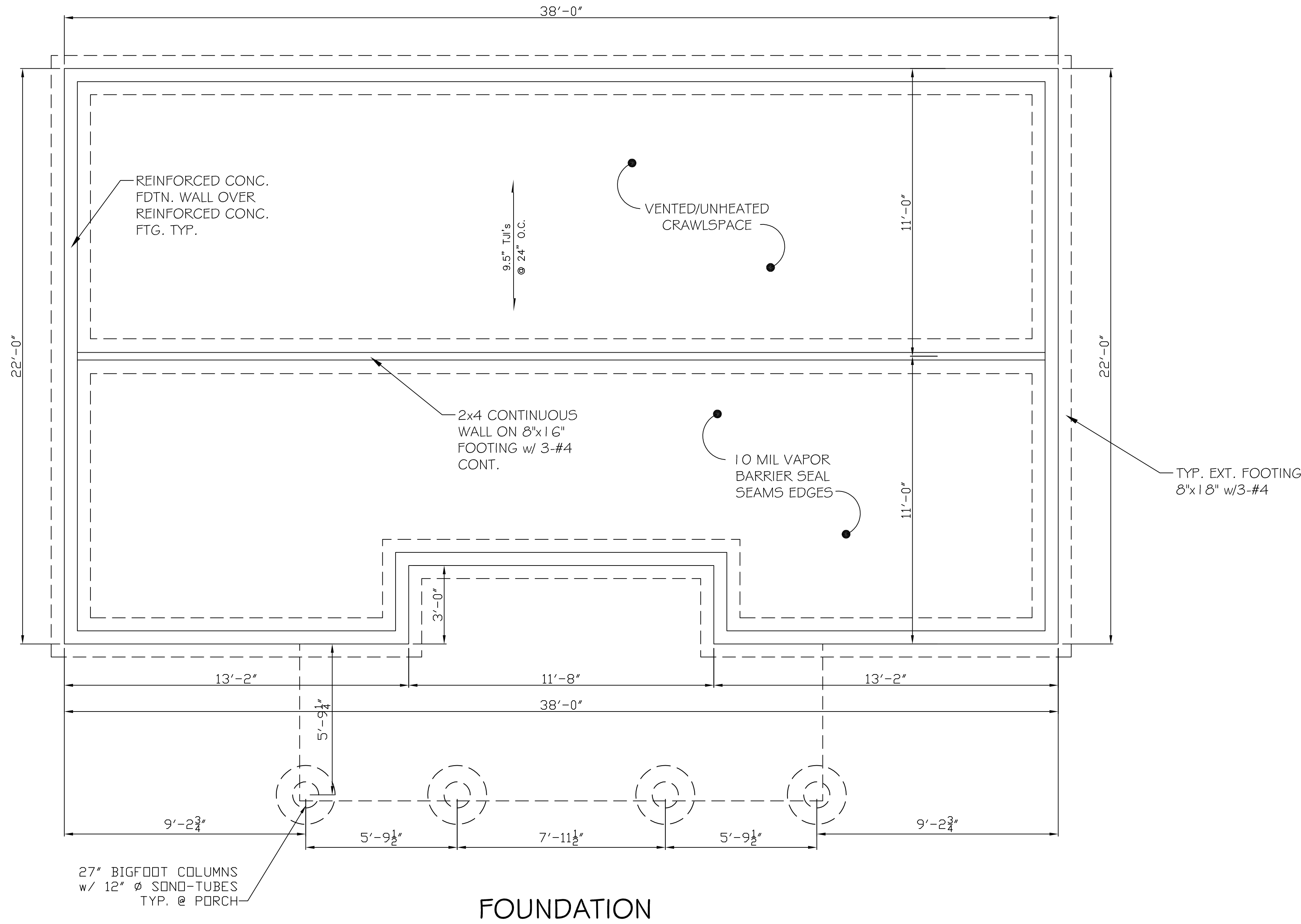
PLAN B-2

DOUG MACFARLANE
ARCHITECT-LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. (B-2)
DATE: 1/10/2018
SCALE: 3/8"=1'-0"
SHEET:

A-3

PROGRESS SET— NOT FOR CONSTRUCTION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN B-2

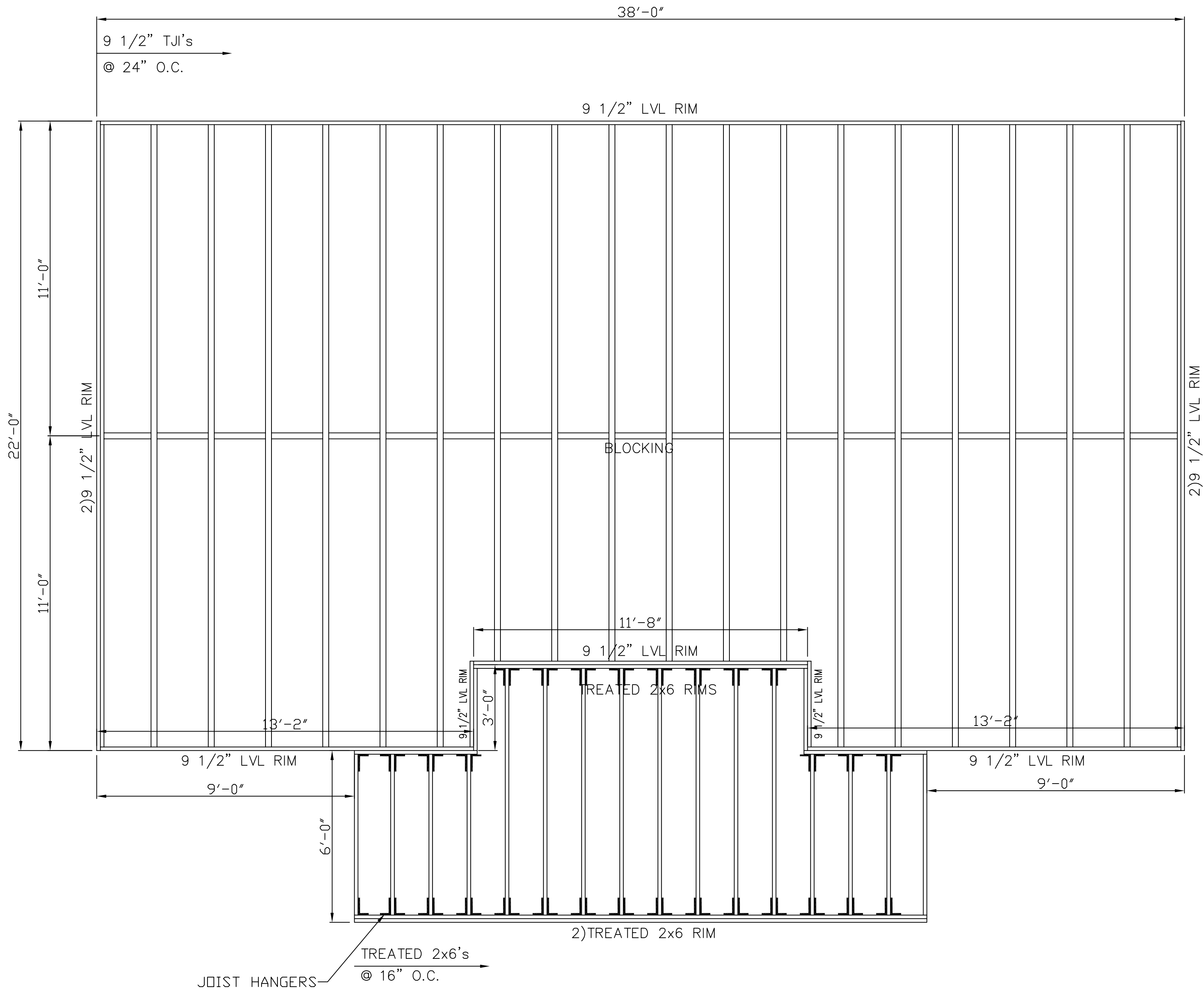
DOUG MACFARLANE
ARCHITECT-LLC



653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. (B-2)
DATE: 1/23/2018
SCALE: 3/8"=1'-0"
SHEET:

S-1



FLOOR FRAMING

PROGRESS SET— NOT FOR CONSTRUCTION

DOUG MACFARLANE
ARCHITECT- LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970).626-3308

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

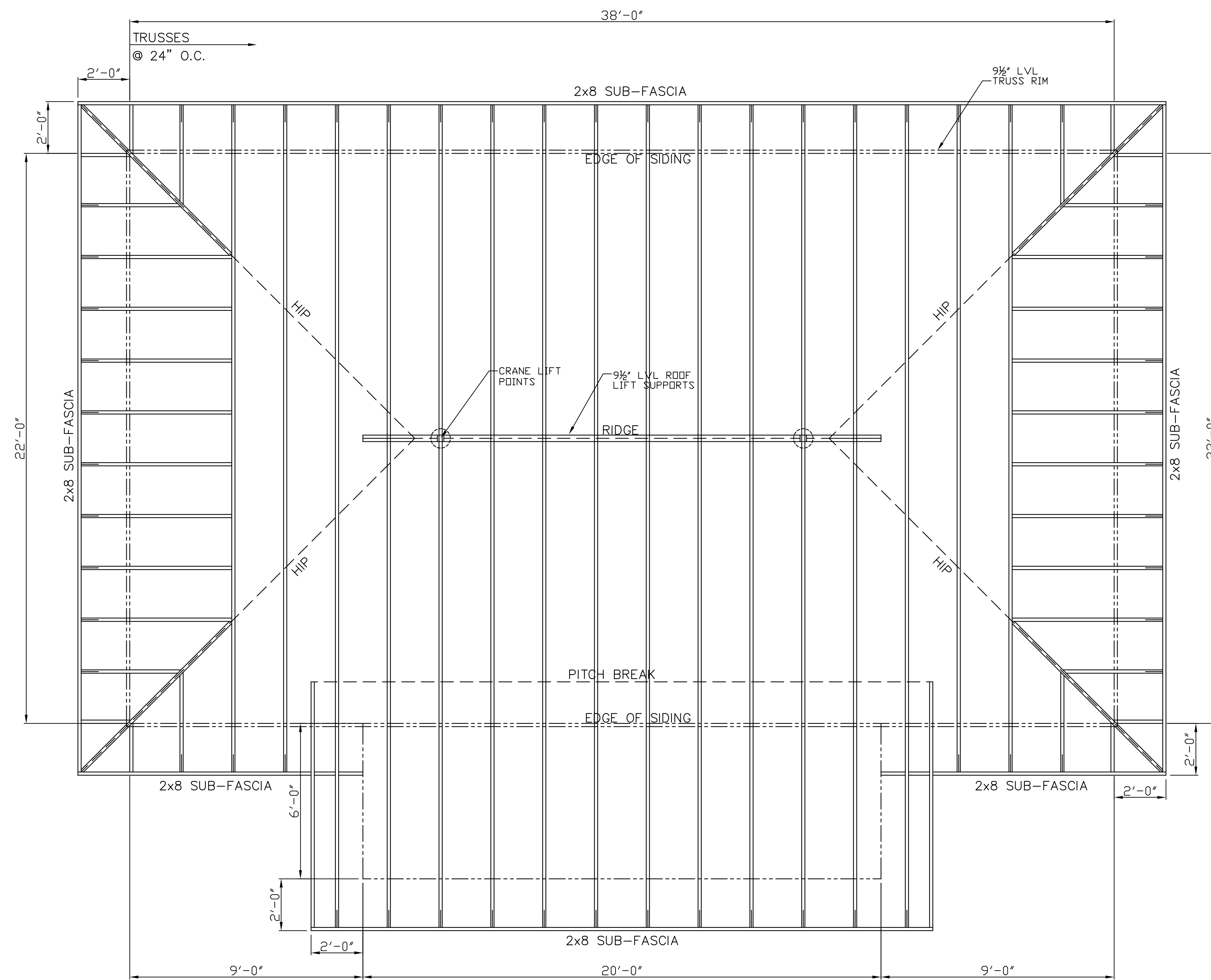
PLAN B-2



REVISIONS
PRELIM PLAT:

JOB: V.P.C. (B-2)
DATE: 1/23/2018
SCALE: 3/8"=1'-0"
SHEET:

S-2



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

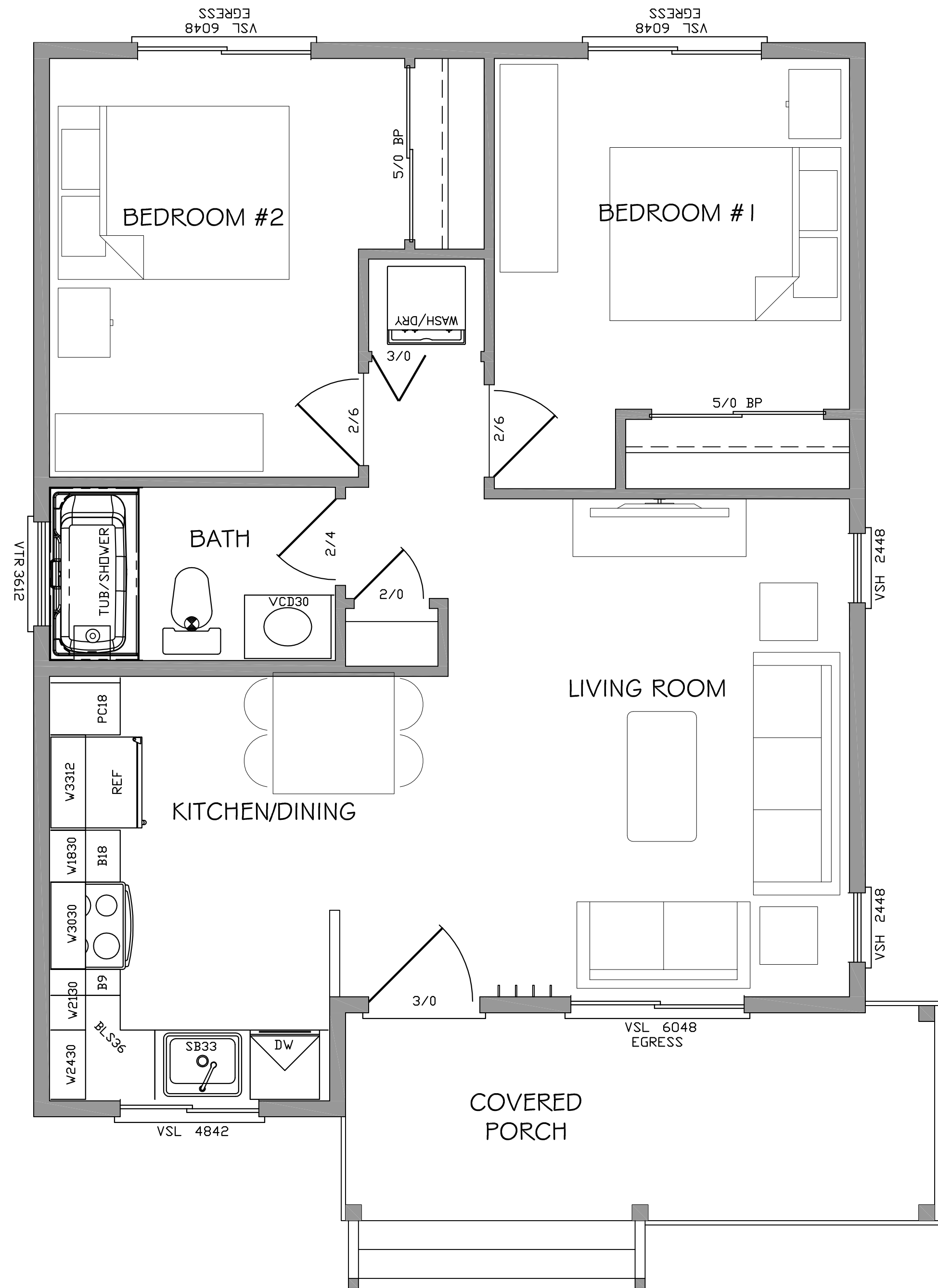
PLAN B-2

DOUG MACFARLANE
ARCHITECT- LLC

653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

JOB: V.P.C. (B-2)
DATE: 1/23/2018
SCALE: 3/8" = 1'-0"
SHEET:

S-3



PLAN "C-2"
2 Bedroom / 1 Bath
699 sq. ft.

"Vista Park Commons"



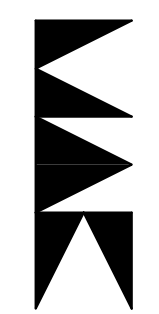
PROGRESS SET— NOT FOR CONSTRUCTION

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN C-2

DOUG MACFARLANE
ARCHITECT- LLC



653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

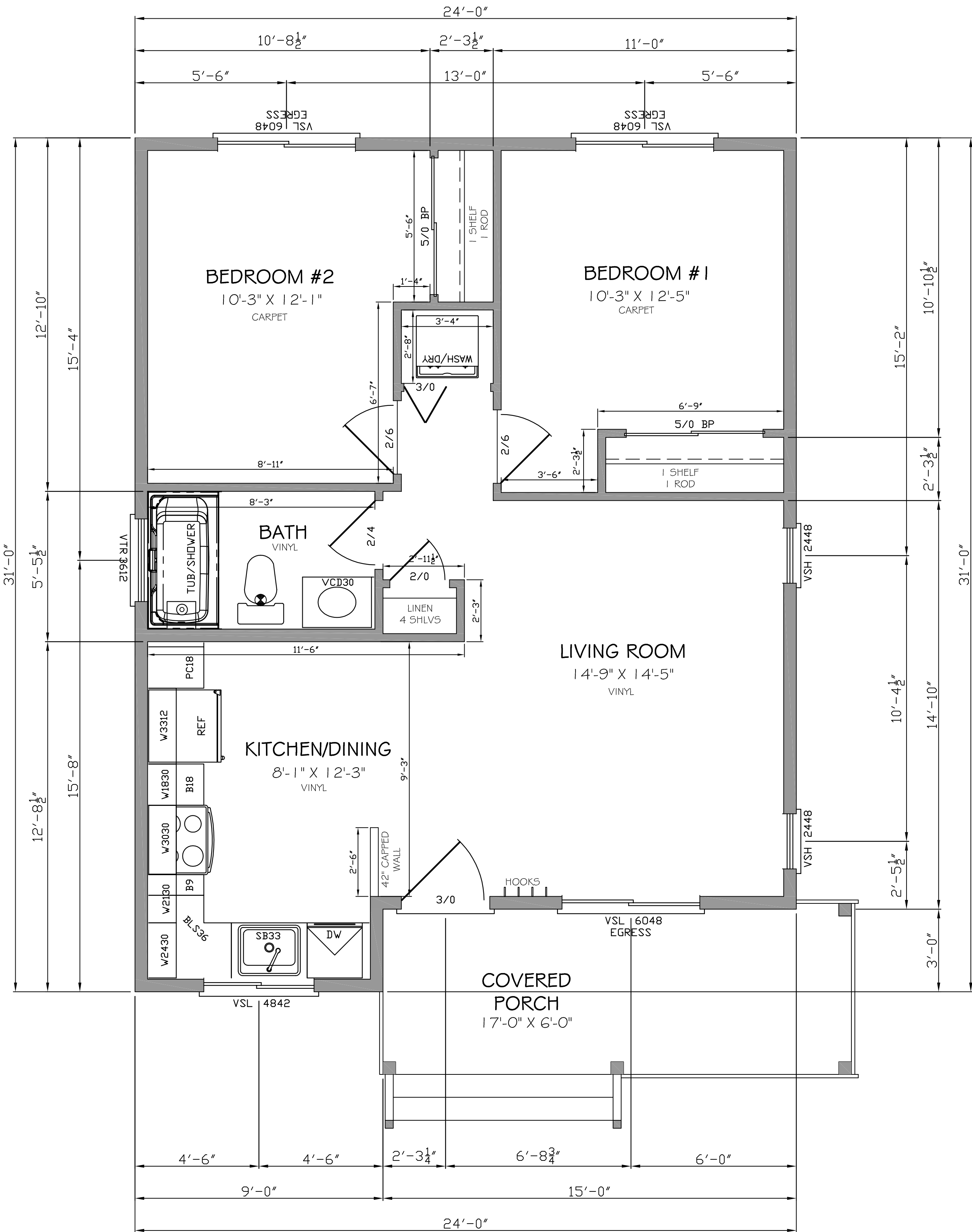
JOB: V.P.C. (C-2)
DATE: 1/11/2018
SCALE: 3/8"=1'-0"
SHEET:

CP

PLAN "C-2"

GENERAL NOTES:

- EXTERIOR WALLS: 2x6 @ 24" O.C. - LINE UP WITH TRUSSES
- INTERIOR WALLS: 2x4 @ 24" O.C.
- VINYL WINDOWS
- TRUSSES: 1 2½" @ HEEL, R-49 BLOWN-IN FIBERGLASS INSULATION
- FURNACE & WATER HEATER IN ATTIC
- ROOF VENTING: CONT. SOFFIT VENTS & RIDGE VENTS
- CRAWLSPACE VENTS: 8"x16" w/ METAL GRILLS
- WATERPROOFING @ STEM WALLS: ROLL ON BLACK DAMP-PROOFING



FLOOR PLAN

699 SQ. FT.

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN C-2

DOUG MACFARLANE
ARCHITECT-LLC

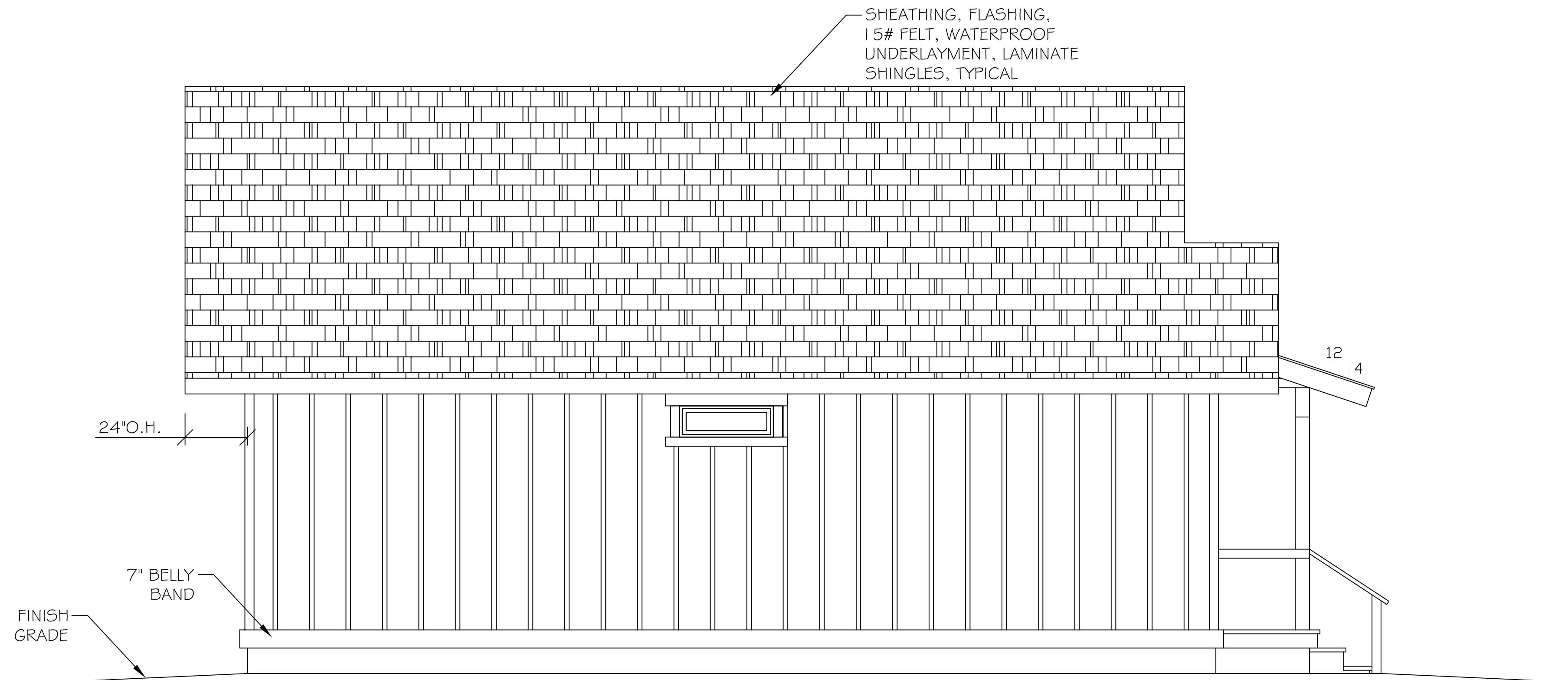


653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

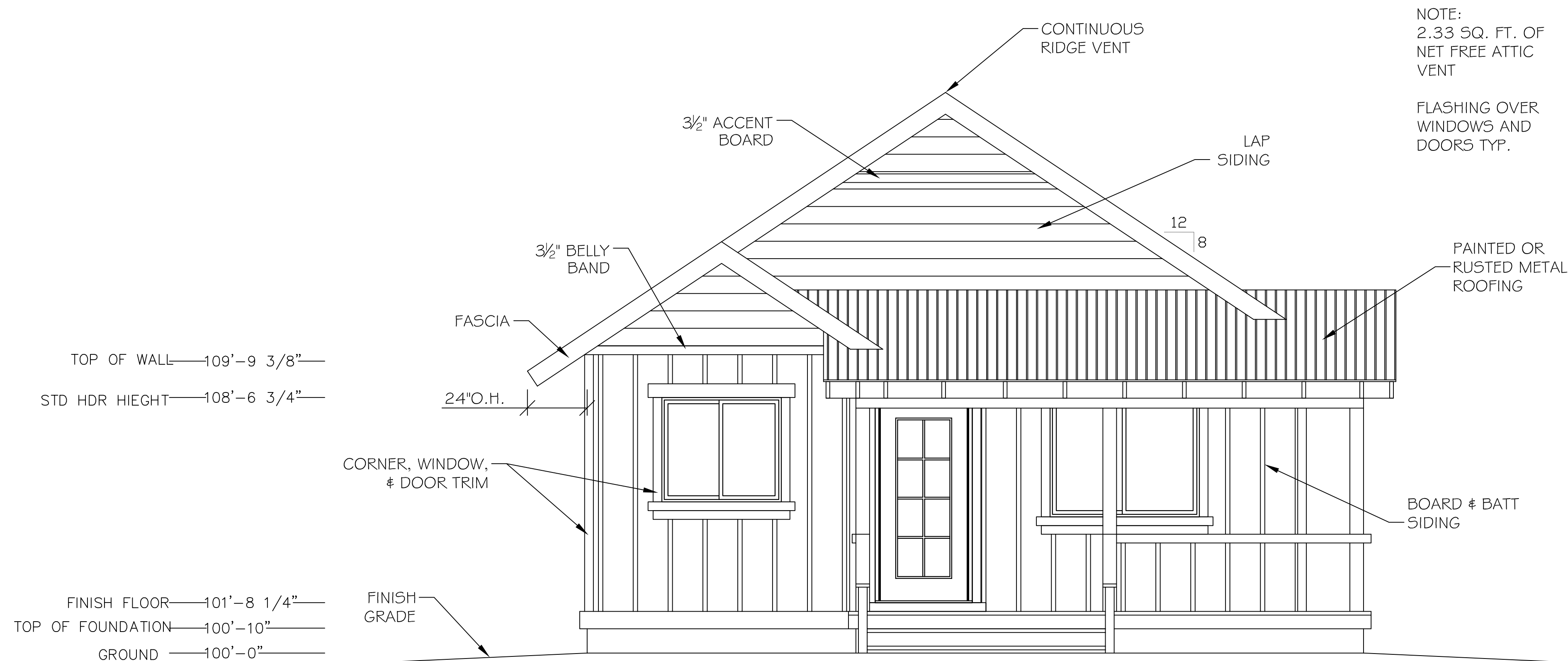
JOB: V.P.C. (C-2)
DATE: 1/11/2018
SCALE: 3/8"=1'-0"
SHEET:

A-1

PROGRESS SET- NOT FOR CONSTRUCTION



LEFT ELEVATION



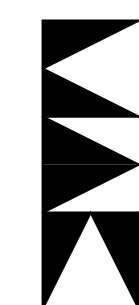
FRONT ELEVATION

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN C-2

DOUG MACFARLANE
ARCHITECT-LLC

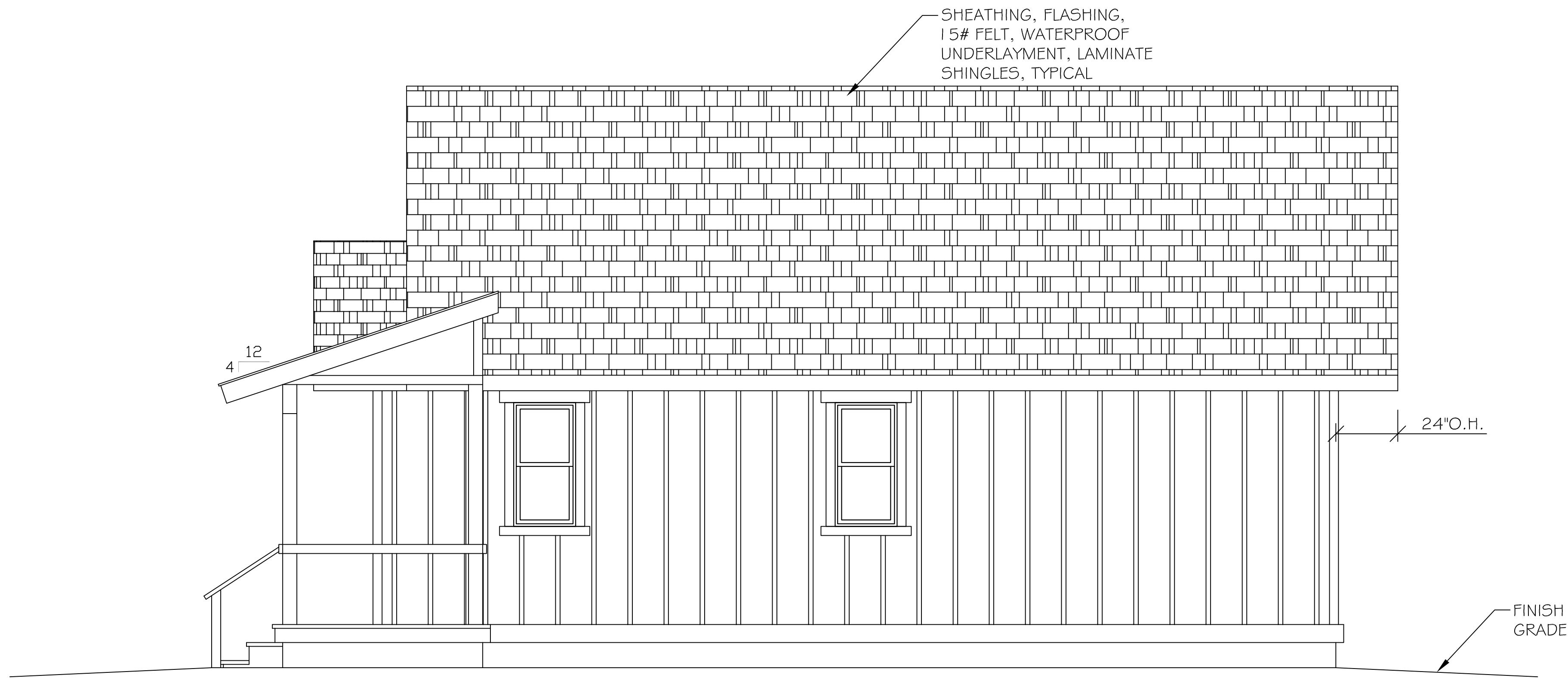


653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

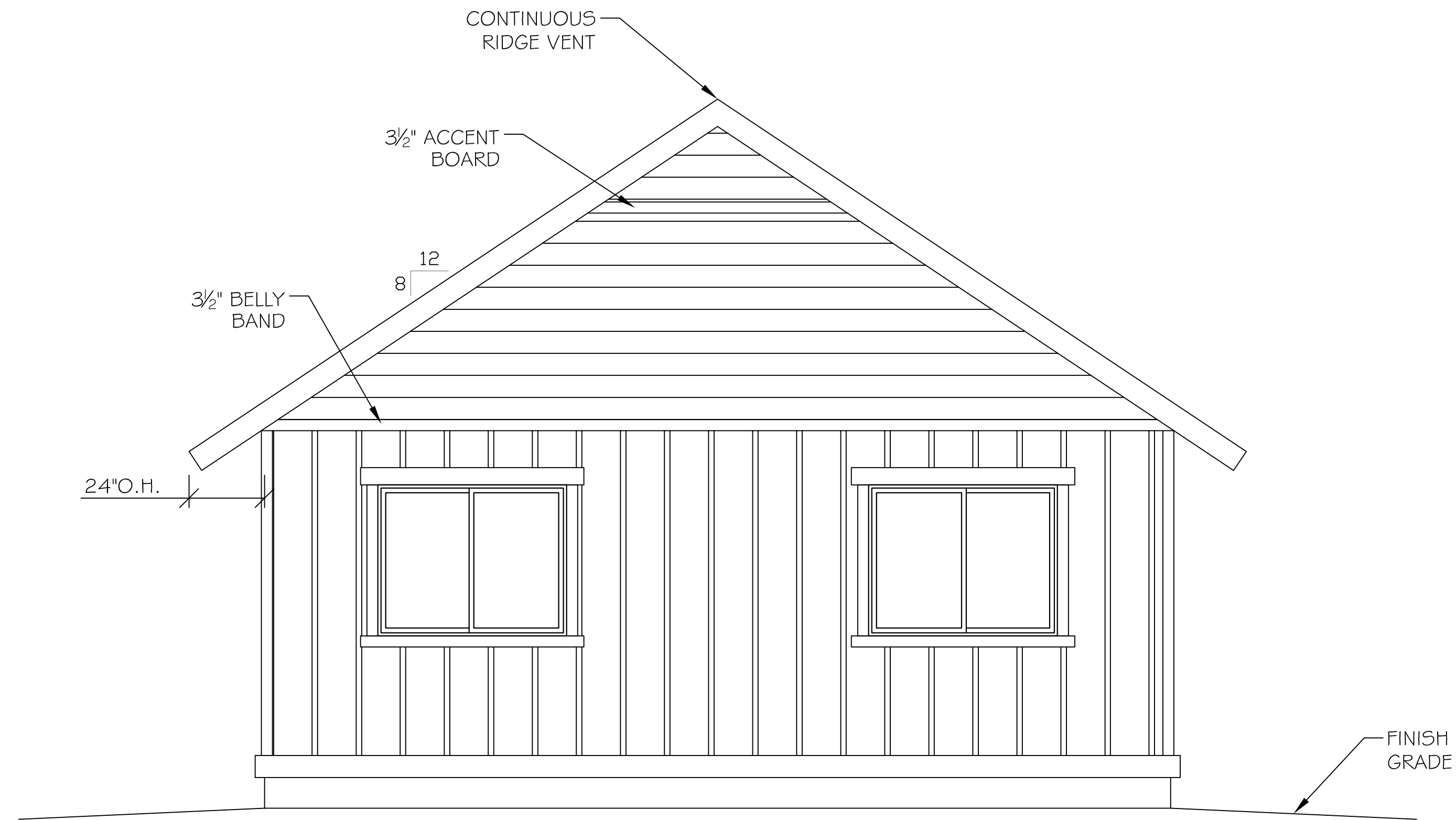
JOB: V.P.C. (C-2)
DATE: 1/11/2018
SCALE: 3/8"=1'-0"
SHEET:

A-2

PROGRESS SET- NOT FOR CONSTRUCTION



RIGHT ELEVATION



REAR ELEVATION

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN C-2

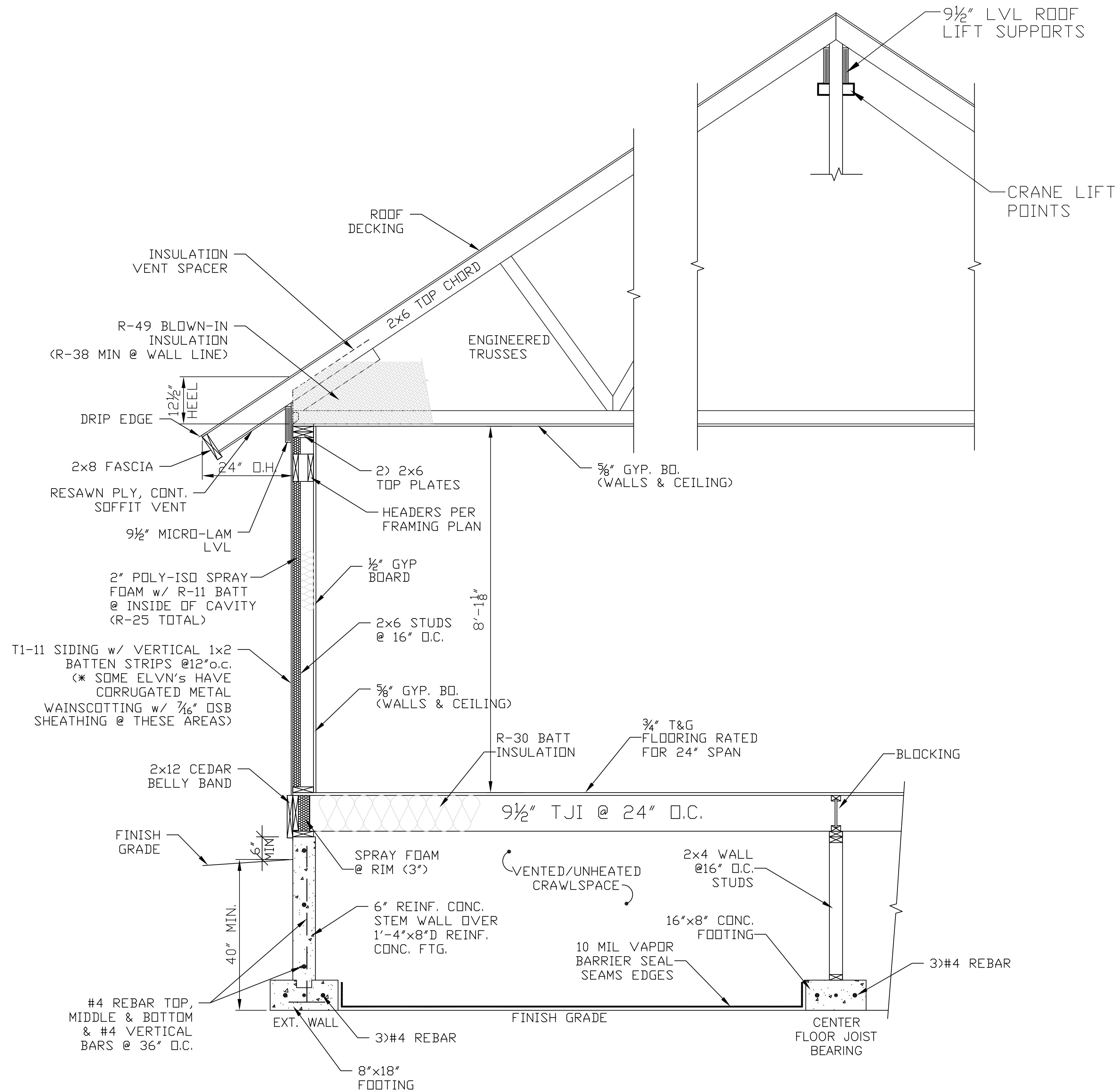
DOUG MACFARLANE
ARCHITECT-LLC



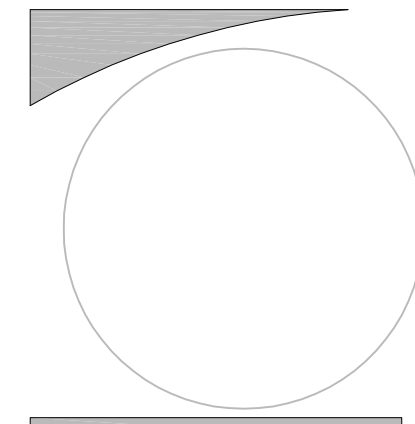
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. (C-2)
DATE: 1/11/2018
SCALE: 3/8"=1'-0"
SHEET:

A-3



1 CROSS SECTION
SCALE: 3/4"=1'-0" CRAWLSPACE



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN C-2

DOUG MACFARLANE
ARCHITECT-LLC

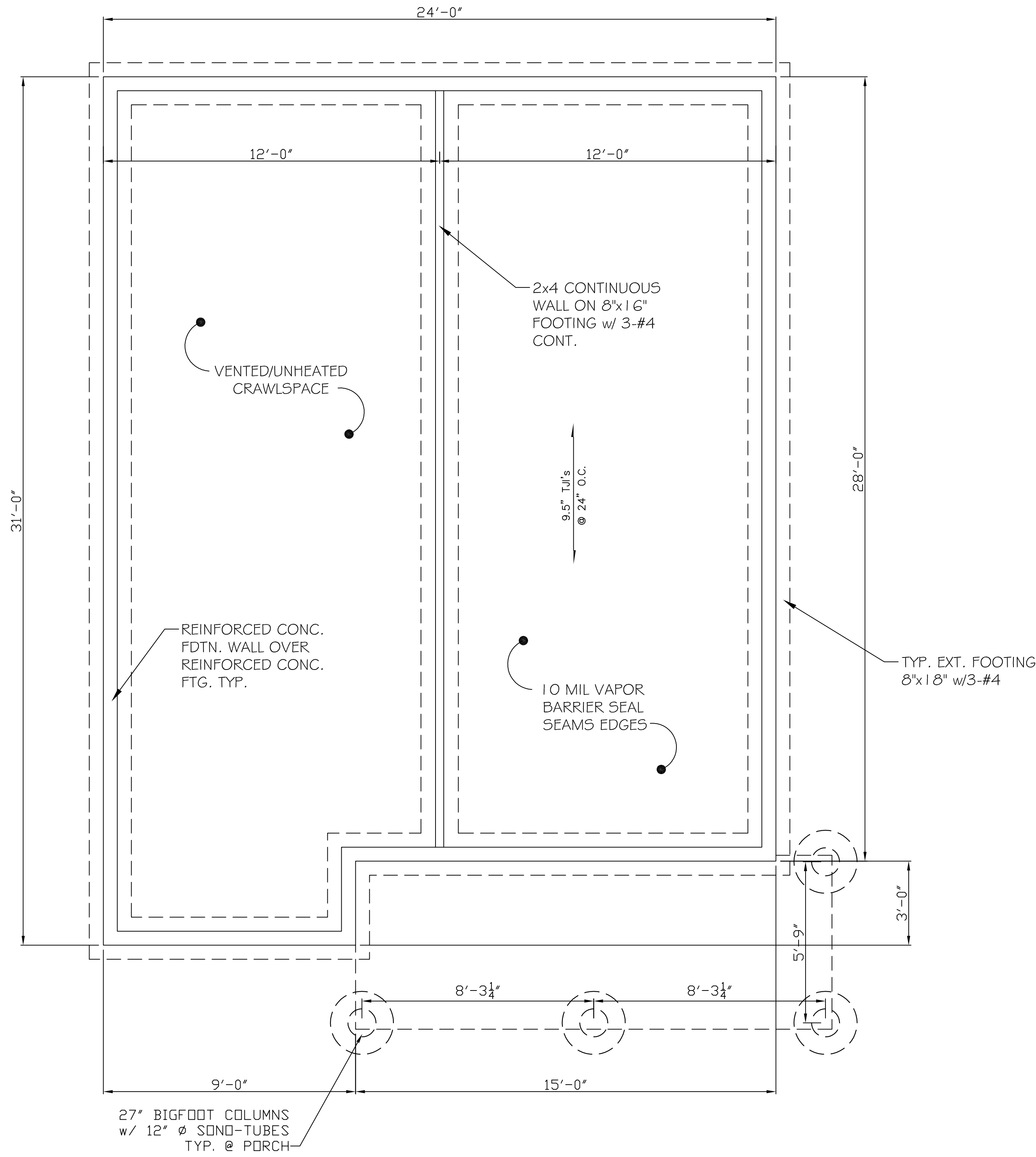


653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

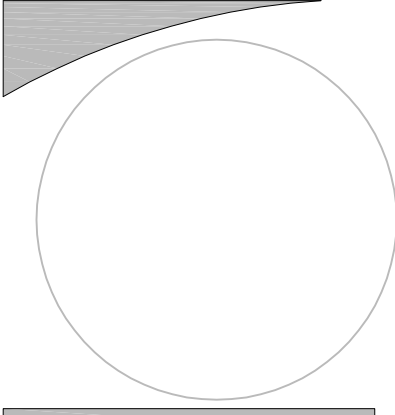
JOB: V.P.C. (C-2)
DATE: 1/23/2018
SCALE: 3/4"=1'-0"
SHEET:

A-4

PROGRESS SET- NOT FOR CONSTRUCTION



FOUNDATION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

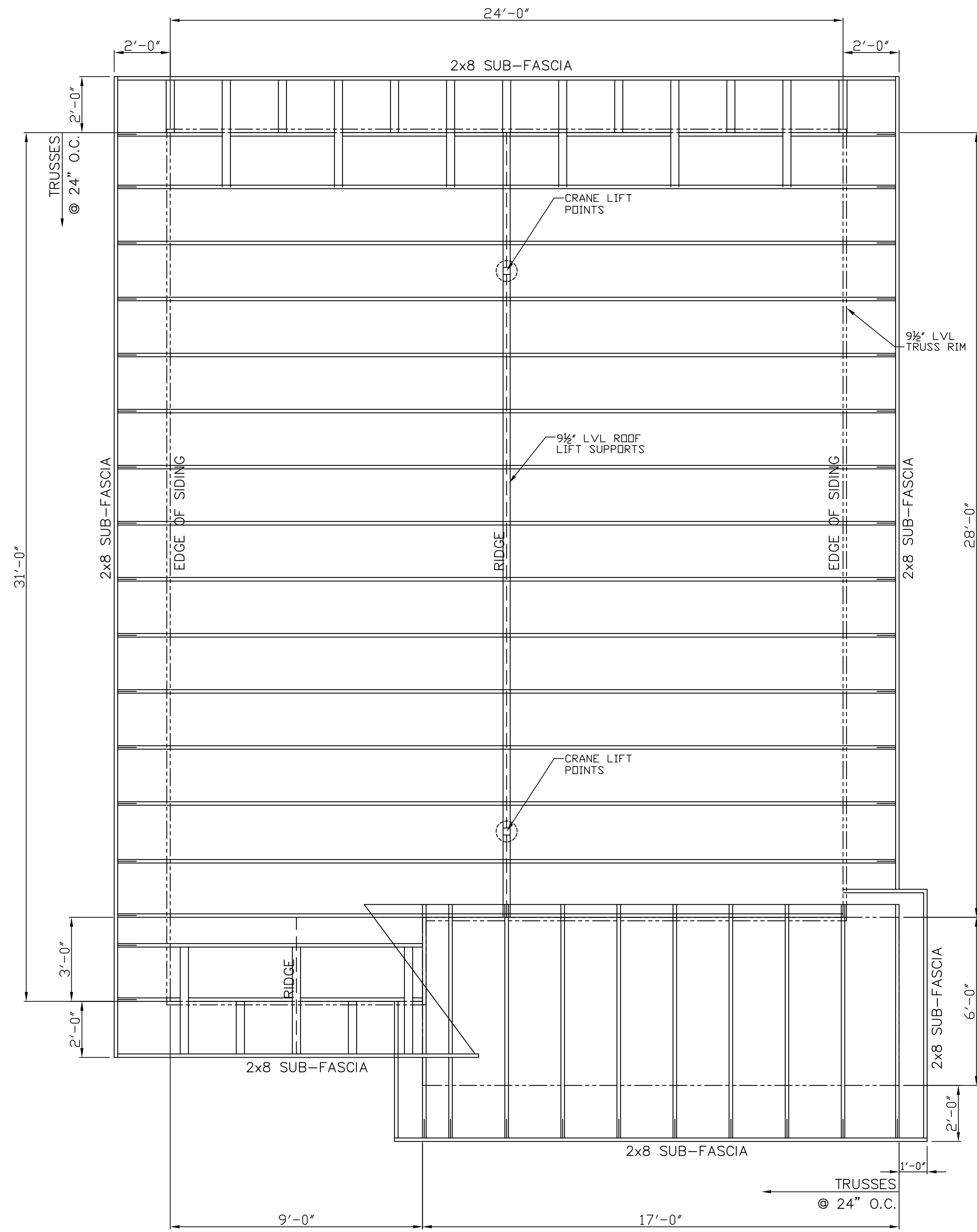
PLAN C-2

DOUG MACFARLANE
ARCHITECT-LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. (C-2)
DATE: 1/23/2018
SCALE: 3/4"=1'-0"
SHEET:

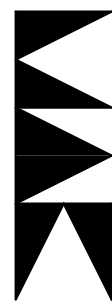
S-1





ROOF FRAMING

PROGRESS SET— NOT FOR CONSTRUCTION



DOUG MACFARLANE
ARCHITECT-LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

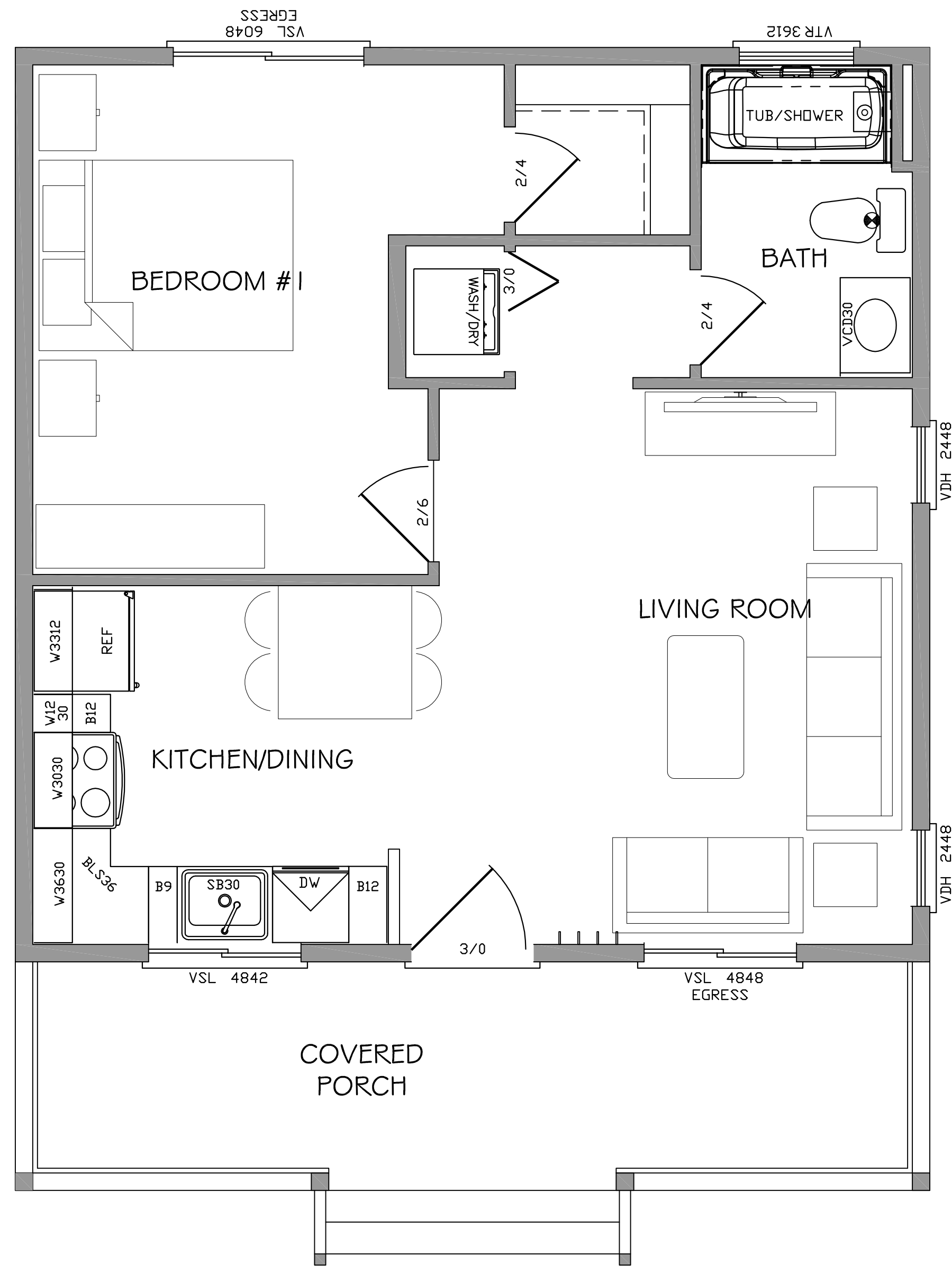
VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN C-2

REVISIONS
PRELIM PLAT:

JOB: V.P.C. (C-2)
DATE: 1/25/2018
SCALE: 3/8"=1'-0"
SHEET:

S-3

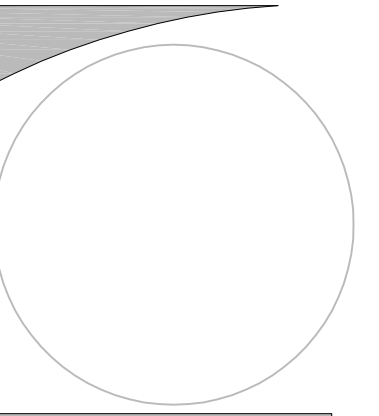


PLAN "D-1"
1 Bedroom / 1 Bath
576 sq. ft.

"Vista Park Commons"



PROGRESS SET— NOT FOR CONSTRUCTION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN D-1

DOUG MACFARLANE
ARCHITECT-LLC



653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

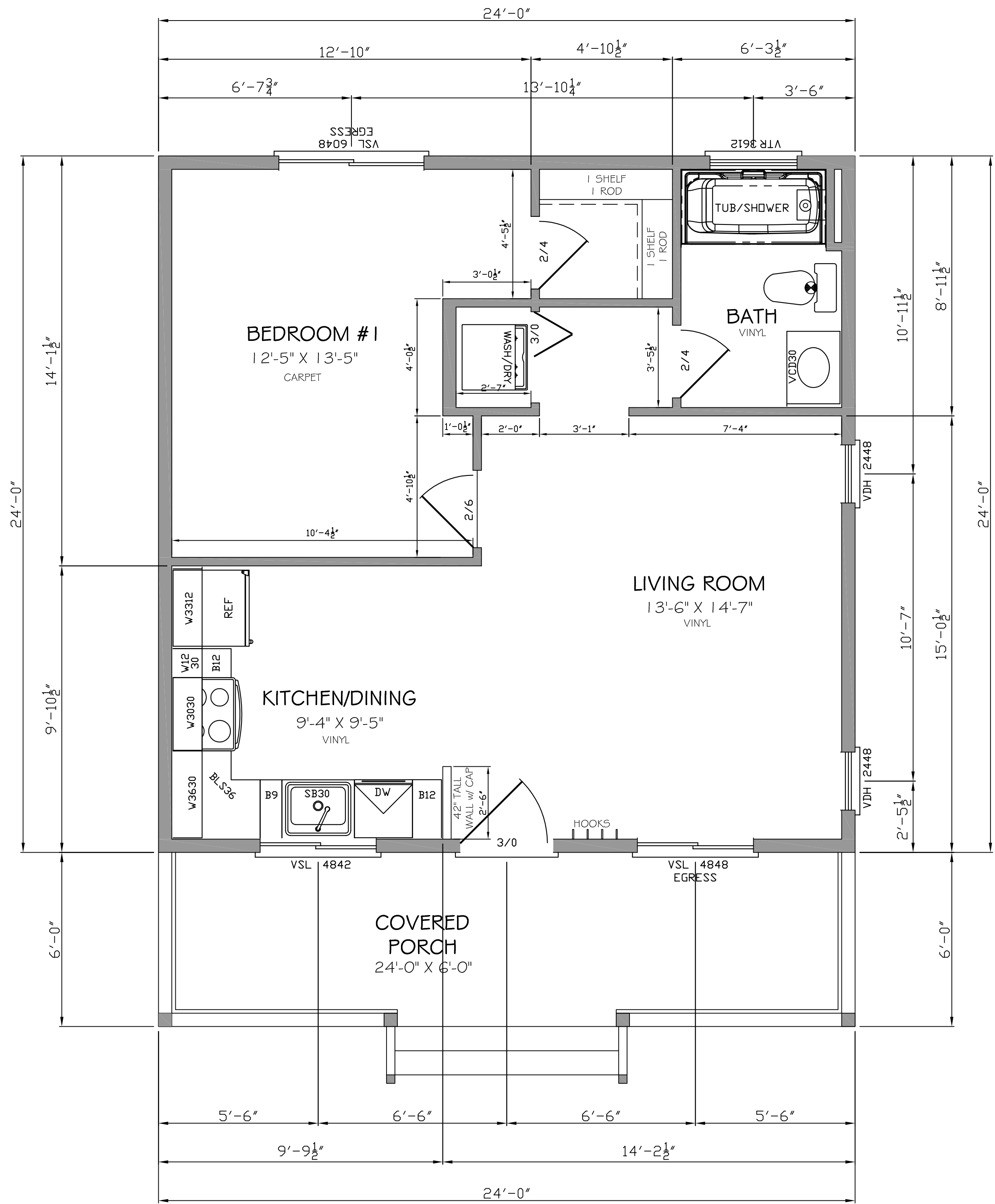
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DATE: 1/17/2018
SCALE: 3/8"=1'-0"
SHEET:

CP

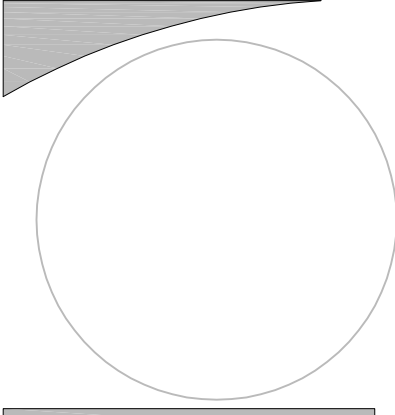
PLAN "D-1"

GENERAL NOTES:

- EXTERIOR WALLS: 2x6 @ 24" O.C. - LINE UP WITH TRUSSES
- INTERIOR WALLS: 2x4 @ 24" O.C.
- VINYL WINDOWS
- TRUSSES: 1 2½" @ HEEL, R-49 BLOWN-IN FIBERGLASS INSULATION
- FURNACE & WATER HEATER IN ATTIC
- ROOF VENTING: CONT. SOFFIT VENTS & RIDGE VENTS
- CRAWLSPACE VENTS: 8"x16" w/ METAL GRILLS
- WATERPROOFING @ STEM WALLS: ROLL ON BLACK DAMP-PROOFING



FLOOR PLAN
576 SQ. FT.



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN D-1

DOUG MACFARLANE
ARCHITECT-LLC

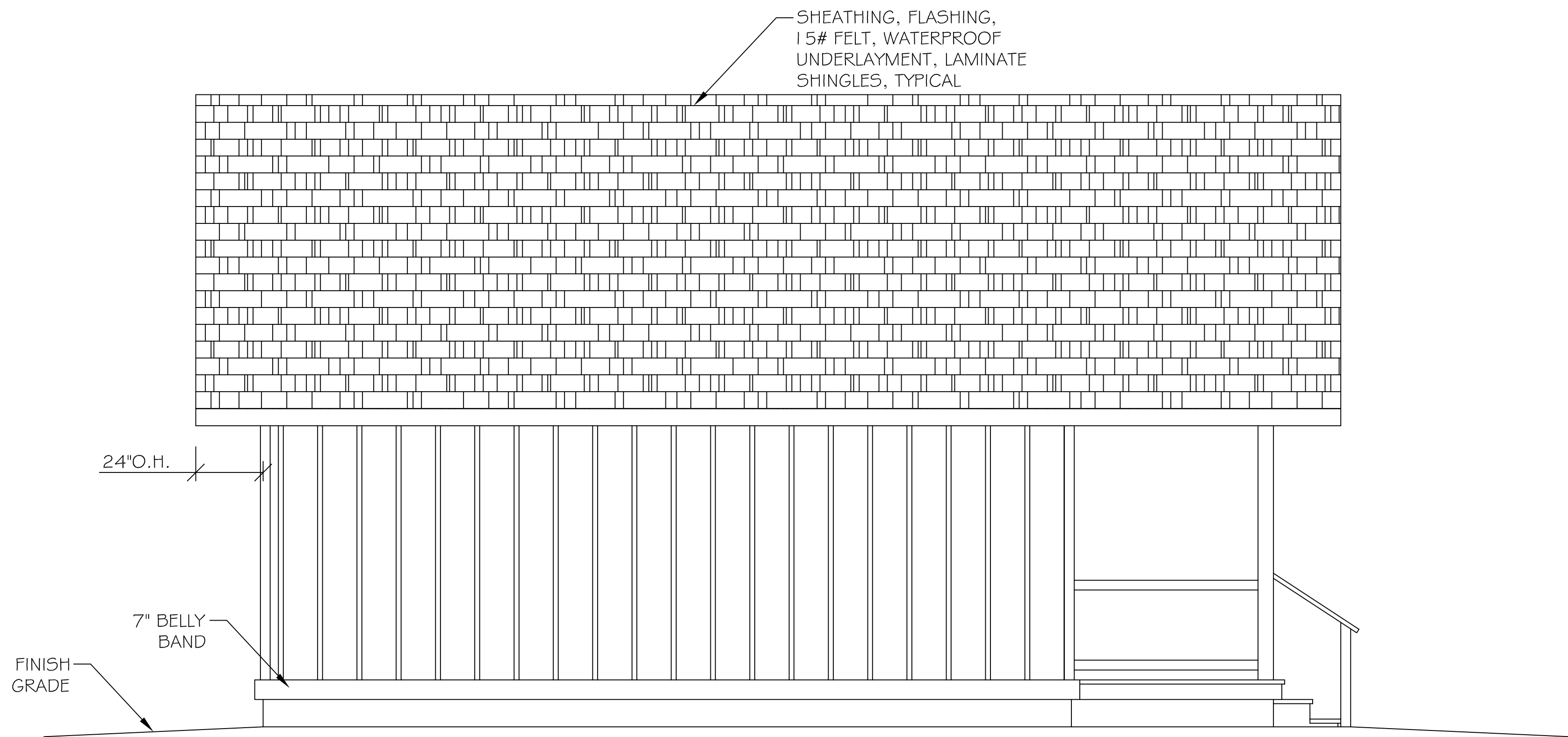


653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

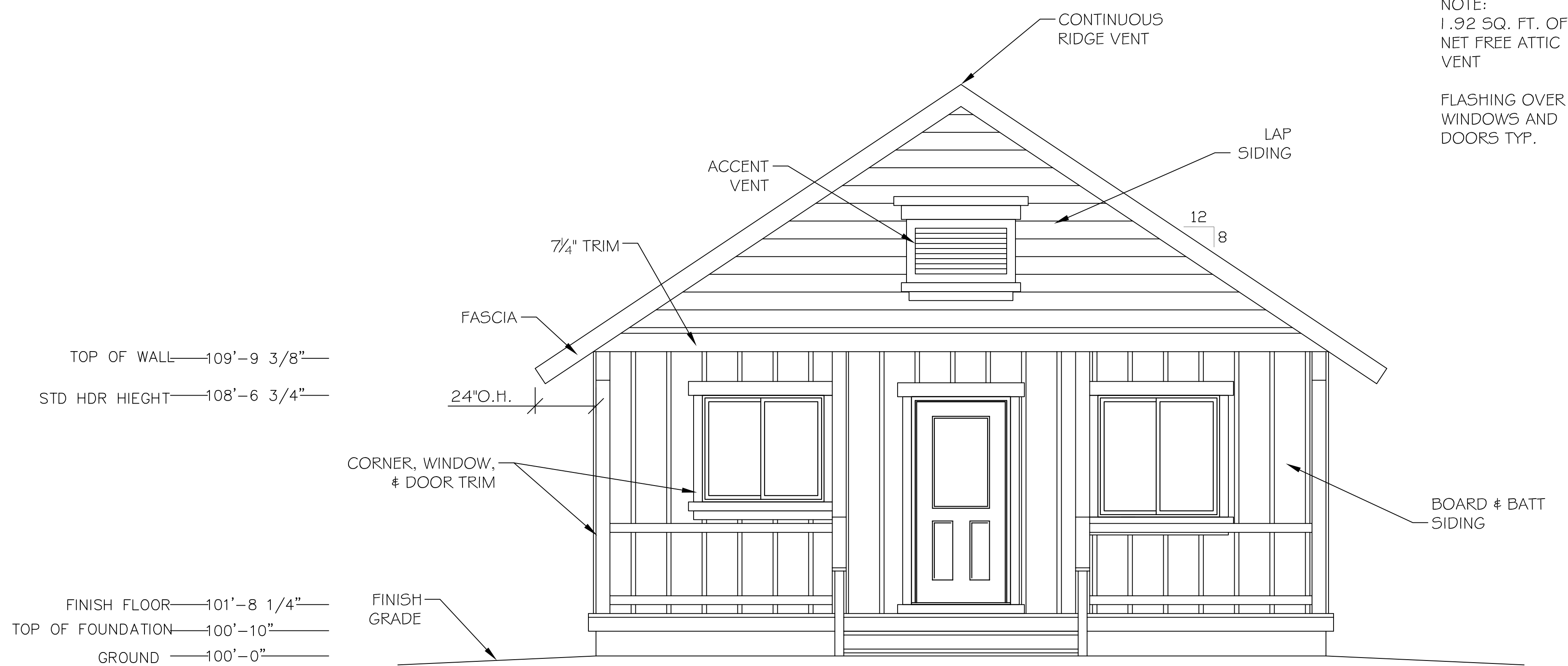
JOB: V.P.C. (D-1)
DATE: 1/17/2018
SCALE: 3/8"=1'-0"
SHEET:

A-1

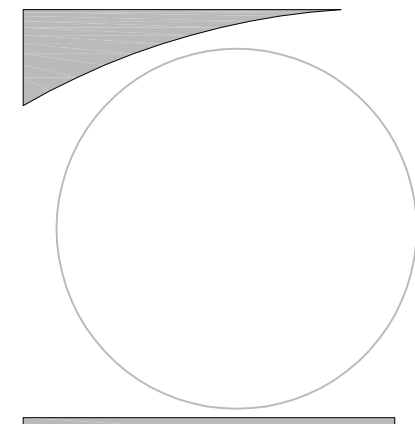
PROGRESS SET- NOT FOR CONSTRUCTION



LEFT ELEVATION



FRONT ELEVATION

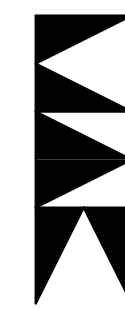


REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN D-1

DOUG MACFARLANE
ARCHITECT-LLC

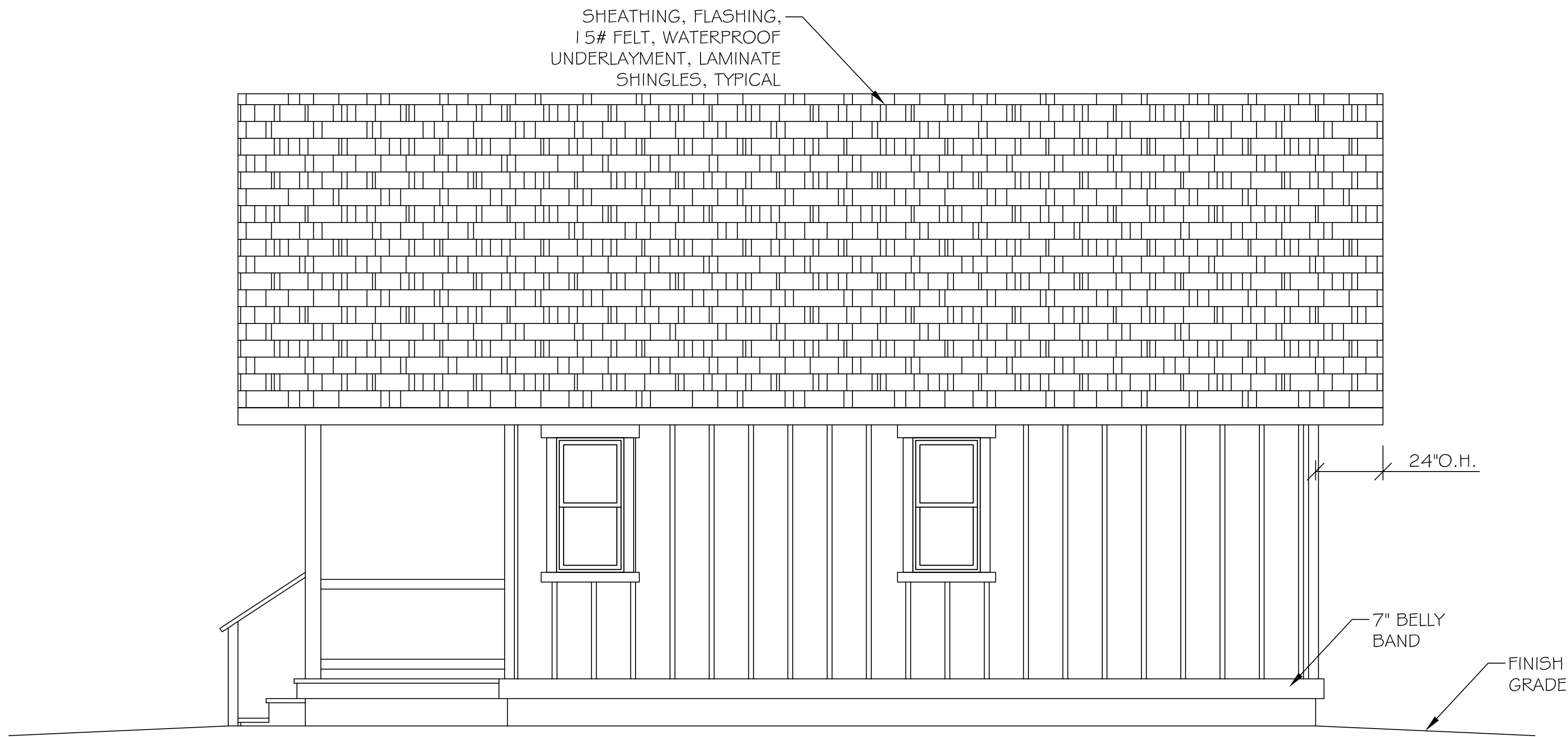


653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

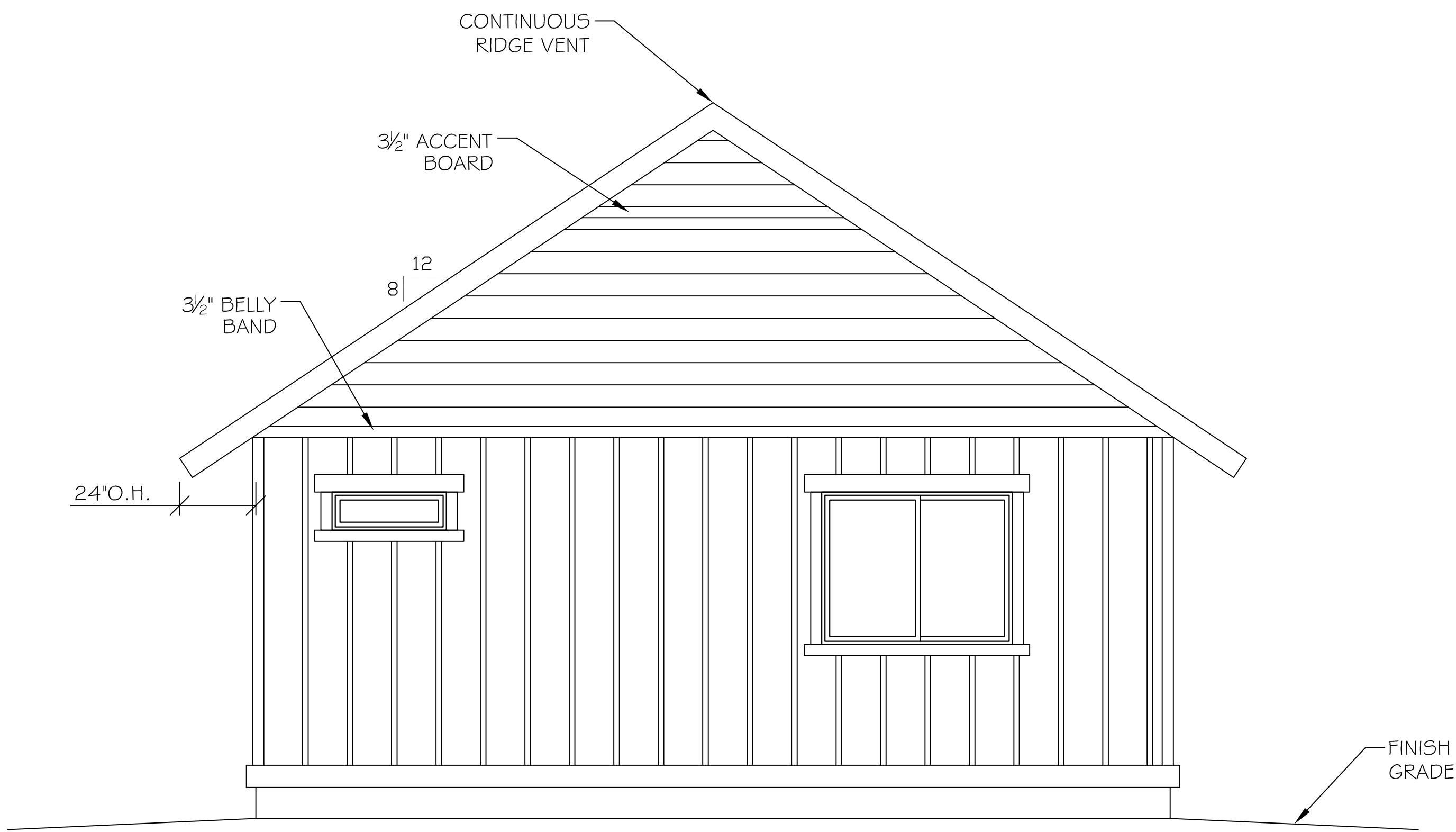
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DATE: 1/17/2018
SCALE: 3/8"=1'-0"
SHEET:

A-2

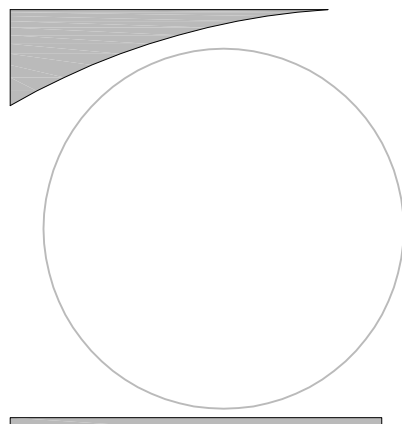
PROGRESS SET- NOT FOR CONSTRUCTION



RIGHT ELEVATION



REAR ELEVATION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

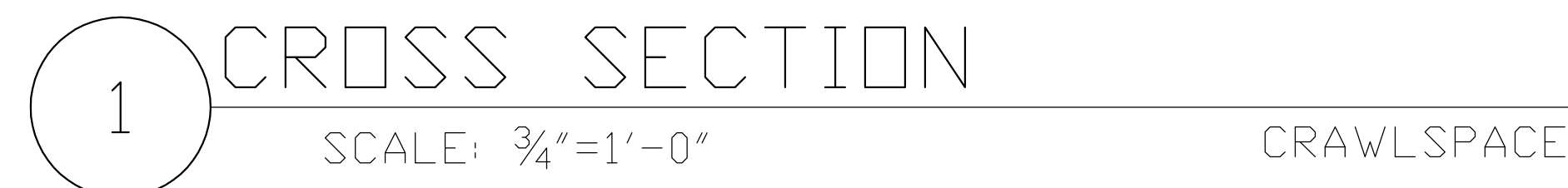
PLAN D-1

DOUG MACFARLANE
ARCHITECT-LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

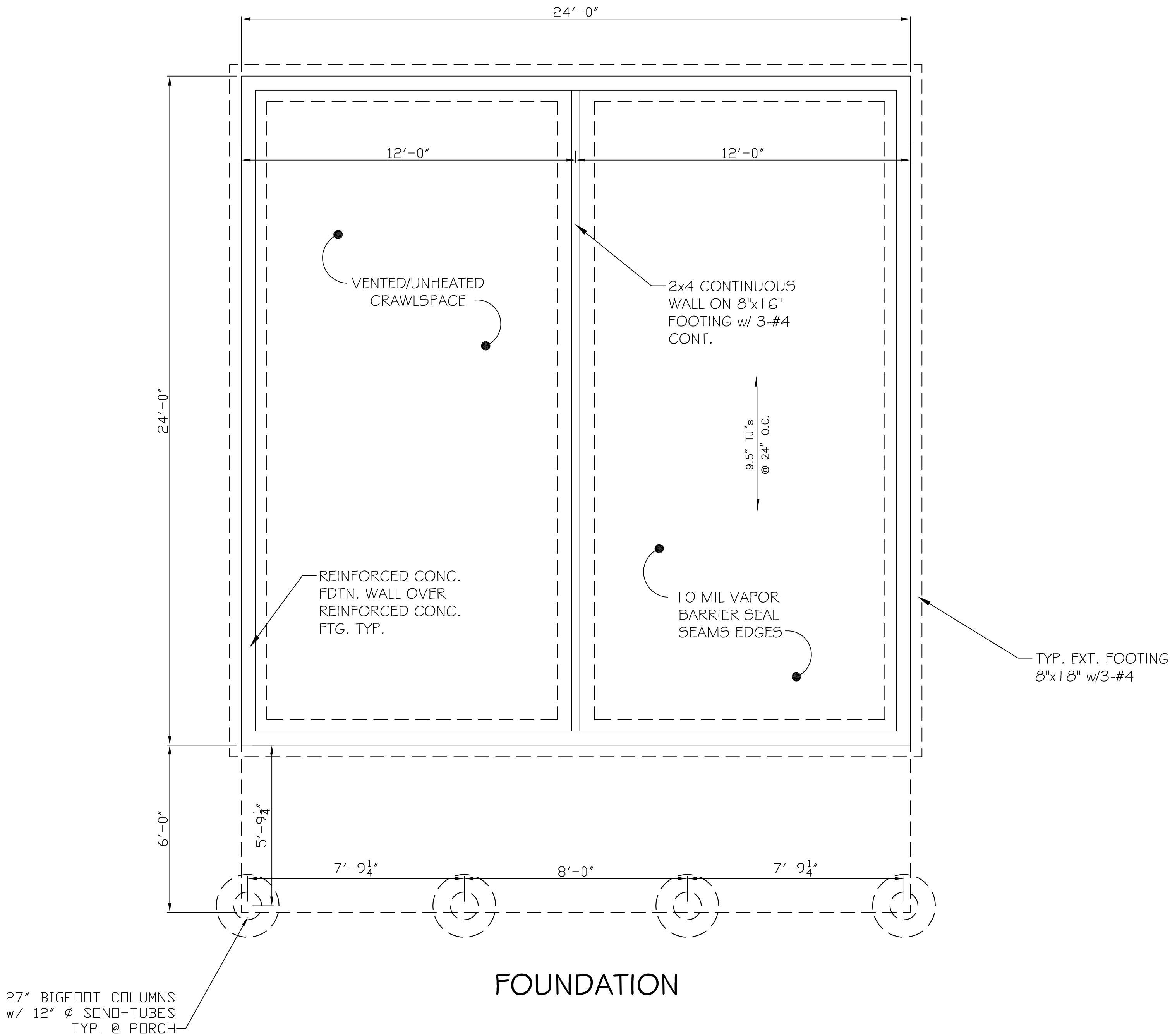
JOB: V.P.C. (D-1)
DATE: 1/17/2018
SCALE: 3/8"=1'-0"
SHEET:

A-3

PROGRESS SET- NOT FOR CONSTRUCTION



A-4



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN D-1

DOUG MACFARLANE
ARCHITECT-LLC

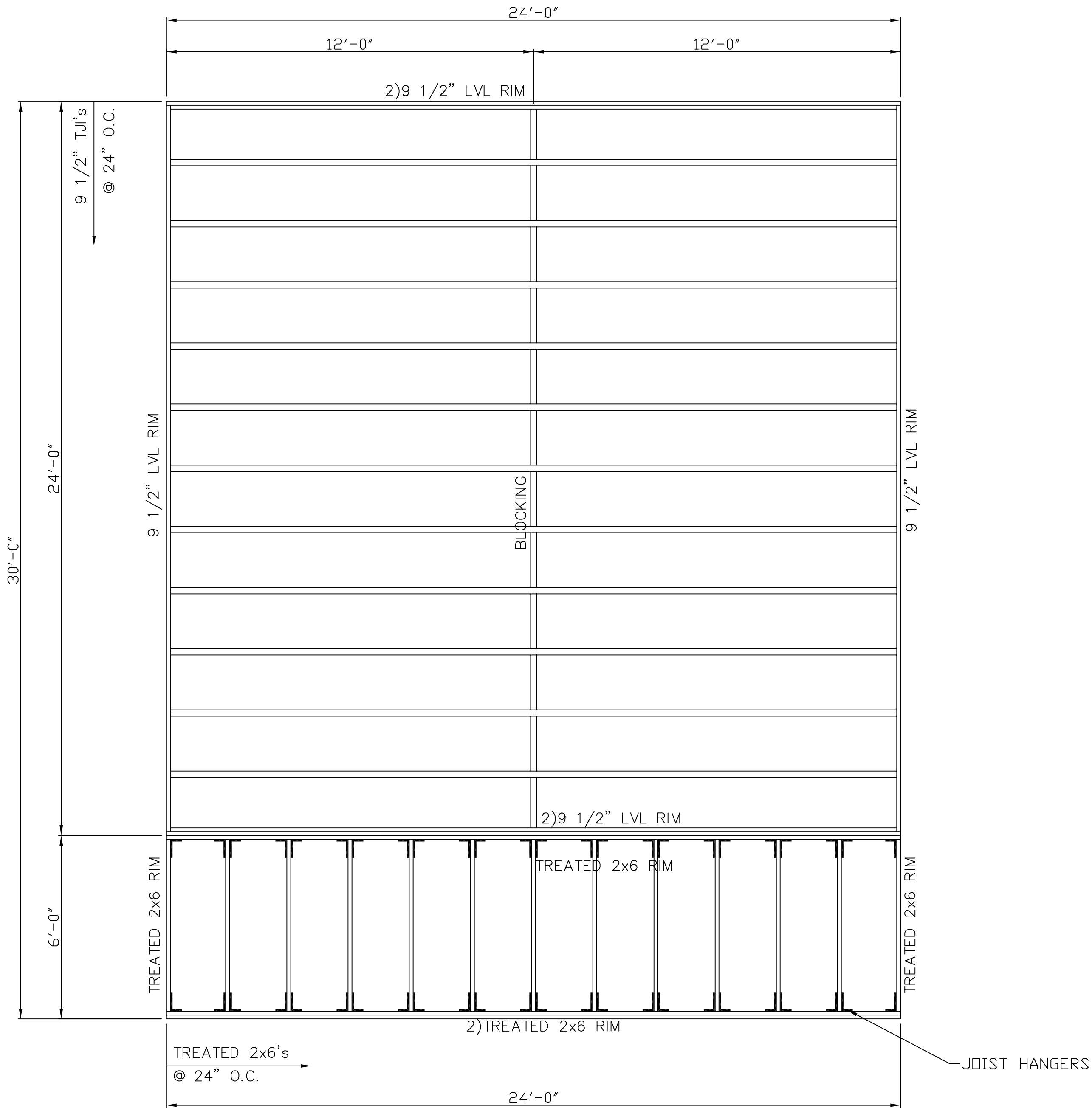


653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. (D-1)
DATE: 1/27/2018
SCALE: 3/8"=1'-0"
SHEET:

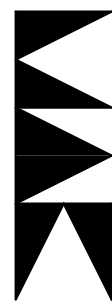
S-1

PROGRESS SET- NOT FOR CONSTRUCTION



FLOOR FRAMING

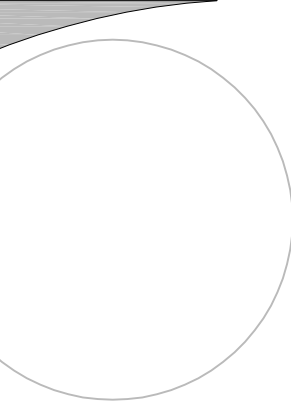
PROGRESS SET— NOT FOR CONSTRUCTION



DOUG MACFARLANE
ARCHITECT-LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

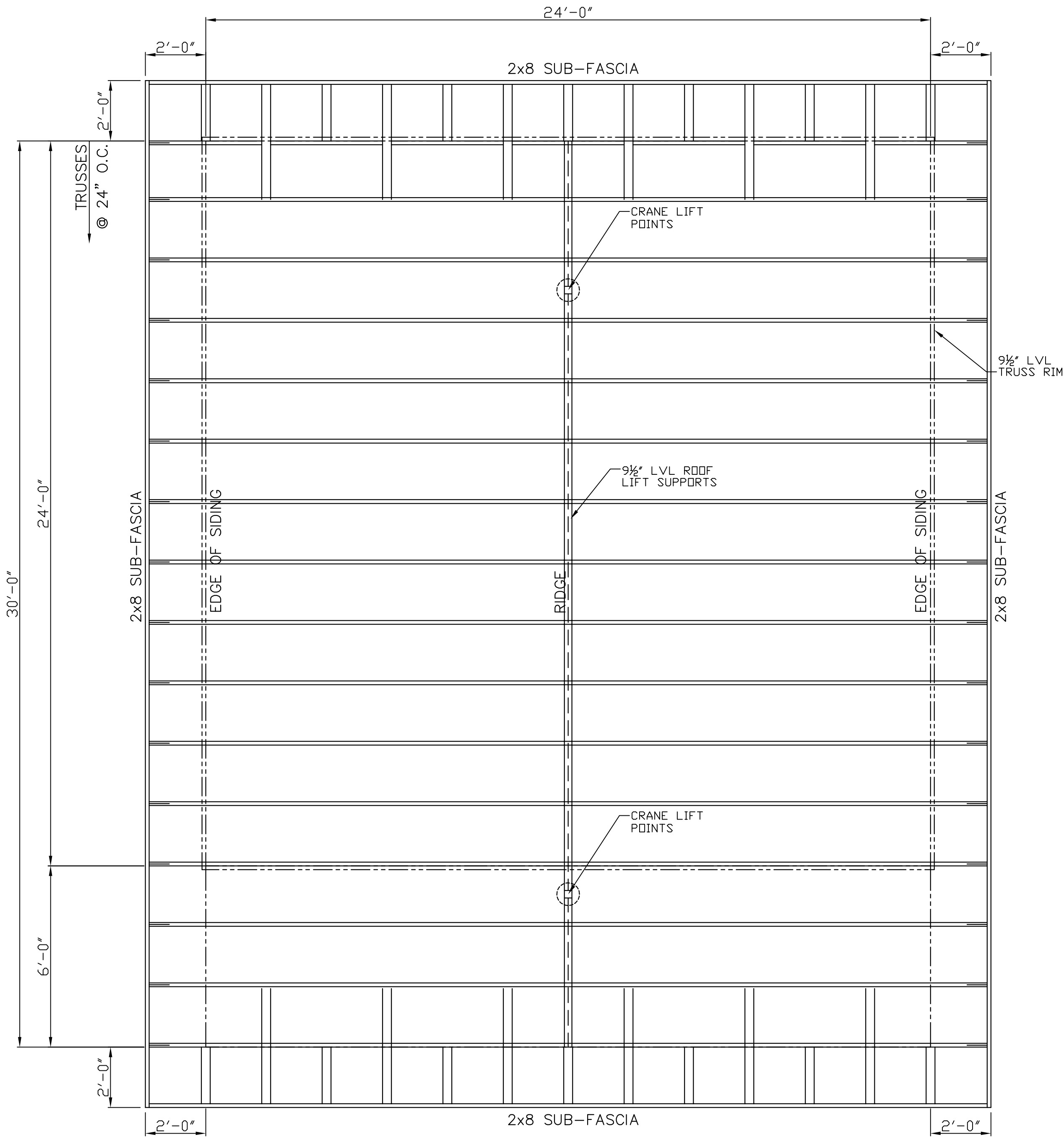
PLAN D-1



REVISIONS
PRELIM PLAT:

JOB: V.P.C. (D-11)
DATE: 1/27/2018
SCALE: 3/8"=1'-0"
SHEET:

S-2



ROOF FRAMING

PROGRESS SET— NOT FOR CONSTRUCTION

DOUG MACFARLANE
ARCHITECT- LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

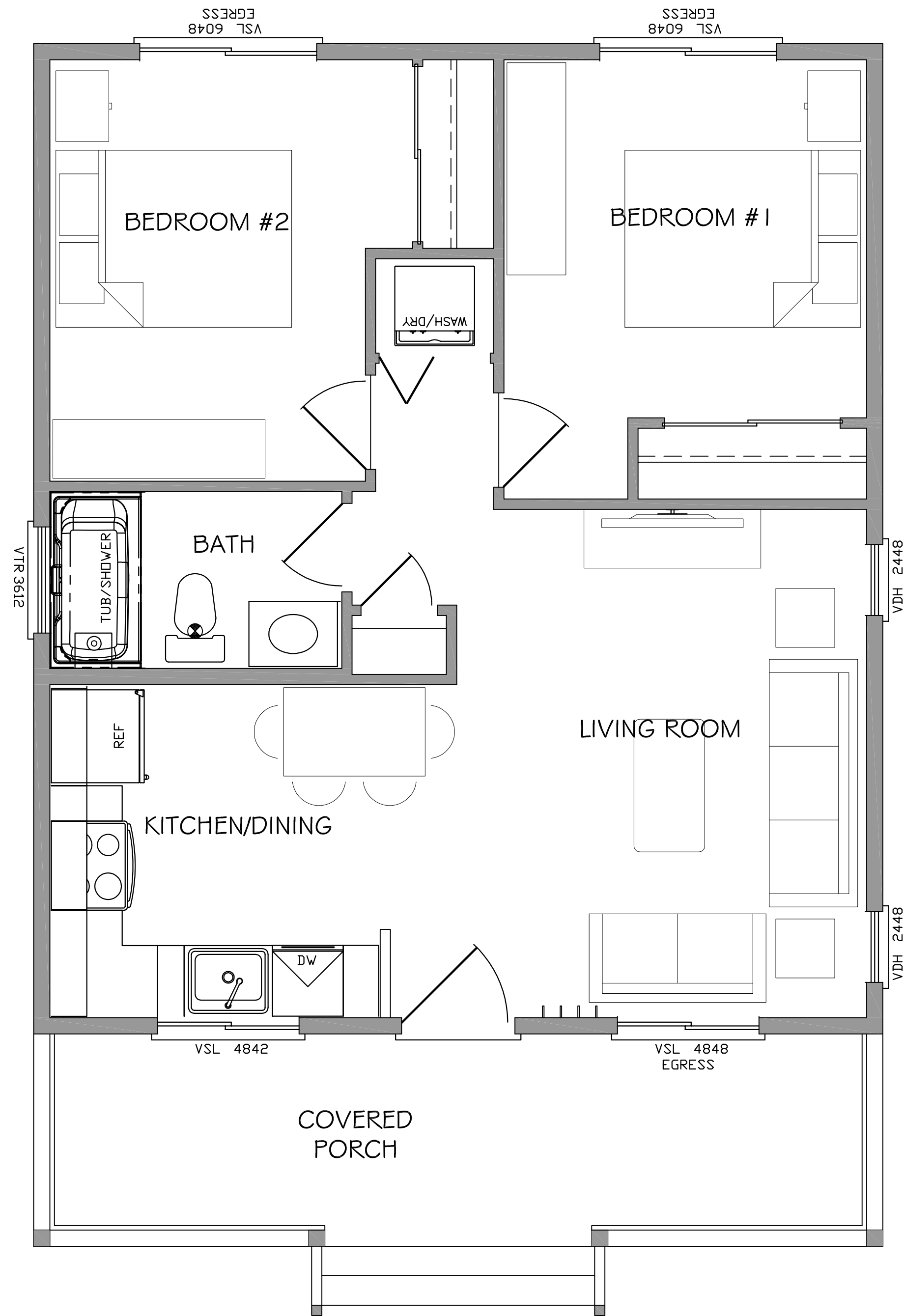
PLAN D-1



REVISIONS
PRELIM PLAT:

JOB: V.P.C. (D-1)
DATE: 1/27/2018
SCALE: 3/8"=1'-0"
SHEET:

S-3

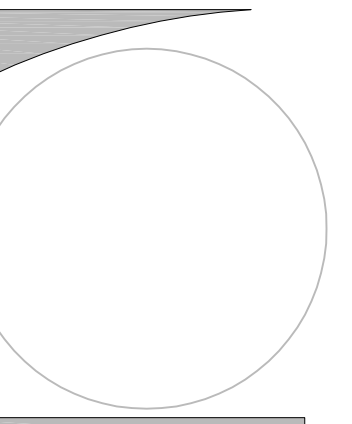


PLAN "D-2"
2 Bedroom / 1 Bath
672 sq. ft.

"Vista Park Commons"



PROGRESS SET— NOT FOR CONSTRUCTION

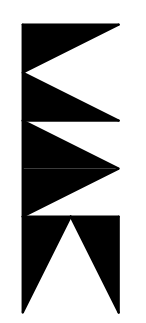


REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN D-2

DOUG MACFARLANE
ARCHITECT— LLC

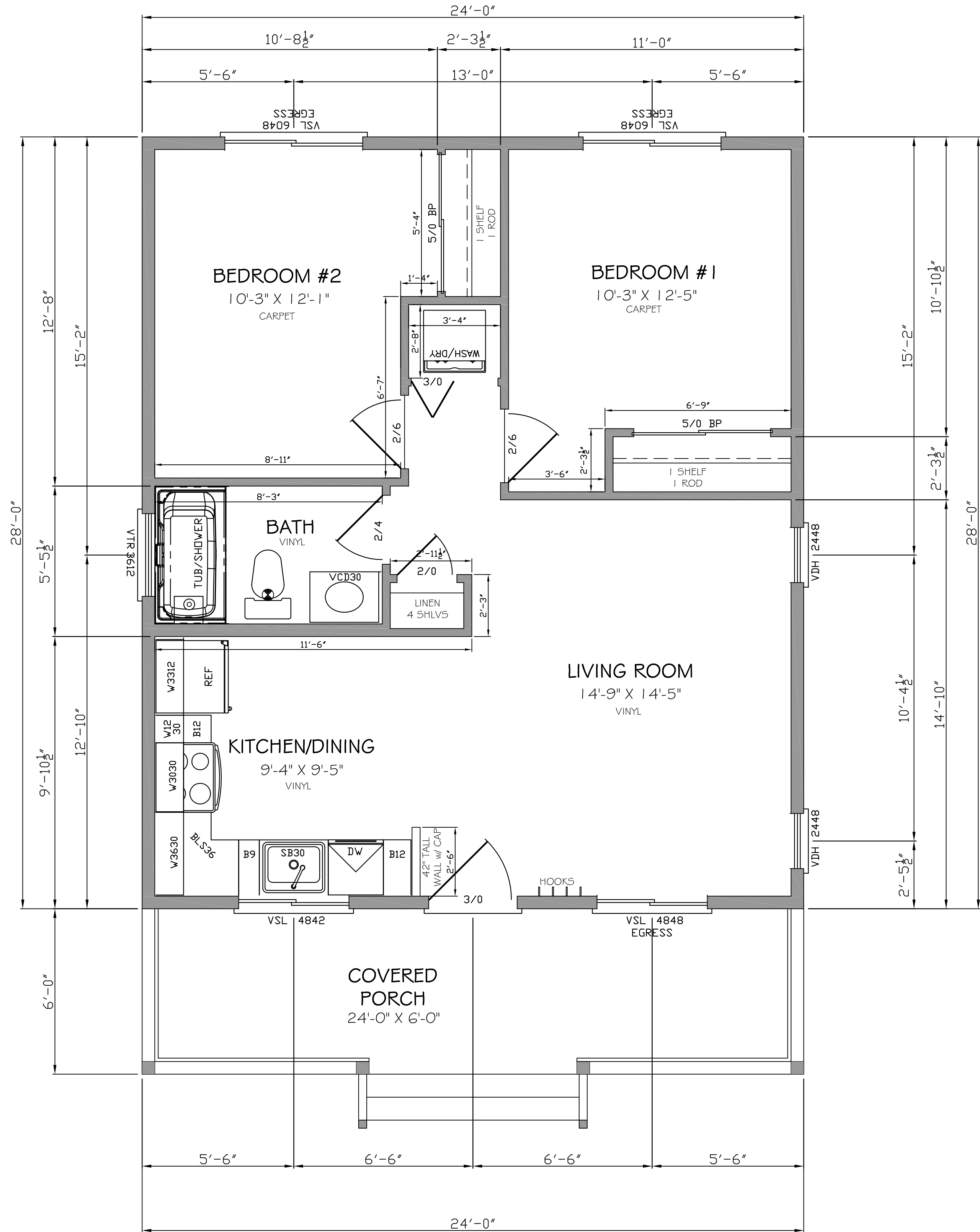


653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

JOB: V.P.C. (D-2)
DATE: 1/18/2018
SCALE: 3/8"=1'-0"
SHEET:

CP

PLAN "D-2"



FLOOR PLAN
672 SQ. FT.

GENERAL NOTES:

- EXTERIOR WALLS: 2x6 @ 24" O.C. - LINE UP WITH TRUSSES
- INTERIOR WALLS: 2x4 @ 24" O.C.
- VINYL WINDOWS
- TRUSSES: 1 2½" @ HEEL, R-49 BLOWN-IN FIBERGLASS INSULATION
- FURNACE & WATER HEATER IN ATTIC
- ROOF VENTING: CONT. SOFFIT VENTS & RIDGE VENTS
- CRAWLSPACE VENTS: 8"x16" w/ METAL GRILLS
- WATERPROOFING @ STEM WALLS: ROLL ON BLACK DAMP-PROOFING

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN D-2

DOUG MACFARLANE
ARCHITECT- LLC

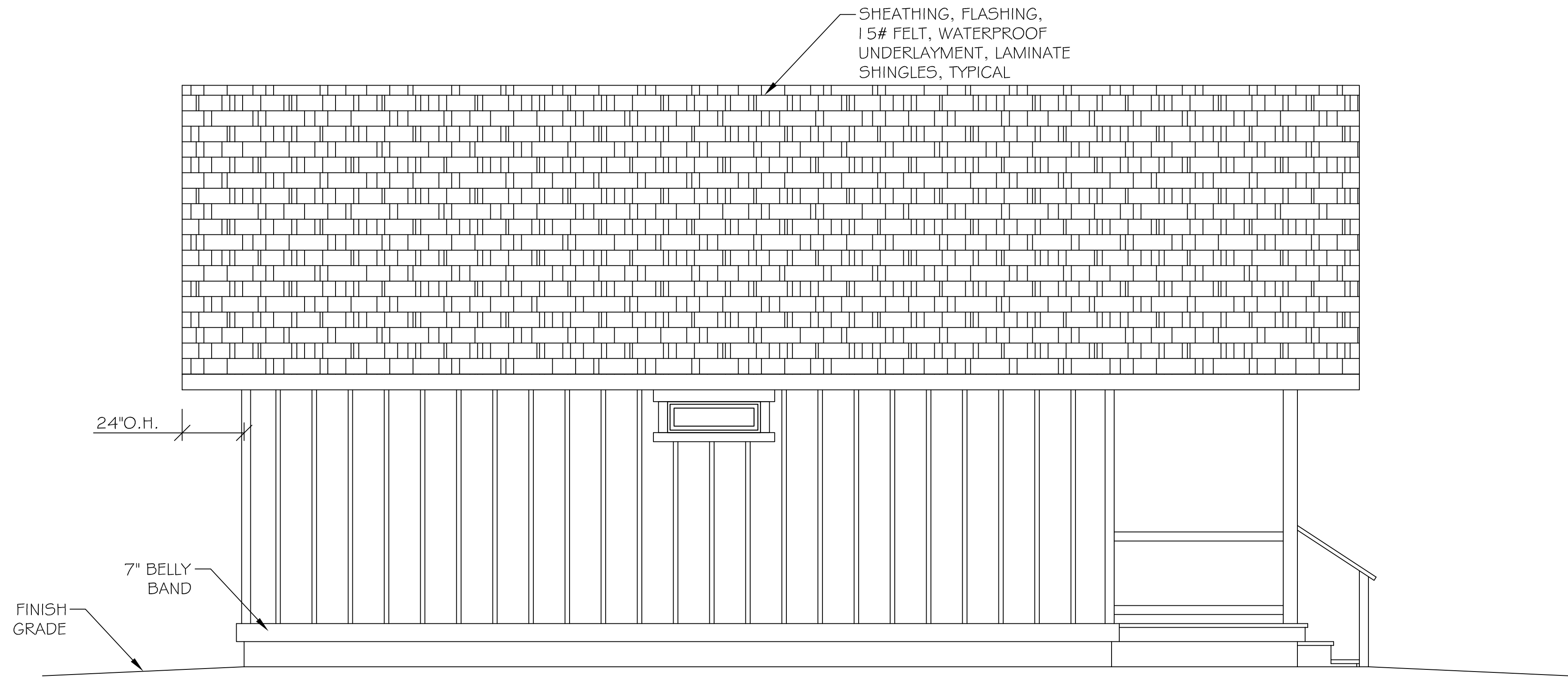


653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

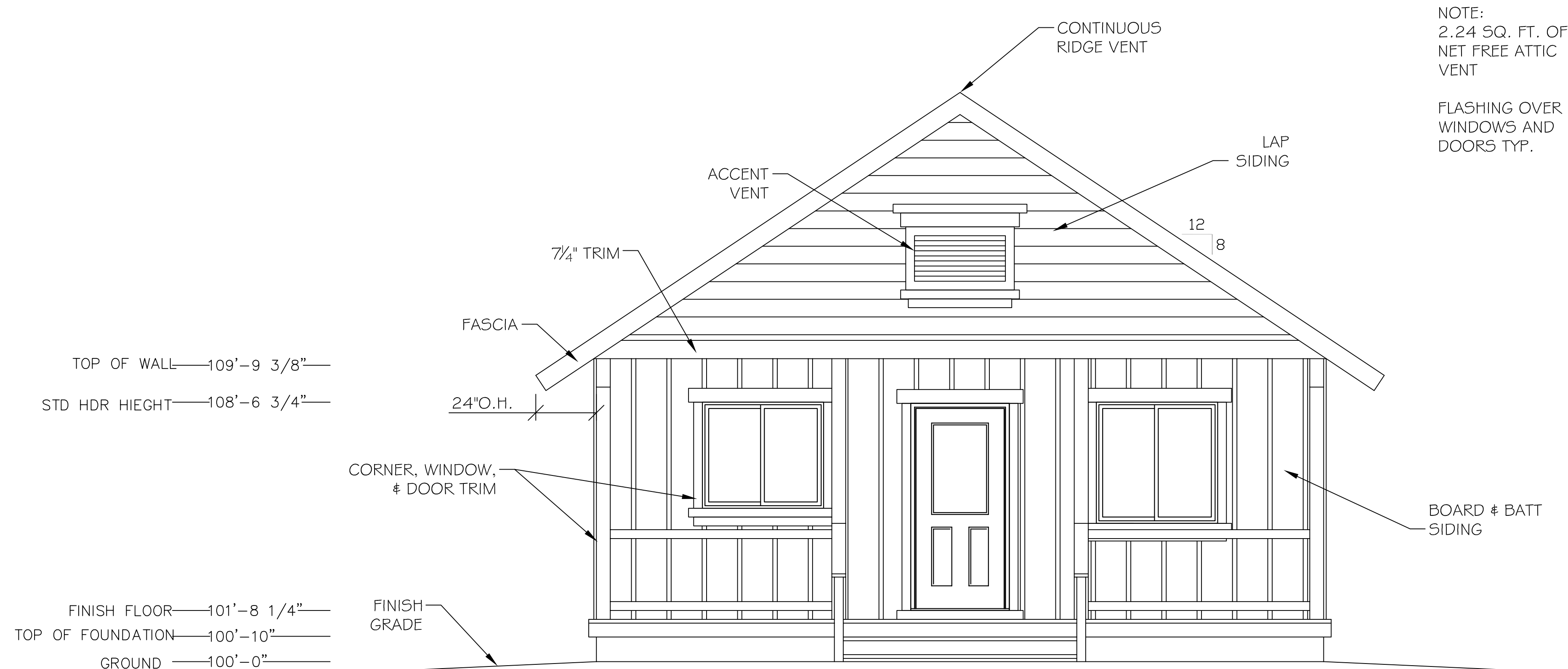
JOB: V.P.C. (D-2)
DATE: 1/18/2018
SCALE: 3/8"=1'-0"
SHEET:

A-1

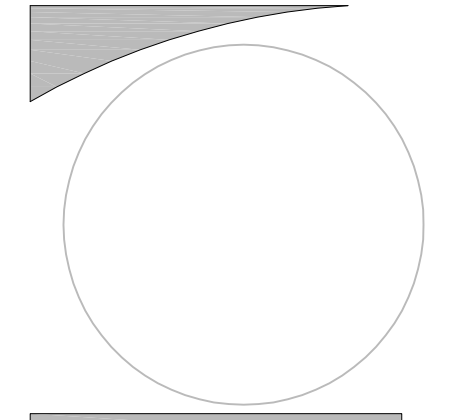
PROGRESS SET- NOT FOR CONSTRUCTION



LEFT ELEVATION



FRONT ELEVATION

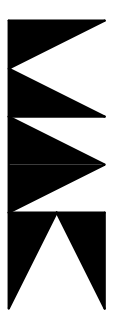


REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN D-2

DOUG MACFARLANE
ARCHITECT- LLC

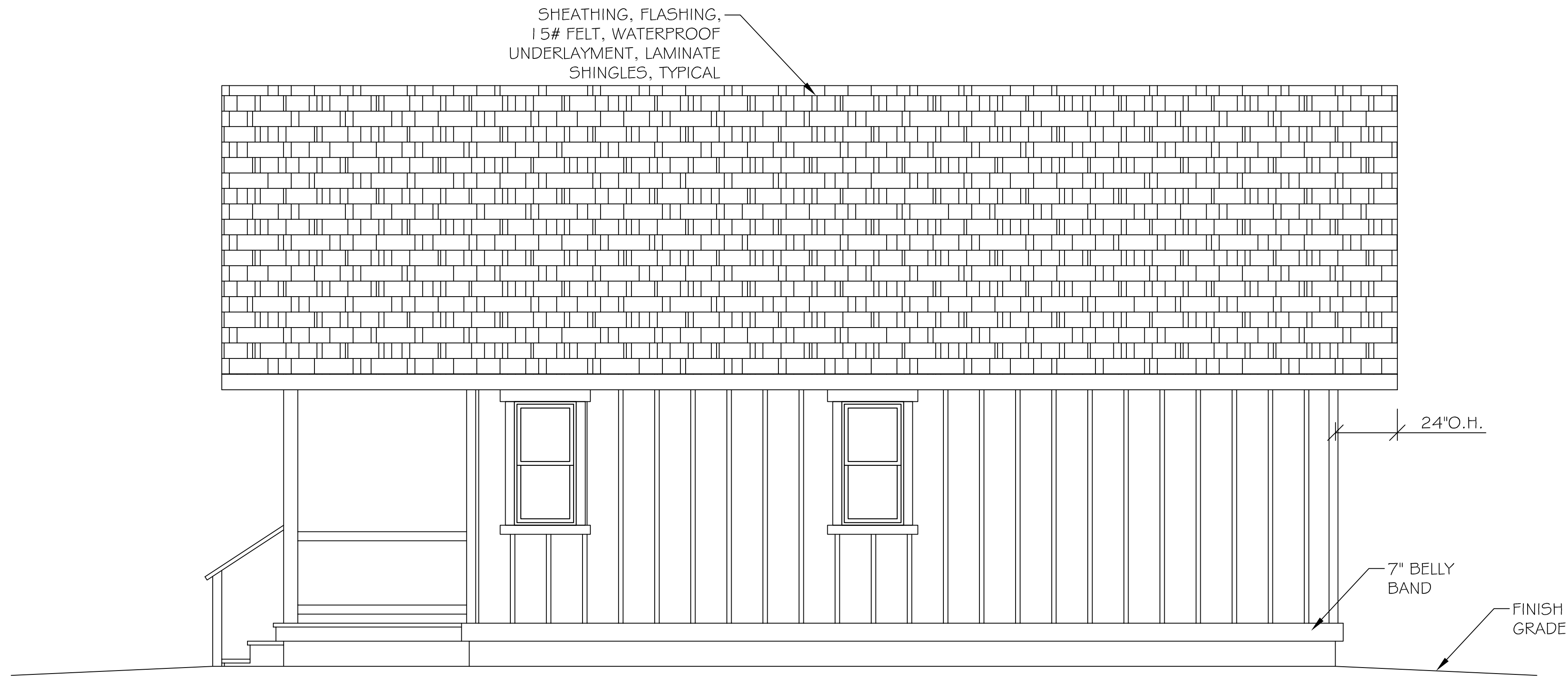


653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

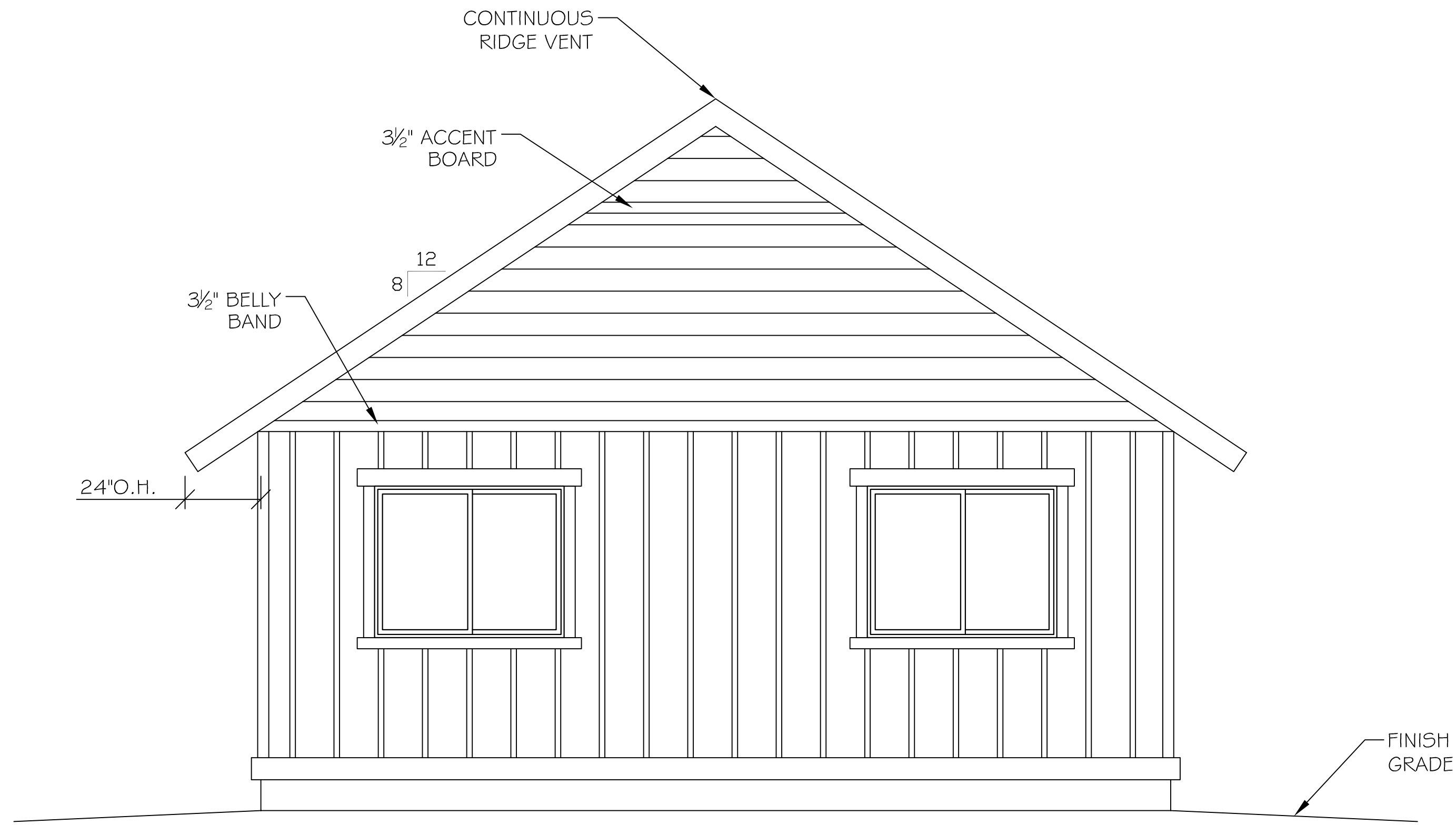
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SHEET:

A-2

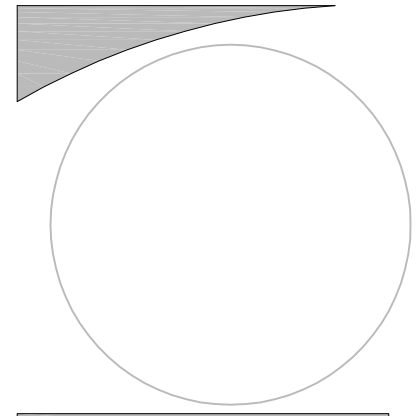
PROGRESS SET- NOT FOR CONSTRUCTION



RIGHT ELEVATION



REAR ELEVATION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

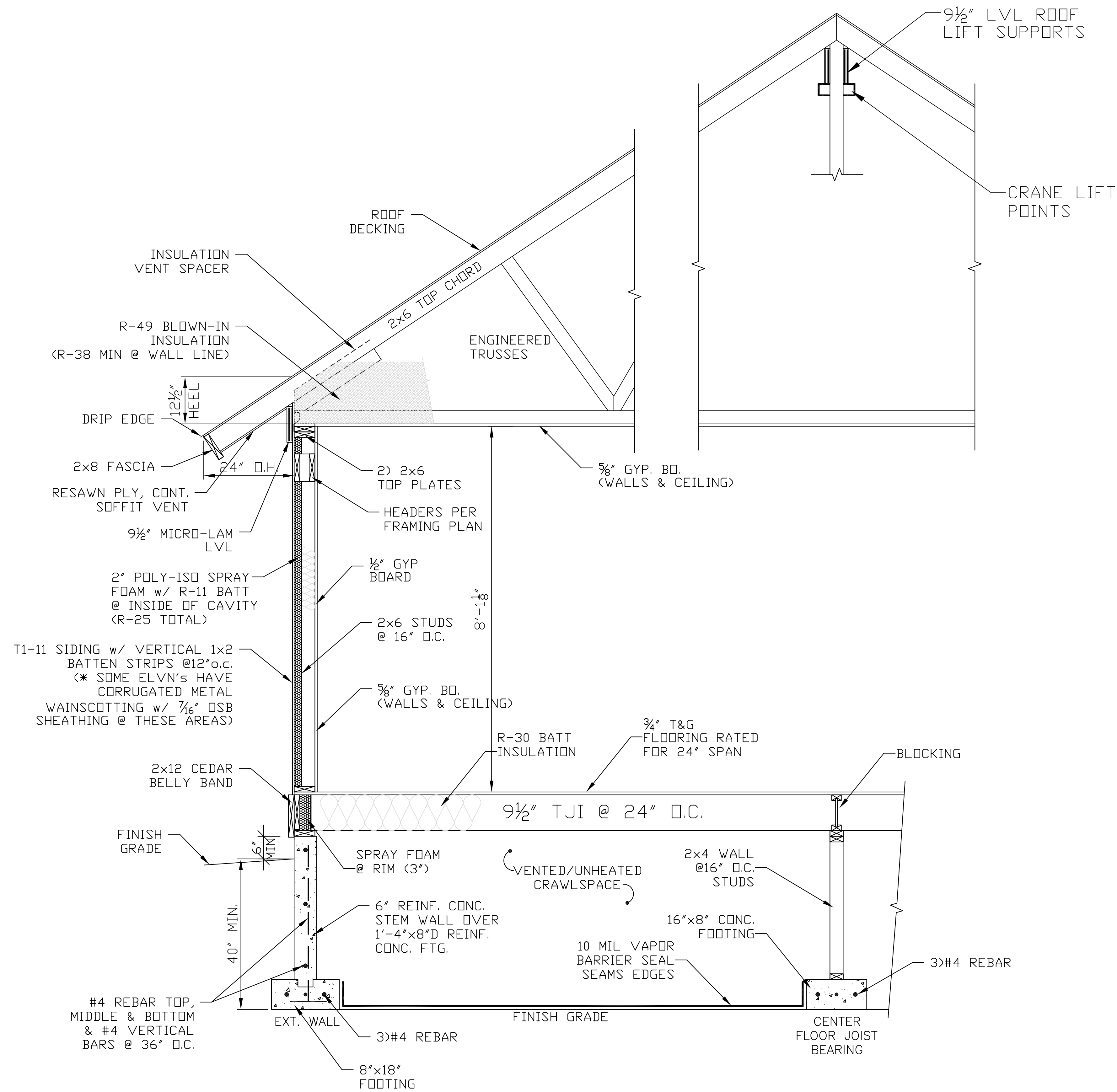
PLAN D-2

DOUG MACFARLANE
ARCHITECT- LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

JOB: V.P.C. (D-2)
DATE: 1/18/2018
SCALE: 3/8"=1'-0"
SHEET:

A-3

PROGRESS SET- NOT FOR CONSTRUCTION



1 CROSS SECTION
SCALE: 3/4" = 1'-0" CRAWLSPACE

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

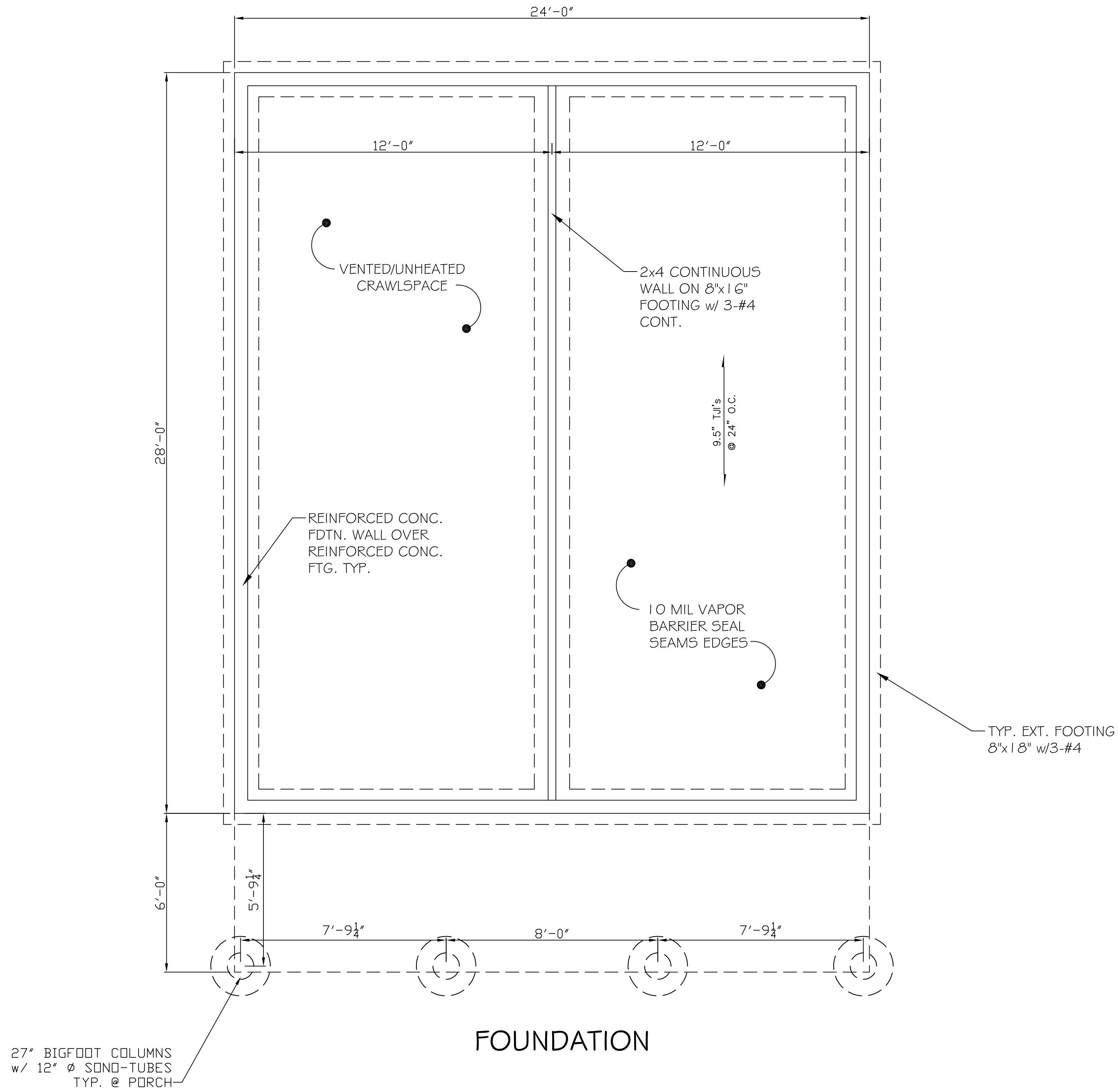
PLAN D-2

DOUG MACFARLANE
ARCHITECT - LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

JOB: V.P.C. (D-2)
DATE: 1/27/2018
SCALE: 3/4" = 1'-0"
SHEET:

A-4

PROGRESS SET- NOT FOR CONSTRUCTION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

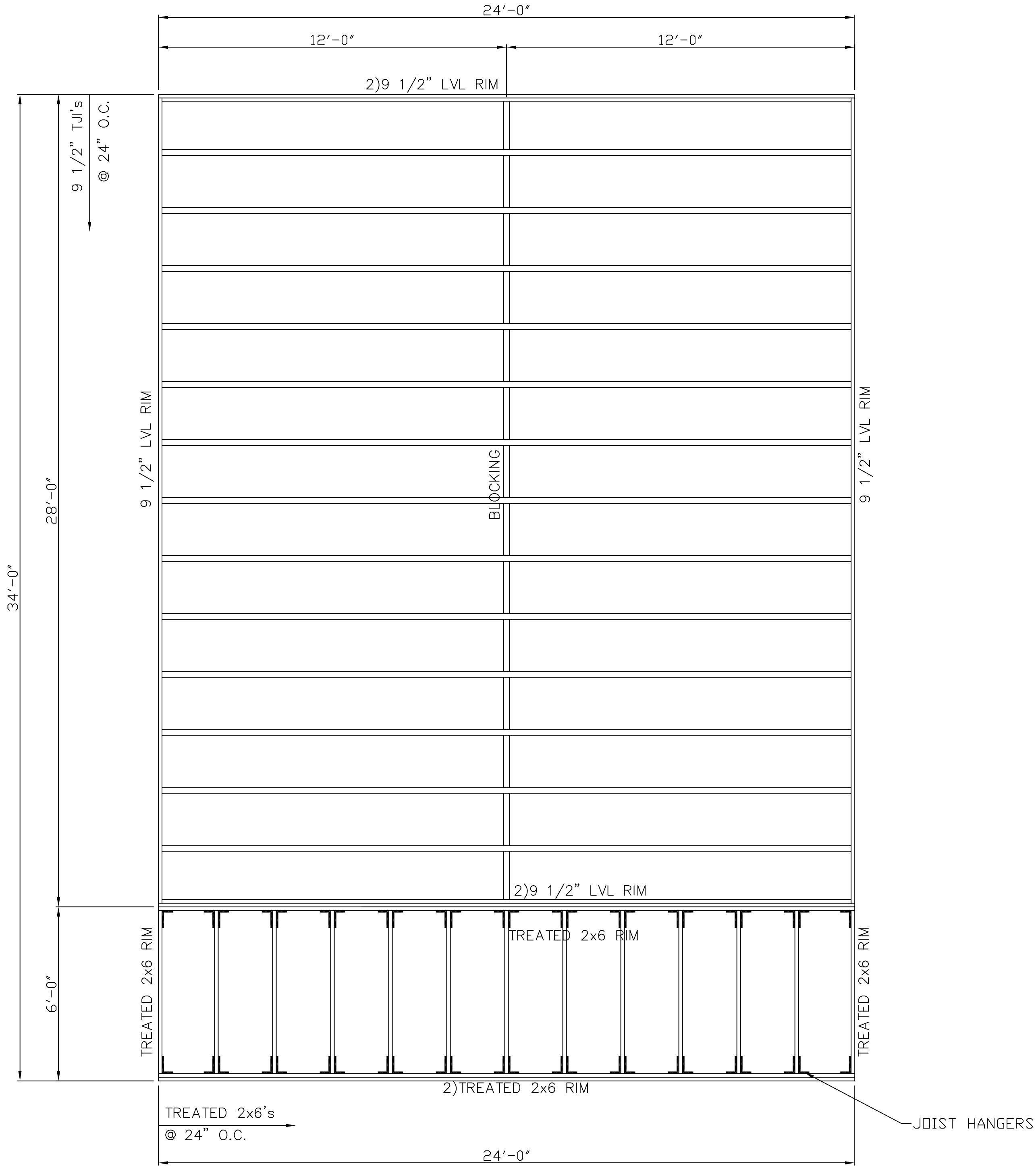
PLAN D-2

DOUG MACFARLANE
ARCHITECT- LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

JOB: V.P.C. (D-2)
DATE: 1/27/2018
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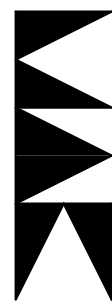
S-1

PROGRESS SET- NOT FOR CONSTRUCTION



FLOOR FRAMING

PROGRESS SET— NOT FOR CONSTRUCTION



DOUG MACFARLANE
ARCHITECT— LLC

653 N. CORA, SUITE 201, RIDGWAY, CO.

(970)–626–3308

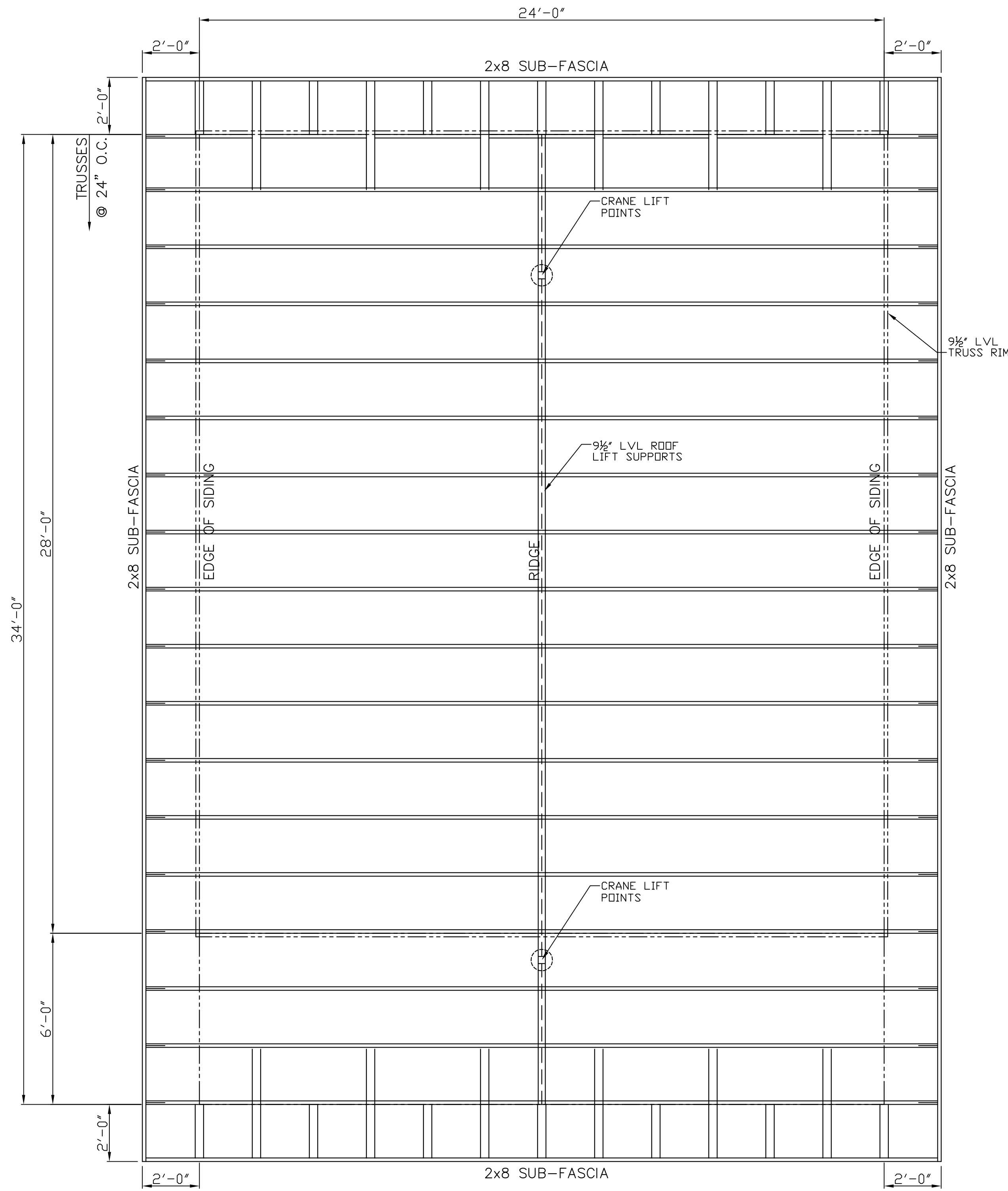
PLAN D-2

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30–34

REVISIONS
PRELIM PLAT:

JOB: V.P.C. (D-2)
DATE: 1/27/2018
SCALE: 3/8"=1'-0"
SHEET:

S-2



ROOF FRAMING

PROGRESS SET— NOT FOR CONSTRUCTION



DOUG MACFARLANE
ARCHITECT— LLC

653 N. CORA, SUITE 201, RIDGWAY, CO.

(970) 626-3308

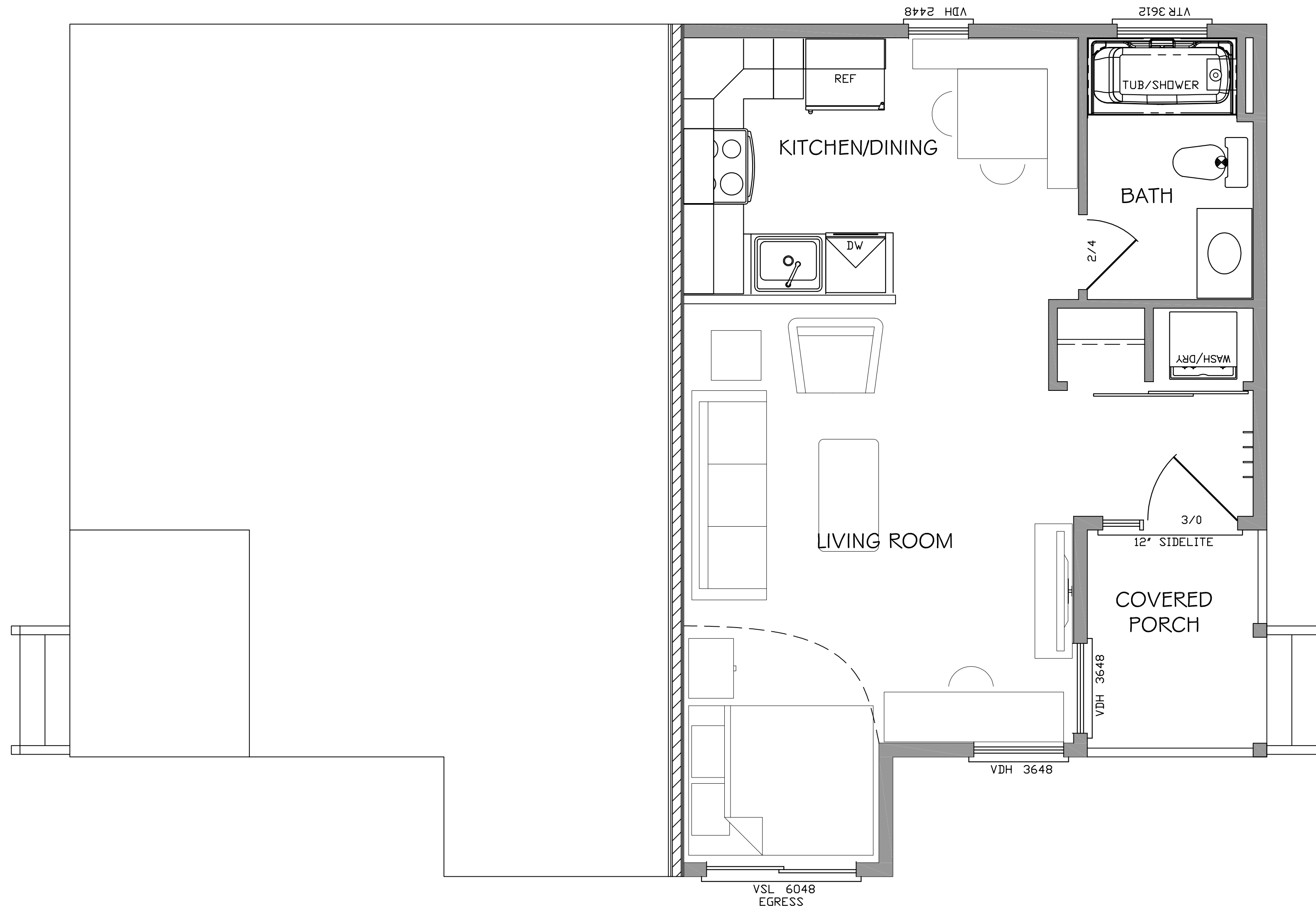
PLAN D-2

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

REVISIONS
PRELIM PLAT:

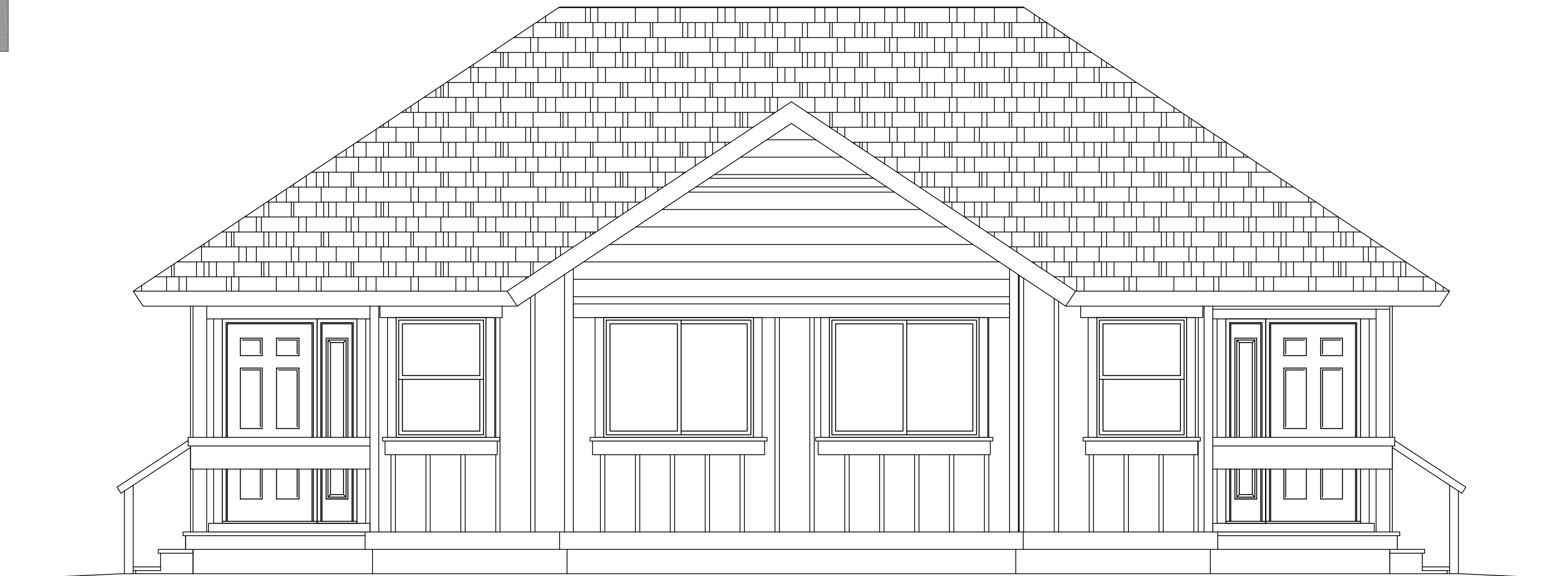
JOB: V.P.C. (D-2)
DATE: 1/27/2018
SCALE: 3/8"=1'-0"
SHEET:

S-3



"Vista Park Commons"

PLAN "E"
Duplex / Studio Unit
475 sq. ft. per Studio



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN E

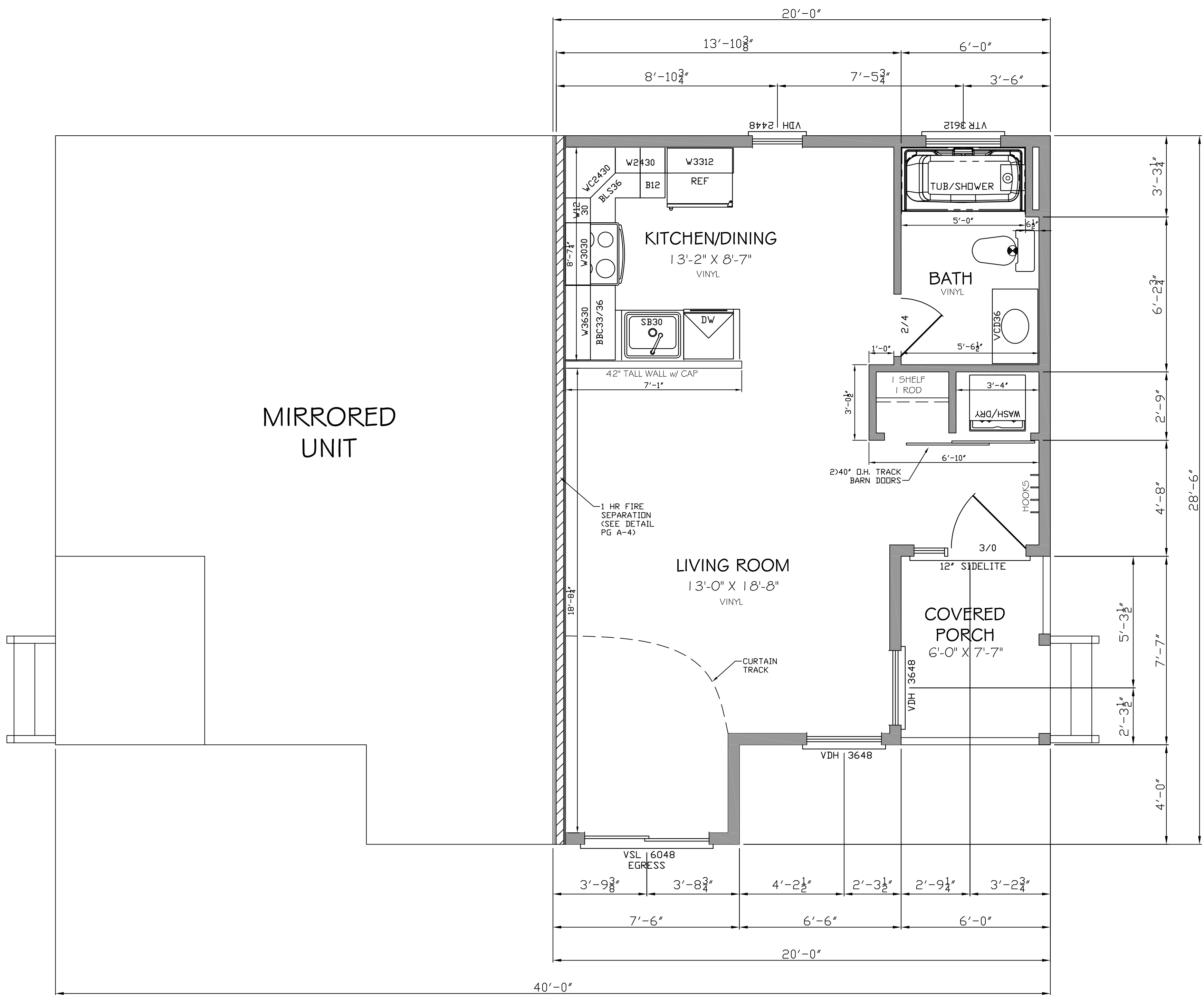
DOUG MACFARLANE
ARCHITECT - LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

JOB: V.P.C. (E)
DATE: 1/19/2018
SCALE: 3/8"=1'-0"
SHEET:

CP

PROGRESS SET- NOT FOR CONSTRUCTION

PLAN "E"



FLOOR PLAN
475 SQ. FT. (EACH UNIT)
950 SQ. FT. TOTAL

GENERAL NOTES:

- EXTERIOR WALLS: 2x6 @ 24" O.C. - LINE UP WITH TRUSSES
- INTERIOR WALLS: 2x4 @ 24" O.C.
- VINYL WINDOWS
- TRUSSES: 1 2 1/2" @ HEEL, R-49 BLOWN-IN FIBERGLASS INSULATION
- FURNACE & WATER HEATER IN ATTIC
- ROOF VENTING: CONT. SOFFIT VENTS & RIDGE VENTS
- CRAWLSPACE VENTS: 8"x16" w/ METAL GRILLS
- WATERPROOFING @ STEM WALLS: ROLL ON BLACK DAMP-PROOFING

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN E

DOUG MACFARLANE
ARCHITECT- LLC



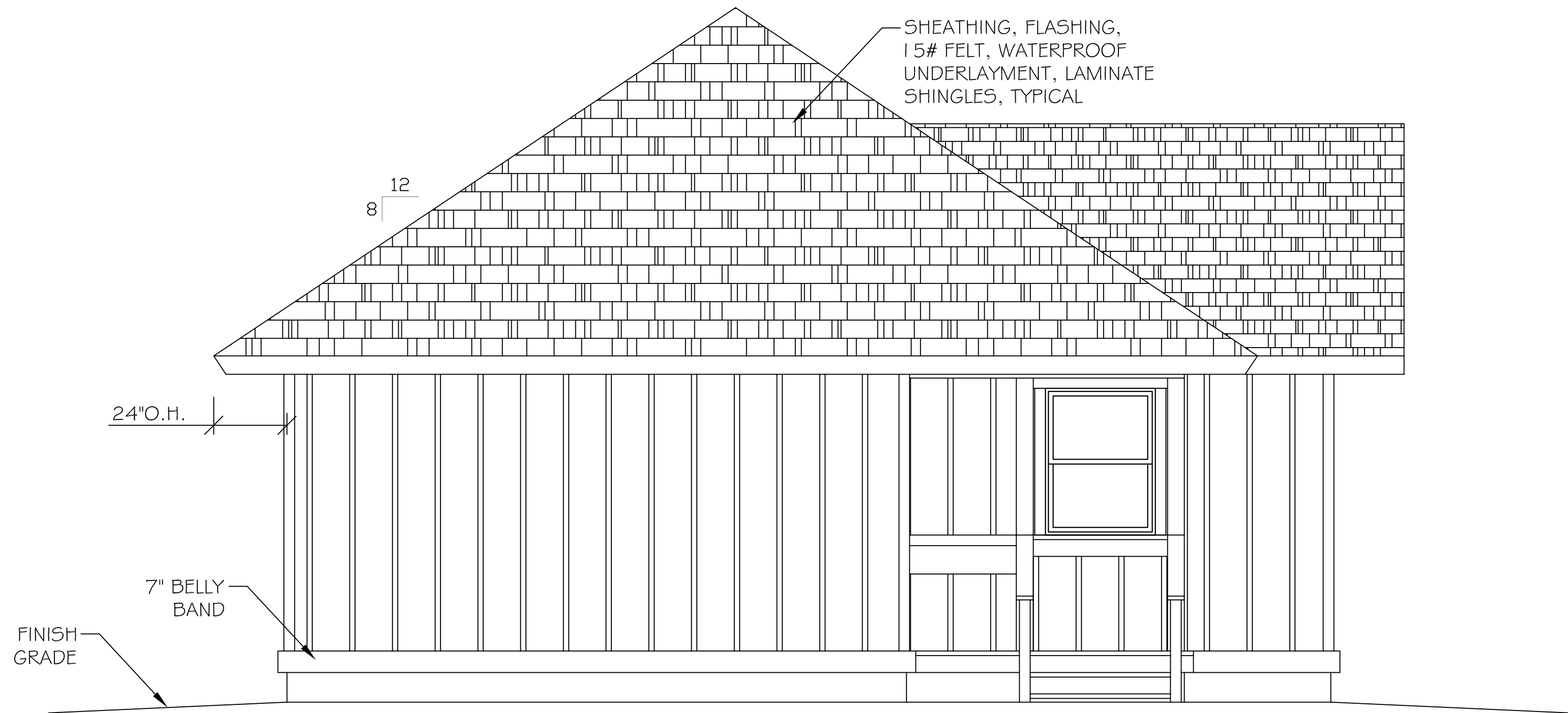
653 N. CORA, SUITE 201, RIDGWAY, CO.

(970)-626-3308

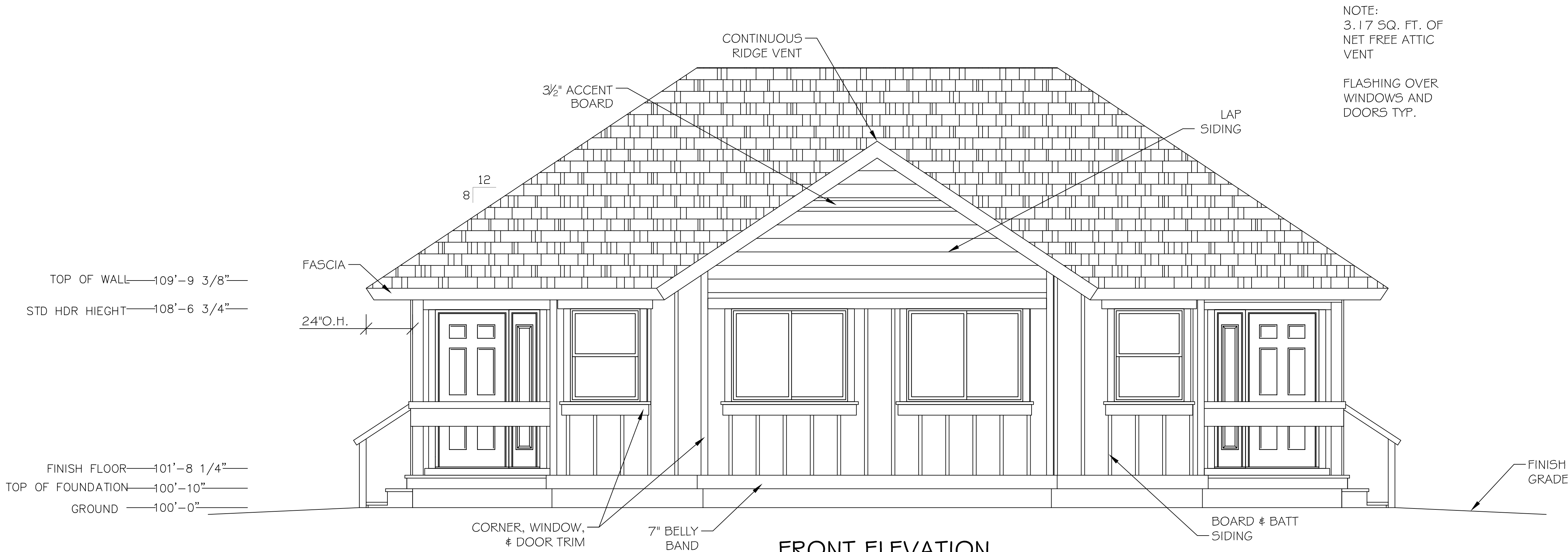
PROGRESS SET- NOT FOR CONSTRUCTION

JOB: V.P.C. (E)
DATE: 1/19/2018
SCALE: 3/8"=1'-0"
SHEET:

A-1



LEFT ELEVATION



FRONT ELEVATION

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN E

DOUG MACFARLANE
ARCHITECT- LLC

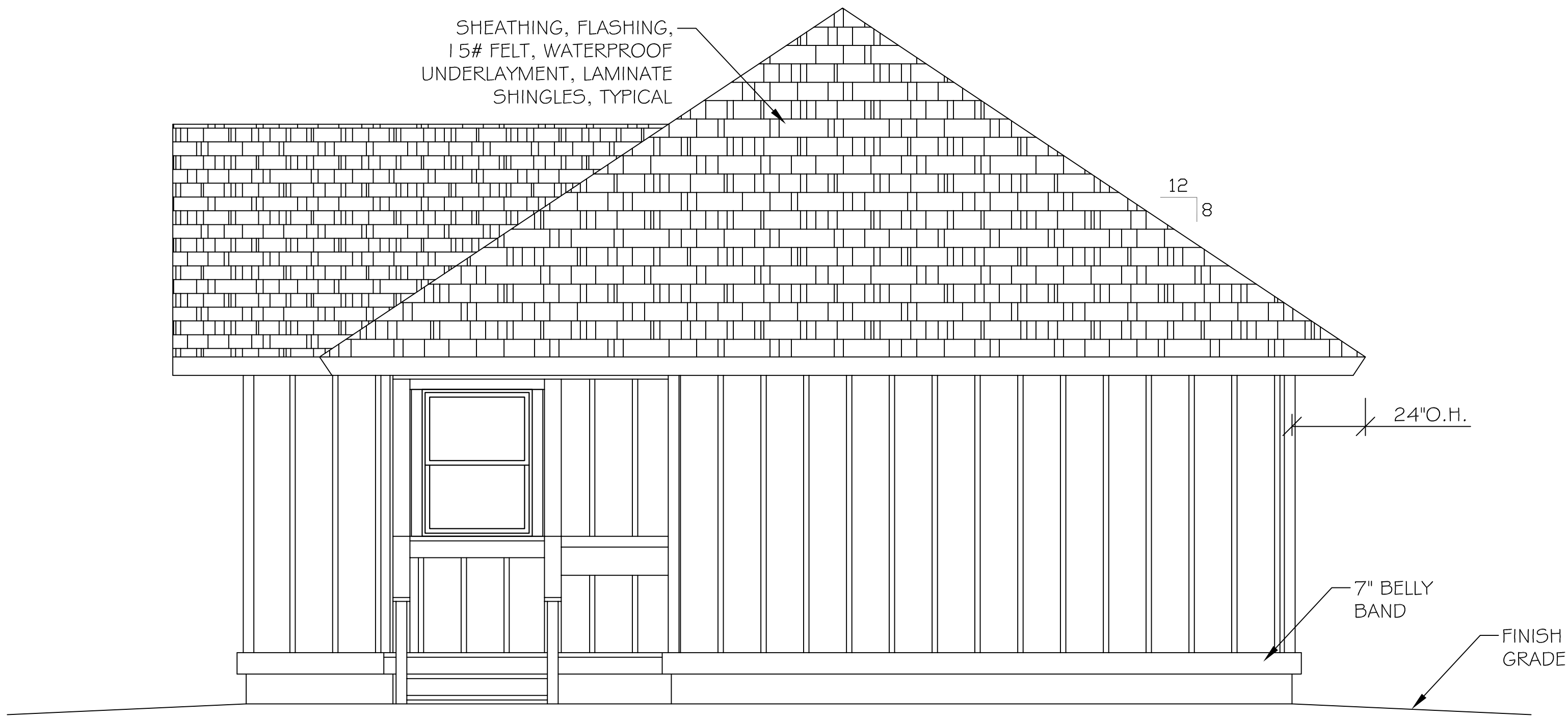


653 N. CORA, SUITE 201, RIDGWAY, CO.

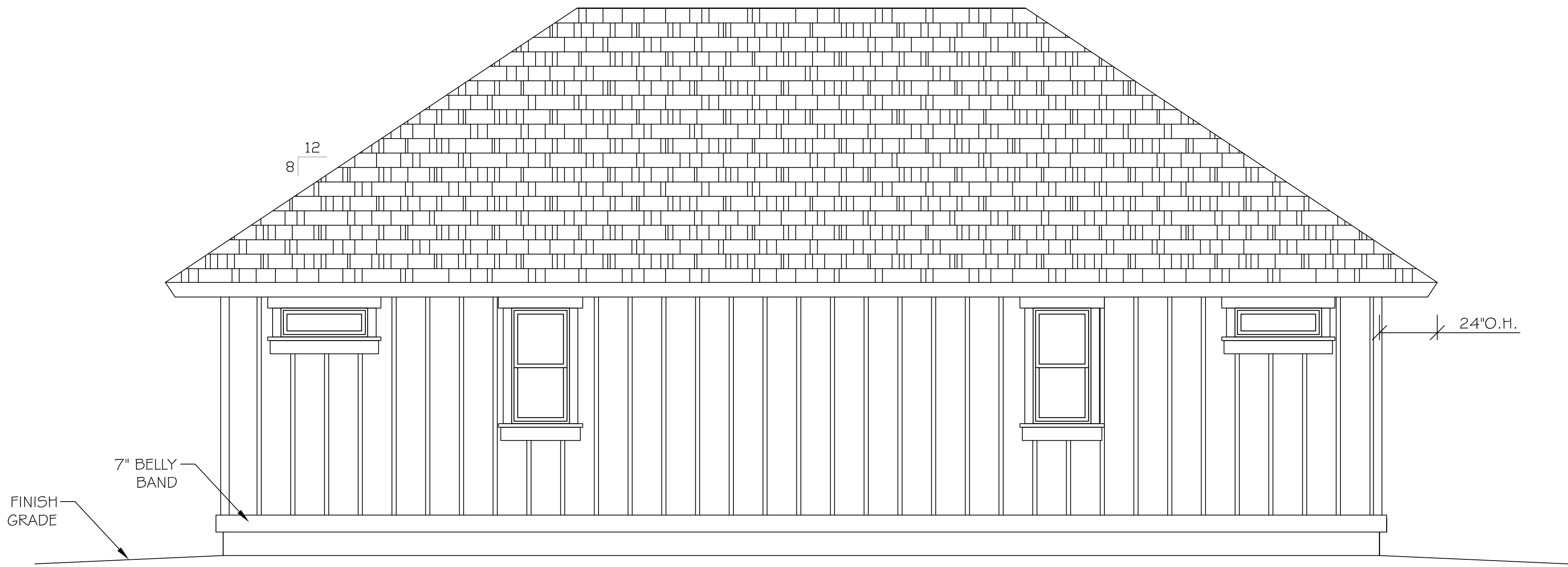
(970)-626-3308

JOB: V.P.C. (E)
DATE: 1/19/2018
SCALE: 3/8"=1'-0"
SHEET:

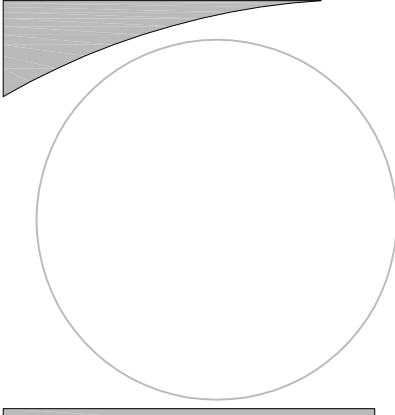
A-2



RIGHT ELEVATION



REAR ELEVATION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

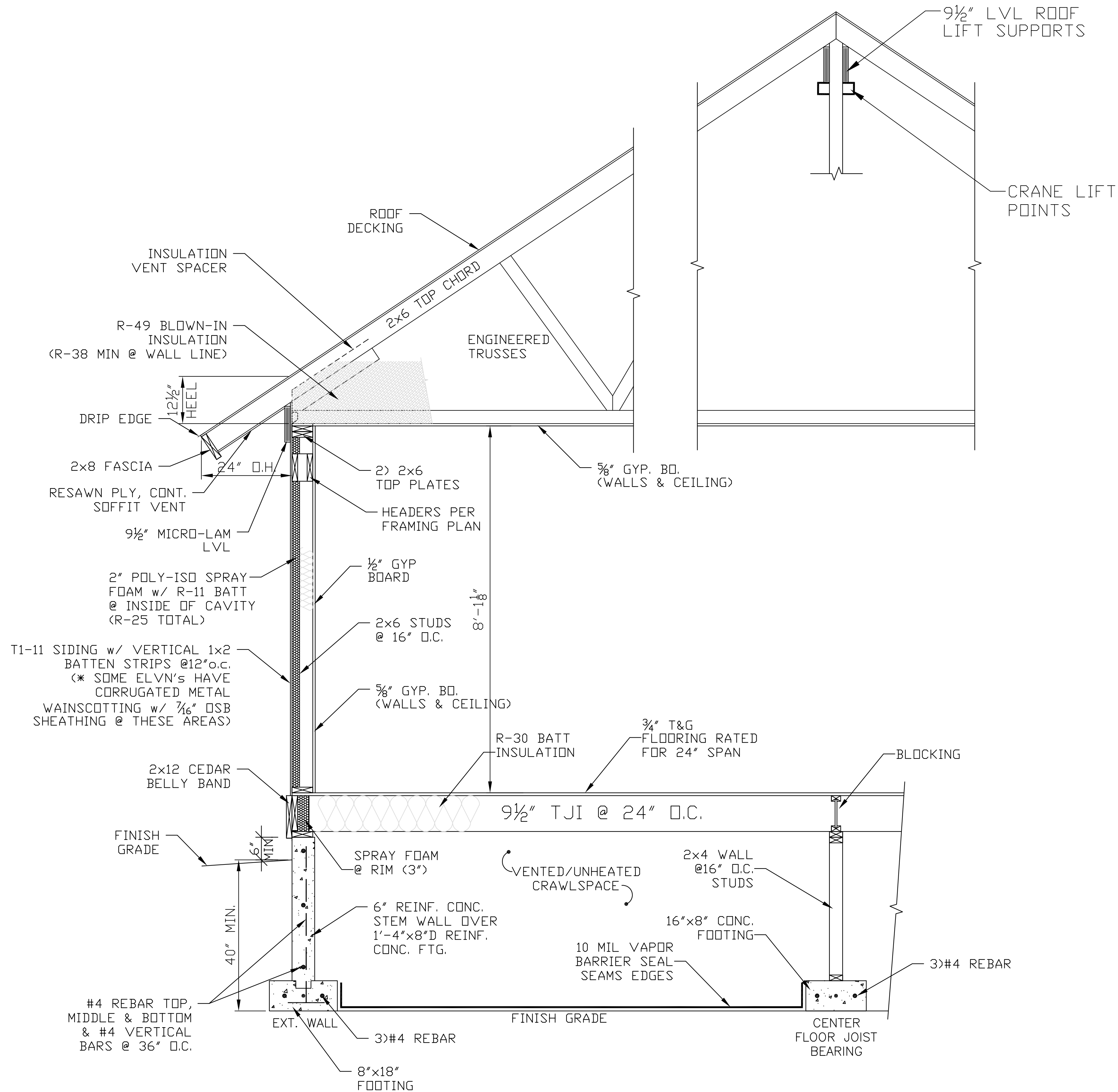
PLAN E

DOUG MACFARLANE
ARCHITECT - LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

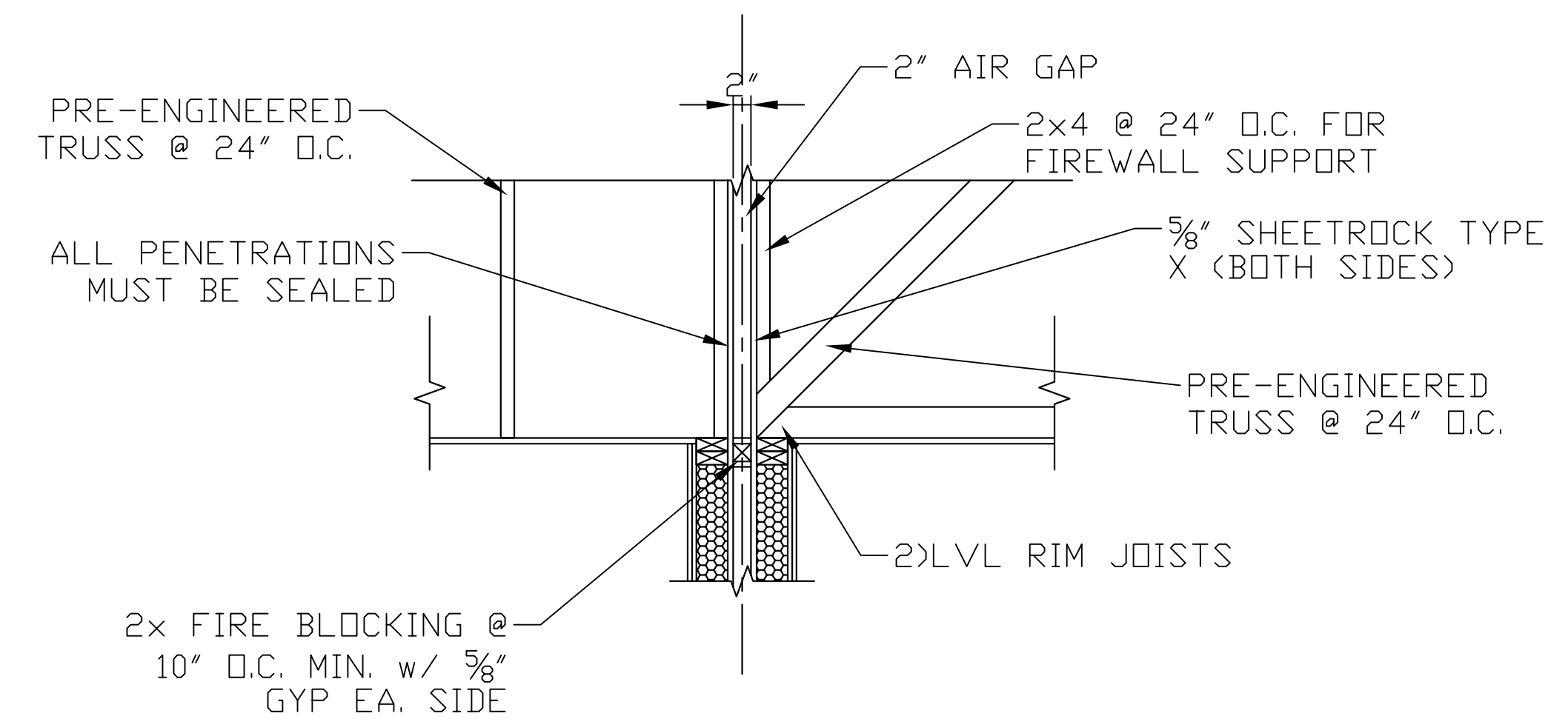
JOB: V.P.C. (E)
DATE: 1/19/2018
SCALE: 3/8"=1'-0"
SHEET:

A-3

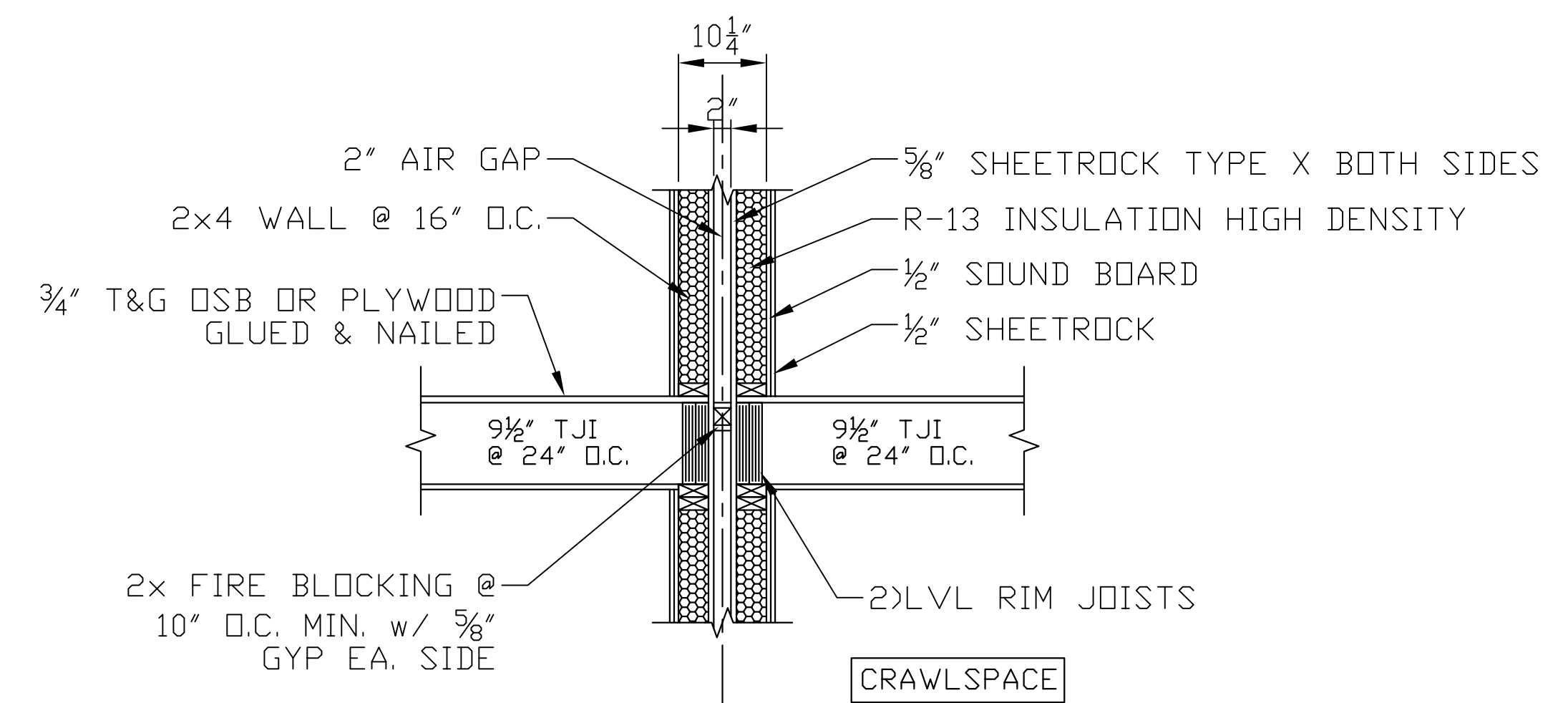
PROGRESS SET- NOT FOR CONSTRUCTION



1 CROSS SECTION
SCALE: 3/4"=1'-0" CRAWLSPACE



DUPLEX @ ROOF
3 PARTY WALL CONSTRUCTION
SCALE: 3/4"=1'-0"



DUPLEX @ FLOOR
2 PARTY WALL CONSTRUCTION
SCALE: 3/4"=1'-0"

REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

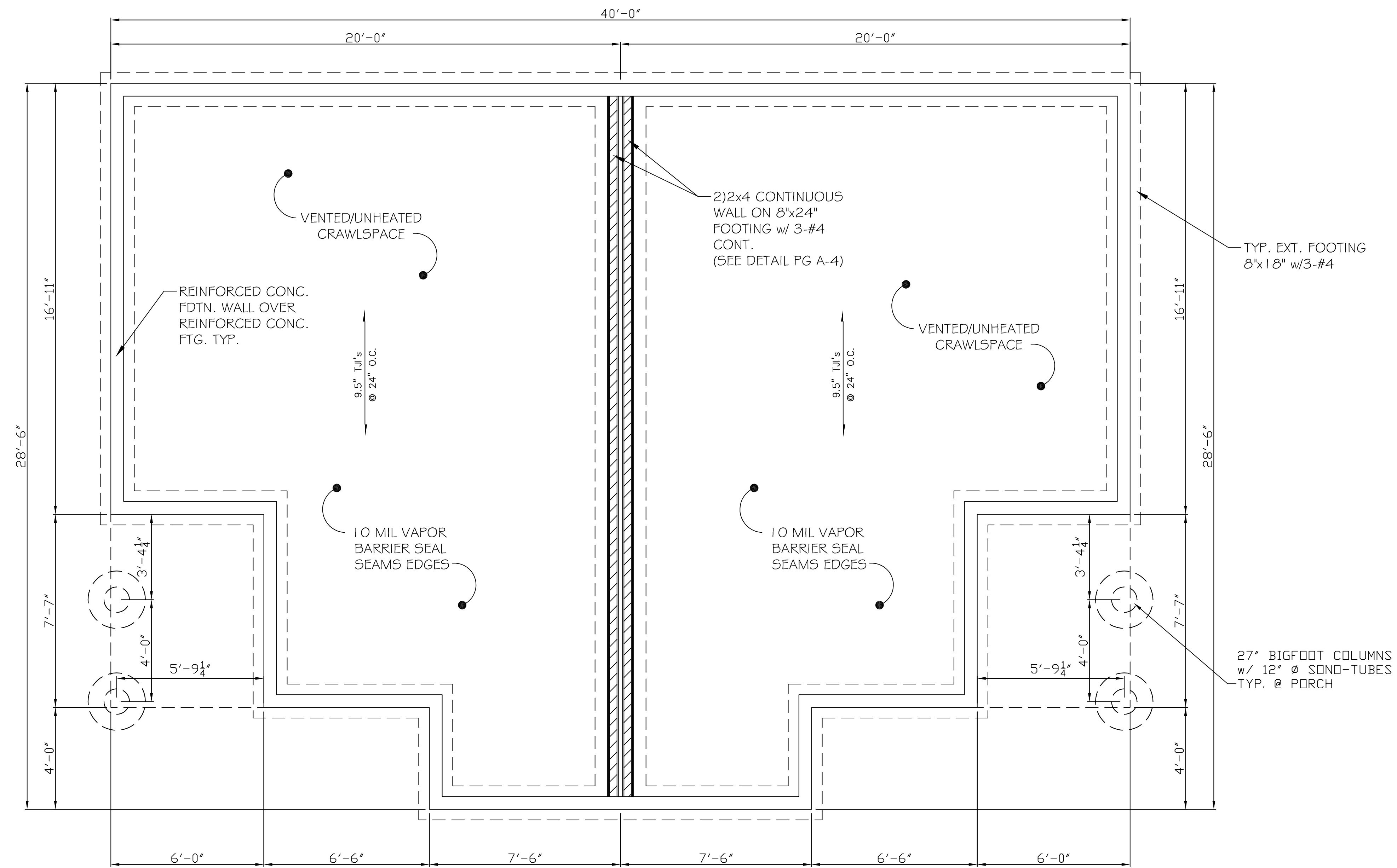
PLAN E

DOUG MACFARLANE
ARCHITECT- LLC
653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

JOB: V.P.C. (E)
DATE: 1/27/2018
SCALE: 3/4"=1'-0"
SHEET:

A-4

PROGRESS SET- NOT FOR CONSTRUCTION



REVISIONS
PRELIM PLAT:

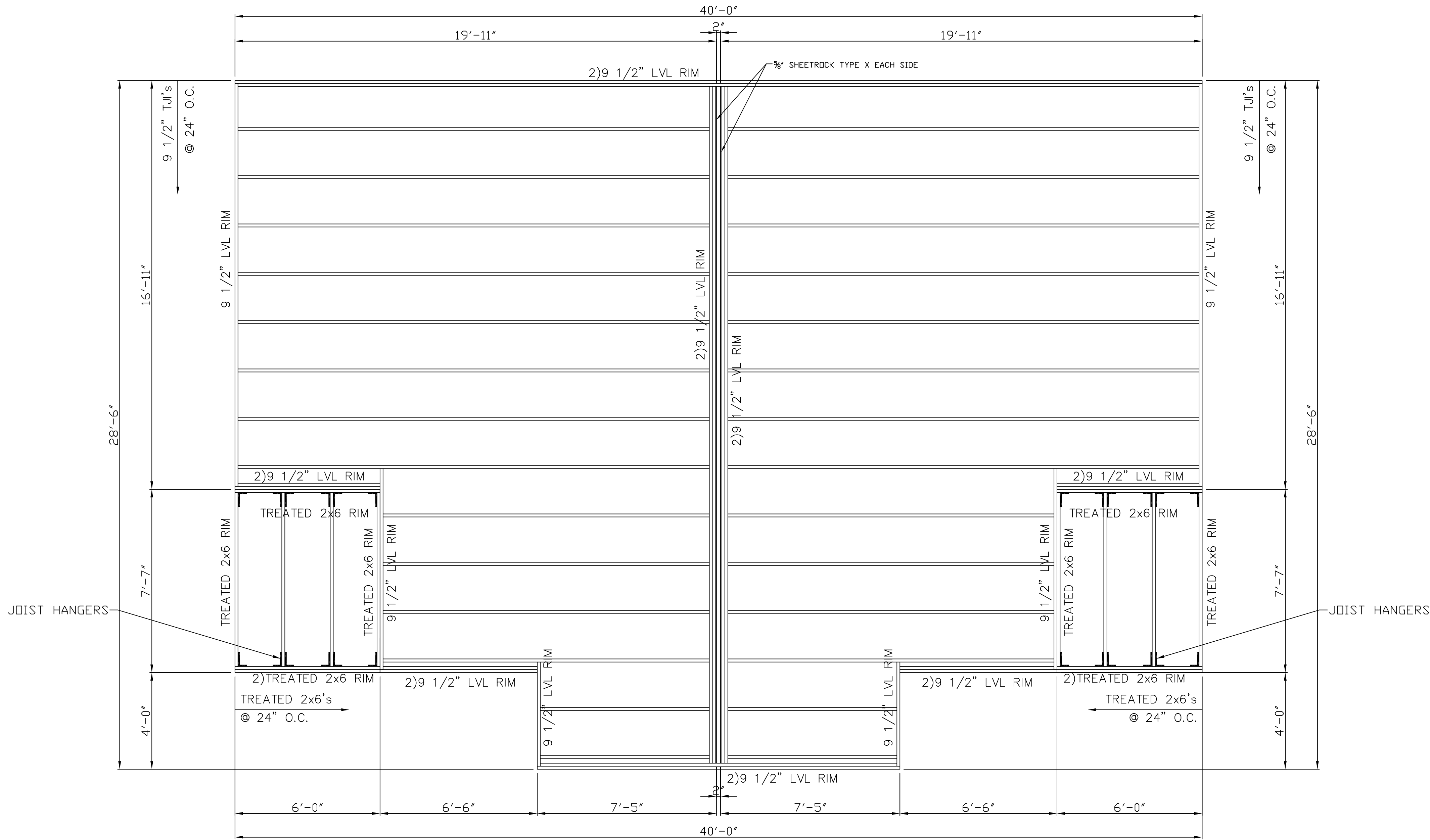
VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN E

**DOUG MACFARLANE
ARCHITECT- LLC**
653 N. CORA, SUITE 201, RIDGWAY, CO. (9

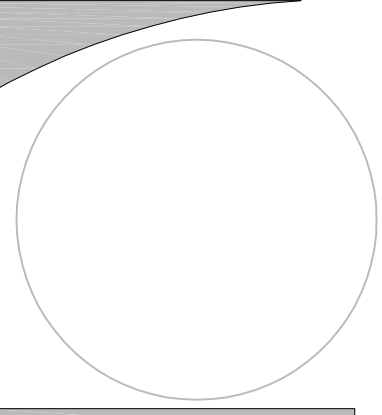
JOB: V.P.C. (E)
DATE: 1/27/2018
SCALE: 3/8" = 1'-0"
SHEET:

S-1



FLOOR FRAMING

PROGRESS SET— NOT FOR CONSTRUCTION



REVISIONS
PRELIM PLAT:

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

PLAN E

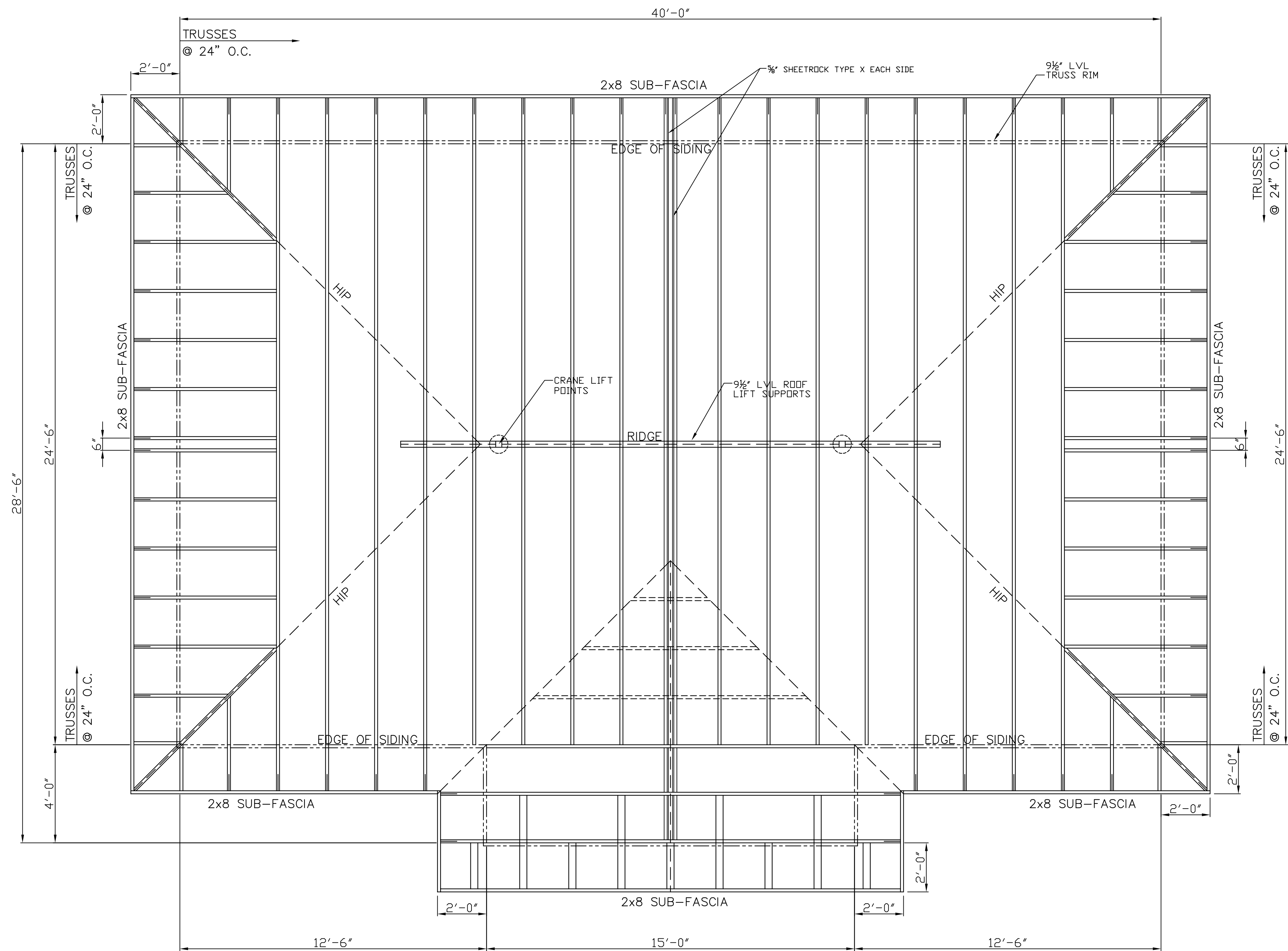
DOUG MACFARLANE
ARCHITECT— LLC



653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C. (E)
DATE: 1/27/2018
SCALE: 3/8"=1'-0"
SHEET:

S-2



PROGRESS SET- NOT FOR CONSTRUCTION



653 N. CORA, SUITE 201, RIDGWAY, CO. (970)-626-3308

PLANE

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

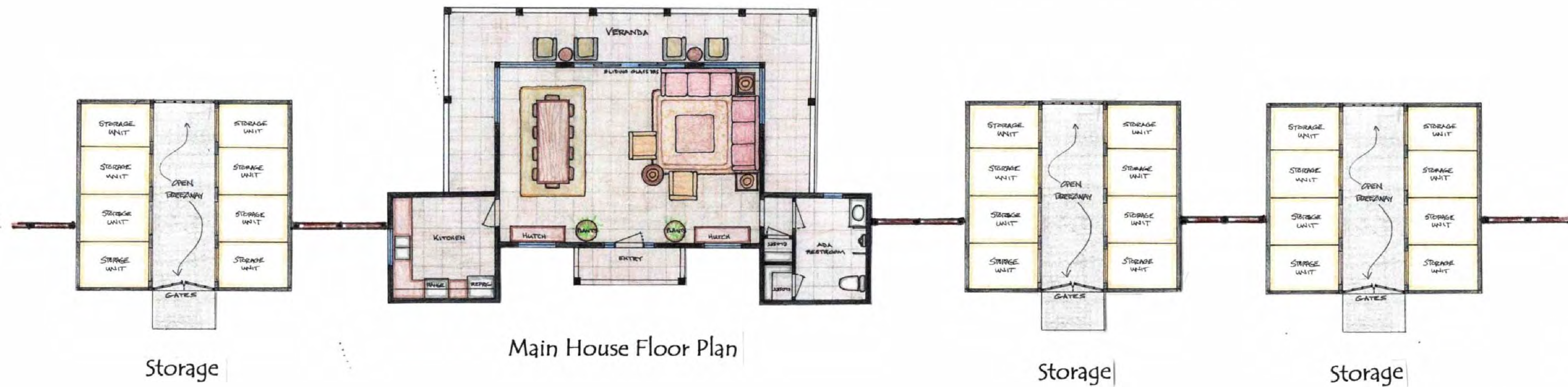
REVISIONS

PRELIM PLAT:

JOB: V.P.C. (E)
DATE: 1/27/2018
SCALE: 3/8" = 1'-0"
SHEET:

S-3

Vista Park Commons – Common Facilities



View Looking North East from Parking Area

COMMON BUILDING 877 sf
 STORAGE 1 320 sf
 STORAGE 2 320 sf
 STORAGE 3 320 sf

INDEX OF DRAWINGS

A-1 COMMON BUILDING AND STORAGE OVERVIEW
 A-2 COMMON BUILDING FLOOR PLAN AND ELEVATIONS
 A-3 STORAGE FLOOR PLANS, ELEVATIONS, SECTIONS, & COMMON BUILDING SECTION AND ROOF FRAMING

REVISIONS

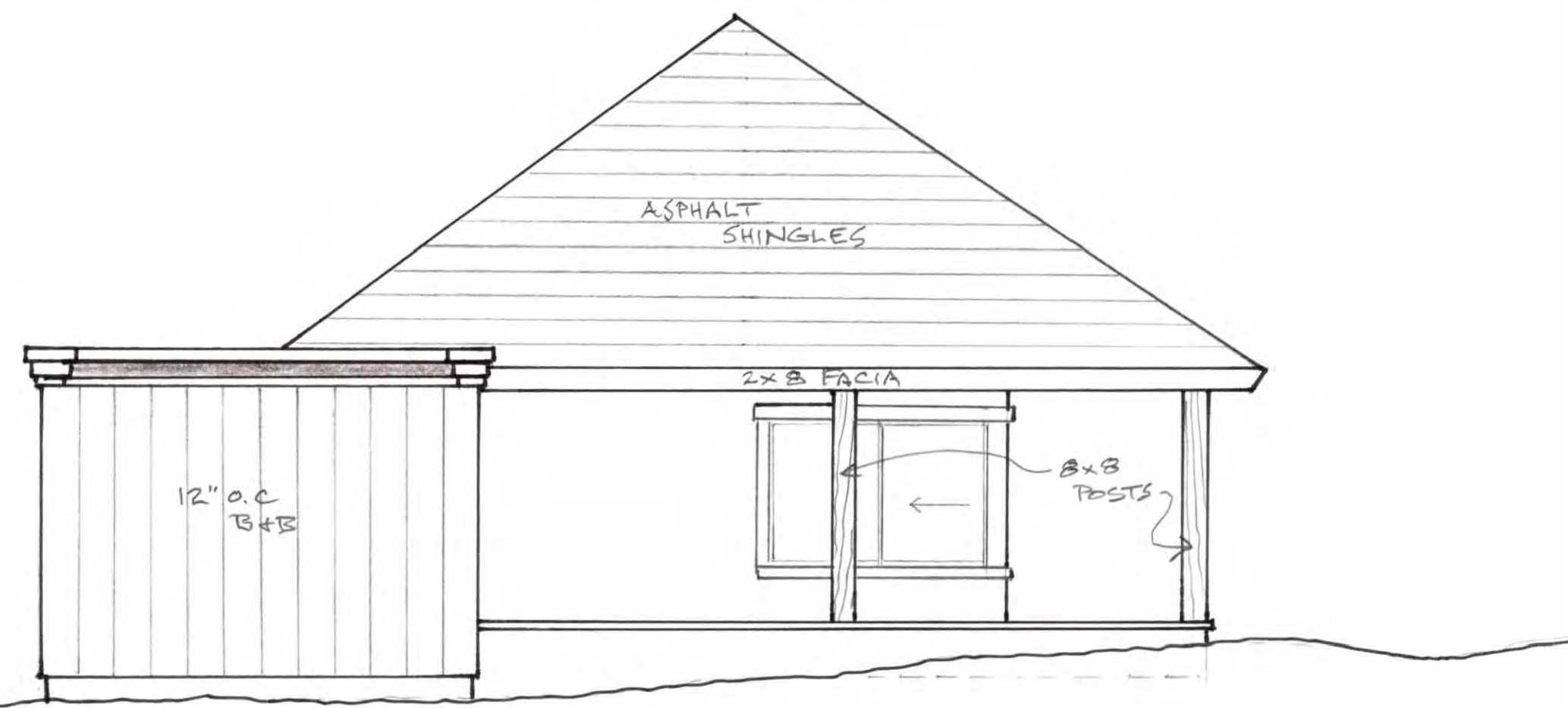
VISTA PARK COMMONS
 RIDGWAY LAND COMPANY SUBDIVISION
 LOTS 30-34

COMMON BUILDINGS

DOLG MACFARLANE
 ARCHITECT-LLC
 653 N. CORA SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C.
 DATE: 09/13/18
 SCALE:
 SHEET:

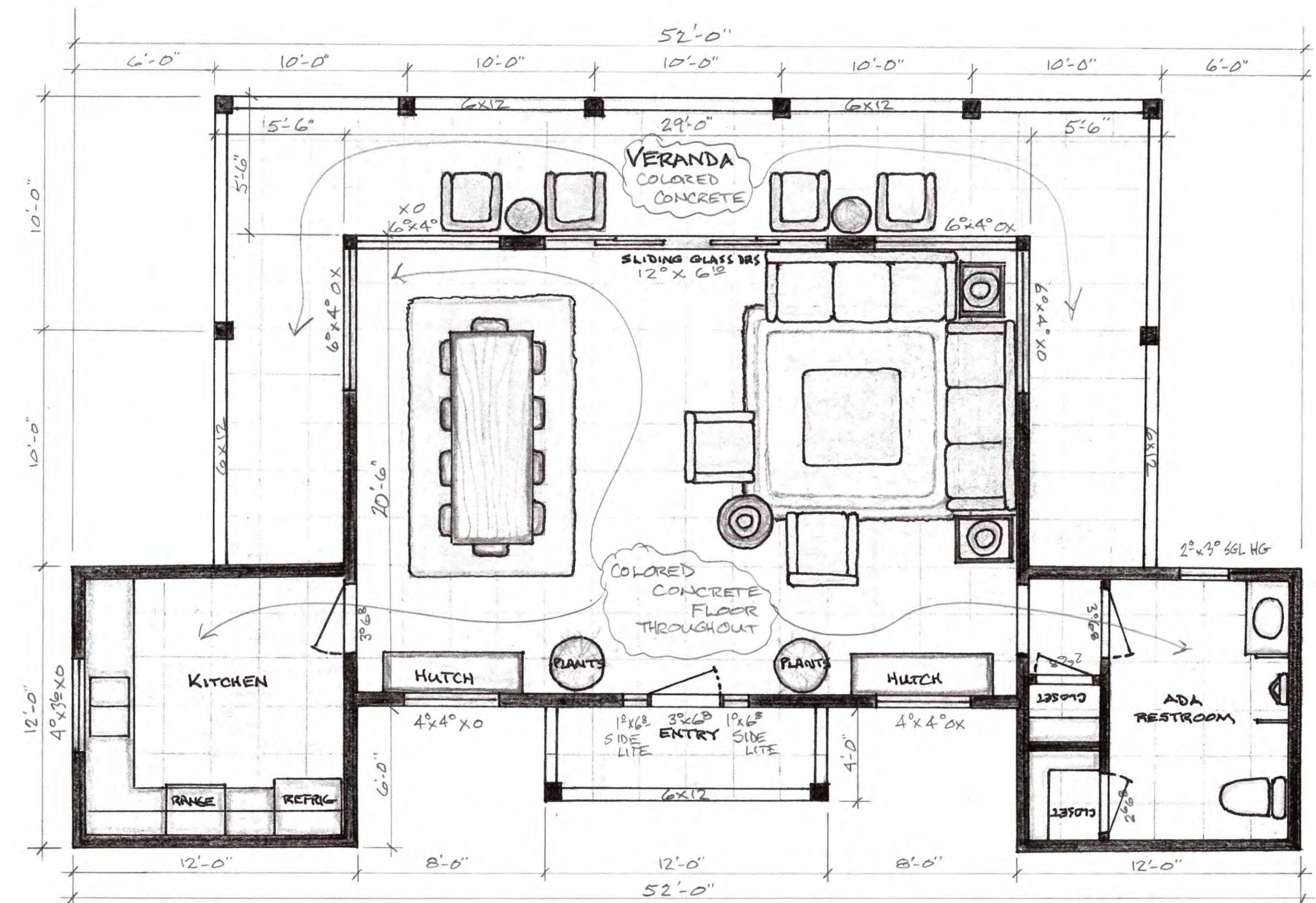
A-1



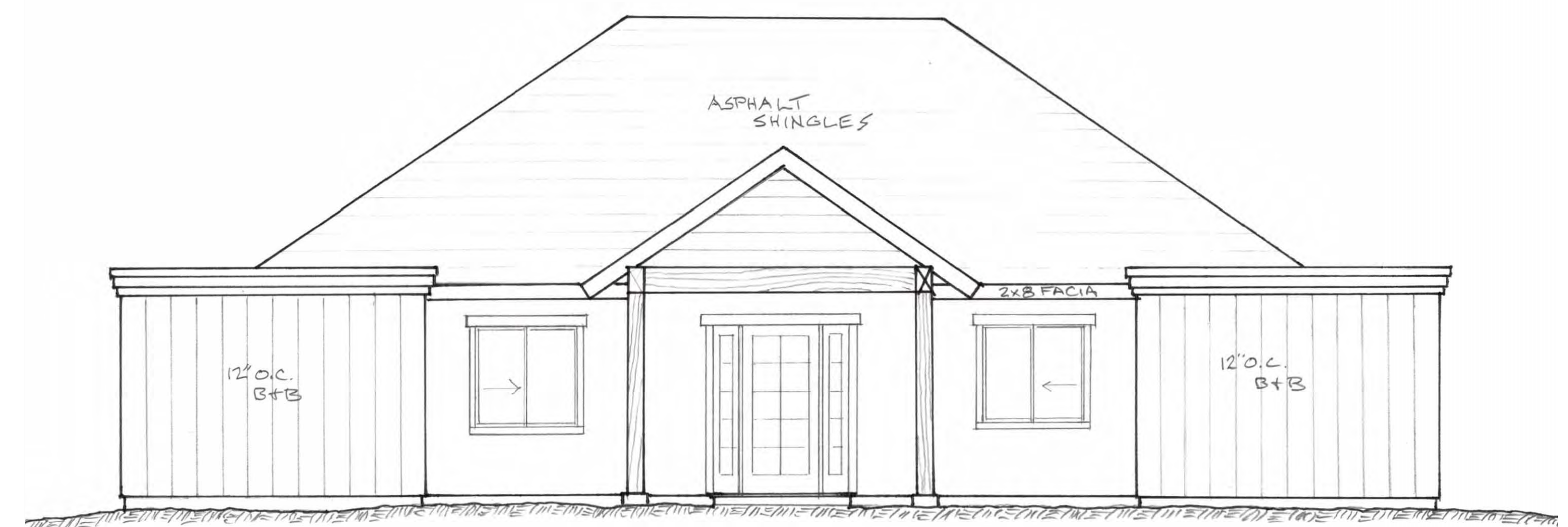
COMMON BLDG
EAST SIDE ELEVATION
 $\frac{1}{4}" = 1'$



COMMON BLDG
WEST SIDE ELEVATION
 $1/4" = 1'$



FLOOR PLAN
COMMON BUILDING
 $\frac{1}{4}" = 1'$ 877 SQ. FT.



COMMON BLDG
FRONT (SOUTH) ELEVATION
 $\frac{1}{4}'' = 1'$

REVISIONS

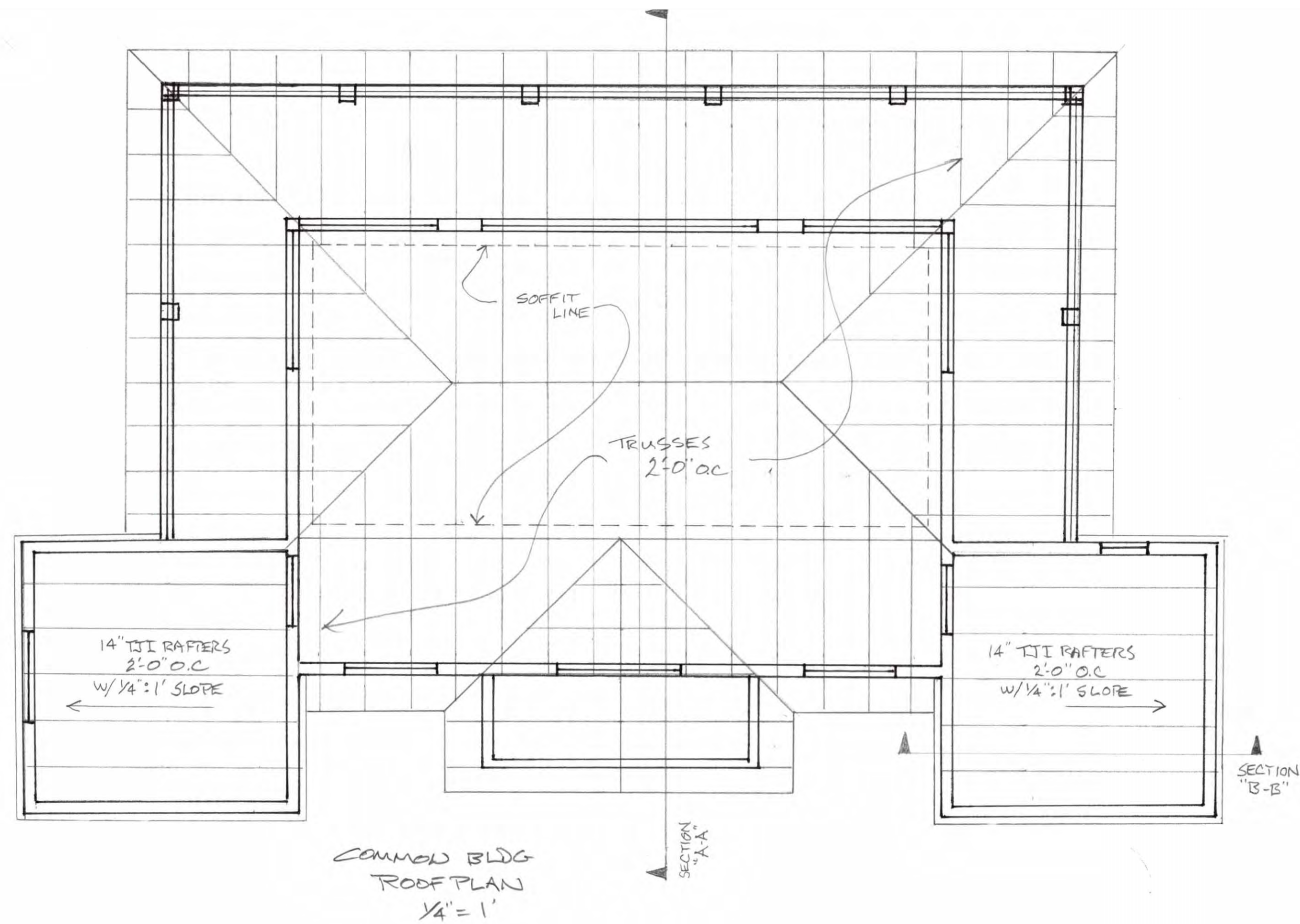
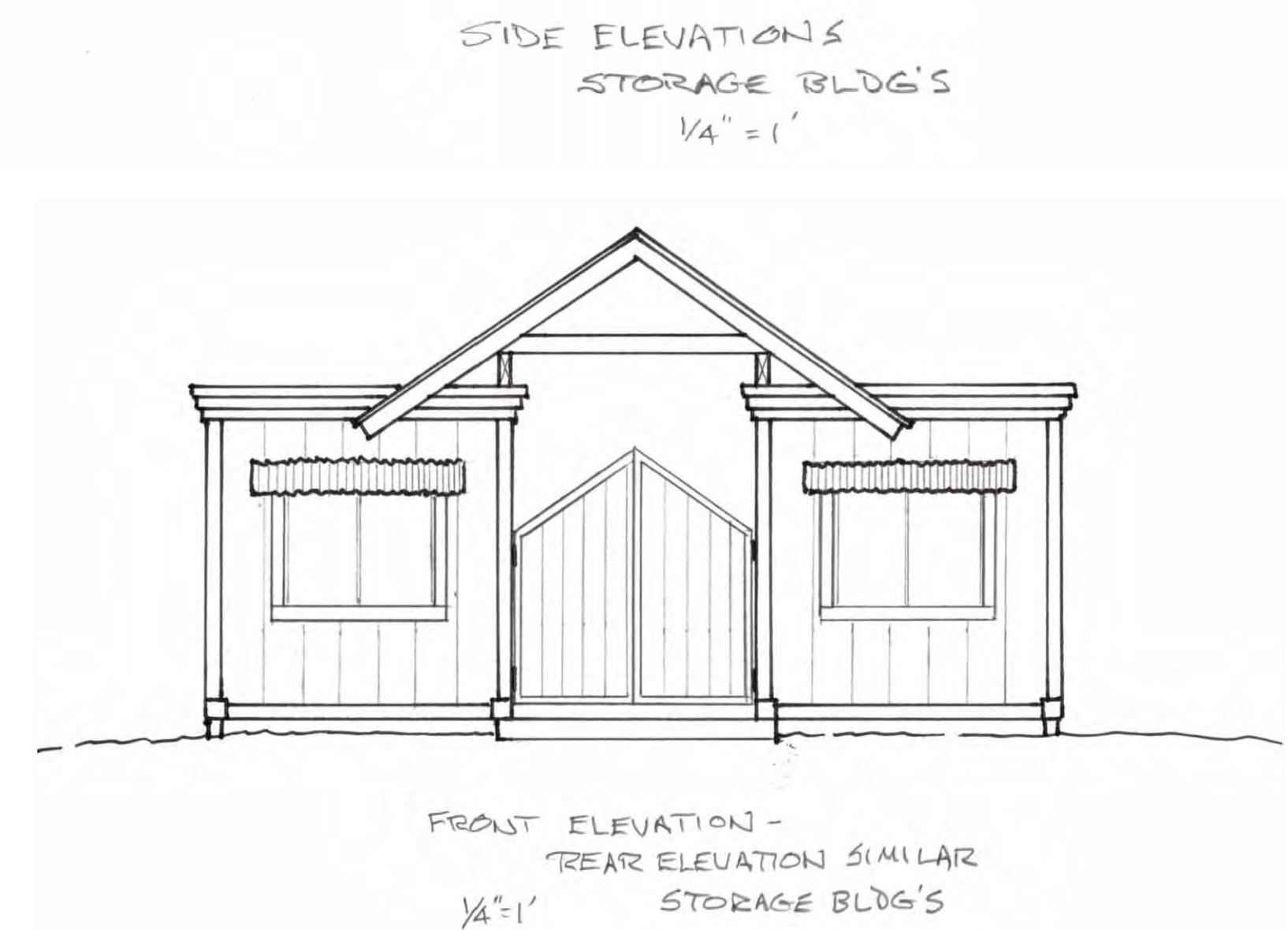
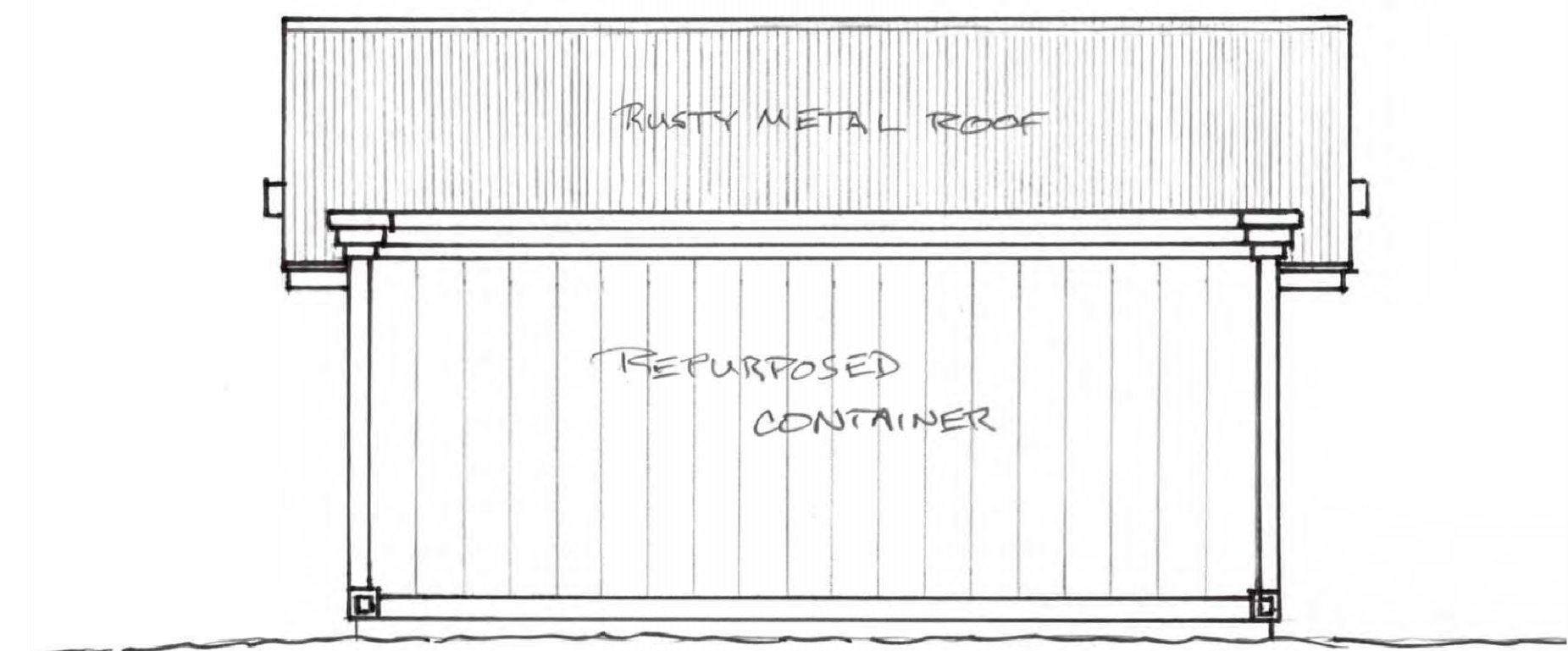
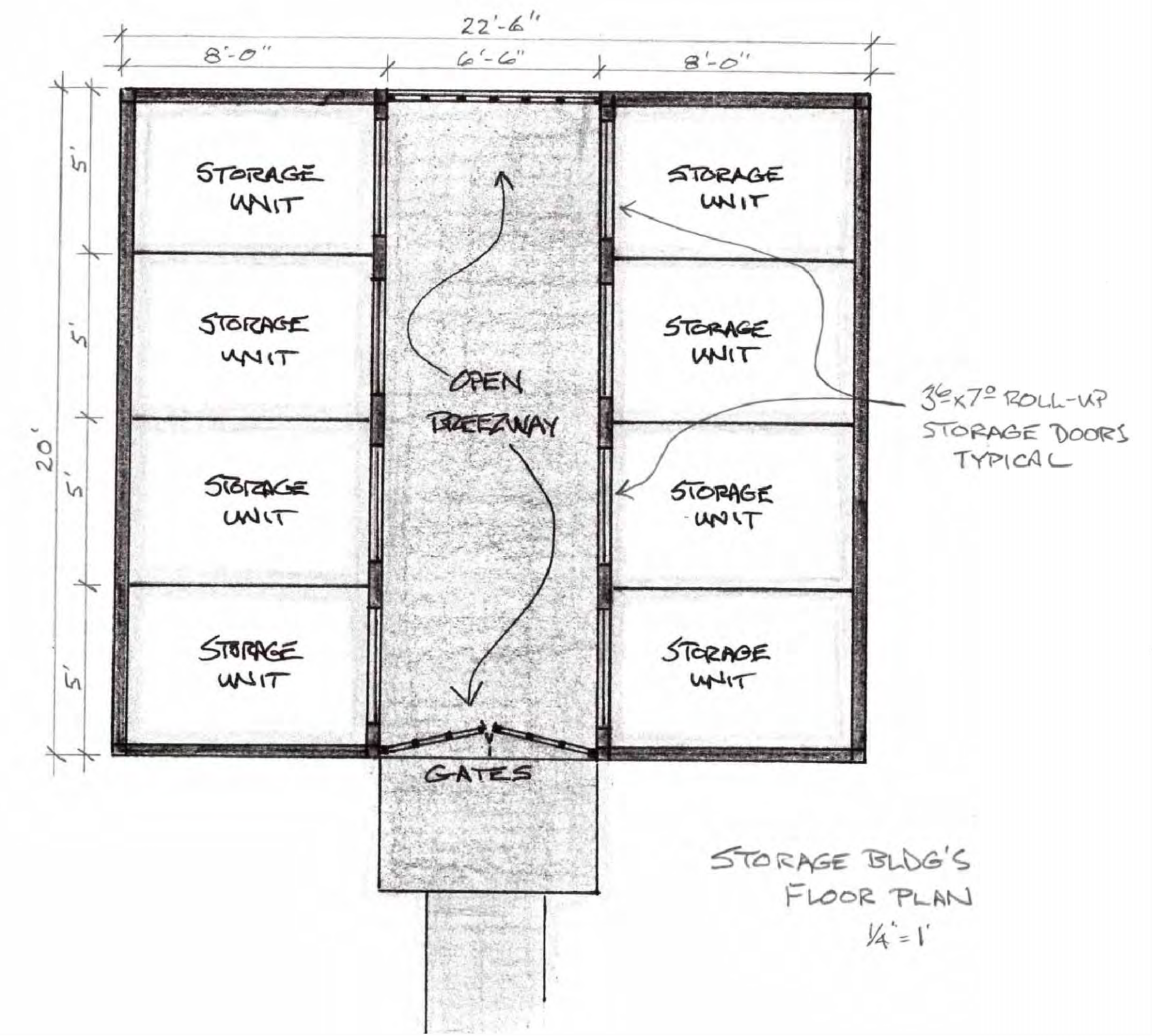
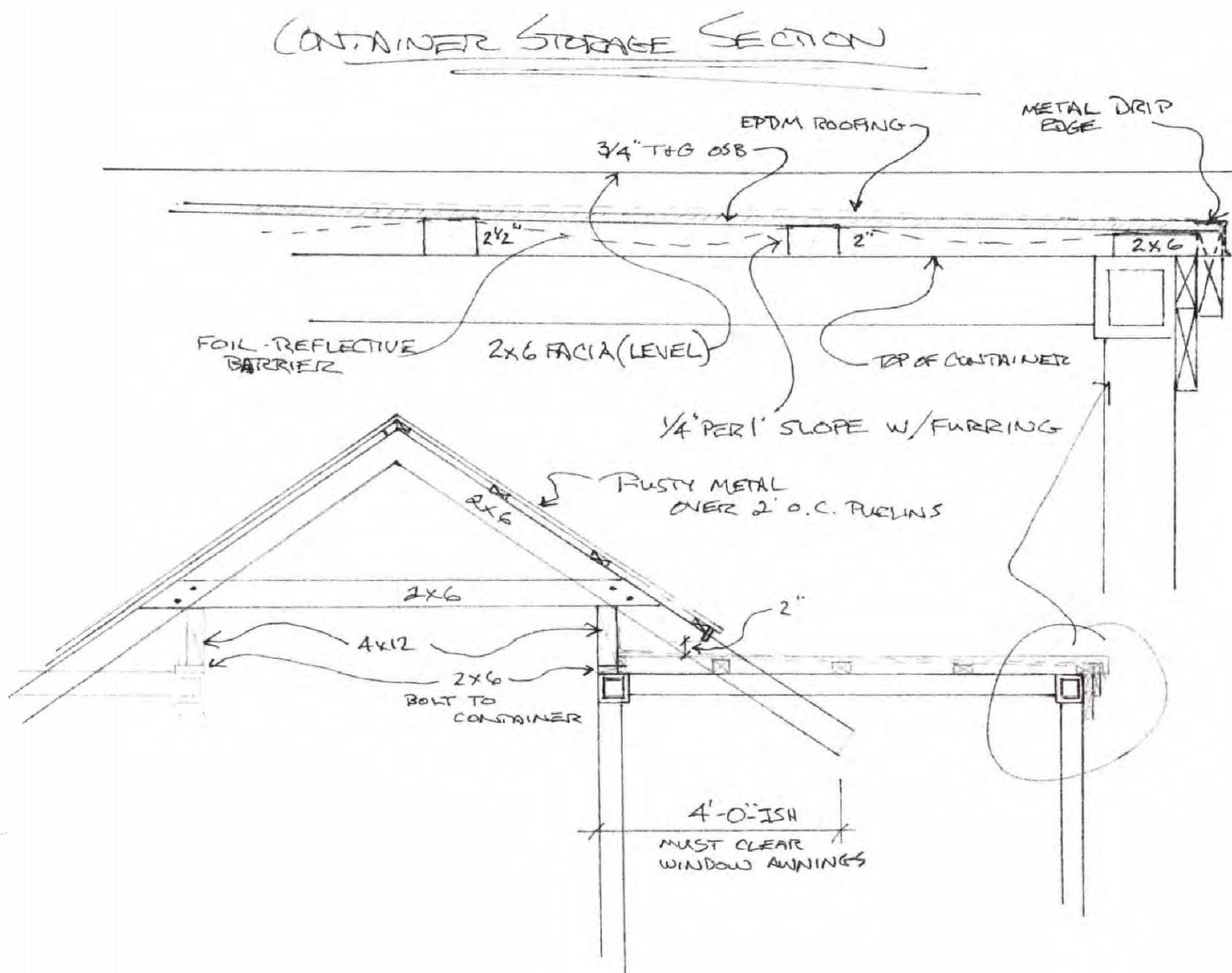
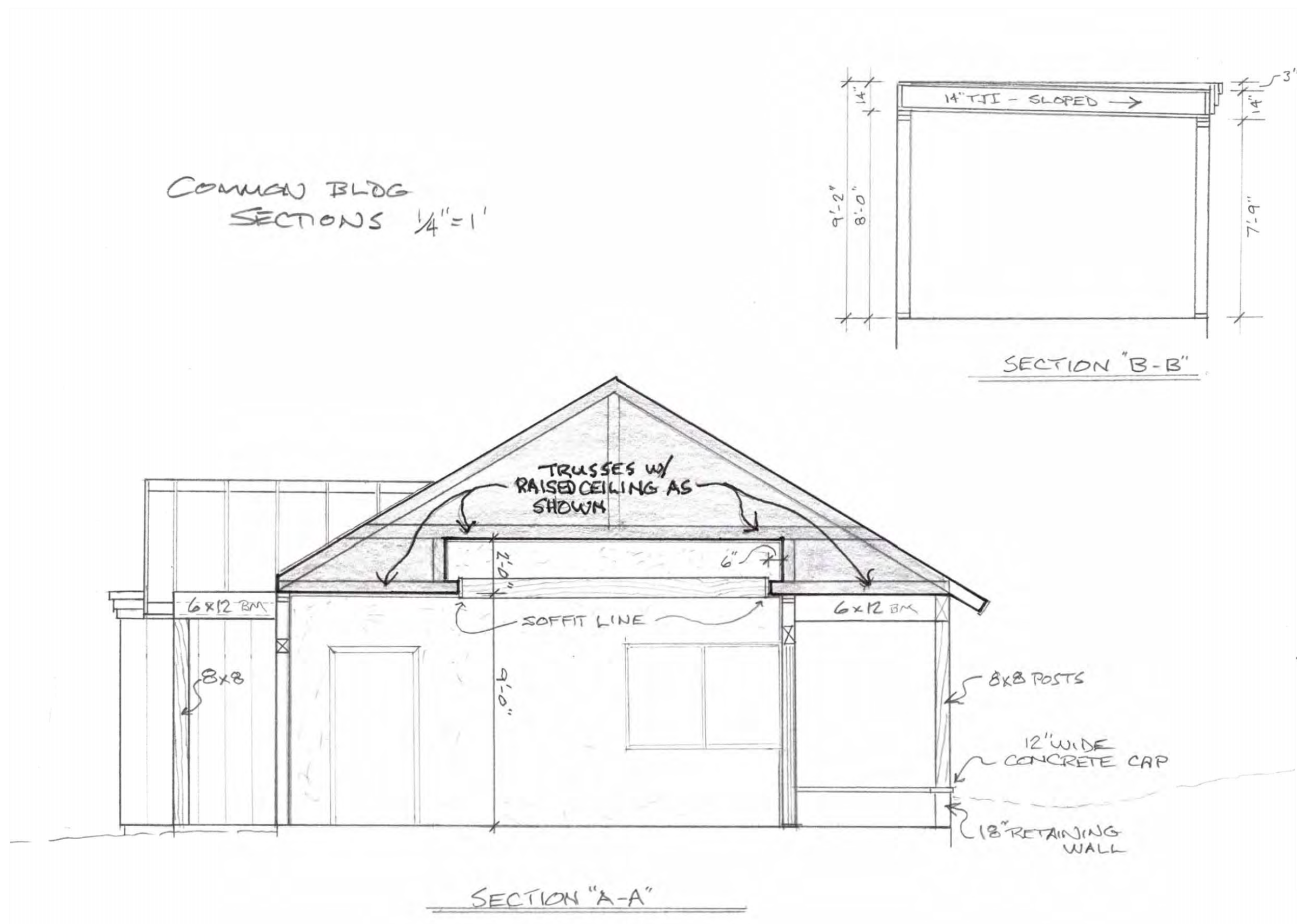
VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

COMMON BUILDING
PLANS & ELEVATIONS

**DOUG MACFARLANE
ARCHITECT-LLC**

653 N. CORA, SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C.
DATE: 09/13/18
SCALE:
SHEET:



REVISIONS

VISTA PARK COMMONS
RIDGWAY LAND COMPANY SUBDIVISION
LOTS 30-34

STORAGE & COMMON BUILDING

DOLG MACFARLANE
ARCHITECT-LLC
653 N. CORA SUITE 201, RIDGWAY, CO. (970) 626-3308

JOB: V.P.C.
DATE: 09/13/18
SCALE:
SHEET:

A-3

STAFF REPORT

Subject: Preliminary Plat Submittal
Legal: Ridgway Land Company Subdivision Lots 30-34
Address: TBD Redcliff Drive
Parcel #s: 430516402012, 430516402011, 430516402010, 430516402009, 430516402008
Zone: General Commercial
Applicant: Vista Park Development. LLC c/o F. Guthrie Castle
Owners: Ridgway Land Co. c/o Robert Hunter
Initiated By: Shay Coburn, Planner
Date: June 25, 2019

Black text: July 31, 2018 staff report

Blue text: Edits made for the September 25, 2018 staff report

Red text: Edits made for this meeting, June 25, 2019

Strike out text show what has been addressed/completed

BACKGROUND

Applicant seeks preliminary plat review of a proposed subdivision, Vista Park Commons. This development is proposed to be located the east side of Highway 550 in the Ridgway Land Company Subdivision. The property is accessed from Hunter parkway along Redcliff Drive. The development will span five existing vacant lots encompassing approximately 2.4 acres or 106,471 square feet.

The proposed development plan includes 23 residential units/lots in 21 buildings which are mostly stand-alone single-family units with 2 duplex buildings. It also includes shared parking, storage, open spaces and a community building. This property is zoned General Commercial.



The applicant had an informal discussion with the Planning Commission in October of 2016, then two sketch plan reviews with the Planning Commission, first on January 3, 2017 then again on August 25, 2017. The applicant had a preliminary plat hearing with the Planning Commission July 31, 2018 where the Commission continued the hearing until all deficiencies noted in the staff report were addressed. The Applicant then returned to application before the Commission today does not address all deficiencies but the applicant has made progress on the landscaping and drainage issues discussed at the last hearing on September 25, 2018 to address some of the deficiencies and to. This hearing will provide the Planning Commission a review of the revised materials and will get direction in a few key areas for the Applicant, the hearing was continued. The Applicant submitted a revised preliminary plat to Town staff in March but a lot of the items in the staff report from the September Commission meeting were not addressed so Town staff sent it back

to the Applicant after a partial review as to not waste time reviewing a substantially incomplete submittal. Revised documents were then submitted at the end of May which were reviewed for this staff report.

Present with this submittal are the following documents:

1. Planning & Zoning hearing application
2. Preliminary plat map (*revised*)
3. Plans including: Site, grading, utilities and civil plans, landscaping, phasing (*revised*)
4. Articles of Organization
5. By-laws of Vista Park Commons HOA
6. Declaration of Covenants, Conditions and Restrictions for Vista Park Commons (*revised*)
7. Mineral rights certification
8. Geotechnical Engineering Study
9. Geologic Hazards and Preliminary Geotechnical Engineering Study
10. Hydrant location and flow test
11. Water and sewer flow calculations
12. Storm water calculations (*revised*)
13. Architectural plan sets
14. Email from Army Corps regarding relocating the Moody Ditch
15. Issued CDOT Access Permit
16. *Utility provider letters*

This public hearing has been noticed and the property posted.

CODE REQUIREMENTS AND ANALYSIS

RMC 7-4-5(B) Preliminary Plat

(1) – (4) Submittal Requirements

Substantially conforming.

(5) The preliminary plat shall contain at a minimum the following:

(a) The name of the subdivision, date of the preparation of the map, name and address of the engineer or surveyor preparing the plat, and total area of the subdivision.

- ~~The plat map is missing a stamp from the surveyor. Will need a stamp once the plans are approved by the Planning Commission and/or Town Council.~~
- ~~The basis of bearing on the plat map needs to be labeled on page 2. All basis of bearing text should reference the "Ridgway Land Company Subdivision" not the "Ridgway Land Company Triangle Subdivision." Page 2 still needs to be corrected.~~
- ~~The Townhouse lots should be labeled accordingly. A plat note needs to be added as well to address the common/party walls. See note below. Applicant responded that there are no common party walls and that there is a 1" space between the unit. The lots still need to be labeled. In note 8, replace the word "duplex" in every instance with "townhome." Duplex indicates single ownership on a single parcel. Townhome indicates individual ownership on individual land with a shared property line. If they are separate buildings, they must have and purchase separate taps and utilities so the standard shared utility note is not needed.~~
- ~~Consider combining pages 3 and 4 onto one page so there are no consistency issues. Applicant did not do this due to scale issues. This is fine but consistency between pages 3 and 4 may continue to be a problem.~~

(b) *The scale used and direction of true north.*

Substantially conforming.

(c) *The location and dimensions of all existing and proposed streets, alleys and easements, street lights, street signs and other improvements.*

- The certs on page 1 of the plat need to match the easements shown on pages 3 and 4. The titles used need to be consistent. Edit wording on easements in legend (i.e.: all should be dedicated, should not reference declarations). *Dedication language on pages 3 and 4 still needs updated as simply listing "dedicated" easement is not adequate. This still needs to be addressed. The "Drainage Easement Per Plat Dimensions, non-public easement, undedicated, reference declarations ..." seems like it should say "Private Drainage Easement"*
- *Is the cert #2 item the same as note#1?*
- ~~Page 4 is missing the drainage easement on the top of the map. Add or combine pages as suggested above. Complete.~~
- Declarations should only be referenced once where the recording number will be filled in. See notes 2 and 9 for examples where reference should be removed. This constant cross references will cause confusion in the future when the declarations are edited, likely bringing up the need for a plat amendment. Reference the plat map as an exhibit to the declarations. *Applicant stated: The reason for the cross reference is that the rights and privileges to the LCE are subject to further refinement in the Declarations. Without this, the rights and privileges to the LCE per the Plat appear unrestricted, and they are not. See Art 4 of Decs. The same is true with respect to maintenance of the LCE and GCE in the there are many refinements to the maintenance obligations as between the HOA and the Unit Owners. Without this reference, the Plat appears make this the sole obligation of the HOA. See Art 7 of the Decs. My understanding is that both the Plat and the Decs are to be approved by the Town Council, and any future change in either document will require the same amendment procedure. Town response: The decs are reviewed by the Town to be sure they do not involve the Town and to avoid any foreseen issues. The Town does not review any future changes to the decs unless required by the decs, which is not a good idea. Things that Town enforces should be on the plat, things that the HOA enforces shouldn't be on the plat, just reference the declaration and the reception number. All other cross references shall be removed as asked for above. If the applicant wants, they can add language to reference of the private declarations like – "Notice for all potential buyers and owners: you are advised to read the private declarations in their entirety". Any cross references to the decs in the dedication language also needs to be removed. If an easement is dedicated to the town, we don't want to find further restrictions or allow the HOA to further restrict in the future through an amendment to the declarations. Applicant replied: Please note that in the current draft, all internal references to the "Declarations" have been eliminated except in places that ONLY deal with the Owner/HOA/Unit Owner relationship. There are no references to the Declarations in anything that effects the Town. This is important because the sum and substance of the Town's relationship with the Project is in the Plat, whereas the operative details of the relationship among the Owner, HOA, and Unit Owners are in the Declarations, and we don't want blanket statements in the Plat to override or supercede these details. See, Cert 4 (last 2 sentences); Note 1; Note 2; Note 9; Note 11; and Note 12. At prior meetings, Bo indicated he is comfortable with handling it in this way. The Town Attorney needs to review this.*
- In fact, the town has standard notes and certs which have generally not been followed here and need to be *unless there is a good reason provided*. They may be slightly modified to fit the development, but not the wholesale deviation and generation of a new note entirely that

includes other information such as references to the private covenants. One example is the dedication certificate, which generally needs to read as follows below, as has been approved by the town:

Certificate of Dedication and Ownership:

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner(s) of certain lands in the Town of Ridgway, Colorado, to wit:

- *(insert property description prior to dedications)*

Has (Have) by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name of _____ Subdivision, and does (do) hereby dedicate, grant and convey to the Town of Ridgway, State of Colorado, for the use of the public *(list streets or other tracts by name or map designation)* as hereon shown. Also the following easements are dedicated, granted and conveyed to the Town of Ridgway, Colorado as shown:

Utility easements for Town utilities (including storm drainage) and public utilities;
Storm drainage easements for Town storm drainage features and facilities;
and *(list other easements as applicable, e.g. trail, exactly as labeled on the map)*

Private easements are reserved or conveyed for purposes as indicated on the plat. *(Further specification may be advisable here.)*

Executed this _____ day of _____, A.D. 20____.

Applicant did not update to the Town's standard language.

- Applicant will need to reconcile the GCE and LCE with the language in the duplex/shared elements plat note as recommended below. *Revise the new note 8 per comments above.*

(d) The location of water courses, including lakes, swamps, ditches, flood prone areas; the location of existing utility lines, pipes, poles, towers, culverts, drains, and drainage ways.

Need to show the location of the relocated ditch on pages 3 and 4 of the plat. Ensure it matches the civil plans. *While there are no dimensions, bearings, distances, etc. it appears to match and was added to the plat map. Need to add dimensions, bearings, distances, etc. so one can find where the relocated ditch is to be. This is important to figure out now as we need to know how it may impact the sewer line and other items.*

(e) The location, size and dimension of all lots and blocks, and the location of properties and easements to be reserved for particular uses or to be dedicated to the Town.

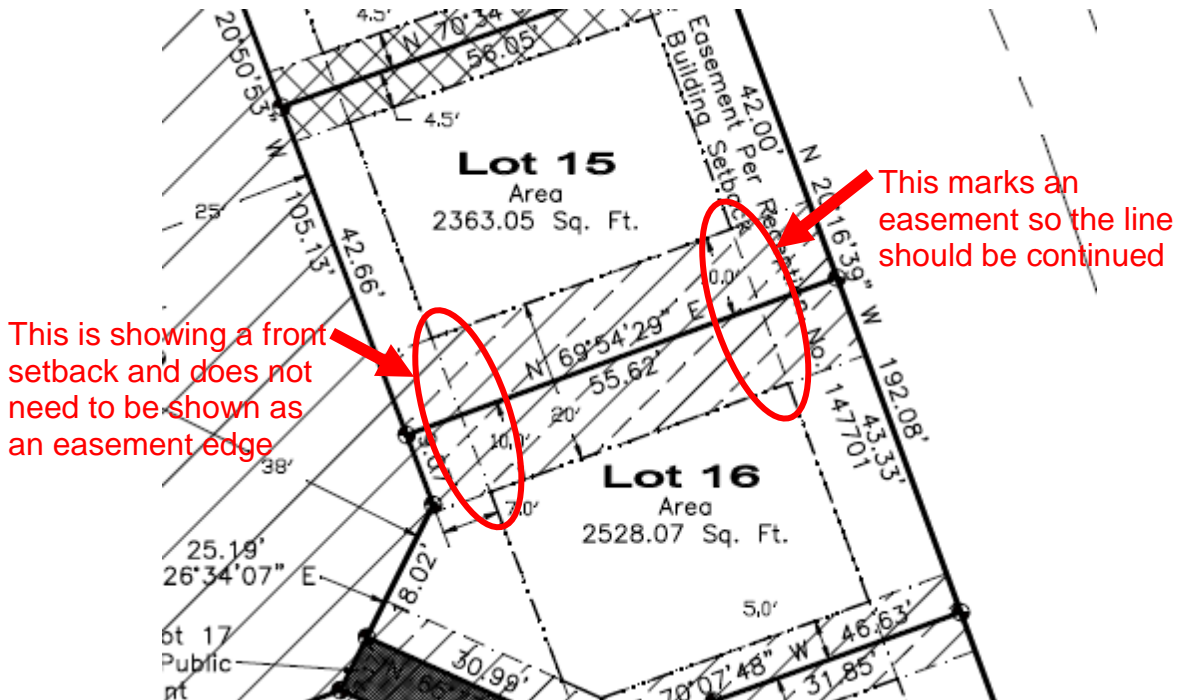
- Easement measurements between buildings are not consistent between the preliminary plat map and the other site plan provided, especially on the southern side of the property. Please reconcile. *U-1 and pages 3-4 on the plat still don't match – between lots 16, 17, 18, 19, 22, and 23. Why was a utility easement added to lot 23 just on page 4? All but the rear setback on lot 23 appear to have been fixed.*
- ~~The easements between the buildings were reduced to accommodate the roof overhangs. Town needs confirmation from the Applicant that none of the roofs overhang into easements. Lots 13 and 14 appear to be very close. Per 9/11/18 submittal applicant stated "this has been confirmed."~~

- The legend for the hatching for the utility easement says “including irrigation lines;” however, the irrigations lines are not on the plans yet. Note that if irrigations lines are near the water lines, sanitary separation will be necessary. Irrigation plan was submitted on page I-1. The irrigation lines appear to be within the utility easement or an established easement. They removed the “including irrigation lines” from the plat map. They also added irrigation lines to the utility plans. Water service lines appear to be irrigation lines per the key, please edit. Please either call out where separation will be needed or enhance the note on U-1 to include separation requirements – 10’ between potable water and sewer and irrigation. 5’ between any of utility including irrigation and any town utility. The power and gas company probably also want 5’ between each other.
- The easement for VP line 3 was extended to the north but not all the way to Redcliff Drive. Town needs to be able to access the line from two directions. The easement needs to be larger or the blanket easement needs to include the Town. Easements are required to be 20’ wide, prior plans had shown 18’ which staff okayed. However, the easement is shown as small as 13.5’. Can this easement extend to the southwest a bit more to give the Town ample room to maintain and repair that manhole? This was updated and looks like it will work. Town Attorney needs to confirm that cert 4(i) means that town has access over all property to get to and from utility easements as the Applicant has explained. Town Attorney to confirm. If possible, it would be best to offset the sewer line 2-3’ from the center of easement – this gives more room to excavate since the line is quite deep and allows a little more room for replacement when needed.

(f) Five foot elevation contours at a minimum.
Received.

(g) Any building setback lines, height restrictions, or other building or use restrictions.

Lots along Redcliff Drive appear to have two building setback lines. Use a different line type to depict easement boundaries. If lines were changed, they are not different enough to tell (or just don’t print well). Also, please add the easement line type to the legend. This was addressed; however, the setback lines (the front of most all lots) appear to continue beyond where needed. Please clean up. The rear easement and front easement lines need to be continuous, but not building setback lines. See graphic for further explanation.



(h) A vicinity sketch map.
Received.

(i) An indication of the total area of streets and alleys, area of lots and area of any property dedicated to public or other uses.
No property is proposed to be dedicated to the Town other than the easements for utilities.

(6) Accompanying the preliminary plat or included upon it shall be plans, drawings or information for the following:

(a) Plans for any proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations.

- The Applicant is proposing a new sanitary sewer main that will loop around the east side of the property. This will be dedicated to the Town. The dedication language on the plat needs adjusted per note below. [See below.](#)
- ~~The numbering of the sewer manholes needs to have one numbering system, as provided by Town. The other numbers on U-1 should be removed to avoid confusion. [Done.](#)~~
- ~~Need encasements on the sewer at water line crossings in the profile drawings. [Done.](#)~~
- ~~The manholes are very close to rear property lines which will make them difficult to maintain and replace if/when needed. These need to be move a few more feet away from the rear property line. Applicant has noted that this will be difficult to do. [Staff can make do with what is proposed.](#)~~
- The existing sewer lateral that will be used for the common building may require cutting asphalt. Town may be able to video this line to identify exactly where the tap is. [Applicant said Ok. Does this confirm that the asphalt needs to be cut or that the applicant would like the line videoed?](#) [Applicant will call Randy Barnes to coordinate locating this sewer tap location.](#)
- Sheet U-1: add coordinates for the sewer line to the common building.

(b) Plans for the water system and fire protection system showing locations, pipe sizes, valves, storage tanks and fire hydrants.

- ~~The Applicant is proposing looping a new water main through the center walkway of the development. This will be dedicated to the Town. In the dedication language on page 1 of the plat, remove the following at the end of the dedication language "constructed in the utility easements as shown on this plat." The dedication language may also need adjusted to include more than just the mains (i.e.: valves, manholes, appurtenances, etc.).~~ ~~Done.~~
- The materials for the walkway where the water line will be located is still undetermined. **Central Walkway:** This needs to be something that Town can get heavy equipment on to maintain and repair the water main. This should be agreed upon before going to Town Council. ~~Was a material for the walk decided? Staff cannot find where this is indicated.~~
 - During follow up meetings we discussed the need to move the transformers away from the walkway. One transformer was moved to the edge of the easement and out of the middle, others appear to be in the same location. Is there a reason for this?
 - Center walk way is now labeled to be 5' wide concrete. What will remainder of the easement area be? The interior boxes are now labeled pull boxes. Can these work at pull boxes? What transformers are being used to pull from for the buildings? If they remain pull boxes, they should be labeled as traffic rated. The two pull boxes on the south side of the development appear to be about 1-3' from the water main... is this enough space to do maintenance?
 - How will the proposed light bollards interact with the other utilities? It appears that if the bollard in front of lot 12 is going to be right on top of a water main valve, the bollards also appear to be following the water line (i.e.: near the north driveway) where the lines and bollards would have to be removed to access the water line. The electrical lines for the bollards should be shown on page U-1, it appears as if the lines for the bollards run just over the primary power line, is SMPA okay with this?
 - The applicant added a note to the landscaping plan addressing that trees will not be planted over utilities and that the landscape contractor needs to coordinate with the utility plan. It will be critical that the landscaper has the as-built utility plans because as the landscaping plans are now there are still conflicts. For example, there is a tree between lots 13 and 14 that might be on top of a gas service line for lot 13.
 - Some of the slopes on the center walkway are incorrect (i.e., between lots 2 and 3 the slope is shown as 2.34% but is 1.87%) these should be checked to avoid issues during construction.
- Hydrant flows need retested. The Town and Applicant Engineers are working on this. **Town Engineer talked with the hydrant tester but has not yet received any results or information.** Applicant said they gave a graph to the Town Engineer. Please resubmit for review.
- Is every unit within 250' of a hydrant? It appears as if there is a gap on the south side of the development.
- Sheet U-1: The bend in the water line by lot 2 is listed as 60 degrees. Fittings come in 90, 45, 22.5 and 11.25 not 60 degrees.
- Sheet U-1: This sheet includes coordinates for the water meters but not for the taps or the fittings on the water main, the gate valve or the air vac. These should be added.
- Sheet U-1: There should be 3' between water taps on the main. It does not look like there is adequate separation for the taps for lots 17 and 18. In general the number of utilities in the space between lots 16 and 19 is worrisome. Quite a number of them cross over the water main in a short distance. Town will struggle to access that part of the main if needed. Is there anything the Applicant can do to mitigate this?

(c) Plans for the storm drainage system showing location, pipe sizes, drains, surface drainage ways and discharge points.

- ~~Town Engineer needs to review the submitted storm water calculations provided.~~
- Retention Area – in general more information needs to be provided. Here are some questions/concerns:
 - The stormwater drainage plan will be affected with the addition of the larger retention area and less permeable surface. The calculations need to be updated to reflect this change. For example, what is the volume of the retention area? What do the storm water calcs indicate that the size of the retention area should be? Received capacity of retention area, but we cannot verify it based on the information provided. As of now it appears as if the pond is intended to release about 1.84 cfs at peak flow, which currently doesn't include the area of Redcliff Dr. that will also drain this way, which means the 8" pipe will likely exceed 2 cfs... will that over top the pond? The revised storm water calcs only include new asphalt on Redcliff, but from the street crown to the gutter will flow into the proposed drop inlet on Redcliff. Storm calcs need to be redone to include all areas that will drain here.
 - We need elevations on the pipe or swale into the pond or the outlet. On the road the gutter elevation is 77.75. The top contour of the pond is 78. What is the elevation where it comes into the pond? If an inlet box is being used, it will be at least a foot lower coming into the pond. If a box through the sidewalk is used, then it will lose a few inches. This will impact the functional volume of the pond. They added elevations that indicate that there isn't room in the boxes for the pipes. Neither section 7 on sheet C-1.1 or sheet C.1 show the box depths, what are they? Section 7 on C1.1 shows the 18" from the road going into the pond box below the outlet of the 8" pipe meaning that the 18" pipe would always be full of the water. How does that work? The 18" pipe has an invert elevation of 75.50' on both sides – this will carry little water and silt up. The inlet in the pond has a grate elevation of 76.50 and a pipe bottom of 75.5. How can an 18" pipe come into the box?
 - ~~There is an inlet on C-1 south of the detention pond with an elevation of 78 that must go into a pipe that goes under the berm to the north but there is no pipe size. This too will impact the functional elevation of the pond.~~
 - Not seeing an emergency spillway on the pond, but it needs one that will set the functional elevation of the pond. Applicant replied that it currently spills at 79 but that they could create a slightly lower (maybe 6") portion at the N edge to move water toward the ditch. This works for the town and needs to be added to the plans. This will slightly reduce the capacity of the pond.
 - The inlet box detail on sheet S1.1 shows a 4' square box while on sheet C-1 it is called out as a 3' square box. It should be 4' square and must be traffic rated. It looks like the depth of the box in the gutter flow line is 2.06 feet deep including the grate and the pipe exiting the box is 18" without the grate. The pipe will take up the full depth of the concrete weakening the concrete. Does that impact the traffic rating?
 - [black text from email 8/13] (C-1) Regarding the culverts: There is 0.25 feet in 55 feet (0.45% slope) from the gutter spot elevation by RA2 to the bottom of the channel upstream of the culvert. Scales about 7% in the culvert. Does not show an elevation at the upstream end of the existing culvert. Also not seeing what will cause the water to make the very sharp turn to get into the existing culvert. There is no indication of the pipe elevation coming from RA2. Appears that there is no slope from end of culvert to next culvert. All changed with larger retention area. The angle problem is solved but see comments above on retention area where more information is needed. The bottom of the pipe between the

- curb and the pond is dead flat. The pipe out from the pond is 0.6%. How does one know how to build the basin?
- Ditch and Sewer Easement Area, rear of lots – in general, more details need to be sorted out here. The Town Engineer will want another review once at least the below changes are made.
 - Looking at the rear lot cross sections the east one looks like the French drain daylight is much less than a foot above the ditch flow line. The ditch is on 0.5% slope. If the ditch can only be 6" deep before it reaches the outfall of the French drain, it can only carry about 3 CFS. Staff is not sure how much flow the ditch needs to carry but assumes it is more than that especially during runoff. Applicant said they are still looking at this to set final drain outlet heights. We need information to know that the ditch can work. We also need to know water elevations for the irrigation ditch to verify that the French drains will drain.
 - [black text from email sent 8/13] We need additional cross sections for the sewer easement area. With a spot check, some of the grades will not work as the typical cross section indicates. Also, 10% cross slope for the easement is too steep. That will not be accessible. The slope should be closer to 2 to 3%. Provided 2 cross sections on page C-1.1. The slope says 2% (5% max.) but looks to be mostly 5% from lot 4 to 17 based on the contours provided. Can this be reduced at all? 5% is quite steep for a dump truck to have to drive on. 3.5% would be acceptable. Behind lots 1-3 it looks OK, but the rest are 4% plus per the contours on U-1. C1.1 Section 4 is wrong. Section 5 is close. On C1.1 4, it looks like the building drain line is daylighting lower than the ditch. That is likely in issue with others.
 - [Black text from email sent 8/13/18] We need a profile of the flow line of the ditch. It appears to vary in slope which means it will need to vary in width. We will need cross sections of the different slopes as well as peak flow to be sure it will work. Not provided. Applicant explained verbally that the grades on the ditch were changed to be an even grade the full distance of the ditch. The ditch is also in the Utility Easement which would make that utility easement mostly unusable. There is currently a water main in that easement or in the road near the easement. How will the ditch interact with the water main? Redcliff Dr. is paved so a non-paved utility easement could be critical for future development. It appears as if 6 points with coordinates, mostly on the north side, have been added but the ditch is on an undefined curve so there is not enough information to build what is shown on the plans, nor to be able to inspect if it was constructed to the plans. It appears as if the applicant is intending the ditch to run at consistent 0.5% slope. What are the range of flows in the ditch? Can the ditch, culvert under Redcliff Drive, and other affected areas accommodate additional flow created by this subdivision? The stormwater calculations should include existing flows and how additional flows will work with the planned and existing infrastructure. The sections of C1.1 don't list ditch flow lines but as drawn suggest the ditch is less than 2' deep. What is the intended capacity of the ditch and what is the cross section? The plans appear to lack finished contour lines on the lot side of the relocated ditch so it is hard to see how steep the sewer easement area will be. The calculations suggest the development will add in excess of 1 cfs to the flow in the irrigation ditch. Is there capacity for the extra flow at all times?
 - On the detail on page C-1.1 is 24" tall the tallest one of these walls would be?
 - The finished ground elevations from lots 4 to 17 are the same in the back yet the finished floors of the units vary by a couple of feet, some by about 4'. How will this work? Applicant said they adjusted the grades.
 - Sheet C-1.1: Section 8 calls for a 2% slope down from the building for 5 feet that is then to be flattened into a swale. That is a drop of 0.10'. How does that work?

- How does water get out of the south side of the south bulbout at the north entry to the parking lot? Is there a drain box proposed?
- Sheet C-1.1: Please add specs (brand or cut sheet) for the filter fabric (detail 6) – we want to be sure it will not plug the drain. Please add specs (brand or cut sheet) for the liner material (detail 5) - how will you clean the ditch without destroying a liner?
- The below pictures were taken in March 2019 and reinforce why drainage on this parcel is very important to address.
- The retention areas are partially on Town property. It is much preferred that this retention area be completely on private property. If the Applicant cannot accommodate this, it will need to be a request to Council but staff is unsure it will be favorably considered. If it remains on Town property, it needs to be on the plat and have maintenance obligations and other language as well as an easement from the Town for the use of town property. Applicant removed 2 units and expanded the retention area on their own property. It appears as if the fence on lot 1 will be in the top one foot or so of the retention area. How will this work? Does it need an easement? How does maintenance work so close to a building?



Site drainage – March 3, 2019



Site drainage – March 8, 2019

(d) Plans for proposed streets, alleys, sidewalks, curbs and gutters, lighting, bikepaths and walkways showing the grade and cross section, and plans for any other proposed public improvements. (Ord 12-2008)

- No public streets are proposed.
- Sidewalks appear to be about 5.5' – 6' wide. Our standards require 8' minimum width in the General Commercial district and 5' for residential districts. This is a residential development so the 5.5'-6' width seems adequate.
- The tactile/detectable warnings must be cast-iron and the full width of the sidewalk. Note that you may not be able to order in 5.5' so it may have to be a combo of size.
- We need to understand the slopes of the sidewalk along Redcliff Drive. The Town Engineer has calculated some of the slopes based on spot elevations provided but it is not sufficient to know the full profile. Additionally, some of the internal sidewalks have steep grades, the Applicant says they are no more than 10% but the Town Engineer's calculations are higher. The maximum for ADA compliance is 8.3%, which some exceed. Labels added on page C-1. The slopes of the walks have been reduced but steps have been added to most units. There is some discrepancy between the slope measurements and the slopes measured per the scale of the drawing. Also, there needs to be ADA ramps on the sidewalks where they cross the driveways, not a 6" curb. The sidewalks appear to work now.
- Curb and gutter needs to be added along Redcliff Drive and Town needs to understand how it will drain. Curbs and gutters were added, profiles on the sidewalk and gutter are still missing.

Staff remains concerned for how it will drain. Some of the grade is shown as flat and some at about 0.4%. Town code requires a minimum of 0.5%. It looks like if the inlet is relocated and dropped at the north then enough fall will be gained to maintain a continuous 0.5% with a 1% slope in the valley pans. The section between the existing pavement and gutter can be adjusted to accommodate this. The drainage plan still lacks stationing. Slopes have been added along the gutter alignment but they are off by a factor of 10 e.g. the slope is listed as 5% but it is really 0.5%. A number of the listed cross slopes were found to be incorrect. The slopes on the new asphalt from the existing edge of pavement to the proposed face of gutter varies from 2% to 6.7% (the slopes were calculated using a straight grade from the edge of pavement to the flow line. In reality, the slope in the gutter should be fixed at $\frac{3}{4}$ " or 1" per foot of gutter which would reduce the slopes of the asphalt a little). Cross slopes of steeper than 4% can be difficult to maneuver especially in winter conditions. Please consider reducing where possible. Please label the gutter width on the plans, it appears as if they are 24" wide. Is the "gutter" elevation the flow line or the face of the gutter?

- Driveway cross sections need to be refined. Added on page C-1.1. The south valley pan has a grade break at the middle of the pan N/S and is flatter on the downstream side which will slow the water in the middle of the pan. Is there a purpose for this? The cross sections have an architectural scale and no stationing. This has taken a lot of the Town Engineer's time to review. Section 3/C-1.1 is showing a second valley pan to the east of the main pan in the pervious pavement. Staff is not seeing it on the plans on C-1. ~~Are the applicants proposing a concrete valley pan with pervious pavement on either side?~~ The only valley pan elevations found are at the middle of the valley pan, we need more spot elevations. It but looks like the 0.5% slope along the gutter carries thru the valley pan. It's very hard to get concrete that flat without creating bird baths. How will one locate the valley pans in the field? On page C-1, it is okay that you used the town typical drawing for the valley pan but please remove the town letterhead so it doesn't look to be our standard.
- ~~How will the lights at the driveways be wired? Lights at driveways appear to have been misplaced on the new landscape plan. Still lacks information on how they will be wired.~~
- Overall, more information is needed on the plans to ensure that someone can built what is being proposed. This still need to be addressed. It is imperative that the plans have locations established so we can inspect that it is done per the approved plans. Editing and changing plans after approval should be a last resort as it will delay the progress on the project with additional public hearings. Coordinates have been added to the walk/curb but most are in locations without elevations. In addition, there is insufficient information to layout the detention pond and the landscape berm.

(e) The subdivider shall send a notice, at least 30 days prior to the Planning Commission's hearing or consideration, to mineral estate owners, by certified mail, return receipt requested, or a nationally recognized overnight courier, in accordance with the requirements of CRS 24-65.5-103(1). A copy of the notice shall be given to the Town along with the subdividers certification of compliance with said notification requirements. Provided this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only for platting an additional single lot, unless a mineral estate owner has requested notice pursuant to CRS 24-6-402(7). (Ord 4-2009)

Substantially met.

(f) Any proposed covenants, condominium declaration or articles of incorporation and by-laws for any homeowners' association, or contracts for maintenance of improvements.

- The declarations need another review by the Town Attorney. This review is still needed. Applicant submitted revised declarations – they added sections to deal with the maintenance of fences, French drains, and retaining walls (sections 3.3.2, 7.2, and 7.6). Town Attorney needs to review this.
- In the declarations under 2.26, where and how does Ridgway USA approve this development? This was not addressed. This is important as this development is impacting some of the RUSA common space. No changes made. Perhaps the HOA should be a signatory on the plat map and this certificate should be on page 1 of the plat.

(g) A soils report prepared by a geologist or licensed qualified engineer which addresses building foundation design requirements shall be submitted where geologic hazards and considerations dictate the need for such analysis.

- Town needs to understand what the pavement will be comprised of as the report recommends two different paving types, one for construction loads and one for post-construction. The Applicant said they added cross sections and specs for this but staff is not finding the information. Applicant said that parking area is pervious paving per detail and new parking spaces along Redcliff will be asphalt per Town standards. The proposed pervious paving appears to be about less than half the strength of a local street. What is the load bearing capacity? The plans say per the specs, staff needs a copy of the specs. We went online to find it but you have to pay to get that detailed information. Applicant added a section for the pervious pavement – it says it has the same strength as the paved section. This needs a little more clarification as it is not likely that strong. The structural section of the parking lot is listed to handle 40,000 ESALs. The Lambert recommended section for 40K ESALs is listed as 3” of asphalt (assumed SN of .4 per inch), 4” of class 6 (SN of .10) and 12” of Class 2 (SN of .09). That comes to a structure number of 2.68. Using the class 6 structure number for the sand gravel below the pave2mat, the SN of the parking lot is 1.48. Please explain how the section meets the 2.68 SN. Will this surface suffice for the ADA parking spaces?
- The area where the sewer will be located needs to be strong enough for the public works crew to get a dump truck back there to maintain/repair the sewer main. The design of this typical cross section on page U-1 will need to be revised. ~~Town also needs to understand why the manholes are not included in the proposed “drive area”?~~ ~~The drive area is now 20’ wide and includes the manholes, surface is 6” with compacted native material with an additional 6” class 2 road base layer above.~~ The applicant needs to confirm that this is adequate for a loaded dump truck based on information in Lambert’s soil report or additional information provided by Lambert. ~~Per 8/22/18 meeting town and applicant agreed upon adding weed cloth and seed back to the road base to keep weeds from growing. I do not see this noted on the plans. We also agreed upon adding some sort of bollards or something to block off access to this easement by owners which staff cannot find on the plans.~~
 - How will the drains that run between units interface with this access? Will there be inverted soggy speed bumps across the access?
 - What is the distance and slope from the edge of the sewer easement to the ditch? This is important to understand as the ditch runs mostly year-round and will impact the access area.
 - The design is said to be based on a 1500 psf soils strength which per Lambert is the 3’ deep strength. The plans show substantial changes in finished elevation along the access compared to existing.

- Town remains concerned that 6" of Class 2 will not be enough. Please update to 12" so that if the soils are clayey that there is enough strength. If there is cobble, then we can reduce it to 6".
- Applicant said they would rather not do a weed cloth because they want grass to grow in the area, this is fine as long as there is some sort of weed management provided by the HOA.
- Please fix formatting of the text boxes on page C1.1 - the "/" and line breaks make them hard to understand.

(h) *Written approval or access permit from the State Department of Highways for any access to highways under its jurisdiction, directly from any lot and for any new street serving the subdivision which intersects with a State highway.*

Town Staff worked with the applicant to submit for Access Permit. The permit was received from COTD with a notice to proceed and no additional improvements were necessary.

(i) *Estimated water consumption and sewage generation.*

Staff is working with the Applicant to better understand this demand. This looks close enough for our purposes.

(j) *Description of any geologic hazards.*

Substantially complete.

(k) *Landscape plans and, as appropriate, irrigation plans. (Ord 12-2008)*

- Irrigations plans have not yet been submitted. These plans should be submitted before going to Town Council. An irrigation plan was submitted. It shows irrigation to all common areas. All proposed landscaping on private lots will not be irrigated. How will each property owner irrigate their own property? From their potable water tap? Will future owners reasonably be able to keep the trees, shrubs and grass area per the landscape plans alive? Will owners be allowed to tap into the irrigation water of the HOA? Will there be a distribution line with a spigot for each lot? RUSA was intended to all be watered with this irrigation water. Added irrigation lines to each of the units/lots. Please add the service lines to the utility plan in order to see any conflicts that may exist. Is 35 psi enough pressure to operate the sprinkler heads you have selected? Note that the system will need to be programed to supply 2-3 zones at a time due to the pump rate.
- ~~The landscape plan needs to be updated to reflect the revised site layout, the measurement do not match the plat and site plans. This will cause confusion for construction. This should be revised before going to Town Council. Done.~~
- ~~See notes under 7-3-11 regarding a deviation request regarding landscaping.~~

(l) *A list of proposed uses for each lot consistent with Town Zoning Regulations. (Ord 12-2008)*

See Zoning Regulations section below as the applicant is requesting a Conditional Use Permit for the residential uses in the General Commercial district.

(7) *Repealed by Ord 4-2009*

(8) *The Planning Commission may approve, conditionally approve or disapprove the preliminary plat. It may continue its consideration of the plat to another meeting when additional time is needed, or to allow the subdivider time to revise or supplement the plan to bring it into compliance with these regulations or proposed conditions of approval. The reason for continuance, disapproval, or any conditions of approval, shall be included in the minutes of the Planning Commission's proceedings and provided to the subdivider*

in writing upon request. Consideration of the matter may also be continued upon the subdividers request. The plat may be disapproved if it or the proposed improvements and required submittals are inadequate or do not comply with the requirements of these Regulations. (Ord 12-2008)

(9) The Planning Commission's decision shall be submitted to the Town Council as a recommendation along with the plat for review at its next regular meeting. The Town Council shall issue its decision approving, conditionally approving or disapproving the plat, based upon compliance with the provisions of these regulations. The Town Council may continue its consideration of the preliminary plat until such time as proposed conditions for approval, are met by the subdivider. (Ord 12-2008)

(10) Except as otherwise expressly provided by the Town Council, all conditions of approval shall be met within 90 days of such approval or the plat shall be deemed disapproved.

RMC 7-4-6 Required Improvements

There are a number of improvements that are required with subdivision in this section. Staff is highlighting only a portion of these requirements here:

(A)(5) Electricity, telephone and CATV.

The electrical and gas layouts will need to be approved by SMPA and Black Hills. [The Applicant is working on this. Applicant submitted letters from both utilities.](#)

(A)(6) Streets within and adjacent to the subdivision as necessary to provide access to each lot. Existing streets maintained by the Town for public use shall be improved by the subdivider to the extent necessary to provide access to abutting lots and to provide proper drainage, grade and sidewalk grade. Streets shall be paved in circumstances where required by Town street specifications. Streets shall be dedicated to the Town.

Town needs to see detail on the proposed permeable pavement. [See details on S-1 and C-1.1. The product spec sheets was given to staff at a meeting but staff needs an electronic copy. Specifically, we need the strength information as requested above. Town needs information on the strength of the pave2mat.](#)

(B) Subdivision Improvements Agreement (SIA)

In part, this section reads as follows in Sections (1) and (2):

(1) No final plat shall be approved or recorded until the subdivider has properly completed, and the Town has approved, the street base, lights and traffic control devices, and water, sewer, electricity, gas, telephone, and drainage system as adequate to serve each lot, and has submitted, and the Town Council has approved, a Subdivision Improvements Agreement guaranteeing construction of all other required improvements and as-builts therefore, which have not previously been completed and approved by the Town. The Subdivision Improvements Agreement shall list the improvements to be made and as built required, estimated costs, and completion dates.

[Applicant should not this requirement.](#)

(2) All improvements shall be completed and accepted within 2 years following approval of the final plat by the Town, unless a longer interval is provided for in the Subdivision Improvements Agreement.

The Applicant has stated that they will likely want to do an SIA for a few of the items allowed per code. Town would like a proposal of what the Applicant would like to include in the SIA to be sure that issues do

not come up later. The submitted phasing plan is helpful but not inclusive of SIA items. ~~Here are some questions/concerns:~~

- ~~1. Is there a plan to final plat in phases or just build in phases? Staff has received contradicting information from the Applicant. [Will final plat in phases. See updated phasing plan.](#)~~
- ~~2. On sheet PH-1 the hatching and text do not agree. Which is correct? [Fixed.](#)~~
- ~~3. Assuming grading, drainage and ditch relocation will be part of phase 1. Needs to be on plans. [Not addressed. Needs included.](#)~~
- ~~4. Assuming construction of storage building 4 will be part of phase II. Add to plans. [Removed storage building 4.](#)~~

RMC 7-4-7 Design Standards

There are a number of standards required in this section. Staff is highlighting only a portion of these Standards here as most of them have been addressed elsewhere in this report:

RMC 7-4-7(J) Plat Notes: This section addresses plat notes required by the Town.

- ~~• Certs #1 – Legal description of the property is Lots 30-34 of the Ridgway Land Company Subdivision (There should be no reference to Ridgway USA). [Not fixed.](#)~~
- ~~• [Cert #1 – revise “25 new lots”, it is now 23](#)~~
- [Cert 4\(i\) references “the Property” does this mean all properties or just the GCE?, cert 4\(iii\) references a drainage easement but I think it is supposed to reference the “Dedicated utility and drainage easement.” Please clarify.](#)
- Sentence after 4(i) in certs – This is confusing. Please define all types of common areas and elements here. Common Areas, Common Space Tract, Limited Common Elements and General Common Elements are all mentioned. Who has access to what spaces? Ensure all terms are used correctly, in the correct location and correctly dedicated and identified. [Applicant said this is all described in the decs art 3 and 4. This all needs to be described clearly on the plat. If the decs change later the Town won’t know about it. If there are more specific details about these areas that only the HOA needs to know about then that is fine.](#)
- ~~• [Note 1 needs to included “recorded on _____ \(date\) at Ouray County Clerk and Recorder”](#)~~
- ~~• [Note 4 should read, “Short term rentals, as defined in Town regulations, are prohibited in all units.”](#)~~
[Done.](#)
- Note 5 – to be completed once staff provides language. [\[affordable housing notes\] Staff sent notes to be added. They were significantly modified. Those modifications have been reviewed by the Town Manager and will be reviewed by the Town Attorney. Staff prefers that the deed restriction language remain as sent to the development team as consistency among deed restrictions will aid in the administration of them. Also, there are some significant changes that complete change the intent of the deed restrictions that need to be discussed, like sunset provisions that the Planning Commission has not been supportive of. 5d – 3rd line, missing the word “at” in “... be a retired person that at some previous point...”. 5n – missing “of” in “... at least one of the dwelling units”. Staff needs to review this plat note.](#)
- ~~• [Is note 7 necessary, seems like a restatement of note 6? Deleted.](#)~~
- “Master Plat” and “Master Declarations” references are confusing. The plat and declarations titles should be spelled out rather than defining and using a new term. [Still needs changed in note 6. Has not been addressed.](#)

- Note 9 – mentions fences located in common areas, does this include the fences on property lines? ~~The clarification of common elements above should help address this.~~ Will the fences around each lot be on the common area or on the private property? Will the HOA only maintain the front fences? Will the HOA be responsible for all pathways or just the ones in common areas? Will the HOA be responsible for the outdoor lighting? Who is responsible for the French drains and retaining walls in the rear of the properties? Those will have a big impact on the stability of the neighboring units and are imperative to be kept up. Applicant mentioned they added some info to address all of this in the declarations but this note needs cleaned up. Town has standard language for this note that is not being used. For example, the town's standard's note does not start with "as between the Town of Ridgway and the HOA. Here is the Town's standard note:
 The owners of Lots XX through XX within this subdivision shall be jointly and severally liable for the following:
 1. operation and maintenance of the irrigation system, ditches and pipelines located on said lots,
 2. the operation and maintenance of the storm water system, including maintenance of the grade, and unobstructed area of any surface drainage ways, and the detention pond located on Parcel _____
 3. maintenance of landscaped berm located on Lots and
 4. maintenance of landscaping, park equipment and benches, and weed control on Tracts , and
 5. maintenance of the fence located
 6. maintenance of trails on the easements shown hereon
 In the event that said maintenance...[this has been included on the draft plat]
- Note 10 – ~~fences should be removed from this note given they are proposed right in the middle of the drainage easement. Add ..."~~so as not to impede the free flow of water ~~or cause erosion in any way..."~~ ~~Still needs to be addressed.~~ Clarify that this is for the non-public easement, only seems partially applicable to the ones dedicated to the town. Use the same term in this note as on the plat map legends.
- Notes 11 and 12 – ~~where are irrigation and driveway/ROW reciprocal access easements?~~ ~~Note 11 – reference to irrigation easement was removed. Looks good. Note 12: Applicant stated that the ROW easements are "over portions selected and reserved for use as driveways for ingress and egress" The Plat is clear as to where the driveways are. It is obvious where the driveways are on the plat but they are not established as easements, just driveways. Town staff feels this note is not necessary. If the applicant feels it needs to be included it should be in the dedication language and not a plat note. The access easement seems sufficient without this added dedication. Perhaps note 12 can be combined with note 9. Is maintenance of the driveways that are in the Town right-of-way covered on the plat?~~
- ~~Note 14 – fix typo in Vista (5th line), engineers not engineering (6th line), add "... from any claim related to soils and groundwater conditions present..." (2nd to last line). Done.~~
- ~~Note 15 – fix typo "ot" to "or"; should it say "common element", not "common space tract"? Done. What is a "Common Space Tract?"~~
- ~~Note 18 – update date to May 2018 Not addressed.~~
- ~~Add note to address the common elements for the townhouses: This information needs to be on the plat and then the decs can match. Add something like (can fit to match your development): Lots XX-XX have shared party walls:

 - a. The unit owners shall be individually and severally responsible for the maintenance and repair of all Common Elements, except any Limited Common Elements, which shall be subject to the maintenance and repair obligations of the respective unit.~~

- ~~b. The units depicted on this plat shall have uniform exterior appearance. Future improvements, modifications and repair to the units' exteriors shall be done in accordance with any applicable covenants and regulations of the owners' association, and performed in such a manner as to ensure uniformity and compatibility of the exterior of the units.~~
- ~~c. Easements are reserved on, over, and under the Common Elements and the units as shown on the Plat, for construction, maintenance and repair of public utilities.~~
- ~~d. Party Walls exist over and along the common boundaries between the units XX XX. The unit owners shall be deemed to own the necessary easements for the perpetual lateral and subjacent support, maintenance and repair of the respective Party Wall with equal rights of joint use.~~

~~See note 8 comments above.~~

- ~~• Revise Planning Commission cert Chair to Doug Canright, not John Clark. Done.~~
- Update Ouray County Treasurer to Jill Mihelich

RMC 7-3-11 Planned Unit Developments

This section provides flexibility with respect to dimensional requirements, allows for increased density, and clustered residential developments.

Per RMC §7-3-11(D) below, the development may deviate from the required dimensional standards as part of a PUD.

(D) Dimensional Requirements and Densities:

- (1) The dimensional requirements, which would otherwise be required by Town Zoning Regulations, or other Town regulations for the district affected, may be deviated from in accordance with the Plan as approved, if the Town determines that such deviations will promote the public health, safety and welfare. (Ord 3-2008)*
- (2) The number of units allowed in a residential PUD shall be generally the same as would have been allowed without clustering, taking into account minimum lot sizes and areas which would have to be dedicated for streets and other public uses, if the property had been developed or subdivided without clustering. Provided, however, the Town may allow additional residential units if it determines that by so doing, significant public benefits will be provided which might not otherwise be available, such as significant affordable housing, public open space, public recreational amenities or off site public infrastructure improvements. (Ord 3-2008)*

The following is a list of conditional uses, variances and deviations requested with this preliminary plat:
(Updated this section to reflect the change from 25 units to 23 units and a slight shift in alignment of the northern most lots)

- 1. Use: requesting conditional use for single-family and duplex residential uses in the GC district.
- 2. Lot width: requesting variance for **about** six lots that are less than 30' wide. **This is difficult to measure as it cannot be measured per public street frontage as our code describes.**
- 3. Lot size: requesting variance to minimum lot size of 5,000 sq. ft. - lots range from 1,484 to **3,181** sq. ft. Counting all common space the density is one unit per 4,621 square feet.
- 4. Lot coverage: no requests, it appears to be about **18-38%** for individual lots.
- 5. Setbacks:
 - o Front setbacks range from 1' to 12' with most at 7'. The requirement is 15' minimum. Requesting a variance for **almost all** lots.
 - o Side setbacks are fairly consistent at about 4.5' with a few **as little as 0' for the duplex units, to 1' and up to as large as 10'.** The minimum is 8', requesting a variance for nearly all lots.

- o Rear setbacks are generally about 10'. The minimum is 8'. Requesting a variance for units 21, 22 and 23 to have reduced rear setbacks (as small as 4')
- 6. Parking: This development is required to provide 40 spaces based on the requirements of the code, six units require only 1 space. They are providing 44 spaces including 4 ADA compliant spaces. ~~There are no spaces provided for the 848 square foot common building; however, 20 "visitor" or on-street spaces will be provided in the public right-of-way and more could be accommodated if the Planning Commission feels they are necessary.~~ **How will the ADA spaces be designated on the pervious surface? Are signs needed? How will all parking spaces be delineated on the pervious pavement?**
- 7. Single-family home design standards:
 - o Minimum width: unit B-2 does not fully enclose a 21' by 24' rectangle as required. The Applicant is requesting a deviation for the two B-2 units.
 - o Roof pitch: requesting a deviation for the roof pitch of the storage unit buildings to be 2:12 rather than the required 3:12. The design of these units must also be deemed by the Planning Commission to be of the same architectural style and of similar or compatible materials. If not, another deviation request will need to be included here.
 - o Landscaping: ~~requesting a deviation from the landscaping requirements. The developer is proposing that they finish each lot with "gravel over weed control cloth" and each unit buyer will finish the landscaping as they wish. The requirements in the single family home design guidelines (6-6-3(i)) require that 50% of the front yard be live vegetation and that each lot have a minimum number of trees and shrubs. Per the overall site plan, they will provide adequate trees and shrubs based both on individual lots and the lot as a whole. However, the Planning Commission should consider this request for gravel over weed control cloth carefully as it is likely that the landscaping will remain as completed by the developer on most all lots. The landscape plan was changed base on direction provided by the Commission at the July 31, 2018 hearing. It appears as if all lots are close to the 50% min. required live vegetation in the front and street side yards. It is difficult to measure as there are curvy lines and no measurements. Lot 23 may be the only one not compliant with that standard. The gravel was changed to bark over week control cloth and was significantly reduced in terms of area. No irrigation is proposed for individual lots as noted above.~~

Per the sketch plan hearings, due to an increase in density the Town negotiated for three affordable housing deed restricted units. The applicant has agreed to provide those; however, exact units and the deed restriction language have not yet been finalized. Town staff is working on the language. **Developer chose to reduce the total number of units to 23, not 25. Asking now if they can provide for only 2 units rather than 3. This will be something the Commission should discuss and carefully consider. The commission was okay with the 2 units.**

Commercial Design Guidelines

In the General Commercial district, parking areas larger than 20 spaces are required to incorporate mitigation and site planning techniques from the commercial design guidelines. Here is a quick summary of those guidelines:

- Parking should be sited to the rear or sides of buildings to provide least visual impact. This standard will NOT be met.
- Trees should be incorporated for shading. This standard will not really be met as there are not many trees within the parking area, just a few on edges.

- Must use landscaped/grass catchment area to manage, control and filter parking lot drainage - retention areas are included in the NW side of the property. ~~However, they are partially on Town property as noted above. This was revised. No longer on town property.~~
- Includes a bike parking area near common building.

The submitted architectural plans for all of the units, common building and storage areas will be recorded as part of this PUD approval.

The development team has confirmed that the utility boxes, trash and similar items will be screened. Plans have not yet been submitted or written up to explain how. ~~Applicant is still working on this. Added note to S-1 to describe trash screening. The utility boxes are pull boxes which are flush with the ground so screening is no needed.~~

Misc. Comments and Edits

Small edits to be completed:

- ~~Delete E-1 from schedule of drawings on S-1. Done.~~
- ~~Change title of the second S-1 sheet to S-2 (the one with the measurement). On S-2 add measurements to be able to locate utilities as well. Changed to S1.1 which works just fine. Doug added N-E bearings at manholes and dimensions on U-1 for min. clearances. Please add bearings for the water fittings and power peds. Applicant added coordinates to the manholes, but when the coordinates were checked on some vs. the distance between the manholes 5 were found that deviated between 0.5' and 10 ft from coordinates. Most of these were on the PA line and the PA1 line. Distances between manholes on the plans are based on 3.5' internal diameters. The manhole bases are required to be precast and that will result in a 4' inside diameter. There does not appear to be coordinates or distances for the water fittings or pull boxes. Sheet U-1: In the manhole height table, for MH PA1B, the invert in and invert out are reversed.~~
- ~~Include graphic scale and north arrow on C-1. Still missing graphic scale.~~
- ~~Put lot numbers on the landscaping plan. Done.~~
- Confirm that this proposed development is in compliance with Ridgway Land Co. and Ridgway USA covenants. Town has not yet checked this. ~~Applicant stated that the Decs were drafted having studied the Master Plat and Master Dec, and the Dec was drafted to be in compliance with the same.~~
- Confirm that the school bus stop and mail box locations were approved by the appropriate entity. ~~Applicant stated that Joe met with school and post office and they approved and that they would work on follow up letters. Please submit follow up letters. Also, how does one locate the bus stop on the ground? How will it be marked? Maybe just a "no parking" sign between the arrow signs would help prevent people from parking.~~
- ~~On sheet U-1, add an easement dimension between units 17 and 18. Not done. This is now lots 15 and 16. It is on the plat at 20'.~~
- ~~Need to address how to access lot 17. Has to go through lot 18 – an easement is needed if so. Applicant added an easement on page 4 of the plat. Town Attorney to verify language.~~
- For the civil plan set – there is more information needed to be able to layout the project. We need spot elevations where there are coordinates and vice versa. This is applicable to at least the following: the spot elevations near where the walkways into each unit leaves the central sidewalk, the sidewalk on Redcliff Drive, the detention pond, Redcliff Drive right-of-way improvements, parking area, trash enclosures, mailboxes.

- It appears as if most units have steps to get to the front door. Does this meet ADA requirements? Is the common house going to be ADA compliant? What is needed for the storage units?
- Sheet U-1: B.O.C. is typically back of curb. It looks like BOC is used as bottom of channel on these plans. We recommend providing a legend with symbols, line types, and abbreviations.

From email sent 8/13, some of the text has been included in notes above.

1. ~~Sewer:~~

- ~~The "road" improvement for the sewer easement is shown to be 7' from property line going east for 12'. The sewer and manholes are not under the road section. The improved area should be the full width of the easement. We need room to dig and load a truck. This was updated.~~

2. Regarding the Redcliff Drive ROW – more information is needed here. Town Engineer will need to review again once at least the following is addressed:

- We see the spot elevations for the gutter but those are often not enough to figure a cross section. It looks like gutter elevations are intended to be flow line. Is this correct? Will this change with the addition of a curb? There is 0.25' of fall from edge of pavement to gutter. The gutter should have 0.12' of fall leaving 0.13' of fall to the pavement. The distance scales about 12-13'. That would result in a cross slope of 1% which should be 2%. Looking at the longitudinal slope of the gutter from the south end to the first driveway scales 0.3%. It takes a great concrete contractor to maintain a 0.5% slope without birdbaths, also this does not meet town standard and is impractical to construct. The next section scales to be equally flat. Please submit plans that tell us the slopes rather than us having to do the math. Some of the slopes provided scale incorrectly. Also, how does one find where the spot elevations are on the ground? Having a surveyor do this from a CAD file will be extremely time consuming. The locations of the spot elevations are a bit confusing (e.g.: there are spot elevation on one side of a valley pan but not a slope or elevation on the other). There is a spot elevation of 6980 by the storage buildings north of the driveway about half way between the 6980 and 6979 contour. Overall, we need to better understand cross sections and longitudinal fall. Will flow work, will drainage sit on road/parking, will it go into parking area? We also need profile for the sidewalk with elevations, grades, etc. to be sure it will work with the existing paved road and drainage proposed. As noted above, this was not provided. This has still not been provided. This could be included with flowline for gutter requested above.
- Does the sidewalk go through the valley pan? It still needs to meet ADA standards. See note above on need for ADA ramps on sidewalk near driveways. It still looks like crossing the driveways is through a valley pan – for a sidewalk to be ADA compliant it cannot have more than at 2% cross slope.
- Confirm that ADA ramps are complying. What does note mean? What are radii? No additional information provided. Detail for crossing was added.
- Driveway cross sections confirm 1% cross slope on the pavement between existing and new pan. Should be 2% minimum. What is the "curb beyond" mean. Not seeing slopes east of the valley pan. Some slopes were added. Doing the math gets modest differences but most still drain okay. There were a few problem areas found. For example, in the NE corner of the parking lot there is a spot elevation of 78.5 and to the south of that there is a flow arrow going toward the trash area and another spot elevation of 78.5. That won't work. Both of those spot elevations are by the 80 contour. That also can't be. This looks to be fixed. There are not many spot elevations in the parking to check a lot of the areas.

At the south end there is a spot elevation 79.40 northwest of lot 20. The top of concrete to the south is 80.25 and to the north is 79.75. How does the water get out of there? ~~The elevations where changed.~~ To the east of 79.40 spot elevation is a spot elevation of 69.80 that scales 10 feet from the 80 contour and 18 feet from the 81 contour. ~~This is still there but looks to be on a sidewalk and maybe the sidewalk is higher than the ground around it. Please confirm. There is not enough information here to lay this out and build it.~~

~~3. S-1:~~

- ~~a. Please specify that crosswalk will be inlaid plastic not just paint on top. ~~Not done.~~ Also, is there a plan to stripe the parking created along Redcliff Dr.? If so, please specify that it will be with epoxy, not water based. Ramp at crosswalk at Redcliff Dr. will need to be ADA compliant.~~
- ~~b. Number of on street parking spaces is not right — only 7 and/or two are a bus stop. ~~Done.~~~~

~~4. S-2:~~

- ~~a. Fonts are very small and hard to read. Can you make them larger? ~~Did not change.~~~~
- ~~b. Need more dimensions to define curves ... can't layout this parking area from this map. Need to know where walk, parking, fences, etc. will be? ~~A few dimensions were added but not enough to lay it all out. There is a note that says layout will be by surveyor per a CAD file. It seems as if staff needs to review the CAD file to be sure it matches and will work for layout purposes. See note on needing more information to layout the project.~~~~
- ~~c. Small medians in parking area are too tight to form for concrete. ~~Applicant said they will form by hand.~~~~

Follow up meetings on 8/14 and 8/22

~~Asked that the water line be 6' from the property lines. ~~Applicant moved it further out from the property lines but does not meet the 6'. Is no less than 5'. This is workable.~~~~

Follow up after 9/25/18 PC Hearing

~~Applicant had asked about completing a development agreement. Is this still desired? If so, this will need to be worked out with Town Council and staff can be in touch regarding the process. Generally, the Town Attorney will draft this agreement for review by the development team.~~

STAFF RECOMMENDATION

Based on the 2011 Land Use Plan and recent community conversations, this development seems to be well suited for the community given the need for housing options. Inclusive in this proposed development plan are higher density residential units and access to utilities. However, there remain a significant amount of detail that needs to be resolved.

Given the complexity and density of this project, it is extremely important to discuss the details of this plan and address a number of unresolved questions. Staff is inclined to recommend another continuation for this public hearing. However, if the Commission is inclined to recommend approval to Town Council, staff recommends including the condition that ALL comments, edits, questions, etc. in this staff report be addressed BEFORE going to a Town Council hearing.

This is a significant development review for which a number of modifications and decisions are needed. While we have done our best to insure a complete and accurate report, this is complex and there may be some omissions or oversights here that will need addressed in future reviews.



Property posted from Redcliff Drive, looking east



Property posted from Redcliff Drive, looking northeast



To: Ridgway Planning Commission
From: Shay Coburn, Town Planner; Lindsey Romaniello, Planning Intern
Date: June 18, 2019
RE: Master Sign Plans

The Town Council is interested in updating the Master Sign regulations to provide for flexibility with signage for buildings with multiple uses and businesses, and to include defined criteria for review for Master Sign applications.

As one can imagine, municipalities have varying regulations around master sign plans, also known as comprehensive sign plans, and other similar terms. Below is an outline for the Commission to review of new master sign plan regulations along with questions. The background information used to create this can be found at the end of this memo, first in a summary table and then example code language from other communities.

Outline of Proposed Master Sign Plan Regulations and Discussion Questions

- 1) Purpose: Provide flexibility and creativity for signage for multi-tenant properties. Ensure that appropriate signage is available for businesses and facilities. Provide for context-appropriate signage for business and facility direction and identification.
 - a) Do we want to include “creativity” in the purpose statement?
 - b) Some communities address aesthetics of signs and that they must match within a development or when on the same building. For example, one purpose statement includes “to provide harmony, and consistency of a development/building.” Do we want to get into this much detail now?
- 2) Applicability
 - a) Require for all multi-tenant buildings/properties.
 - i) This could help avoid tenant/landlord conflicts in allocating signage. Could be more work for staff and/or PC. Staff already tries to track this information but it is difficult to collect.
 - ii) How to define multi-tenant: Two or more? Three or more?
 - iii) The requirement for a master sign plan could be triggered when the first sign permit application is submitted for an existing building/property where there is not already a Master Sign Plan. Example from Salida, “Any multiple-tenant nonresidential buildings or development existing at the time of adoption of this code that do not have a comprehensive sign plan shall be required to create a comprehensive sign plan at the time of application for a new sign at the site.”
 - b) Other options/questions:
 - i) Should we allow single building business or single occupied lots to apply for a Master Sign Plan? This could be good for some properties like the fairgrounds where the property is quite



unique, but would then open the door for other single businesses where the Commission may not want to consider extra sign area or size. We can set the criteria carefully to be sure that if any single business or property applies, that any concerns are addressed.

- ii) If we do not require for all multi-tenant buildings/properties or define multi-tenant as over 3 tenants, we should include a provision on how signage should be divided.
- 3) Address what can deviate from existing sign regulations and why:
- a) Any one sign can be larger than 32 square feet – when on a highway/road with faster vehicles to make it easier to read, when property is larger, when for multiple businesses, others?
 - b) A free-standing sign can be larger than 56 square feet – when it is for more than X businesses (our code requires at least 2 businesses to be 56 square feet), when on a road with faster speeds so it can be read more easily, when it is a more creative support structure that would count toward sign area per our code, others?
 - c) More than the allotted sign square footage based on street frontage with a max of 150 square feet – for a property larger than X, for a property that is large but has limited street frontage, for a property with more than X street frontage, for a property with more than X units, others?
 - d) Any other sign regulations that we want to allow to vary with a Master Sign Plan? Some communities limit the number of signs allowed per business.
- 4) Criteria for Approval – Potential criteria include:
- a) If requesting a deviation from existing sign regulations, the lot has to be larger, located on a highway with faster speeds, etc. (Will refine the criteria in section 3 above and include that information in this section.)
 - b) The proposed plan will not adversely impact the neighborhood or the public safety and welfare;
 - c) The proposed plan will result in a greater community benefit than otherwise achieved through the strict application of the sign regulations;
 - d) The features of the sign(s), including the illumination, support structure, color, lettering, height and location, are designed so that the signs are an attractive, effective, and complementary feature of the building or property;
 - e) The scale and placement of the signs are appropriate for the building and the site and are sensitive to the context in which they are used;
 - f) The signs are professionally designed and fabricated of high-quality, durable materials; and
 - g) The overall spirit of the ordinance will be observed.
 - h) Any others to include?



- 5) Submittal Requirements – Staff will create a form/application specific to a master sign plan. This will be done after the other details are more defined. At least the following information will be needed, this can be included in the code and/or included on the application.
 - a) Total sign area allowed per code and total being requested;
 - b) Site plan showing location of all existing and proposed signs on property, with distance from property lines;
 - c) Building elevations/pictures showing location of all existing and proposed signs on property, with height of all signs from the ground;
 - d) Dimensions and type of all existing and proposed signs, including the unit number/address for each; and
 - e) Any proposed lighting for the signs, including location, type, kelvin, and lumens for each fixture.

- 6) Review Process
 - a) All signs within a Master Sign Plan are required to apply for a permit.
 - b) If regulations in current sign code are met it can be approved administratively.
 - c) If applicant is asking for larger sign, more area, and whatever else we choose to allow, then it goes to PC for review and approval.
 - d) Require notice to owners/tenants? From Salida, “Where a comprehensive sign plan is required for an existing development with multiple owners, all such owners shall be given notice and have the opportunity to participate in development of the comprehensive sign plan or provide written approval of said plan. In the event any affected owner fails to participate in the development of the comprehensive sign plan or provide written approval therefor within fifteen (15) days of notice, that owner will be deemed to have consented to the plan's adoption.”
 - e) Need to include a process to amend a master sign plan – will sort out when other details are more defined.



Research from Other Communities

Summary Table

Community	When Required/Available	What is allowed to be different than standard sign requirements?	Criteria for Approval	Submittal Requirements	Public or Admin. Approval?
Dillion (<i>Master Sign Plan</i>) <i>Very much based on appearance</i>	Required for all bldgs. with 2 or more businesses	None	Compatibility with arch. character, consistency (encouraged to have consistency among signs in size, shape, materials, letter style, color)	Total allowable sign area, location, materials, max area for each sign	Public (P&Z)
Glenwood Springs (<i>Master Sign Permit</i>) <i>Clean and simple but doesn't allow for much flexibility</i>	Required for 1) multi-tenant bldgs. and 2) commercial developments containing more than 1 building	None - allocates signage to each tenant	Meets criteria in sign code	Application saved in file	Admin (by Director)
Salida (<i>Creative Signs</i>) <i>Quite complicated</i>	Required when a sign might contribute to the character and uniqueness of the town, but the sign might not fit under existing code requirements.	Prohibited types of signs, variation of time, place and manner of the sign.	Adds significantly to aesthetic of the site, add positive visual impact to the surrounding area, utilize or enhance the architectural or historic elements, provides strong artistic character	Size, sign type, location, sketch, form, consent from building owner.	Public (by Planning Commission)



Community	When Required/Available	What is allowed to be different than standard sign requirements?	Criteria for Approval	Submittal Requirements	Public or Admin. Approval?
Salida (<i>Comprehensive Sign Plan</i>) <i>Clean and simple but doesn't allow for much flexibility</i>	Required for “every multi-tenant building or coordinated development, such as office parks, civic uses, shopping centers and business parks”	None – allocates signage to each tenant	Appearance, consistency, meets criteria in sign code	Size, location of all signs; total permitted sign area, height, illumination and number of all signs; amnt. of signage per tenant	Admin (by Administrator)
Carbondale (<i>Multitenant Buildings</i>) <i>Short section</i>	“A building where more than one business is served by a common entrance, and where such businesses may not be located on the ground floor or otherwise not have frontage located on a public right-of-way.”	May be identified by one additional sign per common entrance, but not more than one additional sign per street right-of-way. May have a directory sign.	Meets criteria in sign code	Sign permit application	Admin for extra sign per common entrance, P&Z Commission for directory sign as part of a comprehensive sign plan
Carbondale (<i>Shopping Complex Signs</i>) <i>Specific to shopping complexes</i>	Required for shopping complexes prior to any sign permit being issued	Allotment of sign area based on street frontage and distance from centerline of street for each business, no more than 2 signs per business, one complex sign per street frontage, no individual businesses are permitted to have a freestanding sign.	Meets criteria in code (no mention of what BOA can approve for what reasons)	Method of allocating square footage for each business, graphic design, type of sign, colors, and content on the sign. Need written approval by all occupants If not one individual, org., etc. has the authority	Admin (by Director) Board of Adjustment if non-compliant with code



Community	When Required/Available	What is allowed to be different than standard sign requirements?	Criteria for Approval	Submittal Requirements	Public or Admin. Approval?
Durango (Master Sign Program) <i>Similar to our past regs but also addressed consistency in design</i>	Available to any development	More than the 4 signs allowed for any one parcel, seems to provide additional flexibility but it is not clear	Consistency in design theme and have placement controls	Location, number, size, graphics, design, materials, and method for illumination	Public (by Design Review Board)
Buena Vista (Comprehensive Sign Plan) <i>Similar to our past regs but allows other types of flexibility</i>	Allowed to be requested when items in column to right are desired	Signs in greater number or size than allowed in code, off premises, neon signs, statuary signs, animated or moving signs, also includes list of things that can not be changed	Contributes to community, complimentary design and scale to surrounding area, professionally designed and fabricated	Location of all signs, any additional information that will inform the town administrator.	Admin for the simpler ones – still requires public notice P&Z Commission for the more complicated ones



Applicable Code Sections and Links to Full Text

Dillion, CO

https://library.municode.com/co/dillon/codes/municipal_code?nodeId=DIMUCO_CH16ZO_ARTXISIRE_DIV7MASIPL

Sec. 16-11-480. - Approval required.

All buildings containing two (2) or more separate businesses shall obtain approval of a master sign plan from the Planning and Zoning Commission prior to any individual signs being erected in or upon any structure or site. All individual signs erected or maintained on the site or within the structure shall conform at all times to the approved master sign plan. Any deviations from an approved master sign plan shall be unlawful unless and until a revised master sign plan is approved by the Commission

Sec. 16-11-490. - Master sign plan application.

An application for a master sign plan as specified in Section 16-11-70 of this Article shall include at least the following information:

- (1)The total amount of allowable sign area for the structure; and
- (2)The location, materials and maximum area for each sign that an individual business will be allowed to display. Directory signs, building identification signs, information signs and display boxes, if any, shall be included in the master sign plan.

Sec. 16-11-500. - Nonconforming master sign plans.

A permit for a new master sign plan shall be obtained within ninety (90) days of receipt of notice from the Town Manager that an existing master sign plan for any structure does not contain all the information required by this Article, or if signs displayed in or upon the structure do not comply with the provisions of this Article.

Sec. 16-11-510. - Criteria.

Approval of a master sign plan shall be based on general compatibility with the architectural character of the community and project. Individual signs within a master sign plan, including directory signs, building identification signs and individual business signs, should be consistent. It is encouraged that signs allowed by a master sign plan be of a coordinated design, with each of the individual signs sharing at least two (2) of the following design elements in common: size, shape, materials, letter style and color.

Sec. 16-11-520. - Individual sign permits.

Individual sign permits are required for signs contained within an approved master sign plan. Permits shall be obtained through a Class 2 application.

Glenwood Springs, CO

https://library.municode.com/co/glenwood_springs/codes/municipal_code?nodeId=TIT070DECO_ART070.040DEST_070.040.110SI



Master Sign Plan.

a.Applicability. A master sign plan shall be required for multi-tenant buildings and commercial developments containing more than one (1) building.

b.Procedure.

1.Applicants shall submit a master sign plan to the Director for approval upon application for a sign permit. If the master sign plan meets all the conditions of this Subsection, then it may be approved by the Director.

2. A master sign plan shall be approved prior to the issuance of a building permit for all new buildings, additions, or renovations and prior to the issuance of any sign permit for an individual business. The master sign plan shall run with a multi-use building property and not with individual tenants.

Salida, CO

<https://cityofsalida.com/wp-content/uploads/Article-X-Sign-Standards.pdf>

Creative signs.

(a) Policy and Purpose. It is the policy of the City to encourage the use of creative signs that exhibit a high degree of thoughtfulness, imagination and inventiveness. The purpose of the creative sign process is to establish standards and procedures for the design review and approval of creative signs which, due to their unique design and construction, will make a significant contribution to the aesthetic beauty, historic character and cultural identity of the community, yet due to their creative qualities or site constraints would not be otherwise allowed under this Code.

(b) Applicability. An applicant may only request the approval of a sign permit under the creative sign section for a sign that employs design standards that differ from the provisions of Sections 16-10-50 [time, place and manner for display of signs] and 16-10-60 [prohibited signs] above, and otherwise comply with all other provisions of the sign code.

(c) Approval Authority. A sign permit application for a creative sign shall be subject to approval by the Planning Commission.

(d) Procedure.

(1) Submittal of Application. The applicant shall submit a complete application including all of the materials required in Subsection 16-10-30(d) above.

(2) Staff Review. The Administrator shall review the application to determine whether it is complete. The Administrator shall forward a report to the Planning Commission, which summarizes the application's compliance with the review standards contained in Subsection (e) below and other applicable provisions



of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.

(3) Public Notice. Public notice that the Planning Commission will conduct a public hearing to consider the application for a creative sign shall be provided as specified in Section 16-2-30 of this Chapter.

(4) Public Action by Planning Commission. The Planning Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this Chapter. The Planning Commission shall approve, approve with conditions or deny the application, or remand it to the applicant with instructions for modification or additional information or action.

(e) Review Standards.

(1) Impact Review Standards. No sign shall be approved under the creative sign process that the Planning Commission finds:

- a. Will have a significant adverse impact on adjacent properties. The sign shall not adversely affect neighboring property owners, businesses or residents and should be compatible with the uses, character and identity of the area in which it is displayed;
- b. Creates a dangerous condition. Granting the creative sign permit will not adversely affect public safety. The use of signs or attention-attracting devices should not significantly distract traffic on adjacent streets; or
- c. Distracts from the important architectural, natural or historic features of the building or neighborhood in which the sign is displayed.

(2) Design Review Standards. In addition to the Impact Review Standards, to approve a sign under the creative sign process, the Planning Commission must find that the unique and creative design of the sign will meet Standards a, b and c or Standard d:

- a. Constitute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area that justifies departure from the parameters of Section 16-10-50 and/or 16-10-60 above.
- b. Utilize and/or enhance the architectural or historic elements of the building or location where it is displayed in an historic, unique and/or creative manner that justifies departure from the parameters of Section 16-10-50 and/or 16-10-60 above.
- c. Provide strong artistic character through the imaginative use of design, graphics, color, texture, quality of materials, scale and proportion uses, character and identity of the area in which it is displayed.
- d. A creative sign may be appropriate to provide reasonable visibility of a business's main sign in some rare situations where topography, landscaping, existing buildings or unusual building design may substantially block visibility of the applicant's existing or proposed signs from multiple directions. Despite the possibility of a creative sign permit, visibility of a sign or attention-attracting device may not be possible.

Comprehensive sign plan

Every multi-tenant building or coordinated development, such as office parks, civic uses, shopping centers and business parks, shall have a comprehensive sign plan approved. Any multiple-tenant nonresidential buildings or development existing at the time of adoption of this code that do not have a comprehensive sign plan shall be required to create a comprehensive sign plan at the time of application



for a new sign at the site. Where a comprehensive sign plan is required for an existing development with multiple owners, all such owners shall be given notice and have the opportunity to participate in development of the comprehensive sign plan or provide written approval of said plan. In the event any affected owner fails to participate in the development of the comprehensive sign plan or provide written approval therefor within fifteen (15) days of notice, that owner will be deemed to have consented to the plan's adoption. Planned Developments shall include a comprehensive sign plan at the final development plan stage. Applications for final subdivision plat shall include a comprehensive sign plan application.

(1) Purpose. The general purpose of the comprehensive sign plan is to ensure proper business identification while enhancing the quality, harmony and consistency of a project by aesthetically integrating signage into the architecture of each building as well as the development as a whole. The sign scheme must comply with the basic requirements for signs established for the project's uses by this Article.

The comprehensive sign plan shall address the following topics and demonstrate the following characteristics:

a. Identification signs: Designation of the size and location of identification signage proposed for individual tenants. Specifications should anticipate minimum and maximum height. Sign locations should anticipate impact of pad buildings and landscaping, as well as the provision of adequate spacing between facade signs for effective readability.

b. Permitted area, height, illumination and number of signs. The permitted amount of sign area, height, illumination and similar restrictions should follow the total area permitted in Tables 16-K and 16-L of this Article for each site within the development. In Planned Developments, the permitted area, height and illumination should be proposed in relation to the types of uses in each portion of the development. The applicant shall designate how much sign area of the total permitted signage should be apportioned to each tenant space for both individual identification signs and common freestanding signs.

c. Appearance: Signs shall be durable, attractive and designed to complement and reinforce the design of the project buildings.

d. Consistency: Sign design within a development should be generally consistent between tenants and buildings so that the design continuity of the project is maintained. However, it is not necessary for every sign within a particular development to be identical.

e. Exempt signs. Signs not requiring a permit under this Article shall still be permitted in a development with a comprehensive sign plan unless stated otherwise in the comprehensive sign plan.

(2) Approval of Comprehensive Sign Plans. Proposed comprehensive sign plans shall be submitted on the forms or in the format prescribed by the Administrator.

a. Submittal of application. The applicant shall submit a complete application to the Administrator meeting the requirements of Subsection 16-8-30(d) for each project requiring comprehensive sign plan approval at the time of final development plan application, final plat application or prior to issuance of any certificate of occupancy if no final development plan or plat was required.



- b. Compliance with standards. If the application is complete, the Administrator shall determine whether the application complies with the standards of this Article. The Administrator shall be authorized to issue the permit, issue the permit with conditions or deny the permit application.
- c. Review. Review of the application shall be completed and notice sent to the applicant concurrent with the approval of a final development plan or building permit application.

Carbondale, CO

<https://www.carbondalegov.org/Carbondale%20UDC%20-%20Redlined%203-19-2019.pdf#page=265&zoom=100,0,317>

5.9.8. MULTITENANT BUILDINGS

A. A building defined as a “multitenant structure” may be identified by one additional sign per common entrance, except that no multitenant structure shall be identified by more than one additional sign per contiguous street right-of-way or publicly used access road.

B. The size and type of common entrance identification signs shall be limited as specified in subsections 5.9.6 and 5.9.7.

C. In addition, businesses within the multitenant structure that share the common entrance may be identified by a directory sign, provided that the directory be constructed within the limits set forth in subsection 5.9.6, and be part of a comprehensive sign plan for the multitenant structure submitted to and approved by the Planning and Zoning Commission.

5.9.12. SHOPPING COMPLEX SIGNS

A. Overall Signing Plan Required

1. An application shall be submitted outlining an overall signing plan for the complex prior to submitting any application for a sign permit for any use within a shopping complex. The signing plan shall identify the method of allocating the square footage of signage for each business, the graphic design, sign type and style, sign colors, and contents to be permitted in the shopping complex.

2. The Director shall have the authority to approve any sign plan or sign application for a sign permit that conforms to the regulations of this section. Plans that do not comply with this section shall require approval by the Board of Adjustment.

3. Once approved, a signage plan shall not be altered in any way except by reapplication and approval in accordance with the regulations in this section. All subsequent applications shall conform to the approved signage plan or shall not be permitted unless an alteration to the signage plan is approved by the Director.

4. All applications for a street sign permit shall be submitted by an individual, business, or corporation having authority and responsibility for administering the affairs of the shopping complex as relate to zoning compliance; or, if no such individual, business, or corporation exists, shall be submitted with written approval of all occupants of the complex.



B. General Regulations

1. Each individual establishment within any shopping complex is subject to the provisions of this section; except, that no individual business may install a separate freestanding sign.
2. An individual business within a shopping complex is allowed to install a street sign exceeding 0.75 square feet of area per lineal foot of building frontage adjacent to each public way, providing the following are met:
 - a. The sign does not exceed 20 square feet if the business is located 40 feet or less from the centerline of the adjoining street;
 - b. The sign does not exceed 35 square feet if the business is located more than 40 but less than 60 feet from the centerline of the closest adjoining street;
 - c. The sign does not exceed 70 square feet if the business is located more than 60 feet from the centerline of the nearest adjoining street;
 - d. The maximum combined area for all wall-mounted signs in the shopping complex does not exceed 0.75 square feet of street sign area for each lineal foot of building frontage for the entire shopping complex adjacent to the adjoining street.
3. No business within a shopping complex shall be identified by more than two signs.
4. In addition to the individual signs authorized in this section, and subject to approval of a signage plan, a shopping complex and its individual businesses may install one sign identifying the complex on each public street frontage upon which the complex is located.

Durango, CO

<http://durangogov.org/DocumentCenter/View/10574/Sign-Code?bidId=>

Sec. 3-6-2-4 Master Sign Program

A. Generally.

1. A development may propose to the Design Review Board, for its approval, a Master Sign Program for the development area.
2. The purpose of a Master Sign Program is to provide design and standards flexibility for all signs to be placed within a development. Signs within such Program must be consistent in the design theme, be coordinated in color, graphics, texture, and material, and have placement controls within the development.
3. A Master Sign Program shall specify the location, number, and size of all signs on the property. The materials, methods of illumination, and graphic standards must also be defined.
4. An approved Master Sign Program shall set the boundary for which the sign program is approved and shall set out all design and procedural standards that shall apply within that boundary. All permits for any sign applied for within that boundary shall conform to the Master Sign Program as approved, or as subsequently amended.

B. Modifications

1. Minor Modifications.



a. Generally. A minor change to an approved Master Sign Program (MSP), may be approved by the Administrator. The phrase "minor change(s)" is considered to represent changes which do not alter the overall characteristics of the existing MSP and which create no adverse impacts on adjacent uses, infrastructure, or public safety. Some examples of what can be considered as "minor changes" are (by way of illustration and not limitation): i. Changes in location of signs. ii. Changes in number of signs, as long as the aggregate square footage of the MSP stays the same. iii. Changes in the individual square footages of signs, as long as the aggregate square footage of the MSP stays the same. iv. Changes in the colors or materials of signs, as long as the intended character of the MSP remains.

b. Application. A request for a minor change(s) shall be filed at the Department, in writing, on a form approved by the administrator, accompanied by the applicable fee and associated documents.

c. Process. The Administrator may approve the request if the Administrator finds that the change is a "minor change" as defined in Subsection 1.a., above

2. Major Modifications.

a. Generally. A major change to an approved Master Sign Program (MSP), shall be approved by the Design Review Board. The phrase "major change(s)" is considered to represent changes which can alter the overall characteristics of the existing MSP and which could create adverse impacts on adjacent uses or public infrastructure. Some examples of what can be considered as "major changes" are (by way of illustration and not limitation): i. Changes in the aggregate square footage of MSP. ii. Changes in sign heights over what was previously approved for the MSP. iii. Changes in the colors or materials of signs which alter the overall character of the MSP.

b. Application. A request for a major change(s) shall be filed at the Department, in writing, on a form approved by the Administrator, accompanied by the applicable fee and associated documents and drawings reflecting the major changes. The property shall also be posted during this review period as described in section 6-3-3-10.

c. Process. The Administrator shall forward the application onto the Design Review Board at their next available meeting for their review and decision.

Buena Vista, CO

https://library.municode.com/co/buena_vista/codes/municipal_code?nodeId=CH16UNDECO_ART16.04_DEDEST_S4.7SI

Comprehensive Sign Plan.

1. Applicability.

a. The Comprehensive Sign Plan procedures apply to the following types of signs: i. Signs greater in number or size than permitted by this Section 4.7; ii. Off-premises signs, pursuant to the standards in Subsection 4.7.5.B.11; iii. Neon signs; iv. Statuary signs; and v. Animated and moving signs.

b. The following signs are not eligible for inclusion with any Comprehensive Sign Plan: i. Pole signs taller than twenty (20) feet; ii. Roof signs; iii. Signs that do not require a permit, pursuant to Section 4.7.2.C; iv. Inflatable signs; v. Feather flags; vi. Internally-illuminated signs outside the HC or I-1 zoning districts; or vii. Fluttering air devices pursuant to Section 4.7.3.K.

2. Comprehensive Sign Plan Application Submittal.



- a. Applications for a Comprehensive Sign Plan shall be submitted to the Town Administrator on forms provided by the Town.
- b. A reasonable fee as determined by the Town shall be submitted with each application. Actual costs for professional planning, engineering, legal and/or other consulting services incurred by the Town in reviewing an application shall be paid by the applicant.
- c. A site plan showing location of signs shall be required as part of the application.
- d. Additional information may be required by the Town Administrator as necessary to evaluate the merits of the Comprehensive Sign Plan application.

3. Completeness Determination. Applications for a Comprehensive Sign Plan shall be initially reviewed by the Town Administrator for completeness prior to further processing or distribution to review bodies and/or decision-makers.

4. Review Procedures.

a. Administrative Review.

- i. Applicability. Administrative review shall be limited to the following types of applications: (a) Comprehensive Sign Plans with total proposed signage of less than forty-eight (48) square feet above the stated maximum for the subject property, and with no internally lit signage, except as allowed in the HC and I-1 zoning districts; (b) Off-premises signs, pursuant to the standards in Subsection 4.7.5.B.11; (c) Exterior wall murals, signs painted on a wall, or roof murals; (d) Neon signs; and (e) Statuary signs.
- ii. Notice. Following application submittal, the Town shall provide notice of the application to adjacent property owners (excluding public rights-of-way) summarizing the plan and notifying them of their right to comment on or object to the plan by filing such comments or objections with the Town Administrator within seven (7) business days of the date the application is filed with the Town. Such notice shall be provided by: (a) Prominently and visibly posting notice on the property subject to the application; and (b) Delivering notice either by regular mail or personal delivery.

b. Planning and Zoning Commission Review.

- i. Applicability. Applications that do not meet the requirements for the administrative review process set forth in Subsection 4.7.6.F.4.a above shall be reviewed by the Planning and Zoning Commission.
- ii. Notice and Public Hearing. The applicant shall be notified in advance of the time and place of the Planning and Zoning Commission's public hearing and may attend and participate in such hearing. Not less than fifteen (15) days prior to the hearing, written notice describing the request and the time and place for the hearing shall be prominently and visibly posted on the property subject to the application and sent by regular mail to the applicant and the owners of all properties that are adjacent to the subject property (excluding public rights-of-way).

5. Action Required.

- a. For Comprehensive Sign Plan applications subject to administrative review, the Town Administrator shall approve, deny, or conditionally approve the application within ten (10) business days based on the criteria set forth in paragraph 6.
- b. For applications for Comprehensive Sign Plans subject to Planning and Zoning Commission Review the Planning and Zoning Commission shall approve, deny, or conditionally approve the application at the next available meeting based on the criteria set forth in paragraph 6.



6. Approval Criteria.

- a. Comprehensive Sign Plans shall be approved by the Planning and Zoning Commission or Town Administrator, as applicable, after finding that the proposed plan will not adversely impact the neighborhood or the public safety and welfare and the applicant has demonstrated compliance with the following criteria: i. The proposed Comprehensive Sign Plan results in a greater community benefit than otherwise achieved through the strict application of the sign regulations in this Section 4.7; ii. The features of the sign(s), including the illumination, support structure, color, lettering, height and location, are designed so that the signs are an attractive, effective, and complementary feature of the building or property; iii. The scale and placement of the signs are appropriate for the building and the site and are sensitive to the context in which they are used; and iv. The signs are professionally designed and fabricated of high-quality, durable materials.
- b. Decisions shall be in writing and shall be provided to the applicant.
- c. A Comprehensive Sign Plan may or may not run with the property and shall be approved subject to such safeguards, terms, and conditions as deemed necessary to protect and preserve the intent and purposes of this Section 4.7.

7. Comprehensive Sign Plan Amendments. The following activities shall require a Comprehensive Sign Plan Amendment:

- a. Additional Sign Square Footage. i. Additional sign square footage up to ten percent (10%) over the approved square footage shall be reviewed administratively. ii. Additional sign square footage more than ten percent (10%) over the approved square footage shall be reviewed by the Planning and Zoning Commission.
- b. Additional Number of Signs. i. Amendments proposing one (1) additional sign more than what was approved shall be reviewed administratively. ii. Amendments proposing more than one (1) additional sign in addition to what was approved shall be reviewed by the Planning and Zoning Commission.
- c. Amendment Procedure. i. Amendments shall be processed as new applications according to the procedures in Paragraph 4 above. ii. Only one (1) amendment to an individual Comprehensive Sign Plan shall be processed per calendar year.
- d. Replacement Signs. i. Individual units and tenants shall be permitted to replace and/or change signage without requiring an amendment to the Comprehensive Sign Plan provided that the sign does not increase square footage or the number of signs. Replacement signs shall be required to obtain a sign permit according to Section 4.7.6.



To: Ridgway Planning Commission
From: Shay Coburn, Town Planner
Date: June 20, 2019
RE: Dark Skies

At the February 13, 2019 Town Council meeting, Council directed staff to prioritize updating the Town's lighting regulations in order to qualify to become an International Dark Sky Community (IDSC) through the International Dark-Sky Association (IDA). Staff followed up with the Planning Commission on this topic at the March 5, 2019 meeting. At that meeting, the Commission directed staff to 1) write up a summary of the potential town and others responsibilities for the IDSC certification as outlined in the memo provided by staff to the Commission and discussed at the meeting and 2) work with the community group interested in dark skies and the IDA on a refined version of the Town's current lighting regulations. This memo is in follow up.

Summary of Responsibilities

Based on the 2015 Program Guidelines, the following is a list of IDA's minimum requirements. In addition, an explanation of responsibilities for each requirement is included to ensure the Town's responsibilities and the responsibilities of other organizations, like the ROCC Ridgway Dark Sky Committee (RDSC) are clear.

- A. **Update the Town lighting regulations** to comply with IDA minimum standards.
 1. Town's responsibilities: Adopt a new or revised Outdoor Lighting Regulations section in the Ridgway Municipal Code 6-5 per the minimum requirements of the 2015 Program Guidelines. This will take public process and official adoption of an ordinance by Town Council. See attached. *Note that this addresses item 2 as directed by the Planning Commission.*
 2. RDSC volunteers are very willing to assist.
- B. Community commitment to dark skies and quality lighting.
 1. **All Town owned lighting must conform**, or conform within 5 years, to the new lighting regulations.
 - i. Town responsibilities: Determine if town lighting conforms to the proposed ordinance. The lighting plan should have much of this information, but this will take staff time to sort through the details. If any Town fixtures do not conform, we need to investigate what it will take to do so such as cost, time, and other resources. This would be good to do before we adopt the ordinance to know what our financial commitment might be.
 - ii. RDSC members will work with SMPA staff to generate a list of recognized nonconforming town lights, possible replacement bulbs/fixtures, anticipated town costs, available rebates, and anticipated electricity savings. Preliminary estimate by SMPA staff is that there may still be 6-12 older nonconforming town fixtures/lights.
 2. **Municipal support of dark skies** through Town publications, flyers, public service announcements, funding of lighting upgrades, etc.



- i. Town responsibilities: Work closely with RDSC on developing outreach materials including input on content and design, print and distribution. Materials will have to go on the Town's website so we will need to find a location and have staff time to do this.
 - ii. The RDSC team will assist in identifying and writing many of these materials. They may help with printing costs and logistics as well as distributing.
- C. **Broad support for dark skies** from a wide range of community organizations.
 1. Town responsibilities: submit letter of support. This will come from Town Council.
 2. RDSC members will continue to collect letters of support from key community organizations. These letters will become part of the IDA Dark Sky application packet.
- D. **Community commitment to dark skies and education** through 1) two dark skies awareness events per year, and/or 2) inclusion of dark sky awareness documents with other community informational documents, and/or 3) inclusion of dark sky education in community schools and curriculum.
 1. Town responsibilities: Help plan, promote, host, and sponsor events; provide Town facilities for programs; include awareness documents/handout online.
 2. The RDSC team will continue to assist the Town in arranging such events. Last year, RDSC arranged two lectures and dark sky "parties" in cooperation with the Black Canyon Astronomical Society and the Ridgway State Park to educate the public on the value of preserving the night sky and showcasing the night sky resource near Ridgway. In 2019, RDSC has so far held a Sherbino presentation and at least one dark sky party is being coordinated. RDSC has arranged authorization from the author and producer of the documentary film "Saving the Dark" and will make this available to the town. It may be shown (e.g. in the town park) to the community as desired.
- E. **Success in light pollution control** by at least one of the following: 1) examples of 10 projects built under the lighting code, showing success, and/or 2) alternative demonstration of success in light pollution control, to be discussed with IDA.
 1. Town responsibilities: Write description of RAMP project to serve as an example for the application. RDSC members see no need for additional data or information from the Town after designation.
 2. RDSC members are happy to assist the town in writing a description of the downtown improvement project as an example of a successful effort to preserve the night sky and manage light pollution within the context of significant Town infrastructure improvements. They do not anticipate much additional work will be needed – and foresee other past work that can also be explained if deemed necessary in the IDA Dark Sky application.
- F. **A sky brightness measurement program.**
 1. Town responsibilities: None.
 2. Since early 2018, RDSC volunteers have taken almost monthly SQM (Sky Quality Measurement) measurements at four sites within the town. ROCC contributed the funds to buy two SQM devices in early 2018. These volunteers will continue to periodically



monitor measurements at these sites, documenting our night sky quality over time. These measurements will be included in the IDA application and subsequent annual reports.

G. Reassessment of designation.

1. Town responsibilities: The Town will need to maintain and uphold the outdoor lighting ordinance and show general support for Dark Sky preservation.
2. The RDSC team will work with the town to meet IDA requirements according to criteria defined in the IDA guidelines dated October 2015. If we are recognized as an IDA Dark Sky designated town, they do not currently anticipate an IDA reassessment causing us to lose that designation.

H. Annual reports showing that the efforts are being upheld and that progress is being made.

1. Town responsibilities: The designation is owned by the town so the annual reports must come from the Town. Staff will need to review the draft, address any edits, and submit the report to IDA. Does RDSC know the time of year these reports are due?
2. The RDSC team will track the above accomplishments and compile a draft annual report. This draft report will be given to the Town for review and submittal to IDA.

I. Per 2018 criteria, once certified, a sign indicating International Dark Sky Community designation must be erected and maintained.

1. Town responsibilities: None. If a sign is required after certification, town will likely need to manage the project – planning, designing, building, funding, approvals as needed, etc.
2. RDSC mentioned that the Town can make this decision and noted that a sign would showcase to town citizens and visitors Ridgway's accomplishment in preserving the night sky. The RDSC may be able to assist with funding of physical signage.

J. IDA application process, packet and submission.

1. Town responsibilities: The application will come from the Town so the staff will need to review the application, address any edits, add necessary information, and submit it to IDA.
2. The IDA Application will include a sizeable packet documenting the Town's Outdoor Lighting Ordinance, past Dark Sky Star Party events, education on Dark Skies through documents and local lectures, letters of support, etc. The RDSC team will compile these documents and review with Town staff before submission.

Conclusion

As you can see from the above responsibilities, the amount of staff time needed to achieve and maintain this designation is not insignificant, especially considering all of the Town's other priorities. The Town has historically done a great job promoting dark skies and protecting this valuable resource. The Commission should carefully consider the costs and benefits that accompany the IDSC designation. Some of the costs include much stricter rules around outdoor lighting, additional staff time needed to enforce the regulations, additional staff time needed to support all of the above responsibilities, and potential costs



to the Town to comply with the stricter regulations. The benefits include further protection of our night sky, a sense of pride in the community, and the potential ability to attract more tourists to our Town. It should be noted that tourism attraction has generated mixed feelings in our community and through the Master Plan process we learned that the community is generally content with the number of visitors we already have. It should also be noted that the community group behind this effort feels strongly that this is an important designation that will further prove our commitment to dark skies and to becoming a more sustainable community.

For discussion:

- Review and discuss the proposed revisions to the current Outdoor Lighting Regulations. See draft below.
- If the main purpose of this designation is to protect the night sky and reduce light pollution, will this designation achieve that goal and is it worth the costs to get there?
- Could we use the IDA lighting ordinance requirements as a guide to update our current outdoor lighting ordinance, picking and choosing what is most critical to regulate in order to protect our night sky?
- Could the community group continue all of their great efforts but without the costs of designation?

CHAPTER 6

SECTION 5

Outdoor Lighting Regulations**Subsections:**

- 6-5-1 General Provisions.
- 6-5-2 Nonconforming Lights.
- 6-5-3 Administration And Enforcement.
- 6-5-4 Appeals And Variances.
- 6-5-5 Purpose
- 6-5-6 Definitions.

(Section enacted by Ord 3-1997)

6-5-1 GENERAL PROVISIONS.

(A) All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including but not limited to devices to illuminate signs, shall meet the following requirements:

- (1) They shall be shielded so no light rays are emitted at angles which will allow the light to pass directly off of the premises appurtenant to the fixture.
- (2) They shall be shielded so that all~~no~~ light rays are emitted by the installed fixture at angles below~~above~~ the horizontal plane.
- (3) All fixtures designed to illuminate signs or structures shall be mounted above the area of the sign or structure to be illuminated.
- (4) Blinking, flashing, rotating or moving lights are prohibited.
- (5) Correlated color temperature (CCT) is limited to 3000 kelvin per fixture.
- (6) Lumens limit:
 - (a) Single-Family Residential Sites shall be limited to 5,100 lumens. Each fixture is limited to 850 lumens.
 - (b) Multi-family Residential Sites shall be limited to 3,400 lumens. Each fixture is limited to 850 lumens.
 - (c) Non-Residential and Mixed-Use Sites shall be limited to 10,000 lumens. Each fixture is limited to 1,500 lumens for non-residential units and 850 lumens for residential units. Non-Residential and or Mixed-Use sites that include off-street parking shall be limited to 25,000 lumens per acre. Lighting shall be extinguished one hour after close of business unless there is a public safety hazard that is best mitigated by the use of lighting. Lighting intended for security purposes shall use Adaptive Controls.

(B) The following are exempt from the provisions of Subsection (A).

Commented [SC1]: Proposed revisions to our existing lighting regulations to meet 2015 IDA requirements shown in track changes/blue text.

Commented [SC2]: Kelvin per each fixture/bulb will be limited and lumens per site or acre will be limited. Each of these items can easily be changed with the changing of a light bulb. This discussion can be had at the time of a building permit, but light bulbs can be changed daily without any way for Town to know about it. This will take a lot of outreach and education. It may also take a lot of code enforcement time because each light bulb will either need to be unscrewed or looked at closely to know the details.

Commented [SC3]: Staff asked Val, Howard and Dave to come up with a few examples of this to help explain the regulation and what it means. For example, show one of each type of site in town and explain how they meet or do not meet these standards. Maybe show some examples of fixtures in town and how many lumens they are.

(1) Lights used to illuminate athletic fields or other community special event areas, ~~which are on only when the field is in use~~ Such lights shall be turned off one hour after the conclusion of the event and should be designed or placed to minimize light falling beyond the area in use.

(2) Signs which are illuminated by interior light sources, such as neon signs, provided such signs are lit only during the property owner's business hours.

(3) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the State of Colorado or any of their agencies, and such other lights as are specifically required by federal or state law.

(4) Official traffic control devices and Street lights owned and operated by the Town of Ridgway to the extent that compliance with Subsection (A) is not practical while still achieving the purposes of traffic and pedestrian safety.

Commented [SC4]: We discussed this exemption with the Commission when we first looked at a draft. The Commission was uncomfortable deleting the section due to concerns for the flashing pedestrian crosswalk signs. Staff feels this this revision work It is okay with IDA.

(5) Repealed by Ordinance 16-2006

(6) Lawful vehicle lights.

(7) Repealed by Ordinance 10-2007

(8) ~~Christmas-Holiday lights.~~ ChristmasHoliday lights should only be in use from November 15 to January 31.

(9) Repealed by Ordinance 2-2002

(10) Artwork that is outdoors and on public property. Such artwork shall receive a permit by the Town of Ridgway prior to installation. Such artwork shall be public and accessible to all people and may be illuminated, pursuant to the following: (Ord 4-2017)

(a) Artwork shall not contain lighting that exceeds 500 lumens within the entire structure, nor more than 2500 degrees kelvin. (Ord 4-2017)

(b) All public art that is illuminated shall include a dimmer and timer to aid the compliance with the Dark Skies Association's Outdoor Lighting Requirements, and shall have the ability to be automatically turned off. In any event such lighting shall be automatically turned off by 10 p.m. nightly. (Ord 4-2017)

(c) No structure may contain lighting that is cast upward or outward, but may be diffused in a way such that the lighting emits a soft glow. (Ord 4-2017)

(d) All structures shall be lit internally. (Ord 4-2017)

(e) All illuminated public art is subject to review and approval by Town staff for compliance with these regulations. (Ord 4-2017)

(C) Public Outdoor Lighting

~~(14)~~(1) New public lighting, owned and operated by the Town of Ridgway, including street lights, walkway lights, external buildings lights, holiday lights, and other lights to ensure safety, shall be allowed as recommended by the Town Manager and shall be in compliance with Subsection (A).

(2) Adaptive Controls or curfews shall be employed in all new public outdoor lighting installations, except for new street lighting installed according to C1 above and required for public safety.

(3) All Town owned lighting shall comply with the requirements of Section 6-5 within five years from the effective date of this ordinance.

6-5-2 NONCONFORMING LIGHTS.

(A) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Section 6-5 by virtue of the initial adoption of this Section, subsequent amendment to this Section or by annexation into the Town, may continue to be used and operated subject to the limitations of this Section.

(B) The right to operate a lawful nonconforming light shall terminate upon any of the following:

(1) Replacement of the light fixture.

(2) Non-use of the light fixture for a period of six months.

(3) Repealed by Ordinance 16-2006

(4) Damage to the light fixture so that the cost of repair is 50% or more of the cost to replace it with a conforming fixture.

(Ord 3-1997)

6-5-3 ADMINISTRATION AND ENFORCEMENT.

(A) The provisions of this Section shall be administered by the building official or other authorized Town officer or employee.

(B) It shall be unlawful to violate any provision of this Section.

(C) Any continuing violation of this Section is hereby declared to be nuisance, which may be abated by the Town in any lawful manner, or enjoined by a court of competent jurisdiction.

(D) No building permit or occupancy permit shall be issued for work which has noncomplying light fixtures.

(Ord 3-1997)

6-5-4 APPEALS AND VARIANCES.

(A) Any person aggrieved by an interpretation of this Section or decision of the Town made in the administration of this Section, may appeal the interpretation or decision to the Planning Commission pursuant to the review procedure of Section 7-3-18 of the Ridgway Municipal Code upon payment of a \$250.00 application fee.

(B) (1) Any person may apply for a variance to the Planning Commission from the provisions of this Section upon payment of the \$250.00 application fee in accordance with the review procedure of Section 7-3-18 of the Ridgway Municipal Code.

(2) The Planning Commission may grant a variance only upon a determination that the following criteria are met:

(a) The variance will be consistent with the public health, safety and welfare.

- (b) The variance is justified by unreasonable hardship not created by the activities of the applicant or strict compliance is unfeasible.
- (c) The variance will be substantially consistent with the purposes of this Section to avoid nuisances to others, preserve the ability to observe the night sky, conserve energy, reduce glare, promote traffic and pedestrian safety, preserve the small town character of Ridgway and promote the Town's master plan.
- (d) The variance will not compromise any Dark Skies Certification, if such certification is in place at the time the variance is requested.

6-5-5 PURPOSE

To protect the dark sky resource, maintain nighttime visibility, minimize light pollution and glare, promote energy conservation, promote traffic and pedestrian safety, help mitigate wildlife sleep and mitigation related issues, and preserve the small-town character of the Town.

6-5-6 DEFINITIONS

- (A) Adaptive Controls: devices such as timers, motion-sensors and light-sensitive switches used to actively regulate the emission of light from light fixtures.
- (B) Mixed-Use Site: an undivided or combination of undivided lots under one or more ownership or lease agreement used for a mixture of commercial, industrial, institutional, and residential uses.
- (C) Multi-Family Residential Site: an undivided or combination of undivided lots under one or more ownership or lease arrangements occupied by multiple housing units.
- ~~(A)~~(D) Non-Residential Site: an undivided or combination of undivided lots under one or more ownership or lease agreement used for commercial, industrial, or institutional uses.
- (E) Single-Family Residential Site: an undivided or combination of undivided lots under one ownership occupied by a single-family residential structure and related accessory structures.

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

MAY 28, 2019

CALL TO ORDER

The Chairperson called the meeting to order at 5:35 p.m. with Commissioners Emilson, Falk, Liske, Nelson, Councilor Cheek and Chairperson Canright in attendance. Mayor Clark was absent.

PUBLIC HEARINGS

1. Town of Ridgway Master Plan

Master Plan Adoption Draft dated April 30, 2019, memorandum dated May 24, 2019 from the Town Manager, Town Planner and Community Initiatives Facilitator regarding Master Plan amendments and administrative edits. Letter dated May 21, 2019 from 18 property owners presented by Kari Girard.

Town Planner, Shay Coburn and Community Initiatives Facilitator, Diedra Silbert presented the revisions for the Master Plan noted in the memorandum dated May 24, 2019 to the Planning Commission. They explained the Plan has been reconsidered due to input at the April 30 Planning Commission and May 8 Town Council meeting in which a request was made for more time and input into the process. Though there was support from the public to adopt the Master Plan after strong public outreach, concerns persisted with regards to the Plan's amendment criteria, a development that is currently in the works and not being inclusive of the whole community. Coburn and Silbert explained the Master Plan is a statement of policy and intent about how the community desires to grow and evolve. They reviewed the many opportunities for public input that occurred from June 2018 through April 2019. The community vision, values, growth framework and Future Land Use Map were reviewed to inform the public how the document is used as a planning tool.

The Chairperson opened the hearing for public comment.

Ned Bosworth said the Plan is well thought out. He commented that the land in the Ridgway USA Subdivision was erroneously included within the sensitive area boundary because the conditions labeled on the Sensitive Natural Areas Map are not present in that part of the subdivision. He requested that the designation on the map be reviewed again.

Kari Girard read the letter dated May 21, 2019 signed by 18 property owners. Girard commented that the property owners she spoke of in the last Planning Commission meeting still had not been notified. The letter stated the Sensitive Natural Areas Map is difficult to interpret and requested clarification in order to determine how their properties would be affected for future development, property values and salability. Ms. Girard said the sensitive wildlife designation improperly overlays irrigated agricultural lands and requested that the map be deleted from the Master Plan. She also commented that the Future Land Use Map overlays private property. Ms. Girard noted that persons unfamiliar with the physical town layout may interpret the designations as public access or buildable areas. Girard requested that the property owners in the affected

areas of the map be contacted and given the opportunity for their voices to be heard before the Plan is adopted.

Chris Hawkins said housing should be included as a primary or supporting use in the Employment category for the Land Use Map and that the map does not support the conversation at the February community housing meeting. Hawkins requested that language be added to the Plan that supports housing in the Light Industrial Zone.

Ben Jackson said clarification is needed in the Master Plan with simple language to allow for mixed-use housing that may be considered for submission of his development plan.

Rein Van West spoke in support of the Plan. He said he would like to see more language in the Plan about eco-systems; primarily in the areas of renewable energy, carbon waste and building codes.

Glenn Pauls said he would like to see more language in the Master Plan about live-work housing in the Employment category and wants some clarification on the river setbacks.

Tom McKenney agreed with the Master Plan process because it is a “statement of the community”. McKenney suggested language be added clarifying where live-work housing may be considered.

The Chairperson closed the hearing for public comment.

The Planning Commission discussed the proposed changes to the amendment criteria. They considered language being added to the Master Plan clarifying where housing is a primary or supporting use. The Commission discussed the Plan’s flexibility and how a site-specific development plan should be submitted for review rather than inserting a blanket change to any land use categories at this point. The Sensitive Natural Areas Map was also addressed with staff to ensure it is accurate and user friendly.

Town Manager Jen Coates commented on the Future Land Use Map. She noted the Town’s water lagoon ponds are permitted by the State of Colorado and the mitigation and setback requirements as well as allowable uses in proximity the ponds are part of the permit criteria. She further commented that residential uses are not allowed in the Industrial Zones pursuant to the Municipal Code and the River Park Plat. The Town Manager explained residential use has not been recognized in the industrial areas in the last three Master Plans dating back as far as 1999. Coates also clarified that allowing for residential development in the Employment Category in the Plan would not change the Industrial Zones and that it would require a rezone to do so. The developer would still need to submit a site-specific plan and work with the Town to change the requirements in the Light Industrial Zones to include residential uses she concluded.

Planner Coburn reviewed the Sensitive Natural Areas Map with the Commission, including the source data and how to interpret the map. She noted the language on the map explains that hard boundaries are not depicted and that any or all development is not precluded by the map.

ACTION:

Commissioner Nelson moved to recommend to the Town Council the adoption of the 2019 Master Plan with the edits noted in the memorandum from Staff dated May 24, 2019. Councilor Cheek seconded the motion, and it carried unanimously.

2. Application for Minor Subdivision; Location: Solar Ranches Filing 1, Lot 39; Address: 520 Chipeta Drive; Zone: Residential; Applicants: Paula James and Don Rogers; Owners: Paula James and Don Rogers

Staff Report dated May 28, 2019 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Coburn presented an application for minor subdivision to convert a duplex unit into two separate condominium units. She explained the change would enable the applicants to sell the units individually and would not change the physical appearance. Coburn also explained that while the criteria for minor subdivision has been met, several edits to the plat map are needed as explained in the Staff Report. She commented that a draft Declaration of Chipeta House Condominiums was submitted too late for staff review prior to the hearing. Coburn recommended approval of the request with the condition that edits to the plat map are made and that the Town Attorney has reviewed the plat notes and the Declaration of Chipeta House Condominiums.

Applicant Paula James explained an offer to purchase one of the units was received after the initial declaration was drafted. The proposed purchaser wanted to have a voice in the declaration so a new document was drafted prior to the hearing. Ms. James noted that parking is addressed in the declaration; landscaping and parking will be managed by the home owners' association, and both parking and landscaping will be considered general common elements in the document.

The Chairperson opened the hearing for public comment and there was none.

The Commission discussed the application.

ACTION:

Councilor Cheek moved to recommend approval to the Town Council for the Minor Subdivision; Location: Solar Ranches Filing 1, Lot 39; Address: 520 Chipeta Drive with the conditions noted in the Staff Report dated May 28, 2019, including review from the Town Attorney for the plat notes and review of the Declaration of Chipeta House Condominiums. Commissioner Liske seconded the motion and it carried unanimously.

3. Application for Preliminary Plat; Location: Property at the southeast corner of Sherman Street/Highway 62 and South Railroad, legal address: S: 16 T: 45 R: 8 N1/2SW1/4; Address: TBD Railroad/Highway 23; Zone: Historic Business; Applicant: Ridgway Cohousing, LLC; Owners: Ridgway Cohousing LLC

Staff Report dated May 20, 2019 presenting background, analysis and staff recommendation prepared by the Town Planner.

The Town Planner presented an application for preliminary plat for a proposed 4.47 acre subdivision at the corner of Sherman Street/Highway 62 and South Railroad Street. She noted that the Town Engineer submitted comments just prior to the meeting so the comments have not

been incorporated into the hearing packet. She also noted that a 0.12-acre street would be dedicated to the Town and a 0.35-acre lot (Parcel A) on the north side of the subject property is not part of the proposed development. Planner Coburn reviewed the proposed streets, alleys and easements associated with the development and commented the Town is investigating options for the realignment of Railroad Street while the development moves forward.

Ms. Coburn commented that most of the large requirements have been met, and reviewed the criteria needing further attention from the Planning Commission. She explained that a sidewalk will be required along Parcel A and suggested that the requirement be deferred until a determination is made regarding the development of Parcel A. A security improvements agreement or plat note would be required to ensure the sidewalk is completed she continued. Planner Coburn reviewed the portion of the site plan as it pertains to the floodplain and explained the lengthy process with the Army Corps of Engineers may take longer than the 90 days allowed in the Design Standards Regulations. She also reviewed the setbacks for each type of house in the 26-lot development and determined that lot width and most setbacks meet the minimum requirement when considering the full property being developed.

Don Schwarz, member of the Ridgway Cohousing LLC, explained the cohousing concept and how that type of development positively affects the community. He said the project is occurring at the right place and right time for the Town and the County.

John Baskfield, Architect for the project, spoke of the owners' ideals that have remained incorporated into the project such as energy efficient units, healthy buildings, common space, garden space, meeting and gathering space, and use of alternative energy. Mr. Baskfield reviewed pedestrian and vehicle flow within and around the development. He further explained the nature of the development which builds a sense of community, relationships and trust. He also commented that the Town will benefit from the possible Railroad Street alignment and explained how the proposed rain gardens would retain and release water.

Diane Rooney, SGM Civil Engineer for the development, further commented on the rain gardens and reviewed the new sanitary sewer system. She explained the proposed new water main would be beneficial to the Town because other builders will be able to tie into the line as new development occurs and it will bolster the water pressure on the south side of town. Rooney addressed the proposed street infrastructure and reviewed ingress and egress for the intersections in the development.

The Chairperson opened the hearing for public comment and there was none.

The Commission discussed the application.

ACTION:

Councilor Cheek moved to recommend approval to the Town Council for Preliminary Plat; Location: Property at the southeast corner of Sherman/Highway 62 and South Railroad Street; with the conditions that all updates and modifications described in the Staff Report dated May 20, 2019 are completed including addressing and incorporating all engineering comments before presenting the application to the Town Council. The variance request for the front, rear and side setbacks and lot width are approved since the criteria have been met. Provisions for future security for the sidewalk on Parcel A is required, and the request to allow 2 years for the Army Corps of Engineers to evaluate

the work site and issue the Flood Plain Development Permit is also approved. Commissioner Nelson seconded the motion and it carried unanimously.

OTHER BUSINESS

4. Heritage Park/ Visitor Center Draft Plan

Strategic Master Plan for Ridgway Visitor Center & Heritage Park Draft, dated May 2019, prepared by DHM Design.

Community Initiatives Facilitator, Diedra Silbert, and Ridgway Chamber of Commerce Marketing Director, Hilary Lewkowitz, reviewed the Draft Plan with the Commission. The project will fill a void created in the highly visible area after the Railroad Museum relocated; allow the Chamber to occupy the Visitor Center and create an inviting space in the gateway of Town. The Plan features site elements such as signage, information kiosks, play features, planting areas, picnic areas, walks and restrooms. The project may cost up to one million dollars and will be phased in. Silbert and Lewkowitz explained how the project would be phased in over time based on priority, and there should be a final draft in June. The Draft was well received by the Planning Commission.

5. Dark Skies Update

The Town Planner informed the Planning Commission that a draft ordinance was sent to the International Dark Skies Association and it is being reviewed under 2015 guidelines.

6. Training Opportunities

Planner Coburn announced there will be an ethics and liability training workshop in the Community Center on Thursday, May 30, from 6:00 p.m.-8:30 p.m.

APPROVAL OF THE MINUTES

7. Approval of the Minutes from the Meeting of April 30, 2019

ACTION:

Councilor Nelson moved to approve the Minutes from April 30, 2019. Commissioner Emilson seconded the motion, with Commissioner Liske abstaining, and it carried unanimously.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk