**TO:** **El Paso County Planning Commission**
**Brian Risley, Chair**

**FROM:** **Lindsay Darden, Planner II**
**Gilbert LaForce, PE Engineer III**
**Craig Dossey, Executive Director**

**RE:** **Project File #: WV-20-001**
**Project Name: D. Johnson Subdivision Waiver**
**Parcel No.: 61000-00-157**

| **OWNER:** | **REPRESENTATIVE:** |
|---|---|
| Delroy and Janet Johnson<br>14502 State Highway 83<br>Colorado Springs, CO 80921 | Classic Consulting Engineers and Surveyors, LLC<br>619 N. Cascade Avenue<br>Colorado Springs, CO 80903 |

**Commissioner District: 1**

| | |
|---|---|
| Planning Commission Hearing Date: | 10/15/2020 |
| Board of County Commissioners Hearing Date | 11/10/2020 |

**EXECUTIVE SUMMARY**

A request by Delroy and Janet Johnson for approval of a waiver of the subdivision regulations specified in Sections 8.4.3(B)(2)(e) and 8.4.4(E)(2-3) of the El Paso County Land Development Code (2019) in advance of the subdivision application for a proposed four lot minor subdivision. If approved, the waivers being requested would allow for the construction of private roads that would not meet County standards for

public roadways as well as allow for a reduction of the 30-foot minimum lot frontage requirement for access to a public road, which would otherwise be required for each of the four (4) proposed lots. The 28.62 acre parcel is located on Colorado State Highway 83, approximately 0.62 miles north of the Highway 83 and Old North Gate Road intersection and is within Section 34, Township 11 South, Range 66 West of the 6th P.M. The subject parcel is located within the Tri-Lakes Small Area Master Plan (1999).

Per Section 7.3.4 of the Code, "A written waiver request may be made in connection with a subdivision application or submitted as a separate and stand-alone request". Most waiver requests are submitted in conjunction with a subdivision application; however, this request is a separate and stand-alone request.

## A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

**Request:** A request by Delroy and Janet Johnson for approval of a waiver of the subdivision regulations specified in Sections 8.4.3(B)(2)(e) and 8.4.4(E)(2-3) of the El Paso County Land Development Code (2019) in advance of the subdivision application for a proposed four lot minor subdivision. If approved, the waivers being requested would allow for the construction of private roads that would not meet County standards for public roadways as well as allow for a reduction of the 30-foot minimum lot frontage requirement for access to a public road, which would otherwise be required for each of the four (4) proposed lots.

**Waiver(s)/Deviation(s):** The applicant is requesting a waiver of the following sections of the El Paso County Land Development Code (2019):

- Section 8.4.3(B)(3)(e): Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved but the BoCC pursuant to waiver granted under Section 8.4.4(E).

- Section 8.4.4(E)(2): The use of private roads is limited and allowed only by waiver. In granting a waiver to allow private roads, the BoCC shall make written findings supporting the use of private roads and may require the owner to enter into a Private Road Maintenance Agreement or create covenants whereby the lot owners are required to maintain the private roads.

- Section 8.4.4(E)(3): Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may only include design standards for the following:

    - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
    - Design speed where it is unlikely the road will be needed for use by the general public;

- Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
- Maximum and minimum block lengths; and
- Maximum grade.

**Authorization to Sign:** There are no items requiring signature associated with this request.

## B. PLANNING COMMISSION SUMMARY

**Request Heard:**
**Recommendation:**
**Waiver Recommendation:**
**Vote:**
**Vote Rationale:**
**Summary of Hearing:**
**Legal Notice:**

## C. APPROVAL CRITERIA

In approving a waiver, the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.3 (Waivers) of the El Paso County Land Development Code (2019):

- The waiver does not have the effect of nullifying the intent and purpose of this Code;
- The waiver will not result in the need for additional subsequent waivers;
- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request for a waiver is based on are unique to the property for which the waiver is sought and are not applicable to the other property;
- A particular non-economic hardship to the owner would result from a strict application of this Code;
- The waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.

## D. LOCATION

| | | |
|---|---|---|
| North: | RR-5 (Residential Rural) | Single Family Residential |
| South: | RR-5 (Residential Rural) | Single Family Residential |
| East: | RR-5 (Residential Rural) | Single Family Residential |
| West: | RR-5 (Residential Rural) | Agricultural Grazing Land |

## E. BACKGROUND

The 28.62-acre parcel was legally created by deed on July 10, 1968, which was prior to El Paso County adopting subdivision regulations on July 17, 1972. The property was initially zoned A-4 (Agricultural) on January 3, 1955, when zoning was first initiated for this portion of the County. Subsequent nomenclature changes to the El Paso County Land Development Code renamed the A-4 zoning district as the RR-5 (Residential Rural) zoning district. There is an existing 4,214 square foot home with an attached garage on the property which was constructed in 1994. If the waivers described in Section A above are approved, the applicants will be required to submit for a request for approval of a minor subdivision prior to the creation of any new parcels.

## F. ANALYSIS

### 1. Land Development Code Compliance

The zoning for the parcel is RR-5 (Rural Residential), which is intended to accommodate single-family detached development with a minimum lot size of five (5) acres. The applicants have requested a waiver of Sections 8.4.3(B)(2)(e) and 8.4.4(E)(2-3) in advance of the subdivision application for a proposed four lot minor subdivision with lot sizes of at least five acres as depicted on the site plan exhibit attached below. If the waiver request is approved, the applicants will be required to submit a minor subdivision application prior to the creation of the proposed lots. The applicants have indicated in the letter of intent that additional waiver requests are not anticipated to be needed in the future and that they will meet all other Land Development Code provisions.

The applicants propose to utilize the existing asphalt drive to access the proposed lots. Access to the property is obtained from Highway 83 which is maintained by the Colorado Department of Transportation (CDOT). CDOT approved an access permit for the parcel to utilize the existing gravel driveway access for up to five residential lots. CDOT reviewed the waiver request and responded that “approval of any or all three waiver requests will not impact CDOT infrastructure at this time”. The Donald Westcott Fire Protection District has reviewed and has no objection to the waiver request and issued a commitment letter to serve the proposed residential lots with the existing access drive. To allow for unhindered access by fire apparatus, the district will require that a minimum of 12 feet width of clearance that is free of vegetative obstructions be provided and that all residential addresses be clearly posted in a visible area.

The parcel is irregularly shaped, and the shortest side of the parcel is adjacent to Highway 83 with approximately 575 feet of frontage. There are existing driveways on the adjacent parcels to the north (approximately 490 feet north of the existing gravel access drive) and to the south (approximately 470 feet south of the existing drive.) From a safety perspective and to preserve the efficiency of the roadway, it is appropriate to limit single access points onto arterial roadways, such as Highway 83, and instead require shared locations. Additionally, the commitment from the fire protection district indicates that the proposed waivers will not adversely affect the response of the fire district in the event of a fire or other emergency that could negatively impact the anticipated lots or the adjacent property owners.

The applicant has requested that the private roadway to serve the future lots remain in its existing state (asphalt drive) rather than being constructed to County standards due to the amount of land disturbance and removal of vegetation that would be required. Based on the aerial photography, approximately 26 acres of the 28.62-acre parcel is heavily vegetated. The topography of the parcel is irregular and rolling as shown on the attached topography exhibit, which includes 2-foot elevation contours. As depicted on the attached exhibit, there are no slopes that exceed 30 percent on-site; however, there is approximately a 74-foot change of grade from the northwest corner of the site to the east side adjacent to Highway 83. In the letter of intent, the applicants identify a particular non-economic hardship by stating that "the requirements of a public road access to four lots would be detrimental to the site's natural terrain and vegetation characteristics. Significantly more land disturbance would be required without these waivers". The approval criteria also requires that the proposed waiver is not contrary to any provision of the Master Plan. Consistency with the El Paso County Policy Plan (1998) and the Tri-Lakes Small Area Comprehensive Plan (1999) are discussed immediately below.

**2. Policy Plan Analysis**

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

- Policy 2.3.1 Preserve significant natural landscapes and features.

- Policy 6.1.3 Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

- Policy 6.1.9 Viable residential properties should be reasonably protected from the adverse impacts of major roadways and other potentially incompatible land uses.

- Policy 9.1. Balance the need for regional mobility with demands for local access onto major transportation corridors.

To the west of the subject parcel is the Rosholt Retreat subdivision, which includes lot sizes averaging approximately five (5) acres and access via private roadways. The lot to the north is similar in size to the subject parcel (28.75 acres) and immediately to the north of that lot is the Northern Outlook Subdivision, which also includes five (5) acre lots and access via private roadways. To the south are three (3) un-platted parcels ranging from 3.09 acres to 9.82 acres, each with individual driveway access onto Highway 83. To the east, on the other side of Highway 83, is a large 654.5-acre parcel that is zoned RR-5 (Residential Rural), which is utilized for agricultural purposes. Southwest of the subject parcel is the On the Rocks Subdivision, which is a four (4) lot subdivision approved in 2005 having access from Highway 83 via a private street. The On the Rocks Subdivision received a waiver for the required 30 feet of public road frontage as part of the subdivision approval and, although the approval does not indicate that other waivers were approved, the staff report and application do not reflect that the existing private driveway was required to be brought up to County standards; therefore, it appears that access to that subdivision from Highway 83 is very similar to that being proposed by the applicants with these waiver requests.

The policies specified above emphasize preservation of existing natural landscape, efficient traffic flow along major transportation corridors, and that new development be contiguous and compatible with previously developed areas regarding density, land use, and access. Per the applicant, the intent of the waivers is to “provide a safe, reasonable private access to four rural, heavily forested residential lots without significant disturbance to the natural setting”. Based on the aerial photography, approximately 26 acres of the 28.62-acre parcel is heavily vegetated. As depicted on the attached exhibit, there are no slopes that exceed 30 percent on-site. The retention of existing vegetation on the parcel will help protect the proposed low-density residential development from potential impacts associated with being adjacent to Highway 83. Due to the irregular topography on the subject parcel, construction of a private roadway to County standards would require more grading and vegetation removal than would be the case if the existing asphalt drive were allowed to be permitted and

converted to a private street that is not constructed to County standards, which would be similar to how access was accomplished for the On the Rocks subdivision described above.

The RR-5 (Residential Rural) zoning district is intended to accommodate low density, rural, single family residential development. As described above, if the waiver requests are approved, the applicants will be required to submit and receive approval of a minor subdivision application prior to the creation of any new lots or the construction of any additional dwelling units.

**3. Small Area Plan Analysis**

The parcel is within the boundaries of the Tri-Lakes Small Area Comprehensive Plan (1999), specifically the Ponderosa Breaks Sub-Area. This sub-area is described as "a well-defined section of the ponderosa forest associated with the Palmer Divide, often referred to as the Black Forest." General polices from the Plan which are applicable to this waiver request as follow:

- Objective 5.2.1 Place a high priority on ensuring safety and protecting the existing natural environmental conditions when planning or building roads.

- Objective 5.2.8 Limit the number of access points on designated arterials.

- Objective 5.2.11 Support methods of protecting low density residential land uses and natural landscape character along SH-83, such as the Colorado Scenic and Historic Byway.

- Objective 7.1.12 Recognize SH-83 as a major north-south corridor and support land uses that do not cause traffic impedance, deceleration, or delays, as outlined in the Transportation Section.

Highway 83 is designated as a major transportation corridor (Map 7.2) within the Tri-Lakes Plan but is more specifically designated as a principal arterial roadway in the Major Transportation Corridors Plan. The number of access points will be limited to shared driveway, which supports Objective 5.2.8 identified above. If the parcel is subdivided and the requested waivers are not approved, then the result could be the construction of multiple access points serving each of the four (4) anticipated lots that are within close proximity to each other. This scenario could create a safety issue and reduce the efficiency of traffic flow along this segment of Highway 83.

The Plan designates evergreen forest cover on and in vicinity of the subject parcel as a visual resource (Map 7.3). The summary for the Ponderosa Breaks Sub Area specifies:

> "Present development patterns which include 2.5 and 5.0-acre densities should be continued, and every effort made to lessen the damaging effects of construction. The ponderosa stands provide an excellent wind and snow break along the Palmer Divide. This area should be managed to protect, preserve, and enhance the ponderosa forest and associated wildlife."

As discussed in more detail above, the waiver requests, if approved, would support the Plan by limiting the amount of construction and vegetation removal on the parcel. For this reason, staff recommends that consistency with the Plan can be found.

**4. Water Master Plan**

The subject parcel is located within Region 2 of the El Paso County Water Master Plan (2018). This region includes multiple central water providers; however, none are located within proximity of the subject parcel. The Plan specifies that "Substantial growth is projected along Highway 83 in northwestern El Paso County. Planned growth areas are expected to be low density and would currently rely on well and septic systems as no centralized well or sewer systems are available." If the waiver request is approved, the applicant will be required to submit and receive approval of an application for a minor subdivision prior to creation of any new lots. The minor subdivision application will need to demonstrate compatibility with the Water Master Plan and provide evidence of water sufficiency.

**5. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

The subject parcel is located along Highway 83, which is designated in the 2016 Major Transportation Corridors Plan Update (MTCP), and more specifically on the 2040 Major Transportation Corridors Plan, as a principal arterial. Highway 83 is not a County maintained roadway and all access permits are issued by the Colorado Department of Transportation (CDOT.) The applicant has provided a copy of the CDOT access permit (attached below) that permits access for up to five (5) residential lots from the existing asphalt driveway.

## G. APPLICABLE RESOLUTIONS

Approval Page 43
Disapproval Page 44

## H. STATUS OF MAJOR ISSUES

There are no outstanding major issues associated with this request.

## I. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.3 (Waivers) of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

**CONDITION**

1. The applicant shall submit an application for a minor subdivision within one (1) year of the date of approval for the waivers specified above. Failure to submit such application within one-year shall render approval of the waivers void. The PCD Executive Director, in his or her sole discretion, may administratively approve an extension of the due date for submittal of the minor subdivision application for up to one (1) additional year if the applicant is able to produce documented evidence that a good faith effort has been made to submit the application prior to the one (1) year deadline.

**NOTATION**

1. Waiver requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and will need to be resubmitted in their entirety as a new application with the Planning and Community Development Department.

## J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on September 24, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

## K. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan Exhibit
CDOT Access Permit
Site Topography Exhibit
Fire Commitment Email

# El Paso County Parcel Information

| PARCEL | NAME |
|---|---|
| 6100000157 | JOHNSON DELROY L |

File Name: WV-20-001

Zone Map No. --

Date: September 24, 2020

Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600

N W E S

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# *LETTER OF INTENT*
# *Johnson Parcel*
# *Subdivision Waiver Requests*

***Owner:*** ***Delroy Johnson***
14502 Highway 83
Colorado Springs, CO 80921
(719) 352-9833

***Applicant/ Consultant:*** **Classic Consulting, LLC**
619 N. Cascade Ave., Suite 200
Colorado Springs, CO 80903
(719) 785-2802

***Tax Schedule No.*** 61000-00-157

**Request:**
Prior to any development action, the property owner would like to request waivers related to private access from Highway 83 to anticipated future lots. The requested waivers include the following:

Waiver 1: Waiver for private road (per definition, a driveway cannot serve more than 3 lots – LDC 8.4.4.E.2) Proposing 4 lots

Waiver 2: Waiver for private roads to meet County standards (LDC 8.4.4.E.3) Proposing private road design criteria similar to driveway criteria

Waiver 3: Minimum lot frontage (8.4.3.C.2.E) Not all lots will have direct frontage to Highway 83 based on shape of property and limited access allowed to Highway 83.

The intent of the waivers is to provide a safe, reasonable private access to four rural, heavily forested residential lots without significant disturbance to the natural setting. Thus, these waivers only deal with private access and lot configuration and meet all other intent of the LDC.

Criteria for approval of waivers is found in LDC 7.3.3 and is as follows:

- *The waiver does not have the effect of nullifying the intent and purpose of the code.*
  The proposed waivers request a slight adjustment to the private access and lot configurations allowed for this specific project. All other aspects of the code remain in force.

- *The waiver will not result in the need for additional subsequent waivers.*
  With the approval of the proposed waivers, no subsequent waiver requests are anticipated.

- *The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property.*
  Based on the approved modified State Access Permit and the negligible effect on the overall traffic LOS on Highway 83, these waivers will not be detrimental to the public safety, health or welfare or injurious to other property.

- *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.*
  The requested waivers are unique to this heavily forested, terrain challenged property with minimal public roadway frontage. Not all properties have these same challenging conditions.

- *A particular non-economical hardship to the owner would result from a strict application of this Code.*
  Without the requested waivers, the requirements of a public road access to four lots would be detrimental to the sites natural terrain and vegetation characteristics. Significantly more land disturbance would be required without these waivers.

- *The waiver will not in any manner vary the zoning provisions of this Code.*
  The current zoning district is RR-5. All proposed lots intend to meet the density and dimensional standards per LDC 5.4.2 and Table 5-4.

- *The proposed waiver is not contrary to any provision of the Master Plan.*
  The proposed four rural lots (5.0 ac. min. size) with limited access to Highway 83 seem to remain consistent with the intent of both the Tri-Lakes Comp Plan and the El Paso County Policy Plan.

Upon approval of said waivers, a Minor Subdivision consisting of a Final Plat for 4 lots will be submitted for the entire property. Water sufficiency will be requested with the future Final Plat.

## SITE DESCRIPTION:

This letter is prepared to provide sufficient information in support of subdivision waivers for a 28.62 acre parcel with a current single paved driveway access from Highway 83. Three additional residential lots will be proposed from same driveway access. No land use change proposed. Exact lot configuration and alignment of driveway extension determined with Final Plat.

The property is dimensionally constrained, with only 575 feet of frontage to Highway 83 and the remaining 4,600+ feet perimeter of the property being adjacent to private residential land with no other access to a public road. It is also limited to the current single access point to Highway 83. Given these constraints and to meet the intent of the zoning code dimensional standards, one lot will have direct frontage to Highway 83 while the other three will not have direct frontage to a public roadway. However, the proposed waiver 3 covers this condition. Ownership and maintenance of a private driveway with access to all four lots will be handled with special agreement prepared with Final Plat.

The site is located in a portion of section 34, township 11 south, range 66 west of the sixth principal meridian, El Paso County, Colorado. More specifically, located 0.64 miles north of the intersection of Highway 83 and Old North Gate Rd., west side of Highway 83, south of unplatted residential property (zoned RR-5) and due east of the Rosholt Retreat Subdivision (zoned RR-5). The entire property is zoned RR-5.

## PROJECT DESCRIPTION:

TRAFFIC

The property frontage adjacent to Highway 83 is approximately 575 feet. Currently, there exists a single paved driveway to the property along the west side of Highway 83 accessing one single family residence. CDOT has recently approved an updated access permit allowing up to 5 residential lots from this single driveway. (See attached Access Permit) This permit is based on meeting all criteria as found in the State Highway Access Code. Also, the following El Paso County criteria seems to be met for not requiring a TIS as found in ECM Appendix B (B.1.2.D):

Vehicular traffic

1) Daily trip generation is less than 100 (consistent with CDOT criteria for no study)
2) No additional intersections with State Highway – none proposed
3) Increase in trips does not increase by more than 100 daily trips – less than 100 trips total
4) No change in traffic type – proposed residential use
5) Acceptable LOS on adjacent roadways is maintained – proposed traffic increase vs. existing trips on Highway 83 is negligible

6) No accident or safety problems on adjacent roadway in immediate vicinity – none documented
7) No change in land use with access to State Highway – none proposed

Pedestrian/Bicycle traffic
No existing or new pedestrian/bicycle facilities or traffic is required along Highway 83

Reference e-mail from Wescott Fire District related to proposed access change

El Paso County Road Impact Fee method will be determined with Final Plat.

N

100 50 0 100 200

SCALE: 1" = 100'

CLASSIC CONSULTING

619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903
(719)785-0790
(719)785-0799 (Fax)

**JOHNSON PARCEL**
**WAIVER SUBMITTAL**
SITE PLAN

| | | | | |
|---|---|---|---|---|
| DESIGNED BY | MAW | SCALE | DATE | 7/29/2020 |
| DRAWN BY | MAW | (H) 1"= 100' | SHEET 1 OF 1 | |
| CHECKED BY | | (V) 1"= N/A | JOB NO. | 2575.00 |

N:\2575001\DRAWINGS\EXHIBITS\Johnson Parcel.dwg, 8/6/2020 7:32:52 AM, 1:1

COLORADO DEPARTMENT OF TRANSPORTATION

# STATE HIGHWAY ACCESS PERMIT

CDOT Permit No. 220062

State Highway No / Mp / Side 083A / 23.770 / Left

| Permit Fee | Date of Transmittal | Region / Section / Patrol / Name | Local Jurisdiction |
|---|---|---|---|
| $50.00 | July 15, 2020 | 2 / 04 / 39 Bradley Bauer | El Paso County |

The Permittee(s):
Delroy Johnson
14502 HWY 83
Colorado Springs, Colorado 80921
719-352-9833 djohnson@nor-wood.com

The Applicant(s):

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:
14502 HWY 83, Colorado Springs
West side of State Highway 83, a distance of 1,200 feet South from MP 24

| Access to Provide Service to: (Land Use Code) | (Size) | (Units) |
|---|---|---|
| 210 - Single-Family Detached Housing Lot 1 Main Home | 4214 | SqFt |
| 210 - Single-Family Detached Housing Lot 5 - proposed | 2500 | SqFt |
| 210 - Single-Family Detached Housing Lot 4 - proposed | 2500 | SqFt |
| 210 - Single-Family Detached Housing Lot 3 - proposed | 2500 | SqFt |
| 210 - Single-Family Detached Housing Lot 2 - proposed | 2500 | SqFt |
| 997 - Agriculture 5 lots - Lot 1 6.67 - Lots 2-5 4-5 acres | 28.69 | Acres |

Additional Information:
**Please see attached Terms & Conditions**

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

| Signature | Print Name | Date | Title |
|---|---|---|---|
| | | | |

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 Teresa Guagliardo with the Colorado Department of Transportation, at 719-248-0318 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.

| | Print Name | Date |
|---|---|---|
| DocuSigned by: **Permittee Signature:** Delroy Johnson 8C7B0C7B373493 | Delroy Johnson | 7/15/2020 \| 12:19 PM MDT |
| **Co-Permittee Signature:** (if applicable) | Print Name | Date |

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

| Signature | Print Name | Title | Date (of issue) |
|---|---|---|---|
| DocuSigned by: Valerie Sword 4672D62B2950430... | Valerie Sword | CDOT R2 Permits Manager | 7/15/2020 \| 12:40 PM MDT |

Copy Distribution: Required: 1.Region 2.Applicant 3.Staff Access Section 4.Central Files
Make copies as necessary for: Local Authority MTCE Patrol Inspector Traffic Engineer

Previous editions are obsolete and may not be used

DocuSign Envelope ID: 067570E0-DFF8-4780-8870-7E2EE065E7D2

**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.

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1. A NOTICE TO PROCEED TO CONSTRUCTION, CDOT Form 1265, is required before beginning the construction of the access or any activity in the highway right-of-way. The NOTICE TO PROCEED will be issued upon receipt of this signed permit with appropriate fee.

2. The access is located on the Left side of State Highway 83, a distance of 1,200 feet South from milepost 24 (MP 23.77).

3. This section of highway is a Category R-A highway. The information submitted with the application requires the following highway improvements be designed and installed:

   a. A 36" x 36" R1-1 STOP sign shall be place at the egress access for all exiting vehicular movements onto to HWY 24.

4. The Permittee/Applicant shall provide the Department with the following submittals, documents, plans and other items for review prior to the issuance of a NOTICE TO PROCEED to construction:
   a) A written request for a NOTICE TO PROCEED including the access permit number listed above.
   b) Cost estimate for the improvements of the highway.

5. This Access Permit is issued to allow access to State Highway 83 for a change in use of the property. The previous permit CDOT Access Permit 294019 was to serve one (1) single family dwelling on 28.6 acres. The access will now serve five (5) single family dwellings on the same 28.6 acres.

6. It is important to note that an increase in traffic due to new development, a future widening of SH 83 will likely occur. A reservation of right-of-way, 50 feet from the existing property line should be reserved for the future construction of additional through lanes.

7. Under no circumstances shall the construction of a private driveway by a private interest interfere with the completion of a public highway construction project. The private interest shall coordinate work the CDOT resident engineer named below.

8. The Permittee is responsible for wind and air borne erosion control measures during the construction phase. The developer is responsible for MS4 compliance; best management practice during construction should include clean project entry. The project landfall must be shaped and armored in such a way that no head-cutting will occur. No construction traffic is allowed to enter the highway along pioneered pathways through the ditches.

9. Equipment and vehicles cannot be parked in the clear zone; this includes when occupied by construction personnel; the clear zone shall be kept clear of vehicles, equipment and stockpile to prevent accidents.

10. No additional access will be allowed to State Highway 83 along property boundary.

11. The Permittee shall refer to all additional standard requirements attached to this permit. This includes CDOT Form 101b, enclosed additional terms, conditions, exhibits, and noted attachments.

12. The following criteria were used to establish this Access Permit:
    a) The Application for Access Permit (CDOT Form 137) dated May 29, 2020 and accepted by the regional office on June 2, 2020 and all attachments.
    b) State Highway Access Code, Volume 2, CCR-601-1; Effective date March 2002
    c) The State Highway Access Category Assignment Schedule, as revised.
    d) The Colorado Department of Transportation (CDOT) M&S Standard Plans
    e) Vicinity Map
    f) Attached Details
    g) Exhibit A, "Seeding Requirements"
    h) Environmental Clearances Information Summary

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13. The Permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board), and incorporated by the U.S. Attorney General as a federal standard. These guidelines are defining traversable slope requirements and prescribing 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: https://www.codot.gov/business/designsupport/standard-plans.

14. It is the responsibility of the Permittee/applicant to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly from the appropriate agency. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" for details. FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.

15. ALL discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.

16. Unless otherwise identified by CDOT or the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) as significant sources of pollutants to the waters of the State, the following discharges to storm water systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. However, construction activities may require a Construction Stormwater Permit. Contact the CDOT R2 Water Quality Specialist, Troy Rice at 719-227-3260.

17. This Access Permit is issued in accordance with the 1998 State Highway Access Code (2CCR 601-1), and is based in part upon the information submitted by the Permittee. This Access Permit is only for the use and purpose stated in the Application and on the Permit. Any changes, based upon existing and/or anticipated future conditions in traffic volumes, drainage, types of traffic, or other operational aspects may render this permit void, requiring a new Application for Access Permit to be submitted for review by the Department and/or Issuing Authority.

18. If necessary, minor changes, corrections and/or additions to the Permit may be ordered by the Department Inspector, other Department representative, or the local authority, to meet unanticipated site conditions. Changes may not be in violation of the State Highway Access Code. All major changes to the permit must be approved in writing by the Department prior to commencement of any work on or within the State Highway right-of-way.

19. All work is to conform to the plans referenced by this permit on file with the Colorado Department of Transportation or as modified by this Permit or a valid Notice to Proceed. If discrepancies arise, this permit and the valid Notice to Proceed shall take precedence over the plans. The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations or any other elements, which shall be confirmed and correlated at the work site. The Department through the approval of this document assumes no responsibility for the completeness and/or accuracy of the plans.

20. The Department standards, specifications, and regulations shall override the design plans incorporated in this permit should an oversight, omission, or conflict occur. The Department assumes no liability or responsibility whatsoever for the accuracy, completeness or correctness of

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the Permittee's design plans. Any design plan errors are the sole responsibility of the Permittee and/or the engineer.

21. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within State Highway right-of-way.

22. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-way in a forward movement. Backing into the right-of-way shall be considered a violation of the Terms and Conditions of the Access Permit and may result in the revocation of the Permit by the Department and/or Issuing Authority.

23. This access will be allowed a full movement. However, left turn movements in and out of this access may be prohibited at some future date.

24. The Permittee is responsible for obtaining any necessary additional federal, state and/or local government agency permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee.

25. Whenever there is work within the highway right of way, the Permittee shall develop and implement a traffic control plan. This plan shall utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around and through the work site as well as ensure the safety of the work force. A certified Traffic Control Supervisor or a Professional Traffic Engineer may prepare the traffic control plan. The plan shall be in conformance with the latest Manual on Uniform Traffic Control Devices (MUTCD) and other applicable standards. The plan must be submitted and approved by the Senior Maintenance Supervisor listed below five working days prior to beginning construction within the highway right of way. The approved traffic control plan will be attached to the Permit and the NOTICE TO PROCEED TO CONSTRUCTION and must be available on site throughout the duration of the construction. All work that requires traffic control shall be supervised by a registered professional traffic engineer or by a certified traffic control supervisor. The contractor in accordance with the Department Standards shall certify flagging personnel, when required.

26. If any traffic control devices are evident within 50 feet of the construction area, the Permittee/Contractor must contact Mr. Jimmy Biren, Asst. Traffic Operations Engineer, in Pueblo. Mr. Biren can be contacted in Pueblo at (719) 546-5404.

27. Five working days prior to beginning construction, the Permittee/Contractor must contact Mr. Brad Bauer, Senior Maintenance Supervisor, to coordinate the construction. Mr. Bauer can be contacted in Colorado Springs at 719-227-3203. Failure to comply with this requirement may result in the revocation of this permit.

28. Work shall BEGIN AFTER 8:30 a.m. and all equipment shall be off the right-of-way BEFORE 3:30 p.m. each day. No work is allowed within the highway right-of-way on weekends or State/Federal holidays. No construction vehicles shall be parked, or construction materials stockpiled on the highway right-of-way overnight. No private vehicles may be parked on the highway right-of-way at any time during construction.

29. Two-way traffic shall be maintained throughout the work area at all times.

30. The Annual Average Daily Traffic (AADT) volumes using this access shall not exceed 50 trips.

31. All costs associated with the installation of this access are the responsibility of the Permittee. This includes the design, construction, utility relocation, testing of materials and inspection.

32. Reconstruction or improvements to the access may be required when the Permittee has failed to meet the required design and/or materials specifications. If any construction element fails within

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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 the revoking of the permit and closure of the access.

33. Signing and striping are the responsibilities of the Permittee. All signs shall be manufactured in accordance with the Manual on Uniform Traffic Control Devices (M.U.T.C.D.). The sheeting for the signs shall be highway intensity sheeting (ASTM Type III retro reflective sheeting). The Department shall approve the striping.

34. All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures and all applicable US 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.

35. 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:
    a) Head protection that complies with the ANSI Z89.1-2014 standard;
    b) 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 ASTM F 2412-05 and ASTM F 2413-05;
    c) High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2).
    d) Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

36. The Permittee is responsible for any utilities and/or traffic control devices disrupted by the construction of this access and all expense incurred for repair. There are existing utilities on the highway right-of-way by permit. Owners of those utilities must be contacted. Any work necessary to protect existing permitted utilities, such as encasements, bulwarks, etc. will be the responsibility of the Permittee.
    a) The Permittee is hereby advised that other utilities may exist within the proposed permit area. Permittee shall implement any and all measures to protect any existing utilities from damage.
    b) Non-Destructive Air-vacuum Excavation (potholing) to expose the utilities being surveyed to determine their exact depth and location maybe necessary before any work commences. A core hole saw cut is the recommended method of entry through pavement for potholing. Flowfill is required for backfill of the core hole under the pavement or on the roadway.
    c) The vacuum excavation technique is used not only to expose utilities but also for other uses that are benefited by the non-invasive/non-destructive, environmentally friendly technology such as dewatering or drill fluid/saw cutting fluid removal.
    d) The Contractor shall utilize a spotter to assist in the visual inspection of all excavation work as it progresses near existing CDOT Intelligent Transportation Systems fiber optic line conduits, pull boxes and manholes. The Contractor shall provide a spotter to aid equipment operators when construction activities are near marked or unmarked fiber lines.
    e) The spotter shall observe all excavation work as it progresses to ensure that no damage occurs to existing underground fiber lines. When the spotter has visual sight of the underground conduit, the spotter shall notify the equipment operator of the proximity to the conduit and begin to guide the excavation work. The spotter shall guide all excavation work around the conduit to ensure no damage occurs.

37. The Permittee is hereby advised that other utilities may exist within the proposed permit area. Permittee shall implement any and all measures to protect any existing utilities from damage.

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38. The Permittee is responsible for any utilities and/or traffic control devices disrupted by the construction of this access and all expense incurred for repair. There are existing utilities on the highway right-of-way by permit. Owners of those utilities must be contacted. Any work necessary to protect existing permitted utilities, such as encasements, bulwarks, etc. will be the responsibility of the Permittee.

39. It is the responsibility of the permittee to comply with the Subsurface Utility Engineering (SUE) requirements as defined in the ASCE 38 (American Society for Civil Engineering).

40. Additional CDOT permits are required for work involving water, sanitary sewer, gas, electrical, telephone and landscaping within the right-of-way.

41. Any damage to existing highway facilities shall be repaired immediately at no cost to the Department and prior to continuing other work. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department inspector.

42. The Department Inspector or the Issuing Authority may suspend any work due to noncompliance with the provisions of this permit, adverse weather or traffic conditions, concurrent highway construction or maintenance in conflict with permit work or any condition deemed unsafe for workers or the general public. The work may be resumed upon notice from the Department Inspector or Issuing Authority.

43. The Permittee shall maintain adequate, unobstructed sight distance in both directions from the access. When determining the distance between accesses, the point of tangent shall be used where a radius is present, or the beginning of the curb cut. The minimum sight distance that shall be maintained along the highway for the access shall be 550 feet. The minimum sight distance that shall be maintained for the vehicle entering the highway shall be 550 feet.

44. Any landscaping or potentially obstructing objects such as but not limited to advertising signs, structures, trees, and bushes, shall be designed, placed, and maintained at a height not to interfere with the sight distance needed by any vehicle using the access. Planting of tree(s), which will be over 4 inches in caliper at maturity, will not be allowed within 30 feet of the edge of the traveled way. All other objects shall not exceed a total height of thirty inches from the top of final grade. The Department will require any object or landscaping that becomes unsightly or is considered to be a traffic hazard to be removed by the Permittee at no cost to the Department.

45. The equivalent turning radii of the access shall accommodate the turning radius of the largest vehicle using the access on a daily basis. Where roadway shoulders are present, the radius is measured to the edge of the closest lane. Where roadway shoulders are not present, the minimum access radii is 25 feet.

46. The access width shall be 24 feet wide.

47. The radii of the access shall be large enough to accommodate the largest vehicle using the access on a daily basis without encroaching on the adjacent travel lane.

48. Valley gutters are not allowed.

49. The access shall be surfaced upon completion of earthwork construction and prior to being used. The access shall be surfaced from the highway roadway to the right-of-way line.
    a) The access with greater than 20 AADT shall have a hard surface pavement for a minimum distance of 20 feet from the traveled way. The first 20 feet of the access shall be surfaced with 6 inches of compacted Hot Mix Asphalt Type SX(100)PG64-22 and 12 inches of Aggregate Base Course (Class 6). The remainder of the access within the highway right-of-way shall be surfaced with 12 inches of Aggregate Base Course (Class 6).

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b) If patching is required due to saw cutting, 6 inches of Hot Mix Asphalt Type SX(100)PG64-22 shall be used. The material will be placed in 3 lifts.
c) If hard surfacing (concrete or bituminous pavement) abuts existing pavement, the existing pavement shall be saw cut and removed a minimum of one (1) foot back from the existing edge of pavement.
d) Compaction of Hot Mix Asphalt shall be in accordance to section 401.17 of the Department's standard specifications. Compaction of the Aggregate Base Course shall comply with section 304.06.
e) Compaction of sub-grade, embankments and backfills shall be in accordance to section 203.07 of the Department's standard specification.
f) Placement of base course materials shall be in accordance with section 304.04 of the standard specifications. Compaction shall be in conformance with AASHTO procedure T-99.
g) If frost, water or moisture is present in the sub-grade, no surfacing materials shall be placed until all frost, water or moisture is gone or removed.

50. For any access that is not a curb cut, including streets and private access using curb returns, the first 20 feet beyond the closest highway lane, including speed change lanes or the distance to the side drain, whichever is greater, shall slope down and away from the highway at a two percent grade to ensure proper drainage control.

51. Within the right-of-way, maximum grades shall be limited to ten per cent for low volume field and residential access.

52. An access that has a gate across it shall be designed so that the longest vehicle using it can clear the roadway when the gate is closed.

53. It is the responsibility of the Permittee to prevent all livestock from entering the State Highway right of way at this access location. Any livestock that does enter the highway right of way shall be the sole responsibility of the Permittee.

54. Any current or proposed cattle guard shall be maintained fully within the property boundaries and all repairs are the sole responsibility of the property owner.

55. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the entrance shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. This shall be in conformance with the Department's Standard M-607-1.

56. All right-of-way fence posts and wire removed are Department property and shall be turned over to a representative of the Department.

57. Installation of any traffic control device necessary for the safe and proper operation and control of the access shall be required by the permit at the cost of the Permittee.

58. All traffic control devices within the highway or other public right-of-way or access that serve the general public shall conform to the M.U.T.C.D.

59. Prior to removing any existing highway signs within the limits of the construction activities, the Permittee must contact Mr. Walter Garcia in Pueblo. Mr. Garcia can be contacted at (719) 546-5767.

60. Physical separation and delineation along a property frontage such as curb and gutter or fencing, may be required when necessary to ensure that access will be limited to permitted locations.

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a) Survey markers or monuments must be preserved in their original positions. Notify Mr. Dennis Pirtle, CDOT Land Surveyor, at (719) 546-5746 immediately upon damage to or discovery of any such markers or monuments at the work site.

b) Any survey markers or monuments disturbed during the execution of this permit shall be repaired and/or replaced immediately to the satisfaction of the CDOT Land Surveyor at the expense of the Permittee.

c) All survey procedures and minimum tolerances shall be in conformance with the Department Survey Manual and the "Manual of Instruction for the Survey of Public Lands of the United States" 1972 and section 38-53-101 et seq, C.R.S.

d) Monuments shall conform to Department Standard M-629-1.

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

62. The highway drainage system is for the protection of the state highway right-of-way, structures, and appurtenances. It is not designed nor intended to serve the drainage requirement of abutting or other properties beyond undeveloped historical flow. Drainage to the state highway right-of-way shall not exceed the undeveloped historical rate of flow.

63. This Permit hereby replaces all previous access permit(s) for this ownership, which now become null and void.

64. No interference with traffic will be allowed after 12:00 Noon the day before a 3- or 4-day holiday weekend, as listed under 108.06 of the Standard Specifications for Road and Bridge Construction.

65. Traffic control and work hours on state highways, interstates and freeways will be allowed as determined by the CDOT Inspector for this permit and area only.

66. CDOT retains the right to perform any necessary maintenance work in this area.

67. Notify the Department of Transportation Inspector, Ms. Teresa Guagliardo (teresa.guagliardo@state.co.us) in Pueblo at (719) 248-0318 upon completion of the access construction for a final inspection and to request a Letter of Acceptance. Please note that there is a 2-year warranty period for all construction elements. The 2-year warranty period begins with the date of the acceptance letter.

68. **A Fully Executed Complete Copy of this Permit and a valid Notice to Proceed to Construction must be on the job site with the contractor at all times during the construction.** Failure to comply with this or any other construction requirement may result in the immediate suspension of the work by order of the Department Inspector or the Issuing Authority.

69. READ ALL ADDITIONAL STANDARD REQUIREMENTS ON THE ATTACHED FORM 101 AND OTHER TERMS AND CONDITIONS ON THESE ATTACHED SHEETS. A COPY OF THIS PERMIT MUST BE ON THE JOB SITE WITH THE CONTRACTOR. Call for an inspection of forms at least one working day prior to placing any concrete. The Colorado Department of Transportation inspection is not an approval of the grade or alignment of the work. The contractor and/or engineer are responsible for the proper grade and alignment. Minor changes or additions may be ordered by the field inspector to meet field conditions. Any survey markers or monuments disturbed during the execution of this permit shall be repaired immediately at the expense of the permittee. Minimum cover for buried utilities shall be 48 inches.

Old Lasso Point
83
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## Marc Whorton

**To:** Delroy Johnson
**Subject:** RE: Property subdivision

-----Original Message-----
From: Chief Burns [mailto:vburns@wescottfire.org]
Sent: Wednesday, September 9, 2020 10:42 AM
To: Delroy Johnson <Djohnson@nor-wood.com>
Subject: Re: Property subdivision

Sorry for the delay, our fire apparatus can navigate a standard traffic lane which is 12 ft. If the road is wider, no complaints from here.

Thanks,

Chief Burns

> On Sep 4, 2020, at 5:42 PM, Delroy Johnson <Djohnson@nor-wood.com> wrote:
>
> Chief Burns, the county has reviewed my submission and has the following comment:
>
> "Please have the fire commitment letter revised to indicate the minimum dimension required for fire apparatus to safely enter and exit the existing driveway. Otherwise we have no standard to assess by."
>
> Could you respond with a minimum number of feet of width? Thanks! Delroy
>
> -----Original Message-----
> From: Chief Burns [mailto:vburns@wescottfire.org]
> Sent: Tuesday, July 21, 2020 10:16 AM
> To: Delroy Johnson <Djohnson@nor-wood.com>
> Subject: Property subdivision
>
>
>
> To : Whom it may concern
> From: Chief Vinny Burns
> Date: July 21, 2020
> Re: 14502 HWY 83
>
>
> This is to verify that the Wescott Fire District is aware of the potential property subdivision located at 14502 HWY 83, to be subdivided up to 4 lots. The district has no objections to this subdivision as long as driveway/street width can accommodate fire apparatus with no obstructions such as tree brush clearance as to not hinder fire apparatus. Address of homes should be posted to be clear and visible.

>
> If you have any questions or need further information, please feel free to contact me.
>
>
>
> Thank you,
>
>
> Vinny Burns
> Fire Chief, Wescott FD