

COMMISSIONERS: MARK WALLER (CHAIR) LONGINOS GONZALEZ, JR. (VICE-CHAIR) HOLLY WILLIAMS STAN VANDERWERF CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO:

El Paso County Planning Commission

Brian Risley, Chair

FROM:

Nina Ruiz, Planning Manager

Jack Patton, Engineer I

Craig Dossey, Executive Director

RE:

Project File #: VA-18-005

Project Name: Rocky Top Variance

Parcel No.: 83092-00-011

OWNER:	REPRESENTATIVE:
G&D Enterprises, Corporation	Debra Eiland, Esq., Law Office of Debra
P.O. Box 215, Green Mountain Falls,	Eiland, P.C.
Colorado 80819	24 South Weber Street, Suite 300,
	Colorado Springs, Colorado 80903

Commissioner District: 3

Planning Commission Hearing Date:	1/7/2021
Board of County Commissioners Hearing Date	1/26/2021

EXECUTIVE SUMMARY

A request by G&D Enterprise, Corp., for approval of a variance of use to legalize an existing Recreational Vehicle Park, Recreation Camp, and Automobile and Boat Storage Yard. The 9.32-acres parcel is currently zoned C-2 (Commercial) and is located northeast of the Highway 24 and Lucky 4 Road intersection and within Section 9, Township 13, Range 68 West of the 6th P.M. The property is located within the <u>Ute Pass Comprehensive Plan</u> (1982).



A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by G&D Enterprise, Corp., for approval of a variance of use to legalize an existing Recreational Vehicle Park, Recreation Camp, and Automobile and Boat Storage Yard.

Waiver(s)/Deviation(s): None

Authorization to Sign: N/A

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the <u>Land Development Code</u>, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or

 Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

D. LOCATION

North:R-T (Residential Topographic)

South:R-T (Residential Topographic)

East: R-T (Residential Topographic)

West: R-T (Residential Topographic)

Vacant

Vacant/ Single-Family Residential

Single- Family Residential

E. BACKGROUND

The parcel was created on December 16, 1965, prior to adoption of modern subdivision regulations by the El Paso County Board of County Commissioners on July 17, 1972. The property was zoned R-T (Residential Topographic) on July 24, 1967 when zoning was first established for this portion of El Paso County. The parcel was subsequently rezoned to C-2 (Suburban Business) on June 8, 1972.

The C-2 zoning district allowed recreation camps until 1966. According to the El Paso County Assessor's records, the hotel/motel structure and storage warehouse were constructed in 1947, and the RV and tent campground was constructed in 1950, prior to the initial zoning of the property. Therefore, each of these uses were previously considered legal nonconforming when the parcel was first zoned R-T (Residential Topographic). When the property was rezoned to the C-2 zoning district, the hotel/motel use became conforming and the recreational camp use continued to be legal nonconforming.

The original footprint of the campsite area has been enlarged. Section 5.6.4 (B), Expansion of Use as Variance of Use or Special Use, of the <u>Code</u> states:

"A nonconforming use of land shall not be extended or enlarged; provided, however, an extension or enlargement may be approved as a variance of use. Where the use is a special use in the zoning district, a special use permit shall be obtained for an extension or enlargement of the use."

A notice of violation was sent to the applicant on June 19, 2018, following a complaint being received by El Paso County Code Enforcement for inoperable vehicle storage and rubbish. A notice of violation was sent for the rubbish, Recreational Vehicle Park, Recreation Camp, and Automobile and Boat Storage Yard.

Per the applicant's letter of intent, the site will have as many as 72 extended stay sites for recreational vehicles and trailers, "additional sites for camping", bathrooms to serve the camp sites, a green house, a children's playground, a dog park, a motel (with 15 rooms) including laundry facilities and an office with adjoining owners residence, a storage warehouse, and an open area for recreation vehicle storage.

The owners live on the property and have a full-time caretaker that resides in a recreational vehicle within the campground area. If the variance of use request is approved, the applicant will be required to submit and receive approval of a site development plan within 180 days of the date of approval unless administratively extended by the PCD Director. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and provide a more detailed depiction of the proposed use, including landscaping, parking, signage, and lighting.

F. ANALYSIS

1. Land Development Code Analysis

The <u>El Paso County Land Development Code</u> (2019) does not allow a Recreational Vehicle Park, Recreation Camp, and Automobile and Boat Storage Yard in the C-2 zoning district. The requested uses are not consistent with the C-2 zoning district without approval of a variance of use.

The existing uses on the 9.3-acre parcel consist of a hotel, recreation camp, recreational vehicle park, and automobile, boat and recreational vehicle park. There is no conventional zoning district which would allow for this unique mix of uses; therefore, a map amendment (rezone) to another zoning district is not a viable option in order to bring the property into compliance.

The <u>Land Development Code</u> (2019) defines a Recreational Vehicle Park as:

"An area within the RVP zoning district planned exclusively for the parking or temporary storage of 2 or more recreational vehicles for temporary or long term occupancy as a housing unit."

The Land Development Code (2019) defines a Recreation Camp as:

"A place used as a destination point for visitors, for vacationing or other recreational purposes which may include permanent structures and temporary facilities such as tents or yurts for the use of guests which facilities may contain cooking facilities and are used for temporary occupancy(not to exceed 30 consecutive days or a total of 90 days in one calendar year). This term shall not be interpreted to include hotels, motels,

restaurants, and theaters but would include land uses commonly considered as campgrounds, dude ranches, resorts or retreats."

The facility consists of both tent camping spaces as well as recreational vehicle spaces. The use was once considered legal nonconforming. Due to the use being expanded, and the additional use of a Recreational Vehicle Park being established, the use is no longer considered legal nonconforming. The site is surrounded by rural residential properties, which were constructed between the years of 1960-1990. The campground use has been in place since 1950, which pre-dates the surrounding residential properties; therefore, the use is harmonious with the historical character of the nelghborhood. Furthermore, due to the campground use being in place for 70 years, and due to a recreational vehicle park having similar impacts, the Planning Commission and Board of County Commissioners could make a finding that the expansion of the non conforming use is compatible with the surrounding area and not detrimental to future development of the area.

In addition to the Recreation Camp and Recreational Vehicle Park, the owner has also established an Automobile, Boat, and Recreational Vehicle Storage area. The <u>Land Development Code</u> (2019) defines an Automobile and Boat Storage Yard as:

"A lot, parcel, or structure used for temporary storage of operable automobiles, trucks under 5 tons rated capacity, campers, recreational vehicles, trailers, or boats, not owned by the property owner, where typically the storage occurs when they are not in use and for a fee. The term shall not include scrap metal processing yards, vehicle dismantling yards, or salvage yards."

The outside storage area for the automobiles, boats, and recreational vehicles is approximately 0.7 acres of the 9.3-acre property and is located in the southeastern corner, immediately adjacent to Highway 24. The outside storage use is more of a passive commercial use that generates little traffic and noise. The primary potential impact is visual.

Section 6.2.2.G.1.f of the Land Development Code (2019) states:

"(i) Site-Specific Landscaping Required. PCD Director approval of sitespecific landscaping is required for establishing an outside storage area. Installation of approved site-specific landscaping is required prior to utilizing an outside storage area. (ii) Site-Specific Landscaping Standards. The site-specific landscaping shall reflect a combination of berms, shrubs, trees, fences or walls which will provide, at maturity, a minimum 6-foot high, 100% opaque screening for the outside storage area."

If the variance of use request is approved, the applicant will be required to submit and receive approval of a site development plan within 180 days of the date of approval unless administratively extended by the PCD Director. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and provide a more detailed depiction of the proposed use, including landscaping, parking, signage, and lighting.

2. Zoning Compliance

The C-2 (Commercial) zoning district density and dimensional standards are as follows:

Minimum front setback: 15 feet
Minimum side setback: 25 feet
Minimum rear setback: 25 feet
Maximum height: 50 feet

All existing structures meet the dimensional standards of the C-2 zoning district. The applicant is proposing to construct a new bathroom facility for the campground use. This facility will also be required to meet all of the associated dimensional standards.

3. Policy Plan Analysis

Consistency with the <u>El Paso County Policy Plan</u> (1998) is not a required review criterion for a variance of use request. For background, the <u>El Paso County Policy Plan</u> (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 6.1.16 – Allow for new and innovative concepts in land use design and planning if it can be demonstrated that off-site impacts will not be increased and the health, safety and welfare of property owners and residents will be protected.

As discussed above, there is no zoning district which allows for a hotel, recreational vehicle park, recreation camp, and automobile, boat, and

recreational vehicle storage. The hotel and campground have been located on the subject parcel for over 70 years. The additional uses of a recreational vehicle park and automobile, boat, and storage yard are complimentary to the preexisting uses. The additional uses are not anticipated to significantly increase the off-site impacts or impact the health, safety, and welfare of those residents living in the immediate area.

4. Small Area Plan Analysis

The property is within the <u>Ute Pass Comprehensive Plan</u> (1982). Consistency with the <u>Plan</u> is not a required review criterion for a variance of use request. For background purposes, staff notes that the small area plan does not include a specific map with recommendations regarding future land use. The plan does, however, discuss tourist related uses and recommends that they be located in Green Mountain Falls. The subject parcel is not specifically located within Green Mountain Falls, but is located immediately east of Green Mountain Falls, across Highway 24.

5. Water Master Plan Analysis

The <u>Water Master Plan</u> was not yet adopted by El Paso County at the time of the initial variance of use application. Therefore, the <u>Plan</u> was not utilized in reviewing the proposed variance of use.

6. Other Master Plan Elements

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

The <u>Master Plan for Mineral Extraction</u> (1996) identifies decomposed granite in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Parks Master Plan (2013) does not depict any parks or trails on the subject parcel.

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No physical hazards were identified in the review of this variance request.

2. Wildlife

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

3. Floodplain

The property is located within a Zone D floodplain, area with flood risk due to levee, as determined from the FEMA Flood Insurance Rate Map panel number 08041C0467G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Upper Fountain (FOFO7600) drainage basin, which is not a studied basin. Drainage and bridge fees are not assessed with variance of use requests. No drainage report is on file with the County for this property. Prior to future development, a drainage report and grading and erosion control plan will be required with the associated site development plan.

5. Transportation

West Highway 24 is the primary access to and from the site. West Highway 24 is owned and maintained by the Colorado Department of Transportation (CDOT) and is classified as a four-lane principle arterial in the 2016 Major Transportation Corridors Plan (MTCP). The applicant will need to obtain an access permit from CDOT prior to approval of the site development plan. A traffic study was not required as the proposed variance of use is not expected to generate 100 daily vehicle trips more than the property would be expected to generate currently. The proposed variance of use will have a minimal impact to the County's transportation network. Applicability of the El Paso County Road Impact fee will be determined at the site development plan stage. There are no improvements identified in the 2016 Major Transportation Corridors Plan (MTCP) in the immediate vicinity of the site.

H. SERVICES

1. Water

Water is provided by an exempt well (Permit No. 5698).

2. Sanitation

The existing residence located on the property is served by an onsite wastewater treatment system (OWTS). El Paso County Public Health was sent a referral for the variance of use application and has provided comments indicating that the proposed additional new septic system associated with the new restroom facility will be required to be professionally engineered.

3. Emergency Services

The property is within the Green Mountain Falls/Chipita Park Protection District.

4. Utilities

Electrical service is provided by Colorado Springs Utilities (CSU) and natural gas service is provided by Black Hills Energy-Aquila. Black Hills Energy-Aquila and CSU were both sent referrals and have no outstanding comments.

5. Metropolitan Districts

The property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a variance of use application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a variance of use application.

I. APPLICABLE RESOLUTIONS

Approval

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Disapproval

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J. STATUS OF MAJOR ISSUES

There are no major outstanding issues

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.4 of the <u>El Paso</u> County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

Within 180 days of variance of use approval, the applicant shall apply for and
receive approval of a site development plan. The deadline for receipt of approval
of the site development plan may be extended by the PCD Director, at his or her
discretion, if the Director finds that the applicant has made a good faith effort to
secure such approval.

- Prior to site development plan approval, the applicant shall provide the Planning and Community Development Department with evidence that an access permit from the Colorado Department of Transportation (CDOT) has been obtained for the existing access.
- 3. No vehicular traffic and/or parking or storage of construction equipment, materials, or supplies shall occur over the existing onsite wastewater treatment system components.
- 4. Approval is limited to the use of a recreational vehicle park, recreation camp, and boat, automobile, and vehicle storage yard, as discussed and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the operation or facilities beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to review and approval of a new variance of use request.

NOTATIONS

- Variance of use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the <u>El Paso County Land Development Code</u>.
- 2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
- If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on December 22, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map Letter of Intent Site Plan

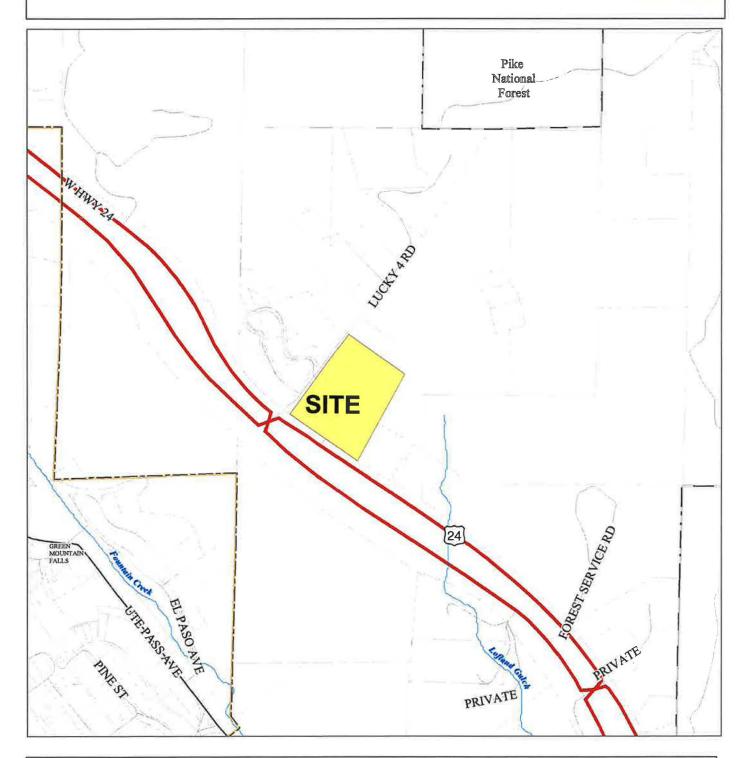
El Paso County Parcel Information

PARCEL NAME 8309200011 G&D ENTERPRISES CORP File Name:

VA-18-005

Zone Map No. -

Date: December 21, 2020





Letter of Intent

Application for Variance of Use July 26, 2019

revised November 5, 2020

Rocky Top RV Park & Campground Rocky Top RV Storage

G&D Enterprises, Corp. 10090 West Highway 24 Green Mountain Falls, Colorado 80819 Owner: Daniel P. Nieman

Owner/Applicant and Consultant.

G&D Enterprises, Corp. is owned by Daniel P. Nieman. The Owner/Applicant and Consultant contact information is as follows:

Applicant:

Daniel P. Nieman P.O. Box 215 Green Mountain Falls, Colorado 80819 (989) 430-8065

Owner:

G&D Enterprises, Corp. 10090 West Highway 24 Green Mountain Falls, Colorado 80819 (719) 684-9044

Consultant:

Debra Eiland, Esq. Law Offices of Debra Eiland, P.C. 24 S. Weber Street, Suite 300 Colorado Springs, Colorado 80903 (719) 471-1545 edebra@gwest.net

II. Site Location, Size and Zoning.

The property located at 10090 West Highway 24, Green Mountain Falls, Colorado contains a motel and RV park/campground. Pursuant to the El Paso County Assessor's records for Parcel #8309200011, the motel and a storage warehouse were built in 1947, and the RV park/campground was built in 1950. The motel has 15 rooms, including the laundry and Owner's residence, and the RV park/campground has had as many as 72 campsites for trailers and RVs, and additional sites for tent camping.

In addition to the motel and RV park/campground, Mr. Nieman plans to operate an RV storage business at the property. The property consists of approximately 9.30 acres.¹ The RV storage business is located along the lower southern side of the property along Highway 24.

¹The Assessor's records show the property area to be 9.21 acres, which appeared on a Survey Plat recorded on January 27, 1997, under Reception Number 97902111. That acreage was subsequently amended by a Boundary Line Agreement recorded on February 19, 2004, at Reception Number 204028584. The change to 9.30 acres, based on that Boundary Line Agreement, is reflected in a full Boundary Survey and Land Survey Plat deposited with the El Paso County Clerk & Recorder's office on December 29, 2017, at Reception Number 217900261.

The property is zoned C-2. A parcel map showing the location of the property is included with this application.

III. Request and Justification.

Mr. Nieman purchased the property on June 27, 2017. The property has been home to a small motel since 1947, and an RV park/campground since 1950. Pursuant to the Administrative Determination dated March 5, 2019 (ADM-18-029), the motel is a legal non-conforming use. However, due to the expansion of the campsites since the Land Use Code became effective, a variance is required to legalize the expanded RV park and campground use. Mr. Nieman is applying for a use variance for a recreational RV park and campground with a provision for extended stays, and to also conduct an RV storage business on the property.

IV. Existing and Proposed Facilities, Structures, Roads, etc.

Access to the property is provided from Highway 24 across a short CDOT owned gravel road via two driveway entrances (one paved and one gravel).² Both driveway entrances are wide enough to accommodate large RVs and emergency vehicles. The paved driveway entrance provides access to the motel and RV park/campground, as well as the southeast RV storage lot. The gravel driveway entrance provides access to the northwest RV storage lot.

The motel has 15 rooms, including a laundry, office and Owner's residence, and the RV park/campground currently has 60 RV and trailer sites and 7 tent campsites. Amenities include electric, Internet/Wifi, water and sewer hookups at each site, two dump stations, a fenced dog park, a recreation room, bathrooms, and laundry building, and a covered patio/BBQ area. The two small sheds and propane tank located within the northern boundary setback will be moved outside the setback area.

The motel has an office with an adjoining owner's residence, which is part of the motel building. Historically, the owner of the property has served as the motel manager and lived onsite in the owner's residence. Mr. Nieman and his wife and minor son live in the owner's residence within the motel. It is necessary for Mr. Nieman and his family to live onsite to manage and maintain the motel business. Due to the nature of the motel business, which requires 24 hour staffing, it would pose a significant financial burden to Mr. Nieman and his family if they were prohibited from living onsite. Mr. Nieman also purchased the property with the expectation that he and his family would

²On February 2, 1992, former owners David and Vivian Hansen conveyed to the Colorado State Department of Highways a strip of the property along the Highway 24 frontage, reserving an access easement across that strip of property and to the two driveway entrances. A copy of the Deed of Access Rights for the two access driveways off Highway 24 dated February 2, 1992, and recorded in the records of the El Paso County Clerk and Recorder at Reception Number 860329, Book 2465, Page 195 is attached as Appendix A with copies of the Access Permit Applications filed with CDOT.

live there just as other owners had before him.

To oversee maintenance and repairs of the RV park/campground, the Applicant proposes to have its full-time caretaker live on-site in his personal RV. It is common for campgrounds, including state, federal, and commercially owned properties, to have a caretaker or campground host living on-site full time in an RV. The Rocky Top motel does not provide an apartment-type unit that would be suitable for this purpose. The Applicant has designated site number 47 along the northern boundary of the property for this purpose. The property adjoining the northern boundary of the Rocky Top property is vacant land with no residences. Rocky Top's caretaker living on-site in his RV will have no adverse impact on adjoining property owners. His presence will enhance safety and security to the benefit of neighboring properties and Rocky Top guests.

A 12' x 16' building will be constructed next to campsite 50 for bathrooms to serve the tent sites. A greenhouse will be constructed adjacent to campsite 48. A children's playground will be added above the dog park. Three light poles with security cameras will be added near the tent area, the northwest corner of the property, and below campsites 9 and 10. All lights will be shielded and equipped with dusk-to-dawn sensors. The Applicant will provide a photometric plan with the subsequent site development plan. Upgraded electric, water, and sewer connections will be installed at campsites 50-60, and the electric lines and connection to the well shed will also be upgraded. Over the next five years, the Applicant plans to add a retaining wall below campsites 1-9 and expand those campsites, and plans to upgrade the water, sewer, and electric connections to all the other campsites. These land disturbance areas will be included in the drainage report as part of the subsequent site development plan.

Campers access their campsites via private internal roads with a posted speed limit of 10 mph. Ample parking, including ADA accessible parking, is provided at the campsites and in front of the motel office. The Applicant also plans to install 16' \times 30' cement pads on each of the campsites over the next several years. These land disturbance areas will be included in the drainage report as part of the subsequent site development plan.

The RV storage lot area is located on the lower third of the property facing Highway 24, is generally flat, and consists of two gravel parking areas. The RV storage lots are located on either side (northwest and southeast) of the paved driveway entrance. Twenty-nine RVs can be stored at the southeast storage lot, and six RVs can be stored at the northwest storage lot. The southeast storage lot is accessed via the paved driveway, is fenced on all sides, and is locked. The northwest storage lot is accessed via the gravel driveway, and will be similarly fenced and locked for security. No RV will be posted for sale or rent while being stored on the premises.

A parking area for storage lot customers is provided on the northwest storage lot, and includes ADA accessible parking. The small weather shelter/bus stop on the corner of the northwest storage lot will be removed. One sign for the motel and

RV/campground business is located at the paved driveway entrance. All other preexisting signs will be removed.

The RV storage areas, tent sites, and retaining walls are recent areas of land disturbance that exceed one acre in total area. All land disturbances that have occurred on the property since February 2008 are part of a Large Common Plan of Development and are considered for Water Quality Capture Volume. The drainage report submitted with the subsequent site development plan will address the historic/undeveloped condition of the property. All required engineering documents will be submitted with the site development plan.

V. Waiver Requests.

The Applicant requests a waiver of the LDC to allow long-term campers. The upper two-thirds of the property has been used as an RV park/campground since 1950. The adjoining properties to the north and east of the RV park/campground are vacant land. Rocky Top is open year round, and allows extended campground stays. Extended stays at Rocky Top provide an important resource to the community. Some examples of the campers who have taken advantage of the extended stay policy are:

- Families looking for property or a home to buy
- Fire Evacuees Families camp at Rocky Top while their homes are being built or rebuilt because of fires and other disasters.
- Families whose spouse/children are receiving medical treatment
- Loggers, storm chasers, seasonal or temporary workers
- Veterans seeking services from a VA provider
- Students and workers from Charis Bible College
- Military awaiting deployment or transfers
- Retirees visiting families
- People going through a divorce, or a death in the family
- Employment transfer or searching for a new job in the area
- Seasonal campers, summer here and winter in warmer climates

The Applicant acknowledges that LDC Section 6.2.5.C.2.c.iii requires paving for 25 or more parking spaces, and that a waiver request will be required with the Site Development Plan if paved parking spaces are not proposed.

VI. Criteria for Approval of Use Variance.

A. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County.

The motel has an office with an adjoining owner's residence, which is part of the motel building. Historically, the owner of the property has served as the motel manager

and lived onsite in the owner's residence. Just as previous owners have done before him, Mr. Nieman and his family live in the motel owner's residence to manage and maintain the motel business, while providing 24 hour staffing at the motel. The owner's presence at the motel enhances security and safety for motel guests and the surrounding neighborhood.

A full-time caretaker for the RV park/campground will live on-site to ensure that the facilities and grounds are kept clean and in good repair. The caretaker will monitor the grounds on a regular basis and ensure adherence to the campground rules including, but not limited to, an evening noise curfew. The campground Rules and Regulations are included as Appendix B. The presence of a full-time on-site caretaker will enhance safety and security to the benefit of neighboring properties.

In addition to the noise curfew, generators are not allowed at any time. Campers are advised of campground boundaries and are prohibited from entering neighboring properties so as not to disturb the peace and quiet enjoyment of the neighbors. The campground enforces a speed limit of 10 mph for all vehicles on the premises. The campground provides a laundry room, showers, washing station, two sanitary sewer dump station for RVs, and regular trash pickup to ensure proper sanitation and waste disposal.

Lucky 4 Road separates the Rocky Top property from the residential properties to the west. The properties to the west of Lucky 4 Road contain residences that were built between 1962-2005, many years after the RV park/campground opened. The western property boundary between the tent sites and Lucky 4 Road is currently fenced with a wooden privacy fence. That fence will be extended and/or replaced with opaque fencing that does not exceed the maximum height allowed in the setback and extended to the corner of the western and northern boundaries to provide screening for those residences. The property boundaries for both RV storage lots will also be fenced with a 6 foot high opaque fence or trees that will attain at maturity a minimum height of 6 feet to provide 100% opaque screening for the residence to the southeast and the currently vacant land to the southwest of the RV storage lots.

The properties adjoining the RV park/campground to the north and east are vacant land. The northern and eastern property boundaries are currently enclosed with a 4 foot high wire fence, which the owner will replace within the next two years with 6 foot high opaque fencing or trees that will attain at maturity a minimum height of 6 feet to screen the property from future development on those adjoining properties.

The proposed RV storage business is compatible with the RV park/campground use, and with the commercial zoning of the property. An RV storage business on the lower southern side of the property, along the U.S. Highway 24 frontage, is also harmonious and compatible with other businesses in the area. Another RV storage

business is similarly located on U.S. Highway 24 frontage a half mile west of the subject property.³

The motel, RV park/campground, and RV storage business will all be contained wholly within the boundaries of the subject property, and all are easily and safely accessible from the adjoining highway. No RV will be posted for sale or rent while being stored on the premises. Traffic volume to the RV storage business is 8 vehicle trips per day, and traffic to the motel and RV park/campground together is a maximum of 35 vehicle trips per day.⁴ Neither the motel and RV park/campground nor the RV storage business will cause negative impacts to any future development in the area, nor will they negatively impact the health, safety, or welfare of the inhabitants of the area or the County.

B. The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project.

The initial grading to establish the RV storage areas was minimal and is complete. The RV storage lots and roads in the RV park/campground will require annual road and lot maintenance. The installation of retaining walls along the western boundary was necessary to prevent water erosion caused by the improper diversion of the natural drainage path by the owner of the adjoining property to the west. No permits were required for installation of the retaining walls because all retaining walls on the property are 4 feet or less in height (see footnote 5 on page 8). None of the proposed future construction activities and improvements (e.g., an additional retaining wall and installation of concrete pads) are expected to impact air or water quality, or result in additional odors or noise. The use will meet air, water, odor and noise standards at all times during construction and upon completion of the project.

The RV storage areas, tent sites, and retaining walls are recent areas of land disturbance that exceed one acre in total area. All land disturbances that have occurred on the property since February 2008 are part of a Large Common Plan of Development and are considered for Water Quality Capture Volume. The drainage report submitted with the subsequent site development plan will address the historic/undeveloped condition of the property. All required engineering documents will be submitted with the site development plan.

³Leggett's RV Storage, LLC, 10550 W. Highway 24, Green Mountain Falls, CO.

⁴Leaving the property and then returning counts as two trips. Thus, 8 trips is equivalent to 4 cars leaving and returning.

C. The proposed use will not adversely affect property values in the immediate area.

The homes across Lucky 4 Road to the west were built from 1962-2005, after the RV park/campground opened for business in 1950. The expanded RV park and campground will be operated in much the same way as its predecessor. Property values in the immediate area will not be adversely affected by the expanded use.

The proposed RV storage lots will be screened from adjoining properties by a 6 foot high opaque fence or trees that will attain at maturity a minimum height of 6 feet to provide 100% opaque screening. Because the proposed RV storage use is similar to the existing RV/campground use, will be screened from adjoining properties, and will be located along U.S. Highway 24 frontage on a commercially zoned property, it will have no adverse affect on property values in the immediate area. The proposed use is expected to enhance the value of the subject property.

D. The proposed use will comply with all regulations of the El Paso County Land Development Code and all County, State and Federal regulations except those portions varied by this action.

Rocky Top RV Park/Campground and Rocky Top RV Storage will at all times comply with all regulations of the County Land Development Code, and all County, State and Federal regulations, except those portions varied by approval of the requested use variance.

E. The proposed use will not adversely affect wildlife or wetlands.

The proposed use is not located within a Federally protected wetland, and no impact to endangered species is expected.

F. The applicant has addressed all off-site impacts.

The applicant is aware of no existing off-site impacts from either the RV park/campground or the proposed RV storage business. All campground activities and all RV storage and related activities will be conducted on-site. Entry to and exit from the RV park/campground and the storage business is from Highway 24, and is separated a reasonable and safe distance from the Highway by a gravel road. A pre-existing private gravel road (Lucky 4 Road) runs past the west property line, and is screened by a natural berm, and a concrete block retaining wall that extends 1' to 3' in height.⁵ The existing wooden privacy fence will be lowered so that it does not exceed

⁵All retaining walls on the Rocky Top property are 4' or less in height. Pursuant to Pikes Peak Regional Building Department regulations, permits are needed for retaining walls *greater* than 4' in height. No permit is required for an accessory structure of less than 200 square feet, and no permit is required for fences less than 7 feet in height. <u>See</u>, Pikes Peak Regional Building Department website at: https://www.pprbd.org/Information/HomeownerPermit.

the maximum height allowed in the setback. All lighting will be shielded from neighboring properties, and will be equipped with dusk-to-dawn sensors.

G. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping.

The RV park/campground and the RV storage business will be contained wholly within the boundaries of the subject property. Access to the property is provided from Highway 24 via a short gravel road and two driveway entrances. The driveway entrances and access road are sufficiently wide to accommodate large RVs and emergency vehicles. The access driveways have been previously granted by the Colorado Department of Highways (a/k/a "CDOT") by a recorded Deed of Access Rights. See, Appendix A.

Campers access their campsites via internal private roads with a posted speed limit of 10 mph. All roads and campsites are configured to safely accommodate larger RVs and emergency vehicles. Ample parking, including ADA accessible parking, is provided at the campsites, in front of the motel office, and at tent sites 4-7. Traffic volume to the motel and RV park/campground together is a maximum of 35 vehicle trips per day. The Applicant acknowledges that LDC Section 6.2.5.C.2.c.iii requires paving for 25 or more parking spaces, and that a waiver request will be required with the Site Development Plan if paved parking spaces are not proposed.

Trash receptacles are located in five places within the campground, and will be screened with wooden fence enclosures. The entire perimeter of the property will be surrounded with opaque screening (6 foot high opaque fence or trees that will attain at maturity a minimum height of 6 feet), which will comply with all material, height and setback requirements of the LDC.

The RV storage lots will be screened with 6 foot high opaque fencing or trees that will attain at maturity a minimum height of 6 feet to provide 100% opaque screening as required by the LDC. Parking spaces for storage lot customers, including ADA accessible spaces, are located on the northwest storage lot. No more than 4 customers per day are expected to visit the lots. Traffic volume to the RV storage business is 8 vehicle trips per day. A pre-existing private gravel road (Lucky 4 Road) runs past the west property line, and is screened by a natural berm, and a concrete block retaining wall that extends 1' to 3' in height.

The property contains existing trees and natural vegetation that provide adequate screening and landscaping. The property also contains an enclosed dog park, and ample open space between the proposed RV storage area and the existing motel and RV park/campground.

H. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

The RV park/campground has water and sewer hookups at each site, two dump stations, a fenced dog park, two bathhouse and laundry buildings, and a dish washing station. A 12' x 16' building will be constructed for bathrooms to serve the tent sites. No water or sanitary sewer disposal will be used or needed for the RV storage business.

Water is provided by an adjudicated commercial well. A copy of the Court Judgment and Decree is included with the application. Maintenance and pumping of the permitted onsite wastewater treatment system is provided by Arrowhead Septic and Divide Septic Services. Mr. Nieman understands that pursuant to the Judgment and Decree in Water Court Case No. 82CW5, Division 2, the Applicant, its successors and assigns, cannot pump more than 14 gallons per minute for the uses allowed under the Decree.

The property owner to the west of the Rocky Top property installed a drain under Lucky 4 Road that redirected storm water, which historically flowed down or along the west side of Lucky 4 Road, onto the Rocky Top property causing erosion and damage to the Rocky Top property. Mr. Nieman recently installed some concrete block retaining walls and french drains along or near the west property line to stop the erosion caused by the redirected historic flow from the property to the west. The drainage report submitted with the subsequent site development plan will address the historic drainage pathway on the adjoining property and the adverse impact of this improper diversion of water by the adjoining property owner. All required engineering documents will be submitted with the site development plan.

Access to the RV park/campground and the RV storage business is provided via an existing gravel road from Highway 24 and two access entrances deeded to the property by the Deed of Access Rights referenced previously herein. Both access driveways and roads can accommodate large RVs and emergency vehicles. The roads, driveways, and storage lots will be maintained annually or as needed by surface grading and the addition of gravel where needed. This routine maintenance will not result in any adverse impacts.

The property is served by the Green Mountain Falls Fire Protection District and the El Paso County Sheriff's Department. The response time to emergency calls is about 5 minutes.

⁶Copies of the Access Permit Applications for the two driveways are included in Appendix A.

I. The strict application of any of the provisions of the El Paso County Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property.

The existing motel and RV park/campground is in need of significant and expensive maintenance and repairs. The cost of this work will exceed the regular income of the business for several years, and place an undue financial burden and hardship on Mr. Nieman if he is unable to obtain the use variance for the expanded RV Park/Campground, and continue using the southern side of the property as an RV storage business. Without approval of the use variance for the expanded RV Park/Campground, Mr. Nieman will be forced out of business. The RV Park/Campground revenue covers operating expenses without extra revenue available for repairs and maintenance. The RV storage business provides much needed extra income that will be used to make the necessary repairs more quickly, and pay for regular maintenance. Without this additional source of income, the repairs and maintenance will be delayed, which may adversely impact the safety of the motel and RV park/campground, the viability of the business, and the aesthetics of the property to the surrounding neighbors.

When marketing the property for sale, the previous owners highlighted, among other things, the 2 bedroom/2 bath owner's residence attached to the motel. Mr. Nieman purchased the property with the expectation that he and his family would live there just as other owners had before him. It would pose a significant financial burden to Mr. Nieman and his family if they were prohibited from living onsite.

APPENDIX A

0 3 H FORM NO 130 17 1 681

Recorded of 9:00 octock & m.

200x2465 PAGE 195

KNOW ALL MEN BY THESE PRESENTS:

That I. or We.

DAVID A. HANSEN and VIVIAN F. HANSEN, J.T.

the Grantor or Grantors ,

El Paso

1 6 6

of the _____ County of ____ E1 Paso _____ and State at ____ Colorado
for and in consideration of the sum of TEN DOLLARS, and other good and valuable considerations to the said Grantor or Grantors in hand paid, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do hereby GRANT, BARGAIN, SELL, CONVEY AND CONFIRM unto

STATE DEPARTMENT OF HIGHWAYS Division of Highways, State of Colorado
the Granlee, its successors and assigns forever, the following right and interest in real property, situated in the

and State of Colorado, awned by said Grantor or Grantors, to-wit:

EACH AND EVERY RIGHT OR RIGHTS OF ACCESS OF THE GRANTOR OR GRANTORS to and from any part of the right-of-way for Colorado State Highway No. _____25_______ or Freeway established according to the laws of the State of Colorado, and from and to any part of the solid real property of the Grantor or Grantors abutting upon soid Highway, along or across the occess line or lines described as fallows:

F 024-2(1) Sec. 1

PARCEL NO. AC-110 REV.

NORTHEASTERLY LINE

Beginning at a point of intersection of the westerly property line and the north-easterly right of way line of S.M. No. 24 as recorded in Book 910, Page 473 of the El Paso County records, from which the Wt corner of Sec. 9, T. 13 S., R. 68 W. of the 6th P.M. bears S. 37° 02' W., a distance of 644.8 feet;

- Thence along said northeasterly right of way line, along the art of a curve to the left, having a radius of 1,567.1 feet, a distance of 15.0 feet (the chord of this arc bears S. 55° 04' E. a distance of 15.0 feet) to the center of a 30.0 foot opening which is being excepted from this access limitation;
- Thence continuing along said northeasterly right of way line, along the arc of a curve to the left, having a radius of 1,567.1 feet, a distance of 15.0 feet (the chord of this arc bears S. 55° 37' E. a distance of 15.0 feet);
- Thence continuing along said northeasterly right of way line, S. 55° 53' 30" E., a distance of 305.4 feet to the center of a 30.0 foot opening which is being excepted from this access limitation;
- Thence continuing along said northeasterly right of way line, S. 55°53'30"E., a distance of 269.9 feet;
- 5. Thence continuing along the northeasterly right of way line, N.34°06'30"E., a distance of 10.0 feet to a point on the easterly property line.

lagether with all the appurlenances thereunto belonging.

DDH FORM NO 250 (7 1-68) FTRNEFRLY ROW FORM NO 35

Excepting, however, from this grant, the right of the Grantor or Grantors to have the following point or points of excess of the locations set forth hereinofter, to be limited, however, in use by the Grantor or Grantors, to the width and purpose hereinofter designoled:

WIDTH USE OF PURPOSE	CENTER OF ACCESS OPPOSITE-		
WIDTH USE ON FUNFUSE	SIDE	STATION	
30 foot	Left	2039+30 E.B.	
30 foot	Left	P.O.S.T. 2036+05.4 E.B.	

according to centerline stationing of the Grantee's Project No ____F 024-2(1) Sec. 1

Further excepting from this grant, the right of the Grantor or Grantors to have access across the aforesaid line or lines at those points where passageways under the roadway, and public openings in said line or lines, may be provided for that purpose by the Grantee.

This deed, and the rights and interests herein conveyed, shall be and constitute a perpetual burden upon the real praperty of Grantor or Grantors, adjoining the hereinbefore described access line or lines, across which access will be denied, as herein sel forth, and shall be binding upon the Grantor or Grantors, and all the heirs, successors and assigns of the Grantor or Grantors, with respect to said adjoining real property.

And the Grantor or Grantors, for themselves and for their heirs, successors, executors, administrators and assigns, do covenant, grant, bargain and agree to and with the Grantoe, the successors and assigns, the above bargained access rights and interests, in the quiet and peaceable possession of the Grantee, and its successors and assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, by, through or under the Grantor or Grantors, to WARRANT AND FOREVER DEFEND.

	Signed, sealed and delivered this : 2	_doy of,AD, 19 32
		DAVID A. HANSEN VIVIAN F. HANSEN
ST	TATE OF	1
	المسجوب والمرابع المنافعة المراجعة والمحاور والمحارب	
by	The largary instrument was acknowledged before the DAVID A. HANSEN & VIVIAN F. HANSEN, J.T.	
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\$1	TATE OF	Notery Portor 3755
_	County of	
	The foregoing instrument was acknowledged before in	t tolt
ау		
	Witness my hand and official seal	
	My Commission expires	
		Natory Public

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24 Z4	CCESS R FROM DAVID A. HANSEN VIVIAN F. HANSEN,	70 DEFARTMENT OF of Highways, State	OLORADO County of	ily Clerk and F	r. G	AFTER RECORDING, PLEASE MAIL TO STATE DEPARTMENT OF HIGHWAYS DUNION OF HIGHWAY AZOI F, ALMAIRA ANI BODEZ DEMAY, CABENDA, BANDEZ ALIMANA, CABENDA,
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COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

Instructions: - 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 https://www.codot.gov/business/permits/accesspermits						
1) Property owner (Permittee) G&D Enterprises, Corp.			2) Applicant or Agent for p Daniel P. Niem	permittee (if different from proper an, President	y owner)	
Street address 10090 West Highway 24		-	Mailing address			
City, state & zip Phone			P.O. Box 215 City, state & zip Phone # (required)			
Green Mtn Falls CO 80819 (71 E-mail address	9) 684-	·9044	Green Mtn Falls CO 80819 (989) 430-8065 E-mail address if available			
Karan@rockytopco.com			rocko928@hotma	il.com		
3) Address of property to be served by permit (requir	ed)		***************************************			
10090 West Highway 24, Green						
Legal description of property: If within jurisdictions county subdivision	al limits of M	funicipality, city an	nd/or County, which one?	lownship rang	10	
Teller			9	13 68		
5) What State Highway are you requesting access from Highway 24	om?	1	6) What side of the highway	? E W		
7) How many feet is the proposed access from the ne	arest mile p	ost? How many	feet is the proposed access	from the nearest cross street?		
feel		110	feet ON OS XE	W) from: Lucky 4 Road		
8) What is the approximate date you intend to begin	construction	1?				
6/1/2019						
Check here if you are requesting a: new access temporary access (duratio		ed: of access		ement to existing access on of an existing access (provide	detail)	
10) Provide existing property use Motel and RV Park/Campground				*****		
11) Do you have knowledge of any State Highway ac no lyes, if yes - what are the per Unknown. Request is to permi	mit number((s) and provide co	pies:	and/or, permit date:		
Unknown. Request is to permit two existing driveway access points off HWY 24 frontage Rd. 12) Does the property owner own or have any interests in any adjacent property? property owner own or have any interests in any adjacent property? property owner own or have any interests in any adjacent property? property owner own or have any interests in any adjacent property?						
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? no 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						
Rocky Top Motel & RV Park/Camp	ground	362,002				
Rocky Top RV Storage (New Use)		44,000			1	
16) If you are requesting residential developement access, what is the type (single family, apartment, townhouse) and number of units? type number of units type number of units						
N/A						
	ĺ		·			
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 # of passenger cars and light trucks at peak hour volumes # of multi unit trucks at peak hour volumes Thesek hour volumes or X average daily volumes 8 0						
peak hour volumes or X average daily volumes. # of single unit vehicles in excess of 30 ft. O	# of farm veh	hicles (field equipment)	37943	Total count of all vehicles	-	
	0			8		

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.

b) Highway and driveway plan profile.

- c) Drainage plan showing impact to the highway right-of-way.
- Map and letters detailing utility locations before and after development in and along the right-of-way.
- e) Subdivision, zoning, or development plan.

) Proposed access design.

g) Parcel and ownership maps including easements.

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: https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view
- 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:

https://www.codot.gov/business/civilrights/ada/resources-engineers

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 Daniel P. Nieman	Date May 29, 2019
their legally authorized representative (or o	erty, we require this application also to be sign ther acceptable written evidence). This signatus at unless stated in writing. If a permit is issued	ed by the property owner or ure shall constitute agreement
Property owner signature	Print name	Date
In & ni,	Daniel P. Nieman, Presid	dent May 29, 2019

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

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1) Property owner (Permittee) G&D Enterprises, Corp.		2) Applicant or Agent for p Daniel P. Niem	9	
Street address		Mailing address		
10090 West Highway 24		P.O. Box 215	lo.	
City, state & zip Phone Green Mtn Falls CO 80819 (719	# 9) 684-9044	City, state & zip Phone # (required) Green Mtn Falls CO 80819 (989) 430-8065		
E-mail address Karan@rockytopco.com		E-mail address if available rocko928@hotmail.com		
3) Address of property to be served by permit (require	ad)	· · · · · · · · · · · · · · · · · · ·		- TRANS
10090 West Highway 24, Green		0 80819		
4) Legal description of property: If within jurisdictional	l limits of Municipality, city as	-10		
county subdivision b	lock lot	section 9	township	range 68
5) What State Highway are you requesting access fro	m?	6) What side of the highway		
7) How many feet is the proposed access from the near	arest mile post? How many	feet is the proposed access		s street?
	.91	feet ON OS E	W) from:	
8) What is the approximate date you intend to begin c	enstruction?			
6/1/2019				
Check here if you are requesting a: new access	anticipated:		ement to existing acco	
10) Provide existing property use Motel and RV Park/Campground	-	***	-	-
11) Do you have knowledge of алу State Highway асг	cess permits serving this pro nit number(s) and provide co	perly, or adjacent properties pies:		property interest? permit date:
Unknown. Request is to permit	two existing dr	iveway access poi	nts off HWY	24 frontage Rd.
12) Does the property owner own or have any interest no yes, if yes - please describe:				70
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? no posset is them on your plans and indicate the proposed and existing access points.				
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Rocky Top Motel & RV Park/Camp	ground 362,002			
Rocky Top RV Storage (New Use)	44,000			
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N/A				1
	ĺ			ĺ
17) Provide the following vehicle count estimates for	vehicles that will use the acc	ess. Leaving the property the	en returning is two co	unts.
Indicate If your counts are peak hour volumes or X average daily volumes.	# of passenger cars and light truck	s at peak hour volumes	# of multi unit trucks at per 0	ak hour volumes
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment) O		Total count of all ve	hicles
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Applicant or Agent for Permittee signature Daniel Toman	Print name Daniel P. Nieman	Nay 29, 2019
If the applicant is not the owner of the property, we their legally authorized representative (or other accessith this application by all owners-of-interest unless cases, will be listed as the permittee.	eptable written evidence). This signatur	e shall constitute agreement
Property owner signature	Print name	Date
Danit & nie	Daniel P. Nieman, Preside	ent May 29, 2019

APPENDIX B

Rocky Top Campground Rules and Regulations

- 1. Our office hours are (Summer) 9:00 AM-8:00 PM or (Winter) 9:00 AM-6:00 PM. Registration must be accomplished on arrival and payment is due in advance of your stay here. Checkout time for the campground is 12:00 PM and strictly enforced. You may be responsible for an additional day of site rent if you do not vacate your site by 12:00 PM on the day of your departure.
- 2. Rec Room hours are (Summer) 10:00 AM-8:00 PM or (Winter) 9:00 AM-6:00 PM. All children 14 years old and younger must have parental supervision. Alcoholic beverages are not allowed inside the rec room. Do not move any of the game tables or remove games and/or game pieces from the rec room.
- 3. A maximum of two vehicles per site are allowed and they must be parked in the site you are paying for. If a 2nd vehicle will not fit on your site, you will need to ask management where you should park, and you will be charged \$3.00/day or \$50.00/month for additional parking. If there is not room for your guest to park on your site, please contact the office to be advised where they should park.
- 4. Quiet hours are observed from 10:00 PM till 8:00 AM. The volume of noise or music must be low enough that it will not disturb others. Generators are not to be used in the park. ABSOLUTELY NO FIREWORKS OR FIREARMS ARE TO BE DISCHARGED AT ANY TIME!!!
- 5. In the event that you have guests visit you and they want to use campground amenities, or stay overnight, the office must be notified. A fee may apply for that usage.
- 6. Please use the utilities designated for your space only unless directed by the management of Rocky Top.
- 7. Quiet pets, under control and on a leash at all times, are welcome. All pets are to be walked on designated pet walks or on the roads throughout the campground. Pets are not to be left unattended in or around vehicles or campsites at any time. Dog houses are not allowed on sites. Pets left unattended in your RV or tent must be quiet in your absence. All pet's solid messes must be cleaned up immediately, including your site. If you are seen by any Rocky Top employee not picking up pet messes, you may be charged a \$50.00 cleanup fee for each incident. **Absolutely no pets are permitted in buildings.** If pet messes are left on your site when you check out, your credit card on file will be charged a \$50.00 cleanup fee.
- 8. Guests not on sewer hookups are required by law to retain all waste water in a suitable container. These containers are to be emptied only at the dump station. Dishes are not to be washed in the upper restrooms/showers. The lower restrooms have a dish washing station available only during summer season for your use. No washing of any vehicles or servicing (oil change) is permitted on this property.
- 9. The speed limit throughout the park is **10 MPH**. ATV's and dirt bikes (except for Rocky Top's maintenance ATV) are not to be ridden for pleasure riding on Rocky Top's property.
- 10. Rocky Top is surrounded by private property. Please respect others' property by keeping all people and pets inside our fence.

- 11. All sites must be kept neat and free of clutter. Only items used for camping are allowed to be left outside on your site.
- 12. Parents **MUST** accompany small children to the washrooms and showers. Children under 18 are subject to a 10:00 PM curfew unless accompanied by parents.
- 13. STATE LAW DOES NOT ALLOW SMOKING IN ANY PUBLIC BUILDING. VIOLATION OF THIS LAW ON ROCKY TOP'S PROPERTY WILL RESULT IN A CHARGE TO YOU OF \$250.00 ON THE CREDIT CARD YOU HAVE PROVIDED BELOW.
- 14. If you use the campgrounds during the colder months you will need to heat tape your water hose and plug in both your heat taped water hose and our heat taped water hydrant. If any damage results because of freezing due to your negligence then you will be responsible for any repairs to the facility, for any loss of business that may occur, and any inconvenience to other campers due to the problems you cause. Any damages to Rocky Top property will be charged to the credit card you provided below.
- 15. Vandalism will not be tolerated, and violators will be prosecuted.
- 16. Excessive use of alcohol with disruptive behavior or any evidence of illegal drugs will result in law enforcement being called and you and others with you will be asked to leave the property immediately.
- 17. Campfires are permitted in fire rings only. **FIRE RINGS ARE NOT TO BE MOVED.**
- 18. Garbage is to be placed into the dumpsters provided to keep wild animals away from campers.
- 19. The equipment, apparatus and facilities furnished are solely for the convenience of guests and ALL PERSONS USING SAME DO SO AT THEIR OWN RISK. MANAGEMENT WILL NOT BE RESPONSIBLE FOR ACCIDENTS, INJURIES OR LOSS OF PROPERTY BY FIRE, THEFT, WIND OR ANY ACT OF GOD. MANAGEMENT WILL NOT BE RESPONSIBLE FOR LOSS OF MONEY OR VALUABLES OF ANY KIND.
- 20. Management reserves the right to refuse service to anyone or make changes or supplement these rules as may be necessary. Violation of ANY of these rules may result in eviction WITHOUT REFUND.

FYI – We have cameras throughout the property for your safety.

Please help us to keep our facility clean, neat and comfortable for all our guests. **THANK YOU** for your support to make everyone's stay at Rocky Top Motel and Campground a pleasant experience.

