

<h1>Tailwaters at Stagecoach</h1>	
ACTIVITY #:	1. PL20230037 2. PL20230038
HEARING DATES:	Planning Commission - July 06, 2023 Board of County Commissioners - July 25, 2023
PETITIONER:	TAILWATERS AT STAGECOACH LLC
PETITION:	1. Future Land Use Map amendment 2. Subdivision - Sketch to Sketch Subdivision and Zone Change on a portion of the property from High Density Residential to Commercial
LEGAL DESCRIPTION:	LOTS 8, 9 5-3-84 SW4SW4 32-4-84 (REC 842000 & REC 842491) TOTAL 89.17 AC
LOCATION:	South of the South Shore subdivision, immediately east of the intersection of CR 16 and CR 18A.
ZONE DISTRICT:	Existing: High Density Residential Proposed: Commercial
AREA:	89.17
STAFF CONTACT:	Alan Goldich, agoldich@co.routt.co.us
ATTACHMENTS:	<ul style="list-style-type: none"> • Narrative and Future Land Use Map • Site plans • Pictures of site • SPOA trail plans • Colorado Parks and Wildlife comments • Oak Creek Fire comments • RC Road & Bridge comments • Morrison Creek Metro District comments

History:

Parcel:

This parcel was originally part of the Winchester at Stagecoach subdivision, proposed to be developed by the Woodmoor Corporation. A zone change from Agriculture/Forestry (A/F) to High Density Residential (HDR) was approved by the Board of County Commissioners on January 10, 1973. It is unclear how much land was rezoned at that time. The legal description in the file that was submitted for the zone change indicates 56.86 acres, however, the GIS indicates 567.34. Staff was unable to find a resolution that officially re-zoned the land but the official zoning map shows the 567 acres as HDR. On August 7, 1973, the Board approved the Final Subdivision for Winchester. The Final Subdivision was subject to the completion and acceptance of bonding and the subdivision

improvements agreement. The file stops at this point. A final plat was never recorded and there is no evidence that a subdivision improvement agreement was ever entered into. It is suspected that this is when Woodmoor went bankrupt.

In the summer of 1978, Woodmoor's bankruptcy was finalized. This land, and much more surrounding it (mostly in South Shore), was deeded to the Colorado-Ute Electric Association as part of the bankruptcy proceedings. This company eventually became the Tri-State Generation & Transmission Association Inc. The current applicant, Tailwaters at Stagecoach LLC, purchased the subject property from Tri State in the fall of 2022.

Stagecoach Community Plan:

The original Stagecoach Community Plan from 1999 envisioned a small town center providing services such as a community retail market, office space, gas station, a daycare center, etc. This was envisioned to be located near the base of the ski area. Even after the approval of a PUD for the Stagecoach Marketplace in 2005, nothing has ever been developed to serve this need. The update of the Plan in 2017 added flexibility to where a small town center could be located and standards for the location were included in the plan. The current application is being reviewed against the standards and policies of the Stagecoach Plan.

Site Description:

The parcel is oriented in a north/south configuration. It is bounded by CR 18A and CR 16 on its western boundary. Little Morrison Creek runs along the eastern property line. The South Shore subdivision is directly to the north, with Morrison Creek Water and Sanitation District's wastewater treatment plan immediately to the northeast of the site.

Except for vegetation along the creek, the site is mostly covered is grasses, shrubs, and sage. The site has some rolling hills, but for the most part is relatively flat. The high point of the site is along CR 18A and it generally slopes away from the road towards the creek. There is a bench on the western side of the creek and certain portions are a bit steeper as they drop down to the creek.

A sewer line runs along the eastern property line, mainly in the creek bottom. There are no existing water lines through this area. The closest water line is approximately 1,500' to the west along CR 16. There is also a water line in the CR 16 to the south of the site that is approximately 2,700' away.

Project Description:

There are three aspects of this application. They include Sketch Subdivision, Zone Change for certain areas of the parcel from HDR to Commercial, and an amendment to the Future Land Use Map ("FLUM") contained in the Plan for a Neighborhood Marketplace area.

FLUM Amendment:

Currently, the FLUM in the Stagecoach Plan designates the entire parcel as 'Large Lot Residential' (5 acre parcels) however, the entire parcel is zoned HDR. The applicant would like to amend the map to remove this designation and retain the existing zoning. They would also like to amend the map to designate the proposed commercial area as 'Neighborhood Marketplace.' The areas identified as 'Commercial' on the Concept Plan are the areas proposed for 'Neighborhood Marketplace' on the FLUM.

Zone Change:

The applicant would like to change the zoning of the area proposed for the Neighborhood Marketplace from HDR to Commercial. All areas identified as 'Commercial' on the Concept Plan are those proposed to be re-zoned to Commercial.

Subdivision:

The applicant would like to subdivide the parcel into the following:

- Residential – approximately 119 lots containing approximately 200 units. This will take up approximately 40 acres of the site. The breakdown of lot sizes are:
 - 12 lots approximately half an acre for single family homes
 - 25 lots approximately eighth an acre for single family homes
 - 71 lots approximately quarter an acre for single family, duplex, or multi-family homes
- Commercial/Mixed Use - 4.6 acre area that will contain 10,000-20,000 square feet of commercial space. Potential uses include a community retail market, childcare, office space, restaurant, gas station, live/work units, and any other uses allowed in the Commercial zone district. Based on the conceptual plan submitted, this area will also have a central plaza for gathering, a playground, and a terraced lawn with a performance stage.
- Open Space - approximately 44 acres, which accounts for approximately 50% of the site. Two parks are proposed in the open space as well as multiple trails throughout the site.

Staff Comments:

- There are three steps to a subdivision project. The first is Sketch Subdivision. The purpose of the Sketch Subdivision application review is to determine compliance with the Routt County Master Plan (Master Plan) and the Stagecoach Area Community Plan and to provide feedback to the applicant on the layout of the subdivision before in-depth engineering is done. The nuts and bolts of the subdivision (roads, water, sewer, etc.) will be reviewed during the Preliminary Subdivision review, which will be the next step in the subdivision process. The last step is Final Subdivision where all of the final documentation is prepared and approved for recordation. An approval at stages one and two does not guarantee an approval at any subsequent step.
- Staff reviewed this application, and provided comments, based on the existing Zoning and Subdivision Regulations. Depending on when the Preliminary Subdivision application is submitted, the regulations may be different. The next application will be reviewed against the regulations that are in place at the time of application.
- The 2022 Master Plan (“Master Plan”) designates the Stagecoach area as a Tier 2 Targeted Growth Area. According to the Master Plan, “These areas are located outside municipalities, but are areas qualified for potential development if they meet the criteria as described in the following example: Stagecoach is considered a Tier 2 Targeted Growth Area because it has an approved sub-area plan, platted lots, zoning appropriate for higher density development, and a special district to support infrastructure needs. To be considered a Tier 2 Targeted Growth Area, an area must have, or have the capacity for the development of access that can safely accommodate expected traffic flows in and out of the area, central water and sewer facilities that can accommodate the planned growth, physical features that will complement the type and intensity of planned growth, and a County-approved sub-area or community plan. Tier 2 Future Growth Areas shall provide the following:
 - A mix of housing choices and diversity
 - Development that addresses an identified community need
 - Community amenities (open space, trail access, recreational amenities)
 - Assurance that proposed utilities, services and amenities can be delivered within an acceptable time

- Stagecoach Community Plan
 - The Plan, *“is advisory, but its recommendations are intended to serve as a guide for decision makers in evaluating the merits of development proposals.”*
 - Section 5.1 of the Plan contains core values of the Stagecoach community. One of those values states, *“Encourage diverse types of environmentally sensitive housing that are in conformance with the Routt County Master Plan, Routt County Zoning Regulations, and pertinent property owner association covenants.”*
 - The Plan does not support multiple commercial/retail developments, rather it supports the development of a single retail node.
 - The Plan does not preclude a recreation oriented development (“ROD”) from having commercial and/or retail uses. Such uses would be considered accessory to the ROD. Development of the ski area or a golf course would be considered a ROD.
 - The inclusion of the FLUM was a last minute addition to the Stagecoach Plan. The areas that did not have access to central water and wastewater, such as the subject parcel, were shown to be developed in 5 acre parcels. Extension of infrastructure was never discussed. A standard to amend the FLUM if central water and wastewater was extended should have been included.
- The Morrison Creek Water and Sanitation District (“Morrison Creek”) has provided a letter committing to serve the development. This commitment is subject to multiple conditions of service. See their letter for additional details.
- The Subdivision Regulations require that land be dedicated for schools and parks. The Subdivision Regulations contain formulas to determine how much land for both of these uses needs to be dedicated. The formula is based on the number of dwelling units that the subdivision would create. For this purpose, 200 units were used. Based on 200 units, 7.82 acres for schools would be required and 5.98 acres for parks would be required. Parks and trails are identified on the conceptual plan, however no school site was identified. The South Routt School District was contacted concerning their need for a school site in the Stagecoach area, even though they already have a 10-acre parcel at the corner of CR 16 and 212. They stated that they are interested in obtaining land for a school in this development. A condition of approval is suggested requiring the applicant to work with the School District on identifying a site in this development for a school.
- The below Routt County Master Plan policies support the Climate Action Plan. Some of these polices contain items that are currently being pursued such as the update of the Zoning and Subdivision Regulations as well updates to the Building Code. The applicant should be aware of these policies and work to incorporate these features into their development. Key polices to consider are:
 - ***CAP LUS1 A5: Integrate green infrastructure concepts and improvements that promote carbon mitigation.***
 - ***CAP LUS4 A1: Enhance policies, guidelines, and incentives for Smart Growth and compact development.***
 - ***CAP LUS4 A2: Update development and zoning codes to implement compact development goals and policies.***
 - *MP Policy 10.1 Support sustainable design and development practices that encourage use of low carbon and renewable energy in land use and development.*
 - *MP Policy 6.14 Encourage zoning and building code amendments to allow innovative construction techniques that can produce lower cost, energy efficient, quality housing.*

- *MP policy 6.2 Focus housing development within Tier 1 Municipalities and Tier 2 Targeted Growth Areas (West Steamboat, Stagecoach, and Hayden’s 3-mile area).*
- *MP Action: Revise the County’s Zoning and Subdivision Regulations to support the policies and goals of this Master Plan*

Staff Recommendation

Staff recommends that the application be **RECOMMENDED FOR APPROVAL** to the Board of County Commissioners.

*****Issues for Discussion*****

1. Is the proposed density appropriate for a Tier 2 Targeted Growth Area assuming all impacts can be offset?
2. We recently had an open house and staff received comments about the layout of the commercial center, specifically the location of the parking areas and the scale of the commercial buildings. Do you have any comments or direction to the applicant on these elements?

Compliance with the Routt County Master Plan, Sub Area Plans and Subdivision Regulations

The Routt County Master Plan (Master Plan), Sub Area Plans and Subdivision and Zoning Regulations contain dozens of land use policies and regulations that are intended to reinforce the guiding principles of the Master Plan. This report categorizes subject matter content that is important to consider when reviewing. The categories include:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Community Character and Visual Impacts
4. Roads, Transportation, Infrastructure, and Site Design
5. Natural Environment
6. Zoning Amendment Standards
7. Neighborhood Marketplace Standards and Policies

Within each category are applicable policies and regulations. Specific Zoning and Subdivision Regulation sections include:

- **Section 5** of the Zoning Regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties and shall apply in all Zone Districts and to all land uses unless otherwise noted.
- **Section 6** of the Zoning Regulations contains mitigation techniques and applies to all Minor, Administrative, Conditional or Special Uses allowed by permit only, PUD plans, Site plans, and Subdivisions.
- **Section 8** of the Zoning Regulations applies to certain land uses and are intended to assist in determining the compatibility with the surrounding uses and appropriate mitigation of potentially significant negative impacts.

- **Section 3** of the Subdivision Regulations are in place to ensure that a subdivision application is designed in a manner to best serve the public.
- **Section 4** of the Subdivision Regulations are in place to make sure that all of the required infrastructure is accounted for, designed so as to create efficient and buildable lots and to ensure that the required infrastructure is installed.

Interested parties are encouraged to review the Master Plan, Sub Area plans and Subdivision Regulations to determine if there are additional policies and regulations that may be applicable to the review of this petition.

Staff comments are included in bold at the end of each category and highlight questions and/or comments from the general public, referral agencies, and/or Planning Staff.

1. Health, Safety and Nuisances

Applicable Regulations – Routt County Zoning Resolution

6.1.7.C Natural Hazards

Applicable Regulations – Routt County Subdivision Resolution

3.1.D Steep land greater than a 30% slope, unstable land, land subject to flooding or to inadequate drainage, or otherwise substandard land shall not be platted for occupancy or any use which might endanger health, life, property or which may aggravate flood or erosion hazards. Land not usable for residential purposes may be set aside for open area uses such as parks, conservation areas, farm land, recreational areas.

Applicable Policies – Routt County Master Plan

- 11.11 In addition to the HMP, the Master Plan also recognizes strategies in the Community Wildfire Protection Plan (CWPP) in reference to wildfire hazards and acknowledges associated implementation measures including partnering on fuels treatment projects designed to reduce overall wildfire risk.
- 11.12 Discourage land uses that increase the potential for wildfires in high risk wildfire hazard areas.
- 11.15 Prohibit all development on slopes of 30% or greater. Development in steep draws or valleys, which tend to channel fire movement, is particularly dangerous and is also strongly discouraged.
- 11.17 Prohibit all construction and excavations on potential hazard areas including landslides, rockfall areas, unstable slopes, mudflows, and steep drainages.
- 12.2 Encourage development in Future Growth Areas that incorporates essential services (e.g. grocery, medical care, childcare).
- 12.6 Encourage development that provides all citizens with better access to healthy food options-including gardens or locally grown food.

Applicable Policies – Stagecoach Community Plan

- 5.5.1.A New construction should avoid the hazards associated with building on steep slopes and geologically unstable areas
- 5.5.1.F New construction on slopes over 30% should not be approved, unless no other building site is available on the parcel, or unless building on an alternative site would violate other portions of this Plan.
- 5.5.1.J New improvements for human occupancy should be located outside of designated severe wildfire hazard areas wherever possible, and should be designed to comply with the “Colorado State Forest Service Guidelines on Defensible Space.”

Staff comments: A very small sliver of the eastern portion of the site (east of Little Morrison Creek) is mapped as potential unstable slopes, however, no development is proposed in that area. Development on substandard land will be reviewed at the next stage of review. Any areas of land identified through that review that is not suitable for development will have to be labeled as “no build zones” on the final plat. Condition 6.n addresses this.

According to the wildfire risk mapping available to the public on the RC GIS map, most of the site is mapped as low wildfire risk and a small portion having a moderate risk. The Oak Creek Fire Protection District (OCFPD) stated that this mapping is incorrect. The County, along with all of the Fire Districts, are currently working on the Community Wildfire Protection Plan. This plan is expected to be finalized in late summer/early fall. Mapping associated with this plan shows this site as having a medium to high risk for wildland fires. Additional comments discussed the following: water capacity, access road network, fire hydrant layout, wildland interface plan, fire resistant building plan, the OCFPD’s ability to respond to fires, and personnel recruitment and retention. Please see their letter for details on these items. The applicant will need to work with the OCFPD to address these concerns and a condition of approval is suggested. Any fee, land, or other exaction from a developer must be rationally proportional to the additional impacts caused by their development and a developer cannot be required to remedy existing deficiencies.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

2. Regulations and Standards

Applicable Regulations – Routt County Zoning Resolution

- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.

Applicable Regulations – Routt County Subdivision Resolution

- 3.1.P Proposed subdivisions shall be in substantial conformance with the Routt County Master Plan and all adopted sub-area plans.

Staff comments: Through proper mitigation, it is staff’s opinion that this proposal can substantially comply with the Routt County Master Plan and Stagecoach Community Plan. Few impacts are expected to water, wetlands, and air.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

3. Community Character and Visual Concerns

Applicable Policies – Routt County Master Plan

- 4.1 Direct new growth and development to Tier 1, Tier 2, and Tier 3 Future Growth Areas, in that order and as defined in the Growth & Land Use Chapter.
- 4.2 Support infill development and redevelopment that is complementary to existing character and consistent with available resources to accommodate evolving community needs within the Future Growth Areas.
- 4.4 Support needed housing, economic and infrastructure development to accommodate growth in Future Growth Areas as defined.
- 4.6 Support efforts to maintain Dark Skies and control light pollution.
- 4.9 Discourage development on ridges that result in sky lining.
- 6.2 Focus housing development within Tier 1 Municipalities and Tier 2 Targeted Growth Areas (West Steamboat, Stagecoach, and Hayden’s 3-mile area).
- 6.5 Support a broad range of housing opportunities in Tier 1 Municipalities and Tier 2 Targeted Growth Areas. Integrate affordable and workforce housing into existing neighborhoods and communities, preferably close to civic/social amenities.
- 6.6 Encourage workforce and affordable housing to be integrated throughout new development rather than concentrated in one location or building.
- 6.7 Enable a range of housing and ownership types In Tier 1 Municipalities and Tier 2 Targeted Growth Areas to provide diverse housing stock and a spectrum of sales and rental prices. These options include rental apartments; ownership condominiums, townhomes, and single-family homes; and land-lease homeownership such as manufactured/ mobile homes and tiny homes.
- 6.16 Consider secondary dwelling units as a way to provide long-term housing.
- 6.19 Allow commercial development in Tier 1 municipalities, allow appropriately scaled commercial development Tier 2 Targeted Growth Areas and, on a case-by-case basis, in Tier 3 Small Established Communities if determined to address a community need.
- 9.16 Protect unique view corridors with high aesthetic value, including the south valley floor and the Hwy 40 and CR 129 corridors.
- 12.3 Avoid and minimize displacement by continuing to support a variety of housing options and employment in Tier 1 and Tier 2 Future Growth Areas.

Applicable Policies – Stagecoach Community Plan

- 5.2.2.B The development shall be designed and located in a manner to support the nature and character of Stagecoach.
- 5.2.2.C Where development has already taken place, infill and adjacent development of the same type should fit in with the existing patterns of development.
- 5.2.2.D Screening, landscaping and/or exterior finishes and colors shall be compatible with the existing character of the site and adjacent properties. This shall be determined as part of the review process.
- 5.4.1.B High density developments should be located in the North Area of Stagecoach.

- 5.4.1.E Where development has already taken place, infill development should fit in with the existing patterns of development.
- 5.5.1.C Development on ridges that results in skylining should be discouraged.
- 5.5.1.D If possible, site grading and driveway cuts should be located to minimize visibility from CRs 16, 18A and 212. All cut or filled areas should be revegetated with native vegetation within one growing season.
- 5.5.1.H New improvements should be located to minimize site grading, unless a site that would require more extensive grading would reduce visibility from Routt CRs 16, 18A and 212.
- 5.6.1.A Stagecoach should provide a diversity of housing types that meet the needs of those who work in Stagecoach and in south Routt County.

Staff comments: As mentioned earlier, the Stagecoach area is a Tier 2 Growth Area. This proposal, if approved, will allow for a variety of housing options (single family, duplex, and multi-family) which provide a range of affordability options. The design of this subdivision is in keeping with the character of the surrounding area and fits the pattern and density of other properties in the Stagecoach area. New roads will be required by this subdivision, however, because the site slopes away from the county road to the east, visual impacts from road construction should be minimal. This site is not in a mapped skyline area, however, impacts to view corridors will occur whenever vacant land is developed but again, since the site slopes away from the county road, visual impacts should be minimal. Whether the proposal will have a significant negative impact on current view corridors should be considered by PC and the BCC. Keep in mind that the current zoning of the site allows up to approximately 1,300 units, however this calculation does not take into account required open space, substandard land, waterbodies, and other development constraints. A landscaping plan will be required at the next stage of review. Landscaping can effectively mitigate visual impacts if done properly. The goal of visual mitigation is not to hide the project entirely but to mitigate and soften the impacts. A plat note is suggested requiring all lighting to be downcast and opaquely shielded.

Due to its proximity to Little Morrison Creek, and the fact that the existing sewer line runs very close to the creek (and crosses it twice), increased attention to prevent erosion and sedimentation will be needed. A grading plan was not submitted and is not required at this stage. A grading plan will be required at the next stage of review. CSU extension and the RC Weed Department stated that musk thistle and yellow toadflax (as well as other noxious species) are a problem in South Shore. Great care will have to be taken during subdivision construction to ensure that development of this site does not exacerbate this problem. Noxious weed control will be required by subdivision covenants for the post residential construction phase.

*****Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

4. Roads, Transportation, Infrastructure, and Site Design

Applicable Regulations – Routt County Zoning Resolution

6.1.7.N Snow Storage

Applicable Regulations – Routt County Subdivision Resolution

3.1.J An adequate water supply shall be available for the proposed subdivision.

Applicable Policies – Routt County Master Plan

- 4.3 Promote development patterns that correspond with the natural topography and encourage the arrangement of uses and density patterns to support walkable and bikeable communities and neighborhoods.
- 4.10 Support the creation of public spaces for recreation adjacent to Tier 1 and Tier 2 Future Growth Areas in order to limit traffic, impacts to rural Routt County and wildlife, and to reduce human-wildlife conflict.
- 6.12 Support the use of special districts to provide water and sewer service and other necessary infrastructure in Tier 2 Targeted Growth Areas and Tier 3 Small Established Communities.
- 6.17 Encourage the design of complete communities that incorporate bicycle, pedestrian, transit access, and circulation elements, and include mixed use buildings and neighborhoods where appropriate.
- 7.6 Require that new development proposals include provisions to create and improve links to trail systems both as an alternative to the automobile and for recreational use.
- 7.7 Encourage a pedestrian/bike system which connects retail areas, public facilities, recreational areas and neighborhoods that minimizes auto-truck-rail conflicts.
- 7.13 Ensure that roadway design is compatible with topography, soils, vegetation, geology, visual and other natural features and limitations.
- 7.14 Encourage the separation of transportation modes as much as possible on County roads and state highways through the use of parallel trails or wide shoulders.
- 7.15 Ensure that future development occurs where roads can accommodate projected traffic volumes and patterns.
- 8.9 Provide for open space within all new developments in order to protect and enhance the environment and the quality of life.
- 8.10 Ensure that usable open space is required for developments that provides active and passive recreational environments.
- 8.12 Support the creation of public spaces for recreation adjacent to Tier 1 and Tier 2 Future Growth Areas in order to limit traffic, impacts to rural Routt County and wildlife, and to reduce human-wildlife conflicts.
- 9.4 Preserve open space.
- 9.17 Require usable open space and public space within all new developments in order to protect and enhance the environment and the quality of life.

- 12.1 Design healthy and complete neighborhoods where new and existing places have safe roads, gathering areas, and parks as well as access to jobs, commerce, transit, and public services.
- 12.4 Support healthy lifestyles by expanding recreation opportunities including walking, biking and exercising in open spaces, trails and parks.
- 12.7 Support healthy lifestyles through inclusive and active community design principles that create alternative transportation options.

Applicable Policies – Stagecoach Community Plan

- 5.3.1.1.A A system of non-motorized hike/bike/ski trails should be developed to link the various recreational amenities and open spaces in Stagecoach and beyond.
- 5.2.2.A A small, walkable neighborhood node with mix-uses and pedestrian meeting places should be developed in the North Area of Stagecoach. The location should have the ability to expand to support the community as it grows.
- 5.6.1.B New multi-family developments should be located where there is existing central water and sewer or in areas that can be served by extending the existing infrastructure.

Staff comments: This subdivision will be connected to Morrison Creek’s central water and sewer system. New water lines will have to be run to the site. Sewer service will be provided via the sewer line that currently runs through the site.

Six new access points off of CR 16 and 18A are proposed. Public Works submitted comments requesting that a traffic study be submitted at the Preliminary review which evaluates specific concerns identified in their letter. They also stated that the portion of CR 16 within the southern portion of the site contains steep slopes and two 90 degree turns. They would like to see this portion of the road realigned which could improve safety and site access. A condition of approval is suggested to address this. Please see Road and Bridge’s comments for additional details. A condition of approval is included requiring a snow storage plan, along with calculations for the amount of area needed, and a drainage plan be submitted at the next stage of review.

Open space is identified on the site plan, as well as parks and trails. The Subdivision Regulations require that 10% of the site be set aside for usable open space. The conceptual proposal has approximately 50% open space. As mentioned earlier there are trails throughout the site. The Stagecoach Property Owners Association (SPOA) is currently working on a trails master plan. SPOA was contacted as part of this review but they did not respond. The conceptual trails map for South Shore, provided by SPOA during previous conversations, indicates that the trails shown on the site plan could easily connect to the proposed trail system in South Shore. There are no other available connections to the west, however, the trail map on SPOA’s website indicates that a trail terminates at CR 16 approximately 1,500’ to the west of the site. The commercial area will have sidewalks. If a connector trail is ever constructed, it would be able to tie into existing trails on the east and west end. The applicant has stated that the open space and trails will be open to public use.

The conceptual layout for the commercial center has large parking lots next to the main entrance of the development. Staff has concerns with this layout as it puts the visual focus on these undesirable areas. This layout does not fit the character of Stagecoach. Staff recommends that this area be redesigned to lessen the focus on the parking lots.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

5. Natural Environment

Applicable Policies – Routt County Master Plan

- 4.5 Apply best practices and data to inform decisions impacting sensitive ecological and wildlife areas throughout the County.
- 9.12 Noxious weeds must be controlled at the expense of the landowner.
- 9.13 Enforce the weed management program and educate new or unaware landowners or those that refuse to manage weeds.
- 9.14 Domestic predators running at large are not accepted in Routt County. Not only can they be a threat to livestock, but also to wildlife and humans.
- 11.3 Protect wildlife species and their habitats.
- 11.4 Include wildlife habitat and species information in land use and site plan decision making.
- 11.5 Encourage land use practices that will minimize conflicts between wildlife and human uses.
- 11.6 Consider impacts on wildlife before approving new recreational uses, residential developments, and other developments and permits.
- 11.7 Minimize the cumulative impacts of development on wildlife and wildlife habitat.

Applicable Policies – Stagecoach Community Plan

- 5.2.2.E All trash containers, including dumpsters, shall be bear resistant.
- 5.3.1.1.B All trash containers, including dumpsters, shall be bear resistant.
- 5.5.1.E New development should be designed and constructed to avoid reductions in air and water quality wherever possible.
- 5.5.1.G New improvements in critical wildlife habitat areas (as designated CPW) should not be approved, unless no other building site is available on the parcel, or unless building on an alternative site would violate other portions of this Plan. All property fencing should be of a type approved by the CPW to minimize risks to wildlife.
- 5.5.1.I New improvements should not be approved for sites within 50 feet of water bodies, unless no other building sites are available on the parcel, or unless building on an alternative building site would violate other portions of this Plan.
- 5.5.1.K New improvements should incorporate grass-lined swales between paved areas and nearby streams.

Staff comments: CPW stated that there are three Columbian sharp-tailed grouse lek sites and production areas adjacent to the project site. They would like to see the project redesigned to avoid development within .6 miles of the lek sites and seasonal closures within 1.25 miles of the lek sites. The site is also adjacent to Elk Winter Concentration Areas and Severe Winter Range. CPW would like to see seasonal closures for that area. CPW did not provide maps of these locations. Staff has requested this information and it will be provided at the hearing.

Condition of approval #12 is suggested requiring a redesign of the project to avoid active lek sites and associated production areas. Other mitigation measures have also been requested. It is staff's opinion that these restrictions should be codified in a wildlife mitigation plan or in the covenants. A condition of approval is suggested requiring the applicant to work with CPW to address these concerns. Please see their comments for additional details.

Little Morrison Creek is on the eastern edge of the project site. The proposed lots sit at the top of the bench before the topography drops down to the creek. The area between the lots and the creek is vegetated. Because of the distance of the lots from the creek, and the established vegetation, impacts to the drainage are not anticipated, as long as proper erosion control measures are implemented.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

6. Zoning Amendment Standards

Applicable Regulations – Routt County Zoning Resolution

4.11 Commercial

This Zone District is intended to provide a full range of retail, office, and service uses for County residents that are conveniently located to residential areas.

Development within this Zone District is encouraged in centers that are planned as a unit rather than extended strips along roadways in order to provide an orderly land use pattern, efficient traffic circulation, and safe pedestrian movement.

8.2.1 Standards for Zoning Amendments – Part 1

In any petition for zoning amendment, the petitioner shall have the burden of showing that all of the following exist:

- 8.2.1.A That the proposed zone change is consistent with the goals and policies of the Master Plan and any applicable sub-area plans.
- 8.2.1.B That the area in question possesses geological, physiological and other environmental conditions compatible with the characteristic of the Zone District requested.
- 8.2.1.C That the advantages of the Zone District requested substantially outweigh the disadvantages to the County and neighboring land occasioned by the amendment.
- 8.2.1.D That the applicable provisions of these Regulations have been met.
- 8.2.1.E That in the case of a zone amendment request that would increase allowable residential, commercial, or industrial density, that adequate facilities such as roads, water and sanitation, fire protection, emergency services and public utilities shall be available to serve the areas.

8.2.2 Standards for Zoning Amendments – Part 2

In addition, zoning amendments shall be allowed only after the petitioner demonstrates that rezoning is necessary for one or more of the following reasons:

- 8.2.2.A The existing Zone District is inconsistent with the policies and goals of the applicable Master Plan and any applicable adopted area or community plan; or
- 8.2.2.B The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area; or
- 8.2.2.C The proposed rezoning is necessary in order to provide land for a demonstrated community need; or

8.2.2.D The existing zone classification currently shown on the Official Zoning Map is an error.

Staff comments: Both the Master Plan and Stagecoach Plan support a commercial area. The area possesses the environmental conditions needed to support the requested Commercial zoning and would allow for a commercial area in Stagecoach. The dimensional standards for the Commercial zone district are pretty minimal and most standards are reviewed during the Site Plan Review process. Adequate infrastructure and services are available, or can be provided, to support the requested zoning.

Staff has determined that this proposal is consistent with the policies and goals of both the Master Plan and the Stagecoach Plan. It provides land for a commercial center, which has been envisioned in the Stagecoach area for decades and is a community need.

***Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

7. Neighborhood Marketplace Standards

5.2.1.1 The development site shall be located in the North Area of Stagecoach. The North Area shall imply the areas that are served by the Metro District via the “lower” north loop. The development site shall be eligible to tie into the existing water and sewer systems and must satisfy any conditions necessary to obtain a commitment to serve agreement from the Metro District.

5.2.1.2 The site must have reasonable access to serve the development and be eligible to obtain an approved County access permit from CR 16, 212 or 18A. A traffic study may be required to determine if additional improvements to CRs are necessary.

5.2.1.3 There shall be adequate on-site parking to accommodate the use.

Staff comments: The development site is located in the north area of Stagecoach. The development will have access to the main sewer line that runs through the eastern portion of the site. A water main line will have to be brought to the site. The District has provided a letter committing to serve this development, subject to conditions. The site has reasonable access to the public road system. The proposed area for the Neighborhood Marketplace is at the intersection of CR 16 and CR 18A. Due to the size of the site, adequate parking can be provided on-site. The specifics of location, size, paving material, etc. will be reviewed during subsequent subdivision and site plan reviews needed for this development.

***Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

PLANNING COMMISSION / BOARD OF COUNTY COMMISSIONERS OPTIONS:

1. **Approve the requests with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning and Subdivision Regulations and the Routt County Master Plan.
2. **Approve the requests without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in

compliance with the Routt County Zoning and Subdivision Regulations and complies with the guidelines of the Routt County Master Plan.

3. **Deny the requests** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning and Subdivision Regulations and/or the Routt County Master Plan, Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.
4. **Table the requests** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

FLUM Amendment; PL20230037

FINDINGS OF FACT that may be appropriate if the amendment to the Future Land Use Map is approved:

1. The proposal with the following conditions meets the applicable standards and policies for a Neighborhood Marketplace found in the Stagecoach Community Plan:
 - a. The site is located on the “lower” north loop and a letter from the Morrison Creek Water and Sanitation District committing to serve the project has been submitted.
 - b. The site has reasonable access to the public road system. County Road 18A and 16 both run adjacent or through the property.
 - c. Enough land exists to provide enough parking for the proposed map amendment.

CONDITIONS that may be appropriate may include the following:

1. The amendment of the Future Land Use Map from Large Lot Residential to Existing Zoning and Neighborhood Marketplace is contingent upon gaining final approval for all development plans.
2. The amendment shall become effective upon signing of a resolution amending the Future Land Use Map by the Board of County Commissioners. Said resolution shall be recorded in the Routt County Clerk and Records Office concurrently with the final plat and zone change resolution.

Sketch Subdivision and Zone Change; PL20230038

FINDINGS OF FACT that may be appropriate if the Sketch Subdivision and Zone Change is approved:

1. The proposal with the following conditions meets the applicable guidelines of the Stagecoach Community Plan, particularly:
 - 1) 5.2.2.A, B, and C
 - 2) 5.3.1.1.A
 - 3) 5.4.1.B and E
 - 4) 5.5.1.A, E, D, H, I, J, and K
 - 5) 5.6.1.A and B
2. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan, particularly:
 - 1) 4.1, 4.2, 4.3, 4.4, and 4.10
 - 2) 6.2, 6.5, 6.7, and 6.19
 - 3) 7.6, 7.7, and 7.13

- 4) 8.9 and 8.10
 - 5) 9.4 and 9.17
 - 6) 12.1 and 12.3
3. The proposal with the following conditions is in compliance with the applicable provisions of Sections 4 and 8 of the Routt County Zoning Regulations.

CONDITIONS that may be appropriate may include the following:

General Conditions:

1. This Sketch Subdivision Plan approval is contingent on submittal of a complete application for a Preliminary Subdivision Plan within twelve (12) months. Extension of up to one (1) year may be approved administratively.
2. All federal, state and local permits shall be obtained, including but not limited to: Grading And Excavating, Work in the Right of Way, and Access permits
3. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a format acceptable to the GIS Department.
4. All property taxes must be paid prior to the recording of the final plat.
5. The right of way for the realigned portion of County Road 16 and County Road 18A shall be appropriately dedicated on the final plat.
6. The Preliminary Plan submittal shall include the following detailed information:
 - a. Utility plans produced by a registered Colorado Engineer per the 2016 Routt County Road & Bridge Roadway Standards (roads, water, sewer, fire hydrants, grading and drainage, utilities, etc.)
 - b. Soils report
 - c. Landscaping plan to mitigate visual impacts of the development that uses wildlife friendly vegetation.
 - d. All lot dimensions
 - e. Plan showing land to be dedicated to the property owners' association as open space in conformance with Section 3.5.1 of the Subdivision Regulations.
 - f. The applicant shall work with the South Routt School District in identifying a site to be dedicated to the School District for a school in conformance with Section 3.5.3 of the Subdivision Regulations. Such site shall be shown on the site plan.
 - g. The site plan shall show parks to be dedicated in conformance with Section 3.5.2 of the Subdivision Regulations.
 - h. Engineered drainage study of the site per 2016 Routt County Road & Bridge Roadway Standards.
 - i. A traffic study performed by a registered Colorado Engineer based upon the number of approved units. The study shall include recommendations for signage and mitigation measures to ensure the safety of the traveling public in the area, including but not limited to:
 - Impacts to County Road 18A, County Road 16, & Crow Trail
 - Impacts to intersections at County Road 16 & 18A, 16 & 212, 16 & 14
 - Impacts to County Road 14

- Comments shall be obtained from Routt County Public Works, prior to submittal of the Preliminary Plan.
- j. Road construction plans and specifications for the interior access road and for the realigned portion of CR 16 that meet the minimum requirements of the Oak Creek Fire Protection District and Routt County Public Works. Plans and specifications shall minimize cuts, fills, and visual scarring.
 - k. Drawings prepared by a registered Colorado Engineer for connection to the central water and sewer system.
 - l. Drawings prepared by a registered Colorado Engineer for expansion of the water storage and distribution system to meet the requirements of the Morrison Creek Water and Sanitation District and Oak Creek Fire Protection District, if applicable.
 - m. Draft Covenants
 - n. Weed management plan approved by the Routt County Weed Department that addresses development prior to final site revegetation.
 - o. A revegetation plan to stabilize disturbed areas that includes the use of a seed mix reviewed and approved by Colorado Parks and Wildlife.
 - p. Stormwater management plan for the development stage of the project.
 - q. Stormwater management plan for the post development phase that minimizes erosion and runoff from impervious surfaces carrying sediment, nutrients, chemicals, trash, debris, pet waste, etc.
 - r. Wildlife Mitigation Plan approved by Colorado Parks and Wildlife.
 - s. Snow Storage plan based upon the City of Steamboat Springs' standards for roads, parking areas, and walkways that also includes measures to remove trash, debris, nutrients and salts from snow as it melts. All snow shall be stored on-site.
 - t. An analysis of substandard land in accordance with section 3.1.D of the Subdivision Regulations shall be submitted.
 - u. Wildland Interface Plan, approved by the Oak Creek Fire Protection District that adheres to the proposed standards of the soon to be adopted Community Wildfire Protection Plan.
7. The Final Plat notes shall include, but are not limited to:
- b. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.
 - c. Existing and new accesses shall meet access standards set forth by the Routt County Public Works Department and Fire Prevention Services.
 - d. Routt County (County) and the Oak Creek Fire Protection District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
 - e. All exterior lighting shall be downcast and opaquely shielded.

- f. Address signage shall be in conformance with Routt County Road Addressing, Naming, and Signing Policy.
- g. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.
- h. All trails shall remain open to the public.
8. This site plan shall be amended to enhance the visual appeal of the commercial area and to take the focus off of the parking areas.
9. A 'no build' zone shall be indicated on the plat to avoid construction of structures and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be defined on the plat and approved by the Planning Director before the plat is recorded.
10. The open space parcels shall be deeded to the property owners' association and such deed shall be recorded concurrently with the Final Plat. The plat shall indicate that the Open Space parcel is open to the public.
11. If required by the utility companies, the Final Plat shall show a 10' public utility easements along the interior of all lot lines and such shall be dedicated appropriately.
12. The applicant shall work with the Oak Creek Fire Protection District to address the concerns related to the District's ability to respond and personnel recruitment and retention. The narrative submitted at the next stage of review shall detail how those concerns are being addressed.
13. The applicant shall work with Colorado Parks and Wildlife to redesign the development to avoid active lek sites and production areas.
14. Climate Action Plan polices should be considered and incorporated into the preliminary plat project plan and site design.
15. Covenants shall include:
 - a. Requirement to control noxious weeds following final development stabilization and individual lot stabilization.
 - b. Roads will be privately maintained
 - c. A prohibition of short term rentals
 - d. All recommendations referenced in Colorado Parks and Wildlife's letter dated June 22, 2023.
16. The change of zone from High Density Residential to Commercial is contingent upon final approval for the subdivision of this land.
17. The change of zone from High Density Residential to Commercial shall become effective upon signing of a resolution amending the Official Zoning Map by the Board of County Commissioners. Said resolution shall be recorded in the Routt County Clerk and Records Office concurrently with the final plat.
18. Prior to recording the resolution, a legal description of the land to re-zoned shall be submitted to the Planning Department.

TAILWATERS

STAGECOACH  COLORADO



Subdivision Sketch Plan and Zoning Amendment Application

Submitted April 20, 2023

CONTOUR
DESIGN COLLECTIVE

PO Box 56 Minturn, CO 81645
Office: 970-239-1485 | contourdesigncollective.com

TABLE OF CONTENTS

Section 1.0 Contextual Information	3
1.1 Introduction	3
1.2 Historical Reference	4
Section 2.0 Application Material.....	7
2.1 Sketch Plan Subdivision Application Form	7
2.2 Zoning Amendment Application Form	8
2.3 Project Overview	9
2.4 Property Legal Description & PUD Boundary	10
2.5 Applicant’s Identity	11
2.6 Letter of Authorization	11
2.7 Title Commitment	12
2.8 Vicinity Map and Property Photos	12
2.9 Adjacent Property Owners List	14
Section 3.0 Conformance with Applicable Plans	15
3.1 Subdivision Overview.....	15
3.2 Zoning Amendment Overview	15
3.3 Compliance with Plans and Regulations	17
3.4 Mitigation Overview	19

APPENDICES

- Appendix A: Property Legal Descriptions
- Appendix B: Title Commitment
- Appendix B: 2017 Stage Community Plan Future Land Use Map (FLUM)

SECTION 1.0: CONTEXTUAL INFORMATION

1.1 Introduction

This land use application is for a Subdivision Sketch Plan approval as well as a zoning amendment for a planned recreational oriented mixed-use residential development proposal for Stagecoach. The parcel was formerly owned by Tri-State Generation & Transmission Association. This Stagecoach project, referred to as “Tailwaters at Stagecoach” encompasses approximately 89.17 acres located to the east and along County Road 18A, south of Stagecoach Reservoir and the South Shore subdivision – in North Stagecoach (the “Site”). Portions of the parcel overlooks the Stagecoach Reservoir and County Road 16 abuts and passes through the southeast corner of the parcel.



Stagecoach Reservoir

The proposed subdivision and associated zoning amendment proposal will transform an “infill” dormant open space property into a thoughtful, diverse and inclusive residential neighborhood. The proposed plan seeks to acknowledge the ambitious history of the Stagecoach area as adopted in the 1999 Community Plan as well as the more recent direction adopted in the 2017 Community plan by providing an appropriately scaled built environment interconnected by natural pedestrian paths, open space, play space, community gathering areas, and streams. Residential service needs for the entire Stagecoach community will be fulfilled by a small neighborhood scale commercial market area (for which the zoning amendment is proposed), with potential services such as daycare, park area, amphitheater, restaurant, and retail / gas station, located conveniently at the intersection of CR 16 and 18A.



Future community play space



Future trails along existing streams

Environmental sustainability, resource protection and energy efficiency are foundational land planning and architectural design elements. With the use of the latest technological advances in energy efficiency and water conservation, our goal is to provide a sustainable community designed for the future and enriched by its past.

The architectural character of this special place will be grounded in the historical context of saltbox style homes enhanced by design elements allowed by modern building methods. Design Guidelines for the planning areas will set forth the standards of quality and conformance which allow for a diverse, yet cohesive style to be treasured for generations.



Architectural inspiration images

1.2 Historical Reference¹



Wolcott stagecoach

Historically, Routt County Road (CR) 14 was part of a stagecoach route running from a train stop at Wolcott, Colorado, north to Steamboat Springs. From this two-track wagon trail, the road eventually evolved into a primary arterial road that is often used as a shortcut between Steamboat Springs and southern Routt County. During the early 1970s, Woodmoor Corporation acquired land south of CR 14 and east of Colorado Highway 131 and began to plan for a large new community named Stagecoach. At that time, neither Stagecoach Reservoir nor the ski area existed, but Woodmoor envisioned both a lake and a ski mountain and had plans for a golf course, equestrian center and full-service marina as part

of its new planned development. Woodmoor also envisioned thousands of single-family homes and multi-family units scattered across a large portion of south Routt County.

In 1972 Routt County granted Woodmoor urban-scale zoning for the entire site. The zoning allowed for the development of both multi-family and single family lots of less than 1 acre—if central water and sewer services were provided. The County also approved 16 subdivision plats referred to today as the original Woodmoor Subdivisions, covering 1,938 single-family lots with the potential for thousands of additional condominium and townhouse units. Single family lots in Stagecoach were rapidly sold to over 1,400 different owners from all over the country and other parts of the world. Between that time and 1999, 78 single family homes were built on those lots. In addition, 172 multi-family units were

¹ Stagecoach Community Plan, Adopted March 16, 2017 pgs 1-4, 27-29

constructed, but most of the multi-family tracts were retained for future development. Portions of the land that were not subdivided at that time received County zoning approval that would allow for a total of over 4,500 more dwelling units, if developed at maximum density. Even if developed at lower densities, the Woodmoor approvals would have accommodated housing for nearly as many people as lived in Steamboat Springs at that time.

To provide water and sewer services for the anticipated development, Woodmoor helped create the Morrison Creek Metropolitan Water and Sanitation District (the “Metro District”). The Metro District sold bonds to investors and used the proceeds to begin constructing an extensive system of water wells, water pipes, sewer collection lines, and a sewage treatment plant. To achieve construction efficiencies, it sized these facilities to serve between 1,000 and 2,000 dwelling units. When future homes were built and hook-up fees and real property taxes were collected, those revenues would be used to repay bondholders.

Unfortunately, in 1974 Woodmoor experienced hard times and filed for bankruptcy. Without an active sales program, lot sales and resales slowed down. Without a master developer, construction of multi-family units stopped altogether. Some of those who had sold the land to Woodmoor received portions of the land back following the bankruptcy, subject to zoning and platting that the County had approved.

Since houses were not being built, real estate tax revenues to the Metro District did not rise as fast as expected and hook-up fees were not paid either. As a result, the Metro District was unable to build additional infrastructure and facilities to serve new development unless the property owners agreed to pay for the construction. Since most property owners were not able to finance those utility extensions themselves, home construction declined and stayed at a very low level for most of the next 15 years. Although it did not have the financial capacity to expand, the Metro District continued to operate and maintain the oversized infrastructure that had already been built. The Metro District emerged from bankruptcy in the early 2000’s, allowing it to assume responsibility for its financial affairs and plan for its future with more freedom.

In 1980, Routt County adopted its first Master Plan, which provides guidance to future development throughout the County and identified Stagecoach as a potential future growth area. Growth areas are intended to be self-contained communities with a mix of housing, commercial and retail uses, and employment opportunities, surrounded by areas that will remain rural and free of outward sprawl. Under the Master Plan, Stagecoach could only become a growth center if it could provide a full range of services and jobs to support the housing supply. The Master Plan did not originally include a detailed community plan for Stagecoach, but the Metro District, SPOA, and some large Stagecoach landowners subsequently requested that a detailed plan be prepared. The 1999 Stagecoach Community Plan was the result of that effort.

In 1999 the Stagecoach Community Plan was created as a cooperative endeavor developed by public agencies and private individuals with an interest in the Stagecoach area. Originally adopted in 1999, the Plan was intended to be a 20-year vision describing the community’s preferred character and providing the basic framework for future growth in Stagecoach. The result was a document that focused on the nature and character of the area; it planned for balanced residential growth, and described new opportunities for shopping and services to serve the community within a small-town center concept.

In 2016 the Community Plan was updated to be a guideline for land use and development decisions within Stagecoach. The preferred land uses were updated from the 1999 plan to allow for more modest growth as depicted on a Future Land Use Map (FLUM). The FLUM and policies listed are intended to serve as a guideline for land use and development decisions to achieve the goals and objectives the preferred land use and direction described by the community is that Stagecoach will continue to evolve as a diverse community with a unique and desirable rural Routt County character, with recreational opportunities while emphasizing self-reliance within a supportive local community that the community values. Future multi-family developments should be directed to the areas in the north equipped with the necessary infrastructure to handle high density development or to locations that can be served by a central sewage collection system.

Conceptually, a small-town center model is a consistent desire in both the 1999 and 2017 Plans, but rather than being the focal point of the community located near the base of the ski area, the concept preferred by the community would be more of a retail node or neighborhood marketplace. The neighborhood node could offer uses and services such as a community retail market, office space, gas station and daycare center that would support the community as it grows. The current plan also allows for more flexibility than the 1999 Plan regarding the location of the future marketplace.



Stagecoach Reservoir

SECTION 2.0: APPLICATION MATERIAL

2.1 Sketch Plan Subdivision Application Form



OFFICE USE	Presubmittal Code	PS23-031
	Planner Initials	AG
	Identifier	Saltbox Sketch

SUBMITTAL CHECKLIST SUBDIVISION—SKETCH PLAN

This checklist shall be completed by the staff planner at the pre-application meeting and must be submitted online. Failure to submit all required information may delay the review of the application. Applicant is responsible for notice to mineral interest owners (refer to Mineral Interest Notice Requirements).

- Project Type Subdivision Planning Type Sketch
- Application fee \$580 + \$20/lot
 - Proof of ownership: Deed or Assessor's Property Record Card
 - Statement of Authority, if required
 - Written narrative / detailed description of subject tract and proposed subdivision, including any relevant special features and characteristics of the property and proposed subdivision
 - Mitigation Plan for any significant negative impacts (Refer to Section 6, Routt County Zoning Regulations)
 - Existing conditions map of subject site illustrating existing improvements, geologic hazards/characteristics, steep slopes (>30%), water bodies, soils, vegetation, wildfire hazards, and critical wildlife habitat
 - Sketch subdivision plan, drawn to scale of 1" = 200' unless otherwise approved, including the following information, as applicable:
 - Scale, written and graphic
 - North arrow (designated as true north)
 - Names and addresses of property owner(s), subdivider, planner or designer, and registered surveyor
 - Vicinity sketch, drawn to scale of 1" = 500', illustrating abutting subdivisions tracts; lakes and streams within proposed subdivision tract; highways, streets, and utilities within 1/2 mile of proposed subdivision tract; and distance to municipal boundaries within 2 miles of proposed subdivision tract
 - Location and dimensions of all existing and recorded streets, alleys, easements, section lines, improvements, and other important features within and adjacent to the proposed subdivision tract
 - Water bodies, drainages, and ditches
 - Topography (may be USGS 7.5' map)
 - Layout and general dimensions of subdivision streets
 - Gross acreage of subdivision tract, excluding existing dedicated public right-of-way
 - Location and area of any multi-family residential, commercial, industrial, and public uses; churches; schools; parks; and other non single-family uses
 - Proposed subdivision name and number of filings
 - Date of plan preparation
 - Wetlands, floodplain, and steep slopes (>30%)
 - Zoning of subject and adjacent property
 - Number, approximate size, and layout of proposed lots
 - General location of utilities on and adjacent to the subdivision tract
 - Information regarding water availability and quality, documentation of water rights, if applicable, and letter of intent to serve from a special district, if applicable (Refer to Section 4.5.2, Routt County Subdivision Regulations)
 - Information regarding sewage disposal system proposed
 - Traffic Impact Study (per Road & Bridge Department standards), if required
 - Transportation Summary Information (per Road & Bridge Department standards), if Road Engineering Study is required
 - Additional information as required by Planning Director _____

Owner Signature(s)

I consent to this application being submitted and that all information contained within is true and correct to the best of my knowledge.

Owner's Signature

Owner's Signature Timothy McGuire

Nick Salter
 Print/type name of owner

Timothy McGuire
 Print/type name of owner

2.2 Zoning Amendment Application Form



OFFICE USE	Presubmittal Code <u>PS23-030</u>
	Planner Initials <u>AG</u>
	Identifier <u>Saltbox FLUM</u>

SUBMITTAL CHECKLIST AMENDMENT— STAGECOACH FUTURE LAND USE MAP

This checklist shall be completed by the staff planner at the pre-application meeting and must be submitted online. Failure to submit all required information may delay the review of the application.

Project Type: Zoning Change Planning Type: Zone Change (map)

- Application Fee: \$2250
- PDF of complete submittal package
- Proof of ownership: Deed or Assessor's Property Record Card
- Statement of Authority, if required
- Vicinity map
- Existing conditions map of subject site illustrating existing improvements, geologic hazards/characteristics, steep slopes (>30%), water bodies, soils, vegetation, wildfire hazards, and critical wildlife habitat
- Legal description of property
- Written narrative / detailed description of subject site and proposed uses:
 - Purpose for the amendment to the FLUM
 - Proposed land use plan
 - Description of compliance with appropriate standards and policies found in the Stagecoach Community Plan:
 - For a Neighborhood Marketplace refer to Section 5.2.
 - For a Recreation Oriented Development refer to Section 5.3.2
 - For Housing Development refer to Section 5.4

Owner Signature(s)

I consent to this application being submitted and that all information contained within is true and correct to the best of my knowledge.

Owner's Signature

Owner's Signature Timothy McGuire

Nick Salter
 Print/type name of owner

Timothy McGuire
 Print/type name of owner

2.3 Project Overview

The Tailwaters Subdivision represents a carefully designed new neighborhood located in Stagecoach, a central location in Routt County, Colorado. This neighborhood represents “infill” on a relatively level site well suited to a Master Planned community by a number of different measures. These measures include transportation and transit access, existing recreation, views, open space and overall livability. The plan is consistent with long-term Routt County planning efforts including the 2022 Routt County Master Plan and the 2017 Stagecoach Community Plan.

The plan responds to evolving local, regional and national consumer demands. For example, planning principles include sustainable design, clustered density within walking distance to the proposed neighborhood marketplace and recreational amenities and a diverse inclusionary approach to housing. The plan embodies the spirit of the associated community and county plans by balancing the needs of all inhabitants and creating a sense of community and fulfillment through shared values that are exemplified in the focus on quality, sustainability, energy efficiency and inclusivity.

A balanced approach inclusive of land planning, creation of the built environment and financial realities are essential to creating a successful neighborhood. Currently, the anticipated elements of the Project include:

- A 4.5 (+/-) acre commercial zone or neighborhood marketplace to fulfill needs of the entire Stagecoach community which could include: community retail market, childcare, office space, restaurant, gas station, and live / work units.
- Approximately 114 single family and duplex lots on just under 39 acres of land with lot sizes as follows:
 - Twelve (12) lots, approximately one-half acre in size, for single family homes
 - Seventy-one (71) lots, approximately one-quarter acre in size, for single family or duplex homes
 - Twenty-five (25) lots, approximately one-eighth acre in size, for single family homes
- Approximately 20-40 high density attached multifamily units on a 1.2-acre lot.
- New infrastructure: Roadway, electric, new water/sewer lines (per Morrison Creek Water and Sanitation).

LAND USES

- | | |
|---|--|
| • 89.17 Total Parcel Acreage | • 4.6 Acres Commercial / Mixed Use |
| • 40 Acres Residential Use | • 10,000-20,000 S.F. Commercial |
| • 200 +/- Residential Units on 119 Lots | • 44.57 Acres of Open Space (50% of Subdivision) |

2.4 Property Legal Description & Subdivision Boundary

The property is comprised of a single parcel of land referenced by the Routt County Assessor's office as parcel number 961052001. The legal descriptions are provided in Appendix A.



Subdivision Boundary

2.5 Applicant's Identity

The applicant is Tailwaters at Stagecoach LLC, which was recently renamed from the same ownership group, Saltbox Custom Homes LLC, which is represented by:

Contour Design Collective, LLC

Attn: Tim McGuire
164 Railroad Ave, Suite 150
Minturn, CO 81645

Office: 970-239-1485
Cell: 802-473-0275
Email: tmcguire@contourdesigncollective.com

2.6 Letter of Authorization

STATEMENT OF AUTHORITY

Pursuant to C.R.S. §38-30-172, the undersigned executes this Statement of Authority on behalf of Tailwaters at Stagecoach LLC, a limited liability company, an entity other than an individual, capable of holding title to real property (the "Entity"), and states as follows:

The Name of the Entity is, Tailwaters at Stagecoach LLC, formed under the laws of Colorado, with a mailing address of PO Box 2987, Edwards, CO 81632.

The name and/or position of the person(s) authorized to encumbering, or otherwise affecting title to real property on behalf of the Entity is Tim McGuire, Michael Jackson and Zach Perdue, all of Contour Design Collective LLC, a Colorado limited liability company.

The limitations upon the authority of the persons named above or holding the position described above to bind the Entity are as follows: in relation to representing the Entity for the purposes of gaining entitlements and the subdivision of the property within Routt County. The specific parcel being referred to is located in SW1/4, Section 32, Township 4 North, Range 84 West and in Lots 8 and 9 Section 5, Township 3 North Range 84 West, of the 6th P.M., in Routt County, Colorado. The parcel consists of 89.17 acres of land.

Executed this 17th day of March, 2023.

Signature: _____



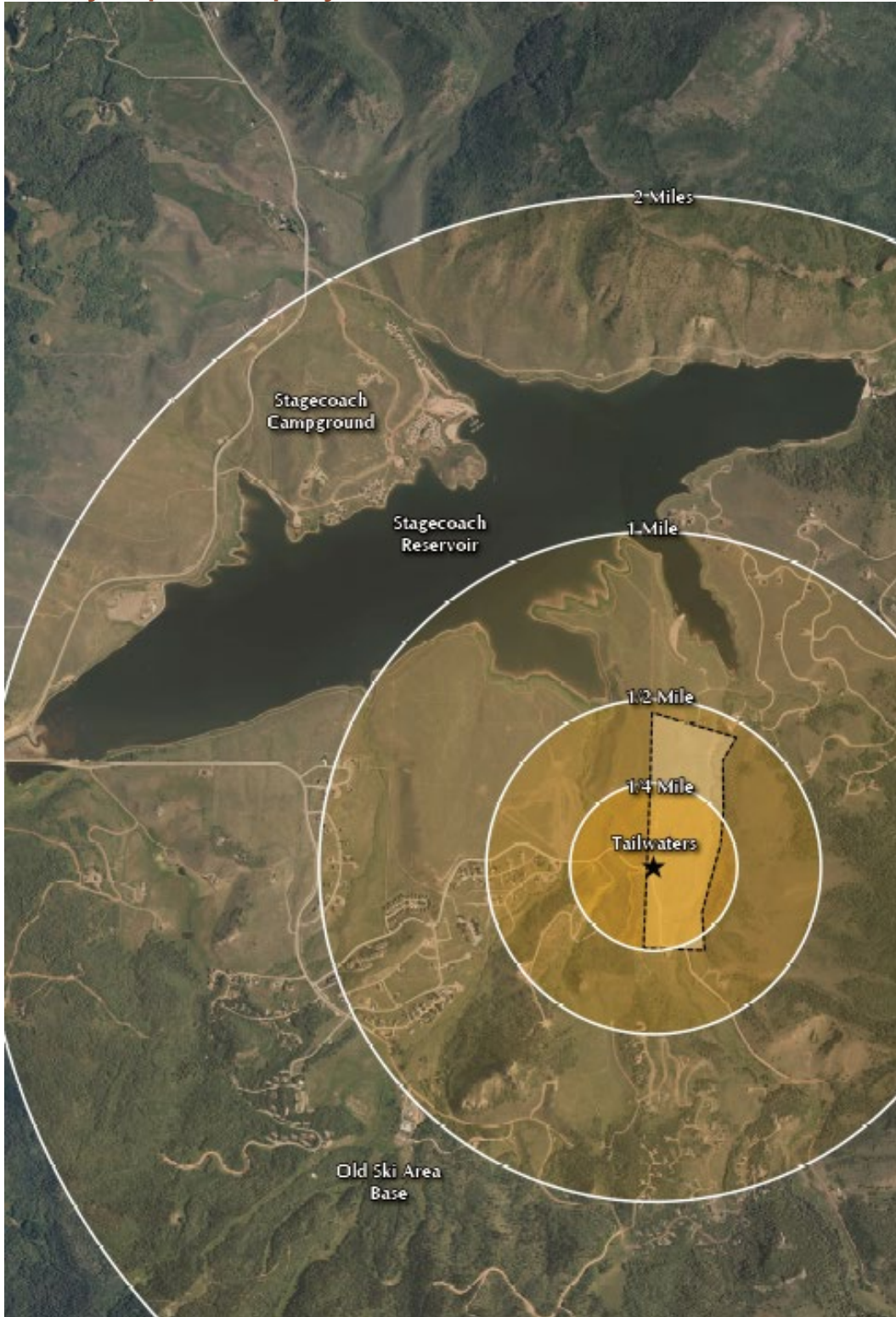
Name (printed): Nick Salter

Title: Owner

2.7 Title Commitment

The title commitment is provided in Appendix B.

2.8 Vicinity Map and Property Photos



Stagecoach Vicinity Map



Looking East at Commercial from CR 16 / 18A Intersection



Looking North from Commercial area



Looking South from end of Crow Trail



Looking NW from 1/2 lots to reservoir



Stagecoach Reservoir looking West

2.9 Adjacent Property Owners List

STAHL INVESTMENTS LP & ACORN
INN
105 2ND STREET
OAKLAND, CA 93607

SONG MOUNTAIN LLC
400 BEACH ROAD,
PENTHOUSE B
TEQUESTA, FL 33469

TRI-STATE GEN & TRANSM ASSOC
PO BOX 33695
DENVER, CO 80233

TRI-STATE GEN & TRANSM ASSOC
PO BOX 33695
DENVER, CO 80233

WRIGHT, SHEILA K.
24120 CROW TR.
OAK CREEK, CO 80467-9699

TRI-STATE GEN & TRANSM ASSOC
PO BOX 33695
DENVER, CO 80233

STAGECOACH POA
675 SNAPDRAGON WAY, STE 100
STEAMBOAT SPRINGS, CO 80487

REISBVICK FLECK FAMILY
TRUST
10956 AMMONS ST.
WESTMINSTER CO, 80021-
2686

BERLET, LUKE & CARISSA
WILLOW ISLAND TRL.
OAK CREEK, CO 80467

FARRELL, MICHAEL & TAMARA
20505 ORMEGA WAY
OAK CREEK, CO 80467-9683

CALLIE RAYDELL REVOC. TRUST
31125 CORRAL DR.
OAK CREEK, CO 80467

SECTION 3.0: CONFORMANCE WITH ROUTT COUNTY MASTER PLAN AND STAGECOACH COMMUNITY PLAN

3.1 Subdivision Overview

There are three steps to a subdivision project. The first is Sketch Subdivision. The purpose of the Sketch Subdivision application review is to determine compliance with the Routt County Master Plan (Master Plan) and the Stagecoach Area Community Plan and to provide feedback to the applicant on the layout of the subdivision before in-depth engineering is done. The nuts and bolts of the subdivision (roads, water, sewer, etc.) will be reviewed during the Preliminary Subdivision review, which will be the next step in the subdivision process. The last step is Final Subdivision where all of the final documentation is prepared and approved for recordation.

The 2022 Master Plan designates the Stagecoach area as a Tier 2 Targeted Growth Area. According to the plan, “These areas are located outside municipalities, but are areas qualified for potential development if they meet the criteria as described in the following example: Stagecoach is considered a Tier 2 Targeted Growth Area because it has an approved sub-area plan, platted lots, zoning appropriate for higher density development, and a special district to support infrastructure needs. To be considered a Tier 2 Targeted Growth Area, an area must have, or have the capacity for the development of, access that can safely accommodate expected traffic flows in and out of the area, central water and sewer facilities that can accommodate the planned growth, physical features that will complement the type and intensity of planned growth, and a County-approved sub-area or community plan. Tier 2 Future Growth Areas shall provide the following:

- A mix of housing choices and diversity
- Development that addresses an identified community need
- Community amenities (open space, trail access, recreational amenities)
- Assurance that proposed utilities, services and amenities can be delivered within an acceptable timeframe.

3.2 Zoning & FLUM Amendment Purpose

There are two zoning amendments being proposed in this application, the first is to amend the Future Land Use Map (FLUM) (see Appendix C) which was incorporated into the 2017 Stagecoach Community Master Plan, the second is to amend a portion of the underlying zoning on the property where the commercial development is proposed from High Density Residential (HDR) to Commercial.

As outlined above, the current underlying zoning on the property is HDR and although the underlying zoning has not been changed, the 2017 Stagecoach Community Master Plan proposed a FLUM that incorporated preferred land uses at that time. Although the FLUM continues to show the underlying HDR zoning, an overlay indicates the parcel be developed as Large Lot Residential with 1-acre lot sizes.

The applicant is proposing that the lot remain HDR zoning and the Large Lot overlay be removed from this parcel on the FLUM, additionally, the southwest corner of the property, at the intersection of CR 16 and 18A should be changed to commercial zoning.

The Stagecoach Community Plan discuss locations where a commercial areas "neighborhood marketplace" is appropriate. The Plan notes that originally a market place was envisioned at the base of the ski area but now the concept preferred by the community would be more of a neighborhood marketplace. The Plan provides three standards in Section 5.2.1 that any neighborhood marketplace should meet.

1. The first states that the marketplace should be in North Area of Stagecoach and served by the metro district sewer and water services via the “lower” north loop. The Tailwaters marketplace meets both these standards.
2. The second standard states that the marketplace shall have reasonable access, preferably from CR

16, 212, or 18A. The Tailwaters marketplace has access of both CR 16 and CR18A. The applicant plans to complete a traffic study (if required) during the preliminary application phase.

3. Finally, the Plan indicates adequate on-site parking shall be provided. As shown, on the attached sketch, adequate parking for the marketplace is provided in the sketch plan.

The Stagecoach Community Plan also provides five policy recommendations for a neighborhood marketplace. The Tailwaters subdivision will be designed to meet the policy requirements including:

- A. As shown on the marketplace sketch plan, the market proposed is small and walkable within the neighborhood node with mix-uses and pedestrian meeting places in the North Area of Stagecoach. The plan shows the buildout of this area but it would start small allowing for the ability to expand to support the community as it grows.
- B. The project and marketplace support the nature and character of Stagecoach by maintaining existing development patterns already found within the area.
- C. The Tailwaters project is an infill project and has been designed to fit in with existing patterns of development.
- D. The Tailwaters project will have landscaping and exterior finishes and colors compatible with the existing character, the Tailwaters developer has built several homes already within Stagecoach.
- E. Covenants and restrictions for the subdivision will include trash and dumpsters that are bear resistant.



Proposed Neighborhood Marketplace

Section 8.2 of the Routt County Zoning Regulations outlines the standards for zoning amendments. The first part of this section outlines five conditions that must exist for a petition for zoning amendment to be approved. The conditions and the applicants response are found below:

- A. That the proposed zone change is consistent with the goals and policies of the Master Plan and any applicable sub-area plans.
 - The Stagecoach Community plan encourages the development of a commercial area in the north area of Stagecoach, serviced by the metro district with access to CR 16, 212 or 18A. The

proposed site meets all the standards for a commercial area outlined in the Stagecoach Community plan. Although there have been proposals and attempts in the past, to date, no commercial area within the Stagecoach area has been constructed. While the uses contemplated for the Tailwaters Project (daycare, park area, amphitheater, restaurant, and retail / gas station) appear to be allowed within the HDR zoning by either Conditional or Special Use Permit, the applicant, in consultation with zoning staff, feel a zoning change is appropriate.

- B. That the area in question possesses geological, physiological and other environmental conditions compatible with the characteristic of the Zone District requested.
 - Approximately 4.6 acres of the site are proposed to be re-zoned as commercial. This area of the site is located at the intersection of CR 16 and CR 18A on a relatively flat (slopes 0-10% range) portion of the site. This area possesses geological, physiological and other environmental conditions that are compatible with commercial zoning.

- C. That the advantages of the Zone District requested substantially outweigh the disadvantages to the County and neighboring land occasioned by the amendment.
 - As discussed above, the Stagecoach Community plan encourages the development of a commercial area in the north area of Stagecoach. Although there have been proposals and attempts in the past, to date, no commercial area within the Stagecoach area has been constructed. Discussions with representative from both the County and the existing POA reinforce the desire to bring commercial to this area which would benefit the entire Stagecoach community. The disadvantage to waiting for another area within the Stagecoach community that is currently zoned commercial to be developed is the uncertainty when and if it may ever occur.

- D. That the applicable provisions of these Regulations have been met.
 - The applicant through the subdivision of this parcel, proposes to meet all other applicable provisions of the regulations.

- E. That in the case of a zone amendment request that would increase allowable residential, commercial, or industrial density, that adequate facilities such as roads, water and sanitation, fire protection, emergency services and public utilities shall be available to serve the area.
 - Although the proposed zoning change from HDR to Commercial would not increase any allowable densities, the location proposed has adequate roads using both CR 16 and 18A as well as water, sewer, and electric which are currently either within or adjacent to the site. Additionally, the fire station is within several hundred yards of the proposed commercial area.

In addition, a zoning amendment will only be allowed if the applicant can demonstrate that the rezoning is necessary from one of four reasons found in Section 8.2.2 of the Regulations. We believe the zoning change is necessary for two of the four reasons provided in the regulations.

1. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area; and
2. The proposed rezoning is necessary in order to provide land for a demonstrated community need.

Significant residential development in the Stagecoach community has occurred over the past several decades, to date no commercial development which was always anticipated has occurred. This forces members of this community to travel either approximately ½ hour to Steamboat Springs or marginally less time to commute to Oak Creek, it is in the public interest to provide closer commercial necessities for the community.

3.3 Compliance with the Routt County Master Plan, Stagecoach Community Plan and Subdivision Regulations

The Routt County Master Plan, Sub Area plans and Subdivision Regulations contain dozens of policies and regulations regarding land use. Section 3 of the Subdivision Regulations are in place to ensure that a subdivision application is designed in a manner to best serve the public. Section 4 Regulations are in place to make sure that all of the required infrastructure is accounted for, designed so as to create efficient and buildable lots and to ensure that the required infrastructure is installed.

The applicant is using the checklist below, which was developed by Planning Staff, to highlight the policies and regulations most directly applicable to this application. The checklist is divided into six (6) major categories:

- 1. Health, Safety and Nuisances
- 2. Regulations and Standards
- 3. Community Character and Visual Issues
- 4. Roads, Transportation, Infrastructure, and Site Design
- 5. Natural Environment
- 6. Zoning Amendment Standards

1. Health Safety and Nuisances

The Tailwaters project has been designed to avoid natural hazards and work within the natural environment in which it is located. Development on slopes over 30%, unstable land, or within or adjacent to drainage ways has been avoided. Approximately 50% of the site has been set aside for open space, parks, and recreation areas. All development on the site shall comply with ‘State Foresters Guide to Wildfire and Defensible Space’. Roads have been designed to allow for emergency access throughout the project.

2. Regulations and Standards

The Tailwaters project has been designed in accordance with the Routt County Master Plan as well as the Stagecoach Community plan. Existing zoning on the site per the Stagecoach Subdivision and Zoning is for High Density Residential which requires a minimum lot size of 3,000 s.f., the minimum lot proposed in the Tailwaters project will be nearly double this size requirement. The project has been designed to minimize impacts to view corridors, water, wetlands, and air.

3. Community Character and Visual Issues

Tailwaters project has been designed to meet the tremendous need for a diversity of housing types for the Stagecoach and surrounding Routt County areas. As an infill development with, existing residential units surrounding the project, the owners have made efforts to maintain uses and development patterns consistent with adjacent properties. The project is not within any mapped skylined areas, and future design review requirements will require dark sky compliant lighting. The project is located within the North Stagecoach area where infrastructure is already in place. The majority of the project has been designed to follow the existing contours of the site, reducing the need for overlot grading.

4. Roads, Transportation, Infrastructure, and Site Design

The Tailwaters project is located directly off CR 16 and 18A which provide suitable access for the project. New curb cuts to existing county roads have been minimized, and proposed interior roads will provide access to the residential and commercial uses anticipated, eliminating disruption of existing traffic flows on the main county roads. A main artery connecting the intersection of CR 16 and 18A to Crow Trail will bisect the site and create a loop road. The width of interior secondary roads are proposed to be rural and narrow to limit vehicle speeds and maintain a rural feel. A future traffic analysis will be conducted to determine what level of improvement to existing roads may be required.

Fifty percent of the site will remain open space providing for both active and passive recreation. Residential lots are significantly larger than minimum requirements providing for ample snow storage on lots. A system of trails and bike paths throughout the extensive open space areas will provide for alternative transportation within and from the site. The owners are willing to connect to the SPOA trail system to complete the Stagecoach trail network.

Utilities currently pass through or are adjacent to the site with service being provided by the Morrison Creek Water and Sanitation District. An existing sewer main runs through the site, it is anticipated that the project will connect directly to this main. Both aerial and underground electrical lines are located on site, these will be utilized and relocated if necessary to provide power to the site. An existing water main is located approximately three hundred feet from the site, this main will be extended to the site and connected to existing mains near the wastewater treatment plant creating a looped system in this area which is a priority of the Metro District.

5. Natural Environment

The Tailwaters project is not located within any critical wildlife habitat areas as designated by CPW based on preliminary analysis. A full wildlife study will be conducted for the preliminary plan submission and a wildlife plan will be developed if necessary. Future homeowner covenants will require bear resistant trash containers as well as requirements for domestic pets. As previously discussed, much of the site will remain open space with native plant materials reducing potential negative impacts to air and water quality. The project has been designed to provide an extensive buffer (in most places well over 100 feet) to the existing stream that runs through the site, to maintain water quality in the area. An engineered stormwater management system and erosion control plan will be designed for the project, grass swales will be used where possible to further enhance water quality at the site.

6. Zoning Amendment Standards

The Tailwaters project is located within the High Density Residential (HDR) zone of the north Stagecoach area. The 2107 Stagecoach Community Plan indicated the desired future zoning within Stagecoach on a Future Land Use Map. This map proposed Large Lot Zoning for this parcel, but it does not appear this changed any underlying zoning. The applicant is proposing that the lot remain HDR zoning, and the Large Lot overlay be removed from this parcel on the FLUM. Although HDR zoning allows for 3,000 s.f. lot size, the applicant has proposed minimum lot size that is nearly double of what HDR zoning allows.

As contemplated by the 2017 Community Plan, additional locations for a commercial area within Stagecoach are desired. The applicant is proposing to construct a neighborhood marketplace area on the southwest corner of the property as previously discussed, at the intersection of CR 16 and 18A. The applicant is proposing to rezone this area from HDR to commercial zoning.

3.4 Mitigation Overview

No significant negative impacts are expected from the proposed development aside from the potential impacts due to any residential land development project which shall be addressed with an approved construction site management plan and erosion control plan.

The property is currently vacant with native vegetation including scrub oak, small trees, and variations of native grasses and shrubs. The greatest risk for potential negative impacts is to Little Morrison Creek which is located along the eastern edge of the property. Slopes on the site leading up to Little Morrison Creek are gentle to moderate mostly in the range of 5-15%. No negative impacts are anticipated due to the integrity of slopes and slope stability. No work within 100 feet of the Creek is anticipated.

Potential negative impacts associated with any land development project include sediment pollution to offsite areas via stormwater erosion from disturbed areas, petrol-chemical spills from earthwork machinery, dust from disturbed areas, and noise from construction machinery. A Colorado Department of Public Health and Environment (CDPHE) general permit for stormwater associated with construction activities shall be required for construction due to the size and scope of this project.

Mitigation techniques that shall be incorporated as part of an approved civil construction plan submittal for this project include:

- Implementation of an engineered erosion control plan and stormwater control measures.
- Sedimentation pond, perimeter silt fence, ditch checks, dust mitigation, and temporary seeding.
- Implementation of a construction site management plan to address things such as debris, spills, and noise.
- Minimization of total land disturbance via a phasing plan.
- Dust mitigation during periods of high wind with application of water via sprayer truck if necessary.
- Proper final stabilization and establishment of vegetation as soon as possible with the use of seeding and straw blanket stabilization on slopes.

APPENDIX A

QUIT CLAIM DEED

THIS DEED, is made this April 10, 2023, between Saltbox Custom Homes, Inc., a Colorado corporation ("Grantor") and Tailwaters at Stagecoach, LLC, a Colorado limited liability company ("Grantee"), whose address is 5 Murray Road, Unit B4, Edwards, CO 81632.

WITNESS, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which are hereby acknowledged, does hereby remise, release, sell, and quitclaim unto the Grantee and the Grantee's heirs and assigns, forever, all the right, title, interest, claim, and demand which the Grantor has in and to the real property, together with any improvements thereon, located in the County of Routt, State of Colorado described as follows:

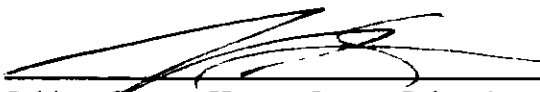
See Attached Legal Description.

Also known by street and number as CR 18A, Oak Creek, CO 80467.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest, and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit, and behoof of the Grantee, and the Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

GRANTOR:

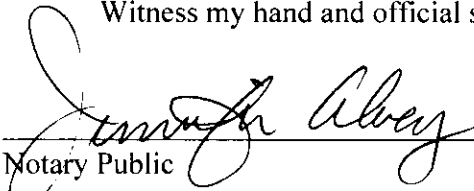


Saltbox Custom Homes, Inc., a Colorado corporation
By: Nicholas Salter, Owner

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me on this April 10, 2023, by Nicholas Salter as Owner of Saltbox Custom Homes, Inc., a Colorado corporation.

Witness my hand and official seal. My commission expires on 9-25-2025.



Notary Public

JENNIFER ALVEY
NOTARY PUBLIC - STATE OF COLORADO
Notary ID 19994022015
My Commission Expires 9/25/2025

LEGAL DESCRIPTION
89.17 ACRE PARCEL

Legal Description of parcel of land located in SW1/4 SW1/4, Section 30, Township 4 North, Range 84 West, and in Lots 8 and 9 Section 5, Township 3 North, Range 84 West, of the 6th P.M., County of Routt, State of Colorado and more particularly described as follows,

Beginning at the W1/4 corner of said Section 5, thence along the west line of Section 5 North 02°18'33" East a distance of 1313.36 feet; thence continuing along the west line of Section 5 North 02°18'33" East a distance of 1343.74 feet to the northwest corner of said Section 5; thence along the west line of Section 30 North 01°27'08" East a distance of 1054.93 feet to the south line of SOUTH SHORE at STAGECOACH subdivision;
thence along the south line of SOUTH SHORE at STAGECOACH subdivision South 73°30'47" East a distance of 1393.88 feet to the west line of a parcel of land as described at Book 672 Page 1997 of the Routt County Clerk and Records Records;
thence along the west line Book 672 Page 1997 South 30°00'46" West a distance of 411.41 feet;
thence continuing along the west line Book 672 Page 1997 South 0°39'14" East a distance of 632.00 feet; thence continuing along the west line Book 672 Page 1997 South 05°00'46" West a distance of 113.00 feet; thence continuing along the west line Book 672 Page 1997 South 04°50'46" East a distance of 579.00 feet; thence continuing along the west line Book 672 Page 1997 South 15°10'46" west a distance of 1103.00 feet; thence continuing along the west line Book 672 Page 1997 South 03°39'11" East a distance of 604.00 feet to the south line of said Section 5;
thence along the south line of said Section 5 North 88°09'14" East a distance of 963.00 feet; To the Point of Beginning, containing 89.17 acres of land, more or less.

All bearings are based upon the west line said SW1/4 SW1/4 Section 5 marked with a GLO Brass cap at the W1/4 Section 5, and Alum. Cap RLS #12881 at the northwest corner of Section 5 As being North 01°27'08" East – Assumed

APPENDIX B



Date: October 10, 2022
File No.: 202-F16575-22, Amendment No. 5
Buyer(s)/Borrower(s): Saltbox Custom Homes, Inc., a Colorado corporation
Owner(s): Tri-State Generation and Transmission Association, Inc., a Colorado cooperative association
Property: CR 18A, Oak Creek, CO 80467
Assessor Parcel No.: 961052001

PLEASE TAKE NOTE OF THE FOLLOWING REVISED TERMS CONTAINED HEREIN:

Amended legal description

[Click here for Tax Cert](#)

WIRED FUNDS ARE REQUIRED ON ALL CASH PURCHASE TRANSACTIONS. FOR WIRING INSTRUCTIONS, PLEASE CONTACT YOUR ESCROW OFFICE AS NOTED ON THE TRANSMITTAL PAGE OF THIS COMMITMENT.

To: Fidelity National Title Company
685 Market Place Plaza
#C-10
Steamboat Springs, CO 80487

Attn: Johrene Meyers
Phone: 970-879-2152
Fax: 866-828-9544
Email: Johrene.Meyers@fnf.com

To: Saltbox Custom Homes, Inc., a Colorado corporation

Attn: Nicholas Salter
sent via email

To: Tri-State Generation and Transmission Association, Inc., a Colorado cooperative association

Attn: Duane Highley

To: The Group Inc.
509 Lincoln Ave.
Steamboat Springs, CO 80487

Attn: Marci Valicenti
Phone: 970-870-8800
Fax:
Email: Valicentiteam@wesellsteamboat.com

To: The Group Inc.
509 Lincoln Ave.
Steamboat Springs, CO 80487

Attn: Alex Bonnott
Phone: 970-870-8800
Fax:
Email: alexbonnot@mybrokers.com

To: The Group Inc.
509 Lincoln Ave.
Steamboat Springs, CO 80487

Attn: Michelle Parilla
Phone: 970-870-8800
Fax:
Email: michelle.parilla@mybrokers.com

To: The Group Inc.
509 Lincoln Ave.
Steamboat Springs, CO 80487

Attn: Alex Bonnot
Phone: 970-870-8800
Fax:
Email: alexbonnot@mybrokers.com

To: Emerald Mountain Surveys, Inc.
380 Bearview Court
Steamboat Springs, CO 80487

Attn: James Bear Ackerman
Phone:
Fax:
Email: emeraldmtn01@gmail.com

To: Terry Bowen

Attn: Terry Bowen
Phone:
Fax:
Email: tbowen@tristategt.org

END OF TRANSMITTAL

ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:



Fidelity National Title
Insurance Company

Commitment Number:

**202-F16575-22
Amendment 5**

NOTICE

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

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

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

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Fidelity National Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Joseph A. Belongia
Authorized Officer or Agent

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

Copyright American Land Title Association. All rights reserved.

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



FIDELITY NATIONAL TITLE INSURANCE COMPANY

Transaction Identification Data for reference only:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Fidelity National Title Company 685 Market Place Plaza, #C-10 Steamboat Springs, CO 80487 Main Phone: (970)879-1611 Email: FNTCSteamboat@fnf.com	Escrow Officer: Johrene Meyers Fidelity National Title Company 685 Market Place Plaza, #C-10 Steamboat Springs, CO 80487 Phone: 970-879-2152 Main Phone: (970)879-1611 Main Fax: (866)363-5825 Email: Johrene.Meyers@fnf.com

Order Number: 202-F16575-22
Property Address: CR 18A, Oak Creek, CO 80467

SCHEDULE A

1. Commitment Date: September 9, 2022 at 08:00 AM
2. Policy to be issued:
 - (a) ALTA Owners Policy 6-17-06
 Proposed Insured: Saltbox Custom Homes, Inc., a Colorado corporation
 Proposed Policy Amount: \$1,115,000.00
3. The estate or interest in the Land described or referred to in this Commitment is:
 Fee Simple
4. The Title is, at the Commitment Date, vested in:
[Tri-State Generation and Transmission Association, Inc., a Colorado cooperative association](#)
5. The Land is described as follows:
 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PREMIUMS:

Owner's Policy Premium	\$1499.00
CO 110.1-06	\$75.00
Tax Certificate	\$13.50

END OF SCHEDULE A

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

Copyright American Land Title Association. All rights reserved.

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



EXHIBIT "A"

Legal Description

Legal Description of parcel land located in SW1/4 SW1/4 , Section 32, Township 4 North, Range 84 West, and in Lots 8 and 9 Section 5, Township 3 North, Range 84 West, of the 6th P.M., County of Routt, State of Colorado and more particularly described as follows,

Beginning at the W1/4 corner of said Section 5,
thence along the west line of Section 5 North 02°18'33" East a distance
of 1313.36 feet;
thence continuing along the west line of Section 5 North 02°18'33" East
a distance of 1343.74 feet to the northwest corner of said Section 5;
thence along the west line of Section 30 North 01°27'08" East a distance
of 1054.93 feet to the south line of SOUTH SHORE at
STAGECOACH subdivision;
thence along the south line of SOUTH SHORE at STAGECOACH
subdivision South 73°30'47" East a distance of 1393.88 feet to the west
line of a parcel of land as described at Book 672 Page 1997 of the
Routt County Clerk and Recorders Records;
thence along the west line Book 672 Page 1997 South 30°00'46" West
a distance of 411.41 feet;
thence continuing along the west line Book 672 Page 1997
South 0°39'14" East a distance of 632.00 feet;
thence continuing along the west line Book 672 Page 1997
South 05°00'46" West a distance of 113.00 feet;
thence continuing along the west line Book 672 Page 1997
South 04°50'46" East a distance of 579.00 feet;
thence continuing along the west line Book 672 Page 1997
South 15°10'46" west a distance of 1103.00 feet;
thence continuing along the west line Book 672 Page 1997
South 03°39'11" East a distance of 604.00 feet to the south line of said
Section 5;
thence along the south line of said Section 5
North 88°09'14" East a distance of 963.00 feet,
To the Point of Beginning,

All bearings are based upon the west line said SW1/4 SW1/4 Section 5 marked with a GLO Brass cap at the W1/4 Section 5, and Alum. Cap RLS #12881 at the northwest corner of Section 5 As being North 01°27'08" East – Assumed

Legal description prepared by JAMES B. ACKERMAN, R.L.S. #16394 EMERALD MOUNTAIN SURVEYS, INC. 380 Bearview Ct Steamboat Springs, CO 80487 970/879-8998

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

Copyright American Land Title Association. All rights reserved.

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



**SCHEDULE B, PART I
REQUIREMENTS**

All of the following Requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or for the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Obtain a certificate of taxes due from the county treasurer or the county treasurer's authorized agent.
4. Evidence that any and all assessments for common expenses, if any, have been paid.
5. The Company will require that an Affidavit and Indemnity Agreement be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(s): Tri-State Generation and Transmission Association, Inc., a Colorado corporation

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

6. Deed sufficient to convey the fee simple estate or interest in the Land described or referred to herein, to the Proposed Insured Purchaser.
7. Furnish for recordation a partial release of deed of trust:

Amount: \$5,000,000,000.00
 Trustor/Grantor: Tri-State Generation and Transmission Association, Inc., a cooperative corporation
 Trustee: Public Trustee of Routt County
 Beneficiary: Norwest Bank Colorado, National Association
 Recording Date: November 4, 1999
 Recording No: [519141](#)

8. Recordation of an UPDATED Statement of Authority for Tri-State Generation and Transmission Association, Inc., a Colorado cooperative association pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.

NOTE: Statement of Authority recorded July 30, 2018 at Reception No. [792090](#).

9. Recordation of Statement of Authority for Saltbox Custom Homes, Inc., a Colorado corporation pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.
10. Furnish to the Company an ALTA/NSPS Land Title Survey in form, content and certification to Fidelity National Title Insurance Company and Fidelity National Title Company.

Note: Exception may be made to any adverse matters disclosed by the ALTA/NSPS Land Title Survey

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

Copyright American Land Title Association. All rights reserved.

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



**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

NOTE: Exception number 5 will be removed from the Owner's and/or Lender's Policy provided the Company conducts the closing.

NOTE: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

NOTE: Endorsement Form 110.1, deleting exception(s) 1-4 will be issued with the Owner's Policy, subject to satisfaction of requirements and as applicable.

24 MONTH CHAIN OF TITLE, FOR INFORMATIONAL PURPOSES ONLY:

The following vesting deeds relating to the subject property have been recorded in the Clerk and Recorder's office of the County in which the property is located:

There are no conveyances affecting said land recorded within 24 months of the date of this report

END OF SCHEDULE B, PART I

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

Copyright American Land Title Association. All rights reserved.

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



**SCHEDULE B, PART II
EXCEPTIONS**

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

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

1. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachments, encumbrances, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by Public Records.
4. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for the value the estate or interest or mortgage thereon covered by this Commitment.

NOTE: Upon satisfaction of all requirements herein, the above exception will not be reflected on any proposed title policy identified in Schedule A.

6. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
7. All taxes and assessments, now or heretofore assessed, due or payable.

NOTE: This tax exception will be amended at policy upon satisfaction and evidence of payment of taxes.

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

Copyright American Land Title Association. All rights reserved.

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



SCHEDULE B, PART II
EXCEPTIONS
(continued)

8. Reservations contained in the Patent

From: The United States of America
Recording Date: October 8, 1921
Recording No: [Patent No. 827514](#)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

9. Reservations contained in the Patent

From: The United States of America
Recording Date: September 25, 1939
Recording No: [Patent No. 1105170](#)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

10. Oil, gas and other mineral rights as reserved by R.H. Hubbard aka Robert H. Hubbard in deed recorded May 6, 1947 in [Book 222 at Page 108](#), and any interest therein or rights thereunder.

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Yampa Valley Electric Association, Inc.
Purpose: utilities
Recording Date: February 26, 1996
Recording No: [Book 717 at Page 688](#)

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

Copyright American Land Title Association. All rights reserved.

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



SCHEDULE B, PART II
EXCEPTIONS
(continued)

12. Right of way, together with its terms and conditions, whether in fee or easement only, as granted by The Woodmoor Corporation to Yampa Valley Electric Association, Inc., as described in instrument recorded February 26, 1996 in [Book 717 at Page 679](#).
13. Rights of others for the use of County Road 16 as shown on Routt County Assessor [Map](#).
14. Terms, conditions, provisions, agreements and obligations contained in the Deed as set forth below:
Recording Date: June 26, 1978
Recording No: [Book 454 Page 185](#)
15. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,
Job No.: [4070-1D](#)
Dated: October 4, 2022
Prepared by: Emerald Mountain Surveys, Inc.
Matters shown: a. fence lines on or near the perimeter of the Land do not coincide with property lines. b. Old Road traversing across the easterly portion of the Land.

END OF SCHEDULE B, PART II

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

Copyright American Land Title Association. All rights reserved.

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



COMMITMENT CONDITIONS

1. DEFINITIONS

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

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

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

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

4. COMPANY'S RIGHT TO AMEND

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

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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

Copyright American Land Title Association. All rights reserved.

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



(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

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

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

8. PRO-FORMA POLICY

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

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is Two Million And No/100 Dollars (\$2,000,000.00) or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

END OF CONDITIONS

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

Copyright American Land Title Association. All rights reserved.

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



DISCLOSURE STATEMENT

- Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.
- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Fidelity National Title Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.
- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfiled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.
- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 - requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers."
- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).
- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.
- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to requirements of this paragraph.
- Section 38-35-109 (2) of the Colorado Revised Statutes, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.
- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.
- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, the Company is required to disclose the following information:
 - The subject property may be located in a special taxing district.

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

Copyright American Land Title Association. All rights reserved.

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



DISCLOSURE STATEMENT
(continued)

- o A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.
- o Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.
- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

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

Copyright American Land Title Association. All rights reserved.

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





Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do **NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective August 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888)714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 714-2710 or by mail to:









Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

APPENDIX C

2016 DRAFT STAGECOACH COMMUNITY PLAN


Legend

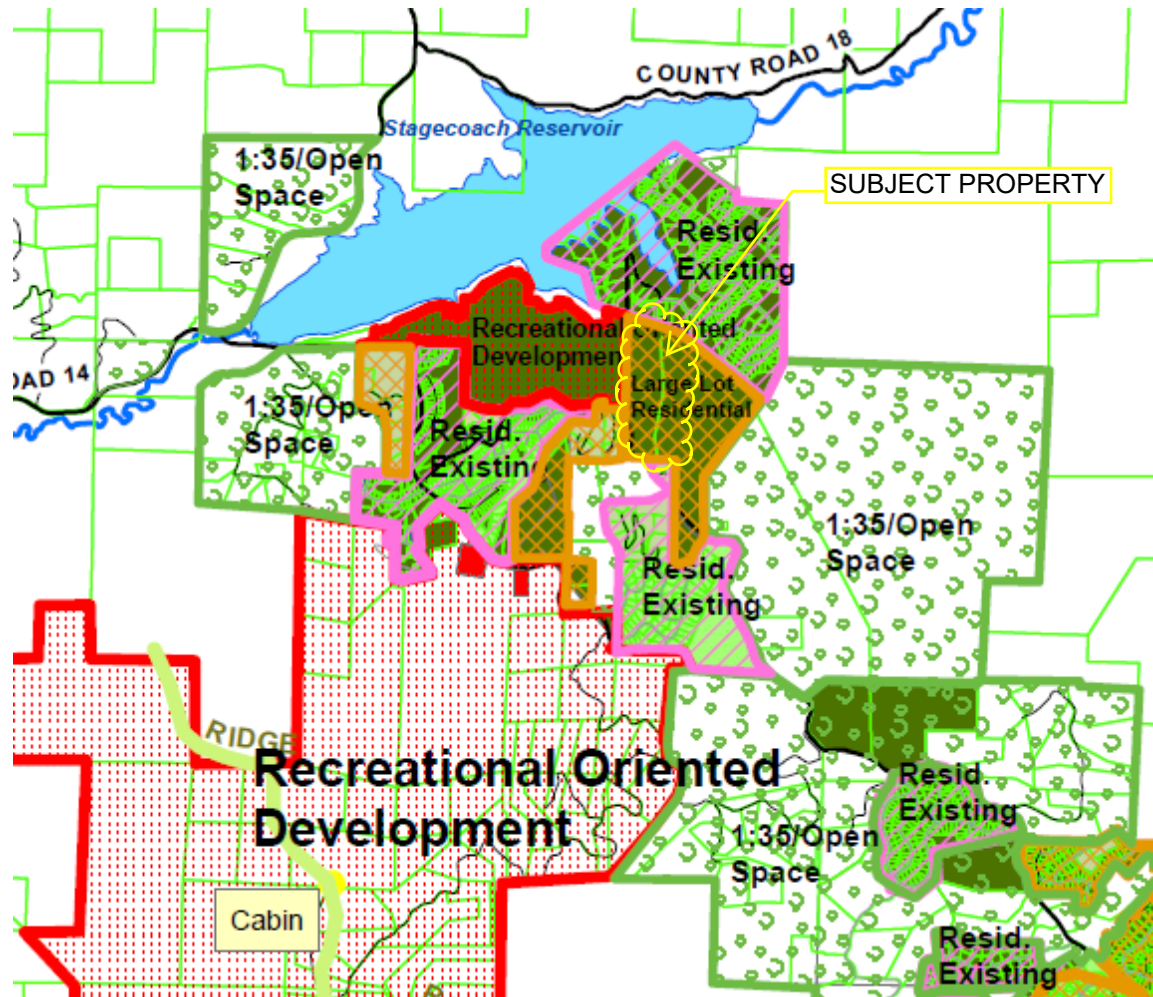
BASEROADS SUBTYPE

-  Highways
-  County Roads
-  Private
-  City
-  USFS
-  Parcels
-  Major Waterbodies
-  Rivers

RouttCoZoning2011

ZONE

-  AF - Agriculture and Forestry
-  MRE - Mountain Residential
-  GR - General Residential
-  LDR - Low Density Residential
-  HDR - High Density Residential
-  C - Commercial
-  PUD - Planned Unit Development





TITLE **CONCEPT PLAN**

PROJECT **Sketch Plan Submittal**

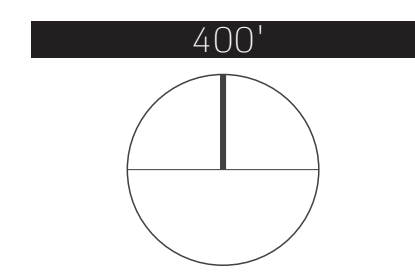
CLIENT **Saltbox Custom Homes Inc.**

LOCATION

- LEGEND
- Tailwaters Property Boundary
 - Parcel Boundary
 - Overhead Powerline
 - Sewer Easement
 - Perennial Stream
 - Intermittent Stream

- LANDUSE
- Commercial
 - HD Residential
 - SFR: 1/8 Ac. Lot
 - SFR: 1/4 Ac. Lot
 - SFR: 1/2 Ac. Lot
 - Park
 - Open Space
 - Road
 - Right-of-Way

DATE	04.17.2023	DRAWN BY	ZDP
VERSION	01	SHEET	1 / 1
PROJECTION	State Plane Colorado North (US Feet)		
DATUM	North American Datum 1983 (NAD83)		
SCALE	1 in = 200 ft 1:2,400		



DISCLAIMER
 This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. The maps are distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use.



WEB
www.contourdesigncollective.com
 EMAIL
info@contourdesigncollective.com
 PHONE
 970.409.9012



COUNTY ROAD 16

SECONDARY ENTRANCE *

PRIMARY ENTRANCE *

SECONDARY ENTRANCE *

PARK

PARK



SCALE: 1" = 100'

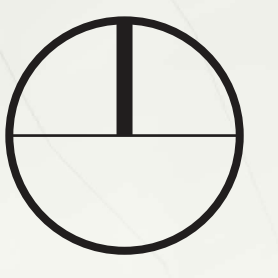
DISCLAIMER:
 This drawing is conceptual only and developed for the purposes of visual reference. It should not be interpreted as representing the final plan. Improvements, landscaping and amenities are shown for graphical purposes only. The developed reserves the right to modify or change this plan at their own discretion.

04.09.2023



SCALE: 1" = 20'

DISCLAIMER:
 This drawing is conceptual only and developed for the purposes of visual reference. It should not be interpreted as representing the final plan. Improvements, landscaping and amenities are shown for graphical purposes only. The developed reserves the right to modify or change this plan at their own discretion.



04.09.2023

TAILWATERS | TOWN CORE CONCEPT





Central portion of site looking southwest. CR 18A is on the other side of the hill in the middle ground.



Central portion of site looking west. The hill is the approximate location of one of the parks.



Central portion of site looking southwest. CR 18A is on the other side of the hill in the middle ground.



View of central portion of site looking south.



Little Morrison Creek riparian area looking south with sewer manhole in the foreground.



Little Morrison Creek riparian area looking north. Elevated bench is on the left hand side of picture.



View from the intersection of CR 16 and 18A looking north/northwest.



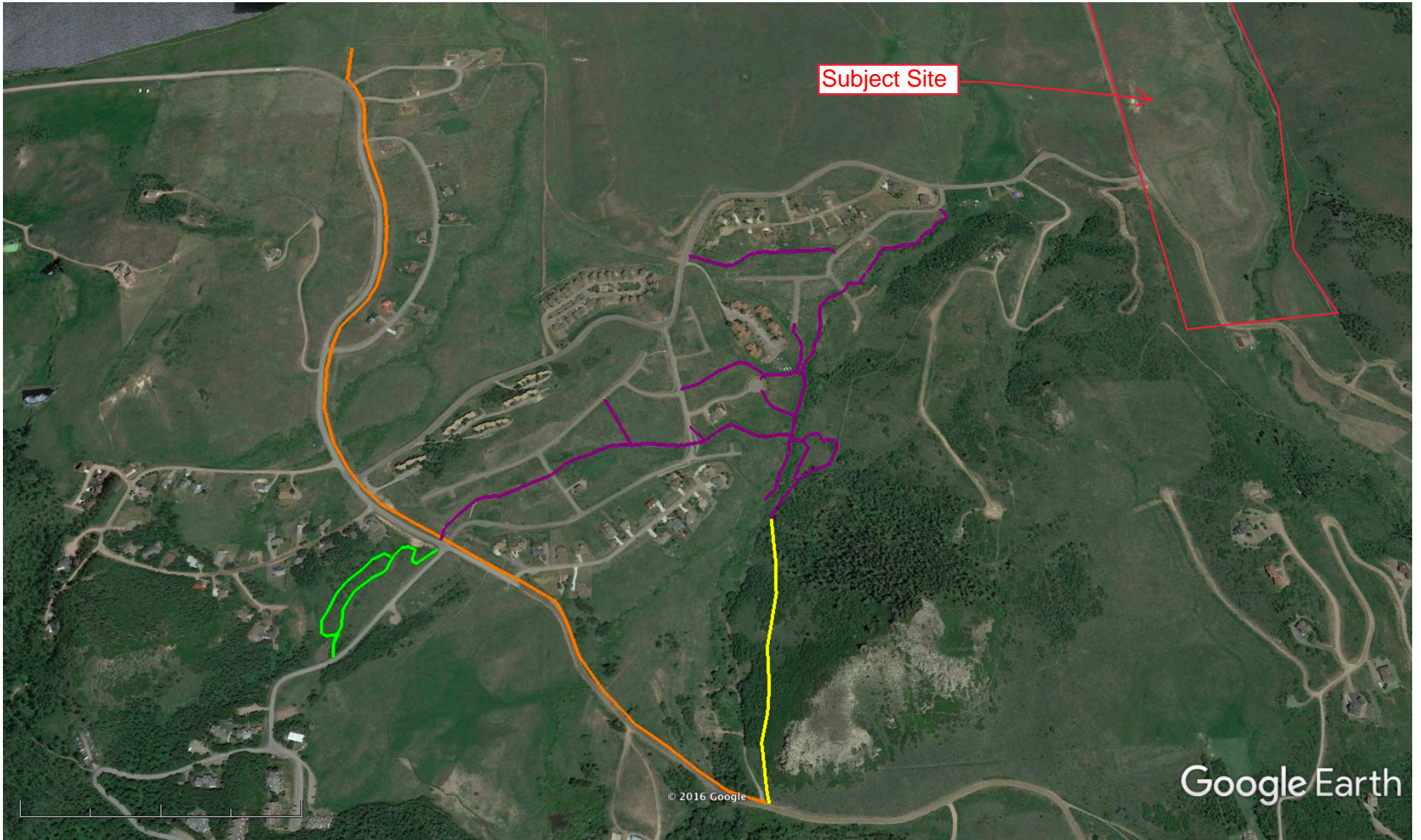
View from the intersection of CR 16 and 18A looking southeast. Commercial area is proposed for this location.



View of the southern portion of the site from CR 16. Little Morrison Creek on the right hand side.



View of the southeastern portion of site from CR 16. Little Morrison Creek in the foreground



Subject Site

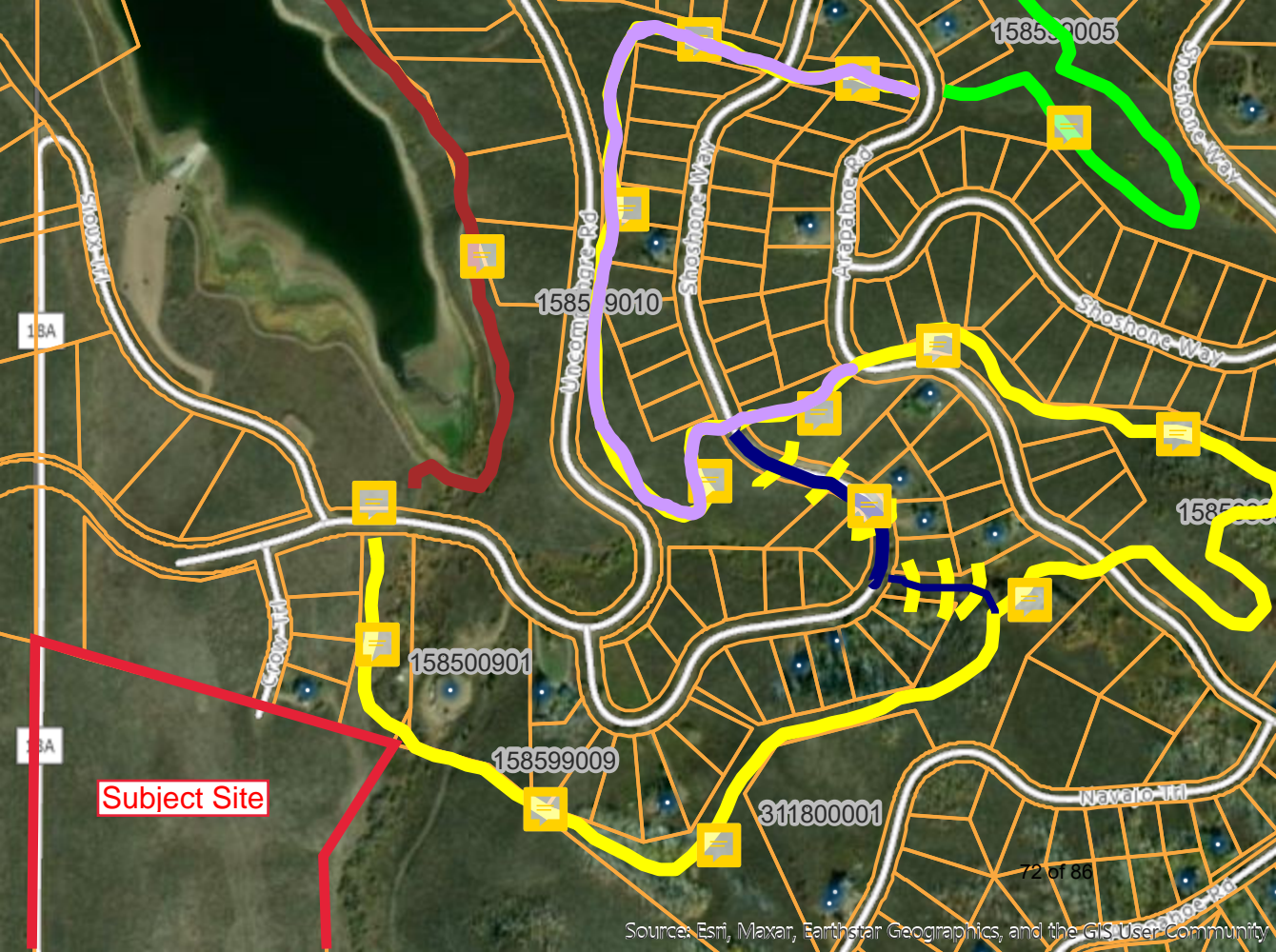
© 2016 Google

Google Earth

Google Earth

feet
km





1585 9005

1585 9010

15850901

158599009

311800001

15850000

72 of 86

Subject Site



COLORADO

Parks and Wildlife

Department of Natural Resources

Steamboat Springs (Area 10) Service Center
PO Box 775777 | 925 Weiss Drive
Steamboat Springs, Colorado 80487
P 970.870.3333

Routt County Planning Department
136 6th St., Suite 200
Steamboat Springs, CO 80487

June 22th, 2023

RE: Application PL20230038; Tailwaters at Stagecoach Subdivision

Dear Mr. Goldich,

Thank you for consulting Colorado Parks & Wildlife (CPW) on the proposed Tailwaters at Stagecoach Development. CPW's statutory mission is to perpetuate wildlife resources of the State, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW encourages Tailwaters at Stagecoach and Routt County to afford the highest protection for Colorado's wildlife species and habitats.

CPW Understands that the proposed project, Tailwaters at Stagecoach (Project), will encompass 89.17 acres south of Stagecoach State Park adjacent to Little Morrison Creek. The planned development will include community amenities such as a retail market, childcare, office space,

restaurant, gas station, live/work units, 114 single-family and duplex lots, 20-40 high-density multifamily units, and supporting infrastructure. This Project is adjacent to a single-family residential community on large lots and open space. The Project will be incorporated into the proposed Stagecoach Mountain Ranch Development and the Stagecoach Community.

CPW Area Staff and State Park Staff have compiled the following concerns and comments to avoid and minimize impacts on Stagecoach State Park, Stagecoach Reservoir, and wildlife resources that may result from the development of Tailwaters at Stagecoach. Standardized, statewide wildlife recommendations have been developed by CPW for utilization by regulatory entities when reviewing and approving various land use proposals under their jurisdiction. This suite of species and seasonal habitats are collectively referred to as CPW's High Priority Habitats (HPH) and contain areas for which CPW has sound spatial data and science-based recommendations to avoid, minimize, and mitigate adverse impacts resulting from anthropogenic disturbances. CPW requests that Routt County and the project proponent incorporate these recommendations into the proposal. CPW prefers to work proactively with

project proponents to avoid impacts on wildlife. When avoidance of impacts from development is not possible, we recommend minimization measures such as best management practices to reduce the unavoidable impacts. CPW recommends continued discussions with Routt County and CPW to analyze minimization or mitigation approaches if unavoidable impacts to wildlife are incurred.

State Park Management

Stagecoach State Park (Park) is a public resource that offers a quiet stage for recreational activities in the Yampa Valley of southern Routt County. To maintain this atmosphere, CPW carefully manages lake and campground use to avoid safety issues associated with high volumes of people. Multi-use trails at Stagecoach State Park offer the opportunity to recreate in and around the reservoir and are popular with bikers, hikers, and equestrians all summer. Increased trail use creates safety and congestion concerns for residents and Park visitors. Balancing Park users with Stagecoach Mountain Ranch constituents will require careful adaptive management and coordination with CPW to provide opportunities for residents, guests, and public visitors to Tailwaters at Stagecoach, Stagecoach Reservoir, and the surrounding area to avoid a negative impact on the State Park visitors.

As Park use increases, traffic to and from the Park will also increase, creating a need for improved access on CR14, CR16, and all access points leading into the Park facilities for safer ingress and egress. CPW also expects to see an increase in non-compliance with State Park Regulations with the proposed Stagecoach Mountain Ranch, such as off-leash dogs, illegal access, and overcrowding requiring additional staff and resources to address. CPW requests a cooperative management plan addressing these challenges to maintain the Park's high customer service and safety standards for both Stagecoach Mountain Ranch residents and Park visitors. This plan should address the approach and costs of maintenance, customer service, law enforcement, and proactive education components.

CPW manages Stagecoach Reservoir and the Yampa River as a sport fishery with specific management plans in cooperation with the Upper Yampa Water Conservancy District (UYWCD) and Colorado Division of Water Resources to induce a disadvantage to invasive fish species in the reservoir that compete with and prey on more desirable sportfish. Coordination and facilitation of continuing that operation will benefit the residents, guests, and State Park visitors by maintaining the quality of the fisheries at the reservoir.

Water & Fishery Management

Stagecoach Reservoir is identified as a Sportfish Management Water following CPW's HPH recommendations (2019) that no ground-disturbing activity (NGD) occurs year-round within 300 feet of the ordinary high water (OHW). A development of this magnitude expects to have implications for Stagecoach Reservoir from stormwater discharges and runoff, an increase in sediment input, nutrient loading from biological and chemical applications, and a multiplication of wastewater treatment demands. To protect the sport fishery and water

quality, CPW recommends the following best management practices be put into place to avoid and minimize impacts:

- Avoid any development within 300 feet of the ordinary high water mark of Stagecoach Reservoir, Little Morrison Creek, the Yampa River, and any other water bodies.
- Install multiple groundwater monitoring wells within the buffer zone between any water body, permanent or ephemeral, before construction to gather baseline data and provide continuous monitoring.
- Incorporate plans that protect wetland and riparian habitats from construction impacts and damage from visitors.
- Protect the landscape from erosion by implementing a stormwater management plan to minimize erosion and runoff from impervious surfaces carrying sediment, nutrients, and chemicals.
- Implement a nutrient removal system incorporated into the stormwater management plan that minimizes fertilizers, trash, debris, pet waste, etc., from washing off parcels during storms or snow melt into the river and reservoir.
- Allow for snow storage areas incorporating drains that properly remove trash, debris, nutrients, and salts as it melts.
- Analyze and address the adequacy of the wastewater treatment facility for this development and its fluctuations in visitors. The wastewater treatment facility should include tertiary treatment to remove nutrients before discharge into the environment.

Wildlife

Tailwaters at Stagecoach proposed to occupy areas within High Priority Habitats, for which CPW has sound, spatial data, and scientifically-backed recommendations. Columbian sharp-tailed grouse (CSTG) consistently utilize three lek sites and associated production areas and winter range adjacent to the proposed Project and around the reservoir that will be impacted or displaced by Tailwaters at Stagecoach. CPW recommends redesigning the development to avoid development within 0.6 miles of active lek sites, and implementing seasonal closures from March 15th to July 30th within the production area or 1.25 miles of a lek, whichever is greater, and in the winter from November 15th to March 15th to protect winter range.

The Project is adjacent to Elk Winter Concentration Areas and Severe Winter Range. Elk utilize lower elevations of the proposed Project Area as a refuge during severe winters and concentrate herds during winter to areas with available forage. CPW recommends seasonal limitations during the winter to avoid human activities from December 1st to April 30th.

Human-Wildlife Conflicts

Some Colorado wildlife species often adapt to mountain-urban environments like Tailwaters at Stagecoach, with black bears, moose, and mountain lions posing the biggest concerns for this area. Other wildlife species, such as coyotes, foxes, raccoons, and skunks, are also found in the area and can be considered a nuisance by residents. CPW recommends establishing expectations and protocols as part of normalized life and operations at Tailwaters at

Stagecoach by incorporating these best management practices to reduce or prevent unnecessary conflicts between people, pets, and wildlife.

- All outdoor garbage should be secured in IGBC-certified bear-resistant canisters, if possible, or stored in a structure that prevents black bear access. Trash should not be outside unsecured or in bags or standard canisters.
- No compost piles should be allowed on the property.
- Landscaping should not include fruit-bearing trees.
- Landscaping fabrics or erosion control materials should be constructed of natural materials and pose a low risk of entrapment or damage by wildlife.
- Prohibit backyard poultry, waterfowl, or beehives and the use of bird feeders.
- Prohibit placement of pet food outside.
- Avoid installing fencing, except in designated dog parks, which could prohibit wildlife passage. Where fencing is necessary, adhere to guidelines within CPW's [Fencing with Wildlife in Mind](#) Document.
- CPW strongly advises that dog runs be near units that allow pets to encourage use. A lack of fenced dog runs can lead to wildlife harassment by dogs, and improper fences in residential areas can entangle wildlife.
- Dogs should be leashed and under control unless in a fenced dog park. Roaming domestic animals can engage with wildlife, leading to potential injuries and mortalities. Dogs and cats can chase, harass, and kill wildlife, including fawns, calves, small mammals, and songbirds.
- Outdoor cooking appliances should be cleaned and stored in a protected area.
- Lighting should be capped from above to help reduce night-sky light pollution, which inhibits nocturnal wildlife behavior.
- The HOA should prohibit wildlife feeding via salt blocks or other methods. Except for bird feeders, any type of feeding, baiting, salting, or other means of attracting wildlife is illegal. CPW may cite both homeowners and tenants for violations.
- Garage doors should remain closed when residents are not outside and in the immediate vicinity to prevent bears from entering and obtaining stored food rewards, such as freezer food, pet food, and trash.
- Raptors and other migratory birds are protected from take, harassment, and nest disruption at the state and federal levels. CPW recommends that a nest survey be performed in each project area (half-mile radius) no later than two weeks before initiating construction for each project to identify potential raptor and songbird nests, raptor perching and foraging areas, and winter roosting areas.
- The homeowners and tenants should be individually responsible for abiding by all wildlife conflict mitigation measures adopted by the county and project.
- For additional resources to reduce human-wildlife conflicts and minimize impacts on wildlife, please visit CPW's [Living with Wildlife](#) resource page.

Vegetation

CPW recommends developing a comprehensive weed management plan, incorporating wildlife-friendly vegetation and landscaping while controlling the spread of noxious weeds within the Tailwaters at Stagecoach development. Invasive plants endanger the ecosystem by disturbing natural processes and jeopardizing the survival of native plants and the wildlife that depend on them. CPW requests a review of all seed mixes to be utilized on the properties to minimize the use of seed species detrimental to wildlife and native habitats.

CPW appreciates being contacted early and often for input on the impacts that Tailwaters at Stagecoach could impose on the wildlife and wildlife habitat in the area. This comment letter identifies concerns for both Stagecoach State Park and wildlife in the area. CPW looks forward to actively participating in a planning process and developing cooperative management plans that address these concerns. Contact CPW staff to discuss these wildlife issues further and facilitate measures to avoid, minimize, and mitigate impacts on wildlife.

- Kris Middledorf, Area Wildlife Manager: 970.819.3150, kris.middledorf@state.co.us
- Craig Preston, Stagecoach State Park Manager: 970.736.2516, craig.preston@state.co.us
- Molly West, Land Use Specialist: 970.250.3818, molly.west@state.co.us

Sincerely,



Kris Middledorf
Area Wildlife Manager



Craig Preston
Stagecoach State Park Manager

Cc:

Jonathan Lambert, Assistant Area Wildlife Manager
Molly West, Land Use Specialist
Bill Atkinson, Aquatic Biologist
Libbie Miller, Terrestrial Wildlife Biologist
Eric Vannatta, Terrestrial Wildlife Biologist
Taylor Elm, Land Use Specialist
Danielle Neumann, Land Use Specialist
Kyle Bond, District Wildlife Manager
Ashley Rust, Water Quality Monitoring and Assessment
Melynda May, Water Quality Specialist
Jeanette Sawa, Administrative Assistant - Area 10



Dear Alan,

This is a response to the notice for comment on the Tailwaters at Stagecoach project.

After reviewing the project, the Oak Creek Fire Protection District (though not opposed) does have some concerns that need to be met before the fire district could give approval for this development. The areas of concern are:

- Water Capacity
- Access Road Network
- Fire Hydrant Layout
- Wildland Interface Plan
- Fire Resistant Building Plan
- Fire Districts Ability to Respond
- Personnel Recruitment and Retention

The fire district has reached out several times to have meetings with the development group. Unfortunately, this has not happened. This will be necessary in order for the district's concerns to be dealt with and prior to the district making any approvals.

Water Capacity

The addition of over 200 residential units plus commercial space will mean added water storage capacity. The exact amount of capacity can be determined once the fire district has a better understanding of the type and size of the residential and commercial buildings that are to be built. The fire district will work with Morrison Creek Water District to compute the final storage capacity that the development will need to install.

Access Road Network

The developer will need to follow OCFPD's road standards. The complete road network will need to be installed prior to any fire district approvals. If this development is going to be done in phases, then the developer will need to have a thorough plan showing how multiple points of egress will be maintained and/or how the fire district's road standards will be met. The fire district does have concerns about the higher volume of traffic that this development will create at specific intersections (as it pertains to increased risk of collisions).

Protecting life, property, and the environment in a highly trained, professional manner.



Fire Hydrant Layout

The developer will need to produce a complete plan as it pertains to the locations of fire hydrants. This plan will need to consider the type and construction of the buildings the fire hydrant serves as well as the wildland interface plan.

Wildland Interface Plan

The developer will need to develop a Wildland Interface Plan (WUI). The WUI map that the developer submitted is not correct. According to the developer's WUI map it depicted the development area to be in a low danger area. This is not true. The new county CWPP (due out in August/September) shows the development area to be in a medium to high risk for wildland fires. A WUI plan will need to be developed which will incorporate building construction, home landscaping, evacuation routing, water source (including water storage), and green zones surrounding the development.

Fire Resistant Building

The developer (working with the fire district and County Building Department) will need to develop a plan for the materials it will use to build with. For example, roofs should be constructed using Class 1 materials. This should also be included in the developer's WUI plan.

Fire District's Ability to Respond

There are multiple items that affect the fire district's ability to respond to an incident. These include the fire station, apparatus. Until recently OCFPD was a volunteer fire district. It relied on community members volunteering their time to respond to incidents. The type of fire station needed for a volunteer force is much different than a fire station that uses permanently employed firefighters. A fire station that houses full time firefighters must be built to not only store all of the equipment that is needed for the job of firefighting but is also a place that is comfortable and safe for firefighters to live while they are on duty. OCFPD currently does not have a fire station that provides this. The current fire station at Stagecoach does not meet the needs nor was it designed to be a fully staffed station. The current deficiencies of the Stagecoach station include not enough room for required fire apparatus, not enough storage space for equipment, no vehicle exhaust ventilation system, out of date air compressor system for firefighter's SCBAs, inadequate building heating, inadequate water heating, no office space, no training/meeting room, and no gym. All of this is required to run an effective fire district.

Currently, the fire district is using vehicles that need to be replaced due to their age. All the apparatus are 10 plus years old. They are not state-of-the-art. Adding new developments will put increased pressure on these vehicles, making them less reliable. This is especially true when it comes to the fire district's ambulances. The addition of this development will force the department to acquire new equipment due to added demand.



OCFPD's call volume has been increasing by over 9% in a year. The district is just barely able to provide proper service with the current fire station and apparatus. It is anticipated that just this development would increase our call volume by 25%. Without fixing the issues with the current fire station and apparatus OCFPD would not be able to provide adequate service to both the existing population and the new development.

Personnel Recruitment and Retention

At present date that ability of OCFPD to attract and retain new firefighters is difficult at best. The two main reason is salary levels and housing. This new development will require the fire district to hire new firefighters for added capacity.

It is anticipated that the increased revenue from the development's property taxes will allow the district to add new hires as well as increase salary levels for fire personnel. However, the number one reason for people not wanting to work in our fire district is the lack of available housing. For the fire district to properly serve this new development some type of employee or affordable housing needs to be created. It is the fire district's belief that by working together with the developer this can be achieved. Without this type of program, the fire district will not have enough personnel to provide adequate service.

The items listed for the primary areas of concern for the fire district with this or any new housing development. The fire district fully supports the growth and development of the community within our fire district. However, it must be done in such a way as to insure all people living within our district get the best possible service from the fire district. We hope that the developer will take the time and meet with us to achieve this.

Sincerely,

Brady Glauthier
Fire Chief
Oak Creek Fire Protection District



**136 6th Street, Suite 103
Steamboat Springs, CO 80487
Phone: 970-870-5552
Fax: 970-879-3992**

June 20, 2023

Alan,

The Routt County Road and Bridge Department would like to submit the following comments for the permit application numbered PL20230038. This is for Sketch Subdivision, Zone Change, and Future Land Use Map review for approximately 87 acre subdivision off of CR 18A/16. The following are the comments as submitted by the Routt County Public Works Department.

1. On average, single family homes generate roughly 10 trips per day. At 200 homes, that equates to 2000 additional trips to the surrounding county roads assuming one car per home. This number increases if there are more cars per home. This places an intense demand on that section of roadway. In addition the proposed 41 unit Landalet development next to Red Hawk Village (TPL-21-108 and TPL-21-109) will also be accessed via CR 16 & CR 14. Applicant will need to perform a traffic study by a registered Colorado Engineer to analyze traffic impacts and make recommendations for signage and mitigation measures to ensure the safety of the traveling public in the area, including but not limited to:

- a. Impacts to CR 18A, CR 16, & Crow Trail
- b. Impacts to intersections at CR 16 & 18A, 16 & 212, 16 & 14
- c. Impacts to CR 14

This study shall include PL20220110 as well as the planned increase from the TPL-21-108 and TPL-21-109 projects.

2. Applicant will be required to perform a drainage study of the site per 2016 Routt County Road and Bridge Roadway Standards.

3. An access permit shall be obtained prior to construction to for all accesses to county ROW
4. Permittee shall obtain a utility permit as well as a work in the Right of Way permit.
5. All water and sanitary service mains or connections to be placed in the county road shall be designed by a Colorado Registered Professional Engineer and submitted to Public Works for review and approval.
6. Applicant shall produce a plan set for all subdivision improvements per 2016 Routt County Road and Bridge Roadway Standards. The plans shall be produced by a Registered Colorado Engineer.
7. All snow storage shall be onsite. This includes all snow from parking areas and walkways. Snow storage is not denoted on site plan. Routt County will in no way be responsible for maintenance or snowplowing of proposed development roads. Routt County will continue our current level of service of one snow plow shift (i.e. 1 plow trip) per day on area roads.
8. Applicant shall dedicate a minimum 60' Right of Way to realign the portion of CR 16 on the very southern boundary of the property. Currently there are steep grades with near 90 degree turns near the two southern access points. Realignment of the county road could alleviate any safety concerns from the proposed new accesses as well as improve access to the property.

Please let me know if you have any questions or comments pertaining to the above comments.

Thank you,

Zach Schaffner
Road and Bridge Division Manager
Routt County Public Works

MORRISON CREEK METROPOLITAN WATER & SANITATION DISTRICT
24490 Uncompahgre Road Oak Creek, Colorado 80467
Phone (970) 736-8250 FAX (970) 736-0177
Email: gdromero@mcwater.org

April 24, 2023

Tailwaters at Stagecoach, LLC
ATTN: Mr. Nick Salter
5 Murray Road, Unit B-4
Edwards, CO 81632

RE: Commitment Letter for District Central Water & Sewer Service to Re-Subdivision Tailwaters At Stagecoach

Dear Mr. Salter:

You or an entity controlled by you are the owner and/or developer of property described by the Routt County Assessor as Lot Pin: 961052001, located in the SW1/4SW1/4 of Section 32, T4N, R84W of the 6th PM and in Lots 8 and 9 of Section 5, T3N, R84W of the 6th PM, as described in Deed recorded at Reception No. 844865, known or to be known as Tailwaters At Stagecoach (the "Subject Property"), which is located within the boundaries of the Morrison Creek Metropolitan Water & Sanitation District (the "District"). Said Subject Property consists of approximately 89.17 acres currently zoned high density residential (HDR). You are proposing to re-subdivide the Subject Property into multiple (approximately 200) new residential lots, and you are requesting central municipal water service and sanitary sewer collection service from the District to all of the re-subdivided residential lots in the Subject Property.

This letter shall serve as the conditional agreement and commitment of the District that it will make available to the Subject Property the existing sewage disposal trunklines and water distribution trunklines and appurtenances of the District, and shall serve the Subject Property with central collection and treatment of raw sewage and central water service, PROVIDED, however, that this commitment is conditioned upon and subject to each of the following:

- (a) As used in the letter, Tailwaters at Stagecoach, LLC, a Colorado limited liability company, is sometimes referred to as the "Developer," and the term "Engineer" shall be such person or firm as chosen by the District Manager of the District for consultation.
- (b) Construction, maintenance and operation of water and sewer trunk lines, service lines and appurtenances on and to the Subject Property shall be subject to all terms, limitations and provisions of the District's rules and regulations, policies and specifications for mainline construction in effect from time to time.
- (c) Prior to construction of any water and sewer trunk lines or appurtenance on or to or within the Subject Property, the Developer shall prepare and submit, at Developer's sole cost

two (2) copies of the final plans and specifications for the water and sewer improvements to the District Manager for written approval. The Manager shall engage an independent engineer as needed to aid in the review and approval of the plans and specifications for the project, and the costs to the District for such engineer's services to the District shall be reimbursed to the District by the Developer.

(d) Developer shall execute a subdivision improvement agreement with Routt County (or the District if necessary) committing to complete the installation of the required water and sewer trunk lines to the Subject Property as described under paragraph (c) above, and within the Subject Property for availability to all re-subdivided lots, with appropriate service line lateral connections to the boundaries of all such lots. A copy of such agreement must be submitted to the District Manager for review and approval. Such improvement agreement will be secured by a Bank letter of credit in a form acceptable to the District Manager and the District's attorney, in an amount equal to not less than 125% of the estimated cost of completion of such required water and sewer trunk lines and appurtenances.

(e) Developer will be solely responsible for maintenance, repair and replacement of such water and sewer trunk line extensions and the service line connections, and shall promptly repair or replace defects in material or workmanship which occur or become apparent until final acceptance by written resolution duly and properly adopted by the Board of Directors of the District. Final acceptance may not occur until at least one year has passed after preliminary acceptance, and final acceptance is contingent upon satisfactory performance of the water and sewer facilities installed by Developer to and within the Subject Property. The District has no obligation or duty to accept the water or sewer system trunk line extensions and service line connections constructed by Developer until they have been completed, accepted on final inspection, and Developer has performed all requirements of this commitment letter.

(f) Prior to preliminary acceptance of the water and sewer trunk line extensions to and within the Subject Property, the Developer shall prepare and furnish to the District Manager, at Developer's sole cost, a complete set of reproducible as-built drawings showing all extended sewer lines, service line locations to stub-out, and manholes, and all extended water lines, service line extensions to stub-out, and fireplugs, along with three point location of the same, and showing the surveyed location of the utility easements to be dedicated to the District (if any), and the recording data reference for any other utility easement proposed to be used by the Developer. Such information shall also be provided in appropriate electronic format.

(g) No central water or sewer service shall be supplied, or building permits approved, by the District to any re-subdivided lots within the Subject Property until and unless the water & sewer system extensions and service line connections and related appurtenances constructed to and within the Subject Property passes the inspection and testing by the Manager of the District, has received written preliminary acceptance by the Board of Directors of the District, and the District has received unencumbered utility easements in form and content acceptable to the District's attorney for the location of all trunk lines and appurtenances not located within dedicated and accepted Routt County road rights of way. Upon completion of the trunk line

improvements to and within the Subject Property, the Developer shall advise the District Manager of the availability of the trunk lines and appurtenances for such testing and inspection, and shall coordinate a mutually convenient time for such inspection to take place. No testing or inspections shall take place between November 15 and the following June 1.

(h) The sewer trunk line extensions and water trunk line extensions to serve the Subject Property shall be located within deeded or dedicated public rights of way or within unencumbered utility easements granted of record to the District. The District recommends that such utility easements to the District be dedicated on the plat of the subdivision(s) of the Subject Property, using dedication and acceptance wording supplied by the District.

(i) Service lines to re-subdivided lots within the Subject Property shall be stubbed out at the time of construction to the vicinity of each lot boundary where appropriate, so that completion of service lines to a constructed residence will not require a road crossing.

(j) Water and sewer service connection lines within the Subject Property shall each serve a single lot only. Service lines shall not be used to serve 2 or more lots and any line that serves 2 or more lots shall be a trunk line, meeting the specifications set by the District Manager, and situated within public rights-of-way or within an unencumbered utility easement granted of record to the District.

(k) Developer of the Subject Property shall convey all water distribution & sewage collection trunk line extensions and appurtenances, including specialty items to be maintained by the District, to the District, together with a perpetual and unencumbered easement 20 feet wide providing reasonable pedestrian and vehicular access of District employees and contractors to same, except to the extent any part of such water or sewer trunk line extensions and appurtenances and access thereto is located within existing public easements or rights-of-way or within private utility easements already owned by the District, all in the form prepared by counsel for the District. If requested by the District, the Developer shall provide to the District appropriate title insurance commitments by a reputable title insurer acceptable to the District's counsel showing that such deeds and conveyances will vest title in such water & sewer system trunk lines and appurtenance easements in the District, without lien or encumbrance of title defect, upon recording. Such conveyance shall occur prior to final acceptance of the new trunk lines and appurtenances by the District.

(l) All cost and expense, including engineering and design, permitting, construction and testing, of the water and sewage systems to and within the Subject property shall be borne and paid for solely by the Developer. The Developer shall reimburse to the District any costs incurred by the District in reviewing Developer's plans and construction, in inspections of the work of Developer, and in completing the transfer of title to the extensions and necessary easements. The Developer shall use only such contractors as are approved in advance by the Manager of the District, whose approval shall not be unreasonably withheld.


(m) This conditional commitment and agreement is subject to breakdown of facilities, accidents, acts of God, emergencies, and governmental intervention and termination of service beyond the control of the District.

(n) Additional water and sewer infrastructure may be required, whether inside or outside of the Subject Property, by the District after the Developer prepares and delivers to the District Manager its preliminary water and sewer facilities plans for the entirety of the Subject Property, and again after Developer prepares and delivers to the District its final plans and specifications pursuant to subsection (c) above, and after evaluation of the preliminary and final plans and specifications by the Engineer for the District pursuant to section (c) above.

Provision of service of water and sewage disposal by the Morrison Creek Metropolitan Water & Sanitation District is, of course, subject to all rules and regulations of the District now and hereafter adopted, and is contingent upon prompt payment of all tap fees, availability of service fees and user charges imposed from time to time by the District. At the present time, the District imposes service charges and tap-on fees, and the District reserves all rights and privileges to alter, increase, decrease, or delete any such charges and fees in the future. The District also does presently impose availability of service fees to residential lots whose boundaries are within 100 feet of water and/or sewer main lines of the District, including such main lines as may be constructed by the Developer for the Subject Property. The District reserves all rights and privileges to alter, increase, decrease, or delete any such availability of service fees in the future.

Please acknowledge your receipt of this letter and agreement to its terms by your signature below. This letter and agreement is not assignable by Developer to a successor owner of the Subject Property without the prior written consent of the District Manager, and this letter and agreement will terminate automatically if the trunk line extensions to and within the Subject Property as contemplated above are not completed within 24 months after the date of execution of this letter and agreement by the District Manager below.

Sincerely,


Geovanny Romero
District Manager

AGREED AND ACKNOWLEDGED:
TAILWATERS AT STAGECOACH, LLC,

By _____
Nick Saltbox, General Manager

cc: Kristy Winsler, Alan Goldich Routt County Planning Department
Board of Directors, MCMWSD