



TOWN OF PAONIA
WEDNESDAY, JANUARY 17, 2024
PLANNING COMMISSION MEETING AGENDA 5:00 PM
[HTTPS://US02WEB.ZOOM.US/J/87091531017](https://us02web.zoom.us/j/87091531017)
MEETING ID: 870 9153 1017

Roll Call

Approval of Agenda

Actions & Presentations

1. Appointment of Officers
2. Master Plan Status Update - Phoenix Rising Resources
- 3. Public Hearing-**
Application for Minor Subdivision of Property at 841 HWY 133 Paonia CO 81428 by West Elk Land & Hops
- 4.** Recommendations to Town Council regarding Housing Needs Assessment and Housing Action Plan regarding Short Term Rentals

Adjournment

I. RULES OF PROCEDURE

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

Section 2. Officiating Officer. The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

Section 3. Time of Meetings. Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

Section 4. Schedule of Business. If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
 - (1) Town Administrator's Report
 - (2) Public Works Reports
 - (3) Police Report
 - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

* This schedule of business is subject to change and amendment.

Section 5. Priority and Order of Business. Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

Section 6. Conduct of Board Members. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

Section 7. Presentations to the Board. Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

Section 8. Public Comment. After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

Section 9. Unacceptable Behavior. Disruptive behavior shall result in expulsion from the meeting.

Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings. These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

II. CONSENT AGENDA

Section 1. Use of Consent Agenda. The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

Section 2. General Guidelines. Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

Section 3. Removal of Item from Consent Agenda. One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

III. EXECUTIVE SESSION

Section 1. An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed “in as much detail as possible without compromising the purpose for which the executive session is authorized.” In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

Section 2. During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

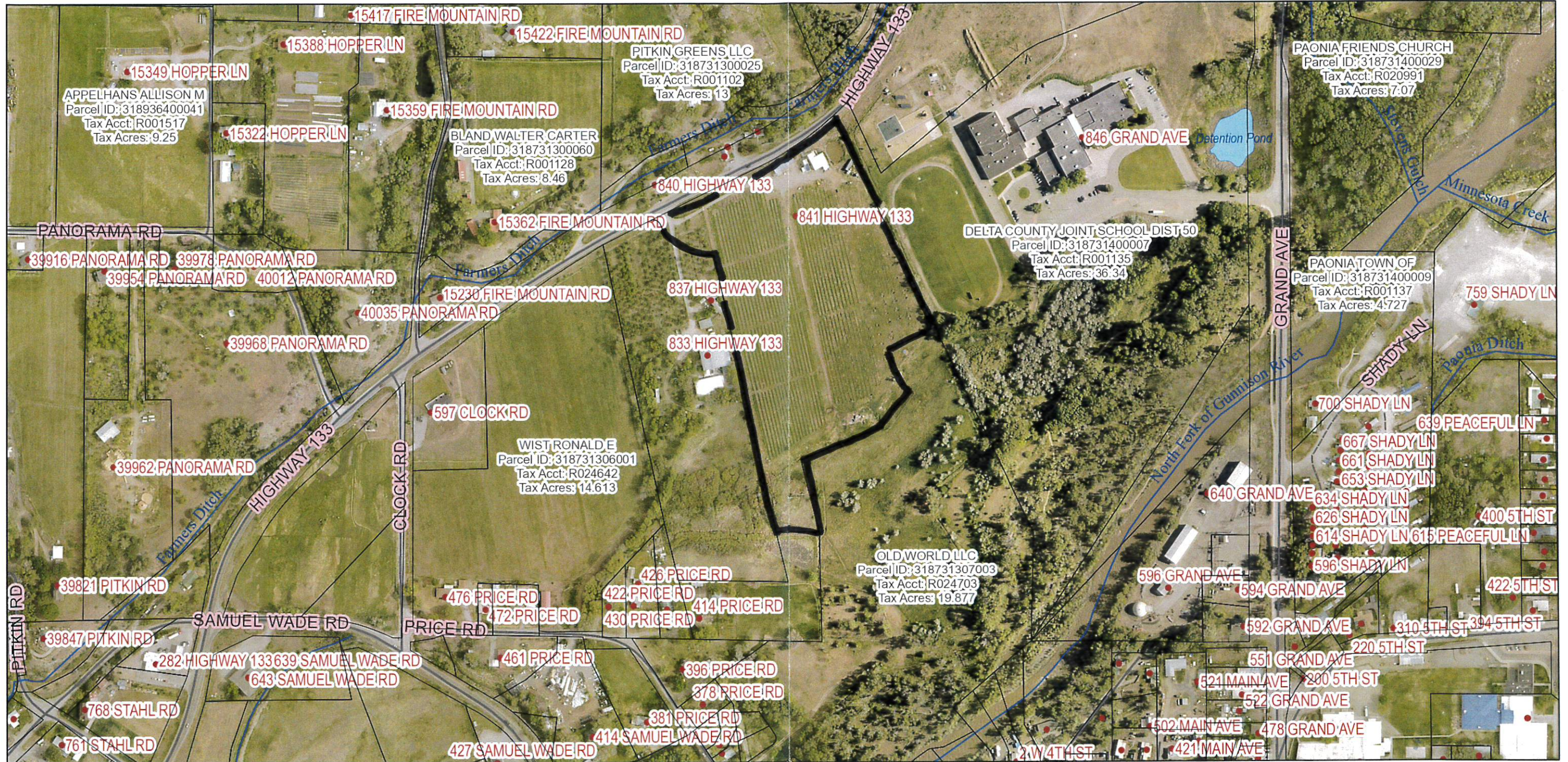
Section 3. Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

IV. SUBJECT TO AMENDMENT

Section 1. Deviations. The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

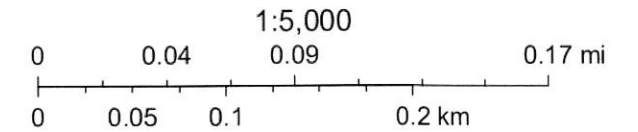
Section 2. Amendment. The Board may amend these Rules of Procedures Policy from time to time.

Delta County, Colorado



11/20/2023, 2:50:26 PM

- | | | | |
|--------------------|---------------------------|---|---------------|
| Tax Parcels | Private | LABELS FOR PARCELS PAO_HOT_23049E135036N.sid | Red: Band_1 |
| DELTA COUNTY | Rivers, Streams & Ditches | ADDRESS POINTS | Green: Band_2 |
| ROADS | Lakes | | Blue: Band_3 |
| Roads in Delta Co. | | | |



Esri, NASA, NGA, USGS, FEMA, Delta County GIS

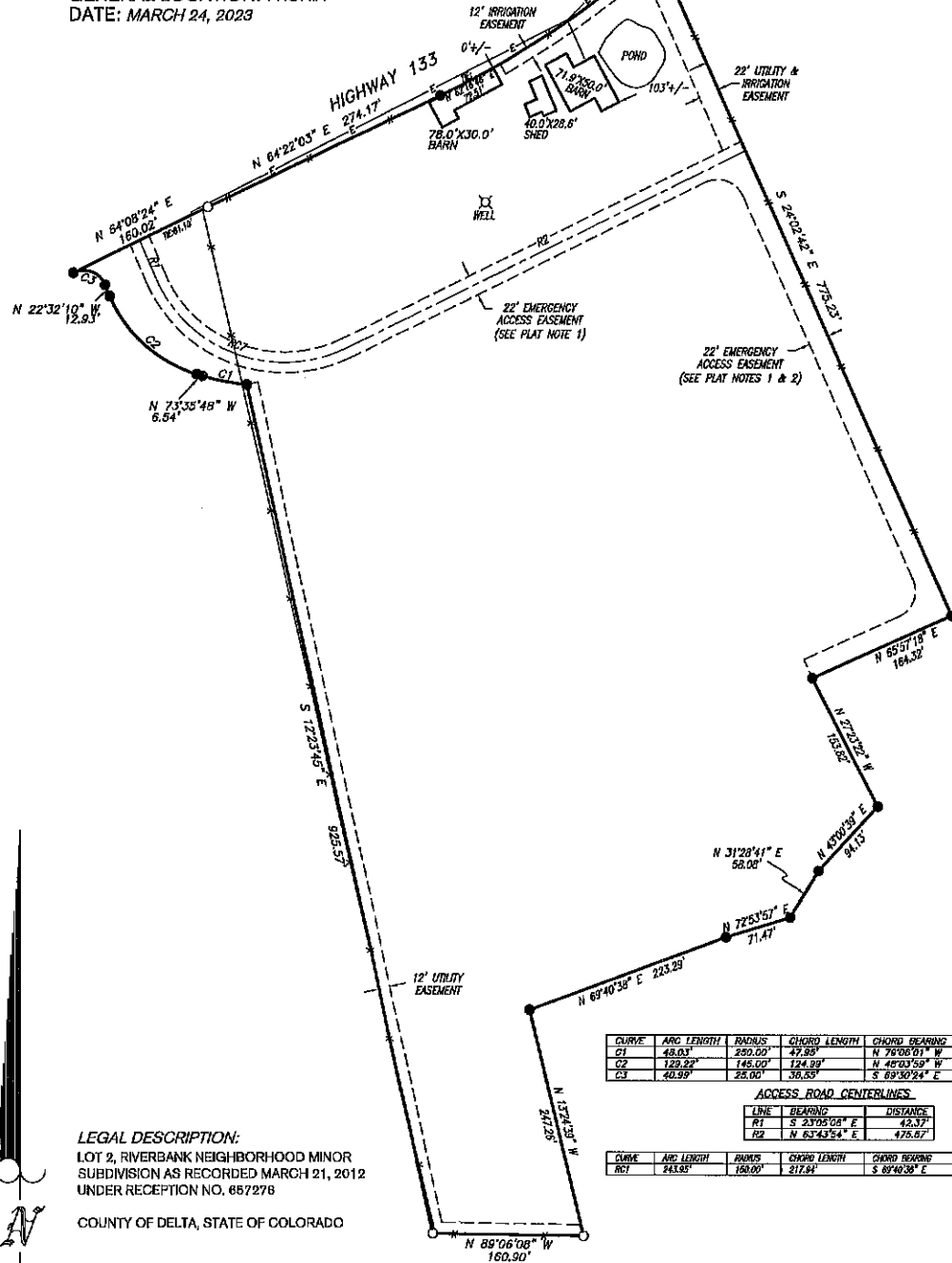
IMPROVEMENT LOCATION CERTIFICATE

THIS IS NOT A SURVEY

OWNER: WEST ELK LAND & HOPS LLC
 ORDERED BY: DAVID WARREN
 PROPERTY ADDRESS: 841 HIGHWAY 133
 GENERAL LOCATION: PAONIA
 DATE: MARCH 24, 2023

L=280.05'
 R=995.13'
 Δ=16°01'28"
 BRG=N 56°19'19" E
 C LEN=276.13'

FOUND 1-1/2" ALUMINUM CAP PLS12766,
 BENT OVER, BEARING S.24°02'42"E,
 1.99' FROM TRUE CORNER POSITION—
 ACCEPTED FOR ALIGNMENT AND USED
 USED AS 1.99' WITNESS CORNER



LEGAL DESCRIPTION:
 LOT 2, RIVERBANK NEIGHBORHOOD MINOR
 SUBDIVISION AS RECORDED MARCH 21, 2012
 UNDER RECEPTION NO. 667276

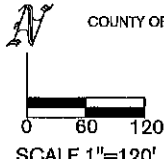
COUNTY OF DELTA, STATE OF COLORADO

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	48.03'	250.00'	47.89'	N 76°06'01" W	11°00'25"	24.88'
C2	129.32'	145.00'	124.93'	N 45°03'59" W	51°03'05"	69.26'
C3	40.99'	25.00'	38.85'	S 89°30'24" E	83°56'22"	26.78'

ACCESS ROAD CENTERLINES

LINE	BEARING	DISTANCE
R1	S 23°05'08" E	42.37'
R2	N 63°43'54" E	476.87'

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
RC1	241.03'	160.00'	217.34'	S 89°40'38" E	97°11'07"	152.37'



- TYPICAL LEGEND**
- Found pin with cap
 - x- Fencelines
 - T- Tel. line
 - E- Electric (overhead) (subject to easement)
 - G- Gas line
 - W- Water line
 - E- Easement
 - S- Setback Line
 - ▨ Concrete
 - ▤ Gravel Driveway



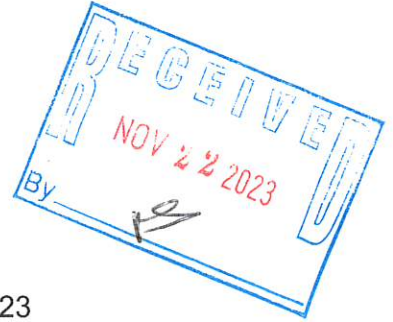
WILMORE & COMPANY
 PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue 970.527-4200
 P.O. Box 1652 970.527-4202
 Paonia, Colorado 81428

Defining Boundaries

PROFESSIONAL LAND SURVEYOR COLO# 38255

INVESTIGATION BY WILMORE AND COMPANY PROFESSIONAL LAND SURVEYING INC., P.O. BOX 1652, 406 GRAND AVENUE, PAONIA, COLORADO 81428 (970) 527-4200; (970) 527-4202
 I hereby certify that this IMPROVEMENT LOCATION CERTIFICATE was prepared solely for WEST ELK LAND & HOPS LLC, that it is NOT a survey plat, and that it is not to be relied upon for the establishment of fences, buildings, or other future improvement construction lines. I further certify that the improvements on the above described parcels on this 24TH day of MARCH, 2023, EXCEPT as may be shown above, that there are no apparent encroachments upon the described parcel by improvements on an adjoining property, EXCEPT as indicated, and that there is no apparent evidence of any easement crossing or burdening this parcel, EXCEPT AS NOTED.



Name: West Elk Land & Hops LLC
Property Address: 841 HWY 133 Paonia, CO
Telephone Number: 970-270-2855

Application Date: 11/22/23
Development Review
Meeting Date

MINOR SUBDIVISION/BOUNDARY ADJUSTMENT

The division of land that meets at least one of the following conditions:

1. The division of a parcel of land into three lots or less. A parcel of land may only be subdivided into three lots or less under the minor subdivision procedures once. Any subsequent subdivision, except for condition 2 below, must follow the procedures for a major subdivision.
2. The relocation or adjustment of a lot line that does not create new lots.

Applications for Minor Subdivisions shall be filed at least 30 days in advance of the meeting at which they are to be considered by the Development Review Committee. Incomplete applications shall result in denial of application acceptance and returned for completion, consequentially delaying hearings.

The application shall include the following:

- Application fee of \$500.00
- A legal description of the property
- Proof of ownership
- Location Improvement Certificate certified by a Colorado licensed surveyor Plat of the proposed subdivision parcels sufficient to determine the size and area of each proposed parcel and describing each such parcel, as a portion of a lot, tract, or parcel, or lots, or tracts, or parcels on the Town Plat. The plat shall also identify the location of all public rights-of-way, location and size of the vehicular access to each parcel and the location of all utilities and all utility easements
- Narrative Statement describing fire protection, emergency access, flood protection and proposed vehicular access
- Copy of any restrictive covenants that are proposed or have been recorded affecting the lots, tracts or parcels that are the subject of re-subdivision
- Any other information or documents requested by the Town Administrator that are necessary to render a decision under the criteria hereinafter set forth

PAID
NOV 22 2023
TOWN OF PAONIA

The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia.

Minor Subdivision Application

I. Project Summary

Please answer only the questions that apply to your Special Review /Variance request
Any additional information, which would be beneficial in the consideration, may be
noted in the "Comments" section.

a. Reason for Minor Subdivision This property (14.25 acres) is excellent agricultural land with senior water rights. One lot will have the existing metal building and long shed. Irrigation infrastructure is installed on all 3 lots. The project is ideal for small scale market farming while providing on-farm housing. These lots would be ideal for "Estate Zoning" classification within Paonia Town Limits.

b. Current Zoning of Property R-2. Requesting Estate Zoning

c. How will fire and flood protection be provided? Fire Protection: We have worked closely with Paonia Volunteer Fire Department and incorporated all their recommendations into our subdivision plan (see attached letter).

Flood Protection: We'll follow all Town Guidelines

d. How will emergency access be provided? Shared driveway from State HWY 133

e. Provide a description of the proposed access to each proposed parcel. See attached Plat Map

f. What additions/ changes in utilities will be necessary? Domestic water will be provided by a domestic well with an approved augmentation plan (see attached Permit & Decree). Engineered septic systems approved by Delta County Health Department (allowable since town sewer mains are more than 400' from our property-see Sec. 13-5-380 of town code). Electricity to each lot. Natural gas to Lot 1 only.

g. Will property have Commercial/Private or Public Use? Private

h. Anticipated traffic flow and volume? See attached CDOT Traffic Study and Access Permit

Comments: History: This property was part of a larger project known as Riverbank. It was planned as Phase II of a mixed use, R-2, solar oriented neighborhood. Just before the final plat was approved the economy took a downturn in 2008 and the project was shelved. The property was split. Due to the on-going water moratorium, we considered de-annexing the Hops Farm property in order to pursue drilling a domestic well. When we learned that it was possible to have both a domestic water well and engineered septic systems within town limits, we chose to stay within town boundaries and apply for a minor subdivision with Estate Zoning.


II. Public Notice Requirements

Property has been posted notifying meeting with the Development Review
Committee. Said sign to be at least 2 foot by 2 foot(2'x2') and posted for at least 15
days prior to said meeting

III. Acknowledgement to Pay Fee

This application must be completed and a non-refundable fee of \$500.00 is assessed
to cover the administrative costs. **Payment must accompany this application.**

**By signing below, I acknowledge that I will be billed for any overages of
costs incurred for this Minor Subdivision.**

SIGNED 

DATE 11/22/23 Clerk Receipt _____

Minor Subdivision Application

Application Summary

There are three required components of our application that are still in process and nearing completion. We are requesting plat approval for our subdivision contingent on finishing these components. They include:

1) Obtaining a General Use Well Permit.

We currently have an Observation/Monitoring Well Permit Issued by the State of Colorado which allowed us to drill the well, determine flow rate (GPM) and conduct water quality testing. Our well Augmentation Plan has been approved and a decree has been issued by the State Water Court. We are currently in the process of securing our water contracts for the plan. Once completed, our General Use well Permit Application will be submitted to the State which allow us to use the well for domestic use. Approval takes approximately 14 days from submission.

2) Engineered plans for our Domestic Well Water System and Delivery Plan to each lot.

We are currently working with a firm on the Western Slope. The plan should be completed within 2 months.

3) HOA Guidelines

We are working on a simple agreement for shared irrigation system use, maintenance and improvements.

Thanks so much for your consideration!

West Elk Land & Hops LLC Owners

David Warren

PO Box 1143

Paonia, CO 81428

Hal Brill

PO Box 747

Paonia, CO 81428

Allison Elliot

PO Box 332

Paonia, CO 81428

WARRANTY DEED

THIS DEED, is dated April 6, 2012, and is made between Riverbank Neighborhood, LLC, a Colorado Limited Liability Company

(whether one, or more than one), the "Grantor," of the * County of Delta and State of Colorado

and West Elk Land & Hops, LLC, a Colorado Limited Liability Company

(whether one, or more than one), the "Grantee," whose legal address is P.O. Box 747, Paonia, Co 81428

of the County of Delta and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of Dissolving LLC

(\$), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Delta and State of Colorado, described as follows:

Lot 2, Riverbank Neighborhood Minor Subdivision as recorded March 21, 2012 under Reception No. 657278.

County of Delta, State of Colorado.

also known by street address as: and assessor's schedule or parcel number:

TOGETHER with all and singular the hereditaments and appurtenances therunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns; that at the time of the sealing and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: [] none; or [x] the following matters: subject to easements, restrictions, reservations, rights of way visible, in place or of record and taxes for the current year.

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, but not any adjoining vacated street or alley, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof.

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

Riverbank Neighborhood, LLC, a Colorado Limited Liability Company

BY: Russel Andrew Backhouse, member

BY: Hal Brill, member

STATE OF COLORADO

County of Delta

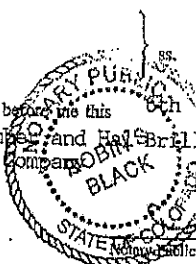
The foregoing instrument was acknowledged before me this 6th day of April, 2012, by Russel Andrew Backhouse, member and Hal Brill, member of Riverbank Neighborhood LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.

My commission expires:

4-22-2012

*Insert "City and" if applicable.



Signature of Robin Black

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

DELTA COUNTY TREASURER

Account	Parcel Number	Receipt Date	Receipt Number
R023690	318731303002	Mar 28, 2023	03-28-2023-17-3929

WEST ELK LAND & HOPS LLC
 PO BOX 747
 PAONIA, CO 81428-0747

Situs Address	Payor
841 HIGHWAY 133 PAONIA	LOCKBOX

Legal Description

841 HIGHWAY 133 PAONIA 81428 S: 6 T: 14S R: 91W Subdivision: RIVERBANK NEIGHBORHOOD MINOR Lot: 2, TOTAL 14.244 AC+- LOT-2 RIVERBANK NEIGHBORHOOD M.S. PT E2SW4 SEC 31 T13S R91W & PT NE4NW4 SEC 6 T14S R91W 6PM. BK 497 PG 942 (R-395324 BK 498 PGS 76 THRU 78 (R-395404) BK 435 PGS 989 (R-377637) BK 522 PG 64 BK 681 PG 417 BK 686 PG 289 BK 769 PG 366 SVY BK 32 PG 41 FLAGER-CCE ADD BK 32 PG 79 R-590947 R-590948 R-592749 R-597816 R-616610 R-617493 PLAT R-630302 PLAT R-630675 PLAT R-631993 PLAT R-631999 R-630303 R-630304 R-630676 R-631994 & R-631995 R-631998 R-632000 R-632002 PLAT R-657278 R-657769 R-657772

Property Code	Actual	Assessed	Year	Area	Mill Levy
4157 - orchard land - 4157	10,674	2,818	2022	BR-	72.307
4180 - all other ag properties- land - 4180	1,000	290	2022	BR-	72.307
4279 - farm/ranch support buildings - 4279	6,515	1,720	2022	BR-	72.307
4280 - all other agriculture buildings - 4280	55,988	16,237	2022	BR-	72.307
4471 - graze VI - 4471	118	31	2022	BR-	72.307

Payments Received

CHECK Multi-Account Payment
 Reference L03282023

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2022	Tax Charge	\$1,525.40	\$762.70	\$762.70	\$0.00
				\$762.70	\$0.00
Balance Due as of Mar 28, 2023					\$0.00

Statement of Taxes Due

Account Number R023690

Parcel 318731303002

Assessed To

WEST ELK LAND & HOPS LLC
PO BOX 747
PAONIA, CO 81428-0747

Legal Description

Situs Address

841 HIGHWAY 133 PAONIA 81428 S: 6 T: 14S R: 91W Subdivision: RIVERBANK NEIGHBORHOOD MINOR Lot: 2. TOTAL 841 HIGHWAY 133 PAONIA
M.244 AC+- LOT-2 RIVERBANK NEIGHBORHOOD M.S. PT E2SW4 SEC 31 T13S R91W & PT NE4NW4 SEC 6 T14S R91W 6PM.
S&K 497 PG 942 (R-395324 BK 498 PGS 76 THRU 78 (R-395404) BK 435 PGS 989 (R-377637) BK 5... Additional Legal on File

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2022	\$1,525.40	\$0.00	\$0.00	(\$1,525.40)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 11/20/2023					\$0.00

Tax Billed at 2022 Rates for Tax Area BR- - - BR-

Authority	Mill Levy	Amount	Values	Actual	Assessed
DELTA COUNTY SCHOOL	24.6890000*	\$520.85	4157 - orchard land	\$10,674	\$2,818
DC SCHOOL DIST 50 - BOND RE	4.4240000	\$93.33	4180 - all other ag properties- land	\$1,000	\$290
DELTA COUNTY	14.3980000*	\$303.74	4279 - farm/ranch support buildings	\$6,515	\$1,720
TOWN OF PAONIA	8.3220000	\$175.56	4280 - all other agriculture buildings	\$55,988	\$16,237
PAONIA CEMETERY DISTRICT	0.9060000*	\$19.11	4471 - graze VI	\$118	\$31
FIRE DISTRICT #2	3.3500000*	\$70.67			
NF WATER CONS DIST	0.5610000	\$11.84			
COLORADO RIVER WATER CONS D	0.5010000	\$10.57	Total	\$74,295	\$21,096
NORTH FORK MOSQUITO ABATEME	1.8020000	\$38.02			
DELTA COUNTY MEM HOSPITAL	0.8560000*	\$18.06			
NORTH FORK AMBULANCE HEALTH	6.0980000	\$128.64			
NORTH FORK POOL, PARK & REC	2.5000000	\$52.74			
DELTA COUNTY LIBRARY	3.0000000	\$63.29			
COUNTY R & B 1/2 SHARES	0.4500000	\$9.49			
PAONIA R & B 1/2 SHARES	0.4500000	\$9.49			
Taxes Billed 2022	72.3070000	\$1,525.40			

* Credit Levy

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER SEPTEMBER 1ST. TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIER'S CHECK.

SPECIAL TAXING DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE ON FILE WITH THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK, OR THE COUNTY ASSESSOR.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or miscellaneous tax collected on behalf of other entities, special or local improvement district assessments or manufactured homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.



PAONIA VOLUNTEER FIRE DEPARTMENT
PO BOX 1023
PAONIA, CO 81428

BLAKE KINSER, CHIEF
JASON LAGE, CAPTAIN
CURT MORGAN, LUET.

MATT VANVLEET, ASST CHIEF
SCOTT LEON, SEC/TRES
ERNESTO GARCIA, LUET.

To Whom It May Concern,

I am writing this letter to inform you that Paonia Fire Department and David Warren of West Elk Land and Hops LLC have had meetings in regards to the subdivision at the former hops farm on Hwy 133 near the old High school. Myself and some of our officers met Mr. Warren at this location to view the area and any concerns. Mr. Warren has been very accepting of our recommendations as follows;

- Our recommendation to increase the width of the property access location off HWY 133 from the current width of 15' to 25', will help facilitate the ease and safety of driving our trucks in and out of the property from both directions.
- Increase the current road width to a minimum of 15'.
- Make any new roadway widths at a minimum of 15'
- All corners to be 23' wide to accommodate the turning radius of the larger fire trucks.
- Create a "turn around" section for our large trucks at the easement location we discussed that is at least 15' wide and at least 40' long on the north side and south side of the road to allow our trucks enough room to pull in and back up and turn around.
- Since there are no fire hydrants on the property, water to suppress fires will be sourced and transported with our tanker trucks from two hydrant locations in close proximity to the property. Location #1: The intersection of HWY 133 and Fire Mountain Rd. Location #2: The intersection of Samuel Wade Rd at 133 Liquor store.

Sincerely Paonia Volunteer Fire Department
Chief Blake Kinser

COMMITMENT FOR TITLE INSURANCE

FIDELITY NATIONAL TITLE INSURANCE COMPANY

FIDELITY NATIONAL TITLE INSURANCE COMPANY, a Florida company ("Company"), for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefore; all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate within six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed and these presents to be signed in facsimile under authority of its by-laws on the date shown in Schedule A.

By: Robin S. Black
Authorized Officer or Agent
Robin S. Black
The Title Co Of Delta County
721 Main St Ste 6
Delta, CO 81416-1854
Tel: 970-874-9557
Fax: 970-874-9566



FIDELITY NATIONAL TITLE INSURANCE COMPANY

By: Richard W. ...
President
Attest: ...
Secretary

CONDITIONS AND STIPULATIONS

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Conditions and Stipulations, and Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

82C138

Form Description: 82C138 ALTA Commitment 1966_C138

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Fidelity National Title Insurance Company

Commitment Number: 32207018

SCHEDULE A

1. Commitment Date: July 25, 2022 at 08:00 AM
2. Policy (or Policies) to be issued: Policy Amount
 - (a) Owner's Policy (ALTA Own.Policy(06/17/06))
Proposed Insured:
 - (b) Loan Policy
Proposed Insured:
3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:
West Elk Land & Hops, LLC, a Colorado Limited Liability Company
4. The land referred to in the Commitment is described as follows:
Lot 2, Riverbank Neighborhood Minor Subdivision as recorded March 21, 2012 under Reception Number 657278.
Delta County, State of Colorado.

Fidelity National Title Insurance Company

By:

Bobby S. Black
The Title Company of Delta County, LLC

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Fidelity National Title Insurance Company

Commitment Number: 32207018

**SCHEDULE B - SECTION I
REQUIREMENTS**

The following requirements must be met:

- 1.. Payment of taxes and assessments now a lien due and payable.
2. None
3. NOTICE: 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.

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Fidelity National Title Insurance Company

Commitment Number: 32207018

**SCHEDULE B - SECTION II
EXCEPTIONS**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

- 1.. Right or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts, which a correct survey and inspection of the premises would disclose, and which are not shown by the 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 value the estate or interest or mortgage thereon covered by this Commitment.
6. All taxes and assessments now a lien due or payable.
7. The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:
 - (1) The Deed of Trust, if any, required under Schedule B.-Section 1, Item (b).
 - (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
 - (3) Any and all unpaid taxes, assessments and unredeemed tax sales.
8. Reservations as contained in United States Patent recorded April 13, 1891 in Book 16 at Page 71, said reservations being as follows: 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 said premises. Right of way for ditches and canals constructed by the authority of the United States.
9. Any and all liens, burdens, obligations, easements and rights of way arising from or created by membership in, applications to or contracts with the Feldman Ditch Company, Western Paonia Domestic Water Company, Pitkin Mesa Domestic Water Company and Town of Paonia.
10. Stipulations, restrictions, conditions, provisions and easements as shown by plat of Survey, recorded November 25, 1981 in Book 497 at Page 942, and as corrected in document recorded December 2, 1981 in Book 498 at Page 76.
11. Any rights, interest or easements in favor of the riparian owners, the State of Colorado, the United States of America, or the general Public, which exist, have existed, or are claimed to exist in and over the waters and present and past bet and banks of The North Fork of the Gunnison River.
12. Any question, dispute or adverse claims as to any loss or gain of land as a result of any change in the river bed location by other than natural causes, or alteration through accretion, reliction, erosion or avulsion of the center thread, bank, channel or flow of waters in the North Fork of the Gunnison River lying within subject land; and any question as to the location of such center thread, bed, bank or channel as a legal description monument or marker for purposes of describing or locating subject lands.

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Commitment Number: 32207018

NOTE: There are no documents in the land records of the office of the Clerk and Recorder of Delta County, accurately locating past or present location(s) of the center thread, bank, bed or channel of the above River or indicating any alterations of the same as from time to time may have occurred.

13. Right for the uninterrupted flow of the North Fork of the Gunnison River as it may affect subject property.
14. Any portion of subject property lying within the right of way of County Roads.
15. Terms, conditions, stipulations, obligations and restrictions as contained Utility Easement recorded September 8, 2009 at Reception Number 628651.
16. Stipulations, restrictions, conditions, provisions and easements as shown by plat of RiverSide Estates & Riverbank Neighborhood, recorded November 18, 2008 at Reception Number 630302
17. Stipulations, restrictions, conditions, provisions and easements as shown by plat of Riverbank Neighborhood Boundary adjustment, recorded December 9, 2008 at Reception Number 630675.
18. Stipulations, restrictions, conditions, provisions and easements as shown by plat of River Side Estates boundary adj, recorded February 10, 2009 at Reception Number 631993.
19. Stipulations, restrictions, conditions, provisions and easements as shown by plat of Riverbank Neighborhood/Zimmerman bdy adj, recorded February 10, 2009 iat Reception Number 631999.
20. Terms, conditions, obligations and stipulations as contained in Irrigation Pipeline Easement recorded July 24, 2009 at Reception Number 636443.
21. Terms, conditions, stipulations, obligations, easements and restrictions as contained in instrument recorded April 10, 2012 at Reception Number 657772.
22. Stipulations, restrictions, conditions, provisions and easements as shown by plat of Riverbank Neighborhood Minor Subdivision, recorded March 21, 2012 at Reception Number 657278.
23. Covenants, which do not contain reversionary clauses imposed upon the within described property, as set forth in instrument recorded July 27, 2018 under Reception Number 704943, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.

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ORIGINAL PERMIT APPLICANT(S)

WEST ELK LAND & HOPS LLC

APPROVED WELL LOCATION

Water Division: 4 Water District: 40
 Designated Basin: N/A
 Management District: N/A
 County: DELTA
 Parcel Name: N/A
 Physical Address: 841 HWY 133 PAONIA, CO 81428
 Section 31 Township 13.0 S Range 91.0 W Sixth P.M.

Well to be constructed on specified tract of land

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(I) for uses as described in CRS 37-92-602(1)(f). Use of this well is limited to monitoring water levels and/or water quality sampling.
- 4) This well must be equipped with a locking cap or seal to prevent well contamination or possible hazards as an open well. The well must be kept capped and locked at all times except during sampling or measuring.
- 5) Records of water level measurements and water quality analyses shall be maintained by the well owner and submitted to the Division of Water Resources upon request.
- 6) Upon conclusion of the monitoring program the well owner shall plug this well in accordance with Rule 16 of the Water Well Construction Rules. A Well Abandonment Report must be completed and submitted to the Division of Water Resources within 60 days of plugging.
- 7) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 8) This well must be constructed by or under the supervision of a licensed well driller or other authorized individual according to the Water Well Construction Rules. If non-standard construction is anticipated, a variance request must be submitted in accordance with Rule 18 and approved prior to well construction.
- 9) Pursuant to Rule 6.2.3 of the Water Well Construction Rules, the well construction contractor shall submit the as-built well location on work reports required by Rule 17.1 within 60 days of completion of the well. The measured location must be accurate to 200 feet of the actual location. The location information must include a GPS location (UTM coordinates) pursuant to the Division of Water Resources' guidelines.
- 10) A Well Construction and Yield Estimate Report (Form GWS-31), including lithologic log must be submitted by the individual authorized to construct the well. For non-standard construction, the report must include an as-built drawing showing details such as depth, casing, perforated zones, and a description of the grouting type and interval.

NOTE: Issuance of this permit does not guarantee that this well can be converted to a production well under a future permit. Additionally, pursuant to Rule 14.2 of the Water Well Construction Rules (2 CCR 402-2), monitoring holes constructed pursuant to a monitoring hole notice shall not be converted to a production well. (Upon obtaining a permit from the State Engineer, a monitoring hole may be converted to a monitoring well, recovery well for remediation of the aquifer, or a dewatering system for dewatering the aquifer.)

NOTE: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Yield Estimate Report (GWS-31) must be submitted to the Division of Water Resources to verify the well has been constructed. An extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: dwr.colorado.gov

DISTRICT COURT, WATER DIVISION 4, COLORADO 1200 North Grand Avenue, Bin A Montrose, CO 81401-3146 Telephone: (970) 252-4300	DATE FILED: October 16, 2023 12:51 PM CASE NUMBER: 2023CW3028
Concerning the Application for Water Rights of: WEST ELK LAND & HOPS, LLC, In the Gunnison River, Delta County, Colorado.	▲ COURT USE ONLY ▲ Case Number: 2023CW3028
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, AND DECREE	

This matter came before the Court upon West Elk Land & Hops, LLC's Application for Groundwater Right and Request for Approval of Augmentation Plan ("Application"). The Application was referred to the undersigned as Water Referee for Water Division 4, State of Colorado, by the Water Judge in accordance with Article 92 of Title 37 of the Colorado Revised Statutes Annotated.

The undersigned Referee, having made such investigations as are necessary to determine whether the statements contained in the Application are true and having been fully advised of the subject matter of the Application, does hereby make the following findings and ruling:

FINDINGS OF FACT

1. **Jurisdiction:** All notices required by law have been duly given and the Court has jurisdiction over the subject matter of the Application and over all persons affected thereby whether or not they have chosen to appear. Timely and adequate notice of the pendency of these proceedings has been given in the manner required by C.R.S. § 37-92-302. Applicant filed the Application on May 18, 2023. The Application was properly published in the resume for Water Division 4.
2. **Statements of Opposition:** No statements of opposition were filed in this case and the period for such filings has expired.
3. **Summary of Consultation:** The Division Engineer issued a Summary of Consultation on August 25, 2023. Applicant has responded to the concerns stated in that Summary of Consultation and the Referee has considered that response.

4. Name, address, and telephone number of Applicant:

West Elk Land & Hops, LLC
c/o David R. Warren
P.O. Box 1143
Paonia, CO 81428
(970) 270-2855

with copies of all pleadings to:

John R. Pierce
DUFFORD WALDECK
744 Horizon Court, Suite 300
Grand Junction, CO 81506
(970) 241-5500

5. Request for groundwater right:

- A. Name of well, permit number: Old Hops Well, currently permitted as a monitoring/observation well under Permit No. 329389. Applicant will obtain a new permit for the well before operating the well pursuant to this decree.
- B. Legal description of location of well: In the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 13 South, Range 91 West of the 6th Principal Meridian; UTM Zone 13 NAD83, 274149m E, 4306175m N. A map showing the location of the well is attached as Exhibit A.
- C. Source: Groundwater tributary to the North Fork of the Gunnison River
- D. Depth: 79 feet
- E. Date of appropriation: December 21, 2022
- F. Amount claimed: 0.14 cubic feet per second ("c.f.s."), 2.16 acre-feet ("a.f."), annually, conditional
- G. Does the well operate pursuant to a plan for augmentation? The Old Hops Well will operate pursuant to the augmentation plan requested in the application.
- H. Uses: Domestic use in up to six single-family homes

6. Request for approval of plan for augmentation:

- A. Name of structure to be augmented: Old Hops Well, requested above
- B. Water rights to be used for augmentation: This augmentation plan will rely on two sources of augmentation supply. First, Applicant will obtain a water supply

contract for releases from East Beckwith Reservoir No. 1. Second, Applicant will obtain a water supply contract for releases from Blue Mesa Reservoir. Blue Mesa releases will be used to address downstream calls on the Gunnison River, as well as on the North Fork of the Gunnison River during periods when Applicant's exchange project (requested below) can operate in priority. During periods when Applicant's exchange project on the North Fork of the Gunnison River is not in priority, Applicant will address augmentation requirements with releases from East Beckwith Reservoir No. 1.

i. East Beckwith Reservoir No. 1:

- a. Date of original decree and Case Nos.: 06CW59
- b. Type of water right: Storage
- c. Legal description: The decree in Case No. 06CW59 described the location of the East Beckwith Reservoir No. 1 as in the NE/4 SW/4NE/4, Section 3, T 14S, R.88 W, 1,477 feet from the north section line and 1,747 feet from the east section line, 6th P.M.
- d. Source: Middle Creek, tributary to Ruby Anthracite Creek, tributary to the North Fork of the Gunnison River
- e. Appropriation date: March 31, 2006
- f. Amount: 383 a.f.
- g. Decreed use: Irrigation, recreation, fish culture, fire protection, stock water, industrial, commercial, hydroelectric, and augmentation

ii. Blue Mesa Reservoir:

- a. Date of original decree and Case Nos.: Blue Mesa Reservoir (Wayne N. Aspinall unit of the Colorado River Storage Project) was decreed 939,204 acre-feet in C.A. Nos. 5590 and 6981, Gunnison County District Court, with a November 11, 1957, appropriation date. An additional 124,253 acre-feet, with the same appropriation date, was transferred to the reservoir in C.A. No. 10045, making the total amount decreed to Blue Mesa Reservoir 1,063,457 acre-feet.
- b. Type of water right: Storage

- c. Legal description: Blue Mesa Reservoir: The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet.
 - d. Source: Gunnison River
 - e. Appropriation date: November 11, 1957
 - f. Amount: 1,063,457 a.f.
 - g. Decreed use: Domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes.
- C. Does Applicant intend to change a water right to provide a source of augmentation? No.
- D. Does the plan for augmentation include an exchange that Applicant seeks to adjudicate? Yes, requested below
- E. Statement of plan for augmentation:
- i. Demand and depletions: The Old Hops Well will be used to supply water for domestic use in up to six single-family homes located on Applicant's property. Annual diversions from the Well will not exceed 2.16 a.f. The homes will discharge into septic systems resulting in depletions equal to 10% of diversions, or 0.216 a.f. A table showing the water demand and depletions is attached as Exhibit B (MWRC Table 1).
 - ii. Potential calls on the North Fork of the Gunnison River: Records of the Division of Water Resources show that senior downstream calls have historically occurred on the North Fork of the Gunnison River as early as June 28th and have continued as late as October 4. This augmentation plan will address potential calls during the period of June 15 through October 15.
 - iii. Potential calls on the Gunnison River: The primary senior downstream calling right on the Gunnison River is the Redlands Power Canal ("RPC"). Calls by the RPC could occur under RPC's senior 670 c.f.s. right with a 1912 adjudication date or under the RPC 80 c.f.s. junior right with a 1959 adjudication date. The call period is based on periods in which flows on the Gunnison River were low enough that RPC could have placed calls in

2002 and 2003. The call periods correspond to the maximum number of days for any given month during 2002 and 2003 when flows on the Gunnison River were lower than the water rights decreed to RPC. A table showing the potential call period on the Gunnison River is attached as Exhibit C (MWRC Table 2).

- iv. Operation of plan: This plan for augmentation replaces out-of-priority depletions to the North Fork of the Gunnison River and the Gunnison River caused by diversions from the Old Hops Well.

The replacement obligation for East Beckwith Reservoir No. 1 under this plan for augmentation is 0.076 a.f. To address obligation (and to account for a 5% conveyance loss) Applicant will obtain four units of water from the North Fork Water Conservancy District (the District defines a unit as 0.025 a.f.).

The replacement obligation on the Gunnison River (and on the North Fork of the Gunnison during such times that the exchange project can operate) is only 0.09 a.f. per year. However, because water supply contracts for Blue Mesa Reservoir are only available in one-acre-foot increments, Applicant will purchase a one-acre foot. The excess 0.91 a.f. available under that water supply contract is dedicated to this plan and shall be available to address any increase in the call period beyond that contemplated based on historical conditions without the need to amend the decree. The water lease obligations are shown in the attached Exhibit D (MWRC Table 3).

7. Request for approval of exchange project associated with an augmentation plan (appropriative right of exchange):

A. Name of exchange: Old Hops Well Exchange Project

B. Location of exchange reaches:

- i. Downstream terminus: The confluence of the North Fork Gunnison River and the Gunnison River which is located within the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 6, Township 15 South, Range 93 West, 6th Principal Meridian (UTM Zone 13, NAD83; 253592.4m E; 4296490.6m N). The downstream and upstream termini of the Old Hops Well Exchange Project are shown in the map attached as Exhibit E (MWRC Figure 3).
- ii. Upstream terminus: The point at which depletions from the Old Hops Well impact the North Fork of the Gunnison River, within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31, Township 13 South, Range 91 West, 6th Principal Meridian (UTM Zone 13, NAD83; 274383.1m E; 4305751.3m N).

- C. Source: Releases from Blue Mesa Reservoir
- D. Date of appropriation: May 18, 2023
- E. Amount: 0.0003 c.f.s. (0.135 g.p.m.), conditional
- F. Use: Augmentation (Exchanging water released from Blue Mesa Reservoir from the confluence of the Gunnison River and the North Fork of the Gunnison River upstream to the point on the North Fork of the Gunnison River at which depletions from the Old Hops Well impact the river.)

CONCLUSIONS OF LAW

- 8. The findings of fact set out above are incorporated here to the extent that they constitute conclusions of law.
- 9. The Application filed in this case is complete, covering all applicable matters required under C.R.S. § 37-92-302.
- 10. All notice required by law has been given, and no further notice need be given. C.R.S. §§ 37-92-101, *et seq.* The Application in this matter, and the resume notice and newspaper publication thereof, was adequate in all respects to place all persons on inquiry notice of the relief granted herein. C.R.S. §§ 37-92-103 and 37-92-302.
- 11. Applicant has met its burden of proof on all matters that it is required to establish in these proceedings.
- 12. Applicant has satisfied all legal requirements for the entry of a decree in this case.
- 13. Review of determinations made by the Division Engineer or the State Engineer in administration of the subject water rights are water matters over which the Water Court has exclusive jurisdiction.
- 14. Applicant's plan for augmentation is one that is contemplated and authorized by law, and if implemented and administered in accordance with this Decree, will protect other vested water rights and will replace out-of-priority depletions that may occur as a result of Applicant's activities.

RULING OF REFEREE

- 15. Old Hops Well: Applicant is granted a conditional groundwater right in the Old Hops Well as described in paragraph 5 above.
- 16. Old Hops Well Augmentation Plan: Applicant's supplemental plan for augmentation is confirmed and approved as set forth in paragraph 6 above.

17. Old Hops Well Exchange Project: Applicant's request for a conditional appropriate right of exchange is confirmed and approved as set forth in paragraph 7 above.
18. Terms and Conditions:
 - A. Before the augmentation plan approved in this case becomes operational, Applicant shall provide the Division Engineer's Office with a copy of approved water allotment contracts with East Beckwith Reservoir No. 1 and Blue Mesa Reservoir for augmentation water in the annual amounts of 0.10 a.f. and 1.00 a.f., respectively.
 - B. The Division Engineer may modify the transit loss requirement as necessary in accordance with C.R.S. §§ 37-87-102(4) and 37-83-104.
 - C. Applicant and its assigns understand that the lease supply is only for a set period of time and if such lease should expire, fail to be renewed, is terminated, or an alternative sufficient source of replacement water is not included in this decree by proper amendment prior to such expiration, curtailment of all out-of-priority diversions will occur.
 - D. Applicant shall install a flowmeter on Old Hops Well, provide accounting, and supply calculations regarding the timing of depletions as required by the Division Engineer for the operation of this plan. Applicant shall also file an annual report with the Division Engineer by November 15 of each year summarizing diversions and replacements made under the Old Hops Well Augmentation Plan.
 - E. Prior to the construction and/or operation of Old Hops Well, Applicant must modify its existing monitoring well permit (329389). This well permit should be issued pursuant to C.R.S. § 37-90-137(2) and the Old Hops Well Augmentation Plan, subject to and conditioned upon the rulings and findings in this ruling and decree.
 - F. Pursuant to C.R.S. § 37-92-305(8), the State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.
 - G. The Water Court shall retain jurisdiction over the supplemental augmentation plan approved in this case to reconsider the question of injury to the vested water rights of others, as provided in C.R.S. § 37-92-304(6) for a period of five years from the date of this decree.
 - H. Should the Applicant desire to maintain the conditional water rights continued herein, an Application for Finding of Reasonable Diligence shall be filed in the same month six years from the date of the water judge's order, unless a determination has been made prior to that date that such conditional rights have

been made absolute by reason of the completion of the appropriation or are otherwise so disposed. Applicant shall notify this Court of any change in mailing address. Upon the sale or transfer of these conditional rights, the transferee shall file with this Court a notice of transfer which shall state:

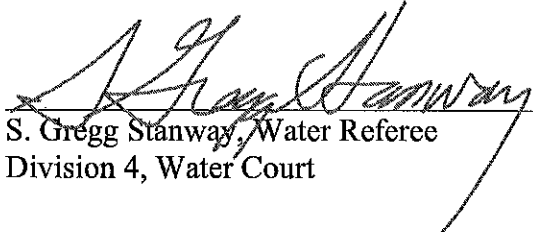
- i. the title and number of this case;
- ii. the description of the water right transferred;
- iii. the name of the transferor;
- iv. the name and mailing address of the transferee; and
- v. a copy of the recorded deed.

Applicant shall notify any transferee of the requirements of this paragraph.

This Ruling shall be filed with the Water Clerk subject to judicial review, and a copy of this Ruling shall be filed with the Division Engineer for Water Division 4 and the State Engineer.

Dated: September 21, 2023

BY THE COURT:



S. Gregg Stanway, Water Referee
Division 4, Water Court



DATE PRINTED: September 18, 2023 12:53 PM

Legend

- Property Boundary
- Old Hops Well

EXHIBIT A

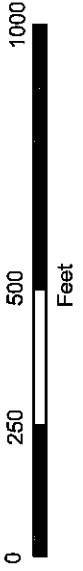


Figure 2: Old Hops Well Location
West Elk Land & Hops, LLC

Delta County, Colorado



Merrill Water Rights Consulting, LLC

DECREE

No protest was filed in this matter. The foregoing Ruling is confirmed and approved and is made the final Judgment and Decree of this Court. The conditional water rights described herein shall be in full force and effect until the end of the month six years from the date of this Order. If the Applicant wishes to maintain the conditional water rights thereafter, Applicant shall file an application for finding of reasonable diligence on or before that date or make a showing on or before then that the conditional water rights have become absolute water rights by reason of the completion of the appropriation.

BY THE COURT:
DATED October 16, 2023



Hon. J. Steven Patrick, Water Judge
Division 4, Water Court

**Table 1: Monthly Demand and Depletions
Old Hops Well**

Month	Per Home		Six Homes	
	Demand (1)	Depletions (2)	Demand (1)	Depletions (2)
January	0.03	0.003	0.18	0.018
February	0.03	0.003	0.18	0.018
March	0.03	0.003	0.18	0.018
April	0.03	0.003	0.18	0.018
May	0.03	0.003	0.18	0.018
June	0.03	0.003	0.18	0.018
July	0.03	0.003	0.18	0.018
August	0.03	0.003	0.18	0.018
September	0.03	0.003	0.18	0.018
October	0.03	0.003	0.18	0.018
November	0.03	0.003	0.18	0.018
December	0.03	0.003	0.18	0.018
Total	0.36	0.036	2.16	0.216

All values in acre-feet

(1) Assumes 100 gallons per person per day, 3.5 People per home

(2) Depletions = 10 percent of demand accounting for septic system return flows

EXHIBIT B

Table 2: Potential Call Period for Redlands Power Canal

Month	Junior RPC Call ¹		Senior RPC Call ²	
	No. Days	% of Month	No. Days	% of Month
January	0	0.00%	31	100.00%
February	0	0.00%	28	100.00%
March	8	25.81%	20	64.52%
April	4	13.33%	7	23.33%
May	6	19.35%	0	0.00%
June	5	16.67%	0	0.00%
July	0	0.00%	0	0.00%
August	0	0.00%	0	0.00%
September	0	0.00%	0	0.00%
October	0	0.00%	0	0.00%
November	4	13.33%	0	0.00%
December	10	32.26%	21	67.74%

¹ Based on the 1959 Redlands Power Canal decree and 2002 - 2003 river flows at the USGS gaging station on the Gunnison River at Whitewater; river flow less than 750 cfs and greater than 670 cfs.

² Based on the 1912 Redlands Power Canal decree and 2002 - 2003 river flows at the USGS gaging station on the Gunnison River at Whitewater; river flows less than 670 cfs

EXHIBIT C

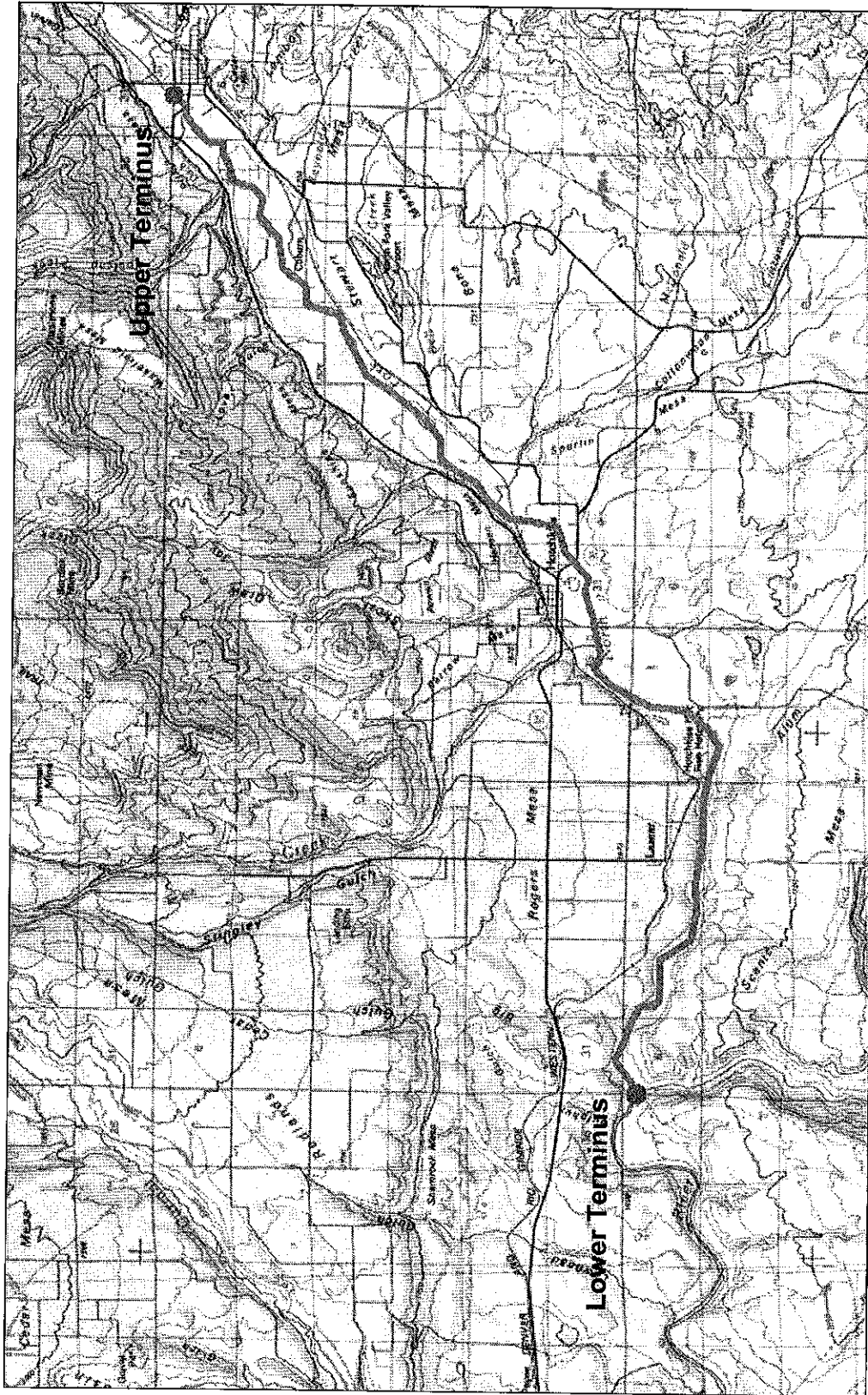
Table 3: Water Lease Obligations
Old Hops Well

Month	Total Depletions (1)	Potential Call Period North Fork Gunnison River (2)	Potential Out-of-Priority Depletions North Fork Gunnison River (3)	Water Lease Obligation Lost Lake Slough (4)	Potential Call Period Gunnison River (5)	Potential Out-of-Priority Depletions Gunnison River (6)	Water Lease Obligation Blue Mesa Reservoir (7)
January	0.018	0%	0.000	0.000	100%	0.018	0.019
February	0.018	0%	0.000	0.000	100%	0.018	0.019
March	0.018	0%	0.000	0.000	90%	0.016	0.017
April	0.018	0%	0.000	0.000	37%	0.007	0.007
May	0.018	0%	0.000	0.000	19%	0.003	0.004
June	0.018	50%	0.009	0.009	17%	0.003	0.003
July	0.018	100%	0.018	0.019	0%	0.000	0.000
August	0.018	100%	0.018	0.019	0%	0.000	0.000
September	0.018	100%	0.018	0.019	0%	0.000	0.000
October	0.018	50%	0.009	0.009	0%	0.000	0.000
November	0.018	0%	0.000	0.000	13%	0.002	0.003
December	0.018	0%	0.000	0.000	100%	0.018	0.019
Annual Total	0.216	-	0.072	0.076	-	0.086	0.090

All values in acre-feet

- (1) From Table 1
- (2) Historical call period of June 15 through October 150
- (3) Column (1) x Column (2)
- (4) Assumes 5% conveyance loss
- (5) From Table 2
- (6) Column (1) x Column (5)

EXHIBIT D



Legend



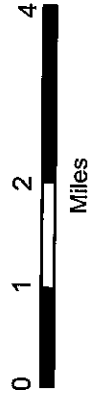
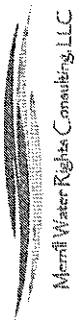
-  Exchange Reach
-  Terminus

EXHIBIT E



**Figure 3: Exchange Reach
Old Hops Well Exchange Project**

Delta County, Colorado



COLORADO DEPARTMENT OF TRANSPORTATION			CDOT Permit No.
STATE HIGHWAY ACCESS PERMIT			323056
			State Highway No / Mp / Side 133A / 8.351 / Right
Permit Fee \$100.00	Date of Transmittal 06/21/2023	Region / Section / Patrol / Name 3 / 02 / 2L33 Larry Coe	Local Jurisdiction Paonia

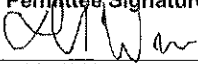
The Permittee(s): West Elk Land & Hops, LLC PO Box 1143 Paonia, Colorado 81428 (970) 270-2855	The Applicant(s): TurnKey Consulting LLC PO Box 629 Mesa, Colorado 81643 (970) 314-4888									
<p>is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.</p>										
Location: Located on the east side of Hwy 133A approximately 2500 feet north of MP 8 (Lat. 38.875288, Long. -107.604954)										
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Access to Provide Service to: (Land Use Code)</th> <th style="text-align: center;">(Size)</th> <th style="text-align: center;">(Units)</th> </tr> </thead> <tbody> <tr> <td>210 - Single-Family Detached Housing</td> <td style="text-align: center;">7</td> <td style="text-align: center;">DHV</td> </tr> <tr> <td>110 - General Light Industrial (Sculpture Center)</td> <td style="text-align: center;">3</td> <td style="text-align: center;">DHV</td> </tr> </tbody> </table>		Access to Provide Service to: (Land Use Code)	(Size)	(Units)	210 - Single-Family Detached Housing	7	DHV	110 - General Light Industrial (Sculpture Center)	3	DHV
Access to Provide Service to: (Land Use Code)	(Size)	(Units)								
210 - Single-Family Detached Housing	7	DHV								
110 - General Light Industrial (Sculpture Center)	3	DHV								
Additional Information:										

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

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

The permittee shall notify Jared Kehmeier 2L3 with the Colorado Department of Transportation, at (970) 260-9891 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permitted Signature: 	Print Name David Warren	Date 6/22/2023 11:03 AM PDT
Co-Permitted Signature: (if applicable)	Print Name	Date

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

COLORADO DEPARTMENT OF TRANSPORTATION			
Signature	Print Name	Title	Date (of issue)

Copy Distribution: 1.Region 2.Applicant	Required: 3.Staff Access Section 4.Central Files	Make copies as necessary for: Local Authority MTCE Patrol Inspector Traffic Engineer	Previous editions are obsolete and may not be used Page 1 of 3 CDOT Form #101 5/07
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**COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ACCESS PERMIT APPLICATION**

Issuing authority application acceptance date:

Instructions:

Please print or type

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

1) Property owner (Permittee) West Elk Land & Hops, LLC (David Warren)		2) Agent for permittee (if different from property owner) TurnKey Consulting LLC, Skip Hudson	
Street address PO Box 1143		Mailing address PO Box 629	
City, state & zip Paonia, CO 81428	Phone # [REDACTED]	City, state & zip Mesa, CO 81643	Phone # (required) 970-314-4888
E-mail address highwirehops@gmail.com		E-mail address if available skip@skiphudson.com	

3) Address of property to be served by permit (required)
841 Hwy 133, Paonia, CO, 81428

4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one?
 county **Delta** subdivision **Riverbank Neighborhood** block **n/a** lot **Lot 2** section **31** township **13 S** range **91 W**

5) What State Highway are you requesting access from? **SH-133** 6) What side of the highway?
 N S E W

7) How many feet is the proposed access from the nearest mile post? How many feet is the proposed access from the nearest cross street?
0 feet N S E W from: **MP 8.35** **950** feet N S E W from: **Fire Mtn Rd.**

8) What is the approximate date you intend to begin construction?
Fall 2023

9) Check here if you are requesting a:
 new access temporary access (duration anticipated: _____) improvement to existing access
 change in access use removal of access relocation of an existing access (provide detail)

10) Provide existing property use
Agricultural

11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest?
 no yes, if yes - what are the permit number(s) and provide copies: _____ and/or, permit date: _____

12) Does the property owner own or have any interests in any adjacent property?
 no yes, if yes - please describe: _____

13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property?
 no yes, if yes - list them on your plans and indicate the proposed and existing access points.

14) If you are requesting agricultural field access - how many acres will the access serve?
N/A

business/land use	square footage	business	square footage
Misc. Industrial use (easement holder)	Unknown		

type	number of units	type	number of units
single family residential (access owner)	6		

17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.

Indicate if your counts are <input checked="" type="checkbox"/> peak hour volumes or <input type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes varies	# of multi unit trucks at peak hour volumes Varies
# of single unit vehicles in excess of 30 ft. varies	# of farm vehicles (field equipment) varies	Total count of all vehicles - 10 vph

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

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

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

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

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


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

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

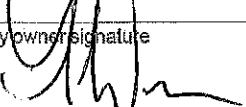
If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

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

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

Applicant's signature 	Print name Skip Hudson, PE	Date 5-4-23
--	-------------------------------	----------------

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

Property owner signature 	Print name David Warren	Date 5/4/23
---	----------------------------	----------------

Traffic Assessment

Prepared for:

**Old Hops Farm
Residential Development**

**SH-133 at MP 8.35R
Paonia, Colorado**



May 4, 2023

PO Box 629
Mesa, CO 81643
970-314-4888

TurnKey
Consulting, LLC
Superior Project Leadership

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1 Introduction & Methodology

This traffic assessment (Study) evaluated the site access requirements for the proposed Old Hops Farm residential development (Project) to be located west of the existing high school in Paonia, Colorado. The study years were 2023 (assumed opening year) and 2043 for the 20-year period. The study period was the weekday AM and PM peak hours. The following sections describe the Project, traffic volume calculations, auxiliary turn lane warrants, access spacing, and sight distance for the existing Project access point.

2 Project & Access Description

Figure 1 shows the Project vicinity map. Figure 2 shows the Project location within the community. Figure 3 shows the existing access location on SH-133 at MP 8.35. The shared access services two parcels but it is located on the Project site. The other access user is the parcel to the west of the Project site. The existing 3-leg intersection configuration includes a single through lane in both the eastbound and westbound directions. The access currently has one outbound left/right lane and one inbound lane.

The Project would include six single family residential lots.

Figure 1 - Project Vicinity Map

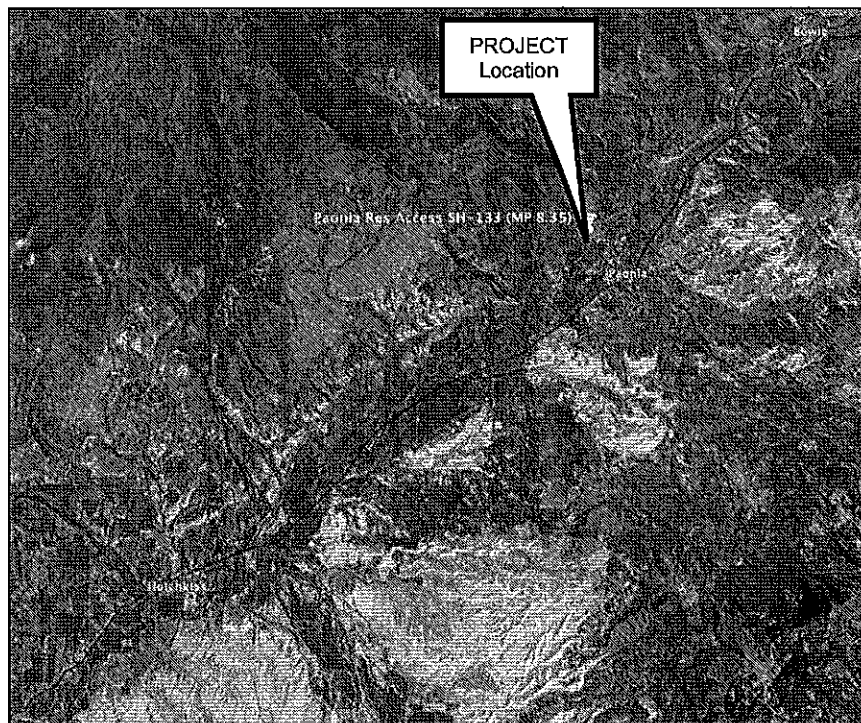


Figure 2 - Project Location Map

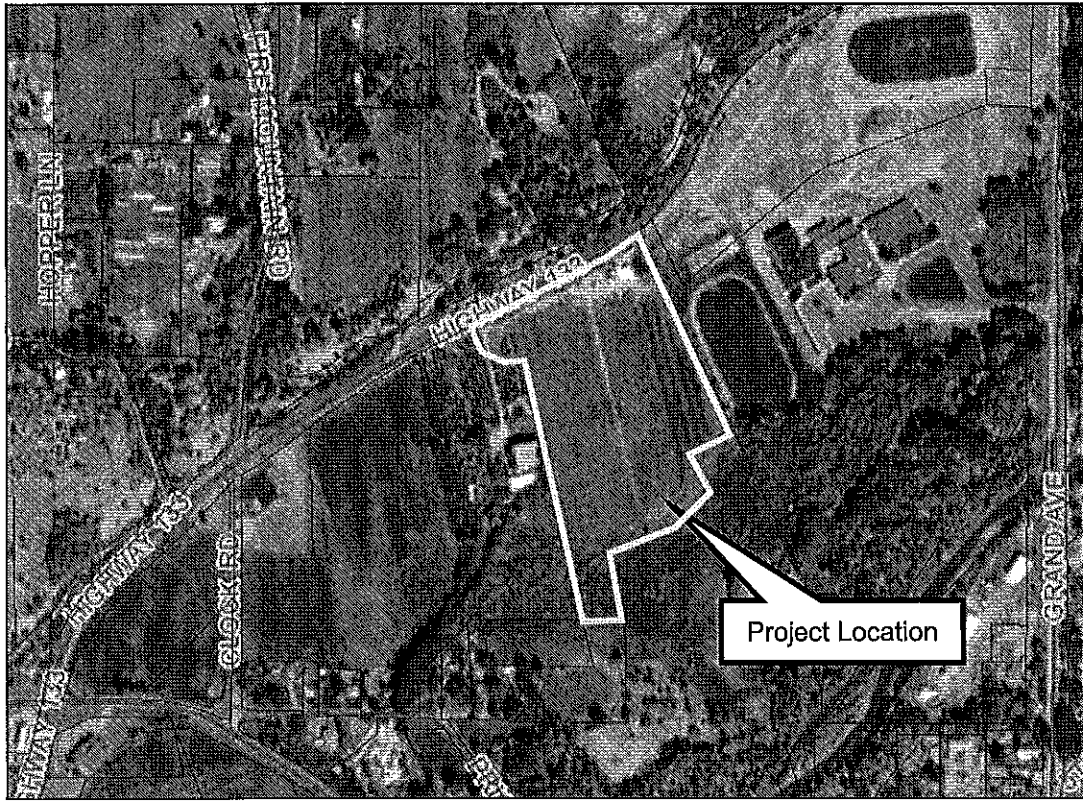
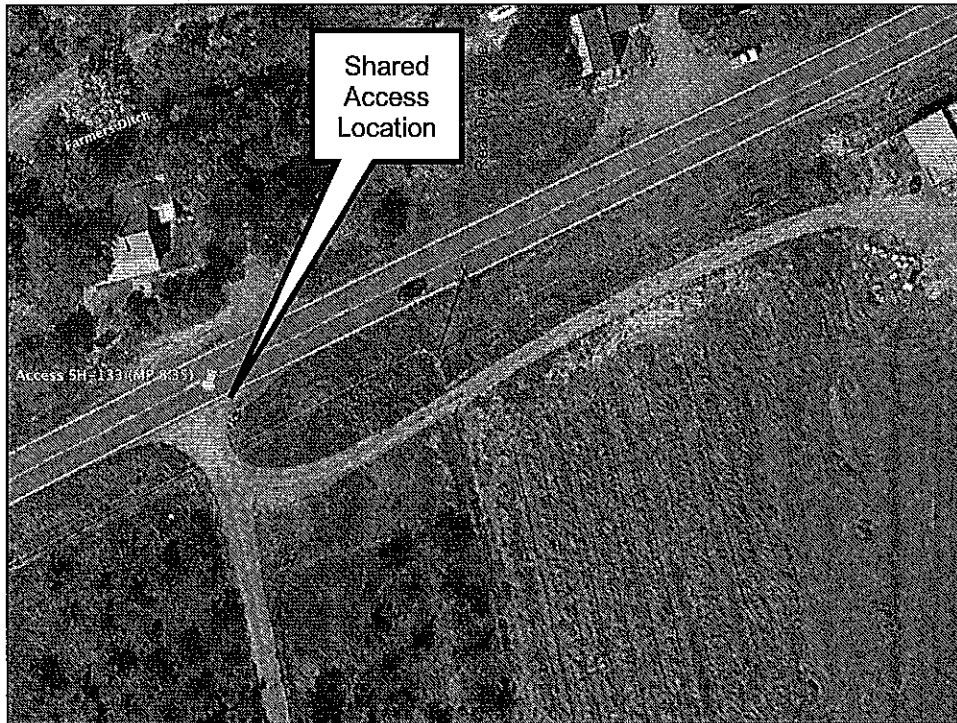


Figure 3 – Existing Access on SH-133



3 SH-133 Characteristics

Existing SH-133 Characteristics

The existing conditions and characteristics of this state highway include:

- Access Category: R-A
- Functional Class: Minor Arterial
- NHS: No
- Speed Limit: 45 mph eastbound & westbound
- AADT (2021): 2,300 vpd
- Peak-to-daily Factor (DHF): 12.0
- Peak Truck Percentage: 5%
- 20-year growth factor: 1.06 (Average Annual Growth Rate = 0.29%)

Adjacent Access Points

There are other adjacent existing access points within 1,000-ft of the Project Access.

- To the West:
 - 330-ft to private driveway – north side
 - 975-ft to Fire Mountain Rd. – north side
- To the East:
 - 40-ft to private driveway – north side
 - 285-ft to private driveway – north side

Access Control Plan

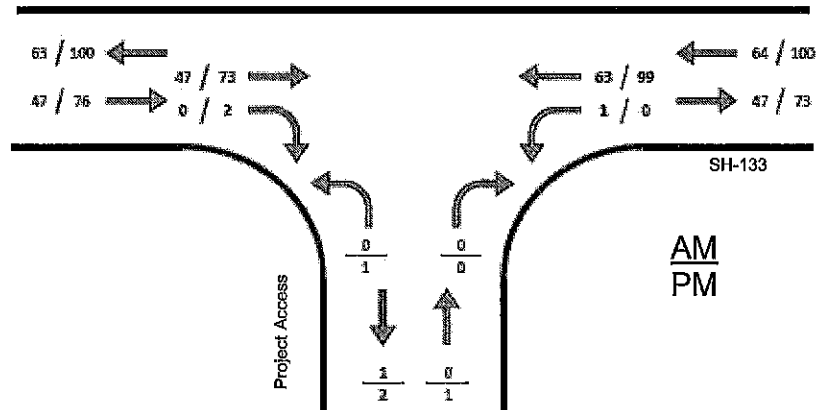
CDOT established an access plan for this section of SH-133 (attached). There appears to be some discrepancies in access location mileposts, but it appears that the Project Access would remain as a full-movement connection to SH-133.

4 Existing & Future Background Traffic

Existing Access Traffic

TurnKey Consulting obtained traffic counts on 4/18/23 (attached), as shown on Figure 4. These counts included traffic from other users of the shared access. This is a very low volume intersection.

Figure 4 – Existing AM & PM Peak Hour Traffic at Project Access



A peak season adjustment factor was necessary for SH-133 eastbound and westbound through movements because the counts did not occur in peak season. The following table shows monthly CDOT traffic volumes at a continuous counting station on SH-92. The traffic in April was 83% of the peak season in July.

Table 1 – SH-133 Peak Season Count Adjustment Factor Calculation

Monthly Traffic Volume on SH-92 Northeast of 2200 Rd (Austin) - Count Station 304

CALYR	JANCOUNT	FEBCOUNT	MARCOUNT	APRCOUNT	MAYCOUNT	JUNCOUNT	JULCOUNT	AUGCOUNT	SEPCOUNT	OCTCOUNT	NOVCOUNT	DECCOUNT
2022	3,969	4,061	4,371	4,901	5,141	5,648	5,296	5,403	5,617	4,978	4,402	3,945
2021	3,928	4,107	4,813	4,824	5,602	6,213	6,318	5,373	6,531	5,374	4,678	4,059
2020	3,984	4,167	3,719	3,378	4,445	4,868	5,068	5,145	5,152	5,054	4,133	3,820
2019	3,877	3,860	4,271	4,549	4,815	5,187	5,375	5,120	5,180	4,985	4,317	4,112
2018	3,956	4,007	4,405	4,524	4,881	5,151	5,142	5,339	5,217	4,783	4,334	4,068
2017	3,354	3,858	4,187	4,366	4,623	5,040	5,119	5,254	5,095	4,825	4,301	4,151
2016	3,550	3,760	4,006	4,180	4,441	4,733	4,783	4,898	4,755	4,560	4,019	3,865
2015	3,835	3,782	4,146	4,212	4,428	4,913	4,918	4,900	4,908	4,482	3,912	3,737
2014	3,534	3,546	3,878	3,917	4,187	4,360	4,632	4,726	4,617	4,409	3,837	3,712
2013	3,593	3,756	3,980	4,013	4,377	4,527	4,848	4,680	4,466	4,264	3,877	3,581
Total =	37,380	38,994	41,576	42,814	46,940	50,650	51,309	50,837	51,048	47,714	41,810	39,050
% of Peak =	73%	76%	81%	83%	91%	99%	100%	99%	99%	83%	81%	76%
Pk Season Factor =	1.37	1.32	1.23	1.20	1.09	1.01	1.00	1.01	1.01	1.06	1.23	1.31

A peak season adjustment factor of 1.2 was applied to the SH-133 traffic counts in April to obtain the following summer 2023 volumes on SH-133.

- AM, 56 vph eastbound & 76 vph westbound
- PM, 88 vph eastbound & 119 vph westbound

Future Background Traffic

Traffic Growth Rates on SH-133

The study years were 2023 for project build out and 2043 for the 20-yr condition. The traffic counts were taken in 2023. The historic 20-yr traffic growth factor provided by CDOT for SH-133 was 1.06. This growth factor was applied to the eastbound and

westbound summer traffic counts on SH-133 to obtain the following peak 2043 background traffic volumes.

- AM, 59 vph eastbound & 81 vph westbound
- PM, 93 vph eastbound & 126 vph westbound

Consideration of Other Future Adjacent Land Development Projects

No other future background traffic was considered.

5 Project Trip Characteristics

Project Trip Generation Estimate

The trip generation was calculated for the proposed land use. There were not any trip reduction factors for pass-by capture or internal capture. The ITE Trip Generation Manual (11th Edition) provided trip data for Land Use Code 210, single family detached housing. The attachments include the detailed calculation worksheets and the following table show the number of trips for six single family residential lots.

Table 2 – Project Trip Generation Estimate

Period	Project Trip Ends (6 DU)		
	In	Out	Total
Weekday	38	38	76
AM Peak Hour	1	5	6
PM Peak Hour	4	3	7

Project Trip Distribution

The Project trips were distributed by direction and assigned to the roadway network based on the recent traffic count at the Study intersection. These counts showed trip distribution of 100% to/from east in the morning peak hour and 100% to/from the west in the afternoon peak hour, which rarely happens. The Project developer lives in Paonia and anticipates that the majority of traffic between the Project and the Town would be to/from the west of the project (using Samuel Wade Rd.). As such, this Study assumed the following for both the AM and PM peak hours.

- 75% to/from the west
- 25% to/from the east

Project Trip Assignment

The Projects trips were assigned to specific turning movements, as shown in the following table.

Table 3 – Peak Hour Project Trip Assignment at Project Access

Turning Movement	AM Peak (vph)	PM Peak (vph)
EB Right Turn inbound	1	3
WB Left Turn inbound	0	1
NB-WB Left Turn outbound	4	2
NB-EB Right Turn outbound	1	1

6 Total Project Access Traffic Volumes

Total future total traffic is the sum of Project trips and background traffic. The following tables show the the future background traffic, Project traffic, and the total future traffic volumes for 2023 and 2043.

Table 4 – Project Access Peak Traffic Volumes – 2023 AM

	Northbound		Eastbound		Westbound	
	Left	Right	Thru	Right	Left	Thru
Future Background Traffic	0	0	56	0	1	76
Project Trips	4	1	0	1	0	0
Total	4	1	56	1	1	76

Table 5 – Project Access Peak Traffic Volumes – 2023 PM

	Northbound		Eastbound		Westbound	
	Left	Right	Thru	Right	Left	Thru
Future Background Traffic	1	0	88	2	0	119
Project Trips	2	1	0	3	1	0
Total	3	1	88	5	1	119

Table 6 – Project Access Peak Traffic Volumes – 2043 AM

	Northbound		Eastbound		Westbound	
	Left	Right	Thru	Right	Left	Thru
Future Background Traffic	0	0	59	0	1	81
Project Trips	4	1	0	1	0	0
Total	4	1	59	1	1	81

Table 7 – Project Access Peak Traffic Volumes – 2043 PM

	Northbound		Eastbound		Westbound	
	Left	Right	Thru	Right	Left	Thru
Future Background Traffic	1	0	93	2	0	126
Project Trips	2	1	0	3	1	0
Total	3	1	93	5	1	126

7 Turn Lane Warrant Evaluation

SH-133 has a speed limit of 45 mph in both directions. The access classification is R-A. Section 3.5 of the State Highway Access Code (SHAC) provides minimum through lane volumes related to turn lane warrants, called “waiver volumes.” Section 3.13 provides turn lane warrant criteria. The need for two turn lanes was evaluated against these requirements.

- A westbound left turn deceleration lane is required when BOTH the westbound left turn volume is above 10 vph AND the eastbound through volume is above 100 vph. Neither of these conditions would occur so the turn lane would not be warranted.
- An eastbound right turn deceleration lane is required when BOTH the eastbound right turn volume is above 25 vph AND the eastbound through volume is above 150 vph. Neither of these conditions would occur so the turn lane would not be warranted.
- A northbound-to-eastbound right turn acceleration lane is required when BOTH the eastbound right turn volume is above 50 vph AND the eastbound through volume is above 100 vph. Neither of these conditions would occur so the turn lane would not be warranted.
- The need for a northbound-to-westbound left turn acceleration lane is based on a set of criteria in SHAC Section 3.5. The turn lane is not recommended for the following reasons.
 - Relatively low mainline traffic volumes and vehicle density
 - Low access volume
 - Low amount of large vehicles

- Little influence of adjacent access points on SH-133
- No nearby signalized intersections
- Adequate sight distance (see next section)

8 Intersection Sight Distance

Another important element of intersection safety is sight distance for mainline traffic and turning traffic. At 45 mph, the SHAC requires 400-ft of stopping sight distance and 585-ft of intersection sight distance (for single unit truck on 2-lane road). As shown on the figures, adequate sight distance is available in both directions.

Figure 5 - View to East on SH-133 from Project Access

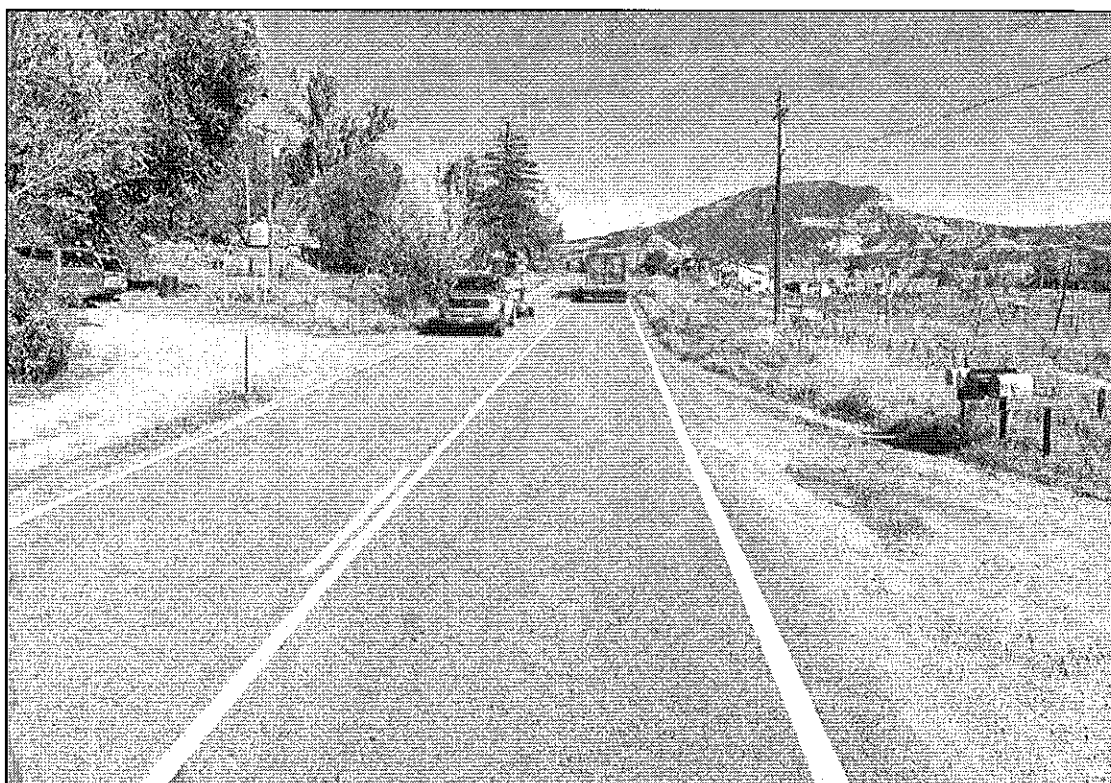
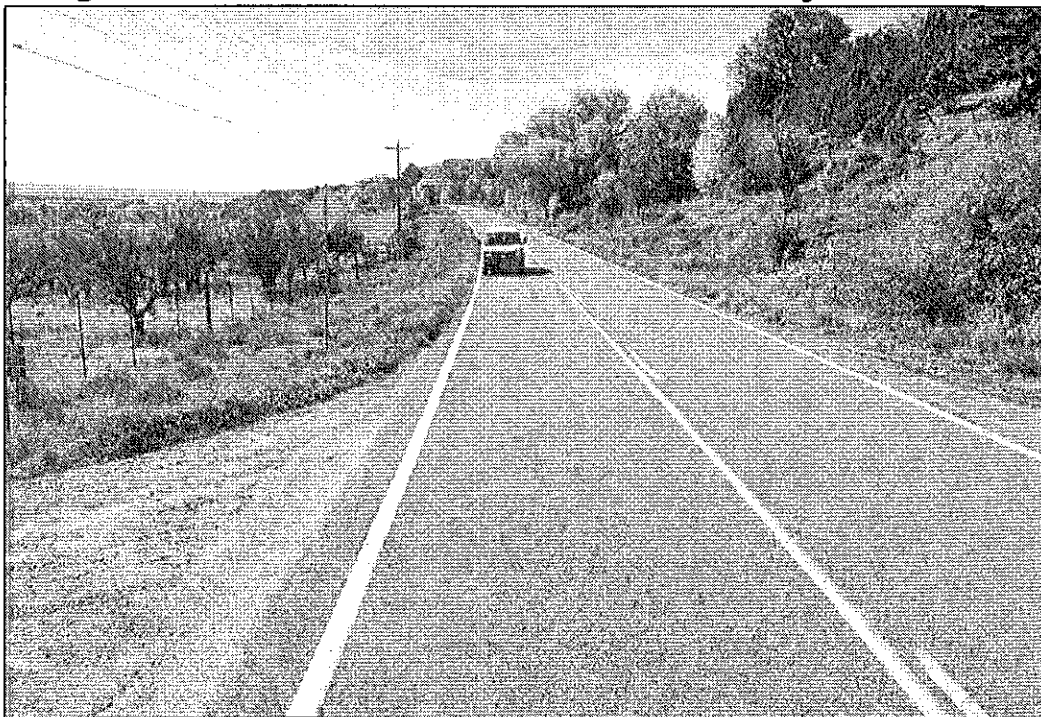


Figure 6 - View to West on SH-133 from Project Access



9 CDOT Access Permitting for the Project Access

A CDOT Access Permit would be necessary when the two-way traffic on the access point changes by 20%, which would occur with the addition of Project traffic. A CDOT access permit would be necessary, and the Permittee would be the property owner – West Elk Land & Hops LLC. The permitted traffic volume would be 10 vph at MP 8.35R. The attached letter from the fire department confirms their approval of the access, with minor widening.

10 Conclusions & Recommendations

The analysis in this Study indicates that the Project Access could safely accommodate new Project traffic without constructing turn lanes on SH-133.

Attachments

CDOT Highway Data – SH-133 near Project Access

SH-133 Access Control Plat

Existing Traffic Counts – Access AM & PM peak periods

Project Trip Generation Calculations

Project Trip Distribution Calculations

Letter from Paonia Volunteer Fire Department – approving Project Access

CDOT Data for SH-133

Route 133A From 8 to 9

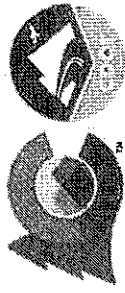
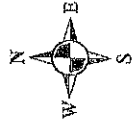
Legend

-  Route
-  Milepoint
- Structures**
-  Major Structure
-  Minor Structure

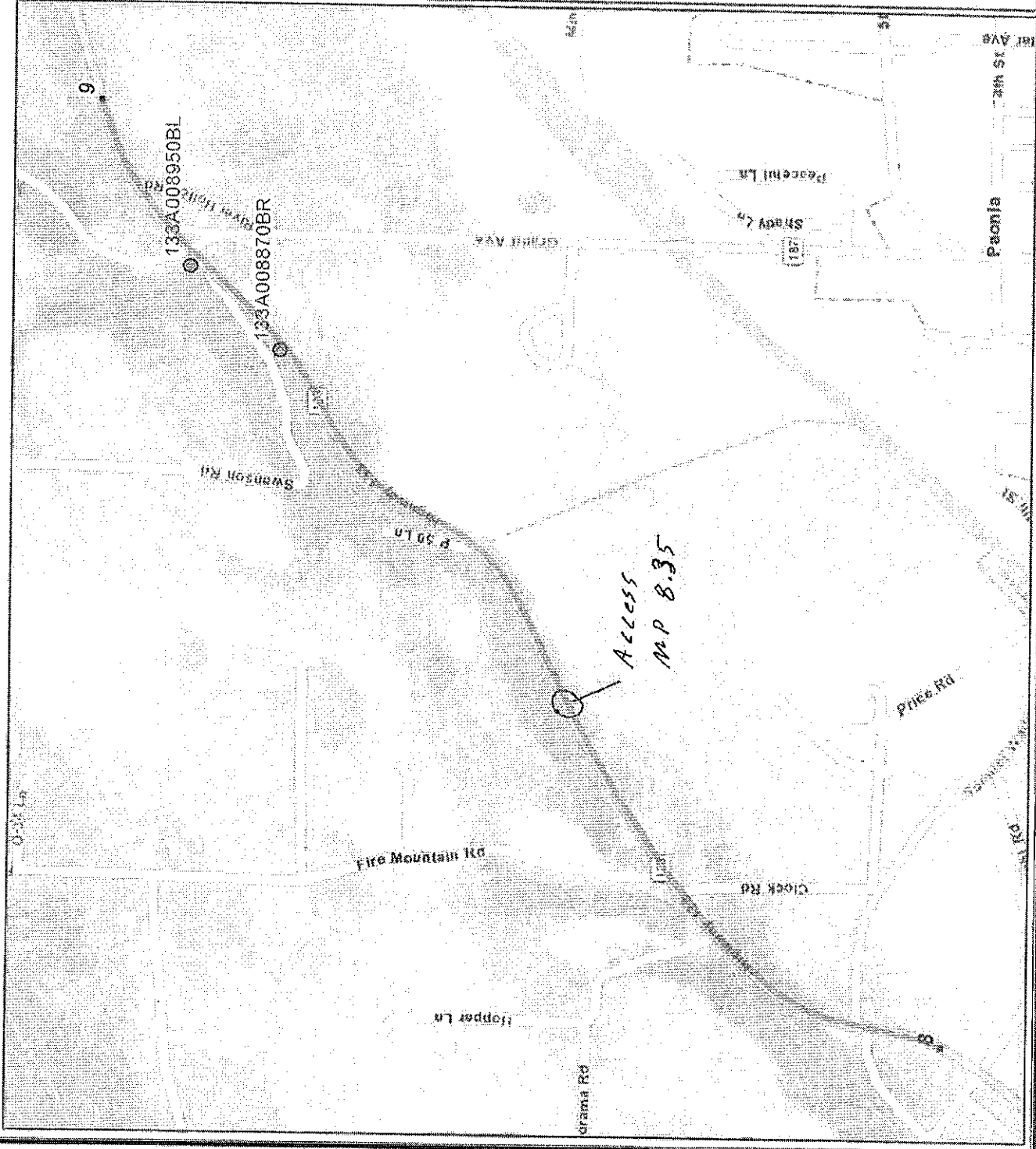
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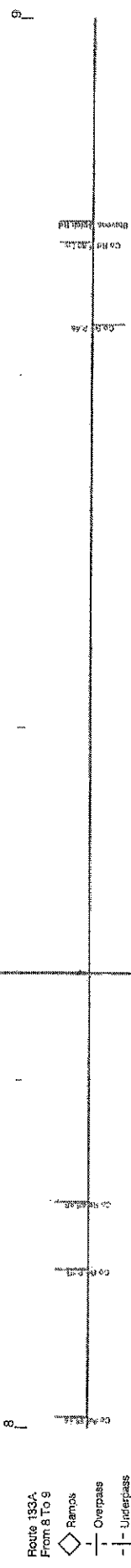
Date: 4/6/2023

Time: 9:19:04 AM



The information contained in this map is based on the most currently available data and has been checked for accuracy. CDOT does not guarantee the accuracy of any information presented, is not liable in any respect for any errors or omissions, and is not responsible for determining "fitness for use".





Access Control	
Functional Class	4 - Major Arterial
NHS Designation	0 - Not on NHS
Scenic Byway	0 - Not on Scenic
SAFETY	
Primary Speed Limit	75
Secondary Speed Limit	75
TRAFFIC	
AADT	2500
DRV	15.0
Year 20 Factor	1.06

If any information is missing from the straight line diagram, if so, reduce the number of miles/page and re-submit the request.

Access MP 8.35

Found 2 Short Duration stations and 0 Continuous Count stations. Click the magnifying glass icon in front of a station to see count data below.

[Export to Excel \(/otis/API/TRANSYS/GetAadtsByRouteRefs/133A/8/9/true/true.csv\)](#)

Station ID	Route	Start	End	Description	AADT	Year	Single Unit	Comb Trucks	% Trucks	20 Year Factor	DHV	DVMT	DD
104548	133A	7.822	8.858	ON SH 133 SW/O SH 187, GRAND AVE, PAONIA	2,300	2021	60	50	4.9	1.08	11	2,355	57
105627	133A	8.858	12.17	ON SH 133 SW/O BOWIE RD W JCT	2,000	2021	60	40	5.3	1.06	12	6,530	57

Projection Year: 2043 [Export to Excel](#)

[/otis/API/TRANSYS/GetFutureTrafficByRouteRefs/2043/133A/8/9/true/true.csv\)](#)

Station ID	Route	Start	End	AADT	Year	Single Trucks	Combined Trucks	% Trucks	DHV	Projected AADT	Projected Single Trucks	Projected Combined Trucks
------------	-------	-------	-----	------	------	---------------	-----------------	----------	-----	----------------	-------------------------	---------------------------

Build Year: _____ Design Life (yrs): _____ Lanes: 1 Rigid pavement: _____

[Export to Excel \(/otis/API/TRANSYS/GetEsalsByRouteRefs///1/false/133A/8/9/true/true.csv\)](#)

Route	Start	End	Length	20 Year Factor	Single Trucks	Combined Trucks	Projected AADT	Projected Single Trucks	Projected Combined Trucks	18 Kip ESALS
-------	-------	-----	--------	----------------	---------------	-----------------	----------------	-------------------------	---------------------------	--------------

ON SH 133 SW/O SH 187, GRAND AVE, PAONIA (Station Id: 104548)

- [Daily \(#daily-tab\)](#)
- [Monthly Summaries \(#monthly-tab\)](#)
- [Annual \(#annual-tab\)](#)

07/18/2019

Data is only available on select dates for Short Duration sites.

[Export to Excel \(/otis/API/TRANSYS/GetDailyTrafficVolumeForStationByDay/104548/false/2019-7-18.csv\)](#) [View Entire](#)

[Month \(/otis/TrafficData/GetDailyTrafficVolumeForStationByMonth/104548/false/2019/7\)](#)

Dir	0h	1h	2h	3h	4h	5h	6h	7h	8h	9h	10h	11h	12h	13h	14h	15h	16h	17h	18h	19h	20h	21h	22h	23h
P	00000	00001	00001	00002	00026	00078	79	82	81	72	71	68	89	100	105	66	95	81	49	47	29	47	22	5
S	00003	00000	00003	00001	00001	00014	47	57	60	67	71	102	87	74	127	114	129	119	86	81	41	42	28	27

P = Primary direction S = Secondary direction C = Combined traffic counts

Annual data is only available for continuous sites.

Click [here \(https://experience.arcgis.com/experience/ab7c09a831be45148991181947a97e12\)](https://experience.arcgis.com/experience/ab7c09a831be45148991181947a97e12) to view CDOT's Traffic Volume web map.

Click [here \(https://dtdapps.coloradodot.info/staticdata/Downloads/TrafficDataBase/\)](https://dtdapps.coloradodot.info/staticdata/Downloads/TrafficDataBase/) to download current and historical CDOT traffic data in Excel (.xlsx) format.



[/otis/](#)

- [Contact Us \(/otis/Home/ContactUs\)](#) [Sign In \(/otis/Account/LogOn\)](#)
- [CDOT Home \(https://www.codot.gov\)](https://www.codot.gov)

3/9

Access Locations		Hwy 133A RP 6.712 - 10.081				Conditional - access shall close when alternative access is available
Access No.	PERMIT TYPE	ROUTE	MP	SIDE	ACCESS TYPE	STATUS
1	Grandfathered	133A	6.712	R	Home, Wastewater Plant	Full Movement
2	Grandfathered	133A	6.718	L	1 Home	Full Movement
3	Grandfathered	133A	6.871	R	1 Home, Seasonal Fruit Stand	Full Movement
4	Grandfathered	133A	7.133	R	3 Homes	Full Movement
5	Grandfathered	133A	7.133	L	CR Stucker Mesa Road	NIC, emergency access to sewer plant
6	Grandfathered	133A	7.169	L	1 Home	Relocate to 6 when Roadcap Bridge is rebuilt
7	Grandfathered	133A	7.211	L	CR Bethlehem	Full Movement
8	Grandfathered	133A	7.407	L	Field Access	90° access to hwy
9	Grandfathered	133A	7.420	R	Bruce CT (Café Hotel etc.)	Close, access field from Bethlehem Road
10	Grandfathered	133A	7.561	L	Field Access	Full Movement
11	Grandfathered	133A	7.650	R	Field Accesses	Close, access field from Bethlehem Road
12	Grandfathered	133A	7.655	L	Field Access	Close, access from Backage Road #9
13	Grandfathered	133A	7.723	L	1 Home	Close, access field from Bethlehem Road
14	Grandfathered	133A	7.738	R	Gravel Pit, House	90° access to hwy, align with 14
15	Grandfathered	133A	7.764	L	Mini Storage	Full Movement
16	Grandfathered	133A	7.787	R	2 Homes	Full Movement
17	Grandfathered	133A	7.851	L	1 Home	Conditional
18	Grandfathered	133A	7.851	R	Frontage Road? 6 Homes	Close, Combine with #16
19	Grandfathered	133A	7.876	L	1 Home	Conditional
20	Grandfathered	133A	7.901	L	House, Pawn Shop	Conditional
21	Grandfathered	133A	7.929	L	1 Home	Conditional
22	Grandfathered	133A	7.937	L	1 Home	Conditional
23	Grandfathered	133A	7.937	R	Frontage Road - 5 Homes	Close, access for eastern most house off Slahj Road, 1 home only
24	Grandfathered	133A	7.966	R	Slahj Road	Full Movement
25	Grandfathered	133A	7.966	L	Slahj Road	Full Movement
26	Grandfathered	133A	8.026	L	Convenience Store	Conditional
27	Grandfathered	133A	8.058	L	Samuel Wade Road	Full movement access with potential for traffic signal/roundabout
28	Grandfathered	133A	8.068	R	P Road (P O D)	Full Movement
29	Grandfathered	133A	8.226	L	Panorama Road	Full Movement
30	Grandfathered	133A	8.287	R	Clock Road	Close, realign access with Panorama Road
31	Grandfathered	133A	8.287	L	Fire Mountain Road	90° access to hwy
32	Grandfathered	133A	8.406	L	1 Home & Light Industrial	Full Movement
33	Grandfathered	133A	8.467	R	1 Home & Orchard	Full Movement
34	Grandfathered	133A	8.475	L	1 Home	Full Movement
35	Grandfathered	133A	8.521	R	Field Access	Access from #33
36	Grandfathered	133A	8.621	L	1 Home	Full Movement
37	Grandfathered	133A	8.537	R	Field Access	Close, access from #33
38	Grandfathered	133A	8.775	R	Field Access	Close, access from Riverbank development
39	Grandfathered	133A	8.823	R	Field Access (Canal Road)	Close, access from Grand Avenue
40	Grandfathered	133A	8.895	R	2 Homes	90° access to hwy
41	Grandfathered	133A	8.964	R	2 Homes	Close, access from #40
42	Grandfathered	133A	8.925	L	Swanson Road	Close, access from Stevens Gulch Road
43	CDOT	133A	8.975	R	Hwy 187	Full movement access with potential for traffic signal/roundabout
44	Grandfathered	133A	8.982	L	Stevens Gulch Road	Full movement access with potential for traffic signal/roundabout
45	CDOT	133A	9.000	R	Hwy 187 (Right - Out Only)	Close, access from Grand Avenue
46	Grandfathered	133A	9.048	R	Visitor's Center, 3 Homes	Long Mile
47	Grandfathered	133A	9.075	L	2 Homes	Long Mile
48	Grandfathered	133A	9.000	L	Field Access	Close, access from Stevens Gulch Road
49	Grandfathered	133A	9.010	L	Field Access	Close, access from #60
50	Grandfathered	133A	9.029	L	1 Home, liquor store	Close, access from #50
51	Grandfathered	133A	9.041	L	Field Access	Full Movement
52	Grandfathered	133A	9.063	L	1 Home, Shop	Close, access from #52
53	Grandfathered	133A	9.135	L	2 Homes	Full Movement
54	Grandfathered	133A	9.246	L	Field Access "Very Steep"	Close, access from Stevens Gulch Road
55	Grandfathered	133A	9.292	R	Field Access	Close, access from Farmers Mine Road
56	Grandfathered	133A	9.295	L	Farmers Mine Road	Close, access from #56
57	Grandfathered	133A	9.326	L	Shop "100' wide"	Full Movement
58	Grandfathered	133A	9.352	R	1 Home	Full Movement
59	Grandfathered	133A	9.380	R	1 Home	Close, access from #59
60	Grandfathered	133A	9.392	L	1 Home	Full Movement
61	Grandfathered	133A	9.428	R	Field Access	Close, access from #60
62	Grandfathered	133A	9.442	L	Field Access	Full Movement
63	Grandfathered	133A	9.463	L	Field Access	Close, access from #62
64	Grandfathered	133A	9.478	L	Field Access	Close, access from #62
65	Grandfathered	133A	9.509	L	1 Home	Full Movement
66	Grandfathered	133A	9.535	R	Black Bridge Road	Close, realign to original location at #73
67	Grandfathered	133A	9.556	L	Field Access	Close, access from #65
68	Grandfathered	133A	9.617	L	1 Home	Close, access from #69
69	Grandfathered	133A	9.688	L	1 Home	Full Movement
70	Grandfathered	133A	9.719	R	Coal	Close, access from #73
71	Grandfathered	133A	9.760	R	Coal	Close, access from #73
72	Grandfathered	133A	9.783	L	1 Home	Close, access from Garvin Mesa Road
73	Grandfathered	133A	9.803	R	Coal	90° access to hwy
74	Grandfathered	133A	9.807	L	Garvin Mesa Road	Full Movement
75	Grandfathered	133A	9.879	R	1 Home	Full Movement
76	Grandfathered	133A	9.932	L	1 Home	Close, access from #77
77	Grandfathered	133A	9.975	L	Field Access	Full Movement
78	Grandfathered	133A	10.081	L	Field	Full Movement

SH-133 Access Plan

Note MP 8.406 or MP 8.467
 doesn't match data provided
 by CDOT OTIS Mapping System

1/1

Intersection Turning Movement Count Summary

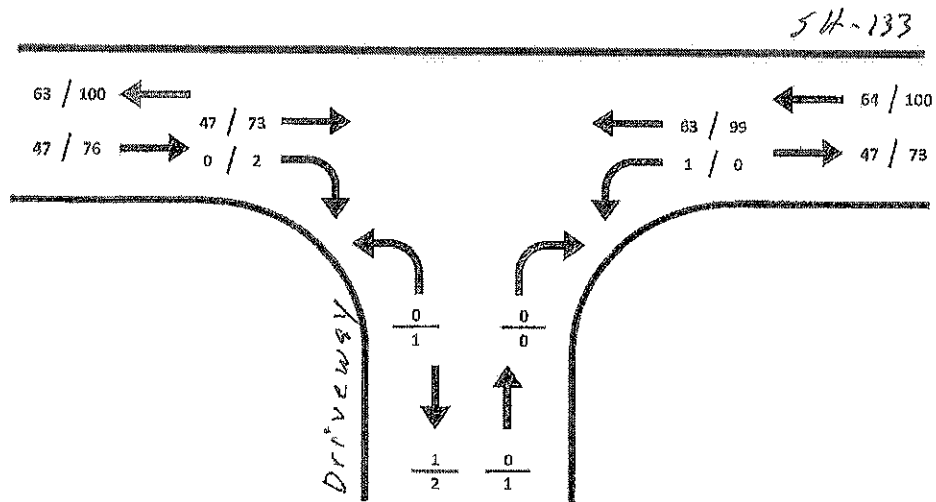
Project: Paonia Residential SH 133
 Location: Paonia
 EB/WB Road: SH 133
 NB/SB Road: Access

APEX
 CONSULTING ENGINEERS
 CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT

Counted By: APX
 Count Date: 4/18/2023

Intersection 1 - SH 133 & Access

	SH 133 - (EB)			SH 133 - (WB)			Access - (NB)			Access - (SB)			Sums	
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right		
AM	7:00	-	11	1	0	30	-	0	-	0	-	-	-	22
	7:15	-	13	0	0	15	-	0	-	0	-	-	-	28
	7:30	-	10	0	0	11	-	0	-	0	-	-	-	21
	7:45	-	7	0	0	11	-	0	-	0	-	-	-	18
	8:00	-	12	0	1	12	-	0	-	0	-	-	-	25
	8:15	-	12	0	0	13	-	0	-	0	-	-	-	25
	8:30	-	18	0	0	18	-	0	-	0	-	-	-	36
	8:45	-	5	0	0	20	-	0	-	0	-	-	-	25
	Peak	-	47	0	1	63	-	0	-	0	-	-	-	111
Sums		47			64			0						111
PM	16:00	-	14	0	0	14	-	0	-	0	-	-	-	28
	16:15	-	29	1	0	29	-	0	-	0	-	-	-	59
	16:30	-	17	0	0	32	-	0	-	0	-	-	-	49
	16:45	-	13	1	0	21	-	0	-	0	-	-	-	36
	17:00	-	14	0	0	17	-	1	-	0	-	-	-	33
	17:15	-	15	0	0	12	-	0	-	0	-	-	-	27
	17:30	-	11	0	1	23	-	0	-	0	-	-	-	35
	17:45	-	14	0	0	23	-	0	-	2	-	-	-	39
	Peak	-	73	2	0	99	-	1	-	0	-	-	-	177
Sums		76			100			1						177



Traffic Count

1/1

ITE TripGen Web-based App

Query Filter

DATA SOURCE: Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE: 210

LAND USE GROUP: (200-299) Residential

LAND USE: 210 - Single-Family Detached Housing

LAND USE SUBCATEGORY: All Sites

SETTING/LOCATION: General Urban/Suburban

INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 6

Calculate

Project Trip Generation

Data Plot and Equation

DATA STATISTICS

Land Use: Single-Family Detached Housing (210) Click for Description and Data Plots

Independent Variable: Dwelling Units

Time Period: Weekday

Setting/Location: General Urban/Suburban

Trip Type: Vehicle

Number of Studies: 174

AVG Num of Dwelling Units: 246

Average Rate: 9.43

Range of Rates: 4.45 - 22.61

Standard Deviation: 2.13

Fitted Curve Equation: $L(X) = 0.92 \ln(X) + 2.68$

R^2 : 0.95

Directional Distribution: 50% entering, 50% exiting

Calculated Trip Ends: Average Rate: 57 (Total), 28 (Entry), 29 (Exit) Fitted Curve: 76 (Total), 38 (Entry), 38 (Exit)

X = Number of Dwelling Units

Reset Zoom Restore

Fitted Curve

Average Rate

Use the mouse wheel to Zoom Out or Zoom In. Hover the mouse pointer on data points to view X and Y values.

Weekday

Query Filter

DATA SOURCE: Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE: 210

LAND USE GROUP: (200-299) Residential

LAND USE: 210 - Single-Family Detached Housing

LAND USE SUBCATEGORY: All Sites

SETTING/LOCATION: General Urban/Suburban

INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday, Peak Hour of Adjacent Street Traf

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 6

Calculate

Data Plot and Equation



Use the mouse wheel to Zoom Out or Zoom In.
Hover the mouse pointer on data points to view X and Y values.

AM Peak Hour

DATA STATISTICS

Land Use: Single-Family Detached Housing (210) Click for Description and Data Plots

Independent Variable: Dwelling Units

Time Period: Weekday, Peak Hour of Adjacent Street Traffic

Setting/Location: General Urban/Suburban

Trip Type: Vehicle

Number of Studies: 192

Avg. Num. of Dwelling Units: 226

Average Rate: 0.70

Range of Rates: 0.27 - 2.27

Standard Deviation: 0.24

Fitted Curve Equation: $Ln(T) = 0.84 Ln(X) + 0.12$

R²: 0.90

Directional Distribution: 25% entering, 75% exiting

Calculated Trip Ends: Average Rate * (Rate) * (Entry) * (Exit)

Fitted Curve: 6 (Total), 1 (Entry), 5 (Exit)

2/3

ITETripGen Web-based App

Query Filter

DATA SOURCE: Trip Generation Manual 11th Ed

SEARCH BY LAND USE CODE: 210

LAND USE GROUP: (200-299) Residential

LAND USE: 210 - Single-Family Detached Housing

LAND USE SUBCATEGORY: All Sites

SETTING/LOCATION: General Urban/Suburban

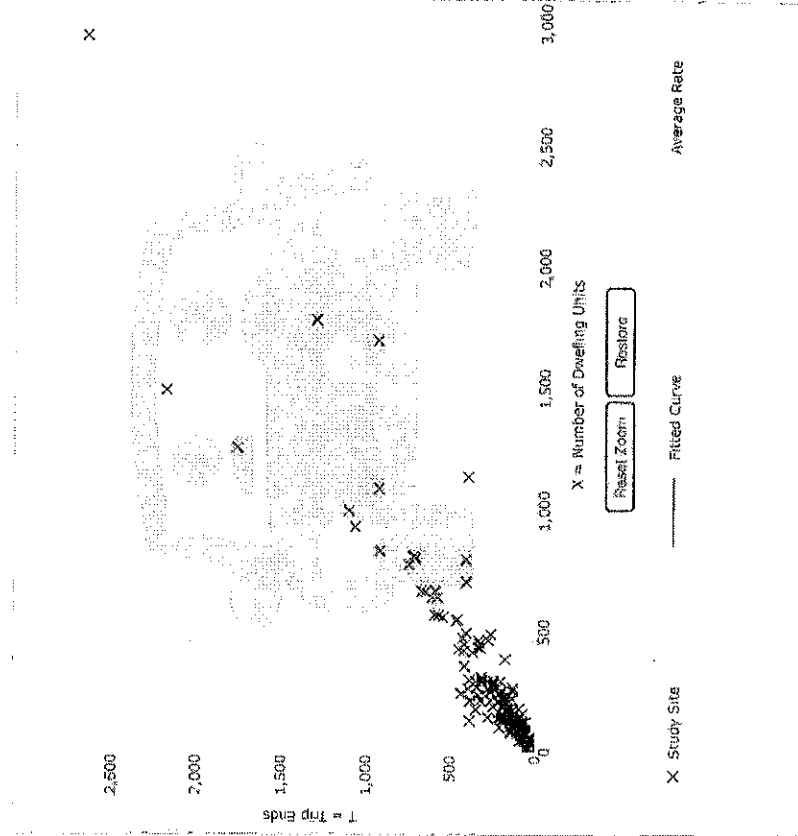
INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday, Peak Hour of Adjacent Street Tra

TRIP TYPE: Vehicle

ENTER W VALUE TO CALCULATE TRIPS: 6 Calculate

Data Plot and Equation



Use the mouse wheel to Zoom Out or Zoom In.
 Hover the mouse pointer on data points to view X and Y values.

DATA STATISTICS

Land Use:	Single-Family Detached Housing (210): Single-Fam
Designation and Data File:	Designation and Data File
Independent Variable:	Dwelling Units
Time Period:	Weekday
Peak Hour of Adjacent Street Traffic:	One Hour Between 4 and 6 PM
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	206
Avg. Num. of Dwelling Units:	248
Average Rate:	0.94
Range of Rates:	0.35 - 2.83
Standard Deviation:	0.91
Fitted Curve Equation:	$Log(Y) = 0.94 \cdot Log(X) + 0.27$
R ² :	0.87
Directional Distribution:	63% entering, 37% exiting
Calculated Trip Ends:	
Average Rate (Entry):	2 (Entry)
Fitted Curve (Entry):	3 (Entry)

PM Peak Hour

ASG-DPS-10-001-10-10-10

3/3

Intersection Turning Movement Count Summary

Project: Paonia Residential SH 133
 Location: Paonia
 EB/WB Road: SH 133
 NB/SB Road: Access

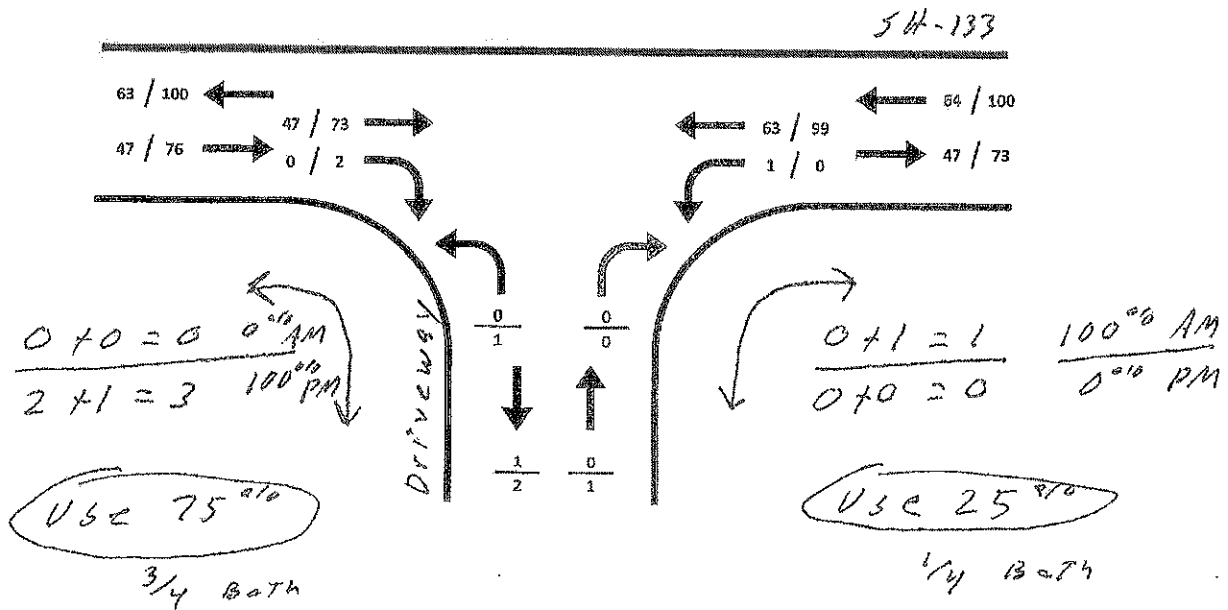
APEX
 CONSULTING ENGINEERS
 CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT

Counted By: APX
 Count Date: 4/18/2023

Intersection 1 - SH 133 & Access

		SH 133 - (EB)			SH 133 - (WB)			Access - (NB)			Access - (SB)			Sums
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
AM	7:00	-	11	1	0	10	-	0	-	0	-	-	-	22
	7:15	-	13	0	0	15	-	0	-	0	-	-	-	28
	7:30	-	10	0	0	11	-	0	-	0	-	-	-	21
	7:45	-	7	0	0	11	-	0	-	0	-	-	-	18
	8:00	-	12	0	1	12	-	0	-	0	-	-	-	25
	8:15	-	17	0	0	13	-	0	-	0	-	-	-	25
	8:30	-	18	0	0	18	-	0	-	0	-	-	-	36
	8:45	-	5	0	0	20	-	0	-	0	-	-	-	25
	Peak	-	47	0	1	63	-	0	-	0	-	-	-	111
	Sums	-	47	0	1	63	-	0	-	0	-	-	-	111
PM	16:00	-	14	0	0	14	-	0	-	0	-	-	-	28
	16:15	-	29	1	0	29	-	0	-	0	-	-	-	59
	16:30	-	17	0	0	32	-	0	-	0	-	-	-	49
	16:45	-	13	1	0	21	-	0	-	0	-	-	-	35
	17:00	-	14	0	0	17	-	1	-	0	-	-	-	33
	17:15	-	15	0	0	12	-	0	-	0	-	-	-	27
	17:30	-	11	0	1	23	-	0	-	0	-	-	-	35
	17:45	-	14	0	0	23	-	0	-	2	-	-	-	39
	Peak	-	73	2	1	99	-	1	-	0	-	-	-	177
	Sums	-	73	2	1	99	-	1	-	0	-	-	-	177

AM
 PM



Project Trip DISTRIBUTION

1/1

HIGH WIRE HOPS
PO BOX 1143
PAONIA, CO 81428

4361

90-4378/1211

11/22/23

Date

CHECK AGAIN
TRADE PROMOTION

Pay to the Order of TOWN OF PAONIA

\$ 500.00

FIVE HUNDRED & NO/100

Dollars

Photo Safe Deposit
Details on back



UNITED BUSINESS BANK
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For SUBDIVISION APPLICATION FEE



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Delta County Independent** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(970) 249-3444**.

Notice ID: heb1OaW65AVwSpbyzh30 | **Proof Updated: Dec. 19, 2023 at 12:11pm MST**
 Notice Name: PH Minor SBDV 01-2023

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
Samira Vetter samirav@townofpaonia.com (970) 527-4101	Delta County Independent

Columns Wide: 1	Ad Class: Legals
-----------------	------------------

12/27/2023: Custom	35.16
01/03/2024: Custom	30.70
01/10/2024: Custom	29.23
01/17/2024: Custom	29.21

	Subtotal	\$124.30
	Tax	\$0.00
	Total	\$124.30

**TOWN OF PAONIA, COLORADO
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning Commission of the Town of Paonia will hold a Public Hearing commencing Wednesday, January 17, 2024 at 5 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

Further Notice is hereby given that the Board of Trustees of the Town of Paonia will hold a Public Hearing commencing Tuesday, January 23, 2024 at 5:00 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

Any person may appear at the Public Hearings and be heard regarding the matters under consideration. Copies of the proposed subdivision plat and related application materials are on file and available for public inspection in the office of the Town Clerk, 214 Grand Avenue, Paonia, Colorado 81428.

Legal Description: Lot 2, Riverbank Neighborhood Minor Subdivision, according to the instrument recorded March 21, 2012 in the records of the Delta County Clerk and Recorder under Reception No. 657278.

Dated the 19th _ day of December, 2023.

TOWN OF PAONIA, COLORADO
Samira Vetter, Town Clerk
Published Wednesday, December 27, 2023, January 3, 10, 17, 2024



Town of Paonia

Office of the Town Clerk

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December 19, 2023

RE: Notice of Public Hearing for Minor Subdivision

To whom it may concern,

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Samira Vetter, Town Clerk

Samira M. Vetter.
Paonia Town Clerk
E: SamiraV@TownofPaonia.com

B. ACTIONS TO START NOW (YEARS 1-2)

Actions to start now, following adoption of this plan and within about 2 years:

- Regulate short-term rentals
- Allow for accessory dwelling units
- Explore public-private partnerships to build Housing for the Community
- Establish partnerships for a sweat equity program
- Use, promote, and build on existing resources

REGULATE SHORT-TERM RENTALS

Overview

Regulating short-term rentals (STRs) was the community’s top priority during 2023 community engagement efforts. This action focuses on updating the municipal code to regulate STRs, which are typically defined as a dwelling unit or portion of a dwelling unit that is rented on a short-term basis, typically 30 days or less. There is some confusion about the Town code already prohibiting STRs, specifically within the definition of a dwelling unit. Establishing clear regulations will help address this confusion and other concerns raised by the community.

In Paonia, there are about 30 documented STRs. Community input received during this project identified pros and cons to having STRs in Paonia. Pros included that STRs provide more lodging options (e.g., for people visiting their families), income for local businesses due to visitor spending, and income for local STR owners. Cons included that STRs reduce the supply of housing for the community, provide income and profit for out-of-town STR owners, and negatively impact community and neighborhood character and residents’ quality of life.

As part of this project, the consultant team will deliver a first draft of proposed code revisions to regulate STRs. This first draft will be based on community input received throughout this project and the

*Regulate short-term rentals! This is the most-obvious, biggest bang-for-back tool in our kit.
- Open House participant*

consultant teams’ expertise. This draft will jump-start implementation of this action and can be revised through the Town’s typical process for code revisions. Developing clear and easily enforceable regulations is recommended.

An additional fee or tax on STRs, like a regulatory fee or excise tax, could be considered but should not delay adopting regulations. Establishing a new fee or tax requires ample time to analyze the possibilities (which may be limited due to Paonia being a statutory town), conduct legal review, and seek and obtain voter approval if a tax is desired.

Addressing Recurring Themes

Regulating STRs can benefit locals by helping retain the supply of much needed long-term rentals and discouraging out-of-town investment. This can also help maintain community character by regulating things important to the community like parking. Regulating STRs can be implemented quickly by the Town with minimal resources, as long as the regulations are kept simple and easily enforceable.

Time Needed to Complete

4-6 months

Implementation: easy

Impact: medium

Timing of Impact: short term



Implementation

Step	Lead/Partner
1. Discuss and gather feedback on the first draft of proposed code revisions to regulate STRs as delivered by the consultants. This could entail the planning commission (PC) holding a public meeting, the Town hosting an open house, or other methods determined to be the most productive way to deliberate and collect community input.	Town staff, board, PC/citizens
2. Refine the first draft of proposed code revisions based on feedback. Prepare an ordinance to amend the municipal code.	Town staff
3. Go through the Town’s process to review and consider an ordinance to revise the municipal code. Edit the ordinance as needed.	Town staff, board, PC/citizens
4. Finalize and adopt the ordinance.	Town staff, board
5. Publicize the newly adopted regulations to the community, and consider allowing a little time to gain compliance.	Town/STR operators
6. Monitor and enforce the new regulations.	Town

Examples

- There are a lot of different ways to regulate STRs. The Colorado Municipal League published a table with communities’ regulatory approaches to STRs that can be found online: <https://www.cml.org/docs/default-source/uploadedfiles/issues/economic-development/short-term-rental-ordinance-matrix.pdf?sfvrsn=96264f69>. When looking at other communities’ regulations, consider the recurring themes in this document to be sure any new regulations help achieve the community’s overall desires. Also consider the cost and enforceability of the regulations.
- The Colorado Lawyer published a comprehensive article in April 2022 with an overview of STR regulations in Colorado: <https://cl.cobar.org/features/the-state-of-short-term-rentals-in-colorado/>.
- Local Housing Solutions published a brief on regulating STRs: <https://localhousingsolutions.org/housing-policy-library/regulating-short-term-rentals/>.
- Educate the community through a “rent local” campaign—partner with local organizations and businesses to communicate the need for and benefits of renting units to locals rather than as an STR.
- In the future, and if funding is available, consider incentivizing the conversion of STRs to long-term rentals. These programs require ample funding but often result in many conversions. The Town of Winter Park runs an incentive program: <https://wpgov.com/stf/>. Summit County also has an incentive program: <https://www.summitcountyco.gov/1461/Lease-to-Locals>.
- A regulatory fee on STRs could be considered like in Breckenridge, Pagosa Springs, and Estes Park. This can generate funding for affordable housing but is most effective in areas with a lot of tourism and STRs. The fee amount needs to be based on the relationship between STRs and employment generation that leads to the need for affordable housing, which a study will help determine.
- An excise tax could also be implemented on STR stays like in Ouray (15%), Crested Butte (7.5%), and Telluride (2.5%). Note that these examples are all home rule municipalities and Paonia is a



statutory town, which may limit taxing options. Any tax increase must be approved by the voters through an election. This is most productive in areas with high tourism and a lot of STRs.

Resource Needs and Funding

- Town staff, board, planning commission, and attorney time will be needed to prepare and adopt an ordinance. Town staff time will also be needed for ongoing monitoring and enforcement.
- The Town may choose to engage a consultant to assist with drafting and refining the code language.
- Consider implementing a licensing fee that will offset all costs of administering the STR regulations, including staff time to review, monitor, and enforce code compliance. A licensing fee does not require a study or voter approval; it should simply be informed by the staff time and resources needed to implement the regulations.
- STR operators should already be paying 9.5% sales tax and the 2% Delta County lodging tax. Ensure these existing taxes are being remitted.

