

**TOWN OF SILT**  
**REGULAR PLANNING AND ZONING COMMISSION MEETING**  
**February 6, 2024 – 6:30 P.M.**  
**HYBRID MEETING**

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, February 6, 2024. The meeting was called to order at 6:30PM.

**Roll call**

Present

Chair Lindsey Williams  
Vice Chair Michael Bertaux  
Commissioner Robert Doty  
Commissioner Eddie Aragon  
Commissioner Jennifer Stepisnik  
Alternate Vanessa Westmoreland  
Alternate Dana Wood

Also present were Contract Planner Mark Chain and Community Development Manager Nicole Centeno.

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**Pledge of Allegiance**

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It was noted that there was an agenda change. Because of the number of people from the public and a development team for the Westerns Slope Veterans Coalition, it was suggested that this Informational Item begin immediately after approval of the consent agenda.

**. Consent Agenda**

1. Minutes of the January 9, 2024 Planning & Zoning Commission meeting.

Vice Chair Bertaux made a motion to approve the Consent Agenda. Second by Commissioner Stepisnik; the motion carried unanimously.

**Conflicts of Interest**

Commissioner Bertaux informed the commission that he knew the architect, Marc Hogan, for many years. He said he could be nonbiased. This was acceptable to the Commission.

**Western Slope Veterans Coalition**

Commissioner Centeno introduced this project. She said it was an informational item only. Originally this was intended to be a Site Plan Review but because of some differences in the underlying zoning compared to the potential development plan specifics, it was thought that a different course of action, a PUD rezoning, was needed. Centeno noted that she had informed Jon Kuersten that he would be able to make a quick presentation to the Commission. Jon was

joined by property owner Marc Hogan, Jon Pettit and Jeremie Oates. He indicated he had a PowerPoint presentation that has not yet been seen by staff or anybody else.

John said he wanted to get in front of the Commission because of a project application he intended to help make in the future. He said he did not want to talk too much at this time. He said he was helping to make an application on behalf of a group of homeless Western Slope Veterans on property owned by Marc Hogan on the east side of ninth Street one half block north of the roundabout and north of Stop and Go. He Introduced Jon Pettit. Jon identified himself as a Marine veteran who had been successful in a previous life and now lived in Glenwood Springs. He said he had not been involved in the military for 40 years. He also said there are problems with the present situation of some veterans including the fact that there have been a couple suicides and the Valley. He said this helped compel him to get involved with helping this Veterans organization. He said they have office space in Glenwood Springs at a cost of one dollar year and proximally 5000 ft.<sup>2</sup> in size. It's dedicated to the Veterans Resource Coalition and that they are certified 501- C3.

They recently got a grant of \$100,000 from the VFW. He said he does not want this to go to waste. He wants to help solve some of the existing problems. He said they have found a piece of ground for a small housing development to be devoted to Homeless Veterans.

Jeremie Oates identified himself. He said he was a career member of the special forces and a native of the Roaring Fork Valley. He also wants to reduce the risk and stress on veterans in the area including injured veterans and those who need geriatric care. He Indicated that homelessness was the biggest need at this time, and he was hoping to do something useful.

Marc Hogan introduced himself as the owner of the property and an architect. He noted that he is acting as a designer for the property. He said there was no dedicated housing for veterans in the area and there are a number of homeless veterans who were in distress. He then went over some demographics related to the situation.

Marc went over the development concept. He noted this was an ideal spot. He said the property had the following characteristics:

- centrally located
- located north of the roundabout near I 70
- public transportation was available
- the development plan included 14 tiny homes; that were set up as 7 duplexes.
- There was also one residence for an on-site manager as well as a community building. Individual units would be 384 ft.<sup>2</sup> in size. Details were still being massaged but right now the units are being designed for single occupancy.
- Prefabrication/modular construction was a possibility
- There would be a facility manager on site full-time
- the property would remain under one ownership
- they are hoping to get funding to help subsidize the project
- goal was to get these people on their feet
- he was hoping to go to the trustees pretty soon.

Mr. Hogan thanked the commission and said that input from the neighborhood is important.

John Kuersten said that he had talked to the Fire Marshall and a turnaround design as shown in the concept plan met their criteria. There was then more discussion regarding fire access.

John showed pictures of the 7 duplexes and noted that there were 15 parking spaces, some of them being tandem in nature. He also said that all units would be accessible units. There was an existing drainage ditch on the east side and this would remain. Other features of the project they are considering were xeriscaping, secure fencing and that the buildings would be one-story in height. presently working on a creative color scheme.

Mr. Kuersten then went over background related to the Comprehensive Plan and how the project would conform with the plan. He said he had also talked to representatives of Xcel and each unit would have their own heating and cooling unit.

Commissioner Aragon ask about the timing. He was thinking that a project like this could take 2 and half to three years and he was curious of the schedule. Mr. Kuersten talked about getting final plat approval and then obtaining money for one time construction. There was then some discussion about site lighting and Mr. Hogan said site lighting will be downcast and shielded. The presentation was then over.

The presentation being over, Chair Williams opened the floor for the commissioners to ask questions. She inquired as this appears to be an interim place how is that going to work in the long-term? Mr. Hogan said he had talked to Cheryl Strause and the Board of County Commissioners, and perhaps it could work as a long-term option for some residents also. Chair Williams asked who was going to be the administrators of the project. It was noted that it would probably be the Coalition but it depends on who they partner with.

Commissioner Westmoreland inquired as to whether there was a landscaping plan, or if they could xeriscape to cut down on water usage. The applicant confirmed that they are planning to xeriscape as much as possible.

Commissioner Doty had questions about what the coalition is doing now. It was noted that PTSD needs to be addressed. There was then some discussion whether the potential clients for the property would be under medical/mental duress. It was noted that some of the clients have PTSD, perhaps depression and another related issues. Mr. Kuersten said they would limit, if possible, leasing out to sexual offenders or those who had violent tendencies. There are also questions of whether females would be allowed residence in the project.

Vice Chair Bertaux talked about some experiences his family had in the past. He then confirmed that there was going to be a fire hydrant and clarified storage for each unit. Bertaux expressed a possible concern for the tandem parking proposal. There was also some general discussion about conflict resolution, resolving disputes and similar items. It was asked whether Habitat for Humanity would have any role and that was not foreseen at this time.

Chair Williams then opened the meeting for public comment.

Trey Pruett, 220 N. 9<sup>th</sup> St. noted he had a concern with parking. He was not sure that an alley easement should qualify for public access. He thought a wider travel lane may be required. Natalie Hurt, also of 220 N. 9<sup>th</sup> St. said she was the previous deed holder for Trey's property and that had been the case since 2021. She wanted to open up a dialogue as there were conflicts between surveys of the proposed property and an adjacent one. She also had a concern with the amount of parking, use of an alley easement for primary access, and lack of a sidewalk/vestry and access.

Lisa Orosz spoke on behalf of 130 9<sup>th</sup> Street. She noted her husband had been in Desert Storm and she had a long background of support for the veterans. Still, she had many concerns and

stated her husband was a retired firefighter. She said there may be problems with those with mental and emotional disorders and she also had concerns regarding the alley and parking. She is not sure that there were jobs available for some of the residents. She said there are no resources in Silt, to help with the needs of the veterans. She just thought there were too many unresolved problems at this time.

Cheryl Strause, 1709 Orchard Avenue identified herself as the Executive Director of the Garfield County Housing Authority. She gave extensive background about some of the current programs, cost of the housing, subsidies available, and the need for support for the Veterans who may live at the site. She noted that they did have medical personnel that could work with the project in Silt. She quickly reviewed a couple of grants they were trying to get from HUD. She noted that they were only in the planning stage for the project and they would continue to try to work on some of the issues and would provide updates if they become available.

Indira Barron, 1022 Domelby Court identified herself as a housing specialist. She is familiar with some of the HUD programs and each individual would have supportive health services from the VA unless they transition out of the program or project. Vouchers for care are available. She said they were trying to get homeless veterans off the streets and a maximum of 30% of rent comes from the individual themselves. They are not required to work under certain circumstances. Vice Chair Bertaux asked where these supportive programs came from. Indira noted that it was the VA that decides how much support individuals need.

Eli Evans lives at 943 Grand Ave. He lives just above the project to the north. He has some concerns about the access. He said he has owned his property for 16 years and this is the first he has heard of using an alley for access. He thought there should be a discussion about this. He was not sure it was wise to put a project with this density between the roundabout and the Stop Sign at Grand and 9<sup>th</sup>. Silt is not the right location for this project, there's a 75% chance of increased crime, which our Silt Police Department will not be equipped to handle this. Evans asked what happens 10 years from now, when funding goes away. This project is a noble deed, but in the middle of a residential area is not the right location.

Laura Jurcedo, 942 Main, spoke next. She asked whether the necessary services are located nearby. She indicated the location of the site has no nearby grocery store or similar facilities, no nearby clinic or hospital and there have been few sources of employment without the ability to have an automobile. She was also concerned with potential crimes. She noted that some of the work and services for the potential clients could fall onto the Silt Police force. She also asked about the future of the property and what may happen if the use would change in the future. She noted she was not against the shelter but thought this was not the right spot. Perhaps there was a better location where there were more services such as in Glenwood Springs or Rifle.

René and Maria Rosa of 941 Grand Avenue also spoke. She said she didn't have much to say. She wanted to thank veterans for their service but was wondering if some larger living spaces may be required.

This ended the public comment.

John Kuersten said it was important to get feedback now during the process. He said that they have had preliminary contact with some neighbors and the issues and they were doing their best to solve any concerns. He noted there would be an on-site manager who hopefully can handle most of the situations. He said a lot of people seem to think that no place is the right place for such facility; but he hopes by providing a stable environment they can help re-assimilate some of the veterans back into society.



He also wanted to tell the neighbors that they have no intention of extending the alley out to the east. Mr. Hogan thanked the neighbors for the input and wanted to inform the neighbors that there would be monthly drug testing even though he was not sure if that was even legal.

Jon Pettit stated that he had one time been homeless because of problems and he remembered some of the things he went through and that was difficult. He said we don't want these issues the recurring here either. They have even spoken about drug and alcohol testing, if it's legal to do so.

There was also a question on the alley and Mr. Kuersten it was an alley and just that.

Chair Williams noted that this discussion was the first of many steps for such a project like this to move forward. Vice Chair Bertaux said that if someone has further comments, they can write them down and provide them to Manager Centeno. There was a question from someone about how the neighbors would get notice of such meetings in the future and Centeno briefly describe the process.

Chair Williams said that she knew discussions like this are sometimes difficult but it was good to see members of the public gathering in the lobby as that meant they were interested in the town.

Commissioner Stepisnik thanked all for the conversation and said she also has some concerns. She noted that there appear to be resources available. She indicated she thought that there were some safety concerns but that it was a great project.

Vice Chair Bertaux said he was supportive of the project but that it may be a bit too dense for that particular property. He also noted some alley and pedestrian issues.

Commissioner Woods said she supports the concept but not as it is presented at this particular time. She said she had some reservations. She wanted to know more about the services available and what would be guaranteed.

Commissioner Doty thanked everyone for coming and thought that as long as the project meets the comprehensive Plan that would probably be good for the town. He said he wanted to be fair and balanced. He said he had a lot of friends who are vets. But he also wanted to note that the easement for ingress and egress is an impact on the neighbors and needs to be addressed.

Commissioner Aragon thought that it was a good concept and that right now there are still some areas that gave him concern. And he hoped that the development team would address these.

As a final note, Mr. Kuersten noted that the access for this property and some of the related issues are result of actions taken 100 years ago.

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## **Planner's Report**

Planner Chain said he wanted to keep this brief and kept his report to simply saying that 511 N. 5<sup>th</sup> St. is scheduled for the March Planning Commission Meeting and that he expects the application for Heron's Nest to be made in the next few weeks.

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## **Commissioner Comment**

Planner Chain asked if he could interject for a moment. He said he thought it was a bit unfair to the Commission that the applicant for the potential project said that he was just coming in to get some feedback but had an extensive presentation mapped out and that the Commission did not have the opportunity for staff to review this information and provide their thoughts ahead of time. Commissioner Aragon said he thought it was good idea to get the input.

Commissioner Woods said she had a suggestion; perhaps the Town could look at getting some interpretation services for people who speak other languages. She said it would help decisions perhaps be more representative of the entire community.

There was no other Commissioner Comment.

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## **Adjournment**

Vice Chair Bertaux made a motion to adjourn the meeting; second by Commissioner Stepisnik. The meeting adjourned at 9:18 PM.

Respectfully submitted,

Approved by the Planning Commission

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Mark Chain  
Planner

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Lindsey Williams  
Chair

**TOWN OF SILT**  
**PLANNING AND ZONING COMMISSION AGENDA**  
**Tuesday, March 5, 2024 6:30 P.M.**  
**MUNICIPAL COUNCIL CHAMBERS**  
**HYBRID MEETING**

<b>ESTIMATED TIME</b>	<b>ELECTRONIC AGENDA ITEM</b>	<b>PUBLIC HEARING/ ACTION</b>	<b>ELECTRONIC LOCATION AND PRESENTOR</b>
	<b>Agenda</b>		<b>Tab A</b>
<b>6:30 5 min</b>	<b>Call to Order</b>		<b>Chair Williams</b>
	<b>Roll Call</b>		
	<b>Pledge of Allegiance</b>		
<b>6:35 5 min</b>	<b>Public Comments - Each speaker will limit comments to no more than three (3) minutes, with a total time of 30 minutes allotted to public comments, pursuant to Section 2.28.020 of the Silt Municipal Code</b>		
<b>6:40 5 min</b>	<b>Consent agenda –</b>  1. Minutes of the February 6, 2024 Planning & Zoning Commission meeting	<b>Action Item</b>	<b>Tab B Chair Williams</b>
	<b>Conflicts of Interest</b>		
	<b>Agenda Changes</b>		
<b>6:45 5 min</b>	<b>Rislende Site Plan Review- Continuance of Public Notice</b>	<b>Public Hearing Continuance Action Item</b>	<b>Tab C Manager Centeno</b>
<b>6:50 25 min</b>	<b>Bruce Coats – Lot Line Adjustment</b>	<b>Public Hearing Action Item</b>	<b>Tab D Planner Chain</b>
<b>7:15 10 min</b>	<b>Planners Report</b>	<b>Verbal Update</b>	<b>Manager Centeno / Planner Chain</b>
<b>7:25 5 min</b>	<b>Commissioner Comments</b>		
<b>7:30</b>	<b>Adjournment</b>		

The next regularly scheduled meeting of the Silt Planning & Zoning Commission is tentatively set for Tuesday, April 2, 2024, at 6:30 p.m. Items on the agenda are approximate and intended as a guide for the Planning and Zoning Commission. "Estimated Time" is subject to change, as is the order of the agenda. For deadlines and information required to schedule an item on the agenda, please contact the Town of Silt at 876-2353. Please be aware that this agenda is given to the public and to the Commission in electronic form. If you require a hard-copy, please request one before or after the scheduled meeting. Normal Town copying charges may apply. Thank you.



## Community Development Department

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### MEMORANDUM

**TO:** Planning & Zoning Commissioners  
**FROM:** Nicole Centeno, Community Development Manager  
**DATE:** February 29, 2024  
**RE:** Rislende Site Plan Review

Due to a public noticing delay, Rislende needs to continue their Site Plan Review Hearing, to ensure adequate time was given to the adjacent property owner and the public to receive the notices and ability to review the application.

Staff recommends that the Planning and Zoning Commission grant a continuation of the Rislende Site Plan Review to April 2, 2024.

**Town of Silt Planning Commission Meeting**

**Tuesday March 5, 2024 6:30 PM**

**511 North 5<sup>th</sup> Street - Minor - Subdivision Sketch Plan (Lot Split)**

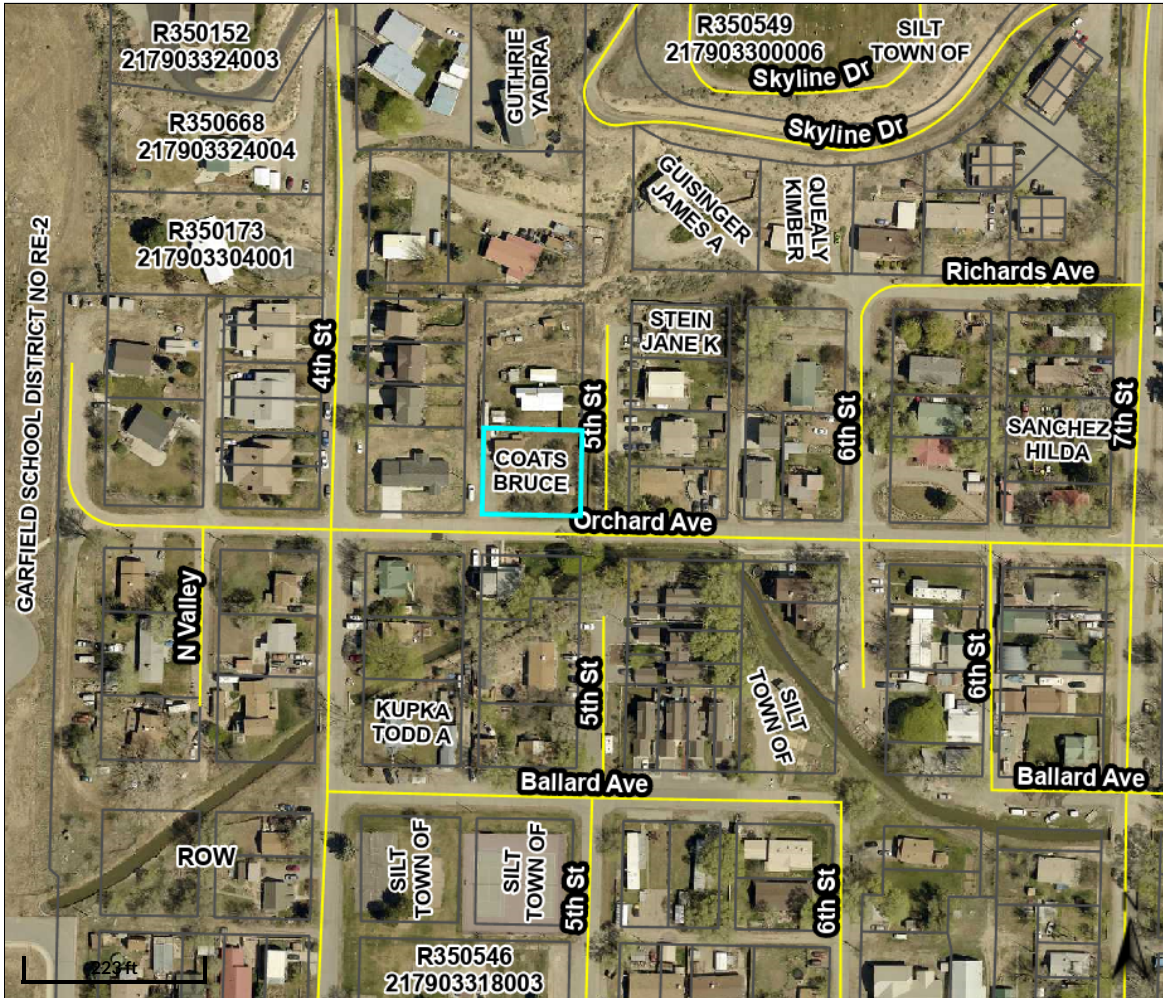
**2/27/2024**

<b>Name of Project</b>	511 N. 5 <sup>th</sup> Street Minor Subdivision Sketch Plan
<b>Applicant</b>	Mike Sorensen 76 County Road 332 Rifle, CO 81650 970.379.4148
<b>Owner</b>	Bruce Coats 13029 Underwood Rd. Summedale, AL 36580
<b>Owner Representative</b>	Mike Sorensen
<b>Civil Engineer</b>	Book Cliff Survey Services Inc. 136 E 3 <sup>rd</sup> Street #A Rifle, CO 81650 970.625.1330
<b>Project Attorney</b>	N/A
<b>Project Architect</b>	None at this time
<b>Civil Engineer</b>	High country Engineering 1517 Blake Avenue, Ste 101 Glenwood Springs, CO 81601
<b>Property Location</b>	511 N. 5 <sup>th</sup> St. northwest corner of N. 5th Street/Orchard Avenue intersection
<b>Existing Zoning</b>	R-2
<b>Proposed Zoning</b>	R-2
<b>Surrounding Land Uses</b>	West- SFD and Duplexes North- SFD East – SFD and duplexes Southeast – townhomes South him - SFD
<b>Surrounding Zoning</b>	<b>North</b> – R-2 <b>East</b> – R-2 <b>South</b> – R-2 <b>West</b> – R-2
<b>Existing use</b>	1 single-family residential home
<b>Proposed Use</b>	Same as above for present.
<b>Area of Parcel Subject to application</b>	11,500 SF
<b>Silt Comprehensive Plan</b>	Neighborhood Residential

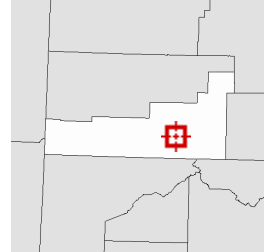
## Location Map - 511 N 5th Street

Created by: CHAIN

Lot Split



### Overview



### Legend

- Parcels
- Roads
- Parcel/Account Numbers
- Owner Name
- Lakes & Rivers
- County Boundary Line

Account Number	R350166	Physical Address	511 N 5TH ST	2019 Total Actual Value	\$275,090	Last 2 Sales	
Parcel Number	217903306003		SILT	81652		Date	Price
Acres	0	Owner Address	COATS, BRUCE			4/18/2016	\$130,000
Land SqFt	11,500		511 NORTH 4TH STREET			7/25/1988	\$43,500
Tax Area	035		SILT CO 81652				
2019 Mill Levy	75.3100						

Date created: 5/30/2023

Last Data Uploaded: 5/30/2023 10:33:31 PM

Developed by  Schneider GEOSPATIAL

<b>Parcel &amp; Reception Numbers</b>	2179-033-06-003
<b>Legal Description</b>	Lots 1 – 4, Block 14 Ballard Addition

## **BACKGROUND**

The Planning Commission reviewed this project originally at its June 6, 2023 meeting. At that time, there was public input that provided evidence that there were numerous zoning violations on the property and that there was a drainage system which went from the existing residential structure on the proposed Lot A which crossed onto the far side of the site to the southeast on what is proposed to be Lot B. There was a motion to continue the public hearing to obtain more information. Applicant was directed to bring the property into conformance and solve outstanding issues - such as investigate the drainage situation. This project is now back before the Planning Commission to continue the Sketch Plan review process. The Planning Commission makes recommendations to the Board of Trustees for approval, denial, or approval with conditions. Planning Commission action is effective for 3 months.

Relevant portions of the minutes of the June 6, 2023 Planning Commission Meeting are attached.

## **THE APPLICATION PROCESS**

This is an application to split a lot in the older part of Town specifically, the Ballard Addition in the northwest section of Silt. The property is older, developed, and has all utilities and access 5th Street on the east and Orchard Avenue on the south. Often times small, Western Colorado Towns have a Subdivision Exemption process or a lot split process which allows an easier land-use application and approval process when utilities and vehicular access already exist. The Town does not have that option by its code. Therefore, we are processing this as a Minor Subdivision. The Planning Commission holds a hearing for the minor subdivision sketch plan to determine suitability of dividing the property. The Commission forwards its recommendation to the Board. An applicant has three months after approval by the Planning Commission to submit a final plat to the Board

## **PAST HISTORY FOR SITE**

The Ballard Addition is one of the original Additions that was added to the Corporate Limits I believe at the beginning of the 20<sup>th</sup> century. It was laid out in lots and blocks similar to the original townsite. The existing improvement is a one-story wood frame building/house that was built according to assessors records in 1948. It has three bedrooms, 1.75 bathrooms and is 1720 SF in size. There is an existing shed at northwest corner of the lot and another shed at the southeast corner of the lots. Both of these are nonconforming in that they do not meet side yard setbacks. The shed at the northwest corner is also nonconforming related to the rear property line. Utilities exist for the site. Rights-of-way are on three separate sides of the property. These rights-of-way are:

- East – North 5<sup>th</sup> street
- South – Orchard Avenue
- West – a platted alley.

However the alley doesn't physically exist.

## **SKETCH PLAN REVIEW**

The sketch plan review process for a Minor Subdivision is very similar to the sketch plan process for a Major Subdivision. The main purpose is to determine whether a property is suitable for subdivision. The difference between review of the sketch plan for minor subdivision versus major subdivision is that for the major subdivision the Board also examines the Sketch Plan and there is a separate, future step called the Preliminary Plan where engineering and technical studies are reviewed before proceeding on to the final plat. With a minor subdivision the commission recommends to the Board approval as proposed, approval with conditions or denial and then the applicant moves directly to the Board of Trustees for review of a Final Plat. Approval criteria for minor subdivision includes having utilities available at the site and having a public street immediately adjacent to the subject property among other items.

### ***I. Applicable Municipal Code sections***

Pertinent sections for the Planning Commission Review are contained in sections 16.10.010 through section 16.10.050. Approval criteria are in section 16.10.030 D (1 – 6) and I will go through those on a point-by-point basis later on in the report. General procedural steps are shown below.

#### **CODE EXCERPT BELOW**

#### **16.10.030 - Minor subdivision sketch plan submittal – completeness – schedule of hearing.**

- A. Following the pre-application conference and submittal of minor subdivision sketch plan application, the planning department shall have ten days to check the minor subdivision sketch plan for application completeness. This cursory review shall not be a review for strict conformance with the Code related to the type of proposed development, zoning compliance, comprehensive plan conformance, or conformance with the Town's master plans. Town staff may notify the applicant that a longer period of time is needed to check for application completeness, and in such case, the planning department shall have an additional five days to check the minor subdivision sketch plan for application completeness;
- B. If application is incomplete, the planning department shall notify the applicant in writing within fifteen days, and the applicant shall have no more than thirty days to respond with additional submittal materials that make the application complete. If the applicant is unable to complete the application within thirty days, the Town administrator or his designee, in his sole discretion, may deem the application abandoned and void. The applicant may submit a new application for further consideration on the application;
- C. If application is complete, the planning department shall have no fewer than fifteen days and no more than thirty days to review the minor subdivision sketch plan application for Code compliance;

#### **Location**

A location map is attached.

#### **Previous Zoning violations**



Property representative has indicated that previous zoning violations have been remedied including:

- tenants have been evicted, and home is now unoccupied.
- No mechanic shop on property
- multifamily use as been discontinued
- off-hours irrigation was stopped
- no vehicles parked an alley
- the yard cleaned up.

#### **Previous drainage issue**

This is been addressed. See engineers report. Planning staff recommends that drainage pipe, dry well and riser be removed from Lot B and not leave the situation for a future property owner.

#### **Referral Agency Comments**

#### **Public Works**

- Utilities are available to the site. In some cases there are multiple options to serve the lots.
- There is a pipe/riser at the southeast corner with electrical outlet.
- Access is acceptable. Orchard Avenue and North for Street available for newly created lot.
- The “alley” to the west of the property is not a functioning hourly. No one would know it’s an alley unless you know what to look for.

#### **Colorado River Fire**

- Simple enough, not referred for review.

#### **Town Engineer**

- Sketch plan shows electric going from lot A to lot B in 2 places. At the outlet on lot B on the north end of the property and to the riser dry well location in the southeast corner. Electric services should be separated. It is assumed the utility easement on the south 10 feet of the property is to accommodate such separation. If not, a 5-foot-wide utility easement across lot a will be required at the northern portion of property.
- Install new sewer service for Lot B
- install a new water service for Lot B
- the gas main location is not represented on the drawing. If the main is not on the property side of the roadway (Orchard or N. 5<sup>th</sup> St.), Then install service lateral extension to the property

### Access

- 2 existing streets available for access on the east of the lot and from the South (Orchard Avenue) for the newly created Lot B.

### Fence projecting into North Fifth Avenue

- fence 10 to 12 feet off this property line. Fence appears dilapidated.

### Utility plan for Lot B

- It would be best to provide a utility plan for Lot B prior to this Minor Subdivision Final Plat being reviewed by the Board.

### Minor Subdivision Plat

- there is a certificate for lot adjustment certificate showing approval by the Town Administrator. That is for a Lot Line Adjustment. This should be replaced by a Minor Subdivision Certificate showing approval by the Board

## REVIEW CRITERIA

Below is a point-by-point comment on the review criteria contained in section 16.10.030.D.(1-6)

1. Conformance to the Town's comprehensive plan, as amended from time to time;  
***Comment:*** *The Land-use designation for the subject property is Neighborhood Residential. Present use conforms to Comprehensive Plan and any future use would also comply.*
2. The subject area is suitable for minor subdivision as defined by this title;  
***Comment:*** *Property is suitable for subdivision. It has ready access to utilities and vehicular access is possible. New services must be shown.*
3. All public utilities and a public street are in place on or immediately adjacent to the subject property;  
***Comment:*** *utilities are readily available and a public street is adjacent to the property*
4. The minor subdivision plat shall comprise and describe not more than five lots,  
***Comment:*** *the property is comprised of five lots or fewer. If more than 5 lots are ever proposed, required engineering analysis will be undertaken per Municipal Code. A PE has examined the drainage situation.*
5. No part of the area sought to be subdivided has been previously subdivided pursuant to a minor subdivision or a subdivision exemption;  
***Comment:*** *Property was previously platted as part of the Ballard Addition. I did not find any previous land-use actions/entitlements for the property*

6. The commission determines that it does not need all engineered design data and specifications required by Chapter 16.04.

**Comment:** *Additional engineering not needed.*

### **Staff Findings**

Staff finds that the minor subdivision sketch plan application is in compliance with the Comprehensive Plan, that utilities and adequate access are available, that it should not result in significant adverse effects upon the natural environment and that the approval criteria contained in SMC Section 16.10..030.10.D (1-6) are met.

**Planning Recommendation:** Staff would recommend that the Sketch Plan be **approved** with the following conditions:

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.
2. That a utility plan for services for Lot B be provided for review of the Final Plat for the Board of Trustee's review. Providing new water and wastewater services to the lot line for Lot B is recommended by the Town Engineer
3. Replace the Boundary Line adjustment certificate with a Minor Subdivision Certificate.
4. Remove the dry well, piping and related drainage coming from the existing house on Lot A from the Lot B premises.
5. All drainage from Lot A will be contained on Lot A and addressed with an engineering report/ plan prior to recordation of any plat or other documents associated with the Minor Subdivision
6. Remove the fence in the for Street right-of-way.
7. A permit must be obtained prior to doing any work on the Lot A or B and must be approved by Town Staff.

**Note:** *Oftentimes, a simple lot split does not require water and wastewater services to be brought into the new lot. But in this case, wastewater appears to be on the far side of Orchard Avenue and there were and the other utility issues that planning staff things it is a good idea to require such services be extended. If you choose not to go forward with that requirement, should be a note on the plat that would notify the buyer that water and wastewater services into the newly created Lot B are a property owner's obligation.*

### **Recommended Motion:**

I move to **approve** the Minor Subdivision Sketch Plan Lot 1 through 4 of the Ballard Addition to the Town of Silt with staff conditions (add or modify any noted conditions as part of Planning Commission action).

**TOWN OF SILT**  
**REGULAR PLANNING AND ZONING COMMISSION MEETING**  
**June 6, 2023 – 6:30 P.M.**  
**HYBRID MEETING**

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, June 6, 2023. Chair Williams called the meeting to order at 6:38 p.m.

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**Roll call**

Present

Chair Lindsey Williams  
Vice-Chair Joelle Dorsey  
Commissioner Robert Doty  
Commissioner Michael Bertaux  
Commissioner Jennifer Stepisnik

Absent

Commissioner Charlienna Chancey  
Commissioner Eddie Aragon

Also present were Planner Mark Chain (Via Zoom) and Community Development Manager Nicole Centeno.

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**Pledge of Allegiance**

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**Public Comments** – There were no public comments.

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**Consent Agenda**

1. Minutes of the May 2, 2023 Planning & Zoning Commission meeting.

**Commissioner Bertaux made a motion to approve the consent agenda as presented. Commissioner Stepisnik seconded the motion, and the motion carried unanimously.**

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**Conflicts of Interest** – There were no conflicts of interest.

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**Agenda Changes** – There were no agenda changes.

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**Public Hearing – 511 N. 5<sup>th</sup> Street – Minor Subdivision Sketch Plan**

Planner Chain introduced this project. He noted that the property was for a lot split in the Ballard addition which was one of the first annexation/additions to the old Townsite. The historic lots in the Ballard Addition run east-west and this was an application to split the property with a new north-south property line. The property did not meet the criteria for dissolution of a lot line or a boundary adjustment as it was adding an additional lot.

Chain noted that the property was 11,500 ft.<sup>2</sup> in size and it currently had a single-family detached house in the northwest quadrant of the property. The property has access to the east

off of North 5<sup>th</sup> Street and South off of Orchard Avenue. There is also an alley located to the west but the alley does not function as an alley, even though it is platted. Chain noted that the property was zoned R-2, and there was no proposal to change the zoning. The application was to create a new lot for future development. It is noted as "Neighborhood Residential" in the Comprehensive Plan.

Chain explained that utilities were available and access was acceptable. He did note that at the southeast corner of the project there was a PVC riser and Town Staff/Public Works did not know if this was for a domestic well, some type of drainage or even irrigation. He said he had asked the property representative to investigate but had not been informed as at this time, of all details. Chain also noted that there was a fence that encroached into the 5<sup>th</sup> Street right-of-way a total of 10 or 12 feet. It did not appear to raise any problems but Chain said that it should have a type of license agreement. Chain noted the findings and recommended approval with conditions. He stated that there were three conditions of approval noted in the staff report but additional conditions should be added regarding findings for the PVC riser mechanism at the southeast corner of the property.

At that time there were no comments or questions from the Commission. Mike Sorensen was present as the applicant's representative. The owner, Bruce Coates, appeared via Zoom. Mr. Sorensen said that staff report covered most of the issues fairly well. He did state that he did a search on the records of the Division of Water Resources. He said he found evidence of 6 domestic wells within 600 feet; five of which he thinks are Garfield County monitoring wells. He noted that he had spoken to the owner and that he didn't know anything about the riser or what it was used for. It was noted that the property was purchased in 2016.

Chairman Williams open the public hearing at 6:55 PM, Rebecca Ferry stepped to the podium. She lives at 521 N. 5<sup>th</sup> Street. She said she had been living there for 33 years and is concerned about what this application would bring to the area. She is concerned about additional traffic, whether it be from a single-family house, duplex etc. She said right now it is a nice quiet neighborhood and may not be so in the future. She said that the tenant on the property had blocked off the alley. She's also concerned about possible impacts to the view for her property.

Thomas Brueggeman stated that he lives at 530 N. 5<sup>th</sup> Street and has been living in the neighborhood for 50 years. He says that the present tenant has a mechanic shop going and that the house on site has **drainage** problems. He indicated that there was mold in the existing structure and that the riser was a well to pull water out of the building. He noted that it is always been a single-family dwelling but now is being operated as a duplex. He said the owner doesn't give a damn and he didn't want to see another unit built on the property; he was not happy with the situation and that the alley was also blocked off.

Sharon also lives at the same address is Mr. Brueggeman. She said that the tenant was definitely working as a mechanic and that the riser was used for the existing house. She said one of the renters told her that the smell was terrible. Said it appears that the drainage problem is being covered up.

Tod Tibbits identified himself that he lives at 439 Orchard Avenue. He said that an adjacent property used the alley for access and parking but that now that was blocked off. He also noted that he did not get a copy of the public hearing notice. He said he thought that the mechanic shop was operating out of the property and the property had not been taken care of for weeks. They are irrigating the property during the day, in violation of town ordinance. He said it was definitely rented out as a duplex.

Peggy living at 439 Orchard Ave. also, said that the present structure did not have a legal apartment. She said she had talked to the person who rented the lower level and that they shared a bathroom with the upstairs tenant. She noted that that PVC riser was some type of some system that drains under the street into the ditch.

Vice-Chair Dorsey asked the property representative if the applicant wanted to make comments. Bruce Coates said that he had nothing to say at this point and that all questions would be better handled by Mr. Sorensen. Mr. Sorensen said he had not had much contact with the tenant and was not sure if activity on site was being caused by the tenant or someone else. Chair Williams close the hearing at 7:12 PM.

Commissioner Doty thinks those members of the public who had comments related to the application. There were questions whether some of the concerns related to zoning activities had been made to the police. Manager Centeno said she was not aware that any formal complaints had been filed. Commissioner Bertaux said he was not sure precisely what to do regarding the zoning complaints at this time. Actions in front of the Planning Commission were related to division of the property.

Commissioner Dorsey said at this time the complaints were more of a civil issue. There were questions from the public but Commissioner Dorsey asked the members of the public to be respectful of the Commission's ability to have discussions at this time. There are some questions about the sheds and the fact that they were nonconforming regarding setbacks.

Commissioner Williams said she echoed some of the concerns of the Planning Commission, related to zoning complaints and stated that there needs to be some follow-up done. Commissioner Bertaux made a motion to approve the Minor subdivision sketch plan application with staff conditions. There was no second the motion and the motion was withdrawn.

Commissioner Dorsey asked Mr. Sorensen for some more background on the property. Mr. Sorensen said that he and his wife were real estate agents, helping the owner subdivide the property. While he is a surveyor, he did not perform the survey for this application. The owner separately contracted for that survey. The owner, Bruce Coates, said that he was deferring to Mr. Sorensen as he knew the vernacular for the land-use application. He said he would be doing things to make the situation better and that he was going to prepare a plan for cleanup of the site.

There was some more discussion among the Planning Commission. Commissioner Bertaux made a motion to continue the public hearing until the next planning commission meeting, July 5. Second by Vice Chair Dorsey; the motion passed by a vote of 4 to one with Commissioner Doty voting no.

## **Planning Update**

Planner Chain gave a verbal update on the following matters:

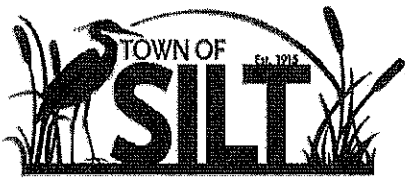
Risende Food Truck and Special Events. The applicants were refining the safety plan with Colorado Fire and Rescue for emergency access.

Camario. The subdivision documents have been recorded and the owners will be starting installation of the infrastructure in the very near future.

**Proposed 5th and Orchard Minor Subdivision at 511 N 5th St, Silt, CO 81652**  
**Summary of Documents as of 27 FEB 2024**

**Contents**

Land Use Application	Pages 2-6
Cover Letter, 17 May 2023	7
Zoning violations (email correspondence)	8
Storm Water Drainage System (email correspondence)	9-11
Existing Conditions: Drainage Structures map, rev 19 NOV 2023	12
Existing Conditions: Drainage Structures map, rev 8 DEC 2023	13
Engineer Review of existing storm water dry well, 18 JAN 2024	14-16
Minor Subdivision Sketch Plan, 9 DEC 2021	17
5th and Orchard Minor Subdivision review plat, rev 27 FEB 2024	18



Community Development Department  
 231 N. 7<sup>th</sup> Street, Silt, CO 81652  
 (970) 876-2353 (office) (970) 876-2937 (fax)  
 www.TownOfSilt.org

## Land Use Application Form

<input type="checkbox"/> Amended Plat	<input checked="" type="checkbox"/> Boundary Adjustment	<input type="checkbox"/> Subdivision Exemption
<input type="checkbox"/> Annexation	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Floodplain Development
<input type="checkbox"/> Final Plan	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Vacation of Right-of-Way
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Metro District or Special District
<input type="checkbox"/> Easement Agreement	<input type="checkbox"/> Zoning or Rezoning	<input type="checkbox"/> Subdivision Improvement Agreement
<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> ADA or ADA Amendment
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Intergovernmental Agreement	<input type="checkbox"/> Other: _____

Project Name: Lot Line Adjustment Plat Ballard Addition to Town of Silt Lots 1,2,3,4 Block 14

### Project Description / Property Information:

Address: 511 North 5th Street Silt, CO. 81652 Parcel ID Number: 217903306003

Legal Description (attach additional sheets if necessary): Ballard Addition to the Town of Silt, Lots 1,2,3 and 4 Block 14... (continue attached)

Access to Property: Lot A: Orchard Ave. Lot B: N. 5th Street

Acreage or Square Footage: 5,750 sq. ft. ea. Lots A and B Existing Land Use Designation: Single Family Residential

Proposed Land Use Designation: Residential

Existing Zoning: R2 Proposed Zoning: R2

Proposed Use / Intensity of Use: Residential

### Submittal Requirements:

- A completed original application with original signatures and two copies (3 sets total) shall be submitted to the department for review. The application shall include three sets of 24" x 36" plans, plats and other appropriate drawings. Application must also be submitted in electronic format (MS Word).
- In addition to this application, all information on the supplemental checklist must be submitted.
- Incomplete applications will not be accepted and will delay processing.
- When the documents are deemed adequate, additional copies as required by the department shall be submitted ten (10) days before the public hearing.
- All documents submitted for public hearing shall be hole-punched, collated and paper-clipped (no staples). All plans, plats or drawings shall be folded to 8 1/2" x 11" and inserted into the collated application. Each individual application shall be banded together and ready for public distribution.

### STAFF USE ONLY

Pre-app conference: _____ (date)	Application received: _____ (date)
Application complete: _____ (date)	File Number: _____
Fees: _____	Referrals Sent: _____ (date)
Deposits: _____	PZC approval: _____ (date)
Paid: _____ (date)	BOT approval: _____ (date)



Continued from page 1

... A Parcel of Land Situate in SW 1/4 of the SW 1/4 of Section 3,  
Township 6 South, Range 92 West of the 6th P.M. Town of Silt,  
County of Garfield, State of Colorado

**Project Team Information** (fill in all that apply) (add additional sheets of needed):

Property Owner(s): Name: Bruce Coats Phone: 228 424 2605

Company: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_

Authorized Rep.: Name: Mike Sorensen Rene Sorensen Phone: 970-379-4148

Company: Precision Works Fax: \_\_\_\_\_

Address: 76 County Rd. 332, Rifle, CO. 81650

Engineer/Designer: Name: Bookcliff Survey Services Inc. Phone: 970-625-1330

Company: Bookcliff Survey Services Inc. Fax: \_\_\_\_\_

Address: 136 E. 3rd St. #A, Rifle, CO. 81650

Billable Party: Owner X Representative \_\_\_\_\_ Engineer \_\_\_\_\_

The Billable Party, by signing below, hereby agrees to reimburse the Town the actual costs to the Town plus the administrative fees for all contact services, including, but not limited to, planning, engineering, surveying and legal services rendered in connection with the review of the Application. The Billable Party shall also reimburse the Town for the cost of making any corrections or additions to the master copy of the official Town map and for any fees for recording any plats and accompanying documents with the County Clerk and Recorder of Garfield County. The Billable Party agrees that interest shall be imposed at a rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In addition to any and all remedies available to the Town and in the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid.

Bruce Coats  
Name (printed)

511 North 5th St. Silt, CO. 81652  
Address

228-424-2605  
Phone

Fax

Bruce Coats  
Signature

Mississippi driver license  
Type of Identification

County of Baldwin )

State of Alabama )

§

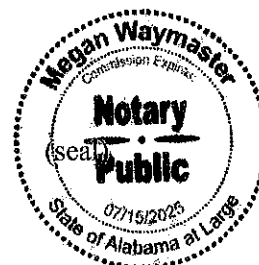
Sworn to and subscribed before me this 3 day of November, 2022  
(fill in day) (fill in month) (fill in year)

By Megan Waymaster  
(name printed)

Witness my hand and official seal.

Megan Waymaster  
Notary Public

My Commission Expires 07/15/2025



### Disclosure of Property Ownership

- \_\_\_\_\_ If owner is an individual, indicate name exactly as it appears on the deed.  
\_\_\_\_\_ If owner is a corporation, partnership, limited partnership or other business entity, name principals on a separate page. Please include articles of organization, partnership agreement, etc., as applicable.  
\_\_\_\_\_ If owner is a land trust, name beneficiaries on a separate page.  
\_\_\_\_\_ If applicant is a lessee, indicate the owner(s) on a separate page.  
\_\_\_\_\_ If applicant is a contract purchaser, attach a copy of the contract and indicate the owner(s) on a separate page.

Please provide the name(s), mailing address(es), street address(es) and phone number(s) for all owners.

### Property Owner Affidavit

I/We, Bruce Coats, being first duly sworn, depose and state under penalties of perjury that I am (we are) the owner(s) of the property described herein and which is the subject of the application and proposed hearings; that all answers provided to the questions in this application, and all sketches, data and all other supplementary matter attached hereto and made part of this application are honest and true to the best of my (our) knowledge and belief. I (we) understand that this application must be complete and accurate prior to a hearing being scheduled. I (we) authorize Town staff to visit the site as necessary for proper review of this application.

(If there are special conditions such as guard dogs, locked gates, restricted hours, etc., please give the name and phone number of the person(s) who can provide access to the site)

Bruce Coats

Name (printed)

Name (printed)

Property:

511 North 5th St. Silt, CO. 81652

MAILING

13029 Underwood Rd. Summerdale AL. 36580

Address

Address

228-424-2605

Phone

Phone

Fax

Fax

Bruce Coats

Signature

Signature

Type of Identification

County of Baldwin

State of Alabama

ss.

Sworn to and subscribed before me this 22nd day of November, 2022  
(fill in day) (fill in month) (fill in year)

By Tonya West  
(name printed)

Witness my hand and official seal.

Tonya West  
Notary Public

(seal)

TONYA WEST  
Notary Public  
Alabama State at Large

My Commission expires: March 31, 2024

My Commission Expires  
March 31, 2026

Authorized Representative

I/We further permit Rene and Mike Sorensen to act as my/our representative in any manner regarding this application, to answer any questions and to represent me/us at any meeting(s) and public hearing(s) which may be held on this application.

NOTE: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owner(s) adequately informed as to the status of the application.

Bruce Coats  
Name (printed)

Property:  
511 North 5th St. Silt, CO. 81652

Mailing:  
13029 Underwood Rd., Summerdale AL. 36580  
Address

228-424-2605  
Phone

Fax

Bruce Coats  
Signature

Type of Identification

County of Baldwin

State of Alabama

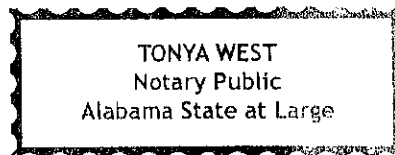
ss.

Sworn to and subscribed before me this 22nd day of November, 2022.  
(fill in day) (fill in month) (fill in year)

By Tonya West  
(name printed)

Witness my hand and official seal.

Tonya West  
Notary Public



My Commission expires: March 31, 2026

My Commission Expires  
March 31, 2026

Town of Silt  
231 N. 7th Street  
PO Box 70  
Silt, CO 81652  
970-876-2353  
Attn: Community Development

17 MAY 2023

Bruce Coats (Owner)  
Mike Sorensen (Agent)  
76 County Rd 332  
Rifle, CO 81650  
970-379-4148

Re: Cover Letter, Land Use Application for a Minor Subdivision at 511 N 5th St, Silt

Bruce Coats, the owner of 511 N 5th St, Town of Silt, proposes a Minor Subdivision of Lots 1, 2, 3 and 4, Block 14, Ballard Addition (Ref 1) Into Lots A and B, 5th Orchard Minor Subdivision (Ref 2, 3). Both Lots of said proposed Minor Subdivision shall keep the current Town of Silt zone designation of R2 Residential.

The Location of the existing improvements prevents the proposed dividing line from running parallel with the Original Plat Lot lines (Ref 1), requiring a New Plat, otherwise this project could have been done under simpler Boundary or Lot Line Adjustment requirements. Therefore we are requesting that with the exception of the requirements for a New Plat, this project be considered under Boundary or Lot Line Adjustment requirements.

Mr Coats is willing to comply with whatever the Commission decides need be done about the fence encroachment into the Westerly N 5th St ROW (Ref 2, 3). A license or special use permit to keep the fence in place would be preferred, however if removal is required that can be arranged.

References:

- 1) Ballard Addition to the Town of Silt, R37305
- 2) Lot Line Adjustment Plat, Bookcliff Survey Proj # 21160-01
- 3) Minor Subdivision Sketch Plan, Bookcliff Survey Proj # 21160-01

Bruce Coats (Owner)

Mike Sorensen (Agent)

## **Zoning violations, June 6 2023 P&Z meeting minutes**

**from:** gomike9 <gomike9@gmail.com>  
**to:** Nicole Centeno <nicole@townofsilt.org>  
**cc:** Mark Chain <mchain@sopris.net>  
**date:** Nov 21, 2023, 12:41 AM

RE: 511 N 5th St, Silt. Status of subdivision application requirements

Zoning violations, June 6 2023 P&Z meeting minutes

Tenants have been evicted, and the home is now unoccupied. No mechanic shop, multifamily use, off hours irrigation and no property or vehicles parked in the alley. Prior tenants property has been removed and the yard cleaned.

## Storm Water Drainage System

**from:** gomike9 <gomike9@gmail.com>  
**to:** Mark Chain <mchain@sopris.net>  
**cc:** Nicole Centeno <nicole@townofsilt.org>  
**date:** Aug 10, 2023, 8:21 PM  
**subject:** Re: 511 N5th Street Lot Split

RE: 511 N 5th St, Silt, existing storm water drainage control drain and dry well, other requirements.

### Storm water drainage system

The existing drainage structures at the property consist of a 4 inch drain at the house S side basement level outside patio connected to buried corrugated/perforated french drain pipe to the SE for ~75' into a dry well. This pipe is obstructed ~25' SE from the drain inlet.

The dry well is ~8' deep from ground level and ~10' deep from the top of a 5.7'x6" dia PVC standpipe overflow connected to the top center of two 2'x24" ID sections of perforated concrete dry well standpipe. The underground drain pipe from the patio enters at the top NW edge of the 4' deep perforated chamber (see at 1:15 and 4:03, 4:14 in the video).

Underground electric runs to the dry well from the NE of the house. The 110v submersible pump is functional. On June 13, 15 and Aug 8 2023 the bottom of the dry well was.. well.. dry. Much info on french drains, dry wells etc is available online. Please click the link to view the photo/video documentation.

[https://drive.google.com/drive/folders/1hsAa5-YHfu1nWO2Hv\\_7YOYY\\_hLoYApjy?usp=drive\\_link](https://drive.google.com/drive/folders/1hsAa5-YHfu1nWO2Hv_7YOYY_hLoYApjy?usp=drive_link)

Per conversation with the owner, Bruce Coats, he would like to abandon the underground drain and electric lines to the dry well, therefore no easements for these are needed on the subdivision plat.

Hope this answers questions about the drainage system and we can move on with the other subdivision requirements, LMK.

One attachment (Drain Structures map)

**from:** Mark Chain <mchain@sopris.net>  
**to:** gomike9 <gomike9@gmail.com>  
**cc:** Nicole Centeno <nicole@townofsilt.org>  
**date:** Aug 11, 2023, 7:51 AM

Thanks for supplying this Mike. Now, who put this information together? In our last conversations both Nicole and I indicated that it should come from a licensed engineer. They would put together a mapping exhibit so we can follow this narrative they would also be providing background as available for the purpose of this system, history, and what happens to structure and property if/when vacated. We will need such an official report to move forward.

**from:** gomike9 <gomike9@gmail.com>  
**to:** Nicole Centeno <nicole@townofsilt.org>  
**cc:** Mark Chain <mchain@sopris.net>  
**date:** Nov 21, 2023, 12:41 AM

Storm water drainage system

The existing drainage structures at the property consist of a 4 inch drain at the house S side basement level outside patio connected to buried corrugated/perforated french drain pipe to the SE for ~77' into a dry well. This pipe is obstructed ~18' SE from the drain inlet.

The dry well is ~8' deep from ground level and ~10' deep from the top of a 5.7'x6" dia PVC standpipe overflow connected to the top center of two 2'x24" ID sections of perforated concrete dry well standpipe. The underground drain pipe from the patio enters at the top NW edge of the 4' deep perforated chamber (see at 1:15 and 4:03, 4:14 in the video).

Underground electric runs to the dry well from the NE of the house. The 110v submersible pump is functional.

On June 13, 15 and Aug 8 2023 there was no water in the bottom of the dry well. Much info on french drains, dry wells etc is available online. See attached existing conditions map. Click the link to view the photo/video documentation.

[https://drive.google.com/drive/folders/1hsAa5-YHfu1nWO2Hv\\_7YOYY\\_hLoYApjy?usp=drive\\_link](https://drive.google.com/drive/folders/1hsAa5-YHfu1nWO2Hv_7YOYY_hLoYApjy?usp=drive_link)

Per conversation with the owner, Bruce Coats, he would like to abandon the underground drain and electric lines to the dry well, therefore no easements for these are needed on the subdivision plat. A plat note can specify abandonment. The dry well can remain in place for future use by Lot B. Lot A will have to disclose the condition of the drainage system upon going under contract for sale.

We hope we will not have to consult an engineer about this, if TOS insists, perhaps the documentation can be provided to the TOS designated engineer for confirmation at no expense to the owner.

2 Attachments (revised drain structures map, link to photos, videos, maps)

**from:** mchain@sopris.net  
**to:** gomike9@gmail.com,  
nicole@townofsilt.org  
**cc:** mchain@sopris.net  
**date:** Nov 21, 2023, 6:15 AM

Thanks, But I think we should have an engineer's report. We need to have an analysis why that drainage system was needed and what the problems have been and what solutions are - and what needs to be done now or documented . Laid out in a professional report. That is a necessity. And Nicole and I will need to review the utility locations and arrangements may need to be made for location of new service lines. I think you need an engineer's report.



**from: gomike9 <gomike9@gmail.com>**

to: mchain@sopris.net,

Bruce Coats <phonycoats@gmail.com>

cc: nicole@townofsilt.org

date: Jan 18, 2024, 3:14 PM

Please see attached.

2 Attachments (Engineers report, Drainage structures map 24x36)

**from: Mark Chain <mchain@sopris.net>**

to: gomike9 <gomike9@gmail.com>

cc: Nicole Centeno <nicole@townofsilt.org>

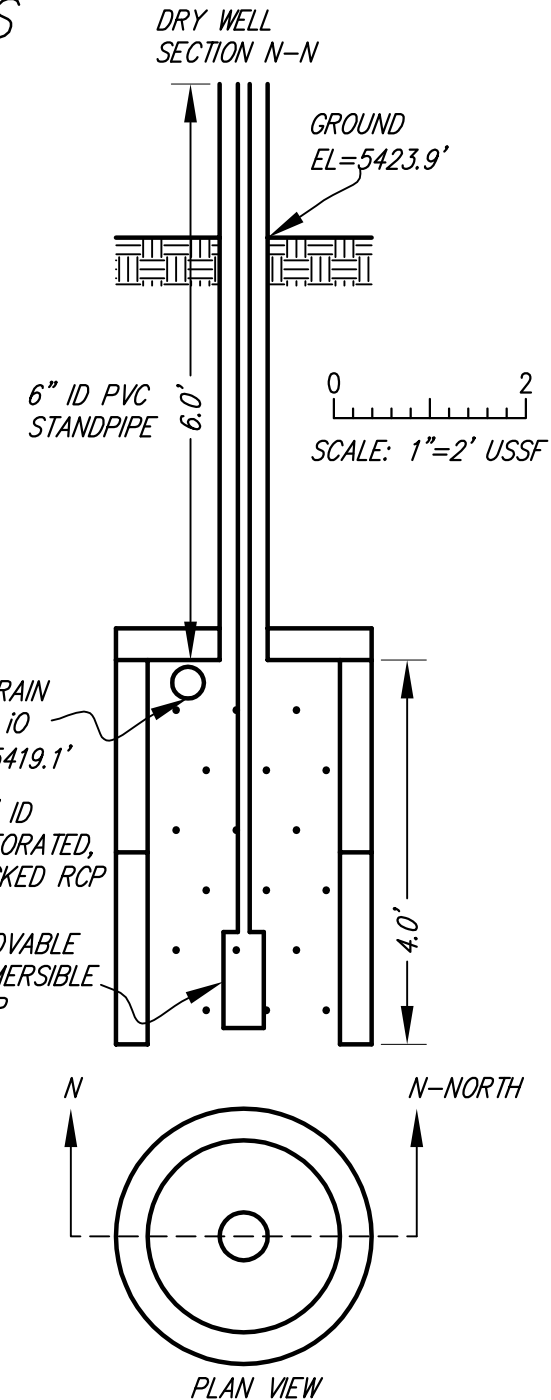
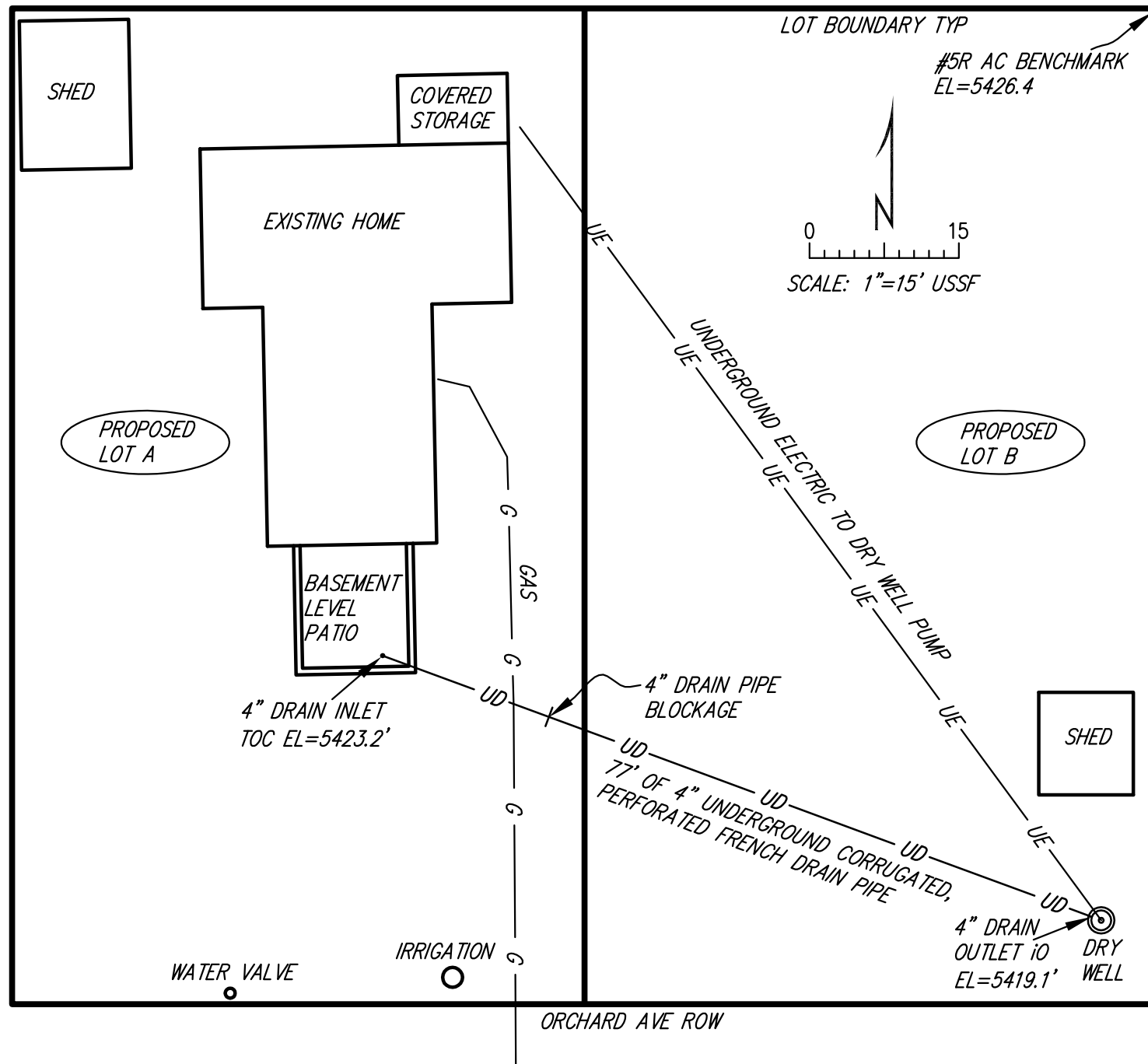
date: Jan 19, 2024, 12:29 PM

Hello Mike. As I noted before, we are still requiring that engineers report on the drainage system from the basement for the unit. I will not be able to get to this until the beginning of the week for review but an engineers report will be useful when we indicated before that such a report was necessary.

Unfortunately, there's not enough time to meet the public hearing notice requirements for the February meeting. Assuming everything is complete, it will be scheduled for the month of March Planning Commission meeting.

# 511 N 5th ST, SILT CO

## EXISTING CONDITIONS: DRAINAGE STRUCTURES



FIRST SURVEY: 22 AUG 2023
LAST SURVEY:
DRAWN: 19 NOV 2023
REVISED:
SCALE: 1"=15', 1"=2'
CONTOUR INTERVAL: NA
PAGE 1 OF 1
JOB #: 221103
DRAWN BY: MS
© PRECISION WORKS LLC
TELEPHONE: 970-379-4148

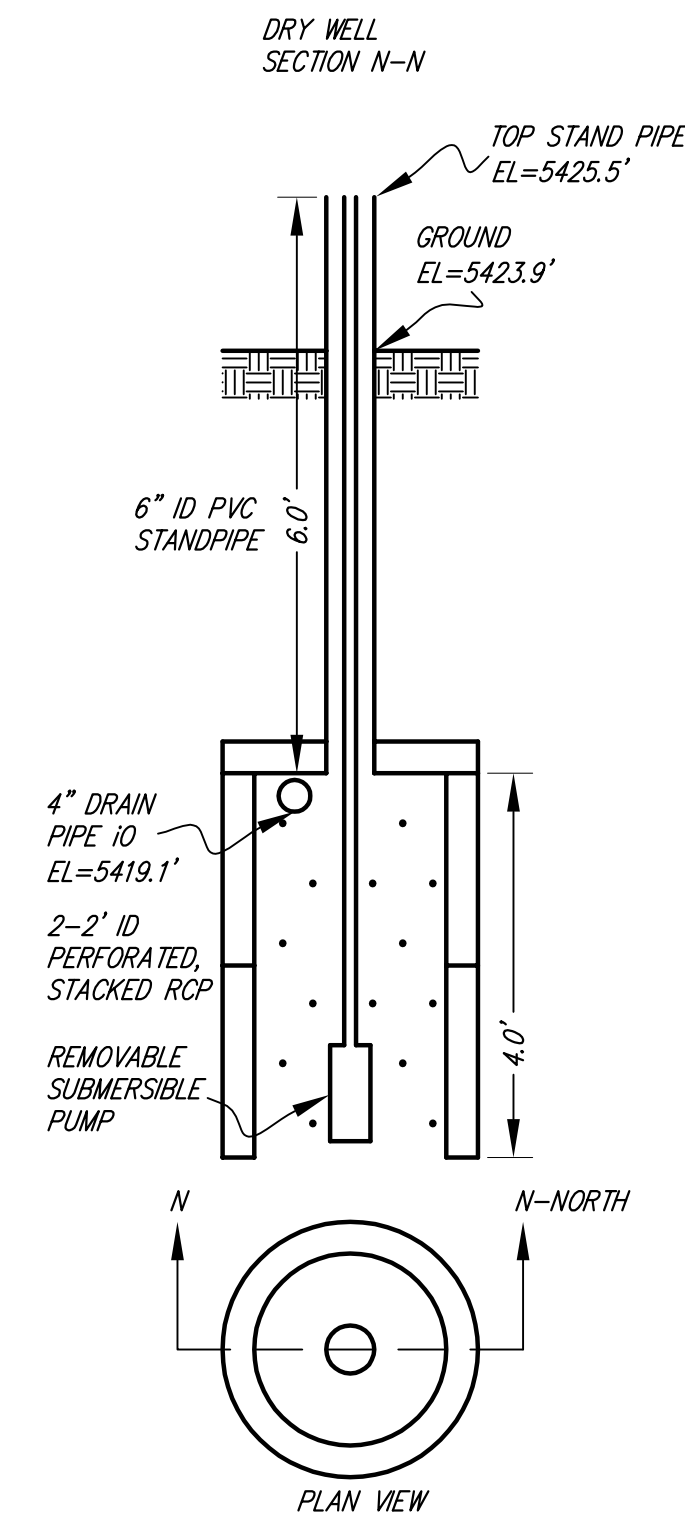
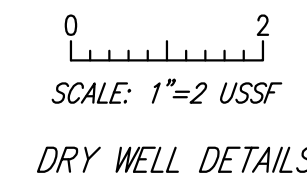
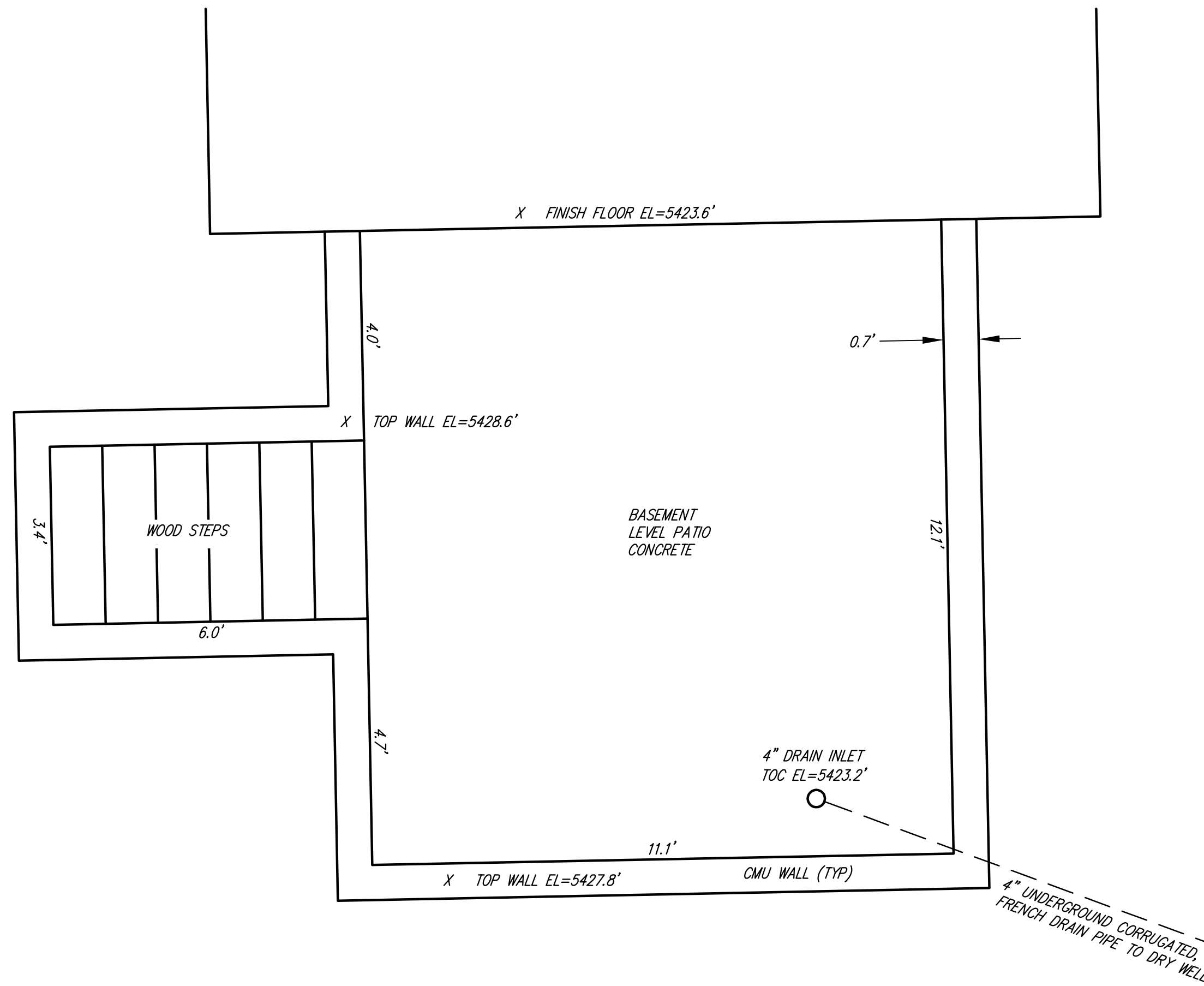
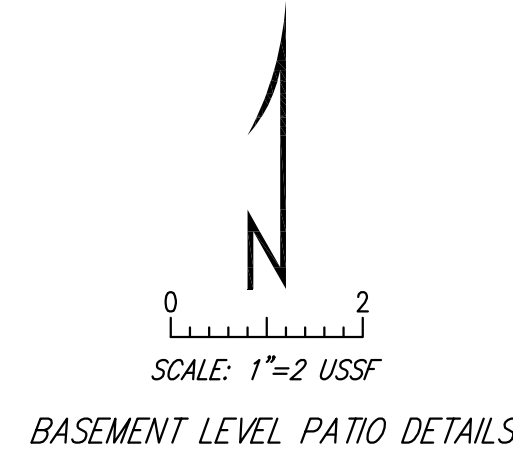
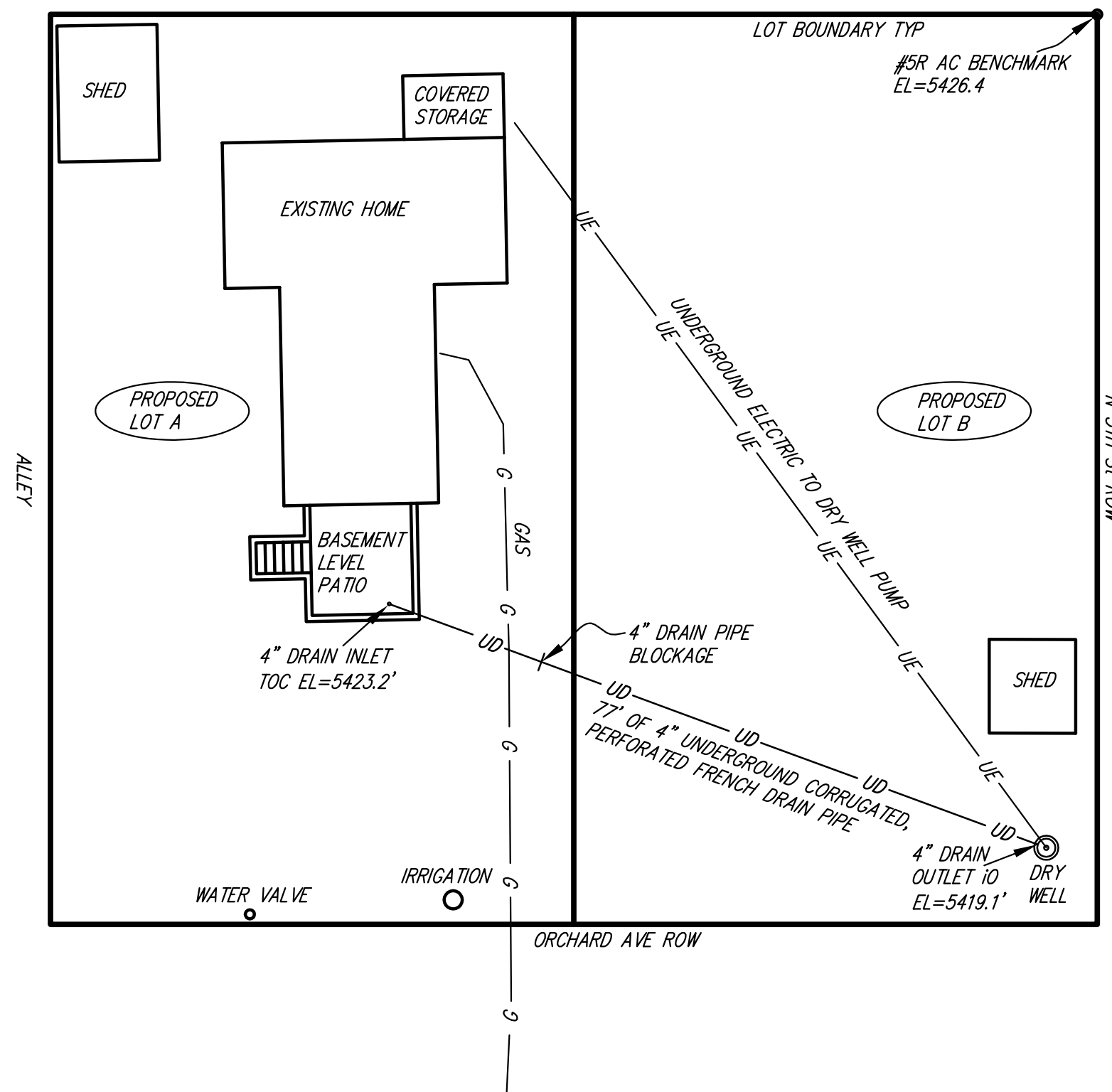
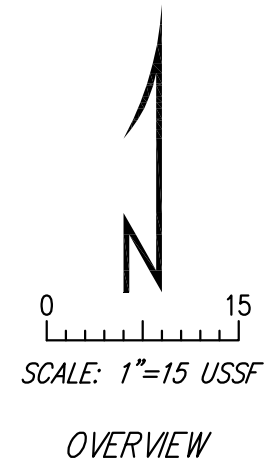
Precision Works LLC  
Mike Sorensen  
Licensed Land Surveyor

Mapping  
Surveying

0076 C.R. 332  
Rifle, CO 81650  
970-379-4148  
precisionworksllc@gmail.com

Precision Works LLC

EXISTING CONDITIONS: DRAINAGE STRUCTURES  
511 N 5th ST, SILT CO





January 18, 2024

Precision Works LLC  
Attn: Mr. Mike Sorensen  
76 County Road 332  
Rifle, CO 81650  
Via E-mail: [precisionworksllc@gmail.com](mailto:precisionworksllc@gmail.com)

Re: 511 5<sup>th</sup> Street Silt Colorado  
Review of existing storm water dry well

Dear Mike:

As requested, High Country Engineering Inc., has reviewed the following enclosed documents: 511 5<sup>th</sup> Street Silt Colorado Existing Conditions: Drainage Structures, prepared by Precision Works LLC, dated: 19, Nov. 2023, and the Lot Line Adjustment Plat Ballard Addition to Town of Silt, prepared by Book cliff Surveying, dated: 12/09/21. High Country Engineering Inc., also visited to site on January 11, 2024.

It is our understanding that the property is proposed to be re-subdivided into two (2) separate lots, which are identified within the enclosed documents as: proposed westerly Lot A, and easterly Lot B.

The enclosed documents also show the existing residence as being situated within the limits of proposed Lot A, while the existing dry well is positioned within proposed Lot B.

Based on our observations, the existing dry well likely was constructed in order to provide a means of gravity-draining the existing floor drain within the basement level patio of the residence, as shown on the enclosed documents.

It is our understanding that in the future, the Owner intends to sever and abandon the existing electric and plumbing connections leading to the existing drywell.

If this planned abandonment is to occur, then it is our recommendation that a new alternative means of draining the existing patio floor drain should be constructed entirely within the limits of proposed Lot A.

If you need any further information or clarification please contact High Country Engineering.

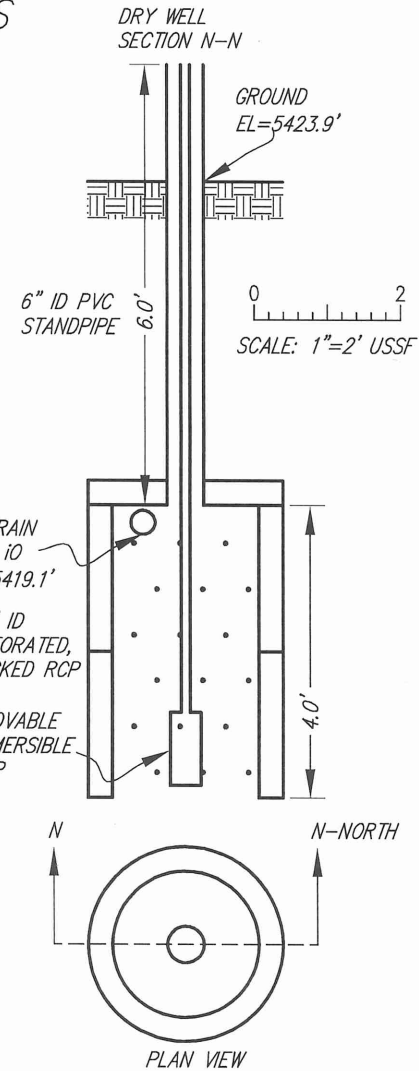
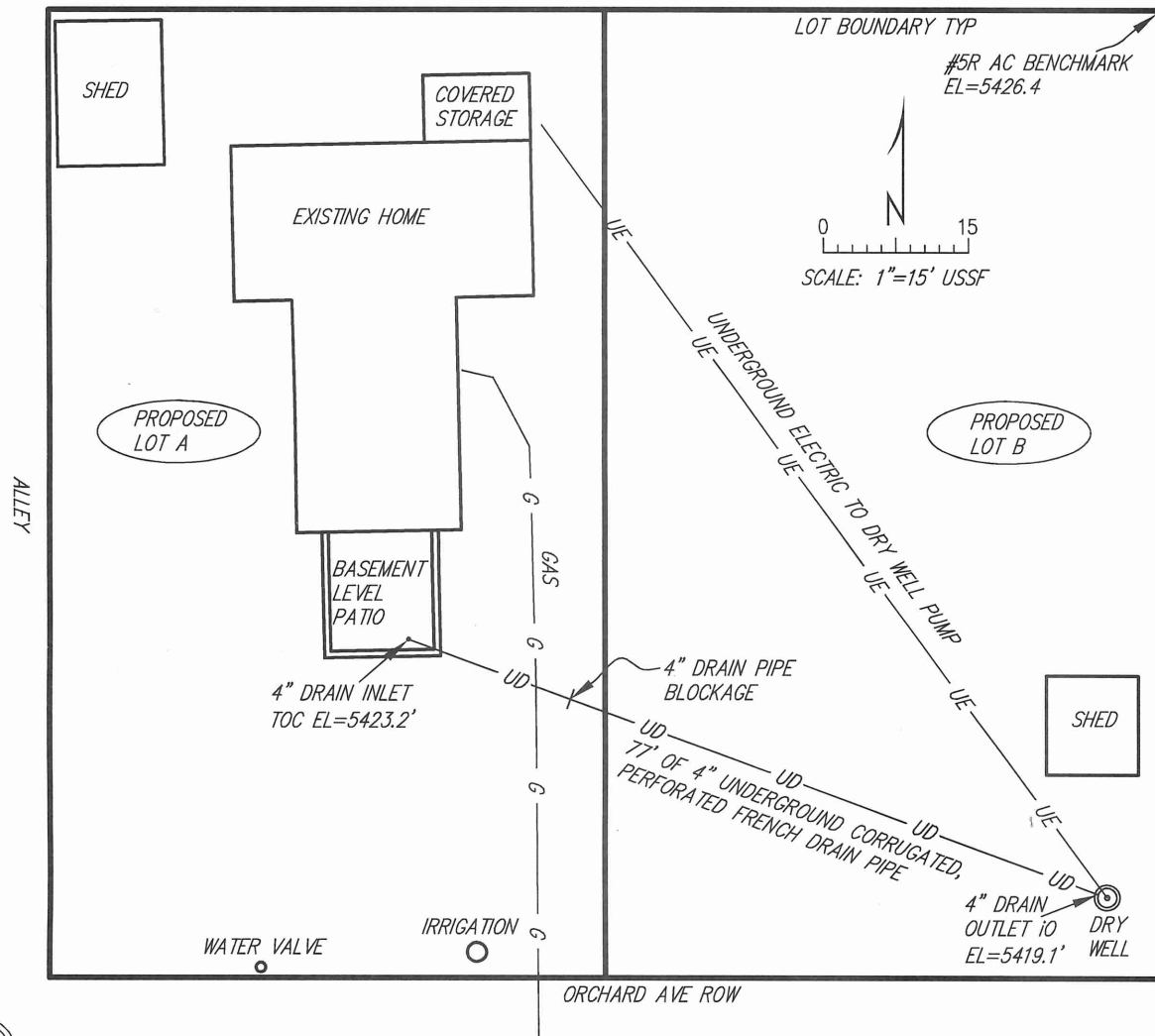
Sincerely,  
HIGH COUNTRY ENGINEERING, INC.

Tom Scott P.E.  
Project Manager



Encl. 511 5<sup>th</sup> Street Silt Colorado Existing Conditions: Drainage Structures  
Lot Line Adjustment Plat Ballard Addition to Town of Silt

# 511 N 5th ST, SILT CO EXISTING CONDITIONS: DRAINAGE STRUCTURES

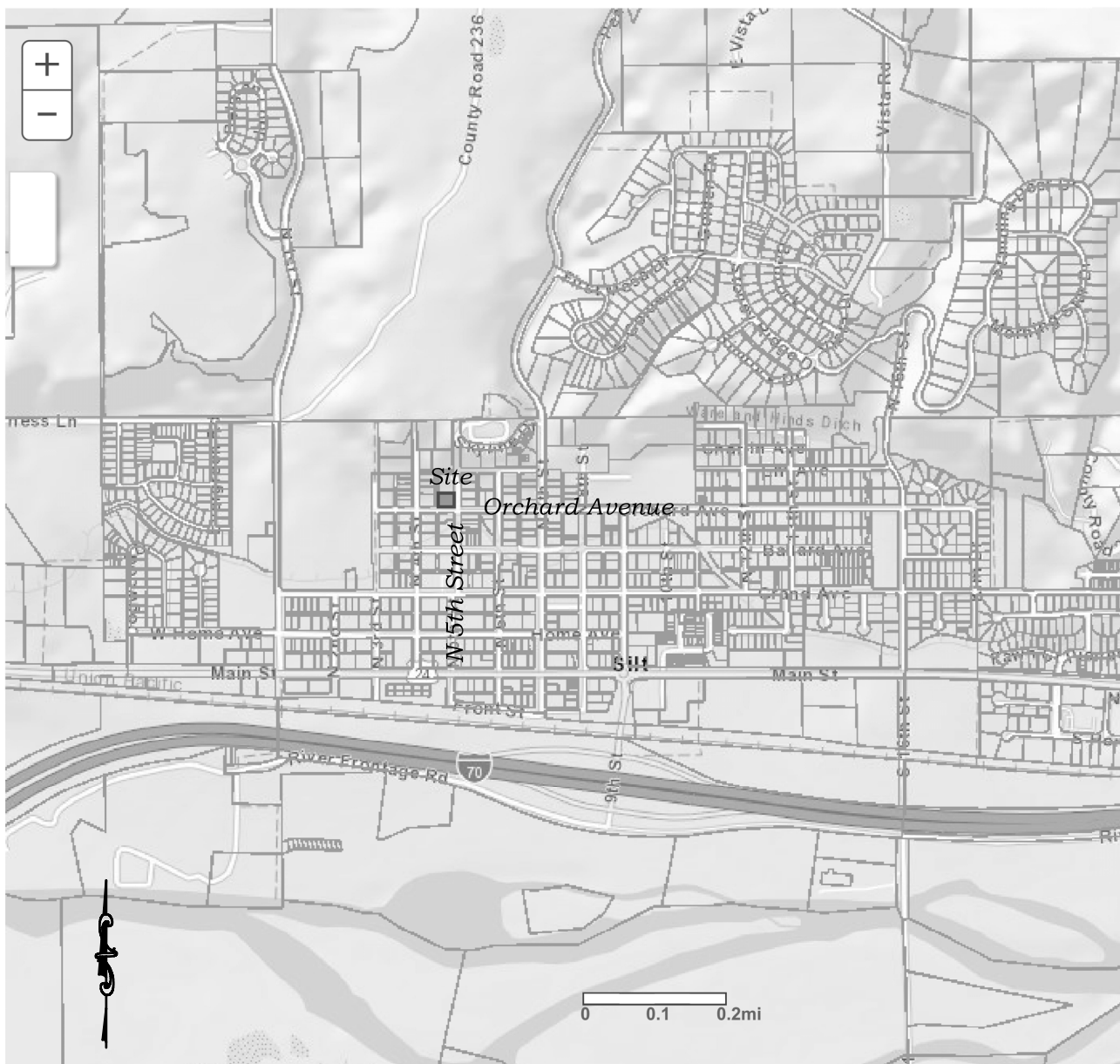


FIRST SURVEY: 22 AUG 2023  
LAST SURVEY:  
DRAWN: 19 NOV 2023  
REVISED:  
SCALE: 1"=15', 1"=2'  
CONTOUR INTERVAL: NA  
PAGE 1 OF 1  
JOB #: 221103  
DRAWN BY: MS  
© PRECISION WORKS LLC  
TELEPHONE: 970-379-4148

Precision Works LLC  
Mike Sorensen  
Licensed Land Surveyor  
Mapping  
Surveying  
0076 C.R. 332  
Rifle, CO 81650  
970-379-4148  
precisionworksllc@gmail.com







Vicinity Map  
Scale: 1"=1000'

NOTES

- 1.) DATE OF SURVEY WAS DECEMBER 7, 2021.
- 2.) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF N0°00'00"W, ALONG THE WESTERLY RIGHT-OF-WAY OF NORTH 5TH STREET, BALLARD ADDITION TO THE TOWN OF SILT, RECEPTION NO. 37305 BETWEEN A #5 REBAR AND 1-1/2" ALUMINUM CAP, STAMPING ILLEGIBLE AND A FOUND #5 REBAR AS SHOWN HEREON.
- 3.) THIS MINOR SUBDIVISION SKETCH PLAN IS BASED ON:
- a. THE BALLARD ADDITION TO THE TOWN OF SILT, RECORDED AS RECEPTION NO. 37305 IN THE GARFIELD COUNTY CLERK AND RECORDER'S RECORDS.
- b. RESEARCH FOR RIGHTS-OF-WAY AND EASEMENTS OF RECORD ARE BASED ON TITLE COMMITMENT NUMBER 1205708-C DATED JANUARY 3, 2023 PREPARED BY TITLE COMPANY OF THE ROCKES.
- c. MONUMENTS FOUND IN PLACE AS INDICATED HEREON.
- 4.) ELEVATION OF THE SITE, BASED ON GPS OBSERVATION, EQUALS 5426.4 FEET WGS 84 ON THE SITE BENCHMARK, A FOUND #5 REBAR AND 1-1/2" ALUMINUM CAP AT THE NORTHEAST CORNER OF LOT 4, AS SHOWN HEREON.
- 5.) BURIED UTILITY RECORD RESEARCH AND ON GROUND UTILITY MARKINGS WERE PERFORMED BY A PRIVATE UTILITY LOCATING COMPANY. THESE MARKINGS WERE SURVEYED BY BOOKCLIFF SURVEY SERVICES, INC. AND REPRESENT LEVELS B, C AND D OF THE ASCE STANDARD GUIDELINES. CALL 811 BEFORE YOU DIG.
- 6.) ALL DIMENSIONS SHOWN HEREON ARE RECORD AND AS-MEASURED UNLESS OTHERWISE INDICATED.
- 7.) ALL FOUND OR SET MONUMENTS ARE FLUSH WITH GROUND EXCEPT AS NOTED HEREON.
- 8.) THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

SURVEYOR'S CERTIFICATE

I, MICHAEL J. LANGHORNE, HEREBY CERTIFY THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE MINOR SUBDIVISION SKETCH PLAN OF BALLARD ADDITION TO THE TOWN OF SILT, LOTS 1, 2, 3, AND 4, BLOCK 14, THAT IT ACCURATELY REPRESENTS A SURVEY, PERFORMED EITHER BY ME OR UNDER MY SUPERVISION, IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT CONFORMS WITH THE CURRENT "STANDARDS FOR LAND SURVEYS" OF THE COLORADO AES BOARD OF LICENSURE, AS WELL AS WITH RELATED SURVEY REQUIREMENTS OF C.R.S. 38-51-102 AND CURRENT VERSIONS OF THE COLORADO REVISED STATUTES AND IS IN COMPLIANCE WITH THE TOWN OF SILT MUNICIPAL CODE. THIS CERTIFICATE IS NOT INTENDED TO BE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PRECEDING SENTENCE.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL

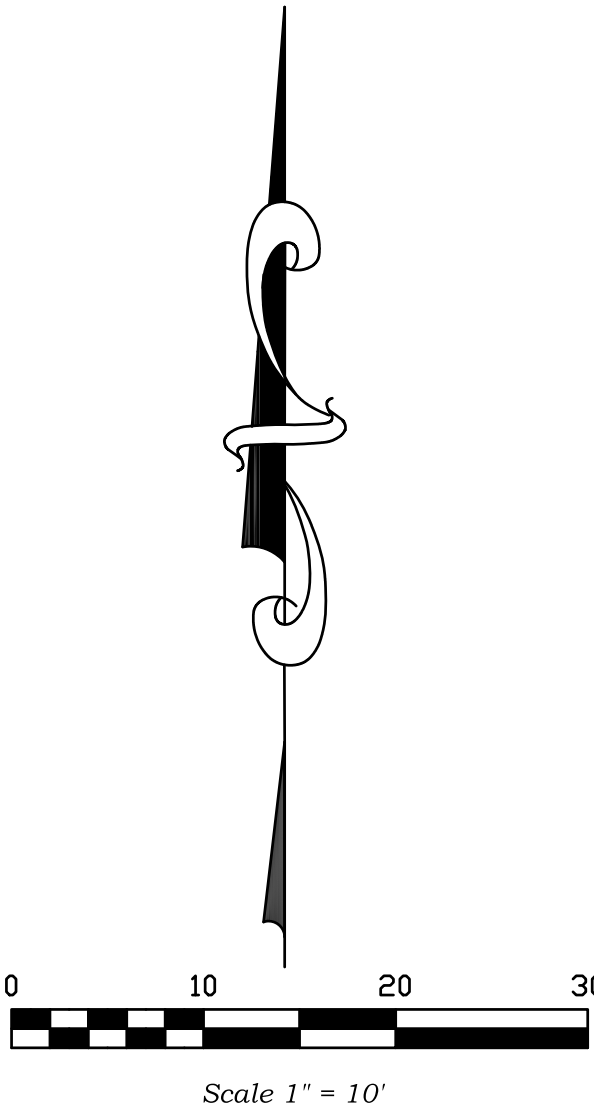
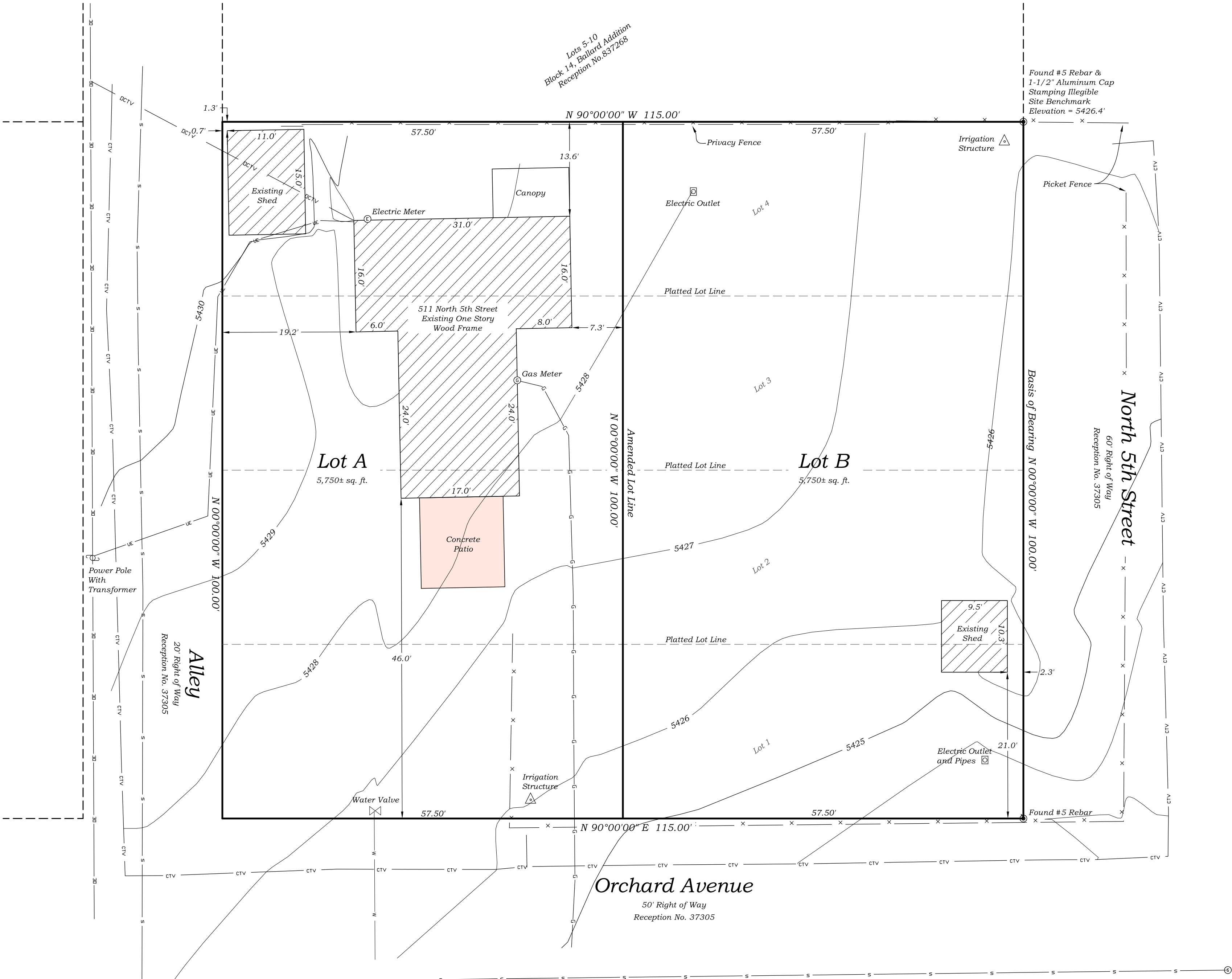
DATE: \_\_\_\_\_

MICHAEL J. LANGHORNE, L.S. #36572

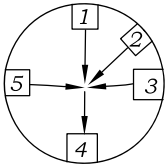
REVIEW

Minor Subdivision Sketch Plan  
Ballard Addition to the Town of Silt  
Lots 1, 2, 3, and 4, Block 14

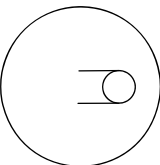
Parcels of Land Situate in SW1/4 of the SW1/4 of Section 3,  
Township 6 South, Range 92 West of the 6th P.M. Town of Silt, County of Garfield, State of Colorado



LEGEND	
Buried Electric Line	—E—
Overhead Electric Line	—OE—
Buried Gas Line	—G—
Buried Waterline	—W—
Buried Cable TV	—CTV—
Overhead Cable TV	—OCTV—
Buried Sanitary Sewer	—S—
Fence Line	—X—



Sewer Manhole  
Rim Elevation = 5427.1'  
1) North 6" Iron Pipe Invert In = 5418.8'  
2) Northeast 5" Iron Pipe Invert In = 5421.4'  
3) East 6" Iron Pipe Invert In = 5416.3'  
4) South 6" Iron Pipe Invert In = 5416.2'  
5) West 6" Iron Pipe Invert In = 5416.4'



Sewer Manhole  
Rim Elevation = 5422.3'  
Sewer Cleanout 6" PVC With Cap  
4.8' At Approximately 45° to Angle Point.

REVISION	DESCRIPTION

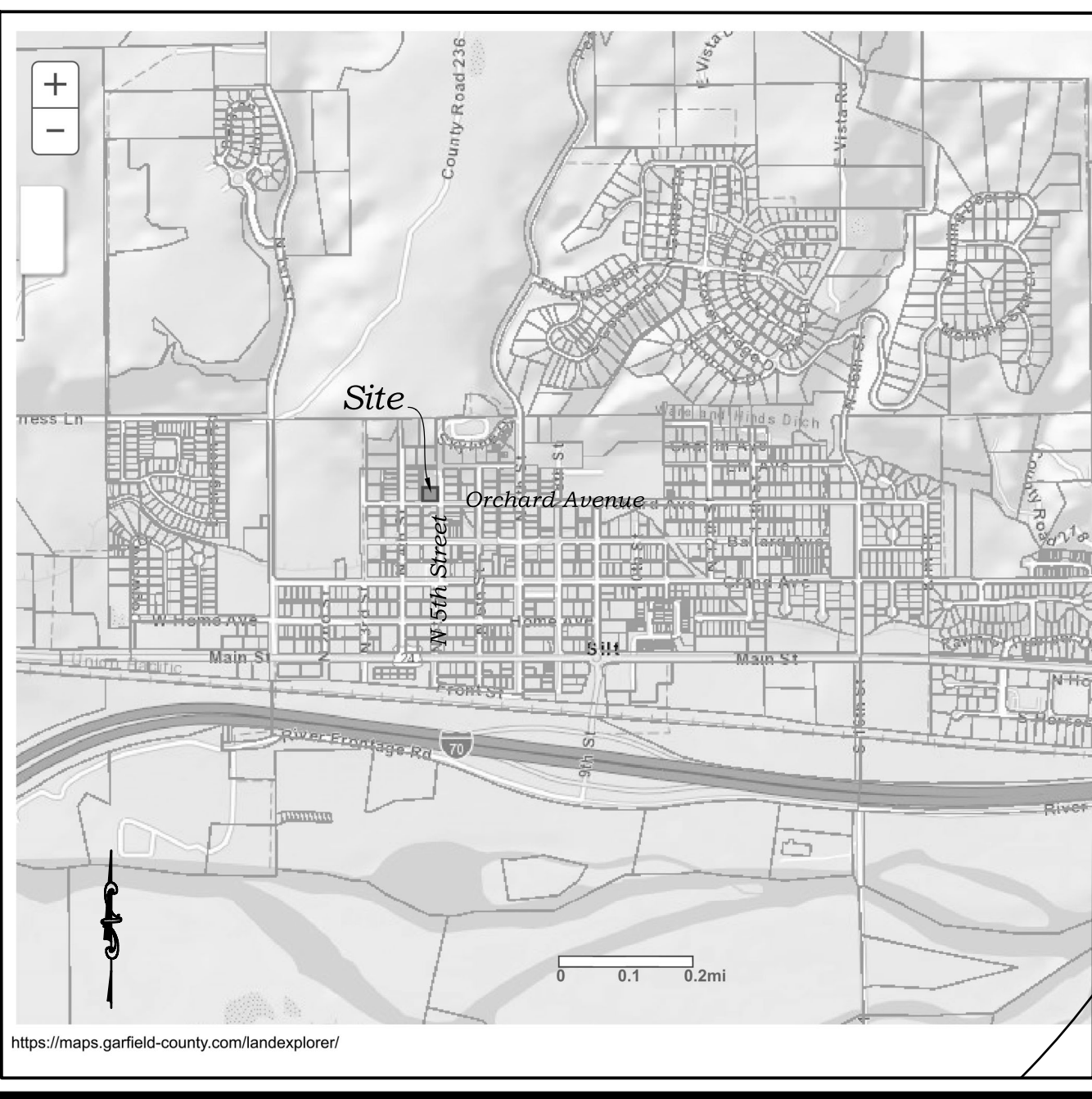


MINOR SUBDIVISION SKETCH PLAN  
LOTS 1, 2, 3 & 4 BLOCK 14 BALLARD ADDITION

BALLARD ADDITION TO THE TOWN OF SILT  
BRUCE COATS  
511 NORTH 5TH STREET  
SILT, COLORADO 81652

FILE:	AMD PLAT
DFT.	YJL
CK.	MJL
DATE:	12/09/21
PROJECT NO.	21160-01
SHEET	1
OF	1





Vicinity Map  
Scale: 1"=1000'

PLAT NOTES

- 1.) ANY AND ALL EXISTING OVERHEAD, SURFACE AND UNDERGROUND UTILITIES AND DRAINAGE STRUCTURES CROSSING BETWEEN PROPOSED LOTS A AND B, EXCEPT WITHIN DESIGNATED EASEMENTS, SHALL BE ABANDONED.
- 2.) MINERAL ESTATE SEVERED BY UNITED STATES PATENT RECORDED JANUARY 19, 1892 IN BOOK 12 AT PAGE 100.

TITLE INSURANCE COMPANY

\_\_\_\_\_ DOES HEREBY CERTIFY THAT  
HAS EXAMINED THE TITLE TO ALL LANDS HEREIN DEDICATED AND SHOWN UPON THIS PLAT AND TITLE TO SUCH  
LAND IS IN THE DEDICATOR FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

SIGNATURE AND TITLE \_\_\_\_\_ DATE \_\_\_\_\_

NOTES

- 1.) DATE OF SURVEY WAS JANUARY 18, 2023.
- 2.) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF N0°00'00"W, ALONG THE WESTERLY RIGHT-OF-WAY OF NORTH 5TH STREET, BALLARD ADDITION TO THE TOWN OF SILT, RECEPTION NO. 37305 BETWEEN A #5 REBAR AND 1-1/2" ALUMINUM CAP, STAMPING ILLEGIBLE AND A FOUND #5 REBAR AS SHOWN HEREON.
- 3.) THIS MINOR SUBDIVISION SKETCH PLAN IS BASED ON:
- a. \_\_\_\_\_ THE BALLARD ADDITION TO THE TOWN OF SILT, RECORDED AS RECEPTION NO. 37305 IN THE GARFIELD COUNTY CLERK AND RECORDER'S RECORDS.
- b. \_\_\_\_\_ RESEARCH FOR RIGHTS-OF-WAY AND EASEMENTS OF RECORD ARE BASED ON TITLE COMMITMENT NUMBER 1205708-C DATED JANUARY 3, 2023 PREPARED BY TITLE COMPANY OF THE ROCKIES.
- c. \_\_\_\_\_ MONUMENTS FOUND IN PLACE AS INDICATED HEREON.
- 4.) ELEVATION OF THE SITE, BASED ON GPS OBSERVATION, EQUALS 5426.4 FEET WGS 84 ON THE SITE BENCHMARK, A FOUND #5 REBAR AND 1-1/2" ALUMINUM CAP AT THE NORTHEAST CORNER OF LOT 4, AS SHOWN HEREON.
- 5.) BURIED UTILITY RECORD RESEARCH AND ON GROUND UTILITY MARKINGS WERE PERFORMED BY A PRIVATE UTILITY LOCATING COMPANY. THESE MARKINGS WERE SURVEYED BY BOOKCLIFF SURVEY SERVICES, INC. AND REPRESENT LEVELS B, C AND D OF THE ASCE STANDARD GUIDELINES. CALL 811 BEFORE YOU DIG.
- 6.) ALL DIMENSIONS SHOWN HEREON ARE RECORD AND AS-MEASURED UNLESS OTHERWISE INDICATED.
- 7.) ALL FOUND OR SET MONUMENTS ARE FLUSH WITH GROUND EXCEPT AS NOTED HEREON.
- 8.) THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

SURVEYOR'S CERTIFICATE

I, MICHAEL J. LANGHORNE, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE FINAL PLAT OF THE 5TH AND ORCHARD MINOR SUBDIVISION, AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME OR UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND, THAT IT IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT CONFORMS WITH THE CURRENT "STANDARDS FOR LAND SURVEYS" OF THE COLORADO AES BOARD OF LICENSURE, AS WELL AS WITH RELATED SURVEY REQUIREMENTS OF C.R.S. 38-51-102 AND CURRENT VERSIONS OF THE COLORADO REVISED STATUTES AND IS IN COMPLIANCE WITH THE TOWN OF SILT MUNICIPAL CODE. THIS CERTIFICATE IS NOT INTENDED TO BE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PRECEDING SENTENCE.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL

MICHAEL J. LANGHORNE, COLORADO P.L.S. #36572

REVIEW

UTILITY COMPANY CERTIFICATE

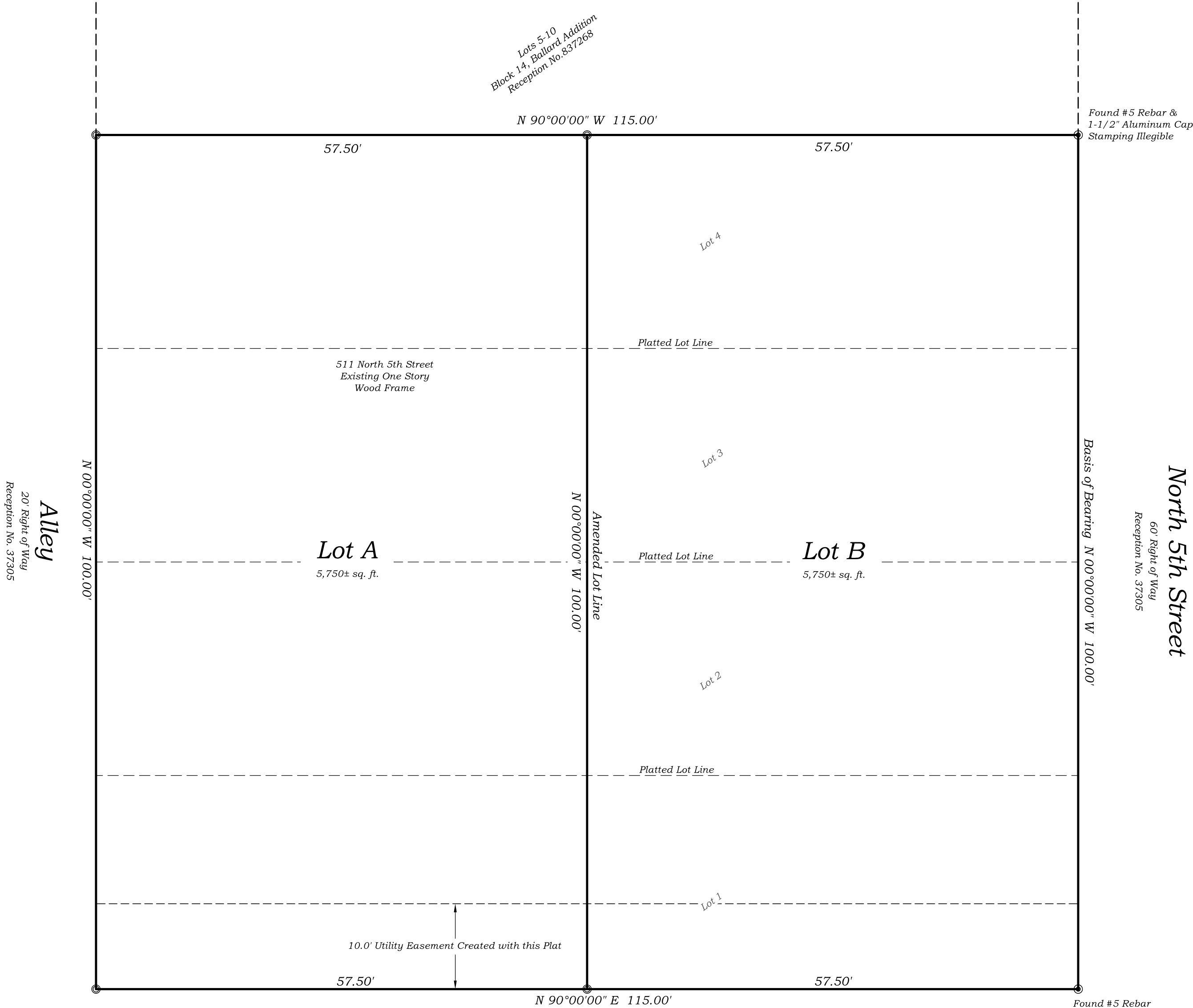
BY THE SIGNING OF THIS PLAT, EACH UTILITY COMPANY AGREES AND ACKNOWLEDGES ANY AND ALL ACCESS AND UTILITY EASEMENTS DEDICATED TO THE TOWN AND EACH UTILITY COMPANY HEREBY WARRANTS THAT NO ABOVE GROUND VAULT, SPLICE BOX, TRANSFORMER, PEDESTAL OR OTHER ABOVE GROUND OR BELOW GROUND FACILITY WILL DIMINISH OR ALTER TOWN EASEMENTS.

QWEST COMMUNICATIONS

XCEL ENERGY

HOLY CROSS ELECTRIC

COMCAST CABLE



Orchard Avenue

50' Right of Way  
Reception No. 37305

MINOR SUBDIVISION CERTIFICATE

THIS PLAT APPROVED BY THE TOWN ADMINISTRATOR OR HIS DESIGNEE OF THE TOWN OF SILT, COLORADO THIS \_\_\_\_\_ A.D. 20\_\_\_\_ THE FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, OF THIS PLAT IN NO WAY IMPLIES THAT THE INFORMATION SHOWN HEREON IS TRUE AND ACCURATE BUT DOES INDICATE THAT THIS PLAT IS CONSIDERED AN ADMINISTRATIVE BOUNDARY ADJUSTMENT OR LOT LINE ADJUSTMENT PLAT SUBJECT TO REGULATION UNDER TOWN OF SILT 16.04.590 AND NOT SUBJECT TO REGULATION UNDER TOWN OF SILT SUBDIVISION REGULATIONS PER TITLE 16 OF THE SILT MUNICIPAL CODE AT THE TIME OF ITS FILING. THE TOWN ACCEPTS THE PUBLIC DEDICATIONS SHOWN HEREON, PROVIDED THAT SUCH ACCEPTANCE AND THE APPROVAL OF THIS PLAT IN NO WAY OBLIGATES THE TOWN OF SILT FOR FINANCING, CONSTRUCTION OR MAINTENANCE OF IMPROVEMENTS ON LANDS, STREETS, OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS OTHERWISE SPECIFICALLY AGREED TO BY THE TOWN.

TOWN OF SILT

BY: \_\_\_\_\_  
MAYOR

WITNESS MY HAND AND SEAL OF THE TOWN OF SILT, COLORADO

ATTEST: \_\_\_\_\_  
TOWN CLERK

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT BRUCE COATES, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

LOTS 1, 2, 3 AND 4,  
BLOCK 14, BALLARD ADDITION TO THE TOWN OF SILT, ACCORDING TO THE PLAT THEREOF FILED JUNE 21, 1909 AS RECEPTION NO. 37305.

AND CONTAINING 11,500 SQUARE FEET, MORE OR LESS, HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS (OR CONDOMINIUM UNITS), AS SHOWN HEREON AND DESIGNATE THE SAME AS FINAL PLAT, 5TH AND ORCHARD, IN THE TOWN OF SILT, COUNTY OF COLORADO, AND DO HEREBY GRANT TO THE TOWN OF SILT, COLORADO, FOR PUBLIC USE THE STREETS SHOWN HEREON INCLUDING AVENUES, DRIVES, COURTS, PLACES AND ALLEYS, THE PUBLIC LANDS SHOWN HEREON FOR THEIR INDICATED PUBLIC USE AND THE UTILITY AND DRAINAGE EASEMENTS SHOWN HEREON FOR UTILITY AND DRAINAGE PURPOSES ONLY; AND DO FURTHER STATE THAT THIS SUBDIVISION SHALL BE SUBJECT TO THE PROTECTIVE COVENANTS FILED AND RECORDED FOR THIS SUBDIVISION IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO AS RECEPTION NO. \_\_\_\_\_.

EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

BRUCE COATES  
511 NORTH 5TH STREET  
SILT, CO 81652

STATE OF COLORADO )  
COUNTY OF GARFIELD ) JSS

THE FOREGOING DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, BY \_\_\_\_\_.

MY COMMISSION EXPIRES: \_\_\_\_\_

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AT \_\_\_\_\_ O' CLOCK \_\_\_\_\_ M., THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AS RECEPTION NO. \_\_\_\_\_.

CLERK AND RECORDER

BY: \_\_\_\_\_  
DEPUTY

REVISION	DESCRIPTION
2/27/24	MINOR SUBDIVISION COMMENTS

**BOOKCLIFF**  
Survey Services, Inc.

136 East 3rd Street  
Silt, Colorado 81650  
Ph: (970) 625-1830  
Fax: (970) 625-1773

5TH AND ORCHARD  
MINOR SUBDIVISION PLAT

BALLARD ADDITION TO THE TOWN OF SILT  
BRUCE COATES  
511 NORTH 5TH STREET  
SILT, COLORADO 81652

FILE: AMD PLAT
DFT. YJL
CK. MJL
DATE: 1/24/23
PROJECT NO. 21160-01
SHEET 1 OF 1



**COMMITMENT FOR TITLE INSURANCE**

Issued by



as agent for

*Westcor Land Title Insurance Company***SCHEDULE A****Reference:****Commitment Number:** 1205708-C

1. Effective Date: **January 03, 2023, 7:00 am** Issue Date: **January 11, 2023**
2. Policy (or Policies) to be issued:  

ALTA® 2021 Owner's Policy	Policy Amount:	<i>Amount to be Determined</i>
	Premium:	<i>Amount to be Determined</i>

  
Proposed Insured: **Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below**
3. The estate or interest in the Land at the Commitment Date is **Fee Simple**.
4. The Title is, at the Commitment Date, vested in:  
**Bruce Coats**
5. The Land is described as follows:

**FOR LEGAL DESCRIPTION SEE SCHEDULE A CONTINUED ON NEXT PAGE**For Informational Purposes Only - APN: **217903306003**Countersigned  
Title Company of the Rockies, LLC

By:

A handwritten signature in dark ink, appearing to read "Mike Mulligan", written over a horizontal line.

**Mike Mulligan**

**SCHEDULE A (continued)**

**LEGAL DESCRIPTION**

The Land referred to herein is located in the County of Garfield, State of Colorado, and described as follows:

Lots 1, 2 3 and 4,

Block 14,

BALLARD ADDITION TO THE TOWN OF SILT, according to the Plat thereof filed June 21, 1909 as  
[Reception No. 37305](#).

*This page is only a part of a 2021 ALTA Short Form Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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Commitment No: 1205708-C

**COMMITMENT FOR TITLE INSURANCE**

Issued by

*Westcor Land Title Insurance Company*

**SCHEDULE B, PART I  
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Release by the Public Trustee of Garfield County of the Deed of Trust from Bruce Coats for the use of Better Mortgage Corporation, to secure \$149,800.00, dated August 28, 2018, and recorded September 7, 2018 at [Reception No. 911487](#).

NOTE: Assignment of the above Deed of Trust to Wells Fargo Bank, NA, recorded August 12, 2020 at [Reception No. 940087](#).

6. Release by the Public Trustee of Garfield County of the Deed of Trust from Bruce Coats for the use of Alpine Bank, to secure \$15,000.00, dated May 9, 2019, and recorded May 23, 2019 at [Reception No. 920711](#).

NOTE: The above Deed of Trust secures a revolving line of credit, as such it must be released in its entirety and the account closed.

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Commitment No: **1205708-C**

7. Deed from Bruce Coats to Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below.

NOTE: Duly executed real property transfer declaration, executed by either the Grantor or Grantee, to accompany the Deed mentioned above, pursuant to Article 14 of House Bill No. 1288-CRA 39-14-102.

THE COMPANY RESERVES THE RIGHT TO CONDUCT AN ADDITIONAL SEARCH OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER FOR GARFIELD COUNTY, COLORADO FOR JUDGMENT LIENS, TAX LIENS OR OTHER SIMILAR OR DISSIMILAR INVOLUNTARY MATTERS AFFECTING THE GRANTEE OR GRANTEES, AND TO MAKE SUCH ADDITIONAL REQUIREMENTS AS IT DEEMS NECESSARY, AFTER THE IDENTITY OF THE GRANTEE OR GRANTEES HAS BEEN DISCLOSED TO THE COMPANY.

NOTE: THIS COMMITMENT IS ISSUED UPON THE EXPRESS AGREEMENT AND UNDERSTANDING THAT THE APPLICABLE PREMIUMS, CHARGES AND FEES SHALL BE PAID BY THE APPLICANT IF THE APPLICANT AND/OR ITS DESIGNEE OR NOMINEE CLOSES THE TRANSACTION CONTEMPLATED BY OR OTHERWISE RELIES UPON THE COMMITMENT, ALL IN ACCORDANCE WITH THE RULES AND SCHEDULES OF RATES ON FILE WITH THE COLORADO DEPARTMENT OF INSURANCE.

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Commitment No: 1205708-C

### SCHEDULE B, PART II Exceptions

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.**

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

1. Any facts, right, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
2. Easements or claims of easements, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
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 of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. Right of the Proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as reserved in United States Patent recorded January 19, 1892 in [Book 12 at Page 100](#).
8. Right of way for ditches or canals constructed by the authority of the United States, as reserved in

*This page is only a part of a 2021 ALTA Short Form Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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Commitment No: **1205708-C**

United States Patent recorded January 19, 1892 in [Book 12 at Page 100](#).

9. Easements, rights of way and all other matters as shown on the Plat of Ballard Addition to the Town of Silt, filed June 21, 1909 as [Reception No. 37305](#).

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## **DISCLOSURE STATEMENTS**

**Note 1:** Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII, requires that "Every Title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the Title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." (Gap Protection)

**Note 2:** Exception No. 4 of Schedule B, Section 2 of this Commitment may be deleted from the Owner's Policy to be issued hereunder upon compliance with the following conditions:

1. The Land described in Schedule A of this commitment must be a single-family residence, which includes a condominium or townhouse unit.
2. No labor or materials may have been furnished by mechanics or materialmen for purpose of construction on the Land described in Schedule A of this Commitment within the past 13 months.
3. The Company must receive an appropriate affidavit indemnifying the Company against unfilled mechanic's and materialmen's liens.
4. Any deviation from conditions A through C above is subject to such additional requirements or Information as the Company may deem necessary, or, at its option, the Company may refuse to delete the exception.
5. Payment of the premium for said coverage.

**Note 3:** The following disclosures are hereby made pursuant to §10-11-122, C.R.S.:

- (i) The subject real property may be located in a special taxing district;
- (ii) A certificate of taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent; and
- (iii) Information regarding special districts and the boundaries of such districts may be obtained from the County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note 4:** If the sales price of the subject property exceeds \$100,000.00, the seller shall be required to comply with the disclosure or withholding provisions of C.R.S. §39-22-604.5 (Non-resident withholding).

**Note 5:** Pursuant to C.R.S. §10-11-123 Notice is hereby given:

- (a) If there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate then there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property, and
- (b) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note 6:** Effective September 1, 1997, C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half inch the clerk and recorder may refuse to record or file any document that does not conform.

**Note 7:** Our Privacy Policy:

We will not reveal nonpublic personal customer information to any external non-affiliated organization unless we have been authorized by the customer, or are required by law.

**Note 8:** Records:

Regulation 3-5-1 Section 7 (N) provides that each title entity shall maintain adequate documentation and

records sufficient to show compliance with this regulation and Title 10 of the Colorado Revised Statutes for a period of not less than seven (7) years, except as otherwise permitted by law.

**Note 9:** Pursuant Regulation 3-5-1 Section 9 (F) notice is hereby given that “A title entity shall not earn interest on fiduciary funds unless disclosure is made to all necessary parties to a transaction that interest is or has been earned. Said disclosure must offer the opportunity to receive payment of any interest earned on such funds beyond any administrative fees as may be on file with the division. Said disclosure must be clear and conspicuous, and may be made at any time up to and including closing.”

Be advised that the closing agent will or could charge an Administrative Fee for processing such an additional services request and any resulting payee will also be subjected to a W-9 or other required tax documentation for such purpose(s).

Be further advised that, for many transactions, the imposed Administrative Fee associated with such an additional service may exceed any such interest earned.

Therefore, you may have the right to some of the interest earned over and above the Administrative Fee, if applicable (e.g., any money over any administrative fees involved in figuring the amounts earned).

**Note 10:** Pursuant to Regulation 3-5-1 Section 9 (G) notice is hereby given that “Until a title entity receives written instructions pertaining to the holding of fiduciary funds, in a form agreeable to the title entity, it shall comply with the following:

1. The title entity shall deposit funds into an escrow, trust, or other fiduciary account and hold them in a fiduciary capacity.
2. The title entity shall use any funds designated as “earnest money” for the consummation of the transaction as evidenced by the contract to buy and sell real estate applicable to said transaction, except as otherwise provided in this section. If the transaction does not close, the title entity shall:
  - (a) Release the earnest money funds as directed by written instructions signed by both the buyer and seller; or
  - (b) If acceptable written instructions are not received, uncontested funds shall be held by the title entity for 180 days from the scheduled date of closing, after which the title entity shall return said funds to the payor.
3. In the event of any controversy regarding the funds held by the title entity (notwithstanding any termination of the contract), the title entity shall not be required to take any action unless and until such controversy is resolved. At its option and discretion, the title entity may:
  - (a) Await any proceeding; or
  - (b) Interplead all parties and deposit such funds into a court of competent jurisdiction, and recover court costs and reasonable attorney and legal fees; or
  - (c) Deliver written notice to the buyer and seller that unless the title entity receives a copy of a summons and complaint or claim (between buyer and seller), containing the case number of the lawsuit or lawsuits, within 120 days of the title entity's written notice delivered to the parties, title entity shall return the funds to the depositing party. ”



## **Title Company of the Rockies**

### Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: Pursuant to Colorado Division of Insurance Regulation 8-1-2;

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.