



**AGENDA**  
**TOWN OF PARACHUTE**  
**BOARD OF TRUSTEES REGULAR MEETING**  
**APRIL 21, 2016**  
**222 GRAND VALLEY WAY, PARACHUTE, CO**  
**6:30 P.M.**

The Town of Parachute will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 285-7630, x-104 for assistance.

**(A) CALL TO ORDER AND ROLL CALL**

**(B) PLEDGE OF ALLEGIANCE**

**(C) APPROVE AGENDA**

**(D) CONSENT AGENDA:**

- (1) MINUTES FROM THE MARCH 17, 2016, REGULAR MEETING (HANDOUT PRIOR TO MEETING)
- (2) EXPENDITURES PAID IN MARCH 2016
- (3) RETAIL LIQUOR AND WINE AND 3.2 BEER LICENSE RENEWAL

APPLICANT: HONG'S GARDEN INC  
 DBA: HONG'S GARDEN  
 LOCATION: 333 EAST 2<sup>ND</sup> STREET  
 ADDRESS: P.O. BOX 173  
 PARACHUTE, CO 81635

**(E) COMMENTS FROM CITIZENS REGARDING ITEMS NOT ON THE AGENDA**

The Board of Trustees welcomes you and thanks you for your time and concerns.

If you wish to address the Board of Trustees, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the Board. Your comments will be limited to **three (3) minutes**. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town Staff for follow-up. Thank you.

**PLEASE SILENCE ALL CELL PHONES, PAGERS, AND HAND HELD DEVICES. THANK YOU.**

**(F) DEPARTMENTAL REPORTS:**

- (1) Mayor and Board of Trustees ..... Mayor and Trustees
- (2) Town Manager Monthly Update ..... Stuart McArthur, Town Manager
- (3) Community Development Report ..... Stuart McArthur, Town Manager
- (4) Public Works Department Monthly Update ..... Mark King, Public Works Director
- (5) Police Department Monthly Update ..... Cary Parmenter, Police Chief

**(G) SWEARING IN OF NEWLY ELECTED MEMBERS OF THE BOARD OF TRUSTEES:**

*Integrity      Respect      Teamwork      Pride      Innovation      Diversity*

TRAVIS SPROLES ..... TRUSTEE  
FRED ANDERSEN ..... TRUSTEE  
JUANITA WILLIAMS ..... TRUSTEE  
JOHN LOSCHKE ..... TRUSTEE

STAFF: S. DENISE CHIARETTA, TOWN CLERK

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**(H) BOARD CONSIDERATION OF AND APPOINTMENT OF MAYOR PRO-TEM**

STAFF: S. DENISE CHIARETTA, TOWN CLERK

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**(I) PUBLIC MEETING OF THE BOARD OF TRUSTEES REGARDING THE TOWN OF PARACHUTE 2015 UPDATED COMPREHENSIVE PLAN AS ADOPTED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF PARACHUTE. (CANCELLED).**

STAFF: STUART McARTHUR, TOWN MANAGER

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**(J) PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES TO CONSIDER AN APPLICATION FROM GOOD DAY, LLC FOR A LICENSE TO OPERATE A RETAIL MARIJUANA MANUFACTURING FACILITY IN A NEIGHBORHOOD COMMERCIAL ZONED AREA. (TO BE CONTINUED)**

**APPLICANT/OWNER:** Good Day, LLC  
DBA: Elevated Edibles  
P.O. Box 178  
42352 Long Gulch Road  
Crawford, CO 81415

**PROJECT NAME:** Public hearing to seek authorization from the Town of Parachute for a retail marijuana manufacturing license in a Neighborhood Commercial zoned area.

**PROJECT LOCATION:** 101 Cardinal Way, Units 8 & 9  
Parachute, CO 81635

**LEGAL DESCRIPTION(S):** Section: 12  
Township: 7  
Range: 96 A TR  
Subdivision: ST. JOHN ADD Lot: 3

STAFF: JEFFREY CONKLIN, TOWN ATTORNEY  
STUART McARTHUR, TOWN MANAGER

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**(K) BOARD CONSIDERATION OF ORDINANCE NO. 695-2016**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING AND ESTABLISHING WATER AND WASTEWATER RATES FOR WATER AND WASTEWATER SERVICE PROVIDED BY THE TOWN OF PARACHUTE

STAFF: STUART McARTHUR, TOWN MANAGER  
JEFFREY CONKLIN, TOWN ATTORNEY

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**(L) PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FROM WEST RUN, INC. TO ANNEX A PARCEL OF LAND INTO THE TOWN OF PARACHUTE.**

**APPLICANT/OWNER:** West Run, Inc., Applicant  
2536 Rimrock Ave. Suite 400-380  
Grand Junction, CO 81505  
  
Jesse Carnahan, Owner  
8495 Highway 6  
Parachute, CO 81635

**PROJECT NAME:** Public hearing to seek authorization from the Town of Parachute to annex a parcel of land into the Town of Parachute.

**PROJECT LOCATION:** 8495 Highway 6  
Parachute, CO 81635

**LEGAL DESCRIPTION(S):** Section: 13  
Township: 7  
Range: 96 A  
Lot: 3 AKA LOT 2 FISCHER #1 EXEMPTION

**STAFF:** JEFFREY CONKLIN, TOWN ATTORNEY  
DAVIS FARRAR, TOWN PLANNER  
STUART McARTHUR, TOWN MANAGER

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**(M) BOARD CONSIDERATION OF ORDINANCE NO. 697-2016**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ANNEXING TO THE TOWN OF PARACHUTE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE WEST RUN ANNEXATION PARCEL

**STAFF:** JEFFREY CONKLIN, TOWN ATTORNEY  
STUART McARTHUR, TOWN MANAGER

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**(N) PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FROM WEST RUN, INC. TO ESTABLISH ZONING FOR AN ANNEXED PARCEL.**

**APPLICANT/OWNER:** West Run, Inc., Applicant  
2536 Rimrock Ave. Suite 400-380  
Grand Junction, CO 81505  
  
Jesse Carnahan, Owner  
8495 Highway 6  
Parachute, CO 81635

**PROJECT NAME:** Public hearing to seek authorization from the Town of Parachute to establish zoning for an annexed parcel.

**PROJECT LOCATION:** 8495 Highway 6  
Parachute, CO 81635

**LEGAL DESCRIPTION(S):** Section: 13  
Township: 7

Range: 96 A  
Lot: 3 AKA LOT 2 FISCHER #1 EXEMPTION

STAFF: JEFFREY CONKLIN, TOWN ATTORNEY  
DAVIS FARRAR, TOWN PLANNER  
STUART McARTHUR, TOWN MANAGER

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**(O) BOARD CONSIDERATION OF ORDINANCE NO. 698-2016**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE WEST RUN ANNEXATION PARCEL

STAFF: JEFFREY CONKLIN, TOWN ATTORNEY  
STUART McARTHUR, TOWN MANAGER

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**(P) PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FROM WEST RUN, INC. FOR A SPECIAL USE REVIEW TO BUILD A RETAIL MARIJUANA CULTIVATION FACILITY IN A SERVICE COMMERCIAL ZONED AREA.**

**APPLICANT/OWNER:** West Run, Inc.  
2536 Rimrock Ave. Suite 400-380  
Grand Junction, CO 81505

**PROJECT NAME:** Public hearing to seek authorization from the Town of Parachute for a Special Use Review to build a Retail Marijuana Cultivation Facility in a Service Commercially zoned area.

**PROJECT LOCATION:** 8495 Highway 6  
Parachute, CO 81635

**LEGAL DESCRIPTION(S):** Section: 13  
Township: 7  
Range: 96 A  
Lot: 3 AKA LOT 2 FISCHER #1 EXEMPTION

STAFF: JEFFREY CONKLIN, TOWN ATTORNEY  
DAVIS FARRAR, TOWN PLANNER  
STUART McARTHUR, TOWN MANAGER

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**(Q) BOARD CONSIDERATION OF RESOLUTION NO. 2016-13**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, APPROVING A SPECIAL REVIEW USE PERMIT FOR WEST RUN, INC. TO OPERATE A RETAIL MARIJUANA CULTIVATION FACILITY

STAFF: JEFFREY CONKLIN, TOWN ATTORNEY  
STUART McARTHUR, TOWN MANAGER

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**(R) PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES TO CONSIDER AN APPLICATION FROM WEST RUN, INC. FOR A LICENSE TO OPERATE A RETAIL MARIJUANA CULTIVATION FACILITY IN A SERVICE COMMERCIAL ZONED AREA.**

**APPLICANT/OWNER:** West Run, Inc.  
2536 Rimrock Ave. Suite 400-380

Grand Junction, CO 81505

**PROJECT NAME:** Public hearing to seek authorization from the Town of Parachute for a license to operate a Retail Marijuana Cultivation Facility in a Service Commercial zoned area.

**PROJECT LOCATION:** 8495 Highway 6  
Parachute, CO 81635

**LEGAL DESCRIPTION(S):** Section: 13  
Township: 7  
Range: 96 A  
Lot: 3 AKA LOT 2 FISCHER #1 EXEMPTION

**STAFF:** JEFFREY CONKLIN, TOWN ATTORNEY  
STUART McARTHUR, TOWN MANAGER

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**(S) BOARD CONSIDERATION OF RESOLUTION NO. 2016-14**

RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A GRANT FROM THE COLORADO STATE DEPARTMENT OF LOCAL AFFAIRS (DOLA) FOR THE CONSTRUCTION OF AN ACCESS RAMP TO THE COLORADO RIVER FOR OUTDOOR RECREATION PURPOSES.

**STAFF:** STUART McARTHUR, TOWN MANAGER

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**(T) BOARD CONSIDERATION OF BID AWARD TO AND AGREEMENT BETWEEN THE TOWN OF PARACHUTE AND PLAN TOOLS LLC, TO UPDATE TITLE 15 (DEVELOPMENT REVIEW) OF THE TOWN OF PARACHUTE MUNICIPAL CODE AND APPROVE THE MAYOR TO SIGN.**

**STAFF:** STUART McARTHUR, TOWN MANAGER

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**(U) BOARD CONSIDERATION OF BID AWARD TO ACQUIRE SCHOOL ZONE SIGNS AND RADAR SPEED SIGNS FROM TAPCO AND APPROVE THE MAYOR TO SIGN ACCEPTANCE.**

**STAFF:** STUART McARTHUR, TOWN MANAGER

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**(V) OTHER MATTERS**

(1) NONE

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**(W) EXECUTIVE SESSION**

FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. SECTION 24-6-402(4)(E); SUBJECT: LAW SUITS / LAND ACQUISITION

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**(X) MOTION TO ADJOURN**

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Adjourned at: \_\_\_\_\_ p.m.

**EXPENSES PAID IN MARCH 2016**

<b>Payee or Description</b>	<b>Check Number</b>	<b>Check Amount</b>
360 ELECTRIC, LLC	20417	\$ 616.17
ACCUTEST LABORATORIES	20418	\$ 240.50
ACCUTEST LABORATORIES	20461	\$ 240.50
ACTIVE ENTERTAINMENT, LLC	20458	\$ 4,815.00
AFLAC	20454	\$ 575.12
ALERT/ SAM	20419	\$ 80.00
ALEXANDER GRAHAM	20462	\$ 165.64
AMERICAN EXPRESS TRANSACTION FEE	ACH	\$ 1.33
AUSTIN CIVIL GROUP, INC.	20420	\$ 440.00
AUSTIN CIVIL GROUP, INC.	20420	\$ 105.00
AUSTIN CIVIL GROUP, INC.	20420	\$ 3,175.15
B & B PLUMBING	20463	\$ 227.00
BATTLEMENT MESA METROPOLITAN DISTRICT	20421	\$ 9,153.00
BATTLEMENT MESA METROPOLITAN DISTRICT	20464	\$ 11,013.00
BROWNS HILL ENGINEERING & CONT, LLC	20465	\$ 5,035.00
CAMCA	20466	\$ 40.00
CASELLE INC	20422	\$ 1,050.66
CASELLE INC	20467	\$ 525.33
CBI	20468	\$ 300.00
CDC JANITORIAL	20423	\$ 10.00
CEBT	20455	\$ 19,592.10
CEBT	20459	\$ 20,938.60
CENTURY EQUIPMENT COMPANY	20424	\$ 67.50
CHARLES HORNICK	20469	\$ 47.73
CITY OF RIFLE	20470	\$ 512.50
CMCA	20425	\$ 155.00
DEPENDABLE WASTE SERVICES	20426	\$ 4,617.00
DEPENDABLE WASTE SERVICES	20471	\$ 9,189.00
DEPOSIT PROOF ERROR CORRECTED	ACH	\$ (211.01)
DEREK WINGFIELD	20427	\$ 39.10
DESKTOP CONSULTING, INC.	20428	\$ 82.50
DISA, Inc.	20472	\$ 56.00
EDUARDO ESPARZA	20473	\$ 2,980.00
ELAM CONSTRUCTION, INC.	20429	\$ 2,074.44
ELWOOD STAFFING	20430	\$ 5,364.42
ELWOOD STAFFING	20474	\$ 2,351.96
FIKES WEST, INC.	20431	\$ 129.00
FILTER TECH SYSTEMS, INC.	20432	\$ 1,243.63
FIRE AND POLICE PENSION ASSOC.	ACH	\$ 1,767.12
FIRE AND POLICE PENSION ASSOC.	ACH	\$ 1,767.12
GARFIELD CO. CLERK & RECORDER	20457	\$ 26.00
GRAND RIVER HOSPITAL DISTRICT	20475	\$ 144.00
GRAND VALLEY EDUCATIONAL FOUNDATION	20476	\$ 1,000.00
GRAND VALLEY GIVERS	20357	\$ 1,000.00
GRAND VALLEY HIGH SCHOOL	20433	\$ 500.00

**EXPENSES PAID IN MARCH 2016**

Payee or Description	Check	Check
	Number	Amount
GRAND VALLEY HISTORICAL SOCIET	20477	\$ 500.00
HACH	20434	\$ 5,660.54
HARLEY WALKER	20435	\$ 38.09
HELTON & WILLIAMSEN, P.C.	20436	\$ 418.00
HILL AND ROBBINS P.C.	20397	\$ 46.56
HILL AND ROBBINS P.C.	20437	\$ 1,679.85
IIMC	20478	\$ 275.00
JOSEPH SIMONS	20479	\$ 113.00
KANSAS CITY LIFE INS.	ACH	\$ 731.98
KARP, NEU, HANLON P.C.	20438	\$ 8,461.90
KARP, NEU, HANLON P.C.	20480	\$ 7,709.90
KIWANAS CLUB OF GRAND VALLEY	20481	\$ 125.00
KONICA MINOLTA	20439	\$ 2,219.25
KONICA MINOLTA	20482	\$ 1,057.74
K-SUN COMMUNITY RADIO	20400	\$ 1,000.00
LIBERTY NATIONAL LIFE INSURANCE CO.	ACH	\$ 151.78
LIBERTY NATIONAL LIFE INSURANCE CO.	ACH	\$ 151.78
LOVA TRAILS GROUP	20483	\$ 1,000.00
MUNRO SUPPLY	20484	\$ 2,674.43
OLDCASTLE SW GROUP INC.	20499	\$ 28,998.83
ORCHARD TRUST COMPANY, LLC	20441	\$ 2,100.09
ORCHARD TRUST COMPANY, LLC	20456	\$ 2,699.61
ORCHARD TRUST COMPANY, LLC	20460	\$ 2,270.45
P AND K AUTO BODY	20485	\$ 230.00
PARACHUTE SERVICE	20486	\$ 128.00
Payflex Health Hub CDM Ref# 11	ACH	\$ 480.52
Payflex Health Hub CDM Ref# 12	ACH	\$ 650.82
Payflex Health Hub CDM Ref. #10	ACH	\$ 16.08
Payflex Reimbursement 3/11 to 3/29 Ref # 13	ACH	\$ 5,415.36
PAYFLEX SYSTEMS, USA INC.	20442	\$ 150.00
PAYFLEX SYSTEMS, USA INC.	ACH	\$ 150.00
PAYLOCITY PAYROLL	ACH	\$ 24,021.15
PAYLOCITY PAYROLL	ACH	\$ 1,282.87
PAYLOCITY PAYROLL	ACH	\$ 1,099.00
PAYLOCITY PAYROLL	ACH	\$ 68.17
PAYLOCITY PAYROLL	ACH	\$ 4,084.21
PAYLOCITY PAYROLL	ACH	\$ 3,190.37
PAYLOCITY PAYROLL	ACH	\$ 113.80
PAYLOCITY PAYROLL	ACH	\$ 27,030.66
PAYLOCITY PAYROLL	ACH	\$ 110.82
PAYLOCITY PAYROLL	ACH	\$ 8,978.14
PAYLOCITY PAYROLL	ACH	\$ 128.50
PWT	20487	\$ 1,125.84
R & S SALES & WELDING SERVICE	20488	\$ 20.25
RESOURCE ENGINEERING INC	20443	\$ 720.00

**EXPENSES PAID IN MARCH 2016**

<b>Payee or Description</b>	<b>Check Number</b>	<b>Check Amount</b>
RICOH USA, INC	20489	\$ 51.23
RIVER BRIDGE REGIONAL CENTER INC.	20490	\$ 1,000.00
SAFEBUILT, INC.	20444	\$ 243.73
SAFEBUILT, INC.	20491	\$ 798.40
SAMS CLUB	20406	\$ 225.00
SAMS CLUB	20445	\$ 260.95
SOUTHWESTERN SYSTEMS, INC	20446	\$ 2,560.50
SOUTHWESTERN SYSTEMS, INC	20492	\$ 2,796.00
STEVEN A. NOFZIGER	20447	\$ 275.00
STUART S. MCARTHUR	20493	\$ 399.18
SWALLOW OIL COMPANY	20494	\$ 78.08
THE LITTLE COFFEE SHACK	20448	\$ 177.03
TIFFANY M MERRIAM	20449	\$ 51.00
UMB	ACH	\$ 10,931.48
UNCC	20450	\$ 14.30
UNCC	20495	\$ 22.88
UNIVAR USA INC.	20451	\$ 603.62
WEST PARK TRUCK EQUIPMENT	20452	\$ 756.50
WEST PARK TRUCK EQUIPMENT	20496	\$ 966.30
WESTERN SLOPE CONSULTING, LLC	20497	\$ 5,558.92
WESTERN SLOPE CONSULTING, LLC	20497	\$ 1,296.25
WEX	ACH	\$ 1,630.32
XCEL	ACH	\$ 3,294.48
XCEL	ACH	\$ 5,375.52
<b>TOTAL</b>		<b>\$ 301,887.12</b>

**RETAIL LIQUOR OR 3.2 BEER  
 LICENSE RENEWAL APPLICATION**

HONG'S GARDEN  
 PO BOX 173  
 PARACHUTE CO 81635-0173

Fees Due	
Renewal Fee	\$351.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: **Colorado Department of Revenue.**  
 The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name <b>HONG'S GARDEN INC</b>		DBA <b>HONG'S GARDEN</b>		
Liquor License # <b>42697130000</b>	License Type <b>Beer &amp; Wine (city)</b>	Sales Tax License # <b>42697130000</b>	Expiration Date <b>6/4/2016</b>	Due Date <b>4/20/2016</b>
Operating Manager <b>Sang Hong</b>	Date of Birth <b>08/08/61</b>	Home Address <b>338 Fisher Parachute CO 81635</b>		
Manager Phone Number <b>626-500-5073</b>		Email Address <b>Do Not Have</b>		
Street Address <b>333 E 2ND STREET PARACHUTE CO 81635</b>				Phone Number <b>(970) 285 6888</b>
Mailing Address <b>PO BOX 173 PARACHUTE CO 81635-0173</b>				

- Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* \*If rented, expiration date of lease 06/01/19
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO

**AFFIRMATION & CONSENT**  
 I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <b>Sang Cong Hong</b>	Title <b>President</b>
Signature <i>Sang Cong Hong</i>	Date <b>4-8-16</b>

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**  
 The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest



# Town of Parachute

*A Safe Place to Land*

Stuart S. McArthur, Town Manager

*Integrity • Respect • Teamwork • Pride • Innovation • Diversity*

222 Grand Valley Way • Parachute, CO 81635 • (970) 285-7630

**DATE:** April 21, 2016

**TO:** Board of Trustees

**FROM:** Stuart S. McArthur, Town Manager

**SUBJECT:** TOWN MANAGER MONTHLY REPORT – APRIL 2016

The purpose of this memo is to report to the Board of Trustees the activities of the Town during the past month and to review issues for upcoming meetings.

1. Sales tax report showing current month (March receipts for January sales) sales tax and comparing the last three years is attached to this report. You will note that sales tax YTD is down slightly (5.92%) from last year at this time. The sales tax receipts are up by 12.99% for the month compared to 2015 actuals. Of the \$58,554 tax receipt figure, \$5,845 is from the sale of recreation marijuana, representing about 10.0% of all sales tax. This was the first full month of cannabis sales. Without these sales, the revenue would be down nearly 10.0% or \$52,709.

The Town received the Town’s portion of the State of Colorado Sales Tax on marijuana. It is a check for \$2,155.76. With the addition of this amount, the total sales tax receipts related to recreation marijuana is \$8,001. This amount represents 13.2% of the total receipts of \$60,710.

2. The Comprehensive Plan Update is in final draft format and is looking very good. I have finalize my review with Better City and they will issue their final version with my updates soon. The plan will be brought to the Planning and Zoning Commission in June for adoption and to the Board of Trustees for ratification.
3. As of the writing of this report (Thursday, April 14, 2016), the prices for energy commodities are:

WTI Crude Oil .....	\$41.61 (March - \$38.33)
Natural Gas (Nymex) .....	\$1.96 (March - \$ 1.80)

4. Staff is beginning to work on the planning for 2016 events. The following dates have been finalized:

- Cinco de Mayo – March 7, 2016

- Lucy has been working very hard with Derek on this project. I would like to have her give the Board an update and describe the activity for you.
- Oktoberfest – October 1, 2016

The headliner concert for Oktoberfest will be Chase Rice, a young, up-and-coming country western star. We are looking at other activities for the future, including: Redneck Olympics; Slide the City; and an ATV rally up the Battlements.

5. I am still seeking proposals for additional engineering firms to help the Town with upcoming projects. I have a couple proposals to review. I will be bringing the requests for approvals at a Board Meeting soon.
6. CIRSA Attorney Tami Tanoue has agreed to come to the Town in June for a Board training. She cannot make it on a regular Board meeting night, so I would like to call a study session for the Board on June 23<sup>rd</sup> at 6:00 p.m. Is the Board agreeable to this date and time? It is the fourth Thursday of June.
7. Derek and I have been participating in planning with Battlement Mesa for a desired trail system in the area. I met with the group and made a pitch for a trail/road for bicycles and OHV's to the trailhead at the base of the Battlements, then improving the trail up the mountain to the mesa. The Battlement Mesa group indicated that they were not interested in such a trail. I would like to move ahead with planning such a trail/route and plan for a rally in July to the Battlements. It will primarily require signage.

The State has approved legislation that will allow local jurisdictions to pass laws relating to OHV's that might be contrary to some of the State's laws. Garfield County is in the process of identifying which county roads would be open for such use. The Town will need to pass an ordinance to allow OHV's within the Town and on our streets. I would like to bring such an ordinance to the Board in May.

8. The Town has received the 2016 9-Party Memorandum of Understanding Regarding Garfield County Senior Programs. The County is seeking our approval of said agreement. The amounts they are seeking from Parachute are:

Meal Services .....	\$ 37.74
Transportation Services .....	\$3,244.69
Total .....	\$3,282.43

I can support the meal services amount, but I would suggest that the Board allow me to discuss the transportation services with the County. I have been told earlier in the year that the vast majority of participants of the area are from Battlement Mesa. I do not believe that the Town should be subsidizing the County/Battlement Mesa just because the senior center is in the Town limits.

9. I have received communication from a Telbe Storbeck regarding a campaign called Raise the Bar to Protect our Constitution. They are seeking support for the campaign via a letter. Does the Board desire to write a letter of support over the Mayor's signature?
10. The deadlines for notifying the County of the Town's intent to participate in the coordinated

election in November 2016. Besides the marijuana prohibition question that has been petitioned, does the Board desire to place any other questions on the ballot. Some suggestions would be:

- i. Senate Bill 152 regarding municipal owned broadband operations.
- ii. Excise tax on medical marijuana cultivation facilities.
- iii. Excise tax on recreational and medical manufacturing facilities

11. A means of financing larger capital facility projects is to establish a capital leasing corporation for the Town. It is a company that is run by the employees, rather than the Board. It can issue financing for facilities through what is called Certificates of Participation (COPs) that are not subject to the TABOR debt laws. I would like to bring the establishment of the Parachute Capital Leasing Corporation (PCLC) to the Board for approval in a near future meeting.

12. In the 2016 budget we created the Parks and Recreation Enterprise Fund. This fund can be used to operate a parks and rec operation. I would like to work with private partners and, perhaps, the Parks and Recreation District to develop a business plan for such an operation. Does the Board approve?

### **13. Upcoming Issues:**

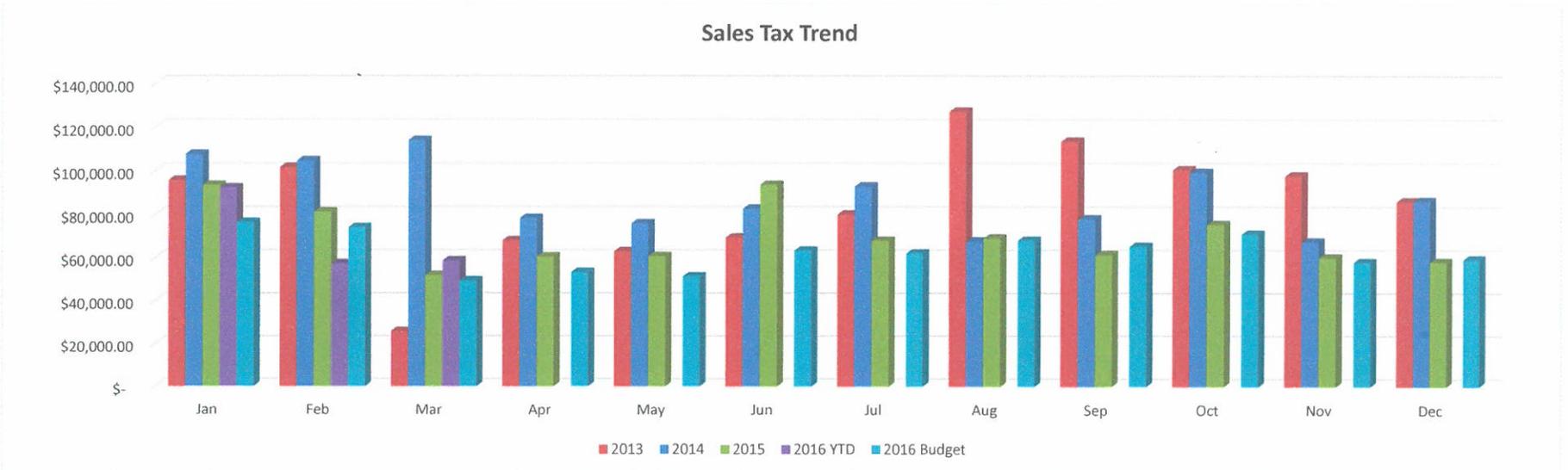
- a. Agenda Items:
  - i. Upcoming retail marijuana license applications.
  - ii. Annexation zoning for prior annexations
  - iii. Survey and easements for Town water/electric/road facilities within the Battlement Mesa Company property

If you have questions or concerns, contact me at 970.285.7630 or [stuartmc@parachutecolorado.com](mailto:stuartmc@parachutecolorado.com).

**Town of Parachute  
Sales Tax Trend Analysis - 2016**

Actuals										
Month Received	Month Paid*	2013	2014	2015	2015 YTD 2016	2016 YTD	2016 Budget	% Over / -Under Budget	YTD % Compared to 2014	Actual Compared to Budget
Jan	Nov	\$ 95,706.59	\$ 107,541.87	\$ 93,340.02	\$ 93,340.02	\$ 92,154.37	\$ 76,399.62	20.62%	-1.27%	20.62%
Feb	Dec	\$ 101,588.06	\$ 104,702.30	\$ 81,163.74	\$ 81,163.74	\$ 57,244.56	\$ 74,046.66	-22.69%	-29.47%	-22.69%
Mar	Jan	\$ 25,564.29	\$ 113,904.74	\$ 51,821.09	\$ 51,821.09	\$ 58,553.69	\$ 49,275.32	18.83%	12.99%	18.83%
Apr	Feb	\$ 67,891.55	\$ 78,277.62	\$ 60,420.09	\$ -	\$ -	\$ 53,216.30	0.00%	#DIV/0!	0.00%
May	Mar	\$ 62,753.99	\$ 75,764.05	\$ 60,555.16	\$ -	\$ -	\$ 51,280.20	0.00%	#DIV/0!	0.00%
Jun	Apr	\$ 69,165.79	\$ 82,490.46	\$ 93,419.42	\$ -	\$ -	\$ 63,130.20	0.00%	#DIV/0!	0.00%
Jul	May	\$ 79,877.98	\$ 92,727.04	\$ 67,717.37	\$ -	\$ -	\$ 61,905.78	0.00%	#DIV/0!	0.00%
Aug	Jun	\$ 127,189.55	\$ 67,447.53	\$ 68,804.28	\$ -	\$ -	\$ 67,861.10	0.00%	#DIV/0!	0.00%
Sep	Jul	\$ 113,405.91	\$ 77,887.19	\$ 61,204.69	\$ -	\$ -	\$ 65,042.09	0.00%	#DIV/0!	0.00%
Oct	Aug	\$ 100,377.26	\$ 99,147.71	\$ 75,283.71	\$ -	\$ -	\$ 70,789.26	0.00%	#DIV/0!	0.00%
Nov	Sep	\$ 97,548.24	\$ 67,147.25	\$ 59,887.91	\$ -	\$ -	\$ 57,851.50	0.00%	#DIV/0!	0.00%
Dec	Oct	\$ 85,800.99	\$ 86,001.23	\$ 58,023.81	\$ -	\$ -	\$ 59,201.97	0.00%	#DIV/0!	0.00%
<b>Total</b>		<b>\$ 1,026,870.20</b>	<b>\$ 1,053,038.99</b>	<b>\$ 831,641.29</b>	<b>\$ 226,324.85</b>	<b>\$ 207,952.62</b>	<b>\$ 750,000.00</b>		<b>-5.92%</b>	<b>5.59%</b>

\* There is a two month delay of when sales tax paid and when received by the Town.





# Town of Parachute

*A Safe Place to Land*

Derek Wingfield, Community Development

*Integrity • Respect • Teamwork • Pride • Innovation • Diversity*

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2 2 2 Grand Valley Way • Parachute, CO 81635 • (970) 285-7630

**Date:** April 21, 2016  
**To:** Board of Trustees  
**From:** Derek Wingfield, Community Development  
**SUBJECT:** **COMMUNITY DEVELOPMENT MONTHLY REPORT- MARCH 2016**

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Building permit applications have increased recently, we have been processing sign, building, and mechanical permits, which is a great and enjoyable change. I am looking forward to seeing what this does to help to improve the appearance of the Town. While several of these permits are specifically for the cannabis industry, those are no longer a monopoly. Cottonwood Estates pulled five (5) permits to begin re-roofing alone.

Lucy and I attended a conference in Denver for users of our website platform sponsored by SIPA, the agency that hosts our website. It was very informative and we were able to learn a lot and get connected with several channels that will allow us to continue our advancement in this digital day and age in which we live.

Our Clean-Up is coming quick!! I hope you all saw the save the date post cards that were mailed. Those were just to get some attention with our residents. The clean-up efforts are growing each year and this year, I hope will again eclipse the last. We are adding a community BBQ at the end of the event and hope some of you can attend and possibly flip some burgers. I know this could be tough due to the change in day moving from a Saturday to a Friday event. While this makes things tough, it also has allowed larger participation and curbside pick-up. I will be sending a second mailer soon which will offer our residents the ability to register with me for curbside pick-up and removal of waste. This will not be available to everyone due to resources, so I will be reviewing based on accessibility and routing our volunteers accordingly. I hope this event removes more garbage and clutter and really makes the statement we are working on the cleanliness of Town.

Lucy has really taken the bull by the horns on Cinco de Mayo and it is promising to be great fun. The event will be held on May 7, 2016, at Cottonwood Park. Promotions and advertising are out and will

increase to pull people into Town to spend and generate tax revenue. As always if any of you would like to help out it would be great!

Oktoberfest is going to be even better than last year. While this adventure is a bit frightening, it will make a splash and with every year it gets bigger. Our little Town has momentum. With our plans and execution this year, the Town will be able to rival any of our neighbors when it comes to an event. Thank you for the support and ability to plan this event. It has become my favorite task to work on the event.

DW



# Town of Parachute

*A Safe Place to Land*

Mark King, Public Works Director

*Integrity • Respect • Teamwork • Pride • Innovation • Diversity*

222 Grand Valley Way • Parachute, CO 81635 • (970) 285-7630

**Date:** April 21<sup>st</sup>, 2016  
**To:** Board of Trustees  
**From:** Mark King, Public Works Director  
**Subject:** March Monthly Report

The purpose of this memo is to provide the Board of Trustees with the Public Works updates for the past month.

We have had a few problems with the irrigation system this year. Although the ditch cleaning went well, we are struggling with the aging infrastructure. One of our main drain valves on Parachute Avenue snapped off while we were closing it. It has been patched together temporarily. Our current plans are to repair it this fall rather than delay the initiation of this year's watering. Currently the irrigation system is charging and we will meet our April 15<sup>th</sup> deadline.

The Town Hall has received some complaints from a resident about the sweeping of 1<sup>st</sup> Street. 1<sup>st</sup> Street owned by the Colorado Department of Transportation (CDOT) and they have the responsibility to keep it clean and swept. Public Works takes pride in the appearance of the Town and we were able to get 1<sup>st</sup> Street swept along with the rest of the Town. We will continue to monitor and sweep as necessary.

The Town has hired two (2) new public works staff members for seasonal positions. With the two (2) new employees, Public Works will be staffed seven (7) days a week. The new employees will take care of the parks, mow the right of ways, and help set up for Town functions and any other Public Works tasks, as needed. They will also be trained on the sweeper so the streets will be swept on a regular basis.

I have set a meeting with the weed conservation district to start mapping noxious weeds in the Town and surrounding areas. When the mapping is complete we will be able to inform the residents of the Town of Parachute about noxious weeds on their property, and what they can

use to eliminate them. I will be applying for a Grant with Garfield County to help with spraying cost for the Town properties and right of ways.

As part of the weed program the Town will need to establish a Weed Advisory Board. This will have to be done at a near future Board meeting.

If you have any questions or concerns you can contact me at 970-986-1821.

MK



# Town of Parachute

*A Safe Place to Land*

Cary Parmenter, Police Chief

*Integrity • Respect • Teamwork • Pride • Innovation • Diversity*

222 Grand Valley Way • Parachute, CO 81635 • (970) 285-7630  
PO Box 100

**DATE:** April 21, 2016  
**TO:** Board of Trustees  
**FROM:** Cary Parmenter, Police Chief   
**SUBJECT:** Police Chief Monthly Report – April 2016

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The Police Department started April off shorthanded with the resignation of Officer John Mulligan which took effect April 8<sup>th</sup>, 2016. I would like to thank John for everything he has contributed to the department, the Town, and to the citizens he helped, we wish him well on his new endeavors.

Justin Mayfield has been moved from his part-time position into the open full-time position. It was a smooth transition which had no effect on services. He will also continue to help out at the High School when they need his assistance.

On April 19<sup>th</sup> officers are putting on a Mock DUI for the students of Grand Valley High School. The event will begin at 2:30 pm and conclude before 4:00 pm. We offer this presentation every two (2) years to the high school the week before Prom. We hope the information will help the students be aware of the dangers of impaired driving.

Officer Graham has been awarded two (2) separate statewide awards. The first award will be presented by the Colorado Department of Transportation in Grand Junction on May 11<sup>th</sup>. This award is the “Colorado Traffic Safety Champions” Award. The second will be presented by the Colorado Chapter of MADD (Mothers Against Drunk Driving) for the “Out Standing Individual” Award, for impaired driving enforcement that will be presented in Denver on May 25<sup>th</sup>.

Officer Graham is not only being recognized for his enforcement activities in Town, but for his contributions to other agencies by assisting with the detection of impaired driving by providing a DRE in their investigation. Graham has assisted agencies in Denver, Garfield County, and in Mesa County he has taught ARIDE, which is an advanced impaired driving course to officers so they may further their ability to detect impaired drivers. Congratulations to Officer Graham.

**POLICE ACTIVITY BLOTTER FOR MARCH 2016  
SUMMARY**

**DATE**

- 03/01/16**      **DUI**  
An Officer conducted a traffic stop in the alley between Railroad and Fisher south of First Street after a complaint that the driver, Paul Seelig, 54 of Rifle was causing a disturbance at a local business. P. Seelig was arrested on suspicion of DUI, Open Alcoholic Beverage Container, and Disorderly Conduct.
- 03/01/16**      **Disturbance**  
Officers were called to the area of Grand Valley Way and Cardinal Way on a disturbance. The suspect was gone upon officers arrival, however the suspect Jeremy Hassler, 29 of Battlement Mesa, was later located and issued a summons for Harassment.
- 03/02/16**      **Fraud**  
Officers were called to St. John's Circle on a possible Fraud. Upon further investigation it appears to be a civil dispute.
- 03/03/16**      **Traffic Violation**  
An Officer conducted a traffic stop on I-70 at about the 73 mm. Yolanda Castellano, 31 of Des Moines , IA was summoned for DUR, and driving below the minimum speed limit.
- 03/03/16**      **Traffic Violation**  
An officer conducted a traffic stop on I-70 at the 72 mm. Leesha Trujillo, 37, of Colorado Springs was arrested for DUR-Revoked, and Weaving.
- 03/05/16**      **DUI-D**  
An officer conducted a traffic stop on Co Rd 215 and First Street. The driver, Erik Vargas, 20, of New Castle was arrested for suspicion of DUI-D, Open Marijuana Container in a motor vehicle, disobeyed a Traffic Control Device, Possession of an Illegal Weapon, no Front Plate.
- 03/05/16**      **Drug Violation**  
During the above stop, the passenger, Marco Castro, 19, of New Castle was cited for Minor in Possession. He was released from the scene.
- 03/05/16**      **Theft**  
Officers were called to the 200 Block of Green Street on a theft report. This case is still being investigated.
- 03/05/16**      **Traffic Violation**  
An officer conducted a traffic stop in the 100 Block of Cardinal Way. The driver, Melanie Moreno, 27, of Parachute was summoned for DUR.
- 03/05/16**      **DUI**  
An officer conducted a traffic stop in the 200 Block of East 1<sup>st</sup> Street. Tyler Hayworth, 30 of Parachute, was arrested for Suspicion of DUI, and Speeding 10-19 mph over the limit.

- 03/06/16 Assault**  
Officers were called to the 200 Block of Green Street on a report of a fight in progress. Officers summoned Brandon McCormick, and Sherry Ann Hogan for Third Degree Assault.
- 03/06/16 Assault**  
Officers arrested Sean Womble, for Third Degree Assault, and crimes against a juvenile. He was transported and housed at GCSO jail.
- 03/06/16 Drugs**  
An officer conducted a traffic stop on Co Rd 215. The driver, Mckayla Davidson, 18, of Rifle was summoned and released for MIP, and Possession of Drug Paraphernalia.
- 03/09/16 Traffic Violation**  
An officer conducted a traffic stop in the 200 block of Colorado Avenue. The driver, Jodi Madone, 42, of Parachute was summoned for Failure to Signal Turn and DUR.
- 03/09/16 Traffic Violation**  
Officers conducted a traffic stop in the area of Co Rd 215 and First Street. The driver, David Villallvazo, 19 of Rifle was summoned for Illegal Use of Blue Lights on his car, and no front license plate. His passenger Gonzalo Gonzalez, 23 of Rifle was arrested on an outstanding Rifle Municipal Warrant. He was turned over to RPD.
- 03/10/16 Burglary**  
Officers were called to the 200 Block of Meadow Drive on a report of someone breaking into an abandoned house. A female juvenile who had been reported missing was located on the property. She was returned to a guardian.
- 03/12/16 Animal Compliant**  
Officers were called to Popple Street on an animal complaint. The dogs' owner, Ashley Dalton, 24 of Parachute was summoned for Failure to Control Pet Dog, and Dog Licenses and Tags Required.
- 03/13/16 Warrant Arrest**  
An officer conducted a traffic stop at Watson and W 1<sup>st</sup> Street. The driver, Kandisse Wilson-Hansen, 25, of De Beque was arrested on an outstanding warrant.
- 03/15/16 Traffic Violation**  
An officer conducted a traffic stop in the 100 block of Cardinal Way. The minor driver was summoned for Driving without a Valid Driver's License and Driving a Motor Vehicle without Insurance. Her mother, Jodi Thompson-Crowley, of Battlement Mesa was summoned for Permitting an Unlicensed Minor to Drive.
- 03/16/16 Fraud/Forgery**  
Officers were called to the 100 block of Yampa Avenue on a report of a fraud. This case remains open.

- 03/16/16 Warrant**  
Officers were called to check on a suspicious male in the area of Grand Valley Way and Cardinal Way. That male, Ryan Amonds, of Battlement Mesa, was arrested on an outstanding warrant.
- 03/17/16 DUI**  
An officer conducted a traffic stop on Cardinal Way and Saint John's Circle. The driver, Ivan Marolf, of Rifle was arrested for Suspicion of DUI, Violation of Restraining Order, Failing to Yield at a Stop Sign, and Driving Under Restraint-Revoked. He was taken to GCSO Jail.
- 03/18/16 Abandoned Vehicle**  
An officer located an abandoned vehicle in the 500 block of Meadow Drive. The vehicles owner, Katy Slawson of Grand Junction was summoned for Abandonment of a Motor Vehicle.
- 03/21/16 Domestic Violence/2<sup>nd</sup> Degree Assault**  
Officers were called to 200 Colorado Avenue on a report of a domestic disturbance. The suspect Jairo Ortega-Carrillo, of Parachute was arrested on suspicion of Domestic Violence, Second Degree Assault, Criminal Impersonation, and Criminal Mischief. He was also arrested on a warrant.
- 03/21/16 Warrant**  
Officers took a report of Criminal Mischief in the 200 Block of Grand Valley Way. This case remains under investigation.
- 03/23/16 Domestic Violence**  
Officers were called to the 300 block of Evans Avenue on a report of Domestic Violence. The suspect, Ashley Kauffman, of Parachute was arrested for suspicion of Domestic Violence, Criminal Mischief, and Child Abuse
- 03/24/16 DUI**  
An officer conducted a traffic stop in the area of Co Rd 300 and Cardinal Way. The driver, Daniel Brown, of Cedar City, UT was arrested on suspicion of DUI, Child Abuse, Drove Vehicle without Valid Driver's License, and Weaving. He was taken to GCSO Jail.
- 03/24/16 DUI**  
An officer conducted a traffic stop in the area of Cardinal Way and Grand Valley Way. The driver, Christopher Gallegos, of Rifle was arrested for suspicion of DUI, DUR- Habitual Traffic Offender (Aggravated), Open Marijuana Container in a motor vehicle, Attempt to Influence Public Servant. His passenger Moses Gallegos of Monte Vista, CO was arrested for having an Illegal Weapon and an Open Container of Alcohol in a motor vehicle.
- 03/26/16 Traffic Violation**  
An officer conducted a traffic stop on Co Rd 300 and Cardinal Way. The driver, Jose Terrones-Moreno of Lehi, UT was summoned for Driving without a Valid Driver's License, and for a Defective Muffler.

- 03/28/16**      **DUI**  
An officer conducted a traffic stop in the 100 block of Yampa. The driver, Cody Lane, of Parachute was arrested for suspicion of DUI, and DUR. He was taken to GCSO Jail.
- 03/30/16**      **Weapon Violation**  
Officer were called to the 800 Block of Cardinal Way on a weapons violation a juvenile was taken into custody and charged for Possession of a Handgun by a Juvenile Prohibited and for Carrying a Weapon on a School Campus.
- 03/30/16**      **Animal Complaint**  
Officers were called to the 300 block of Evans Avenue on a report of an animal complaint. Bethany Duggan Hatcher was summoned for Failure to Control Pet Dog, and Dangerous Conduct by an Animal.
- 03/31/16**      **Sex Offense**  
Officers were called to the 200 block of Colorado Avenue on a report of a cold sex assault. The case remains open.

**14 Traffic Citations March 2016**  
**40 Case Reports in March 2016**



## Retail Marijuana Establishment Business License Application and Checklist

### Application Checklist

<input checked="" type="checkbox"/> <b>Application Form Fully Completed</b> Type or clearly print an answer to every question. If a question does not apply to you, indicate so with an N/A. If the available space is insufficient, continue on a separate sheet and precede each answer by stating the question. <b>A separate application is required for EACH license type.</b>
<input checked="" type="checkbox"/> <b>All Forms Signed &amp; Attached</b> The following accompanying forms must be signed by each owner of the Applicant as required by the Town's Retail Marijuana Establishments ordinance and be provided with the Application as a condition of acceptance: <input checked="" type="checkbox"/> Affirmation & Consent <input checked="" type="checkbox"/> Investigation Authorization/Authorization to Release
<input checked="" type="checkbox"/> <b>Copy of Conditional State License or Proof of State License Application Attached</b> Proof of state license application shall be submitted when a conditional state license has not been issued. Proof of a state license consists of a copy of the complete State Retail Marijuana License Application and supporting documents, and all Associated Key Marijuana License Applications and supporting documents submitted in connection with the Retail Marijuana License Application. These items may be submitted as a supplement to the other application materials.
<input checked="" type="checkbox"/> <b>All Requested Information Attached (Other forms may be made available and may be required at time of application)</b> The following supporting information requested in the Town of Parachute's Retail Marijuana Establishments ordinance and in this application (as applicable) must be attached: <input checked="" type="checkbox"/> Proof of ownership, lease, rental agreement, or other arrangement for legal possession of the proposed licensed premises described in this application form. <input checked="" type="checkbox"/> Operating plan described in the Town's Retail Marijuana Establishments ordinance of the proposed licensed premises. <input checked="" type="checkbox"/> Floor plan described in the Town's Retail Marijuana Establishments ordinance of the proposed licensed premises. <input checked="" type="checkbox"/> Sign, security and lighting plans indicating how the proposed licensed premises will comply with the requirements of the Colorado Retail Marijuana Code and the Town's Retail Marijuana Establishments ordinance. <input checked="" type="checkbox"/> An area map of the proposed licensed premises as described in the Town's Retail Marijuana Establishments ordinance. <b>The area map must clearly show the proximity of the proposed licensed premises to any public or private school located 500 feet or less from the proposed licensed premises, and to any other licensed premises located 150 feet or less from the proposed licensed premises as measured pursuant to the Town's Retail Marijuana Establishments ordinance.</b> <input checked="" type="checkbox"/> Proof that the proposed licenses premises will be located in a location that is compliant with the Town's zoning and land use laws, or that the necessary land use application(s) has been made.  <b>Note:</b> The Town of Parachute reserves the right to request additional information and documentation throughout the course of the background investigation.
<input checked="" type="checkbox"/> <b>Application Fees</b> Application fees as required by the Town's Retail Marijuana Establishments ordinance. Application fees are non-refundable and must be paid via a certified check or money order.

**Retail Marijuana Establishment Business License Application**

New License Application  Annual License Renewal

<b>License Sought - Attach a copy of the conditional State License or proof of application for a State License.</b>			
A separate license application must be filed for each type of desired license or proposed licensed premises.			
Retail Marijuana Store <input type="checkbox"/>		Retail Marijuana Testing Facility <input type="checkbox"/>	
Retail Marijuana Cultivation Facility <input type="checkbox"/>		Retail Marijuana Products Manufacturing Facility <input checked="" type="checkbox"/>	
*A Cultivation Facility license requires a public hearing before the Planning and Zoning Commission for Special Review Use approval.			
Applicant's Legal Business Name (Please Print) <u>Good Day LLC</u>			
Trade Name (DBA) (Provide Trade Name Registration) <u>Elevated Edibles</u>		Website Address <u>www.gooddayllc.com</u>	
<b>Location and Contact Information - Proposed Licensed Premises</b>			
Street Address and Assessor Parcel No. of Proposed Premises <u>Parcel # 101 Cardinal Way # 8 &amp; 9; 2409-124-00-010</u>		City <u>Parachute</u>	State <u>CO</u>
		ZIP <u>81635</u>	
Business Phone Number <u>970-241-5869</u>	Business Fax Number <u>N/A</u>	Email Address <u>goodday81635@gmail.com</u>	
Does the applicant have legal possession of the proposed licensed premises by virtue of ownership, lease or other arrangement?			
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Legal Basis for possession: Ownership <input type="checkbox"/> Lease <input checked="" type="checkbox"/>			
Other <input type="checkbox"/> Explanation: _____			
Submit all documentation (e.g. deed, title commitment/report, title, sale or lease agreements etc.) showing legal right to possession. If premises are leased, attach written consent by the property owner to licensing of the premises for a retail marijuana establishment.			
Is the proposed licensed premises in compliance with applicable zoning and land use laws? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
If not, has the applicant submitted the necessary land use application? Yes <input type="checkbox"/> No <input type="checkbox"/> Attach any submitted application.			
<b>Applicants' Contact and Related Information</b>			
Address <u>101 Cardinal Way # 8 &amp; 9</u>		City <u>Parachute</u>	State <u>CO</u>
		Zip <u>81635</u>	
Primary Contact Person for Business <u>Kimberly Burke</u>		Title <u>Owner/Member</u>	Primary Contact Phone Number <u>[REDACTED]</u>
Primary Contact Address (city, state, Zip) <u>[REDACTED]</u>		Primary Contact Fax Number <u>N/A</u>	
Federal Taxpayer ID <u>[REDACTED]</u>	Colorado Sales Tax License # <u>[REDACTED]</u>	Email Address <u>Kjburke.ee@gmail.com</u>	
<b>Business Entity Details</b>			
Sole Proprietorship <input type="checkbox"/>	Partnership <input type="checkbox"/>	Limited Liability Company <input checked="" type="checkbox"/>	C Corporation (Closely Held) <input type="checkbox"/>
Trust <input type="checkbox"/>	Limited Partnership <input type="checkbox"/>	S Corporation <input type="checkbox"/>	C Corporation (Publicly Traded) <input type="checkbox"/>
Other <input type="checkbox"/> Explanation: _____			
State of Incorporation or Creation of Business Entity <u>Colorado</u>			Date of Incorp/Creation <u>4/30/14</u>
Date Qualified to Conduct Business in Colorado (Provide Certificate of Good Standing from the Colorado Secretary of State's Office) <u>4/30/14</u>			
If a Corporation, Limited Liability Company, or Limited Partnership, List all States Where the Corporation is Authorized to Conduct Business <u>Colorado</u>			
List all Trade Names used by the Business Entity In Addition to Formal Name <u>Elevated Edibles</u>			

Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);

- Been denied a privileged license (i.e. - Liquor, Gaming, Racing and Marijuana)? Yes  No
- Had a privileged license (i.e. - Liquor, Gaming, Racing and Marijuana) suspended or revoked? Yes  No
- Had interest in another entity that had a privileged (i.e. - Liquor, Gaming, Racing and Marijuana) license denied, suspended or revoked? Yes  No

If you answered yes to any of the above questions, explain the denial, suspension, or revocation in detail on a separate sheet.

**Ownership Structure**

List all persons and/or entities with any ownership interest in the applicant/proposed licensee, and all officers and directors, regardless of whether they have an ownership interest in the applicant/proposed licensee. If an entity (corporation, partnership, LLC, etc.) has an ownership interest in the applicant/proposed licensee, list all persons having an ownership interest in such entity, their percentage of ownership of the entity, and their effective ownership of applicant/proposed licensee if ownership in applicant is through ownership of a parent or holding entity (an Ownership Entity). Submit additional sheets if necessary.

Name <i>Kimberly Burke</i>		Title <i>Member</i>		SSN/FEIN [REDACTED]		Date of Birth [REDACTED]	
Address [REDACTED]		City [REDACTED]		State [REDACTED]	ZIP <i>81415</i>	Phone Number [REDACTED]	
Ownership Entity (if applicable) <i>Good Day LLC dba. Elevated Edibles</i>				% Ownership of Ownership Entity <i>50%</i>		Effective Applicant	Own. % in <i>50%</i>
Name <i>Christopher Burke</i>		Title <i>Member</i>		SSN/FEIN [REDACTED]		Date of Birth [REDACTED]	
Address [REDACTED]		City [REDACTED]		State [REDACTED]	ZIP <i>81415</i>	Phone Number [REDACTED]	
Ownership Entity (if applicable) <i>Good Day LLC dba. Elevated Edibles</i>				% Ownership of Ownership Entity <i>50%</i>		Effective Applicant	Own. % in <i>50%</i>
Name		Title		SSN/FEIN		Date of Birth	
Address		City		State	ZIP	Phone Number	
Ownership Entity (if applicable)				% Ownership of Ownership Entity		Effective Applicant	Own. % in
Name		Title		SSN/FEIN		Date of Birth	
Address		City		State	ZIP	Phone Number	
Ownership Entity (if applicable)				% Ownership of Ownership Entity		Effective Applicant	Own. % in
Name		Title		SSN/FEIN		Date of Birth	
Address		City		State	ZIP	Phone Number	
Ownership Entity (if applicable)				% Ownership of Ownership Entity		Effective Applicant	Own. % in
Name		Title		SSN/FEIN		Date of Birth	
Address		City		State	ZIP	Phone Number	
Ownership Entity (if applicable)				% Ownership of Ownership Entity		Effective Applicant	Own. % in

Who, besides the owners of the applicant/proposed licensee listed above (including persons, firms, partnerships, corporations, limited liability companies, trusts), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money or profits from this business. Submit a separate sheet if necessary.

Name	Date of Birth	FEIN OR SSN	Interest
Stevi Belle	[REDACTED]	[REDACTED]	PEI - Permitted Economic Interest

Has the applicant or an ownership entity listed above (if applicable) ever applied for a marijuana license (retail or medical) in this or any other jurisdiction, foreign or domestic, whether or not the license was ever issued? If YES, provide details on a separate sheet, including jurisdiction, type of license, license number, and dates license held or applied for. Yes  No

Has the applicant or an ownership entity listed above ever been denied a marijuana license (retail or medical), withdrawn a marijuana license or had any disciplinary action taken against any marijuana license that they have held in this or any other jurisdiction, Colorado or otherwise? If YES, provide details on a separate sheet, including jurisdiction, type of action, and date of action. Yes  No

In the last ten years, has the applicant or any partner, member, officer, director, or stockholder of the applicant ever been arrested, charged, or convicted of a crime or offense in a federal, state or other court? If YES, please provide details on a separate sheet, including jurisdiction, the crime or offense arrested for and whether charged with or convicted, and date of action. Yes  No

**Maintenance of Books and Records**

Name of Person who maintains Applicant's business records	Title
[REDACTED]	[REDACTED]
Address	Phone Number
[REDACTED]	[REDACTED]
Person who prepares Applicant's tax returns, government forms & reports	Title
[REDACTED]	[REDACTED]
Address	Phone Number
[REDACTED]	[REDACTED]
Location of financial books and records for Applicant's business	
[REDACTED]	
Managers	
[REDACTED]	

Name of Manager of proposed licensed premises. Submit a separate sheet if necessary.	Date of Birth	SSN
Stevi Belle	[REDACTED]	[REDACTED]

**Owner's Affirmation & Consent**

I, Kimberly Burke, as an owner of and authorized agent for the applicant, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire foregoing Retail Marijuana Establishment Business License Application, statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for Local Licensing Authority to refuse to issuance of a the desired retail marijuana establishment license. I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for the denial or revocation of the license. I am voluntarily submitting this application to the Local Licensing Authority of the Town of Parachute, Colorado under oath with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as applicant holds a retail marijuana establishment license, and for 90 days following the expiration or surrender of such marijuana license.

<b>Print Full Owner/Legal Agent Name:</b>		
Applicant's Name <u>Good Day LLC</u>		Trade Name (DBA) <u>Elevated Edibles</u>
Owner/Legal Agent Last Name (Please Print) <u>Burke</u>	Owner/Legal Agent First Name <u>Kimberly</u>	Owner/Legal Agent Middle Name <u>Jackey</u>
Legal Agent Title <u>Owner/Member</u>	Signature (Must be signed in front of one witness) <u>[Signature]</u>	
Date (MM/DD/YY) <u>3/14/16</u>	City <u>Crowfoot</u>	State <u>CO</u>
Witness 1 Signature <u>Shirley Jackey</u>		

Owner's Affirmation & Consent

I, Christopher Burke, as an owner of and authorized agent for the applicant, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire foregoing Retail Marijuana Establishment Business License Application, statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for Local Licensing Authority to refuse to issuance of a the desired retail marijuana establishment license. I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for the denial or revocation of the license. I am voluntarily submitting this application to the Local Licensing Authority of the Town of Parachute, Colorado under oath with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as applicant holds a retail marijuana establishment license, and for 90 days following the expiration or surrender of such marijuana license.

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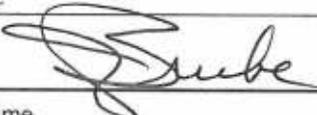
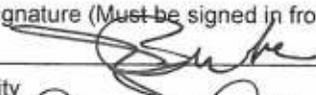
Applicant's Name <u>Good Day LLC</u>		Trade Name (DBA) <u>Elevated Edibles</u>	
Owner/Legal Agent Last Name (Please Print) <u>Burke</u>	Owner/Legal Agent First Name <u>Christopher</u>	Owner/Legal Agent Middle Name <u>David</u>	Agent
Legal Agent Title <u>Owner/Member</u>	Signature (Must be signed in front of one witness) <u>[Signature]</u>		
Date (MM/DD/YY) <u>3/19/14</u>	City <u>Crawford</u>	State <u>CO</u>	
Witness 1 Signature <u>Shirley Jackson</u>			

**Owner's Authorization to Investigate and Release Information**

I, Kimberly Burke, as an owner of and authorized agent for the applicant, hereby authorize the Town of Parachute, Colorado and any Application review authorities selected by it (hereafter, the Investigatory Agencies) to conduct a complete investigation into this Application, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand that by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Town of Parachute, Colorado and Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to financial records in whatever form and wherever located. I understand that by signing this authorization, a financial record check of the applicant/proposed licensee's tax filing and tax obligation status may be performed. I authorize the Town of Parachute, Colorado to surrender to the Investigatory Agencies a complete and accurate record of any and all tax information or records relating to applicant. I authorize the Investigatory Agencies to obtain, receive, review, copy, discuss and use any such tax information or documents relating to applicant. I authorize the release of this type of information, even though such information may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws.

The Town of Parachute, Colorado and Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand that the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the Investigatory Agencies, their agents or employees shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the Town of Parachute, Colorado, Investigatory Agencies, and any of those entities' agents or employees for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within this Application, any financial or personnel record, or otherwise found, obtained, or maintained by the Town of Parachute, Colorado or Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

**Print Full Owner/Legal Agent Name:**

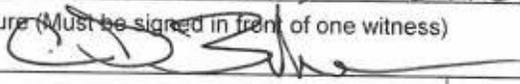
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Owner/Legal Agent Last Name (Please Print) <u>Burke</u>	Owner/Legal Agent First Name <u>Kimberly</u>	Owner/Legal Agent Middle Name <u>JACKY</u>	Agent
Signature 		Date <u>3/14/14</u>	
Applicant's Business Name <u>Good Day LLC</u>		Trade Name (DBA) <u>Elevated Edibles</u>	
Legal Agent Title <u>Owner/Member</u>	Signature (Must be signed in front of one witness) 		
Date (MM/DD/YY) <u>3/14/14</u>	City <u>Grand</u>	State <u>CO</u>	
Witness 1 Signature <u>Shirley Jackson</u>			

**Owner's Authorization to Investigate and Release Information**

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**Print Full Owner/Legal Agent Name:**

Applicant's Name <u>Good Day LLC</u>		Trade Name (DBA) <u>Elevated Edibles</u>	
Owner/Legal Agent Last Name (Please Print) <u>Burke</u>	Owner/Legal Agent First Name <u>Christopher</u>	Owner/Legal Agent Middle Name <u>David</u>	Agent
Signature 		Date <u>3/14/2016</u>	
Applicant's Business Name <u>Good Day LLC</u>		Trade Name (DBA) <u>Elevated Edibles</u>	
Legal Agent Title <u>Owner / Member</u>	Signature (Must be signed in front of one witness) 		
Date (MM/DD/YY) <u>3/14/16</u>	City <u>Crawford</u>	State <u>CO</u>	
Witness 1 Signature <u>Shirley Jackson</u>			

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Good Day LLC

is a

Limited Liability Company

formed or registered on 04/30/2014 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20141233143 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/25/2016 that have been posted, and by documents delivered to this office electronically through 02/26/2016 @ 12:39:40 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 02/26/2016 @ 12:39:40 in accordance with applicable law. This certificate is assigned Confirmation Number 9522936



Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*  
*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*

## LEASE

THIS LEASE is made and entered into between the Lessee and the Lessor to become effective March 1, 2016 , regardless of the date the parties affix their signatures. For good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

### 1. RECITALS

For the purpose of interpreting and giving effect to this Agreement, the parties agree to the truth and accuracy of the following:

- a. The Lessee is Good Day, LLC. The Lessor is Knight & Durmas Properties, LLC.
- b. The Lessee desires to lease from lessor the following described premises; 101 Cardinal Way, #8 and #9, Parachute, CO 81635.
- c. The Lessee has examined the leased premises and is aware of the condition and faults in the leased premises.
- d. Lessee and Lessor agree that improvements shall be as follows:

By Lessor at Lessor's cost:

- A 1-3 hour fire separation wall between units 7 & 8 as required by Town of Parachute Building Inspector. **IF security wire is also required it shall be at the expense of the Lessee.**
- Repair all roof and ceiling leaks
- Remove carpet and prep all floors for refinishing
- Strip paneling from all walls unless there is no drywall underneath; in which case landlord will provide a clean wall surface and tenant will paint
- Repair ACT framing and/or replace ACT throughout to ensure clean surfaces.
- Cap and cover exposed plumbing in bar area.
- Inspect and Certify that all existing equipment (walk-in refrigeration unit, range hood, and heating and air conditioning, etc.) is in good working order.
- Remove all old wood base in kitchen/storage rooms and stove area.
- All existing kitchen equipment shall remain with the unit (sinks and range hood)
- Provide one handicapped accessible parking space.

By Lessee at Lessee's cost:

- Install additional kitchen equipment as required by the manufacturing facility
- Provide interior finishes required to meet Building Code, Health Department, and MED specifications
- Provide all security as required by MED (Marijuana Enforcement Division)
- Provide one handicapped accessible toilet facility in Unit #9
- Remove and cap toilet fixtures in Unit #8
- Provide new commercial cove base where old wood base removed

- Install reflective coating on all exterior glass (doors and windows)

## 2. LEASE

a. The Lessor hereby leases to the Lessee the above-described premises for an initial term of two (2) years.

b. The Lessor hereby grants the Lessee the right and option to renew this lease on the same terms and conditions as herein set forth two (2) times for a period of two (2) years, with a standard 5% escalation in rent per term. All terms and conditions applicable to the initial term of this lease shall apply to the renewal term, except as specifically set forth herein to the contrary.

c. The Lessee may exercise the option to renew described above only if Lessee has complied with the terms and conditions of this lease for the prior lease term and is not in default at the time the option is to take effect. In order to exercise the option to renew, the Lessee must give written notice of Lessee's intent to exercise to the Lessor, which notice must be received by Lessor at least sixty (60) days prior to expiration of the initial term of this lease or any renewal period.

## 3. RENT

a. Beginning on the effective date, Lessee shall have possession of the premises. Upon receipt by Lessee of both its state and local licenses for a Retail Marijuana Infused Products facility, Lessee shall pay to Lessor an annual rental of [REDACTED] payable in advance in monthly installments of [REDACTED]. Each monthly rental payment shall be payable in advance the first day of the calendar month or the following Monday if the first day of the month falls on a weekend and shall be deemed timely if received by the Lessor on the date due at the following mailing address: P.O. Box 1010, New Castle, CO 81647. **In any event rent shall commence on or before June 1, 2016.**

b. The Lessee covenants and agrees to pay as additional rent all charges, costs and expenses that the Lessee assumes or agrees to pay as hereinafter set forth, together with all interest and penalties that may accrue thereon in the event of failure of the Lessee to pay those items, and all other damages, costs, expenses, and sums that the Lessor may incur or that may become due by reason of the default of the Lessee or failure of the Lessee to comply with the terms and conditions of this lease. In the event of non-payment of such additional rent, the Lessor shall have all of the rights and remedies as hereinafter provided for failure to pay rent.

c. In the event that any payments required hereunder are not paid within

five (5) days of the due date, if Lessor elects to accept such late payment, the Lessee shall pay a late charge of \$10.00 per day. Acceptance of any late payment shall not be deemed a waiver of any rights of the Lessor hereunder.

#### 4. SECURITY DEPOSIT

- a. Lessor hereby acknowledges receipt from Lessee of the sum of One Thousand Dollars (\$1,000.00), to be retained by the Lessor as a security deposit to secure the full and timely payment by Lessee of the rent herein agreed to be paid and to cover any expenses which Lessor may incur as a result of damages to the leased premises occurring during Lessee's holding thereof, or to cover the necessary expense incurred by Lessor in the event of a default in the performance of the lease by the Lessee and termination of this lease as a result thereof by the Lessor.
- b. Upon termination of this lease, if Lessee is not then in default under the terms hereof, the balance of the security deposit shall be returned to Lessee without interest within thirty (30) days of termination of this lease, but if Lessee is in default hereunder, said security deposit shall be retained by Lessor and applied to cure such default in the manner aforesaid. It is specifically understood and agreed that the terms of this provision shall not limit rights of the Lessor elsewhere in this lease or by law provided.

#### 5. LESSEE'S OBLIGATIONS

a. Lessee accepts the demised premises in present condition "subject to recital 1d" and shall keep the leased premises and any improvements that may be installed thereon in good repair at the expense of the Lessee and at the expiration of the lease to surrender and deliver up said premises in as good condition as they were in at the time Lessee accepted and entered into possession of same, ordinary wear excepted.

b. Lessee will not suffer the leased premises, or the walls or the floors thereof, to be endangered by overloading, nor said leased premises to be used for any purpose which would render the insurance thereon void or the insurance risk more hazardous.

c. Lessee agrees not to make alterations or changes, in, upon or above the leased premises without first obtaining written consent therefor from Lessor. Lessee shall provide the Lessor with the exact nature of the alterations or changes contemplated, the anticipated cost thereof, the names and addresses of anticipated supplier of materials and labor, and plans for alterations or changes proposed. No alterations or changes shall be undertaken until such time as the Lessor has approved the proposed plans in writing and has posted on the leased premises a notice pursuant to Colorado mechanic's lien law that the Lessor is not responsible for payment for the alterations or changes and the leased premises is not subject to a mechanic's lien for said alterations or changes. The

Lessee agrees to indemnify and hold the Lessor harmless from the cost of any such improvements.

d. All improvements, additions or alterations shall be constructed and/or installed and made in good and workmanlike manner in full conformity with applicable codes and regulations. All materials and fixtures used in the alterations undertaken by Lessee shall be of good quality. It is further agreed that any and all improvements made by Lessee to the leased premises that are made a permanent part of the building shall remain as the property of the Lessor after termination of the lease.

e. Lessee shall maintain, at Lessee's expense, all mechanical systems, including all plumbing, heating, air conditioning, ventilating, electrical, and lighting facilities within the leased premises in good operating order and provide for all servicing and maintenance of all such equipment and facilities and make such repairs and replacements of such equipment and facilities as may be necessary to maintain the same in proper operating condition. Lessee shall surrender and deliver up the leased premises at the termination of the lease in as good order and condition as when the same was entered upon, loss by fire, unavoidable accidents, and ordinary wear and tear excepted.

f. The Lessee acknowledges that Lessee has inspected the leased premises and is accepting it in its present condition "as is" without warranty of any kind. The Lessee has undertaken and made such investigations as necessary to satisfy Lessee as to the condition of the leased premises and that the leased premises is suitable for Lessee's intended use. The Lessee is not relying on any representations of the Lessor or Lessor's agents regarding these matters, except as are expressed herein.

g. Lessee agrees that the premises shall be used and occupied in a careful, safe and proper manner; that no trade or occupation which is known in the insurance business as extra hazardous, nor any nuisance be permitted therein or thereon and that no waste shall be suffered or permitted upon said leased premises. **The property shall not be operated as a Retail Marijuana Store/Dispensary as a condition of this Lease. The property shall be used and occupied only for the purpose of a recreational and/or medical infused products manufacturer ("MIP"), which includes wholesale sales to Colorado Retail Marijuana Stores.**

h. The Lessee agrees to abide by all applicable building codes and ordinances and to pay all applicable sales tax, personal property tax, and other taxes assessed to the Lessee.

i. Signs, notices, advertisements, or other inscriptions, not presently in existence, shall not be placed by the Lessee on the building's exterior walls and/or windows without first obtaining written approval of Lessor, which approval shall not be unreasonably withheld. All signs used in connection with the business to be conducted

on the subject premises shall be installed and maintained in conformity with applicable regulations.

j. Lessee shall be responsible for electricity, gas, water, sewer, trash, janitorial, telephone, and Internet access services used in connection with the leased premises and said services shall be in the name of and paid for by the Lessee.

k. Tenant shall be responsible for "sidewalk" snow removal only. Lessor to provide parking lot snow removal.

#### 6. LESSOR'S OBLIGATIONS

a. Lessor, upon payment of the rent herein reserved and the performance of the other covenants of the lease by Lessee, guarantees the peaceful and quiet enjoyment of the leased premises during the full term of this lease by Lessee.

b. The Lessor states that all of the mechanical systems, including all plumbing, heating, air conditioning, ventilating, electrical, and lighting facilities are in good working order and repair at the time of commencement of this lease and have been inspected and approved by the Lessee. The responsibility of maintenance, and repair of such items, shall be the sole responsibility of the Lessee as set forth in subparagraph 5(e) above.

#### 7. INDEMNITY

The Lessee shall indemnify and hold harmless the Lessor against all expenses, liabilities, and claims of every kind, including reasonable attorney's fees, by or on behalf of any person or entity arising out of:

a. Any injury, damage, wrongful death, property damage, or related claims happening on or about the leased premises;

b. Failure to comply with any law, ordinance, or resolution of any governmental entity;

c. Any mechanic's lien or security interest filed against the lease premises for alterations, fixtures, or improvements thereon, or for any other reason arising out of work done by or on behalf of the Lessee.

d. Any failure by Lessee to perform any of the terms and conditions of this lease.

#### 8. TAXES

a. The Lessee is responsible for and shall pay before delinquency all

municipal, county or state taxes assessed during the term of this lease, or any renewal or extension thereof, against any leasehold interest or personal property of any kind, owned by or placed in, upon or about the leased premises by the Lessee.

b. Lessee shall pay all taxes incurred in connection with or as a result of any alteration which the Lessee has or will make to the leased premises, and all taxes which are assessed as a result of the Lessee's activities undertaken in connection with the leased premises.

c. Lessor covenants to pay and discharge before they become delinquent all general real property taxes and special assessments levied against the real property.

## 9. INSURANCE

a. Without limiting the indemnity referred to in paragraph 7 above, the Lessee shall carry and maintain the leased premises general fire, casualty, and extended coverage insurance for the contents of the leased premises and general liability insurance with an insurer and in an amount of \$1,000,000.00. Such liability policy shall name the Lessor and Lessee as co-insureds. Lessee shall provide proof of such insurance to Lessor within ten (10) business days of execution of this lease.

b. Lessor shall not unreasonably withhold Lessor's acceptance of Lessee's insurance coverage nor require unreasonable limits of coverage.

c. Upon demand of the Lessor, the Lessee shall promptly deliver to the Lessor a current copy of each policy of insurance required under this lease and all such policies shall contain a loss payable clause as the interest of the parties may appear. All such policies shall contain a provision prohibiting cancellation without at least thirty (30) days prior notice to Lessor.

d. The Lessee shall within ten (10) days prior to the expiration of each policy required in this lease furnish to the Lessor renewal or binders.

e. If at any time the Lessee fails to purchase and maintain insurance hereunder, the Lessor, in addition to all other remedies available to the Lessor, may purchase such insurance and assess the cost thereof to the Lessee as additional rent which shall be payable immediately upon demand of the Lessor.

f. Lessee shall at all times during the term of this lease maintain workers' compensation insurance coverage as required by Colorado law.

## 10. DAMAGE AND DESTRUCTION

a. In the event the leased premises are damaged or destroyed during the term of this lease by fire, flood, storm, civil commotion or other unavoidable consequence, the Lessor shall, except as provided below, diligently repair or rebuild

those portions damaged, except alterations and improvements made by Lessee, to substantially the same condition as at the commencement of this lease. The Lessee shall be responsible for repair or replacement of contents and any fixtures, furniture, improvements, alterations and repairs Lessee furnished or installed.

b. If continuation of business is not practical, all rentals due and payable hereunder shall abate until construction is substantially completed or until business is totally or partially resumed, whichever is earlier. In the event of partial resumption or continuation of business, rent shall only be partially abated in proportion to the extent Lessee is deprived of the use of the leased premises.

c. If the leased premises are damaged or destroyed to the extent that it appears in the sole judgment of the Lessor that the leased premises cannot be reasonably or substantially or fully repaired or restored by the Lessor within ninety (90) days after the damage or destruction, either party shall have the option to terminate this lease in writing by giving written notice to the other party within thirty (30) days after the date of such damage or destruction.

d. Upon written demand by the Lessee following such damage or destruction, the Lessor shall promptly deliver to the Lessee a written notice of Lessor's decision as to whether or not the leased premises are capable of being repaired as outlined immediately above.

e. In the event the lease is terminated pursuant to the terms of this section, Lessee shall promptly surrender the leased premises to Lessor and shall pay rent only to the date of such occurrence. Lessor's obligation hereunder shall in no way be construed to include maintaining fire and casualty insurance on Lessee's leasehold improvements or properly located on the premises.

#### 11. LIEN RIGHTS

The Lessee hereby pledges and assigns to Lessor all furniture, inventory, equipment, fixtures and miscellaneous chattels owned by said Lessee, which shall and may be brought or put on said premises as security for the payment of rent herein reserved, and the Lessee agrees that the said lien may be enforced by distress foreclosure or otherwise at the election of the Lessor, and does hereby agree to pay reasonable attorney's fees, together with all costs and charges incurred or paid by Lessor in connection with collection. Lessee agrees to sign documents necessary for Lessor to perfect this lien.

#### 12. ASSIGNING, MORTGAGING, SUBLETTING

Lessee shall not assign, create a security interest in, pledge, or encumber this lease, in whole or in part, or sublet the whole or any part of the leased premises, or permit the use of the whole or any part thereof by any licensee or concessionaire, without first obtaining the written consent the Lessor, which consent may be withheld at the sole

discretion of the Lessor. Any such assignment, subletting, or creation of security interest or encumbrance in violation hereof shall be void. In the event of any such permitted assignment, subletting, licensing, or granting of a concession, Lessee shall nevertheless remain liable for the performance of all of the terms, conditions, and covenants of this lease.

### 13. RIGHT OF ENTRY

a. Insofar as may be necessary for the protection of the Lessor's rights, the Lessor may enter and inspect the leased premises at reasonable times.

b. The Lessor shall have the right of entry into the leased premises for the purpose of gaining access for improvements, repairs, and maintenance of the leased premises and otherwise to inspect the premises.

c. During the term hereof, the Lessor shall have the right of entry into the leased premises for the purpose of showing the leased premises to prospective purchasers.

d. The Lessor shall have the right of entry into the leased premises at any time during the last six (6) months of the lease term for the purpose of showing the leased premises to potential renters or for placing a "For Rent" sign on the leased premises.

### 14. STATEMENT OF LESSEE

The Lessee shall upon request of the Lessor execute and deliver to the Lessor a statement in writing certifying that this lease is unmodified and in full force and effect if such is the fact, or if there has been a modification, stating the modification. Such statement may be relied upon by any prospective purchaser of the leased premises or the building in which they are located.

### 15. SALE BY LESSOR

In the event the Lessor sells the leased premises or the building in which they are located at any third party, the sale shall operate to release the Lessor from any and all future liability under this lease if the purchaser assumes all the duties of the Lessor hereunder. So long as the Lessee shall not be in default in the terms of this lease, this lease shall not be terminated, and the Lessee agrees to attorn to any new owner who shall assume the Lessor's obligations hereunder. Otherwise, this lease shall not be affected by such sale.

### 16. DEFAULT

e. Lessee's right in and to the leased premises depends upon the performances and keeping of the covenants, agreements, duties, and obligations of Lessee set forth in this lease. Any default in the payment when due of any sum or in the

performance when due of any other provision of this lease shall operate against Lessee, Lessee's grantees, successors and assigns. In the event (aa) that Lessee fails to make any rental payment or any other payment called for by this lease within ten (10) days after such payment is due, or (bb) in the event Lessee shall abandon the leased premises; or (cc) in the event that Lessee, after having received from Lessor written notice describing in general terms the breach of any other provision of this lease, fails to cure said breach within ten (10) days after the date of said notice, then Lessor shall have the following rights and remedies in addition to all other rights provided in this lease or by law:

i. Without cancelling this lease, Lessor may re-enter and re-let the leased premises or any part thereof, for such rent, upon such provisions, for such period and to such person or persons as may seem proper to Lessor, it being understood that Lessor will use diligence to find a new tenant or tenants and that Lessor will not unreasonably withhold Lessor's consent and acceptance of any tenant or tenants proposed by Lessee if such proposed tenant or tenants possess good reputation and financial stability and if the zoning and other governmental regulations permit the use proposed by said new tenant and such use shall, in the sole opinion of the Lessor, be compatible with land usage of adjacent property. If the monthly rents received or to be received from such re-letting are less than the rents provided for in this lease, Lessor, at Lessee's option, may require the Lessee to pay such deficiency month by month. Lessor shall in no event be required to pay Lessee any sum realized by Lessor on such re-letting even though such sums exceed the rent reserved in this lease. Lessee agrees that such acceptance of a tenant or tenants by Lessor in place of Lessee shall not operate as a cancellation of this lease nor to release Lessee from the performance of any of Lessee's obligations under this lease, and that the performance by any such substitute tenant or tenants shall constitute satisfaction only pro tanto of the obligations of Lessee under this lease.

ii. Lessor may cancel this lease and all rights of Lessee in the leased premises in which event all payments and all other obligations due under this lease up to the date of such cancellation shall be paid and performed by Lessee. Lessor shall be entitled to damages at law for breach of this lease by Lessee, but all other rights and duties whatsoever of both Lessor and Lessee under this lease shall cease as of the date of such cancellation, and the leasehold estate hereby created shall cease of exist.

iii. The rights and remedies provided in (ii) above are cumulative to the rights and remedies provided in said (i) above and may be exercised at the option of the Lessor even though the rights and remedies provided in said (i) above have been previously exercised, and regardless of the length of time elapsing between the exercise of any one or more of the rights and remedies of said (i) above and election to exercise the rights and remedies given in (ii) above.

iv. In addition to the rights and remedies set forth in (i) and

(ii) above, Lessor shall have all the rights and remedies provided by law whatsoever, including in particular, but not limited to, the right at all times to recover damages, and also all other rights granted by this lease. All of the rights and remedies provided in this subparagraph (iv) may be invoked by Lessor at any time, both before and after the exercise of any one or more of the rights and remedies granted in (i) and (ii) above.

f. Lessee hereby expressly waives any and all rights of redemption granted by or under any present or future laws in the event of Lessee being evicted or dispossessed of the leased premises, by reason of the violation by Lessee of any of the covenants or conditions of this lease, or otherwise.

g. If a petition in bankruptcy be filed by the Lessee, or if the Lessee shall be adjudicated bankrupt, or if the Lessee shall make a general assignment for the benefit of creditors, or if in any proceeding based upon insolvency of the Lessee, a receiver for the Lessee shall be appointed, then Lessor shall have the right and option to terminate this lease and recover possession of the leased premises by summary proceedings.

h. In the event that legal proceedings are instituted by Lessor as a result of Lessee's default, Lessor shall be entitled to Lessor's reasonable attorney's fees therefore, together with costs.

#### 17. GENERAL PROVISIONS

a. This paragraph headings contained herein are descriptive and for convenience only. If there is any conflict between a paragraph heading and substantive text, the substantive text shall control the construction of this agreement.

b. This agreement shall be binding upon and inure to the benefit of the successors and assigns the parties.

c. Any notice required under the terms of this agreement shall be sufficient when given in writing, by certified mail, return receipt requested, addressed as follows:

Lessor: Knight & Durmas Properties, LLC & Knight & Durmas Properties LLC	
c/o RE/MAX County	POB 43
175 Columbine Court	Whitewater, CO 81527
Parachute, CO 81635	

Lessee:	Good Day, LLC
	POB 178
	Crawford, CO 81415

d. In the event that litigation is required to resolve a dispute between the parties arising out of this agreement, the parties agree that the forum of such litigation shall be in a court of competent jurisdiction in and for the County of Garfield, Colorado.

e. Lessee shall not record this lease without the written consent of the Lessor; however, upon the request of either party hereto, the other party shall join in the execution of a memorandum or so-called "short form" of this lease for the purpose of recordation. Said memorandum or "short form" of this lease shall describe the parties, the leased premises, and the term of this lease and shall incorporate this lease by reference. If Lessee shall default in the performance of any of the covenants of this lease subsequent to recordation of the memorandum or "short form" of this lease and Lessee shall refuse to execute a release of this lease, Lessee shall be liable for the cost to remove said recorded instrument as a cloud of the Lessor's title, including cost of suit and reasonable attorney's fees.

f. This lease and all rights of Lessee hereunder shall be subject and subordinate to the lien of any and all mortgages that may now or hereafter affect the demised premises, or any part thereof, and to any and all renewals, modifications or extensions of any such mortgages. Lessee shall, on demand, execute, acknowledge and deliver to Lessor, without expense to Lessor, any and all instruments that may be necessary or proper to subordinate this lease and all rights therein to the lien of any such mortgage or mortgages and each renewal, modification or extension, and if Lessee shall fail at any time to execute, acknowledge and deliver any such subordination instrument, Lessor, in addition to any other remedies available in consequence thereof, may execute, acknowledge and deliver the same as Lessee's attorney in fact and in Lessee's name. Lessee hereby irrevocably makes, constitutes and appoints Lessor, Lessor's successors and assigns, Lessee's attorney in fact for that purpose.

g. No amendment or modification of this lease shall be valid or binding unless expressed in writing and executed by the parties hereto in the same manner as the execution of this agreement.

h. The individuals executing this agreement hereby acknowledge that they have been duly authorized to do so on behalf of the entities that they respectively represent, and all necessary acts and approvals have been accomplished or completed by said entities so that the terms hereof shall be binding upon said entities.

i. The undersigned Guarantor does hereby absolutely, unconditionally and irrevocably guarantee to Lessor the full and complete performance of all of Lessee's covenants and obligations under this lease and the full payment by Lessee of all rent, additional charges, and other charges and amounts required to be paid hereunder during the entire term of the lease, including extensions, renewals or periods of holding over.

j. Lessee is hereby granted an Option to purchase the property at a price of \$1,000,000.00 (or as negotiated with Lessor) and such Option shall expire at the end of the first lease term, AND Lessee is hereby granted a First Right of Refusal in the event Lessor receives an offer to purchase from a third party. In that event Lessee shall have the first right to purchase the property at the same price, terms, and conditions as shall be contained in such offer. Lessor shall give Lessee notice in writing of the price and all of the other terms and

conditions contained in such offer; and Lessee shall have 30 days from and after the receipt of such notice from lessor, in which to elect to purchase and shall notify Lessor in writing. Lessor may sell the property if no notice is received from Lessee. This First Right of Refusal shall be in effect for the first two (2) year lease term only.

k. If the use of the leased Premises should at any time during the Lease term be prohibited by law or ordinance or other governmental regulation, prevented by injunction, be at risk of forfeiture or seizure, or Lessee is unable to hold a state or local MIP license at the Premises, this Lease may be, at Lessee's sole option, thereby terminated without penalty, and Lessee shall be entitled by reason thereof to surrender the leased Premises and to the abatement or reduction in rent for the remaining term.

LESSOR: Knight & Durmas Properties, LLC

By: Meg Knight 2-23-16

LESSEE: Good Day, LLC

By: [Signature] 2/23/16

GUARANTOR:

## Letter Of Permission From Property Owner

Property Parcel # 2409-124-00-010  
Account # R370100

Property Address: 101 Cardinal Way, Units 8 & 9  
Parachute, (Garfield County), CO 81635

Legal Description: Lot 3, St. John addition to the Town of Grand Valley (now Parachute)  
according to the plat recorded July 23, 1974, at Reception No. 263999.  
Except that portion conveyed to the Town of Parachute by Deed recorded May 16, 2006 in  
Book 1800 at Page 392.

Property Owner Name: Knight and Durmas Properties, LLC, A Colorado Limited Liability  
Company

Address: P.O. Box 43, Whitewater, CO 81527

I, Greg Knight, representative for Knight and  
Durmas Properties, LLC, A Colorado Limited Liability, do hereby give permission to  
Lessees Christopher D. Burke and Kimberly J. Burke, owners/operators of Good Day  
LLC (dba Elevated Edibles), to operate a Retail Marijuana Infused Product  
Manufacturing Facility at the aforementioned property address.  
Permission to use the property is hereby granted only if Good Day LLC (dba Elevated  
Edibles) has all of the proper permits from the Town of Parachute, Garfield County,  
State of Colorado, and/or any other required entities. Also Good Day LLC (dba Elevated  
Edibles) must not use the property for any illegal purpose.

### PROPERTY OWNER SIGNATURE:

Greg Knight

Dated this 9 day of Feb, 2016



dba: Elevated Edibles



# Operating Plan

## 14 MARCH 2016

## Executive Summary

“Make the most of the Indian Hemp Seed and sow it everywhere.”

George Washington

There has been no single plant in modern history that has been more misunderstood than the various genus of Cannabis. Having been widely used for the past 12,000 years throughout the Asian and European continents, we are just now beginning to understand and promote its importance both industrially, medically, nutritionally, socially and perhaps most importantly as a tremendous source of revenue both publically and privately.

Good Day LLC believes the time is now to utilize technology, science and environmental passion to provide a socially responsible Cannabis product that exceeds the expectations of the consumer. Operating out of a Marijuana Infused Product (MIP) manufacturing facility in Parachute, Colorado, Good Day LLC dba Elevated Edibles, will provide various healthy and nutritious edible products made from organic ingredients which are gluten-free, sugar-free and non-GMO and are infused with top quality strains of dried flowered Cannabis Sativa and Indica, as well as non-THC cannabinoid oils. These edible products will be manufactured to augment the purported relief of various medical conditions as well as provide enjoyment for social and outdoor recreational use. Good Day products will be elite, developed to capture and retain a choosy consumer niche within the larger market where a desire for healthy, top quality and environmentally responsible organic Cannabis is most important. In essence, Good Day's Elevated Edibles will be the “cream of the crop” of healthy Cannabis-infused edible products.

Parachute currently has three retail providers servicing a city population of roughly 5,000 residents encompassing a span of approximately 9.6 square miles (which includes Battlement Mesa). Neighboring towns include Rifle to the east and DeBeque to the west. The Town of Parachute is a small community of approximately 1,100 people located on I-70 halfway between Grand Junction and Glenwood Springs, Colorado. The community consists of hardworking and friendly folks adjoined to the unincorporated community of Battlement Mesa just across the river. Although legally separated, both communities act as one and support each other in a variety of endeavors. Parachute is a community serviced by two railroads. Access to the railroads and the Interstate make Parachute a prime place to conduct business. Parachute is working diligently to identify annexation opportunities that will provide even more space to expand and attract more business. The town motto is “A Safe Place to Land”. The Town staff and Board of Trustees support business growth and are working to “Make it Happen.”

Good Day intends to develop its brand name, Elevated Edibles, as the creator of top choice and healthy edibles, with a focus on quality vs. quantity that will be wholesaled to existing recreational retailers in Parachute and throughout the Western Slope and Front Range areas. Initially, products will include Raw Infused Chocolates, Infused Teas, and other specialty edibles; all formulated to exceed industry standards. As demand for our specialty products increases, Good Day will create and develop new products for Colorado's most discerning Cannabis consumers. The Town of Parachute will benefit exponentially with each new product Good Day develops.

## Objectives

Good Day submitted the Colorado Business Retail Marijuana License Application for a Marijuana Infused Product (MIP) Facility with the Colorado Department of Revenue's Marijuana Enforcement Division (MED) office on March 9, 2016. As per state regulations, a MIP facility is considered a "wholesale" operation which is prohibited from selling product directly to the public. Good Day has leased property at 101 Cardinal Way, Units 8 & 9 for the purpose of manufacturing marijuana infused edible products. Additionally, Good Day is in the process of developing Standard Operating Procedures and will thoroughly prepare and submit all administrative requirements for obtaining both state and local jurisdictional approvals in order to begin product manufacturing by summer, 2016.

## Ownership and Management

As required by the Town of Parachute Ordinance #683, please note that no person holding ownership interest in this proposed Retail Marijuana Establishment has:

1. Ever been denied an application for a Retail Marijuana Establishment license by the State or any other local jurisdiction in the State, or has ever had such a license suspended or revoked; and
2. Ever been convicted of a felony or has ever completed any portion of a sentence due to a felony charge.

Owners:

Kimberly and Christopher Burke, PO Box 178, Crawford, CO 81415; (970) 399-5808; [kjburke.ee@gmail.com](mailto:kjburke.ee@gmail.com) and [cdburke.ee@gmail.com](mailto:cdburke.ee@gmail.com), respectively.

Manager:

Stevi Belle, 

Good Day ownership and management represent a combination of vision, responsibility and desire for excellence. Kimberly is a founding member of the North Fork Community Montessori School in Hotchkiss, Colorado; which is now proudly known as the 4<sup>th</sup> highest rated Montessori School in Colorado and is currently described as a "School of Innovation" for Delta County. Christopher is a formerly decorated U.S. Defense Department Contractor having worked in difficult logistical and planning environments for 14 years of service in support of various military campaigns overseas. Stevi has been involved in the health and healing arena for over 40 years. Her life has been focused on education and facilitation of healing protocols in many areas. She is known internationally for her teaching and facilitation of healing protocols. She has been cooking and formulating healthy foods since her youth. Her focus is to support the health and well-being in her own life, in the lives of those she works with and those who partake in the food items that she formulates and creates.

We are people that can be trusted, relied on and are focused on being the best in the industry. We represent quality and do so in strict adherence to governmental regulations. We aim to be a steward for the Marijuana industry, active volunteers within the communities that we serve and a trend setter in the industry that will be a benchmark for others. We believe our offerings will enhance the already wonderful Parachute community.

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The information contained within this document is considered privileged and proprietary data of Good-Day Page 3

## Areas of Risk

Mitigation plans to ensure Licensing approvals, regulatory compliance and future market saturation will be addressed among partners at a tactical level. Regarding current Federal Schedule 1 legislation, on August 29, 2013 the Justice Department released statements that it will not challenge a state's marijuana laws so long as the businesses do not violate 8 federal enforcement priorities. These priorities are as listed below, and they encompass a large part of Good Day's priorities as well.

1. Preventing the distribution of marijuana to minors;
2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
5. Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
8. Preventing marijuana possession or use on federal property.

## Strategy and Implementation

Good Day LLC dba Elevated Edibles will promote and deliver a variety of high-quality Cannabis edibles by utilizing an environmentally and socially conscientious platform. Under strict respect and adherence to current legislation, including the Town of Parachute Ordinance # 683, Good Day aims to be a steward for the industry, a trendsetting leader for others to benchmark. Good Day's approach to creating healthy edibles is based on the most current studies and information and we will continue to stay on top of health and wellness trends as they develop.

## Location Limitations of Retail Marijuana Establishments

The Town of Parachute Ordinance #683 stipulates that retail marijuana product manufacturing facilities may be located in the following zoning districts:

- SC – Service Commercial
- OTC – Old Town Center
- LI – Light Industrial
- GI – General Industrial
- HT – Highway Tourist
- NC – Neighborhood Commercial
- Existing non-residential PUD

As indicated on the attached map, Good Day's chosen location at 101 Cardinal Way falls within the NC (Neighborhood Commercial) Zoning District and therefore meets all Zoning requirements.

Ordinance #683 also requires that no retail marijuana facility be within five-hundred feet (500') of any existing public or private school, as measured by direct pedestrian access. As indicated on the attached Google Maps, the Parachute Rmser Headstart Center, the Grand Valley Center for Family Learning School, and the Garfield County School District are all approximately .6 miles from the Good Day location at 101 Cardinal Way. Grand Valley High School at 800 Cardinal Way is approximately .8 miles from Good Day. Therefore the Good Day location at 101 Cardinal Way meets this requirement as well.

In addition, Ordinance #683 requires that no retail marijuana facility be within one-hundred and fifty feet (150') of another retail marijuana establishment, as measured by direct pedestrian access. As indicated on the attached map, Bud's Limited Dispensary at 104 Cardinal Way is the closest retail marijuana establishment with a direct pedestrian distance of 462'. As measured by a straight line distance (property line to property line) The Green Joint Dispensary is approximately 1,400' away; and Tumbleweed Dispensary is approximately 1900' away from the Good Day location at 101 Cardinal Way; thus fulfilling the 150' distance requirement.

### **Security and Surveillance**

Security is of the utmost importance to all retail marijuana facilities and Good Day LLC is committed to following all state guidelines and requirements as outlined in the MED Permanent Rules Related to the Colorado Retail Marijuana Code, dated September 9, 2013, and revised November 30, 2015. We are currently working with a security design expert to ensure that our security and surveillance system meets and/or exceeds all governmental specifications. Specifically regarding camera placement, at a minimum, Good Day will provide camera coverage at all Limited Access Areas and all points of ingress and egress to the exterior of the licensed premises. All MIP manufacturing facilities are highly regulated and encompass a tightly controlled environment. As required by law, Good Day will operate a restricted access facility; meaning that no one can enter that is under 21 years of age. Access will only be permitted to badged personnel that have appointments or are scheduled to pick up product.

### **Hours of Operation**

Operating hours will typically be 9:00 a.m. to 5:00 p.m. Monday – Friday; however, there may be periods when production and/or packaging/shipping demands will require operation from 9:00 a.m. to 9:00 p.m. daily, as allowed by Town of Parachute Ordinance No. 683.

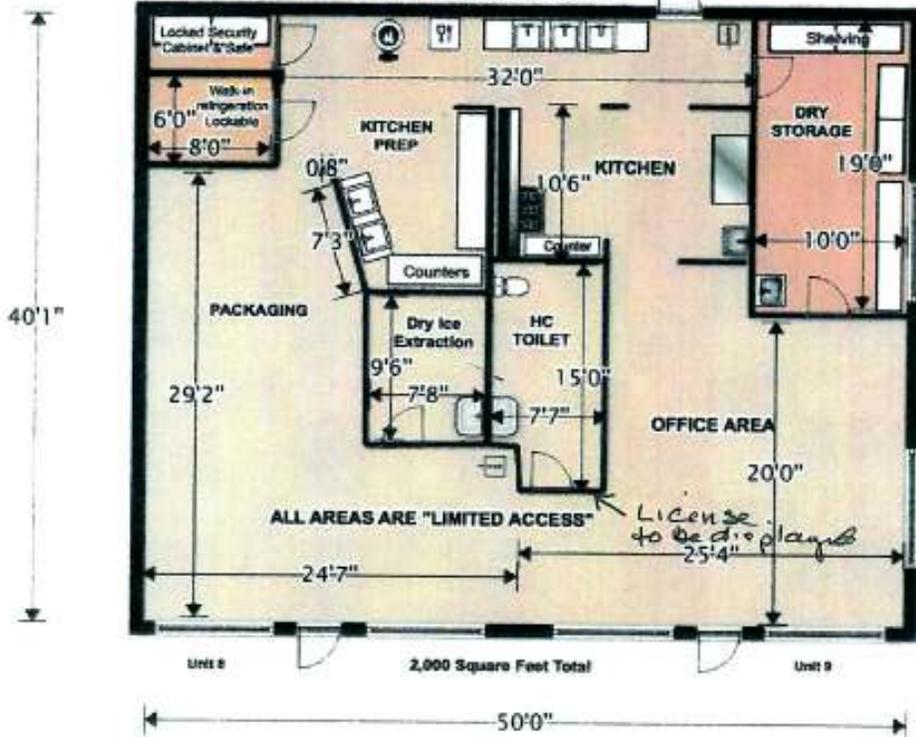
### **Items of Special Concern**

Good Day would like to address some concerns that seem to have been voiced by many. Firstly, we would like to address the common concern regarding odor. Be advised that we are not growing marijuana in any way, shape, or form at or on these premises. Please note, there is very little odor created in our baking and cooking processes; however, as a precaution we are using carbon filters to mitigate any odor that might occur. Secondly, Good Day will only be using dry ice/cold water extracting methods to create our concentrates. We will not be using any kind of potentially hazardous chemicals or accelerants in any aspects of our business or on the permitted premises. Thirdly, the entire premises are considered "limited access", meaning only badged employees will be permitted inside the premises. Fourthly, as we are a wholesale operation we will not be selling marijuana products to the public; by law we are only allowed to sell to retail stores. Most importantly, we look forward to doing everything we can to contribute to the health and well-being of the Parachute community.

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The information contained within this document is considered privileged and proprietary data of Good-Day Page 5

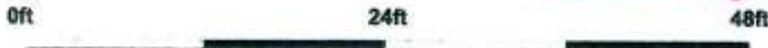
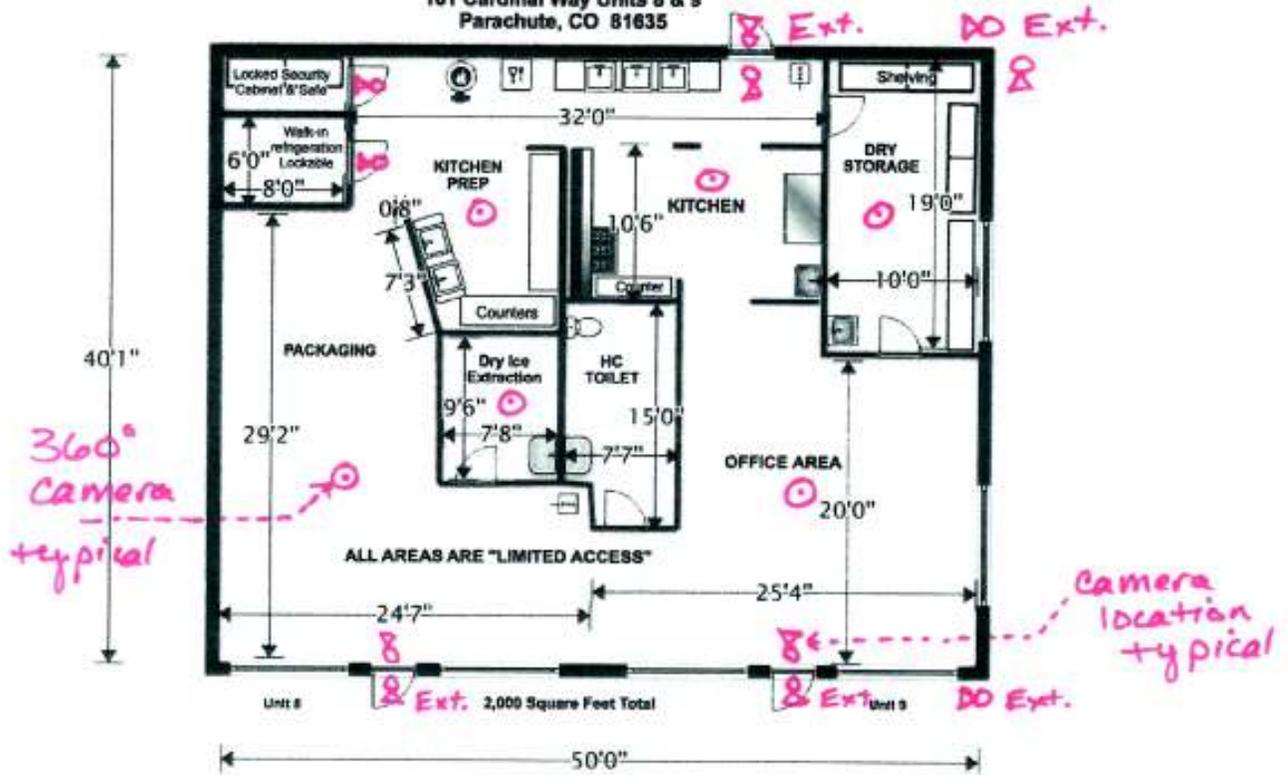
Good Day LLC dba Elevated Edibles  
 MIP (Marijuana Infused Product) Facility  
 101 Cardinal Way Units 8 & 9  
 Parachute, CO 81635



**Good Day LLC**  
 Parachute, CO

**Kimberly & Christopher Burke**  
 kimberly@paonia.com    cdburke@paonia.com  
 970.261.5864                      970.399.5808

Good Day LLC dba Elevated Edibles  
 MIP (Marijuana Infused Product) Facility  
 101 Cardinal Way Units 8 & 9  
 Parachute, CO 81635



*Security*

Good Day LLC

Parachute, CO

Kimberly & Christopher Burke

kimberly@paonia.com    cdburke@paonia.com

970.261.5864

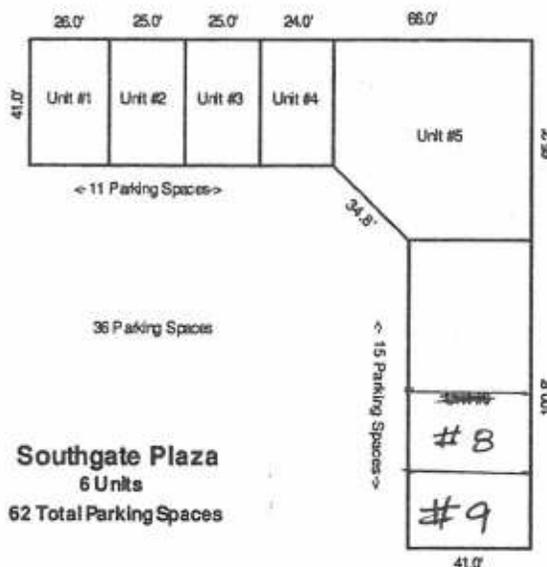
970.399.5808

**THE IMPROVEMENTS**

The Subject is a 1982 built neighborhood commercial strip center/ shopping plaza. It is wood frame construction upon a slab foundation with a cedar & stucco exterior. The windows are metal frame and are of average quality and condition.

The Subject's **nine suites** are partitioned into **six units** ranging in size from 984 SF to 4,133 SF.

Each unit has glass front doors and metal exterior rear doors. Heating and cooling is forced air and evaporative cooling. Interior and exterior finish is summarized below:



<b>Units</b>	<b>Six</b>	<b>Baths</b>	<b>Eight</b>
<b>Flooring</b>	Carpet, Vinyl, Tile /Average	<b>Bath Floors</b>	Vinyl/Average
<b>Walls</b>	Drywall/Average	<b>Trim</b>	Wood/Average
<b>Heating</b>	Forced Air Average	<b>Cooling</b>	Evaporative/Average
<b>Exterior Doors</b>	Glass/Average Metal/Average	<b>Interior doors</b>	Wood Hollow Core/Average
<b>Windows</b>	Metal/Average	<b>Lighting</b>	Florescent & Can/Average
<b>Ceiling</b>	Drop Ceiling/Average Drywall/Average	<b>Exterior</b>	Front: Stucco/Average Rear: Cedar/ Average
<b>Roof</b>	Flat/Average	<b>Gutter/Down</b>	Metal/Average
<b>Foundation</b>	Slab		

**All units have one 2-piece bath and are in average condition.**

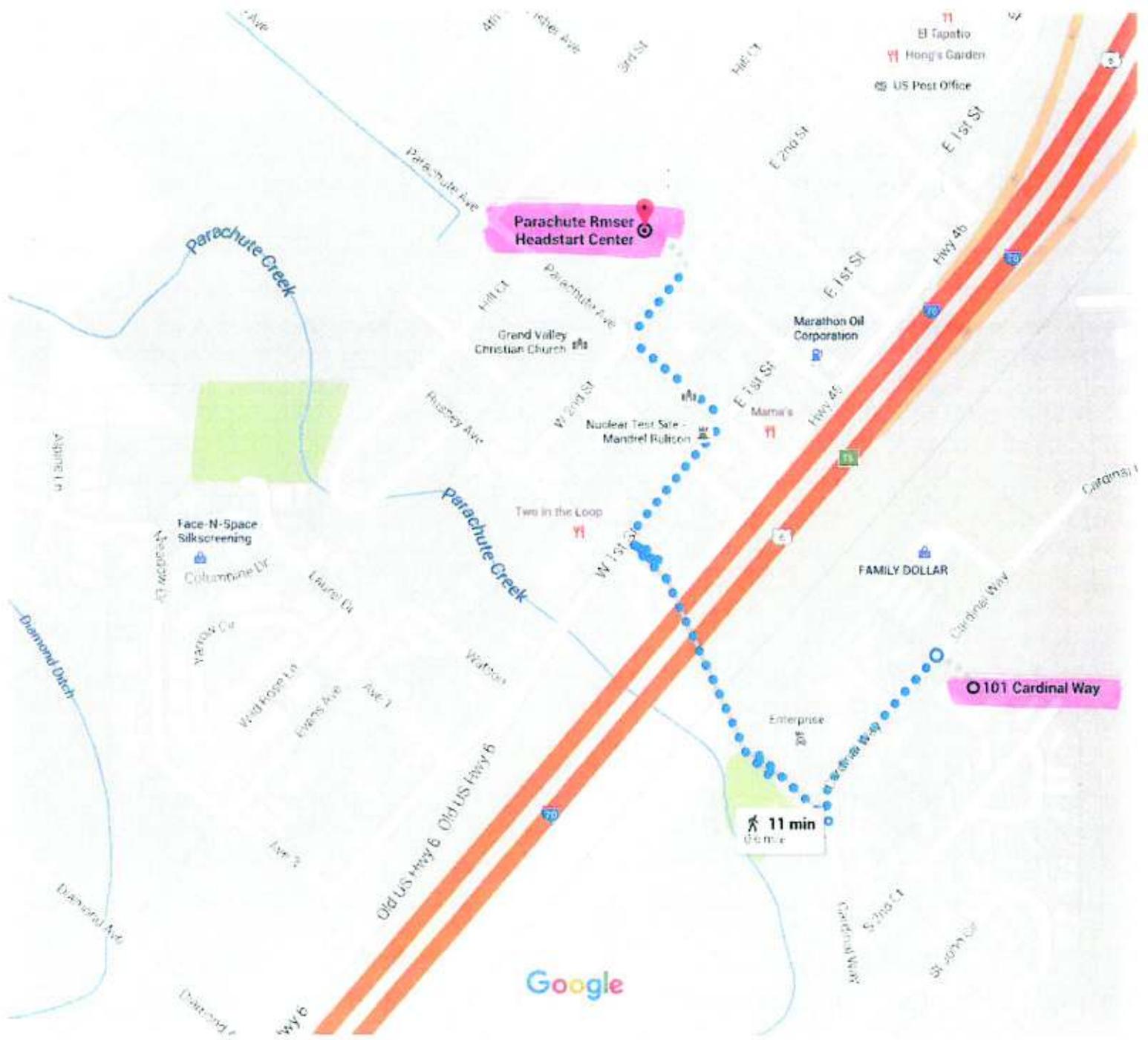
Subject Photo and a dissuasion of individual units follow:

Good Day LLC  
dba Elevated Edibles  
101 Cardinal Way  
Parachute, CO 81635



101 Cardinal Way, Parachute, CO to 100 E 2nd St, Parachute, CO 81635

Walk 0.6 mile, 11 min



Map data ©2016 Google 200 ft

# 101 Cardinal Way

Use caution - may involve errors or sections not suited for walking

Parachute, CO 81635

- ↑ 1. Head southwest on Cardinal Way toward Brennen Ln 0.1 mi

---

- ↗ 2. Sharp right toward W 1st St 0.3 mi

---

- ↘ 3. Turn right onto W 1st St 420 ft

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- ↶ 4. Turn left onto Parachute Ave 344 ft

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- ↘ 5. Turn right onto E 2nd St 253 ft

## Parachute Rmser Headstart Center

100 East 2nd Street, Parachute, CO 81635

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Google Maps



101 Cardinal Way, Parachute, CO to 100 E 2nd St, Parachute, CO 81635

Walk 0.6 mile, 11 min



# 101 Cardinal Way

Use caution - may involve errors or sections not suited for walking

Parachute, CO 81635

- ↑ 1. Head southwest on Cardinal Way toward Brennen Ln 0.1 mi

---

- ↗ 2. Sharp right toward W 1st St 0.3 mi

---

- ↘ 3. Turn right onto W 1st St 420 ft

---

- ↶ 4. Turn left onto Parachute Ave 344 ft

---

- ↘ 5. Turn right onto E 2nd St 253 ft

## Grand Valley Center For Family Learning School

100 East 2nd Street, Parachute, CO 81635

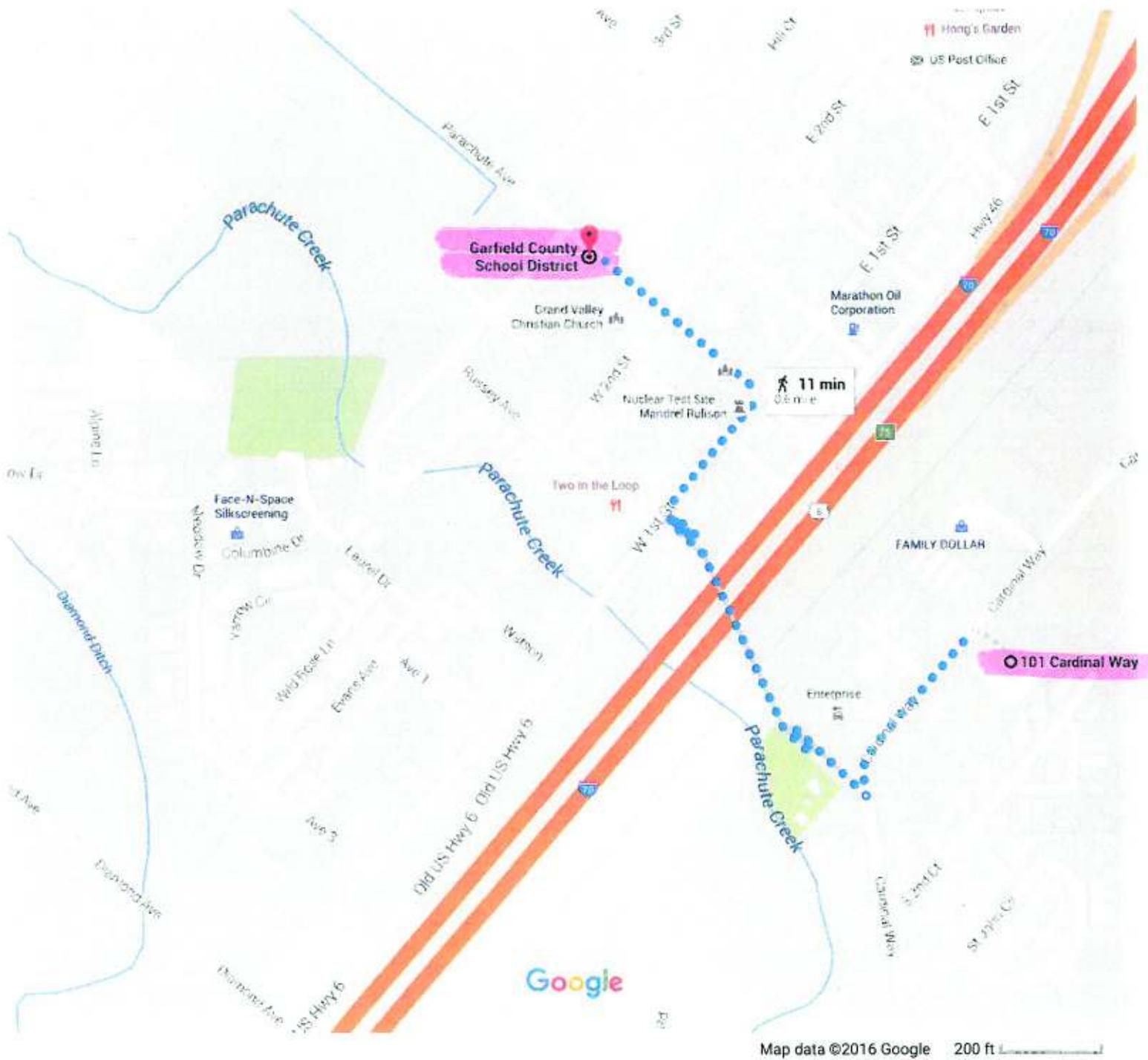
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Google Maps



101 Cardinal Way, Parachute, CO to 251 Parachute Ave, Parachute, CO 81635

Walk 0.6 mile, 11 min



# 101 Cardinal Way

Parachute, CO 81635

Use caution - may involve errors or sections not suited for walking

-  1. Head southwest on Cardinal Way toward Brennen Ln 0.1 mi
  -  2. Sharp right toward W 1st St 0.3 mi
  -  3. Turn right onto W 1st St 420 ft
  -  4. Turn left onto Parachute Ave 0.1 mi
-  Destination will be on the left

## Garfield County School District

251 Parachute Avenue, Parachute, CO 81635

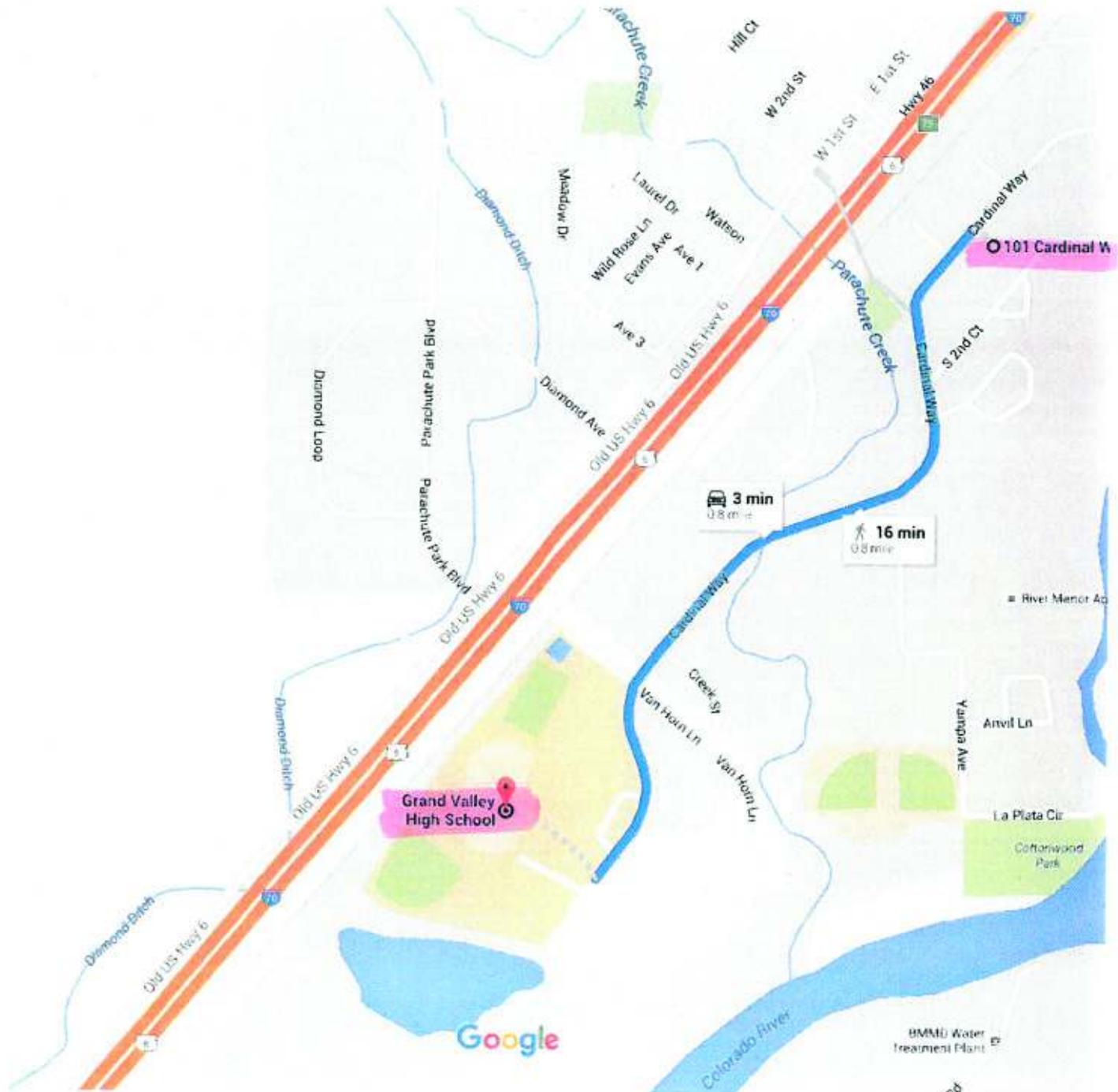
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Google Maps



101 Cardinal Way, Parachute, CO to 800 Cardinal Way, Parachute, CO 81635

Drive 0.8 mile, 3 min



101 Cardinal Way  
Parachute, CO 81635

- ↑ 1. Head southwest on Cardinal Way toward Brennen Ln  
Destination will be on the right

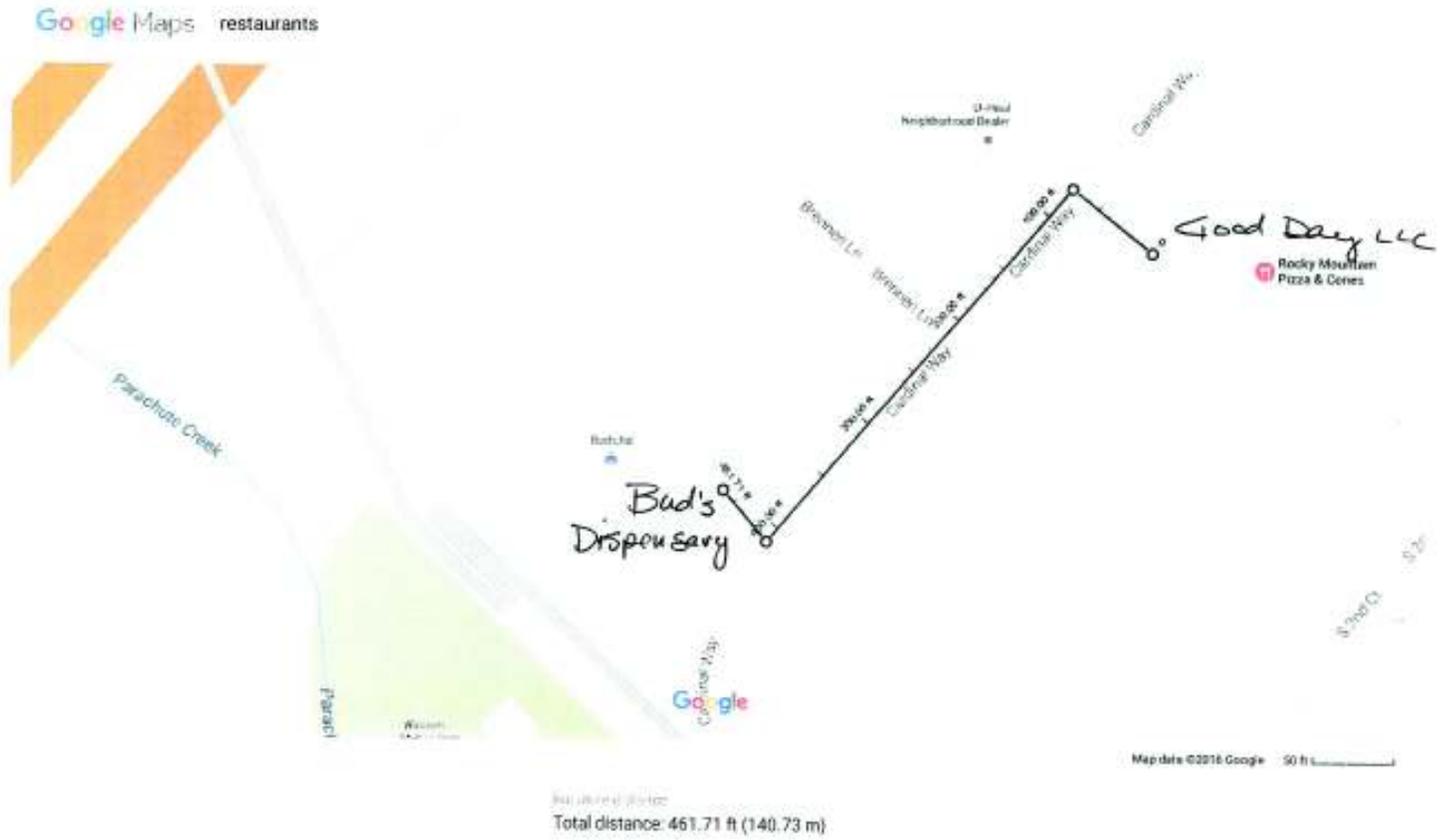
0.8 mi

## Grand Valley High School

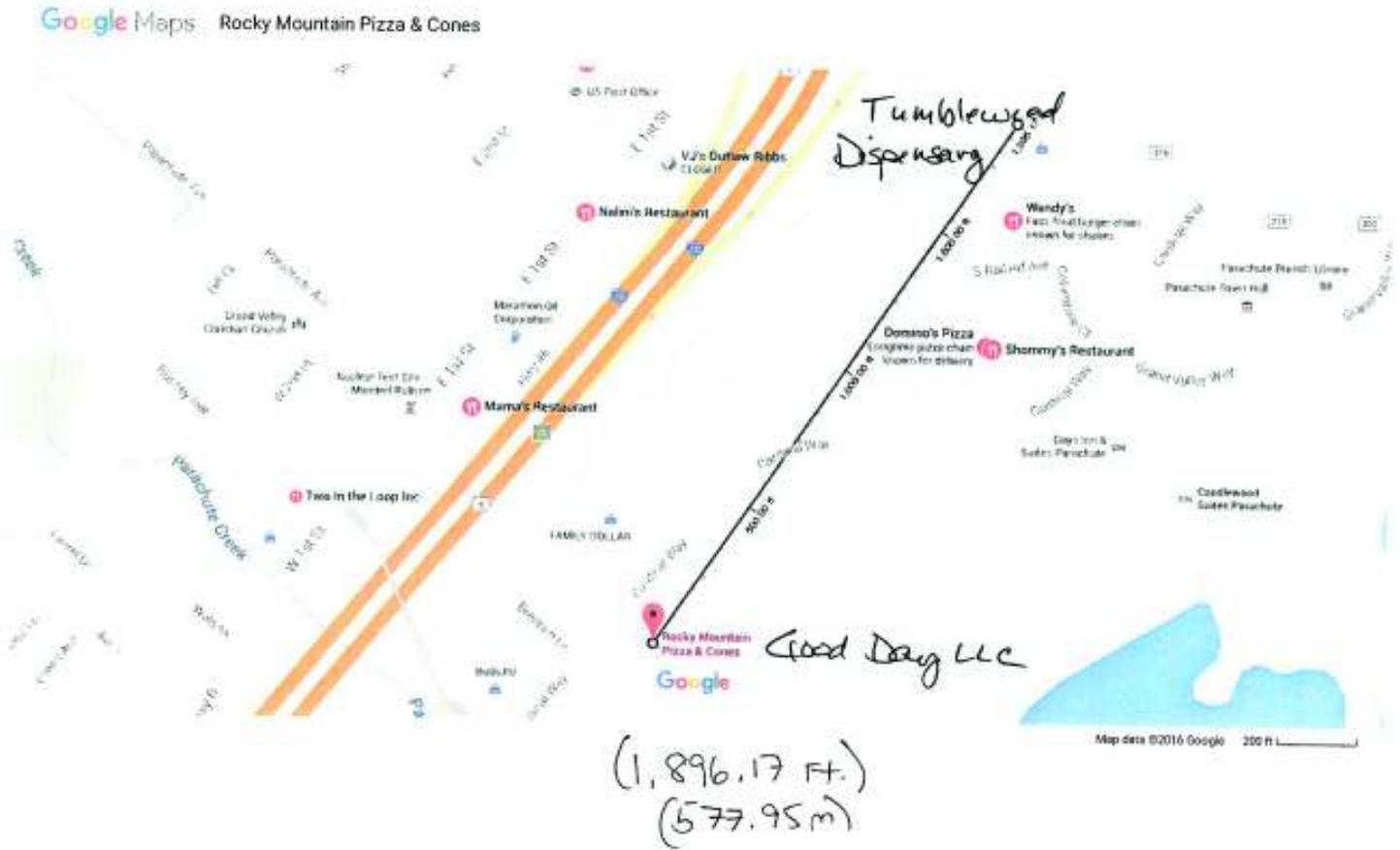
800 Cardinal Way, Parachute, CO 81635

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Google Maps



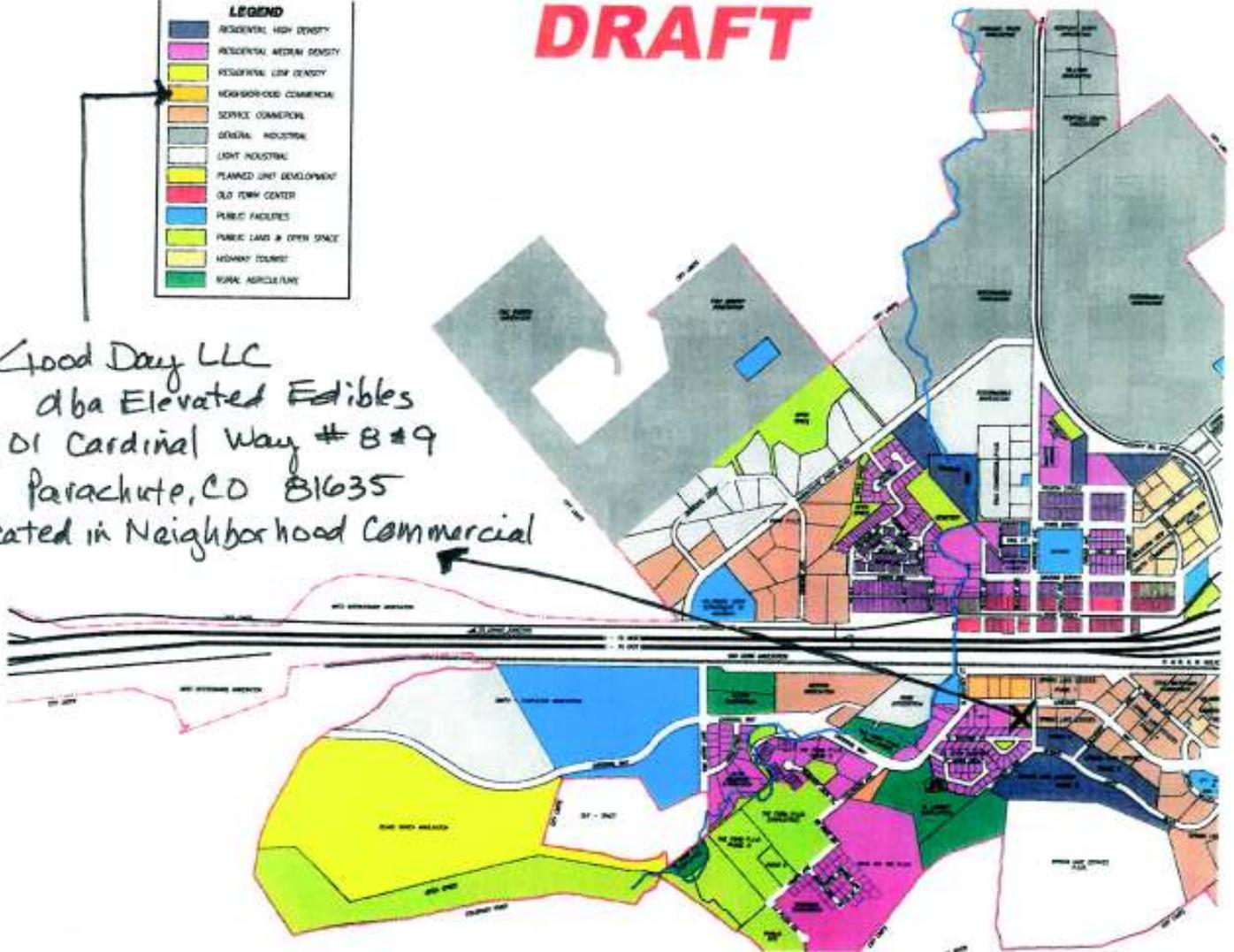




# Town of Parachute **DRAFT**

LEGEND	
[Dark Blue]	RESIDENTIAL HIGH DENSITY
[Purple]	RESIDENTIAL MEDIUM DENSITY
[Pink]	RESIDENTIAL LOW DENSITY
[Yellow]	NEIGHBORHOOD COMMERCIAL
[Orange]	SERVICE COMMERCIAL
[Grey]	GENERAL INDUSTRIAL
[Light Grey]	LIGHT INDUSTRIAL
[Light Green]	PLANNED UNIT DEVELOPMENT
[Red]	OLD TOWN CENTER
[Blue]	PUBLIC FACILITIES
[Light Yellow]	PUBLIC LAND & OPEN SPACE
[Yellow-Green]	HOUSING TOURIST
[Green]	RURAL AGRICULTURE

Good Day LLC  
dba Elevated Edibles  
101 Cardinal Way # B#9  
Parachute, CO 81635  
Located in Neighborhood Commercial





# Town of Parachute

A Safe Place to Land

Lynn Stroud, Management Analyst

Integrity ▪ Respect ▪ Teamwork ▪ Pride ▪ Innovation ▪ Diversity

222 Grand Valley Way ▪ Parachute, CO 81635 ▪ (970) 285-7630

## STAFF REPORT

**DATE:** April 14<sup>th</sup>, 2016  
**TO:** Town of Parachute Board of Trustees  
**FROM:** Lynn Stroud, Management Analyst *L Stroud*  
**SUBJECT: WATER, WASTEWATER AND IRRIGATION RATE INCREASE**

### Background

A new water and wastewater billing rate ordinance was proposed at the March 17<sup>th</sup>, 2016 Board of Trustees meeting. A number of questions were submitted by the Board in regards to our current utility billing structure, our infrastructure plan for irrigation and how all these will affect our community.

These items in question need to be addressed in stages, not as a whole. The infrastructure of our irrigation lines will require the attention of the Public Works department. The planning, engineering and implementation required to establish irrigation to every residence in the Town of Parachute will be reviewed separately from the proposed ordinance and given the proper focus and time required to ensure its success.

### Staff Analysis

I have prepared and thoroughly analyzed the utility billing structure for water, wastewater and irrigation. The proposed Ordinance No. 695 for billing these items is established to make the water and wastewater funds financially viable into the future while offering a billing structure that offers a fair usage tier system for the residents of Parachute.

There is concern regarding the removal of the reduced rates for low income residents. It is unfortunate to have to discontinue this program. However, there is no clear fairness when determining eligibility. No other community has such a program. All residents of the Town should have the opportunity to participate in the lowest rates available regardless of their income or lack thereof.

Mr. Tod Barton, owner/operator of Cottonwood Apartments expressed sincere concern in respect to how the new billing system will affect the billing for his high usage facilities. I have prepared a comparison sample based on the highest usage building in Cottonwood Apartments to show the billing at current rates, versus the proposed rates, versus current and proposed if each unit were billed individually.

Current Billing	Proposed Billing	Current by Unit	Proposed by Unit
\$1,285.34	\$1,790.90	\$1,944.72	\$2,193.60

Per Unit Cost	Per Unit Cost	Per Unit Cost	Per Unit Cost
\$53.56	\$74.62	\$81.03	\$91.40

Mr. Barton is correct. His cost per unit will increase with the proposed rate system. He and his tenants are currently enjoying a \$53.56 monthly water and wastewater fee per unit. This is 33% less than the standard billing paid by the other residents of the Town. This discrepancy between what is billed to the apartments versus what we bill to the single unit residences of Town must be corrected.

**Attorney Review**

See Ordinance No. 695

**Recommendations**

I strongly recommend, based on my research and analysis that Ordinance No. 695 be approved at this time. It is in the best interest of the Town and also its citizens.

If you have any additional questions or concerns, please contact me at 970-285-7630.

**TOWN OF PARACHUTE  
ORDINANCE NO. 695-2016**

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**AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING AND ESTABLISHING WATER AND WASTEWATER RATES FOR WATER AND WASTEWATER SERVICE PROVIDED BY THE TOWN OF PARACHUTE**

WHEREAS, pursuant to Sections 9.17.050 and 9.20.260 the Board of Trustees is empowered to set rates for water and wastewater usage within the Town;

WHEREAS, the Town operates a Water Enterprise Fund for its water utility service and a Wastewater Enterprise Fund for its wastewater service;

WHEREAS, the water and wastewater service rates set by the Board of Trustees do not adequately correspond to usage and, at present, do not sufficiently cover increasing costs of the Town's water and wastewater utility service;

WHEREAS, the Board of Trustees finds and determines that amendments to create a tiered system of water and wastewater rates charged by the Town is necessary to adequately meet the Town's current and future needs and to remain fiscally responsible in its management of the Water Enterprise Fund and Wastewater Enterprise Fund;

WHEREAS, the Board of Trustees finds and determines that it is in the Town's best interest to amend the water and wastewater rates for both residential and commercial customers and for service within Town limits and outside Town limits; and

WHEREAS, these water and wastewater rate changes shall become effective on \_\_\_\_\_ 1, 2016 for the utility billing that will be sent the first of \_\_\_\_\_ 2016.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Water Rates Within the Corporate Limits: All customers for water measured through meters and non-metered residential rates for domestic and irrigation usage, shall be charged by the Town of Parachute Water Enterprise Fund at the following rates, which shall be billed monthly:

<u>DOMESTIC WATER USAGE</u>	<u>Residential</u>	<u>Commercial</u>
First 3,000 gallons (minimum)	\$37.95	\$47.95
3,001 – 6,000 gallons (Per 1,000 gallons)	\$2.75	\$2.75
6,001 – 9,000 gallons (Per 1,000 gallons)	\$3.50	\$3.50

9,001 – 12,000 gallons <i>(Per 1,000 gallons)</i>	\$4.25	\$4.25
Above 12,000 gallons <i>(Per 1,000 gallons)</i>	\$5.00	\$5.00

<b><u>IRRIGATION WATER USAGE</u></b>	<b><u>Residential</u></b>	<b><u>Commercial</u></b>
Flat Rate	\$10.00	\$10.00

Section 3. Water Rates Outside the Corporate Limits: All customers outside the corporate limits of the Town, shall be charged by the Town of Parachute Water Enterprise Fund at the following rates, which shall be billed monthly:

<b><u>DOMESTIC WATER USAGE</u></b>	<b><u>Residential</u></b>	<b><u>Commercial</u></b>
First 3,000 gallons (minimum)	\$47.95	\$57.95
3,001 – 6,000 gallons <i>(Per 1,000 gallons)</i>	\$2.75	\$2.75
6,001 – 9,000 gallons <i>(Per 1,000 gallons)</i>	\$3.50	\$3.50
9,001 – 12,000 gallons <i>(Per 1,000 gallons)</i>	\$4.25	\$4.25
Above 12,000 gallons <i>(Per 1,000 gallons)</i>	\$5.00	\$5.00

Section 4. Reduced Water Rates: Reduced water rates are hereby eliminated.

Section 5. Wastewater Rates Within the Corporate Limits: All customers for wastewater measured through meters and non-metered residential rates, shall be charged by the Town of Parachute Wastewater Enterprise Fund at the following rates, which shall be billed monthly:

<b><u>WASTEWATER USAGE</u></b>	<b><u>Residential</u></b>	<b><u>Commercial</u></b>
First 3,000 gallons (minimum)	\$29.95	\$39.95
3,001 – 6,000 gallons <i>(Per 1,000 gallons)</i>	\$2.75	\$2.75
6,001 – 9,000 gallons <i>(Per 1,000 gallons)</i>	\$3.50	\$3.50
9,001 – 12,000 gallons <i>(Per 1,000 gallons)</i>	\$4.25	\$4.25
Above 12,000 gallons <i>(Per 1,000 gallons)</i>	\$5.00	\$5.00

Section 6. Wastewater Rates Outside the Corporate Limits: All customers outside the

corporate limits of the Town, shall be charged by the Town of Parachute Wastewater Enterprise Fund at the following rates, which shall be billed monthly:

<u>WASTEWATER USAGE</u>	<u>Residential</u>	<u>Commercial</u>
First 3,000 gallons (minimum)	\$39.95	\$49.95
3,001 – 6,000 gallons <i>(Per 1,000 gallons)</i>	\$2.75	\$2.75
6,001 – 9,000 gallons <i>(Per 1,000 gallons)</i>	\$3.50	\$3.50
9,001 – 12,000 gallons <i>(Per 1,000 gallons)</i>	\$4.25	\$4.25
Above 12,000 gallons <i>(Per 1,000 gallons)</i>	\$5.00	\$5.00

Section 7. Sections 9.20.240 and 9.20.250 of the Parachute Municipal Code are hereby deleted in their entirety.

Section 8. The water and wastewater service rates set forth in this Ordinance shall repeal and replace the rates adopted by any and all prior ordinances.

**INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY** by a vote of \_ to \_\_ of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21<sup>st</sup> day of April, 2016 and approved by the Mayor on the 21<sup>st</sup> day of April, 2016.

**BOARD OF TRUSTEES OF THE TOWN  
OF PARACHUTE, COLORADO**

By: \_\_\_\_\_  
Roy McClung, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Chiaretta, Town Clerk

**PUBLIC NOTICE**

Public notice is hereby given that an Ordinance entitled:

**AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING AND ESTABLISHING WATER AND WASTEWATER RATES FOR WATER AND WASTEWATER SERVICE PROVIDED BY THE TOWN OF PARACHUTE**

was introduced before the Board of Trustees on April 21, 2016; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on April 21, 2016, and approved by the Mayor on \_\_\_\_\_, 2016.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this \_\_\_\_\_ day of April, 2016.

**TOWN OF PARACHUTE**

\_\_\_\_\_  
Denise Chiaretta, Town Clerk

## Staff Report

### Town of Parachute Board of Trustees Meeting

Thursday April 21, 2016

### Gerhard Request for Annexation, Zoning and Special Review Use

Report Date - 4/15/2016

<b>PROJECT INFORMATION</b>	
<b>Name of Project:</b>	Gerhard Application for Annexation, Rezoning and Special Review Use
<b>Type of Request:</b>	Annexation, Rezoning and Special Review Use for Marijuana Cultivation
<b>Name of Applicant:</b>	Mark Gerhard - West Run, Incorporated
<b>Address:</b>	2536 Rimrock Ave., Suite 400-380, Grand Junction, CO 81505
<b>Phone:</b>	970-409-2707, Email - westruninc@gmail.com
<b>Property Owner:</b>	Jesse J Carnahan
<b>Property Owner Address:</b>	8495 HWY 6&24, Parachute CO 81635
<b>Phone:</b>	970-210-9669
<b>Site Address &amp; Parcel Number</b>	8495 HWY 6&24, Parachute CO 81635, Parcel Number: 240913200026
<b>Surveyor</b>	Polaris Surveying
<b>Surveyor Address/Phone:</b>	3194 Mesa Ave. #B, Grand Junction, CO 81504, Telephone/Fax 970-434-7038
<b>Project Engineer</b>	None Identified
<b>Address</b>	None Identified
<b>Existing Zoning</b>	Resource Lands - Garfield County
<b>Surrounding Zoning:</b>	<i>North</i> - Unincorporated Garfield County - Resource Lands, <i>East</i> - Service Commercial, Light Industrial & Industrial, <i>South</i> - Public & Light Industrial, <i>West</i> - Unincorporated Garfield County - Residential Suburban
<b>Proposed Zoning</b>	Service Commercial
<b>Existing Land Use:</b>	Single-Family Residential
<b>Surrounding Land Uses:</b>	<i>North</i> - Single-Family, Vacant, <i>East</i> - Vacant, Office, Industrial, <i>South</i> - Highway I-70, <i>West</i> - Single-Family Residential.
<b>Proposed Use:</b>	Marijuana Cultivation & Retail Marijuana Store
<b>Proposed Annexed Lot Size</b>	5.479 - Acres
<b>Minimum Lot Size</b>	6,000 ft. <sup>2</sup>

<b>Property Legal Description</b>	Lot 2 of the Fisher No.1 Subdivision Exemption Plat, Garfield County, Colorado. A parcel of land situated in Lot 3 of Section 13, Township 7 S., Range 96 W. of the 6 <sup>th</sup> Principal Meridian. See annexation map for complete legal description.
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**Project Location:** Directly North of I-70 & South/southwest of Parachute Park PUD.



**I. Description of Application:**

The applicant is requesting approval of an annexation, zoning and special review use application for a marijuana cultivation facility. The applicant requests approval of Service Commercial zoning and a Special Review Use for a marijuana cultivation facility on the 5.479-acre property. As a separate submittal to the Board of Trustees, the applicant will be processing a license for a marijuana retail store on the property. The site is located contiguous to the existing Parachute municipal boundary, which adjoins the property on the East. The parcel is served by Town of Parachute municipal water and sewer treatment is by on-site septic system.

The Planning Commission considered the application at their April 14, 2016 meeting and recommended denial of the Special Review Use for marijuana cultivation. The Planning Commission does not act on annexation requests, so there is no recommendation on the annexation aspect of this submittal. The Board of Trustees will hear these applications at a public hearing during their regular meeting April 21, 2016.

State law requires that newly annexed properties be zoned within 90 days of the annexation approval. The applicant is requesting concurrent approval of Service Commercial zoning. The applicant submitted a site plan that includes: parking, outdoor lighting, proposed building, locations of service or refuse collection areas, existing or proposed fences and methods of visual screening. Signs are not shown on the site plan as specified in the regulations, but a separate sign permit application must be submitted and approved before installation of any signage.

**Sewer Service** – On-site septic system - See Attached Letter.

**Water** - Town of Parachute. The applicant proposes to dedicate irrigation water rights or the sole option of the Parachute Board of Trustees, cash in lieu of water rights.

**Electric** - Not Identified

**Gas** - Not Identified.

**Telephone** - Century Link.

## II. Planning Commission Review:

The Parachute Planning Commission reviewed the zoning and special review use applications at their April 14, 2016 meeting. The Commission recommended **approval** of Service Commercial zoning on the property by a vote of **3-Yes** and **1-No**. They subsequently recommended **denial** of the special review use on a vote of **4-Yes** and **0-No**.

The planning staff recommended approval of the applications and offered the following information as part of that recommendation. A divergent recommendation between the staff and Planning Commission is an acceptable part of the review process. The planning commission considers a number of factors including the staff recommendation as they formulate their conclusions. The planning commission meeting was well attended by members of the public that offered comments both in favor and in opposition of the project. Concerns expressed by members of the public and the planning commission included the following issues. Other project issues will be listed in the meeting minutes.

- The potential of theft or attempted theft from the outdoor marijuana cultivation facility.
- High visibility from the I-70 corridor and a concern about first impressions of Parachute.
- The proposed site was a wrong location for the use.
- Concerns were expressed about the high fence with proposed barbed wire on top.
- Concerns about odor and the inability to mitigate the smell.
- The appearance of the marijuana cultivation site with a concertina wire topped chain-link fence looking like a maximum-security detention facility from the highway.

It is important to note that the planning commission does not provide a recommendation on annexations, so that issue is in the sole discretion of the Board of Trustees. Annexation, zoning of the property and Special Review Use are discretionary actions by the Board of Trustees. The town has no obligation to annexed properties and has a broad authority in this arena. The zoning and special review use decisions are completely dependent upon annexation of the property. In other words, if annexation is not approved the other applications fail.

The following information in this staff report is presented to give the Board of Trustees an understanding of staff's review of the applications and how the topics relate to the Municipal Code. Affirmative findings by the staff in the following section in no way obligate the Board of Trustees to approve any portion of this application. Staff does not have the benefit of the public input that is received at the planning commission meeting or the Trustee public hearing. Public input is an important factor in the Planning Commission and Board of Trustees final recommendations or decisions. The staff report is prepared before the public process starts.

At the planning commission meeting, the applicant stated that they will construct a tall (8-foot) fence around the grow site with barbed wire on the top to keep people out of the grow area. The application does not include specific information on the height or type of fence to be used, so this information was not addressed in the staff report.

Section "15.03.195 Other Zoning Provisions" of the land-use code limits fences or walls to a maximum of 7 feet in height unless approved by the town as part of a special review use. These regulations also state, "No barbed wire or sharp-pointed or electrically charged fence shall be

permitted.” There are other restrictions related to fences that are not addressed in the applications. Without a variance or other approvals from the town an important component of the outdoor grow, (the fence) is not allowed. There are other requirements for business, commercial and industrial uses related to fencing screening and storage that are spelled out in Section 15.03.197 that are not clearly addressed in the submittals

### **III. Applicable Regulations:**

#### 15.05.208 Board of Trustees Review and Decision.

- A. General. Not less than seven (7) or more than thirty (30) calendar days after the receipt of the Planning Commission recommendation, the Board of Trustees shall conduct a public hearing to consider the application. The Board of Trustees will consider all the evidence presented by the applicant and other interested parties, the recommendation of the Parachute Planning Commission, comments of review agencies, recommendations of the Town Manager, and comments from the public. The Board may, in its sole discretion, continue the public hearing to another regularly scheduled Board meeting date for the purpose of receiving additional information or public input before making a decision. In no event shall the public hearing be continued for more than ninety (90) calendar days beyond the date of the initial public hearing. The applicant or any other interested party may request a continuation of the public hearing for good cause shown, satisfactory to the Board. The Board of Trustees shall by a majority vote of the members present approve, approve with conditions or disapprove the application.
- B. Review Criteria. The Board of Trustees shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Administrator, and comments from the public. At a minimum, the Board of Trustees shall also consider the following criteria:
1. Conformance of the proposal with the Town of Parachute Municipal Code;
  2. The compatibility of the proposal with the character of the surrounding area including, but not limited to the architectural character of the neighborhood;
  3. The desirability for the proposed use in the specific area of the Town;
  4. The potential for adverse environmental effects that might result from the proposed use;
  5. Compatibility of the proposed use and the site (or subdivision) plan with the Parachute Plan; and
  6. Conformance of any plan with the requirements of the Town of Parachute Public Works Improvements Manual.
  7. Additional criteria set forth for rezoning applications in Section 15.03.185.

**Relationship to the Comprehensive Plan** - Rezoning’s should be in general compliance with the Parachute Comprehensive Plan. This topic is discussed in detail later in this report.

#### **Rezoning & Special Review Uses**

15.03.185 Rezoning. The Town may, from time to time, amend the number shape or boundaries of any zone district. Such an amendment to a zone district boundary is known as

rezoning. Rezoning applications are reviewed by the Planning Commission and Board of Trustees pursuant to the provisions of Chapter 15.05.

In addition to the review criteria of Chapter 15.05, the Board of Trustees may consider the following evaluation criteria for the analysis of rezoning applications:

- A. The compatibility of the rezoning proposal with the surrounding zone districts and land uses in the vicinity of the site of the rezoning including the characteristics of the existing neighborhood, the applicable area and bulk requirements, and the suitability of the site for development in terms of on-site characteristics;
- B. The impacts of the rezoning upon expected traffic generation and road safety, availability of on-site and off-site parking and the availability of adequate utility services and street access to the site;
- C. The impacts of the land uses of the proposed rezoning upon expected environmental quality including air and water quality; and
- D. The community need for the proposed rezoning and the relationship of the proposed rezoning to the goal of overall community balance.

#### **IV. Requested Actions:**

The applicant is requesting consideration of Annexation, Rezoning and a Special Review Use for marijuana cultivation. The Board of Trustees should make decisions on the three applications in the following order.

1. Annexation. If annexation is approved, then the Trustees should consider the Service Commercial zoning request.
2. Zoning. If Service Commercial zoning is approved then the Board can consider the Special Review Use. If Service Commercial zoning is not approved, then Special Review Use must be denied.
3. Special Review Use. A Special Review Use for a marijuana cultivation facility can only be considered if the other two applications are approved by the Board of Trustees.

With few exceptions, the staff does not recommend approval of annexations without the concurrent submittal of a site-specific development plan. The annexation process affords the Town substantial latitude in the review process. If, for example, the property is annexed without a development plan the Town will not know the quantity of water rights that should be dedicated to offset demands, the possible traffic impacts to the property and a host of other important land-use concerns that must be considered.

**If the annexation application is not approved then the other requests fail and further consideration is not necessary.**

#### **V. Zoning & Special Review Use Staff Comments:**

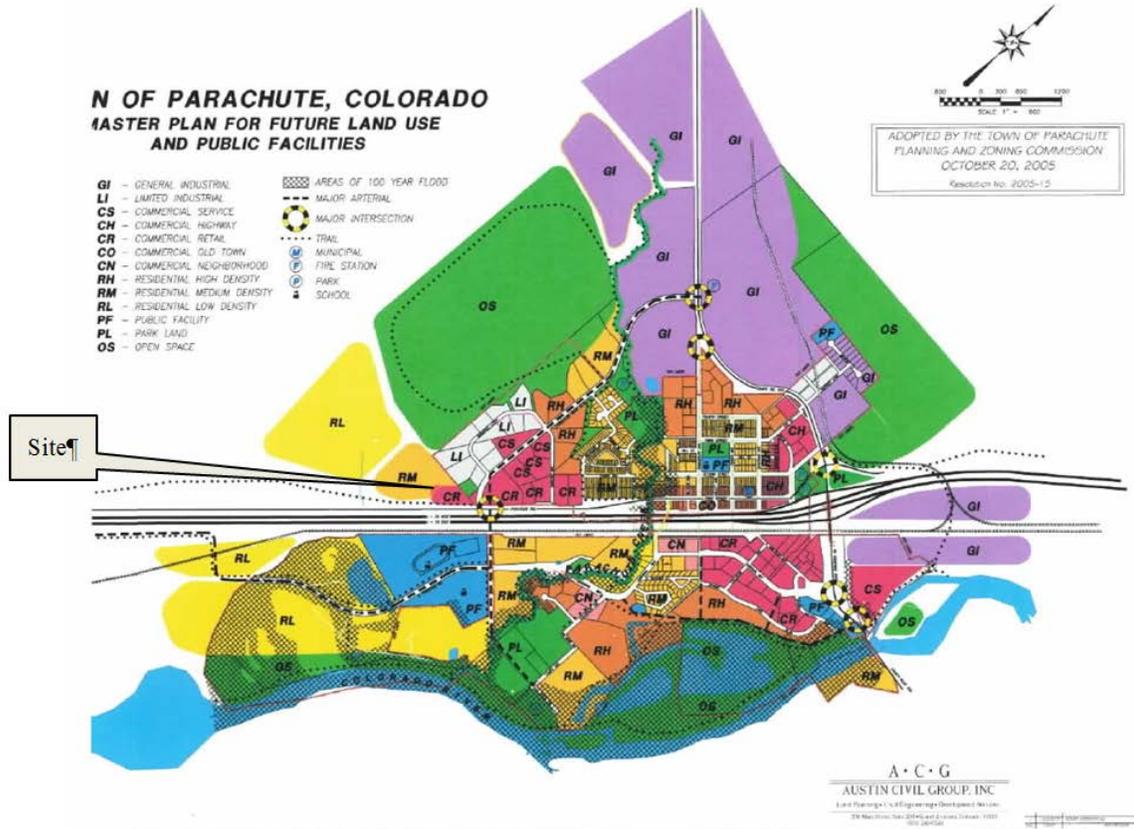
#### **VI. Conformance with the Town of Parachute Comprehensive Plan.**

*The following statements relevant to this application come from the adopted 2002 Parachute Master Plan. Additional Comments Come from the Proposed Draft 2015 presented by the Better City consultants and under review by the town.*

“It should be noted that a master plan is not zoning. The plan represents in a general manner the categories and patterns of land uses, public facilities, transportation and other elements as desired by the town as growth takes place in the future, while zoning establishes definite standards for

current regulation of land and use. The effective requirement by the statute is that a master plan must be considered, and followed or revised, by the Planning Commission when making a properly justified land-use decision in the future.”

**Adopted Master Plan for Future Land Use Map October 20, 2005.**



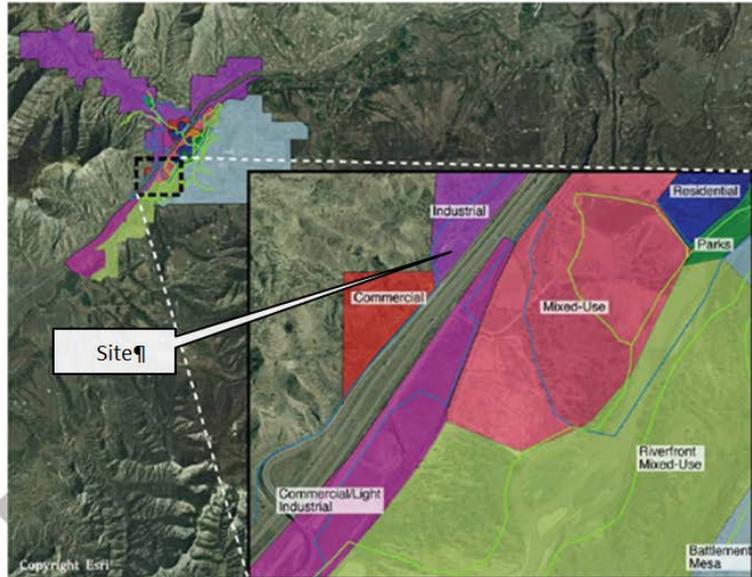
**October 20, 2005 Future Land Use Map Showing Subject Property.**

## SOUTH CENTRAL

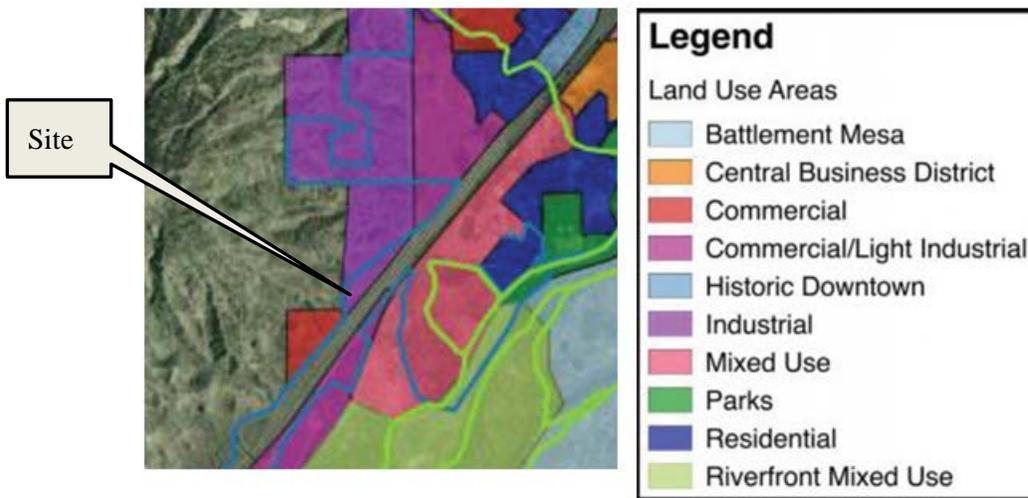
The south central section of Town has the potential for commercial, residential, and recreational development. Mixed-Use zones (both standard Mixed-Use and Riverfront Mixed-Use) will make up the majority of this section of town and could include commercial and retail development along with multi-family housing and single-family homes. It is anticipated that the retail and commercial development will occur along the transportation corridor through the Mixed-Use zone (which will be discussed in a later section) with housing filling in on either side of the retail and commercial uses. This arrangement will provide the most value and utilization of available land. Entertainment venues, such as a sports complex, is another potential use within the Mixed-Use zone

The land adjacent to the southwest interchange has been designated as Commercial and Commercial/Light Industrial, and is a prime location for a truck stop, and other transit oriented commercial development. The Commercial zones on either side of

the freeway will serve as the gateway to the Community from the south, and as a reminder to stop and shop for travelers coming from the North.



Map 8: South Central Parachute



### 3 | LAND USE PLAN

Land use planning is an important aspect to community development as it sets the framework for future growth in the community. The adage that “early decisions cast long shadows” is especially applicable to community development because the useful life of buildings usually extends forty years or more. Many communities don’t realize that indecision in terms of land use planning is in fact a decision to allow sprawl to enter a community, which can take a generation or more to remedy.

#### LAND USE DESIGNATIONS

The land use zones designated herein are done in accordance with the economic diversification strategy outlined in Chapter 1 of the Comprehensive Plan and is designed to generate the greatest amount of future economic development opportunities. Where possible, the proposed land use designations follow existing property lines so as to avoid the conflict of having a single parcel with dual designations. In some instances, land use designations cross current parcels, and in such cases it is recommended that the Town begin working with landowners to contemplate lot-line adjustments to prevent dual designation. The proposed designations also take into consideration current land use, and in some cases discusses a transition from the current use into the most appropriate use for future generations. The following land use designations are utilized and anticipated permitted uses for each zone are briefly described.

**Residential** – The residential category is anticipated to include uses for housing including both single family residential and multi-family residential developments. Although some conditional commercial uses could be contemplated as conditional uses, it is anticipated that little commercial activity will be allowed within the residential category.

**Commercial** – The commercial designation is anticipated to include retail, convenience stores, office space, hospitality, restaurants, and transit oriented uses such as truck stops or rest stops. It is anticipated that industrial uses will be prohibited from the commercial area.

**Commercial/Light Industrial** – The Commercial/Light Industrial is anticipated to allow the same uses permitted within the Commercial category, along with the addition of light industrial uses such as light manufacturing, production, assembly, indoor farms, etc. The Town may consider adding language to the zoning code that permits and further defines light industrial uses based on the anticipated noise and pollution that may be created by a business or entity within the area.

**Industrial** – The Industrial designation is anticipated to allow both light and heavy manufacturing, natural resource collection and refining, and other similarly focused entities. The industrial designation may also be overlaid with an agricultural designation to allow current agricultural activities to continue within the zone.

**Historic Downtown** – The Historic Downtown is anticipated to continue to be the historical anchor of the Town. It

#### 7.7 Master Plan-Land-Use Categories

##### Proposed Land Use Category - 7.6 Commercial Retail.

“To provide a range of retail sales and personal service outlets, such as retail stores, offices, banks, eating and drinking establishments, tonsorial parlors, government offices and similar uses, but not including highway oriented or repair services to serve primarily the Town and area residents.”

##### **Better City-Proposed Land-Use Category - South-Central District**

**The proposed comprehensive plan states,** *“The south-central section of the town has the potential for commercial, residential and recreational development. Mixed-use zones (both standard mixed-use and riverfront mixed-use) will make up the majority of this section of town and could include commercial and retail development along with multifamily housing and single-family homes. It is anticipated that the retail and commercial development will occur along the transportation corridor through the mixed-use zone with housing filling in on either side of the retail and commercial uses.”*

**Staff Comment.** This property is shown in the adopted Comprehensive Plan as Commercial Retail and as noted above, is intended to offer a range of retail stores, offices, banks restaurants and personal service establishments to town and area residents.

The proposed Draft Master Plan shows the subject property in the newly proposed South-Central District classification. The specific designation overlying this site is “Industrial”. The description of the south-central District does not really focus on the “industrial” classification and describes mixed uses with both commercial/retail along with multifamily housing and some single-family residential. The discussion notes that retail and commercial development are to occur along the transportation corridor with mixed uses and houses filling in on either side of the commercial areas.

The proposed Service Commercial rezoning is compatible with adjacent service commercial zoning in the Parachute Park PUD. Both future land-use maps (adopted and proposed) show areas of industrial/light industrial land use designations for the subject property. Light Industrial as described in the adopted Parachute Comprehensive Plan states that it is to accommodate limited manufacturing and research facilities in a park like setting. The classification addresses establishing design standards to ensure that the proposed uses are compatible with the surrounding neighborhoods and specifically references screening, buffering, traffic and lighting control.

Parachute's Service Commercial and Light Industrial zoning allow marijuana cultivation. Service Commercial is an appropriate zoning designation for the subject property although it is not an exact fit with the new comprehensive plan designation. Light industrial identifies other uses such as lumberyards, commercial trash business, heavy equipment contractor yards, vehicle towing/storage, oil/petroleum product production warehousing/storage, retail firewood storage/sales and others.

The proposed marijuana cultivation use will be compatible with the Service Commercial District as long as the impacts of size, odor, lighting and potential traffic are mitigated. One significant challenge with proposed cultivation use is the location out of doors. It is difficult or impossible to control odors because they will be at the mercy of climatic conditions such as wind direction, inversions, and other factors that may direct or concentrate odors to adjacent areas. The proposed site is located some distance away from concentrations of residential and other nonresidential development. The physical location will help reduce impacts to the population centers in Parachute, but as other future development occurs nearby there may be complaints about odor. Obviously, the cultivation operation can only occur during the growing season. The applicant has not proposed using greenhouses on the site.

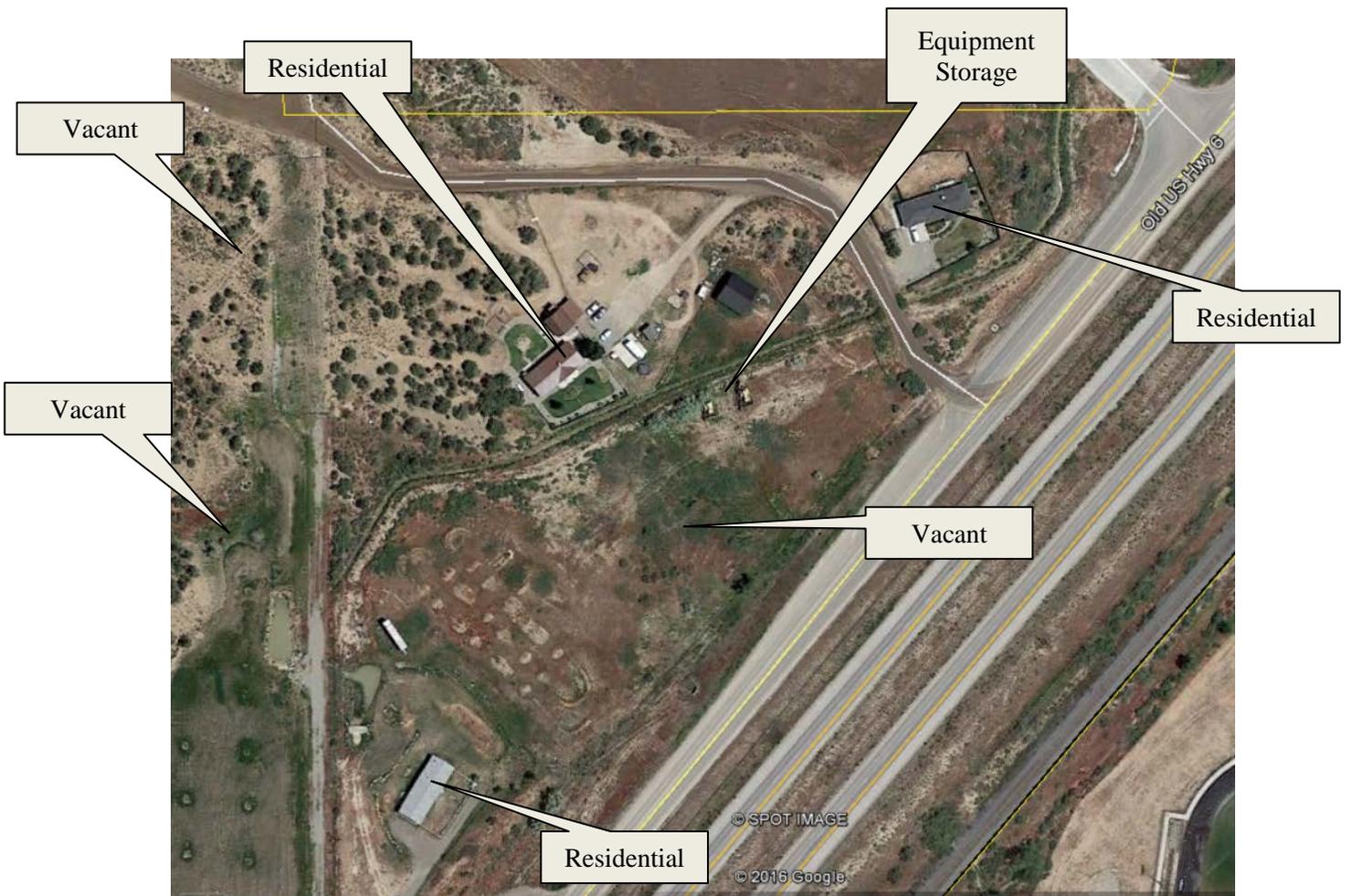
**The following are findings that the Board of Trustees must make with regard to zone changes.**

**Zoning:**

- a. *The compatibility of the rezoning proposal with the surrounding zone districts and land uses in the vicinity of the site of the rezoning including the characteristics of the existing neighborhood, the applicable area and bulk requirements, and the suitability of the site for development in terms of on-site characteristics.*

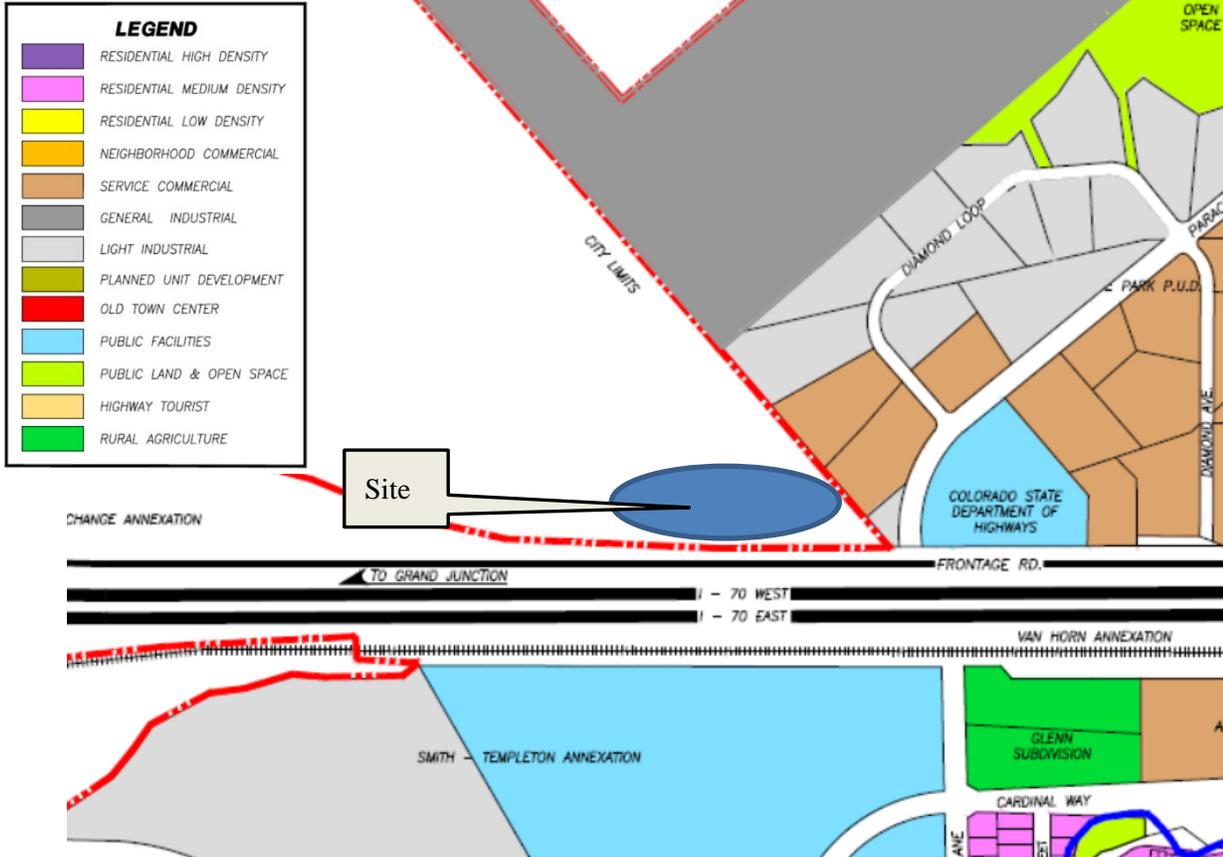
**Staff Comment.** The zoning around the subject property - **West** - Unincorporated Garfield County (Residential/Suburban), **East** - PUD (Light Industrial & Service Commercial), **South** - I-70 corridor and Public Facilities and **North** - Unincorporated Garfield County (Residential/Suburban).

Existing uses surrounding or near the site (see map on next page) are characterized by a rural density that includes single-family residential, vacant land and some scattered equipment storage. The closest Service Commercial and Light Industrial zoned property is east of the subject property in the Parachute Park PUD. There is not a lot of development on the site and in the surrounding area. This undeveloped quality will help reduce any adverse impacts that may arise from the proposed marijuana cultivation facility. This site appears to be well suited for the proposed marijuana cultivation operation and a future marijuana retail store.



The map on the following page shows the existing zoning around the subject property.

## Parachute Zoning Around Proposed Site



- b. *The impacts of the rezoning upon expected traffic generation and road safety, availability of on-site and off-site parking and the availability of adequate utility services and street access to the site.*

**Staff Comment.** The proposed use may generate more traffic than residential use. The applicant did not provide any estimates of traffic generation (existing or proposed) for this site. The property has good access to the frontage road and has good sight distances. The Town Engineer, Public Works and/or CDOT should comment on access and adequacy of utility service. The fire department should also weigh-in with their recommendations on a grow operation and appropriate fire mitigation. Recommendations from these review agencies should be part of a decision by the Board of Trustees.

- c. *The impacts of the land uses of the proposed rezoning upon expected environmental quality including air and water quality.*

**Staff Comment.** The marijuana grow operation will generate odors that will have to be mitigated. The applicant notes “mitigation of potential smell may be brought up. Applicant intends to use natural odor mitigation methods including; plantings of species that mask the smell, such as basil, honeysuckle and lavender.” No documentation about the effectiveness of these species to mitigate smell was provided in the application. The application does not provide any documentation about type, use and storage of chemicals on the site. Chemicals should be stored in a double-walled containment vessel to ensure that there is no uncontained leakage. No prohibited chemicals are to be discharged into the town’s wastewater system and provisions should be made avoid any leakage

or improper waste discharge. Any adverse impacts to environmental quality including, but not limited, to air and/or water quality must be adequately mitigated.

*d. The community need for the proposed rezoning and the relationship of the proposed rezoning to the goal of overall community balance.*

**Staff Comment.** The proposed use is in keeping with the Town of Parachute’s stated interests in developing a marijuana industry to provide revenues in the wake of the downturn in the oil and gas industries. The proposed service commercial zoning designation is compatible with adjacent similar zoning and would add to the commercial/business opportunities available in the town whether or not this particular application moves forward. This annexation and rezoning is in keeping with a goal of maintaining community balance.

### **Special Review Use:**

At a minimum, the Board of Trustees shall also consider the following criteria.

#### ***1. Conformance of the proposal with the Town of Parachute Municipal Code;***

**Staff Comment.** The proposed use will be required to conform to all applicable provisions in the Parachute Municipal Code. This includes conformance to all of the requirements of the Municipal Code, building/fire codes, electric codes and other applicable regulations. In addition to the issues identified previously in this memorandum, the applicant proposes address the required Code sections in more detail in their site plan review submittal that will be provided later if the application is approved. All of these additional materials will be subject to review and staff approval prior to issuance of a building permit.

#### **Landscaping - 15.03.197 General Requirements for all Business, Commercial and Industrial Uses.**

**B. All outdoor storage, trash receptacles and activities associated with permitted uses shall be entirely enclosed by building walls or by a solid masonry wall not less than seven feet (7’) in height located at the front setback line. On all other property lines said uses shall be enclosed by buildings, solid masonry walls, vine covered chain-link fences, or uniformly compact evergreen hedges, continuously maintained and not less than seven feet (7’) in height.** Items stored within one hundred feet (100’) of a dedicated street or residential zone shall not be stacked higher than six feet (6’). Screen landscaping, fences and walls to enclose storage areas between adjoining industrial side and/or rear property lines may be deleted by mutual agreement of the property owners involved and the Town.

**D. All business, commercial and industrial facilities adjacent to residential uses shall be screened from the residential use with landscaping and fencing of a minimum height of six feet (6’) subject to review and approval of the Town Administrator.** No side or rear yards required except where adjoining a residential zone, the side and rear yard(s) shall be a minimum of one hundred feet (100’). Said yards may be used for parking, loading, and accessways. (Amended Ord. 580 §9, 2008)

**E. Where the Industrial Zone Districts fronts, sides, or rears on any arterial street, or a local street which is a boundary with a residential zone, there shall be a yard abutting said arterial street or local street of not less than fifty feet (50’). The twenty feet (20’) nearest the street shall be landscaped and maintained.** The remainder may be used for parking.

**H. All yards between the public street curbing and the property line are to be professionally landscaped and maintained with drought tolerant landscaping, incorporating native shrubs and trees.**

**J. Parking Lot Landscaping.**

- Interior Landscaping Requirement. Landscaping is required in the interior of parking lots to direct traffic, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
- Dual texturing of building facades or a five-foot (5') strip of building perimeter landscaping shall be required, with the exception of rear or side walls abutting other existing buildings.
- Parking lots shall be landscaped as required by this Section. In cases of hardship or to increase safety, the Board of Trustees may permit a portion of the required landscaping to be relocated or allowed other deviation from the parking landscaping to be relocated or allow other deviation from the parking landscaping requirements.
- Interior Landscaping Requirement. Landscaping is required in the interior of parking lots to direct traffic, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
- Parking Lot Perimeter. Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties.

**k. Screening from Residential Lots.**

All off-street parking areas with six (6) or more spaces shall be adequately screened from any adjoining residential lot by landscaping and opaque six foot (6') fencing. The landscaping and fencing shall be maintained in good condition at all times. (Amended Ord. 580 §§18, 19, 2008)

**Staff Comment.** The site is an existing developed property with a small area of existing vegetation and landscaping. The applicant proposes to construct landscaped areas to meet the landscaping requirements. The site plan does not demonstrate how the project will comply with all the landscaping and screening requirements shown above and otherwise required by the regulations. Again, the applicant proposes to bring in a detailed landscaping plan as part of the site plan review process required prior to issuance of a building permit. Unfortunately, this sequencing of submittal materials will not allow the Board of Trustees to know and understand the proposed landscaping scheme. The applicant should verify there is proper irrigation so that all landscaping will survive in the long term. Plant materials that do not survive must be replaced to maintain the required landscaping. All landscaping plans shall be subject to review and approval by the town staff prior to issuance of a building permit.

**Lighting - 15.03.197** General Requirements for all Business, Commercial and Industrial Uses.

K. Parking lot lighting fixtures are to have an overall maximum height that is consistent with the height of the buildings themselves. Walkway lighting fixtures are to have an overall maximum height of fourteen feet (14').

M. Security lighting fixtures are not to project above the fascia or parapet of the building and are to be shielded or recessed in the building walls to provide cut-off at the property line.

15.06.104 Site Plan Requirements. In addition to the requirements of Sections 15.06.102 and 15.06.103, any site plan required in these Regulations shall include:

G. The location and type of outdoor lighting;

**Staff Comment.** The site plan included two parking lot fixtures in the parking lot next to the "future building site". As noted previously, the applicant proposes to bring this detail forward with a site plan review submittal. No fixture cut-sheets were provided, so the fixture specifications are not available. No security lighting is shown on the buildings. All exterior lighting should utilize full cutoff fixtures with downcast lights that prevent lighting trespass on adjacent properties or

glare from adjacent roadways. The applicant is required to meet all requirements of the Town of Parachute lighting standards identified above. A complete lighting plan should be submitted for staff review and approval prior to issuance of a building permit or if a building permit is not required prior to opening the business.

**Parking - ARTICLE 7: STREET PARKING REGULATIONS** details the requirements for parking in Parachute.

15.07.106 Parking Requirements for Uses not Listed. For specific uses not listed in Section 15.07.102 above, the Town Administrator shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.

**Staff Comment.** The parking requirements for wholesale commercial uses and warehouses are “One (1) space for every one thousand square feet (1,000 sq. ft.) of floor area or one and one-half (1.5) spaces per employee whichever results in more parking spaces.” The parking regulations do not list marijuana grow facilities as a use. Parking should be based on the maximum number of anticipated employees, a loading area with parking for deliveries/pickups and space for facility visitors (inspectors, law enforcement, town personnel or others). The applicant should submit an accurate estimate of maximum employees anticipated at peak employment/operations. The applicant must comply with all parking requirements. This information should be submitted to the town staff for review and approval prior to issuance of a building permit or if a certificate of occupancy is not required, prior to opening the business.

In addition to the required parking, “A minimum loading area of three hundred square feet (300 sq. ft.) shall be provided for all commercial or industrial uses that have a building area in excess of two thousand square feet (2,000 sq. ft.), with the exception of office and similar uses.” Again, the applicant shall be required to demonstrate compliance with this code provision.

Parking and loading areas shall be designed in accordance with all requirements and the requirements of the Town of Parachute Manual of Public Works Improvements. All parking spaces must be surfaced with asphalt or concrete; including the loading area. A site drainage plan must be submitted as part of the site plan review process. The drainage plan shall be subject to review and approval by the town engineer prior to issuance of a building permit.

**Access** - Access to the property is the I-70 Frontage Road to a 50-foot access easement that runs from the I-70 Frontage Rd. right-of-way boundary, north to the adjacent property.

**Staff Comment.** All access to the site shall conform to all Town of Parachute and CDOT requirements. Compliance with access requirements shall be demonstrated prior to initiation of the business operation or issuance of a certificate of occupancy. The applicant shall be required to obtain all required CDOT access permits prior to issuance of a certificate of occupancy.

**Storm Drainage Facilities** - Storm drainage should be addressed for the site to ensure proper function.

**Staff Comment.** The application did not include any storm drainage calculations. The town engineer will need the engineered details of site drainage.

**2. *The compatibility of the proposal with the character of the surrounding area including, but not limited to the architectural character of the neighborhood;***

**Staff Comment.** As noted previously, the property is in a relatively rural area with some adjacent residential uses. Although there is not much development surrounding the site, existing uses could be impacted by odor, light, noise or other activities unless these impacts are properly buffered mitigated in the project design. The proposed grow facility is generally compatible with uses to the east, southeast, south and west. Impacts from smells, light, noise, traffic or other activities from the

site must be adequately buffered and mitigated. As noted previously, the applicant does not propose to address these items in any detail until the site plan review process that occurs at a staff level only. The Board of Trustees will not have the benefit of knowing the details of these mitigation measures because of the submittal sequencing proposed by the applicant.

**3. *The desirability of the proposed use in the specific area of the Town;***

**Staff Comment.** As noted previously, the proposed grow operation is in a relatively rural part of Parachute although mitigation will still be required to ensure the site is desirable in the specific area of town subsequent to annexation. The proposed zone change to service commercial to allow the grow facility is desirable in this specific area of town if the use is properly designed and impacts are adequately mitigated.

**4. *The potential for adverse environmental effects that might result from the proposed use;***

**Staff Comment.** The application only generally addresses environmental mitigation and does not include any specifics on chemicals used, chemical storage, protections to the water/sewer utilities, assurance about odor removal, details on lighting fixtures/levels or other potential environmental impactors. Compliance with the applicable town and other regulations to avoid adverse environmental effects is necessary to ensure that there are no adverse environmental effects from the proposed use.

**5. *Conformance of any plan with appropriate engineering and design standards***

**Staff Comment.** The site is an existing developed property adjacent to Parachute in unincorporated Garfield County. Without detailed site engineering, it is not possible to determine if the project conforms to all applicable engineering design standards in the Municipal Code. The Town Engineer and Public Works Department must comment on compliance with applicable town engineering, utility and street access standards.

**6. *Additional criteria set forth for rezoning applications in Section 15.03.185.***

**Staff Comment.** These requirements are addressed in the previous comments under zoning.

**Parkland Dedication**

The municipal code requires that “For every annexation, subdivision or residential or **commercial development**, the Board of Trustees shall require the dedication of certain sites for parks and recreation use or fee in lieu of dedication, and may require reservation of sites for school and other public purposes.”

**Staff Comment.** The applicant will have to address this requirement. Eight percent of 5.48 acres is 0.44 acres (19,166 square feet) of parkland dedication. The Trustees in their sole discretion may accept cash in lieu of land based upon the average value of undeveloped residential land in the town limits. "A minimum of 80% of land dedicated shall lend itself to utilization for public recreation purposes which includes, but is not limited to, the following: play fields, tennis courts, picnic sites and boating areas." Staff recommends that the applicant provide cash in lieu of land because of the location and proposed use of this site. The location and use on the property is not compatible with municipal recreation.

**VII. Review Agency Comments**

***Garfield County -***

**From:** Tamra Allen [<mailto:tallen@garfield-county.com>]  
**Sent:** Wednesday, March 2, 2016 9:05 AM  
**To:** Denise Chiaretta <[DepDen@parachutecolorado.com](mailto:DepDen@parachutecolorado.com)>  
**Subject:** Parachute Annexation

Denise – Please note that Garfield County has received the town’s notice of proposed annexation of property held by West Run, Inc and comprised of 5.479 acres. The county has reviewed this annexation request and at this time has no comments on this proposed annexation.

Thank you,

Tamra Allen, Planning Manager

Garfield County, Colorado [tallen@garfield-county.com](mailto:tallen@garfield-county.com) (970)945-1377 x1630

***Public Works*** - No comments received.

***Town Engineer*** - No comments received.

***Fire Department*** - No comments received.

***Police Department*** - No comments received.

***Utilities Department*** - No comments received.



## VIII. Planning Commission Recommendation to Board of Trustees:

The Parachute Planning Commission considered the application at their April 14, 2016 meeting and recommended **APPROVAL** of the Gerhard Service Commercial Zoning.

In a separate action, the commission recommended **DENIAL** of the Special Review Use Marijuana Cultivation Facility application.

## IX. Board of Trustees Decision Items:

### Annexation

The Planning Commission's recommendation for denial of the Special Review Use for a marijuana cultivation facility was largely based upon the highly visible location of the marijuana cultivation use from the I-70 corridor. The recommendation from the Planning Commission along with the staff's recommendation that property should not be annexed without a site-specific development plan suggests that the Board of Trustees should deny the annexation application. If the Trustees decide to approve the annexation, then they should act on the zoning request.

### Service Commercial Zoning

As noted previously, the Planning Commission recommended approval of the Service Commercial zoning on the property because they felt it was compatible with the surrounding area.

### Special Review Use for Marijuana Cultivation

The Planning Commission recommended denial of the special review use for a marijuana cultivation facility because they felt the use was in the wrong location and there was strong public sentiment against the marijuana cultivation use at that site.

## X. Recommended Motion:

The recommended motion on the Annexation.

*Motion to **DENY** of the Gerhard annexation application.*

As noted previously, the denial of the annexation requires no further action on the Service Commercial Zoning for the Marijuana Cultivation Facility Special Review Use.

(Any modifications made by the Board of Trustees should be added to the motion).

If the Board of Trustees decides to approve the annexation, then they should take separate actions on the zoning and the special review use applications. Approval of zoning stands alone and does not include conditions. Approval of the special review use can and should be accompanied by conditions. The following is a list of conditions that the staff recommended to the Planning Commission, but were not necessary or included because of their recommendation for denial of the special review use.

1. The applicant shall conform to the applicable landscaping requirements in Parachute Land Use Code Design and which shall be subject to town review and approval prior to issuance of a certificate of occupancy.
2. The applicant shall demonstrate to the satisfaction of the town, sufficient irrigation for the permanent landscaping on the site prior to issuance of a certificate of occupancy or commencement of business operations.
3. In conformance with Section 15.03.197, a detailed design for screening of the "trash" area shall be submitted for review and approval by the town prior to issuance of a certificate of occupancy or commencement of business operations.

4. The applicant shall conform to the applicable lighting requirements in Parachute Land Use Code Design Standards in Section 15.06.104 and other applicable sections and shall submit a lighting plan for all exterior lighting, which shall be subject to staff review and approval prior to issuance of a certificate of occupancy or commencement of business operations.
5. All parking spaces (including loading areas) shall conform to the Town of Parachute parking requirements and shall be surfaced with asphalt or concrete.
6. All access to the site shall conform to all Town of Parachute and CDOT requirements. Compliance with access permitting and requirements shall be demonstrated prior to issuance of a certificate of occupancy.
7. Applicant shall propose and demonstrate odor control methodologies sufficient to mitigate odors. Mitigation the smells shall be demonstrated to Town staff's satisfaction before and during the time that the marijuana cultivation use operates.
8. The applicant shall conform to the requirements of the Parachute Sign Code for which, a separate sign permit application is required.
9. Applicant shall submit reports prepared by a qualified Colorado-licensed engineer on water demands, wastewater generation, site drainage, traffic generation, and other related site impacts for review and approval by staff prior to issuance of a building permit.
10. The applicant shall be required to comply with the land dedication requirements specified in Parachute Municipal Code or at the sole discretion of the Board of Trustees pay cash in lieu of land dedication.
11. All development on the site shall comply with the adopted fire codes applicable to the Town of Parachute.
12. The Record of Decision by the Parachute Board of Trustees for the Gerhard Marijuana Cultivation Facility special review use shall be recorded in the real estate records of the Garfield County Clerk and Recorder.
13. All representations made in the Applicant's written materials or verbally as reflected in the minutes of the public meetings or hearings where the Application was presented to or considered by the Commission and/or Board of Trustees are considered part of the Application and binding on the Applicant.
14. Applicant shall reimburse the Town for any and all fees, including consulting costs, incurred in the review of the Application.



TOWN OF PARACHUTE  
 PO BOX 100  
 222 GRAND VALLEY WAY  
 PARACHUTE, CO 81635

## LAND USE APPLICATION

Name of Applicant: West Run, Inc. 2536 Rimrock Ave. Suite 400-380 Grand Junction, CO 81505  
 970-409-2707

Project Name: Carnahan/Gerhard Annexation

Project Location: 8495 Highway 6 & 24, Parachute, CO 81635

LEGAL DESCRIPTION: 2409-132-00-026

Existing Zoning: Rural unincorporated GAR/Co      Proposed Zoning: Service commercial zone district

**Type of Application (check all that apply):**

**SUBDIVISION:**

- |                          |                    |                          |                                      |
|--------------------------|--------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | MINOR SUBDIVISION  |                          |                                      |
| <input type="checkbox"/> | MAJOR SUBDIVISION  | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |
| <input type="checkbox"/> | RE-SUBDIVISION     | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |
| <input type="checkbox"/> | P. U. D.           | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |
| <input type="checkbox"/> | BUILDING DIVISIONS | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |
| <input type="checkbox"/> | AMENDED PLAT       | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |

- |                                     |                      |                                     |                                   |
|-------------------------------------|----------------------|-------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | REZONING             | <input type="checkbox"/>            | SIGN VARIANCE                     |
| <input type="checkbox"/>            | ZONING VARIANCES     | <input type="checkbox"/>            | FLOOD PLAIN DEVELOPMENT           |
| <input checked="" type="checkbox"/> | SPECIAL REVIEW USE   | <input type="checkbox"/>            | VACATION OF STREET, ALLEY, R.O.W. |
| <input type="checkbox"/>            | GEOLOGIC DEVELOPMENT | <input checked="" type="checkbox"/> | ANNEXATIONS                       |
| <input type="checkbox"/>            | LOT CONSOLIDATION    | <input type="checkbox"/>            | WATERSHED PERMIT                  |

PROPERTY OWNER: Jesse Carnahan 8495 Highway 6 & 24, Parachute, CO 81635 970-210-9669

PROJECT ENGINEER/SURVEYOR: Polaris Surveying 3194 Mesa Ave. #6 Grand Junction, CO 81504

ADJACENT PROPERTY OWNERS: (attach separate sheet if needed)

Name	Address
See attached #1	

MINERAL RIGHTS OWNERS & LESSEES OF SUBJECT PROPERTY (attach separate sheet if needed) \*PLEASE NOTE ALL MINERAL RIGHTS OWNERS AND LESSEES MUST BE NOTIFIED 30 DAYS IN ADVANCE TO APPLICATION REVIEW. PLEASE INDICATE ALL MINERAL RIGHTS OWNERS, & LESSEES AS (MR), OR (L)

Name	Address
See attached #1	

DESCRIPTION OF PROPOSAL: (INCLUDE PROPOSED USE, ACREAGE, ETC.)

See attached #2

Describe how this Proposed Land Use Application Complies with the Town of Parachute Land Use Regulations and the Town of Parachute Master Plan 2002.

See attached #3

Describe any possible Flood Plain issues:

N/A

Describe Traffic Impact Fees Proposal: (Standard Calculation or Individual Traffic Study)

N/A

Describe Land Dedication Proposal:

Applicant will comply with 15.01.111 land dedications requirements

Describe Water Rights Dedication Proposal:

Applicant will comply with Town regulations

I Certify that the information and exhibits herewith are true and correct to the best of my knowledge, and that in filing this application, I am acting with knowledge and consent of those persons listed above without whose consent the requested action cannot lawfully be accomplished.

Name: West Run, Inc. Mark Gerhard President

Address: 2536 Rimrock Ave. Suite 400-380 Grand Junction, CO 81505

Signature: Mark Gerhard President Date: 3-1-16

INSTRUCTIONS:

1. **Read both sides of application thoroughly.**
2. **Complete all of the requested information.**
3. Descriptions of property and dedication proposals on this form should be general and brief.
4. All applications must include a **CURRENT TITLE POLICY**, indicating ownership and encumbrances.
5. All applications must include **PROOF OF TAXES PAID**.
6. Applicants should review the Town of Parachute Land Use Regulations 15.01, 15.03, 15.04, 15.05, 15.06, and any other sections specified for the proposed request.
7. **All applicants who are not property owners must present a Letter of Representation, signed and notarized by the property owners.**
8. **Applications not signed and lacking any of the requested information will be deemed incomplete and will not be scheduled for a Planning and Zoning Commission review.**

ADMINISTRATIVE PERSONNEL:

APPLICATION FEE: \$250

APPLICATION RECEIVED DATE: 1/14/2016

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

PLANNING & ZONING HEARING: \_\_\_\_\_

BOT HEARING: \_\_\_\_\_

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

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

P&Z APPROVAL DATE: \_\_\_\_\_

BOT APPROVAL DATE: \_\_\_\_\_

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## PLANNING STAFF COMPLETENESS REVIEW MEMORANDUM

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**TO:** MR. MARK GERHARD  
**FROM:** DAVIS FARRAR - WESTERN SLOPE CONSULTING, LLC  
**SUBJECT:** ANNEXATION, ZONING CHANGE AND SPECIAL REVUEW USE FOR MARIJUANA GROW FACILITY  
**DATE:** 3/3/2016  
**CC:** STUART MCARTHUR, JEFF CONKLIN

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I received and reviewed the copy of your application for Annexation, Zone Change and Special Review Use for a marijuana cultivation application that I picked up at Town Hall on Tuesday March 1, 2016.

Your application consisted of an annexation application, zoning application and special review use application each accompanied by required submittal materials. The submittals included but were not limited to the following items.

1. Application forms for annexation, zoning and special review use, signed by the owner(s) of the property, in the format provided by the Town Clerk.
2. Petition for annexation.
3. Legal description of the property included in the application.
4. Names and addresses of any owners or lessees of mineral rights for the property.
5. The names and addresses of any property owners within two hundred feet (200') of any portion of the property.
6. Statement of the purpose of the application and a description of each proposal.
7. Vicinity map indicating the location of the property included in the land use application.
8. Application fee pursuant to Section 15.01.108.
9. Proof of legal ownership and the names and addresses of the owners of the property and any lienholder(s). The additional items you provided included a quit claim deed and a warranty deed.
10. A zoning petition document as required by the regulations.
11. A site plan.

12. A zoning map.
13. Description about how the application complies with town regulations and the comprehensive plan.
14. Proposal for water rights dedication.
15. Proposal for parkland dedication.
16. Annexation assessment report.
17. Various pictures and materials supporting the application requests.

The **APPLICATIONS ARE COMPLETE.** Your application will be sent to referral agencies for review and comment. The application must be sent to referral agencies within 5 working days of the determination of completeness. The **referral agencies have 20 days to respond with comments.** A meeting will be scheduled with the Planning Commission after the 20-day comment period has expired. **The Planning Commission meeting that was scheduled for March 10 and the Board of Trustees public hearing scheduled for March 17 will be continued to coincide with the review agency response time frame.** This was necessary because the application is not received until March 1, 2016 and the staff has up to 5 working days to make a determination of completeness. I will prepare a staff report for both the Planning Commission and Board of Trustees meetings. The staff report will address all issues related to the application request. **Please submit 5 complete applications with 24" x 36" maps (annexation, site plan, property survey) and 12 complete applications with 11" x 17" maps for the Planning Commission and referral agencies. These submittals should be provided to the Town Manager within 5 days to avoid any delay in mailing of these materials to referral agencies.** Please do not hesitate to contact me if you have any questions or would like to discuss this memo. I can be reached by telephone at 970-963-7172 or by e-mail at [wsconsulting@sopris.net](mailto:wsconsulting@sopris.net). Please contact Town Manager Stuart McArthur for the Planning Commission and Board of Trustees meeting dates.

## Staff Report

Town of DeBeque Board of Trustees Meeting  
Thursday, January 21, 2016Carnahan/Gerhard Petition for Annexation & Resolution of Substantial  
Compliance

Report Date - 1/20/2016

PROJECT INFORMATION	
Name of Project:	Carnahan/Gerhard Annexation
Type of Request:	Annexation Petition & Resolution of Substantial Compliance
Name of Applicant:	Jesse J. Carnahan & Mark Gerhard
Address:	8495 HWY 6&24, Parachute CO 81635
Phone:	970-210-9669
Property Owner:	Jesse J. Carnahan
Property Owner Address/Phone:	Same as above
Applicant Representative:	Mark Gerhard - West Run, Incorporated
Address:	2536 Rimrock Ave., Suite 400-380, Grand Junction, CO 81505, Telephone 970-409-2707
Surveyor	Not Identified
Surveyor Address/Phone:	Not Identified
Parcel Number & Site Address	240913200026
Existing Zoning	Rural - Garfield County
Requested Zoning:	Not Identified
Surrounding Zoning:	<i>North</i> - Unincorporated Garfield County, <i>East</i> - Service Commercial, Light Industrial & Industrial, <i>South</i> - Public & Light Industrial, <i>West</i> - Unincorporated Garfield County
Existing Land Use:	Single-Family Residential
Surrounding Land Uses:	<i>North</i> - Single-Family, Vacant, <i>East</i> - Vacant, Office, Industrial, <i>South</i> - Highway I-70, <i>West</i> - Single-Family Residential.
Proposed Use:	Marijuana Grow Facility & Marijuana Retail Facility
Proposed Annexed Lot Size	5.479 - Acres
Minimum Lot Size	6000 ft. <sup>2</sup>
Property Legal Description	Lot 2 of the Fisher No.1 Subdivision Exemption Plat, Garfield County, Colorado. A parcel of land situated in Lot 3 of Section 13, Township 7 S., Range 96 W. of the 6 <sup>th</sup> Principal Meridian. See exemption plat for meets and bounds description.

Page - 1

Date of Printing - 1/21/16



**Project Location:** North of I-70.

### **I. Description of Application:**

The applicant is requesting approval of a Resolution of Substantial Compliance on an annexation application. If the application is deemed compliant with the annexation statute, the applicant will be requesting Service Commercial zoning and a Special Review Use for a marijuana grow facility on the 5.479-acre property. In addition, the applicant will be processing a license for a marijuana retail store on the property. The site is located contiguous to the existing Parachute municipal boundary, which adjoins the property on the East. The parcel is served by town of Parachute municipal water and sewer.

State law requires that newly annexed properties be zoned within 90 days of the annexation approval. The applicant will be requesting concurrent approval of Service Commercial zoning. For their Special Review Use, the applicant will need to submit a site plan that conforms to the Parachute land use regulations and which includes: parking, location and type of outdoor lighting, proposed building, locations of service or refuse collection areas, all proposed signs, existing or proposed fences and methods of visual screening.

**Sewer Service** – Town of Parachute.

**Water** - Town of Parachute. The applicant proposes to dedicate irrigation water rights or the sole option of the Parachute Board of Trustees provide cash in lieu of water rights.

**Electric** - Not Identified

Gas - Not Identified.

Telephone - Century Link.

**II. Applicable Regulations:**

*31-12-108. Setting hearing date - notice given.*

(1) As a part of the resolution initiating annexation proceedings by the municipality or of a resolution finding substantial compliance of an annexation petition or of a petition for an annexation election, the governing body of the annexing municipality shall establish a date, time, and place that the governing body will hold a hearing to determine if the proposed annexation complies with sections 31-12-104 and 31-12-105 or such parts thereof as may be required to establish eligibility under the terms of this part 1. The hearing shall be held not less than thirty days nor more than sixty days after the effective date of the resolution setting the hearing. This hearing need not be held if the municipality has determined conclusively that the requirements of sections 31-12-104 and 31-12-105 have not been met.

**III. Requested Actions:**

The applicant is requesting consideration of the annexation petition and is requesting Board of Trustees approval of a Resolution of Substantial Compliance.

**IV. Eligibility for Annexation Staff Comments:**

**ANNEXATION:**

*Compliance with the provisions of the annexation petition.*

a. *One-sixth (1/6) contiguity requirement with the Town of Parachute.*

*Staff Comment.* The subject property has 1/6<sup>th</sup> contiguity with Parachute along the east boundary of the property.

b. *A community of interest exists between the Town and the area proposed to be annexed to the Town of Parachute, Colorado.*

*Staff Comment.* A community of interest exists between the Town and the area proposed for annexation. The Town of Parachute municipal boundary adjoins the property east of the site. Town administration, public works and the police department can cost-effectively serve the property. This parcel has a direct relationship to the Parachute community.

c. *The area proposed to be annexed is urban or will be urbanized in the near future.*

*Staff Comment.* The area proposed for annexation can be urbanized as a part of Parachute. Additionally, the applicant will be submitting a development plan for the property that conforms to the Town of Parachute Comprehensive Plan and land use regulations.

d. *The area proposed to be annexed is integrated or is capable of being integrated with the Town of Parachute, Colorado.*

*Staff Comment.* The proposed annexation can be integrated with the Town of Parachute and is capable of being integrated with the Town of Parachute. Annexation of this property constitutes a logical extension of the community adjacent to the municipal limits.

e. *In establishing the boundaries of the area proposed to be annexed, no real property held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate will be divided into separate parts or parcels without the written consent of the landowners.*

*Staff Comment.* It appears that not all of the property owned by the applicant is proposed for

annexation and a portion of the property will remain outside of the town limits. However, no property held in identical ownership will be divided into separate parts or parcels without the written consent of the landowners and approval of the Town of Parachute as applicable.

- f. *In establishing the boundaries of the area proposed to be annexed, no real property held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the annexation) shall be included without the written consent of the landowners.*

**Staff Comment.** The subject property is approximately 5.479-acres. All property identified as Lot 2 in the Fisher No.1 subdivision exemption plat which is owned by the applicant is proposed for annexation.

- g. *The property proposed for annexation is not presently part of any incorporated city or town, nor have annexation proceedings been commenced for the annexation of part of all of such property to another municipality.*

**Staff Comment.** Subject property is not presently part of any incorporated city or town and no annexation proceedings to another municipality have been initiated for part or all of the subject property.

- h. *The proposed annexation will not result in the detachment of real property from any school district and the attachment of same to another school district.*

**Staff Comment.** Proposed annexation will not result in the detachment of real property from any school district or the attachment of the same to another school district.

- i. *The proposed annexation will not have the effect of extending the municipal boundary more than three (3) miles in any direction in one (1) year.*

**Staff Comment.** The proposed annexation will not have the effect of extending the municipal boundary for more than 3 miles in any direction in one year.

- j. *The undersigned are the owners of 100 percent of the real property proposed to be annexed, and hereby consents to the establishment of the boundaries of this property as shown on the annexation plat submitted herewith.*

**Staff Comment.** The applicant represents that the property holder owns 100% of the property proposed to be annexed.

- k. *No election for annexation to the Town of Parachute, Colorado has been initiated for the real property to be annexed hereunder within the preceding twelve (12) months.*

**Staff Comment.** No election for annexation to the Town of Parachute has been initiated within the preceding 12 months.

## **VI. Summary and Conclusions.**

This project is a logical extension of the Parachute municipal boundary. Specific development issues will be considered during the Special Review Use and zoning process which, at a minimum, shall include a properly executed annexation map suitable for recording and subject to acceptance by the Town of Parachute, complete and comprehensive Zoning and Special Review Use applications and other materials required by the Parachute Municipal Code. All of these applications shall be subject to further discussions with the Planning Commission and Board of Trustees. These topics and others will be included in an associated comprehensive annexation

agreement.

### General Site Vicinity Map



**TOWN OF PARACHUTE, COLORADO**  
**RESOLUTION NO. 2016-06**

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**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, FINDING THE WEST RUN, INC. ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION.**

**WHEREAS**, in January 2015, West Run, Inc. filed with the Town Clerk of the Town of Parachute, Colorado, a petition and request that the Board of Trustees commence proceedings to annex to the Town of Parachute a certain unincorporated tract of land located in the County of Garfield, State of Colorado, described on Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, the Town planning staff advised the Board of Trustees that after a review of the annexation Petition and map, staff determined that the Petition and map are in substantial compliance with the state statutes, as required by C.R.S. § 31-12-107; and

**WHEREAS**, the Petition alleges as follows:

- 1) It is desirable and necessary that the territory described above be annexed to the Town of Parachute, Colorado.
- 2) The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:
  - a) Not less than 1/6th of the perimeter of the area proposed to be annexed is contiguous with the Town of Parachute, Colorado.
  - b) A community of interest exists between the area proposed to be annexed and the Town of Parachute, Colorado.
  - c) The area proposed to be annexed is urban or will be urbanized in the near future.
  - d) The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Parachute, Colorado.
- 3) The requirements of C.R.S. § 31-12-105, as amended, exist or have been met, including without limitation the following:
  - a) In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

- (1) has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof.
  - (2) comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation), has been included without the written consent of the landowners.
- b) No annexation proceedings have been commenced for the annexation to a municipality other than the Town of Parachute, Colorado, of all or part of the territory proposed to be annexed.
  - c) The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.
  - d) The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the Town of Parachute more than three (3) miles in any direction from any point on the current municipal boundary of the Town in any one year; and

**WHEREAS**, the Town has or will have in place a plan meeting the requirements of C.R.S. § 31-12-105(e) prior to the effective date of the proposed annexation; and

**WHEREAS**, no election for annexation of the area proposed to be annexed to the Town has been held in the preceding twelve (12) months; and

**WHEREAS**, the signer of the Petition is the owner of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys; and

**WHEREAS**, the annexation to the Town of Parachute, Colorado, of the area proposed to be annexed will not result in a change of county boundaries; and

**WHEREAS**, the name and mailing address of the signer of the Petition and date of signing are included in the Petition, and the legal descriptions of the land owned by Petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the Town Clerk; and

**WHEREAS**, the Petition is accompanied by four (4) or more copies of an Annexation Map containing, among other things, the following information:

- a) A written legal description of the boundaries of the area proposed to be annexed to the Town of Parachute, Colorado;
- b) The boundary of the area proposed to be annexed to the Town of Parachute, Colorado;
- c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
- d) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Parachute, Colorado; and

**WHEREAS**, none of the area proposed to be annexed to the Town of Parachute, Colorado, is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town; and

**WHEREAS**, it appears that the Petition filed as aforesaid is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The Town incorporates the foregoing recitals as findings by the Board of Trustees.

Section 2. The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended.

Section 3. The Board of Trustees of the Town of Parachute, Colorado, will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. § 31-12-104 and § 31-12-105, as amended, and is considered eligible for annexation. The hearing shall be held on **March 17, 2016**, commencing at the hour of 6:30 p.m. Parachute Town Hall, 222 Grand Valley Way, Parachute, Colorado.

Section 4. Any person may appear at such hearing and present evidence upon any matter to be determined by the Board of Trustees of the Town of Parachute, Colorado.

Section 5. The Town Clerk of the Town of Parachute, Colorado shall give notice of the hearing to be held upon the Petition by causing notice thereof, in accordance with C.R.S. § 31-12-108(2), as amended, to be published once a week for four (4) successive weeks in the *Post Independent* a newspaper of general circulation in the area proposed to be annexed, the first publication to occur at least thirty (30) days prior to the aforesaid hearing. In addition, a copy of the published notice, together with a copy of this resolution and petition as filed, shall be sent by registered mail by the Town Clerk to the board of county commissioners and to the county attorney and to any special district or school district having territory within the area to be annexed at least twenty-five (25) days prior to the hearing date.

**INTRODUCED, PASSED, ADOPTED, AND APPROVED** by a vote of 4 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21<sup>st</sup> day of January, 2016 and approved by the Mayor on the 21<sup>st</sup> day of January, 2016.



**BOARD OF TRUSTEES OF THE  
TOWN OF PARACHUTE, COLORADO**

By

  
Roy B. McClung  
Mayor

**ATTEST:**

  
S. Denise Chiaretta  
Town Clerk

**TOWN OF PARACHUTE, COLORADO**  
**RESOLUTION NO. 2016-11**

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**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO CONCERNING THE WEST RUN, INC. ANNEXATION PETITION.**

**WHEREAS**, in January 2016, West Run, Inc. filed with the Town Clerk of the Town of Parachute, Colorado, a petition and request that the Board of Trustees commence proceedings to annex to the Town of Parachute a certain unincorporated tract of land located in the County of Garfield, State of Colorado, described on Exhibit A, attached hereto and incorporated herein by reference (the "Annexation Parcel");

**WHEREAS**, the Board of Trustees, by Resolution No. 2016-06, found that the Petition is in substantial compliance with the requirements of the Municipal Annexation Act and established a date, time, and a place for a hearing upon the Petition;

**WHEREAS**, notice of such hearing was published on February 15, February 24, March 2, March 9, and March 14, 2016 in the *Post Independent* newspaper;

**WHEREAS**, the public hearing on the Petition was held on March 17, 2016 at a regularly scheduled meeting of the Board of Trustees, and at such hearing any person permitted to appear pursuant to C.R.S. § 31-12-109(1) had the opportunity to appear and present evidence upon any matter determined by the Board of Trustees; and

**WHEREAS**, the Board of Trustees finds and determines that the hearing upon the Petition is now complete.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Pursuant to C.R.S. §§ 31-12-108 and -110, the Board of Trustees makes the following findings of fact, determinations, and conclusions:

FINDINGS OF FACT, DETERMINATIONS AND CONCLUSIONS

1. The City incorporates the foregoing recitals as findings and determinations by the Board of Trustees, and conclusively makes all of the Findings of Fact, Determinations and Conclusions contained herein.

2. For the Annexation Parcel, the Town staff has determined, and the Board of Trustees so finds, that the landowners of one hundred percent (100%) of the Annexation Parcel to be annexed, excluding public streets and alleys, signed and filed the Petition requesting the annexation to the Town of the Annexation Parcel described in the Petition.

3. The Petition is accompanied by four (4) or more copies of the Annexation Map which contains, among other things, the information required by C.R.S. § 31-12-107(1)(d).

4. For the Annexation Parcel, the requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:

- A. Not less than one-sixth (1/6th) of the perimeter of the Annexation Parcel is contiguous with the Town.
- B. A community of interest exists between the Annexation Parcel and the Town.
- C. The Annexation Parcel is urban or will be urbanized in the near future.
- D. The Annexation Parcel is integrated with or is capable of being integrated with the Town.

5. For the Annexation Parcel, the requirements of C.R.S. § 31-12-105, as amended, exist or have been met, including without limitation the following:

- A. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
  - (1) has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, roadway, or other public way; or
  - (2) comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation) has been included without the written consent of the landowners.
- B. No annexation proceedings have been commenced for the annexation to a municipality other than the Town of all or part of the Annexation Parcel.
- C. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.

- D. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the Town more than three (3) miles in any direction from any point on the current municipal boundary of the Town.
- E. The Town has previously prepared and adopted a plan meeting the requirements of C.R.S. § 31-12-105(e).
6. No election is required under C.R.S. §§ 31-12-112 and -107(2) for the Annexation Parcel, as no additional terms or conditions are to be imposed upon the owners of property not otherwise agreed to by such owners.
7. The signer of the Petition is the sole owner of one hundred percent (100%) of the area proposed to be annexed, exclusive of public streets and alleys.
8. The annexation to the Town of the Annexation Parcel will not result in a change of county boundaries.
9. No election for annexation of the area proposed to be annexed to the Town has been held in the preceding twelve (12) months.
10. The names and mailing address of the signer of the Petition and dates of signing are included in the Petition, and the legal description of the land owned by such petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the Town Clerk.
11. No area of the Annexation Parcel proposed to be annexed to the Town is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town.
12. It is desirable and necessary that the Annexation Parcel described on Exhibit A be annexed to the Town.
13. The Board of Trustees determines that Annexation Parcel is eligible for Annexation.

Section 3. The Resolution does not have the effect of annexing the Annexation Parcel. The Board of Trustees determines that Annexation Parcel is eligible for Annexation and, therefore the Annexation Parcel may be annexed by Ordinance. Annexation of the Annexation Parcel shall only be effective upon the Board of Trustees adopting an annexing ordinance and compliance with C.R.S. § 31-12-113.

**INTRODUCED, PASSED, ADOPTED, AND APPROVED** by a vote of 6 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 17<sup>th</sup> day of March, 2016 and approved by the Mayor on the 17<sup>th</sup> day of March, 2016.



**BOARD OF TRUSTEES OF THE  
TOWN OF PARACHUTE, COLORADO**

By Roy B. McClung  
Roy B. McClung  
Mayor

**ATTEST:**

S. Denise Chiaretta  
S. Denise Chiaretta  
Town Clerk



# Letter of representation

I, Jesse Carnahan owner of 8495 Highway 6 & 24, Parachute Co 81635 give my permission to Mark Gerhard to represent and process the land use application for annexation and zoning and those applications and other details of the process.

Sincerely,



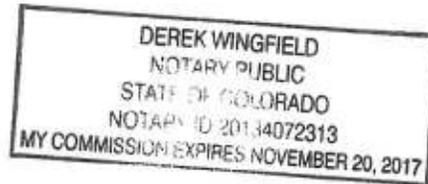
Jesse Carnahan

*state of Colorado  
County of Garfield*

*P. N. J.*

*2-11-16*

*Notary Exp: 11-20-17*





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# WEST RUN, INC. CARNAHAN/GERHARD LAND USE

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Statement of purpose



FEBRUARY 2, 2016  
WEST RUN, INC.  
2536 Rimrock Ave. Suite 400-2380 Grand Junction, CO 8105

## West Run, Inc. Zoning

Application.....1-3

Letter of Representation.....4

Statement of Purpose.....5-9

Application Submittal Requirements: 15.05

Legal description.....10

Proof of ownership/warranty deed.....11

Names and addresses of owners/mineral rights/and property owners within 200'  
Of property.....12

Vicinity map.....13

Statement of Taxes.....14

Town of Parachute Zoning Map Draft.....15

Town of Parachute future land use map.....16

Page 54 of the Town of Parachute Better City Plan.....17

Letter of Purpose

West Run, Inc.  
2536 Rimrock Ave  
Suite 400-380  
Grand Junction, CO 81505

Town of Parachute  
Board of Trustees  
222 Grand Valley Way  
Parachute, CO 81635

RE: Proposed request for Annexation, Zoning, Special use review/RME

Dear Board of Trustees:

West Run, Inc. has petitioned the Town of Parachute under Title 15, Section 2: Annexation, 15.02.106 Annexation Petitions, Rezoning under 15.02.112 Zoning during Annexation and 15.03.165 Special Review Uses.

For Garfield County Assessors records Parcel ID# 2409-132-00-026 and a physical address of 8495 Highway 6 & 24, Parachute, CO 81635

Petitioners proposed property is eligible under 15.02.102 Eligibility:

- A. The area proposed to be annexed perimeter is greater than 1/6th and is contiguous with Town.
- B. A community of interest exist, the Towns municipal boundary borders the east and south property boundaries.

Petitioner proposes that no limitations prevent annexation of proposed property under 15.02.103 Limitations:

- A. The annexation will not divide property.
- B. No partial streets or alleys will take place
- C. Annexation is a part of Towns plans for annexation
- D. No other annexations have taken place in the last 12 months that have extended the Towns boundary by more than 3 miles

Petitioner submits petition under 15.02.105 Annexation Petitions

- A. Petition for Annexation: landowners who own more than 50% of the proposed land for annexation of an area are eligible for annexation and may Petition the Town Board of Trustees
- The owner of the proposed property for annexation has 100% ownership

Petitioner has paid the required fees under 15.02.106 Annexation Fees

Petitioner requests annexed property be placed in 15.03.208 SC Service Commercial Zone District concurrently with the Annexation process: The service commercial zone district is intended to provide

areas for wholesale and commercial uses located near major highway intersections away from residential uses.

Petitioner requests special review use review under 15.03.165 Special Review Uses for multiple RME licenses Under Title 6, Chapter 6.11 Section: 040

Petitioner is in compliance with 15.06.102 common Submittal requirements

- A. An application/Petition form signed by the owner of property, in format provided by the Town  
See attached Petition for rezoning
- B. A legal description of property  
See attached Legal description
- C. Proof of legal ownership and names and addresses of the owners of the property  
See attached Warranty Deed and address sheet
- D. The names and addresses of any owners of mineral rights for the property  
See attached address sheet
- E. The names and addresses of any property owners within two hundred feet (200') of any portion of the property  
See attached address sheet
- F. A statement of Purpose and brief description of proposal  
See attached statement of purpose/Letter of intent
- G. A vicinity map indicating the location of the property included in the Land Use application  
See attached annexation map with vicinity map imbedded
- H. An application fee per section 15.01.108: paid

Sincerely,

West Run, Inc.  
Mark Gerhard President

Land use application

How this land use application complies with Town Master/Better City Plan

- The 2005 master plan/2008 upgrade 6.0 Goals and Policies Statements:
- 6.2.5 Extensions of Town Boundaries and utilities shall be minimized,
- \$ new annexations shall not be made without good justifications and economic benefits to the Town:
  - 1, Applicant has all the elements and code requirements for annexation
  - 2, Town will realize economic benefits from
    - 1, increase from property tax,
    - 2, increase in sales taxes
    - 3, increase in overall business tax revenues for Town
    - 4. Increased advertising for Town
- The 2005/2008 Master plan update designates this property as outside town limits as reflected in the 2015 zoning map draft.
- The 2014 Draft Future Land use map designates this property for commercial use.
- The Better City Plan proposes that part of the land in the Industrial and commercial light Industrial zoned areas is outside town limits and is targeted for annexation, and business parks, light industrial parks and agri-business related industries is the best use.
- It is applicants request that the applicable classification of the property according to the 2005/2008 Master Plan upgrade: 7.0 Master Plan-Land Use Categories, that the best use of the proposed property as reflected by the Master Plan and 2014 Future Land Use Draft is:
  - 7.6 Commercial Service - To accommodate wholesale and service uses which require greater land areas. Such districts must be located near major intersections and so as not to interfere with residential neighborhoods. Uses should be clustered to make the best use of the land.
  - 15.03.208 SC Service Commercial: The service commercial zone district is intended to provide areas for wholesale and commercial uses located near major highway intersections away from residential uses.
- Applicant has met the code requirements in Article 15 for land use, annexation, zoning and special review use

EXHIBIT A

Order Number: 05000191

LEGAL DESCRIPTION

A PORTION OF PARCEL NO. 700-R REV. OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, FORMERLY KNOWN AS STATE DEPARTMENT OF HIGHWAYS, PROJECT NO I 70-1(45), SITUATED IN LOT 3 OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 96 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13, A BRASS CAP PROPERLY MARKED FOR THE NORTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 89°18'00" EAST ALONG THE NORTHERLY LINE OF SAID SECTION 13, 1351.55 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, A BRASS CAP IN PLACE, L.S. NO. 18480; THENCE NORTH 89°18'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 3 549.23 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89°18'00" EAST 256.27 FEET TO A REBAR AND CAP IN PLACE, STAMPED L.S. NO. 11980, THENCE LEAVING SAID NORTHERLY LINE SOUTH 57°02'00" EAST 106.30 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE FOR U.S. INTERSTATE NO. 70; THENCE SOUTH 40°04'30" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE 573.20 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 43°06'30" WEST 324.57 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE NORTH 46°54'57" WEST 352.89 FEET; THENCE NORTH 57°57'34" EAST 410.05 FEET; THENCE NORTH 29°47'29" EAST 313.07 FEET TO THE TRUE POINT OF BEGINNING,

ALSO DESCRIBED AS:

LOT 2  
ACCORDING TO THE FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT RECORDED SEPTEMBER 6, 1995 AS RECEPTION NO. 482721  
Subject to and together with a 50.00 foot wide access easement as described in Reception No. 476606 as recorded in the office of the Clerk and Recorder of Garfield County

COUNTY OF GARFIELD  
STATE OF COLORADO



Property owner(s) if different from applicant (inclusive of mineral owners/lessees):

Name	Mailing Address	Parcel ID#
1. Jesse Carnahan	8495 Highway 6 & 24, Parachute, CO 81635	240913200026
2. ( MR) Sperry, Roberts and Musgrave	2506 Van Buren Rd, Grand Junction, CO 81505 2891 Jean Ln. Grand Junction, CO 81506	same
3. (L) WPX Energy Rocky Mountain, LLC.	1001 17 <sup>th</sup> St. Suite 1200 Denver, CO 80202	same

Attach additional sheets if necessary.

Current list of adjoining and abutting property owners to the subject parcel obtained from the Garfield County Assessor's Office.

Name	Mailing Address	Telephone
1. State Of Colorado Dept of Highways	4201 Arkansas Ave, Denver, CO 80222-3406	2409-912-30-005
2. Parachute Development Corp.	P.O. Box 686 Glenwood Springs, CO 81602	2409-123-02-010 2409-123-02-008
3. C & B Land Holdings, LLC	P.O. Box 3045 Grand Junction, CO 81502	2409-123-02-009
4. Martinez, Efrain	8469 Highway 6 & 24, Parachute, CO 81635	2409-123-00-025
5. Lindauer Family Trust	P.O. Box 626 Parachute, CO 81635-0626	2409-123-00-004
6. David & Nina Cook	8393 Highway 6 & 24 Parachute, CO 81635	2409-132-00-027
7.		
8.		
9.		
10.		



# Garfield County Treasurer Statement Of Taxes Due

Account Number R460071  
Acres 5.479  
Assessed To

Parcel 240913200026

CARNAHAN, JESSE J  
8495 HIGHWAY 6 & 24  
PARACHUTE, CO 81635

**Legal Description**

Section 13 Township: 7 Range. 96 A TR IN LOT 3 AKA LOT 2 FISCHER # 1 EXEMPTION

Situs Address  
008495 6 HWY

Year	Tax	Interest	Fees	Payments	Balance
2015	\$939.20	\$0.00	\$0.00	\$0.00	\$939.20
<b>Total Tax Charge</b>					<b>\$939.20</b>
<b>Grand Total Due as of 02/18/2016</b>					<b>\$939.20</b>

Tax Billed at 2015 Rates for Tax Area 046 - 16-BHFZ - 046

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	10.9050000	\$253.97	SINGLE FAM.RES -LAND	\$67,000	\$5,330
GARFIELD COUNTY - ROAD & B	1.5000000	\$34.94	SINGLE FAM.RES- IMPROVEMTS	\$225,570	\$17,960
GARFIELD COUNTY - SOCIAL SE	1.2500000	\$29.11			
GRAND VALLEY AND RURAL FIRE	3.2670000	\$76.09	<b>Total</b>	<b>\$292,570</b>	<b>\$23,290</b>
BLUESTONE WATER CONS	0.0050000*	\$0.12			
COLD RIVER WATER CONS	0.2430000*	\$5.66			
GRAND RIVER HOSPITAL	5.5970000*	\$130.36			
GRAND VALLEY CEMETERY	0.0070000*	\$0.16			
SCHOOL DIST 16	8.5550000	\$199.25			
COLORADO MTN COLLEGE	3.9970000	\$93.09			
PARA/BATTEMENT PARK & REC	4.0000000	\$93.16			
GARFIELD COUNTY PUBLIC LIBR	1.0000000	\$23.29			
<b>Taxes Billed 2015</b>		<b>\$939.20</b>			
* Credit Levy	40.3260000				

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY AND MOBILE HOMES - SEPTEMBER 1, 2016, REAL PROPERTY - SEPTEMBER 1, 2016. TAX SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

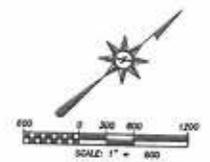
Garfield County Treasurer  
P.O. Box 1069  
Glenwood Springs, CO 81602-1069  
(970) 945-6382







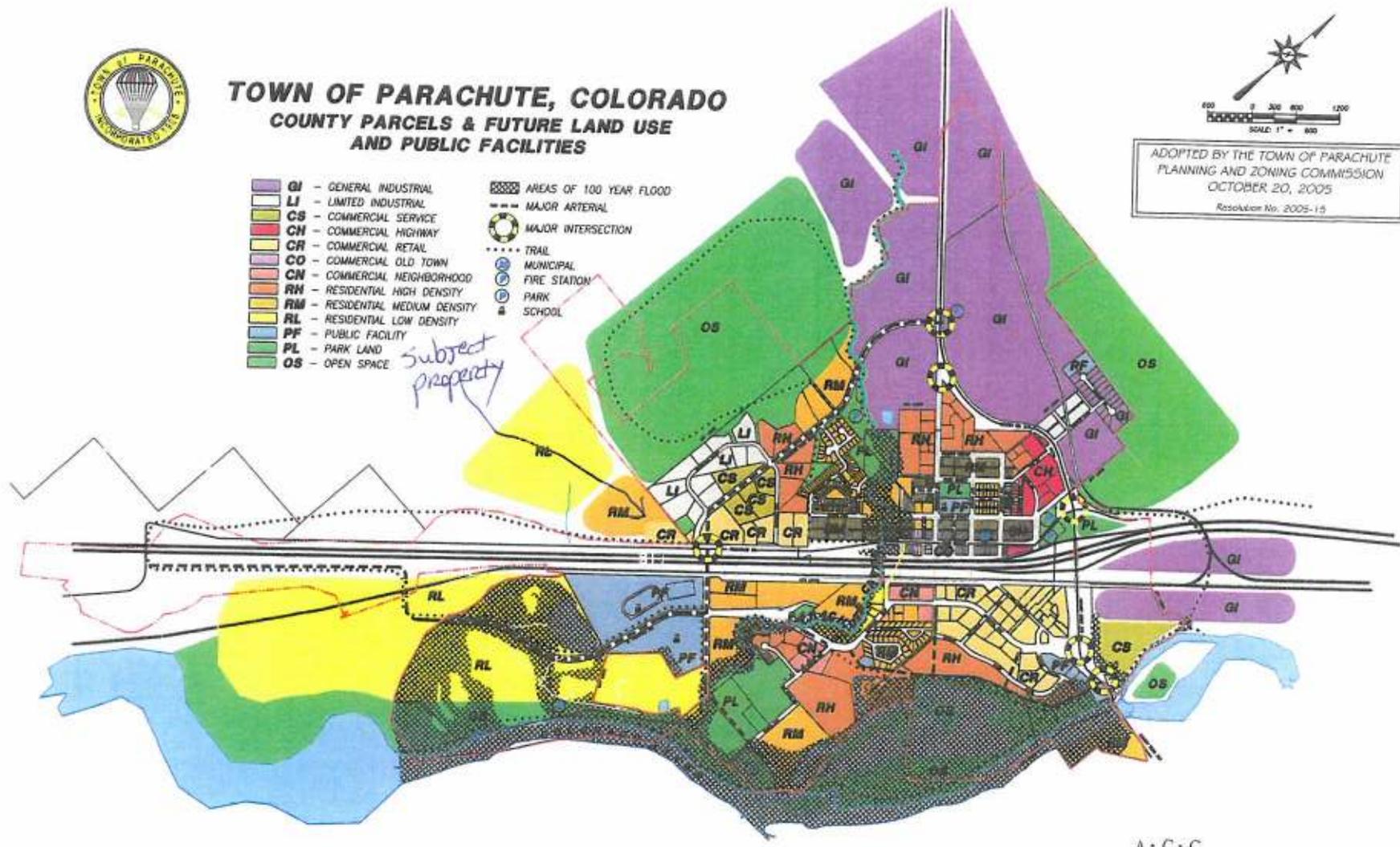
# TOWN OF PARACHUTE, COLORADO COUNTY PARCELS & FUTURE LAND USE AND PUBLIC FACILITIES



ADOPTED BY THE TOWN OF PARACHUTE  
PLANNING AND ZONING COMMISSION  
OCTOBER 20, 2005  
Resolution No. 2005-15

- GI - GENERAL INDUSTRIAL
  - LI - LIMITED INDUSTRIAL
  - CS - COMMERCIAL SERVICE
  - CH - COMMERCIAL HIGHWAY
  - CR - COMMERCIAL RETAIL
  - CO - COMMERCIAL OLD TOWN
  - CN - COMMERCIAL NEIGHBORHOOD
  - RH - RESIDENTIAL HIGH DENSITY
  - RM - RESIDENTIAL MEDIUM DENSITY
  - RL - RESIDENTIAL LOW DENSITY
  - PF - PUBLIC FACILITY
  - PL - PARK LAND
  - OS - OPEN SPACE
- AREAS OF 100 YEAR FLOOD
  - MAJOR ARTERIAL
  - MAJOR INTERSECTION
  - TRAIL
  - MUNICIPAL
  - F FIRE STATION
  - P PARK
  - S SCHOOL

*Subject property*



MAP SUBJECT TO PARACHUTE ZONING AND LAND USE MAP (DMS) 11/20/05 (p.1)

**A · C · G**  
**AUSTIN CIVIL GROUP, INC**  
Land Planning • Civil Engineering • Development Services  
223 West 11th Street, Suite 202 • Austin, Texas 78701  
(512) 476-1111

DATE	DESCRIPTION
10/20/05	ADOPTED BY TOWN OF PARACHUTE PLANNING AND ZONING COMMISSION
11/20/05	REVISED
04/18/16	REVISED

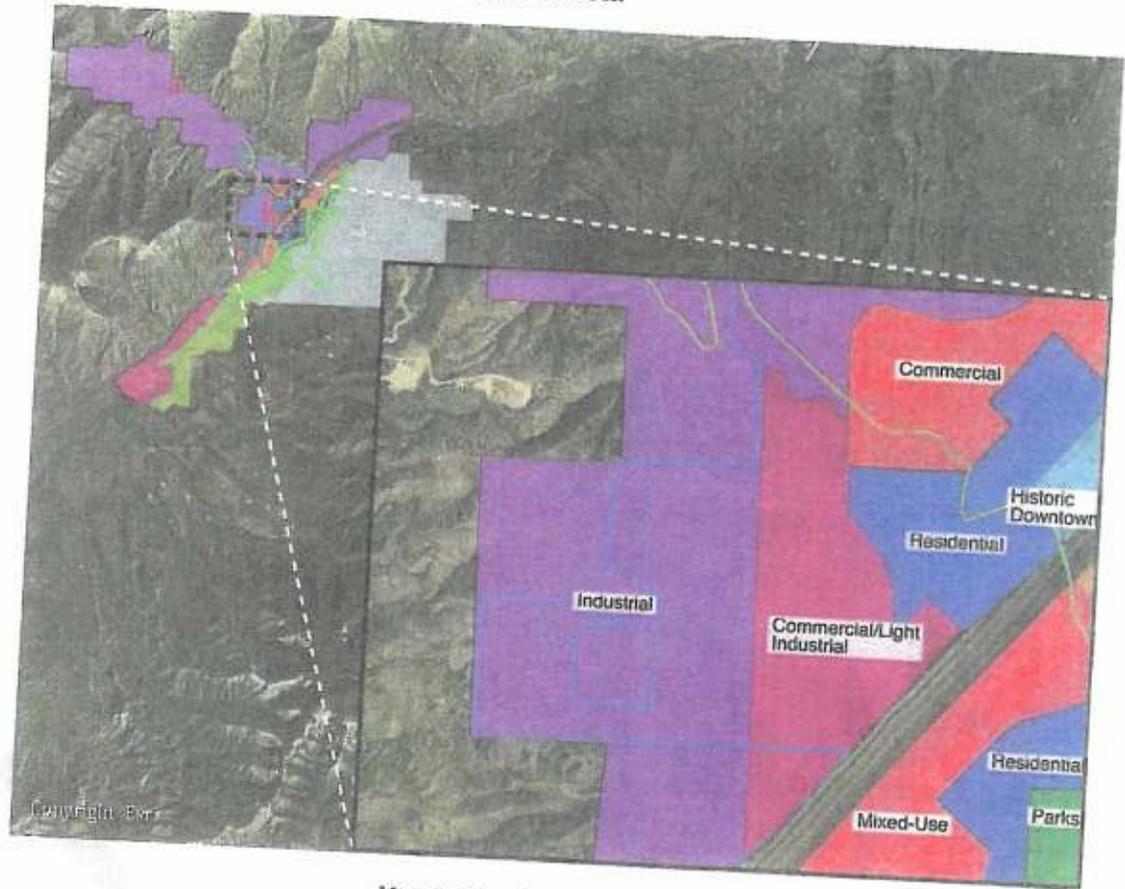
## WEST CENTRAL

The west central section of Town will serve as the site for future Industrial, Light Industrial, and Commercial development. Convenient access along Parachute Park Blvd. will be a major benefit to new businesses in this region of Town. The Commercial/Light Industrial zone will be most appropriate for light manufacturing, business parks, light industrial parks, and agribusiness related industries. Development of new businesses in the Industrial zone to the west will be difficult due to unfavorable slope.

The Commercial zone located to the north of the Residential zone may take some time before it is fully utilized, but it is anticipated to become a commercial corridor that connects the Historic Downtown with the major businesses up the canyon toward the north.

Part of the land within the proposed Industrial and Commercial/Light Industrial zones are currently located outside Town limits. These sections

should be considered for future annexation.



Map 6: West Central Parachute

TOWN OF PARACHUTE APPLICATION FOR ANNEXATION & RESOLUTION OF  
SUBSTANTIONAL COMPLIANCE  
CRS Sections 31-12-104 and 31-12-105 & Parachute Land Use Regulations Article 2



**Important - Please Read the Following Information Carefully**

It is the applicant's responsibility to obtain, read and understand all of the relevant sections of the Parachute Municipal Code applicable to this procedure. Please keep in mind that more than one section of the code may apply to your application. These regulations are available through the Town of Parachute municipal offices at a nominal cost. If you do not understand portions of the Code concerning your application, please ask questions. Failure to complete the application, submit all of the required materials or answer questions completely and accurately may result in a delay and processing or a rejection of the application as incomplete. All fees must be paid in full at the time of application. Public meetings or public hearings will not be scheduled for an application until it is deemed complete by the Town. Each applicant should take the time necessary to submit a complete and comprehensive application. Town staff is available to direct the applicant to appropriate sources of information.

**APPLICANT**

Date: 1/19/2016

Name: West Run, Inc. Agent  X

Mailing Address: 2536 Rimrock Ave. Suite 400-380, Grand Junction, CO 81505

Mailing Address for Notices, if different from above:

Telephone: 970-409-2707 Fax: \_\_\_\_\_ Cell: 970-409-2707 E-mail: westruninc@gmail.com

**SECOND APPLICANT (IF NECESSARY)**

Date: N/A

Name: \_\_\_\_\_ Owner  Agent

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

Mailing Address for Notices, if different from above:

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_ E-mail: \_\_\_\_\_

**PROPERTY SUBJECT TO APPLICATION**

Street Address: 8495 Highway 6 & 24, Parachute, CO 81635

Practical Property Description: Lot #2 Fisher Subdivision

Parcel Number PI# 2409-132-00-026

Legal Description (may attach):

Attached

Acreage or Square Feet of Parcel 5.79 Existing Zoning: Gar/Co Rural Zone District

Proposed Zoning: Service commercial

Surrounding Zoning - North: Gar/Co Rural Zone District South: Public & Light Industrial East: Service Commercial  
West: Gar/Co Rural Zone District

**TOWN OF PARACHUTE APPLICATION FOR ANNEXATION & RESOLUTION OF  
SUBSTANTIAL COMPLIANCE  
CRS Sections 31-12-104 and 31-12-105 & Parachute Land Use Regulations Article 2**

Description of Annexation Request (attach additional sheets if necessary):

Applicant has petitioned the Town under Title 15-Article 2 Annexation, for property located at 8495 Highway 6 & 24, Parachute, CO 81635 and requests a resolution of substantial compliance. Applicant requests that the Town upon annexation zone the property in the service commercial zone district. Applicant proposes to utilize the property for RME operations, including a retail store and cultivation facility. Applicant will comply with 15.01.111 land dedication requirements. And water dedication requirements.

Present Use of Subject Property: Single family residence, equipment storage inside and outside

Uses Surrounding Subject Parcel - North: single-family, vacant, South: Highway I-70, East: Vacant, Office, Industrial, West: Single-family,

Property owner(s) if different from applicant (inclusive of mineral owners/lessees):

Name	Mailing Address	Parcel ID#
1. Jesse Carnahan	8495 Highway 6 & 24, Parachute, CO 81635	240913200026
2. ( MR) Sperry, Roberts and Musgrave	2506 Van Buren Rd, Grand Junction, CO 81505 2891 Jean Ln. Grand Junction, CO 81506	same
3. (L) WPX Energy Rocky Mountain, LLC.	1001 17 <sup>th</sup> St. Suite 1200 Denver, CO 80202	same

Attach additional sheets if necessary.

Current list of adjoining and abutting property owners to the subject parcel obtained from the Garfield County Assessor's Office.

Name	Mailing Address	Parcel ID#
1. State Of Colorado Dept of Highways	4201 Arkansas Ave, Denver, CO 80222-3406	2409-912-30-005
2. Parachute Development Corp.	P.O. Box 686 Glenwood Springs, CO 81602	2409-123-02-010 2409-123-02-008
3. C & B Land Holdings, LLC	P.O. Box 3045 Grand Junction, CO 81502	2409-123-02-009
4. Martinez, Efrain	8469 Highway 6 & 24, Parachute, CO 81635	2409-123-00-025
5. Lindauer Family Trust	P.O. Box 626 Parachute, CO 81635-0626	2409-123-00-004
6. David & Nina Cook	8393 Highway 6 & 24 Parachute, CO 81635	2409-132-00-027
7.		
8.		
9.		
10.		

Attach additional sheets if necessary.

TOWN OF PARACHUTE APPLICATION FOR ANNEXATION & RESOLUTION OF SUBSTANTIAL COMPLIANCE

CRS Sections 31-12-104 and 31-12-105 & Parachute Land Use Regulations Article 2

Description of Proposed Streets, Utilities, Access and Other Infrastructure Needs - (use additional sheets as necessary): Property has more than adequate access from both parachute exits off I-70 and is located highway 6 with 2 lanes, clear views and existing turning lanes and should not need additional street access. All other utility needs and infrastructure are presently there now or available from Town. Century link for phone, internet.

Complete, Incomplete - Comments:

The Application Shall Completely Address each of the Following Items (Attach additional sheets if necessary):

Justification for annexation. Please clearly state the basis upon which the proposed annexation is made Applicant has met the requirements in Title 15 Article 2 section 102 of the Parachute municipal code and is Eligible A. the boundary is greater than 1/16th with the Town B, A community of interest exists. And 15.02.105 A, landownership is greater than 50%. C. & D The property can be integrated and urbanized as a part of Parachute and is a logical extension of the community. F. The Property will not be split or divided into separate parts. 5.479 acres are proposed for annexation, lot 2 fisher subdivision. G. The property is in unincorporated GAR/Co. H. No school district separation of property will result from annexation. I. Annexation will not extend the boundary more than 3 miles. J. Applicant represents property holder, holds 100% of property proposed for annexation. K. No election for annexation has been initiated in the last 12 months. The 2005 master plan/2008 upgrade 6.0 Goals and Policies Statements: 6.2.5 Extensions of Town Boundaries and utilities shall be minimized, \$ new annexations shall not be made without good justifications and economic benefits to the Town 1, Applicant has all the elements and code requirements for annexation 2, Town will realize economic benefits from 1, increase from property tax, 2, increase in sales taxes 3, increase in overall business tax revenues for Town 4. Increased advertising for Town

Complete, Incomplete - Comments:

Designation of the Property in the Parachute Comprehensive Plan. Identify the applicable classifications or descriptions of the property and recommendations for use, density or other requirements specified in the Parachute Comprehensive Plan. The 2005/2008 Master plan update designates this property as outside town limits as reflected in the 2015 zoning map draft. The 2014 Draft Future Land use map designates this property for commercial use. The Better City Plan proposes that part of the land in the Industrial and commercial light Industrial zoned areas is outside town limits and is targeted for annexation, and business parks, light industrial parks and agri-business related industries is the best use. It is applicants request that the applicable classification of the property according to the 2005/2008 Master Plan upgrade: 7.0 Master Plan-Land Use Categories, that the best use of the proposed property as reflected by the Master Plan and 2014 Future Land Use Draft is: 7.6 Commercial Service - To accommodate wholesale and service uses which require greater land areas. Such districts must be located near major intersections and so as not to interfere with residential neighborhoods. Uses should be clustered to make the best use of the land. 15.03.208 SC Service Commercial: The service commercial zone district is intended to provide areas for wholesale and commercial uses located near major highway intersections away from residential uses.

Complete, Incomplete - Comments:

All information set forth above is true and accurate to the best of my information, knowledge and belief.

Applicant Signature: [Signature] Printed Name: Mark Gerhard, President Date: 3-1-16

TOWN OF PARACHUTE APPLICATION FOR ANNEXATION & RESOLUTION OF  
SUBSTANTIONAL COMPLIANCE  
CRS Sections 31-12-104 and 31-12-105 & Parachute Land Use Regulations Article 2

For Town Use Only

Application Checklist

- Application deemed complete Date: \_\_\_\_\_ By: \_\_\_\_\_
- See Application Checklist
- Envelopes (stamped and addressed) for persons entitled to receive notice.
- Fee
- Other \_\_\_\_\_
- Board of Trustees Meeting Date: \_\_\_\_\_
- Annexation Public Hearing: \_\_\_\_\_
- Newspaper Notice Publication Date (not less than 15 days prior to hearing): \_\_\_\_\_
- Date Notice Posted on Property (not less than 15 days before the public hearing): \_\_\_\_\_
- Date of individual written notice mailed by first-class mail to all owners of property abutting the parcel disregarding intervening public streets or other public rights-of-way or date of hand delivery (not less than 15 days prior to the hearing): \_\_\_\_\_

## West Run, Inc. Annexation

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Proof of ownership/warranty deed.....	12
Names and addresses of owners/mineral rights/and property owners within 200' Of property.....in Application	
Special Districts addresses.....	13
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# WEST RUN, INC. CARNAHAN/GERHARD ANNEXATION

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Letter of Intention/Statement of Purpose



FEBRUARY 2, 2016  
WEST RUN, INC.  
2536 Rimrock Ave, Suite 400 380 Grand Junction, CO 81505

Letter of Intent  
West Run, Inc.  
2536 Rimrock Ave  
Suite 400-380  
Grand Junction, CO 81505

Town of Parachute  
Board of Trustees  
222 Grand Valley Way  
Parachute, CO 81635

RE: Proposed request for Annexation, Zoning, Special use review

Dear Board of Trustees:

West Run, Inc. has petitioned the Town of Parachute under Title 15, Section 2: Annexation, 15.02.106 Annexation Petitions, Rezoning under 15.02.112 Zoning during Annexation and 15.03.165 Special Review Uses.

For Garfield County Assessors records Parcel ID# 2409-132-00-026 and a physical address of 8495 Highway 6 & 24, Parachute, CO 81635

Petitioners proposed property is eligible under 15.02.102 Eligibility:

- A. The area proposed to be annexed perimeter is greater than 1/6th and is contiguous with Town.
- B. A community of interest exist, the Towns municipal boundary borders the east and south property boundaries.

Petitioner proposes that no limitations prevent annexation of proposed property under 15.02.103 Limitations:

- A. The annexation will not divide property.
- B. No partial streets or alleys will take place
- C. Annexation is a part of Towns plans for annexation
- D. No other annexations have taken place in the last 12 months that have extended the Towns boundary by more than 3 miles

Petitioner submits petition under 15.02.105 Annexation Petitions

- A. Petition for Annexation: landowners who own more than 50% of the proposed land for annexation of an area are eligible for annexation and may Petition the Town Board of Trustees
  - The owner of the proposed property for annexation has 100% ownership

Petitioner has paid the required fees under 15.02.106 Annexation Fees

Petitioner requests annexed property be place in 15.03.208 SC Service Commercial Zone District concurrently with the Annexation process: The service commercial zone district is intended to provide areas for wholesale and commercial uses located near major highway intersections away from residential uses.



Town of Parachute West LLC, INC. Annexation

Petitioner requests special review use review under 15.03.165 Special Review Uses for multiple RME licenses Under Title 6, Chapter 6.11 Section: 040

Petitioner is in compliance with 15.06.102 common Submittal requirements

- A. An application/Petition form signed by the owner of property, in format provided by the Town  
See attached Petition for rezoning
- B. A legal description of property  
See attached Legal description
- C. Proof of legal ownership and names and addresses of the owners of the property  
See attached Warranty Deed and address sheet
- D. The names and addresses of any owners of mineral rights for the property  
See attached address sheet
- E. The names and addresses of any property owners within two hundred feet (200') of any portion of the property  
See attached address sheet
- F. A statement of Purpose and brief description of proposal  
See attached statement of purpose/Letter of intent
- G. A vicinity map indicating the location of the property included in the Land Use application  
See attached annexation map with vicinity map imbedded
- H. An application fee per section 15.01.108: paid

### **Town of Parachute Land use/Annexation/zoning/Special Review Use Conformance Assessment**

- An assessment of the community needs for the proposed annexation and land use;
- A community of interest exists between the Town and the area proposed for annexation. The Town of Parachute municipal boundary adjoins the property east of the site. Town administration, public works and the police department can cost-effectively serve the property. This parcel has a direct relationship to the Parachute community.
- The economic impact to the municipality of the proposed annexation. This is to include an analysis of short-term and long-term municipal revenues to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts;

- Annexation of the proposed parcel from unincorporated GAR/Co to Town of Parachute will have positive economic benefits immediately from the increase in property tax to Town. It will be business property that will pay sales taxes. No addition cost at this time will be incurred as city services already service the property, with adequate road access. Negative and positive impacts are being experienced from the new legal marijuana industry and are being dealt with across the state. No addition negative impacts from being located in Parachute are anticipated.
- The school impact including an estimated of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts;
- Annexation of the proposed parcel will generate (0) students and have no impact on schools.
- The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.);
- Road access for property is more than adequate and will have a minimal impact on the existing transportation system/infrastructure
- The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);
- The property is rural at present and has been graded to deal with the water runoff and discharge. Applicant in its site plan will be addressing water detention, soil conservation, sustainable farming practices, and other agricultural practices.
- The impact of the proposed development on the Parachute Police Department and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);
- The proposed use should not have any additional impact on Police services. Applicant will be in compliance with all state of Colorado Department of revenue policies and practices involving security of premises and if needed applicant will have a private security firm for security needs.
- The impact of the proposed development on the Parachute Fire Department and

proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.);

- This is a small annexation that is not a development, and will have no impact on fire services that already service property.
- The impact of the proposed development on the Town of Parachute park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs (additional facilities, additional recreation programs, additional personnel required, etc.);
- This is a small annexation that is for business purposes and not a development, and will have no impact on Town park facilities.
- The impact of the proposed development on the natural environment of Parachute and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);
- A call to the forest service revealed no environment sensitive or wild life impact on property. Natural and sustainable farming practices will actually have a positive environmental impact.
- The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.);
- Annexation of property to commercial service zone district will be its highest and best use. The operations on the property will add at least 3 full time jobs and several more seasonal positions. Sales tax and excise tax as well as water revenues will be realized.
- The compatibility of the proposed development with the town transportation system including, but not limited to, street systems, pedestrian/bicycle/trail systems, existing and projected traffic volumes, the Parachute Master Road Plan and plans for mitigating any negative impacts;
- Property is a small parcel and will not be a development. No impact is projected
- The compatibility of the proposed development with the Parachute Comprehensive Plan and any plan amendments that may be necessary for the proposed development;
- The 2005 master plan/2008 upgrade 6.0 Goals and Policies Statements:
- 6.2.5 Extensions of Town Boundaries and utilities shall be minimized,
- \$ new annexations shall not be made without good justifications and economic benefits to the Town:
- 1. Applicant has all the elements and code requirements for annexation
- 2. Town will realize economic benefits from
- 1. increase from property tax,

- 2. Increase in sales taxes
- 3. Increase in overall business tax revenues for Town
- 4. Increased advertising for Town
- The 2005/2008 Master plan update designates this property as outside town limits as reflected in the 2015 zoning map draft.
- The 2014 Draft Future Land use map designates this property for commercial use.
- The Better City Plan proposes that part of the land in the Industrial and commercial light Industrial zoned areas is outside town limits and is targeted for annexation, and business parks, light industrial parks and agri-business related industries is the best use.
- It is applicants request that the applicable classification of the property according to the 2005/2008 Master Plan upgrade: 7.0 Master Plan-Land Use Categories, that the best use of the proposed property as reflected by the Master Plan and 2014 Future Land Use Draft is:
- 7.6 Commercial Service - To accommodate wholesale and service uses which require greater land areas. Such districts must be located near major intersections and so as not to interfere with residential neighborhoods. Uses should be clustered to make the best use of the land.
- 15.03.208 SC Service Commercial: The service commercial zone district is intended to provide areas for wholesale and commercial uses located near major highway intersections away from residential uses.
- Applicant has met the code requirements in Article 15 for land use, annexation, zoning and special review use
  
- A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.
  
- The area around property is compatible with surrounding area on outskirts of Town. Mitigation of potential smell may be brought up. Applicant intends to use natural odor mitigation methods including; plantings of species that mask smell, such as basil, honey suckle and lavender.
  
- Applicant will comply with all Town requirements and work with Public works, Town consultants and administrators and Boards to assure compliance with required statues.

Sincerely,



West Run, Inc.

Mark Gerhard President

EXHIBIT A

Order Number: 05000191

LEGAL DESCRIPTION

A PORTION OF PARCEL NO. 700-R REV. OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, FORMERLY KNOWN AS STATE DEPARTMENT OF HIGHWAYS, PROJECT NO I 70-1(45), SITUATED IN LOT 3 OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 96 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13, A BRASS CAP PROPERLY MARKED FOR THE NORTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 89°18'00" EAST ALONG THE NORTHERLY LINE OF SAID SECTION 13, 1351.55 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, A BRASS CAP IN PLACE, L.S. NO. 18480; THENCE NORTH 89°18'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 3 549.23 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89°18'00" EAST 256.27 FEET TO A REBAR AND CAP IN PLACE, STAMPED L.S. NO. 11980, THENCE LEAVING SAID NORTHERLY LINE SOUTH 57°02'00" EAST 106.30 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE FOR U.S. INTERSTATE NO. 70; THENCE SOUTH 40°04'30" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE 573.20 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 43°06'30" WEST 324.57 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE NORTH 46°54'57" WEST 352.89 FEET; THENCE NORTH 57°57'34" EAST 410.05 FEET; THENCE NORTH 29°47'29" EAST 313.07 FEET TO THE TRUE POINT OF BEGINNING,

ALSO DESCRIBED AS:

LOT 2  
ACCORDING TO THE FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT RECORDED SEPTEMBER 6, 1995 AS RECEPTION NO. 482721  
Subject to and together with a 50.00 foot wide access easement as described in Reception No. 476606 as recorded in the office of the Clerk and Recorder of Garfield County

COUNTY OF GARFIELD  
STATE OF COLORADO

2

**WARRANTY DEED**

THIS DEED, Made this 28th day of March, 2005, between  
**CHRISTOPHER SANDOVAL AND AMANDA SANDOVAL**

of the said County of **GARFIELD** and State of **COLORADO**, grantor, and  
**JESSE J. CARNAHAN**

whose legal address is **153 IRONWEDGE CIRCLE  
PARACHUTE, CO 81635**

of the said County of **GARFIELD** and State of **COLORADO**, grantee:

DOC FEE: \$27.40

WITNESSETH, That the grantor for and in consideration of the sum of **Ten dollars and other good and valuable consideration** DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the said County of **GARFIELD** and State of Colorado described as follows:

SEE EXHIBIT "A"

also known by street and number as: **8495 HIGHWAY 6 & 24, PARACHUTE, CO 81635**

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

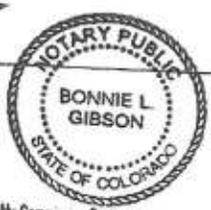
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the enacting and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except easements, restrictions, reservations and rights of way of record, or situate and in use, and real property taxes for the year 2005, not yet due or payable. Those specific exceptions described by reference to recorded documents as reflected in title documents accepted by the Buyer in accordance with Sa.

The grantor shall and will WARRANTY AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

*[Signature]*  
CHRISTOPHER SANDOVAL FOR AMANDA SANDOVAL AS HER ATTORNEY IN FACT

*[Signature]*  
CHRISTOPHER SANDOVAL

State of **COLORADO** )  
County of **GARFIELD** ) ss.



The foregoing instrument was acknowledged before me this 28th day of March by **CHRISTOPHER SANDOVAL AND AMANDA SANDOVAL** My Commission Expires 09/05/2007

My commission expires **September 05, 2007**. Witness my hand and official seal.

*[Signature]*  
Notary Public

filed into N.L. History Tol. Closed 3/24/05

RETURN TO: **JESSE CARNAHAN  
8495 HWY 6&24  
PARACHUTE, CO 81635**

DF-117 437  
19/2

12

### Special districts mailing list

1. Grand Valley Fire District  
0214 Stone Quarry Rd.  
Parachute Co 81635  
970-285-9119
  
2. Garfield county school district 16  
Office of superintendent  
PO Box 68  
0460 Stone Quarry Rd  
Parachute CO 81635  
970-285-5701
  
3. Parachute/Battlement Mesa Parks & Recreation  
101 Cardinal Way #101  
Parachute CO 81635
  
4. Grand River Hospital District  
Community Relations  
501 Airport Rd.  
Rifle CO 81650
  
5. Grand Valley Cemetery District  
PO Box 103  
Parachute CO 81635



# PETITION TO THE TOWN OF PARACHUTE

January 13, 2016

Town of Parachute  
ATTN: Stuart S. McArthur, Town Manager  
222 Grand Valley Way  
Parachute, CO 81635

**SUBJECT: PETITION TO ANNEX PROPERTY INTO THE TOWN OF PARACHUTE**

Dear Mr. McArthur:

The undersigned property owner, through his representative West Run, Inc. does hereby petition the Town of Parachute for annexation and zoning change on the property located at 8495 Highway 6, Parachute, CO 81635 Parcel ID # 2409-132-00026 Garfield County, to the Town of Parachute and seeks general industrial zoning. Legal description is: Section: 13 Township: 7 Range: 96 A TR IN LOT 3. AKA LOT 2 FISCHER # 1 EXEMPTION. (See attached maps.)

We allege that we desire the town of Parachute to annex the proposed property into the municipality and that for economic development and municipal services it is necessary to annex the proposed property.

Per CRS 31-12-104/105 Eligibility for annexation, we believe that the requirements exist or have been met Per CRS 31-12-104/105 for this property and meets the criteria.

(1) No unincorporated area may be annexed to a municipality unless one of the conditions set forth in section 30 (1) of article II of the state constitution first has been met. An area is eligible for annexation if the provisions of section 30 of article II of the state constitution have been complied with and the governing body, at a hearing as provided in section 31-12-109, finds and determines:

(a) That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality. Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed. Subject to the requirements imposed by section 31-12-105 (1) (e), contiguity may be established by the annexation of one or more parcels in a series, which annexations may be completed simultaneously and considered together for the purposes of the public hearing required by sections 31-12-108 and 31-12-109 and the annexation impact report required by section 31-12-108.5.

(b) That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the contiguity with the annexing municipality required by paragraph (a) of this subsection (1) shall be a basis for

a finding of compliance with these requirements unless the governing body, upon the basis of competent evidence presented at the hearing provided for in section 31-12-109, finds that at least two of the following are shown to exist:

(I) Less than fifty percent of the adult residents of the area proposed to be annexed make use of part or all of the following types of facilities of the annexing municipality: Recreational, civic, social, religious, industrial, or commercial; and less than twenty-five percent of said area's adult residents are employed in the annexing municipality. If there are no adult residents at the time of the hearing, this standard shall not apply.

(II) One-half or more of the land in the area proposed to be annexed (including streets) is agricultural, and the landowners of such agricultural land, under oath, express an intention to devote the land to such agricultural use for a period of not less than five years.

(III) It is not physically practicable to extend to the area proposed to be annexed those urban services which the annexing municipality provides in common to all of its citizens on the same terms and conditions as such services are made available to such citizens. This standard shall not apply to the extent that any portion of an area proposed to be annexed is provided or will within the reasonably near future be provided with any service by or through a quasi-municipal corporation.

The undersigned represents 100% of the land owners for this request and own more than 50% of the land proposed to be annexed. There is industrial zoning currently alongside and adjacent to the property. Industrial and a variety of commercial uses are operating in these areas currently.

The signers of this petition request that the Town of Parachute approve the annexation of the proposed property to be annexed.

Thank you for your consideration of this petition.

Sincerely,

 1/20/16

West Run, Inc.  
Mark Gerhard President  
2536 Rimrock Ave. Suite 400-380 Grand Junction C) 81505

Jesse Carnahan, Property Owner



8495 Highway 6  
Parachute CO 81635

Date 1-20-16

PI# 2409-132-00026

# Garfield County Treasurer Statement Of Taxes Due

Account Number R460071  
Acres 5.479  
Assessed To

Parcel 24091320026

CARNAHAN, JESSE J  
8495 HIGHWAY 6 & 24  
PARACHUTE, CO 81635

**Legal Description**

Section, 13 Township; 7 Range: 96 A TR IN LOT 3 AKA LOT 2 FISCHER # 1 EXEMPTION

Situs Address  
008495 6 HWY

Year	Tax	Interest	Fees	Payments	Balance
2015	\$939.20	\$0.00	\$0.00	\$0.00	\$939.20
<b>Total Tax Charge</b>					<b>\$939.20</b>
<b>Grand Total Due as of 02/18/2016</b>					<b>\$939.20</b>

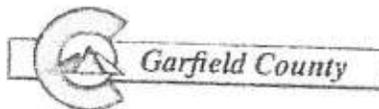
Tax Billed at 2015 Rates for Tax Area 046 16-BHFZ - 046

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	10.9050000	\$253.97	SINGLE FAM.RES -LAND	\$67,000	\$5,330
GARFIELD COUNTY - ROAD & B	1.5000000	\$34.94	SINGLE FAM.RES- IMPROVEMTS	\$225,570	\$17,960
GARFIELD COUNTY - SOCIAL SE	1.2500000	\$29.11			
GRAND VALLEY AND RURAL FIRE	3.2670000	\$76.09	Total	\$292,570	\$23,290
BLUESTONE WATER CONS	0.0050000*	\$0.12			
COLD RIVER WATER CONS	0.2430000*	\$5.66			
GRAND RIVER HOSPITAL	5.5970000*	\$130.36			
GRAND VALLEY CEMETERY	0.0070000*	\$0.16			
SCHOOL DIST 16	8.5550000	\$199.25			
COLORADO MTN COLLEGE	3.9970000	\$93.09			
PARA/BATTEMENT PARK & REC	4.0000000	\$93.16			
GARFIELD COUNTY PUBLIC LIBR.	1.0000000	\$23.29			
<b>Taxes Billed 2015</b>	<b>40.3260000</b>	<b>\$939.20</b>			

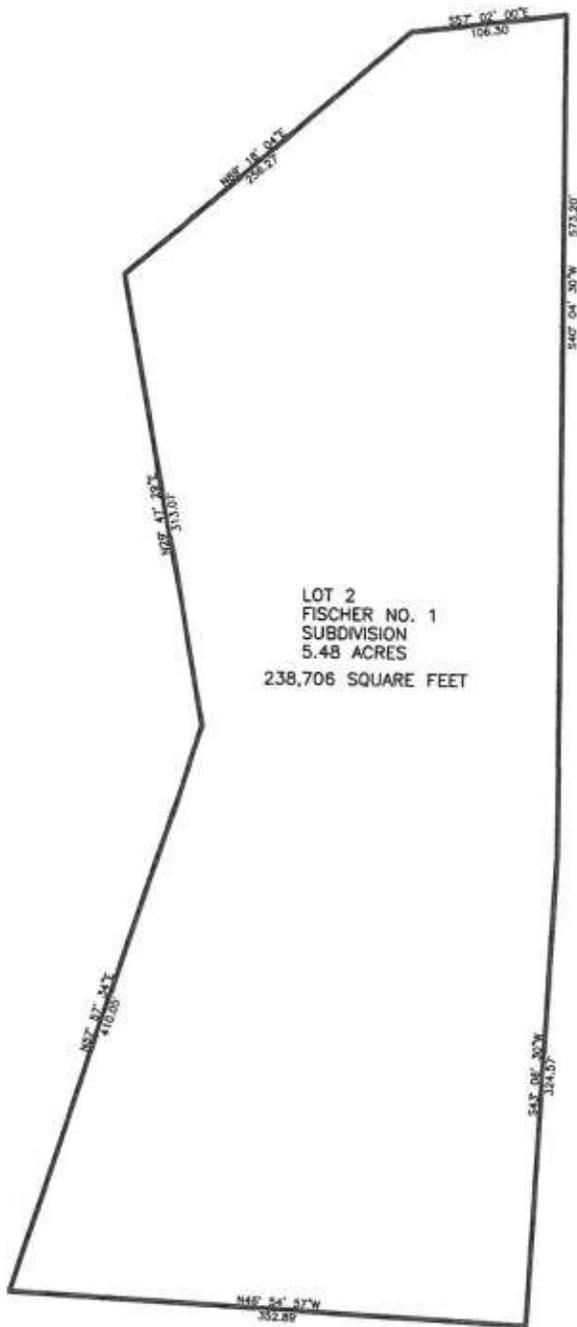
\* Credit Levy

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY AND MOBILE HOMES - SEPTEMBER 1, 2016, REAL PROPERTY - SEPTEMBER 1, 2016. TAX SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Garfield County Treasurer  
P.O. Box 1069  
Glenwood Springs, CO 81602-1069  
(970) 945-6382



LAND DEDICATION



LOT 2  
FISCHER NO. 1  
SUBDIVISION  
5.48 ACRES  
238,706 SQUARE FEET

I-70 FRONTAGE ROAD

TOTAL AREA: 238,706 SQ. FT.  
8% OF TOTAL AREA: 19,096 SQ. FT



POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE  
GRAND JUNCTION, CO 81504  
PHONE (970)986-0522  
FAX (970)434-7038

LAND DEDICATION CALCULATION







Imagery ©2016 Google, Map data ©2016 Google 200 ft

Google Maps

26

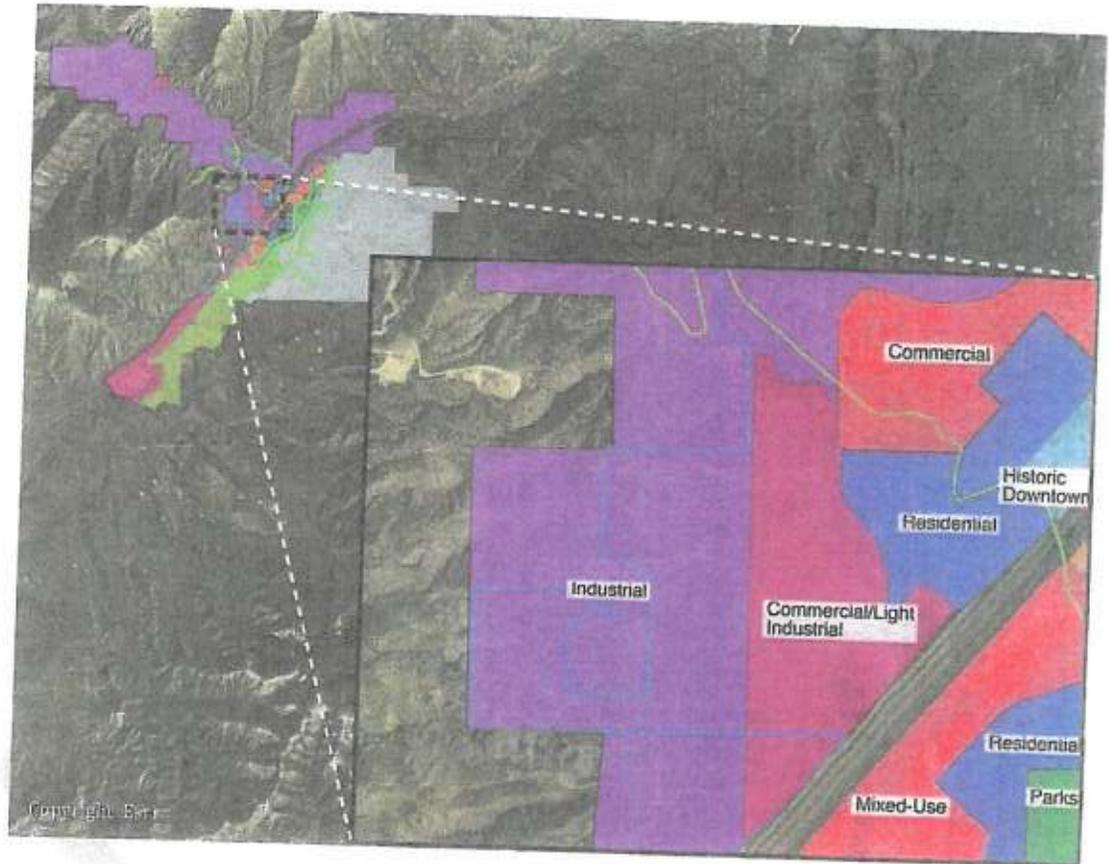
## WEST CENTRAL

The west central section of Town will serve as the site for future Industrial, Light Industrial, and Commercial development. Convenient access along Parachute Park Blvd. will be a major benefit to new businesses in this region of Town. The Commercial/Light Industrial zone will be most appropriate for light manufacturing, business parks, light industrial parks, and agri-business related industries. Development of new businesses in the Industrial zone to the west will be difficult due to unfavorable slope.

The Commercial zone located to the north of the Residential zone may take some time before it is fully utilized, but it is anticipated to become a commercial corridor that connects the Historic Downtown with the major businesses up the canyon toward the north.

Part of the land within the proposed Industrial and Commercial/Light Industrial zones are currently located outside Town limits. These sections

should be considered for future annexation.



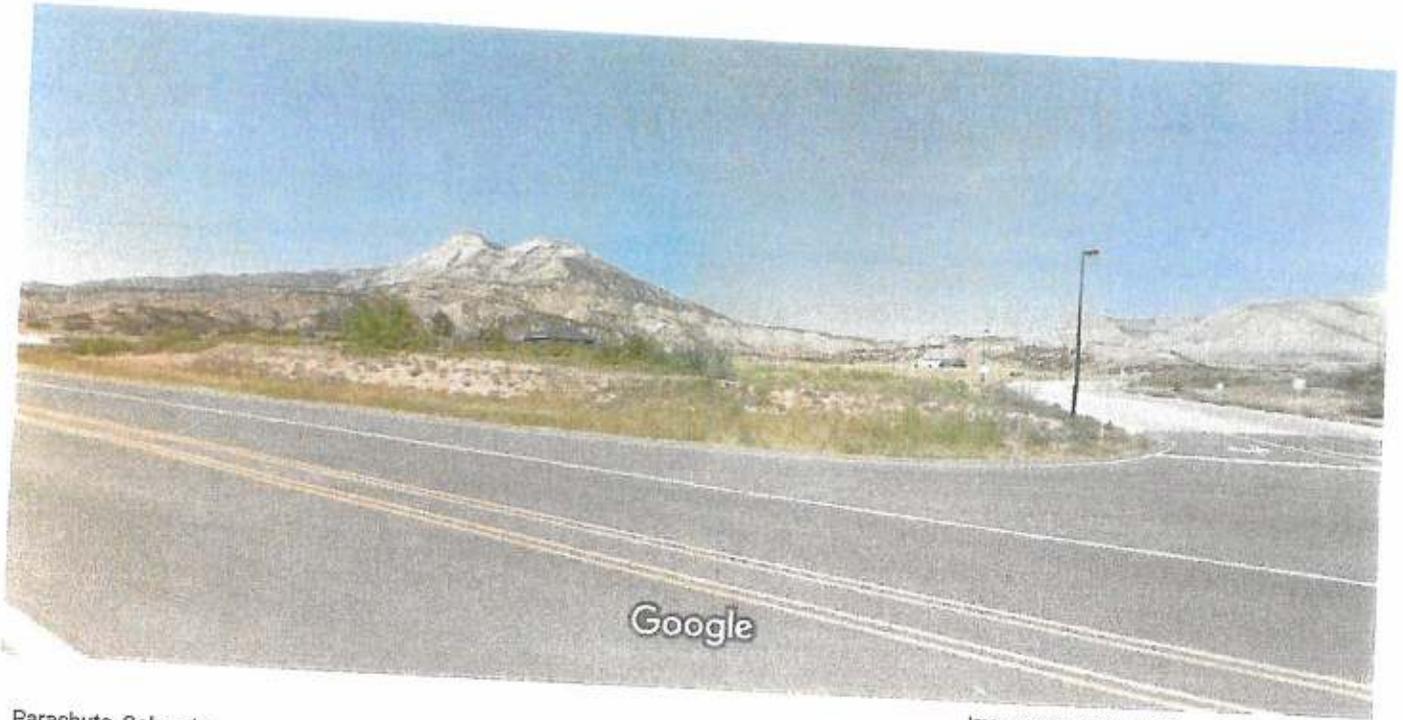
Map 6: West Central Parachute



Image capture: Sep 2012 © 2016 Google

Parachute, Colorado  
Street View - Sep 2012

Google Maps



Parachute, Colorado  
Street View - Sep 2012

Image capture: Sep 2012 © 2016 Google

Google Maps

Google Maps Parachute Park Blvd



Parachute, Colorado  
Street View - Sep 2012

Image capture: Sep 2012 © 2016 Google

Google Maps





# PUBLIC NOTICE

**TAKE NOTICE** that West Run, Inc. has applied to the Town of Parachute, State of Colorado, for annexation and rezoning (service commercial) of a property to the Town of Parachute.

Legal description:

Section 13

Township 75

Range 96 West

Fisher No: 1 Subdivison Exemption Plat

Lot: 2

6<sup>th</sup> Prime Meridian

County of Garfield

State of Colorado

PI#2409-132-00-026

Address: 8495 Highway 6 & 24, Parachute, CO 81635

All persons affected by the proposed land use applications are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter to the planning and zoning commission and the board of trustees and they will give consideration to the comments, surrounding property owners and others affected in deciding whether to grant or deny the request. The application may be reviewed at the Town of Parachute offices, located at 222 Grand Valley Way, Parachute, CO 970-285-7630 between the hours of 7:30 am to 4:30 pm Monday Thru Thursday.

A public meeting on the application has been scheduled for March, 10<sup>th</sup>, 2016 at 6:30 pm before the Town of Parachute Planning and zoning commission in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

A public Hearing on the application has been scheduled for March, 17<sup>th</sup>, 2016 at 6:30 pm before the Town of Parachute Board of Trustees in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

S. Denise Chiaretta, Town Clerk

Published in the Post Independence on 2/15/2016, 2/24/2016, 3/2/2016, 3/9/2016, 3/14/2016

7015 0640 0006 8201 6453

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Certified Mail Fee	\$3.45	0520 08
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Lincoln Family Trust*  
Street and Apt. No., or PO Box No.: *10 Box 626*  
City, State, ZIP+4: *Parachute CO 81635-0626*

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**GRAND JUNCTION, CO 81502**

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *C & Bland Holdings LLC*  
Street and Apt. No., or PO Box No.: *10 Box 3045*  
City, State, ZIP+4: *Grand Junction CO 81502*

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7015 3430 0000 5310 5829

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**GLENWOOD SPRINGS, CO 81602**

Certified Mail Fee	\$3.45	0520 08
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Parachute Development Corp*  
Street and Apt. No., or PO Box No.: *10 Box 686*  
City, State, ZIP+4: *Glenwood Springs CO 81602*

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**DENVER, CO 80222**

Certified Mail Fee	\$3.45	0520 08
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *State of Colorado Dept of Highways*  
Street and Apt. No., or PO Box No.: *4201 E Arkansas Ave*  
City, State, ZIP+4: *Denver CO 80222-3906*

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**PARACHUTE, CO 81635**

Certified Mail Fee	\$3.45	0520 08
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.50	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$8.14	

Sent To: *David & Nina Cook*  
Street and Apt. No., or PO Box No.: *3413 Highway 6724*  
City, State, ZIP+4: *Parachute CO 81635*

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Certified Mail Fee	\$3.45	0520 08
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Martinez Efrain*  
Street and Apt. No., or PO Box No.: *3468 Highway 6724*  
City, State, ZIP+4: *Parachute CO 81635*

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**GRAND JUNCTION, CO 81505**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
<b>Total Postage and Fees</b>	<b>\$6.74</b>	

Sent To  
*Sperry Roberts & Musgrave*  
Street and Apt. No., or PO Box No.  
*2506 Van Buren Rd*  
City, State, ZIP+4®  
*Grand Junction CO 81505*

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**GRAND JUNCTION, CO 81506**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
<b>Total Postage and Fees</b>	<b>\$6.74</b>	

Sent To  
*Sperry Roberts & Musgrave*  
Street and Apt. No., or PO Box No.  
*2891 Jean W*  
City, State, ZIP+4®  
*Grand Junction, CO 81506*

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**PARACHUTE, CO 81635**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
<b>Total Postage and Fees</b>	<b>\$6.74</b>	

Sent To  
*WPX Energy V. Attn: Brian Hotund*  
Street and Apt. No., or PO Box No.  
*1055 County Rd 415*  
City, State, ZIP+4®  
*Parachute CO 81635*

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**DENVER, CO 80202**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
<b>Total Postage and Fees</b>	<b>\$6.74</b>	

Sent To  
*WPX Energy / Rocky Mountain LLC*  
Street and Apt. No., or PO Box No.  
*1001 17th Street Suite 1200*  
City, State, ZIP+4®  
*Denver CO 80202*

PS Form 3800, April 2015 PSN 7530-01-000-9047 See Reverse for Instructions

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**PARACHUTE, CO 81635**

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Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
<b>Total Postage and Fees</b>	<b>\$6.74</b>	

Sent To  
*Grand Valley Fire District*  
Street and Apt. No., or PO Box No.  
*024 Stone Quarry Rd*  
City, State, ZIP+4®  
*Parachute CO 81635*

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**PARACHUTE, CO 81635**

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Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
<b>Total Postage and Fees</b>	<b>\$6.74</b>	

Sent To  
*Coffield County School #16*  
Street and Apt. No., or PO Box No.  
*0466 Stone Quarry Rd Po Box 68*  
City, State, ZIP+4®  
*Parachute CO 81635*

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**GRAND JUNCTION, CO 81505**

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Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Sperry Roberts + Musgrave*  
 Street and Apt. No., or PO Box No.: *2506 Van Buren Rd*  
 City, State, ZIP+4®: *Grand Junction, CO 81505*

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**GRAND JUNCTION, CO 81506**

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Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Sperry Roberts and Musgrave*  
 Street and Apt. No., or PO Box No.: *2891 Jean Ln*  
 City, State, ZIP+4®: *Grand Junction, CO 81506*

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**PARACHUTE, CO 81635**

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Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *WPX Energy RHN: Brian Hotard*  
 Street and Apt. No., or PO Box No.: *1058 County Rd 25*  
 City, State, ZIP+4®: *Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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**DENVER, CO 80202**

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Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *WPX Energy / Rocky Mountain LLC*  
 Street and Apt. No., or PO Box No.: *1001 17th Street Suite 1200*  
 City, State, ZIP+4®: *Denver CO 80202*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0006 8201 6491

**U.S. Postal Service™**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**PARACHUTE, CO 81635**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Grand Valley Fire District*  
 Street and Apt. No., or PO Box No.: *844 Stone Quarry Rd*  
 City, State, ZIP+4®: *Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0006 8201 6507

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**PARACHUTE, CO 81635**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *District*  
 Street and Apt. No., or PO Box No.: *Garfield County School #16*  
 City, State, ZIP+4®: *8460 Stone Quarry Rd Po Box 68*  
 Parachute CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0006 8201 6514

### CERTIFIED MAIL® RECEIPT

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**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
<b>Total Postage and Fees</b>	<b>\$6.74</b>

Postmark: FEB 12 2016

Sent To: *Parachute Parks + Rec*  
 Street and Apt. No., or PO Box No.: *101 Cardinal Way #4*  
 City, State, ZIP+4: *Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9001 See Reverse for Instructions

7015 0640 0006 8201 6521

### U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**RIFLE, CO 81650**

**OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
<b>Total Postage and Fees</b>	<b>\$6.74</b>

Postmark: FEB 12 2016

Sent To: *Grand River Hospital District*  
 Street and Apt. No., or PO Box No.: *501 Airport Rd*  
 City, State, ZIP+4: *Rifle CO 81650*

PS Form 3800, April 2015 PSN 7530-02-000-9001 See Reverse for Instructions

7015 0640 0006 8201 6484

### U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
<b>Total Postage and Fees</b>	<b>\$6.74</b>

Postmark: FEB 12 2016

Sent To: *Grand Valley Cemetery District*  
 Street and Apt. No., or PO Box No.: *PO Box 103*  
 City, State, ZIP+4: *Parachute Co 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9001 See Reverse for Instructions

Ad Ticket #5

**Acct:** 1003196  
**Phone:** (970)285-7630  
**E-Mail:**  
**Client:**  
**Caller:** Mark Gerhard  
**Receipt**

**Name:** Town of Parachute  
**Address:** PO BOX 100

**City:** Parachute  
**State:** CO

**Zip:** 81635

**Ad Name:** 11917374A

**Editions:** 8PI/8PIN/

**Start:** 02/15/16

**Color:**

**Copyline:** pi West Run, Inc AnnexationFisher

**Original Id:** 0

**Class:** 0990

**Stop:** 03/09/16

**Issue** 4

**Rep:** PI Legals

**PUBLIC NOTICE**

**TAKE NOTICE** that West Run, Inc. has applied to the Town of Parachute, State of Colorado, for annexation and rezoning (service commercial) of a property to the Town of Parachute.

**Legal description:**  
Section 13  
Township 7  
Range 96 West  
**Fisher No.:** 1 Subdivision Exemption Plat  
**Lot:** 2  
6th Prime Meridian  
County of Garfield  
State of Colorado  
P182409-132-00-026

**Address:** 8495 Highway 6 & 24, Parachute, CO 81635

All persons affected by the proposed land use applications are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter to the planning and zoning commission and the board of trustees and they will give consideration to the comments, surrounding property owners and others affected in deciding whether to grant or deny the request. The application may be reviewed at the Town of Parachute offices, located at 222 Grand Valley Way, Parachute, CO 970-285-7630 between the hours of 7:30 am to 4:30 pm Monday thru Thursday.

A public meeting on the application has been scheduled for March, 10th, 2016 at 8:30 pm before the Town of Parachute Planning and zoning commission in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

A public hearing on the application has been scheduled for March, 17th, 2016 at 8:30 pm before the Town of Parachute Board of Trustees in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

S. Denise Charetta, Town Clerk

Published in the Post Independence on 2/15/2016, 2/24/2016, 3/2/2016, 3/9/2016, 3/14/2016, (11917374)

Lines:	54
Depth:	4.44
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>86.94</b>
Payment	0.00

Ad shown is not actual print size

**TOWN OF PARACHUTE  
ORDINANCE NO. 697-2016**

---

**AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ANNEXING TO THE TOWN OF PARACHUTE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE WEST RUN ANNEXATION PARCEL**

**WHEREAS**, in January 2015, West Run, Inc. (“Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a petition and request that the Board of Trustees commence proceedings to annex to the Town of Parachute a certain unincorporated tract of land located in the County of Garfield, State of Colorado, described on Exhibit A, attached hereto and incorporated herein by reference (the “West Run Annexation Parcel” or the “Property”);

**WHEREAS**, pursuant to C.R.S. §§ 31-12-107 and 108, the Board of Trustees, by Resolution No. 2016-06, found the Petition in substantial compliance with the requirements of the Municipal Annexation Act and established a date, time, and a place for a hearing upon the Petition;

**WHEREAS**, notice of such hearing was published on February 15, February 24, March 2, March 9, and March 14, 2016 in the *Post Independent* newspaper;

**WHEREAS**, pursuant to C.R.S. §§ 31-12-108 – 110, the Board of Trustees held a duly noticed public hearing on March 17, 2016, to consider whether the Property is eligible for annexation and, by Resolution No. 2016-11, set forth its Findings of Fact, Determinations and Conclusions with regard to annexation of the Property; and

**WHEREAS**, the Board of Trustees wishes to annex the Property to the Town of Parachute on the terms and conditions set forth in this Ordinance

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The annexation to the Town of Property of the real property described on Exhibit A is hereby approved, and such real property shall be annexed to and made a part of the Town of Parachute only upon meeting the following conditions within 30 days of the date of this Ordinance:

1. Petitioner entering a final Annexation Agreement with the Town; and
2. Petitioner paying all annexation, dedication, and other fees to the Town.

Section 3. Upon satisfaction of the foregoing conditions, and within thirty (30) days after final publication of this Ordinance, the Town Clerk of the Town of Parachute, Colorado, on behalf of the Town shall:

- A. File one (1) copy of the Annexation Map and the original of this Annexation Ordinance in the office of the Town Clerk of the Town of Parachute, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Map, containing a legal description of the annexation parcel, with the County Clerk and Recorder of Garfield County, Colorado, with directions to the Garfield County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue; and
- C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Garfield County, Colorado.

**INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY** by a vote of \_ to \_\_ of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21<sup>st</sup> day of April, 2016 and approved by the Mayor on the 21<sup>st</sup> day of April, 2016.

**BOARD OF TRUSTEES OF THE TOWN  
OF PARACHUTE, COLORADO**

By: \_\_\_\_\_  
Roy McClung, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Chiaretta, Town Clerk

**PUBLIC NOTICE**

Public notice is hereby given that an Ordinance entitled:

**AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ANNEXING TO THE TOWN OF PARACHUTE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE WEST RUN ANNEXATION PARCEL**

was introduced before the Board of Trustees on April 21, 2016; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on April 21, 2016, and approved by the Mayor on \_\_\_\_\_, 2016.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this \_\_\_\_\_ day of April, 2016.

**TOWN OF PARACHUTE**

\_\_\_\_\_  
Denise Chiaretta, Town Clerk

**TOWN OF PARACHUTE  
ORDINANCE NO. 697-2016**

---

**AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ANNEXING TO THE TOWN OF PARACHUTE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE WEST RUN ANNEXATION PARCEL**

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**WHEREAS**, the Board of Trustees wishes to annex the Property to the Town of Parachute on the terms and conditions set forth in this Ordinance

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The annexation to the Town of Property of the real property described on Exhibit A is hereby approved, and such real property is hereby annexed to and made a part of the Town of Parachute.

Section 3. Within ten (10) days after final publication of this Ordinance, the Town Clerk of the Town of Parachute, Colorado, on behalf of the Town shall:

- A. File one (1) copy of the Annexation Map and the original of this Annexation Ordinance in the office of the Town Clerk of the Town of Parachute, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Map, containing a legal description of the annexation

parcel, with the County Clerk and Recorder of Garfield County, Colorado, with directions to the Garfield County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue; and

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**BOARD OF TRUSTEES OF THE TOWN  
OF PARACHUTE, COLORADO**

By: \_\_\_\_\_  
Roy McClung, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Chiaretta, Town Clerk

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Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this \_\_\_\_ day of April, 2016.

**TOWN OF PARACHUTE**

\_\_\_\_\_  
Denise Chiaretta, Town Clerk



TOWN OF PARACHUTE  
 PO BOX 100  
 222 GRAND VALLEY WAY  
 PARACHUTE, CO 81635

## LAND USE APPLICATION

Name of Applicant: West Run, Inc. 2536 Rimrock Ave. Suite 400-380 Grand Junction, CO 81505  
 970-409-2707

Project Name: Carnahan/Gerhard Annexation

Project Location: 8495 Highway 6 & 24, Parachute, CO 81635

LEGAL DESCRIPTION: 2409-132-00-026

Existing Zoning: Rural unincorporated GAR/Co      Proposed Zoning: Service commercial zone district

**Type of Application (check all that apply):**

**SUBDIVISION:**

- |                          |                    |                                      |                                |
|--------------------------|--------------------|--------------------------------------|--------------------------------|
| <input type="checkbox"/> | MINOR SUBDIVISION  |                                      |                                |
| <input type="checkbox"/> | MAJOR SUBDIVISION  | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> | RE-SUBDIVISION     | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> | P. U. D.           | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> | BUILDING DIVISIONS | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> | AMENDED PLAT       | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |

- |                                     |                      |                                     |                                   |
|-------------------------------------|----------------------|-------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | REZONING             | <input type="checkbox"/>            | SIGN VARIANCE                     |
| <input type="checkbox"/>            | ZONING VARIANCES     | <input type="checkbox"/>            | FLOOD PLAIN DEVELOPMENT           |
| <input checked="" type="checkbox"/> | SPECIAL REVIEW USE   | <input type="checkbox"/>            | VACATION OF STREET, ALLEY, R.O.W. |
| <input type="checkbox"/>            | GEOLOGIC DEVELOPMENT | <input checked="" type="checkbox"/> | ANNEXATIONS                       |
| <input type="checkbox"/>            | LOT CONSOLIDATION    | <input type="checkbox"/>            | WATERSHED PERMIT                  |

PROPERTY OWNER: Jesse Carnahan 8495 Highway 6 & 24, Parachute, CO 81635 970-210-9669

PROJECT ENGINEER/SURVEYOR: Polaris Surveying 3194 Mesa Ave. #6 Grand Junction, CO 81504

ADJACENT PROPERTY OWNERS: (attach separate sheet if needed)

Name	Address
<b>See attached #1</b>	
_____	_____
_____	_____
_____	_____
_____	_____

MINERAL RIGHTS OWNERS & LESSEES OF SUBJECT PROPERTY (attach separate sheet if needed) \*PLEASE NOTE ALL MINERAL RIGHTS OWNERS AND LESSEES MUST BE NOTIFIED 30 DAYS IN ADVANCE TO APPLICATION REVIEW. PLEASE INDICATE ALL MINERAL RIGHTS OWNERS, & LESSEES AS (MR), OR (L)

Name	Address
<b>See attached #1</b>	
_____	_____
_____	_____
_____	_____

DESCRIPTION OF PROPOSAL: (INCLUDE PROPOSED USE, ACREAGE, ETC.)

**See attached #2**  
\_\_\_\_\_  
\_\_\_\_\_

Describe how this Proposed Land Use Application Complies with the Town of Parachute Land Use Regulations and the Town of Parachute Master Plan 2002.

**See attached #3**  
\_\_\_\_\_  
\_\_\_\_\_

Describe any possible Flood Plain issues:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

Describe Traffic Impact Fees Proposal: (Standard Calculation or Individual Traffic Study)

N/A  
\_\_\_\_\_  
\_\_\_\_\_

Describe Land Dedication Proposal:

Applicant will comply with 15.01.111 land dedications requirements  
\_\_\_\_\_

Describe Water Rights Dedication Proposal:

Applicant will comply with Town regulations

I Certify that the information and exhibits herewith are true and correct to the best of my knowledge, and that in filing this application, I am acting with knowledge and consent of those persons listed above without whose consent the requested action cannot lawfully be accomplished.

Name: West Run, Inc. Mark Gerhard President

Address: 2536 Rimrock Ave. Suite 400-380 Grand Junction, CO 81505

Signature: Mark Gerhard President Date: 3-1-16

INSTRUCTIONS:

1. **Read both sides of application thoroughly.**
2. **Complete all of the requested information.**
3. Descriptions of property and dedication proposals on this form should be general and brief.
4. All applications must include a **CURRENT TITLE POLICY**, indicating ownership and encumbrances.
5. All applications must include **PROOF OF TAXES PAID**.
6. Applicants should review the Town of Parachute Land Use Regulations 15.01, 15.03, 15.04, 15.05, 15.06, and any other sections specified for the proposed request.
7. **All applicants who are not property owners must present a Letter of Representation, signed and notarized by the property owners.**
8. **Applications not signed and lacking any of the requested information will be deemed incomplete and will not be scheduled for a Planning and Zoning Commission review.**

ADMINISTRATIVE PERSONNEL:

APPLICATION FEE: \$250

APPLICATION RECEIVED DATE: 1/14/2016

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

PLANNING & ZONING HEARING: \_\_\_\_\_

BOT HEARING: \_\_\_\_\_

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

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

P&Z APPROVAL DATE: \_\_\_\_\_

BOT APPROVAL DATE: \_\_\_\_\_

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## PLANNING STAFF COMPLETENESS REVIEW MEMORANDUM

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**TO:** MR. MARK GERHARD  
**FROM:** DAVIS FARRAR - WESTERN SLOPE CONSULTING, LLC  
**SUBJECT:** ANNEXATION, ZONING CHANGE AND SPECIAL REVUEW USE FOR MARIJUANA GROW FACILITY  
**DATE:** 3/3/2016  
**CC:** STUART MCARTHUR, JEFF CONKLIN

---

I received and reviewed the copy of your application for Annexation, Zone Change and Special Review Use for a marijuana cultivation application that I picked up at Town Hall on Tuesday March 1, 2016.

Your application consisted of an annexation application, zoning application and special review use application each accompanied by required submittal materials. The submittals included but were not limited to the following items.

1. Application forms for annexation, zoning and special review use, signed by the owner(s) of the property, in the format provided by the Town Clerk.
2. Petition for annexation.
3. Legal description of the property included in the application.
4. Names and addresses of any owners or lessees of mineral rights for the property.
5. The names and addresses of any property owners within two hundred feet (200') of any portion of the property.
6. Statement of the purpose of the application and a description of each proposal.
7. Vicinity map indicating the location of the property included in the land use application.
8. Application fee pursuant to Section 15.01.108.
9. Proof of legal ownership and the names and addresses of the owners of the property and any lienholder(s). The additional items you provided included a quit claim deed and a warranty deed.
10. A zoning petition document as required by the regulations.
11. A site plan.

12. A zoning map.
13. Description about how the application complies with town regulations and the comprehensive plan.
14. Proposal for water rights dedication.
15. Proposal for parkland dedication.
16. Annexation assessment report.
17. Various pictures and materials supporting the application requests.

The **APPLICATIONS ARE COMPLETE.** Your application will be sent to referral agencies for review and comment. The application must be sent to referral agencies within 5 working days of the determination of completeness. The **referral agencies have 20 days to respond with comments.** A meeting will be scheduled with the Planning Commission after the 20-day comment period has expired. **The Planning Commission meeting that was scheduled for March 10 and the Board of Trustees public hearing scheduled for March 17 will be continued to coincide with the review agency response time frame.** This was necessary because the application is not received until March 1, 2016 and the staff has up to 5 working days to make a determination of completeness. I will prepare a staff report for both the Planning Commission and Board of Trustees meetings. The staff report will address all issues related to the application request. **Please submit 5 complete applications with 24" x 36" maps (annexation, site plan, property survey) and 12 complete applications with 11" x 17" maps for the Planning Commission and referral agencies. These submittals should be provided to the Town Manager within 5 days to avoid any delay in mailing of these materials to referral agencies.** Please do not hesitate to contact me if you have any questions or would like to discuss this memo. I can be reached by telephone at 970-963-7172 or by e-mail at [wsconsulting@sopris.net](mailto:wsconsulting@sopris.net). Please contact Town Manager Stuart McArthur for the Planning Commission and Board of Trustees meeting dates.



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# WEST RUN, INC. CARHANHAN/GERHARD ZONING

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Statement of Purpose



FEBRUARY 2, 2016

WEST RUN, IC

2536 Rimrock Ave. Suite 400-380 Grand Junction, CO 81635

## West Run, Inc. Zoning

Statement of Purpose/Application.....	1-7
Petition for rezoning.....	8
Application Submittal Requirements: 15.05	
Legal description.....	9
Proof of ownership/warranty deed.....	10
Names and addresses of owners/mineral rights/and property owners within 200' Of property.....	11
Vicinity map.....	12
Town of Parachute Zoning Map Draft.....	13
Town of Parachute future land use map.....	14
Page 54 of the Town of Parachute Better City Plan.....	15
Google Ariel view of property.....	16
Google Street view of front of property.....	17
Google Street view from side.....	18
Google Street view from Parachute Park Blvd, back of property.....	19



Statement of Purpose

West Run, Inc.  
2536 Rimrock Ave  
Suite 400-380  
Grand Junction, CO 81505

Town of Parachute  
Board of Trustees  
222 Grand Valley Way  
Parachute, CO 81635

RE: Zoning to SC Service Commercial for RME's

Dear Board of Trustees and Planning and Zoning members:

West Run, Inc. Petitioner for Annexation of a Garfield County Assessors records Parcel ID# 2409-132-00-026 and a physical address of 8495 Highway 6 & 24, Parachute, CO 81635

Requests Rezoning under 15.02.112 Zoning during Annexation

Petitioner requests property be placed in its highest and best use classification

15.03.208 (SC) Service Commercial Zoned District: The service commercial zone district is intended to provide areas for wholesale and commercial uses located near major highway intersections away from residential uses.

Petitioner requests special review use review under 15.03.165 Special Review Uses for multiple RME licenses Under Title 6, Chapter 6.11 Section: 040

Petitioner is in compliance with 15.06.102 common Submittal requirements

- A. An application/Petition form signed by the owner of property, in format provided by the Town  
See attached Petition for rezoning
- B. A legal description of property  
See attached Legal description
- C. Proof of legal ownership and names and addresses of the owners of the property  
See attached Warranty Deed and address sheet
- D. The names and addresses of any owners of mineral rights for the property  
See attached address sheet
- E. The names and addresses of any property owners within two hundred feet (200') of any portion of the property See attached address sheet

- F. A statement of Purpose and brief description of proposal  
See attached statement of purpose
- G. A vicinity map indicating the location of the property included in the Land Use application  
See attached annexation map with vicinity map imbedded
- H. An application fee per section 15.01.108: paid

**Town of Parachute Land use/Annexation/zoning/Special Review Use  
Conformance Assessment 15.05.206 A, 1-7 (Review Criteria)**

- An assessment of the community needs for the proposed annexation and land use;
- A community of interest exists between the Town and the area proposed for annexation. The Town of Parachute municipal boundary adjoins the property east of the site. Town administration, public works and the police department can cost-effectively serve the property. This parcel has a direct relationship to the Parachute community.
- The economic impact to the municipality of the proposed annexation. This is to include an analysis of short-term and long-term municipal revenues to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts;
- Annexation of the proposed parcel from unincorporated GAR/Co to Town of Parachute will have positive economic benefits immediately from the increase in property tax to Town. It will be business property that will pay sales taxes. No addition cost at this time will be incurred as city services already service the property, with adequate road access. Negative and positive impacts are being experienced from the new legal marijuana industry and are being dealt with across the state. No addition negative impacts from being located in Parachute are anticipated.
- The school impact including an estimated of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts;
- Annexation of the proposed parcel will generate (0) students and have no impact on schools.

- ☑ The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.);
- Road access for property is more than adequate and will have a minimal impact on the existing transportation system/infrastructure
- ☑ The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);
- The property is rural at present and has been graded to deal with the water runoff and discharge. Applicant in its site plan will be addressing water detention, soil conservation, sustainable farming practices, and other agricultural practices.
- ☑ The impact of the proposed development on the Parachute Police Department and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);
- The proposed use should not have any additional impact on Police services. Applicant will be in compliance with all state of Colorado Department of revenue policies and practices involving security of premises and if needed applicant will have a private security firm for security needs.
- ☑ The impact of the proposed development on the Parachute Fire Department and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.);
- This is a small annexation that is not a development, and will have no impact on fire services that already service property.
- ☑ The impact of the proposed development on the Town of Parachute park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs (additional facilities, additional recreation programs, additional personnel required, etc.);
- This is a small annexation that is for business purposes and not a development, and will have no impact on Town park facilities.
- ☑ The impact of the proposed development on the natural environment of Parachute and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);

- A call to the forest service revealed no environment sensitive or wild life impact on property. Natural and sustainable farming practices will actually have a positive environmental impact.
- ☐ The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.);
- Annexation of property to commercial service zone district will be its highest and best use. The operations on the property will add at least 3 full time jobs and several more seasonal positions. Sales tax and excise tax as well as water revenues will be realized.
- ☐ The compatibility of the proposed development with the town transportation system including, but not limited to, street systems, pedestrian/bicycle/trail systems, existing and projected traffic volumes, the Parachute Master Road Plan and plans for mitigating any negative impacts;
- Property is a small parcel and will not be a development. No impact is projected
- ☐ The compatibility of the proposed development with the Parachute Comprehensive Plan and any plan amendments that may be necessary for the proposed development;
- The 2005 master plan/2008 upgrade 6.0 Goals and Policies Statements:
- 6.2.5 Extensions of Town Boundaries and utilities shall be minimized.
- \$ new annexations shall not be made without good justifications and economic benefits to the Town:
  - 1. Applicant has all the elements and code requirements for annexation
  - 2. Town will realize economic benefits from
    - 1. increase from property tax,
    - 2. increase in sales taxes
    - 3. increase in overall business tax revenues for Town
    - 4. Increased advertising for Town
- The 2005/2008 Master plan update designates this property as outside town limits as reflected in the 2015 zoning map draft.
- The 2014 Draft Future Land use map designates this property for commercial use.
- The Better City Plan proposes that part of the land in the Industrial and commercial light Industrial zoned areas is outside town limits and is targeted for annexation, and business parks, light industrial parks and agri-business related industries is the best use.
- It is applicants request that the applicable classification of the property according to the 2005/2008 Master Plan upgrade: 7.0 Master Plan-Land Use Categories, that the best use of the proposed property as reflected by the Master Plan and 2014 Future Land Use Draft is:
- 7.6 Commercial Service - To accommodate wholesale and service uses which require greater land areas. Such districts must be located near major intersections and so as not to interfere with residential neighborhoods. Uses should be clustered to make the best use of the land.
- 15.03.208 SC Service Commercial: The service commercial zone district is intended to provide areas for wholesale and commercial uses located near major highway intersections away from residential uses.
- Applicant has met the code requirements in Article 15 for land use, annexation, zoning and special review use

- A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.
- The area around property is compatible with surrounding area on outskirts of Town. Mitigation of potential smell may be brought up. Applicant intends to use natural odor mitigation methods including; plantings of species that mask smell, such as basil, honey suckle and lavender.
- Applicant will comply with all Town requirements and work with Public works, Town consultants and administrators and Boards to assure compliance with required statues.

Sincerely,

Handwritten signature of Mark Gerhard in blue ink.

West Run, Inc.  
Mark Gerhard President

# Town of Parachute Petition for Rezoning



Pursuant to Section 15.06.204 of the Parachute Municipal Code, I/we the undersigned do hereby petition the Town of Parachute to rezone property located at

8495 Highway 6 + 24, Parachute, Colorado identified as Parcel # 2409-132-00-026 in the records of the Garfield County Clerk and Recorder,

from the existing unincorp Garfield County Zone District to the Service Commercial Zone District. This petition for rezoning is signed by the owners of at least 50% of the area of land or area or lots subject to the rezoning application. In this case, the undersigned owners represent 100 % of the area land or area or lots subject to the rezoning. This petition is accompanied by various application materials required by the Town of Parachute land use regulations.

This petition is respectfully submitted to the Town of Parachute on this 11 day of February, 2016.

Owners:

[Signature]  
Signature

Date: MC  
2/11/16

Jesse J. Carnahan  
Printed Name

[Signature]  
Signature

Date: 2-11-16

Derek Wingfield  
Printed Name Public Notary

Exp 11-20-17

DEREK WINGFIELD  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID: 20134072313  
MY COMMISSION EXPIRES NOVEMBER 20, 2017

671585 04/04/2005 12:16P B1675 P832 M ALSDORF  
2 of 2 R 11.00 D 27.40 GARFIELD COUNTY CO

EXHIBIT A

Order Number: 05000191

LEGAL DESCRIPTION

A PORTION OF PARCEL NO. 700-R REV. OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, FORMERLY KNOWN AS STATE DEPARTMENT OF HIGHWAYS, PROJECT NO I 70-1(45), SITUATED IN LOT 3 OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 96 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13, A BRASS CAP PROPERLY MARKED FOR THE NORTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 89°18'00" EAST ALONG THE NORTHERLY LINE OF SAID SECTION 13, 1351.55 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, A BRASS CAP IN PLACE, L.S. NO. 18480; THENCE NORTH 89°18'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 3 549.23 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89°18'00" EAST 256.27 FEET TO A REBAR AND CAP IN PLACE, STAMPED L.S. NO. 11980,  
THENCE LEAVING SAID NORTHERLY LINE SOUTH 57°02'00" EAST 106.30 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE FOR U.S. INTERSTATE NO. 70;  
THENCE SOUTH 40°04'30" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE 573.20 FEET;  
THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 43°06'30" WEST 324.57 FEET;  
THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE NORTH 46°54'57" WEST 352.89 FEET;  
THENCE NORTH 57°57'34" EAST 410.05 FEET;  
THENCE NORTH 29°47'29" EAST 313.07 FEET TO THE TRUE POINT OF BEGINNING,

ALSO DESCRIBED AS:

LOT 2

ACCORDING TO THE FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT RECORDED SEPTEMBER 6, 1995 AS RECEPTION NO. 482721  
Subject to and together with a 50.00 foot wide access easement as described in Reception No. 476606 as recorded in the office of the Clerk and Recorder of Garfield County

COUNTY OF GARFIELD  
STATE OF COLORADO



Property owner(s) if different from applicant (inclusive of mineral owners/lessees):

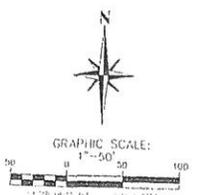
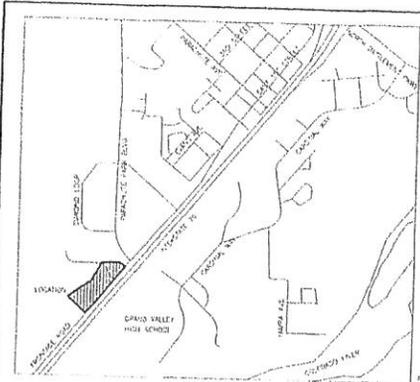
Name	Mailing Address	Parcel ID#
1. Jesse Carnahan	8495 Highway 6 & 24, Parachute, CO 81635	240913200026
2. ( MR) Sperry, Roberts and Musgrave	2506 Van Buren Rd, Grand Junction, CO 81505 2891 Jean Ln. Grand Junction, CO 81506	same
3. (L) WPX Energy Rocky Mountain, LLC.	1001 17 <sup>th</sup> St. Suite 1200 Denver, CO 80202	same

Attach additional sheets if necessary.

Current list of adjoining and abutting property owners to the subject parcel obtained from the Garfield County Assessor's Office.

Name	Mailing Address	Parcel ID#
1. State Of Colorado Dept of Highways	4201 Arkansas Ave, Denver, CO 80222-3406	2409-912-30-005
2. Parachute Development Corp.	P.O. Box 686 Glenwood Springs, CO 81602	2409-123-02-010 2409-123-02-008
3. C & B Land Holdings, LLC	P.O. Box 3045 Grand Junction, CO 81502	2409-123-02-009
4. Martinez, Efrain	8469 Highway 6 & 24, Parachute, CO 81635	2409-123-00-025
5. Lindauer Family Trust	P.O. Box 626 Parachute, CO 81635-0626	2409-123-00-004
6. David & Nina Cook	8393 Highway 6 & 24 Parachute, CO 81635	2409-132-00-027
7.		
8.		
9.		
10.		

**ANNEXATION MAP**  
**TOWN OF PARACHUTE, COUNTY OF GARFIELD, STATE OF COLORADO**  
**LOT 2 FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT - 5.18 ACRES**



**LEGEND:**  
 1. BOUNDARY LINE  
 2. EXISTING EASEMENT  
 3. EASEMENT RECEIVED  
 4. EASEMENT GRANTED

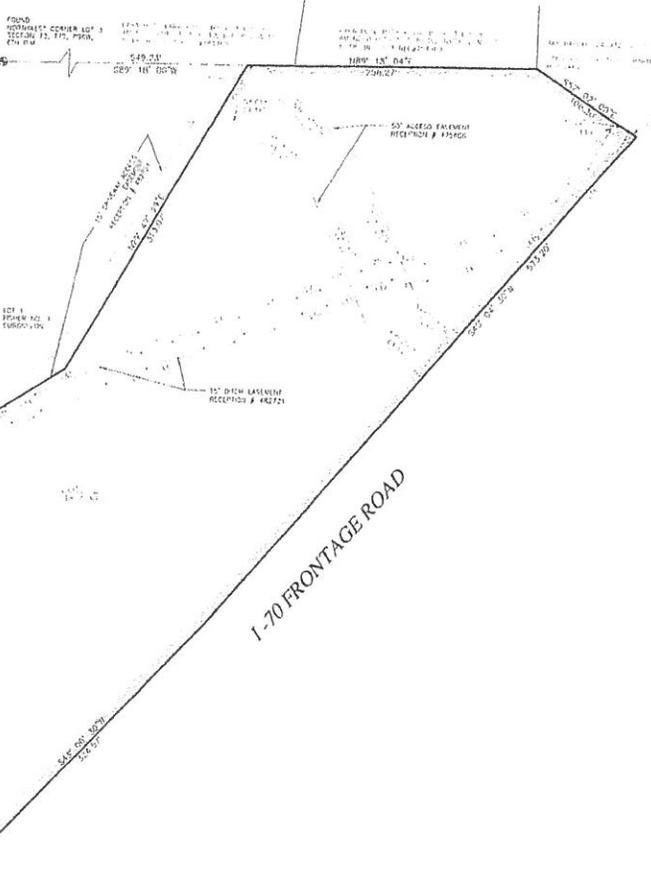
- NOTES:**
1. BEARINGS ARE BASED ON THE LINE BETWEEN THE NORTHWEST CORNER, LOT 3, SECTION 13 AND THE NORTHWEST CORNER OF SECTION 13. THE VALUE USED HATHORGE'S IS SHOWN FOR SAID LINE. THE FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT IS FOUND IN PLACE WITH A 2" BRASS CAP P.S. BRASS AT THE EAST END OF SAID LINE AND A OLD SURVEY MARKER 2" S BRASS CAP AT THE WEST END OF SAID LINE AND 2" BRASS MARKER.
  2. ACCORDING TO COLORADO LAW YOU MUST COMPLY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT, BUT NO LATER THAN ONE YEAR AFTER ANY DEFECT IN THIS SURVEY IS BE COMPLETED, NOT MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWS HEREON.
  3. MINERAL RIGHTS CONVEYED BY SPORTS REPORTS AND MORTGAGE.
  4. ANNEXATION PERMETER CALCULATED AS FOLLOWS:

TOTAL BOUNDARY 2,236 FEET  
 CONTIGUOUS BOUNDARY WITH TOWN LINES 1,260 FEET  
 MINIMUM LENGTH RECEIVED FOR 1/6 CONTIGUITY 373 FEET  
 CONTIGUITY PERCENTAGE 56.4%

**SURVEYOR'S CERTIFICATE:**  
 The description contained herein has been derived from the deed descriptions as they appear in the offices of the Garfield County Clerk and Recorder's Office. Such no less than one-sixth (1/6) of the perimeter of the areas as shown hereon is contiguous with the existing boundaries of the Town of Parachute, Colorado. This Plat is for annexation purposes only and is not intended to be used as a means of establishing or verifying property lines shown hereon.

Patrick W. Clark  
 Certified by \_\_\_\_\_ day of \_\_\_\_\_ 2016

Line #	Bearing	Length	Line #	Bearing	Length
1	S74° 20' 23" W	35.67	119	S23° 12' 54" W	19.78
2	S43° 45' 54" W	83.87	120	S28° 01' 42" W	30.80
3	S58° 13' 28" W	28.07	121	S42° 53' 52" W	41.82
4	S68° 45' 22" W	82.31	122	S55° 35' 43" W	62.00
5	S69° 03' 42" W	38.71	123	S44° 15' 10" W	68.73
6	S18° 22' 30" W	24.74	124	S55° 17' 25" W	33.01
7	S47° 48' 32" W	24.74	125	S52° 18' 24" W	26.51
8	S69° 05' 24" W	38.07	126	S18° 21' 39" W	35.57
9	S69° 22' 28" W	53.81	127	S19° 20' 47" W	27.27
10	S72° 23' 43" W	22.49	128	S42° 23' 56" W	34.09
11	S43° 23' 33" W	39.35	129	S22° 02' 26" W	18.27
12	S72° 14' 26" W	22.35	130	S68° 18' 13" W	24.90
13	S45° 17' 23" W	31.71	131	S55° 22' 43" W	20.24
14	S68° 10' 52" W	23.81	132	S49° 09' 43" W	33.01
15	S47° 51' 47" W	64.32	133	S46° 40' 27" W	62.74
16	S42° 01' 22" W	58.07	134	S44° 13' 28" W	28.45
17	S28° 01' 42" W	29.51	135	S63° 41' 54" W	44.85
18	S72° 12' 54" W	74.87			



**CERTIFICATION OF OWNERSHIP:**  
 MADE PER ME BY THESE PROCEEDS THAT THE UNDERSIGNED, BEING THE SOLE OWNER, IN THE TITLE OF SAID REAL PROPERTY DESCRIBED AS FOLLOWS:  
 A PORTION OF PARCEL NO. 2084 REV. OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, COUNTY AND/OR AS STATE DEPARTMENT OF HIGHWAYS, PROJECT NO. 1208 (A), SITUATED IN LOT 3 OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 106 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL, CONTAINED AT THE NORTHWEST CORNER OF SAID SECTION 13, A BRASS CAP PROPERLY MARKED FOR THE NEAREST CORNER OF SAID SECTION 13, BEING NUMBER 107323 IN EAST ALONG THE NORTHERLY LINE OF SAID SECTION 13, 230.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, A BRASS CAP IN PLACE 1" S BRASS, THREE NORTH 83.00 TO THE EAST ALONG THE NORTHERLY LINE OF SAID LOT 3 542.23 FEET TO THE TRUE POINT OF BEGINNING.

BRIDGE CONTAINING ALONG SAID NORTHERLY LINE NORTH 83.00 TO EAST 254.23 FEET TO A REBAR AND CAP IN PLACE, STATIONED 8.51, NO. 10703.  
 BRIDGE LEAVES SAID NORTHERLY LINE NORTH 83.00 TO EAST 106.30 FEET TO A POINT ON THE WESTERN RIGHT OF WAY LINE FOR U.S. HIGHWAY NO. 70, THENCE SOUTH 40.8435° WEST ALONG SAID WESTERN RIGHT OF WAY LINE 30.00 FEET.  
 BRIDGE CONTAINING ALONG SAID WESTERN RIGHT OF WAY LINE SOUTH 43.8510° WEST 124.47 FEET, THENCE NORTH 83.00 TO EAST 41.00 FEET, THENCE NORTH 29.4122° EAST 114.00 FEET TO THE TRUE POINT OF BEGINNING, ALSO DEMONSTRATED AS

LOT 2 ACCORDING TO THE FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT RECORDED SEPTEMBER 6, 1975 AS RECEIPT 482721. Surveyed and approved with a 20' interval, also hereby approved as recorded in RECEPTION NO. 478206 as provided in the office of the Clerk and Recorder of Garfield County, COLORADO STATE OF COLORADO  
 PERMETER 2,236 FEET  
 CONTIGUITY 1,260 FEET OR 56.4%  
 TO BE IN FORCE PRESENTS EVIDENT TO THE AUDITATION OFFICE TO THE TOWN OF PARACHUTE  
 EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016

**NOTARY PUBLIC CERTIFICATION**  
 STATE OF COLORADO  
 COUNTY OF GARFIELD  
 I, \_\_\_\_\_ Notary Public, do hereby certify that the foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2016, by \_\_\_\_\_ as \_\_\_\_\_  
 Witness my hand and official seal.  
 My Commission Expires \_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public

**BOARD OF TRUSTEES CERTIFICATE**  
 The Board of Trustees of the Town of Parachute, Colorado, by Ordinance No. \_\_\_\_\_ duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, did order the property herein described to be annexed to the Town of Parachute, Colorado.  
 Mayor \_\_\_\_\_  
 \_\_\_\_\_  
 Trustee

**RECORDER'S CERTIFICATE:**  
 State of Colorado  
 County of Garfield  
 I hereby certify that this instrument was filed in my office on \_\_\_\_\_, \_\_\_\_\_, A.D. 2016, and was duly recorded in Book \_\_\_\_\_, Page \_\_\_\_\_.  
 \_\_\_\_\_  
 Clerk and Recorder

**ANNEXATION MAP**  
**LOT 2 FISCHER NO. 1 SUBDIVISION**  
**EXEMPTION PLAT**  
 SITUATED IN LOT 3 OF SECTION 13  
 TOWNSHIP 7 SOUTH, RANGE 106 WEST OF THE 6TH P.M.,  
 COUNTY OF GARFIELD, COUNTY OF GARFIELD, STATE OF COLORADO  
 JOHN W. JOHNSON  
 DATE: 2/16/2016, DRAWING NAME: LOT 2 ANNEX. DRAWN BY: PC  
**POLARIS SURVEYING**  
 PATRICK W. CLARK P.L.S.  
 3194 WISLA AVE. #B  
 GRAND JUNCTION, CO 81504  
 PHONE/FAX (970)434-7038

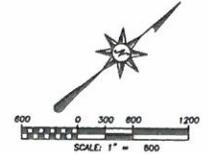
12





# TOWN OF PARACHUTE, COLORADO

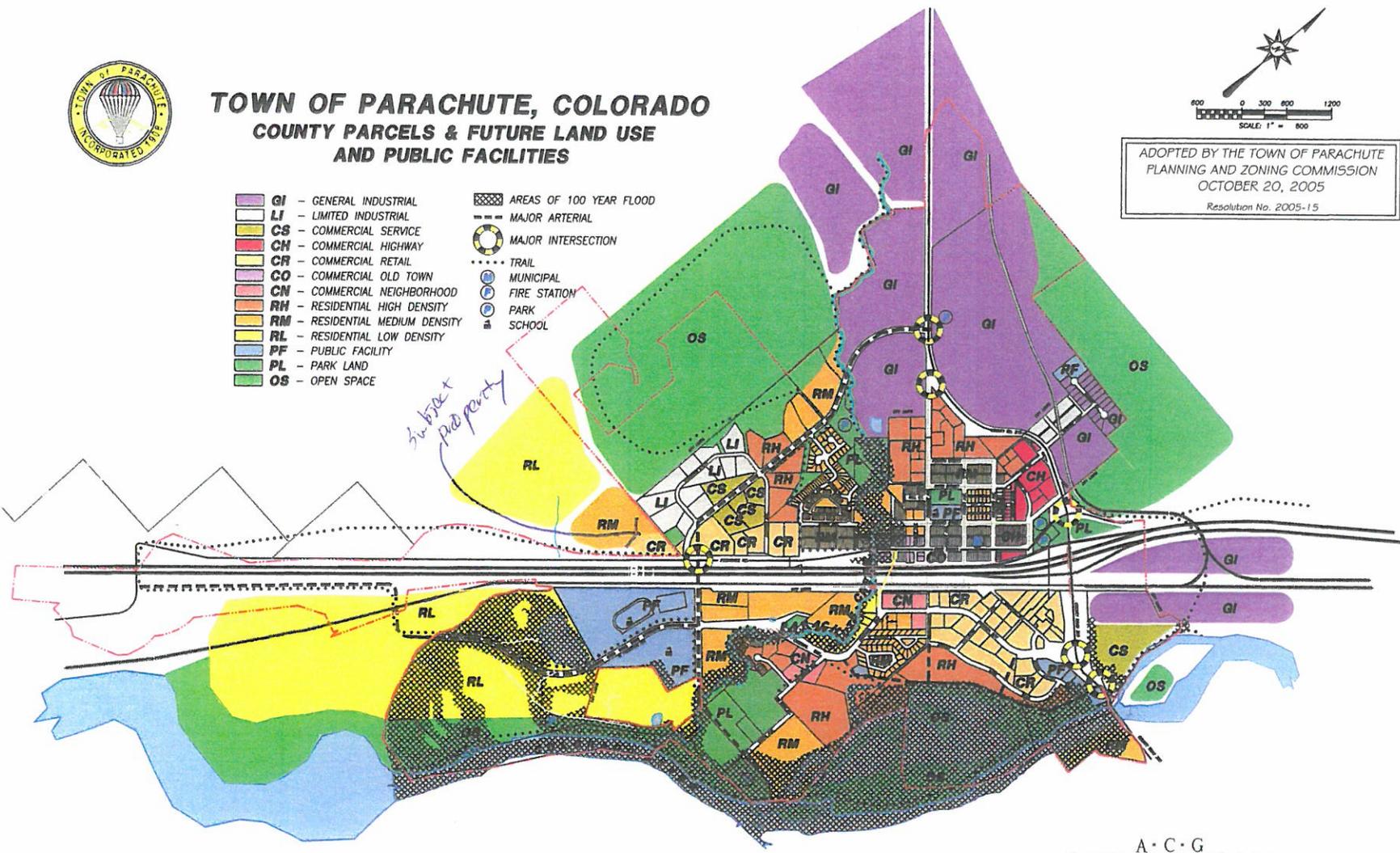
## COUNTY PARCELS & FUTURE LAND USE AND PUBLIC FACILITIES



ADOPTED BY THE TOWN OF PARACHUTE  
 PLANNING AND ZONING COMMISSION  
 OCTOBER 20, 2005  
 Resolution No. 2005-15

- GI - GENERAL INDUSTRIAL
  - LI - LIMITED INDUSTRIAL
  - CS - COMMERCIAL SERVICE
  - CH - COMMERCIAL HIGHWAY
  - CR - COMMERCIAL RETAIL
  - CO - COMMERCIAL OLD TOWN
  - CN - COMMERCIAL NEIGHBORHOOD
  - RH - RESIDENTIAL HIGH DENSITY
  - RM - RESIDENTIAL MEDIUM DENSITY
  - RL - RESIDENTIAL LOW DENSITY
  - PF - PUBLIC FACILITY
  - PL - PARK LAND
  - OS - OPEN SPACE
- AREAS OF 100 YEAR FLOOD
  - MAJOR ARTERIAL
  - MAJOR INTERSECTION
  - TRAIL
  - MUNICIPAL
  - FIRE STATION
  - PARK
  - SCHOOL

*subject  
 prop party*



M:\PROJECTS\PARACHUTE\Zoning and Land Use Maps\2014 DBAFT Future Land Use Map.dwg, Layout1, 1/24/2014 10:17:33 AM, DWG To PDF.pc3

**A · C · G**  
**AUSTIN CIVIL GROUP, INC**  
 Land Planning • Civil Engineering • Development Services  
 103 North 7th Street, Suite 300 • Grand Junction, Colorado 81501  
 970.242-7540

1. 2005 ZONING ORDINANCE 2. 2005 ZONING ORDINANCE 3. 2005 ZONING ORDINANCE 4. 2005 ZONING ORDINANCE 5. 2005 ZONING ORDINANCE 6. 2005 ZONING ORDINANCE 7. 2005 ZONING ORDINANCE 8. 2005 ZONING ORDINANCE 9. 2005 ZONING ORDINANCE 10. 2005 ZONING ORDINANCE	11. 2005 ZONING ORDINANCE 12. 2005 ZONING ORDINANCE 13. 2005 ZONING ORDINANCE 14. 2005 ZONING ORDINANCE 15. 2005 ZONING ORDINANCE 16. 2005 ZONING ORDINANCE 17. 2005 ZONING ORDINANCE 18. 2005 ZONING ORDINANCE 19. 2005 ZONING ORDINANCE 20. 2005 ZONING ORDINANCE
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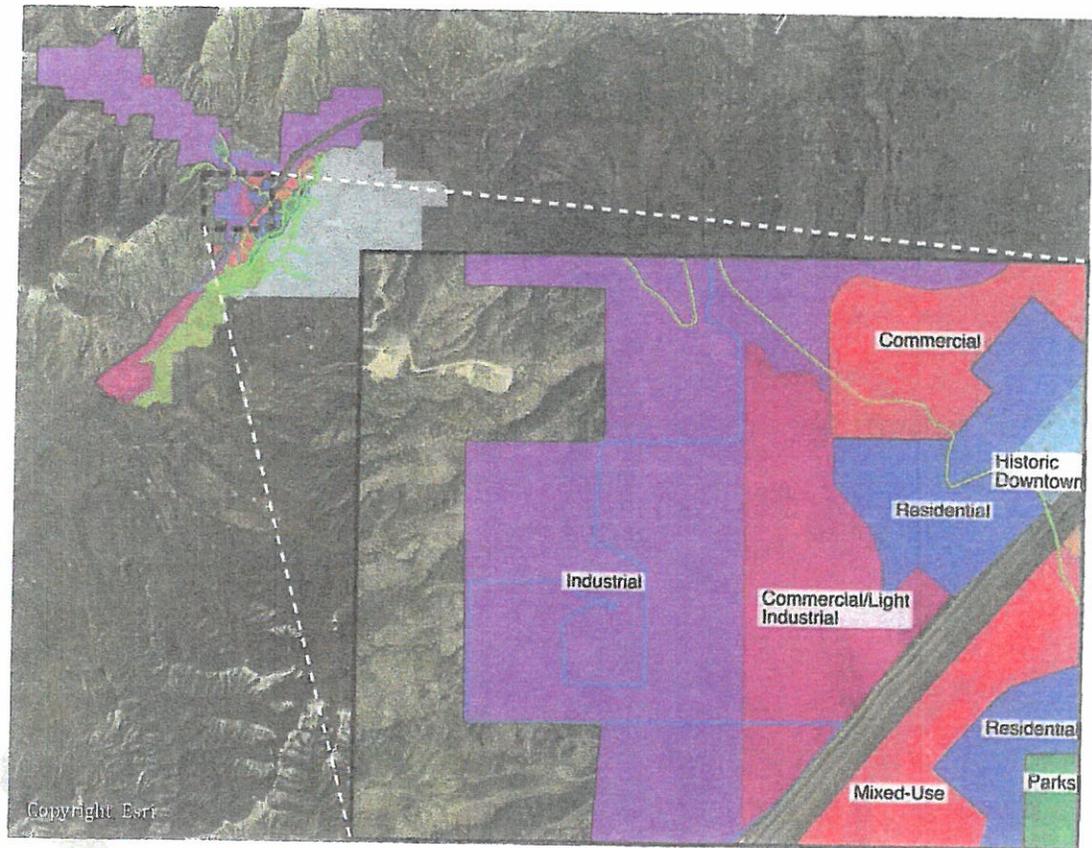
### WEST CENTRAL

The west central section of Town will serve as the site for future Industrial, Light Industrial, and Commercial development. Convenient access along Parachute Park Blvd. will be a major benefit to new businesses in this region of Town. The Commercial/Light Industrial zone will be most appropriate for light manufacturing, business parks, light industrial parks, and agribusiness related industries. Development of new businesses in the Industrial zone to the west will be difficult due to unfavorable slope.

The Commercial zone located to the north of the Residential zone may take some time before it is fully utilized, but it is anticipated to become a commercial corridor that connects the Historic Downtown with the major businesses up the canyon toward the north.

Part of the land within the proposed Industrial and Commercial/Light Industrial zones are currently located outside Town limits. These sections

should be considered for future annexation.



Map 6: West Central Parachute

Google Maps



Imagery ©2016 Google, Map data ©2016 Google 200 ft

Google Maps

2/16

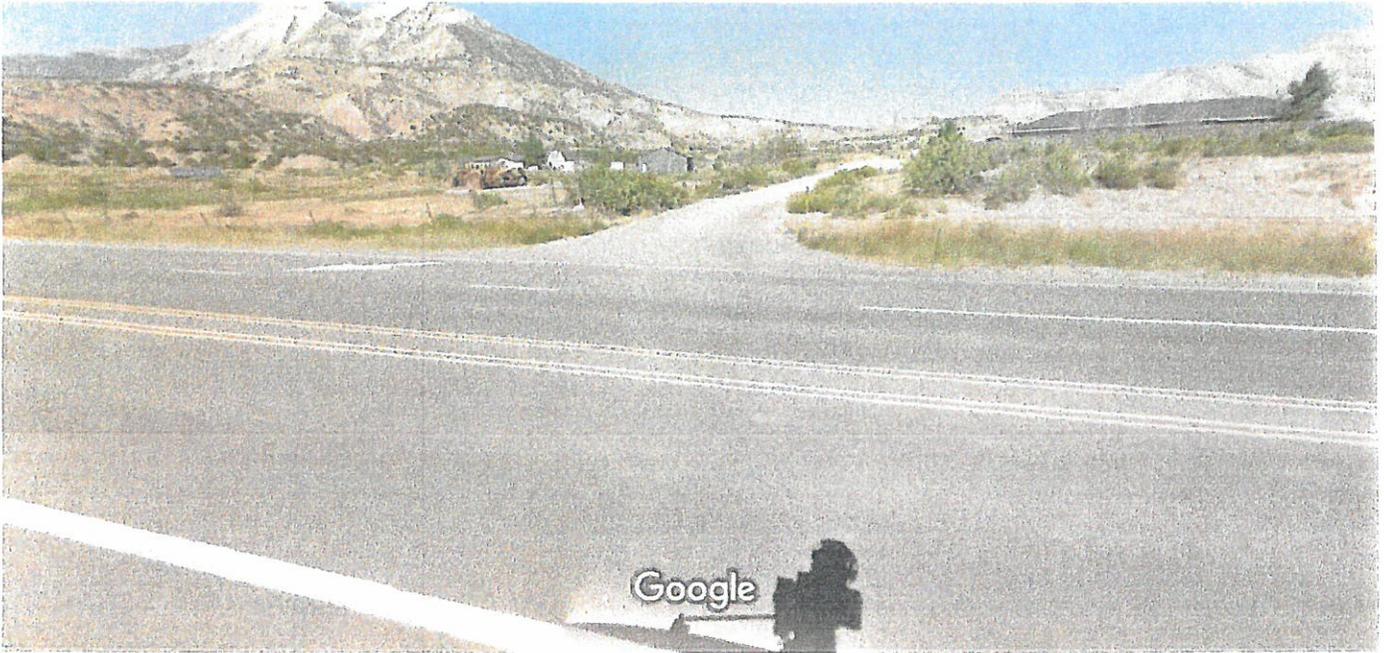


Image capture: Sep 2012 © 2016 Google

Parachute, Colorado  
Street View - Sep 2012

Google Maps

Google Maps Old US Hwy 6

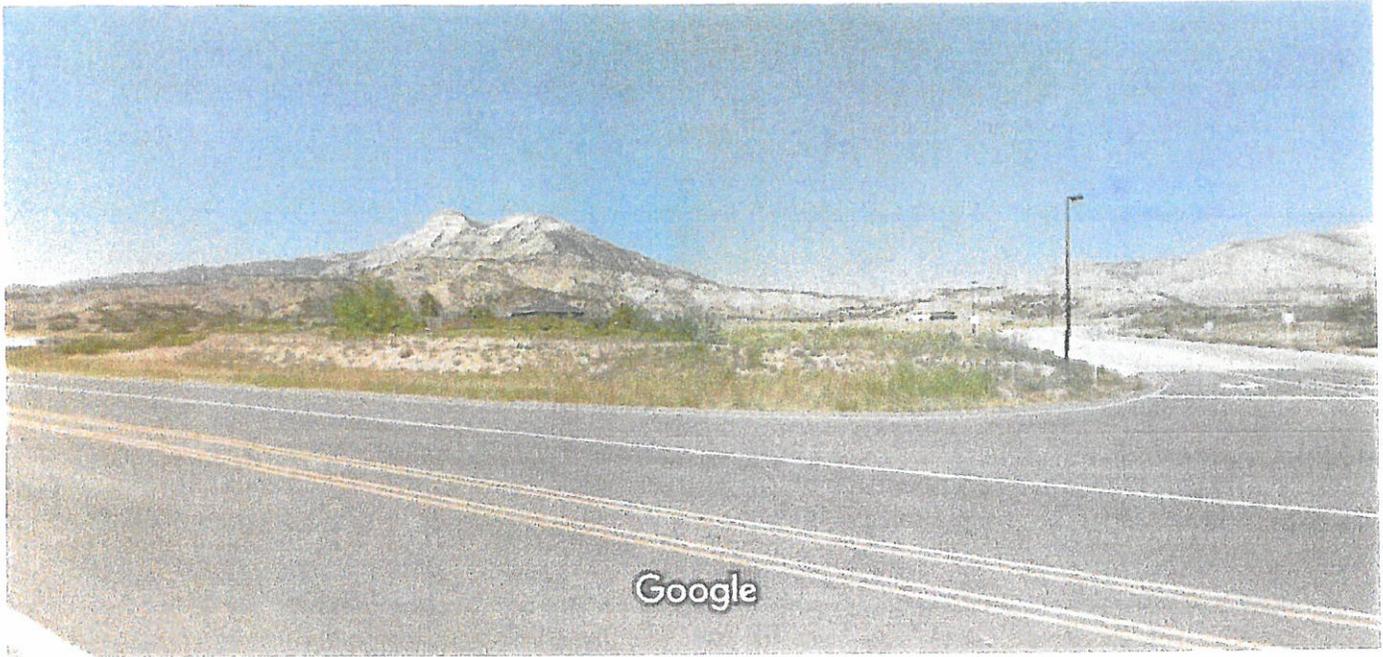


Image capture: Sep 2012 © 2016 Google

Parachute, Colorado  
Street View - Sep 2012

Google Maps

18



Image capture: Sep 2012 © 2016 Google

Parachute, Colorado  
Street View - Sep 2012

Google Maps



7015 0640 0006 8201 6453

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Linclander Family Trust*  
Street and Apt. No. or PO Box No.: *10 Box 626*  
City, State, ZIP+4: *Parachute Co 81635-0626*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0006 8201 6439

**U.S. Postal Service™ CERTIFIED MAIL® RECEIPT**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**GRAND JUNCTION, CO 81502**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *C&B Land Holdings LLC*  
Street and Apt. No. or PO Box No.: *10 Box 3045*  
City, State, ZIP+4: *Grand Junction Co 81502*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

6295 DTES 5315 0000 0646 5702

**U.S. Postal Service™ CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**GLENWOOD SPRINGS, CO 81602**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Parachute Development Corp*  
Street and Apt. No. or PO Box No.: *PO Box 696*  
City, State, ZIP+4: *Glenwood Springs CO 81602*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0006 8201 6422

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**DENVER, CO 80222**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Steve & Colene K. Dept of Highways*  
Street and Apt. No. or PO Box No.: *4201 E Arkansas Ave*  
City, State, ZIP+4: *Denver CO 80222-3006*

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7015 0640 0006 8201 6477

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.40	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$8.14	

Sent To: *David & Irma Cook*  
Street and Apt. No. or PO Box No.: *8393 Highway 6+24*  
City, State, ZIP+4: *Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0006 8201 6446

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Martinez Efrain*  
Street and Apt. No. or PO Box No.: *8462 Highway 6+24*  
City, State, ZIP+4: *Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0006 8203 2705

### CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**GRAND JUNCTION, CO 81505**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Sperry Roberts & Musgrave*  
 Street and Apt. No., or PO Box No.: *2506 Van Buren Rd*  
 City, State, ZIP+4: *Grand Junction, CO 81505*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 0640 0006 8201 6545

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**GRAND JUNCTION, CO 81506**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Sperry Roberts and Musgrave*  
 Street and Apt. No., or PO Box No.: *2891 Jean w*  
 City, State, ZIP+4: *Grand Junction, CO 81506*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 0640 0006 8201 6538

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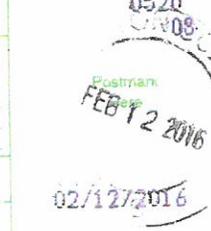
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**PARACHUTE, CO 81635**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *WPX Energy LLC: Brian Hotard*  
 Street and Apt. No., or PO Box No.: *1655 County Rd 215*  
 City, State, ZIP+4: *Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 0640 0006 8201 7474

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**DENVER, CO 80202**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *WPX Energy Rocky Mountain LLC*  
 Street and Apt. No., or PO Box No.: *1001 17th Street Suite 1200*  
 City, State, ZIP+4: *Denver CO 80202*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 0640 0006 8201 6491

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**PARACHUTE, CO 81635**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Grand Valley Fire District*  
 Street and Apt. No., or PO Box No.: *474 Stone Quarry Rd*  
 City, State, ZIP+4: *Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 0640 0006 8201 6507

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**PARACHUTE, CO 81635**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Grand Valley Fire District*  
 Street and Apt. No., or PO Box No.: *474 Stone Quarry Rd Po Box 68*  
 City, State, ZIP+4: *Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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**GRAND JUNCTION, CO 81505**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Sperry Roberts & Musgrave*  
 Street and Apt. No., or PO Box No.  
*2506 Van Buren Rd*  
 City, State, ZIP+4®  
*Grand Junction, CO 81505*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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**GRAND JUNCTION, CO 81506**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Sperry, Roberts and Musgrave*  
 Street and Apt. No., or PO Box No.  
*2891 Jean Ln*  
 City, State, ZIP+4®  
*Grand Junction, CO 81506*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *WPX Energy AKA: Brian Hotard*  
 Street and Apt. No., or PO Box No.  
*1058 County Rd 215*  
 City, State, ZIP+4®  
*Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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**DENVER, CO 80202**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *WPX Energy / Rocky Mountain LLC*  
 Street and Apt. No., or PO Box No.  
*1001 17th Street Suite 1200*  
 City, State, ZIP+4®  
*Denver CO 80202*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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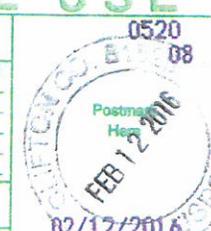
**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Grand Valley Fire District*  
 Street and Apt. No., or PO Box No.  
*474 Stone Quarry Rd*  
 City, State, ZIP+4®  
*Parachute CO 81635*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0520
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

Sent To: *Garfield County School #16*  
 Street and Apt. No., or PO Box No.  
*6401 Stone Quarry Rd Po Box 68*  
 City, State, ZIP+4®  
*Parachute CO 81635*

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**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
<b>Total Postage and Fees</b>	<b>\$6.74</b>

Postmark Here  
 FEB 12 2016  
 0520 08

Sent To  
 Parachute Parks & Rec  
 1st Cardinal Way #4  
 Parachute CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-6047 See Reverse for Instructions

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**RIFLE, CO 81650**

**OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
<b>Total Postage and Fees</b>	<b>\$6.74</b>

Postmark Here  
 FEB 12 2016  
 0520 08

Sent To  
 Grand River Hospital District  
 5th Airport Rd  
 Rifle CO 81650

PS Form 3800, April 2015 PSN 7530-02-000-6047 See Reverse for Instructions

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**PARACHUTE, CO 81635**

**OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
<b>Total Postage and Fees</b>	<b>\$6.74</b>

Postmark Here  
 FEB 12 2016  
 0520 08

Sent To  
 Grand Valley Cemetery District  
 PO Box 103  
 Parachute Co 81635

PS Form 3800, April 2015 PSN 7530-02-000-6047 See Reverse for Instructions

Ad Ticket #5

**Acct:** 1003196  
**Phone:** (970)285-7630  
**E-Mail:**  
**Client:**  
**Caller:** Mark Gerhard  
**Receipt**

**Name:** Town of Parachute  
**Address:** PO BOX 100

**City:** Parachute  
**State:** CO

**Zip:** 81635

**Ad Name:** 11917374A

**Original Id:** 0

**Editions:** 8PI/8PIN/

**Class:** 0990

**Start:** 02/15/16

**Stop:** 03/09/16

**Color:**

**Issue** 4

**Copyline:** pi West Run, Inc AnnexationFisher

**Rep:** PI Legals

**PUBLIC NOTICE**

**TAKE NOTICE** that West Run, Inc. has applied to the Town of Parachute, State of Colorado, for annexation and rezoning (service commercial) of a property to the Town of Parachute.

**Legal description:**  
 Section 13  
 Township 7,  
 Range 96 West  
 Fisher No. 1 Subdivision Exemption Plat  
 Lot: 2  
 6th Prime Meridian  
 County of Garfield  
 State of Colorado  
 P1R2409-132-00-026

**Address:** 8495 Highway 6 & 24, Parachute, CO 81635

All persons affected by the proposed land use applications are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter to the planning and zoning commission and the board of trustees and they will give consideration to the comments, surrounding property owners and others affected in deciding whether to grant or deny the request. The application may be reviewed at the Town of Parachute offices, located at 222 Grand Valley Way, Parachute, CO 970-285-7630 between the hours of 7:30 am to 4:30 pm Monday thru Thursday.

A public meeting on the application has been scheduled for March, 10th, 2016 at 6:30 pm before the Town of Parachute Planning and zoning commission in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

A public Hearing on the application has been scheduled for March, 17th, 2016 at 6:30 pm before the Town of Parachute Board of Trustees in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

S. Denise Charetta, Town Clerk

Published in the Post Independence on 2/15/2016, 2/24/2016, 3/2/2016, 3/9/2016, 3/14/2016. (11917374)

Lines:	54
Depth:	4.44
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>86.94</b>
Payment	0.00

Ad shown is not actual print size

**TOWN OF PARACHUTE  
ORDINANCE NO. 698-2016**

---

**AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE WEST RUN ANNEXATION PARCEL**

**WHEREAS**, in January 2015, West Run, Inc. (“Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a petition and request that the Board of Trustees commence proceedings to annex to the Town of Parachute a certain unincorporated tract of land located in the County of Garfield, State of Colorado, described on Exhibit A, attached hereto and incorporated herein by reference (the “West Run Annexation Parcel” or the “Property”);

**WHEREAS**, by Ordinance No. 697, the Board of Trustees of the Town of Parachute annexed the Property into the Town;

**WHEREAS**, Petitioner filed an application to zone the Property as (SC) Service Commercial Zone District, and on April 14, 2016, the Town of Parachute Planning Commission considered the zoning application for the Property and recommended that the Board of Trustees zone the Property (SC) Service Commercial Zone District;

**WHEREAS**, the Board of Trustees held a duly noticed public hearing on the zoning application for the Property; and

**WHEREAS**, the Board of Trustees finds that (SC) Service Commercial Zone District zoning for the Property complies with requirements of the Parachute Municipal Code and now wishes to establish zoning for the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Property is hereby zoned (SC) Service Commercial Zone District.

Section 3. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall incorporate the terms of this Ordinance into the Zoning Map described in Section 15.03.120 of the Parachute Municipal Code, giving the number of the amending ordinance and the date with the signature of the Mayor, attested by the Town Clerk. The Town Clerk shall also record a certified copy of this Ordinance with the Garfield County Clerk and Recorder. The Town staff is further directed to comply with all provisions of the Parachute Land Use Regulations contained in Title 15 of the Parachute Municipal Code to implement the provisions of this Ordinance.

**INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY**

**TITLE ONLY** by a vote of \_ to \_\_ of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21<sup>st</sup> day of April, 2016 and approved by the Mayor on the 21<sup>st</sup> day of April, 2016.

**BOARD OF TRUSTEES OF THE TOWN  
OF PARACHUTE, COLORADO**

By: \_\_\_\_\_  
Roy McClung, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Chiaretta, Town Clerk

**PUBLIC NOTICE**

Public notice is hereby given that an Ordinance entitled:

**AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE WEST RUN ANNEXATION PARCEL**

was introduced before the Board of Trustees on April 21, 2016; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on April 21, 2016, and approved by the Mayor on \_\_\_\_\_, 2016.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this \_\_\_\_\_ day of April, 2016.

**TOWN OF PARACHUTE**

\_\_\_\_\_  
Denise Chiaretta, Town Clerk



TOWN OF PARACHUTE  
PO BOX 100  
222 GRAND VALLEY WAY  
PARACHUTE, CO 81635

---

## LAND USE APPLICATION

Name of Applicant: West Run, Inc. 2536 Rimrock Ave. Suite 400-380 Grand Junction, CO 81505  
970-409-2707

Project Name: Carnahan/Gerhard Annexation

Project Location: 8495 Highway 6 & 24, Parachute, CO 81635

LEGAL DESCRIPTION: 2409-132-00-026

Existing Zoning: Rural unincorporated GAR/Co      Proposed Zoning: Service commercial zone district

---

### Type of Application (check all that apply):

**SUBDIVISION:**

- |                          |                    |                          |                                      |
|--------------------------|--------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | MINOR SUBDIVISION  |                          |                                      |
| <input type="checkbox"/> | MAJOR SUBDIVISION  | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |
| <input type="checkbox"/> | RE-SUBDIVISION     | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |
| <input type="checkbox"/> | P. U. D.           | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |
| <input type="checkbox"/> | BUILDING DIVISIONS | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |
| <input type="checkbox"/> | AMENDED PLAT       | <input type="checkbox"/> | PRELIMINARY <input type="checkbox"/> |

- 
- |                                     |                      |                                     |                                   |
|-------------------------------------|----------------------|-------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | REZONING             | <input type="checkbox"/>            | SIGN VARIANCE                     |
| <input type="checkbox"/>            | ZONING VARIANCES     | <input type="checkbox"/>            | FLOOD PLAIN DEVELOPMENT           |
| <input checked="" type="checkbox"/> | SPECIAL REVIEW USE   | <input type="checkbox"/>            | VACATION OF STREET, ALLEY, R.O.W. |
| <input type="checkbox"/>            | GEOLOGIC DEVELOPMENT | <input checked="" type="checkbox"/> | ANNEXATIONS                       |
| <input type="checkbox"/>            | LOT CONSOLIDATION    | <input type="checkbox"/>            | WATERSHED PERMIT                  |

PROPERTY OWNER: Jesse Carnahan 8495 Highway 6 & 24, Parachute, CO 81635 970-210-9669

PROJECT ENGINEER/SURVEYOR: Polaris Surveying 3194 Mesa Ave. #6 Grand Junction, CO 81504

ADJACENT PROPERTY OWNERS: (attach separate sheet if needed)

Name	Address
<b>See attached #1</b>	
_____	_____
_____	_____
_____	_____

MINERAL RIGHTS OWNERS & LESSEES OF SUBJECT PROPERTY (attach separate sheet if needed) \*PLEASE NOTE ALL MINERAL RIGHTS OWNERS AND LESSEES MUST BE NOTIFIED 30 DAYS IN ADVANCE TO APPLICATION REVIEW. PLEASE INDICATE ALL MINERAL RIGHTS OWNERS, & LESSEES AS (MR), OR (L)

Name	Address
<b>See attached #1</b>	
_____	_____
_____	_____
_____	_____

DESCRIPTION OF PROPOSAL: (INCLUDE PROPOSED USE, ACREAGE, ETC.)  
**See attached #2**

\_\_\_\_\_

\_\_\_\_\_

Describe how this Proposed Land Use Application Complies with the Town of Parachute Land Use Regulations and the Town of Parachute Master Plan 2002.

**See attached #3**

\_\_\_\_\_

Describe any possible Flood Plain issues:

N/A

\_\_\_\_\_

\_\_\_\_\_

Describe Traffic Impact Fees Proposal: (Standard Calculation or Individual Traffic Study)

N/A

\_\_\_\_\_

Describe Land Dedication Proposal:

Applicant will comply with 15.01.111 land dedications requirements

\_\_\_\_\_

Describe Water Rights Dedication Proposal:

Applicant will comply with Town regulations

I Certify that the information and exhibits herewith are true and correct to the best of my knowledge, and that in filing this application, I am acting with knowledge and consent of those persons listed above without whose consent the requested action cannot lawfully be accomplished.

Name: West Run, Inc. Mark Gerhard President

Address: 2536 Rimrock Ave. Suite 400-380 Grand Junction, CO 81505

Signature: Mark Gerhard President Date: 3-1-16

INSTRUCTIONS:

1. **Read both sides of application thoroughly.**
2. **Complete all of the requested information.**
3. Descriptions of property and dedication proposals on this form should be general and brief.
4. All applications must include a **CURRENT TITLE POLICY**, indicating ownership and encumbrances.
5. All applications must include **PROOF OF TAXES PAID**.
6. Applicants should review the Town of Parachute Land Use Regulations 15.01, 15.03, 15.04, 15.05, 15.06, and any other sections specified for the proposed request.
7. **All applicants who are not property owners must present a Letter of Representation, signed and notarized by the property owners.**
8. **Applications not signed and lacking any of the requested information will be deemed incomplete and will not be scheduled for a Planning and Zoning Commission review.**

ADMINISTRATIVE PERSONNEL:

APPLICATION FEE: \$250

APPLICATION RECEIVED DATE: 1/14/2016

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

PLANNING & ZONING HEARING: \_\_\_\_\_

BOT HEARING: \_\_\_\_\_

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

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

P&Z APPROVAL DATE: \_\_\_\_\_

BOT APPROVAL DATE: \_\_\_\_\_

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**PLANNING STAFF COMPLETENESS REVIEW MEMORANDUM**

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**TO:** MR. MARK GERHARD  
**FROM:** DAVIS FARRAR - WESTERN SLOPE CONSULTING, LLC  
**SUBJECT:** ANNEXATION, ZONING CHANGE AND SPECIAL REVUEW USE FOR MARIJUANA GROW FACILITY  
**DATE:** 3/3/2016  
**CC:** STUART MCARTHUR, JEFF CONKLIN

---

I received and reviewed the copy of your application for Annexation, Zone Change and Special Review Use for a marijuana cultivation application that I picked up at Town Hall on Tuesday March 1, 2016.

Your application consisted of an annexation application, zoning application and special review use application each accompanied by required submittal materials. The submittals included but were not limited to the following items.

1. Application forms for annexation, zoning and special review use, signed by the owner(s) of the property, in the format provided by the Town Clerk.
2. Petition for annexation.
3. Legal description of the property included in the application.
4. Names and addresses of any owners or lessees of mineral rights for the property.
5. The names and addresses of any property owners within two hundred feet (200') of any portion of the property.
6. Statement of the purpose of the application and a description of each proposal.
7. Vicinity map indicating the location of the property included in the land use application.
8. Application fee pursuant to Section 15.01.108.
9. Proof of legal ownership and the names and addresses of the owners of the property and any lienholder(s). The additional items you provided included a quit claim deed and a warranty deed.
10. A zoning petition document as required by the regulations.
11. A site plan.

12. A zoning map.
13. Description about how the application complies with town regulations and the comprehensive plan.
14. Proposal for water rights dedication.
15. Proposal for parkland dedication.
16. Annexation assessment report.
17. Various pictures and materials supporting the application requests.

The **APPLICATIONS ARE COMPLETE.** Your application will be sent to referral agencies for review and comment. The application must be sent to referral agencies within 5 working days of the determination of completeness. The **referral agencies have 20 days to respond with comments.** A meeting will be scheduled with the Planning Commission after the 20-day comment period has expired. **The Planning Commission meeting that was scheduled for March 10 and the Board of Trustees public hearing scheduled for March 17 will be continued to coincide with the review agency response time frame.** This was necessary because the application is not received until March 1, 2016 and the staff has up to 5 working days to make a determination of completeness. I will prepare a staff report for both the Planning Commission and Board of Trustees meetings. The staff report will address all issues related to the application request. **Please submit 5 complete applications with 24" x 36" maps (annexation, site plan, property survey) and 12 complete applications with 11" x 17" maps for the Planning Commission and referral agencies.** These submittals should be provided to the Town Manager within 5 days to avoid any delay in mailing of these materials to referral agencies. Please do not hesitate to contact me if you have any questions or would like to discuss this memo. I can be reached by telephone at 970-963-7172 or by e-mail at [wsconsulting@sopris.net](mailto:wsconsulting@sopris.net). Please contact Town Manager Stuart McArthur for the Planning Commission and Board of Trustees meeting dates.



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# WEST RUN, INC.

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Special Review Use



FEBRUARY 2, 2016

WEST RUN, INC.  
2536 Rimrock Ave. Suite 400-380  
Grand Junction, CO 81505

## West Run, Inc. Special Review Use

Statement of Purpose/Application.....	1-6
Application Submittal Requirements: 15.05	
Names and addresses of owners/mineral rights/and property owners within 200' Of property.....	7
Legal description.....	8
Proof of ownership/warranty deed.....	9
Vicinity map.....	10
Town of Parachute Zoning Map Draft.....	11
Town of Parachute future land use map.....	12
Page 54 of the Town of Parachute Better City Plan.....	13
Google Ariel view of property.....	14
Google Street view of front of property.....	15
Google Street view from side.....	16
Google Street view from Parachute Park Blvd, back of property.....	17
Site Plan 15.06.104.....	18

Letter of Purpose

West Run, Inc.  
2536 Rimrock Ave  
Suite 400-380  
Grand Junction, CO 81505

Town of Parachute  
Board of Trustees  
222 Grand Valley Way  
Parachute, CO 81635

RE: Proposed request for Special use review/RME

Dear Board of Trustees:

West Run, Inc. has petitioned the Town of Parachute under Title 15, Section 2: Annexation, 15.02.106 Annexation Petitions, Rezoning under 15.02.112 Zoning during Annexation and 15.03.165 Special Review Uses.

For Garfield County Assessors records Parcel ID# 2409-132-00-026 and a physical address of 8495 Highway 6 & 24, Parachute, CO 81635

Petitioner requests special review use review under 15.03.165 Special Review Uses for multiple RME licenses Under Title 6, Chapter 6.11 Section: 040

6.11.040 Classes of Licenses Authorized:

We are proposing the Special Review Use for a RME: Retail Marijuana Cultivation Facility and a Retail Marijuana store

6.11.050 Location limitations: and Scheduled Uses In Zone Districts 15.03.215

- A. The Applicant has requested property be placed in a "Service Commercial Zoned District".
- B. Property would meet Zoning Regulations as a "Permitted Use" for Retail Marijuana Store  
Property would require "Special Review Use" for a Retail Marijuana Cultivation Facility
- C. Property is more than 500' from any existing public or private school (attached Annexation map)

Petitioner is in compliance with 15.06.102 common Submittal requirements

- A. An application form signed by the owner of property, in format provided by the Town  
See attached
- B. A legal description of property  
See attached Legal description
- C. Proof of legal ownership and names and addresses of the owners of the property  
See attached Warranty Deed and address sheet
- D. The names and addresses of any owners of mineral rights for the property

See attached address sheet

- E. The names and addresses of any property owners within two hundred feet (200') of any portion of the property See attached address sheet
- F. A statement of Purpose and brief description of proposal  
See attached statement of purpose
- G. A vicinity map indicating the location of the property included in the Land Use application  
See attached annexation map with vicinity map imbedded
- H. An application fee per section 15.01.108: paid

Applicants Conclusion regarding Requirements Special Review Use:

- A. Compatibility with the Neighborhood and relationship to surrounding land uses;

On the Outskirts of Town, the subject property is bounded by Town of Parachute Municipal limits East and South of the property an Industrial Park, with Light Industrial and Service Commercial Zoned Districts to the East and North of property

Rural Unincorporated Garfield County to the North and West are single family residences with small businesses

To the South Town of Parachute Municipal City Limits, Highway 6 & 24 and the I-70 corridor

This Property is a Natural Candidate for a Retail Marijuana Store and Retail Marijuana Cultivation Facility

- B. Traffic Capacities:

The Subject Property Accesses Highway 6 & 24 and is near both I-70 Corridor Parachute exit ramps

Any proposed uses for the parcel will require a Site Plan Review process set forth by the Town of Parachute Land use Regulations in Section 15.07.112 prior to issuance of a building permit by the Town of Parachute. The Design processes conducted by applicant will incorporate all necessary requirements for engineering, drawing, and studies to comply with the Town of Parachute Land use regulations, Building Codes, and Public works manuals. These processes require conformance with the land use codes and will address road and traffic issues, on and off site parking, utilities, services and street access. These are site and use specific issues that must be addressed during the site paln review prior to building permit issuance.

- C. Potential environmental Effects:

Any proposed uses for the parcel will require a Site Plan Review process set forth by the Town of Parachute Land use Regulations in Section 15.07.112 prior to issuance of a building permit by the Town of Parachute. The Design processes conducted by applicant will incorporate all necessary requirements for engineering, drawing, and studies to comply with the Town of Parachute Land use regulations, Building Codes, and Public works manuals. These processes require conformance with the land use codes and will address road and traffic issues, on and off site parking, utilities, services and street access. These are site and use specific issues that must be addressed during the site paln review prior to building permit issuance.

The design process will identify and is required to effectively mitigate impacts to stormwater retention and management, noise, odors, dust, heat, glare and other influences as required by Lnd Use Regulations Section 15.03.212

D. Town of Parachute Master Plan:

- The 2005 master plan/2008 upgrade 6.0 Goals and Policies Statements:
- 6.2.5 Extensions of Town Boundaries and utilities shall be minimized,
- \$ new annexations shall not be made without good justifications and economic benefits to the Town:
  - 1, Applicant has met all the elements and code requirements for annexation
  - 2, Town will realize economic benefits from
    - 1, increase from property tax,
    - 2, increase in sales taxes
    - 3, increase in overall business tax revenues for Town
    - 4. Increased advertising for Town
- The 2005/2008 Master plan update designates this property as outside town limits as reflected in the 2015 zoning map draft.
- The 2014 Draft Future Land use map designates this property for commercial use.
- The Better City Plan proposes that part of the land in the Industrial and commercial light Industrial zoned areas is outside town limits and is targeted for annexation, and business parks, light industrial parks and agri-business related industries is the best use.
- It is applicants request that the applicable classification of the property according to the 2005/2008 Master Plan upgrade: 7.0 Master Plan-Land Use Categories, that the best use of the proposed property as reflected by the Master Plan and 2014 Future Land Use Draft is:
- 7.6 Commercial Service - To accommodate wholesale and service uses which require greater land areas. Such districts must be located near major intersections and so as not to interfere with residential neighborhoods. Uses should be clustered to make the best use of the land.
- 15.03.208 SC Service Commercial: The service commercial zone district is intended to provide areas for wholesale and commercial uses located near major highway intersections away from residential uses.

- Applicant has met the code requirements in Article 15 for land use, annexation, zoning and special review use

E. Site Plan Compliance with Section 15.06.104

Please find attached a site plan the complies with 15.06.104

The Site Plan complies with the necessary requirements for the proposed use

F. Signage:

A single sign will be installed on the property to identify the Retail Store, no sign is proposed for the Cultivation Facility

A sign permit will be applied for as required by the Town of Parachute Land Use Regulations Title 15- Article 13

G. Open Space and Recreation:

Open Space and Recreation Areas are not proposed for this property.

H. The location and type of outdoor lighting:

- Parking lot lighting will include pole lights with cut off fixtures
- Some existing lighting is on building now any additional lighting required will be cut-off fixtures and will meet International Building code requirements for security and safety and Town of Parachute Regulations

I. Landscape Plan:

There is existing landscape on the property presently. The landscaping will fully comply with Town Regulations 15.6, 15.7 and a landscape detailed design will be submitted during building permit review process

J. Estimated date of completion of improvements:

The project completion will be a phased in approach for the cultivation as weather permits and the political picture for RME's in Parachute is sorted out. The retail store completion date is 2 quarter 2016

Any proposed uses for the parcel will require a Site Plan Review process set forth by the Town of Parachute Land use Regulations in Section 15.07.112 and 15.01.114 will be conducted prior to issuance of a building permit by the Town of Parachute. The Design processes conducted by applicant will incorporate all necessary requirements for engineering, drawing, and studies to comply with the Town of Parachute Land use regulations, International Building Codes, and Parachute Public works improvement manuals.

Summary:

Applicant requests the Town of Parachute Planning and Zoning Board and the Board of Trustees approval of the Special Review Use for a RME: Retail Marijuana Cultivation Facility and Retail Marijuana

Store, with a proposed maximum cultivation facility building size of 18,000 sqft for a Garfield County Assessors PI# 2409-132-00-026 and a physical address of 8495 Highway 6 & 24. Parachute, CO 81635

In addition, applicant will be required to comply with all state, and Department of Revenue (MED) Marijuana Enforcement Division as well as Town of Parachute rules and regulations governing Marijuana business's.

Applicant requests the additional conditions of approval:

The Site Plan submitted by applicant is current. The applicant will prepare a Site Plan for Building Permit issuance that complies with the applicable Town of Parachutes Land Use Regulations. General arrangement of buildings, grading/drainage, landscaping, parking, trash enclosures, and other improvements can be revised by applicant for any future 18,000 sqft Cultivation/Warehouse building.

Sincerely,

A handwritten signature in blue ink that reads "Mark Gerhard" followed by "president" written in a smaller, less legible script.

West Run, Inc.  
Mark Gerhard President

Property owner(s) if different from applicant (inclusive of mineral owners/lessees):

Name	Mailing Address	Parcel ID#
1. Jesse Carnahan	8495 Highway 6 & 24, Parachute, CO 81635	240913200026
2. ( MR) Sperry, Roberts and Musgrave	2506 Van Buren Rd, Grand Junction, CO 81505 2891 Jean Ln. Grand Junction, CO 81506	same
3. (L) WPX Energy Rocky Mountain, LLC.	1001 17 <sup>th</sup> St. Suite 1200 Denver, CO 80202	same

Attach additional sheets if necessary.

Current list of adjoining and abutting property owners to the subject parcel obtained from the Garfield County Assessor's Office.

Name	Mailing Address	Telephone
1. State Of Colorado Dept of Highways	4201 Arkansas Ave, Denver, CO 80222-3406	2409-912-30-005
2. Parachute Development Corp.	P.O. Box 686 Glenwood Springs, CO 81602	2409-123-02-010 2409-123-02-008
3. C & B Land Holdings, LLC	P.O. Box 3045 Grand Junction, CO 81502	2409-123-02-009
4. Martinez, Efrain	8469 Highway 6 & 24, Parachute, CO 81635	2409-123-00-025
5. Lindauer Family Trust	P.O. Box 626 Parachute, CO 81635-0626	2409-123-00-004
6. David & Nina Cook	8393 Highway 6 & 24 Parachute, CO 81635	2409-132-00-027
7.		
8.		
9.		
10.		

671585 04/04/2005 12:16P B1675 P832 M ALSDORF  
2 of 2 R 11.00 D 27.40 GARFIELD COUNTY CO

EXHIBIT A

Order Number: 05000191

LEGAL DESCRIPTION

A PORTION OF PARCEL NO. 700-R REV. OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, FORMERLY KNOWN AS STATE DEPARTMENT OF HIGHWAYS, PROJECT NO I 70-1(45), SITUATED IN LOT 3 OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 96 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13, A BRASS CAP PROPERLY MARKED FOR THE NORTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 89°18'00" EAST ALONG THE NORTHERLY LINE OF SAID SECTION 13, 1351.55 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, A BRASS CAP IN PLACE, L.S. NO. 18480; THENCE NORTH 89°18'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 3 549.23 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89°18'00" EAST 256.27 FEET TO A REBAR AND CAP IN PLACE, STAMPED L.S. NO. 11980, THENCE LEAVING SAID NORTHERLY LINE SOUTH 57°02'00" EAST 106.30 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE FOR U.S. INTERSTATE NO. 70; THENCE SOUTH 40°04'30" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE 573.20 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 43°06'30" WEST 324.57 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE NORTH 46°54'57" WEST 352.89 FEET; THENCE NORTH 57°57'34" EAST 410.05 FEET; THENCE NORTH 29°47'29" EAST 313.07 FEET TO THE TRUE POINT OF BEGINNING,

ALSO DESCRIBED AS:

LOT 2

ACCORDING TO THE FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT RECORDED SEPTEMBER 6, 1995 AS RECEPTION NO. 482721  
Subject to and together with a 50.00 foot wide access easement as described in Reception No. 476606 as recorded in the office of the Clerk and Recorder of Garfield County

COUNTY OF GARFIELD  
STATE OF COLORADO

WARRANTY DEED

THIS DEED, Made this 28th day of March, 2005, between  
CHRISTOPHER SANDOVAL AND AMANDA SANDOVAL

of the said County of GARFIELD and State of COLORADO, grantor, and  
JESSE J. CARNAHAN

whose legal address is 153 IRONWEDGE CIRCLE  
PARACHUTE, CO 81635

of the said County of GARFIELD and State of COLORADO, grantee:

DOC FEE: \$27.40

WITNESSETH, That the grantor for and in consideration of the sum of Ten dollars and other good and valuable consideration DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the said County of GARFIELD and State of Colorado described as follows:

SEE EXHIBIT "A"

also known by street and number as: 8495 HIGHWAY 6 & 24, PARACHUTE, CO 81635

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

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except easements, restrictions, reservations and rights of way of record, or situate and in use, and real property taxes for the year 2005, not yet due or payable. Those specific exceptions described by reference to recorded documents as reflected in title documents accepted by the Buyer in accordance with 8a.

The grantor shall and will WARRANTY AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

*[Signature]*  
CHRISTOPHER SANDOVAL FOR AMANDA SANDOVAL AS HER ATTORNEY IN FACT

*[Signature]*  
CHRISTOPHER SANDOVAL

State of COLORADO )  
                                  ) ss.  
County of GARFIELD )



The foregoing instrument was acknowledged before me this 28th day of March My Commission Expires 09/05/2007  
by CHRISTOPHER SANDOVAL AND AMANDA SANDOVAL

My commission expires September 05, 2007. Witness my hand and official seal.

*[Signature]*  
Notary Public

DF 19/2

Recorder's Note: History Not Corrected 4/4/05



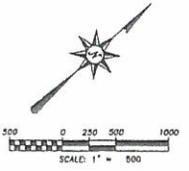
TOWN OF PARACHUTE, COLORADO  
ZONING MAP

**DRAFT**

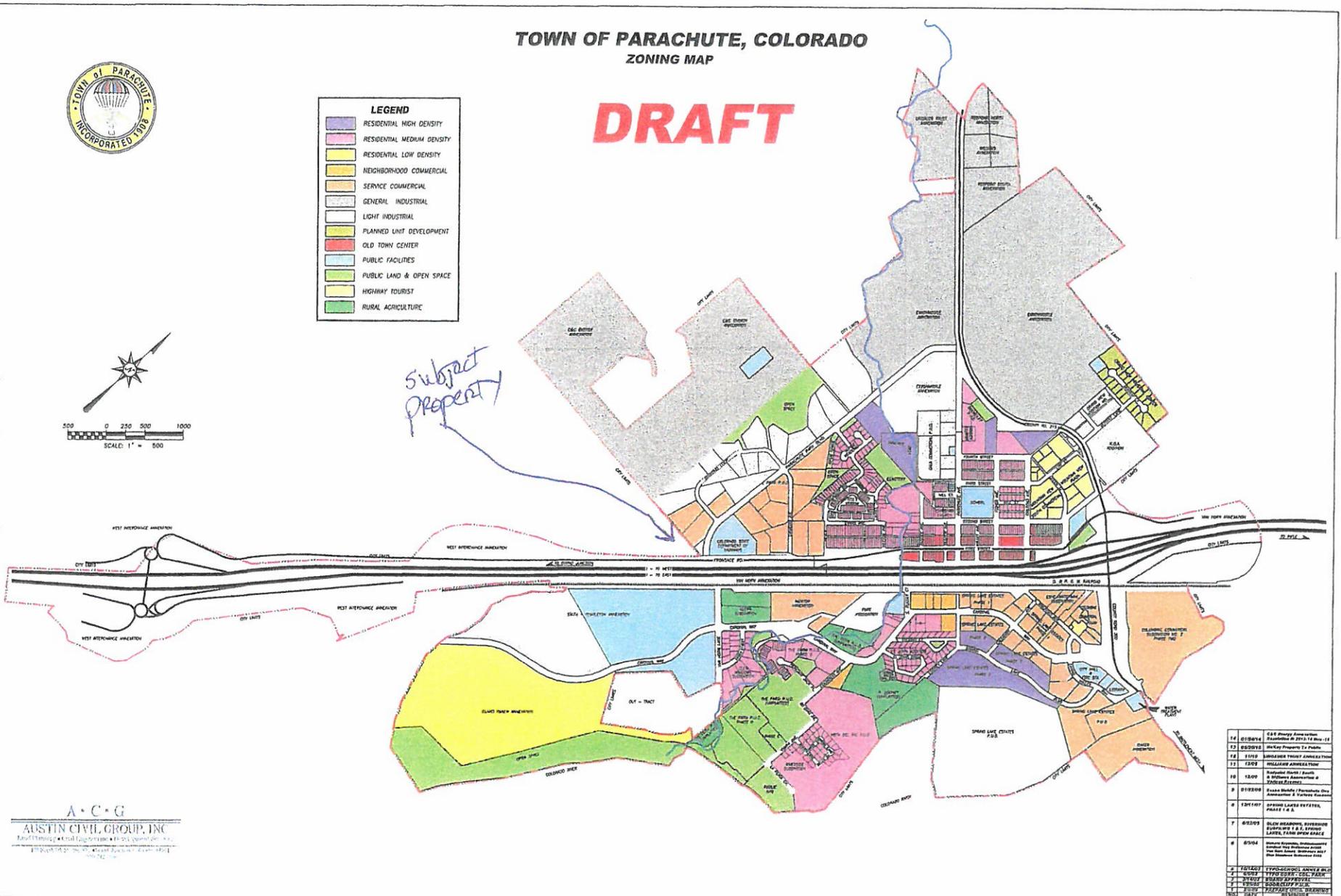


**LEGEND**

[Purple]	RESIDENTIAL HIGH DENSITY
[Pink]	RESIDENTIAL MEDIUM DENSITY
[Light Yellow]	RESIDENTIAL LOW DENSITY
[Yellow]	NEIGHBORHOOD COMMERCIAL
[Orange]	SERVICE COMMERCIAL
[Light Grey]	GENERAL INDUSTRIAL
[White]	LIGHT INDUSTRIAL
[Light Green]	PLANNED UNIT DEVELOPMENT
[Red]	OLD TOWN CENTER
[Light Blue]	PUBLIC FACILITIES
[Light Green]	PUBLIC LAND & OPEN SPACE
[Yellow-Green]	HIGHWAY TOURIST
[Green]	RURAL AGRICULTURE



*Subject Property*



14	01/04/16	2.5K Energy Accessory
12	02/02/12	100K Property Tax Public
12	01/10	100K Property Tax Public
11	12/05	100K Property Tax Public
10	12/05	100K Property Tax Public
10	01/08/08	100K Property Tax Public
8	12/14/07	100K Property Tax Public
7	01/20/03	100K Property Tax Public
6	01/04/04	100K Property Tax Public
4	12/14/07	100K Property Tax Public
4	01/04/04	100K Property Tax Public
2	12/14/07	100K Property Tax Public
2	01/04/04	100K Property Tax Public
1	12/14/07	100K Property Tax Public
1	01/04/04	100K Property Tax Public

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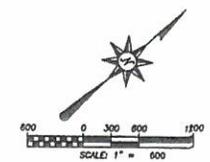
A·C·G  
AUSTIN CIVIL GROUP, INC.  
Land Planning & Surveying • 4001 E. Highway 101, Suite 100  
Parachute, CO 81424 • 970.226.1111



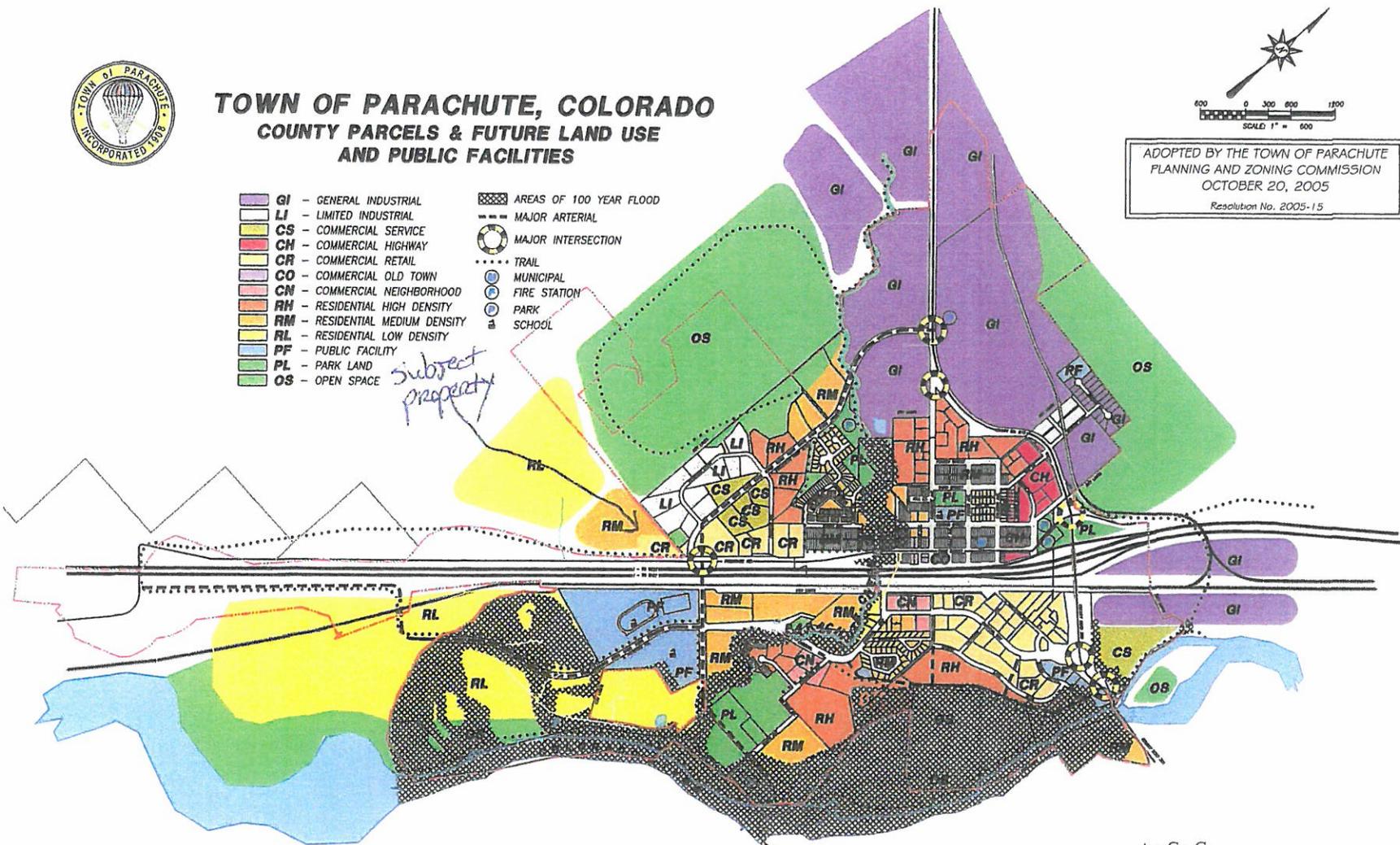
# TOWN OF PARACHUTE, COLORADO COUNTY PARCELS & FUTURE LAND USE AND PUBLIC FACILITIES

- GI - GENERAL INDUSTRIAL
  - LI - LIMITED INDUSTRIAL
  - CS - COMMERCIAL SERVICE
  - CH - COMMERCIAL HIGHWAY
  - CR - COMMERCIAL RETAIL
  - CO - COMMERCIAL OLD TOWN
  - CN - COMMERCIAL NEIGHBORHOOD
  - RH - RESIDENTIAL HIGH DENSITY
  - RM - RESIDENTIAL MEDIUM DENSITY
  - RL - RESIDENTIAL LOW DENSITY
  - PF - PUBLIC FACILITY
  - PL - PARK LAND
  - OS - OPEN SPACE
- AREAS OF 100 YEAR FLOOD
  - MAJOR ARTERIAL
  - MAJOR INTERSECTION
  - TRAIL
  - MUNICIPAL
  - FIRE STATION
  - PARK
  - SCHOOL

*Subject property*



ADOPTED BY THE TOWN OF PARACHUTE  
PLANNING AND ZONING COMMISSION  
OCTOBER 20, 2005  
Resolution No. 2005-15



M:\PROJECTS\PARACHUTE\Zoning and Land Use Map\2014 DBA\T Future Land Use Map.dwg, Layout1, 1/24/2014 10:12:33 AM, DWG To PDF.pc3

A · C · G  
AUSTIN CIVIL GROUP, INC  
Land Planning • Civil Engineering • Development Services  
123 North 718 Street, Suite 200 • Grand Junction, Colorado 81501  
970 240-7540

DATE	DESCRIPTION
10/20/05	ADOPTED BY THE TOWN OF PARACHUTE PLANNING AND ZONING COMMISSION
10/20/05	ADOPTED BY THE TOWN OF PARACHUTE PLANNING AND ZONING COMMISSION
10/20/05	ADOPTED BY THE TOWN OF PARACHUTE PLANNING AND ZONING COMMISSION
10/20/05	ADOPTED BY THE TOWN OF PARACHUTE PLANNING AND ZONING COMMISSION

12

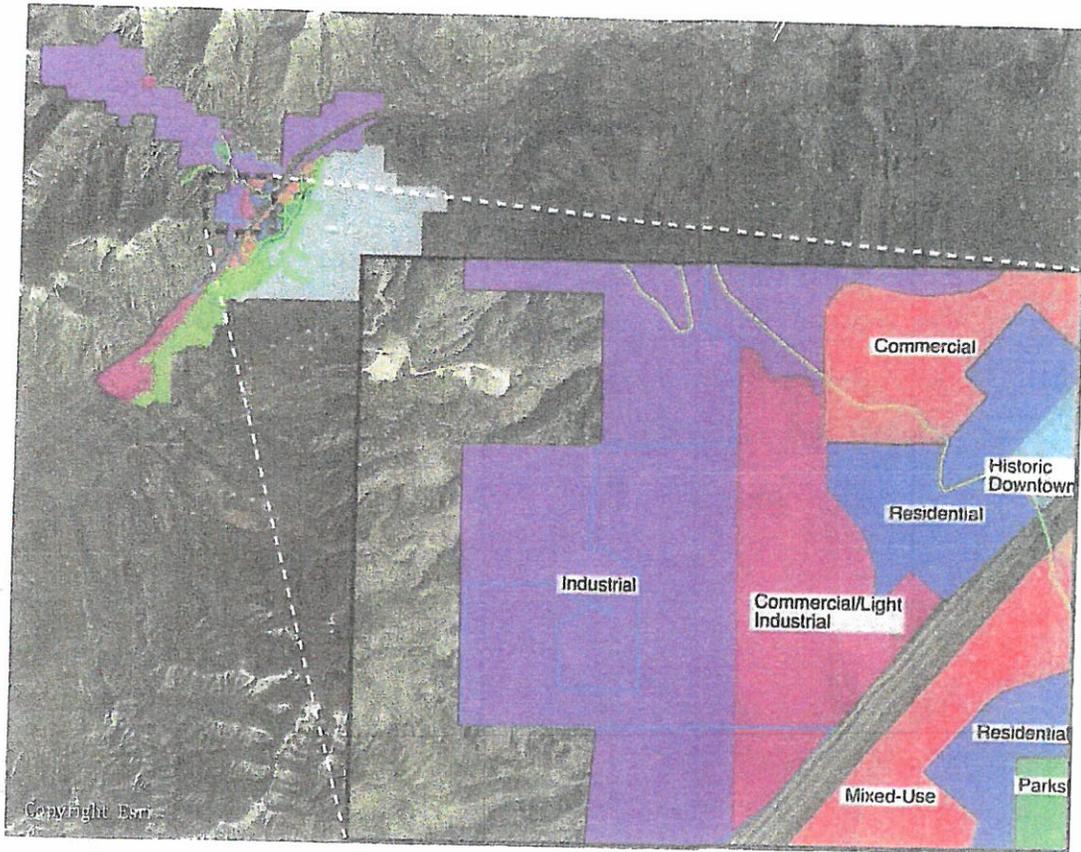
## WEST CENTRAL

The west central section of Town will serve as the site for future Industrial, Light Industrial, and Commercial development. Convenient access along Parachute Park Blvd. will be a major benefit to new businesses in this region of Town. The Commercial/Light Industrial zone will be most appropriate for light manufacturing, business parks, light industrial parks, and agri-business related industries. Development of new businesses in the Industrial zone to the west will be difficult due to unfavorable slope.

The Commercial zone located to the north of the Residential zone may take some time before it is fully utilized, but it is anticipated to become a commercial corridor that connects the Historic Downtown with the major businesses up the canyon toward the north.

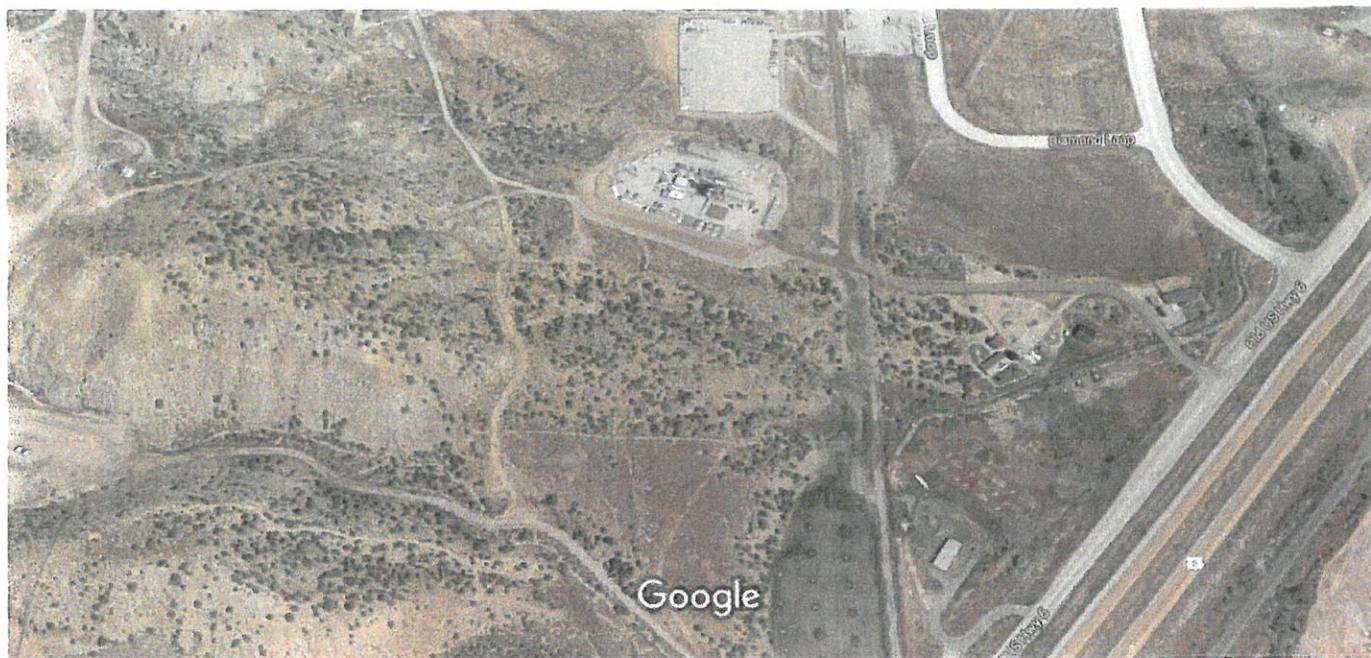
Part of the land within the proposed Industrial and Commercial/Light Industrial zones are currently located outside Town limits. These sections

should be considered for future annexation.



Map 6: West Central Parachute

Google Maps



Imagery ©2016 Google, Map data ©2016 Google 200 ft

Google Maps

14

Google Maps Old US Hwy 6



Image capture: Sep 2012 © 2016 Google

Parachute, Colorado  
Street View - Sep 2012

Google Maps

15

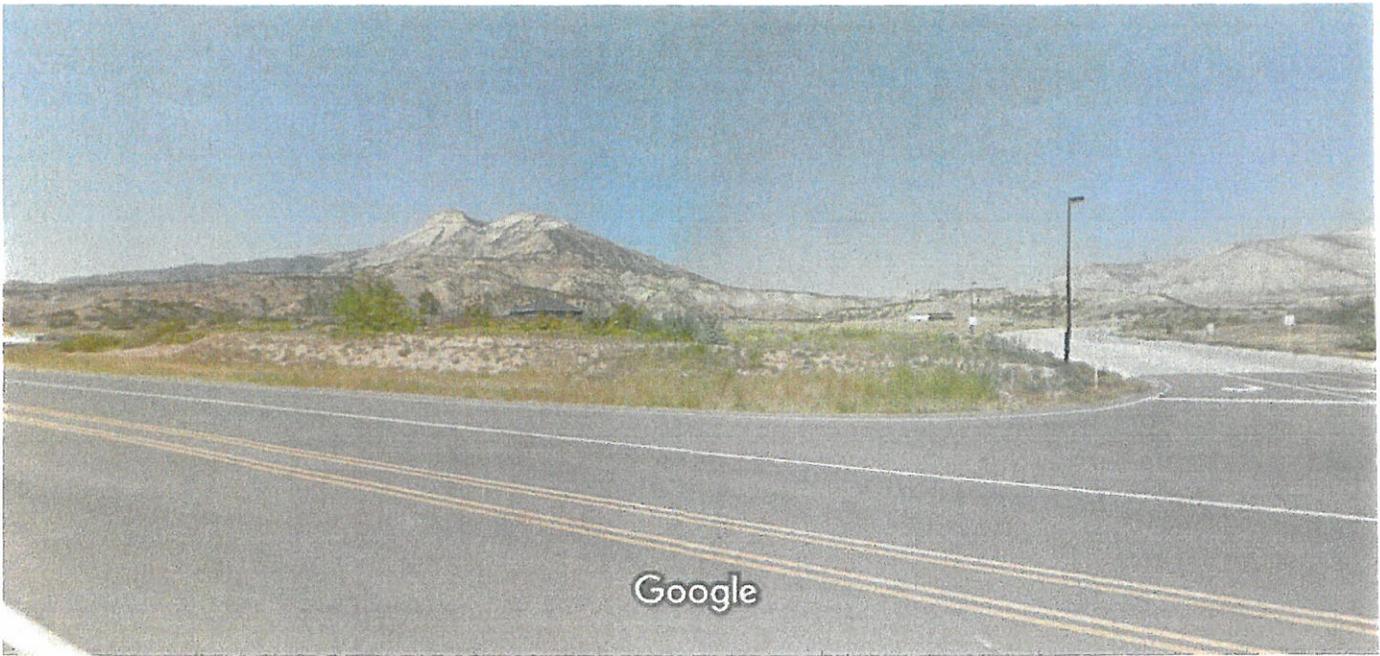


Image capture: Sep 2012 © 2016 Google

Parachute, Colorado  
Street View - Sep 2012

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# Google Maps Parachute Park Blvd



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**TOWN OF PARACHUTE, COLORADO**  
**RESOLUTION NO. 2016-13**

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**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, APPROVING A SPECIAL REVIEW USE PERMIT FOR WEST RUN, INC. TO OPERATE A RETAIL MARIJUANA CULTIVATION FACILITY**

**WHEREAS**, West Run, Inc. (the “Applicant”) wish to operate a retail marijuana cultivation facility on property located at 8495 Highway 6 & 24 Parachute, CO 81635, identified as Garfield County Parcel No. 2409-132-00-026 (the “Property”);

**WHEREAS**, at the time of application, the Property is located in Garfield County and is zoned Resource Lands;

**WHEREAS**, Applicant has petitioned to annex the Property into the Town and has applied for Service Commercial zoning;

**WHEREAS**, Service Commercial zoning allows for a retail marijuana cultivation facility as a special review use and, therefore, Applicant has applied for a special review use permit for such use on the Property in conjunction with the application for zoning (the “Application”);

**WHEREAS**, the Property is owned by Jesse Carnahan, who consents to such petition for annexation, zoning, and special review use for a retail marijuana cultivation facility;

**WHEREAS**, Section 15.05 of the Parachute Municipal Code (the “Code”) allows for special review use to be approved as follows:

Uses designated as special review uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic capacities, potential environmental effects, compatibility with the neighborhood, and conformance with the Parachute Plan. It is the intent of these Regulations to provide a review of special review uses so that the community is assured that any proposed special review uses are suitable for the proposed location and are compatible with the surrounding land uses.

**WHEREAS**, the Planning Commission of the Town of Parachute reviewed the Application and has recommended denial of the Application;

**WHEREAS**, the Board of Trustees has reviewed the Applicant’s Application for a Special Review Use Permit to allow for a retail marijuana cultivation facility to be located on the Property and finds that it conforms with the terms and conditions of Chapter 15.05 of the Code subject to the subject to the conditions set forth in Exhibit A which is incorporated herein (the “Conditions”) and, therefore, wishes to approve such permit.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Board hereby approves Applicant's Application for a special review use permit for a retail marijuana cultivation facility on the Property subject to the Conditions set forth in Exhibit A and authorizes the Town Manager to negotiate and approve a cash payment in lieu of land dedication pursuant to Section 15.01.111 of the Code.

**INTRODUCED, PASSED, ADOPTED, AND APPROVED** by a vote of \_ to \_\_ of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21<sup>st</sup> day of April, 2016 and approved by the Mayor on the 21<sup>st</sup> day of April, 2016.

**BOARD OF TRUSTEES OF THE  
TOWN OF PARACHUTE, COLORADO**

By

\_\_\_\_\_  
Roy B. McClung, Mayor

ATTEST:

\_\_\_\_\_  
S. Denise Chiaretta, Town Clerk

## EXHIBIT "A"

---

1. The applicant shall conform to the applicable landscaping requirements in Parachute Land Use Code Design and which shall be subject to town review and approval prior to issuance of a certificate of occupancy.
2. The applicant shall demonstrate to the satisfaction of the town, sufficient irrigation for the permanent landscaping on the site prior to issuance of a certificate of occupancy or commencement of business operations.
3. In conformance with Section 15.03.197, a detailed design for screening of the "trash" area shall be submitted for review and approval by the town prior to issuance of a certificate of occupancy or commencement of business operations.
4. The applicant shall conform to the applicable lighting requirements in Parachute Land Use Code Design Standards in Section 15.06.104 and other applicable sections and shall submit a lighting plan for all exterior lighting, which shall be subject to staff review and approval prior to issuance of a certificate of occupancy or commencement of business operations.
5. All parking spaces (including loading areas) shall conform to the Town of Parachute parking requirements and shall be surfaced with asphalt or concrete.
6. All access to the site shall conform to all Town of Parachute and CDOT requirements. Compliance with access permitting and requirements shall be demonstrated prior to issuance of a certificate of occupancy.
7. Applicant shall propose and demonstrate odor control methodologies sufficient to mitigate odors. Mitigation the smells shall be demonstrated to Town staff's satisfaction before and during the time that the marijuana cultivation use operates.
8. The applicant shall conform to the requirements of the Parachute Sign Code for which, a separate sign permit application is required.
9. Applicant shall submit reports prepared by a qualified Colorado-licensed engineer on water demands, wastewater generation, site drainage, traffic generation, and other related site impacts for review and approval by staff prior to issuance of a building permit.
10. The applicant shall be required to comply with the land dedication requirements specified in Parachute Municipal Code or at the sole discretion of the Board of Trustees pay cash in lieu of land dedication.

11. All development on the site shall comply with the adopted fire codes applicable to the Town of Parachute.
12. The Record of Decision by the Parachute Board of Trustees for the Gerhard Marijuana Cultivation Facility special review use shall be recorded in the real estate records of the Garfield County Clerk and Recorder.
13. All representations made in the Applicant's written materials or verbally as reflected in the minutes of the public meetings or hearings where the Application was presented to or considered by the Commission and/or Board of Trustees are considered part of the Application and binding on the Applicant.
14. Applicant shall reimburse the Town for any and all fees, including consulting costs incurred in the review of the Application.

### Marijuana Retail Application Submittal Checklist

**Applicant Name:**  
**DBA:**  
**Project Name:**  
**Project Address:**  
**Reviewer:**

<b>Bud's Limited</b>
<b>N/A</b>
<b>Retail Marijuana Cultivation Facility</b>
<b>8495 Highway 6 &amp; 24, Parachute, CO</b>
<b>Stuart S. McArthur</b>

**6.11.090 Application Requirements. The Application for a new Retail Marijuana Establishment License, change of locations, and premises modifications shall include the following:**

		Complete	Date	Comments
A.	A current application form provided by the Town.	Y	3/15/2016	
B.	A copy of the conditional State License or proof of application for a State License.	Y	3/15/2016	
C.	Proof of ownership, lease, rental agreement, or other arrangement for legal possession of the proposed Licensed Premises.	Y	3/15/2016	
D.	An operating plan for the proposed Licensed Premises which includes a description of the products and services to be provided by the proposed Licensed Premises, including whether the establishment proposes to engage in the production of retail sale of food or other products containing retail marijuana, and whether any retail marijuana products or services will be provided at a location different than the premises on the license application.	Y	3/15/2016	
E.	A floor plan showing the configuration of the proposed Licensed Premises, including a statement of total floor space occupied by the business, which designates the use of each room or other area of the proposed Licensed Premises and where patrons are not permitted.	Y	3/15/2016	PROPOSED OUTDOOR FACILITY

**6.11.090 Application Requirements. The Application for a new Retail Marijuana Establishment License, change of locations, and premises modifications shall include the following:**

		Complete	Date	Comments
1	The floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the proposed Licensed Premises to an accuracy of plus-or-minus six inches.	NA	3/15/2016	PROPOSED OUTDOOR FACILITY
2	The floor plan shall designate the place at which the License will be conspicuously posted as required by this Chapter.	Y	3/15/2016	
F.	Sign, security and lighting plans indicating how the Applicant will comply with the requirements of the Colorado Retail Marijuana Code and this Chapter.	Y	3/15/2016	NO SIGNAGE
G.	An area map, drawn to scale, indicating the boundaries of the property upon which the proposed Licensed Premises is or will be located, the proximity, measured per the standards set forth below, of the proposed Licensed Premises to any public or private school located 500 feet or less from the proposed Licensed Premises, and the proximity to any other Licensed Premises located 150 feet or less from the proposed Licensed Premises.	Y	3/15/2016	
H.	Proof that the proposed Retail Marijuana Establishment will be located in a location that is compliant with the zoning and land use laws, or that the necessary land use application(s) has been made.	N		ANNEXATION AND ZONING NEED TO HAPPEN FIRST.
I.	Payment of all required fees as set forth on the Fee Schedule in this Section, together with an agreement to reimburse consultant fees on a form provided by the Town, which are nonrefundable.	Y	3/15/2016	FEE RECEIVED WITH APPLICATION.

**6.11.090 Application Requirements. The Application for a new Retail Marijuana Establishment License, change of locations, and premises modifications shall include the following:**

		Complete	Date	Comments
J.	A statement of whether or not any person holding any ownership interest in the proposed Retail Marijuana Establishment has:			
1	Ever been denied an application for a Retail Marijuana Establishment license by the State or any other local jurisdiction in the State, or has ever had such a license suspended or revoked; and	Y	3/15/2016	NO DENIAL OR REVOCATION.
2	Ever been convicted of a felony or has ever completed any portion of a sentence due to a felony charge.	Y	3/15/2016	NONE
K.	The contents of the Application shall be verified, under oath, by each person or entity holding an ownership interest in the proposed Retail Marijuana Establishment.	Y	3/15/2016	
L.	Applications for renewal of a License, transfers of ownership, changes in trade name, and other application types set forth in the Fee Schedule where no material change in the characteristics of the Licensed Premises has occurred shall not require the items enumerated in Subsections D through H.	NA		NOT A RENEWAL.



## Retail Marijuana Establishment Business License Application and Checklist

### Application Checklist

<input type="checkbox"/> <b>Application Form Fully Completed</b> Type or clearly print an answer to every question. If a question does not apply to you, indicate so with an N/A. If the available space is insufficient, continue on a separate sheet and precede each answer by stating the question. <b>A separate application is required for EACH license type.</b>
<input type="checkbox"/> <b>All Forms Signed &amp; Attached</b> The following accompanying forms must be signed by each owner of the Applicant as required by the Town's Retail Marijuana Establishments ordinance and be provided with the Application as a condition of acceptance: <input type="checkbox"/> Affirmation & Consent <input type="checkbox"/> Investigation Authorization/Authorization to Release
<input type="checkbox"/> <b>Copy of Conditional State License or Proof of State License Application Attached</b> Proof of state license application shall be submitted when a conditional state license has not been issued. Proof of a state license consists of a copy of the complete State Retail Marijuana License Application and supporting documents, and all Associated Key Marijuana License Applications and supporting documents submitted in connection with the Retail Marijuana License Application. These items may be submitted as a supplement to the other application materials.
<input type="checkbox"/> <b>All Requested Information Attached (Other forms may be made available and may be required at time of application)</b> The following supporting information requested in the Town of Parachute's Retail Marijuana Establishments ordinance and in this application (as applicable) must be attached:  <input type="checkbox"/> Proof of ownership, lease, rental agreement, or other arrangement for legal possession of the proposed licensed premises described in this application form. <input type="checkbox"/> Operating plan described in the Town's Retail Marijuana Establishments ordinance of the proposed licensed premises. <input type="checkbox"/> Floor plan described in the Town's Retail Marijuana Establishments ordinance of the proposed licensed premises. <input type="checkbox"/> Sign, security and lighting plans indicating how the proposed licensed premises will comply with the requirements of the Colorado Retail Marijuana Code and the Town's Retail Marijuana Establishments ordinance. <input type="checkbox"/> An area map of the proposed licensed premises as described in the Town's Retail Marijuana Establishments ordinance. <b>The area map must clearly show the proximity of the proposed licensed premises to any public or private school located 500 feet or less from the proposed licensed premises, and to any other licensed premises located 150 feet or less from the proposed licensed premises as measured pursuant to the Town's Retail Marijuana Establishments ordinance.</b> <input type="checkbox"/> Proof that the proposed licenses premises will be located in a location that is compliant with the Town's zoning and land use laws, or that the necessary land use application(s) has been made.  <b>Note:</b> The Town of Parachute reserves the right to request additional information and documentation throughout the course of the background investigation.
<input type="checkbox"/> <b>Application Fees</b> Application fees as required by the Town's Retail Marijuana Establishments ordinance. Application fees are non-refundable and must be paid via a certified check or money order.

MAR 15 2016 11:00

Buds, Limited

Application.....1-3

Owners Affirmations.....4

Owners Authorization for investigation.....5

Attachments to application.....6

Property from school map.....7

Property from nearest RME Store.....8

200' from property owners.....9

Garfield county Assessors adjacent property owners list.....10

Property Annexation map.....11

Proposed development plan, lighting security, surveillance.....12

Buds, Limited lease.....13-14

Carnahan lease.....15-16

**Retail Marijuana Establishment Business License Application**

New License Application  Annual License Renewal

<b>License Sought - Attach a copy of the conditional State License or proof of application for a State License.</b>			
A separate license application must be filed for each type of desired license or proposed licensed premises.			
Retail Marijuana Store <input type="checkbox"/>		Retail Marijuana Testing Facility <input type="checkbox"/>	
Retail Marijuana Cultivation Facility <input checked="" type="checkbox"/>		Retail Marijuana Products Manufacturing Facility <input type="checkbox"/>	
*A Cultivation Facility license requires a public hearing before the Planning and Zoning Commission for Special Review Use approval.			
Applicant's Legal Business Name (Please Print) <i>Buds, Limited</i>			
Trade Name (DBA) (Provide Trade Name Registration) <i>N/A</i>		Website Address <i>N/A</i>	
<b>Location and Contact Information - Proposed Licensed Premises</b>			
Street Address and Assessor Parcel No. of Proposed Premises <i>8495 Highway 6 + 24 PI#2409-132-00-026</i>		City <i>Parachute</i>	State <i>CO</i>
		ZIP <i>81635</i>	
Business Phone Number <i>970-285-9307</i>	Business Fax Number <i>970-285-9307</i>	Email Address <i>CEO@BudsLtd.com</i>	
Does the applicant have legal possession of the proposed licensed premises by virtue of ownership, lease or other arrangement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Legal Basis for possession: Ownership <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Other <input type="checkbox"/> Explanation: _____			
Submit all documentation (e.g. deed, title commitment/report, title, sale or lease agreements etc.) showing legal right to possession. If premises are leased, attach written consent by the property owner to licensing of the premises for a retail marijuana establishment.			
Is the proposed licensed premises in compliance with applicable zoning and land use laws? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If not, has the applicant submitted the necessary land use application? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Attach any submitted application.			
<b>Applicants' Contact and Related Information</b>			
Address [REDACTED]		City <i>Parachute</i>	State <i>CO</i>
		Zip <i>81635</i>	
Primary Contact Person for Business <i>MARK Gerhard</i>		Title <i>owner</i>	Primary Contact Phone Number [REDACTED]
Primary Contact Address (city, state, Zip) <i>2536 Rim Rock Ave Suite 400-380 Grand Junction CO 81505</i>		Primary Contact Fax Number <i>N/A</i>	
Federal Taxpayer ID [REDACTED]	Colorado Sales Tax License # [REDACTED]	Email Address <i>CEO@BudsLtd.com</i>	
<b>Business Entity Details</b>			
Sole Proprietorship <input type="checkbox"/>	Partnership <input type="checkbox"/>	Limited Liability Company <input checked="" type="checkbox"/>	C Corporation (Closely Held) <input type="checkbox"/>
Trust <input type="checkbox"/>	Limited Partnership <input type="checkbox"/>	S Corporation <input type="checkbox"/>	C Corporation (Publicly Traded) <input type="checkbox"/>
Other <input type="checkbox"/> Explanation: _____			
State of Incorporation or Creation of Business Entity <i>Colorado</i>			Date of Incorp./Creation <i>3-7-16</i>
Date Qualified to Conduct Business in Colorado (Provide Certificate of Good Standing from the Colorado Secretary of State's Office) <i>3-7-16</i>			
If a Corporation, Limited Liability Company, or Limited Partnership, List all States Where the Corporation is Authorized to Conduct Business <i>Colorado</i>			
List all Trade Names used by the Business Entity in Addition to Formal Name <i>Buds</i>			

Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);

- Been denied a privileged license (i.e. - Liquor, Gaming, Racing and Marijuana)? Yes  No
- Had a privileged license (i.e. - Liquor, Gaming, Racing and Marijuana) suspended or revoked? Yes  No
- Had interest in another entity that had a privileged (i.e. - Liquor, Gaming, Racing and Marijuana) license denied, suspended or revoked? Yes  No

If you answered yes to any of the above questions, explain the denial, suspension, or revocation in detail on a separate sheet.

**Ownership Structure**

List all persons and/or entities with any ownership interest in the applicant/proposed licensee, and all officers and directors, regardless of whether they have an ownership interest in the applicant/proposed licensee. If an entity (corporation, partnership, LLC, etc.) has an ownership interest the applicant/proposed licensee, list all persons having an ownership interest in such entity, their percentage of ownership of the entity, and their effective ownership of applicant/proposed licensee if ownership in applicant is through ownership of a parent or holding entity (an Ownership Entity). Submit additional sheets if necessary.

Name <i>MARK Gerhard</i>	Title <i>Owner</i>	SSN/FEIN [REDACTED]	Date of Birth [REDACTED]
Address [REDACTED]	City <i>Parachute</i>	State <i>CO</i>	ZIP <i>81635</i>
Ownership Entity (if applicable) <i>Buds, Limited</i>	% Ownership of Ownership Entity <i>100</i>	Effective Applicant	Own. % in Applicant <i>100</i>
Name <i>N/A</i>	Title	SSN/FEIN	Date of Birth
Address <i>N/A</i>	City	State	ZIP
Ownership Entity (if applicable) <i>N/A</i>	% Ownership of Ownership Entity	Effective Applicant	Own. % in Applicant
Name <i>N/A</i>	Title	SSN/FEIN	Date of Birth
Address <i>N/A</i>	City	State	ZIP
Ownership Entity (if applicable) <i>N/A</i>	% Ownership of Ownership Entity	Effective Applicant	Own. % in Applicant
Name <i>N/A</i>	Title	SSN/FEIN	Date of Birth
Address <i>N/A</i>	City	State	ZIP
Ownership Entity (if applicable) <i>N/A</i>	% Ownership of Ownership Entity	Effective Applicant	Own. % in Applicant
Name <i>N/A</i>	Title	SSN/FEIN	Date of Birth
Address <i>N/A</i>	City	State	ZIP
Ownership Entity (if applicable) <i>N/A</i>	% Ownership of Ownership Entity	Effective Applicant	Own. % in Applicant
Name <i>N/A</i>	Title	SSN/FEIN	Date of Birth
Address <i>N/A</i>	City	State	ZIP
Ownership Entity (if applicable) <i>N/A</i>	% Ownership of Ownership Entity	Effective Applicant	Own. % in Applicant

Who, besides the owners of the applicant/proposed licensee listed above (including persons, firms, partnerships, corporations, limited liability companies, trusts), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money or profits from this business. Submit a separate sheet if necessary.

Name	Date of Birth	FEIN OR SSN	Interest
N/A			

Has the applicant or an ownership entity listed above (if applicable) ever applied for a marijuana license (retail or medical) in this or any other jurisdiction, foreign or domestic, whether or not the license was ever issued? If YES, provide details on a separate sheet, including jurisdiction, type of license, license number, and dates license held or applied for. *See Attached* Yes  No

Has the applicant or an ownership entity listed above ever been denied a marijuana license (retail or medical), withdrawn a marijuana license or had any disciplinary action taken against any marijuana license that they have held in this or any other jurisdiction, Colorado or otherwise? If YES, provide details on a separate sheet, including jurisdiction, type of action, and date of action. Yes  No

In the last ten years, has the applicant or any partner, member, officer, director, or stockholder of the applicant ever been arrested, charged, or convicted of a crime or offense in a federal, state or other court? If YES, please provide details on a separate sheet, including jurisdiction, the crime or offense arrested for and whether charged with or convicted, and date of action. *See Attached* Yes  No

**Maintenance of Books and Records**

Name of Person who maintains Applicant's business records *MARK Gerhard* Title *OWNER*

Address *[REDACTED]* Phone Number *[REDACTED]*

Person who prepares Applicant's tax returns, government forms & reports *Same as above* Title *[REDACTED]*

Address *[REDACTED]* Phone Number *[REDACTED]*

Location of financial books and records for Applicant's business *Same as above*

**Managers**

Name of Manager of proposed licensed premises. Submit a separate sheet if necessary. Date of Birth SSN

*MARK Gerhard* *[REDACTED]* *[REDACTED]*

**Owner's Affirmation & Consent**

I, MARK Gerhand, as an owner of and authorized agent for the applicant, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire foregoing Retail Marijuana Establishment Business License Application, statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for Local Licensing Authority to refuse to issuance of a the desired retail marijuana establishment license. I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for the denial or revocation of the license. I am voluntarily submitting this application to the Local Licensing Authority of the Town of Parachute, Colorado under oath with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as applicant holds a retail marijuana establishment license, and for 90 days following the expiration or surrender of such marijuana license.

**Print Full Owner/Legal Agent Name:**

Applicant's Name <u>Buds, Limited</u>		Trade Name (DBA) <u>NA</u>	
Owner/Legal Agent Last Name (Please Print) <u>Gerhand</u>	Owner/Legal Agent First Name <u>MARK</u>	Owner/Legal Agent Middle Name <u>Robert</u>	Agent
Legal Agent Title <u>owner</u>	Signature (Must be signed in front of one witness) <u>Mark Gerhand</u>		
Date (MM/DD/YY) <u>03/10/16</u>	City <u>Parachute</u>	State <u>CO</u>	
Witness 1 Signature <u>Karl [unclear]</u>			

**Owner's Authorization to Investigate and Release Information**

I, MARK Gerhand, as an owner of and authorized agent for the applicant, hereby authorize the Town of Parachute, Colorado and any Application review authorities selected by it (hereafter, the Investigatory Agencies) to conduct a complete investigation into this Application, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand that by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Town of Parachute, Colorado and Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to financial records in whatever form and wherever located. I understand that by signing this authorization, a financial record check of the applicant/proposed licensee's tax filing and tax obligation status may be performed. I authorize the Town of Parachute, Colorado to surrender to the Investigatory Agencies a complete and accurate record of any and all tax information or records relating to applicant. I authorize the Investigatory Agencies to obtain, receive, review, copy, discuss and use any such tax information or documents relating to applicant. I authorize the release of this type of information, even though such information may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws.

The Town of Parachute, Colorado and Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand that the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the Investigatory Agencies, their agents or employees shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the Town of Parachute, Colorado, Investigatory Agencies, and any of those entities' agents or employees for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within this Application, any financial or personnel record, or otherwise found, obtained, or maintained by the Town of Parachute, Colorado or Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

**Print Full Owner/Legal Agent Name:**

Applicant's Name <u>Buds, Limited</u>		Trade Name (DBA) <u>N/A</u>	
Owner/Legal Agent Last Name (Please Print) <u>Gerhand</u>	Owner/Legal Agent First Name <u>MARK</u>	Owner/Legal Agent Middle Name <u>Robert</u>	Agent
Signature <u>Mark Gerhand</u>		Date <u>3-7-16</u>	
Applicant's Business Name <u>Buds, Limited</u>		Trade Name (DBA) <u>N/A</u>	
Legal Agent Title <u>OWNER</u>	Signature (Must be signed in front of one witness) <u>Mark Gerhand</u>		
Date (MM/DD/YY) <u>03/10/16</u>	City <u>Parachute</u>	State <u>CO</u>	
Witness 1 Signature <u>Kim [Signature]</u>			

## Attachments to Application

Application: page 3 question 1

- A) Parachute, CO
- B) Retail Marijuana
- C) 000528
- D) Current and expires 11/24/16

Application: page 3 question 3

- 1. 4-13-15 Grand Junction, CO: disorderly conduct, no contest deferred judgement
- 2. 09-23-08 Kettering, OH: fail to control/weaving, dismissed
- 3. 09-23-08 Kettering, OH: Physical control, guilty
- 4. 09-23-08 Kettering, OH: OVI/refusal, dismissed

Chapter 6.11.090 (J) 1, 2, Statement

- 1. No
- 2. No



**Results**

Parcel	Physical Address	Owner
24091320026	8495 6 HWY PARAGHUTE	CARNAHAN, JESSE J

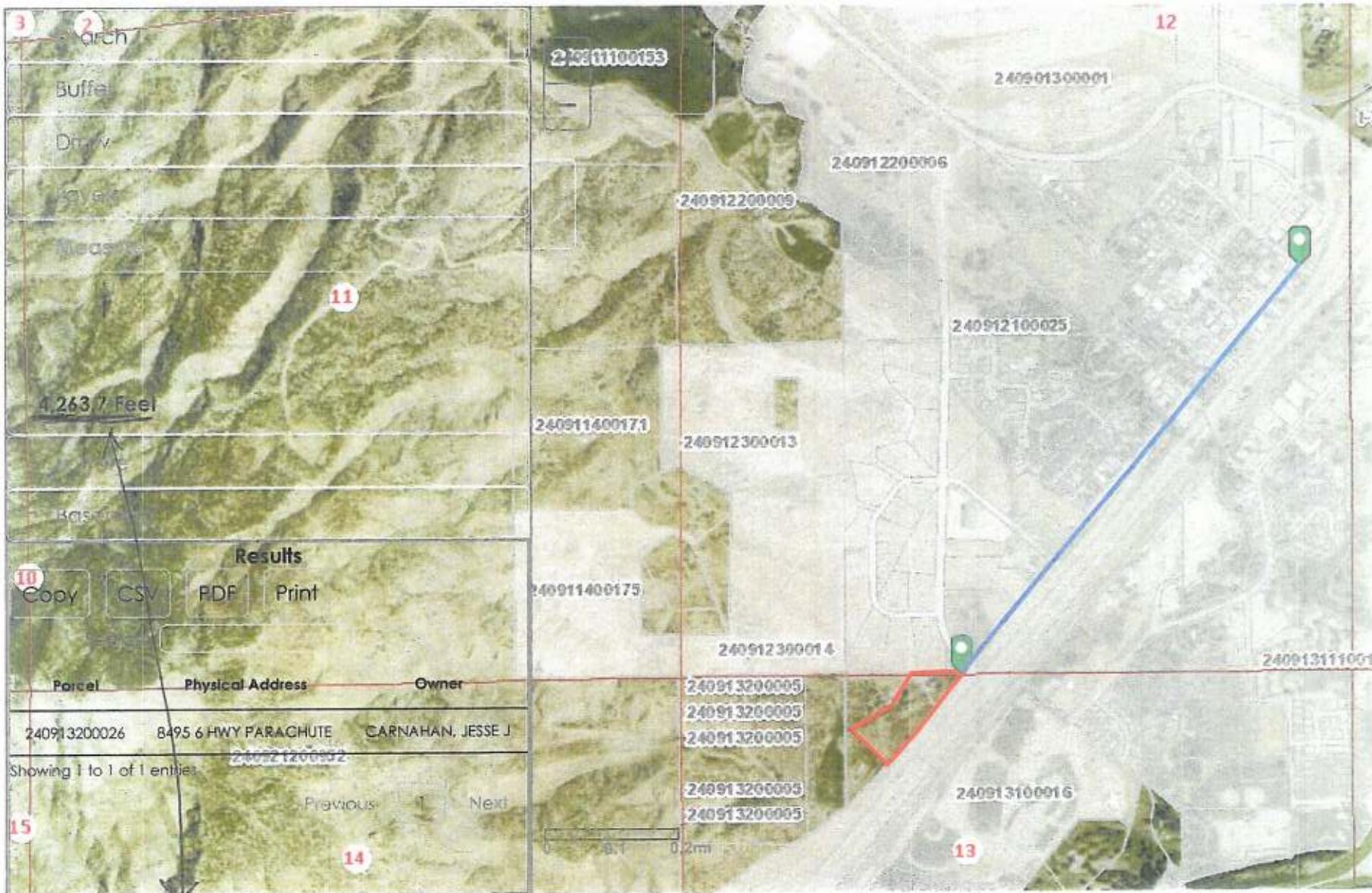
Showing 1 to 1 of 1 entries

107

3956.3 Feet from school

6.11.050 Location Limits  
 67' within 500' of school

6.11.070 App Requirements  
 67'



**Results**

Parcel	Physical Address	Owner
240913200026	8495 6 HWY PARAGHUTE	CARNAHAN, JESSE J

Showing 1 to 1 of 1 entries

4263.7 Feet From Another RME 611.050 Location Limits 611.090 G)



# Garfield County Colorado Land Explorer



*Call to 100 License Application Review  
D) owners visit in 2001*

Search

**Buffer**

Distance: 200  Feet

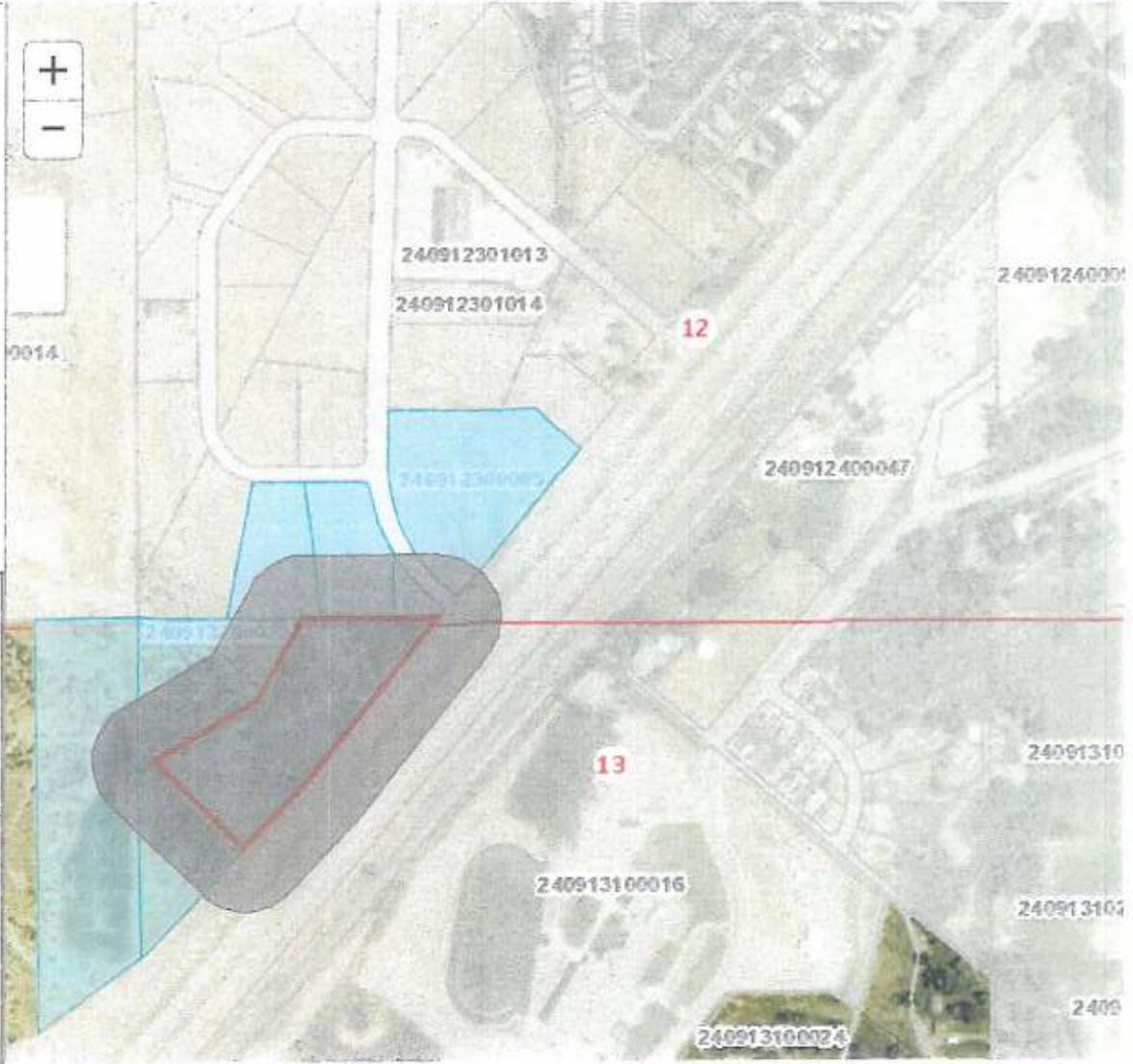
Draw

Layers

Measure

Locate

Basemap

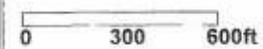


**Results**

Copy Excel PDF Print

Search:

Parcel	Physical Address	Owner
240912300005	PARACHUTE	STATE OF COLORADO DEPARTMENT OF HIGHWAYS
240912300005	PARACHUTE	STATE OF COLORADO DEPARTMENT OF HIGHWAYS
240912302008	107 DIAMOND LOOP PARACHUTE	PARACHUTE DEVELOPMENT CORPORATION
	109 DIAMOND	



*9*  
1 of 1

6.11.00  
Owners within 200'

## Garfield County Land Explorer

Parcel	Physical Address	Owner	Account Num	Mailing Address
240912300005	PARACHUTE	STATE OF COLORADO DEPARTMENT OF HIGHWAYS	R260356	4201 E ARKANSAS AVENUE DENVER CO 80222-3406
240912300005	PARACHUTE	STATE OF COLORADO DEPARTMENT OF HIGHWAYS	R260356	4201 E ARKANSAS AVENUE DENVER CO 80222-3406
240912302008	107 DIAMOND LOOP PARACHUTE	PARACHUTE DEVELOPMENT CORPORATION	R370521	PO BOX 686 GLENWOOD SPRINGS CO 81602
240912302009	109 DIAMOND LOOP PARACHUTE	C & B LAND HOLDINGS LLC	R370522	PO BOX 3045 GRAND JUNCTION CO 81502
240913200004	PARACHUTE	LINDAUER, SIDNEY R, TRUSTEE OF SIDNEY & RUTH LINDAUER FAMILY TRUST	R260363	PO BOX 626 PARACHUTE CO 81635-0626
240913200025	8469 6 & 24 HWY PARACHUTE	MARTINEZ, EFRAIN	R460070	8469 HIGHWAY 6 & 24 PARACHUTE CO 81635
240913200026	8495 6 HWY PARACHUTE	CARNAHAN, JESSE J	R460071	8495 HIGHWAY 6 & 24 PARACHUTE CO 81635
240913200027	8393 6 & 24 HWY PARACHUTE	COOK, DAVID B & NINA C	R460072	8393 HIGHWAY 6 & 24 PARACHUTE CO 81635



12.08.11

# PROPOSED DEVELOPMENT PLAN TOWN OF PARACHUTE, COUNTY OF GARFIELD, STATE OF COLORADO LOT 2 FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT - 5.48 ACRES

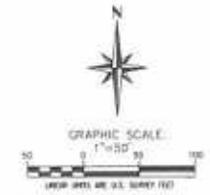
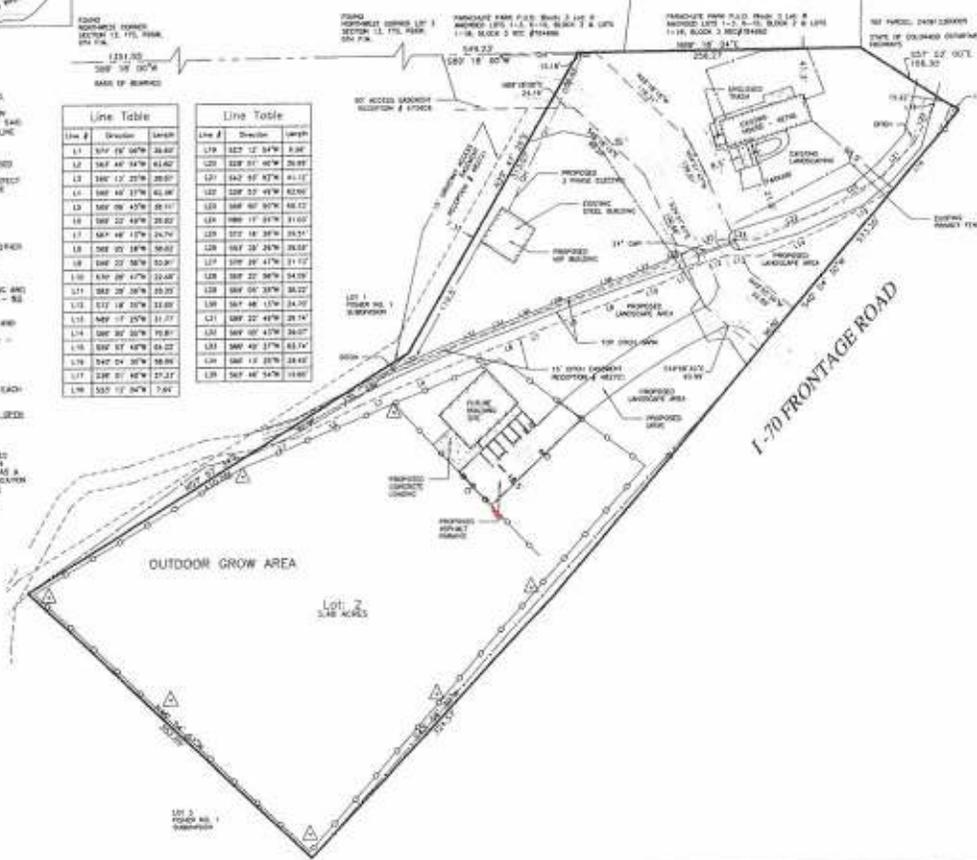


VICINITY MAP

### NOTES

1. BOUNDARIES ARE BASED ON THE LINE BETWEEN THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 96 WEST OF THE 6TH P.M. INTERSECTION TO THE CENTER LINE OF THE FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT. POINTS IN PLATS WAS A 1/2" GRADE CAP PLUS 1/8" AT THE EAST END OF SAID LINE AND A 1/2" GRADE NUMBER 2 & 3 GRADE CAP AT THE WEST END OF SAID LINE AS SHOWN HEREON.
2. ACCORDING TO RELEASED LAW YOU MUST CONSIDER ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT OR AS FIRST MAY BEY ACTION BASED UPON ANY DEFECT IN THIS SURVEY AS DISCOVERED WITHIN THREE (3) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. MINERAL RIGHTS, EASEMENTS, SPHERES, RIGHTS AND RESERVES
4. SITE PLAN REQUIREMENTS:
  - A. THE LOCATION OF ALL EXISTING AND PROPOSED BUILDINGS, UTILITIES AND OTHER IMPROVEMENTS ON THE PROPERTY, A BUILDING DEVELOPER, (A PORTION OF THE PROPERTY WITHIN WHICH A BUILDING MAY BE LOCATED) MAY BE SHOWN FOR PROPOSED PURPOSES TO ALLOW MINOR ADJUSTMENTS. - SEE DEVELOPER
  - B. THE LOCATION AND NUMBER OF PARKING SPACES FOR OFF-STREET PARKING AND LOADING AREAS IN ACCORDANCE WITH CHAPTER 13.07 OF THESE REGULATIONS. - SEE CHAIRMAN, SEATTLE, WASHINGTON.
  - C. A TRAFFIC CIRCULATION PLAN SHOWING THE DIRECTION OF TRAFFIC FLOWS AND INDICATING THE LOCATION OF ENTRIES AND EXITS OF PARKING LOTS AND THE HIGHLIGHTS OF PARKING LOTS TO ENTRANCES AND EXITS OF ANY BUILDINGS. - SEE DEVELOPER
  - D. THE LOCATION OF SERVICE AND DEBRIS COLLECTION AREAS - SEE CHAIRMAN, SEATTLE, WASHINGTON.
  - E. THE LOCATION OF ALL SIGNS INDICATING THE SIZE, SHAPE AND HEIGHT OF EACH SIGN - SEE CHAIRMAN, SEATTLE, WASHINGTON.
  - F. THE AREA AND LOCATION OF OPEN SPACES AND RECREATION AREAS - SEE DEVELOPER, SEATTLE, WASHINGTON.
  - G. THE LOCATION AND TYPE OF OUTDOOR LIGHTING - SEE DEVELOPER, SEATTLE, WASHINGTON.
  - H. THE LOCATION OF EXISTING AND PROPOSED STAIRS, LANDSCAPING FEATURES AND OTHER METHODS OF VISUAL SCREENING. THE PROPOSED LANDSCAPING PLAN SHALL INDICATE THE METHOD OF MAINTENANCE OF THE LANDSCAPING AS WELL AS A LIST OF TREE, SIZE AND QUANTITY OF PLANT MATERIALS AND THE GENERAL LOCATION OF THE LANDSCAPING - EXISTING AND PROPOSED (TREES AND SCREENING).
  - I. THE ESTIMATED DATE OF COMPLETION OF THE PROPOSED IMPROVEMENTS. - SEE DEVELOPER, SEATTLE, WASHINGTON.

Line #	Description	Length	Line #	Description	Length
1.1	500' 00" 000°	500.00	1.19	522' 12" 349°	522.20
1.2	500' 00" 000°	500.00	1.20	522' 12" 349°	522.20
1.3	500' 00" 000°	500.00	1.21	522' 12" 349°	522.20
1.4	500' 00" 000°	500.00	1.22	522' 12" 349°	522.20
1.5	500' 00" 000°	500.00	1.23	522' 12" 349°	522.20
1.6	500' 00" 000°	500.00	1.24	522' 12" 349°	522.20
1.7	500' 00" 000°	500.00	1.25	522' 12" 349°	522.20
1.8	500' 00" 000°	500.00	1.26	522' 12" 349°	522.20
1.9	500' 00" 000°	500.00	1.27	522' 12" 349°	522.20
1.10	500' 00" 000°	500.00	1.28	522' 12" 349°	522.20
1.11	500' 00" 000°	500.00	1.29	522' 12" 349°	522.20
1.12	500' 00" 000°	500.00	1.30	522' 12" 349°	522.20
1.13	500' 00" 000°	500.00	1.31	522' 12" 349°	522.20
1.14	500' 00" 000°	500.00	1.32	522' 12" 349°	522.20
1.15	500' 00" 000°	500.00	1.33	522' 12" 349°	522.20
1.16	500' 00" 000°	500.00	1.34	522' 12" 349°	522.20
1.17	500' 00" 000°	500.00	1.35	522' 12" 349°	522.20
1.18	500' 00" 000°	500.00	1.36	522' 12" 349°	522.20
1.19	500' 00" 000°	500.00	1.37	522' 12" 349°	522.20
1.20	500' 00" 000°	500.00	1.38	522' 12" 349°	522.20
1.21	500' 00" 000°	500.00	1.39	522' 12" 349°	522.20
1.22	500' 00" 000°	500.00	1.40	522' 12" 349°	522.20
1.23	500' 00" 000°	500.00	1.41	522' 12" 349°	522.20
1.24	500' 00" 000°	500.00	1.42	522' 12" 349°	522.20
1.25	500' 00" 000°	500.00	1.43	522' 12" 349°	522.20
1.26	500' 00" 000°	500.00	1.44	522' 12" 349°	522.20
1.27	500' 00" 000°	500.00	1.45	522' 12" 349°	522.20
1.28	500' 00" 000°	500.00	1.46	522' 12" 349°	522.20
1.29	500' 00" 000°	500.00	1.47	522' 12" 349°	522.20
1.30	500' 00" 000°	500.00	1.48	522' 12" 349°	522.20
1.31	500' 00" 000°	500.00	1.49	522' 12" 349°	522.20
1.32	500' 00" 000°	500.00	1.50	522' 12" 349°	522.20



- ### LEGEND
- FOUND SURVEY MARKER AS RECORDED
- EASTING TYPED LINE
  - EASTING, ELEV, DIMENSION
  - DIRECTION OF TRAVEL
  - CURVE
  - CONCRETE
  - PROPOSED FENCE LINE WITH ENVIRONMENTAL SCREEN
  - PROPOSED LOT LINE
  - PROPOSED PROPERTY DIMENSION / LOT AREA

*- 2013 Playcase License*

### LEGAL DESCRIPTION

A PORTION OF PARCEL NO. 10088 REV. OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, FORMERLY HIGHWAY 66, STATE DEPARTMENT OF HIGHWAYS, PROJECT NO. 7, 701' 00" IS SHOWN IN LOT 2 OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 96 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL, OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13, A GRADE CAP PROPERLY MARKED FOR THE NORTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 89° 15' 00" WEST ALONG THE NORTHERLY LINE OF SAID SECTION 13, 1281.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, A GRADE CAP IN PLACE, 1.5" HIGH (GRADE NUMBER 2), SET ON 11' EXIST ALONG THE NORTHERLY LINE OF SAID LOT 2, 540.00 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89° 15' 00" WEST 204.27 FEET TO A POINT WHERE CAP IN PLACE, CHANGED U.S. TO 17888.

THENCE (LEAVING SAID NORTHERLY LINE) SOUTH 89° 15' 00" WEST 204.27 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID LOT 2, A GRADE CAP PROPERLY MARKED FOR THE WESTERLY BOUNDARY OF SAID LOT 2, 540.00 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY OF SAID LOT 2, SOUTH 89° 15' 00" WEST 204.27 FEET TO THE WESTERLY BOUNDARY OF SAID SECTION 13, 1281.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 13, A GRADE CAP IN PLACE, 1.5" HIGH (GRADE NUMBER 2), SET ON 11' EXIST ALONG THE NORTHERLY LINE OF SAID LOT 2, 540.00 FEET TO THE TRUE POINT OF BEGINNING.

ACCORDING TO THE FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT RECORDED SEPTEMBER 6, 1988 AS RECEPTION NO. 44272.

Subject to any easement with a 50.00-foot-wide access easement as described in Reception No. 47388 as recorded in the office of the Clerk and Recorder of Garfield County, COLORADO.

### SITE PLAN

LOT 2 FISCHER NO. 1 SUBDIVISION EXEMPTION PLAT  
 SITUATED IN LOT 2 OF SECTION 13,  
 TOWNSHIP 7 SOUTH, RANGE 96 WEST OF THE 6TH P.M.  
 TOWN OF PARACHUTE, COUNTY OF GARFIELD, STATE OF COLORADO  
 AS SHOWN ON THE FIELD MAP OF  
 SAID 3/20/2010 EXEMPTION PLAT, SA 2 AMBER, DRAWING NO. 2010-001  
**POLARIS SURVEYING**  
 PATRICK R. CLARK P.L.S. 2154 MESA BLVD. #2  
 GRAND JUNCTION, CO 81504  
 PHONE FAX (970)344-1028

## LEASE

THIS LEASE is made as of March 31, 2016, between West Run, Inc., a Colorado Corporation ("Landlord"), whose address is 2536 Rimrock Ave Suite 400-380., Grand Junction, Colorado 81505, and Buds, Limited, a Colorado limited liability company ("Tenant"), whose address is 8495 Highway 6 & 24, Parachute, Colorado 81635.

Section 1. LEASED PREMISES. Landlord leases to Tenant, and Tenant leases from Landlord, on the terms and conditions set forth in this Lease, the following property (the "Leased Premises"): (i) (the "Land") approx. 2.2 acres located in the real property commonly known as 8495 Highway 6 & 24, Parachute, Colorado 81635, Garfield County, Colorado (the "Property"), the Land being depicted in the drawing attached to the Lease in Exhibit A, and (ii) the right of ingress and egress to and from the parking area and all other rights and easements appurtenant to the Property (all of the property rights described in the foregoing clauses (i) through (ii), collectively, the "Leased Premises"). The Leased Premises are leased to Tenant in their condition as of the date of this Lease "AS IS," "WHERE IS," with no representation or warranty by Landlord.

### Section 2. TERM.

2.1 The term of this Lease shall be twelve (12) months commencing March 31, 2016, (the "Commencement Date") and ending on March 31, 2016 (the "Primary Term").

2.2 Tenant shall have the option to renew this Lease for two (2) additional renewal term of five (5) years (the "Renewal Term") upon the same terms and conditions that apply during the Primary Term except for the amount of rent, which shall be as set forth in Section 3 below, and except that there shall be no further renewal upon the expiration of the Renewal Term. Tenant shall exercise each renewal option, if at all, by giving Landlord written notice at least one hundred eighty (180) days before the expiration of the Primary Term. The exercise of this renewal option shall not be effective if Tenant is in default under this Lease either at the time of exercise or at the commencement of the Renewal Term. The phrases "term of this Lease," "Lease term," or any other similar phrases used in this Lease, shall be deemed to include, where appropriate, the Primary Term and the Renewal Term, if exercised and in effect.

2.3 Before entering the Leased Premises, Tenant shall deliver to Landlord certificates evidencing that the insurance coverage that Tenant is required to maintain pursuant to Section 6 is in place.

### Section 3. RENT; SECURITY DEPOSIT

3.1 Primary Term. During the Primary Term of this Lease, Tenant shall pay Landlord as rent for the Leased Premises the sum of [REDACTED] 00/100 Dollars [REDACTED] per year, payable in equal quarterly installments of [REDACTED] and 00/100 Dollars [REDACTED]

Section 34. CAPTIONS. The captions of the various sections and subsections of this lease are inserted for convenience of reference only and shall not be considered in the interpretation or construction of this Lease.

Section 35. HOLDING OVER. Any holding over beyond the expiration of the term of this Lease shall be construed to be a tenancy from month to month at 150% of the monthly rental rate that was paid during the last month of the Lease term, and shall otherwise be on the same terms and conditions as provided in this Lease. Nothing set forth in this Lease shall be deemed to grant permission to Tenant to hold over. Tenant shall be responsible for all damages suffered by Landlord by reason of any holding over by Tenant.

Section 36. JURY WAIVER. LANDLORD AND TENANT EACH WAIVES TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY EITHER OF THEM AGAINST THE OTHER ON ANY MATTER ARISING OUT OF OR IN CONNECTION WITH THIS LEASE, THE RELATIONSHIP OF LANDLORD AND TENANT, TENANT'S USE OR OCCUPANCY OF THE LEASED PREMISES AND/OR ANY CLAIM OF INJURY OR DAMAGE.

Section 37. ATTORNEY'S FEES. If either Landlord or Tenant brings an action against the other party to enforce this Lease, or any of the terms and conditions of this Lease, the prevailing party in such action shall, in addition to any other right or remedy to which it may be entitled under this Lease or applicable law, be entitled to collect its reasonable attorney's fees incurred in prosecuting or defending such action from the other party.

SIGNED as of the day and year first above written.

LANDLORD:

WestRun, Inc., a Colorado Corporation

By: Mark Gerhard, President  
Mark Gerhard, President

TENANT:

Buds, Limited, a Colorado Limited Liability Company

By: Mark Gerhard, General Manager  
Mark Gerhard, General Manager

## LEASE WITH OPTION TO PURCHASE

THIS LEASE WITH OPTION TO PURCHASE is entered into effective this 31<sup>st</sup> day of March, 2016, by and between Carnahan Properties, LLC ("**Landlord**") of 19 Meadow Creek Drive, Parachute, CO 81635, a Colorado Limited Liability Company and West Run, Inc. ("**Tenant**") of 3435 Grand Valley Canal Road, Clifton, CO 85120, a Colorado Corporation.

WITNESSETH:

### SECTION I: GENERAL LEASE TERMS

**1. Premises.** Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, upon the terms and conditions as hereinafter set forth, the real property containing a total of approximately 5.47 acres located in the County of Garfield, State of Colorado, together with all improvements and buildings located thereon, (hereinafter referred to as the "**Premises**"), known and numbered as:

8495 Highway 6 and 24, Parachute, CO 81635

Tax Parcel Number: 2409-132-00-026

**2. Term of Lease.** The original term of this Lease shall begin on 12:00 noon on the March 31, 2016, and from year to year thereafter unless written notice of termination pursuant to Section IV.1. of this lease is given by either party to the other thirty (30) days prior to 12:00 noon on the March 31, 2017.

**3. Rent and Expenses Due.** Tenant shall pay Landlord a total sum of [REDACTED] U.S. dollars) per year, plus taxes and insurance, at the offices of Landlord or at any other place designated by Landlord, without prior demand therefore, according to the following provisions:

**a. Payment Schedule.** Rent is to be paid in installments every time Tenant completes a transaction for the sale of any portion of Tenant's crops. Tenant shall pay Landlord 69% (sixty-nine percent) of the purchase price of each crop sale (or any portion thereof) less state and local taxes on each sale, until the total amount of rent for the year is paid to Landlord. If multiple transactions take place within one week, Tenant may pay Landlord the sum of payments due once per week to Landlord, otherwise Tenant shall pay Landlord immediately after receipt of payment for each sale. The total sum due to Landlord shall be paid in full by March 31, 2017. Both parties must consent in writing if the annual rent is to be paid on an alternative date.

**i. Insufficient Sales.** If Tenant fails to make sufficient crop sales to pay Landlord the total [REDACTED] annual rent payment, Tenant will NOT owe Landlord any additional payments above what Tenant is able to pay based off crop sales according to the terms in Section I.3.a of this lease.

**b. Late Payments.** Overdue payments on taxes, insurance, and due according to the above payment schedule shall bear interest at the annual effective rate of 3% (three percent) per annum.

**c. Taxes and Insurance.** Landlord shall pay all real estate taxes for the Premises and insurance premiums on all farm buildings on the Premises until March 31, 2017, at which point Tenant shall reimburse Landlord for all such expenses.

IN WITNESS WHEREOF, the parties have caused this Lease with Option to Purchase to be executed the day and year first written above.

LANDLORD/SELLER

  
\_\_\_\_\_  
Jesse Carnahan  
Carnahan Properties, LLC

TENANT/BUYER

  
\_\_\_\_\_  
Mark Gerhard  
West Run, Inc.

PERSONAL GUARANTEE

  
\_\_\_\_\_  
Mark Gerhard

# Colorado Marijuana Enforcement Division

## Retail Business License Application Instructions

### APPLICATION CHECKLIST

1 Application Fully Completed

Type or clearly print an answer to every question. If a question does not apply to you, indicate so with an N/A. If you are unsure if a question applies to you or what information the form is asking you to provide, contact any Marijuana Enforcement Division office to seek clarification. If the available space is insufficient, continue on a separate sheet and precede each answer with the appropriate title. A separate application is required for EACH license type.

2 All Forms Signed & Attached

The following accompanying forms must be signed and returned with the application:

- Affirmation & Consent
- Investigation Authorization/Authorization to Release Information
- Applicant's Request to Release Information (leave the "To:" section blank on that page)

3 All Requested Information Attached (Other forms may be made available and may be required at time of application)

The following information requested on the application must be attached, if applicable:

- Trade Name Registration
- Certificate of Good Standing from the Colorado Secretary of State's Office
- Copy of Articles of Incorporation, including amendments for corporations
- Articles of Organization, including amendments and operating agreement for LLC
- Partnership Agreement, or operating/shareholder agreements
- If corp., annual and bi-annual reports and meeting minutes from past 12 months
- All applicable information requested on page 4
- Documentation showing legal possession of the premise to be licensed
- Diagram of premise to be licensed (described on page 2, question 4) including security drawing
- Copies of notes, security instruments, etc., (detailed on page 2, question 5 and page 4, question 8)
- Explanation detailing the funding sources used to finance the applicant business
- List of financial institution accounts as detailed on page 4, question 9
- Copy of sales tax and/or wholesale license
- Marijuana Retail Sales Tax Bond (on the state approved form)

Note: The Marijuana Enforcement Division reserves the right to request additional information and documentation throughout the course of the background investigation, which must be provided within 7 calendar days.

4 Applications For Associated Keys Attached

Submit the following: Associated Key License Form (DR 8520) for any person holding an ownership interest, and/or officers and directors, regardless of ownership interest, if any.

5 Application and License Fees

All applications and documentation submitted must be single-sided and on 8.5x11 inch paper. See fee table on website: [www.colorado.gov/revenue/med](http://www.colorado.gov/revenue/med)

Application fees remitted to the State Licensing Authority and/or the Department of Revenue, are non-refundable. Only license fees may be refunded.

Retail Marijuana license application fees are split between the Marijuana Enforcement Division (MED) and the Local Licensing Authority. In order for the State to accept this application, both the State and Local fees must be paid at the time the application is accepted by MED. This will require two (2) checks or money orders; one made payable to DOR and one made payable to the Local Licensing Authority, and two applications; one submitted to the State and one which will be forwarded to the Local Licensing Authority, for EACH license. You are responsible for knowing who your Local Licensing Authority is. NO Transfers/Changes of Ownership will be accepted until after the license is issued.

6 Bring in Application

Submit appointment request to [dor\\_med\\_appointments@state.co.us](mailto:dor_med_appointments@state.co.us) and you will be contacted to set up a time. Bring in application and all attachments to:

Marijuana Enforcement Division  
455 Sherman Street, Suite 390  
Denver, CO 80203

MAR 15 2016 11:01

## Colorado Marijuana Licensing Authority Retail Business License Application

License Types & Fees (See Application Checklist for details on license types and fees.)					
<input type="checkbox"/> Retail Marijuana Store  <input checked="" type="checkbox"/> Retail Marijuana Cultivation  <input type="checkbox"/> Retail Marijuana Test Facility	<input checked="" type="checkbox"/> Tier 1 = 1800 or fewer plants  <input type="checkbox"/> Tier 2 = 1801 – 3600 plants  <input type="checkbox"/> Tier 3 = 3601–6000 plants  <input type="checkbox"/> Tier 4 = 6001–10200 plants  <input type="checkbox"/> Tier 5 = 10201–13800 plants  <input type="checkbox"/> Tier 5+ = _____ plants in excess of 13801	<input type="checkbox"/> Retail Marijuana Products Manufacturer  <input type="checkbox"/> Conversion- Converted from Lic. # _____  <input type="checkbox"/> Retail/Medical Marijuana Combined Use- Combined with Lic. # _____  <input type="checkbox"/> Affiliated Business			
Applicant's Legal Business Name (Please Print) <i>Buds, Limited</i>			Marijuana License Number (Assigned by Division)		
Trade Name (DBA) (Provide Trade Name Registration) <i>N/A</i>			Website Address <i>N/A</i>		
Physical Address					
Street Address of Marijuana Business <i>8495 Highway 6 #24</i>				Business Phone Number <i>970 409 2707</i>	
City <i>Parachute</i>	County <i>Garfield</i>	State <i>CO</i>	ZIP <i>81635</i>	Email Address <i>ceo@BudsLtd.com</i>	
Mailing Address (if different from Physical Address)					
Address <i>N/A</i>		City <i>N/A</i>		State <i>N/A</i>	ZIP <i>N/A</i>
Primary Contact Person for Business <i>MARK Gerhard</i>			Title <i>Owner</i>		Primary Contact Phone Number <i>[REDACTED]</i>
Primary Contact Address (not required) <i>[REDACTED]</i>				Primary Contact Email <i>ceo@BudsLtd.com</i>	
Federal Taxpayer ID # <i>[REDACTED]</i>		Colorado Sales Tax License # <i>[REDACTED]</i>		Entity ID number shown on Secretary of State Registration <i>[REDACTED]</i>	
Type of Business Structure					
<input type="checkbox"/> Sole Proprietorship		<input type="checkbox"/> Partnership		<input type="checkbox"/> Limited Partnership	
<input type="checkbox"/> C Corporation		<input type="checkbox"/> S Corporation		<input type="checkbox"/> Publicly Traded Corporation	
				<input checked="" type="checkbox"/> Limited Liability Company	
				<input type="checkbox"/> Trust <input type="checkbox"/> Other _____	
State of Incorporation or Creation of Business Entity <i>Colorado</i>					Date <i>3/7/2016</i>
Date of Qualification to Conduct Business in Colorado (Provide Certificate of Good Standing from the Colorado Secretary of State's Office) <i>3/7/2016</i>					
If a Corporation, List all States Where the Corporation is Authorized to Conduct Business <i>N/A</i>					
List all Trade Names used by the Business Entity (other than above) <i>N/A</i>					
Attach copies of all articles of incorporation, bylaws, articles of organization, or a true copy of any partnership or trust agreement, including any and all amendments to such.					
If a corporation, attach copies of all annual and bi-annual reports, SEC filings, if any, and all minutes from all corporate meetings for the past 12 months.					

1. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?  Yes  No

2. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);

(a) been denied a privileged license (ie: Liquor, Gaming, Racing and Marijuana)?  Yes  No

(b) had a privileged license (ie: Liquor, Gaming, Racing and Marijuana) suspended or revoked?  Yes  No

(c) had interest in another entity that had a privileged (ie: Liquor, Gaming, Racing and Marijuana) license denied, suspended or revoked?  Yes  No

If you answered yes to 2a, b or c, explain in detail on a separate sheet.

3. Has a Marijuana license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee. *see Attached*  Yes  No

4. Does the applicant have legal possession of the premises by virtue of ownership, lease or other arrangement? Attach all documentation showing legal possession. Deed, Title, sale or lease agreements etc.

Ownership  Lease  Other (Explain in Detail) \_\_\_\_\_

(a) If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord	Tenant	Expires
<i>West Run, Inc</i>	<i>Buds, Limited</i>	<i>3/3/17</i>

Attach a diagram of the premises to be licensed and outline or designate the area (including dimensions) which shows the limited access areas, walls, partitions, entrances, exits and what each room shall be utilized for in this business, including security equipment locations. This diagram should be no larger than 8 1/2" X 11". (It does not have to be to scale)

5. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies, trusts), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money or profits from this business. Attach a separate sheet if necessary.

Name	Date of Birth	FEIN OR SSN	Interest
<i>N/A</i>			

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

**Local Licensing Authority (To be completed by Applicant)**

Local Licensing Authority	Address	
<i>Town of Parachute</i>	<i>222 Grand Valley Way PO Box 100</i>	
Local Licensing Authority contact name	Contact Phone	Contact Email
<i>STUART McARTHUR</i>	<i>X106 970-285-7630</i>	<i>stuartmc @parachutecolorado.com</i>

6. Has the Applicant filed for a retail marijuana cultivation? If so, list license number(s):  Yes  No

What City or County? (Fill out a separate and complete application)  
*N/A*

7. Does the Retail Applicant have evidence of a good and sufficient bond in the amount of \$5,000.00 in accordance with 12-43.4-303 C.R.S. (Include evidence with application)?  Yes  No

Printed Legal Business Name	Printed Trade Name (DBA)
<i>Buds, Limited</i>	<i>NA</i>

**Ownership Structure**

List all persons and/or entities with any ownership interest, and all officers and directors, whether they have ownership interest or not. If an entity (corporation, partnership, LLC, etc.) has interest, list all persons associated with such entity, their ownership in the entity, and their effective ownership in the license. List all parent, holding or other intermediary business interest. An Associated Key License Application form must be submitted for all persons in a privately held company or a publicly traded corporation, and all officers and directors.

Name <i>MARK Gerhard</i>	Title <i>owner</i>	SSN/FEIN [REDACTED]	DOB [REDACTED]	App submitted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Address [REDACTED]	City <i>Green Bay, WI</i>	State <i>WI</i>	ZIP <i>54505</i>	Phone Number [REDACTED]
Business Associated with (Parent business or sub-entity) <i>N/A</i>		Own. % Business Associated with <i>N/A</i>		Effective Own. % in Applicant <i>100</i>
Name <i>N/A</i>	Title	SSN/FEIN	DOB	App submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address <i>N/A</i>	City	State	ZIP	Phone Number
Business Associated with (Parent business or sub-entity) <i>N/A</i>		Own. % Business Associated with		Effective Own. % in Applicant
Name <i>N/A</i>	Title	SSN/FEIN	DOB	App submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address <i>N/A</i>	City	State	ZIP	Phone Number
Business Associated with (Parent business or sub-entity) <i>N/A</i>		Own. % Business Associated with		Effective Own. % in Applicant
Name <i>N/A</i>	Title	SSN/FEIN	DOB	App submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address <i>N/A</i>	City	State	ZIP	Phone Number
Business Associated with (Parent business or sub-entity) <i>N/A</i>		Own. % Business Associated with		Effective Own. % in Applicant
Name <i>N/A</i>	Title	SSN/FEIN	DOB	App submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address <i>N/A</i>	City	State	ZIP	Phone Number
Business Associated with (Parent business or sub-entity) <i>N/A</i>		Own. % Business Associated with		Effective Own. % in Applicant
Name <i>N/A</i>	Title	SSN/FEIN	DOB	App submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address <i>N/A</i>	City	State	ZIP	Phone Number
Business Associated with (Parent business or sub-entity) <i>N/A</i>		Own. % Business Associated with		Effective Own. % in Applicant

Are there any outstanding options and warrants?  
 Yes  No \*If YES, attach list of persons with outstanding options and warrants

Are there any other persons, other than those listed in the Ownership Structure, including but not limited to suppliers, lenders and landlords, who will receive, directly or indirectly, any compensation or rents based upon a percentage or share of gross proceeds or income of the Marijuana business?  
 Yes  No \*If YES, attach list of persons

Printed Legal Business Name <i>Buds, Limited</i>	Printed Trade Name (DBA) <i>NA</i>
1. Has the applicant, the applicant's parent company or any other intermediary business entity ever applied for a Marijuana license in this or any other jurisdiction, foreign or domestic, whether or not the license was ever issued? If YES, provide details on a separate sheet, including jurisdiction, type of license, license number, and dates license held or applied for. <i>See Attached</i> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Has the applicant, the applicant's parent company or any other intermediary business entity ever been denied a Marijuana license, withdrawn a Marijuana license or had any disciplinary action taken against any Marijuana license that they have held in this or any other jurisdiction, foreign or domestic? If YES, provide details on a separate sheet, including jurisdiction, type of action, and date of action.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Financial History</b>	
1. Is the applicant, the applicant's parent company or any other intermediary business entity delinquent in the payment of any judgments or tax liabilities due to any governmental agency anywhere? If YES, provide details on a separate sheet and attach any documents to prove settlement or resolution of the delinquency.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Has the applicant, the applicant's parent company or any other intermediary business entity filed a bankruptcy petition in the past 5 years, had such a petition filed against it, or had a receiver, fiscal agent, trustee, reorganization trustee or similar person appointed for it? If YES, provide details on a separate sheet and attach any documents from the bankruptcy court.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Is the applicant, the applicant's parent company or any other intermediary business entity currently a party to, or has it ever been a party to, in any capacity, any business trust instrument? If YES, provide details on a separate sheet.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Has a complaint, judgment, consent decree, settlement or other disposition related to a violation of federal, state or similar foreign antitrust, trade or security law or regulation ever been filed or entered against the applicant, the applicant's parent company or any other intermediary business entity? If YES, provide details on a separate sheet and attach any documents to prove the settlement of any of these issues. Include any items currently under formal dispute or legal appeal.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Has the applicant, the applicant's parent company or any other intermediary business entity been a party to a lawsuit in the past 5 years, either as a plaintiff or defendant, complainant or respondent, or in any other fashion, in this or any other country? If YES, provide details on a separate sheet and attach any documents to prove the settlement of any of these issues. Include any items currently under formal dispute or legal appeal.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Has the applicant, the applicant's parent company or any other intermediary business entity filed a business tax return in the past two years?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Has the applicant, the applicant's parent company or any other intermediary business entity completed financial statements, either audited or unaudited, in the past two years? If YES, attach all financial statements completed in the past two years.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Has any interest or share in the profits of the sale of Marijuana been pledged or hypothecated as security for a debt or deposited as a security for the performance of an act or to secure the performance of a contract? If YES, provide details on a separate sheet.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Attach a list detailing the operating and investment accounts for this business, including financial institution name, address, telephone number, and account number for each account.	
10. Attach a list detailing each outstanding loan and financial obligation obtained for use in this business, including creditor name, address, phone number, loan number, loan amount, loan terms, date acquired, and date due.	
Person who maintains Applicant's business records	Title
[REDACTED]	[REDACTED]
Person who prepares Applicant's tax returns, government forms & reports	Title
[REDACTED]	11
Address	Phone Number
[REDACTED]	2 2
Location of financial books and records for Applicant's business	
[REDACTED]	

## Affirmation & Consent

I, MARK Gerhard, as an authorized agent for the applicant, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire Retail Marijuana Business License Application Form, statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a Marijuana license by the State Licensing Authority. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for the denial or revocation of the license. I am voluntarily submitting this application to the Colorado Marijuana Licensing Authority under oath with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as I hold a Colorado Marijuana License, and for 90 days following the expiration or surrender of such Marijuana license. Note: If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

Print Full Legal Agent Name clearly below:

Applicant's Business Name <i>Buds, Limited</i>		Trade Name (DBA) <i>N/A</i>
Legal Agent Last Name (Please Print) <i>Gerhard</i>	Legal Agent First Name <i>MARK</i>	Legal Agent Middle Name <i>Robert</i>
Signature <i>Mark Gerhard</i>		Date <i>3/16/16</i>

## Investigation Authorization Authorization to Release Information

I, MARK Gerhard, as an authorized agent for the applicant, hereby authorize the Colorado Marijuana Licensing Authority, the Marijuana Enforcement Division, (hereafter, the Investigatory Agencies) to conduct a complete investigation into my personal background, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand that by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I understand that by signing this authorization, a financial record check of my tax filing and tax obligation status may be performed. I authorize the Colorado Department of Revenue to surrender to the Investigatory Agencies a complete and accurate record of any and all tax information or records relating to me. I authorize the Investigatory Agencies to obtain, receive, review, copy, discuss and use any such tax information or documents relating to me. I authorize the release of this type of information, even though such information may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws. I understand that by signing this authorization, a criminal history check will be performed. I authorize the Investigatory Agencies to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, even though this record may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws.

The Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand that the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Print Full Legal Name of Authorized Agent clearly below:

Applicant's Business Name <u>Buds, Limited</u>		Trade Name (DBA) <u>NA</u>	
Legal Agent Last Name (Please Print) <u>Gerhard</u>	Legal Agent First Name <u>MARK</u>	Legal Agent Middle Name <u>Robert</u>	
Legal Agent Title <u>President</u>	Signature (Must be signed in front of one witness) <u>Mark Gerhard</u>		
Date (MM/DD/YY) <u>03/10/16</u>	City <u>Parachute</u>	State <u>CO</u>	
Witness 1 Signature <u>[Signature]</u>			
Signature of Marijuana Enforcement Division agent presenting this request			Date

## Applicant's Request to Release Information

TO:	FROM: (Applicant's Printed Name) <i>MARK Gerhard</i>
-----	---

1. I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Marijuana Enforcement Division whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege.
2. I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Marijuana Enforcement Division to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.
3. I/We hereby authorize and request the Colorado Department of Revenue to permit a duly appointed agent of the Marijuana Enforcement Division to obtain, receive, review, copy, discuss and use any such tax information or documents relating to or concerning the above named applicant, whether or not such information or documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.
4. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/we hereby authorize and request that a duly appointed agent of the Marijuana Enforcement Division be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but not limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets.
5. I/We do hereby make, constitute, and appoint any duly appointed agent of the Colorado Marijuana Enforcement Division, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit:
  - (a) To request, review, copy sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/we might;
  - (b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request;
  - (c) To place the name of the agent presenting this request in the appropriate location on this request.
6. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/we might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
7. This power of attorney ends twenty-four (24) months from the date of execution.
8. The above named applicant has dealt with the Colorado Marijuana Licensing Authority an application for a Marijuana license. Said applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant. Said applicant accepts any risk of adverse public notice, embarrassment, criticism, or other action of financial loss, which may result from action with respect to this application.
9. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request.
10. I/We agree to indemnify and hold harmless the person to whom this request is presented and his agents and employees from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees arising out of or by reason of complying with this request.
11. A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original.

Print Full Legal Name of Authorized Agent clearly below:

Legal Agent Last Name (Please Print) <i>Gerhard</i>	Legal Agent First Name <i>MARK</i>	Legal Agent Middle Name <i>Robert</i>
Legal Agent Title <i>President</i>	Signature (Must be signed in front of one witness) <i>Mark Gerhard</i>	
Date (MM/DD/YY) <i>03/10/16</i>	City <i>Parachute</i>	State <i>CO</i>
Witness 1 Signature <i>[Signature]</i>		
Signature of Marijuana Enforcement Division agent presenting this request		Date

## Attachments

Page 2,

#3

- A) Buds, Ltd.
- B) 100%

Page 4,

#1

- A) Parachute, CO
- B) Retail Marijuana
- C) 000528
- D) Current and expires 11/24/16

#9

Colorado National Bank  
600 West 8<sup>th</sup> St  
Palisade, CO 81526  
970-464-5701  
Operating Account # 979252

#10

Personal checking, savings, credit and business checking and credit

## Facility Overview

**Retail Marijuana Cultivation** - used exclusively for the cultivation of Retail Marijuana plants and harvesting of Retail Marijuana.

### Location:

8495 Highway 6 & 24  
Parachute CO 81635

### Hours of Operation:

24 hour facility with main hours of operation between 7 am and 7 pm daily.

### Registered Licensed/Owner:

Buds, Limited

Mark Gerhard  
8495 Highway 6 & 24  
Parachute, CO 81635  
(970)-409-2707

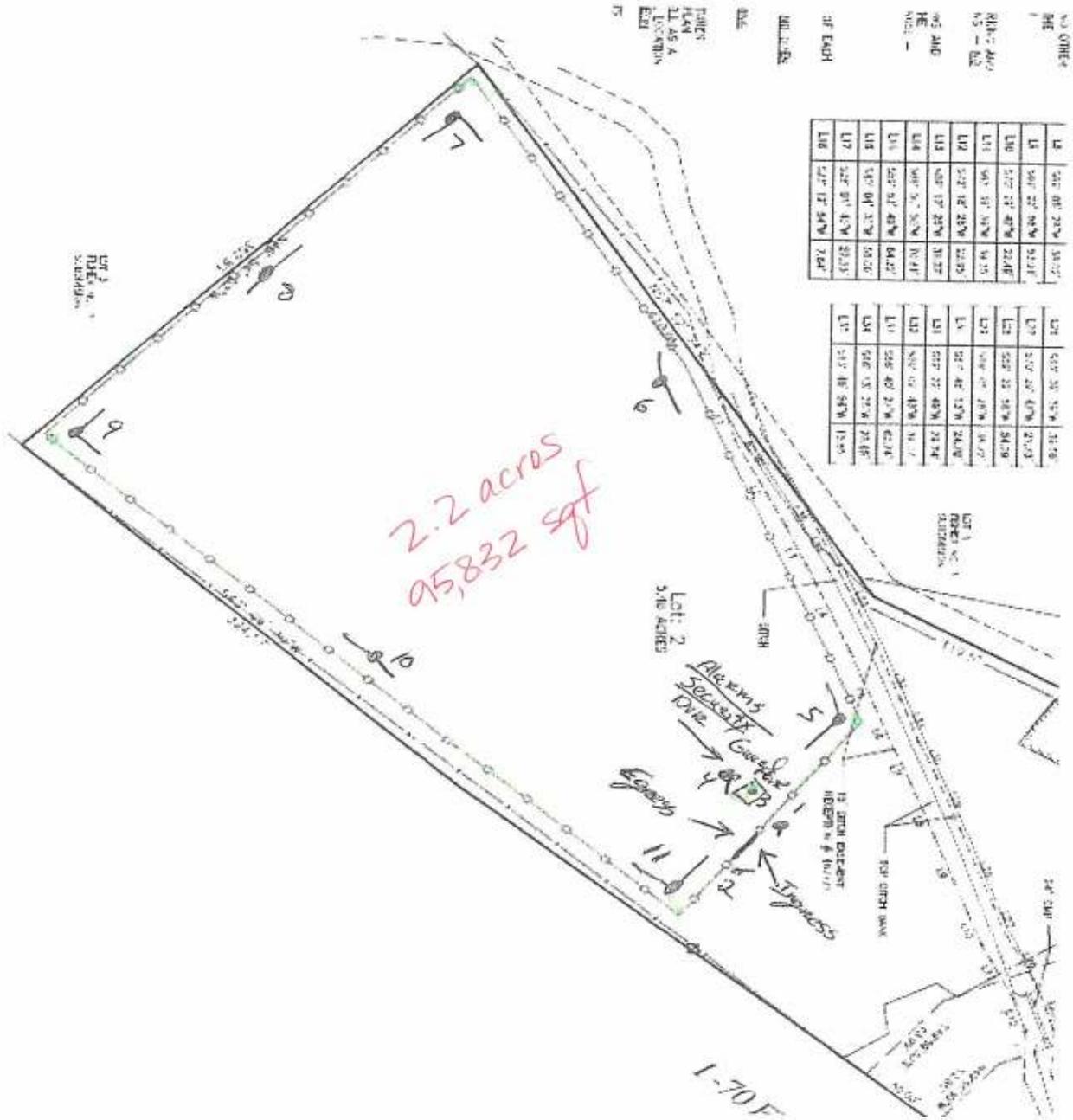
### Active or Required Permits:

Certificate of Occupancy  
Retail Marijuana Business License  
Associated Key License Badge - Owner (M#)  
Fire Inspection Permit  
Building Permit



Buds, Limited-Licensed Premises

- = Limited Access Area
- .1, 2, etc.: = Camera Placement
- ▲ = Line of Site (cameras)
- ↔ = Ingress/egress
- DVR = DVR system
- = Alarm Sensors



OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Buds, Limited

is a

Limited Liability Company

formed or registered on 03/07/2016 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20161172190 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/04/2016 that have been posted, and by documents delivered to this office electronically through 03/07/2016 @ 20:10:15 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/07/2016 @ 20:10:15 in accordance with applicable law. This certificate is assigned Confirmation Number 9538449



A handwritten signature in blue ink that reads "Wayne W. Williams".

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*  
*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/business/certificate/validate.asp>, entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us>, click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*



Colorado Secretary of State  
 Date and Time: 03/07/2016 08:06 PM  
 ID Number: 20161172190  
 Document number: 20161172190  
 Amount Paid: \$50.00

Document must be filed electronically.  
 Paper documents are not accepted.  
 Fees & forms are subject to change.  
 For more information or to print copies  
 of filed documents, visit [www.sos.state.co.us](http://www.sos.state.co.us).

ABOVE SPACE FOR OFFICE USE ONLY

**Articles of Organization**

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Buds, Limited

*(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "LLC", "llc", or "ltd.". See §7-90-601, C.R.S.)*

*(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)*

2. The principal office address of the limited liability company's initial principal office is

Street address

8495 Highway 6 & 24

*(Street number and name)*

Parachute

*(City)*

CO

*(State)*

81635

*(ZIP/Postal Code)*

United States

*(Province - if applicable)*

*(Country)*

Mailing address

(leave blank if same as street address)

*(Street number and name or Post Office Box information)*

*(City)*

*(State)*

*(ZIP/Postal Code)*

*(Province - if applicable)*

*(Country)*

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

*(Last)*

*(First)*

*(Middle)*

*(Suffix)*

or

(if an entity)

Buds, Limited

*(Caution: Do not provide both an individual and an entity name.)*

Street address

8495 Highway 6 & 24

*(Street number and name)*

Parachute

*(City)*

CO

*(State)*

81635

*(ZIP Code)*

Mailing address

(leave blank if same as street address)

*(Street number and name or Post Office Box information)*

\_\_\_\_\_  
(City) CO \_\_\_\_\_  
(State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name  
(if an individual) \_\_\_\_\_  
(Last) (First) (Middle) (Suffix)  
or

(if an entity) Buds, Limited  
(Caution: Do not provide both an individual and an entity name.)

Mailing address 8495 Highway 6 & 24  
(Street number and name or Post Office Box information)

Parachute CO 81635  
(City) (State) (ZIP/Postal Code)  
United States  
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are \_\_\_\_\_  
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Gerhard	Mark		
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
8495 Highway 6 & 24			
<i>(Street number and name or Post Office Box information)</i>			
Parachute		CO	81635
<i>(City)</i>		<i>(State)</i>	<i>(ZIP/Postal Code)</i>
United States			
<i>(Province - if applicable)</i>		<i>(Country)</i>	

*(If the following statement applies, adopt the statement by marking the box and include an attachment.)*

This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

**Disclaimer:**

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

Marijuana License Number (Leave Blank)

### Associated Key License Application Form

Applicant's Last Name (Please Print) <i>Gerhard</i>			First Name (Please Print) <i>MARK</i>			Full Middle Name <i>ROBERT</i>		
Maiden/Married Names Used (Full Name) (Attach separate sheet if necessary) <i>N/A</i>					Nicknames, Aliases, Etc. Used (Full Name) (Attach separate sheet if necessary) <i>N/A</i>			
Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Race <i>Caucasian</i>	Date of Birth [REDACTED]	Social Security Number [REDACTED]		Other Social Security Numbers Used <input type="checkbox"/> Yes (If yes attach details) <input checked="" type="checkbox"/> No			
Place of Birth: City <i>Dayton</i>		State <i>OH</i>	Country <i>USA</i>		Drivers License Number and State [REDACTED]			
Physical Appearance ⇄ Height <i>6'</i>		Weight <i>200</i>	Hair Color <i>grey Brn</i>	Eye Color <i>Grn/Blu</i>	Scars/Tattoos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		If yes explain on a separate sheet	
U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CO Resident <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Residency <i>11-2011</i>	*If "No", include details here: (Attach separate sheet if necessary) <i>N/A</i>			Alien Registration Number <i>N/A</i>		
<b>Physical Address</b>								
Address [REDACTED]			City [REDACTED]	Country [REDACTED]	State [REDACTED]	ZIP [REDACTED]		
Length of time at this Address: Year(s) <i>2</i> Month(s) <i>1</i>		Home Phone Number <i>(970) N/A</i>	Cell Phone Number [REDACTED]	Email Address [REDACTED]				
<b>Mailing Address (if different from Physical Address)</b>								
Address <i>N/A</i>			City <i>N/A</i>	State <i>N/A</i>	ZIP <i>N/A</i>			
List all addresses where you have lived during the last 10 years, not including present address, (attach separate sheet if necessary)								
Street and Number			City/State/ZIP		From	To		
[REDACTED]			[REDACTED]		<i>12-1-2011</i>	<i>3-1-2014</i>		
[REDACTED]			[REDACTED]		<i>11-1-2001</i>	<i>12-1-2011</i>		
<i>N/A</i>			<i>N/A</i>		<i>N/A</i>	<i>N/A</i>		
Name of licensed Marijuana business associated with <i>Buds Limited</i>			Work Phone Number <i>(970) 285-9307</i>		Job Title <i>OWNER</i>			
Name of present employer, if different from above <i>N/A</i>			Work Phone Number <i>N/A</i>		Occupation or Job Title <i>N/A</i>			
Do you currently possess a Colorado Marijuana license or are you an associated person in any other type of Colorado Marijuana license?								<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
*If "Yes", indicate license type and number here: <i>Keyowner M35658</i>								
Have you ever applied before for a Marijuana license in this or any other jurisdiction, domestic or foreign, whether or not the license was ever issued? (Not including a medical marijuana patient card)								<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
*If "Yes", explain here: <i>see above</i>								
Have you ever been denied a Marijuana license, withdrawn a Marijuana license application or had any disciplinary action taken against any Marijuana license that you have held, either individually or as part of an ownership group, in this or any other jurisdiction?								<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
*If "Yes", explain here:								
Applicant's Signature <i>Mark Gerhard</i>						Date <i>3-7-16</i>		

Applicant's Last Name (Please Print) <i>Gerhard</i>	First Name (Please Print) <i>MARK</i>	Full Middle Name <i>Robert</i>
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**NOTICE:** The Associated Key License Application Form is an official document. If you provide false information on your Marijuana license application and/or do not disclose all information the application asks, your license is subject to denial or revocation, and you may be subject to criminal prosecution. The Marijuana Enforcement Division will conduct a complete background investigation and will check all sources of information.

If you need clarification of any of the following questions, please contact the Investigations Section at any Marijuana Enforcement Division office.

1. Have you ever been convicted of a felony at anytime regarding the possession, distribution, or use of a controlled substance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Have you served a sentence, including probation or parole, within the past 5 years upon conviction for any felony, even if the conviction occurred more than 5 years ago?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Have you failed to remedy an outstanding delinquency for taxes owed, an outstanding delinquency for judgements owed to a government agency, or an outstanding delinquency for child support?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Are you a licensed Physician making patient recommendations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Have you had your authority to act as a primary caregiver revoked by the State Health Agency?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Are you under 21 years of age at the time of this application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Are you the spouse or child living in the household of any person employed by the Colorado Marijuana Enforcement Division?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Are you an officer, reserve police officer, agent, or employee of any law enforcement agency of the State of Colorado?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



If you answered YES to any of the above questions, by Colorado law you cannot obtain or hold a Colorado Marijuana license.

I have thoroughly read and understand the questions above, and understand that I cannot hold a Colorado Marijuana license if at any time in the future I can ever answer "Yes" to any of the questions above.	
Applicant's Signature <i>Mark Gerhard</i>	Date <i>3-7-16</i>

Applicant's Last Name (Please Print) <i>Gerhard</i>		First Name (Please Print) <i>MARK</i>		Full Middle Name <i>Robert</i>	
<b>Education</b>					
High School Name <i>Centerville High School</i>			Location <i>Centerville Ohio</i>		
Major <i>N/A</i>	Dates Attended From <i>1974</i> To <i>1978</i>		Graduate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Degree Earned <i>Diploma</i>	
College/Vo-Tech Name (Submit diploma copy) <i>Kettering College of medical arts</i>			Location <i>Kettering Ohio</i>		
Major <i>Respiratory Therapy</i>	Dates Attended From <i>1991</i> To <i>1993</i>		Graduate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Degree Earned <i>Associates Degree</i>	
Other College/School Name (Submit diploma copy) <i>N/A</i>			Location <i>N/A</i>		
Major <i>N/A</i>	Dates Attended From <i>N/A</i> To <i>N/A</i>		Graduate <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Degree Earned <i>N/A</i>	
Other College/School Name (Submit diploma copy) <i>N/A</i>			Location <i>N/A</i>		
Major <i>N/A</i>	Dates Attended From <i>N/A</i> To <i>N/A</i>		Graduate <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Degree Earned <i>N/A</i>	
<b>Criminal History</b>					
1. Have you, after turning 18 years of age, ever been arrested, served a criminal summons, charged with, or convicted of ANY crime regarding the possession, distribution, or use of a controlled substance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
2. In the last 10 years have you ever been arrested, served with a criminal summons, charged with, or convicted of ANY crime or offense in any manner in this or any other country? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
<ul style="list-style-type: none"> <li>You must include ALL arrests, charges, and convictions in the last 10 years but not prior to the age of 18 regardless of the outcome, even if the charges were dismissed or you were found not guilty.</li> <li>You must include ALL arrests, charges, and convictions regardless of the class of crime (felonies, misdemeanors, and/or petty offenses).</li> <li>You must include ALL serious traffic offenses, including DUI; DWAI; reckless driving; leaving the scene of an accident (hit and run); driving under denial, suspension or revocation; or any other offense which resulted in your being taken into custody.</li> <li>NOTICE: Do not rely upon your understanding that an arrest or charge is "not supposed to be on your record." A criminal record was not cleared, erased, sealed or expunged unless you were given, and have in your possession, a written order from a judge directing that action. If yes, give details below. List all cases without exception, including bankruptcies:</li> </ul>					
*If you answered YES, explain in detail on a separate sheet and attach it to your application. For each offense for which you were arrested or charged, YOU MUST OBTAIN OFFICIAL DOCUMENTATION FROM THE COURT WHERE YOU APPEARED, SHOWING THE FINAL DISPOSITION (OUTCOME) OF YOUR CASE. This information will include whether you were found guilty or not guilty; and the penalty (money fine, time in jail or prison, or probation or deferred sentence). If you received a deferred judgment, a deferred sentence, or probation, your documentation must include the date that you were discharged or released from probation or other supervision.					
3. Have you ever received a pardon or its equivalent for any criminal offense in this or any other country? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
4. Have you, as an individual, as a member of a partnership or other form of domestic or foreign business entity, or as owner, director, or officer of a corporation, ever been a party to a lawsuit (other than divorces), either as a plaintiff or defendant, complainant or respondent, or in any other fashion, in this or any other country? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
*If you answered YES to any of the preceding questions, explain in detail on a separate sheet and attach it to your application.					

Applicant's Initials *MG*

Applicant's Last Name (Please Print) <i>Gerhard</i>	First Name <i>MARK</i>	Full Middle Name <i>Robert</i>
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DR 8520 (09/10/14)  
 COLORADO DEPARTMENT OF REVENUE  
 Marijuana Enforcement Division

## Arrest Disclosure Form

If, since turning age 18, you have ever been arrested, served a criminal summons, charged with, or convicted of ANY crime regarding the possession, distribution or use of a controlled substance, you must disclose this information to the Marijuana Enforcement Division. If you have been arrested in the past 10 years, given a summons, or been convicted of any offense, you must disclose this information to the Marijuana Enforcement Division.

Any person licensed by the Marijuana Enforcement Division, must make written notification to the Division's office of any criminal conviction and/or criminal charge pending against such person within 10 days of such arrest, summons, or conviction. This includes:

- Being taken into custody for any offense, including traffic offenses
- Being issued a summons or citation for any offense except for minor traffic offenses
- Failing to comply with your sentencing requirements
- Failing to appear for a court proceeding and having a bench warrant issued
- Having your driver's license suspended or revoked
- Being alleged to have driven under the influence or impairment of intoxicating liquor or drugs

Failure to disclose an arrest or citation may result in disciplinary action, up to and including the denial of your license application.

Please List Each Offense Separately

<b>1</b>	Date of Offense <i>04-13-15</i>	Place of Offense <i>Grand Junction CO</i>
Arresting Agency <i>Grand Junction City Police</i>		
Original Charge <i>Disorderly conduct</i>		
Disposition Narrative — Must also provide official documentation (except for minor traffic offense). <i>Deferred judgement</i>		
<b>2</b>	Date of Offense <i>09-23-2008</i>	Place of Offense <i>Kettering Ohio</i>
Arresting Agency <i>Kettering Police Dept</i>		
Original Charge <i>Fail to control/weaving</i>		
Disposition Narrative — Must also provide official documentation (except for minor traffic offense). <i>Dismissed.</i>		
Signature <i>Mark Gerhard</i>		Date <i>3-7-2016</i>

Applicant's Last Name (Please Print) <i>Gerhard</i>	First Name <i>MARK</i>	Full Middle Name <i>Robert</i>
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DR 8520 (09/08/14)  
 COLORADO DEPARTMENT OF REVENUE  
 MEDICAL MARIJUANA ENFORCEMENT DIVISION

## Arrest Disclosure Form

(Continued)

Please List Each Offense Separately

<b>3</b>	Date of Offense <i>09 23 2008</i>	Place of Offense <i>Kettering Ohio</i>
Arresting Agency <i>Montgomery County Sheriffs</i>		
Original Charge <i>Operate a vehical under influence</i>		
Disposition Narrative — Must also provide official documentation (except for minor traf;c offense). <i>Physical control - Guilty</i>		
<b>4</b>	Date of Offense <i>09 23 2008</i>	Place of Offense <i>Kettering Ohio</i>
Arresting Agency <i>Montgomery County Sheriff's</i>		
Original Charge <i>OVI/Refusal</i>		
Disposition Narrative — Must also provide official documentation (except for minor traf;c offense). <i>Dismissed/NOT Guilty</i>		
Signature <i>Mark Gerhard</i>		Date <i>3-7-2016</i>

Applicant's Last Name (Please Print) <b>Gerhard</b>		First Name <b>MARK</b>		Full Middle Name <b>Robert</b>	
<b>Employment and Business Association History</b>					
Beginning with your current employment, list all jobs you have held in the past 10 years, but not prior to age 18. Also, list all businesses with which you have been associated, including all corporations, partnerships or any other business ventures with which you have been associated, including as an officer, director, stockholder, partner, limited partner, member, or in any other related capacity.					
Employer/Business Name <b>West Run, Inc</b>	Dates (from-to) <b>11-14 present</b>	Title <b>CEO</b>	Description of Duties <b>Guide Corp.</b>	Reason for Leaving <b>N/A</b>	Supervisor's Name <b>N/A</b>
Address (include ZIP code) <b>34356 Grand Valley Lane / Rock Cliff, TN 37152</b>					
Employer/Business Name <b>GJVAMC (VA)</b>	Dates (from-to) <b>8-1-2009 to 2015</b>	Title <b>Therapist</b>	Description of Duties <b>patient care</b>	Reason for Leaving <b>Open Business</b>	Supervisor's Name <b>Ray Beville</b>
Address (include ZIP code) <b>2121 North Ave / Grambling, LA 70501</b>					
Employer/Business Name <b>Kindred Hospitals</b>	Dates (from-to) <b>7-2006 to 7-2013</b>	Title <b>Therapist</b>	Description of Duties <b>patient care</b>	Reason for Leaving <b>move to CO</b>	Supervisor's Name <b>N/A</b>
Address (include ZIP code) <b>600 South Fourth St / Louisville, KY 40202</b>					
Employer/Business Name <b>Lincare</b>	Dates (from-to) <b>2004-2006</b>	Title <b>Therapist</b>	Description of Duties <b>patient care</b>	Reason for Leaving <b>Career Advancement</b>	Supervisor's Name <b>N/A</b>
Address (include ZIP code) <b>19387 US Hwy 19 N / Clearwater, FL 33764</b>					
Employer/Business Name <b>N/A</b>	Dates (from-to)	Title	Description of Duties	Reason for Leaving	Supervisor's Name
Address (include ZIP code)					
Employer/Business Name <b>N/A</b>	Dates (from-to)	Title	Description of Duties	Reason for Leaving	Supervisor's Name
Address (include ZIP code)					

**Character References**

List three character references who have known you 2+ years. Do not include relatives, present employer, or employees.

1	Last Name <b>Fullen Kamp</b>	First Name <b>Jim</b>	Middle Name <b>Joseph</b>	Residence Phone <b>( ) N/A</b>
Years Known <b>35</b>	Address <b>N/A</b>	City <b>N/A</b>	State <b>N/A</b>	ZIP <b>N/A</b>
Employer <b>James Fullen Kamp Law Offices</b>	Address [REDACTED]		City [REDACTED]	State [REDACTED]
2	Last Name <b>Hunter</b>	First Name <b>Jeff</b>	Middle Name <b>Allan</b>	Residence Phone [REDACTED]
Years Known <b>40</b>	Address [REDACTED]	City [REDACTED]	State [REDACTED]	ZIP [REDACTED]
Employer <b>Hunter's Appraisal Service</b>	Address [REDACTED]		City [REDACTED]	State [REDACTED]
3	Last Name <b>Brodie</b>	First Name <b>Heather</b>	Middle Name <b>Dawn</b>	Residence Phone [REDACTED]
Years Known <b>6</b>	Address [REDACTED]	City [REDACTED]	State [REDACTED]	ZIP [REDACTED]
Employer <b>GJVAMC (VA) nurse</b>	Address [REDACTED]		City [REDACTED]	State [REDACTED]

Applicant's Initials **RG**

Applicant's Last Name (Please Print)	First Name	Full Middle Name
<i>Gerland</i>	<i>MARK</i>	<i>Robert</i>
<b>Financial History</b>		
1. Are you delinquent in the filing of any tax return with any taxing agency anywhere?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Are you delinquent in the payment of any taxes, interest, or penalties due to any taxing agency anywhere?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Are you delinquent in the payment of any judgments due to any governmental agency anywhere?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Are you delinquent in the repayment of any government-insured student loans?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Are you delinquent in the payment of any child support?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
6. Check any of the following privileged or professional licenses you have held individually or as part of an ownership group in this state or any other domestic or foreign jurisdiction:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Liquor	<input type="checkbox"/> Real Estate Broker/Sales	<input type="checkbox"/> Accountant
<input type="checkbox"/> Lawyer	<input type="checkbox"/> Physician	<input type="checkbox"/> Insurance
<input type="checkbox"/> Racing	<input type="checkbox"/> Lottery	<input type="checkbox"/> Securities Dealer
<input checked="" type="checkbox"/> Other: <i>Respiratory Therapist</i>		
7. Have you ever been denied a privileged or professional license, withdrawn a privileged or professional license application or had any disciplinary action taken against any such license that you have held, either individually or as part of an ownership group?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8. Have you, as an individual, principal of any form of business entity, or as an owner, officer or director of a corporation, ever filed a bankruptcy petition, had such a petition filed against you or the business entity or the corporation; or had a receiver, fiscal agent, trustee, reorganization trustee or similar person appointed for you or the business entity or corporation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
9. Do you now own, have ever owned, or otherwise derive a benefit from assets held outside the United States, whether held in your own name or another name, on your behalf or for another person or entity, or through other individuals or business entities, or in trust, or in any other fashion or status?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Are you currently a party, or ever been a party, in any capacity, to any trust instrument?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Has a complaint, judgment, consent decree, settlement or other disposition related to a violation of federal, state or similar foreign antitrust, trade or security law or regulation ever been filed or entered against you or a business entity of which you were a principal or against a corporation for which you were an owner, officer or director.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
*If you answered YES to any of the questions above or checked any boxes above, give details on separate sheet, including license number and dates license held for licenses marked on question 6. Include any items currently under formal dispute or legal appeal. Attach any documents to prove your settlement on any of these issues.		

Applicant's Initials *MG*

Applicant's Last Name (Please Print) <i>Gerhard</i>	First Name <i>MARK</i>	Full Middle Name <i>Robert</i>
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Personal Financial	
1. Annual Income	
Salary (Source):	\$ <i>N/A</i>
Salary (Source):	\$ <i>N/A</i>
Interest (Source):	\$ <i>N/A</i>
Interest (Source):	\$ <i>N/A</i>
Dividends (Source):	\$ <i>N/A</i>
Dividends (Source):	\$ <i>N/A</i>
Other (Source): <i>West Run, Inc / mystic mountain</i>	\$ <i>[REDACTED]</i>
Other (Source):	\$ <i>N/A</i>
Total \$ <i>[REDACTED]</i>	

Please submit all executed agreements or documents that grant you any right to any percent of ownership or percent of income from the Colorado Marijuana business with which you are associated.

2. Amount to be invested in business:	\$ <i>50,000.00</i>
3. Percentage of ownership this amount represents:	<i>100</i> %
4. Investment will be derived from the following sources: <i>my Business West Run, Inc and mystic mountain checking and credit and my own personal savings and credit</i>	
5. Has your interest in this Marijuana establishment been assigned, pledged or hypothecated to any person, firm, or corporation, or has any agreement been entered into whereby your interest is to be assigned, pledged or sold, either in part or whole? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If YES, explain: <i>N/A</i>	

Applicant's Initials *MG*



## Affidavit - Restrictions on Public Benefits

I, MARK GERHARD, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- I am a United States citizen.
- I am not a United States citizen but I am a Permanent Resident of the United States.
- I am not a United States citizen but I am lawfully present in the United States pursuant to Federal law.
- I am a foreign national not physically present in the United States.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature

*Mark Gerhard*

Date

3-7-2016

## Affirmation & Consent

I, MARK Gerhand, state under Penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire Associated Key License Application Form, statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a Marijuana license by the State Licensing Authority. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for the denial of a temporary Marijuana application or the revocation of the license. I am voluntarily submitting this application to the Colorado Marijuana Licensing Authority under oath with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as I hold a Colorado Marijuana license, and for 90 days following the expiration or surrender of such Marijuana license. Note: If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

**Print your Full Legal Name clearly below:**

Legal Last Name (Please Print) <u>Gerhand</u>	Legal First Name <u>MARK</u>	Legal Middle Name <u>Robert</u>
Signature <u>Mark Gerhand</u>	Date <u>3-7-2016</u>	

## Investigation Authorization Authorization to Release Information

I, MARK Gerhard, hereby authorize the Colorado Marijuana Licensing Authority, the Marijuana Enforcement Division, (hereafter, the Investigatory Agencies) to conduct a complete investigation into my personal background, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand that by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I understand that by signing this authorization, a financial record check of my tax filing and tax obligation status may be performed. I authorize the Colorado Department of Revenue to surrender to the Investigatory Agencies a complete and accurate record of any and all tax information or records relating to me. I authorize the Investigatory Agencies to obtain, receive, review, copy, discuss and use any such tax information or documents relating to me. I authorize the release of this type of information, even though such information may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws. I understand that by signing this authorization, a criminal history check will be performed. I authorize the Investigatory Agencies to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, even though this record may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws.

The Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand that the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

**Print your Full Legal Name clearly below:**

Legal Last Name (Please Print) <u>Gerhard</u>	Legal First Name <u>MARK</u>	Legal Middle Name <u>Robert</u>
Signature (Must be signed in front of a witness) <u>Mark Gerhard</u>		
Dated this <u>7<sup>th</sup></u> day of <u>March</u> , 20 <u>16</u> , at <u>4:00pm</u>		
City <u>Parachute</u>	State <u>CO</u>	
Witness Signature <u>[Signature]</u>		

## Applicant's Request to Release Information

TO: \_\_\_\_\_  
 FROM: (Applicant's Printed Name) MARK Gerhard

1. I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Marijuana Enforcement Division whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege.
2. I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Marijuana Enforcement Division to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.
3. I/We hereby authorize and request the Colorado Department of Revenue to permit a duly appointed agent of the Marijuana Enforcement Division to obtain, receive, review, copy, discuss and use any such tax information or documents relating to or concerning the above named applicant, whether or not such information or documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.
4. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/we hereby authorize and request that a duly appointed agent of the Marijuana Enforcement Division be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but no limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets.
5. I/We do hereby make, constitute, and appoint any duly appointed agent of the Colorado Marijuana Enforcement Division, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit:
  - (a) To request, review, copy sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/we might;
  - (b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request;
  - (c) To place the name of the agent presenting this request in the appropriate location on this request.
6. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/we might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
7. This power of attorney ends twenty-four (24) months from the date of execution.
8. The above named applicant has filed with the Colorado Marijuana Licensing Authority an application for a Marijuana license. Said applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant. Said applicant accepts any risk of adverse public notice, embarrassment, criticism, or other action of financial loss, which may result from action with respect to this application.
9. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request.
10. I/We agree to indemnify and hold harmless the person to whom this request is presented and his agents and employees from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees arising out of or by reason of complying with this request.
11. A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original.

Applicant's Last Name (Please Print) <u>Gerhard</u>	First Name <u>MARK</u>	Middle Name <u>Robert</u>
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Signature (Must be signed in front of a witness)  
Mark Gerhard

Dated this 7<sup>th</sup> day of March, 2016, at 4:00 PM

City Parachute State CO

Witness Signature  
[Signature]

Spouse's Last Name (Please Print) <u>N/A</u>	Spouse's First Name	Middle Name
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Spouse's Signature (Must be signed in front of a witness)  
N/A

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_

City N/A State \_\_\_\_\_

Witness Signature  
[Signature]

Signature of Marijuana Enforcement Division agent presenting this request	Date
---	------



**COLORADO**  
**Department of Revenue**  
Enforcement Division - Marijuana

John W. Hickenlooper  
Governor

Barbara J. Brohl  
Executive Director

Dear Applicant:

Thank you for your interest in becoming an Associated Key with a licensed business in the Marijuana industry. Before you submit your application, we want to make you aware of a few facts.

The Marijuana industry in Colorado is one of the most scrutinized businesses in the state, because Colorado citizens want the industry and everyone involved in it free from even the hint of any corruption or deceit. That's why we take our regulation of the industry very seriously, including the issuance of licenses.

During the licensing process, we will conduct a thorough check of your background. If you pass our qualifications, you will be found suitable as an associated key that will allow you to work in the Marijuana Industry. You should know that a Marijuana license is a privilege, not a right. And one thing you must do to obtain this privilege is be completely honest on your license application.

In particular, we ask you on page 4 of the application: "In the past 10 years, but not prior to age 18 have you been arrested, served with a criminal summons, charged with, or convicted of ANY crime or offense in any manner in this or any other country?" The application goes on to tell you to explain ALL such arrests or charges no matter the final outcome.

Did you list ALL arrests and charges in the past 10 years? Are you clear about what you need to disclose? If not, then ask someone at the front desk to assist you and answer any questions you might have. Here are some of the excuses we have heard from people who have failed to disclose arrests to us:

- My attorney told me I didn't have to disclose.
- I didn't think I was arrested, because I only got a ticket.
- I didn't think the arrest had anything to do with Medical Marijuana.
- I didn't think that was still on my record.

But there is no excuse not to disclose an arrest. You have been informed throughout the application to disclose ALL arrests. And you have just been informed again: You will not necessarily be denied a license if you have ever been arrested, but you will be denied if you fail to disclose any arrest.

I have read and understand this letter.

Signed

Date 3-7-16

Municipal Court, City of Grand Junction, Colorado 250 N. 5 <sup>th</sup> Street Grand Junction, CO 81501	  COURT USE ONLY
The City of Grand Junction by and on behalf of the People of the State of Colorado vs MARK ROBERT GERHARD, Defendant.	
OFFICE OF THE CITY ATTORNEY DeLayne G. Merritt Staff Attorney, #40952 250 N. 5 <sup>th</sup> Street Grand Junction, CO 81501 (970) 244-1508 (phone)	Case No:      MI 15-340
<b>STIPULATION AND ORDER FOR DEFERRED JUDGMENT</b>	

The City of Grand Junction ("City"), through the undersigned attorney, and the Defendant, hereby enter into the following stipulation and agreement:

1. The City requests that with the Defendant's plea the court approve a deferred judgment in the above-captioned action for a period of SIX MONTHS, the deferral period to begin on the date this stipulation is approved by the Judge.
2. By signature below, the Defendant enters a plea of  GUILTY  NO CONTEST to the charge of DISORDERLY CONDUCT (ABUSIVE LANGUAGE/THREATS) a violation of the Grand Junction Code of Ordinances §9.04.040(a) that occurred on or about April 13, 2015.
3. As conditions of the deferred judgment Defendant shall:
  - a. pay court costs of \$25.00;
  - b. pay a deferred judgment agreement fee of \$25.00;
  - c. pay \$125.00 in fines;
  - d. have restitution open for a period of ninety one days;
  - e. have no criminal violations/convictions during the deferral period (including traffic criminal); and,
  - f. complete all court orders are completed in a timely manner, per the deadlines established by this agreement and the Municipal Court Clerk.

4. During the period of deferral, the Defendant shall be on unsupervised probation. The parties further stipulate that if Defendant fails to complete the deferment period successfully and judgment enters, the conviction will be reported to the Department of Motor Vehicles and the Defendant's license may be suspended.

5. By signing below the Defendant acknowledges that Defendant has been made aware of Defendant's rights and that Defendant understands those rights, including but not limited to the right to remain silent, the right to have the prosecution prove every element of the charges against Defendant, the right to be represented by an attorney or appointment of counsel if indigent and a sentence to jail is possible, and the right to a speedy and public trial. The Defendant acknowledges that Defendant has been informed of and understands the charges against Defendant.

6. The Defendant waives Defendant's right to a trial and all other attendant rights. The Defendant waives the establishment of a factual basis for the charge(s). The Defendant acknowledges that any waiver made pursuant to this stipulation is voluntary and made with full knowledge of the possible consequences of such waiver.

7. If the Defendant is not convicted of any criminal violations (including traffic criminal) during the deferral period, and completes all other conditions of the deferred judgment in a timely manner (deadlines to be arranged with the Court's clerk), the Complaint herein will be dismissed.

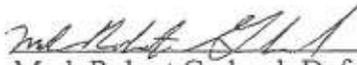
8. If the Defendant is convicted of any criminal violations (including traffic criminal) during the deferral period or fails to perform the conditions set forth herein, judgment will automatically enter on the Defendant's plea to the charges herein and the Defendant will have no right of appeal.

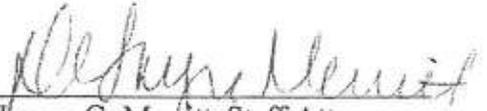
9. Defendant has no prior criminal convictions. Defendant does not agree with the facts as presented but does not want this incident to affect his employment as a respiratory therapist and hopes that the parties can move forward in a positive direction. There is no request for a conflict/anger management class due to the lack of prior convictions. There is a history between the parties as Defendant is in a relationship with the former mother-in-law of the victim's significant other for whom has temporary custody of the minor children. At the request of the Defendant, the prosecution has discussed the factual circumstances surrounding this incident and the history with attorney Greg Mueller who has represented involved parties in the past.

10. Defendant must provide proof of change of address/contact information during the deferral period.

11. Defendant must attend court on the 15 day of October, 2015 at 10:00 ~~a.m.~~ p.m. for a status hearing regarding compliance with the agreement terms/conditions.

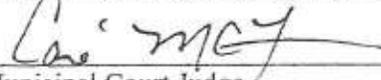
Signed 23 day of June, 2015.

  
Mark Robert Gerhard, Defendant

  
DeLayne G. Merritt, Staff Attorney

**ORDER**

THIS MATTER having come before the Court this 26 day of June, 2015, the Court being fully advised in the premises, ACCEPTS the Defendant's plea, finds the Defendant guilty, and HEREBY ORDERS that judgment shall be deferred for a period of SIX MONTHS with the conditions set forth in the foregoing stipulation.

  
Municipal Court Judge

The following matters shall be completed on or before the date indicated:

The fine, any surcharge, any costs of prosecution and court costs are due immediately. If the payment is not paid in full immediately and the Municipal Court Clerk sets monthly payments for the Defendant, then the payments shall be made to the court by the Defendant or on the Defendant's behalf in the amount of \$ \_\_\_\_\_ on or before the \_\_\_\_\_ day of each month. If a payment is not made on time, the Defendant is not in compliance with the Court's Order. If any payment is not paid on time by the date stated above, then interest accrues on the amount outstanding from the original date of this Court Order in the amount of 8 percent per annum. At any time the Defendant is unable to pay the monetary amount due, the Defendant must contact the Municipal Court Clerk or appear before the Court to explain why he or she is unable to pay the monetary amount; and if the Defendant has the ability to pay the monetary amount as directed above, but willfully fails to pay, the Defendant may be imprisoned for failure to comply with the Court's order.

**YOU MAY BE ELIGIBLE TO SEAL CERTAIN RECORDS PURSUANT TO C.R.S. 24-72-308 AND C.R.S. 24-72-308.9. PLEASE CONSULT THE STATUTES OR LEGAL COUNSEL WITH RESPECT TO THESE MATTERS. CERTAIN LIMITATIONS AND TIME LIMITS APPLY.**

Clerk's Initial's \_\_\_\_\_

CERTIFICATE OF MAILING

I hereby certify that on July 6, 2015, I mailed a copy of the foregoing to:

Mark R. Gerhard  
3435 Grand Valley Canal Road  
Clifton, CO 81520



Date 7/10/15

Name Berhard, Mark

CASE NO. PARKING TICKET NO.	PAYMENT	BALANCE
<u>MT 15 340</u>		
<b>TOTAL PAYMENT</b>	<u>175.00</u>	<u>0.00</u>

STAFF: JA CASH / CHECK / CREDIT CARD

NOTES:

[New Lookup](#)

[VIEW ALL CASE BALANCES](#)

**Name:** GERHARD, MARK R  
**Address:** [REDACTED]  
**City, State Zip:** [REDACTED]  
**DOB:** [REDACTED]  
**Insurance:** Y  
**License Plate:** [REDACTED]

**Case:** 08TRC11764  
**File Date:** 09/23/2008  
**Incident:** 08 48780  
**Status:** CASE FINISHED  
**Next Date:** 03/03/2009  
**Next Time:**

**Violation Case:** 08TRC11764-C  
**Section Code:** 432.38 - FAIL TO CONTROL / WEAVING  
**Ticket Number:** 431800  
**Violation Date:** 09/20/2008  
**Local Agency:** KETTERING POLICE DEPARTMENT  
**Arresting Agency:** KETTERING POLICE DEPARTMENT  
**Other Violations:** 0  
**Priors:** 7  
**Attorney:** FULLENKAMP, JAMES J.  
**Judge:** THOMAS M. HANNA  
**Prosecutor:** LONG, JAMES F  
**Date Heard:** 01/27/2009  
**Original Charge:**  
**Original Plea:** NG - NOT GUILTY  
**Final Plea:**  
**Finding:** DROP - DISMISSED - REQ OF PROSECUTOR  
**Sentencing Conditions:**

**Penalty:** WAIVER MM  
**Points:**  
**License Suspended:**  
**Jail:**  
**Jail Term:**  
**Jail Credits:**  
**Work Release:**  
**EMH Jail Days:**  
**Probation Time:**  
**Probation Term:**  
**Probation Conditions:**  
**Fines Due:**  
**Fines Suspended:**  
**State Cost:** \$0.00  
**Local Cost:**  
**Other:** \$0.00  
**Fees:**  
**Credits:**  
**Total Due:** \$0.00

[New Lookup](#)

[VIEW ALL CASE BALANCES](#)

**Name:** GERHARD, MARK R  
**Address:** [REDACTED]  
**City, State Zip:** [REDACTED]  
**DOB:** [REDACTED]  
**Insurance:** Y  
**License Plate:** [REDACTED]

**Case:** 08TRC11764  
**File Date:** 09/23/2008  
**Incident:** 08 48780  
**Status:** CASE FINISHED  
**Next Date:** 03/03/2009  
**Next Time:**

**Violation Case:** 08TRC11764-A  
**Section Code:** 4511.194 - PHYSICAL CONTROL  
**Ticket Number:** 431800  
**Violation Date:** 09/20/2008  
**Local Agency:** MONTGOMERY COUNTY SHERIFF  
**Arresting Agency:** KETTERING POLICE DEPARTMENT  
**Other Violations:** 0  
**Priors:** 7  
**Attorney:** FULLENKAMP, JAMES J.  
**Judge:** THOMAS M. HANNA  
**Prosecutor:** LONG, JAMES F  
**Date Heard:** 01/27/2009  
**Original Charge:** 4511.19A1A-2ND - OVI - OPERATE VEH U/ INFLUENCE 2ND  
**Original Plea:** NGGR - NG - COP TO G - REDUCED CHARGE  
**Final Plea:**  
**Finding:** GRC - GUILTY OF REDUCED CHARGE  
**Sentencing Conditions:** NO FURTHER VIOLATIONS OF LAW, ALS REMAINS IN EFFECT, NO ALCOHOL AND DRIVE, ATTEND & COMPLETE WIP, FOLLOW ALL RECOMMENDATIONS, DRIVING PRIVILEGES CONTINUE UNDER ALS

**Penalty:** BOND M1  
**Points:** 0  
**License Suspended:**  
**Jail:** 2 DAY WIP  
**Jail Term:** 180/178 Susp/2 Credit  
**Jail Credits:** 2  
**Work Release:**  
**EMH Jail Days:**  
**Probation Time:** 730  
**Probation Term:** 01/27/2011  
**Probation Conditions:**  
**Fines Due:** \$1000.00  
**Fines Suspended:** \$700.00  
**State Cost:** \$24.00  
**Local Cost:** \$51.00  
**Other:** \$0.00  
**Fees:** \$71.00  
**Credits:**  
**Total Due:** \$446.00

[New Lookup](#)

		<a href="#">VIEW ALL CASE BALANCES</a>	
<b>Name:</b>	GERHARD, MARK R	<b>Case:</b>	08TRC11764
<b>Address:</b>	[REDACTED]	<b>File Date:</b>	09/23/2008
<b>City, State Zip:</b>	[REDACTED]	<b>Incident:</b>	08 48780
<b>DOB:</b>	08/21/1960	<b>Status:</b>	CASE FINISHED
<b>Insurance:</b>	Y	<b>Next Date:</b>	03/03/2009
<b>License Plate:</b>	EZ89RV	<b>Next Time:</b>	
<b>Violation Case:</b>	08TRC11764-B	<b>Penalty:</b>	BOND M1
<b>Section Code:</b>	4511.19A2 - OVI / REFUSAL 20 YEARS	<b>Points:</b>	
<b>Ticket Number:</b>	431800	<b>License Suspended:</b>	
<b>Violation Date:</b>	09/20/2008	<b>Jail:</b>	
<b>Local Agency:</b>	MONTGOMERY COUNTY SHERIFF	<b>Jail Term:</b>	
<b>Arresting Agency:</b>	KETTERING POLICE DEPARTMENT	<b>Jail Credits:</b>	
<b>Other Violations:</b>	0	<b>Work Release:</b>	
<b>Priors:</b>	7	<b>EMH Jail Days:</b>	
<b>Attorney:</b>	FULLENKAMP, JAMES J.	<b>Probation Time:</b>	
<b>Judge:</b>	THOMAS M. HANNA	<b>Probation Term:</b>	
<b>Prosecutor:</b>	LONG, JAMES F	<b>Probation Conditions:</b>	
<b>Date Heard:</b>	01/27/2009	<b>Fines Due:</b>	
<b>Original Charge:</b>		<b>Fines Suspended:</b>	
<b>Original Plea:</b>	NG - NOT GUILTY	<b>State Cost:</b>	\$0.00
<b>Final Plea:</b>		<b>Local Cost:</b>	\$51.00
<b>Finding:</b>	ADMN - ADMINISTRATIVE DISMISSED FEE	<b>Other:</b>	\$0.00
<b>Sentencing Conditions:</b>		<b>Fees:</b>	
		<b>Credits:</b>	
		<b>Total Due:</b>	\$51.00

Left forearm scare 6" long

Right shoulder tattoo flying skull

UNITED STATES BANKRUPTCY COURT  
Southern District of Ohio - At Dayton  
The Old Post Office  
120 West Third St.  
Dayton, OH 45402

---

In RE:  
Mark R Gerhard

Case No: 01 - 38938

SSN/TAX ID:

Chapter: 7

  
Debtor(s)

---

**Order Approving Trustee's Report of No Assets  
and Closing Estate**

At Dayton, Ohio in said District on April 15, 2002.

This matter being before the Court upon the annexed report of no assets by the Trustee, and all the proceedings heretofore. It appearing that the Trustee has filed his report of no assets and performed all other and further duties required of him in the administration of said estate, and no adverse interests being represented:

IT IS ORDERED that the estate be and it hereby is CLOSED upon expiration of the last date for filing complaints on objection to discharge or dischargeability of certain debts; that the Trustee be discharged and relieved of his trust; and that the bond of said Trustee be cancelled and the surety or sureties thereon released from further liability thereunder, except any liability which may have accrued during the time such bond was in effect.

Dated: April 15, 2002



Thomas F. Waldron  
United States Bankruptcy Judge



**Dora**  
Department of Regulatory Agencies

Barbara J. Kelley  
Executive Director



**Lookup Detail View**

**Licensee Information**

*This serves as primary source verification\* of the license.*

*\*Primary source verification: License information provided by the Colorado Division of Professions and Occupations, established by 24-34-102 C.R.S.*

Name	Public Address
Mark Robert Gerhard	Dayton, OH 45458

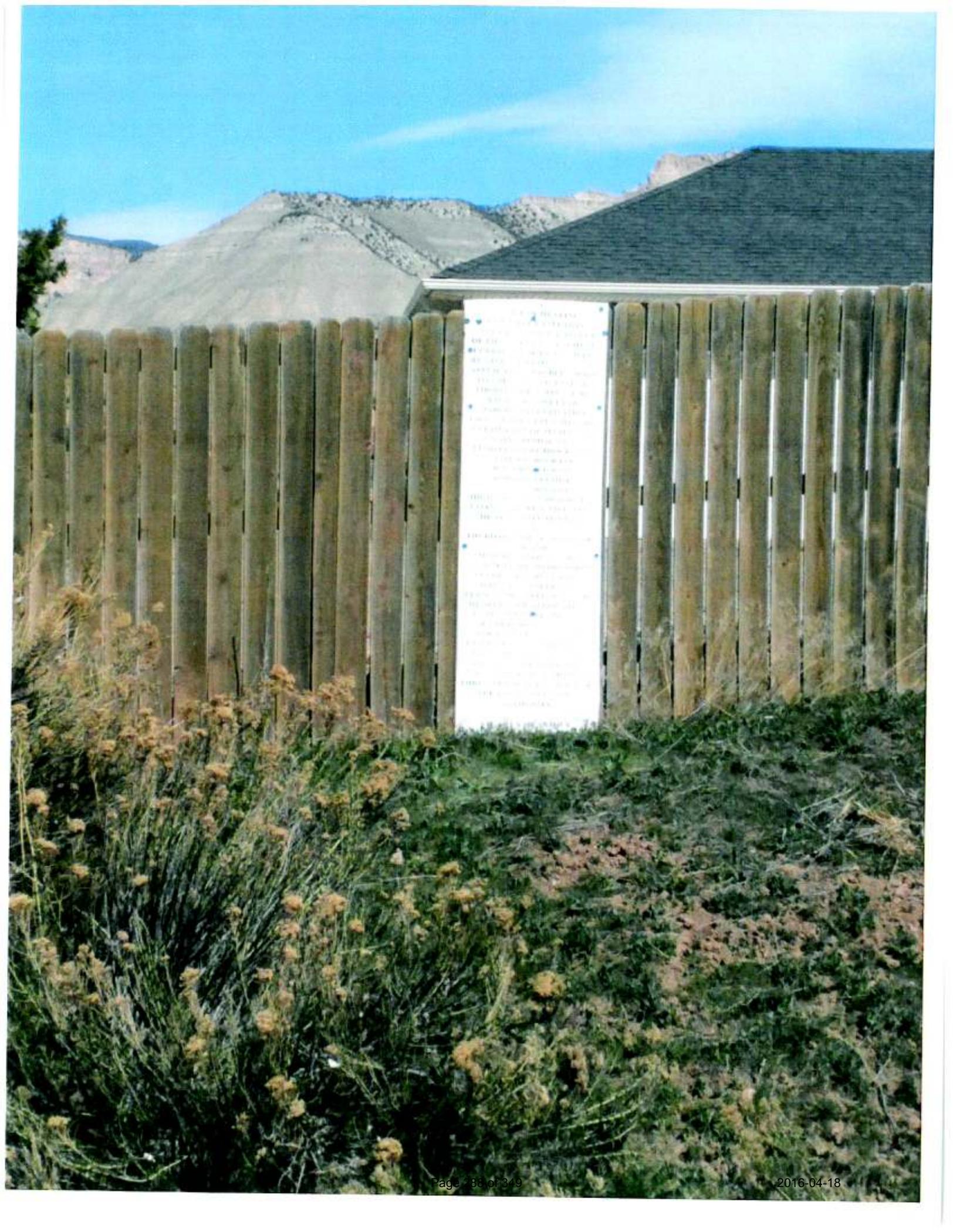
**Credential Information**

License Number	License Method	License Type	License Status	Original Issue Date	Effective Date	Expiration Date
RTL.0003209	Endorsement	Respiratory Therapist	Active	08/20/2008	09/01/2014	08/31/2016

**Board/Program Actions**

Discipline
There is no Discipline or Board Actions on file for this credential.

Generated on: 7/27/2015 12:00:07 PM



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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
<b>Total Postage and Fees</b>	<b>\$6.74</b>	

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
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<input type="checkbox"/> Adult Signature Request	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	03/09/2016
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<input type="checkbox"/> Adult Signature Request	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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 City, State, ZIP+4: *Denver CO 80202*

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**GRAND JUNCTION, CO 81505** **115E**

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.74	

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**DENVER, CO 80202** **115E**

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Total Postage and Fees	\$6.74	

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03/09/2016

Sent To: *WPX Energy Rocky Mountain*  
City, State, ZIP+4: *10017th St Suite 1200*  
*Denver CO 80202*

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**TOWN OF PARACHUTE  
RESOLUTION NO. 2016-14**

---

**RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A GRANT FROM THE  
COLORADO STATE DEPARTMENT OF LOCAL AFFAIRS (DOLA) FOR THE  
CONSTRUCTION OF AN ACCESS RAMP TO THE COLORADO RIVER FOR OUTDOOR  
RECREATION PURPOSES**

**WHEREAS**, the Town of Parachute is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Colorado State Department of Local Affairs (“DOLA”); and

**WHEREAS**, the Town of Parachute has submitted a grant application to DOLA for the Construction of an access ramp to the Colorado River for outdoor recreation purposes requesting a total award of \$100,000.

**WHEREAS**, the cash match is being provided by the Town of Parachute (\$75,000) and the Green Joint (\$25,000). An in-kind match of \$100,000 is being provided by Metcalf Excavation.

**WHEREAS**, the Town of Parachute supports the completion of the project if a grant is awarded by DOLA.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The above recitals are hereby incorporated as findings by the Board of Trustees.

Section 2. The Board of Trustees strongly supports the Grant Application submitted by the Town of Parachute and will appropriate matching funds for a grant by Colorado State Department of Local Affairs.

Section 3. If the grant is awarded, the Board of Trustees strongly supports the completion of the project.

Section 4. The Board of Trustees of the Town of Parachute authorizes the expenditure of funds necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with the DOLA.

Section 5. If a grant is awarded, the Board of Trustees hereby authorizes the Town Manager and/or the Mayor to sign a Grant Agreement with DOLA.

**INTRODUCED, READ, PASSED, AND ADOPTED** as provided by law, by a vote of \_\_\_\_\_ to \_\_\_\_\_ of the Board of Trustees of the Town of Parachute, Colorado, at a regular meeting held at the Town of Parachute, Colorado, on the 21<sup>st</sup> day of April 2016, and approved by the Mayor on the 21<sup>st</sup> day of April 2016.

BOARD OF TRUSTEES OF THE  
TOWN OF PARACHUTE, COLORADO

By: \_\_\_\_\_  
Roy B. McClung  
Mayor

ATTEST:

\_\_\_\_\_  
S. Denise Chiaretta, Town Clerk



# Town of Parachute

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Stuart S. McArthur, Town Manager

*Integrity • Respect • Teamwork • Pride • Innovation • Diversity*

222 Grand Valley Way • Parachute, CO 81635 • (970) 285-7630

## STAFF REPORT

**DATE:** April 21, 2016

**TO:** Town of Parachute Board of Trustees

**FROM:** Stuart S. McArthur, Town Manager 

**SUBJECT: REQUEST FOR PROPOSALS FOR THE RE-WRITING OF THE TOWN'S DEVELOPMENT REVIEW CODE (TITLE 15)**

### Background

In October 2015, the Town of Parachute was awarded a grant from the Colorado State Department of Local Affairs (DOLA) for the amount of \$35,000. The Town is to provide the cash match of \$35,000 for a project total of \$70,000.

The granted project was for the Parachute Municipal Code Update, specifically for the re-writing of Title 15 of the Code that includes rules and guidelines for development review.

### Staff Analysis

A Request for Proposals (RFP) was distributed on February 29, 2016. The proposals were due to the Town on or before March 31, 2016. Four (4) proposals were received:

Bidder	Date Received	Bid Amount	Comments	Award ?
Better City	03/30/2016	\$73,950	Out of state. Would need special permission from DOLA.	No
Phillip Vaughan Construction	03/30/2016	\$68,900	Local.	No
Plan Tools Inc	03/29/2016	\$70,000	Very strong team	Yes

Bidder	Date Received	Bid Amount	Comments	Award ?
SafeBuilt	04/04/2016		Did not receive before deadline	No

Staff has reviewed the proposals and has interviewed both Phillip Vaughan and Melissa Kendrick, Plan Tools Team.

**Attorney Review**

N/A

**Recommendations**

Staff recommends awarding the contract to Plan Tools Team. The team consists of:

Martin Landers, Plan Tools LLC .....Project Manager and Principal Planner  
 Melissa Kendrick, Kendrick Consulting..... Senior Planner  
 Jerry Dahl, MDKR LLP .....Land Use Attorney  
 Paul Mills, Community Design .....Russell + Mills Studios  
 John Beggs, Code Graphics.....Russell + Mills Studios

This is a very strong team. This team has performed:

- Land Use Code Update, Bennett, CO
- Sign Regulations, City of Brush, CO
- Unified Development Ordinance, Vigo County, IN
- Fort Morgan, Land Use Code
- Las Animas County, Land Use Regulations

Martin Landers and Mellissa Kendrick are currently engaged as planners for the Towns of Bennett and Platteville, CO. I have personally worked with this team as they wrote the Comprehensive Plan for the Town of Bennett and can unreservedly recommend this team as a former client. Paul Mills developed a signage plan and the new logo for the Town of Bennett while I was there.

Annexation will be a large part of the future growth for the Town. Jerry Dahl is considered the foremost authority in the State of Colorado regarding annexation. He was the author of most of the CRS statute on the subject.

I am confident this team exceeds our needs and qualifications needed to develop a very unique and flexible land use development code that will allow the Town to move forward with confidence with economic and other development.

If you have any additional questions or concerns, please contact me at 970-285-7630, x106.

SSMc

**AGREEMENT BETWEEN THE TOWN OF PARACHUTE  
AND PLAN TOOLS LLC  
TO PROVIDE PROFESSIONAL SERVICES FOR REWRITING THE TOWN'S  
DEVELOPMENT REVIEW CODE (TITLE 15)**

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**DATE:** April 22, 2016

**PARTIES:** TOWN OF PARACHUTE, a Colorado municipal corporation, 222 Grand Valley Way, Parachute Colorado 81635 (Town).

PLAN TOOLS LLC, a Colorado corporation, 601 N. Cleveland #7202, Loveland, CO 80537 (Consultant).

**RECITALS:**

- A. The Town issued a Request for Proposals seeking qualified firms with expertise in planning to provide planning professional services to prepare the comprehensive plan update for the Town.
- B. Consultant timely submitted its proposal.
- C. Town wishes to engage Consultant to provide planning services as needed and as further set forth in the Scope of Services (which services are hereinafter referred to as the "Services").

**TERMS:**

**Section 1. Scope of Services.** Consultant shall provide the Services as described in the attached *Exhibit A*, which is incorporated herein by reference. Town shall not be obligated to use Consultant for any specific project or for any projects at all during the term of this Agreement. Consultant shall bill Town on a monthly basis for professional services actually completed and costs incurred at the time of billing rendered at the hourly rates designated in *Exhibit A*. Consultant's schedule of fees may be updated from time to time upon approval of the Town Board of Trustees, in which case a revised Exhibit A shall be appended to this Agreement. In its sole discretion, the Town may contract with other consultants to provide the same or similar services during the term of this Agreement.

**Section 2. Term.** The term of this Agreement shall commence upon the signing of this Agreement by the Town. Town shall have the right to terminate this Agreement at any time with 30 days written notice to Consultant by providing written notice to Consultant of termination. The Town's only obligation in the event of termination shall be payment of fees and expenses incurred up to and including the effective date of termination.

**Section 3. Assignment.** This Agreement shall not be assigned by Consultant without the written consent of the Town.

**Section 4. Notice.** Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the first page of this Agreement, or at such other address as has been previously furnished in writing to the other party or parties. Such notice shall be deemed given when deposited in the United States mail.

**Section 5. Exhibits.** All exhibits referred to in this Agreement are, by reference, incorporated herein for all purposes.

**Section 6. Delays.** Any delays in or failure of performance by any party of his or its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, regulations or orders of civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control of such party.

**Section 7. Additional Documents.** The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

**Section 8. Entire Agreement.** This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

**Section 9. Time of the Essence.** Time is of the essence. If any payment or any other condition, obligation, or duty is not timely made, tendered or performed by either party, then this Agreement, at the option of the party who is not in default, may be terminated by the non-defaulting party, in which case, the non-defaulting party may recover such damages as may be proper.

**Section 10. Waiver.** A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

**Section 11. Governing Law.** This Agreement shall be governed by the laws of the State of Colorado.

**Section 12. Binding Effect.** This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.

**Section 13. Indemnification.** Consultant expressly agrees to indemnify and hold harmless Town or any of its officers or employees from any and all claims, damages, liability, or court awards including attorney's fees that are or may be awarded as a result of any loss, injury or damage sustained or claimed to have been sustained by anyone, including, but not limited to, any person, firm, partnership, or corporation, to the extent caused by the negligent acts, errors or omissions of Consultant or any of their employees or agents in performing work pursuant to this Agreement. In the event that any such suit or action is brought against Town, Town will give notice within ten (10) days thereof to Consultant.

**Section 14. Insurance.** Consultant shall at its own expense keep in full force and effect during the term of this Agreement insurance in the following minimum amounts:

Consultant agrees to secure, at its own expense, a policy or policies of insurance sufficient to insure against the liability assumed by Consultant pursuant to the provisions of this paragraph. Consultant shall provide Town with a certification, by a properly qualified representative of the insurer, which any policy purchased pursuant to this Agreement complies with the conditions required by this Agreement.

Consultant shall not be relieved of any liability assumed pursuant to the foregoing paragraph by reason of its failure to secure insurance as required by this Agreement or by reason of its failure to secure insurance in sufficient amounts of sufficient durations, or sufficient types to cover such liability. The required policy shall meet the following conditions:

- a. The policy limits shall be as follows:
  1. The limit for an injury to one person in any single occurrence shall be not less than \$150,000 and the limit for an injury to two or more persons in any single occurrence shall be not less than \$600,000. Costs of defense shall not be included within such limits. However, if costs of defense are included, the minimum limits shall be \$250,000 for injury to one person in any single occurrence and \$800,000 for injuries to two or more persons in any single occurrence.
  2. Professional liability insurance with a limit of not less than \$1,000,000.
- b. The policy shall include Town as an additional insured on Consultant's general liability and automobile liability insurance policies. The parties hereto understand and agree that Town is relying on and does not waive or intend to waive by this Agreement, any provision hereof, including the provisions of this paragraph, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. Section 24-10-101, et seq., as from time to time amended, or otherwise available to Town.
- c. The insurer shall give Town notification of any cancellation or termination by refusal to renew the policy or any change in coverage of the policy in the manner provided by law. If no such notification is provided by law, the insurer shall give

Town at least 30 days prior written notification of any cancellation or termination by refusal to renew the policy or of any material change by endorsement in coverage of the policy.

- d. Consultant shall be responsible for any deductible losses under the policy.
- e. If the policy is a claims made policy, the Consultant agrees to renew such policy for at least two years after the expiration of this Agreement.
- f. If the policy is a claims made policy, the retroactive date of any renewal of such policy shall be not later than the date this Agreement is signed by the parties hereto.
- g. If Consultant purchases a subsequent claims made policy in place of any prior policy, the retroactive date of such subsequent policy shall be no later than the date the Agreement is signed by the parties hereto.

Triplicate copies of the policies or certificates of insurance acceptable to Town shall be filed with Town within seven (7) calendar days after the Agreement is signed by the parties hereto. The policies or certificates shall be issued by Consultant and name as the insured Consultant and any of its designated employees or agents.

**Section 15. Worker's Compensation.** Consultant shall at its own expense keep in full force and effect during the term of this Agreement Statutory Worker's Compensation Insurance.

**Section 16. Subcontractors.** Consultant may utilize subcontractors identified in its Qualifications submittal to assist with non-specialized works as necessary to complete projects. Consultant will submit any proposed sub-contractor and the description of their services to the Town for approval. The Town will not work directly with the subcontractors.

**Section 17. Independent Contractor.** Consultant and Town hereby represent that Consultant is an independent contractor for all purposes hereunder. As such, Consultant is not covered by any worker's compensation insurance or any other insurance maintained by Town except as would apply to members of the general public. Consultant shall not create any indebtedness on behalf of the Town.

**Section 18. No Third Party Beneficiaries.** It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and Consultant, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or Consultant receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

**Section 19. Prohibition Against Hiring Illegal Aliens.** Consultant shall not knowingly employ or contract with an illegal alien to perform work under this contract. Consultant shall not enter into a contract with a subcontractor that fails to certify to the Consultant that the

subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract.

Consultant will participate in either the E-verify program or the Department program, as defined in C.R.S. § § 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services. Consultant is prohibited from using the E-verify program or the Department program procedures to undertake pre-employment screening of job applicants while this contract is being performed.

If Consultant obtains actual knowledge that a subcontractor performing work under this contract for services knowingly employs or contracts with an illegal alien, Consultant shall:

- a. Notify the subcontractor and the Town within three days that the Consultant has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
- b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this paragraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Consultant shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Consultant shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. § 8-17.5-102(5).

If Consultant violates a provision of this Contract required pursuant to C.R.S. § 8-17.5-102, Town may terminate the contract for breach of contract. If the contract is so terminated, the Consultant shall be liable for actual and consequential damages to the Town.

**TOWN OF PARACHUTE**

\_\_\_\_\_  
Roy B. McClung  
Mayor

**ATTEST:**

\_\_\_\_\_  
S. Denise Chiaretta, Town Clerk

**CONSULTANT:**

By: \_\_\_\_\_  
as \_\_\_\_\_

**STATE OF** )  
 ) ss.  
**COUNTY OF** )

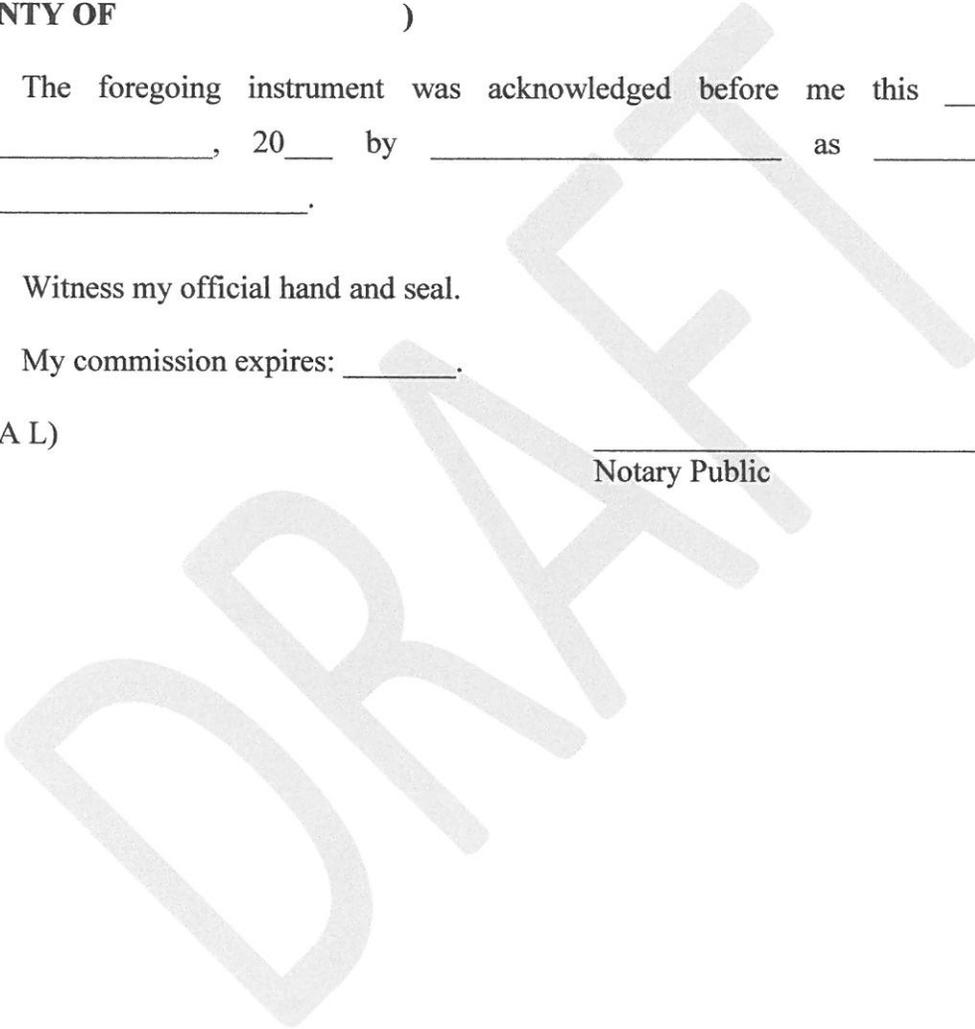
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ as \_\_\_\_\_ for \_\_\_\_\_.

Witness my official hand and seal.

My commission expires: \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public



**Consultant's Pre-Contract Certification  
Regarding Employing Illegal Aliens**

The undersigned hereby certifies as follows:

That at the time of providing this certification, the undersigned does not knowingly employ or contract with an illegal alien; and that the undersigned will participate in the E-Verify program or the Department program, as defined in C.R.S. §§ 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform under the public contract for services.

**Consultant:**

By \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

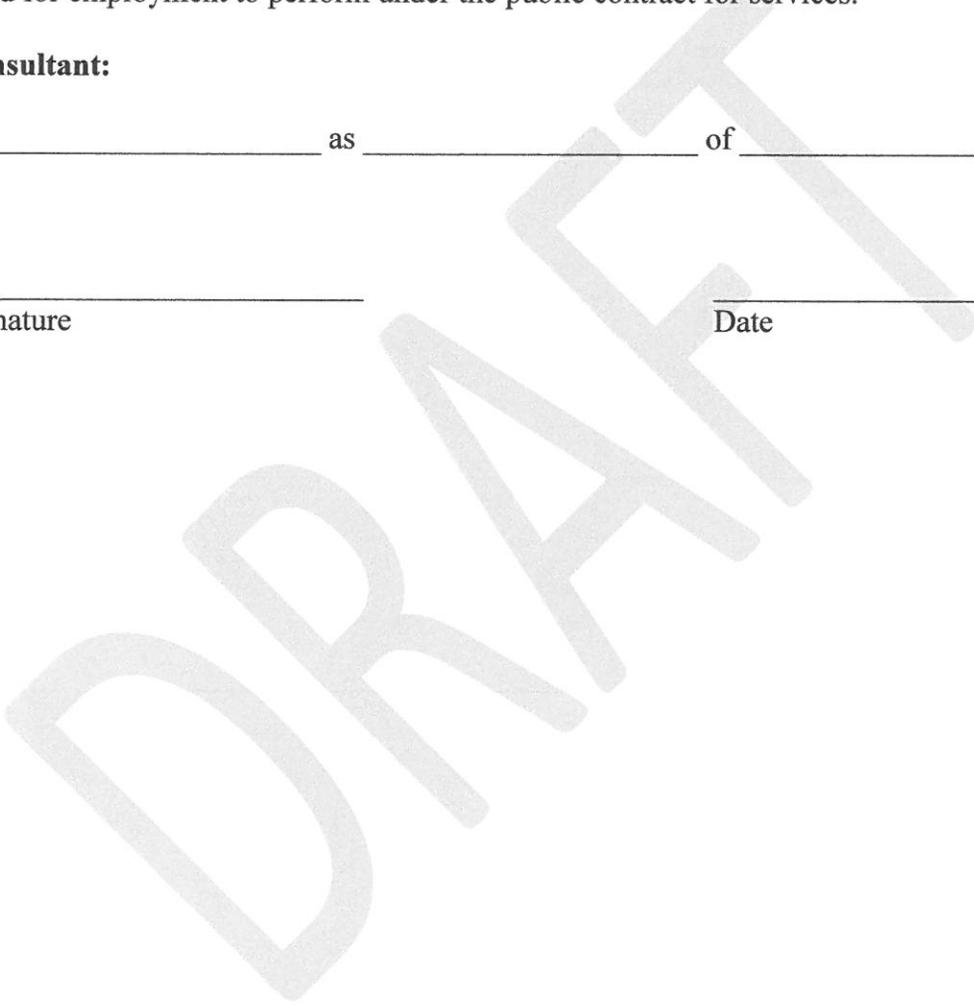


Exhibit "A"

Scope of Work

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**See attached Request for Proposal submitted on March 31, 2016.**

DRAFT

# Proposal for Development Review Update

## RFP: 16-001



## Town of Parachute, Colorado

March 31, 2016



March 29, 2016

Mr. Stuart McArthur  
Town Manager  
Town of Parachute  
222 Grand Valley Way  
Parachute, CO 81635

RE: RFP: 16-001

Dear Stuart:

On behalf of the Plan Tools project team, I am pleased to submit our proposal to provide professional planning services for the Town of Parachute's Development Review Update project. Our proposal is organized by the following tabs: Project Organization, Project Approach, Project Timeline and Fee Schedule.

Plan Tools has the Colorado-based experience in land development codes required to accomplish the Town of Parachute's objectives for this planning assignment. We are distinguished by our ability to deliver very high quality planning services on time, within budget and to our client's satisfaction.

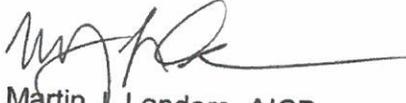
Plan Tools engages highly qualified planning professionals on a project – specific basis. For the Parachute Development Review Update project, the Plan Tools team includes Kendrick Consulting, MDKR, and Russell + Mills Studios. Our team is structured to provide a broad range of land use code expertise for Parachute, inclusive of development review, zoning reform, land use law, community design, graphic production and document formatting.

Plan Tools is organized as a limited liability company, and I am the sole principal. During the past twenty years, my statewide practice has involved the preparation of over 25 land development codes in Colorado, many of which were in western slope communities.

Our team is immediately available and stands ready to undertake your development code project. Please accept this proposal as our best thoughts on how to prepare a development code specific to the Town of Parachute that is easy to use, flexible, and creative.

We look forward to your review of our proposal and qualifications, and an opportunity to discuss the project in more detail. Thank you for your consideration.

Sincerely,  
PLAN TOOLS, LLC

  
Martin J. Landers, AICP  
President



# Town of Parachute

222 GRAND VALLEY WAY  
PARACHUTE, COLORADO  
81635

(970) 285-7630  
(970) 285-0292 - FAX

## REQUEST FOR PROPOSALS COVER SHEET

Date: ..... February 29, 2016]

Proposal Number: ..... 16-001

Proposal / Bid Title: ..... **DEVELOPMENT REVIEW UPDATE**

Proposals Will Be Received Until: ..... March 31, 2016, 5:00 P.M. Local Time

Goods or Services to Be Delivered to or Performed At: ..... Town Hall, 222 Grand Valley Way, Parachute, CO 81635

For Additional Information Please Contact: ..... Stuart McArthur, Town Manager  
(970) 285-7630, X-106  
stuartmc@parachutecolorado.com

Documents Included in This Package: ..... Request for Proposals Cover Sheet  
Invitation for Consultant Services  
Key Event Schedule  
Notice to Consultants  
Special Terms and Conditions  
Preparation Instruction for Consultants  
Agreement for Services  
Substitute Form W-9

If any of the documents listed above are missing from this package, they may be picked up at Town Hall, 222 Grand Valley Way, Parachute, CO 81635. If you require additional information, call Stuart McArthur at (970) 285-7630.

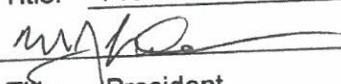
The undersigned hereby affirms that (1) he/she is a duly authorized agent of the contractor, (2) he/she has read all terms and conditions and technical specifications which were made available in conjunction with this solicitation and fully understands and accepts them unless specific variations have been expressly listed in his/her offer, (3) the offer is being submitted on behalf of the contractor in accordance with any terms and conditions set forth in this document, and (4) the contractor will accept any awards made to it as a result of the offer submitted herein for a minimum of ninety calendar days following the date of submission.

### PRINT OR TYPE YOUR INFORMATION

Name of Company: Plan Tools LLC Fax: n/a

Address: 601 N. Cleveland #7202 City/State: Loveland CO Zip: 80537

Contact Person: Martin Landers Title: President Phone: 970-622-9811

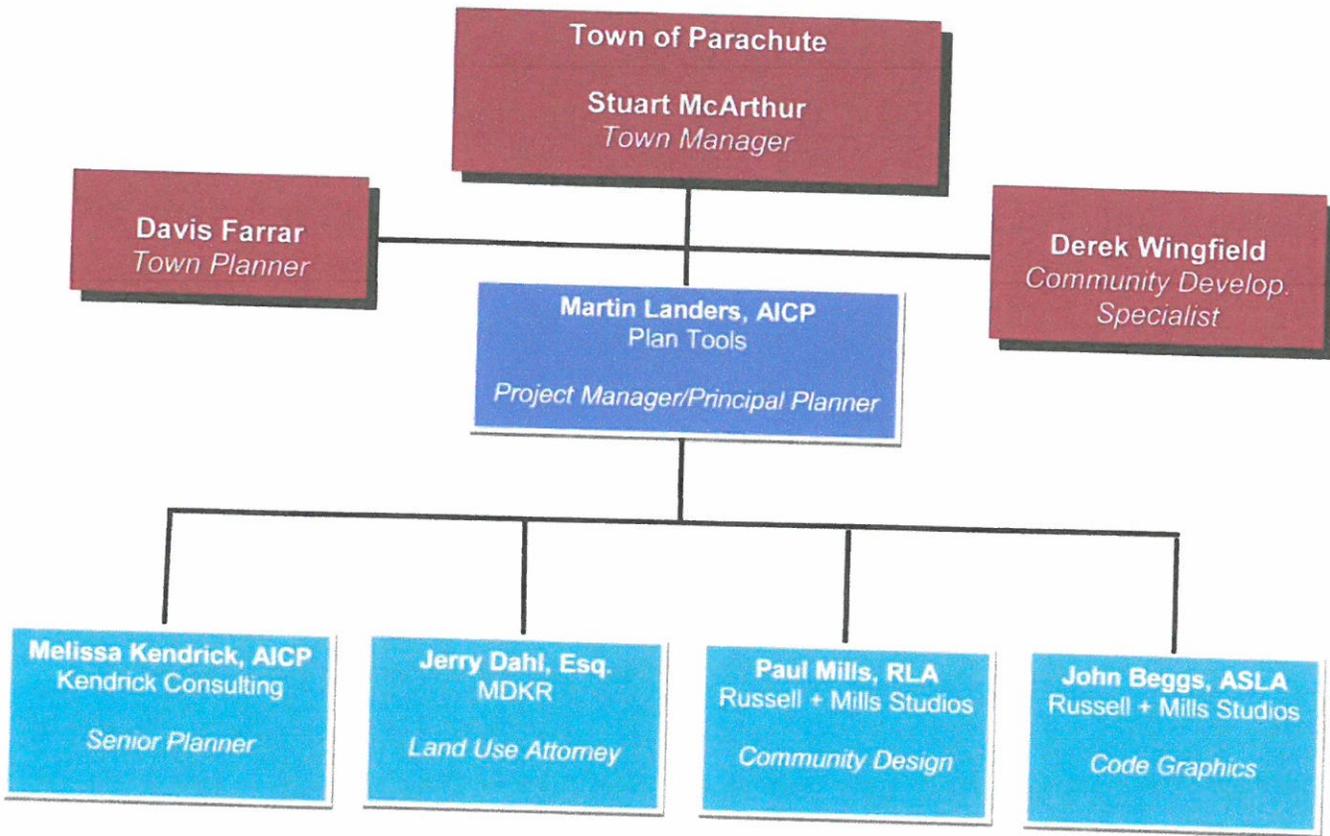
Authorized Representative's Signature:  Phone: 970-622-9811

Printed Name: Martin Landers Title: President Date: 3/29/2014

Email Address: mlanders@plan-tools.com

\\PARA-SBS\RedirectedFolders\stuartmc\My Documents\Purchasing\2016\RFP 2016-001 Development Review Update.docx

# PROJECT ORGANIZATION



**Plan Tools, LLC**

**Martin Landers, AICP - Project Manager/Principal Planner**

Serve as project manager for day-to-day management of all project tasks and team members, and point person for administrative matters. Serve as principal planner for land use code consolidation and update. Co-facilitate all public workshops, work sessions and public hearings. Lead preparation of all land use code articles.

**Kendrick Consulting**

**Melissa Kendrick, AICP - Senior Planner**

Serve as senior planner for development review update. Co-facilitate all public workshops and work sessions. Coordinate on-going communication with project stakeholders. Lead preparation of development review and application procedures.

**MDKR Assigned Staff:**

**Jerry Dahl - Land Use Attorney**

Serve as land use attorney for the project. Lead preparation of sign code update in conformance with recent Reed v Gilbert decision, and all other statutory and case law assignments related to the project. Assists principal planner with preparation of code diagnosis report. Attends adoption work session and public hearings.

**Russell + Mills Studios**

**Paul Mills, RLA, ASLA - Community Design**

Serve as community design specialist for the project. Lead preparation of form-based and associated site design code provisions.

**John Beggs, ASLA - Code Graphics**

Serve as graphic specialist for the project. Prepare code graphics and illustrations using SketchUp and Adobe Creative Suite software. Prepare presentation exhibits for public workshops and work sessions.

## ABOUT PLAN TOOLS

### **The Firm**

Plan Tools, LLC is a consulting practice that specializes in the preparation of comprehensive plans, development regulations and planning studies. The firm excels in providing targeted solutions to municipal land planning issues.

### **Guiding Principle**

Plan Tools, LLC is dedicated to delivering high quality yet cost-effective planning services that meet the unique needs of small towns, suburban cities and rural counties.

### **Areas of Expertise**

- Comprehensive Plan Updates
- Development Code Revision
- Zoning Mapping Programs
- Wayfinding Signage Plans
- Annexation Strategy
- Land Conservation Techniques
- Sustainability Indicators

### **Clients Served**

Plan Tools has provided consulting services to public sector clients throughout Colorado. Clients include statutory towns, home rule cities, rural counties, and land conservation interests. Plan Tools has also complemented multi-disciplinary firms that require the addition of project specialists for their clients.

### **Staff Capabilities**

Originally established in 1997 as MJ Landers & Associates, Plan Tools project teams are led by Martin J. Landers, AICP. Project team professional alliances include specialists in urban design, landscape architecture, transportation planning, meeting facilitation, land use law, land development market analysis, GIS mapping and graphic production.

### **Plan Tools Location**

Loveland, Colorado

### **Plan Tools Web Site**

[www.plan-tools.com](http://www.plan-tools.com)

## ABOUT KENDRICK CONSULTING

Kendrick Consulting Inc. (KCI) enjoys working in small communities because the challenges are unique, the issues are frequently personal to the community and the impacts are measureable. KCI's goal is to be a catalyst for elevating a community's outlook to have thriving and sustainable environments. KCI takes pride in providing a high level of customer service through being responsive and timely, as well as building strong relationships with all facets of your community.

### **Relevant Areas of Expertise**

- Municipal planning services
- Comprehensive Plan Updates
- Development Review
- Development Code Revision
- Land Use Planning
- Economic Development Strategies
- Entitlement process management

### **Clients Served**

Clients include cities, counties, special districts, property owners, and developers.

KCI currently provides planning services for the Town of Bennett and Platteville, both towns with a population of approximately 2,500 persons. These are rural towns effected by more urbanizing growth pressures, as well as oil and gas development.

**Planning services include:** long range comprehensive planning, strategic downtown assessments, development review, zoning interpretation, entitlement management, community engagement, and staff coordination.

### **Staff Capabilities**

KCI was established in 2005 and partners with other professionals as required that include traffic engineers, landscape architects, architects, urban designers, land planners, land use lawyers, graphic designers and mapping professionals.

**Kendrick Consulting Inc.** is Located in Denver, Colorado

## ABOUT MDKR

Murray Dahl Kuechenmeister & Renaud LLP ("MDKR") is a local government and litigation firm with offices in Lakewood. Collectively, the attorneys at MDKR represent eight Colorado municipalities as the designated City or Town attorney as well as serving as general counsel for several urban renewal authorities, downtown development authorities and business improvement districts. The Firm's practice includes representation of private and governmental clients in condemnation, real property, local governmental tax and land use matters. We also serve as special counsel to numerous municipalities, counties and special districts on both sides of the Continental Divide in a broad variety of issues and litigation.

MDKR's current seven attorneys all have active local government practices. There are three Partners, one Of-Counsel, two Special Counsel and one Associates. Two legal assistants support these attorneys.

The attorneys at MDKR and their experience are as follows:

- **Malcolm Murray:** Condemnation, litigation and urban renewal.
- **Gerald Dahl:** Annexation, land use regulation and representation of local government elected officials.
- **Charles A. Kuechenmeister:** Municipal and special district representation, real property transactions.
- **Thad Renaud:** Land use regulatory matters, land use litigation and local government.
- **Carmen Beery:** Local government, including representation of elected officials and administrative proceedings.
- **Joe Rivera:** Condemnation, litigation and urban renewal.
- **Sue Baker:** Litigation and general local government representation.

ABOUT RUSSELL + MILLS STUDIOS

**The Firm**

Russell + Mills Studios is a consulting practice that specializes in urban design, urban planning, land planning and landscape architecture. Our firm works extensively with municipalities and public agencies on a myriad of project types. Our speciality is understanding land use and urban design to help illustrate and communicate planning objectives and directions. In addition to this, we also provide graphic design and mapping services for the preparation of comprehensive plans, development regulations and planning studies.

**Guiding Principle**

Our approach to design is collaborative and inclusive, working with stakeholders, our clients, and staff to create successful results that everyone on the team understands and supports.

We believe that the two founding partners are integral in every project and each partner manages each project from start to completion.

**Relevant Areas of Expertise**

- Urban Planning - Comprehensive Plan Updates
- Development Code Revision
- Wayfinding Signage Plans
- Streetscape and Public Plaza Design
- Land Use Planning

**Clients Served**

Russell + Mills Studios has provided consulting services to public sector clients throughout Colorado and Wyoming. Clients include Cities, and statutory towns and State government.

**Staff Capabilities**

Russell + Mills Studios was established in 2007 by the founding partners Craig Russell and Paul Mills. Our office has a total of five staff members with an average experience of 12 years. Our firm is supported by such experience in all our projects. We have the capabilities to operate creative programs such as Adobe Creative Suite, and Google Sketchup. We also provide full AutoCAD capabilities. One of our signature elements are emotive eye level hand drawn perspectives. We create these perspectives in workshops and finalize at our office so public and stakeholders understand the design ideas and gestures being discussed in planning documents or area planning design efforts.

**Russell + Mills Studios Location**

Fort Collins, Colorado

**Russell + Mills Studios Web Site**

[www.russellmillsstudios.com](http://www.russellmillsstudios.com)

## Martin Landers, AICP

Principal Planner - Plan Tools LLC

Mr. Landers selected project experience specific to development regulations includes:

### 2015

#### **Brush Sign Regulations**

Mr. Landers served as project manager and principal planner for the update of the City of Brush Sign Regulations. The sign regulations are compliant with the *Reed v Town of Gilbert* Supreme Court decision and address local business objectives in an illustrative, user friendly format.

### 2014

#### **Bennett Land Use Code**

Mr. Landers served as principal planner for the update of the Town of Bennett's land use regulations, including zoning, subdivision, sign, flood damage prevention and other land development provisions.

### 2011

#### **Fountain Sign Code**

Mr. Landers served as principal planner for the update of the City of Fountain's Sign Code. The sign regulations address new technologies in the sign industry in an illustrative format.

### 2010

#### **Fort Morgan Land Use Code**

Mr. Landers served as project manager and principal planner for the update of Fort Morgan's 1950's era land use regulations. The Fort Morgan Land Use Code consolidates zoning, subdivision, sign and other municipal code provisions, into one document.

### 2009

#### **Las Animas County Land Use Regulations**

Mr. Landers served as project manager and principal planner for the consolidation and update of the zoning, subdivision and 1041 regulations for Las Animas County, Colorado.

### 2008

#### **Brush Development Regulations**

Mr. Landers served as project manager and principal planner for the consolidation and update of the zoning and subdivision regulations for the City of Brush, Colorado.

#### **Rensselaer Zoning and Subdivision Control Ordinances**

Mr. Landers served as principal planner for the update of the zoning, parking, sign and subdivision control regulations for the City of Rensselaer, Indiana.

### 2007

#### **Vigo County Unified Development Code**

Mr. Landers served as principal planner for the update and consolidation of land use regulations for Vigo County and the City of Terre Haute Indiana.

### Pre-2007

- **2006 Archuleta County Unified Dev. Code**
- **2005 South Fork Land Use Code**
- **2005 Monte Vista Land Use Code**
- **2004 Rio Grande County Land Use Code**
- **2003 Commerce City Unified Dev. Code**
- **2002 Granby Land Use Code**
- **2002 Mesa County/Fruita TDR Program**

## Melissa Kendrick, AICP

Kendrick Consulting

### Education

B.A. Design, Regis College  
Environmental Design Studies, Parsons School of Design, NYC  
M.A. Psychotherapy, Naropa Institute, Boulder CO  
National Civic League, Facilitation Training  
CDR & Associates, Mediation Training

### Professional Experience

- More than 15 years of experience working in public and private planning settings conducting land development review and public policy formation.
- Manage professional teams to ensure a high level of customer service being responsive with information and work products.
- Build strong relationships with all facets of a community from Town staff, Town officials, the general public, the development community and interested community groups.
- Develop and implement comprehensive plans, land development regulations and design guidelines.
- Facilitate multiparty conversations for conflict resolution, strategic visioning, public policy formation and community building.

### Professional History

Kendrick Consulting, Inc. Owner  
Denver, CO November 2005- Present

Arapahoe County, Planning Program Manager  
Arapahoe County, CO July 2002 - October 2005

Arapahoe County, Senior Planner  
Arapahoe County, CO May 1999 - June 2002

Arapahoe County, Planner II  
Arapahoe County, CO October 1997 - April 1999

Douglas County, Planner II  
Douglas County, CO June 1995- September 1997

## Gerrald E. Dahl

*Murray Dahl Kuechenmeister & Renaud, LLP*

### Education

B.A., Political Science, University of Colorado, 1972

J.D., University of Colorado, 1976

### Professional Experience

Since 1976, Mr. Dahl has practiced in local government law, dealing with all aspects of land use, annexation, governmental liability, personnel and government operations.

From 1984 to 1990, Mr. Dahl was General Counsel to the Colorado Municipal League. He represented the League in legislative matters before the Colorado General Assembly and supervised the conduct of litigation including participation by the league as amicus curiae in cases involving substantial statewide questions of municipal interest.

From 1978 to 1984, Mr. Dahl was General Counsel to the Northwest Colorado Council of Governments. His work for this client involved litigation of water and land use matters and extensive drafting and defense of county and municipal zoning and subdivision regulations.

Mr. Dahl represents private and government interests in the planning and development of land. His practice in this field is statewide. He has authored numerous complete land use codes for municipalities and counties. He specializes in land use code diagnosis and revision to implement planning goals. He is a frequent speaker on land use and local government issues.

### Representative Clients

City of Wheat Ridge

Town of Georgetown

Town of Morrison

Colorado Municipal League

### Professional Memberships

Colorado Bar Association

International Municipal Lawyers Association

### Representative Publications

Colorado Land Planning and Development Law, APA, 2016

Annexation in Colorado, Colorado Municipal League, 2014

Amendment 41: Ethics in Government, The Colorado Lawyer, 2010

Transferable Development Rights: Planning and Practice in Colorado, Colo. Municipalities, 2010

Land Use Law, National Business Institute, 1998; 2000; 2003; 2008

Boundary Law in Colorado, National Business Institute, 1991; 1992; 1996; 2002; 2003; 2007

The ABC's of Planning, Land Use and Zoning, Colorado Municipal League 1992; 1995

GERALD E. DAHL  
GENERAL & SPECIAL COUNSEL REPRESENTATION

Municipality	Dates	Duties and Responsibilities
City of Wheat Ridge	1995 - present	City Attorney
Town of Morrison	2014 - present	Town Attorney
Town of Georgetown	2012 - present	Town Attorney; advise concerning HB1041 Regs
El Paso County	2013 - present	Advise concerning HB 1041 Regs; Fair Housing Act
Town of Silverthorne	1991 - 2014	Town Attorney; drafted home rule charter
Elbert County	2011-2012	Oil and gas regulations
City of Fountain	2011	Revise sign code
Chaffee County	1999 - present	1041 Regulations; minor subdivision
City of Loveland	2008	Advise concerning annexation
Town of Mountain Village	2010 to present	Adoption & Implementation of Comprehensive Plan
City of Fort Morgan	2010	Comprehensive revision of land use code
City of Brush	2009; 2015	Revise land use code; revise sign code
Town of Poncha Springs	1999; 2007	Revise land use code; Annexation
Archuleta County	2006	New zoning regulations; update oil & gas regulations
Otero County	2006	1041 Regulations (Areas & Activities of State Interest)
Town of Granby	2002-2006	Annexation agreements and related documents
Town of Frederick	2005	Annexation opinion letter
Prowers County	2005	1041 Regulations (Areas & Activities of State Interest)
Commerce City	2003 - 2004	Comprehensive revision of land use code
Bent County	2003	IGA land use regulations
Mesa County/Town of Fruita	2003	Land use IGA and implementing regulations for transferable development rights system
City of Broomfield	2003	Implementation techniques for neighborhood plan; open space and land use regulations
Town of Basalt	2003	Litigation defending land use regulations
Town of Berthoud	2002	Annexation matters
Summit County	2002	Comprehensive performance zoning code
Routt County	2002	Revision of zoning and subdivision regulations
Custer County	2000	IGA on land use and annexation
City of Salida	2000	Comprehensive revision of land use code
Las Animas County	2000	Comprehensive revision of land use code
City of Trinidad	2000	Historic Preservation & Vested Property Rights
Town of Westcliffe	2000	Comprehensive revision of land use code
Town of Crested Butte	1998 - present	Land use and annexation matters
City of Leadville	1999	Comprehensive revision of zoning code
Saguache County	1999	1041 Regs; Comprehensive plan implementation
City of Glendale	1997- 1999	City Attorney
City of Grand Junction	1998	Annexation matters
Town of Yampa	1997-1998	Amended zoning, subdivision and municipal codes
Town of Paonia	1995	Comprehensive plan; techniques for land use control
Region XI Counties/Munic	1978 - 1984	Amend zoning/subdivision Regs-water quality control
Town of Eagle	1981	Performance zoning land use code
City of Aspen	1981	Consolidation of land use approval process

## Paul Mills, RLA, ASLA

*Principal - Russell + Mills Studios*

### Professional Experience

Paul Mills is a founding partner at Russell + Mills Studios. Paul has practiced for twenty years in the profession and brings an international perspective to the firm having worked in Brisbane Australia, Fort Collins and New York on national and international projects. Paul has worked with Plan Tools for five years on Land Use Code and community planning projects. He is currently developing Development Design Guidelines for the Town of Bennett Colorado who is experiencing development pressures, and need a document that reflect the level of development the Town expects from developers.

## John Beggs

*Russell + Mills Studios*

### Professional Experience

John Beggs has ten years of experience in the Landscape Architecture profession. As a senior staff member John has helped design and develop graphics for Land Use Code projects as well as Design Guideline and Standards projects. John has worked with Plan Tools on numerous related projects and will bring this skillset to this project.

### Relevant Project Experience

- Brush Sign Code, Brush, CO
- Trinidad Wayfinding Signage Plan, Trinidad, CO
- Bennett Design Guidelines, Bennett CO (Current Project)
- Bennett Land Use Code Update, Bennett, CO
- Fountain Signage Code, Fountain, CO
- Glenwood Springs Infill Design Standards, Glenwood Springs, CO
- City of Sheridan High Tech Business Park Design Standards, Sheridan, WY
- City of Sheridan Gateway Standards, Sheridan, WY
- City of Sheridan North Main Corridor Study, Sheridan, WY
- Downtown Fort Collins Master Plan (Current Project)
- West Elizabeth Corridor Study, City of Fort Collins, CO
- West Central Area Plan, Prospect Road Corridor Study, Shields Corridor Study, City of Fort Collins, CO
- Cheyenne Downtown Place Making, Cheyenne, Wyoming
- Sparks Nevada Comprehensive Plan Design Standards for Redevelopment/Infill, Sparks, NV
- Pershing Blvd. Corridor Plan/Streetscape Design, Cheyenne, Wyoming
- Boulder Civic Area Master Plan, Boulder, CO
- Boulder Highway Transit Corridor Design Standards, Henderson, NV
- Pagosa Springs Downtown Plan and Design Standards, Pagosa Springs, CO
- City of Sheridan North Main Master Plan and Design Standards, Sheridan, WY
- Fort Collins Downtown Alleys and Integrated Connections Master Plan, Fort Collins, CO
- Fort Collins Downtown Alleys Concept Master Plan, Fort Collins, CO

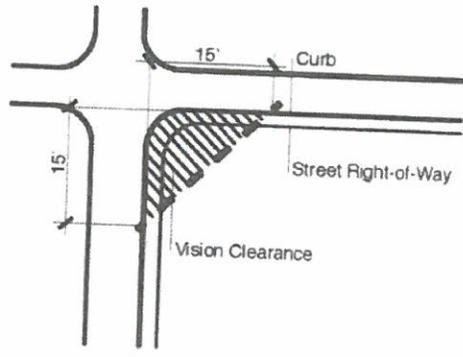
**Representative Project:**

**Town of Bennett, CO  
 Land Use Code Update**

**Project Reference: Trish Stiles  
 Town Administrator 303.644.3249**

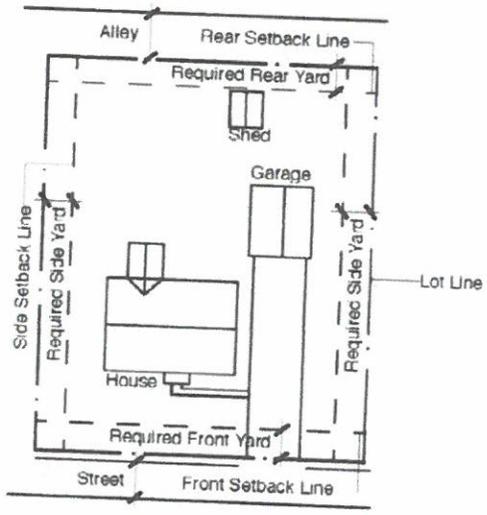
Plan Tools, LLC worked in association with Kendrick Consulting and Russell + Mills Studios to update the Town of Bennett's Land Use Code. Plan Tools was also involved in the 2011 code update, whereby the regulations were streamlined to reduce 37% of their bulk.

The revised Land Use Code reorganizes and consolidates the current land use code's 20 articles into seven articles, and include refinements that implement the 2012 Bennett Comprehensive Plan and address the recommendations of the 2013 Code Diagnosis Report.



**Sample Land Use Code updates include:**

- Reforming the zoning districts, their listed uses and standards so that they recognize existing development and accommodate new development.
- The creation of three overlay zone districts to implement the Bennett Downtown Study and its Land Use Concept: the Residential Mixed Use District, Commercial Mixed Use District, and Main Street District.
- Adding graphics and charts to improve legibility. An example is the inclusion of a chart containing lot, setback and height standards for each of the ten zoning districts.



The updated Bennett Land Use Code was adopted in December 2014.

*Development Review Update - Town of Parachute*

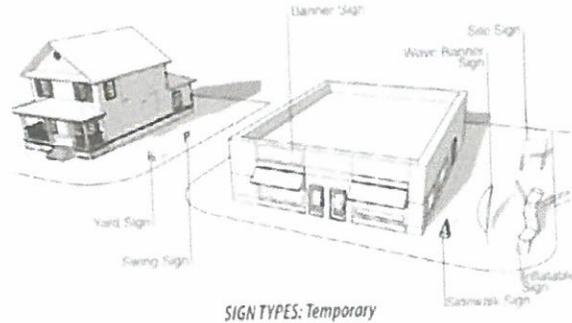
**Representative Project:**

**City of Brush, CO  
Sign Regulations**

*Project Reference: Karen Schminke  
Assistant City Manager 970.842.5001*

Plan Tools, in association with MDKR and Russell + Mills Studios, updated the City of Brush Sign Regulations. The sign code was adopted in September 2015.

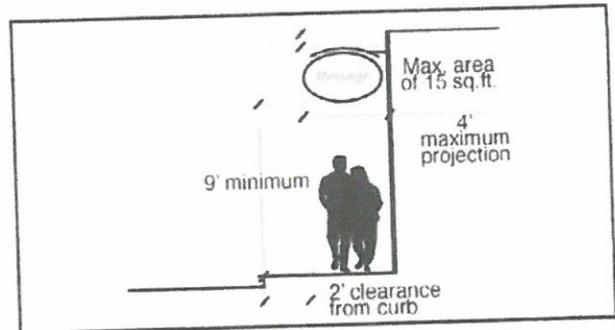
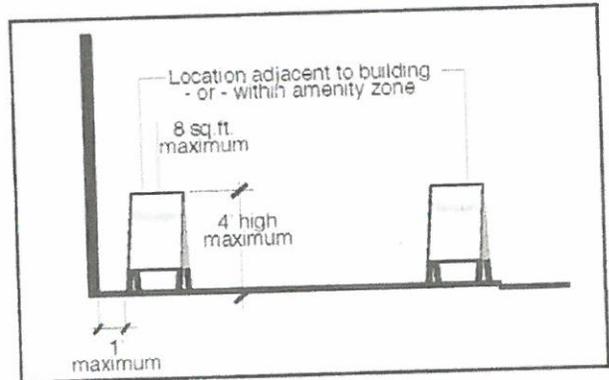
During the course of the project, the Supreme Court issued its decision on the Reed v Town of Gilbert case. As a result, the new Brush Sign Regulations were crafted to comply with a higher standard for content-neutrality.



Specific project objectives also included:

- Be consistent with the *Comprehensive Plan*;
- Preserve and enhance Brush’s small-town, rural character;
- Support business retention and recruitment;
- Reflect contemporary technology; and
- Address Interstate 76 business signage standards.

Members of the community participated in stakeholder interviews and two open houses in an effort to identify what is right for Brush when it comes to sign location, number, size, height, design, and maintenance. This process resulted in standards for sign types not previously permitted, such as sidewalk signs, roof signs, and wave banners.



**Representative Project:**

Vigo County, IN/  
 City of Terre Haute, IN  
 Unified Development  
 Ordinance

*Project Reference: Jeremy Weir  
 Executive Director 812.462.3354*

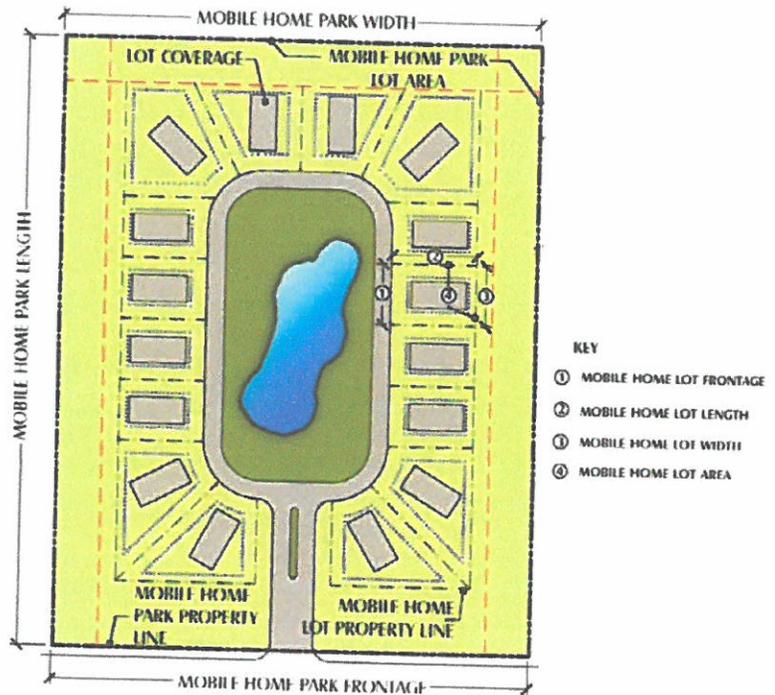
In association with HNTB, Plan Tools prepared a new Unified Development Ordinance for the Vigo County Indiana Area Planning Department. The project was a cooperative effort between Vigo County and its largest incorporated municipality, the City of Terre Haute.

A Steering Committee comprised of representatives from Vigo County and the City of Terre Haute guided the drafting of the new UDO.

After preparing a code diagnosis report and creating an annotated outline, the existing Vigo County development regulations and City of Terre Haute zoning and subdivision ordinances were consolidated, updated, and supplemented with new code provisions.

The clearly organized, user-friendly format of the UDO included numerous illustrations and tables, with both a master table of contents and individual chapter indexes and references.

The result was a draft document that was never adopted, primarily due to political considerations associated with conflicting City and County planning objectives and roles.





# PROJECT APPROACH & SCOPE

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# Project Approach and Scope

## Philosophy And Approach

Parachute's recently completed comprehensive plan is an outstanding achievement that provides for a road map to economic diversity and effective land use. Key to its implementation will be a locally relevant, unified land development code. A primary goal of the project is to translate strategic land use policy into strategic land use regulations, establishing a vital planning tool that will enable project applicants the ability to efficiently and effectively move through the development review process.

A fundamental objective of the project is to overhaul and consolidate the Town's assorted development codes into a unified development code that resides under Title 15 of the Parachute Municipal Code. We believe our charge is to rewrite the Town's land use regulations so they protect and enhance Parachute's community character while enabling the market to deliver desired types of development.

Our overall philosophy and approach to this project centers on four points:

1. Build on the success of the comprehensive plan and honor the community's strategic vision.
2. Diagnose the Town's existing land use regulations and identify what works, what doesn't work, and what's missing.
3. Consolidate, update and create a user-friendly, legally sound set of land use regulations that are seamlessly integrated into the Town's municipal code.
4. Provide for the implementation of the adopted development code.

### ***Build on the success of the comprehensive plan and honor the community's strategic vision.***

The Town of Parachute Development Review Update Project is well-timed to maintain the momentum generated by the success of the comprehensive plan. The Project lends itself to a public engagement strategy that focuses on moving from accepted public policy to acceptable regulatory measures. Policy issues have been vetted during the comprehensive plan process; the opportunity is ripe to employ an efficient process for creating the "ground rules" that will shape future land development and redevelopment in Parachute.

With its recent engagement in the comprehensive plan process, the Planning Commission is well positioned to guide the Development Review Update Project. We propose a series of Planning Commission work sessions that are structured around the review of the land use code as it is prepared. Initial work sessions will cover the code diagnosis and annotated outline, followed by sessions on development code chapters as they are drafted. Key stakeholders are interviewed and then targeted to attend particular meetings, e.g., business owners are e-mailed invitations to review options for updating the sign regulations.

Two community-wide workshops are proposed at project milestones, along with a joint study session with the Planning Commission and Board of Trustees. Between meetings, a project website with on-line survey capabilities will offer an effective way to provide information to the public and receive feedback on draft documents.

### ***Diagnose the Town's existing land use regulations and identify what works, what doesn't work, and what's missing.***

We begin with a detailed review of the existing land use regulations, followed by meetings with Town staff to discuss identified issues and document specific land development concerns. This "code diagnosis" is invaluable for informing the modification of regulations or determining a need for new provisions based on technical and legal considerations.

An example is the current review procedure for land use applications. Our initial observation is that more staff-level approvals are appropriate, and will result in faster overall review times for individual applications. One such fix could readily be applied to the zoning variance process. In many jurisdictions, establishing "hardship" for approval of a variance involves

the applicant attempting to satisfy criteria which honestly do not address the real issue: that the goal is to encourage and permit development to "fit in" with the surrounding neighborhood. Accomplishing this should not require that an applicant demonstrate hardship or that the property has an unusual shape, topography or building configuration (as in present Code § 15.05.305.B). Instead, the current land use regulations should be revised to provide for administrative standards, applied by Town staff, which address the non-conforming situations that typically require the approval of a variance.

***Consolidate, update and create a user-friendly, legally sound set of land use regulations that are seamlessly integrated into the Town's municipal code.***

For our team, code revision is not an academic exercise. The new development code should be internally consistent, make intuitive sense and be capable of reasonable explanation to the public and the development community. Above all, it should be "user-friendly", making judicious use of tables and illustrations wherever possible. Innovative codes have been drafted by talented professionals that have either not been adopted or resulted in project delays. As a result, we believe it is vitally important to engage a team of planners, attorneys and design professionals with deep and broad experience working with those that actually use a development code: project applicants, municipal staff and their elected and appointed officials.

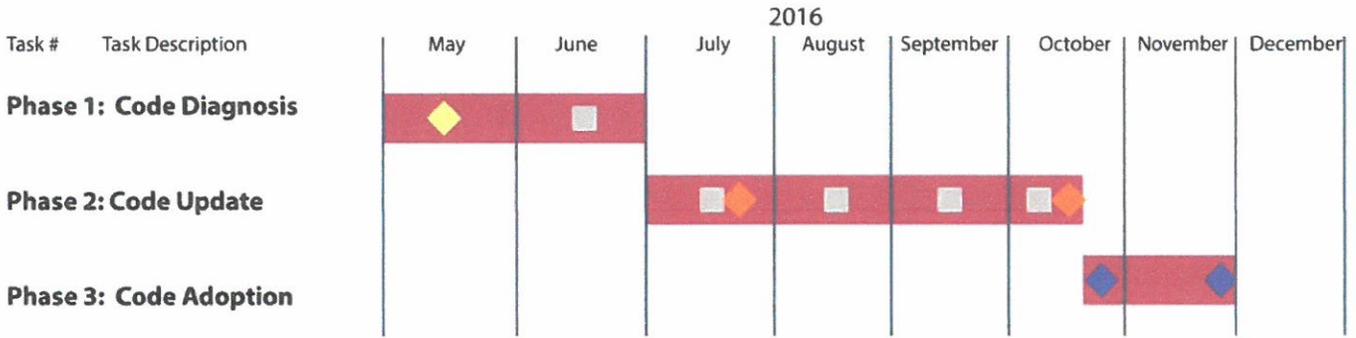
An annotated outline serves as the framework for consolidating, revising and creating land use regulations, establishing the structure for inserting fundamental legal, procedural and substantive provisions. Emphasis will be placed on making practical, effective code refinements. Examples include 1) updating the existing sign regulations to comply with the new content-neutrality standard resulting from the 2015 Reed v Town of Gilbert Supreme Court decision, and 2) replacing the flood hazard regulations with new flood damage prevention regulations to ensure continued eligibility in the National Flood Insurance Program. We anticipate that the updated development regulations will be a hybrid of traditional and performance code models, with design-oriented "form-based" provisions applied where appropriate, e.g., to a new Planned Unit Development district.

***Provide for the implementation of the adopted development code.***

We will prepare a Zoning Transition Program Report in anticipation of the need to create a new official zoning map that depicts substantive changes in zoning district categories, e.g., the elimination of the Mixed Use PUD Zone. The report would address the recommended approach to initiate and complete the remapping process. This reflects our understanding of creating a new code structure with modified and/or potentially new zoning districts.

Members of our team have prepared and implemented successful zoning transition programs in Colorado for Archuleta County, Bennett and Thornton.

# Proposed Work Schedule



**Legend**

- ◆ Stakeholder Interviews
- Planning Commission
- ◆ Public Workshop
- ◆ Adoption Hearing

# FEE SCHEDULE

# Fee Proposal

Assigned Staff	Rate	TOTAL		Task 1.1	Task 1.2	Task 1.3	Task 2.1	Task 2.2	Task 2.3	Task 3.1	Task 4.1								
		Hours	\$\$	Initiation	Doc Review	Engagement	Outline	Drafts	Engagement	Hearings	ZTP								
Landers	\$100.00	300	\$30,000.00	24	\$2,400	44	\$4,400	36	\$3,600	24	\$2,400	96	\$9,600	36	\$3,600	24	\$2,400	16	\$1,600
Dahl	\$200.00	84	\$16,800.00	8	\$1,600	24	\$4,800	0	\$0	8	\$1,600	24	\$4,800	0	\$0	16	\$3,200	4	\$800
Kendrick	\$75.00	136	\$10,200.00	8	\$600	4	\$300	24	\$1,800	8	\$600	52	\$3,900	24	\$1,800	16	\$1,200	0	\$0
Mills	\$100.00	50	\$5,000.00	8	\$800	4	\$400	0	\$0	0	\$0	38	\$3,800	0	\$0	0	\$0	0	\$0
Beggs	\$75.00	40	\$3,000.00	0	\$0	0	\$0	0	\$0	0	\$0	24	\$1,800	16	\$1,200	0	\$0	0	\$0
<b>Total Labor</b>		<b>610</b>	<b>\$65,000.00</b>	<b>48</b>	<b>\$5,400</b>	<b>76</b>	<b>\$9,900</b>	<b>60</b>	<b>\$5,400</b>	<b>40</b>	<b>\$4,600</b>	<b>234</b>	<b>\$23,900</b>	<b>76</b>	<b>\$6,600</b>	<b>56</b>	<b>\$6,800</b>	<b>20</b>	<b>\$2,400</b>
<b>Expenses</b>			<b>\$5,000</b>		<b>\$350</b>		<b>\$0</b>		<b>\$1,200</b>		<b>\$350</b>		<b>\$1,200</b>		<b>\$1,200</b>		<b>\$700</b>		<b>\$0</b>

Project costs including copies, meeting boards, mileage and other reimbursable expenses.

<b>Total Cost</b>	<b>\$70,000</b>
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# Town of Parachute

222 GRAND VALLEY WAY  
PARACHUTE, COLORADO  
81635  
(970) 285-7630  
(970) 285-0292- FAX

## REQUEST FOR PROPOSALS SUBMISSION FORM

**SUBMISSION:** It is imperative, when submitting a bid/proposal, that you address the envelope as follows:

Town of Parachute  
ATTN: Purchasing  
222 Grand Valley Way  
Parachute, CO 81635

Attn: Stuart S. McArthur  
Town Manager  
RFP: 16-001

Does your proposal comply with all the terms and conditions? If no, indicate exceptions

YES / NO

Does your proposal meet or exceed all specifications? If no, indicate exceptions

YES / NO

State percentage of prompt payment discount, if offered

0 %

State total bid price (include all items bid)

\$70,000

State total bid price with discount

\$70,000

The Town of Parachute must have on file a completed W-9 prior to doing business with Contractors. Please submit the attached form with your Proposal.



# Town of Parachute

222 GRAND VALLEY WAY  
PARACHUTE, COLORADO  
81635  
(970) 285-7630  
(970) 285-0292-FAX

## REQUEST FOR PROPOSALS

**SUBSTITUTE FORM W-9**  
**REQUEST FOR TAXPAYER**  
**IDENTIFICATION NUMBER AND CERTIFICATION**  
(A copy of the W-9 instructions is available upon request)

Vendor# \_\_\_\_\_

**1 NAME OF FIRM:**

PLAN TOOLS LLC  
NAME (Legal Name)

BUSINESS NAME (If different from above e.g. DBA)

**2 ADDRESS WHERE NOTIFICATIONS, PURCHASE ORDERS ETC. SHOULD BE MAILED**  
(if different from above):

PLAN TOOLS LLC  
NAME (As it appears on invoice)

601 N. CLEVELAND #7202  
ADDRESS

LOVELAND CO 80537  
CITY, STATE, ZIP

**3. PAY TO OR REMITTANCE INFORMATION**  
(If more than one remit to address, please attach on additional page.)

601 N. CLEVELAND #7202  
STREET ADDRESS

LOVELAND CO 80537  
CITY, STATE, ZIP

The Internal Revenue Service requires that you submit a Taxpayer Identification Number to comply with this regulation, please fill in the required information on this form, sign and return it to:

By fax (970) 285-0292  
By mail Town of Parachute  
ATTN: Stuart S. McArthur  
222 Grand Valley Way  
Parachute, CO 81635

**TAXPAYER IDENTIFICATION NUMBER (TIN)**

Social Security Number  
OR  
Federal Identification Number

11-3811832

Name of Business Owner (please print) PLAN TOOLS LLC

Check Appropriate Box:

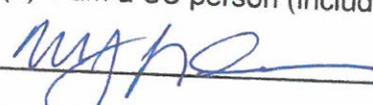
- Corporation
- Partnership
- Government
- Individual/Sole Prop
- Non-Profit Organization
- Other Limited Liability Company

(Must explain)

**CERTIFICATION**

Under penalties of perjury, I certify that:

- (1) The number shown on this form is my correct Tax Identification Number, and
- (2) I am not subject to backup withholding.
- (3) I am a US person (including a US resident alien)

Signature  Date March 28, 2016

Print Name Martin J. Landers

Telephone Number (970) 622-9811

**NOTICE! CHECKS OR PURCHASE ORDERS WILL NOT BE ISSUED BY THE TOWN OF PARACHUTE UNTIL YOUR TAX PAYER ID NUMBER IS ON FILE IN THIS OFFICE!**

**FOR OFFICE USE ONLY:**

Individual/Sole Proprietorships: For Corporation:

- Merchandise Only
- Employee expense reimbursement
- Garnishment / Child Support
- Damage awards & other reimbursements
- Services
- Contract Labor
- Other (Explain)
- Sale of Land
- Attorney
- Non Attorney

Approved:

Town Manager \_\_\_\_\_

Date \_\_\_\_\_



# Town of Parachute

222 GRAND VALLEY WAY  
 PARACHUTE, COLORADO  
 81635  
 (970) 285-7630  
 (970) 285-0292- FAX

## REQUEST FOR PROPOSALS PRICING FORM

### I PRICING (FOR EACH PARTICIPANT)

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1					
2			TASK 1.1		\$5400.00
3			TASK 1.2		\$9900.00
4			TASK 1.3		\$5400.00
5			TASK 2.1		\$4600.00
6			TASK 2.2		\$23900.00
7			TASK 2.3		\$6600.00
8			TASK 3.1		\$6800.00
9			TASK 3.2		\$2400.00
10			EXPENSES		\$5000.00
					\$0.00
			<b>Total</b>		<b>\$70,000.00</b>

Not to Exceed Total: \$70,000



# Town of Parachute

*A Safe Place to Land*

Stuart S. McArthur, Town Manager

*Integrity • Respect • Teamwork • Pride • Innovation • Diversity*

222 Grand Valley Way • Parachute, CO 81635 • (970) 285-7630

## STAFF REPORT

**DATE:** April 21, 2016

**TO:** Town of Parachute Board of Trustees

**FROM:** Stuart S. McArthur, Town Manager

**SUBJECT: REQUEST FOR QUOTES TO PROVIDE SCHOOL SAFETY AND RADAR SPEED SIGNS**

### Background

In October 2015, the Town of Parachute was awarded a grant from the Garfield County Federal Mineral Lease District (GCFMLD) for the amount of \$25,000. The Town is to provide the cash match of \$25,000 for a project total of \$50,000.

The granted project was for the acquisition and installation of school zone safety signs and radar speed signs. The school signs are to provide better awareness for drivers around the family learning center and the high school. The radar speed signs are intended to be mobile and be installed at various places at various intervals to alert drivers of their speed. The entire project is intended to provide more safety for school students and other residents of the Town.

### Staff Analysis

A Request for Quotes (RFQ) was distributed in February 2016. The proposals were due to the Town on or before March 18, 2016. Two (2) proposals were received:

Bidder	Date Received	Bid Amount	Comments	Award ?
TAPCO	03/18/2016	\$ 39,505.00		Yes
SA-SO	03/28/2016	\$ 50,216.25	Received after deadline	No

**Attorney Review**

N/A

**Recommendations**

Staff recommends awarding the bid to TAPCO, since they are the lower bidder and the only one that provided the quote on time.

As per the Purchasing Policy, three (3) quotes are required. I send the RFQ to several sign companies. These two (2) are the only ones that responded.

If you have any additional questions or concerns, please contact me at 970-285-7630, x106.

SSMc



**SALES QUOTE**

**Customer Copy**

<b>Number</b>	<b>ETO16-01130</b>
<b>Date</b>	3/14/2016
<b>Page</b>	1

5100 West Brown Deer Road, Brown Deer, Wisconsin 53223  
 Phone 1-800-236-0112 • www.tapconet.com • Fax 1-800-444-0331

Sell To Cust. C54627	Town of Parachute Stuart S. McArthur P.O. Box 100 222 Grand Valley Way PARACHUTE, CO 81635	Ship To Cust.	Town of Parachute Stuart S. McArthur P.O. Box 100 222 Grand Valley Way PARACHUTE, CO 81635		
Reference #	Expires	Slsp	Terms	Freight	Ship Via
	4/13/2016	Dave Donovan	Net 30 DAYS	QUOTED	BEST RATE

Item	Description	Quantity	UM	Price	UM	Extension
126026	Safe Pace 450 Model, 15" Radar Feedback Sign, Solar powered, White Sign	3	EA	3,655.00	EA	\$10,965.00
1485-00075	Universal Mounting two-part full set, mounting bracket w/ locking plate w/key & pole-mount plate	3	EA	120.00	EA	\$360.00
109881	Safe Pace Data Recording Software for SP100, SP450 SP650 SP700 and SP800 (Sold Separately)	3	EA	385.00	EA	\$1,155.00
101920	Pole Package, 15', 4.5" OD, 42" J-Bolts Includes: Pole, Base, J-Bolts & Sign Brackets	10	EA	450.00	EA	\$4,500.00
373-15	Standard Aluminum Pole, 15' Schedule 40	10	Each			
203-00014	Base, Aluminum Square Pedestal, No Paint	10	Each			
3177-00042	J-Bolt, 1"x 42"+4" ATSM F1554	40	Each			
101802	Sign Mounting Kit, Z-Bracket, 4-1/2", Anti-Vandal	10	Each			
030-00006	Washer Flat 1-1/16" ID x 2.50D" x .125" Galvanized	40	Each			
2180-BBDAB-26-TC	Blinker Beacon, Vertical Dual Flashing Amber LEDs with a Black Housing, 26 Watt Solar, Timeclock	10	EA	1,995.00	EA	\$19,950.00
C-DBB-1ABFPTNNAA	Dual Beacon/Blinker Sign Controller, 27Ah,	10	Each			
2180-BBSAB-LU	Blinker Beacon, Single Assembly, Vertical Mount	20	Each			
2180-BRKT-R	Cabinet Bracket Set, Fits Round Poles 2-3/8" & Up,	10	Each			
SLR-26-B	26W/6V Solar Panel Package,	10	Each			
2180-20002	Circuit Programming Kit, SL-80 Controller Only, Programming Software on USB Drive, DB9	1	EA	125.00	EA	\$125.00

Shipment within \_\_\_\_\_  
 Acceptance By \_\_\_\_\_  
 Date \_\_\_\_\_  
 By \_\_\_\_\_

Merchandise	Freight	Tax	Total

For terms and conditions, please visit: <http://www.tapconet.com/terms-and-conditions>



**SALES QUOTE**

**Customer Copy**

<b>Number</b>	<b>ETO16-01130</b>
<b>Date</b>	3/14/2016
<b>Page</b>	2

5100 West Brown Deer Road, Brown Deer, Wisconsin 53223  
 Phone 1-800-236-0112 • www.tapconet.com • Fax 1-800-444-0331

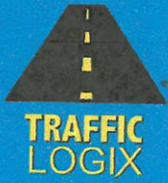
Sell To Cust. C54627	Town of Parachute Stuart S. McArthur P.O. Box 100 222 Grand Valley Way PARACHUTE, CO 81635	Ship To Cust.	Town of Parachute Stuart S. McArthur P.O. Box 100 222 Grand Valley Way PARACHUTE, CO 81635		
Reference #	Expires	Sisp	Terms	Freight	Ship Via
	4/13/2016	Dave Donovan	Net 30 DAYS	QUOTED	BEST RATE

Item	Description	Quantity	UM	Price	UM	Extension
373-00861	S5-1,24"x48" DG3 FYG/HIP,School Speed Limit 15 MPH When Flashing (Fed Spec) Aluminum Sign	10	EA	75.00	EA	\$750.00
1116-00004	Sign Mounting Kit, Z-4.5 Pair For Mounting One Static Sign to 4-1/2" OD Pole Furnish only quote. Installation is not included.	10	PR	30.00	PR	\$300.00

Shipment within \_\_\_\_\_  
 Acceptance By \_\_\_\_\_  
 Date \_\_\_\_\_  
 By \_\_\_\_\_

Merchandise	Freight	Tax	Total
\$38,105.00	\$1,400.00	\$0.00	\$39,505.00

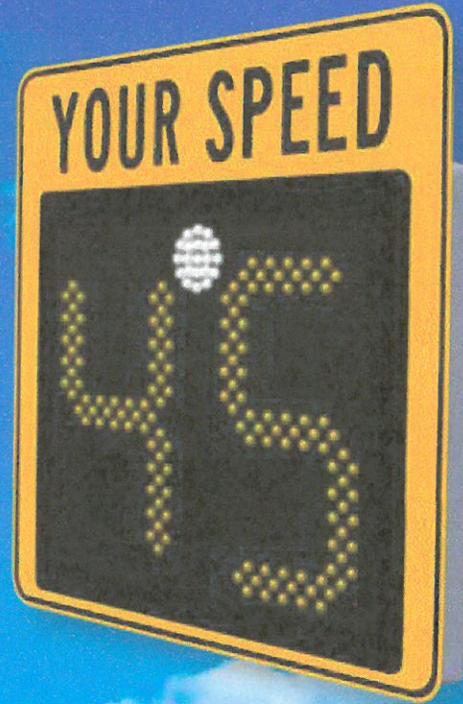
For terms and conditions, please visit: <http://www.tapconet.com/terms-and-conditions>



# SafePace<sup>®</sup> 450 Driver Feedback Sign

The new Traffic Logix<sup>®</sup> SafePace<sup>®</sup> 450 driver feedback sign is a portable, lightweight radar sign with full size 15" digits. It can be mounted at multiple locations with a universal mounting bracket and can function autonomously for weeks at a time with optional battery power.

With advanced technology and a full range of features and options, the SafePace 450 is the light-weight sign with full size impact.



*Choice of faceplate colors available  
Compact and Standard Faceplate Sizes Available*

## 450 Specifications

Digit Size	15"
Height	21.5"
Weight	25 lbs
24/7, 365 Scheduling	✓
Data Collection	✓
Solar Compatibility	✓
Battery Operated	✓
Universal Mounting	✓
Cloud Compatibility	✓
Trailer Compatibility	✓
Dolly Compatibility	✓
Hitch Compatibility	✓
Warranty	2 Years

## Features

**MUTCD compliant** with static "YOUR SPEED" message and highly visible 15" LED digits that are visible from up to 1000 feet away.

Available in **compact design** with 4" text as shown or with full size 6" text.

User **friendly software interface** allows you to manage sign parameters such as threshold speeds and violator strobe remotely

Ultra **low power consumption** including the most power-efficient radar technology available, optional solar power, and optional battery power that allows the sign to function autonomously for **up to five weeks**

**Superior construction** and durability for long-lasting performance

High strength aluminum sign face and individual optical lenses to **protect against vandalism and theft**

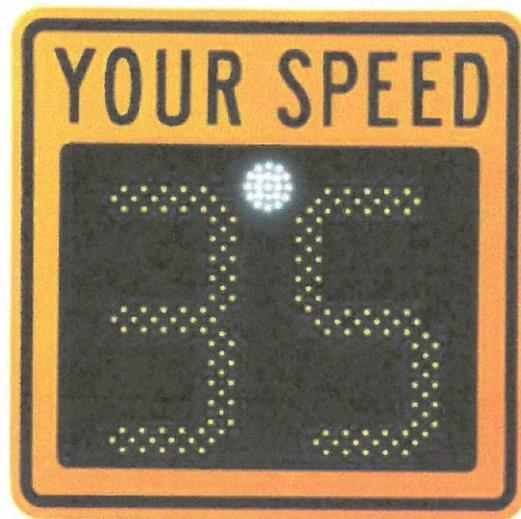
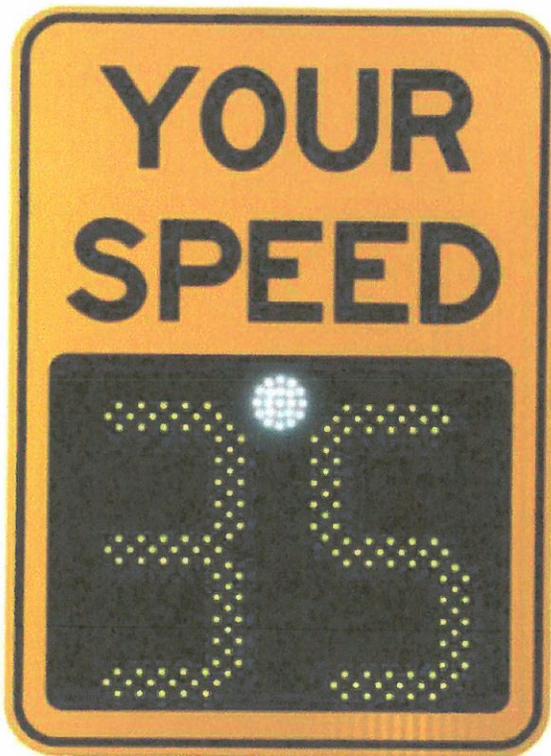
**Stealth Mode** allows the sign to collect baseline traffic data while speed display appears blank to motorists

Traffic Logix®

# SafePace® 450 (Full & Compact) Radar Speed Signs

Product Specifications Version 1.4

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Ver. 1.4

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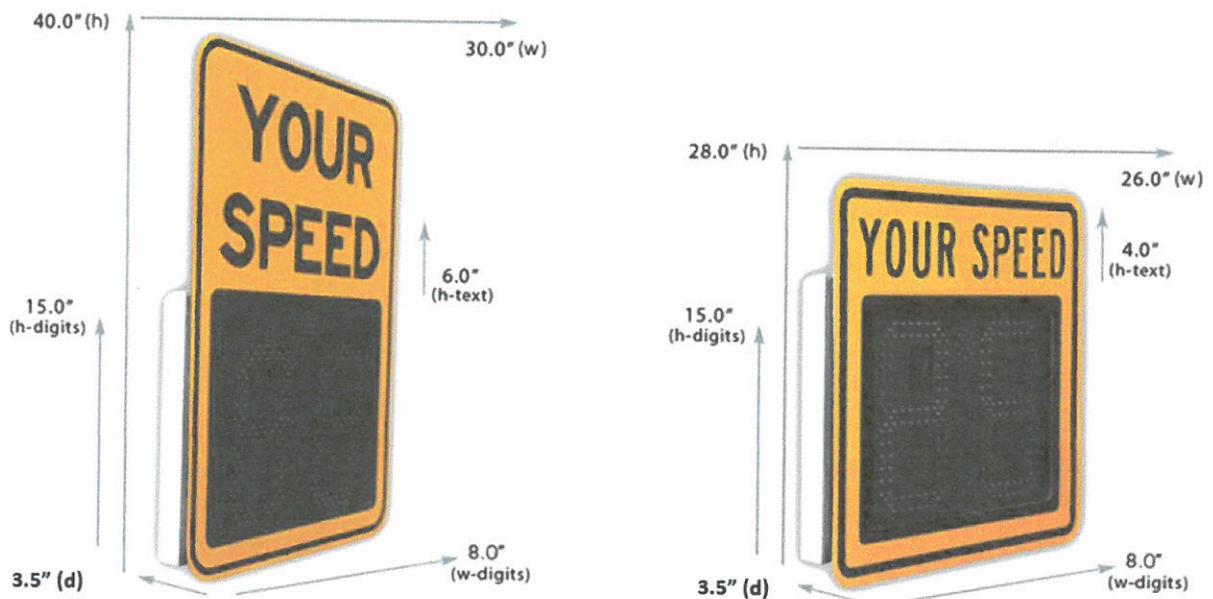
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## Dimensions

- Digit: 15.0"(h) x 8.0"(w), 112 LEDs per digit
- Text:
  - Full Size: Letters 6.0"(h) spell "YOUR SPEED" fixed message, 2 lines
  - Compact Size: Letters 4.0" (h) spell "YOUR SPEED" fixed message, 1 line
- Unit alone: 21.5"(h) x 26.0"(w) x 3.5"(d)
- Unit with "YOUR SPEED" sign mounted:
  - Full Size: 40.0"(h) x 30.0"(w) x 3.5"(d)
  - Compact Size: 28.0"(h) x 28.0"(w) x 3.5"(d)
- Sign Weight (unit alone without "YOUR SPEED" sign)
  - AC Powered Model: 18 lbs
  - 4 Cell Battery Powered Model: 22 lbs
  - Solar Powered Model: 20 lbs (does not include solar panel or solar panel bracket)
- Accessories
  - 4 Cell Lithium Ion Battery: 4 lbs
  - Universal Mounting Bracket System
    - Sign Bracket: 2 lbs
    - Pole Bracket: 5 lbs



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## Technical Specifications

- Miles Per Hour (mph) or Kilometers Per Hour (km/h)
- Aluminum protective cover: 0.1875" (d)
- Yellow or white High-Intensity prismatic reflective sheeting on the sign face with black colored text
- MUTCD approved colors and format
- Operating Temperatures F (C): -40° (-40°) to 185° (85°)
- Conformal coating on all circuit boards
- Power
  - Power input:
    - AC 100~240 VAC
    - 12 VDC
    - Built in ambient light sensing and automatic brightness control
    - Wireless battery charge monitor
  - Power Options
    - AC power input: 100~240 VAC
    - DC power input: 12 VDC
    - Solar power: 50 W solar panel
- Radar
  - Internal Radar: Doppler (FCC approved)
  - Radar RF out: 5 mW maximum
  - Radar f-center: 24.125 GHz center +/-25 MHz
  - Pickup distance: Up to 1,200 feet (366 m)
  - Beam angle: 11° x 11°
  - Beam polarization: Linear
- Display
  - LEDs 245:
    - Digits: 224 Amber, 23°, 5 mm, luminous Intensity (5680 – 8200 mcd/LED)
    - Speed Violator Strobe: 21 White, 15°, 5 mm , luminous intensity (28,150 mcd/LED)
  - Optical lenses: 245 lenses
  - Ambient light sensor and automatic brightness adjustment

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- Enclosure
  - 12 gauge aluminum, flat black powder coated front for reduced glare and maximum contrast; light gray powder coated body to minimize heat absorption
  - Weatherproof, NEMA 4X-12, IP65 level compliant
  - Non-sealed and ventilated
- Mounting Options
  - Banding brackets (standard)
  - Universal Mounting Bracket System
    - Universal mounting options: circular, square and telpar poles
    - Theft resistant
    - Promotes sign portability: sign locks into mounting bracket with a turn of a key

## Communication

- Bluetooth 4.0



## Programming

- SafePace® Pro management software
- 24/7 365 day unlimited programming and scheduling
- Display Settings:
  - Display On/Stealth Modes (In Stealth Mode, speed is not displayed but data is collected)
  - Display Minimum Speed, Display Maximum Speed
  - Digit Flashing Speed Threshold (digits flash above selected speed)
  - Speed Violator Strobe (pulsing strobe flashes with digits or alone above Display Maximum Speed)




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## Data Collection and Statistical Analysis & Reporting (optional feature)

- Traffic data collected and stored by location
- Stealth Mode (capture baseline traffic data with speed display off)
- Download through wireless connection
- Statistical Reporting & Charts
  - Summary Reports
  - Weekly Reports
  - Period Comparison Reports
  - Full custom reports and charts
  - Reporting Parameters:
    - Average Vehicle Count
    - Total Vehicle Count
    - Average Speed
    - Average Number of Speed Violations
    - Total Number of Speed Violations
  - Other Features:
    - Minimum and Maximum Speed
    - 85% Speed
    - Counters by Speed Bins
    - 5 MPH Bin Resolution
    - Reports print directly or can be exported into CSV format, MS Excel, Adobe Acrobat PDF and HTML
    - Charts may be printed directly or converted into Adobe Acrobat PDF and picture formats



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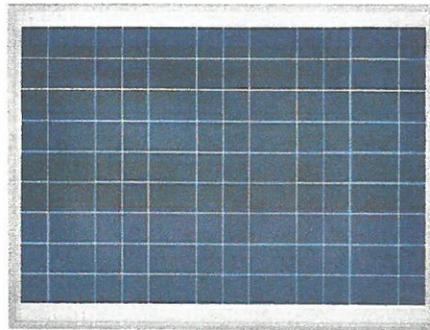
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# SafePace 450 Solar Panel specifications

CHARACTERISTIC DATA			
Solar cells per module	36 (cut cells)		
Type of solar cell	Poly-crystalline solar cells		
Connections	Junction box		
ELECTRICAL PARAMETERS			
Mechanical Data			
Power (max.)	Pp (Watts)	50W	
Voltage at maximum power point	Vp (Volts)	17.5V	
Current at maximum power point	Ip (Amps)	2.86A	
Open-circuit voltage	Voc (Volts)	22.0V	
Short-circuit current	Isc (Amps)	3.17A	
DIMENSIONS AND WEIGHTS			
Length	mm (in)	543 mm (21.37")	
Width	mm (in)	619mm (24.37")	
Height	mm (in)	35mm (1.37")	
Weight	kg (lbs)	4.8kg (9.6 lbs)	
CELL TEMPERATURE COEFFICIENTS			LIMITS
Power	Tk(Pp)	-0.50% /°C	Maximum system voltage 1000V
Open-circuit voltage	Tk(Voc)	-0.37% /°C	Normal Operating cell temp(Tnoct) 45+/-2°C
Short circuit current	Tk(Isc)	+0.035% /°C	Tested wind resistance Wind speed 200km/h
WARRANTY & CERTIFICATIONS			
Warranty	12 Year Workmanship, 12 Year 90%, 25 Year 80% Power Warranty		

Note: The specifications are subject to change without notice



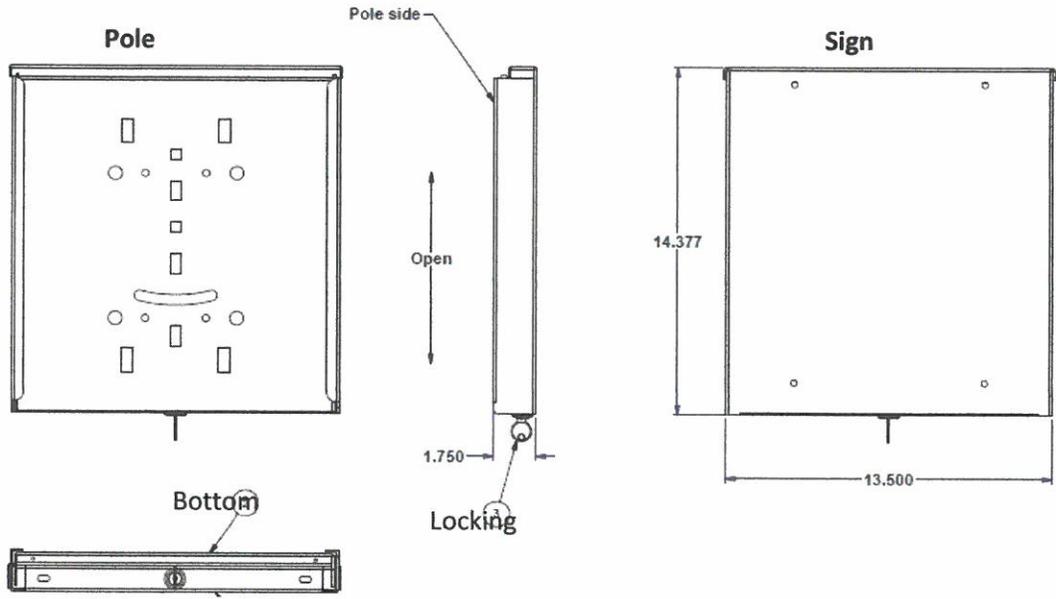
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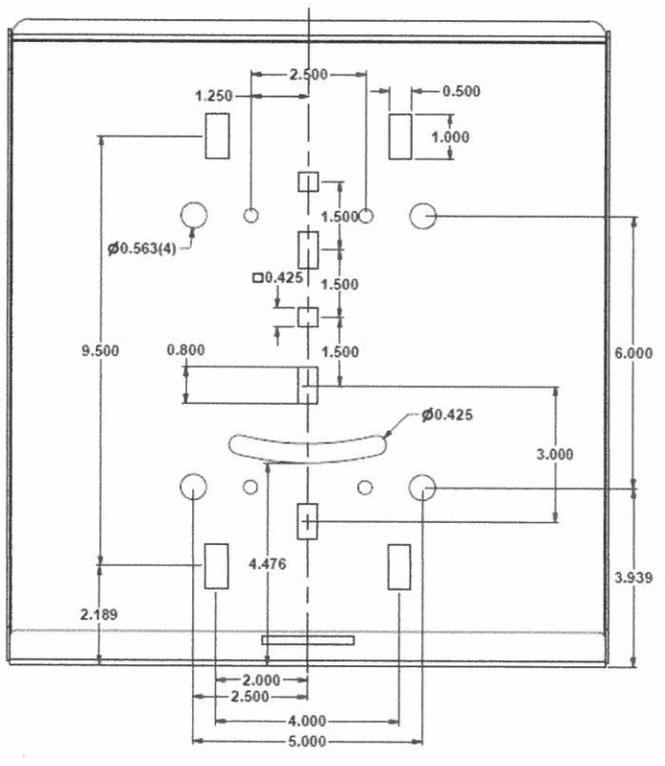
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# Universal Mounting Bracket System



## Inside view



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## Warranty

Subject to the following conditions, Traffic Logix Corporation (“Traffic Logix”) warrants that the SafePace® 450 Speed sign (the “Product”) is free from defects in materials and workmanship. This limited warranty begins on the invoice date of your purchase of the Product and extends:

- For TWO (2) calendar years on the radar sign, and
- For ONE (1) calendar year on the batteries.

This limited warranty extends only to the original purchaser of the Product when purchased either directly through Traffic Logix® or through an authorized Traffic Logix® distributor and is not assignable or transferable to any subsequent purchaser or end-user. Traffic Logix’s® obligation and liability under this warranty are expressly limited to repairing or replacing, at Traffic Logix’s® option, defective products. In no circumstances shall Traffic Logix’s® liability, whether in contract or tort, under any warranty, in negligence, or otherwise, exceed the amount of the purchase price of the product. Traffic Logix® shall not be liable for special, indirect, or consequential damages of any kind. This warranty does not cover damages resulting from normal wear and tear, incorrect installation or operation, use other than for the product’s intended purposes, vandalism, and extraordinary environmental circumstances. Traffic Logix® reserves the right to charge for these damages to the product at rates normally charged for repairing such products not covered under this warranty. Damages resulting from any physical changes or alterations made to the product other than Traffic Logix® will render this warranty **VOID**. Using any parts or accessories not supplied or approved by Traffic Logix®, such as battery chargers, will further render the warranty **VOID**.

Traffic Logix® neither assumes, nor authorizes any person to assume for it, any other liability in connection with the sale of the Product, and there are no agreements or warranties collateral to or affecting this limited warranty.

**THE LIMITED WARRANTY SET FORTH IN THIS AGREEMENT IS THE EXCLUSIVE AND SOLE WARRANTY APPLICABLE TO THIS PURCHASE. ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO THE IMPLIED WARRANTY OF MERCHANTABILITY AND THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY DISCLAIMED.**

Traffic Logix® does not warrant that any of its products will meet or comply with the requirements of any applicable federal, state or local safety code, law, regulation or ordinance (“Applicable Safety Laws”). Buyer acknowledges that Traffic Logix’s® products are to be used only in accordance with the attached Conditional Terms of Use and any Applicable Safety Laws. Buyer agrees that there shall be no coverage or benefits of any kind under this limited warranty if it is determined by Traffic Logix® that the Product was not installed or used in accordance with the Conditional Terms of Use or Applicable Safety

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Laws, or if the Product has been altered in any way by anyone other than Traffic Logix®, or if the Product has been subject to any misuse or accident. In addition, Buyer assumes and agrees to indemnify Traffic Logix® for all risk, liability or expense that results from any installation or use of the Product that is not in accordance with the Conditional Terms of Use or any Applicable Safety Laws.

### **Warranty Replacement Procedure**

In order to submit a claim for the repair or replacement of the Product under this limited warranty, you must do the following:

- 1) Obtain a Return Materials Authorization number by contacting Customer Support. Do not ship your defective product to Traffic Logix® prior to contacting Customer Support.
- 2) A Customer Support agent will evaluate the Product to determine if it is defective. If the product is defective, then you will need to submit your contact information, and proof of purchase (including the date of purchase), in order to obtain repair or replacement parts.
- 3) The Customer Service Agent will provide you with instructions on how to have defective parts repaired or replaced.

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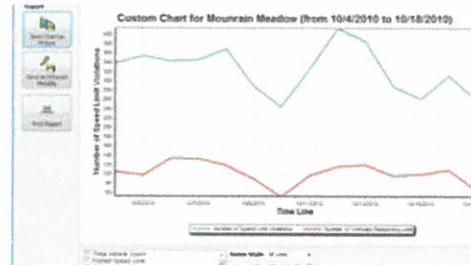
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## Data Collection and Statistical Analysis & Reporting (optional feature)

- Traffic data collected and stored by location
- Stealth Mode (capture baseline traffic data with speed display off)
- Download through wireless connection
- Statistical Reporting & Charts
- Summary Reports
- Weekly Reports
- Period Comparison Reports
- Full custom reports and charts
- Reporting Parameters:
- Average Vehicle Count
- Total Vehicle Count
- Average Speed
- Average Number of Speed Violations
- Total Number of Speed Violations



### Other Features:

- Minimum and Maximum Speed
- 85% Speed
- Counters by Speed Bins
- 5 MPH Bin Resolution
- Reports print directly or can be exported into CSV format, MS Excel, Adobe Acrobat PDF and HTML
- Charts may be printed directly or converted into Adobe Acrobat PDF and picture formats

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Avg. Weekly	Avg. Month
01-02	1	0	0	1	0	8	1	1	4
02-03	0	1	2	2	3	8	4	2	1
03-04	0	0	0	1	2	1	3	3	2
04-05	1	2	3	6	1	0	0	2	0
05-06	8	3	4	1	0	0	0	4	0
06-07	40	32	21	7	6	5	4	21	4
07-08	33	31	43	11	17	14	14	29	14
08-09	72	52	34	14	22	24	72	38	23
09-10	6	5	13	17	12	36	13	11	14
10-11	25	17	34	15	18	34	23	22	28
11-12	18	30	12	13	16	32	20	17	26
12-13	10	20	19	26	27	17	39	20	20
13-14	10	22	27	14	11	27	20	17	24
14-15	20	35	27	18	25	20	28	28	24
15-16	42	58	24	28	25	32	14	35	25
16-17	38	44	25	34	29	30	38	38	30
17-18	43	54	44	41	43	29	26	45	28
18-19	44	40	42	31	32	31	20	38	26
19-20	18	27	26	39	24	33	25	27	20
20-21	23	16	22	27	16	24	15	21	20
21-22	5	22	25	19	18	11	6	13	8
22-23	10	5	18	18	9	14	1	12	8
23-24	3	7	7	5	6	8	2	6	5
TOTAL	424	532	567	306	363	423	328		





# QUOTATION

Q16-6173

525 N. Great Southwest Pkwy  
Arlington, TX 76011  
972-641-4911

Quoted to	Stuart McArthur	Cust Code	
P	970-285-7630 ext 106	F	
Email	stuartmc@parachutecolorado.com		
Company	TOWN OF PARACHUTE		
	222 Grand Valley Way		
Parachute	CO	81635	

Date 03/28/2016

Quoted by Jordan Nolen  
Lead Time 10 Weeks  
Terms Net 30

Part # / Size	Description	Qty	UM	Unit Price	Total Price
1	Radar Sign Solar Powered, Hardware Included.	3	ea	2992.50	8977.50
2	HD304A Amber Solar Powered Double Flashing Beacon with 3G connectivity. 12 Inch Yellow Signals, 30 Watt Solar Panel, Network enabled with SIM card. Units work in conjunction with web-based software.	10	EA	4091.88	40918.80
3	Web Software Fee -1 User Yearly Fee for access to SA-SOSolarSolutions.com web-based software. Access to software allows remote programming of units, remote on/off ability, and GPS location and tracking.	1	EA	319.95	319.95

Ship To Address	
Ship To Name	
Attention	
Address	
Int, Ste, Etc	
Ship To Phone	
Ship To City	
Ship to State	Zip

Subtotal **\$50,216.25**  
Freight Estimate  
Total Quote **\$50,216.25**

Ship to for Freight Estimate
Shipping Via
Shipping Terms
Transit Time

**A quote not accepted within ninety (90) days is subject to review.  
Custom products are NOT returnable, refundable or cancelable.**