

FEB 27 2024

Planning & Zoning



FREMONT COUNTY BOARD OF ZONING
ADJUSTMENT
APPLICATION FOR VARIANCE FROM
THE FREMONT COUNTY ZONING RESOLUTION

1. Applicant Anna Fluckey Address 650 Innovation Circle
 City Windsor State Colorado Zip Code 80634
 Telephone (970) 686-6300 Facsimile _____ Email anna.fluckey@mccauleyconstructo
2. Consultant McCauley Constructors Address 650 Innovation Circle
 City Windsor State Colorado Zip Code 80634
 Telephone (970) 686-6300 Facsimile _____ Email anna.fluckey@mccauleyconstructo
3. Address of property for which the variance is being requested 17225 SH 115, Penrose, CO 81240
4. The current deed of record for the variance property is recorded in Book Number _____ at Page Number _____ under Reception Number 967513 of the Fremont County Clerk and Recorders' Records. A copy of this document shall be attached to this application by the applicant.
5. Is the property owner different than the applicant? YES No. If the owner is different, then a letter from the owner must be attached to this application stating the owner's name, address and telephone number and it must grant authority to the applicant to apply for the variance.
6. The variance property is located in the NW 1/4 of Section 23, Township 18 South, Range 68 West of the 6th P.M.
7. The current land use of the variance property is Vacant with shed
8. The proposed land use of the variance property is RV and boat storage
9. Is the current and or proposed use a permitted, conditional, special review or temporary use in the zone district? Please specify. Permitted/Commercial Development Plan
10. Provide a brief description of the variance request. This application seeks variance from the minimum setback requirements for a Business Zone District.

11. Is the variance property located within a designated flood plain? YES NO If yes, but the structure requiring the variance will not be located within the high-water line of the flood hazard area then documented verification of this shall be provided by a Colorado Registered Professional Engineer or Land Surveyor and attached to this application. If yes and the structure requiring the variance is to be located within the high-water line of the flood hazard area then a completed application for a Fremont County Flood Damage Prevention Permit shall be attached to this application.
12. Is the variance property located within a designated mine subsidence area? YES NO *If yes, documentation shall be attached to this application evidencing what measures are being taken to mitigate the hazard.*
13. What is the water source for the variance property? municipal
14. What is the method of sewage disposal for the variance property? ISDS (Septic)
15. Does the variance property receive irrigation water? YES NO *If yes, what is the name of the irrigation company?* _____
16. Does the variance property contain an irrigation ditch and or easement for an irrigation ditch? YES NO *If yes, what is the name of the irrigation company?* _____
17. Does the variance property front on or is it adjacent to a State or Federal Highway? YES NO
If yes, what is the name of the highway? Colorado State Highway 115 (SH 115)
(if the variance property gains access from a State or Federal Highway, documentation shall be attached to this application verifying legal access to the property)
18. What is the type of construction for the structure requiring the variance? II-B
19. What is the use of the structure requiring the variance? Storage
20. The following items are the minimum development requirements for the B-Business Zone District in which the variance property is located:
- The minimum allowed lot area is 0.17 acres or 7,500 square feet.
 - The maximum allowed lot coverage is 65 percent, which computes to 4,875 square feet.
 - The minimum allowed lot width is 75 feet.
 - The minimum allowed front-yard setback is 40 feet.
 - The minimum allowed rear-yard setback is 20 feet.
 - The minimum allowed side-yard setback is 10 feet.
 - The minimum allowed side-yard setback, if adjacent to a street, is 15 feet.
 - The minimum allowed setback, if adjacent to a State or Federal Highway is 25 feet.

- i. The minimum allowed setback for a livestock structure is N/A feet.
- j. The maximum allowed building height of a structure is 50 feet.
- k. The minimum number of off-street parking spaces required for the use of the property is 1

21. The following items are the development features, existing and proposed, for the variance property:

- a. The lot area is 1.36 acres or 59,183 square feet.
- b. The lot coverage is 30.4 percent, which computes to 17,970 square feet.
- c. The lot width is 447.68 feet.
- d. The front-yard setback is 10 feet.
- e. The rear-yard setback is 10 feet.
- f. The side-yard setback is 10 feet.
- g. The side-yard setback, adjacent to a street, is 10 feet.
- h. The setback, adjacent to a State or Federal Highway is 10 feet.
- i. The setback for a livestock structure is N/A feet.
- j. The building height of the structure is 18 feet.
- k. The number of off-street parking spaces required for the use of the property is 1

22. The Board of Zoning Adjustment shall have the power to grant variances from the Fremont County Zoning Resolution, but only where all of the following conditions are found to exist. The applicant shall provide “their” justification, finding each condition to exist.

- a. The variance would not authorize any use other than those enumerated as a “use-by-right” in the Zone District, and that the essential character of the Zone District would not be altered.
Refer to attached Variance Request letter.

- b. An unnecessary hardship to the variance property owner could be shown to occur if the provisions of the Zoning Resolution were strictly interpreted. Refer to attached Variance Request letter.

c. The circumstances found to constitute a hardship, requiring this variance, either were not created by the owner, or were in existence at the time of the passage of the Zoning Resolution and cannot be reasonably corrected, without variance. Refer to attached Variance Request letter.

d. The variance, if approved, would not be inconsistent with the intent and purpose of the Zoning Resolution and would not prejudicially effect the health, safety and general welfare of the inhabitants of Fremont County, Refer to attached Variance Request letter.

23. The following items shall be attached to this application:

- a. A copy of the current deed of record for the variance property.
- b. An improvement location certificate, survey plat or certified plot plan for the variance property, evidencing the location and size of all existing and proposed improvements (*such as structures, wells, septic systems driveways etcetera*), along with any significant topographic features, **performed, signed and sealed by a Colorado Registered Professional Land Surveyor.**
- c. A complete building permit application.
- d. If applicable, documentation from the variance property owner allowing the application to be made.

NOTE: All questions must be answered, all appropriate attachments must be made and the non-refundable application fee provided at the time of submittal or the submittal will not be accepted and will not be placed on the Board of Zoning Adjustment Meeting Agenda.

Once the application has been reviewed by the Department and found to be adequate for placement on the Board of Zoning Adjustment Meeting Agenda, the applicant will be required to provide a minimum of ten (10) complete copies (*all documents in these copies must be 8½"X11" or folded to that size*).

All property owners of property adjacent to the variance property will be notified of this application by the Department.

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the

application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board of Zoning Adjustment regarding the Application to be null and void.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

I further understand that a notice of the Board of Zoning Adjustment Meeting for this item will be published in a local newspaper at my expense.

Anna Fluckey
Applicant Printed Name

Anna Fluckey
Signature

Digitaly signed by: Anna Fluckey
DN: C=US, E=anna.fluckey@fremontcounty.net, o=City of Anna Fluckey
Date: 2024.02.20 16:35:43 -0700

2/20/2024
Date

VARIANCE REQUEST

TO: Fremont County Planning and Zoning
615 Macron Avenue
Room 210
Cañon City, CO 81212

FROM: Civil Resources, LLC

DATE: February 9, 2024

RE: Penrose RV & Boat Storage - Variance Request

On behalf of McCauley Constructors, we have prepared the following variance request letter in conjunction with the Fremont County Board of Zoning Adjustment Application for Variance.

The Penrose RV & Boat Storage project proposes to develop Lot 2 of the Coyle-Vanegmond Lot Line Adjustment Subdivision into a storage facility. The 1.36-acre Site is zoned B – Business Zone District, and is subject to a 40-foot front yard setback and 20-foot rear yard setback per the *Fremont County, Colorado Zoning Resolution*. Because of the small size and irregular shape of the lot, these setback requirements create significant challenges to the development of the Site.

A variance is hereby requested for the following section of the *Fremont County, Colorado Zoning Resolution*:

- §4.14.5.5 Minimum setback requirements:
 - 4.15.5.5.1 Front yard: Forty (40) feet.
 - 4.14.5.5.2 Side yard: Ten (10) feet.
 - 4.14.5.5.2.3 Rear yard: Twenty (20) feet.

The aforementioned variance is requested for the following reasons:

Several building layouts were evaluated for this Site. Option 1 meets the setback requirements by placing the building in the center of the Site (see Figure 1). The building is surrounded by drive aisles, which extend to the north and southeast property lines. This results in minimal landscape area between the property lines and developed area. Furthermore, with this configuration, the northern facing garage doors and north drive aisle would be visible to the home located on the neighboring property to the north (approximately 100-feet north of the property line).

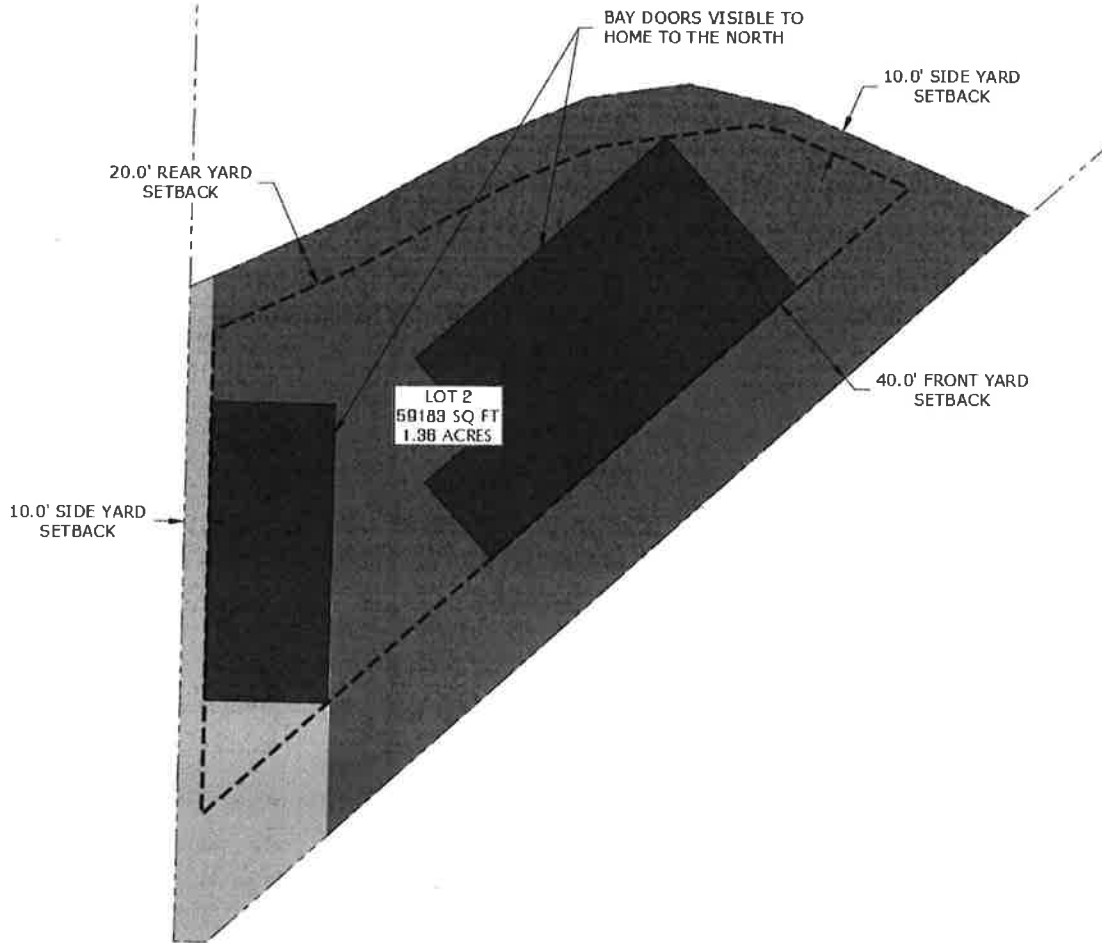


Figure 1: Option 1 - Setback Compliant

Legend	
	Buffer To Property Line
	Building
	Drivable Surface

Option 2 places the buildings around the perimeter of the Site, with a shared drive aisle between the buildings (see Figure 2). This configuration allows the bay doors to face the interior of the Site, which greatly reduces the visibility of the bay doors and drive aisles from the home to the north of the property. This option requires a variance for the front and rear yards, reducing the setbacks from 40-feet in the front and 20-feet in the rear, to 10-feet.

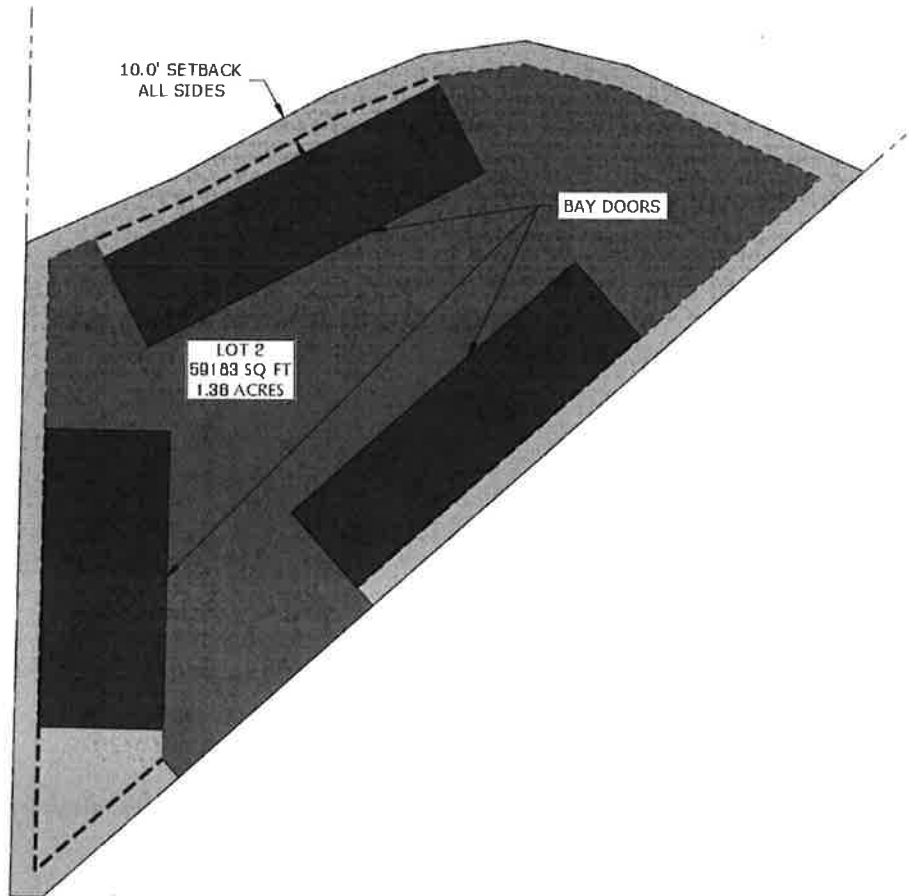


Figure 2: Option 2 - Setback Variance

The southeast property line (front) is setback approximately 75-feet from State Highway 115. Furthermore, Highway 115 is currently a four-lane highway, and it is unlikely the highway will be expanded in the future. With a 10-foot setback from the property line, this results in a building setback 85-feet from the roadway. This provides ample visual and physical separation from the highway. A 10-foot rear setback will provide adequate physical separation from the Brush Hollow Supply Ditch.

Overall, we believe setback variances will provide a betterment to the Site by allowing separation between the developed area and property lines, and reducing visibility of bay doors and Site operations from adjacent properties.

The following conditions for a variance, as outlined in the Fremont County Board of Zoning Adjustment Application for Variance, are found to exist:

- A. The variance would not authorize any use other than those enumerated as a “use-by-right” in the Zone District, and that the essential character of the Zone District would not be altered.
 - a. This variance request does not seek relief from the permitted use for the Business Zone District. The proposed use is mini-storage, which is a listed allowed use per §4.14.2 of the *Fremont County, Colorado Zoning Resolution*.
- B. An unnecessary hardship to the variance property owner could be shown to occur if the provisions of the Zoning Resolution were strictly interpreted
 - a. The Business Zone District setback requirements significantly limit the buildable area of the Site. While development would still be possible on the Site if the Zoning Resolution was strictly enforced, the layout of the buildings would pose a visual hinderance to the neighboring residential property, and result in an overall less suitable development.
- C. The circumstances found to constitute a hardship, requiring this variance, either were not created by the owner, or were in existence at the time of the passage of the Zoning Resolution and cannot be reasonably corrected, without variance.
 - a. The hardship, as described above, is the result of the overall size and shape of the existing Site. The maximum depth of the Site (as measured from the front property line to the rear property line) is approximately 200-feet, while the maximum width is approximately 450-feet. The required setbacks from the rear and front property lines are greater than what is required for the side property lines.
- D. The variance, if approved, would not be inconsistent with the intent and purpose of the Zoning Resolution and would not prejudicially affect the health, safety and general welfare of the inhabitants of Fremont County.
 - a. This projects aims to comply with the overall objectives of the Zoning Resolution, by providing economic opportunity and a desirable amenity, while promoting the welfare of the inhabitants. A setback variance will not negatively impact the health and safety of the public, and will be a betterment to the general welfare by allowing a more favorable Site layout, which will minimize undue impacts to neighboring residents.

It is our intention to comply with the overall objectives of the *Fremont County, Colorado Zoning Resolution* with this variance request. We believe a reduction in the minimum setback requirements will allow for beneficial development of the Site without adverse impacts to the inhabitants of Fremont County.

Thank you for your consideration of this variance request.

Sincerely,

CIVIL RESOURCES, LLC



Jim Brzostowicz, P.E.
Principal / Civil Engineer

Prepared by: Rebekah Janquart, E.I.
Reviewed by: Jim Brzostowicz, P.E.

Nicole Suttle

From: Gonzales - CDOT, Arthur <arthur.gonzales@state.co.us>
Sent: Thursday, January 18, 2024 8:54 AM
To: Nicole Suttle
Cc: Anna Fluckey
Subject: Re: Penrose RV 17225 ST HWY 115, Canon City, CO Access Permits #219009 & #215075

Nicole,

Please continue to move forward with the Permit Application. I have reviewed historical permits and your proposed ones and I hope we can get this permit to the finish line.

Thank you,

Arthur Gonzales - Access Manager



R2 - Permits - Access - Traffic and Safety

5615 Wills Blvd., Suite A Pueblo, CO 81008

P(719)546-5732 | arthur.gonzales@state.co.us | www.coloradodot.info | www.cotrip.org

On Tue, Jan 16, 2024 at 3:04 PM Nicole Suttle <nicole.suttle@mccauleyconstructors.com> wrote:

Hello Sir,

Thank you for the update on Valerie.

Please see attached for your review and input, I very much appreciate your attention, thank you 😊

We will review the potential clearances, I completely understand. Risk must always be assessed.

I look forward to working with you, Sir, thank you again!

Nicole Suttle

From: Gonzales - CDOT, Arthur <arthur.gonzales@state.co.us>
Sent: Monday, February 12, 2024 3:19 PM
To: Anna Fluckey
Cc: Nicole Suttle
Subject: Re: Penrose RV 17225 ST HWY 115, Canon City, CO Access Permits #219009 & #215075

Hi Anna,

I have received your application and have started my review. I was out of work last week so I am playing catch up and will have that approved or need more submittals soon.

Thank you,

Arthur Gonzales - Access Manager



R2 - Permits - Access - Traffic and Safety

5615 Wills Blvd., Suite A Pueblo, CO 81008

P(719)546-5732 | arthur.gonzales@state.co.us | www.coloradodot.info | www.cotrip.org

On Thu, Feb 8, 2024 at 8:46 AM Anna Fluckey <anna.fluckey@mccauleyconstructors.com> wrote:

Arthur,

We are about to submit to Fremont County and the BOZA team and they just need an emailing stating that our review is underway. Have you have a chance to begin review of our permit? if, so can you just email that back to us so we can add that into our submission to the county?

Thanks,

Anna

WARRANTY DEED

THIS DEED, Made this 30th day of October, 2018 between

Bravo Property Management Co. Inc.

of the County of Fremont, State of Colorado, grantor and

Epcoco Rei One LLC

whose legal address is: 450 Winter Street, ,Manitou Springs, CO 80829
of the County of Fremont, State of:Colorado, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of **Sixty-Five Thousand Dollars and No/100's (\$65,000.00)** 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 County of Fremont, and State of COLORADO, described as follows:

Lot 2, Coyle-Vanegmond Lot Line Adjustment

County of Fremont
State of Colorado

Doc Fee \$ 6.50

also known by street and number as 17225 Highway 115 , Penrose, CO 81240

TOGETHER with all and singular the hereditaments and appurtenances thereunto 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 ensealing 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 all taxes and assessments for the current year, a lien but not yet due or payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 "Title Review", of the contract dated September 12, 2018, between the parties.

The grantor shall and will WARRANT 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

FREMONT COUNTY BUILDING PERMIT APPLICATION

2018 International Building Code/2018 International Residential Code/2018 International Energy Conservation Code

Permit #:

Expiration Date:

Applicant, please complete the following:

Owner: EPCOCO REI ONE LLC	Applicant: Anna Fluckey, McCauley Constructors	
Mailing Address: ATTN: John Edgar, 3455 Fillmore Heights	Mailing Address: 650 Innovation Cir	
City, State, Zip Cod Colorado Springs, CO 80907	City, State, Zip Code: Windsor, CO 80550	
Phone Number: 719-651-5563	Phone Number: 970-686-6300	
Gate Code/Lock#: N/A	Contractor's License #: 595	
Contact Email: Anna.Fluckey@McCauley Constructors.com		
Construction Address: 17225 SH 115, Penrose, CO 81240		
Proposed Construction: PEMB	Intended Use: RV & Boat Storage Facility	
Total Sq. Ft.: 17,970	Proof of Sanitation: ISDS	
Height of Structure: 18'	Proof of Water: Meter #01407.02	
Current Dwelling on Property: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Total Bedrooms: (1)	
<p>I hereby certify that all answers contained in this application are true & correct to the best of my knowledge & belief & further agree to comply with all laws & regulations of the State of Colorado, Building & Zoning Regulations of the County of Fremont. I understand that this building permit will be valid for one (1) year. When issued a building permit by Fremont County, <u>ALL</u> inspections will be conducted by a Fremont County Building Inspector. This building permit as well as the field set of plans must be at construction site & be visible & accessible at the time of inspection. Failure to comply may result in assessment of a re-inspection fee. This permit will be picked up at final inspection by the inspector & returned to department. If permit is not obtainable, the issuance of the certificate of occupancy or certificate of completion may be delayed. A fee is charged for all re-inspections. A fee is charged for replacement permits.</p> <p>ANY VIOLATIONS OF THE MENTIONED CODES, RULES & REGULATIONS MAY RESULT IN REVOCATION OF THIS PERMIT.</p>		
Applicant Signature Anna Fluckey	Date Applied: _____	
<small>Digitally signed by Anna Fluckey DN: C=US, E=anna.fluckey@mccauleyconstructors.com, CN=Anna Fluckey Date: 2024.02.20 08:37:01-07'00'</small>		
OFFICE USE ONLY		
Schedule Number :	Use/Type:	
Zoning:	District:	
Valuation: \$	Total Fees: \$	
Building: \$	Septic: \$	FDIF: \$
Use Tax: \$	Use Tax: \$	Fire District #:
Plan Review:\$	Surcharge: \$	Tax District #:
Copies: \$	Violation/Misc: \$	Cash/Check/Credit:
	Demo Permit: \$	Receipt #:
Planning & Zoning Signature:	Date Approved:	
Building Department Signature:	Date Approved:	
<p>COMMENTS & NOTES: <i>Orange permit & field set including manufacturers engineered truss design is to be on site at the time of all inspections. Protect documents from the weather. Make accessible to inspector at time of inspection. Provide posted address. Maintain all required setbacks.</i></p>		
Application Accepted By:	Date Received:	

LETTER OF AUTHORIZATION

I, John Edgar, the undersigned property Owner hereby acknowledges that Mrs. Anna Fluckey of McCauley Constructors, Inc., is to act on my behalf in all manners relating to my application to Fremont County for Commercial Development Plan review and the Board of Zoning Adjustment for the premises located at 17225 SH 115 in Penrose, Colorado, effective the date of my signing below.

My signature below indicates my acknowledgment that I do not object to Mrs. Anna Fluckey applying on my behalf and receiving under my name from the County of Penrose, all coordination communication from the County for the purposes of completing the applications noted above with the County to the end of the review and approval process on the property listed above, which I own.

I understand that for the application review process to begin I must pay the appropriate application fees, to be included with this Letter of Authorization along with the physical applications.

Thank you,

John Edgar

Property Owner, Printed Name

3455 Fillmore Ridge Heights

Property Owner, Street Address

Colorado Springs, CO 80907

Property Owner, State Zip

DocuSigned by:

51270305896410

Property Owner, Signature

703-897-2624

Property Owner, Telephone

John@EdgarTruck.com

Property Owner, Email Address

2/12/2024

Date



TFG Design, LLC
P.O. Box 78
Loveland, Colorado 80539

Friday, February 9, 2024
Fremont County
Department of Planning and Zoning
615 Macon Avenue, Room 210
Canon City, CO 81212

RE: Penrose RV & Boat Storage, 17225 SH 115, Penrose, CO – Landscape Plan Waiver Request

To whom it may concern:

In conjunction with the Penrose RV & Boat Storage BOZA (Board of Zoning Adjustment) Waiver Application, we kindly request a deferral of the Landscape Plan submission until the outcome of the BOZA Waiver Application is determined.

The essence of our request stems from the fact that the application seeks a reduced Front Yard Setback. Given the potential impact on the site layout due to the proposed setback modification request, it is prudent to defer the requirement for a fully developed landscape at this early stage. Doing so prior to receiving approval could prove inefficient in both time and cost.

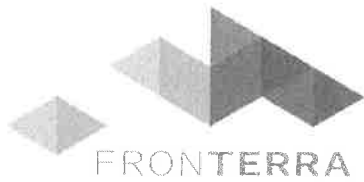
Upon the Board's approval, we commit to presenting a landscape plan aligned with Fremont County requirements for a subsequent Commercial Development Plan – Land Use Application. This plan will not only enhance the project's visual appeal from HWY 115 and surrounding properties through strategic screening but will also prioritize the use of regionally native plants, demonstrating our dedication to water conservation.

In conclusion, our Landscape Plan waiver request aims to deliver a design that adheres to Fremont County landscape standards for new development. Should you have any inquiries or require further clarification, please do not hesitate to contact us.

Thank you for your understanding and consideration.

Sincerely,

The FronTerra Group
David Kasprzak – PLA + LEED AP
Principal Landscape Architect



TFG Design, LLC
P.O. Box 78
Loveland, Colorado 80539

Friday, February 9, 2024
Fremont County
Noxious Weed Manager
615 Macon Avenue, Room 210
Canon City, CO 81212

RE: Penrose RV & Boat Storage, 17225 SH 115, Penrose, CO – Noxious Weed Control Plan Waiver Request

To whom it may concern:

In connection with the Penrose RV & Boat Storage BOZA (Board of Zoning Adjustment) Waiver Application, we would like to request a deferral for the required Noxious Weed Control Plan until the outcome of the BOZA Waiver Application is determined.

Our rationale for this request is rooted in the application's pursuit of a reduced Front Yard Setback. Recognizing the potential impact on the site layout due to the proposed setback modification request, we believe it is prudent to delay the submission of the Noxious Weed Control Plan at this early stage. This approach aims to avoid inefficiencies in terms of both time and cost, as developing these plans before obtaining approval could prove premature.

Upon the Board's approval, we are fully committed to presenting a comprehensive landscape plan that aligns with Fremont County requirements for a subsequent Commercial Development Plan – Land Use Application. This plan will address noxious weed control should the existing site conditions require it.

In conclusion, our request has the goal of delivering a weed control plan that adheres to Fremont County standards. Should you have any inquiries or require further clarification, please do not hesitate to contact us.

Thank you for your understanding and consideration.

Sincerely,

The FronTerra Group
David Kasprzak – PLA + LEED AP
Principal Landscape Architect

PENROSE WATER DISTRICT
 210 BROADWAY
 PENROSE, CO 81240
 719-372-3289

METER READ		CLASS
1 MONTH	DAY	
CLASS	OUT	CAR
15	10	1

TYPE OF SERVICE	METER READINGS		USED	CHARGES
	PRESENT	PREVIOUS		
WATER BASE				
WATER	0	0		45.00
PAST DUE				0.00
				213.00

2005
 FISCAL YEAR
 COMM
 PRSRT

US POSTAGE IMIPITNEY BOWES



ZIP 81240 \$ 000.404
 02 7H
 0006053053 AUG 22 2023

TOTAL -168.00

17225 STATE HIGHWAY 115

EPCOCO REI ONE LLC
 C/O: JENNIFER & JOHN EDGAR
 3455 FILLMORE RIDGE HEIGHTS
 COLORADO SPRINGS, CO 80907-9028

ACCOUNT	METER #	NOW DUE	PAY EARLY SAVE THIS	REMIT/AFTER DATE DUE
	01407.02	-168.00	0.00	-168.00
ROUTE	THIS AMOUNT NOW DUE AND PAYABLE		TAX	
04		-168.00	TOTAL	-168.00

SERVICE ADDRESS	NOW DUE	DATE DUE	REMIT/AFTER DATE DUE
17225 STATE HIGHWAY	-168.00	09/14/23	-168.00
		ACCOUNT	ROUTE
	-168.00	01407.02	04
			-168.00

Board Meeting 9/11/23 @ 3:00 P.M.

PLEASE BRING THIS ENTIRE BILL TO OFFICE
 OR MAIL THIS STUB WITH YOUR PAYMENT





**FREMONT COUNTY'S
COLORADO DIVISION OF WATER RESOURCES
INFORMATION FORM FOR
SPECIAL USE, ZONING, AND OTHER LAND USE ACTIONS**

The Fremont County Department of Planning & Zoning (Department) is required to submit proposed land use actions to the State Engineer's Office (SEO) at the Colorado Division of Water Resources (CDWR). The SEO is responsible for providing an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed land use action.

This CDWR Information Form must be filled out completely and accurately to ensure that the submittal to the CDWR regarding this proposed land use action includes the necessary information required by that agency. The CDWR has 21 days to respond to County submittals. Incomplete submittals will be returned to the County for additional information and then must be resubmitted to the CDWR.

Please note that the CDWR timeframe for review may not coincide with the County deadlines or meetings, and if the CDWR requires additional information, further delays may occur.

Attachments can be made to this application to provide expanded narrative for any application item including supportive documentation or evidence for provided application item answers. Please indicate at the application item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (*as an example, the first attached document providing evidence in support of the answer given at application item number 8 would be marked - Exhibit CDWR-8.1, the fifth attached document supporting the narrative provided for application item 8 would be marked - Exhibit CDWR-8.5*). Exhibit numbers should be placed in the lower right hand area of the exhibit.

1. Name of proposed project: Penrose RV & Boat Storage

2. Provide a map of proposed improvements with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS).

3. Legal description of subject property A PARCEL OF LAND LOCATED WITHIN A PORTION OF THE NW 1/4 OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF FREMONT, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOT 2, COYLE-VANEGMON LOT LINE ADJUSTMENT, ACCORDING TO THE RECORDED PLAT THEREOF, FILED FOR RECORD ON JANUARY 23, 1996 IN BOOK 1237 PAGE 531, AS RECEPTION NO. 642721 IN THE RECORDS OF THE PUEBLO COUNTY CLERK AND RECORDER, COUNTY OF PUEBLO, STATE OF COLORADO.

4. What is the size of the existing parcel? 59,183 Acres --- Square feet

5. What are the proposed uses of the subject property?

- Residential Only
- Commercial
- Commercial and Residential

6. What are the current uses of water on this parcel? Domestic

a. Are there any established uses that require water? Yes --- No

b. Number of existing homes: 0

If one or more, date this use was established: _____

c. Home lawn / garden irrigation: Yes --- No

If yes, amount: _____ Acres --- Square feet

Date this use was established: _____

d. Livestock watering: Yes --- No

If yes, commercial or non-commercial livestock? *(Circle one)*

If yes, date this use was established: _____

e. Other uses: _____

Dates established: _____

7. What will be the proposed uses of water for this parcel? Domestic

a. Number of proposed homes (including the home above if it will remain): 0

b. Lawn / garden watering, amount: _____ Acres --- Square feet

c. Livestock watering: Yes --- No

If yes, commercial or non-commercial livestock? *(Circle one)*

d. Number of Employees per day: _____ Number of days open per year: _____

e. Number of Customers per day: _____ Number of days open per year: _____

f. Bed / Breakfast Customers per day: _____ Number of days open per year: _____

g. Describe other water needs: TBD - This site is under consideration for a _____
landscape waiver request as well as a BOZA _____
Variance for a reduced set-back, which will _____
drastically reduce the amount of landscaped area. _____

8. Source of water for the uses described above: *(If more than one source is utilized for parcel, describe which sources will supply which proposed uses)* Municipal

a. Is Municipal water available to parcel: Yes --- No

b. Is water available to parcel from an independent water district? Yes --- No

c. Are the uses described above proposed to be provided water by a municipality?

Yes -- No

Name of provider: Penrose Water District

d. Is water hauled: Yes --- No

e. Is there an existing permitted well?: Yes --- No

If yes, permit number: _____

f. Is there a Substitute Water Supply Plan? (*Substitute water supply plans provide water users a mechanism to replace out-of-priority depletions on an interim basis.*)

Yes --- No

If yes, name of plan: _____

g. Is there an unregistered well? Yes --- No

h. Is there a Surface Spring? Yes --- No

If yes, Court Adjudication Number and Spring Name: _____

9. What is the Waste Water Method?

Municipal

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

By signing this form, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the form and any attachments to the form, is true and correct to the best of Applicant's knowledge and belief.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Department regarding the Application to be null and void.

Signing this form is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this form, provided that the same is in conformance with the Fremont County Zoning Resolution.

Anna Fluckey

Applicant Printed Name

Anna Fluckey

Signature

Digitally signed by Anna Fluckey
DN: C=US,
E=anna.fluckey@mccauleyconstructors.com,
CN=Anna Fluckey
Date: 2024.02.20 08:38:13-07'00'

Date

John Edgar

Property Owner Printed Name
(If different from applicant)

Please see attached Letter of Authorization

Signature

Date

5. The source of water for fire protection is:

--- Water District – Name of District: Penrose Water District

--- Well – Colorado Division of Water Resources Well Permit Number: _____

Is the well approved for fire protection? Yes --- No Please explain: _____

--- Cistern – What is the cistern capacity? _____ Gallons – What is the water source for filling the cistern? _____

6. What is the distance from the subject property to the nearest fire hydrant? _____
None. Project proposes placement of new hydrant near site entrance.

7. What public roadways provide access to the subject property? SH 115

8. How many accesses to public roadways will the subject property have? (1)

9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain by providing right-of-way and surface widths, length of roadway, surface types for all interior existing and proposed roadways and turning radii for cul-de-sacs. _____

10. What are the existing and or proposed interior roadway names? N/A

11. Is the subject property located within a fire protection district? Yes --- No
If yes, please provide the district name: Florence Fire Protection District, Station 2-Penrose

If the subject property is not located within a fire protection district please answer the following questions and the form will be considered completed for submittal. If the subject property is located within a fire protection district then answers to the following will not be required, however the remainder of the form shall be addressed by a representative of the fire protection district in which the subject property is located.

a. What is the name of the fire protection district closest to the subject property? _____
N/A

b. What is the distance from the subject property to the nearest fire protection district boundary? _____
N/A

c. Is it logical and feasible to annex the subject property to a fire protection district?
 Yes ----- No Please explain: N/A

d. What types of fire protection improvements are proposed for the subject property and or structures to be housed on the property? Please explain: _____

N/A

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Anna Fluckey
Applicant Printed Name

Anna Fluckey Digitally signed by Anna Fluckey
DN: C=US, E=anna.fluckey@mccauleyconstructors.com,
CN=Anna Fluckey
Date: 2024.02.20 08:38:55-07'00'
Signature Date

John Edgar
Owner Printed Name

Please see attached Letter of Authorization
Signature Date

FIRE PROTECTION AUTHORITY INFORMATION

1. The name of the fire protection authority is: _____
2. Name of contact person: _____
Title: _____ Telephone: _____
3. The name and address of the responding fire station is: _____

4. The distance from the subject property, by public roadway, to the responding fire station is: _____

5. The estimated response time to the subject property is: _____
6. The location of the closest fire hydrant to the subject property is: _____

7. Is the existing hydrant size and location adequate for the existing neighborhood and the proposed development? Yes --- No Please explain: _____

8. Are the existing public roadways accessing the subject property adequate for fire vehicle access? Yes --- No Please explain: _____

9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain: _____

10. Are the proposed fire protection measures adequate for any existing or proposed structures to be housed on the subject property? Yes --- No Please explain: _____

11. What are the wildfire hazard classifications for the subject property, as prepared by the Colorado State Forest Service? _____



Fremont County, Colorado Contractor License

Name _____ Leon McCauley
Business _____ McCauley Constructors Inc.
License # _____ 595 **Class** _____ General A
Expiration _____ January 30, 2025

The individual named on the front of this license is hereby authorized to engage in the business of building contractor having successfully completed prescribed written examination in the class indicated.


NOT VALID UNLESS SIGNED BY BUILDING OFFICIAL.

This license is the property of the Fremont County Building Department and shall be returned upon demand.

LETTER OF AUTHORIZATION

I, John Edgar, the undersigned property Owner hereby acknowledges that Mrs. Anna Fluckey of McCauley Constructors, Inc., is to act on my behalf in all manners relating to my application to Fremont County for Commercial Development Plan review and the Board of Zoning Adjustment for the premises located at 17225 SH 115 in Penrose, Colorado, effective the date of my signing below.

My signature below indicates my acknowledgment that I do not object to Mrs. Anna Fluckey applying on my behalf and receiving under my name from the County of Penrose, all coordination communication from the County for the purposes of completing the applications noted above with the County to the end of the review and approval process on the property listed above, which I own.

I understand that for the application review process to begin I must pay the appropriate application fees, to be included with this Letter of Authorization along with the physical applications.

Thank you,

John Edgar

703-897-2624

Property Owner, Printed Name

Property Owner, Telephone

3455 Fillmore Ridge Heights

John@EdgarTruck.com


Property Owner, Street Address

Property Owner, Email Address

Colorado Springs, CO 80907

Property Owner, State Zip

2/12/2024

DocuSigned by:

51270038161616

Property Owner, Signature

Date

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

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

1) Property owner (Permittee) Epcoco Rei One, LLC		2) Applicant or Agent for permittee (if different from property owner) McCauley Constructors, Attn: Anna Fluckey	
Street address 3455 Fillmore Ridge Heights		Mailing address 650 Innovation Cir.	
City, state & zip Colorado Springs, CO 80907	Phone #	City, state & zip Windsor, CO 80550	Phone # (required) 970-686-6300
E-mail address john@edgartruck.com		E-mail address if available anna.fluckey@mccauleyconstructors.com	

3) Address of property to be served by permit (required)
17225 State HWY 115, Penrose, CO

4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one?

county Fremont	subdivision Coyle-Vanegmond	block 2	lat	section	township	range
--------------------------	---------------------------------------	-------------------	-----	---------	----------	-------

5) What State Highway are you requesting access from? HWY 115	6) What side of the highway? <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W
---	--

7) How many feet is the proposed access from the nearest mile post? Aprx 510 feet <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: MM17	How many feet is the proposed access from the nearest cross street? Aprx 2115 feet <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: 2nd St to W G-St to East
--	---

8) What is the approximate date you intend to begin construction?
5/1/2024

9) Check here if you are requesting a:

<input type="checkbox"/> new access	<input type="checkbox"/> temporary access (duration anticipated: _____)	<input checked="" type="checkbox"/> improvement to existing access
<input type="checkbox"/> change in access use	<input type="checkbox"/> removal of access	<input type="checkbox"/> relocation of an existing access (provide detail)

10) Provide existing property use
Vacant Land

11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest?
 no yes, if yes - what are the permit number(s) and provide copies: **219009** and/or, permit date: **4/5/2019**
This permit has expired

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

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

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

15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.

business land use	square footage	business	square footage
Penrose RV & Boat Stor - Mini-warehouse	17,760		
Penrose RV & Boat Stor - SFDH	210		

16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?

type	number of units	type	number of units
N/A			
N/A			

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

Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes 26	# of multi unit trucks at peak hour volumes 0
# of single unit vehicles in excess of 30 ft	# of farm vehicles (field equipment)	Total count of all vehicles 26

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

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

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

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

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


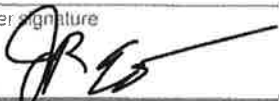
Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

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

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

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

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

Applicant or Agent for Permittee signature 	Print name Anna Fluckey	Date 01.25.2024
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (with other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.		
Property owner signature 	Print name John Edgar	Date Feb 1, 2024

Nicole Suttle

From: Gonzales - CDOT, Arthur <arthur.gonzales@state.co.us>
Sent: Thursday, January 18, 2024 8:54 AM
To: Nicole Suttle
Cc: Anna Fluckey
Subject: Re: Penrose RV 17225 ST HWY 115, Canon City, CO Access Permits #219009 & #215075

Nicole,

Please continue to move forward with the Permit Application. I have reviewed historical permits and your proposed ones and I hope we can get this permit to the finish line.

Thank you,

Arthur Gonzales - Access Manager



R2 - Permits - Access - Traffic and Safety

5615 Wills Blvd., Suite A Pueblo, CO 81008

P(719)546-5732 | arthur.gonzales@state.co.us | www.coloradodot.info | www.cotrip.org

On Tue, Jan 16, 2024 at 3:04 PM Nicole Suttle <nicole.suttle@mccauleyconstructors.com> wrote:

Hello Sir,

Thank you for the update on Valerie.

Please see attached for your review and input, I very much appreciate your attention, thank you 😊

We will review the potential clearances, I completely understand. Risk must always be assessed.

I look forward to working with you, Sir, thank you again!

Nicole Suttle

From: Gonzales - CDOT, Arthur <arthur.gonzales@state.co.us>
Sent: Monday, February 12, 2024 3:19 PM
To: Anna Fluckey
Cc: Nicole Suttle
Subject: Re: Penrose RV 17225 ST HWY 115, Canon City, CO Access Permits #219009 & #215075

Hi Anna,

I have received your application and have started my review. I was out of work last week so I am playing catch up and will have that approved or need more submittals soon.

Thank you,

Arthur Gonzales - Access Manager



R2 - Permits - Access - Traffic and Safety

5615 Wills Blvd., Suite A Pueblo, CO 81008

P(719)546-5732 | arthur.gonzales@state.co.us | www.coloradodot.info | www.cotrip.org

On Thu, Feb 8, 2024 at 8:46 AM Anna Fluckey <anna.fluckey@mccauleyconstructors.com> wrote:

Arthur,

We are about to submit to Fremont County and the BOZA team and they just need an emailing stating that our review is underway. Have you have a chance to begin review of our permit? if, so can you just email that back to us so we can add that into our submission to the county?

Thanks,

Anna



February 14, 2024

Fremont County
Department of Planning and Zoning
615 Macon Avenue, Room 210
Canon City, CO 81212

Re: Commercial Development Plan Submittal
Penrose RV & Boat Storage, 17225 SH 115, Penrose, CO
Addresses within 500' of CDOT Access

To Whom It May Concern:

Please accept the following list of address located within 500 feet of the CDOT access proposed under the above referenced CDP application:

1. State of Colorado
1127 Sherman St., Ste 300
Denver, CO 80203-2398
Account No. R028521
2. Mooningham Song
7445 Sand trap Dr.
Colorado Springs, CO 80925-9595
Account No. R034364
3. Hall Alden Neal
150 I Street
Penrose, CO 81240-9750
Account No. R027658
4. Pollard Rose Mary & W Duane
PO Box 647
Penrose, CO 81240-0647
Account No. R022628
5. Penrose Water District
340 Grant
Penrose, CO 81240-9394
Account No. R022784
6. Gamma Ray Holding CO.
112 Garden Dr.
Penrose, CO 81240-9219
Account No. R033813

February 7, 2024

Fremont County
Department of Planning and Zoning
615 Macon Avenue, Room 210
Canon City, CO 81212

Re: Penrose RV & Boat Storage, 17225 SH 115, Penrose, CO

To whom it may concern:

For your consideration, is the above referenced project, outlined below. Thank you in advance.

Introduction:

The Penrose RV & Boat Storage project envisions the transformation of Lot 2 within the Coyle-Vanegmond Lot Line Adjustment Subdivision into a modern and efficient storage RV facility. Situated on a 1.36-acre site zoned B – Business Zone District, this development aligns with the County's vision for "uniform, steady growth." The primary goal is to not only contribute significantly to the economic development of Fremont County but also to ensure harmony with the historic and scenic attributes of the territory.

Preservation of Natural Landscape:

The natural landscape within and surrounding the project site is unique to the Penrose region, setting it apart from the diverse plant communities prevalent throughout Colorado. In adherence to a preservation-oriented approach, the landscape design will endeavor to respect the integrity of the existing natural surroundings, integrating indigenous plant materials. The ultimate design of the landscape plan will contemplate the incorporation of native plant specimens that not only enhance ecological authenticity but also demonstrate a conscientious approach to water conservation. Additionally, our design will strive to enhance the visual corridor along highway 115. The proposed site layout and building configuration are planned to minimize impacts to neighboring property owner's views and frame views with enhanced landscape screening of the natural landscape.

Compatibility with Neighboring Uses:

Acknowledging the importance of community integration, the Penrose RV & Boat Storage project is designed with a keen understanding of the existing land uses in the vicinity. Neighboring businesses, such as WD Trucking and Silverline Trailers, have impacted our design decisions, ensuring architectural site design with the local economic ecosystem in mind. This compatibility enhances the overall functionality and acceptance of the storage facility within the community. The facility will be screened and secured using rod iron fencing and gates.

Collaborative Services and Development:

In an effort to enrich the surrounding area, the Penrose project extends its services in collaboration with neighboring businesses and developments. Notably, the integration of services aligns with the establishment of

a new Recreational Vehicle Park in the area. The project contributes not only to its own success but also to the broader enhancement of the local recreational vehicle storage and economic landscape.

Strategic Accessibility:

Accessibility is paramount to the success of the Penrose RV & Boat Storage project. A planned new entry from Hwy 115, currently under review for CDOT approval, ensures ease of access for both clients and service providers. This access point not only enhances the project's functionality but also mitigates potential traffic concerns, demonstrating our commitment to responsible, safe and efficient development.

Sustainable Infrastructure:

The Penrose project recognizes the importance of responsible resource utilization. Existing water services, tapped and accessible at the project site, are integrated into the development. These services, currently invoiced to the property owner on a regular billing cycle. The project will be designed to meet all local building and energy compliance codes.

Lighting and Photometric Design:

Our commitment to creating a secure and inviting environment extends to the realm of lighting and photometric design. Thoughtful placement of lighting fixtures, adhering to industry best practices, ensures both safety and aesthetic appeal throughout the storage facility. The design incorporates energy-efficient (LED) lighting solutions that not only minimize environmental impact but also contribute to operational cost-effectiveness. A comprehensive photometric analysis will be conducted to optimize light distribution, preventing glare and shadows while enhancing visibility and safety for the clients and staff during all hours of operation.

Fire Protection:

A new hydrant is proposed near the site entrance, as there are no other hydrants near-by. This new proposed hydrant shall be the provided method of fire protection.

Refuse Disposal:

On site refuse disposal limited to office use only. Disposal services shall be provided by local waste management company. No large bins provided to accommodate clientele.

Conclusion:

In conclusion, the Penrose RV & Boat Storage project will offer a needed amenity to the area; it is a harmonious integration of thoughtful design, community collaboration, and advanced lighting solutions. By addressing the economic needs of Fremont County and respecting the historical and scenic qualities of the area.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Colorado Ecological Services Field Office
Denver Federal Center
P.O. Box 25486
Denver, CO 80225-0486
Phone: (303) 236-4773 Fax: (303) 236-4005

In Reply Refer To:
Project Code: 2024-0037469
Project Name: Fremont Storage

January 17, 2024

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Colorado Ecological Services Field Office

Denver Federal Center

P.O. Box 25486

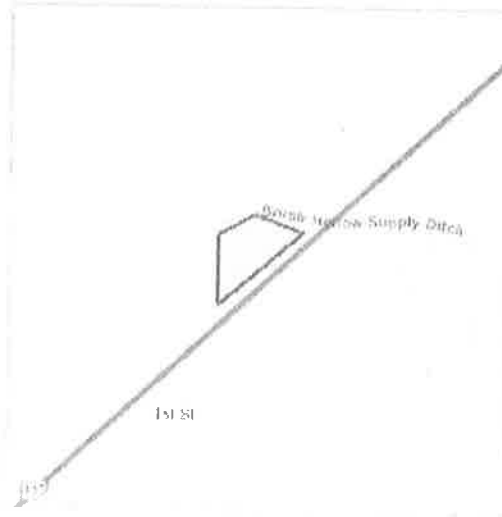
Denver, CO 80225-0486

(303) 236-4773

PROJECT SUMMARY

Project Code: 2024-0037469
Project Name: Fremont Storage
Project Type: Commercial Development
Project Description: 1.5 acres site development, 2024
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.454549650000004,-105.01426950580297,14z>



Counties: Fremont County, Colorado

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME

STATUS

Gray Wolf *Canis lupus*

Endangered

Population: U.S.A.: All of AL, AR, CA, CO, CT, DE, FL, GA, IA, IN, IL, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, ND, NE, NH, NJ, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV; and portions of AZ, NM, OR, UT, and WA. Mexico.

There is **final** critical habitat for this species.

This species only needs to be considered under the following conditions:

- Lone, dispersing gray wolves may be present throughout the state of Colorado. If your activity includes a predator management program, please consider this species in your environmental review.

Species profile: <https://ecos.fws.gov/ecp/species/4488>

Gray Wolf *Canis lupus*

Experimental
Population,
Non-
Essential

Population: CO

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/4488>

BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Mexican Spotted Owl <i>Strix occidentalis lucida</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Jim Brzostowicz
Address: 8308 Colorado Blvd
Address Line 2: Suite 200
City: Firestone
State: CO
Zip: 80504-6805
Email: jim@civilresources.com
Phone: 7205567667

WARRANTY DEED

THIS DEED, Made this 30th day of October, 2018 between

Bravo Property Management Co. Inc.

of the County of Fremont, State of Colorado, grantor and

Epcoco Rei One LLC

whose legal address is: 450 Winter Street, ,Manitou Springs, CO 80829

of the County of Fremont, State of Colorado, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of **Sixty-Five Thousand Dollars and No/100's (\$65,000.00)** 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 County of Fremont, and State of COLORADO, described as follows:

Lot 2, Coyle-Vanegmond Lot Line Adjustment

County of Fremont

State of Colorado

Doc Fee \$ 6.50

also known by street and number as 17225 Highway 115 , Penrose, CO 81240

TOGETHER with all and singular the hereditaments and appurtenances thereunto 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 ensealing 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 all taxes and assessments for the current year, a lien



Innovative Process Engineering

Water and Waste Solutions

PROFILE PIT REPORT

17225 State Highway 115

Client: Penrose RV Storage / McCauley Constructors

Location: Fremont County

Date: February 19, 2024

Project: 24637

Prepared by:

Christopher Tracy/Ron LeBlanc, MS, PE

Innovative Process Engineering, PLLC

18490 Dunes Lake Lane

Monument, CO 80132

Ron@ipepllc.com



Introduction:

This property in Fremont County, is west, off State Highway 115. The property is not currently occupied, it will be a retail property, the septic system will be for a management office. The legal description is LOT 2 COYLE-VANEGMOND LLA REF 981-00-137.

This Profile Pit Examination was performed to evaluate soil conditions for a new Soil Treatment Area (STA) on the property. Two profile pits were dug to a depth of 7 feet, and 6 feet. A visual/tactile examination was performed, as well as a sieve analysis to determine the percent rock (larger than 2mm) in each sample.

Site:

The property consists of 1.33 acres off State Highway 115. The property is mostly flat and open. The area investigated for the new STA slopes <1% from north to south. The Profile Pit areas were undisturbed. The property's water source is public.





	Profile Pit #1	Profile Pit #2
Groundwater	Not Encountered	Not Encountered
Bedrock	7'	6'
Redoximorphic Features	Not Encountered	Not Encountered
Well	>100'	>100'
Gulches	>25'	>25'
Water Body	>150'	>150'
Grade	<1%	<1%
GPS	38°27'16.82"N 105° 0'50.99"W	38°27'16.73"N 105° 0'51.26"W

Benchmark Elevations:

Building 5514ft
 Profile Pit #1 5513ft
 Profile Pit #2 5513ft

SOIL PROFILE PIT LOG

BY: CT/RL
 Client Penrose RV Storage
 Address 17225 Highway 115
 Date Sampled 2/14/2024.
 Project: 24637

PIT 1

DEPTH	USDA Texture	% Rock	USDA Struct.	TYPE
0" - 6"	-	-	-	-
7" - 2'	Clay	<5	BK-2	4
2' 1" - 4'	Clay	<5	BK-2	4
4' 1" - 6'	Clay	20	BK-2	4
6' 1" - 7'	Clay	20	BK-2	4

PIT 2

DEPTH	USDA Texture	% Rock	USDA Struct.	TYPE
0" - 6"	-	-	-	-
7" - 2'	Clay	<5	BK-2	4
2' 1" - 4'	Clay	10	BK-2	4
4' 1" - 6'	Clay	10	BK-2	4
6'	Shale/Rejection	-	-	-

Results:

Based on a visual and tactile examination, the soils in PP-1 were acceptable down to 7 feet. Profile Pit-2 was acceptable to 6 feet.

LTAR 0.2

Engineered System Required

Site Protection:

The Soil Treatment Area should not be disturbed prior to system installation. Protect the area from construction activity by fencing or staking.

Pre-Construction Inspection:

The County health department may choose to do an inspection of the property prior to issuance of a permit to construct a new OWTS.

Limitations:

This report has been prepared exclusively for Owners and Representatives of 17225 Hwy 115. Use by any other persons or for any other site is not permitted without approval from this office. Additionally, this report assumes that the actual soil conditions do not deviate in any significant way from those described in this report. In the event that any variations or undesirable conditions are detected, please notify this office immediately.

Innovative Process Engineering, PLLC makes no warranty as to the findings or recommendations provided in this report except that they were prepared in accordance with the local and Colorado State Regulations.

Setbacks are determined by the County Planning & Zoning Department, as well as OWTS Regulations. Innovative Process Engineering, PLLC attempted to locate any items in the vicinity of the exploratory profile examination holes that may affect minimum setbacks, however, there may be additional wells, gulches, streams, etc. not observed during the site visit. It is the owner's responsibility to make certain that all items that affect the minimum setbacks are properly maintained and represented to all parties, to whom it may concern.

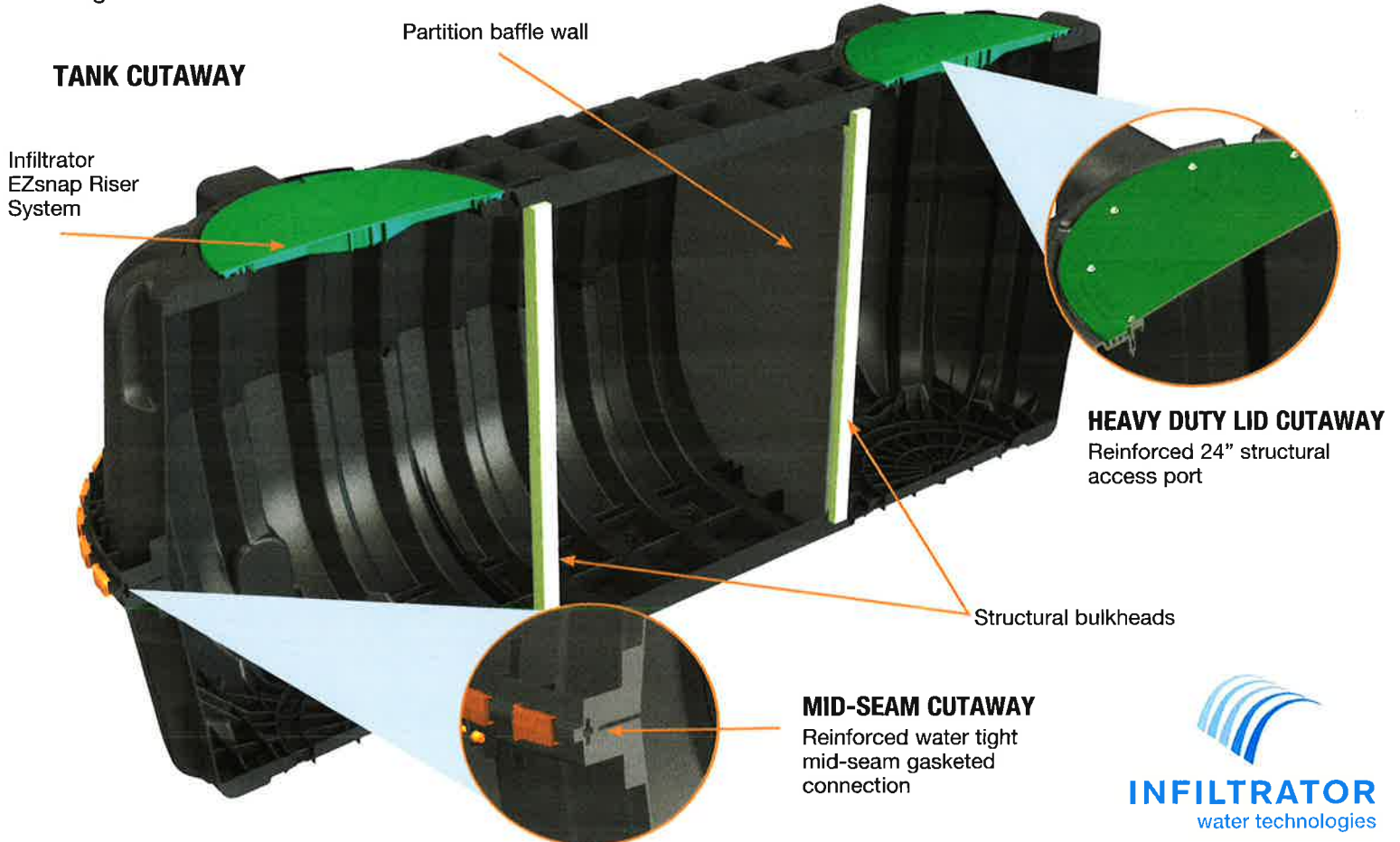


Features & Benefits

- Strong compression molded polypropylene construction
- Lightweight plastic construction and inboard lifting lugs allow for easy delivery and handling
- Integral heavy-duty green lids that interconnect with EZsnap risers and pipe riser solutions
- Structurally reinforced access ports eliminate distortion during installation and pump-outs
- Reinforced structural ribbing and fiberglass bulkheads offer additional strength
- Can be installed with 6" to 48" (152 to 1,219 mm) of cover
- Can be pumped dry during pump-outs
- Suitable for use as a septic tank, pump tank, or rainwater (non-potable) tank
- No special water filling requirements are necessary
- The tank may be backfilled with suitable native soil. See installation instructions for guidance.

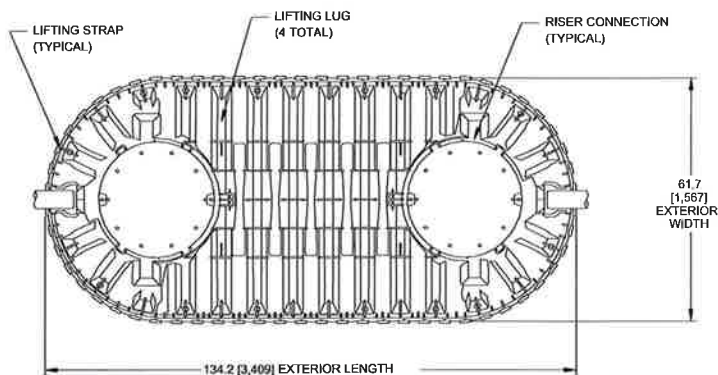
The Infiltrator CM-1060 is a lightweight, strong and durable septic tank. This watertight tank design is offered with Infiltrator's line of custom-fit risers and heavy-duty lids. Infiltrator compression molded tanks provide a revolutionary improvement in thermoplastic septic tank design, offering exceptional long-term strength and watertightness.

TANK CUTAWAY

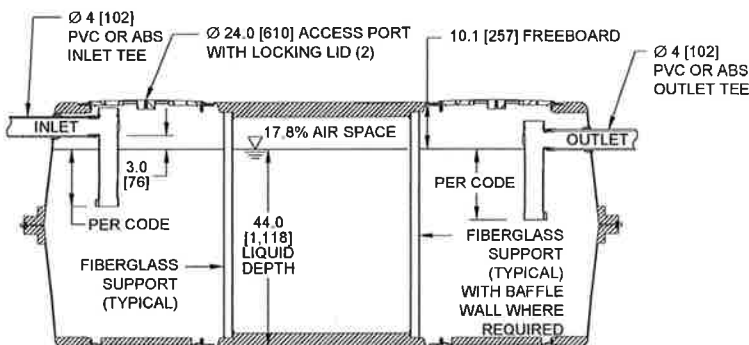


CM-1060 General Specifications and Illustrations

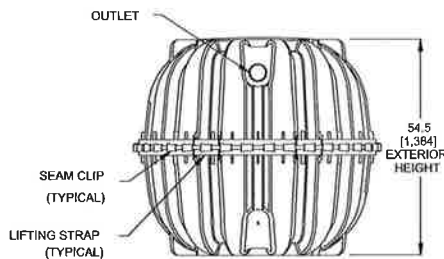
The CM-1060 is a compression molded two-piece mid-seam thermoplastic tank. The CM-1060 compression molded design allows for a mid-seam joint that has precise dimensions for accepting an engineered EPDM gasket. Infiltrator's gasket design utilizes technology from the water industry to deliver proven means of maintaining a watertight seal. The two-piece design is permanently fastened using a system of molded-in alignment dowels and locking seam clips. The CM-1060 is assembled and sold through a network of certified Infiltrator distributors.



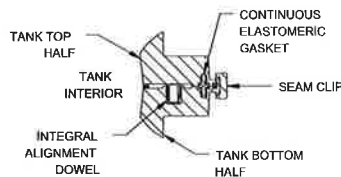
TOP VIEW



SIDE VIEW



END VIEW



MID-HEIGHT SEAM SECTION

Must be backfilled and installed in accordance with the Infiltrator IM- and CM-Series Septic Tank General Installation Instructions. For shallow ground water conditions reference the Infiltrator IM- and CM-Series Tank Buoyancy Control Guidance.

Please visit www.infiltratorwater.com or scan QR code for the latest information.



CM-1060	
Working Capacity	1,111 gal (4,207 L)
Total Capacity	1,309 gal (4,956 L)
Airspace	17.8%
Length	134.2" (3,409 mm)
Width	61.7" (1,567 mm)
Length-to-Width Ratio	2.3 to 1
Height	54.5" (1,384 mm)
Liquid Level	44" (1,118 mm)
Invert Drop	3" (76 mm)
Fiberglass Supports	2
Compartments	1 or 2
Maximum Burial Depth	48" (1,219 mm)
Minimum Burial Depth	6" (152 mm)
Maximum Pipe Diameter	4" (102 mm)
Weight	331 lbs (151 kg)



4 Business Park Road
P.O. Box 768
Old Saybrook, CT 06475
860-577-7000 • Fax 860-577-7001
1-800-221-4436
www.infiltratorwater.com
info@infiltratorwater.com

U.S. Patents: 8322948; 8337119; 8297880; 7914230; 7008138. Other patents pending. Infiltrator, Quick4 and EZflow are registered trademarks of Infiltrator Water Technologies. Infiltrator Water Technologies is a wholly-owned subsidiary of Advanced Drainage Systems, Inc. (ADS).

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CM02 0222

Contact Infiltrator Water Technologies' Technical Services Department for assistance at 1-800-221-4436



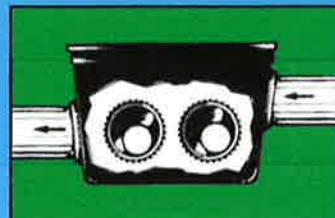
TUF-TITE

6-Hole Distribution Box



Tough Problem

Providing a simple, reliable, and permanent means for dividing septic tank effluent flow.



TUF-TITE Solution

A strong, stable, permanent, non-corrosive Tuf-Tite Distribution Box, with a Tuf-Tite Speed Leveler in each outlet.

Tuf-Tite® Distribution Box. THE TOUGH ONE!

- Injection molded HDPE
- Non-corrosive
- Simple to install
- Easy to level

In a septic environment, no other material can match High Density Polyethylene in delivering a lifetime of trouble-free service. Tuf-Tite Distribution Boxes are injection molded, using only premium HDPE which contains no fillers or foam.



Snap-in pipe seals

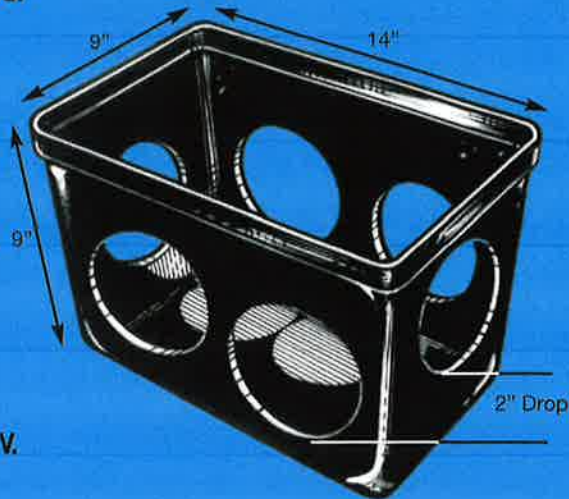
They're patented. Simply insert your PVC pipe and push it through the flexible, polyethylene Tuf-Tite seal. Pipes fit watertight. Installation couldn't be easier.



They're permanent

Unlike cement-based pipe grout, Tuf-Tite seals will not crack or corrode in septic conditions. They stay pliable and watertight permanently.

- Injection molded. Exceptionally strong.
- HDPE is non-corrosive in a septic environment.
- Patented snap-in pipe seals simplify installation.
- All Tuf-Tite products are U.V. stabilized.

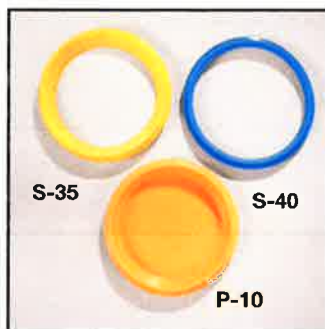


Interlocking Lid. Heavy-duty HDPE Lid is ribbed for added strength and rigidity. Slotted sides interlock on the Distribution Box to assure a tight fit.

The 6HD2 Distribution Box comes complete with a Regular Lid or an Inspection Port Lid, and 8 snap-in fittings of your choice.

INSTALLATION IS JUST THIS SIMPLE

1. Position the Distribution Box on level virgin soil. **Do not place box on a concrete slab.**
2. Install the inlet pipe and outlet pipes. Be sure the bottoms of all pipes rest on virgin soil.
3. Level the Distribution Box and all pipes as needed.
4. Backfill the pipes to within two feet of the Distribution Box. Recheck the level of the box, then backfill up to the top lid ridge.
5. Install and adjust Tuf-Tite Speed Levelers.
6. Place lid on the Distribution Box and finish backfilling.



Choice of Fittings

S-35 Pipe Seal, for:

- Sewer and Drain
- SDR 35
- Thin Wall
- ASTM 3034
- 1500 Lb. Crush

S-40 Pipe Seal, for:

- Schedule 40
- 4" Corrugated

P-10 Plug, for unused holes



Choice of Lids

Regular Lid. Molded of rugged HDPE.

Inspection Port Lid. For easy access and inspection. Accepts 4" riser pipes.



Tuf-Tite Speed Levelers™

Control the flow of effluent from the Distribution Box. Simply insert a Speed Leveler into each outlet pipe. Rotate each Speed Leveler so the flow is distributed as desired. Available for 3" or 4" PVC pipe.



Drainage and Septic Products

Tuf-Tite® Corporation
1200 Flex Court
Lake Zurich, Illinois 60047



Water-tight Lids and Risers by Tuf-Tite®





Quick4® Series

**Quick4 Standard
with MultiPort EndCap**



The Quick4® Standard Chamber fits in a 36" wide trench and is ideal for curved or straight systems. It features the patent-pending Contour Swivel Connection™ which permits turns up to 15°, right or left. The MultiPort™ endcap allows multiple piping options and eliminates pipe fittings. The chamber's four-foot length provides optimal installation flexibility.

Chamber Benefits:

- Advanced contouring connections swivel up to 15°, right or left
- Latching mechanism allows for quick installation
- Four-foot chambers are easy to handle and install
- The Quick4 Standard Chamber supports wheel loads of 16,000 lbs/axle with only 12" of cover
- Certified by the International Association of Plumbing and Mechanical Officials (IAPMO)



MultiPort Endcap Benefits:

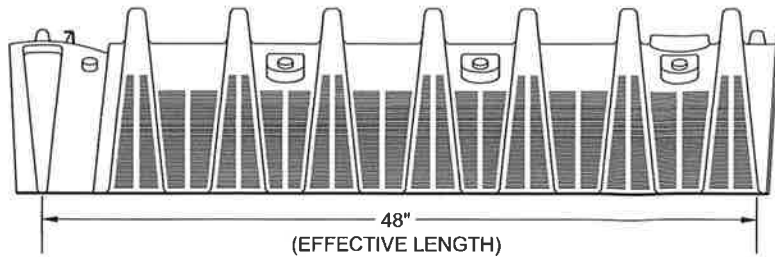
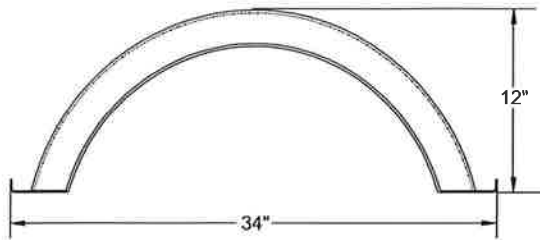
- Tear-out seals on inlet ports provide a tight fit to the pipe
- Eight molded-in inlets/outlets allow for maximum piping flexibility
- Eliminates pipe fittings
- Fits on either end of the Quick4 Standard Chamber



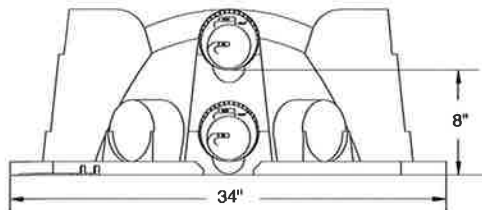
Quick4® Series

Because installations are faster with Quick4 chambers, you save on heavy equipment operation and labor.

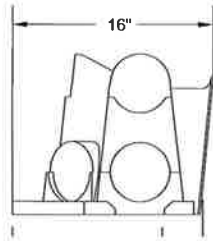
APPROVED in _____



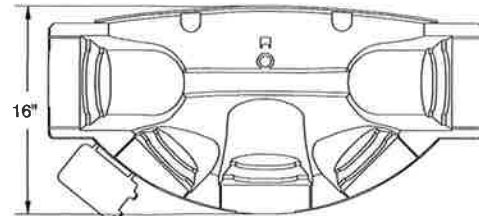
MultiPort EndCap



FRONT VIEW

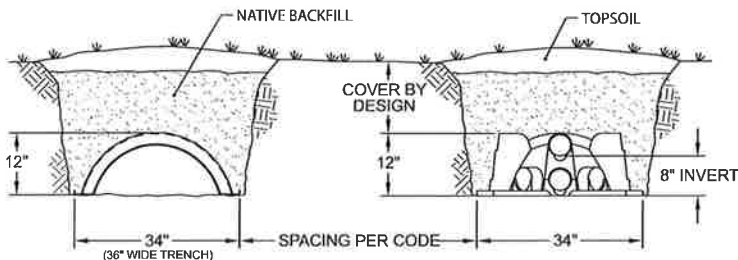


SIDE VIEW



TOP VIEW

Typical Trench View



Quick4® Standard Chamber Specifications	
Size	34"W x 53"L x 12"H (864 mm x 1346 mm x 305 mm)
Effective Length	48" (1219 mm)
Louver Height	8" (203 mm)
Storage Capacity	43 gal (163 L)
Invert Height	8" (203 mm)

INFILTRATOR WATER TECHNOLOGIES, LLC ("INFILTRATOR")

Infiltrator Water Technologies, LLC STANDARD LIMITED Drainfield WARRANTY

(a) The structural integrity of each chamber, endcap, EZflow expanded polystyrene and/or other accessory manufactured by Infiltrator ("Units"), when installed and operated in a leachfield of an onsite septic system in accordance with Infiltrator's instructions, is warranted to the original purchaser ("Holder") against defective materials and workmanship for one year from the date that the septic permit is issued for the septic system containing the Units; provided, however, that if a septic permit is not required by applicable law, the warranty period will begin upon the date that installation of the septic system commences. To exercise its warranty rights, Holder must notify Infiltrator in writing at its Corporate Headquarters in Old Saybrook, Connecticut within fifteen (15) days of the alleged defect. Infiltrator will supply replacement Units for Units determined by Infiltrator to be covered by this Limited Warranty. Infiltrator's liability specifically excludes the cost of removal and/or installation of the Units.

(b) THE LIMITED WARRANTY AND REMEDIES IN SUBPARAGRAPH (a) ARE EXCLUSIVE. THERE ARE NO OTHER WARRANTIES WITH RESPECT TO THE UNITS, INCLUDING NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE

(c) This Limited Warranty shall be void if any part of the chamber system is manufactured by anyone other than Infiltrator. The Limited Warranty does not extend to incidental, consequential, special or indirect damages. Infiltrator shall not be liable for penalties or liquidated damages, including loss of production and profits, labor and materials, overhead costs, or other losses or expenses incurred by the Holder or any third party. Specifically excluded from Limited Warranty coverage are damage to the Units due to ordinary wear and tear, alteration, accident, misuse, abuse or neglect of the Units; the Units being subjected to vehicle traffic or other conditions which are not permitted by the installation instructions; failure to maintain the minimum ground covers set forth in the installation instructions; the placement of improper materials into the system containing the Units; failure of the Units or the septic system due to improper siting or improper sizing, excessive water usage, improper grease disposal, or improper operation; or any other event not caused by Infiltrator. This Limited Warranty shall be void if the Holder fails to comply with all of the terms set forth in this Limited Warranty. Further, in no event shall Infiltrator be responsible for any loss or damage to the Holder, the Units, or any third party resulting from installation or shipment, or from any product liability claims of Holder or any third party. For this Limited Warranty to apply, the Units must be installed in accordance with all site conditions required by state and local codes; all other applicable laws; and Infiltrator's installation instructions.

(d) No representative of Infiltrator has the authority to change or extend this Limited Warranty. No warranty applies to any party other than the original Holder. The above represents the Standard Limited Warranty offered by Infiltrator. A limited number of states and counties have different warranty requirements. Any purchaser of Units should contact Infiltrator's Corporate Headquarters in Old Saybrook, Connecticut, prior to such purchase, to obtain a copy of the applicable warranty, and should carefully read that warranty prior to the purchase of Units.



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1-800-221-4436
www.infiltratorwater.com

U.S. Patents: 4,759,661; 5,017,041; 5,156,488; 5,336,017; 5,401,116; 5,401,459; 5,511,903; 5,716,163; 5,588,778; 5,839,844 Canadian Patents: 1,329,959; 2,004,564 Other patents pending. Infiltrator, Equalizer, Quick4, and SideWinder are registered trademarks of Infiltrator Water Technologies. Infiltrator is a registered trademark in France. Infiltrator Water Technologies is a registered trademark in Mexico. Contour, MicroLeaching, PolyTuff, ChamberSpacer, MultiPort, Posilock, QuickCut, QuickPlay, SnapLock and StraightLock are trademarks of Infiltrator Water Technologies. PolyLok is a trademark of PolyLok, Inc. TUF-TITE is a registered trademark of TUF-TITE, INC. Ultra-Rib is a trademark of IPEX Inc.

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