

Letter of Intent

**Application for Variance of Use
July 26, 2019**

**revised November 5, 2020
second revision February 1, 2021**

Rocky Top RV Park & Campground

**G&D Enterprises, Corp.
10090 West Highway 24
Green Mountain Falls, Colorado 80819
Owner: Daniel P. Nieman**

I. Owner/Applicant and Consultant.

G&D Enterprises, Corp. is owned by Daniel P. Nieman. The Owner/Applicant and Consultant contact information is as follows:

Applicant:

Daniel P. Nieman
P.O. Box 215
Green Mountain Falls, Colorado 80819
(989) 430-8065

Owner:

G&D Enterprises, Corp.
10090 West Highway 24
Green Mountain Falls, Colorado 80819
(719) 684-9044

Consultant:

Debra Eiland, Esq.
Law Offices of Debra Eiland, P.C.
24 S. Weber Street, Suite 300
Colorado Springs, Colorado 80903
(719) 471-1545
debra@eilandlawfirm.com

II. Site Location, Size and Zoning.

The property located at 10090 West Highway 24, Green Mountain Falls, Colorado contains a motel and RV park/campground. Pursuant to the El Paso County Assessor's records for Parcel #8309200011, the motel and a storage warehouse were built in 1947, and the RV park/campground was built in 1950. The motel has 15 rooms, including the laundry and manager's quarters, and the RV park/campground has had as many as 72 campsites for trailers and RVs, and additional sites for tent camping.

Mr. Nieman plans to operate the RV park/campground and motel as previous owners have. The property consists of approximately 9.30 acres.¹ The property is zoned C-2. A parcel map showing the location of the property is included with this application.

¹The Assessor's records show the property area to be 9.21 acres, which appeared on a Survey Plat recorded on January 27, 1997, under Reception Number 97902111. That acreage was subsequently amended by a Boundary Line Agreement recorded on February 19, 2004, at Reception Number 204028584. The change to 9.30 acres, based on that Boundary Line Agreement, is reflected in a full Boundary Survey and Land Survey Plat deposited with the El Paso County Clerk & Recorder's office on December 29, 2017, at Reception Number 217900261.

III. Request and Justification.

Mr. Nieman purchased the property on June 23, 2017. The property has been home to a small motel since 1947, and an RV park/campground since 1950. Pursuant to the Administrative Determination dated March 5, 2019 (ADM-18-029), the motel is a legal non-conforming use. However, due to the expansion of the campsites since the Land Use Code became effective, a variance is required to legalize the expanded RV park and campground use. Mr. Nieman is applying for a use variance for a recreational RV park and campground with a provision for extended stays.

IV. Existing and Proposed Facilities, Structures, Roads, etc.

Access to the property is provided from Highway 24 across a short CDOT owned gravel road via two driveway entrances (one paved and one gravel).² Both driveway entrances are wide enough to accommodate large RVs and emergency vehicles. The paved driveway entrance provides access to the motel and RV park/campground, and the gravel driveway entrance provides access to the tent sites.

The motel has 15 rooms, including a laundry, office and /manager's quarters, and the RV park/campground currently has 60 RV and trailer sites and 8 tent campsites. Amenities include electric, Internet/Wi-Fi, water, and sewer hookups at each site, one dump station, a fenced dog park, a recreation room, maintenance shop, bathrooms, and laundry building, and a covered patio/BBQ area. The two small sheds and propane tank located within the northern boundary setback will be moved outside the setback area.

The motel has an office with an adjoining manager's quarters, which is part of the motel building. Historically, the owner of the property has served as the motel manager and lived onsite in the manager's quarters. Mr. Nieman and his wife and minor son live in the manager's quarters. It is necessary for Mr. Nieman and his family to live onsite to manage and maintain the motel business. Due to the nature of the motel business, which requires 24 hour staffing, it would pose a significant financial burden to Mr. Nieman and his family if they were prohibited from living onsite. Mr. Nieman also purchased the property with the expectation that he and his family would live there just as other owners had before him. Mr. Nieman's presence onsite creates a safe environment for all guests.

To oversee maintenance and repairs of the RV park/campground, the Applicant proposes to have its full-time caretaker live on-site in his personal RV. It is common for

²On February 2, 1992, former owners David and Vivian Hansen conveyed to the Colorado State Department of Highways a strip of the property along the Highway 24 frontage, reserving an access easement across that strip of property and to the two driveway entrances. A copy of the Deed of Access Rights for the two access driveways off Highway 24 dated February 2, 1992, recorded in the records of the El Paso County Clerk and Recorder at Reception Number 860329, Book 2465, Page 195 is attached as Appendix A with copies of the Access Permit Applications filed with CDOT.

campgrounds, including state, federal, and commercially owned properties, to have a caretaker or campground host living on-site full time in an RV. The Rocky Top motel does not provide an apartment-type unit that would be suitable for this purpose. The Applicant has designated site number 27 along the northern boundary of the property for this purpose. The property adjoining the northern boundary of the Rocky Top property is vacant land with no residences. Rocky Top's caretaker living on-site in his RV will have no adverse impact on adjoining property owners. His presence will enhance safety and security to the benefit of neighboring properties and Rocky Top guests.

A 12' x 16' bathroom building will be constructed near campsite 50 to replace an old tent camper restroom building. A greenhouse will be constructed for the owner's personal use. A children's playground will be added above the dog park. Three light poles with security cameras will be added near the tent area, the northwest corner of the property, and below campsites 9 and 10. All lights will be shielded and equipped with dusk-to-dawn sensors. The Applicant will provide a photometric plan with the subsequent site development plan. Upgraded electric, water, and sewer connections will be installed at campsites 50-60, and the electric lines and connection to the well shed will also be upgraded. Over the next five years, the Applicant plans to add a retaining wall below campsites 1-9 and expand those campsites, and plans to upgrade the water, sewer, and electric connections to all the other campsites. These land disturbance areas will be included in the drainage report as part of the subsequent site development plan.

Campers access their campsites via private internal roads with a posted speed limit of 10 mph. Ample parking, including ADA accessible parking, is provided at the campsites and in front of the motel office. The Applicant also plans to install 16' x 30' cement pads on each of the campsites over the next several years. These land disturbance areas will be included in the drainage report as part of the subsequent site development plan.

The small weather shelter/bus stop on the northwest corner of the property will be removed. One sign for the motel and RV/campground business is located at the paved driveway entrance.

The defined tent sites and retaining walls are recent areas of land disturbance that exceed one acre in total area. All land disturbances that have occurred on the property since February 2008 are part of a Large Common Plan of Development and are considered for Water Quality Capture Volume. The drainage report submitted with the subsequent site development plan will address the historic/undeveloped condition of the property. All required engineering documents will be submitted with the site development plan.

V. Waiver Requests.

The Applicant requests a waiver of the LDC to allow extended stays. The upper two-thirds of the property has been used as an RV park/campground since 1950. The

adjoining properties to the north and east of the RV park/campground are vacant land. Rocky Top is open year round, and allowed extended campground stays prior to Mr. Nieman purchasing the property. Extended stays at Rocky Top provide an important resource to the community. Some examples of the campers who have taken advantage of the extended stay policy are:

- Families looking for property or a home to buy.
- Fire Evacuees - Families camp at Rocky Top while their homes are being built or rebuilt because of fires and other disasters.
- Families whose spouse/children are receiving medical treatment.
- Loggers, storm chasers, and seasonal or temporary workers
- Veterans seeking services from a VA provider.
- Students and workers from Charis Bible College
- Military awaiting deployment or transfers.
- Retirees visiting families.
- People going through a divorce, or a death in the family.
- Employment transfer or searching for a new job in the area.
- Seasonal campers, who summer here and winter in warmer climates.

The Applicant acknowledges that LDC Section 6.2.5.C.2.c.iii requires paving for 25 or more parking spaces, and that a waiver request will be required with the Site Development Plan if paved parking spaces are not proposed.

VI. Criteria for Approval of Use Variance.

A. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County.

The motel has an office with an adjoining owner's residence, which is part of the motel building. Historically, the owner of the property has served as the motel manager and lived onsite in the owner's residence. Just as previous owners have done before him, Mr. Nieman and his family live in the motel owner's residence to manage and maintain the motel business, while providing 24-hour staffing at the motel. The owner's presence at the motel enhances security and safety for motel guests and the surrounding neighborhood.

A full-time caretaker for the RV park/campground will live on-site to ensure that the facilities and grounds are kept clean and in good repair. The caretaker will monitor the grounds on a regular basis and ensure adherence to the campground rules including, but not limited to, an evening noise curfew. The campground Rules and Regulations are included as Appendix B. The presence of a full-time on-site caretaker will enhance safety and security to the benefit of neighboring properties.

In addition to the noise curfew, generators are not allowed at any time. Campers are advised of campground boundaries and are prohibited from entering neighboring properties so as not to disturb the peace and quiet enjoyment of the neighbors. The campground enforces a speed limit of 10 mph for all vehicles on the premises. The campground provides a laundry room, showers, washing station, a sanitary sewer dump station for RVs, and regular trash pickup to ensure proper sanitation and waste disposal. Three bear proof trash receptacles have been installed to contain campground waste.

Lucky 4 Road separates the Rocky Top property from the residential properties to the west. The properties to the west of Lucky 4 Road contain residences that were built between 1962-2005, many years after the RV park/campground opened. The western property boundary between the tent sites and Lucky 4 Road is currently fenced with a wooden privacy fence. That fence will be extended and/or replaced with opaque fencing that does not exceed the maximum height allowed in the setback and extended to the corner of the western and northern boundaries to provide screening for those residences.

The properties adjoining the RV park/campground to the north and east are vacant land. The northern and eastern property boundaries are currently enclosed with a 4 foot high wire fence, which the owner intends to replace within the next two years with 6 foot high opaque fencing or trees that will attain at maturity a minimum height of 6 feet to screen the property from future development on those adjoining properties.

The motel and RV park/campground are contained wholly within the boundaries of the subject property and are easily and safely accessible from the adjoining highway.

B. The proposed use will be able to meet air, water, odor, or noise standards established by County, State, or federal regulations during construction and upon completion of the project.

The installation of retaining walls along the western boundary was necessary to prevent water erosion caused by the improper diversion of the natural drainage path by the owner of the adjoining property to the west. No permits were required for installation of the retaining walls because all retaining walls on the property are 4 feet or less in height (see footnote 5 on page 8). None of the proposed future construction activities and improvements (e.g., an additional retaining wall and installation of concrete pads) are expected to impact air or water quality or result in additional odors or noise. The use will meet air, water, odor, and noise standards at all times during construction and upon completion of the project.

The tent sites and retaining walls are recent areas of land disturbance. All land disturbances that have occurred on the property since February 2008 are part of a Large Common Plan of Development and are considered for Water Quality Capture Volume. The drainage report submitted with the subsequent site development plan will address the historic/undeveloped condition of the property. All required engineering documents will be submitted with the site development plan.

C. The proposed use will not adversely affect property values in the immediate area.

The homes across Lucky 4 Road to the west were built from 1962-2005, after the RV park/campground opened for business in 1950. The expanded RV park and campground will be operated in much the same way as its predecessor. Property values in the immediate area will not be adversely affected by the expanded use.

The tent sites will be screened from adjoining properties by a 6 foot high opaque privacy fence. Signage will be posted on the fence facing each tent site prohibiting guests from hanging anything on or over the fence.

D. The proposed use will comply with all regulations of the El Paso County Land Development Code and all County, State and Federal regulations except those portions varied by this action.

Rocky Top RV Park/Campground will comply with all regulations of the County Land Development Code, and all County, State and Federal regulations, except those portions varied by approval of the requested use variance.

E. The proposed use will not adversely affect wildlife or wetlands.

The proposed use is not located within a Federally protected wetland, and no impact to endangered species is expected.

F. The applicant has addressed all off-site impacts.

The applicant is aware of no existing off-site impacts from the RV park and campground business. All campground activities will be conducted on-site. Entry to and exit from the RV park/campground is from Highway 24 and is separated a reasonable and safe distance from the Highway by a gravel road. A pre-existing private gravel road (Lucky 4 Road) runs past the west property line and is screened by a natural berm and a concrete block retaining wall that extends 1' to 3' in height.³ The privacy fence will be lowered so that it does not exceed the maximum height allowed in the setback. All lighting will be shielded from neighboring properties and will be equipped with dusk-to-dawn sensors.

³All retaining walls on the Rocky Top property are 4' or less in height. Pursuant to Pikes Peak Regional Building Department regulations, permits are needed for retaining walls *greater* than 4' in height. No permit is required for an accessory structure of less than 200 square feet, and no permit is required for fences less than 7 feet in height. See, Pikes Peak Regional Building Department website at: <https://www.pprbd.org/Information/HomeownerPermit>.

G. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping.

The RV park/campground is contained wholly within the boundaries of the subject property. Access to the property is provided from Highway 24 via a short gravel road and two driveway entrances. The driveway entrances and access road are sufficiently wide to accommodate large RVs and emergency vehicles. The access driveways have been previously granted by the Colorado Department of Highways (a/k/a "CDOT") by a recorded Deed of Access Rights. See, Appendix A. The Applicant has filed revised access permit applications with CDOT, copies of which are included in Appendix A. The Applicant's counsel is in direct communication with Mr. Arthur Gonzales of CDOT concerning the driveway access permits.

Campers access their campsites via internal private roads with a posted speed limit of 10 mph. All roads and campsites are configured to safely accommodate larger RVs and emergency vehicles. Ample parking, including ADA accessible parking, is provided at the campsites, in front of the motel office, and at the tent sites. Traffic volume to the motel and RV park/campground together averages 70 vehicle trips per day during the busier Summer months (35 vehicles x two trips per day). The Applicant acknowledges that LDC Section 6.2.5.C.2.c.iii requires paving for 25 or more parking spaces, and that a waiver request will be required with the Site Development Plan if paved parking spaces are not proposed.

Bear proof trash receptacles are located in 3 places within the campground and will be screened with wooden fence enclosures. Within the next two years Mr. Nieman intends to surround the perimeter of the property with opaque screening (6 foot high opaque fence or trees that will attain at maturity a minimum height of 6 feet), which will comply with all material, height, and setback requirements of the LDC.

The property contains existing trees and natural vegetation that provide adequate screening and landscaping. The property also contains an enclosed dog park, and ample open space between the existing motel and RV park/campground.

H. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

The RV park/campground has water and sewer hookups at each site, one dump station, a fenced dog park, two bathhouse and laundry buildings, and a dish washing station. A 12' x 16' building will be constructed for bathrooms to serve the tent sites.

Water is provided by an adjudicated commercial well. A copy of the Court Judgment and Decree is included with the application. Maintenance and pumping of the permitted onsite wastewater treatment system is provided by Arrowhead Septic and Divide Septic Services. Mr. Nieman understands that pursuant to the Judgment and Decree in Water Court Case No. 82CW5, Division 2, the Applicant, its successors and

assigns, cannot pump more than 14.7 gallons per minute for the uses allowed under the Decree.

The property owner to the west of the Rocky Top property installed a drain under Lucky 4 Road that redirected storm water, which historically flowed down or along the west side of Lucky 4 Road, onto the Rocky Top property causing erosion and damage to the Rocky Top property. Mr. Nieman recently installed some concrete block retaining walls and french drains along or near the west property line to stop the erosion caused by the redirected historic flow from the property to the west. The drainage report submitted with the subsequent site development plan will address the historic drainage pathway on the adjoining property and the adverse impact of this improper diversion of water by the adjoining property owner. All required engineering documents will be submitted with the site development plan.

Access to the RV park/campground is provided via an existing gravel road from Highway 24 and two access entrances deeded to the property by the Deed of Access Rights referenced previously herein.⁴ Both access driveways and roads can accommodate large RVs and emergency vehicles. The roads and driveways will be maintained annually or as needed by surface grading and the addition of gravel where needed. This routine maintenance will not result in any adverse impacts.

The property is served by the Green Mountain Falls Fire Protection District and the El Paso County Sheriff's Department. The response time to emergency calls is about 5 minutes.

I. The strict application of any of the provisions of the El Paso County Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property.

The existing motel and RV park/campground needs significant and expensive maintenance and repairs. The cost of this work will exceed the regular income of the business for several years and place an undue financial burden and hardship on Mr. Nieman if he is unable to obtain the legal non-conforming use approval for the RV park/campground.

When marketing the property for sale, the previous owners highlighted, among other things, the 3 bedroom/2 bath owner's residence attached to the motel. Mr. Nieman purchased the property with the expectation that he and his family would live there just as other owners had before him. It would pose a significant financial burden to Mr. Nieman and his family if they were prohibited from living onsite.

⁴Copies of the Access Permit Applications for the two driveways are included in Appendix A.

APPENDIX A

Recorded at 9:00 o'clock A.M., FEB 2 1972, 19 BOOK 2465 PAGE 195
Reception No. 860329 PLAID Recorder

KNOW ALL MEN BY THESE PRESENTS: That I, or We,

DAVID A. HANSEN and VIVIAN F. HANSEN, J.T.

the Grantor or Grantors,
of the _____ County of El Paso and State of Colorado
for and in consideration of the sum of TEN DOLLARS, and other good and valuable considerations to the said Grantor or Grantors in hand paid, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do hereby GRANT, BARGAIN, SELL, CONVEY AND CONFIRM unto

STATE DEPARTMENT OF HIGHWAYS Division of Highways, State of Colorado

the Grantee, its successors and assigns forever, the following right and interest in real property, situated in the _____ County of El Paso and State of Colorado, owned by said Grantor or Grantors, to-wit:

EACH AND EVERY RIGHT OR RIGHTS OF ACCESS OF THE GRANTOR OR GRANTORS to and from any part of the right-of-way for Colorado State Highway No. 24, a Freeway established according to the laws of the State of Colorado, and from and to any part of the said real property of the Grantor or Grantors abutting upon said Highway, along or across the access line or lines described as follows:

F 024-2(1) Sec. 1

PARCEL NO. AC-110 REV.

NORTHEASTERLY LINE

Beginning at a point of intersection of the westerly property line and the northeasterly right of way line of S.H. No. 24 as recorded in Book 910, Page 473 of the El Paso County records, from which the W $\frac{1}{2}$ corner of Sec. 9, T. 13 S., R. 68 W. of the 6th P.M. bears S. 37° 02' W., a distance of 644.8 feet;

1. Thence along said northeasterly right of way line, along the arc of a curve to the left, having a radius of 1,567.1 feet, a distance of 15.0 feet (the chord of this arc bears S. 55° 04' E. a distance of 15.0 feet) to the center of a 30.0 foot opening which is being excepted from this access limitation;
2. Thence continuing along said northeasterly right of way line, along the arc of a curve to the left, having a radius of 1,567.1 feet, a distance of 15.0 feet (the chord of this arc bears S. 55° 37' E. a distance of 15.0 feet);
3. Thence continuing along said northeasterly right of way line, S. 55° 53' 30" E., a distance of 305.4 feet to the center of a 30.0 foot opening which is being excepted from this access limitation;
4. Thence continuing along said northeasterly right of way line, S. 55° 53' 30" E., a distance of 269.9 feet;
5. Thence continuing along the northeasterly right of way line, N. 34° 06' 30" E., a distance of 10.0 feet to a point on the easterly property line.

together with all the appurtenances thereunto belonging.

DDH FORM NO 250 (7-1-66)
FORMERLY ROW FORM NO 35

BOOK 2465 PAGE 196

Excepting, however, from this grant, the right of the Grantor or Grantors to have the following point or points of access at the locations set forth hereinafter, to be limited, however, in use by the Grantor or Grantors, to the width and purpose hereinafter designated:

WIDTH	USE OR PURPOSE	CENTER OF ACCESS OPPOSITE -	
		SIDE	STATION
30 foot		Left	2039+30 E.B.
30 foot		Left	P.O.S.T. 2036+05.4 E.B.

according to centerline stationing of the Grantee's Project No. F 024-2(1) Sec. 1

Further excepting from this grant, the right of the Grantor or Grantors to have access across the aforesaid line or lines at those points where passageways under the roadway, and public openings in said line or lines, may be provided for that purpose by the Grantee.

This deed, and the rights and interests herein conveyed, shall be and constitute a perpetual burden upon the real property of Grantor or Grantors, adjoining the hereinbefore described access line or lines, across which access will be denied, as herein set forth, and shall be binding upon the Grantor or Grantors, and all the heirs, successors and assigns of the Grantor or Grantors, with respect to said adjoining real property.

And the Grantor or Grantors, for themselves and for their heirs, successors, executors, administrators and assigns, do covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, the above bargained access rights and interests, in the quiet and peaceable possession of the Grantee, and its successors and assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, by, through or under the Grantor or Grantors, to WARRANT AND FOREVER DEFEND.

Signed, sealed and delivered this 2 day of January, A.D., 1972.

DAVID A. HANSEN

VIVIAN F. HANSEN

STATE OF Colorado

The foregoing instrument was acknowledged before me this 2 day of January, A.D., 1972, by DAVID A. HANSEN & VIVIAN F. HANSEN, J.T.

Witness my hand and official seal.

My Commission expires 12/31/74

STATE OF Colorado

The foregoing instrument was acknowledged before me this 2 day of January, A.D., 1972, by DAVID A. HANSEN & VIVIAN F. HANSEN, J.T.

Witness my hand and official seal.

My Commission expires 12/31/74

Notary Public

Reception No. <u>8611229</u>	Project <u>F 024-2(1) Sec. 1</u>	Location <u>Cascade - West</u>	Parcel No. <u>AC 110 REV.</u>
DEED OF ACCESS RIGHTS			
FROM			
DAVID A. HANSEN			
VIVIAN F. HANSEN, J.T.			
TO			
STATE DEPARTMENT OF HIGHWAYS			
Division of Highways, State of Colorado			
STATE OF COLORADO	County of <u>Jefferson</u>	ss	
I, the County Clerk and Recorder of the County aforesaid, do hereby certify that the within document was filed for record in my office on the <u>2</u> day of <u>January</u> , A.D., 19 <u>72</u> , at the hour of <u>2:00</u> o'clock <u>P.M.</u> , and was thereafter by me duly recorded in Book <u>2465</u> , Page <u>196</u> , of the records of my office.			
HARRIET BEALLS County Clerk and Recorder			
Doris Beckley Deputy			
File <u>5-25</u>			
AFTER RECORDING, PLEASE MAIL TO STATE DEPARTMENT OF HIGHWAYS Division of Highways, State of Colorado 1600 North 1st Ave. Denver, Colorado, 80222 Attention: STAFF RIGHT OF WAY ENGINEER			

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application
acceptance date:

Instructions:

**Please print
or type**

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

1) Property owner (Permittee) G&D Enterprises, Corp.		2) Applicant or Agent for permittee (if different from property owner) Daniel P. Nieman, President	
Street address 10090 West Highway 24		Mailing address P.O. Box 215	
City, state & zip Green Mtn Falls CO 80819	Phone # (719) 684-9044	City, state & zip Green Mtn Falls CO 80819	Phone # (required) (989) 430-8065
E-mail address Karan@rockytopco.com		E-mail address if available rocko928@hotmail.com	
3) Address of property to be served by permit (required) 10090 West Highway 24, Green Mountain Falls, CO 80819			
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? county El Paso subdivision block lot section 9 township 13 range 68			
5) What State Highway are you requesting access from? Highway 24 West		6) What side of the highway? <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	
7) How many feet is the proposed access from the nearest mile post? 4,330 feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W from: 291		How many feet is the proposed access from the nearest cross street? 315 feet <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W from: Lucky 4 Road	
8) What is the approximate date you intend to begin construction? 3/1/2021			
9) Check here if you are requesting a: <input checked="" 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 Motel and RV Park/Campground			
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: Request is to obtain permit for existing driveway access point from Hwy 24 West. and/or, permit date:			
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe:			
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input checked="" type="checkbox"/> no <input type="checkbox"/> 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
Motel & RV Park/Campground	406,002		
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			
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 5	# of multi unit trucks at peak hour volumes 25	
# of single unit vehicles in excess of 30 ft. 5	# of farm vehicles (field equipment) 0	Total count of all vehicles 35	

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

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

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: <https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view>

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.

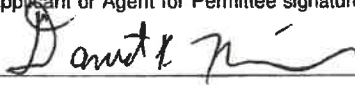

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If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

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 Daniel P. Nieman	Date Jan. 29, 2021
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.		
Property owner signature 	Print name Daniel P. Nieman, President	Date Jan. 29, 2021

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application
acceptance date:

Instructions:

**Please print
or type**

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

1) Property owner (Permittee) G&D Enterprises, Corp.		2) Applicant or Agent for permittee (if different from property owner) Daniel P. Nieman, President	
Street address 10090 West Highway 24		Mailing address P.O. Box 215	
City, state & zip Green Mtn Falls CO 80819	Phone # (719) 684-9044	City, state & zip Green Mtn Falls CO 80819	Phone # (required) (989) 430-8065
E-mail address Karan@rockytopco.com		E-mail address if available rocko928@hotmail.com	
3) Address of property to be served by permit (required) 10090 West Highway 24, Green Mountain Falls, CO 80819			
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? county El Paso subdivision block lot section 9 township 13 range 68			
5) What State Highway are you requesting access from? Highway 24 West		6) What side of the highway? <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	
7) How many feet is the proposed access from the nearest mile post? 4,438 feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W from: 291		How many feet is the proposed access from the nearest cross street? 108 feet <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W from: Lucky 4 Road	
8) What is the approximate date you intend to begin construction? 3/1/2021			
9) Check here if you are requesting a: <input checked="" 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 Motel and RV Park/Campground			
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: and/or, permit date: Request is to obtain permit for existing driveway access point off Hwy 24 Easement Road.			
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe:			
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input checked="" type="checkbox"/> no <input type="checkbox"/> 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	
Motel & RV Park/Campground		406,002	
(tent site access)			
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?			
type		number of units	
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 8	# of multi unit trucks at peak hour volumes 0
# of single unit vehicles in excess of 30 ft. 0		# of farm vehicles (field equipment) 0	Total count of all vehicles 8

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

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

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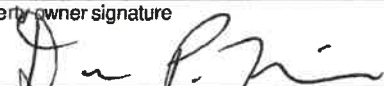
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APPENDIX B

Rocky Top Campground Rules and Regulations

1. Our office hours are **(Summer) 9:00 AM-8:00 PM or (Winter) 9:00 AM-6:00 PM**. Registration must be accomplished on arrival and payment is due in advance of your stay here. Checkout time for the campground is 12:00 PM and strictly enforced. You may be responsible for an additional day of site rent if you do not vacate your site by 12:00 PM on the day of your departure.
2. Rec Room hours are **(Summer) 10:00 AM-8:00 PM or (Winter) 9:00 AM-6:00 PM**. **All children 14 years old and younger must have parental supervision**. Alcoholic beverages are not allowed inside the rec room. Do not move any of the game tables or remove games and/or game pieces from the rec room.
3. A maximum of two vehicles per site are allowed and they must be parked in the site you are paying for. If a 2nd vehicle will not fit on your site, you will need to ask management where you should park, and you will be charged \$3.00/day or \$50.00/month for additional parking. If there is not room for your guest to park on your site, please contact the office to be advised where they should park.
4. Quiet hours are observed from **10:00 PM till 8:00 AM**. The volume of noise or music must be low enough that it will not disturb others. Generators are not to be used in the park. **ABSOLUTELY NO FIREWORKS OR FIREARMS ARE TO BE DISCHARGED AT ANY TIME!!!**
5. In the event that you have guests visit you and they want to use campground amenities, or stay overnight, the office must be notified. A fee may apply for that usage.
6. Please use the utilities designated for your space only unless directed by the management of Rocky Top.
7. Quiet pets, under control and on a leash at all times, are welcome. All pets are to be walked on designated pet walks or on the roads throughout the campground. Pets are not to be left unattended in or around vehicles or campsites at any time. Dog houses are not allowed on sites. Pets left unattended in your RV or tent must be quiet in your absence. All pet's solid messes must be cleaned up immediately, including your site. If you are seen by any Rocky Top employee not picking up pet messes, you may be charged a \$50.00 cleanup fee for each incident. **Absolutely no pets are permitted in buildings**. If pet messes are left on your site when you check out, your credit card on file will be charged a \$50.00 cleanup fee.
8. Guests not on sewer hookups are required by law to retain all waste water in a suitable container. These containers are to be emptied only at the dump station. Dishes are not to be washed in the upper restrooms/showers. The lower restrooms have a dish washing station available only during summer season for your use. No washing of any vehicles or servicing (oil change) is permitted on this property.
9. The speed limit throughout the park is **10 MPH**. ATV's and dirt bikes (except for Rocky Top's maintenance ATV) are not to be ridden for pleasure riding on Rocky Top's property.
10. Rocky Top is surrounded by private property. Please respect others' property by keeping all people and pets inside our fence.

11. All sites must be kept neat and free of clutter. Only items used for camping are allowed to be left outside on your site.
12. Parents **MUST** accompany small children to the washrooms and showers. Children under 18 are subject to a 10:00 PM curfew unless accompanied by parents.
13. **STATE LAW DOES NOT ALLOW SMOKING IN ANY PUBLIC BUILDING. VIOLATION OF THIS LAW ON ROCKY TOP'S PROPERTY WILL RESULT IN A CHARGE TO YOU OF \$250.00 ON THE CREDIT CARD YOU HAVE PROVIDED BELOW.**
14. If you use the campgrounds during the colder months you will need to heat tape your water hose and plug in both your heat taped water hose and our heat taped water hydrant. If any damage results because of freezing due to your negligence then you will be responsible for any repairs to the facility, for any loss of business that may occur, and any inconvenience to other campers due to the problems you cause. **Any damages to Rocky Top property will be charged to the credit card you provided below.**
15. Vandalism will not be tolerated, and violators will be prosecuted.
16. Excessive use of alcohol with disruptive behavior or any evidence of illegal drugs will result in law enforcement being called and you and others with you will be asked to leave the property immediately.
17. Campfires are permitted in fire rings only. **FIRE RINGS ARE NOT TO BE MOVED.**
18. Garbage is to be placed into the dumpsters provided to keep wild animals away from campers.
19. The equipment, apparatus and facilities furnished are solely for the convenience of guests and **ALL PERSONS USING SAME DO SO AT THEIR OWN RISK. MANAGEMENT WILL NOT BE RESPONSIBLE FOR ACCIDENTS, INJURIES OR LOSS OF PROPERTY BY FIRE, THEFT, WIND OR ANY ACT OF GOD. MANAGEMENT WILL NOT BE RESPONSIBLE FOR LOSS OF MONEY OR VALUABLES OF ANY KIND.**
20. Management reserves the right to refuse service to anyone or make changes or supplement these rules as may be necessary. Violation of **ANY** of these rules may result in eviction **WITHOUT REFUND.**

FYI – We have cameras throughout the property for your safety.

Please help us to keep our facility clean, neat and comfortable for all our guests. **THANK YOU** for your support to make everyone's stay at Rocky Top Motel and Campground a pleasant experience.