



**NUTRIENT FARM
PLANNED UNIT DEVELOPMENT**

NARRATIVE

NUTRIENT HOLDINGS LLC

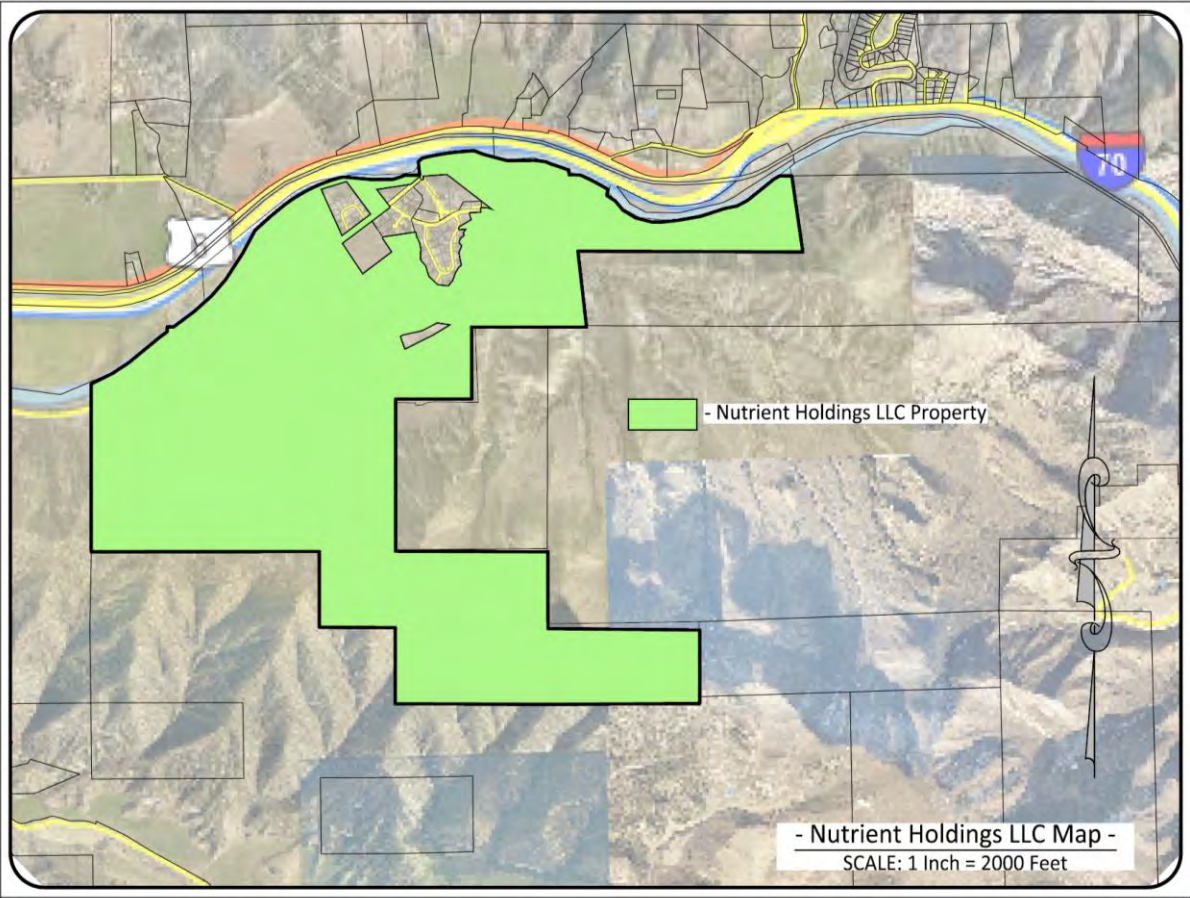
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NUTRIENT FARM

NUTRIENT HOLDINGS LLC PROPERTY OWNERSHIP



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All the above Team Members have degrees and/or professionally licensed and certified in their respective fields and qualified to practice in Colorado and prepare the documents contained within

this submittal package. Any necessary stamps/certifications have been included on/in the applicable maps and documents.

TABLE OF CONTENTS

A. LIST OF APPLICATION SUBMITTAL MATERIALS.....	1
B. OVERVIEW OF THE REQUEST.....	4
C. LEGAL DESCRIPTION.....	8
D. BACKGROUND.....	11
1. Preliminary Map of the Riverbend PUD and Declaration of Protective Covenants....	11
2. Riverbend PUD Amendments and Subdivisions.....	16
E. DESCRIPTION OF SUBMITTAL REQUIREMENTS (6-302.).....	20
1. PUD Plan – PUD General Descriptions (6-302.A.1.a.-e.).....	21
a. General Project Concept and Purpose of the Request.....	21
b. Explanation of General Conformance with the Comprehensive Plan.....	39
c. Description of Development Departures/Intent and Purpose Met.....	53
d. Relationship to Existing and Adjacent Land Uses.....	61
e. Phasing and Timing of Development.....	62
2. PUD Plan – PUD Technical Descriptions (6-302.A.2.a.-h.).....	64
a. Method and Calculation of Densities.....	64
b. Wastewater Facilities.....	66
c. Water Facilities.....	66
d. Public Utilities.....	67
e. Fire Protection.....	67
f. Responsibilities for the Provision of Community Amenities.....	68
g. Impacts to County Services, Schools, and Town Services.....	69
h. Documentation or Likelihood of Achieving Legal Access.....	70
3. PUD Plan – PUD Plan Map (6-302.A.3.a.-p.).....	72
4. PUD Plan – PUD Plan Guide (6-302.A.4.a.-d.).....	73
F. PUD ZONING – REVIEW CRITERIA (6-202.C.1.-5.).....	86
1. Purpose and Applicability (6-101.A. and B.).....	87
2. Development Standards (6-401.A.-I.).....	88
3. Standards, Article 7, Division 1, excluding 7-101. (Including reference to section 4-203.M. regarding Water Supply in section 7-104.).....	90
a. 7-102. Comprehensive Plan and Intergovernmental Agreements.....	90
b. 7-103. Compatibility.....	91
c. 7-104. Source of Water (Including reference to 4-203.M. Water Supply).....	92
d. 7-105. Central Water Distribution and Wastewater Systems.....	92
e. 7-106. Public Utilities.....	95
f. 7-107. Access and Roadways.....	96
g. 7-108. Use of Land Subject to Natural Hazards.....	99
h. 7-109. Fire Protection.....	101

4. Rezoning Criteria (4-113.C.1.-4.) / Rezoning Justification Report (4-203.H.).....	103
a. Logical and Orderly Development Pattern.....	103
b. Areas Have Changed/Changing.....	104
c. Community Need Addressed.....	105
d. General Conformance with the Comprehensive Plan and Any Applicable Intergovernmental Agreement.....	105
5. Established Zoning Standards.....	107
a. Development Standards (6-401.A.-I.).....	107
b. Site Planning and Development Standards (Article 7, Division 3).....	108
1) 7-301. Compatible Design.....	108
2) 7-302. Off-Street Parking and Loading Standards.....	110
3) 7-303. Landscaping Standards and 6) 7-306. Trail and Walkway Standards	110
4) 7-304. Lighting Standards.....	111
5) 7-305. Snow Storage Standards.....	111

G. ADDITIONAL REQUESTED INFORMATION PER NOVEMBER 22, 2022

LETTER.....	113
1. Updated Title Commitment.....	113
2. Recorded Statement of Authority.....	113
3. Matthies Exemption Plat Amendment Discussion.....	113
4. Boundary Line Adjustment Discussion.....	114
5. Updated Public Notice Mailing Lists and Mineral Owners Lists.....	115
6. Colorado Geological Survey Payment.....	115
7. Mapping of Legal Descriptions of the Existing PUDs and Proposed PUD.....	115
8. Specific Responses to Article 7, Division 2 Standards.....	117

A. LIST OF APPLICATION SUBMITTAL MATERIALS

Appendix A	Pre-Application Conference Summary
Appendix A.1	November 22, 2022 Letter from Glenn Hartmann (NFPUD NTC Letter)
Appendix B	General Application Materials (4-203.B.):
Appendix B.1	• Land Use Change Permit Application Form and Request of Waivers
Appendix B.2	• Waivers Request Letter – Submission Requirements
Appendix B.3	• Statement of Authority (Reception No. 981220)
Appendix B.4	• Letter of Authorization
Appendix B.5	• Evidence of Ownership – Special Warranty Deed – Land (Reception No. 949446)
Appendix B.6	• Evidence of Ownership – Special Warranty Deed – Mineral Rights (Reception No. 949447)
Appendix B.7	• Evidence of Ownership – Title Commitment – Commonwealth Title Company of Garfield County, Inc. File No. 213068
Appendix B.8	• Nutrient Holdings LLC – Articles of Organization and Statement of Change Changing the Principal Office Address
Appendix B.9	• Memo – Chain of Title
Appendix B.10	• List of Names and Mailing Addresses of All Property Owners within the Coal Ridge PUD to be Vacated and Map. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC
Appendix B.11	• List of Names and Mailing Addresses of All Property Owners within the Riverbend PUD Amendment Area and Map. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC
Appendix B.12	• List of Names and Mailing Addresses of All Property Owners within the Remaining Riverbend PUD Area. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC
Appendix B.13	• Map of All Property Owners within the Remaining Riverbend PUD Area
Appendix B.14	• List of Names and Mailing Addresses of All Property Owners within 200’ of the Nutrient Holdings Property/Nutrient Farm PUD Area. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC
Appendix B.15	• Map of All Property Owners within 200’ of the Nutrient Holdings Property/Nutrient Farm PUD Area
Appendix B.16	• Certificate of Mineral Owner Research and List of Names and Mailing Addresses of All Mineral Estate Owners and Lessees within Subject Site. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC
	Fees:
	• \$ 500 Base Fee (Check previously submitted with original package.)
	• \$2,500 Colorado Geological Survey Fee (Check separately submitted with this package.)
Appendix B.17	• Payment Agreement Form
Narrative	• General Project Description

Appendix C	Nutrient Farm Vicinity Map (203.C.) (Reduction – 8”x11” showing three mile radius.)
Appendix D	Nutrient Farm Site Plan (4-203.D. Provided – waiver requested as many of these items are shown on the PUD Plan Map/or not applicable since no structures/improvements proposed at this time.) (Reduction. Full size bound separately.)
Appendix E	Nutrient Farm Impact Analysis Report (4-203.G.)
Additional Supporting Material to the Impact Analysis Report:	
Appendix E.1	• Soils and Geohazards Evaluation, Riverbend PUD
Appendix E.2	• Phase III Bond Release and Termination of Jurisdiction
Appendix E.3	• Nutrient Farm Slope Analysis (Reduction. Full size bound separately.)
Appendix E.4	• Nutrient Farm Preliminary Floodplain Mapping – Draft. (Reduction. Full size bound separately.)
Appendix E.5	• Weed Management Plan Nutrient Farm PUD
Appendix E.6	• Reclamation Plan Nutrient Farm PUD
Appendix E.7	• Reclamation Plan Vulcan Ditch
Appendix E.8	• Nutrient Farm Sound Modeling and Testing Report
Appendix F	Development Agreement (4-203.J.) and Phasing Plan
Appendix G	Nutrient Farm Level III Traffic Impact Study (4-203.L.)
Appendix H	PUD Plan Map (6-302.A.) (Reduction. Full size bound separately.)
Appendix I	PUD Plan Guide (6-302.A.):
Appendix I.1	• Exhibit A: Nutrient Farm Legal Description
Appendix I.2	• Exhibit B: Nutrient Farm PUD Plan Map (Reduction. Full size separately.)
Appendix I.3	• Exhibit C: Nutrient Farm Conceptual Access, Circulation and Parking Plan (Reduction. Full size bound separately.)
Appendix I.4	• Exhibit D: Table 2 – Nutrient Farm Land Use Table
Appendix I.5	• Exhibit E: Nutrient Farm Land Use Definitions
Appendix I.6	• Exhibit F: Table 10 – Nutrient Farm Allowed Signs Design Requirements
Additional Submittal Material:	
Appendix J	• Water Adequacy Report for Proposed Development (4-203.M.)
Appendix K	• Central Water Distribution and Wastewater Systems Report (4-203.M./N.; 7-105.)
Appendix L	• Water and Sewer Plan (Reduced. full size bound separately.)
Appendix M	• OWTS Engineering Report
Appendix N	• Special Warranty Deed – Water Rights (Reception No. 949448)
Appendix O	• Special Warranty Deed – Water Rights (Reception No. 949449)
Appendix P	• RB Water and Sewer Co. (“RBWS”) and Riverbend Water and Sewer Co. (“RWSC”) Will Serve Letter
Appendix Q	• Xcel Energy Will Serve Letter
Appendix R	• Sopris Engineering Survey (May 25, 2011)
Appendix S	• Riverbend Planned Unit Development Information:
Appendix S.1	• November 17, 1983, April 25, and May 11, 1984 Letters from Mark Bean and Janell Kenzie
Appendix S.2	• Preliminary Map of the Riverbend Planned Unit Development (Reduction. Full size bound separately.)

Appendix S.3	• Declaration of Protective Covenants for Riverbend, Garfield County, Colorado
Appendix S.4	• Map – Nutrient Holdings Property/Nutrient Farm PUD Area Overlayed on the Original Riverbend PUD Boundaries
Appendix T	• Coal Ridge Planned Unit Development Information:
Appendix T.1	• Resolution No. 84-261 Riverbend PUD Amendment to allow for the Coal Ridge Planned Unit Development. (Includes legal description.)
Appendix T.2	• Coal Ridge Planned Unit Development Plan Map – per County website
Appendix T.3	• Coal Ridge PUD Legal Description
Appendix T.4	• Map – Coal Ridge PUD Boundaries Overlayed on the Nutrient Holdings Property. (Reduction. Full size bound separately.)
Appendix U	• Map – Coal Ridge PUD Revocation and the Riverbend PUD Amendment Areas on the Nutrient Holdings Property/Nutrient Farm PUD Area. (Reduction. Full size bound separately.)
Appendix V	• Riverbend Subdivisions:
Appendix V.1	• Riverbend Filing No. 1 (Reception No. 281326)
Appendix V.2	• Riverbend Filing No. 2 (Reception No. 281329)
Appendix V.3	• Riverbend Filing No. 2 Amended (Reception No. 299710)
Appendix V.4	• Riverbend Ranchettes (Reception No. 290481)
Appendix V.5	• Matthies Exemption (Reception No. 471051)
Appendix V.6	• Cedar Ridge (Reception No. 501840)
Appendix V.7	• Riverbend Filing No. 5 (Reception No. 517550)
Appendix W	• Riverbend PUD Resolutions:
Appendix W.1	• Resolution No. 77-2 Approving a Rezone to Riverbend PUD
Appendix W.2	• Resolution No. 84-261 Approving a Riverbend PUD Modification to Coal Ridge PUD
Appendix W.3	• Resolution No. 94-130 Approving the Matthies Subdivision Exemption. *No PUD Amendment requirement found
Appendix W.4	• Resolution No. 95-074 Approving the Riverbend Filing No. 5 PUD Amendment and its Site Plan
Appendix X	• Riverbend PUD Area Declarations and Covenants:
Appendix X.1	• Protective Covenants Riverbend Filing No. 1 (Reception No. 281327)
Appendix X.2	• Declaration of Protective Covenants Cedar Ridge
Appendix X.3	• Declaration of Protective Covenants Riverbend PUD Filing No. 5

B. OVERVIEW OF THE REQUEST

This planned unit development proposal is submitted on behalf of the Owner, Nutrient Holdings LLC (“Owner/Developer”). The Owner/Developer is requesting approval to establish the Nutrient Farm Planned Unit Development (“PUD”) by concurrently vacating the entirety of the existing Coal Ridge PUD and amending the remaining unsubdivided portions of the Riverbend PUD. (Please refer to the separate applications to revoke the Coal Ridge PUD and amend the Riverbend PUD for details.) Nutrient Farm is an agricultural mixed-use community revolving around a biodynamic working farm. Nutrient Holdings intends to develop the Nutrient Farm PUD as a cohesive community and has no intention of selling off any portions of it to others to develop.

The subject Nutrient Farm property, as described in detail herein (“property”), is currently subject to the aforementioned PUDs, on certain sections of the property, and both such PUDs must be either vacated or amended as to the property in order to allow for the new Nutrient Farm PUD to take effect. The area of the Coal Ridge Revocation and Riverbend PUD Amendment corresponds with the total property owned by Nutrient Holdings and the total Nutrient Farm PUD area. No properties owned by others in the Coal Ridge or Riverbend PUD areas are included in this request. (Please refer to the Commonwealth Title Company of Garfield County, Inc. File No. 2103068 title commitment and Special Warranty Deed Reception No. 949446 for the Nutrient Holdings legal description. Please note that the listed area exceptions include the Riverbend Subdivision Filing Nos. 1 and 2, the Riverbend Ranchettes, the Cedar Ridge Subdivision, the Riverbend Subdivision Filing No. 5, and the Matthies Exemption/Lake property. A copy of the Sopris Engineering survey illustrating the property and these excepted areas has also been provided in this submittal package.)

Nutrient Farm is located between the Town of New Castle and Glenwood Springs, and to the south of Interstate-70 (“I-70”) and the Colorado River. It is bisected by County Road (“CR”) 335/Colorado River Road. The property consists of four parcels containing approximately 1,136 acres, located on a benched area between the Colorado River and the Grand Hogback. (Assessor’s records Parcel ID Numbers are: 2123-353-00-081, 2183-061-00-057, 2123-344-00-007, 2123-344-00-005, and 2183-053-00-086. Per our surveyor’s research, for reasons he was unable to determine, these five Assessor’s parcels were combined and re-organized into four parcels, A, B, C, and D, for the property’s formal legal description in the title commitment. The following shows how each Assessor Parcel ID Number relates to the title commitment and deeds:

- Assessor Parcel ID Number 2123-344-00-005 is part of Parcel B;
- Assessor Parcel ID Number 2123-344-00-007 is part of Parcel B;
- Assessor Parcel ID Number 2123-353-00-081 is all of Parcel A and part of Parcel B;
- Assessor Parcel ID Number 2183-053-00-086 is all and only Parcel D; and
- Assessor Parcel ID Number 2183-061-00-057 is all of Parcel C and part of Parcel B.

A map has also been provided illustrating the location of the various Assessor Parcel ID Numbers on the Nutrient Holding property and the location of the Riverbend PUD Amendment area and the

Coal Ridge Revocation area. (Please also refer to the later Legal Description discussion in this Narrative for more information.)

The property has historically been used for crop production and grazing and continues to be used as such by Nutrient Holdings. The long established Vulcan Ditch runs through the property and other agricultural improvements such as fences, gates, ditches, sheds, greenhouses, and dirt roads exist. There is one existing single-family home (“Farm House”) to the south of Riverbend Filing No. 2 located on a portion of the original Riverbend PUD designated for single-family homes.

The proposed Nutrient Farm PUD area encompasses and corresponds to the entire existing Coal Ridge PUD area and the remaining unsubdivided portions of the Riverbend PUD area. (Please see below for background history on the two PUDs.) The proposed Nutrient Farm PUD seeks to establish a new PUD for the property revolving around an experiential biodynamic working farm—in other words, a fully functional and operational biodynamic farm, employing the high standards of that category, while also inviting visitors to experience agricultural, residential, and recreational and retail/commercial related activities thereon—essentially “agritourism.”

Nutrient Farm prioritizes healthy living and responsible stewardship of the land and wants this agritourist experience to help convey that message to the public. Nutrient Farm will utilize organic and biodynamic agricultural practices such as avoiding all synthetic chemical pesticides, fertilizers, and transgenic contamination. Nutrient Farm will largely be a self-contained, self-sustaining ecosystem following organic and biodynamic practices with the goal of becoming formally organic and biodynamically certified in the near future. Specific land uses and development standards have been established in the proposed Nutrient Farm PUD Guide to foster the compatible and orderly development of Nutrient Farm so that it blends into the nearby residential development pattern and the natural landscape, and presents an exemplary operation for the community.

Nutrient Farm seeks to maintain the open, natural feel of the property, and blends uses, facilities and operations into the existing landscape. Accordingly, eight Development Areas (“Areas”) and four Private Open Space Tracts are planned and have been shown on the proposed PUD Plan Map. The Areas consist of two Working Farm areas, three residential areas, a residential/solar energy area, a recreational/entertainment area, and a commercial/industrial area. As seen on the PUD Plan Map, the heart of Nutrient Farm, and the majority of the usable land, are reflected in the biodynamic Working Farm areas.

The Working Farm – East is located on the eastern portion of the property and will be used to primarily grow hay and raise livestock. The Working Farm – West is located in the center of the property and is planned to grow fruits, vegetables, and herbs, and has a children’s Adventure Farm that is open to the public. Agricultural, educational, recreational, and agricultural tourist related activities such as u-pick orchards, corn mazes, hay rides, restaurant, greenhouse, Farm Store, agricultural processing buildings, tours, and solar energy systems are planned. These uses will blend into the functional farm operations. The restaurant will serve healthy products grown and

raised on Nutrient Farm and other local sources, and will be built near the Colorado River. Food, farm tours, and seasonal themed events such as a u-pick pumpkin patch and Halloween activities will take place here too.

In terms of residential planning, 18 new residential lots will be disbursed to the north and east of the western Working Farm. (The existing Farm House, even if redeveloped, is not a new unit, and this lot is not included in the 18 new lot count.) The new residential lots and their future homes will be comparable in planning, size, and scale to the existing Riverbend lots and homes. To that extent, two residential subdivisions are planned adjacent to CR 335, parallel to the Colorado River, near Riverbend Filing No. 5—one to the east and one to the west. Specifically, up to ten new single-family lots are proposed to the west of Riverbend Filing No. 5, and five new single-family lots are proposed to the east between Riverbend Filing No. 5 and the Riverbend Ranchettes. Two new single-family home sites are planned near the Working Farm – East, adjacent to Riverbend Drive, and one single-family home site will be located in the Working Farm – East, itself. The new homes are planned to be served by Riverbend Water and Sewer Company (“RWSC”) facilities, subject to formal inclusion and commitment at the time of lot subdivision.

To the west and south of the Working Farm – West, we envision commercial/industrial uses, outdoor recreational activities, a music/entertainment area, campground, lodging facilities, and a Health and Wellness Retreat. The Health and Wellness Retreat will offer a variety of holistic, multi-disciplinary health services and activities. We seek to eliminate the existing approved heavy industrial uses contemplated in the Coal Ridge PUD and replace them with commercial and exceedingly light industrial uses, if any, such as a contractor’s yard, and a storage and sewage treatment facility supporting Nutrient Farm.

Crucially, by means of close and consistent collaboration with the community, the LoVa Trail will run east to west through Nutrient Farm along CR 335 and then align within a 25 foot wide easement to the east across the Colorado River. Numerous private recreational trails and walkways are planned throughout the property. An 80 foot right-of-way for CR 335 will be formally dedicated to the County for public use. (There is no record of its formal dedication to the County for public use on the property. Most likely, since the Riverbend PUD was never fully developed and subdivided, the CR 335 portion within Nutrient Farm was never dedicated to the County.) Development will be limited to the valley floor, while the steeper, more visible slopes backing up to the Grand Hogback will be designated as private open space—thereby preserving the scenic views to the mountains and serving as backdrop for the valley floor.

Nutrient Farm is planned as a sustainable holistic agricultural community revolving around a working farm. Non-organic chemical use will be prohibited and electro-magnetic radiation emissions will be restricted on the property by the Owner/Developer, as will any uses or materials which could potentially cause contamination to the farm’s crops and livestock, its residents, or guests. Nutrient Farm will be a predominantly self-contained community that provides its own food, infrastructure, and energy facilities as much as possible. Specifically, Solar Energy Systems, including solar electric and/or thermal energy systems, are planned on the northern portion of

Development Area 6 and Development Area 3 to maximize their solar orientation and efficiency. (Out of the shadow of the Hogback.) A solar energy system may also potentially be constructed in Development Area 5, if needed.

As mentioned above, CR 335 bisects the property, and will be dedicated to the County as a public right-of-way. Additional public rights-of-way and private roads will be constructed off of CR 335 to access the future residential subdivisions and various areas of Nutrient Farm. No County or municipal water or wastewater services are sought. Water and wastewater will be provided to the land uses within Nutrient Farm via a variety of means including connection to the existing RWSC facilities for the new residential homes. Water from the Vulcan Ditch, Coal Ridge Pump and Pipeline, and associated Coal Ridge Reservoir will be used for the other indoor and outdoor uses in the rest of the Development Areas. As the non-residential uses are widely dispersed across the vast western portion of the property, multiple on-site potable water treatment systems and On-Site Wastewater Treatment Systems (“OWTS”) will be constructed on the property. A State regulated “public water system” will be created in advance of any development with public use above the various triggering thresholds.

Our proposal is for a new PUD Guide that spans across the entire property and lays out the array of uses in the different areas therein. Accordingly, the existing Coal Ridge PUD will be formally vacated and the Riverbend PUD Amended concomitantly with the recordation of the proposed Nutrient Farm PUD. The Nutrient Farm PUD will bring back and emphasize the agricultural and light residential aspects of the property that were originally envisioned with the Riverbend PUD. The Nutrient Farm PUD is much more compatible with the nearby residential uses of the original Riverbend PUD and moves well away from the coal mine and heavy industrial uses allowed under the Coal Ridge PUD.

Ultimately, we see this as an opportunity to replace a rather old and convoluted PUD that has a history of small, isolated modifications, with a comprehensive PUD that better conforms to the current Garfield County Land Use and Development Code (“LUDC”) standards and expectations and goes back to original agricultural and residential intent of the original Riverbend PUD and the rural mountain character of Garfield County.

C. LEGAL DESCRIPTION

As mentioned earlier, the Nutrient Holdings property consists of four parcels, Parcels A, B, C, and D, containing approximately 1,136 acres. The legal description of this property came directly from the title commitments prepared by Commonwealth Title Company of Garfield County, Inc. The original title report Filing No. 1805028 was amended to reflect a price change, buyer/owner name change, include hyperlinks, new dates, correct punctuation and spacing in the legal description, etc. According to our surveyor, none of these edits impacted the boundaries of the property. An updated title report has been prepared by Commonwealth Title Company of Garfield County Filing No. 2103068 and included in this application package. Again, the legal description of the property has not changed from the original title commitment to this most recent one.

The title commitment's legal description was utilized for the Special Warranty Deed conveying the property from NCIG Financial, Inc. to APB Holdings LLC—the Owner/Developer's initial property holdings company on November 9, 2018 (Reception No. 913980). For business reasons, APB Holdings LLC subsequently conveyed the property to Nutrient Holdings LLC on January 28, 2021 via another Special Warranty Deed (Reception No. 949446). The Water and Mineral Rights were also conveyed in a similar manner through a series of accompanying specific special warranty deeds. Nutrient Holdings LLC is the Owner/Developer of Nutrient Farm and is the applicant of the Amendment to the Riverbend PUD, the Revocation of the Coal Ridge PUD, and the Nutrient Farm PUD requests. (Copies of the updated title commitment and the special warranty deeds have been attached.)

Exhibit A of the current title report identifies the property to be conveyed in the four parcels—each with its metes and bounds legal description. The legal descriptions specifically exclude a few areas from Parcels A and C; and also from Parcel B, such as the Lake parcel, the existing Riverbend Subdivisions Filing Nos. 1 and 2, the Riverbend Ranchettes, the school site, Riverbend Filing No. 5, and the Cedar Ridge Subdivision. For instance, the specific title report for Parcel B states exceptions as follows:

EXCEPTING FROM THE ABOVE DESCRIBED LANDS the following:

- 1. All that portion platted as Riverbend Subdivision Filing No. 1 as shown on Reception No. 281326*
- 2. All that portion platted as Riverbend Subdivision Filing No. 2 as amended as shown on Reception No. 281329 and No. 299710*
- 3. All that portion platted as Riverbend Ranchettes Final Plat as shown on Reception No. 290481*
- 4. All that portion conveyed to the Board of County Commissioners of Garfield County, Colorado, by Deed recorded August 31, 1979 in Book 534 at Page 416 as Reception No. 297140*
- 5. All that portion platted as Riverbend Subdivision Filing No. 5 as shown on Reception No. 517550*
- 6. All that portion platted as Cedar Ridge Subdivision as shown on Reception No. 501840*
- 7. All those portions described as Parcel No. 143; Parcel No. 143-A; and Parcel No. 143-B in the Rule and Order of the Garfield County District Court in Civil Action No. 6635 and recorded in Book 437 at Page 383 as Reception No. 255941*
- 8. All that portion of the lands described in the deeds recorded in Book 906 at Page 790 as Reception No. 464984, Book 863 at Page 424 as Reception no. 447796, and Book 1712 at Page 990 as Reception No. 679354.*

All as recorded in the office of the Clerk and Recorder of Garfield County, Colorado.

A survey prepared by Sopris Engineering was also obtained by APB Holdings during the initial due diligence for the sale of the property. The survey is titled “NCIG Ranch Parcel” and its Notes indicate that it relied on the original title commitment File No. 1805028. Sheet 1 of the survey contains the title commitment’s legal descriptions and sheet 2 contains its exceptions as noted above.

For illustration, Sheet 1 contains a map of the property and a legend in the lower left-hand corner that specifies the title commitment’s legal description for each Parcel A, B, C, and D, as well as the exceptions. Sheet 4 contains a boundary map with notes and calls illustrating the conveyed property. It can be seen that the various existing Riverbend developments—Riverbend Subdivision Filing Nos. 1 and 2, Riverbend Ranchettes, Cedar Ridge Subdivision, Riverbend Filing No. 5 Subdivision, and the Lake Parcel (Lot 2 of the original Matthies Exemption), as well as the 10 acre RE-2 School Site—are **not** included in the Nutrient Holdings property. Consequently, no such property interests are either contained in or affected by the proposed Riverbend PUD Amendment, Coal Ridge Revocation, or Nutrient Farm PUD requests.

The title commitment and this survey were utilized by SGM to prepare the Nutrient Farm PUD legal description, PUD Plan Map, and all the other maps and documents in these requests. All shown SGM map boundary areas match the Commonwealth Title Company title commitments’ legal descriptions and the Sopris Engineering survey. (A copy of the Sopris Engineering survey, the SGM Nutrient Farm PUD legal description, the Nutrient Farm PUD Plan Map, and legal descriptions of the proposed Riverbend PUD area to be amended and the Coal Ridge PUD area to be vacated have also been included for reference.)

As already mentioned, according to the Assessor’s records, the Parcel ID Numbers for the property are: 2123-344-00-005; 2123-344-00-007; 2123-353-00-081; 2183-053-00-086; and 2183-061-00-057. Per our surveyor’s research, for reasons he was unable to determine, these parcels were combined and re-organized into Parcels A, B, C, and D in the property’s legal description of the title commitment. The following shows how each Assessor Parcel ID Number relates to the title commitment and warranty deeds:

- Assessor Parcel ID Number 2123-344-00-005 is part of Parcel B;
- Assessor Parcel ID Number 2123-344-00-007 is part of Parcel B;
- Assessor Parcel ID Number 2123-353-00-081 is all of Parcel A and part of Parcel B;
- Assessor Parcel ID Number 2183-053-00-086 is all and only Parcel D; and
- Assessor Parcel ID Number 2183-061-00-057 is all of Parcel C and part of Parcel B.

A map has been provided illustrating the location of the various Assessor Parcel ID numbers on the Nutrient Holding property and the location of the Riverbend PUD Amendment area and the Coal Ridge Revocation area. Thus, the Riverbend PUD Amendment area consists of Parcel ID Numbers 2123-344-00-005, 2123-344-00-007, 2123-353-00-081, and portions of 2183-053-00-

086 and 2183-061-00-057 which also contain the Coal Ridge PUD area as the Coal Ridge PUD area was never formally subdivided. This amalgam of various property interests into the one new PUD is a fairly typical approach to any such PUD rezoning effort.

D. BACKGROUND

The history of the Riverbend development reaches back to a Sketch Plan that was reviewed and approved by the Board of County Commissioners (“BOCC”) on June 26, 1973. The Sketch Plan and materials from that time show a 617 residential dwelling unit community containing an outdoor education center, riding stables, open space, pasture, and a demonstration cattle ranch on approximately 1,180 acres. A Preliminary Plat for Riverbend was subsequently reviewed and approved by the Planning Commission on January 14, 1974. The Sketch Plan and Preliminary Plat approval pre-dated the County’s adoption of its Zoning regulations. Thus, when modifications to the approved subdivision were later sought by the developer, the County required that the subdivision request be accompanied by a formal PUD zoning application in order to meet the County’s new zoning policies. The development was reduced in immediate scope and size from 617 residential units to no less than 118 single-family and 80 multi-family dwelling units and those modifications were reviewed and approved as the Riverbend PUD in January 1977 by the Board of County Commissioners (“BOCC”) with Resolution No. 77-2. (Minutes from the meeting indicate that this was a Joint Meeting with the Planning Commission and the BOCC reviewing both the zone change to PUD for the Riverbend and the Preliminary Plat approval. Both requests were unanimously approved by the Planning Commission and the BOCC.)

1. Preliminary Map of the Riverbend PUD and Declaration of Protective Covenants

The Preliminary Map of the Riverbend Planned Unit Development dated August 1976 prepared by Scarrow and Walker and the associated Declaration of Protective Covenants for Riverbend, Garfield County, Colorado received by the County on August 4, 1976 became the controlling documents for the Riverbend PUD. Mark Bean, Senior Planner for Garfield County at the time, stated this in his April 13 and April 25, 1984 letters to Sam Arentz of Storm King Mines. (These letters have been attached as well as a May 11, 1984 letter from Janell Kenzie, representing Storm King Mines, further describing these documents, and questioning them as they were neither signed nor recorded.)

Mr. Bean stated in his April 13, 1984 Letter:

Dear Mr. Arentz:

Enclosed is a copy of the Declaration of Protective Covenants for Riverbend. In reviewing the file for PUD rezoning, it appears that the County accepted this document as the method of controlling land use within the PUD. Presently, a separate zoning text is required, which becomes a part of the resolution of approval.

It appears that your company will have to amend these covenants, to allow for some parts of your operation. Whether or not there is any action required on the part of the County is still in question. Normally, the County does not enforce protective covenants. I have asked the County Attorney’s office to review this matter...

In his April 25, 1984 Letter to Mr. Arentz Mr. Bean writes:

Dear Sam:

Please consider this letter to be confirmation for the County Attorney's Office and Department of Development position regarding the zoning of the Storm King Mines property. As noted on April 13, 1984, the following documents will be considered the controlling documents for the Riverbend P.U.D.:

- 1. The approved P.U.D. Plan Map as required by Section 4.08.05(2) of the Zoning Resolution is a map entitled, "PRELIMINARY MAP OF THE RIVERBEND PLANNED UNIT DEVELOPMENT," dated August, 1976 and prepared by Scarrow and Walker, Inc.*
- 2. The P.U.D. zoning text, as required by Section 4.08.05(2)(H) of the Zoning Resolution, is contained in the "Declaration of Protective Covenants for Riverbend, Garfield County, Colorado" and received by the Garfield County Planner on August 4, 1976, as a part of the P.U.D. rezoning and Preliminary Plan application.*

It was at this time that the Riverbend P.U.D. was created and the above referenced documents correspond in time to the time that Resolution No. 77-2 was signed....

The Preliminary Map has a number of land use designations on it and specific information about the shown Development Areas and Notes. The Preliminary Map shows a 376 acre "open space/agricultural land" area adjacent to County Road 335 and future development blocks for a total of no less than 198 residential units (118 single-family and 80 multi-family units), a 10 acre school site, a 0.33 acre commercial site for a convenience store, park/playground, stable, and associated infrastructure areas (i.e., sewage treatment facility, storage tank, etc.), and common areas. Documents from that time indicate the open space/agricultural land was to function as a working ranch and sufficient water rights existed for it. The 1,180.83 acre property was shown to be divided into 11 development blocks, including the residential and open space/agricultural areas. Hamilton Duncan, the owner/developer, envisioned the PUD as homes for local families and anticipated build-out of Riverbend in five phases within 10 years.

However, only a few of the residential areas shown on the Preliminary Map were eventually subdivided and developed with homes by the original owner/developer—Riverbend Subdivision Filing Nos. 1 and 2 and the Riverbend Ranchettes. The remainder of the property was sold off in the early 1980's—some of which were developed by others as residential subdivisions and some as the Coal Ridge PUD. Specifically, in 1984, Storm King Mines received approval to modify approximately 292 acres of the undeveloped western portion of the Riverbend PUD for the Coal Ridge PUD. The Coal Ridge PUD allows for a coal mine, heavy industrial support facilities, as well as residential and agricultural uses in it. The Coal Ridge PUD contains three types of

development districts—Common Open Space, Transition, and Heavy Industrial. Agricultural is a By-Right Use in both the Transition and Heavy Industrial Districts, and a single-family dwelling is also a By-Right Use in the Transition District. (Please refer to the Coal Ridge Revocation Narrative for details.) We note that the PC 4/12/95 and BOCC 6/5/99 Staff Reports for PUD Zone District and Text Amendment of the Riverbend PUD and Sketch Plan for the Riverbend by the River Subdivision (which later became Filing No. 5) relay this same history, reference the Scarrow and Walker Preliminary Map, and acknowledge the 198 residential units of density.

The existing Riverbend PUD is approved for no less than 198 residential units—118 single-family units and 80 multi-family units. (The notes on the Preliminary Map indicate that the 80 multi-family units may be developed as multi-family units or as single-family units.) The Preliminary Map contains a number of Notes discussing the residential development of the property—the location, type (i.e., single-family or multi-family), the size of the residential lots, as well as utility easements and public street dedications. The Preliminary Map shows residential lots in the existing Riverbend Subdivisions Filing Nos. 1 and 2 locations (designated as Phases I, II, and III on the Preliminary Map) and additional lots extending to the southwest along the foothills of Coal Ridge. According to the Preliminary Map and its Notes, these areas were to be developed as single-family lots of a “1/2 acre more or less.” These areas contain 70 single-family lots in Blocks 7-10 and were to be developed in Phase IV of the Riverbend PUD but were never subdivided or constructed—except for perhaps two single-family homes in the Matthies Exemption area which seem to correspond to Block 7/Phase IV.

The 80 multi-family/single-family units were shown on the northeastern portion of the property, adjacent to the Colorado River, in Block 6. They were to be developed in Phase V, but that subdivision too did not take place. Thus, according to the Preliminary Map, 70 single-family lots on the southwest portion of the property backing up to the Grand Hogback in Blocks 7-10 and 80 multi-family/single-family lots on Block 6 adjacent to the Colorado River have yet to be developed.

As mentioned above, the Preliminary Map also contains Development Areas information and provides a map legend of sorts that indicates the location of the uses. The shown Development Areas are as follows:

Development Areas

<i>Blocks No. 1, 2, 3, 4, 5, 7, 8, 9 and 10.</i>	<i>– 64.91 Acres</i>
<i>Roads in Blocks No. 1, 2, 3, 4, 5, 7, 8, 9 and 10.</i>	<i>– 17.44 Acres</i>
<i>Block No. 6</i>	<i>– 71.20 Acres</i>
<i>Block No. 11, Open Space and Agricultural Land</i>	<i>– 376.27 Acres</i>
<i>Sewage Treatment Easement Area</i>	<i>– 9.65 Acres</i>
<i>Common Area</i>	<i>– 641.36 Acres</i>
<i>Subdivision Total</i>	<i>1180.85 “</i>

The 10.06 acre school site was originally dedicated to the County in 1979 and then transferred from the County to the RE-2 School District in 1992 with BOCC Resolution No. 92-076. The entirety of CR 335 has not been formally dedicated as a public right-of-way. We believe that it was previously merely dedicated to the County in increments—in association with the development of the various subdivisions and their plats. (Please see below for a detailed discussion.) This approach has left a fairly significant stretch of said road outside of dedication or public control. Our proposal will specifically resolve that issue.

The Declaration of Protective Covenants for Riverbend, Garfield County, Colorado shows Mr. Duncan as the Declarant and “Owner of the Riverbend Subdivision.” The Declaration was to “include that portion of the property encompassing Filings I through IV as more particularly described as follows.” The legal description is then recited and the area totals 81.91 acres. As mentioned above, Riverbend Filing Nos. 1 and 2 and the Riverbend Ranchettes were platted by Mr. Duncan, which corresponds to Phases I – III. A portion of the Phase IV area was amended to the Coal Ridge PUD. Phase IV is located in the area owned by Nutrient Holdings. There is no record of this Declaration being executed or recorded per the County online Riverbend and Coal Ridge files, nor did it show up on the Commonwealth Title Report for the property. (This is similar to Ms. Kenzie’s 1984 correspondence to Mr. Bean noted above.)

The Land Uses and Building Types specify one single-family home for each lot, or the number of homes specified on the plat. The lots were to be used only for residential or recreational purposes, for a private garage, barn, and other outbuildings incidental to the residential uses. No lot was to be used for commercial or business purposes. The Declaration specifically exempted the other various uses from the Declaration shown on the Preliminary Map. It states, “The foregoing covenants shall not apply to Declarant or its agent, real estate sales offices, convenience store, and the activities constructed in connection with the development, farming, ranching or the providing of services to the development or public.”

The Declaration calls for all construction plans to comply with Garfield County’s zoning ordinance and for the plans to be submitted for review and approval by an Architectural Control Committee. A 1,000 square foot habitable floor area minimum is specified and references to setbacks, fences, signs, easements, refuse, livestock and poultry, landscaping, nuisances and firearms, parking, and outside antennas are made. Interference with the ranching operation is specifically addressed and prohibited. The Declaration states:

F. Interference with Ranching Operation

Because of the physical danger, as well as a potential dollar loss, it is essential that residents do not interfere with ranching activities or trespass on ranch property. Non-interference with ranching activities will be strictly enforced. Any representative of the Board of the Association or the ranch operator shall have the right to contact the Garfield County Sheriff’s Department regarding trespassing on private land. Any resident causing damage to

crops, livestock, ranch buildings or equipment all be assessed a penalty by the Board of the Associations sufficient to cover the dollar value of said damage.

Thus, the ranching/agricultural operation was central to the Riverbend development.

Article Four, Section A. Membership indicates that for the purposes of road maintenance, landscaping, and all common services or those for the general use and benefit of all lot owners, “...each and every lot owner, in accepting a deed or contract for any lot in the subdivision, agrees to and shall be a member of and subject to the obligations and duty enacted by-laws and rules of Riverbend Property Owners Association, a non-profit corporation.”

As mentioned above, we are unable to find any record of the Declaration being signed or recorded, let alone being enforced by the County. There is no record of the above mentioned Riverbend Property Owners Association in the online business records of the Colorado Secretary of State. There was also no mention of this Declaration in the available online staff reports relating to the various Riverbend PUD Amendments. Rather the PUD Amendments for the Riverbend Ranchettes, Coal Ridge PUD, and Filing No. 5 only noted the Preliminary Map. The PUD Amendment for Coal Ridge PUD did not even contain an analysis of the proposed mining operation in relation to the existing Riverbend Preliminary Map or the residential density. Rather, it focused on the proposed Coal Ridge PUD uses. However, the PUD Amendments for the Riverbend Ranchettes and Filing No. 5 did—only in terms of the location of the proposed uses and the amount of open space. (Please see below for details.) Consequently, we do not believe the Declaration is applicable—thus also not in need of amending.

Phase IV of that Plan includes part of the Nutrient Farm property, and the overlay area of the Coal Ridge PUD, and the density associated with that Phase IV of Riverbend has carried forth with that property but has never been utilized to date.

The non-applicability of this Declaration is further supported by the various individual subdivision declarations of record, which we have been able to obtain. For instance, Protective Covenants for Riverbend Subdivision Filing No. 1 Garfield County, Colorado was recorded under Reception No. 281327 in 1977. Online documents indicate that the County received signed and notarized Declaration of Protective Covenants for Cedar Ridge Subdivision Garfield County on November 14, 1996. An unsigned/unrecorded Declaration of Protective Covenants for Riverbend P.U.D. Filing No. 5 was also found in the County’s online documents. All of these declarations contain various use and design regulations for the development and occupancy of the future homes in them. We believe that these declarations would not have been established if the original Declaration was valid and applicable. At the very least, the Declaration would have been amended to incorporate them.

2. Riverbend PUD Amendments and Subdivisions

Over time, various portions of the original 1,180.83 acre Riverbend PUD were developed by Mr. Duncan as planned with single-family subdivisions—Riverbend Filing Nos. 1 and 2, and the Riverbend Ranchettes, while other portions were sold off and developed by others—the Cedar Ridge Subdivision, Riverbend Filing No. 5, the Matthies Exemption, and the Coal Ridge PUD. Thus, the Riverbend PUD was not developed as originally envisioned. The residential units were moved around within the Riverbend PUD boundaries and the PUD was amended to allow for these relocations and also for new mining and other heavy industrial uses with the Coal Ridge PUD. (Copies of the available Resolutions approving the original Riverbend PUD, Coal Ridge PUD, Filing No. 5 PUD Amendment, the Matthies Exemption, and copies of the six existing subdivisions in the original Riverbend PUD area have been attached for reference.)

In 1984, Storm King Mines received approval to modify approximately 292 acres of the undeveloped western portion of the Riverbend PUD and replace it with the Coal Ridge PUD. (The Coal Ridge PUD area encompasses the western half of the Riverbend PUD and some portions of Blocks 8, 9, and 10.) The Coal Ridge PUD allows for a coal mine, other heavy industrial support facilities, as well as residential and agricultural uses. The Coal Ridge PUD contains three types of development districts—Transition, Heavy Industrial, and Common Open Space. Agricultural was a By-Right Use in both the Transition and Heavy Industrial Districts, and a single-family dwelling was also a By-Right Use in the Transition District.

The heavy Industrial District specified a minimum lot size of two acres and allowed a maximum lot coverage of 85 percent (%). No building totals or square footages were specified. Besides the coal mine, the heavy industrial uses included: oil and gas extraction sites; a mine salvage yard; yards for layout of storage; heliport; plants for fabrication/processing of the natural resources; storage of the natural materials and other minerals, oil, explosives, chemicals, and fuel; pumping facilities; warehouse/staging areas; fabrication areas; water impoundments; various utilities; pipelines; and a railroad corridor. (Per the Coal Ridge PUD these were designated either as By-Right Uses or as Special Uses.) In summary, the Coal Ridge PUD provided for highly intensive and impactful uses, despite the fact that it was adjacent to a high density residential area and also significant agricultural operations.

According to the staff reports and other submittal documents from that time, development of the mine was to take place in nine phases with the goal of producing 2.2 million tons of coal annually. Retail and wholesale of coal was allowed, as well as a rail road spur into the property to transport the coal off-site. The Coal Ridge PUD Amendment staff report did not contain an analysis of the proposal in relation to the existing Riverbend PUD (i.e., uses, density, open space, etc.). Rather, it myopically focused on the proposed mining activities of the Coal Ridge PUD in relation to the Comprehensive Plan and potential impacts to neighboring properties. The PUD was highly contested by the neighbors with numerous concerns articulated ranging from decreased property values, additional truck traffic, air, water, and noise pollution, to compromised safety, and the general visual aspect of the project.

In 1986, Coal Ridge mining operations began with two exploratory holes drilled into the hillside and the construction of sediment control improvements. However, no coal seams were reached and the operation ceased the following year. The portals were sealed and backfilled, and all disturbed areas reclaimed and revegetated to the satisfaction of the Colorado Division of Reclamation, Mining and Safety according to their Phase III Bond Release and Termination of Jurisdiction Report. (A copy of the Phase III Bond Release and Termination of Jurisdiction Report has been included in this submittal package.) Thus, the coal mine operation was never fully developed, yet the anachronistic PUD remains in place.

The most recent Riverbend PUD Amendment took place in 1995 in connection with the Riverbend Filing No. 5 subdivision request. According to the staff report, the proposed 10.61 acre Filing No. 5 area consisted of unimproved agricultural land and also the then existing sewage treatment facility for the Riverbend homes. The parcel had been sold off illegally by the original owner in 1980 to a private individual who then sold it to the applicant. The utility was located on land designated by the Preliminary Map as one of the utility areas and also on open space/agricultural land. According to the staff report, the requested PUD Amendment and associated subdivision were recognized as a means to clear-up the illegal lot and resolve the intent of the open space/agricultural area of the Preliminary Map. There was no mention of the 1976 Declaration.

The staff report noted that there were two types of open space tracts shown on the original Riverbend Preliminary Map—the Common Areas and the Open Space/Agricultural Land—and questioned the long term use of the Open Space/Agricultural Land. It states, “The reduction of open space/agricultural will not reduce the minimum of 25% open space required for a PUD, if this land is considered as part of that requirement. It is not clear from the record of the rezoning action to PUD, as to the intent of the open space/agriculture area. It appears that the intent was to create an area for agricultural activities as an interim designation prior to conversion to another use.”

The staff report later states, “The Open Space/Agricultural areas appear to be for the purposes of continuing the historic ranching operations, but there is no indication that the ranch/farm use was intended to be the perpetual use. Based on the fact that there is also “common area,” this area appears to be another type of land use that is not intended to count towards the PUD open space requirement. All of the land outside the existing subdivision has been sold to various parties and has been subject to rezoning and subdivision exemption actions.” The staff report also states that 51 lots had been platted to date at the time. This is consistent with our research. We believe these were the Riverbend Subdivisions Filing Nos. 1 and 2, the Riverbend Ranchettes, and the Matthies Exemption.

The PUD Amendment was found to be in compliance with the County’s Zone District Amendment Regulations, including the Comprehensive Plan. The subsequent Riverbend Filing No. 5 PUD Plan recorded on September 12, 1995 shows the 10.61 acre parcel to contain 11 single-family lots, five (5) duplex lots, and two (2) open space/parkland areas. Development Regulations for the single-family, two-family, and open space/parkland zones were established. According to the recorded plat, the open space/parkland area adjacent to the Colorado River contains a 0.95 acre easement

area for wastewater treatment facilities and a 25' Pedestrian Access and Drainage easement running north-south from County Road 335 to the River was platted. No plat notes describe this easement, but a document submitted by the applicant, entitled Riverbend Filing #5 Preliminary Plan, describes the subdivision request, and indicates that this was to be available to the public. We are unable to determine if the public use was modified through the course of the approval process or not.

The original Riverbend PUD boundaries have been developed with six residential subdivisions—Riverbend Subdivision Filing Nos. 1 and 2, Riverbend Ranchettes, Cedar Ridge Subdivision, the Matthies Exemption Plat, and Riverbend Filing No. 5. Per Assessor's records and plats, 75 residential lots have been platted in the original Riverbend PUD boundaries since the Riverbend PUD was approved. As mentioned before, the PUD has been amended many times to accommodate the relocated residential units and their associated subdivisions, and the new mining uses. For instance, the original Riverbend Preliminary Map did not contemplate any residential lots where the Cedar Ridge and the Riverbend Filing No. 5 Subdivisions are located. (I.e., A stable was shown in the area where the Cedar Ridge Subdivision is and a utility facility/sewer treatment and parcel/open space agricultural areas were shown in the Riverbend Filing No. 5 area.) As noted above, none of the 70 single-family homes in Blocks 7-10 nor the 80 multi-family/single-family lots on Block 6 were ever subdivided or developed—except for perhaps two single family homes in the Matthies Exemption which seem to correspond to Block 7 (Phase IV).

Existing Subdivisions Within the Riverbend and Coal Ridge PUD Areas	
Subdivision	Number of Lots
Riverbend Filing No. 1	17 SFRs
Riverbend Filing No. 2	29 SFRs
Riverbend Ranchettes	3 SFRs (3 originally. Lot C with 1 SFR re-subdivided into Cedar Ridge.)
Cedar Ridge Subdivision	3 SFRs (1 from Riverbend Ranchettes included. Double counted in order to maintain a conservative analysis.)
Riverbend Filing No. 5	11 SFRs + 5 Duplex Lots (5 x 2 = 10 Lots)
Matthies Exemption	2 SFRs (On-site Farm House and off-site Lake Residence)
Total	65 SFRs + 10 from Duplex Lots = 75

Thus, based upon the existing residential development within the original Riverbend PUD boundaries, we believe there are a base minimum of 123 residential units remaining from the original Riverbend Development ($198 - 75 = 123$). (The one existing home, the Farm House, is already accounted for above.) Furthermore, the development plan in the PUD plainly reflects a minimum of 150 residential units remaining in the original PUD based on the undeveloped Blocks 6-10 units shown on the Preliminary Map ($80 + 70 = 150$).

No public dedications and/or improvements seem to have been contemplated by the original PUD beyond the 10 acre school site and the dedication of CR 335. No County required open space minimum was found in our review of the online original Riverbend PUD documents. Thus, we believe the 25% open space requirement for the entire original PUD area mentioned in the Filing

No. 5 staff report is not applicable. It was not brought up in the previous amendments for the Riverbend Ranchettes and the Coal Ridge PUD, and we can find no open space requirement for PUDs in the current LUDC. (Rather, open space seems to be applicable to subdivision applications.) The Coal Ridge PUD encompasses the western end of the Riverbend PUD property—portions of Phase IV residential subdivisions, a portion of the open space/agricultural land, and a portion of one of the common areas. Again, the Coal Ridge PUD Amendment staff report did not contain any analysis of the proposal in relation to the existing Riverbend PUD (i.e., uses, density, open space, etc.) but rather focused on the proposed uses of the Coal Ridge PUD.

The Nutrient Farm area has been planned for development since the early 1970's with a variety of uses—residential, agricultural, commercial, mining and heavy industrial activities are allowed under the existing Riverbend and Coal Ridge PUDs. The proposed Nutrient Farm PUD is much more compatible, sensitive, and less intense than what is currently allowed, and goes back to the original residential and agricultural nature of the Riverbend PUD. A variety of land uses and specific development standards have been proposed in the Nutrient Farm PUD Guide to foster the compatible and orderly development of Nutrient Farm so that it blends into the nearby residential development pattern and the natural landscape. Many public benefits including the dedication of CR 335 and the LoVa Trail through the property are planned. Over 608 acres of land, over half the property, backing up to the Hogback will be preserved as private open space—similar to the common area/open space areas shown on the original Preliminary Map. These areas will provide an important backdrop for the valley floor and serve as buffer for wildlife between any development activities and the nearby Bureau of Land Management (“BLM”) mountain lands. This exceeds the 25% open space requirement for the entire original PUD area mentioned in the Filing No. 5 staff report. (25% of the original Riverbend PUD 1,180.83 acres is approximately 295.21 acres.)

The LoVa Trail will be located within the proposed CR 335 right-of-way and a 25 foot public trail easement will be granted for that portion of the Trail outside of CR 335 on the eastern portion of the property and across the Colorado River. The Trail will provide an important east-west connection between New Castle and Glenwood Springs, and beyond. The LoVa Trail will be dedicated to the County after approval of the Nutrient Farm PUD via a separate dedication agreement process. Five public parking spaces will also be provided on the property for trail users. The parking spaces will be constructed, owned, and maintained by Nutrient Holdings.

We are seeking to vacate the entire existing Coal Ridge PUD and amend the remaining unsubdivided portions of the existing Riverbend PUD that are owned by Nutrient Holdings and replace them with the Nutrient Farm PUD. No land owned by others is included. The proposed Nutrient Farm PUD goes back to the original agricultural and low intensity, local oriented residential intent of the Riverbend PUD. Our proposal will be a benefit to the Garfield County community as it is much more compatible, sensitive, and less intense than which is currently allowed.

E. DESCRIPTION OF SUBMITTAL REQUIREMENTS (6-302.)

Section 6-302. of the LUDC specifies that a written description of the PUD Plan—including a variety of general and technical aspects of the project, be provided in the submittal package. This section also describes the required form of the PUD Plan Map and the contents of the PUD Plan Guide.

Many of these items are also required to be addressed in later various questions. Thus, for ease of reference, we have responded to each of the requirements and/or have noted where our response has been provided elsewhere in this document. We believe all submittal requirements have been met and that the Nutrient Farm PUD will be an asset to the Garfield County community.

1. PUD Plan – PUD General Descriptions (6-302.A.1.a.-e.)
2. PUD Plan – PUD Technical Descriptions (6-302.A.2.a.-h.)
3. PUD Plan – PUD Plan Map (6-302.A.3.a.-p.)
4. PUD Plan – PUD Plan Guide (6-302.A.4.a.-d.)

1. PUD Plan – PUD General Descriptions (6-302.A.1.a.-e.)

a. General project concept and purpose of the request;

The following is a detailed overview of the Nutrient Farm PUD request. This overview will be referred to many times in our later responses to various questions/criteria in this Narrative.

Nutrient Holdings is requesting approval to vacate the entirety of the existing Coal Ridge PUD and amend the remaining unsubdivided and undeveloped portions of the Riverbend PUD which the property is currently subject to in order to allow for the proposed Nutrient Farm PUD. Nutrient Holdings intends to develop the Nutrient Farm PUD as a cohesive community and has no plan to sell off any portions of it to the general public to develop; instead, residential opportunities are envisioned for key employees, family members, and collaborators. No properties owned by others are included in this PUD request, or the accompanying Coal Ridge PUD Revocation and Riverbend PUD Amendment requests.

Nutrient Farm consists of four parcels containing approximately 1,136 acres, all owned in their entirety by Nutrient Holdings. A variety of land uses and specific development standards have been proposed in the PUD Guide to foster the compatible and orderly development of Nutrient Farm so that it blends into the nearby residential development pattern and the natural landscape. Numerous public and private trails are being planned—including the LoVa Trail and trail access to the Colorado River. Over 608 acres of land will be designated as private open space that will provide an important backdrop for the valley floor and serve as buffer for wildlife between the development and the nearby BLM mountain lands. Nutrient Farm will help to bring back agriculture and the rural mountain character of Garfield County.

CR 335 bisects the Nutrient Farm property and is contained within the parcels owned by Nutrient Holdings. CR 335 serves as the only paved access to the property and the nearby existing residential subdivisions. However, there is no record of its formal dedication to the County for public use. Most likely, the Riverbend PUD intended its public dedication, but since that PUD was never fully developed and subdivided, the majority of CR 335 has not been dedicated to the County. An 80 foot right-of-way for CR 335 will be formally dedicated to the County in connection with the Nutrient Farm PUD via a separate document—once the PUD has been approved and the dedication details are finalized in a separate agreement with the County and the Town of New Castle. The LoVa Trail will be located within the right-of-way and a 25 foot public trail easement will be granted for that portion of the Trail outside of CR 335 on the eastern portion of the property to the Colorado River.

Nutrient Farm will be a sustainable holistic community centered around its biodynamic Working Farm areas. A variety of fruits and vegetables will be grown and animals raised on the property. Non-organic chemical use will be restricted and electro-magnetic radiation emissions will be minimized on the property which could potentially cause contamination to the farm, its residents, or guests. Ecology will guide agricultural practices and the property's natural resources will be

protected. Holistic and natural mitigation practices will be used against insects and weeds, and electro-magnetic radiation or electro-magnetic pollution will be minimized on the property by Nutrient Holdings. Due to its large scale, Nutrient Farm will be a rather self-sufficient community growing its own food and constructing its own infrastructure and energy facilities (i.e., solar energy systems) as much as possible.

Development Concept – PUD Plan Map, Development Areas, Private Open Space Tracts and Land Uses

Eight Development Areas and four Private Open Space Tracts are proposed for Nutrient Farm. (Please refer to the PUD Plan Map for location details.) There are two Working Farm areas, three residential areas, one residential/solar energy area, one recreational/entertainment area, and one commercial/industrial area. As illustrated on the Plan Map and shown on the following table, the majority of Nutrient Farm will be used for farming and/or open space—almost 880 total acres or 77.5% of the property.

The following PUD Guide Table 1 provides a summary of the proposed general land uses for the Development Areas and Tracts in Nutrient Farm. A Nutrient Farm Land Use Table and Nutrient Farm Land Use Definitions have also been attached to the PUD Guide that provide further development review information and requirements for the specific land uses within Nutrient Farm. Since Nutrient Farm revolves around agriculture, Agricultural and Animal Related Uses, including Agritourism, are proposed in all Development Areas.

Table 1 – Development Areas, Private Open Space Tracts and General Land Uses Summary			
Area/ Tract	Name	Size¹ (Acres)	General Land Uses²
1	Residential Subdivision (5) 0.50 acre minimum lots	5.50	Agricultural/Animal Related Uses, Agritourism Residential Uses: Dwelling Units, Single-Unit
2	Residential Subdivision (1) 35.00 acres minimum lot/ Farm House Lot ³	42.14	Agricultural, Agritourism, Animal Related Uses Residential Uses: Dwelling Unit, Single-Unit
3	Residential/Solar Energy Systems (10) 0.50 acre minimum lots	9.46	Agricultural/Animal Related Uses, Agritourism Residential Uses: Dwelling Units, Single-Unit Solar Energy Systems
4	Residential Subdivision (2) 0.50 acre minimum lots	1.12	Agricultural/Animal Related Uses, Agritourism Residential Uses: Dwelling Units, Single-Unit
5	Working Farm – East/Solar Energy Systems (1) 1.00 acre minimum residential lot	73.99	Agricultural/Animal Related Uses, Agritourism Commercial Uses Residential Uses: Dwelling Unit, Single-Unit, and Dwelling Units, Bunkhouse ⁴ Solar Energy Systems
6	Working Farm – West/ Solar Energy Systems (North: 54.70 Acres) (South: 142.21Acres)	196.91	Agricultural/Animal Related Uses, Agritourism Commercial Uses Residential Uses: Dwelling Units, Bunkhouse ⁴ Solar Energy Systems
7	Commercial/Industrial Park	12.31	Agricultural/Animal Related Uses, Agritourism

	(North: 5.45 Acres) (South: 6.86 Acres)		Commercial Uses Industrial Uses Residential Uses: Dwelling Units, On-Site Employee Housing ⁴
8	Outdoor Adventure Parks (North: 6.14 Acres) (South: 168.25 Acres)	174.39	Agricultural/Animal Related Uses, Agritourism Commercial Uses Industrial Uses Public/Institutional Uses Visitor Accommodations Residential Uses: Dwelling Units, On-Site Employee Housing ⁴
A	Private Open Space	214.63	Private Open Space
B	Private Open Space	281.19	Private Open Space
C	Private Open Space	65.40	Private Open Space
D	Private Open Space	47.54	Private Open Space
County Road 335 ROW Area		11.42	Public Right-of-Way
Total Development Areas		515.82	45.4% of Total PUD Area
Total Private Open Space Tracts		608.78	53.6% of Total PUD Area
Total County Road ROW Area		11.42	1.0% of Total PUD Area
Total PUD Area		1,136.00	100% of Total PUD Area

¹ The size of each Area and Tract shown is approximate.

² The indicated General Land Uses for each Area and Tract does not specify all of the individual allowed land uses, Accessory Uses or Temporary Structures for that Area or Tract. Refer to the Nutrient Farm Land Use Table for the allowed land uses in each Area or Tract.

³ A single-family home ("Farm House") and Accessory Uses and Structures exist.

⁴ Bunkhouses for seasonal and full time agricultural employees and On-Site Employee Housing units for employees of Nutrient Farm may be constructed in these Areas. These units are not inclusionary housing required by the LUDC nor shall any provisions of such be applied to them. All necessary applications, studies and reports shall be submitted to Garfield County for review and approval prior to the construction of any of these units including, but not limited to the provision of water and wastewater, vehicle trips, and other infrastructure improvements. No modification to this PUD Guide shall be required.

The biodynamic Working Farm areas are the heart of the Nutrient Farm operations and will occupy the majority of the usable land. Irrigated hayfields, cattle and other animals will be kept on the Working Farm – East (Area 5). The Working Farm – West (Area 6) is located in the center of the property and is planned as a working farm and as an experiential Adventure Farm that is open to the public. Agricultural and tourist-oriented educational, recreational, and commercial activities such as farm tours, u-pick orchards, corn mazes, hay rides, and petting zoo are planned. A green house, a restaurant serving healthy grown and raised products from Nutrient Farm and other local sources, Farm Store, agricultural processing buildings, and Solar Energy Systems to support Nutrient Farm will be constructed. If needed, a solar energy system may also be constructed in Area 5 to help power the various uses and buildings in Nutrient Farm.

18 new residential lots are planned to the north and east of Working Farm – West in Development Areas 1-5 of which 17 will be served by the RWSC systems. (The residential lot in Area 5 will be served by a new well or the Vulcan Ditch.) A letter has been provided from RWSC and RB Water and Sewer Co. ("RBWS") indicating their ability and willingness to serve the lots. Development

Area 1 is located next to the Colorado River between the existing the Riverbend Filing No. 5 and Riverbend Ranchettes Subdivisions, and is planned for five single-family homes. (Development Area 2 contains the existing Farm House and is not included in the 18 new residential count.) Development Area 3, with up to ten residential lots, is between CR 335 and the Colorado River and to the west of Riverbend Filing No. 2. A Solar Energy System may also be constructed in Development Area 3.

Up to two single-family lots will be located in Development Area 4 along Riverbend Drive, and one lot for a single-family home will be located in Development Area 5 the Working Farm – East, most likely reserved for the ranch manager and/or employees. Each new residential lot in Areas 1, 3, and 4 will be a minimum of 0.50 acre. A minimum 1.00 acre in size residential lot will be located in Development Area 5 in order to accommodate on-site water/well systems, and Development Area 2 will contain a minimum 35 acres lot for the Farm House. The lots and future homes will be comparable in size and scale to the existing Riverbend homes through the PUD Guide’s proposed development standards regulating maximum lot coverage, floor areas, setbacks, and heights. Accessory Dwelling Units (“ADUs”) will be allowed on all the single-family lots in Areas 1, 3, and 4. A Guest House, rather than an ADU, will also be allowed for relatives and guests of the Owner/Developer in the 35 acres of Area 2.

In addition to the above referenced uses, although not required by the LUDC, On-Site Employee Housing units to house employees of Nutrient Farm and Bunkhouses for individuals working on the farm are planned throughout the rest of Development Areas 5-8. These have been included as allowed uses in the proposed Land Use Table, but not included in the water and wastewater studies nor the traffic impact study. Nutrient Holdings understands that in order to attract and keep valuable employees, it is important to provide housing for them. Thus, On-Site Employee Housing units and/or Bunkhouses are planned for Nutrient Farm once the operation and employment demands are better understood (i.e., the needed amount and design type). The applicable Garfield County review processes will be followed and additional reports/analysis will be provided at that time. All such Employee Housing proposals will of course have to comply with all the requirements of the PUD and the LUDC.

Development Area 7 is located on the western portion of the property and is approximately 12.31 acres. It will contain commercial/industrial uses to provide amenities and services to the Nutrient Farm guests and to support the working farm. No heavy industrial uses from the Coal Ridge PUD are sought, and in fact they will be removed from the possible uses on the property. Instead, commercial and light industrial uses such as retail, recreation activities, a contractor’s yard, storage, and sewage treatment facilities to support the Nutrient Farm activities are proposed.

Development Area 8 is located to the south and west of the Working Farm – West and backs up to the mountains. It is approximately 174.39 acres and contains the Outdoor Adventure Parks— outdoor tourist-oriented recreational land and water activities, music/entertainment, and retail/commercial, as well as a campground, lodge, and Health and Wellness Retreat. The Outdoor Adventure Parks will include recreational activities such as alpine coasters, zip lines, ropes and

obstacle courses, and trails for running, biking, BMXing, and parks for off-highway vehicles (“OHV”). Winter mountain activities and summer activities such as a water park and outdoor music/entertainment area are also planned for this Area. Performing arts, musical performances, festivals, and recreational/athletic events will take place here. A variety of measures regarding hours of operation, noise levels, and parking have been proposed in the PUD Guide and Definitions to ensure that the uses will be compatible with the surrounding properties and mitigate any potential off-site impacts.

All commercial outdoor events and activities will be limited to 7:00am to 10:00pm, seven days a week. After 10:00pm, all outdoor activities will cease or the activity will be moved into an enclosed building. (This does not include any agricultural operations in the Working Farm areas.) All exterior lighting on the property will be downcast, and the bulbs shielded from view or arranged in a manner so that direct rays of light will not shine directly onto adjacent properties outside the PUD boundaries. Trash receptacles will be located throughout the PUD area and emptied systematically in order to prevent the accumulation of uncontained rubbish or attract wildlife. Dust will be controlled on-site using water trucks or other dust-suppression methods, as needed.

It is the intent that any sound emanating from the recreational, entertainment, or commercial activities will be properly mitigated and controlled, and noise impacts avoided and abated. Future sound studies will be provided for site specific development requests that could potentially need mitigation such as the Motor Sports Center (aka “OHV Park”) and the Outdoor Music and Entertainment venues, at the time of County review of those requests. In terms of the Motor Sports Center/OHV Park, our intent is to provide only 100% electric vehicles initially at the Motor Sports Center/OHV Park that will not create a sound disturbance to the neighbors. If after future sound testing and modeling, it is found that gasoline vehicles can meet County/State standards, they may be used. It is important to note that we have conducted preliminary sound studies which indicate that, depending upon the location from where the sound level measurements are taken and the time of day, the existing ambient sound levels from wind, CR 335, and I-70 traffic sometimes already meet and/or exceed the daytime residential maximum (CRS 25-12-103). Those initial sound studies reflect that that with proper sound planning and mitigation, such as varying the speaker intensity, speaker orientation, and the construction of wall/berms/landscaping barriers, outdoor venues and activities can satisfy all County/State sound level requirements—which of course will be an overarching obligation for any activity or use. (Please refer to the attached Impact Analysis Report and Sound Modeling and Testing Report for details.)

Per the proposed PUD, any large uses, events, or activities will be considered a Nutrient Farm Event and may include some appropriate Temporary Uses and Structures for the events/activities (i.e., ticket counters, check-in tents, water stations, bleachers, directional signs, etc.). For any Nutrient Farm Event with an expected attendance of 350 or more guests, the Temporary Parking Plan will be implemented to safely bring guests to and from the event and ensure that emergency services can reach the event/activity, if needed. The Temporary Parking Plan calls for traffic control supervision at the property and CR 335 and at the CR 335/Bruce Road intersections per the recommendations of the Level III Traffic Impact Study. (Please refer to the PUD Guide for

details.) Visitor accommodations, rather minor in scope and scale, include a lodge, Health and Wellness Retreat, and a campground providing a full range of camping options are provided. The Health and Wellness Retreat will offer a variety of holistic, multi-disciplinary health services and activities for residents and guests of Nutrient Farm. Nutrient Farm is envisioned as a community gathering place—providing healthy recreational and entertainment amenities for residents and guests of the County.

As mentioned above, the existing Riverbend PUD is a complex interchange of older, broadly scoped planning and contemplated density, of a much higher level, combined with the practical application of applied density rights in the existing subdivisions. Under these auspices, the original PUD contemplated no less than 198 residential units. This analysis also does not in any way contemplate the density implications of the Coal Ridge PUD—where some level of conversion adds to the density reflected in this analysis.

Under such a minimal baseline, our calculations indicate that there are at the very least 123 units remaining on the property. The Owner/Developer intends to utilize a maximum of only 18 of those units. In turn, the Owner/Developer would now only request that no more than 99 units of the originally allocated density be deemed functionally inactive and simply held in some form of latent density reserve. This density reserve would serve as a type of insurance policy and does no more than allow for some future development proposal with a merely base set of latent potential density if Nutrient Farm should fail or cease to remain viable or functional, etc.—not events we plan on in any way, shape, or form. Any proposal related to any portion of such a reserve would mandate application of all requisite LUDC processes and policies. Accordingly, any proposed use of such latent density would mandate application of all the lofty standards of the LUDC related to any new development—adequate infrastructure, scope and intensity, development constraints, etc. In other words, the density bank would merely be utilized as no more than a latent, and contingent safeguard or fall back option of sorts.

Nevertheless, the density reserve is specifically addressed in the PUD as latent density—in other words, density that cannot be utilized unless and until a development plan proposing the use of such density is fully vetted, reviewed and approved by the County at some future point in time per the standards of both the PUD and the LUDC. Invariably, this would entail a wide array of land use proposals, including a PUD modification, as well as subdivision and site plan reviews. Accordingly, all development standards, including infrastructure, water and sewer availability, access, etc. would have to be thoroughly addressed. Moreover, all necessary studies and reports will be submitted to Garfield County via each such process, to ensure that all LUDC concerns, development concerns, and County staff and BOCC concerns are addressed and resolved before any of the density in the density reserve can be utilized. ***In summary, the density reserve will maintain the future potential density, but will not operate as a direct development entitlement for residential development.*** (Please refer to the Nutrient Farm PUD Guide and the previous *Background* discussion for a detailed analysis of the original PUD density and the existing build-out.)

We note that the new residential homes (single-family and ADUs) in Development Areas 1, 3, and 4 are intended to connect to the existing RWSC systems. The RWSC currently serves the nearby Riverbend homes and is permitted by the Colorado Department of Public Health (“CDPH”) as a public water supply. It will provide all indoor and outdoor water uses to these lots. RBWS owns the excess capacity and excess water rights for the RWSC facilities. Thus, RBWS and RWSC have the ability to provide adequate water supply and wastewater systems to these units and have indicated their willingness to do so. However, if it is later determined to be physically or financially unfeasible to connect to these systems, or a formal agreement cannot be reached between RBWS and RWSC and the Owner/Developer, these units may be relocated to other Development Areas of Nutrient Farm and served by other means through the applicable development review process to modify this PUD Guide. All submittal requirements and additional studies shall be provided to the County for review and approval.

The above descriptions reflect the general conceptual development plan for Nutrient Farm. The proposed Land Use Table of the PUD Guide contains all possible future uses for the property, just as the County’s Land Use Table does for each zoning district. Additional County review and approval is specified for the various land uses, and we understand that there is no guarantee by the County that these will be allowed and/or constructed by the Owner/Developer. (Please see the Nutrient Farm Land Use Table and Definitions of the PUD Guide for specifics.) Thus, the PUD merely preserves the potential for these uses to be proposed, reviewed, approved, and established in the future, but also serves to facilitate the master vision of Nutrient Farm as a holistic and integrated operation.

In terms of the potential scale and intensity of Nutrient Farm, the PUD Guide reflects an absolute ceiling and certainly not a floor in relation to the size of buildings, scope, and intensity of activities etc. The only way development will ever reach that ceiling in terms of intensity is if Nutrient Farm succeeds beyond all expectations, and the demand is ever pressing on all such levels. We do not envision that—although such a scenario could be a great occurrence for the applicant and the community.

Invariably, this is the conundrum and challenge with any PUD. In a PUD Guide maximums must be set out, and then analysis and planning for them must be provided. You do not want to come back with a PUD modification every time you wish to expand, etc. Accordingly, the Water Adequacy Report for Proposed Development (“Water Adequacy Report”) and the Level III Traffic Impact Study (“Traffic Impact Study”) that we have conducted contains maximum envisioned square footages for the various uses/buildings, as well as visitor amounts and vehicle trips. The shown capacity and square footages reflect the maximum size of the buildings at final build-out if the demand on such operations mandated the same. Again, we are operating with assumptions based upon an absolute ceiling, and not in any regard a floor. Fundamentally, to be frank, many of these buildings are planned and designed to start out on a decidedly smaller scale, with the potential to possibly expand as needed based on visitor levels. For instance, the restaurant is articulated in this PUD Guide to be 7,500 square feet at its final build-out but will likely start off with a design reflecting a fraction of this size and expanded only if needed based on demand and

needed capacity. Moreover, even in a state of such heightened demand, if the restaurant functions more efficiently at a smaller capacity/smaller sized structure, that smaller size will be maintained.

As noted, in this regard, the approach to building size and design is quite analogous to the approach to the PUD in general, as the PUD Guide sets out possible uses that may not be fully established for a considerable amount of time, if at all; the design allows for expansions only if necessary and based upon the actual operations once underway. By means of another example, the two agricultural processing buildings to support Nutrient Farm are designed and planned to be ***up to a maximum size of*** 72,000 square feet each at their final build-out—which again serves as an absolute ceiling, but certainly not reflective of the functional anticipated baseline. But our analysis fits in this size and scope just to set that ceiling in an effort to engage in proactive planning.

Moreover, the processing buildings are designed and planned to a size and scale that consolidate and centralize all of Nutrient Farm’s agricultural processing activities for efficiency, and minimization of overall impacts and development. From an operational, design, and planning standpoint, it is much more desirable to have one larger, central focal point of operations rather than propagating multiple smaller buildings scattered throughout the property that are duplicating processing efforts. One of the processing buildings will contain the 4,000 square foot Farm Store. Along these lines, educational tours and product sales may also be housed in these buildings. 2,000 square feet of general office/professional/retail space retail are also planned on the property.

The Health and Wellness Retreat/lodge will contain 12 rooms and the campground will consist of a total of 67 campsites, cabins, and RV spots. 193 visitors are anticipated for the Adventure Farm, Adventure Park, and water park; 100 visitors are estimated for the performing arts center; and no more than 350 are planned for at the music and arts venue area. The camp sites, water park, performing arts area, and music and arts venue will operate seasonally—for seven months of the year. At this time, a minimal number of smaller scale monthly events are anticipated at the performing arts area and music and arts venue. (Please see the Water Adequacy Report and the Traffic Impact Study for details.) We believe the proposed uses are appropriate for Nutrient Farm. They will provide a positive community attribute, will be fully compatible with the nearby residential development and will blend into the natural environment well.

Operative Development Standards

According to the LUDC, and Colorado law, PUDs are meant to allow for greater flexibility in design, vision, and development beyond the rote standard allowances afforded by the underlying zoning district. The Nutrient Farm PUD Guide has been carefully designed to create an experiential agricultural mixed-used community—one which revolves around its Working Farm areas; one which is compatible not only with the underlying land and topography, but also the adjacent agrarian and residential uses. Due to the agricultural mixed-use nature of Nutrient Farm, the proposed Nutrient Farm PUD Guide contains several unique land uses, definitions, development standards and requirements, and review processes.

This array of tailored PUD standards is designed to foster the compatible and orderly development of Nutrient Farm and ensure that each aspect of Nutrient Farm blends in with the surrounding uses, development pattern, and the natural landscape. The PUD Guide is reflective of the LUDC in terms of its structure, form, and content, and in fact even incorporates the existing LUDC land uses, definitions, standards, and requirements whenever viable, with minor modifications to such terms when necessary to tailor the PUD terms to the actual circumstances anticipated in the Nutrient Farm community.

For instance, the proposed Nutrient Farm Land Use Table identifies the allowed land uses within each Development Area and Tract, the required level of review by Garfield County, and specific PUD Guide or LUDC standards (i.e., Article 7 Standards). Asterisks (*) have been used on the proposed Land Use Table to indicate a new land use, definition and/or any special requirements and standards that must be met. (For convenience, the additional text has been shown in blue in the submittal material.)

In accordance with the structure recommended in the LUDC PUD Plan Guide (6-302.A.4.a.-d.) and Development Standards (6-401.A.-I.), the proposed Nutrient Farm PUD Guide contains regulatory elements reflecting the following:

- The permitted uses, density, and housing types;
- The parking, transportation, and circulation systems;
- Recreational amenities, landscaping, and trail standards, and weed mitigation;
- An overall phasing plan for Nutrient Farm;
- Dimensional standards for the future lots; and
- Numerous development regulations for the improvements on them such as minimum lot size requirements, setbacks, lot coverage limitations, height limitations, parking and loading standards, lighting regulations, signage allowances, and roadway standards, utilities, and other infrastructure improvements.
- Although not required, sound standards and Solar Energy Systems standards are included.

We believe the proposed PUD Guide and its various land uses, definitions, and standards are appropriate and reasonable for Nutrient Farm, and ensure that even the full scope of operations, if ever realized, will remain compatible with the LUDC and the community standards and expectations, ameliorate concerns over impacts to adjacent properties and the communities, and blend into the natural and developed surroundings. The proposed land uses, definitions, and development standards, including the specific dimensional standards of the PUD Guide, have been discussed later in detail and analyzed in relation to the various provisions of the LUDC and the nearby residential land uses. Please see those responses.

Trails and Open Space

As mentioned above, numerous public and private trails, pathways and walkways will be constructed on the Nutrient Farm property for the use and enjoyment of the public. The general

location of the LoVa trail is shown on the PUD Plan Map (Exhibit B of the PUD Guide). The LoVa Trail will run west to east through the property and will provide an important public recreational and transportation connection between New Castle and Glenwood Springs and beyond—east into Glenwood Canyon and south into the Roaring Fork Valley.

The LoVa trail will be located within the CR 335 right-of-way and then within a specific, set aside 25 foot public trail easement on the eastern portion of the property and across the Colorado River. In addition, a public easement area sized to accommodate five parking spaces for LoVa trail users is anticipated in a parking lot to the south of CR 335 in Development Area 6. This parking lot is also for guest parking of Nutrient Farm and will be privately owned and maintained by the Owner/Developer. The five public parking spaces may be relocated to another area near the LoVa Trail or CR 335 by the Owner/Developer. Over the last few years, we have been working with the Town of New Castle on the alignment and construction of the LoVa Trail through Nutrient Farm and have entered into a Memorandum of Understanding (“MOU”) with them for the trail easement and the parking spaces. We are continuing to work on the details with the Town of New Castle.

The LoVa Trail and all associated trail improvements in the designated easements will be constructed by others, not by Nutrient Holdings. It is our understanding that the LoVa Trail and improvements will be built in phases based upon available funding. We stress that due to the meticulous biodynamic nature of Nutrient Farm, Nutrient Holdings will be providing an approved materials list, and carry a strong expectation that all use and development related to the Trail ensure that no materials or techniques will be utilized that might compromise the biodynamic nature of Nutrient Farm.

Initially, the Trail itself may be constructed as a non-paved primitive trail with the intention of improving it with a hard surface at a future date. It is the responsibility of the trail constructor to abide by any applicable Garfield County development standards and obtain any applicable permits from Garfield County or other entities. The construction, use, maintenance, repair and replacement of the trail and improvements, such as surfacing, paving, trailhead signs, trailhead kiosks, benches, landscaping, revegetation, striping, snow and debris removal, and other similar improvements and activities, will be the responsibility of others—not the Owner/Developer. However, Nutrient Holdings reserves the right to provide weed mitigation efforts in both the CR 335 right-of-way as well as the 25 foot public trail easement.

The LoVa Trail, 25 foot public trail easement and five public parking space area easement are addressed in the PUD but will be implemented via a separate dedication process and accordant agreements, which will reflect the general conditions under which the easements will be granted, and the respective use, construction development standards, timing, and maintenance obligations of the parties. The Owner/Developer intends to grant the easement after review, approval, and recordation of the PUD Guide.

The private trails within Nutrient Farm are also open to public use (subject to a private user licensure process) but will be constructed and maintained by the Owner/Developer. No public trail

easements or land dedications will be provided to the County or other entities for them in relation to these trails, but there will also be no obligations upon the County or any other public entity. The trails will provide valuable recreational opportunities for the residents and visitors of Nutrient Farm. The private trails include access from CR 335 to the Colorado River, trails in the various Development Areas, and multiple recreational trails on the southern portion of the property and near the campground area. The trails are intended for non-motorized uses and will be field fitted based on the topography. (These trails do not include the Outdoor Adventure Parks trails which are intended for motorized uses.) Over half of the Nutrient Farm PUD property, over 608 acres, will be designated as private open space that will help preserve scenic mountain views and important wildlife habitat.

In addition, numerous private parks and fields will be constructed on the property for residents and guests to enjoy, play, and picnic on. These will be maintained by the Owner/Developer of Nutrient Farm and are not part of the above private Open Space Tracts.

We believe that with the easements for the LoVa Trail and the five parking spaces south of CR 335, and the designation of over 608 acres of private open space on the property, all future trail and walkway and/or open space requirements of the LUDC for the property as a whole are met. Per our proposal, no further trail, walkway, or open space requirements will be required for any future land use process implementing the allowances of this PUD, and the proposed PUD Guide indicates this.

Please see the Nutrient Farm PUD Guide for more information on the Trails, Pathways and Walkways and the LoVa Trail location, construction, and dedication details.

Access, Transportation and Circulation

Nutrient Farm is located south of I-70 and the Colorado River, between Glenwood Springs and New Castle. CR 335 bisects the property and connects to I-70 via Bruce Road/Exit 105. CR 335 is the only paved access to the property and also serves the surrounding Riverbend residential subdivisions. However, there is no record of its formal dedication to the County as a right-of-way within the Nutrient Farm property boundaries. We acknowledge that CR 335 was shown on the original 1976 Preliminary Map of Riverbend, however, since Riverbend was not fully developed/platted as planned, this portion of CR 335 was never dedicated. The location of existing CR 335 lies within a historic, no longer utilized, and for all practical intents abandoned, 80 foot wide Cattle Drive Easement. The same easement alignment was subsequently dedicated, and accepted by the County, as an 80 foot wide right-of-way within the various platted Riverbend Subdivision filings. That easement acceptance reflects the County's take on the predominant nature of the right-of-way easement. In complement to the already aligned and dedicated easement for CR 335 discussed above, per this PUD, an 80 foot right-of-way corresponding to the historic Cattle Drive Easement for CR 335 and the existing CR 335 dedication, for the stretch within the property, is shown on the PUD Plan Map. In similar fashion to the LoVa Trail, this right-of-way will be dedicated to the County after approval of the Nutrient Farm PUD via a separate dedication

agreement process, and all respective obligations and understandings of the parties reflected therein. As discussed below, CR 335 will continue to be maintained by the County, and no improvements to CR 335 are assumed by the Owner/Developer.

CR 335 serves as the legal access to all entrance points of Nutrient Farm from the public highway system. The proposed Nutrient Farm development has been discussed at length on several occasions with Wyatt Keesbery, County Road and Bridge Director, who opined that CR 335 is generally in satisfactory condition without needing major modifications in the near future. Garfield County issued a Driveway Permit Number: GRB19-D-9 for the Nutrient Farm Road access location in April 2019.

While CR 335 is the main public thoroughfare to Nutrient Farm, there is an extensive and functional series of looped roads within the property to foster inter-farm access and circulation. A Conceptual Access, Circulation and Parking Plan for Nutrient Farm has been attached to the PUD Guide as Exhibit C. Multiple private streets, roads and driveways will be constructed by Nutrient Holdings to provide access to various portions of the property and its uses. The Conceptual Access, Circulation and Parking Plan shows the locations of the 80 foot right-of-way for CR 335 and the two new 50 foot public rights-of-way that will be constructed and offered for dedication to the County to serve the new residential lots in Development Areas 1 and 3 adjacent to the Colorado River. (These roads will only be constructed/dedicated when the residential subdivisions are constructed.) The three residential lots in Development Areas 4 and 5 will take access off of the existing Riverbend Drive. All other private streets, roadways, driveways, and associated improvements in Nutrient Farm will be constructed, owned, and maintained by the Owner/Developer.

All roads within Nutrient Farm will be designed to provide adequate, safe, and efficient access and circulation for the property. The proposed road design standards described below will supersede those of Table 7-107 - Roadway Standards of the LUDC. In an effort to minimize site disturbance and hard surfaces, and promote water absorption within the property, the private roads within the PUD will have two 12½ foot gravel travel lanes with a two percent (2%) crown section and two foot (2') deep ditches, as necessary. These roads will be designed with a 12 percent (12%) maximum grade and 80 foot minimum centerline radius, and shoulders and ditches will only be used in select locations, as needed. Speed limits will be posted on-site and will be less than the design speed based on American Association of State Highway and Transportation Officials ("AASHTO") criteria. Nutrient Farm anticipates a maximum posted speed limit of 25 miles per hour within the PUD property. We realize that gravel roads require continuous maintenance, so concrete or some other permanent hardscape surface may be needed in the future for some of these private roads, or portions of them, due to heavy traffic or turning movements (i.e., the area around the processing building). Thus, such areas may be paved in the future at the discretion of Nutrient Farm. Any necessary County approval for the surfacing will be obtained.

The two forthcoming 50 foot rights-of-way to serve residential Areas 1 and 3 will also be constructed to these Nutrient Farm design specifications. The internal agricultural access roads in

and around the farm areas will be unimproved, natural earth, or gravel as warranted with use. No design standards are proposed for them as they are strictly for agricultural purposes and no public vehicles will be allowed on them. All Campground/Recreational Vehicle (“RV”) Park parking and circulation will meet the regulations of 7-905 of the LUDC and those of the Colorado Department of Public Health and Environment, Division of Environmental Health and Sustainability, contained in 6 Code of Colorado Regulations 1010-9 concerning Campgrounds and Recreational Areas.

As shown on the Plan, Nutrient Farm Road will be constructed to intersect CR 335 and will run to the north and south as the main accesses to the Working Farm – West and its uses. This road loops to the west and then re-connects with CR 335. Multiple roads will be constructed to the south of these to serve the western portion of the property, the Outdoor Adventure Parks, performing arts/music and arts venue area, campground, and the Health and Wellness Retreat in Development Area 8, and the commercial/industrial activities in Development Area 7. To the east of the new Nutrient Farm Road, an existing residential driveway, Coal Ridge Lane, cuts through the property from CR 335. It serves an off-site single-family home and an access easement has been granted for it. The existing Farm House will connect to this driveway and also utilize it for primary access to CR 335. Storm King Road in the adjacent Riverbend Subdivision Filing No. 2 extends into the property and serves as the existing driveway connection for the Farm House. This will only be used by the Owner/Developer for direct access to and from the Farm House to the eastern Working Farm, not as an alternative public thoroughway for everyday use. Should the fire department or emergency services need it, the driveway may also serve as emergency access from Storm King Road to CR 335. The three residential lots furthest to the east in Development Areas 4 and 5 will take access off of the existing Riverbend Drive. Two additional roads will be constructed to serve the residential lots adjacent to the Colorado River in Development Areas 1 and 3. As previously mentioned, these roads will be constructed by the Owner/Developer and dedicated to the County.

A Colorado Department of Transportation (“CDOT”) Level III Traffic Impact Study has been prepared by SGM for the Nutrient Farm PUD in accordance with LUDC section 4-203.L. submittal requirements for a detailed traffic study. It evaluates the existing background traffic and the projected vehicle trips generated from Nutrient Farm in both the immediate and 20-year planning horizon. The Traffic Impact Study concludes that the existing roadway system will continue to operate safely and at an acceptable level of service with the full development of Nutrient Farm. As the Traffic Impact Study recommends, all new road intersections will be designed with acceptable site distances based on 35 mph design (450 feet), site triangles will be developed and maintained as clear zones, and Uniform Traffic Control or Certified Traffic Control supervision will be implemented at the CR 335/Bruce Road intersection and at event accesses on the property from CR 335 to help provide safe operations during the peak entry/exit periods of the entertainment/music and arts venues or any other Nutrient Farm Events with an expected attendance of 350 guests or more. (The Traffic Impact Study noted that this is **not** required for the CR 335/Bruce Road intersection to operate adequately—rather, the additional traffic control would only help to provide more organized operations during these times due to the variable nature of peak flow rates for such events.) Based on the full build-out of Nutrient Farm, the CR 335 estimated 2040 total traffic volume is 2,300 vehicle trips per day (“vpd”) east of Park Drive and 2,800 vpd west of Park Drive.

The vpd west of Park Drive will exceed Minor Collector standards. (The LUDC calls for Major Collector standards at rates greater than 2501 vpd.) Thus, if the actual scope of development for Nutrient Farm is realized, future shoulder widening west of Park Drive to Bruce Road could bring CR 335 up to County Major Collector roadway standards.

The ultimate projected traffic volumes from Nutrient Farm on Bruce Road at the Colorado River bridge do warrant a new CDOT Access Permit. The new CDOT Access Permit will be applied for in connection with this PUD. Also, as per section 4-203.L.4., estimated calculations of the potential future public road improvement fees in the corridor have been provided. Actual road improvement fees will be determined at the time of development according to the LUDC, as stated in the Development Agreement. We note that the traffic impact fees could be used for any potential necessary future widening of CR 335.

We want to expressly acknowledge that the above referenced Traffic Impact Study does not consider any of the 99 units of reserved density or any On-Site Employee Housing or Bunkhouse dwelling units on the property. As noted, the density reserve is planned as no more than latent density at this point, per the proposed PUD, rather than an entitlement, and thus subject to the scrutiny of multiple levels of land use review and approval before it can be employed in any manner. Thus, as the Traffic Impact Study reflects, there is no rationale for including it in the analysis provided. The same manner of consideration is applied to the Employee Housing/Bunkhouses, though arguably such housing will lessen traffic impacts by ensuring employees are located right on the site of their employment.

Water and Wastewater Systems

Water

A Water Adequacy Report for Proposed Development has been prepared by SGM that analyzes the existing legal water rights, physical supply, the estimated water demands for the various uses on the property, and the proposed water systems. (Please refer to the Water Adequacy Report and copies of the existing water rights for details.) No County or municipal water or wastewater services are sought. Proposed Residential Areas 1, 3, and 4 have been placed near the existing Riverbend Subdivisions and are planned to connect to the RWSC facilities. RBWS owns the excess capacity and excess water rights for the RWSC. RBWS and RWSC have indicated capacity and willingness for these residential lots to connect to the systems and have written a Will Serve Letter indicating this. (Besides line extension, the only proposed upgrade is adding more potable storage adjacent to the existing tanks.) Invariably, the exact details of such connection to service and the final decision to connect is deferred to the point of subdivision.

Given the other proposed uses are an unmanageable distance away from the central Riverbend systems, and are of a nature which are outside of the domestic use function of the RWSC, Nutrient Farm plans to maximize its self-sufficiency by developing its own internal water and waste water facilities for the rest of the uses—the Farm House in Area 2, the new residential lot in Development Area 5, the two farm areas, the Commercial/Industrial Development Area, and for all of the

Outdoor Adventure Parks activities. (For further details, please see the Nutrient Farm Central Water Distribution and Wastewater System Report, OWTS Engineering Report, and the Water and Sewer Plan that have also been included in the submittal package.)

Water rights to the Vulcan Ditch and the Coal Ridge Pump and Pipeline were included in the purchase of the Nutrient Farm property. These considerable water rights allow for year-round municipal, commercial, industrial, domestic, sewage treatment, irrigation, recreational, fish wildlife propagation, and “...all other beneficial purposes, including storage for each of the above purposes.” (Water Adequacy Report, page 18.) The Vulcan Ditch has historically provided irrigation water to the property from Canyon Creek and will continue to do so. Surface water from the Vulcan Ditch will be routed to settling ponds, and then filtered and treated to supply potable water to the existing Farm House in Area 2, to the Working Farms, and to the recreational and commercial/industrial activities in Development Areas 7 and 8. Generally, the water will be filtered and sanitized using state-of-the-art natural and holistic methods including sediment, ion-exchange, charcoal, reverse-osmosis, distillation, ozone and ultraviolet. No sodium fluoride silicofluorides, hydrofluorosilicic acid, sodium fluorosilicate or other forms of fluoride will be added to the water systems. The ultimate water systems’ design and treatment requirements will depend on the water systems’ designation—public or private for the various uses, and inevitably all local and State required drinking water and water quality and quantity standards will be followed and exceeded.

The intent is to start with private on-site systems and then convert to public water systems as needed when required operationally. The Vulcan Ditch water supply will also serve all outdoor uses such as agricultural crop and livestock watering, landscaping, sound mitigation landscaping, open space areas, grass fields, recreational ponds and the construction of any animal water ponds in cooperation with the Colorado Parks and Wildlife (“CPW”). A new well will be constructed to serve the residential lot/home in the Working Farm – East, or the home may derive a water connection from the Vulcan Ditch pipeline.

The new residential homes (single-family and ADUs) in Development Areas 1, 3, and 4 are planned and designed to connect to the existing RWSC facilities. The RWSC currently serves the nearby Riverbend homes, and has a complete water treatment, distribution, and storage system in place that is already permitted as a public water supply. RBWS owns the excess capacity and excess water rights for the RWSC. The RWSC will provide all indoor and outdoor water use to these Areas through their potable water system. Initial assessment of the RBWS and RWSC water rights show that it has sufficient water to supply the 17 lots in Areas 1, 3, and 4. (Please refer to the SGM reports for details.) As already noted, both RBWS and RWSC have indicated their willingness and ability to serve these lots. Adding these lots to the existing system can in fact assist that system in its long term viability and operations.

Full buildout demands and consumptive use (annual consumption, average day demand, maximum day demand, peak hour demand, etc.) for Nutrient Farm were calculated per section 4-203.M. of the LUDC and provided in the Water Adequacy Report. The legal supply and physical supply of water from the Vulcan Ditch and the RWSC system were analyzed in relation to the proposed uses and found to be sufficient. The Water Adequacy Report states, “Legal supply is discussed for the Vulcan Ditch and for the Riverbend system. Based on a comparison of the Farm’s water rights to

anticipated demands and consumptive use, the Farm's legal supply is sufficient." (Water Adequacy Report, page 18.) "Physical water supply is discussed for each of the two proposed sources: the Vulcan Ditch which will serve Areas 2, 5, 6, 7 and 8, and the Riverbend System which will serve Areas 1, 3, and 4. Based on the analysis of stream flow, the Farm's Vulcan Ditch physical supply can support anticipated demands. Based on the analysis of stream flow and hydrogeology near the Riverbend Wells, there is sufficient supply to support the additional demands to the Riverbend System from Areas 1, 3, and 4." (Water Adequacy Report, page 21.)

The peak hour demand for the Farm during irrigation season is estimated, based on County peaking factors, at 8.7 cfs, which includes non-potable demand for farm irrigation operations, and thus fully within the scope of the Farm's legal ownership of 8.93 cfs in the Vulcan Ditch. The peak hour demand on the Farm's potable system for Areas 2 and 5–8 is estimated at 0.24 cfs. The Farm's potable treatment, storage and distribution systems will be designed to accommodate this peak hour demand. (Water Adequacy Report, page 28; described fully in the Central Water and Distribution and Wastewater Systems Report.)

None of the 99 units of reserved residential density or any On-Site Employee Housing or Bunkhouse dwelling units have been included in the Water Adequacy Report's analysis. As with traffic and other review elements, these potential uses are no more than latent at this point in time, and any proposal related to the same will have to address these issues fully and independently of the analysis behind this PUD proposal.

Wastewater

Similarly, wastewater disposal systems will be provided to the various land uses within the Nutrient Farm PUD in a number of ways. Residential uses in Development Areas 1, 3, and 4 will connect to the existing RWSC facilities. The residential uses in Development Area 2 will continue to utilize a fully functional private OWTS. All other uses within the remaining Development Areas will utilize individual wastewater treatment systems designed specifically for the land use they are to serve, which offer ample capacity and function to accommodate existing uses and any future expansion in scope and use. All wastewater systems will be designed per applicable County regulations and State standards, and all formal measures to ensure sewer service to the property and its development will be provided in accordance with the LUDC and all applicable State laws and regulations. (Please refer to the Central Water Distribution and Wastewater Systems Report, OWTS Engineering Report, and the Water and Sewer Plan for details.)

As mentioned above, the intent is to connect the new residences in Areas 1, 3, and 4 to the Riverbend systems, and the RBWS and RWSC have indicated their willingness and ability to serve the new homes. A Will Serve Letter has been provided, and again, final connection details will be made at the time of subdivision. However, if it is determined to be physically or financially unfeasible to connect to those systems, or a formal agreement cannot be reached between the Owner/Developer and RBWS and RWSC, then these areas of residential development may need to be reconfigured, redesigned, and possibly relocated to facilitate service by other legally authorized means. Of course, the applicable development review process to do so will be followed and additional system studies will be provided to the County for review and approval.

As with the water analysis, none of the 99 units of reserved residential density nor any of the On-Site Employee Housing or Bunkhouse dwelling units been included in the sewer analysis.

Development Agreement and Phasing

The Nutrient Farm PUD contains a large amount of land and many possible land uses. Development of the Nutrient Farm property is planned to take place in three phases over approximately nine years. Nutrient Holdings intends to enter into a Development Agreement (“Agreement”) concurrently with this PUD request with Garfield County to provide details allowing for the phased land development of Nutrient Farm with an extended vesting rights period, and to memorialize other miscellaneous development details.

The proposed Development Agreement has been prepared according to LUDC section 4-203.J. and has been included in this submittal package. We will be glad to work with the County to modify this Agreement as needed. Of course, this Agreement is not a part of the actual PUD and serves as a stand-alone document, in accordance with Colorado law.

Table 2 – Land Use Table of the PUD Guide contains all of the possible land uses for Nutrient Farm. We note that not all of these may be constructed or implemented by the Owner/Developer for one reason or another. The primary focus of Nutrient Farm is the Working Farm areas—and all of the Agricultural and Animal Related Uses and accessory activities related to them. Thus, the proposed Phasing Plan attached to the Development Agreement illustrates the Owner/Developer’s plans for the property, but it must be understood that the development schedule may be modified, based on the specific requirements of the land uses proposed, the economy, and other factors that will help determine the progression of development. In general, Nutrient Farm will be developed in the following three phases:

Area	Name/Use	Phase 1			Phase 2			Phase 3		
		2023	2024	2025	2026	2027	2028	2029	2030	2031
1	Residential Subdivision (5 Lots)				X	X	X	X	X	X
2	Residential Subdivision (1 Lot)		X	X						
3	Residential Subdivision (10 Lots)/Solar Energy Systems		X	X	X	X	X	X	X	X
4	Residential Subdivision (2 Lots)				X	X	X	X	X	X
5	Working Farm – East/Solar Energy Systems (1 Residential Lot)	X	X	X	X	X	X			
6	Working Farm – West/Solar Energy Systems	X	X	X	X	X	X	X	X	X
7	Commercial/Industrial Park				X	X	X	X	X	X
8	Outdoor Adventure Parks		X	X	X	X	X	X	X	X

Phase 1: East and West Working Farms and Development Area 3 Agricultural and Animal Related Uses, agricultural accessory/retail, and Agricultural Products, Processing, Storage, Distribution

and Sale at Point of Production, Agricultural Products, Processing, Storage, Distribution and Sale Off-site improvements, and Solar Energy Systems; Development of Area 2's residence; and commencement of the Outdoor Adventure Parks improvements. The construction of the Farms irrigation systems, associated accesses, parking, utilities, and infrastructure improvements will be constructed in association with the buildings/structures in these Areas.

Phase 2: Continuation of East and West Working Farms and Development Area 3 Agricultural and Animal Related Uses, agricultural accessory/retail, Agricultural Products, Processing, Storage, Distribution and Sale at Point of Production, Agricultural Products, Processing, Storage, Distribution and Sale Off-site improvements, and Solar Energy Systems; continuation of the Outdoor Adventure Parks improvements; beginning of Commercial/Industrial Park improvements; and commencement of construction of five residential lots in Area 1, two residential lots in Area 4, and one residential lot in Area 5 subdivisions. Notwithstanding the forgoing, one of the residential lots in Area 4 or 5 may be developed with a residence in Phase 1 to house the Nutrient Farm ranch manager and/or employees, if needed.

Phase 3: Continuation of Commercial/Industrial Park and Outdoor Adventure Parks improvements, and Solar Energy Systems in Development Areas 6 and 3; continuation of Area 1 five residential lots; development of up to ten residential lots in Development Area 3; and continuation of development of Area 4 two residential lots.

Improvements to the Vulcan Ditch agricultural irrigation system and weed mitigation have already begun across the property per the terms of the Weed Management Plan and will continue once the PUD is recorded. (Please refer to the Vulcan Ditch and the Nutrient Farm PUD Reclamation Plans and the Weed Management Plan that have been included in this submittal package.) As each phase begins and each building or improvement is constructed, associated access, parking, utility, and infrastructure improvements will be installed. Reclamation, revegetation, and landscaping will be installed per the terms of the PUD Guide in order to create visual harmony and community character for Nutrient Farm.

Similarly, the private trails will be constructed in association with the development of each Area they are on, or earlier at the discretion of the Owner/Developer. As mentioned before, the public LoVa Trail will be constructed and maintained by others, not by the Owner/Developer. All private trails in Nutrient Farm will be constructed and maintained by Nutrient Holdings unless an alternative approach is finalized with any local entities, quasi-governmental entities, or non-profit entities. Nonetheless, any such alternative will be handled completely outside of this PUD application. The installation and maintenance of irrigation and infrastructure systems, and the implementation of the Weed Management Plan are on-going operational improvements across the entirety of Nutrient Farm and may be implemented at any phase.

The above general 1-3 Phasing Plan descriptions are included within the PUD Guide, however, the Development Agreement and accompanying Phasing Plan will not be attached to the Nutrient Farm PUD Guide but recorded separately with the Garfield County Clerk and Recorder. Any minor modification to the Development Agreement and/or the attached Phasing Plan shall not implicate the regulatory structure of the Nutrient Farm PUD nor require a Substantial modification to the

PUD.

Conclusion – a. General project concept and purpose of the request

We are confident that Nutrient Farm, as proposed via this PUD process, will prove to be an asset to the community and a highly beneficial and productive use of the land while minimizing any impacts to adjacent areas. The Nutrient Farm PUD will replace the existing Coal Ridge and Riverbend PUDs, via the revocation of the Coal Ridge PUD and an amendment to the Riverbend PUD, with a new PUD for the property revolving around a sustainable working biodynamic farm with agricultural, residential, and associated tourist-related recreational and commercial activities. Nutrient Farm will help to promote local agriculture and the rural mountain character of the Colorado River Valley—elements that the County has already identified as important community attributes. Nutrient Farm, by means of its very mission and identity, will provide a variety of agricultural, health, recreational, and economic benefits to the County and its residents and visitors.

b. Explanation of how the PUD is in general conformance with the Comprehensive Plan;

The proposed Nutrient Farm PUD addresses many of the needs, goals, policies, and strategies/actions identified in the Comprehensive Plan 2030.

Nutrient Farm is a mixed-use community revolving around a working farm with agricultural, residential, and tourist-oriented educational, recreational, and commercial activities. With its unique focus on sustainable organic and biodynamic farming practices, Nutrient Farm will help preserve agricultural land and the rural mountain character of the Colorado River Valley that have been identified as important community qualities, while also helping to diversify the economy. Stable seasonal and year-round jobs in the agricultural, tourism, and retail/commercial areas related to the same will be created. In addition to the new jobs, single-family residential lots, ADUs and On-Site Employee Housing/Bunkhouses will be located within Nutrient Farm.

As far as we can surmise, Nutrient Farm as proposed will be the first operation of this nature in the area, and thus will help diversify the County’s economy, provide a variety of on-site housing options, and offer numerous public and private recreational opportunities to the residents and guests of the County. Nutrient Farm’s agricultural practices, energy systems, and utilities will be sensitive to the land by utilizing sustainable ecological practices—and thereby offer a unique attraction in the County by promoting healthy agricultural, educational, and recreational and commercial related amenities—“agritourism.” With opportunities to play and connect in an outdoor agricultural environment, Nutrient Farm will help to improve the overall quality of life for its residents and guests. Nutrient Farm will provide local families and guests a chance to visit a working farm and engage in its activities. Healthy food and recreational options—a restaurant, Farm Store, Health and Wellness Retreat, spa, arts, and entertainment will be provided. Nutrient Farm will be a benefit to the entire County.

In terms of the development pattern, Nutrient Farm is essentially an infill development. Residential development exists to the east and west of the property, and the area has been planned for development since the early 1970's. The property has already been zoned for residential, mining, and heavy industrial activities with the existing Riverbend and Coal Ridge PUDs. The two PUDs will be replaced with a new agricultural mixed-use PUD which is a much more compatible and sensitive development than that which is currently allowed. Implementing this change will remove the potential for highly impactful industrial uses in an area that is not best suited for it, given its rural feel, adjacent residential uses, and the Colorado River literally running on the property.

Thus, we believe that the Nutrient Farm PUD request is in general conformance with the Comprehensive Plan 2030. It addresses many of the visions, issues, goals, policies, and strategies/actions identified in the Comprehensive Plan's ten Plan Elements. The following is a discussion of the Nutrient Farm PUD request in relation to each of the ten Plan Elements.

Section 1 – Urban Growth Areas and Intergovernmental Coordination

Garfield County contains approximately 3,000 square miles of land, and like the entire state of Colorado, its population is growing rapidly. With growth comes the demand for urban-type services which is not feasible and/or cost-effective for the County to provide. The Comprehensive Plan notes that there are approximately 2,400 vacant subdivided lots within the County and that growth should occur in areas that have, or can easily be served, by urban services. The Comprehensive Plan designates Urban Growth Areas ("UGAs") around the County's municipalities where public service and infrastructure can be provided by the municipalities. Coordination and communication between the County and its municipalities in land use decisions are included as some of the main goals.

The Nutrient Farm area has been planned for development since the early 1970's and is already zoned with two PUDs that allow for residential, mining, and associated heavy industrial uses. The County's Zoning Map reflects this with the PUD zoning designation. The Comprehensive Plan's Future Land Use Map shows the northern, southern, eastern, and a portion of the central area of the property as Residential Medium High Density (2-6 acres per dwelling unit) and the remaining central and north-western portions to be within the New Castle UGA. Although it is within the Town's UGA, it is not contiguous to the Town boundary as there are intervening private properties. (The Nutrient Farm property is not shown on the Zoning District Map for the Town of New Castle.)

As noted, based upon the existing allowances for the property, Nutrient Farm may be deemed infill development with adequate access, infrastructure, and utilities nearby to serve it. Nonetheless, the nature of the Nutrient Farm development proposed also ensures that a functional greenspace in a prominent location just outside of the Town of New Castle, and close to Glenwood Springs, will be preserved in a more natural agrarian state. The fact that Nutrient Farm can serve as both infill and greenspace, while also eliminating the potential for highly impactful uses, underscores the importance and positive nature of this PUD proposal.

As previously discussed, Nutrient Farm will be primarily self-sufficient. No road or infrastructure improvements from the County or the Town of New Castle are needed. All private streets, roadways, driveways, and associated improvements on the property will be constructed and maintained by Owner/Developer. Water and sewer services will be provided via private facilities in a variety of ways—either connecting to the nearby RWSC systems or through the construction of multiple on-site systems.

As required by the Comprehensive Plan, we have met with staff from the Town of New Castle twice regarding this project. (First, with the former Planning Director then with Paul Smith, Planning Director, and David Reynolds, Town Administrator.) The Town is generally supportive of the project and is not interested in annexing the property. Staff did have questions about some of the uses, potential additional vehicle trips, the provision of water and sewer to the property, and the general scope and timing of development. At this juncture, we are committed to working through the specific details with the Town once the formal PUD proposal is submitted to ensure that any particular concerns or issues from the Town are specifically addressed, and we are confident that we can do so in effective and collaborative fashion. We understand and appreciate that this is not an inimical element of the overall PUD process and look forward to working with the Town accordingly.

We also have been working with the Town of New Castle as the lead entity on the possibility of extending the LoVa Trail through the property. The LoVa Trail provides an important east-west connection along the Colorado River not only as a recreational benefit but also a transportation benefit. The planned LoVa Trail is intended to connect New Castle to Glenwood Springs and beyond—to the Glenwood Canyon trail to the east or to the Rio Grande Trail south through the Roaring Fork Valley into Aspen. The LoVa Trail offers an alternative mode and transportation route—providing a healthy alternative for both its users and the environment.

Thus, we believe the following applicable Goals, Policies and Strategies/Actions of Section 1 – Urban Growth Areas and Intergovernmental Coordination are met:

Goals:

- 1. Increase coordination and communication between the municipalities and the county.*
- 2. Encourage future development requiring urban services to be located in areas where these services are or can readily be made available.*
- 3. Ensure that county land use policies and development approvals are compatible with the existing zoning and future land use objectives of the appropriate municipality.*
- 4. Retain rural character outside of UGA limits.*

Policies:

- 1. Within defined UGAs, the County Comprehensive Plan, land use code revisions, and individual projects, will be consistent with local municipal and use plans and policies.*
- 3. Development within an UGA will have land use and street patterns that are compatible with the affected municipality.*

4. *Within a locally planned UGA, development applicants will be required to obtain project review comments from the local community prior to submitting for county review. The process should be defined in an executed IGA.*

Strategies/Actions:

7. *Work cooperatively within the region on issues that transcend political boundaries such as housing, transit and economic development.*

Section 2 – Housing

A diverse range of housing options is important to the overall health, economy, and vibrancy of Garfield County. Homes for locals are especially important since residents are the backbone of the community—from running businesses and providing services to other residents and guests, to volunteering their time and serving on the many committees and boards in the community. Thus, the County encourages new residential development in the Roaring Fork Valley to provide affordable housing within it. Nutrient Farm is not located within that portion of the County required to do so, but will provide a variety of housing options within its boundaries.

The Greater Roaring Fork Regional Housing Study that was prepared in April 2019 found the region to have an approximate 4,000 residential unit shortfall. This includes about 1,900 units for the “missing middle”—households making between 100%-160% of the Area Median Income (“AMI”) and approximately 2,100 units for households at 60% and less of AMI. The Comprehensive Plan notes a jobs/housing imbalance within Garfield County—a large job base exists in the Roaring Fork Valley, but the most affordable housing is in the western portion of the Colorado River Valley, which results in significant commuting and traffic/congestion impacts.

We fully appreciate that, as a potential significant employer in the future, in order to attract and keep valuable employees, it is important to provide housing for them. Although not required by the LUDC, on-site housing for employees working on the Nutrient Farm property is planned. Employee Housing and Bunkhouse units will be allowed on the southern and western portions of the property in Areas 5-8. In addition, 18 new residential lots in Areas 1, 3-5 are future homes that will be similar in size and scale to the existing nearby Riverbend homes designed to accommodate the “missing middle” or employees and residents of Nutrient Farm. In addition, ADUs will be allowed on each of the single-family lots—thereby creating additional housing options in the area as well as generating income for the owners of the main residence which they are associated with.

Creating jobs and housing on-site will help reduce traffic congestion, air pollution, and vehicle and road wear and tear. Thus, the Nutrient Farm PUD will bring back the original agricultural and residential vision for the Riverbend PUD and help retain the rural character of the County inside and outside of the UGA.

We believe Nutrient Farm meets the following applicable Goals, Policies, and Strategies/Actions of Section 2 – Housing:

Vision: Garfield County has encouraged a diverse stock of housing available to a variety of incomes and requires new residential development to provide a portion of affordable housing. Housing is located near existing infrastructure and amenities so that families can live, work and play in their communities.

Goals:

- 1. To bring about a range of housing types, costs and tenancy options, that ensure for our current and future residents affordable housing opportunities in safe, efficient residential structures.*

Policies:

- 2. Accessory Dwelling Units are included within the overall land use density as described in the Land Use Table shown on the Future Land Use Map.*
- 5. Encourage provision of affordable housing closer to where jobs are located.*

Strategies/Actions:

- 2. Encourage development within Urban Growth Areas that can best provide affordable living.*

Section 3 – Transportation

A multi-modal transportation network is integral to the success of a community. As mentioned above, there is no record of CR 335's formal dedication to the County as a right-of-way within the Nutrient Farm property boundaries. CR 335 was most likely intended for dedication to the County for public use, but because the PUD was never fully developed, that portion of CR 335 in the property was never dedicated to the County on any subdivision plat or through any other instrument. Thus, an 80 foot right-of-way for CR 335 within the property is shown on the PUD Plan Map and will be dedicated to the County via a separate document after the review and approval of the Nutrient Farm PUD and the details of the dedication are finalized with the County.

Further, a Conceptual Access, Circulation and Parking Plan for Nutrient Farm has been attached as Exhibit C to the PUD Guide. Multiple public and private streets, roads and driveways will be constructed by the Owner/Developer to provide access to various portions of the property and its uses. Nutrient Farm Road will connect to CR 335 and serve as the major access into Nutrient Farm. This road loops internally on-site to allow for the safe and efficient movement of guests to the different Areas of Nutrient Farm. As mentioned before, a Traffic Impact Study has been prepared by SGM which evaluates the existing background traffic and the projected vehicle trips generated from Nutrient Farm in both the immediate and 20-year planning horizon, and concludes that the roadway system will continue to operate safely and at an acceptable level of service with the development of Nutrient Farm. CR 335 is currently designated as a Minor Collector. Should Nutrient Farm build out to full capacity, shoulders may need to be added to CR 335 in order to meet the County's Major Collector design standards. Of course, that entire issue is speculative at this juncture, and will be addressed in advance well before full build out. Actual road improvement fees will be determined at the time of development per the LUDC. (As noted before, the Traffic Impact Study does not include any of the 100 unit of reserve density or any On-Site Employee Housing or Bunkhouse dwelling units on the property. The Traffic Impact Study will be updated for County review/approval should any of these unit seek to be constructed.)

We believe the planned LoVa Trail is also an important public transportation system connecting New Castle to Glenwood Springs and beyond. The LoVa Trail offers an alternative mode of transportation and an alternative transportation route—providing a healthy alternative for both its users and the environment.

(Please also refer to the Traffic Impact Study, the PUD Guide, and the previous responses to *General project concept and purpose of the request* for details on the public and private roadways planned for Nutrient Farm.)

Thus, we believe the following of Section 3 – Transportation are met by the Nutrient Farm PUD:

Goals:

1. *Ensure county roads are constructed and maintained on a safe and fiscally sustainable basis.*
2. *Support public transit services as well as alternative modes of transportation, when and where feasible.*

Policies:

1. *Garfield County will participate and cooperate with regional/statewide transportation planning to promote access to all available modes for County residents.*

Strategies/Actions:

1. *Assure the interconnectivity of the county roadway system, to provide multiple routes to reduce congestion and provide for emergency access.*
7. *Explore mechanisms for the county to address increased traffic from new development.*

Section 4 – Economics, Employment and Tourism

Garfield County has a diverse economy, and according to the Comprehensive Plan 2030, the majority of its residents are employed in the construction, retail sales, mining (oil/gas), and accommodation (food/tourism) industries. Tourism based commercial activities are seen as a means of diversifying the economy and are encouraged. Per page 50 of the Comprehensive Plan 2030:

The growth of tourism in Garfield County continues to diversify the County economy. Tourism based commercial activities are an important part of the commercial economic sector, and tourism based employment provides jobs for Garfield County residents.

Nutrient Farm is a mixed-use development revolving around a sustainable working farm with agricultural, residential, and commercial tourist oriented educational, recreational, and entertainment activities supporting it. Nutrient Farm will help to bring back agricultural land and the rural character of the County that have been identified as important community attributes and help diversify the economy by providing stable seasonal and year-round jobs in the agricultural and tourist related recreational/entertainment and commercial areas. Nutrient Farm will be a rather self-sufficient development—not requiring any costly extension of infrastructure or other utilities by the County or the Town of New Castle.

Nutrient Farm will not take away from the larger existing commercial centers in the County. Instead, Nutrient Farm will complement the existing amenities in the Valley by providing unique experiences that otherwise require a large amount of land that is not generally available in the nearby existing commercial centers. Agriculturally oriented retail/commercial business functions such as the Farm Store, Bakery, and restaurant will sell products and other goods produced and/or processed on-site. The Health and Wellness Retreat will offer a variety of health and wellness services to its guests, and a full range of lodging accommodations will also be available on-site in the Health and Wellness Retreat and campground areas.

In addition to the long range year-round and seasonal jobs that will be created, Nutrient Farm will also generate short term jobs revolving around the design and construction of the future agricultural, infrastructure, and building improvements on-site.

Nutrient Farm has been carefully laid out to be compatible with the adjacent land uses and blend into the natural environment. Nutrient Farm will bring back the agricultural focus of the original Riverbend PUD and the rural open space nature of the County. With its focus on sustainability, the environment's natural resources will be protected. Open space and wildlife habitat will be preserved, and numerous public and private trails and a variety of other recreational opportunities will be provided. Thus, Nutrient Farm is a well-rounded mixed-use development that will offer a variety of economic, recreational, and environmental benefits to the County. We believe the following Vision, Goals, Policies, and Strategies/Actions of Section 4 – Economics, Employment and Tourism are well met with the Nutrient Farm PUD proposal:

Vision: ...Mixed-use residential and commercial development has been encouraged and the County has required developments to pay a fair share of its impacts.

Goals:

- 1. Maintain a strong and diverse economic base (for both employment and income generation).*

Policies:

- 1. Garfield County will encourage the retention and expansion of modest, viable commercial uses that meet the convenience shopping needs of County residents.*
- 6. The county recognizes that the tourism industry is an important part of the regional economy and the County recognizes that the tourism industry is enhanced by (1) open space and scenic vistas (2) public trails and other recreational opportunities (3) public access to public lands (4) a healthy environment and habitats for hunting and fishing (5) green belts and open area between communities (6) clean air and water (7) local foods and local produce.*

Strategies/Actions:

- 5. Where appropriate, encourage diverse tourism related development in order to sustain it as an economic and employment base in Garfield county.*
- 6. Ensure that tourism development is compatible with adjacent land uses and preserves the natural environment of the county.*

7. *Encourage commercial/tourism development in areas where existing infrastructure (water/wastewater facilities) are currently available and where affordable housing is convenient.*

Section 5 – Recreation, Open Space and Trails

Open space and recreational opportunities are important to the health of the County’s residents and guests, and also the County’s economy—specifically, its tourist industry. Residents expressed strong support for open space preservation during the Comprehensive Plan update, and the County relies on the private sector to provide open space and recreational amenities or otherwise dedicate them during the land use review process.

Nutrient Farm will provide a large variety of recreational and open space amenities for residents and guests of the County. Approximately 608.76 acres, which is about 53.6% acres of the total PUD area, will be preserved as Private Open Space in Nutrient Farm. The open space will be available for recreation and will also provide important wildlife habitat and serve as backdrop for the valley floor. The property is adjacent to large swaths of federal land, specifically the BLM lands just beyond the Hogback ridge. Of course, the other key functions of open space, such as visual preservation, creating buffers from development, and pressing development down on the Valley floor and away from ridgelines all also come into play in terms of the key public benefits that will emanate from this Open Space designation.

As mentioned above, numerous public and private trails will be constructed in Nutrient Farm. These will include the LoVa Trail which will provide a vital alternative transportation and recreation route. Also, as previously discussed, the private trails within Nutrient Farm are open to use by the public but will be constructed and maintained by the Owner/Developer. Non-motorized trails will be constructed on the lower recreational areas of Nutrient Farm and provide access to the higher open space areas on the mountain.

In addition to the public and private trails, many more private recreational amenities will be available on Nutrient Farm. These include the outdoor recreational activities on the southern and western portions of the property. The outdoor recreational activities include corn mazes and zip lines in the Adventure Farm; trails and tracks for biking, ropes courses, alpine coaster rides, and sports fields; a water park for kayaks and paddleboards; and winter mountain activities such as sledding/tubing hills, snowmobile trails, and ice skating. Multiple private parks and fields will be constructed for people to enjoy, play, and picnic on. These will be maintained by the Owner/Developer of Nutrient Farm and are not part of the Private Open Space Tracts. Thus, Nutrient Farm will provide a wide array of public and private recreational activities, trails, and open space on-site.

In light of this very wide array of significant recreational elements contained within this proposal, we are confident that Nutrient Farm readily meets the following applicable Vision, Goals, Policies, and Strategies/Actions of Section 5 – Recreation, Open Space and Trails:

Vision:...Recreation and tourism industries are encouraged and supported in appropriate locations throughout the county.

Goals:

- 1. Assure that new residential development provides recreation opportunities for county residents that are appropriate to the density and the type of development or that contribute land and/or funding to a County-wide trail and recreation system.*
- 2. Ensure public access to federal lands is preserved consistent with Bureau of Land Management and U.S. Forest Service Policies.*
- 3. Provide opportunities for the tourism industry to utilize recreational resources as well as to preserve recreation resources for local access.*
- 4. Support the development of a continuous trail system within Garfield County along both major river corridors.*

Policies:

- 1. The county supports the creation of an interconnected trail system in the Colorado River Valley.*
- 2. Any actions regarding open space and trails must respect the property rights of land owners in the county and must be based on the concepts of just compensation mutual benefit for landowners, residents and visitors.*
- 4. Proposed development adjacent to streams/rivers with rafting or fishing potential are encouraged to dedicate easements for public access to these areas, where compatible with wildlife habitat.*
- 5. Encourage development that contributes to the continuation and enhancement of commercial tourism in or near recreation areas.*

Strategies/Actions:

- 1. Work with other municipalities, and other organizations to collaboratively develop a Colorado River Trail and preservation plan.*

Section 6 – Agriculture

Agriculture is important to the County's economy as well as the overall health and quality of life for its residents. As part of the Comprehensive Plan 2030 update, concerns over the loss of agricultural lands and the rural character of the community were identified by participating residents as a key issues facing the community. According to the Comprehensive Plan, agriculture accounts for approximately two percent of County employment, and contributes approximately \$22 million to the County's economy. Thus, Garfield County encourages agricultural lands and working farms not only as a means of diversifying the economy, but also as a way to protect the agricultural heritage of the County, and a way to preserve open space and natural habitats for wildlife.

The Nutrient Farm PUD, by its very nature, will do all of these. The Nutrient Farm PUD revolves around its sustainable biodynamic farm. Livestock will be raised and a variety of crops grown that will be available to the public at the Farm Store, Bakery, restaurant, and other agricultural

buildings. In addition, over 608 acres backing up the Grand Hogback will be preserved as private open space. Together the farm areas and open space areas total 879.89 acres—which is approximately 77.4% of the total area of the Nutrient Farm PUD.

Ecology will guide Nutrient Farm’s agricultural practices and natural resources will be protected. Renewable energy systems will be constructed on-site (i.e., solar energy systems), the private water systems will be designed to capture and re-use water, and the infrastructure designed so that in the future Nutrient Farm will be net zero and produce all its own energy. No synthetic chemical pesticides will be utilized in Nutrient Farm by the Owner/Developer that could potentially contaminate the soil, water, air, animals, or residents. Holistic and natural mitigation practices will be used against insects and weeds, (i.e., mechanical, cultural, and biological controls). Sustainable food practices will be employed throughout the life cycle of a product. Products grown on-site and those locally sourced will be available to the public to enjoy. In addition to the nutritious food, other healthy opportunities will also be provided with the open space, trails, outdoor recreational activities, and the amenities of the Health and Wellness Retreat and spa.

Nutrient Farm will bring back the agricultural focus of the original Riverbend PUD and the rural open space nature of the County. With its focus on sustainability, the environment and its natural resources will be protected. Thus, we believe Nutrient Farm emphatically meets the following applicable Vision, Goals, and Strategies/Actions of Section 6 – Agriculture:

Vision: Garfield County has preserved rural character and agricultural heritage by encouraging the retention of important agricultural lands, working farms and ranches...

Goals:

- 1. Promote the continuation and expansion of agricultural uses.*
- 2. Preserve a significant rural character in the county.*
- 3. Preserve scenic and visual corridors in the county.*

Strategies/Actions:

- 4. Require all Final Plats to carry a note that notifies prospective lot owners that Garfield County has adopted a Right to Farm Policy.*

Section 7 – Water and Sewer Service

Water and waste water services will be provided in a variety of ways—either connecting to the nearby private RWSC facilities or through the construction of multiple on-site systems. No County or municipal water or wastewater services are sought. Proposed Residential Areas 1, 3, and 4 have been placed in close proximity to the existing Riverbend Subdivisions and are planned to connect to the RWSC systems. Given the other proposed uses are a vast distance away from the central Riverbend systems and are of a nature which are outside of the residential uses of the RWSC, Nutrient Farm plans to maximize its self-sufficiency by developing its own internal water and sewer facilities for the rest of the uses—the Farm House in Area 2, new residential lot in Development Area 5, the Working Farm Areas, the Commercial/Industrial Development Area, and for all of the Outdoor Adventure Parks activities. Natural sustainable methods will be utilized, and all County and State water and sewer system requirements will be met. (For details, please refer

to the earlier responses to *General project concept and purpose of the request*, the various water and wastewater reports, and the Water and Sewer Plan drafted by SGM that have been included in this submittal package.)

Thus, we believe the following applicable Goals and Policies of Section 7 – Water and Sewer Services are met:

Goals:

1. *Ensure the provision of legal, adequate, dependable, cost-effective and environmentally sound sewer and water services for new development.*

Policies:

1. *Development located adjacent to municipalities or sanitation districts with available capacity in the central water/sewer systems will be encouraged to tie into these systems.*

Section 8 – Natural Resources

Nutrient Farm has been carefully laid out to blend into the natural landscape and preserve its natural resources. An inventory and evaluation of the native vegetation and wildlife habitat potential of the property—including Colorado River aquatic species use, has been conducted, and a number of measures will be implemented to reduce any potential negative impacts to native vegetation and wildlife habitat. As already noted, weed management efforts have already begun and a formal Weed Management Plan has been drafted. Similarly, Reclamation Plans for the Vulcan Ditch and the Nutrient Farm PUD property have been written. Improvements and reclamation measures associated with the agricultural irrigation system have also started.

Nutrient Farm values the natural environment and prioritizes responsible stewardship of the land. Ecology will guide Nutrient Farm’s agricultural practices and the property’s natural resources will be managed appropriately. Nutrient Farm will utilize organic and biodynamic agricultural practices and will be a self-contained, self-sustaining ecosystem following organic and biodynamic practices with the goal of becoming formally organically and biodynamically certified in the near future. Renewable energy systems will be constructed on-site, water systems will be designed to capture, treat and re-use water, and the infrastructure designed to lower the emissions of toxins into the soil, water, and atmosphere. Sustainable food practices will be employed throughout the life cycle of a product.

The north and east edges of the property abut/contain the Colorado River. Two minor natural drainages cross the land from south to north, draining into the Colorado River. These are ephemeral drainages with no wetland or riparian characteristics. The area of the property immediately adjacent to the Colorado River contains sparse and discontinuous wetland/riparian vegetation on its banks. No wetlands extend beyond the immediate vicinity of the Colorado River. The area adjacent to the Colorado is also within the 100-year floodplain and the County’s Floodplain Overlay District.

An Impact Analysis Report (“Report”) for Nutrient Farm has been prepared by SGM that details the property’s physical features including its topography, water bodies, vegetative cover, soil characteristics, and geology conditions, and analyzes the Nutrient Farm proposal in relation to the environmental resources on the property. The Report includes an inventory and evaluation of the native vegetation and wildlife habitat potential on the property—including aquatic species use of the Colorado River. Federal, State, and local lists and maps were utilized. Federal and State listed species were reviewed to determine if there are any species’ potential habitat in or adjacent to the Development Areas of Nutrient Farm. While all species were initially considered, eliminations were made based on known range distributions or habitat incompatibility.

These subject species include several federally protected fish and plant species, bald eagles, river otters, and big game species, such as Black Bears, Elk, and Mule Deer. The very detailed analysis of this Report, and the consideration of potential impacts, and recommended mitigation measures for such concerns for each species, is addressed in detail in that Report, which is attached to this application and incorporated into this Narrative by reference. Of course, we cannot viably replicate that analysis in this Narrative, but the full takeaway is that as with any human uses, there are some potential impacts to native species, both flora and fauna, but those impacts are not major or unique in any practical manner and may be ameliorated by implementing mitigation measures.

The Report notes that most of the proposed Development Areas are in previously disturbed areas which provide minimal environmental services or habitat for wildlife. In order to minimize any potential impacts to wildlife and improve the overall quality of wildlife habitat on and near the property, a number of measures will be implemented by the Owner/Developer related to: garbage disposal and storage; compost piles and dumps; fences; pets; bird feeders; signage; exterior lighting; hours of operation; and weed management. All such measures related to these topics are specified in the PUD Guide text and are either already implemented or will be implemented for specific development stages in the identified phasing plan for Nutrient Farm per the PUD or at the time of site specific development of a particular use.

In addition, the Report suggests that a Wildlife Mitigation Plan be developed and implemented in cooperation with CPW after the review and approval of the Nutrient Farm PUD Guide. This Wildlife Mitigation Plan may include mitigation measures to reduce the impacts to Elk and Mule Deer such as leaving taller stubble heights in pastures for more grazing opportunities, the use of some lay-down fences, and development of wintertime water sources, and assistance with water sources development on nearby BLM lands.

As previously mentioned, the Report also notes that additional studies, tests, and design recommendations will occur based on the final design and locations of future land uses. For instance, a wetland delineation and Corps permitting will be required for any improvements and/or trail in the wetlands near the Colorado River, and site specific geotechnical engineering studies will be needed for some future improvements.

Many of the Report's recommendations have already been incorporated into the development proposal, and many more will be implemented with the development of a Wildlife Mitigation Plan for the property. Nutrient Farm has been carefully laid out to blend into the natural landscape and preserve the natural environment through its sustainable ecological practices. The steep southern slopes of Coal Ridge will be designated as open space—preserving wildlife habitat and the scenic mountain backdrop of the valley floor. A variety of measures will be employed to minimize and mitigate potential wildlife impacts. Nutrient Farm will be developed in an environmentally sensitive way carefully balancing the use of the land with the preservation of its natural environment. (Please refer to the Impact Analysis Report as well as the associated individual Soils and Geohazards Evaluation, Slope Analysis, Preliminary Floodplain Mapping (draft), Weed Management Plan, and the Reclamation Plans for the Vulcan Ditch and the Nutrient Farm PUD property that have been included in this submittal package for additional information.) Thus, we believe the following Section 8 – Natural Resources' Goals and Policies have been met with Nutrient Farm:

Goals:

- 1. Ensure that natural, scenic, ecological, and critical wildlife habitat resources are protected and /or impacts mitigated.*
- 2. Preserve natural drainage patterns...*
- 3. Protect existing access to natural resources.*

Policies:

- 2. Garfield County will encourage the protection of watersheds, flood plains, and riparian areas.*

Section 9 – Mineral Extraction

As mentioned before, resource extraction accounts for approximately 10% of the County's employment base. Although it is seen as a benefit to the economy, it impacts on the environment and the County's visual resources are recognized. Thus, this Plan Element discusses the need to regulate mineral extraction appropriately so that negative impacts are mitigated.

No mining or mineral extraction activities are requested with the Nutrient Farm PUD. Rather, the existing Coal Ridge PUD that allows mining and other heavy industrial uses on the western portion of the property will be extinguished in connection with the Nutrient Farm PUD request. Eliminating the possible mining activities on-site will preserve the natural environment and be more compatible with the adjacent residential properties—eliminating the visual and auditory impacts and the heavy truck traffic associated with mining operations.

Section 10 – Renewable Energy

Garfield County encourages the development of renewable energy sources as an alternative to conventional energy. Renewable energy is a benefit to individuals and the environment, and as well as a potential way to help diversify the economy. Nutrient Farm seeks to be a beacon of the

potential of alternative energy—particularly solar, and plans to invest heavily in alternative energy systems that will make Nutrient Farm highly self-sufficient.

Conventional energy may serve the new single-family homes, but they will also be developed to be amenable to alternative energy systems, and/or utilize energy systems constructed elsewhere on the Nutrient Farm for excess energy, if feasible. For the actual farm operations and facilities, numerous renewable energy systems will be constructed on-site to power the other various activities in Nutrient Farm. The chief energy generation system will be a planned solar farm in Area 3. There will also be other alternative energy systems on-site including: solar electric; solar thermal; geothermal; wind; and hydro-electric energy systems. OWTs will also be constructed, and aerobic aeration and anaerobic digester methods will be utilized. These larger systems will be for the benefit of the entire Nutrient Farm property and are not intended to provide services to other properties outside of its boundaries. The PUD Guide has specified the locations, development standards, and future review processes for these larger renewable energy systems and also contains allowances for accessory solar energy systems on the individual residential lots. (Please refer to Table 2 – Nutrient Farm Land Use Table of the PUD Guide for details.)

Thus, we believe Nutrient Farm fulfills the following applicable Goals, Policies, and Strategies/Actions of Section 10 – Renewable Energy well:

Goals:

- 1. Promote and encourage the development of renewable energy resources within the county.*
- 2. Encourage the implementation of energy efficient site design and building orientation in development proposals.*
- 3. Ensure that renewable energy activities mitigate their effects on the natural environment, including air quality, water quality, wildlife habitat, and visual quality.*

Policies:

- 1. The county encourages the development of energy efficient building design and the use of alternative energy sources.*

Strategies/Actions:

- 2. Encourage current, and require future, POA/HOA's to adopt local standards to promote and allow for renewable energy technologies to occur within their subdivisions.*
- 3. Evaluate the viability of various renewable energy resources within the county. Develop appropriate mechanisms to encourage their development.*

Conclusion to Explanation of how the PUD is in general conformance with the comprehensive plan

The Nutrient Farm PUD request is in general conformance with the Comprehensive Plan 2030. It addresses many of the issues and concerns raised by County residents, and fulfills many of the needs, goals, policies, and strategies/actions identified in the Comprehensive Plan's ten Plan Elements.

Nutrient Farm, as a mixed-use community revolving around a working farm, will help preserve agricultural land and the rural mountain character that have been identified as important community attributes, while also helping to diversify the economy. Stable seasonal and year-round jobs in the agricultural, tourism, and commercial areas will be created. In addition to the new jobs, new lots/homes will be located within Nutrient Farm. Nutrient Farm is an infill development, and anachronistic industrial and high intensity residential uses will be replaced with a new agricultural mixed-use PUD which is a much more compatible and sensitive to the nearby existing residences and the environment itself than that which is currently allowed.

Thus, we believe that Nutrient Farm PUD is in general conformance with the Comprehensive Plan 2030 and will be an asset to Garfield County.

c. Description of how the proposed development departs from the otherwise applicable standards of this Code but meets the intent and purpose of this Article;

The proposed Nutrient Farm PUD request meets the purpose, intent, and applicability of PUD zoning as provided in sections 6-101.A. and B. of the LUDC. The LUDC readily acknowledge that there are instances when greater design flexibility for a development may be desired than that currently allowed under the basic zoning regulations. The intent of PUD zoning is to encourage flexibility in the planning and design of land so that the proposed development utilizes the site's natural physical and environmental characteristics. Per the LUDC, applications for PUD zoning may be made for any single parcel of land or contiguous parcels of land in any zoning district containing two or more acres. The Nutrient Farm property is owned by a single entity and well over this minimum.

Due to the unique agricultural nature of Nutrient Farm and its recreational, entertainment, and retail/commercial tourist related activities, and its sheer size, modifications to various LUDC provisions are needed which are specifically tailored to the Nutrient Farm development. Thus, the proposed PUD Guide contains a number of special land uses, definitions, and development standards and requirements designed to foster the compatible and orderly development of Nutrient Farm and ensure that it blends in with the nearby residential development pattern and the natural landscape.

The content and development standards/requirements of section 6-302.A.4.a.-d. PUD Plan Guide and 6-401.A.-I. Development Standards of the LUDC have been contained in the proposed Nutrient Farm PUD Guide. The PUD Guide contains the permitted uses, addresses density, housing types, transportation and circulation systems, off-street parking, recreational amenities, landscaping and trail standards, weed mitigation, and phasing for Nutrient Farm. It also contains dimensional standards for the future lots and numerous development regulations for the improvements on them. As 6-302A.4.a. calls for, development standards and dimensional regulations such as minimum lot size requirements, setbacks, and lot coverage limitations are provided based upon Table 3-201. Dimensional Standards, and Standards, Article 7, Division 3 of the LUDC have been included in the PUD Guide. The proposed PUD Guide also contains lighting

and signage regulations, and standards for roadways, utilities, and other infrastructure improvements. Although not required, sound standards and Solar Energy Systems provisions have also been included. The various existing LUDC requirements have not been ignored—rather, they have been incorporated into the proposed regulations and only modified from the LUDC in order to provide clarification or to be more appropriate to the Nutrient Farm community.

The following is a discussion of the PUD Guide’s requested departures from the provisions of the LUDC. For the sake of brevity, please also refer to the earlier responses to *General project concept and purpose of the request* and the later response to *PUD Plan Guide (6-302.A.4.a.-d.)* for detailed information on the contents and development standards/requirements contained within the proposed Nutrient Farm PUD Guide.

Unique Land Uses, Definitions, and Development Standards of the Nutrient Farm PUD Guide

The Nutrient Farm PUD Guide has been carefully designed to create an agricultural mixed-used community revolving around its working farm that is compatible not only with the land it is on, but also the nearby residential uses. We believe the proposed PUD Guide meets the purpose and intent of the LUDC and provides appropriate development standards for Nutrient Farm. The PUD Guide builds upon the LUDC and only departs from the LUDC in an effort to address the unique uses and create a cohesive community on Nutrient Farm. The following is a discussion of the unique land uses, definitions, and development standards within the Nutrient Farm PUD Guide that are proposed to depart from various provisions of the LUDC. We believe that the proposed departures are reasonable and appropriate to Nutrient Farm as no public health and safety standards of the Building Code will be compromised, nor will any negative impacts to adjacent properties be created through these standards.

Land Uses, Definitions, and Review Processes

Unique land uses, definitions, and review processes have been proposed in the PUD Guide to foster the compatibility and orderly development of Nutrient Farm. Table 2 – Nutrient Farm Land Use Table (Exhibit D of the PUD Guide), and the Nutrient Farm Land Use Definitions (Exhibit E of the PUD Guide) supersede those of the LUDC. The definitions of the LUDC apply when a land use definition is not contained within the Nutrient Farm Definitions.

Table 2 – Nutrient Farm Land Use Table identifies the allowed land uses within each Development Area of the PUD, the required level of development review by Garfield County, and specific PUD Guide or LUDC standards. Either a unique land use or unique land use definition has been identified by an asterisk (*) on the Table. The existing LUDC Article 7 Standards requirements are carried forward on the proposed Table and in the Nutrient Farm Land Use Definitions along with additional proposed requirements. They vary from the LUDC in order to provide clarification and/or to be more appropriate to the Nutrient Farm community.

The new Nutrient Farm Land Use Definitions and modifications to the LUDC's definitions have been shown in blue text in the proposed Definitions so that they may be easily recognized. (The blue will be modified to standard black text once these have been reviewed and approved by the County.) The new and/or revised Nutrient Farm Land Use Definitions and Land Use Table include the recent LUDC modifications and other uses such as: Agriculture, Agritourism, Animal Keeping, Food Truck, Guest House, On-Site Employee Housing, Parks and Open Space, Camp Store, Farm Store, Accessory Improvement, Nutrient Farm Event, Outdoor Music and Entertainment, Outdoor Recreation, Cistern, Hydrogen Generation and Storage Systems, Solar Energy Systems, Outdoor Recreational Uses, Temporary Uses and Structures, multiple specific signs, and other land uses. (Please refer to the proposed Nutrient Farm Land Use Definitions for all proposed changes.) The LUDC definitions for an Accessory Building, Improvement, Structure and Use have been further defined and included as allowed uses on the Land Use Table or in the PUD Guide itself.

Most notably, the following kilowatt (kW) modifications to the Solar Energy definitions are proposed:

- Solar Energy Systems, Accessory: We have expanded this definition of the LUDC to include associated systems equipment such as inverters, electrical and thermal batteries, and Pits of Thermal Energy Storage (PTES), and have increased the maximum less than 15 kilowatt (kW) DC rating to less than 25 (kW) to better reflect current Accessory Solar Energy Systems. The provisions of 7-1101. still apply, except for 7-1101.B.2.d. which limits Accessory Solar Energy Systems to 15 kw.
- Solar Energy Systems, Small and Large: Similar to above, we have expanded the LUDC's Solar Energy Systems definitions, and call for Small Solar Energy Systems to be those 25 kW up to 500 kW. The signage requirements of 7-1101. will be adhered to.

Similar to the LUDC's Land Use Table, the development review processes for each land use has been identified on the proposed Nutrient Farm Land Use Table. Since Nutrient Farm revolves around its agricultural practices, Agricultural and Animal Related Uses, including Agritourism, are allowed in each of the Development Areas. Some modifications to the LUDC are proposed that we believe to be reasonable based upon the mixed-use nature, layout, and size of Nutrient Farm. We note that some of these uses and review processes have already been allowed for other PUDs in the County. We believe the review processes are reasonable and appropriate to ensure the safe and compatible development of Nutrient Farm.

In terms of modifying the existing LUDC Article 7 development standards or other LUDC standards in the Nutrient Farm PUD Guide, the following are proposed:

- Accessory Dwelling Unit ("ADU"): The LUDC's definitions and standards of 7-701. have been modified so that there is no additional minimum lot area or minimum lot size for an ADU in Nutrient Farm. All ADUs are limited to a maximum floor area of 1,500 square

feet. The proposed development standards have been included in the PUD Guide under section III.H. – Specific Land Use Standards.

- Animal Keeping: This is a new unique land use and definition with its own development standards. It is based on the LUDC's Animal Sanctuary requirements (7-601.) but does not limit the type or number of animals or contain a 35 acre minimum lot size or other minimum building sizes since Nutrient Farm itself is well over 35 acres and revolves around its working farm. The proposed development standards and regulations for Animal Keeping are stated in the PUD Guide section III.H. – Specific Land Use Standards.
- Food Truck: This is a new land use and definition specific to Nutrient Farm. We would like to be able to provide our guests and residents with the opportunity to enjoy food on the Nutrient Farm property. The proposed development standards and regulations for a Food Truck are stated in the PUD Guide section III.H. – Specific Land Use Standards.
- Guest House: This is a new land use and definition specific to Nutrient Farm. A Guest House will only be allowed in Development Area 2 and as an accessory use to the primary residence there. The Guest House is intended for use by the Owner/Developer's relatives and guests. The proposed development standards and regulations for a Guest House have been included in the PUD Guide section III. H. – Specific Land Use Standards.
- Nutrient Farm Event: A Nutrient Farm Event includes a variety of entertainment, recreational, educational, and celebratory events as defined in the proposed Nutrient Farm Land Use Definitions. The proposed development standards and regulations for Nutrient Farm Events are stated in the PUD Guide section III.H. – Specific Land Use Standards and include limiting the hours of outdoor operation of such events from 7:00am to 10:00pm, and other lighting, noise, dust control, and Temporary Parking Plan requirements.
- Solar Energy Systems: A specific Solar Energy Systems section has also been included in the PUD Guide which provides further design and location standards for any Solar Energy Systems within Nutrient Farm. (Please refer to our later Solar Energy Systems discussion under *PUD Plan Guide (6-302.A.4-a.-d.)* for details.)
- Soils and Geohazard Evaluations: A specific Soils and Geohazards section has also been provided in the PUD Guide which requires all future improvements to abide by the Drainage and Erosion requirements of section 7-204. of the LUDC and the Natural and Geological Hazard standards of section 7-207. of the LUDC. However, section 7-207.F.2. of that section shall only apply to residential or lodging development in Nutrient Farm. All other types of non-habitable uses may be allowed on 30% slopes. However, all development in such 30% slopes are still subject to the study requirements of 7-207.F.1. for any development on slopes over 20%.
- Temporary Improvement: Similar to the above uses, a Temporary Improvement is a unique land use for Nutrient Farm which is envisioned to primarily be used in connection with the special Nutrient Farm Events on the property. All such improvements must meet all applicable Building Codes and be removed within two days once the event or activity has ended. Please see the proposed development standards and regulations for a Temporary Improvement in the PUD Guide section III.H. – Specific Land Use Standards for details.
- 7-1001. Additional Standards for Industrial Uses: This section was recently modified with the LUDC changes. We are also proposing 7-1001.D.3. that requires a 100 foot setback for

storage not apply to any adjacent property line located within the Nutrient Farm boundaries, but rather apply to an adjacent property outside of the PUD boundaries. Given the mixed-use nature of Nutrient Farm and the location of the Development Areas, we believe the large 100 foot setback requirement is unnecessary in the PUD itself. All other provisions of the LUDC for Industrial uses will be in effect.

Dimensional Standards

LUDC Table 3-201. Zone District Dimensions contains the dimensional standards for each of the County's zoning districts. Minimum lot area, maximum lot coverage, maximum floor area ratio ("FAR"), setbacks, and heights are specified.

Nutrient Farm is comprised of four large parcels totaling approximately 1,136 acres. Although no specifics are contemplated at this time, the property will inevitably need to be further subdivided in the future via the rigorous LUDC subdivision review process, in order to accommodate the residential subdivisions and, if needed, construction in the various Development Areas. The PUD Guide – Table 3 – Zone District Dimensions contains lot standards and setbacks requirements for future improvements within Nutrient Farm. Tables 4, 5, and 6 contain regulations for setback encroachments and building heights. Once again, these have been based on the LUDC, with some modifications and clarifications, in order to provide buildable lots and ensure compatibility within the PUD and with the nearby existing Riverbend homes.

- Development Areas 1-5 (Residential Lots): In order to be compatible with the nearby Riverbend lots, all new Development Areas 1, 3, and 4 residential lots will be a minimum of 0.50 acre, the new residential lot in Development Area 5 will be a minimum of 1.00 acre, and the existing Farm House lot in Development Area 2 will be a minimum of 35 acres. All residential lots will be limited to a 35% maximum lot coverage and FAR and follow the LUDC's designated setbacks for Residential zoning districts and local roads. This will produce larger less developed lots than the LUDC's Residential Suburban zoning district that requires a 20,000 square foot lot minimum and a 50% maximum lot coverage/FAR allowance. The only larger lots of the LUDC are those in the Rural zoning district with a minimum of two acres that allow a 50% maximum lot coverage and FAR. In terms of precedence, approved Aspen Valley Polo Club contains lots of 0.25 acre with 25% maximum lot coverage and 30% FAR, and 0.75 acre lots with 35% maximum lot coverage and 30% FAR.
- ADUs: ADUs are allowed on each single family residential lot and specific standards have been proposed for them that vary slightly from the LUDC. They are required to follow the standards of 7-702., but there is no additional minimum lot size or minimum lot area, and no additional rear yard setback required for them beyond those shown in the PUD Guide Table 3. (Please see Table 3 of the PUD Guide for details.)
- Development Areas 5-8 (Farms/Commercial/Industrial Lots): The commercial LUDC regulations are proposed for lots within Development Areas 5-8—7,500 square foot minimum lot size, 85% maximum lot coverage, 50% FAR, and listed setbacks for local

roads. Development Areas 5-8 are considered to be industrial zoned property for the application of section 7-1001. of the LUDC. As just mentioned, LUDC 7-1001.D.3. is not required when adjacent to other property lines within the PUD. However, the 100 foot setback requirement will be provided to adjacent property lines outside of the PUD boundaries.

- 25 Foot Setback for Small and Large Solar Energy Systems: A 25 foot minimum setback is required for any Small and Large Solar Energy Systems abutting an existing residential property outside of the Nutrient Farm PUD boundaries regardless of its front, rear, or side yard setback designation in Table 3, per footnote 6.
- 25 Foot Minimum Setback: A 25 foot minimum setback is required from the edge of a dedicated right-of-way or from the edge of road or street for all other non-dedicated roads or streets in Table 3, per footnote 7.
- Setback Encroachments: Proposed Table 4 illustrates the allowed setback encroachment for Projections and other Minor Accessory Improvements. The allowed encroachments are exactly those found in the LUDC except that specific Minor Accessory Improvements have been listed and allowed to encroach into the setback provided the Clear Vision Standards of the LUDC are met. (Please refer to the proposed Table 4 for details.)
- Height: All buildings and structures are limited in height by the proposed PUD Guide and will be measured according to the LUDC currently in effect at the time of building permit. Because Nutrient Farm is a mixed-use community and various uses are located next to each other throughout the PUD, except for the Farm House single-family home and accessory uses in Development Area 2, all building heights are limited by the land use which they are associated with rather than by the Development Area (i.e., zoning district) in which they are located. For instance, all remaining single-family homes are limited in height to 25 feet, while a commercial type of building is limited to 40 feet in height. Based on the large size of Development Area 2, its location and its distance from other existing homes, the Farm House will be limited to 40 feet in height, while all other uses in Development Area 2 will be limited to 35 feet in height.
- Solar Energy Systems: The Solar Energy Systems provisions of the PUD Guide limit the ground mounted solar collectors to a maximum height of 15 feet. All other associated buildings and infrastructure improvements are limited by the Utilities classification of Table 5—40 feet.

Transportation and Circulation / Access and Roadways

A Conceptual Access, Circulation and Parking Plan (“Plan”) for Nutrient Farm has also been attached to the PUD Guide. Multiple public and private streets, roads, and driveways will be constructed by the Owner/Developer to provide access to various portions of the property and its uses. The Plan shows the locations of the 80 foot right-of-way for CR 335 and the two new 50 foot public rights-of-way that will be constructed and dedicated to the County off of CR 335 to serve the new residential lots in Development Areas 1 and 3. (These road will only be constructed/dedicated when the residential subdivisions are constructed.) The three residential lots in Development Areas 4 and 5 will take access off of the existing Riverbend Drive. All other

private streets, roadways, driveways, and associated improvements in Nutrient Farm will be constructed and maintained by Owner/Developer, or its designees or successors in interest, unless and until the roads are dedicated and accepted by Garfield County for public maintenance.

All roads within Nutrient Farm will be designed to provide adequate, safe, and efficient access and circulation for the property. In an effort to minimize site disturbance and hard surfaces within the PUD Property, the following road designs standards are proposed:

- All private roads within the PUD will consist of two 12½ foot gravel lanes with a two percent (2%) crown section and two foot (2') deep ditches, as necessary, with a 12 percent (12%) maximum grade and 80 foot minimum centerline radius. Shoulders and ditches will be used only in select locations, as needed. Other hard surface may be preferred in the future for some of these private roads, or portions of them, due to heavy traffic, turning movements, etc. Thus, such areas may be paved with concrete in the future at the discretion of the Owner/Developer. (Any necessary County approvals for the surfacing will be obtained.) The two 50 foot rights-of-way to serve Residential Areas 1 and 3 will also be constructed to the above standards.
- No design standards are proposed for the internal agricultural access roads in and around the farm areas because they are strictly for agricultural purposes and no public vehicles will be allowed on them. They will consist of unimproved, native earth or gravel as warranted with use.

Off-Street Parking and Loading

Off-Street Parking and Loading standards have been included in the PUD Guide that will supersede those of the LUDC. The LUDC's clear vision area and dimensional requirements for parking stalls, access drives, and drive aisles will be met. Any design standard departures are requested in an effort to minimize the amount of site disturbance and paving in the PUD area and promote water absorption, and only for the non-residential uses. All residential uses will meet the requirements of the LUDC except for Table 7-302.A. Minimum Off-Street Parking Standards by Use. Specifically, the PUD Guide contains the proposed residential off-street parking standards for Nutrient Farm: two parking spaces for each single-family residential unit; one parking space for each ADU; and one space per bedroom for any Employee Housing or Bunkhouse unit.

Table 7-302.A of the LUDC regarding the amount of parking spaces for each land use does not include many of the Nutrient Farm non-residential land uses. Additionally, Nutrient Farm guests are expected to engage in multiple indoor and outdoor activities on the property during their visit. As such, Nutrient Farm developed parking estimates based on our own projections, timing assessments (many of these are seasonal and do not require year-round parking), and combined needs of all uses, and developed the parking layout shown on the Conceptual Access, Circulation and Parking Plan. Thus, after analyzing the proposed uses, the unique off-street parking standards include:

- Shared Permanent Parking: A total minimum of 842 permanent parking spaces in shared surface parking configurations in Development Areas 6, 7, and 8 are proposed for all indoor and outdoor uses in Nutrient Farm. These include parking for all the permanent non-residential enclosed buildings and for all the outdoor agricultural, recreational, and entertainment activities in Nutrient Farm that are not held in an enclosed building. Many of these are seasonal uses that will not be operating year-round, but the generic use by use allocation functions as follows:

Parking Summary		
Development Area	Use	Parking Spaces Provided
6	Energy Building	4
	Greenhouse (Agriculture)	14
	Processing Buildings	122
	Restaurant	112
	Adventure Farm	40
	Farm Store	16
	U-Pick Orchards, Pumpkins, Maze, etc. (Includes 5 LoVa Trail Parking Spaces.)	59
	Nursery and Supply Yard	8
7	Commercial – Retail/Professional	32
8	Water Park	234
	Campground Office	16
	Lodge/Health/Wellness Retreat	16
	Adventure Park	60
	Performing Arts	32
	Music/Entertainment Festival	77
Total		842

- Dimensions and Surfacing: Permanent parking and loading stalls, lots, aisles, access drive widths, and the clear vision area requirements of 7-303.I., and the dimensional requirements of 7-302 of the LUDC will be met, and may be natural earth/grass or gravel surfaced and not striped in order minimize site disturbance in the PUD area.
- Timing: As each building and/or use is constructed, the associated parking area, at a minimum, will be constructed. Additional parking areas may be constructed but are not required.
- Temporary Parking Plan: Short-term, non-permanent parking spaces will be provided on-site for all Nutrient Farm Events or music/entertainment performances with an expected attendance of 350 people or more per the Temporary Parking Plan. These will be located entirely on the property, not within the CR 335 right-of-way.

We believe the proposed parking and loading standards are appropriate for Nutrient Farm.

Signage

Section 6-302.A.4. of the LUDC requires the PUD Plan Guide to include signage standards—height, lighting, placement, and quantity regulations for the future on-site signs.

Due to the variety of future land uses, buildings, and activities in Nutrient Farm, multiple types of signage is needed to help provide directional guidance and information to guests and residents of Nutrient Farm. We have proposed special Signage Standards for Nutrient Farm that will supersede those of the LUDC. The existing LUDC Signage standards have been included as much as possible and new unique sign types, definitions, and standards have been added. For instance, Area Identification and Directional Signs are proposed to identify the name of the Development Areas and their activities, and to provide directions to the various Areas and activities. (Please see the PUD Guide, Signage Standards, Tables 9 – Allowed Signs and Table 10 – Allowed Signs Design Requirements, and the Land Use Definitions for details.)

Exterior Lighting

Exterior Lighting Standards are also contained in the PUD Guide in an effort to minimize light pollution and conserve energy, while providing adequate lighting for safety and security. The proposed Lighting Standards encompass and supersede those of section 7-304. of the LUDC with additional details that have been proposed regarding prohibited lighting and exempt lighting for Nutrient Farm. Please refer to the Exterior Lighting Standards of the PUD Guide for details.

Conclusion to Description of how the proposed development departs from the otherwise applicable standards of this Code but meets the intent and purpose of this Article

In light of the foregoing considerations, we strongly believe that the Nutrient Farm PUD builds upon and expands the various provisions of the LUDC with zoning regulations specifically tailored to the unique agricultural, residential, recreational, and commercial related activities on Nutrient Farm. In turn, the proposed departures from the LUDC are reasonable and appropriate in order to create a cohesive agricultural development revolving around the working farm. We believe the Nutrient Farm PUD meets the purpose and intent of the LUDC for PUD Zoning and provides reasonable development standards as required for the PUD Guide (6-302.A.4. and as required by the PUD Standards (6-401.A.-I.)). We will be glad to work with the County and answer any questions or concerns there may be for any aspect of this proposal.

d. Relationship of the proposed PUD development to the existing land uses and adjacent property land uses;

The Nutrient Farm PUD is appropriate for the property and is compatible with the surrounding land uses. Nutrient Farm is an infill project on land that has been contemplated and approved for intensive residential and industrial development since the early 1970's. It is located to the south and west of the Colorado River and backs up the steep slopes of Coal Ridge and the nearby BLM

lands. CR 335 bisects the property, and pockets of residential subdivisions (single-family and duplex lots) are located adjacent to the property—Riverbend Subdivision Filing Nos. 1 and 2, Riverbend Ranchettes, Cedar Ridge Subdivision, Riverbend Filing No. 5, and Lot 2 of the Matthies Exemption Plat. These residential subdivisions are on land that was originally part of the overall Riverbend PUD. To the south and west lie private lands which are zoned Rural and are currently being used as grazing land/meadow hay fields/agricultural according to the Assessor’s records. One single-family ranch home exists to the south on one of these properties.

In terms of the nearby uses and the Official Zone District Map for Garfield County:

- North: The Colorado River and I-70 are located directly to the north of Nutrient Farm. Beyond those, the area is zoned and developed with a mix of residential and commercial land uses.
- South: Both public (BLM lands) and private lands are located to the south of Nutrient Farm. The public lands are located to the southeast and are zoned Public Lands while the private property to the southwest is zoned Rural. According to Assessor’s records, the property to the southwest is currently used as grazing land/agricultural and has a single-family ranch home on it.
- East: BLM Public Lands are to the east of the property.
- West: The three adjacent properties to the west are privately owned and are being used as grazing land/meadow hay fields/agricultural according to the Assessor’s records. They are currently vacant and zoned Rural.

The Official Zoning District Map of Garfield County recognizes the existing Riverbend and Coal Ridge PUDs for the Nutrient Farm property with a PUD zoning designation. (Please refer to the Impact Analysis Report for a map illustrating the property’s location and the adjacent land uses within 1,500 feet of Nutrient Farm.) The proposed Nutrient Farm PUD is a much more compatible and sensitive development than that which is currently allowed by those PUDs. The future Nutrient Farm lots and homes will be compatible in size and scale with the nearby existing homes. To that end, we have provided an analysis of the proposed residential lots’ development standards in relation to the nearby Riverbend lots and home sizes later on in this Narrative. (Please see the Lots discussion under the response below to *PUD Plan – PUD Plan Guide* for details.) The scope and intensity of uses on Nutrient Farm will be limited as well, in both a seasonal nature and in the frequency of events. Finally, all such uses will be well contained on the property that is over 1,100 acres, and any impacts will be mitigated by both the natural layout of the land and the development plan thereon, and the mitigation efforts for noise, wildlife, etc. that are discussed throughout this Narrative.

e. Phasing and timing for the proposed development including the start and completion date of construction of each phase.

Nutrient Holdings is anxious to begin construction of Nutrient Farm and would like to start as soon as the PUD is approved and recorded. Since Nutrient Farm revolves around its Working Farm

areas, construction of the improvements related to the Working Farm areas will begin first. However, due to the large amount of land and many possible land uses, development of Nutrient Farm will take some time. As mentioned earlier in this Narrative regarding the Development Agreement and Phasing Plan, the phasing of this project is quite thoroughly addressed in the Phasing Plan, the PUD Guide, and the Development Agreement.

Please see our earlier response *General project concept and purpose of the request* for details on Nutrient Farm's phasing plan and Development Agreement.

2. PUD Plan – PUD Technical Descriptions (6-302.A.2.a.-h.)

a. Method and calculation used to determine overall project and specific use type densities;

It is difficult to specify an overall density for the PUD due to the mixed-use nature of Nutrient Farm, the large amount of open-air outdoor recreational activities, and any possible future unknown subdivisions for the commercial, recreational/entertainment areas. However, based upon an analysis of Nutrient Farm in relation to the existing Riverbend and Coal Ridge PUDs, and the LUDC and Comprehensive Plan requirements, we believe the proposed Nutrient Farm PUD contains an appropriate level of development for the property. The following is a summary of the proposed Development Areas, Tracts and land uses for Nutrient Farm:

Development Areas and Private Open Space Tracts Summary		
Area/ Tract	Name	Size (Acres)
1	Single-Family Residential Subdivision (+ADUs allowed) (5) 0.50 acre minimum lots	5.50
2	Single-Family Residential Subdivision (+Guest House allowed) (1) 35.00 acres minimum residential lot (Existing Farm House)	41.14
3	Single-Family Residential Subdivision (+ADUs allowed) (10) 0.50 acre minimum lots Solar Energy Systems	9.46
4	Single-Family Residential Subdivision (+ADUs allowed) (2) 0.50 acre minimum lots	1.12
5	Working Farm – East* (1) 1.00 acre minimum residential lot (+ADU allowed) Solar Energy Systems	73.99
6	Working Farm – West/Solar Energy Systems* (North: 54.70 Acres) (South: 142.21 Acres)	196.91
7	Commercial/Industrial Park* (North: 5.45 Acres) (South: 6.86 Acres)	12.31
8	Outdoor Adventure Parks/Music and Entertainment/Lodging* (North: 6.14 Acres) (South: 168.25 Acres)	174.39
A	Private Open Space	214.63
B	Private Open Space	281.19
C	Private Open Space	65.40
D	Private Open Space	47.54
County Road 335 ROW Area		11.42
Total Size of All Development Areas		515.82
Total Size of All Private Open Space Tracts		608.76
Total Size of County Road 335 ROW		11.42
Total Size of PUD Area		1,136.00

- * Per the PUD Guide, Bunkhouses for agricultural employees and On-Site Employee Housing units for employees of Nutrient Farm may also be constructed in these Areas. These units are not required by the LUDC nor will they be restricted as such. No unit count or size for these have been specified in the PUD. Additional review and approval by Garfield County is required, including vehicle trips, water and wastewater systems information, prior to the construction of any of these units. (Please see the PUD Guide for details.)

As mentioned before, the Nutrient Farm PUD area contains the remaining unsubdivided portions of the Riverbend PUD and the entirety of the Coal Ridge PUD. No more than a modest amount of residential density—18 new single-family lots (the existing Farm House has already been included in the existing subdivisions calculations), is currently proposed for the Nutrient Farm PUD. The quite significant remainder of residential density previously attributed to the property or otherwise viewed as potential density rights for the property will either be fully extinguished or put into a latent density reserve which restrains any use of that density without significant and multi-tiered development review and scrutiny—and even then, only if Nutrient Farm ceases to function and remain viable.

Although the official zoning map acknowledges the Riverbend and Coal Ridge PUDs with a PUD zoning designation, the Comprehensive Plan assigns Residential Medium High (RMH) to the property which calls for 2-6 acres per dwelling unit. This designation does not acknowledge the commercial mining operation and its various heavy industrial uses allowed under the Coal Ridge PUD. Consequently, section 6-401.C. Density that calls for non-residential density within a PUD to comply with the Comprehensive Plan and not exceed the level that can be adequately served by public facilities seems to be either irrelevant or met. Adequate water, wastewater, utilities, and infrastructure are available or will be constructed on-site to serve the proposed agricultural and related recreational, entertainment, and commercial tourist activities.

In terms of the potential scale and intensity of Nutrient Farm, the Water Adequacy Report and the Traffic Impact Study contain maximum square footages for the various uses/buildings, as well as visitor amounts and vehicle trips. The shown square footages and visitors reflect the size of the buildings and expected visitors at final build-out. Many of these buildings will start out on a much smaller scale and then expanded as needed based on visitor levels. For instance, the restaurant is anticipated to be 7,500 square feet at its final build-out, and the two agricultural processing buildings to support Nutrient Farm to be 72,000 square feet each at their final buildouts. (One of the processing building contains a 4,000 square foot Farm Store.) For efficiency, all processing activities will be consolidated, rather than duplicating processing efforts in multiple buildings throughout the property. A maximum of 2,000 square feet of general office/professional/retail space are planned. The lodge/retreat will contain 12 rooms and the campground will consist of a total of 67 campsites, cabins, and RV spots. 193 visitors are anticipated for the Adventure Farm, Adventure Park, and water park; 100 visitors are estimated for the performing arts center and no more than 350 are planned for at the music and arts venue area. The camp sites, water park, performing arts area, and music and arts venue will operate seasonally—for seven months of the year. At this time, a minimal number of smaller scale monthly events are anticipated at the performing arts area and music and arts venue. (Please see the Water Adequacy Report and the

Traffic Impact Study for details.) We believe the proposed uses are appropriate for Nutrient Farm, compatible with the nearby residential development, and will blend into the natural environment well.

Section 6-401.C. of the LUDC calls for residential density to be no greater than two dwelling units per gross acre within the PUD, or in a Rural zoned subdivision. These are the largest minimum lot sizes under the LUD and would by rote mathematic deduction afford potentially hundreds of units of residential on this 1,100+ acre parcel. Additionally, the LUDC also allows for the averaging and transferring of densities within the development areas of the PUD's boundaries. With only 18 single-family homes proposed in Nutrient Farm, Nutrient Farm is well under the required two units per acre.

As noted above, many amendments to the Riverbend PUD have taken place that have allowed the original 198 residential units to be moved around within the PUD area and subdivided into individual residential lots. For instance, the Riverbend Preliminary Map did not contemplate any residential lots where the Cedar Ridge Subdivision is located—instead, a commercial stable was shown there. And the Riverbend Filing No. 5 area is located on land that was originally designated for a utility facility/sewer treatment and open space agricultural areas.

Moreover, beyond the residential density allowed on-site by the Riverbend PUD, and ***in addition to that residential density***, the property was also permitted to contain a very broad, extensive, and intensive scope of industrial use and development via the Coal Ridge PUD. Similar to outdoor farming operations, industrial use does not readily lend itself to easy density equivalencies or conversions. Nonetheless, the fact remains that the cumulative impacts of the residential and industrial uses long contemplated on this site, in terms of density and other impacts related thereto, is far, far beyond the density and impact now proposed by this agriculturally driven, agritourism based proposal. Thus, we believe the proposed Nutrient Farm PUD contains an appropriate level of development for the property and is much more compatible with the nearby land uses than which is currently allowed under the two PUDs.

- b. The PUD shall demonstrate how common wastewater facilities will be controlled or governed by future owners within the PUD; and***
- c. The PUD shall demonstrate how common water facilities will be controlled or governed by the future owners within the PUD;***

As previous discussed above in detail to the response to *General project concept and purpose of the request*, wastewater and water services will be provided to Nutrient Farm in a variety of ways—through the construction of multiple on-site systems for the agricultural, recreational, and commercial uses or connecting to the nearby private RWSC facilities for the new residential uses. No County or municipal wastewater or water services are sought. The systems for the homes will be either constructed for that specific home or be centrally connected to the adjacent public systems. The remainder of the property will work as one holistic, uniform operation under one

Owner/Developer. Nothing can even be sold individually unless and until a subdivision plat is approved and recorded that breaks up the Nutrient Farm property. At that juncture, any safeguards on ownership will have to be addressed by means of both the LUDC and the PUD, as well as state law. In other words, at every stage in development, water facilities will follow ownership of any distinct property interests. (Please refer to the Water Adequacy Report, Central Water Distribution and Wastewater Systems Report, and OWTS Engineering Report prepared for more information.)

d. Method of adequately providing other necessary public utilities;

Due to the size of Nutrient Farm, utilities will be provided to the future land uses in a number of ways based on their location and individual power needs. This includes connections to nearby existing conventional energy systems and the construction of multiple new private renewable energy systems.

The existing Farm House utilizes a pellet stove for heat and Xcel Energy provides electricity. The new residences and any of their associated ADUs may also use individual propane tanks/systems and electricity from Xcel Energy. (A letter from Xcel Energy has been provided indicating their ability and willingness to serve the new homes.) All other uses in the Development Areas will be served by multiple private renewable energy systems constructed on the property specifically designed to serve them. These include solar electric, solar thermal, geothermal, wind, and hydro-electric energy systems. (I.e., solar electric and/or solar thermal energy systems will be constructed on the northern portion of Development Areas 6 and 3 near the Colorado River, and Development Area 5, if needed.) In addition, each single-family home/lot will be able to construct its own Accessory Solar System per the terms of this PUD Guide.

All new conventional utilities will be located and installed in accordance with the applicable utility providers' requirements and those of the LUDC. All existing overhead lines, transformers, switching and terminal boxes, meter cabinets, and other associated facilities will remain in place as already legally implemented and allowed and controlled by the relative utility providers. All necessary utility easements and drainage easements will be located and dedicated per 7-106. of the LUDC at the time of future subdivision or via separate instrument at the time of site plan or building permit review, or as needed.

We would also emphasize that in an effort to ensure that the biodynamic nature of Nutrient Farm is protected and maintained, absolutely no overhead lines and facilities will be allowed or installed, nor will any wireless meters or antennas be installed on the property without the express advance allowance of the Owner/Developer. The same expectations will be implemented for the dedication of the right-of-way for CR 335 and the LoVa trail.

e. Type or method of fire protection;

Nutrient Farm is located within the Colorado River Fire Rescue ("CRFR") jurisdiction. All development on the property will meet all fire protection requirements of the CRFR and comply with wildfire hazard mitigation/defensible space requirements of the CRFR at the time of building

permit for each individual building or structure. Wildfire mitigation strategies are encouraged for all construction and development within Nutrient Farm.

Our Engineering Team has met with Orrin Moon, the Fire Prevention Division Chief, on-site reviewing the property and discussing the Nutrient Farm PUD Plan Map. The general road design was reviewed, and all CRFR road design standards will be met with the formal design and construction of the future roads. All fire flow needs will be met through potable and raw water storage or water supplies and infrastructure sizing. Specifically, for those portions of Nutrient Farm served by its own water system, multiple dry hydrants connected to the on-site cisterns or irrigation and recreational water ponds will be installed throughout the property for emergency use by the CRFR.

As mentioned before, the new residences in Development Areas 1, 3, and 4 are intended to connect to the nearby Riverbend system. Numerous fire hydrants are located throughout the existing Riverbend subdivisions. The existing Riverbend potable system provides about 50,000 gallons of storage augmented by a 115 gallons per minute (“gpm”) supply flow from their wells. The intent is for Nutrient Farm to add a 150,000 gallon potable storage tank to bring the fire storage component up to municipal standards as new residential lots are platted in Areas 1, 3, and 4 in exchange tap fee credits. New fire hydrants from 8-inch diameter lines will be placed as necessary so that each new residential lot is within 250 feet of a hydrant.

f. Description of whom or what entity shall be responsible for the provision of and payment for any facilities available to the community, including but not limited to open space, common areas, and structures;

A number of public and private trail improvements and Private Open Space Tracts are planned within Nutrient Farm. Nutrient Holdings has been working with the Town of New Castle to locate and construct the LoVa through the property. A MOU has been entered into that describes the broad parameters for the LoVa Trail and discussions are continuing regarding the details. The LoVa Trail will be constructed in the general location shown on the PUD Plan Map—in the CR 335 80 foot right-of-way and then in a 25 foot wide easement on the eastern side of the property as it crosses the Colorado River towards Glenwood Springs. In addition, Nutrient Holdings will grant a public easement large enough to accommodate five parking spaces for trail users in a parking lot to the south of CR 335. The spaces will be in a shared parking lot on the Nutrient Farm property for other uses. (These spaces may be relocated to another area near CR 335 by the Owner/Developer.) The Owner/Developer will be responsible for the construction and maintenance of these parking spaces and the Town of New Castle, or another designated LoVa entity besides the Owner/Developer, will be responsible for the construction and maintenance of the LoVa Trail and all its associated improvements.

Multiple private trails are planned within Nutrient Farm that are open to use by the public but will be constructed and maintained by the Owner/Developer. (No other public trail easements or land dedications will be provided to the County or other public entity.) These include an access trail

off of CR 335 to the Colorado River and numerous private trails located on the southern portion of the property which will provide valuable recreational opportunities for the residents and visitors of Nutrient Farm. Over half the property, 608.76 acres/53.6% of the PUD area, will be preserved as Private Open Space. Scenic views of the mountains will be preserved and important wildlife habitat and buffer from the lower development area maintained.

In addition, multiple private parks and fields will be constructed on the property for residents and guests to enjoy, play and picnic on. These will be owned and maintained by the Owner/Developer of Nutrient Farm and are not part of the above Private Open Space Tracts.

Please refer to the proposed PUD Plan Guide and the above Open Space and Trail responses to *General project concept and purpose of the request*, and *Explanation of how the PUD is in general conformance with the Comprehensive Plan – Section 5 – Recreation, Open Space and Trails* for more details.

g. Discussion of impacts on County services, schools, town services and other unique operations that may be pertinent to a review of the proposed zone change and methods for mitigation; and

Nutrient Farm will be an asset to Garfield County and its citizens by providing a variety of economic, transportation, and recreational benefits while requiring a minimal amount of additional services from the County and the RE-2 Garfield County School District, and no additional services from the Town of New Castle.

No road, utility, or other infrastructure improvements are requested to be constructed by the County at this time. Instead, Nutrient Farm will provide all applicable roadway and infrastructure improvements, and mitigation for any impacts on the County roads. This includes a new Access Permit from CDOT for the Bruce Road/CR 335 intersection.

As previously noted, multiple private roads will be constructed, owned, and maintained by Nutrient Holdings. Two new 50 foot rights-of-way will be constructed and offered for dedication to the County to serve the new residential lots in Areas 1 and 3. (These road will only be constructed/dedicated when the residential subdivisions are constructed.) Easements will be granted for the CR 335 right-of-way and LoVa trail. A detailed Traffic Impact Study has been conducted and concludes that the existing roadway network and adjacent intersections will operate safely and within an acceptable level of service. No additional improvements to CR 335 are needed or proposed at this time. If Nutrient Farm is built out to its full potential, future shoulder widening west of Park Drive to Bruce Road could bring the roadway into compliance with County Major Collector standards as estimated 2040 background traffic and Nutrient Farm build-out traffic approaches the 2,501 vehicles per day threshold. All applicable road impact fees per section 4-203.L.4. of the LUDC will be remitted in order for the County to provide maintenance and other improvements to CR 335 and its corridor as needed in the future. (Please also refer to the Level III Traffic Impact Study, and our response to *General project concept and purpose of the request*.)

In terms of school impacts, the Riverbend PUD Preliminary Map shows a ten acre school parcel that was dedicated to Garfield County and then transferred to the RE-2 Garfield County School in 1992. (It is still sitting vacant.) Only an additional 18 single-family residential lots are anticipated and shown on the PUD Plan Map for Nutrient Farm. (The Farm House exists.) Thus, at the time of any future subdivision for those residential lots, all applicable school land dedication fees per LUDC section 7-404. will be paid by the Owner/Developer. This is how the Riverbend PUD Amendment for Filing No. 5 and the accompanying subdivision request were assessed.

We believe Nutrient Farm will have a de minimis impact on the County's operating costs. No future capital expenditures for the County attributable to Nutrient Farm are anticipated as no new road or bridge improvements, utilities, or other infrastructure services are sought from the County or from the Town of New Castle. As mentioned above, road impact fees and school district fees will be provided per the LUDC. Nutrient Farm will continue to remit property taxes and new sales tax revenues will be generated from its agricultural, recreational, retail/commercial uses, restaurant, camping, and lodging facilities for the County. Thus, Nutrient Farm will be an economic benefit to Garfield County as opposed to a financial burden.

h. Documentation showing legal access or documentation demonstrating the likelihood of achieving legal access.

Nutrient Farm is located south of I-70 and the Colorado River, between Glenwood Springs and New Castle. Access is taken off of I-70 via Exit 105/Bruce Road, then east onto CR 335. CR 335 bisects the Nutrient Farm property and is contained within the parcels owned by Nutrient Holdings. CR 335 serves as the only legal access to the property and the nearby existing residential subdivisions noted above. An 80 foot right-of-way for CR 335 within the property will be formally dedicated to the County after the Nutrient Farm PUD is approved and the dedication terms are finalized, and the LoVa Trail agreement with the Town of New Castle is completed. As discussed before, CR 335 will continue to be maintained by the County and no improvements to CR 335 are warranted or planned by Nutrient Holdings. The proposed Nutrient Farm PUD has been discussed at length on several occasions with Wyatt Keesbery, County Road and Bridge Director. Garfield County has issued a Driveway Permit Number: GRB19-D-9 for the Nutrient Farm Road access location in April 2019.

As mentioned before, a Conceptual Access, Circulation and Parking Plan for Nutrient Farm has been attached to the PUD Guide. Multiple public and private streets, roads and driveways will be constructed by the Owner/Developer to provide access to various portions of the property. A detailed Traffic Impact Study has also been prepared for Nutrient Farm. The recommendations of the Traffic Impact Study will be implemented, and the Traffic Impact Study concludes that the roadway system will continue to operate safely and at an acceptable level of serve with the development of Nutrient Farm. The projected traffic volumes on Bruce Road at the Colorado River bridge warrant a new CDOT Access Permit which will be applied for in connection with the development of the Nutrient Farm PUD. Should Nutrient Farm reach full build-out projections and vehicle trips exceed County Minor Collector road standards, the western portion of CR 335 could

be widened to meet County Major Collector road standards. (Please also refer to the Traffic Impact Study, and our access, circulation, and transportation discussion in *General project concept and purpose of the request.*)

3. PUD Plan – PUD Plan Map (6-302.A.3.a.-p.)

The Proposed Nutrient Farm PUD Plan Map has been prepared by SGM according to the requirements of 6-302.A.3. A full size/to scale map has been provided in this submittal package and a reduced copy has been attached to the PUD Guide as Exhibit B – Nutrient Farm PUD Plan Map. The PUD Plan Map is a conceptual development plan for the property showing the eight Development Areas and four Private Open Space Tracts, and the location of the various uses proposed in the PUD.

4. PUD Plan – PUD Plan Guide (6-302.A.4.a.-d.)

The content and development standards/requirements of both PUD Plan Guide section 6-302.A.4.a.-d. and Development Standards section 6-401.A.-I. have been contained in the proposed Nutrient Farm PUD Guide. The PUD Guide contains the permitted uses, addresses density, housing types, transportation and circulation systems, off-street parking, recreational amenities, landscaping and trail standards, reclamation efforts, weed mitigation, wildlife mitigation and phasing for Nutrient Farm. It also contains dimensional standards for the future lots and numerous development regulations for the improvements on them. As 6-302A.4.a. calls for, development standards and dimensional regulations such as minimum lot size requirements, setbacks, lot coverage and building height limitations based upon Table 3-201. are contained within the proposed PUD Guide. Dimensional Standards and Site Planning and Development Standards, Article 7, Division 3 of the LUDC have been included in the Nutrient Farm PUD Guide too. The proposed PUD Guide also contains lighting standards, signage regulations, Solar Energy Systems standards, future sound study requirements, roadway design requirements, and specifications for utilities and other infrastructure improvements.

We believe the proposed PUD Guide meets the purpose and intent of the LUDC and provides appropriate development standards. The following is a discussion of each of the required development standards of PUD Plan Guide section 6-302.A.4.a.-d., Development Standards section 6-401.A.-I., and other additional standards contained within the Nutrient Farm PUD Guide. As required by the LUDC and echoed in the proposed PUD Guide, the County's zoning regulations will be applicable to any conditions not contained within the proposed Nutrient Farm PUD Guide. We believe the proposed PUD Guide is reasonable and appropriate for Nutrient Farm.

Permitted Land Uses and Definitions

The Nutrient Farm community revolves around a biodynamic working farm with agricultural, residential, and tourist related educational, recreational, and commercial/industrial activities. The heart of Nutrient Farm and the majority of the usable land will be two fully functional Working Farm areas providing healthy, organic products and experiences to the public. Eight Development Areas and four Private Open Space Tracts are proposed in the PUD Guide and have been shown on the PUD Plan Map for the property. Agricultural and Animal Related Uses, including Agritourism, and are allowed throughout the Nutrient Farm property. Table 1 in the Nutrient Farm PUD Guide provides an overview of each of the proposed Development Areas and Private Open Space Tracts. Please refer to that table and discussion of each Area and Private Open Space Tract in the earlier response to *General project concept and purpose of the request* for details.

The proposed Table 2 – Nutrient Farm Land Use Table identifies the allowed land uses within each Development Area, the required level of review by Garfield County, and specific PUD Guide or LUDC standards (i.e., Article 7 Standards) that must be followed. Asterisks (*) have been used to indicate a unique land use, definition, and/or any special requirements and standards that must be met. The existing LUDC Article 7 Standards requirements are carried forward on proposed

Table 2 and in the proposed Nutrient Farm Land Use Definitions along with additional requirements. They only vary from the LUDC in order to provide clarification or to be more appropriate to the Nutrient Farm community.

Multiple principle uses and structures, Accessory Uses, Buildings and Structures, and Temporary Uses and Improvements are permitted within an Area, parcel, individual lot, or within a single building or structure, provided any necessary review and approval is obtained from Garfield County. Accessory Uses and Improvements are those which are customarily supportive, secondary, and subordinate to a principal use on the same parcel of land are allowed. The different types of Accessory Uses and Improvements are identified on the Nutrient Farm Land Use Table and defined in the Nutrient Farm Definitions, PUD Guide, or the LUDC Definitions of the LUDC if not defined in the PUD Guide documents.

Similar to the LUDC's Land Use Table 3-403., the development review procedures/processes for each land use has been identified on the proposed Table—if the use is a By-Right Use, or requires an Administrative, Limited Impact, or Major Impact Review. Since Nutrient Farm revolves around its agricultural practices, Agriculture and Animal Related Uses, including Agritourism, are allowed in each of the Development Areas. Some modifications to the LUDC are proposed that we believe to be reasonable based upon the agricultural and mixed-use nature, layout, and size of Nutrient Farm. We note that some of these have already been allowed for other PUDs in the County. We believe the review procedures are reasonable and appropriate to ensure the safe and compatible development of Nutrient Farm. (Please see Table 2 – Nutrient Farm Land Use Table for the specific land uses and their requirements.)

The new land use definitions and modifications to the LUDC's definitions have been shown in blue text in the proposed Nutrient Farm Land Use Definitions so that they may be easily recognized. The blue will be modified to standard black text once these have been reviewed/approved by the County. (Please also refer to our earlier responses to *General project concept and purpose of the request* and *Description of how the proposed development departs from the otherwise applicable standards of this Code but meets the intent and purpose of this Article* for a discussion of those items that are proposed to vary from the existing LUDC.)

We believe the proposed Nutrient Farm Land Use Table, Definitions, and associated standards are appropriate for Nutrient Farm and compatible with the nearby residential development and the natural environment.

Density

As mentioned before, the overall density for Nutrient Farm is difficult to calculate due to the agricultural nature and many open-air uses on-site. The Water Adequacy Report and the Traffic Impact Study indicate the potential maximum scale and intensity of Nutrient Farm with building square footages as well as visitor amounts and vehicle trips. The shown square footages reflect the size of the buildings at final build-out. Most of these buildings will start out on a much smaller scale and then expanded as needed based on visitor levels. (Please see the Water Adequacy Report

and the Traffic Impact Study for more information and our earlier response to *General project concept and purpose of the request*.) A small amount of residential density—18 new residential lots (the existing Farm House has already been included in the existing subdivisions calculations), are currently proposed for the Nutrient Farm PUD. We believe the 18 new residential lots and enclosed and open-air uses are rather modest in relation to the 1,136 acre property. All the proposed residential, agricultural, recreational, entertainment and commercial activities can be adequately served by the proposed water, wastewater, utilities, and infrastructure improvements. Nonetheless, when translating existing allowed uses and density and intensity with what is proposed, this new proposal is far less intensive in terms of density, impacts, development, and other similar considerations. There is a specific density section in the PUD Guide as well. Thus, the Nutrient Farm PUD complies with the existing density of the Riverbend and Coal Ridge PUDs, as well as the LUDC and the Comprehensive Plan. We believe the proposed Nutrient Farm PUD contains an appropriate level of development for the property. (Please refer to the above detailed response to *Method and calculation used to determine overall project and specific use type densities*.)

Housing Types

A variety of residential housing units will be provided throughout the Nutrient Farm property. Market rate lots/homes, ADUs, On-Site Employee Housing units, Bunkhouses, campground, and lodging units are planned. All residential home sizes will be limited with the design standards contained within the PUD Guide in order to promote compatibility with the nearby homes. (Please refer to the Lots discussion below in response to *PUD Plan Guide* for more information on the proposed lot standards and site design requirements in relation to the nearby existing lots/homes.)

Although Nutrient Farm is not located in that portion of the County required to abide by Article 8 Inclusionary Zoning For Housing, on-site housing for individuals working in Nutrient Farm are planned. The Owner/Developer of Nutrient Farm understands that the availability of housing impacts an individual's quality of life. In order to attract and keep valuable employees, it is important to provide housing for them. Bunkhouses and On-Site Employee Housing units are allowed on the Working Farm areas, and on the south and western portions of the property in Areas 5-8. No unit count or size for these have been specified in the PUD Guide. They will be either free standing units or integrated into the design of the other main buildings such as the agricultural processing buildings, Camp Store, Lodge, and Health and Wellness Retreat. The On-Site Employee Housing units will not be used as short term rental units. Similarly, Bunkhouses, living and sleeping areas for seasonal and year-round employees working on the farm, are also planned. These units are commonly known as "Hired Hand Quarters" and will not be used as short term rental units either. (The On-Site Employee Housing and Bunkhouse units are not required by the LUDC and will not be restricted as such.) Additional studies will be submitted for review and approval and any fees remitted prior to the construction of any of these units on Nutrient Farm.

Visitor accommodations including a lodge (combined with the Health and Wellness Retreat or stand-alone facility) and a campground providing a full range of camping options including tent, RV sites, and furnished cabins, are proposed on the south-western portion of the property in

Development Area 8. These will provide guests of Nutrient Farm an opportunity to stay on property and immerse themselves in the various organic, holistic, and recreational amenities during their visits.

All of these housing types and uses are listed on proposed Table 2 – Nutrient Farm Land Use Table and restricted by the various development standards and provisions of the PUD Guide.

Access, Transportation and Circulation Systems

Nutrient Farm is located south of I-70 and the Colorado River, between Glenwood Springs and New Castle. CR 335 bisects the property and connects to I-70 via Bruce Road/Exit 105. CR 335 serves as the legal access to all areas of the Nutrient Farm PUD. As discussed in detail earlier in this Narrative, all roads within Nutrient Farm will be designed to provide adequate, safe, and efficient access and circulation for the property. Road design standards have been included in the PUD Guide in an effort to minimize site disturbance and hard surfaces within Nutrient Farm. A Conceptual Access, Circulation and Parking Plan (“Plan”) for Nutrient Farm has also been attached to the PUD Guide. Multiple public and private streets, roads and driveways will be constructed by the Owner/Developer to provide access to various portions of the property and its uses. The Plan shows the locations of the 80 foot right-of-way for CR 335 and the two new 50 foot public rights-of-way that will be constructed and dedicated to the County off of CR 335 to serve the new residential lots in Development Areas 1 and 3 adjacent to the Colorado River. (These road will only be constructed/dedicated when the residential subdivisions are constructed.) Nutrient Farm Road and all other private streets, roadways, driveways, and associated improvements in Nutrient Farm will be constructed and maintained by Owner/Developer, or its designees or successors in interest, unless and until the roads are dedicated and accepted by Garfield County for public maintenance.

A Traffic Impact Study has also been prepared for Nutrient Farm in accordance with section 4-203.L. submittal requirements. Its recommendations will be followed, and the Traffic Impact Study concludes that the roadway system will continue to operate safely and at an acceptable level of service with the development of Nutrient Farm. The projected traffic volumes on Bruce Road at the Colorado River bridge warrant a new CDOT Access Permit which will be applied for in connection with the construction of the PUD improvements. If/when estimated 2040 background traffic and Nutrient Farm build-out traffic approaches the 2,501 vpd threshold for Major Collectors, potential future shoulder widening west of Park Drive to Bruce Road could bring CR 335 into compliance with County major collector standards. Calculations of the future potential public road improvement fees in the corridor have also been provided, but actual road improvement fees will be determined at the time of development per the LUDC.

We believe the proposed roadway standards are appropriate for Nutrient Farm and will provide safe and adequate access to all the Development Areas and the various uses on the property. Residential and commercial vehicle trips have been accommodated, as well as safe pedestrian and bicycle circulation are provided with the multiple public and private trails on the property. The

private roads and parking areas have been designed to work with the existing topography and avoid unnecessary site disturbance.

For more information on the road standards and layout for Nutrient Farm, please refer to the Traffic Impact Study and our prior responses to *General project concept and purpose of the request* and *Explanation of general conformance with the Comprehensive Plan*.

Off-Street Parking and Loading

As mentioned earlier, Off-Street Parking and Loading standards have been included in the PUD Guide that will supersede those of the LUDC. They closely resemble the LUDC and require compliance with section 7-302. Off-Street Parking and Loading Standards of the LUDC except for Table 7-302.A. regarding the amount of parking spaces for each land use, the location of the parking stalls, and surfacing/stripping provisions for the parking stalls, loading areas, aisles, and access drives. The LUDC's clear vision area and dimensional requirements for parking stalls, access drives and drive aisles will be met. These departures are requested in an effort to minimize the amount of site disturbance and paving in the PUD area and are only for the non-residential uses. Specifically, all residential uses will meet the requirements of the LUDC except for Table 7-302.A. Minimum Off-Street Parking Standards by Use. The PUD Guide contains the residential off-street parking standards for Nutrient Farm: two parking spaces for each single-family residential unit; one parking space for each ADU; and one space per bedroom for any Employee Housing or Bunkhouse unit.

All County and State Campgrounds and Recreational Areas design requirements for parking stalls, lots, aisles, and access drive will be met. Permanent parking and loading stalls, lots, aisles, and access drive widths will meet the dimensional requirements of 7-302. and the clear vision area requirements of 7-303.I., but the parking spaces will be natural earth/grass or gravel surfaced and not striped in order minimize site disturbance in the PUD area. Gravel requires continuous maintenance in high use areas (i.e., heavy truck traffic or turning movements), so concrete or other material such as heavy road base may be used in the future in such areas. Paving will be at the discretion of Nutrient Farm. All paved areas will conform to the geometric requirements of the LUDC and all applicable permits will be obtained from the County for the paving. As each building and/or use is constructed, the associated parking area, at a minimum, shall be constructed. Additional parking areas may be constructed but are not required.

Nutrient Farm is a unique agricultural community with a variety of land uses. Table 7-302.A. of the LUDC regarding the amount of parking spaces for each land use does not include many of the Nutrient Farm non-residential land uses. Additionally, Nutrient Farm guests are expected to engage in multiple indoor and outdoor activities on the property during their visit. As such, Nutrient Farm developed parking estimates based on our own projections, timing assessments (seasonal uses), and combined needs of all uses, and developed the parking layout shown on the Conceptual Access, Circulation and Parking Plan. (The parking lot locations are conceptual and may be modified based on field conditions at the time of site specific development review to meet the design

requirements specified in this PUD.) A total minimum of 842 permanent parking spaces in shared surface parking configurations are proposed for all indoor and outdoor uses in Nutrient Farm. These include parking for all the permanent non-residential enclosed buildings and for all the outdoor agricultural, recreational, and entertainment activities in Nutrient Farm that are not held in an enclosed building. Many of these are seasonal uses and will not require year-round parking spaces. These include, but are not limited to, such uses as u-pick orchards, corn mazes, Nursery, tree farm, Forestry, Animal Keeping, Ultralight Operations, Motor Sports Center/OHV Park, all Outdoor Recreation uses—Adventure Farm Activities, Land Activities, River Activities, Water Activities, Winter Mountain Activities, and the Outdoor Music and Entertainment Area. The LoVa Trail five public parking spaces have also been included. Any additional land use or change of use for the outdoor activities in Nutrient Farm will be reviewed and acted upon by Garfield County and may be assessed additional parking requirements should the above amount be determined as insufficient to meet the additional parking needs.

Short-term, non-permanent parking spaces will also be provided on-site for all Nutrient Farm Events or music/entertainment performances with an expected attendance of 350 people or more per the Temporary Parking Plan. These will be located entirely on the property, not within the CR 335 right-of-way. These spaces will not be formalized with paving or striping, but rather with signage, cones, and flagging to delineate the spaces, and parking attendants will help guide guests to these temporary parking areas. The Temporary Parking Plan has been described in the PUD Guide and the temporary spaces will be allowed in Development Areas 3, 5-8 of Nutrient Farm.

We believe the proposed parking standards are appropriate for Nutrient Farm and exceed the County's parking requirements as additional un-enclosed and temporary parking requirements have been included in the proposed PUD Guide. (Please refer to our previous response to *General project concept and purpose of the request* and the proposed PUD Guide and the Conceptual Access, Circulation and Parking Plan for specific parking requirements and locations.)

Recreational Amenities

As already mentioned, numerous public and private trails will be constructed on the property, and over 608 acres of Private Open Space will be provided. These include the LoVa Trail that will run west to east through the property within the CR 335 right-of-way and then within a 25 foot public trail easement on the eastern portion of the property and across the Colorado River. In addition, a public easement area sized to accommodate five parking spaces for LoVa trail users is included in a parking lot to the south of CR 335 in Development Area 6. The specifics of construction, dedication, and ownership of these are contained in the PUD Guide and have been discussed earlier in this Narrative. (Please see the PUD Guide for location, construction, and dedication details, and our previous responses to *General project concept and purpose of the request* and *Explanation of General Conformance with the Comprehensive Plan* for more information on the LoVa Trail and the recreational amenities within Nutrient Farm.)

In addition to the public and private trails, many more private recreational amenities will be available on Nutrient Farm. These include the outdoor recreational activities on the southern and western portions of the property. The outdoor recreational activities include: those in the Adventure Farm such as the corn mazes and zip lines; land activities revolving around the trails and tracks for biking, ropes courses, alpine coaster rides, and sports fields; water activities such as a water park for kayaks and paddleboards; and winter mountain activities including sledding/tubing hills, snowmobile trails, and ice skating. Multiple private parks and fields will be constructed on the property for people to enjoy, play, and picnic on. (These are not part of the Private Open Space Tracts.) Like the private trails, these will be constructed and maintained by the Owner/Developer of Nutrient Farm. Thus, Nutrient Farm will provide a wide array of public and private recreational amenities on-site.

Lots

The PUD Guide anticipates future residential subdivisions as discussed in detail throughout this Narrative and contains regulations for the future improvements on the lots in Nutrient Farm. Table 3 of the PUD Guide contains dimensional lot standards and setbacks requirements for future improvements, and Table 4 contains the allowed setback encroachments for projections, and Tables 5 and 6 contain the height regulations. Once again, these have been based on the Zone District Regulations in Article 3 and Table 3-201. of the LUDC, with some modifications, in order to be more applicable to Nutrient Farm and ensure compatibility within the PUD and with the nearby existing homes.

As noted already, the original Riverbend PUD area has been developed with a number of residential subdivisions. Per Assessor records and plats, 75 residential lots have been platted in the original Riverbend PUD boundaries since the Riverbend PUD was approved.

Existing Subdivisions Within the Riverbend and Coal Ridge PUD Areas		
Subdivision	Number of Lots	Lots Sizes (Acres)
Riverbend Filing No. 1	17 SFRs	0.33 - 0.67
Riverbend Filing No. 2	29 SFRs	0.46 - 0.82
Riverbend Ranchettes	3 SFRs (3 originally. Lot C with 1 SFR re-subdivided into Cedar Ridge.)	1.73 - 2.12
Cedar Ridge Subdivision	3 SFRs (1 from Riverbend Ranchettes included. Double counted for a conservative analysis.)	3.36 - 4.54
Riverbend Filing No. 5	11 SFRs + 5 Duplex Lots (5 x 2 = 10 Lots)	0.33 - 0.41
Matthies Exemption	2 SFRs (On-site Farm House and off-site Lake Residence)	3.39 - 36.67
Total	65 SFRs + 10 from Duplex Lots = 75	

The proposed PUD Guide development standards will yield lots and future homes in compliance with the LUDC and compatible in size and scale to those in the nearby subdivisions. The Riverbend Preliminary Map calls for lots in Blocks 8-10 to be, “1/2 acre more or less” and no other

development standards for the homes are mentioned on the Preliminary Map. The adjacent Riverbend, Filing No. 5 allows for 11 single-family and five two-family/duplex lots. The design standards call for a 14,000 square foot minimum lot size and 25 foot height limitations in both the single-family and two-family zone districts. A 30% maximum lot coverage and a FAR of 0.15/1.00 (1:6.65) is called out for single-family while a 50% maximum lot coverage and a FAR of 0.25/1.00 (1:4) is called out for the two-family lots.

Proposed Table 3 – Zone District Dimensions – Lot Standards and Setbacks contains the proposed minimum lot area, maximum lot coverage, maximum FAR and minimum setbacks for each of the Development Areas and Private Open Space Tracts. In order to be compatible with the nearby Riverbend homes, all new residential lots have been designated for single-family use with a minimum of 21,780 square feet (0.50 acre) size, except for the new residential lot in Area 5 which will be a minimum of 1.00 acre in size, and the Farm House residential lot in Area 2 which will be a minimum of 35 acres in size. All residential lots will be limited to a 35% maximum lot coverage and FAR. These standards will produce larger, less developed lots than the Rural Suburban zoning district of the LUDC. Rural Suburban allows for smaller lots with bigger homes by requiring a minimum of 20,000 square feet lot size, and allowing a 50% maximum lot coverage and FAR, with the same setback requirements. The only larger lots of the LUDC are those in the Rural zoning district with a minimum of two acres that allows a 50% maximum lot coverage and FAR. In terms of recent precedent, the Aspen Valley Polo Club PUD contains two residential areas—one with 0.75 acre lots and the other of 0.25 acre lots. The larger lots are allowed a 35% lot coverage and 30% FAR, while the smaller lots are allowed a 25% lot coverage and a 30% FAR. A modification was requested to allow some of the larger lots to be reduced to 0.25 acre in size.

Per the Nutrient Farm PUD Guide, ADUs are allowed on each residential lot and specific standards have been proposed for them that vary slightly from the LUDC. They are required to follow the standards of 7-702., but there is no additional minimum lot size or minimum lot area, and no additional rear yard setback required for them beyond those shown on Table 3. (Please see Table 3 of the PUD Guide for details.) Similarly, a Guest House is allowed on the 35 acres lot of Development Area 2 for the relatives and guests of the Owner/Developer.

Development Areas 5-8 follow the commercial requirements of the LUDC—with a 7,500 square foot minimum lot size, 85% commercial maximum lot coverage, 50% commercial FAR, and LUDC commercial specified setbacks. (Once again a 25 foot front yard setback will be required.) These same commercial standards are proposed for any buildings or structures developed within the Private Open Space Tracts. Development Areas 5-8 are considered to be industrial zoned property for the application of section 7-1001. of the LUDC.

Thus, we believe the proposed lot and site design standards for Nutrient Farm are reasonable and compatible in size with the nearby existing lots and will produce compatible sized homes of the Riverbend subdivisions. The recorded plats show the Riverbend Filing No. 5 lots to range from 0.33 to 0.41 acre. The four existing Riverbend Filing 5 lots *directly adjacent* to the five proposed lots in Development Area 1 range in size from 0.32 to 0.35 acre (0.35; 0.35; 0.35; and 0.32 for

two-units). To the east of Development Area 1 is Lot A, Riverbend Ranchettes which is 2.00 acres in size. The five existing Riverbend Filing No. 5 lots *directly adjacent* to the 10 lots in Development Area 3 range in size from 0.35 to 0.41 acre (0.36; 0.36; 0.35; 0.35; and 0.41 for two-units). The two new residential lots off of Riverbend Drive in Development Area 4 will be located next to a 0.82 acre lot and across from a 0.52 and a 0.53 acre lot in Riverbend Filing No. 2, Amended.

The 18 new lots will be a minimum 0.50 acre (21,780 square feet) and 1.00 acre in size, and the future homes on these lots will be limited to the LUDC's 25 foot height and setback limitations, and a 35% maximum lot coverage and maximum FAR. These standards are more restrictive than the LUDC's Rural Suburban zoning district—resulting in less site intensity and smaller homes. The proposed 0.50 acre and greater size requirements also abide by the original Riverbend Preliminary Map that calls for lots in Blocks 8-10 to be, "1/2 acre more or less." No life/safety or Building Code requirements will be compromised with the PUD Guide's proposed standards and no negative impacts to the surrounding properties are anticipated. We believe the proposed standards of the PUD Guide are reasonable and will ensure the future lots and improvements on them to be appropriate for the proposed uses and compatible with the surrounding nearby residential uses.

Building Height

All buildings and structures are limited in height by the proposed PUD Guide and will be measured according to the LUDC in effect at the time of building permit. Because Nutrient Farm is a mixed-use community and various uses are located throughout it and next to each other, all building heights are limited by the land use which they are associated with rather than by the Development Area (i.e., zoning district) in which they are located, except for the Farm House which is limited to 40 feet in height, and any associated Guest House or accessory improvements in Development Area 2 which are limited to 35 feet. For instance, all the rest of the single-family homes are limited in height to 25 feet, while a commercial type of building is limited to 40 feet in height. We believe the 40 feet for the Farm House in Development Area 2 is reasonable based on the large 35 acres size of Development Area 2, its location, and distance from other existing residences. No views will be blocked nor shadows created by these structures. We note that homes over 25 feet tall have been allowed in the past. For instance, the Aspen Glen PUD allows 32 foot tall homes in their 2 Acres Residential Zone District and the Los Amigos PUD (Elk Springs) allows 30 foot tall homes in their Single-Family Residential District of two acres and their Rural Residential District of 35. Thus, single-family homes of 30 and 32 feet tall have already been allowed in the Los Amigos PUD (Elk Springs) and the Aspen Glen PUD.

As noted in the PUD Guide, Solar Energy Systems are contemplated for the northern portion of Development Area 6, Development Area 3, and possibly on Development Area 5 as needed, to provide power to Nutrient Farm's non-residential uses. Location, setback, height, landscaping, and other provisions have been addressed in the PUD Guide. This section notes that the ground mounted systems collectors will be less than 15 feet tall and the supporting accessory buildings

and infrastructure improvements will then be limited by the PUD Guide’s Table 5 limitations for Utilities. (Please also see the below Solar Energy Systems discussion for more details.)

The remaining proposed 25 foot single-family height limitation and 40 foot commercial height limitations match those of the LUDC. The proposed height requirements mimic those of the LUDC and provide additional clarification and restrictions for various Temporary and Accessory Buildings, Improvements, and Uses in the Development Areas and Private Open Space Tracts. (Please refer to the PUD Guide’s Height Standards for details.)

Phasing

Nutrient Holdings would like to begin construction of Nutrient Farm as soon as the PUD is approved and recorded. Since Nutrient Farm revolves around its Working Farms, construction of the improvements related to the Working Farm areas will begin first. In general, Nutrient Farm will be developed in three phases as reflected in the PUD Guide and discussed earlier in this Narrative. However, due to the large amount of land and many possible land uses, development of Nutrient Farm will take some time. As mentioned earlier, the Owner/Developer intends to enter into a Development Agreement (“Agreement”) concurrently with Garfield County with this PUD request to provide details allowing for the phased land development of Nutrient Farm, an extended vesting rights period, and other development details. (Please see our previous detailed responses to *General project concept and purpose of the request* regarding phasing and the Development Agreement for more information.)

Landscaping—Parks, Trails, and Rights-of-Ways

Nutrient Farm will strive to maintain the rural mountain character of the County and blend in with the nearby residential development and surrounding landscape. A number of landscaping and trails, pathway, and walkway design standards are contained within the PUD Guide to accomplish this. Landscaping will be installed for all new public and private roadways within Nutrient Farm as well as within the private parks and open spaces. (Not along CR 335, the agricultural access roads, nor within the four Private Open Space Tracts.) As noted in the Nutrient Farm PUD Guide, the Reclamation Standards of 7-208. and 4-203.E.18. of the LUDC will be followed, and Reclamation Plans for the Vulcan Ditch irrigation improvements and PUD property have been prepared and already implemented for the construction activities related to the Vulcan Ditch improvements. A Weed Management Plan has also been prepared and implementation has already begun.

The LoVa Trail and all associated improvements will be constructed by others within the CR 355 right-of-way and within the 25 foot wide public trail easement on the eastern portion of the property as it crosses the Colorado River. No design standards for it have been contained within the PUD Guide and it will be the responsibility of the trail constructor to abide by all County requirements and obtain any necessary permits prior to construction. (Please see the Nutrient Farm PUD Guide for trail location, construction, and dedication details, and our previous responses to

General project concept and purpose of the request and Explanation of general conformance with the Comprehensive Plan for details.)

Signage

As discussed above, the PUD Plan Guide includes specific signage standards relating to the height, lighting, placement, and quantity for the signs within the proposed PUD, tailored to the nature of the uses and development of Nutrient Farm, yet still consistent with the LUDC guidance on the nature and appearance of signage. We believe the proposed Signage Standards are reasonable and appropriate for the mixed-use nature of Nutrient Farm. (Please refer to the PUD's Signage Standards, Tables 9 – Allowed Signs and Table 10 – Nutrient Farm Allowed Signs Design Requirements, and the Definitions that have been attached to the PUD Guide for details.)

Exterior Lighting

In addition to the standards required to be contained in the PUD Guide per sections 6-302.A.4. PUD Plan Guide and 6-401. Development Standards, lighting design standards have also been proposed in the PUD Guide. These are intended to minimize light pollution and conserve energy while providing adequate lighting for safety and security. The proposed Lighting Standards encompass and supersede those of section 7-304. of the LUDC as additional details have been proposed regarding prohibited lighting and exempt lighting for Nutrient Farm. (Please refer to the Exterior Lighting Standards of the PUD Guide for details.)

Sound Standards

Although not required by the LUDC for PUD Plan Guides, Sound Standards have been included in the Nutrient Farm PUD Guide. It is our intent that any sound emanating from the recreational, entertainment, or commercial activities does not create a public nuisance. As discussed earlier in this Narrative under *General project concept and purpose of the request*, future sound studies will be provided at site specific development that could potentially need mitigation. We have already conducted preliminary sound studies that indicate that with proper sound planning and mitigation, such as varying the speaker intensity, speaker orientation, and the construction of wall/berms/landscaping barriers, County/State sound level requirements will be met. (Please refer to the PUD Guide, the Impact Analysis Report, and Sound Modeling and Testing Report for details.)

Solar Energy Systems

Solar Energy Systems may be constructed in Nutrient Farm as ground mounted or roof mounted systems providing clean sustainable energy to Nutrient Farm. Solar Energy Systems will be constructed on the northern portion of Development Area 6, on Development Area 3, and potentially Development Area 5, as needed, to provide on-site generated heat and electricity for the buildings in Nutrient Farm. The Nutrient Farm Solar Energy Systems will not supply any properties outside of the PUD's boundaries. Solar collectors will be mounted facing south to

maximize solar exposure and efficiency. The Solar Energy Systems are designed to collect incoming sunlight rather than reflecting it.

The ground mounted collectors will be less than 15 feet tall, located outside of the Colorado River floodplain, and set back a minimum of 25 feet from any adjacent existing residential property outside of the Nutrient Farm PUD boundaries regardless of the front, rear, or side yard setback designation. Associated pipes, pump houses, energy buildings and other system components will be constructed including a PTES. (These are not limited to 15 feet in height, but rather by Table 5 of the PUD for Utilities.) A fence, per the provisions of the PUD Guide, will be installed around any solar energy system and PTES for safety purposes.

Trees will be planted in natural groupings within the 25 foot setback to any existing residential property outside of the Nutrient Farm PUD boundaries regardless of the front, rear, or side yard setback designation, and around the remaining perimeter of the system to help it blend into the natural terrain. Native grass seed will be sowed underneath the solar collection system. Thus, it will be possible to see over and through the systems. This design will also maintain habitat for birds and wildlife, allow rainwater to flow underneath the systems, and provide natural stormwater absorption and erosion control. Should the system ever be removed, or reduced in size, all disturbed areas will be revegetated with native grass seed and, if needed, the ground re-contoured to approximate natural grade.

All Solar Energy Systems will comply with 7-1101.A. of the LUDC regarding signage. Informational signage may be installed around the Solar Energy System to educate guests about the renewable energy system.

Solar Energy Systems may be constructed in other Development Areas according to Table 2 – Nutrient Farm Land Use Table and all applicable provisions and review process of this PUD Guide.

There are no environmental or health hazards associated with solar energy. No air pollution, chemicals leaching into the soil or groundwater, or permeating harmful electromagnetic fields. No additional water use, employees, or parking are required for solar systems. No additional traffic will be generated either. We only anticipate occasional maintenance activities after the systems are constructed. Thus, the Nutrient Farm ground mounted solar systems will not block any views, generate loud noise or additional constant traffic, or cause any environmental degradation. Landscaping will be installed around the systems and the areas revegetated to preserve wildlife habitat and promote stormwater absorption. The Nutrient Farm solar systems are a rather benign use that are compatible with the nearby uses inside and outside of the PUD.

Other Standards and Requirements

The PUD Guide also contains information on Nutrient Farm's infrastructure improvements such as water and wastewater disposal systems, utilities, and fire protection that have already been discussed above in response to *PUD Plan – Technical Descriptions (6-302.A.2.a.-h.)*, and other

standards regarding the Protection of Waterbodies and Wildlife that have also been discussed under *Explanation of how the PUD is in general conformance with the Comprehensive Plan – Natural Resources*. As noted above, future sound modeling studies for any potential sound nuisances such as the Motor Sports Center/OHV Park and the Outdoor Music and Entertainment areas have been required by the PUD and Solar Energy Systems design and mitigation have also been addressed.

Conclusion to PUD Plan Guide (6-302.A.4.a.-d.)

The Nutrient Farm PUD Guide has been thoughtfully designed to create an agricultural mixed-used community revolving around its working farm that is compatible not only with the land it is on, but also the nearby residential uses. All required standards and provisions as called for in the LUDC have been quite thoroughly addressed in the proposed PUD Guide, as outlined above.

F. PUD ZONING – REVIEW CRITERIA (6-202.C.1-5.)

Per section 6-202.C.1.-5. of the LUDC, five criteria have been established which must be met in order for a PUD zoning request to be approved. The criteria are meant to ensure development is appropriate, compatible, and not harmful to the public health, safety, and welfare. We believe the proposed Nutrient Farm PUD meets the criteria well and will be a benefit to the Garfield County community. Each of the following review criteria of section 6-202.C. has been discussed below in detail.

- 1. Purpose and Applicability. The PUD meets the purpose and applicability of this Code, as provided in section 6-101.A. and B.*
- 2. Development Standards. The PUD meets the Development Standards as provided in section 6-401.*
- 3. Standards, Article 7. The PUD meets the standards within Article 7, Division 1, excluding 7-101.*
- 4. Rezoning Criteria. The PUD meets the Rezoning Review Criteria in section 4-113.C.*
- 5. Established Zoning Standards. The PUD Plan adequately establishes uses and standards governing the development, density, and intensity of land use by means of dimensional or other standards.*

1. Purpose and Applicability. The PUD meets the purpose and applicability of this Code, as provided in section 6-101.A. and B.

The proposed Nutrient Farm PUD meets the purpose, intent, and applicability of PUD zoning as provided in sections 6-101.A. and B. of the LUDC. The intent of PUD zoning is to encourage innovation and flexibility in the planning and design of land so that the development is compatible with its surroundings. We strongly believe that our PUD proposal squarely fosters those key concepts of innovation, flexibility, and compatibility. Single or contiguous parcels of land comprising two acres or more are eligible for PUD zoning. The proposed Nutrient Farm PUD area is well over the two acre minimum size requirement.

The proposed Nutrient Farm PUD seeks to establish a new PUD for the property revolving around a biodynamic working farm with agricultural, residential, outdoor recreational/entertainment and commercial/industrial tourist activities. A variety of land uses and specific development standards have been proposed in the PUD Guide to foster the compatible and orderly development of Nutrient Farm so that it blends into the nearby residential development pattern and the natural landscape.

The existing Coal Ridge PUD will be formally vacated and the Riverbend PUD amended concurrently in order to allow for the Nutrient Farm PUD. The proposed Nutrient Farm PUD is much more compatible with the nearby residential uses than what is currently allowed. We see this as an opportunity to replace a rather old and convoluted PUD that has a history of small, isolated modifications, with a comprehensive PUD that better conforms to current LUDC standards and expectations and goes back to original agricultural and residential intent of the original Riverbend PUD and the rural mountain character of the community.

2. Development Standards. The PUD meets the Development Standard as provided in section 6-401.

6-401. DEVELOPMENT STANDARDS

- A. Permitted Uses*
- B. Off-Street Parking*
- C. Density*
- D. Housing Types*
- E. Transportation and Circulation*
- F. Recreational Amenities*
- G. Building Height*
- H. Lots*
- I. Phasing*

As recently discussed above, a number of specific development standards must be contained within the proposed PUD Plan Guide. These include those listed under PUD Plan Guide (6-302.A.4.a.-d.) as well as the Development Standards contained in 6-401.A.-I.. Section 6-401.A.-I. lists the Development Standards which must be met at the time of PUD zoning and allows the applicant to request, and the BOCC to grant, a modification to any of the specific standards or requirements which the land would otherwise be subject to if it is demonstrated that the proposed regulations and standards would support the purpose of the PUD.

We believe the proposed PUD Guide meets the purpose and intent of the LUDC well and provides appropriate and reasonable development standards. The Nutrient Farm PUD Guide is reflective of the LUDC in terms of its structure, form, and content, and in fact incorporates the existing LUDC land uses, definitions, standards, and requirements whenever viable. The Nutrient Farm PUD Guide builds upon and expands the various provisions of the LUDC with specificity tailored to the unique agricultural, residential, recreational, and retail/commercial related activities on Nutrient Farm. The proposed departures are sought in order to create a cohesive development. Additional standards have also been included related to a variety of specific uses such as Solar Energy Systems, sound standards, and Nutrient Farm Events—again, in order to ensure the innovative yet orderly development and compatibility of Nutrient Farm with its surroundings.

The PUD Guide specifically regulates and addresses: the existing and proposed uses; housing types; density/intensity; lot size; building locations/setbacks; building heights; fences; parking and loading; reclamation; weed management; landscaping; forest management; trails, pathways and walkways; exterior lighting; ADUs; Animal Keeping; Guest Houses; Food Trucks; Nutrient Farm Events; temporary improvements; signage; access and circulation systems; water systems; wastewater systems; utilities; Solar Energy Systems; fire protection; soils/geotechnical hazards; floodplains and protection of water bodies; wildlife protection; snow storage; open space and recreational improvements; public dedications of CR 335; and the public LoVa Trail and parking area easements.

The health and safety standards of the Building Code will not be compromised and negative impacts to adjacent properties will not be created. All LUDC content requirements have been included in the proposed Nutrient Farm PUD Guide. The existing Coal Ridge PUD will be vacated and the Riverbend PUD will be amended and replaced with the Nutrient Farm PUD—which will be much more appropriate and compatible not only for the surrounding residential uses but for Garfield County as a whole.

3. *Standards, Article 7. The PUD meets the standards within Article 7, Division 1, excluding 7-101. (See reference to section 4-203.M regarding Water Supply in section 7-104.)*

Article 7, Division 1 contains the General Approval Standards for all proposed Land Use Changes, unless a use is specifically exempted from the standards elsewhere in the LUDC. Many of these General Approval Standards are also specifically required in the PUD submittal requirements and have been discussed already in detail. For instance, *6-302.A. Description of Submittal Requirements*, requires a written description of the PUD Plan explaining how it is in general conformance with the Comprehensive Plan, and technical descriptions of the water systems, wastewater facilities, public utilities, and information such as fire protection for the proposed PUD development. Consequently, for ease of reference, each Article 7, Division 1 Standard has been listed below and responses have been provided. For the sake of brevity, if the criteria has already been addressed under another submittal or review criteria, information on where to find the response in this Narrative has also been provided.

a. 7-102. Comprehensive Plan and Intergovernmental Agreements

The Nutrient Farm PUD is in general conformance with the Comprehensive Plan 2030. It not only conforms with but furthers numerous vision statements, goals, policies, and strategies/actions identified in the Comprehensive Plan's ten Plan Elements.

The Nutrient Farm PUD is a mixed-use community revolving around a working farm with agricultural, residential, and tourist-oriented education, recreational, and commercial activities. With its unique focus on sustainable organic and biodynamic farming practices, Nutrient Farm will help preserve agricultural land and the rural mountain character of the Colorado River Valley that have been identified as important community qualities, while also helping to diversify the economy. Stable seasonal and year-round jobs in the agricultural, tourism, and retail/commercial areas related to the same will be created. In addition to the new jobs, single-family residential lots, ADUs, and On-Site Employee Housing/Bunkhouses will be created within Nutrient Farm.

As far as we can surmise, Nutrient Farm will be the first operation of this nature in the area, and thus will help diversify the County's economy, provide a variety of on-site housing options, and offer numerous public and private recreational opportunities to the residents and guests of the County. Nutrient Farm's agricultural practices, energy systems, and utilities will be sensitive to the land with its sustainable ecological practices, and thereby offer a unique attraction in the County by promoting healthy agricultural, educational, and recreational and commercial related amenities—"agritourism." With opportunities to play and connect in an outdoor agricultural environment, Nutrient Farm will help to improve the overall quality of life for its residents and guests. Nutrient Farm will provide local families and guests a chance to visit a working farm and engage in its activities. Healthy food and recreational options—a restaurant, Farm Store, Health and Wellness Retreat, spa, arts, and entertainment will be provided. Nutrient Farm will be a benefit to the entire County.

In terms of the development pattern, the Nutrient Farm area is essentially an infill development. The area has been planned for development since the early 1970's and pockets of residential development are located nearby. The property has already been zoned for residential, mining, and heavy industrial activities with the existing Riverbend and Coal Ridge PUDs. The two PUDs will be replaced, via the separate Coal Ridge Revocation and the Riverbend PUD Amendment requests, with a new agricultural mixed-use PUD which is a much more compatible and sensitive development than that which is currently allowed. Implementing this change will remove the potential for highly impactful industrial uses in an area that is not best suited for it, given its rural feel, adjacent residential uses, and the Colorado River literally running on the property.

Thus, we believe that the Nutrient Farm PUD request is in general conformance with the Comprehensive Plan 2030. It addresses many of the visions, issues, goals, policies, and strategies/actions identified in the Comprehensive Plan's ten Plan Elements. The specific issues of conformity with the Comprehensive Plan, and particularly how certain particular aspects of our Proposal reflect the vision of that Plan, have been addressed and thoroughly articulated above in the sections titled, *Explanation of how the PUD is in general conformance with the Comprehensive Plan*. For purposes of this section 7.102, and in the interests of relative brevity, rather than reiterate those response we would point directly to such section by reference and incorporate those points herein.

b. 7-103. Compatibility

As thoroughly discussed throughout this Narrative, Nutrient Farm is compatible in nature, scale and intensity with the surrounding land uses and the natural landscape. The Nutrient Farm area is an infill development—contemplated for construction since 1973 and zoned for agricultural, residential, commercial, mining, and heavy industrial activities with the existing Riverbend and Coal Ridge PUDs. It is located to the south and west of the Colorado River and backs up the steep slopes of Coal Ridge and the nearby BLM lands. CR 335 bisects the property, and pockets of residential subdivisions (single-family and duplex lots) are located adjacent to the property—Riverbend Subdivision Filing Nos. 1 and 2, Riverbend Ranchettes, Cedar Ridge Subdivision, Riverbend Filing No. 5, and Lot 2 of the Matthies Exemption. These residential subdivisions are on land that was originally part of the overall Riverbend PUD area. To the south and west lie private lands which are zoned Rural and are currently being used as grazing land/meadow hay fields/agricultural according to the Assessor's records. One single-family ranch home exists to the south on one of these properties.

The Riverbend and Coal Ridge PUDs will be replaced with the proposed Nutrient Farm agricultural mixed-use PUD. (Please see the earlier response to *General project concept and purpose of the request* and the later response to 7-301. *Compatible Design* for details on the layout and location of the uses in Nutrient Farm.) We believe the 18 new residential lots and enclosed and open-air uses are rather modest in relation to the size of the roughly 1,136 acre property, and the very intensive scope of presently allowed uses on the property. The Nutrient Farm PUD

complies with the existing density of the Riverbend and Coal Ridge PUDs, as well as the LUDC and the Comprehensive Plan. We believe the proposed Nutrient Farm PUD contains an appropriate level of development for the property, and is much more compatible, sensitive, and less intense than that which is currently allowed under the two existing PUDs. (Please also see the responses to *Relationship to Existing and Adjacent Land Uses*, *Method and calculation used to determine overall project and specific use type densities*, and the Density and Lots discussions under *PUD Plan Guide*.)

Crucially, Nutrient Farm is also in the unique circumstance of presenting not only infill development but also serving as a buffer from development. This is largely due to the size of the property, and the considerable percentage of the property that will be preserved via light agricultural uses or private open space. Thus, not only does the Nutrient Farm PUD present infill development and compatibility in that regard, it also presents compatibility with the agricultural and open areas close to it by maintaining large swaths of functionally preserved open space, view corridors and development buffers.

c. 7-104. Source of Water (Including reference to 4-203.M Water Supply.); and

d. 7-105. Central Water Distribution and Wastewater Systems

Water

As noted earlier, a Water Adequacy Report for Proposed Development has been prepared by SGM that analyzes the existing legal water rights, physical supply, the estimated water demands for the various uses on the property, and the proposed water systems. (Please refer to the attached Water Adequacy Report and copies of the existing water rights deeds for details.) No County or municipal water or wastewater services are sought. Proposed Residential Areas 1, 3, and 4 have been placed near the existing Riverbend Subdivisions and are planned to connect to the RWSC facilities. RBWS owns the excess capacity and excess water rights for the RWSC. RBWS and RWSC have indicated capacity and willingness for Nutrient Farm's new residential lots to connect to the systems and have written a Will Serve Letter indicating this. (Besides line extension, the only proposed upgrade is adding more potable storage adjacent to the existing tanks.) Invariably, the exact details of such connection to service and the final decision to connect is deferred to the point of subdivision.

Given the other proposed uses are a vast distance away from the central Riverbend systems, and are of a nature which are outside of the domestic use function of the RWSC, Nutrient Farm plans to maximize its self-sufficiency by developing its own internal water and waste water facilities for the rest of the uses—the Farm House in Area 2, the new residential lot in Area 5, the two farm areas, the Commercial/Industrial Area, and for all of the Outdoor Adventure Parks activities. (For further details, please see the Nutrient Farm Central Water Distribution and Wastewater System Report, OWTS Engineering Report, and the Water and Sewer Plan that have also been included in this submittal package.)

Water rights to the Vulcan Ditch and the Coal Ridge Pump and Pipeline were included in the

purchase of the Nutrient Farm property. These considerable water rights allow for year-round municipal, commercial, industrial, domestic, sewage treatment, irrigation, recreational, fish wildlife propagation, and "...all other beneficial purposes, including storage for each of the above purposes." (Water Adequacy Report, page 18.) The Vulcan Ditch has historically provided irrigation water to the property from Canyon Creek and will continue to do so. Surface water from the Vulcan Ditch will be routed to settling ponds, and then filtered and treated to supply potable water to the existing Farm House in Area 2, to the Working Farm areas, and to the recreational and commercial/industrial activities in Development Areas 7 and 8. Generally, the water will be filtered and sanitized using state-of-the-art natural and holistic methods including sediment, ion-exchange, charcoal, reverse-osmosis, distillation, ozone and ultraviolet. No sodium fluoride silicofluorides, hydrofluorosilicic acid, sodium fluorosilicate or other forms of fluoride will be added to the water systems. The ultimate water systems' design and treatment requirements will depend on the water systems' functional designation—namely as a public water system or private for the various uses, and inevitably all local and State required drinking water and water quality and quantity standards will be followed and exceeded.

Invariably all private on-site systems will be designed to readily convert to public water systems as needed when required operationally. The Vulcan Ditch water supply will also serve all outdoor uses such as agricultural crop and livestock watering, landscaping, sound mitigation landscaping, open space areas, grass fields, recreational ponds and the construction of any animal water ponds in cooperation with CPW. A new well will be constructed to serve the residential lot/home in the Working Farm – East, or the home may derive a water connection from the Vulcan Ditch pipeline.

The new residential homes (single-family and ADUs) in Development Areas 1, 3, and 4 are planned and designed to connect to the existing RWSC facilities. The RWSC currently serves the nearby Riverbend homes, and has a complete water treatment, distribution, and storage system in place that is already permitted as a public water supply. RBWS owns the excess capacity and excess water rights for the RWSC. The RWSC will provide all indoor and outdoor water use to these Areas through their potable water system. Initial assessment of the RBWS and RWSC water rights show that it has sufficient water to supply the lots in Areas 1, 3, and 4. Adding these lots to the existing system can in fact assist that system in its long term viability and operations.

Full buildout demands and consumptive use (annual consumption, average day demand, maximum day demand, peak hour demand, etc.) for Nutrient Farm were calculated in accordance with section 4-203.M. of the LUDC and provided in the Water Adequacy Report. The legal supply and physical supply of water from the Vulcan Ditch and the RWSC system were specifically and rigorously analyzed in relation to the proposed uses and determined to be sufficient. The Water Adequacy Report states, "Legal supply is discussed for the Vulcan Ditch and for the Riverbend system. Based on a comparison of the Farm's water rights to anticipated demands and consumptive use, the Farm's legal supply is sufficient." (Water Adequacy Report, page 18.) "Physical water supply is discussed for each of the two proposed sources: the Vulcan Ditch which will serve Areas 2, 5, 6, 7 and 8, and the Riverbend System which will serve Areas 1, 3, and 4. Based on the analysis of stream flow, the Farm's Vulcan Ditch physical supply can support anticipated demands. Based on the analysis of stream flow and hydrogeology near the Riverbend Wells, there is sufficient supply to support the additional demands to the Riverbend System from Areas 1, 3, and 4." (Water Adequacy Report, page 21.)

The peak hour demand for the Farm during irrigation season is estimated, based on County peaking factors, at 8.7 cfs, which includes non-potable demand for farm irrigation operations, as well as all demand for potable water, and thus fully within the scope of the Farm's legal ownership of 8.93 cfs in the Vulcan Ditch. The peak hour demand on the Farm's potable system for Areas 2 and 5–8 is estimated at 0.24 cfs. The Farm's potable treatment, storage, and distribution systems will be designed to accommodate this peak hour demand. (Water Adequacy Report, page 28; described fully in the Central Water and Distribution and Wastewater Systems Report.) Of course, this discussion is merely to reflect any concerns on the ceiling of all demand periods, from a water rights perspective we have demonstrated that we have ample water rights to proceed with operations, and to proceed with PUD approval.

Of course, despite all these discussions, at any juncture when any use is proposed for further development review, be that review for site plan, subdivision, etc., we will necessarily be subjected to a specific analysis of the actual water needs and the actual water supply available at that juncture. Thus, there are more than ample safeguards already in place via the PUD and the LUDC to ensure that at all junctures, we have adequate wet water as well as adequate paper water. We are aware that some area residents who also utilize the Vulcan Ditch or are situated adjacent to said ditch have expressed some general concerns about this development and the use of that ditch and accordant water supply. We are unsure what those specific concerns are at this juncture and will be happy to have any such concerns addressed by our water and land use professionals as the same become clearer. Nevertheless, in terms of general concerns, the bottom line is that we have well established rights in this water supply, very meticulous engineering in terms of conveyance of this water supply, and rigorous water quantity and quality standards in place via the PUD and the LUDC.

In that light, we would also emphasize that none of the 99 units of reserved residential density or any future Employee Housing or Bunkhouse dwelling units have been included in the Water Adequacy Report's analysis. As with traffic and other review elements, these potential uses are no more than latent at this point in time, and any proposal related to the same will have to address these issues fully and independently of the analysis behind this PUD proposal. That is already a mandate of the PUD and the LUDC and must be followed under any regard. Moreover, the density bank is no more than a latent reserve bank and not an active entitlement for 99 units, as discussed in detail herein. Thus, there is no concern over that putative water supply, as the Nutrient Farm operations are essentially proposed in lieu of such residential density, NOT in conjunction with it.

Wastewater

Similarly, wastewater disposal systems will be provided to the various land uses within the Nutrient Farm PUD in a number of ways. Residential uses in Development Areas 1, 3, and 4 will connect to the existing RWSC facilities. The residential uses in Development Area 2 will continue to utilize a fully functional private OWTS. All other uses within the remaining Development Areas will utilize individual wastewater treatment systems designed specifically for the land use they are to serve, which offer ample capacity and function to accommodate existing uses and any future expansion in scope and use. All wastewater systems will be designed per applicable County regulations and State standards, and all formal measures to ensure sewer service to the property

and its development will be provided in accordance with the LUDC, and all applicable State laws and regulations. (Please refer to the Central Water Distribution and Wastewater Systems Report, OWTS Engineering Report, and the Water and Sewer Plan for details.)

As mentioned above, the intent is to connect the new residences in Areas 1, 3, and 4 to the Riverbend systems, and the RBWS and RWSC have indicated their willingness and ability to serve the new homes. Again, final connection details will be made at the time of subdivision. However, if it is determined to be physically or financially unfeasible to connect to those systems, or a formal agreement cannot be reached between the Owner/Developer and RBWS and RWSC, then these areas of residential development may need to be reconfigured, redesigned, and possibly relocated to facilitate service by other legally authorized means. Of course, the applicable development review process to do so will be followed and additional system studies will be provided to the County for review and approval.

As with the water analysis, none of the 99 units of reserved residential density nor any of the On-Site Employee Housing or Bunkhouse dwelling units have been included in the sewer analysis, and per the rationale articulated above, there is no need to take on such speculative analysis at this time or really at any time that the Nutrient operations functionally persist.

e. 7-106. Public Utilities

As mentioned in the earlier response to *Public Utilities* under *PUD Plan – PUD Technical Descriptions*, adequate utilities for Nutrient Farm are available and can be provided in a variety of ways—from public utility providers or generated privately on-site. Connections will be based on the location and the power needs of the individual uses.

For instance, the existing Farm House utilizes a pellet stove for heat and Xcel Energy provides electricity. The new residences and any of their associated ADUs may also use individual propane tanks/systems and electricity from Xcel Energy. (A letter from Xcel Energy has been provided in this Nutrient Farm PUD package indicating their ability and willingness to serve the new homes.) All other uses in the Development Areas will be served by multiple private renewable energy systems constructed on the property specifically designed to serve them. These include solar electric, solar thermal, geothermal, wind, and hydro-electric energy systems. (I.e., solar electric and/or solar thermal energy systems will be constructed on the northern portion of Development Areas 6 and 3 near the Colorado River, and Development Area 5, if needed.) In addition, each single-family home/lot will be able to construct its own Accessory Solar System per the terms of the Nutrient Farm PUD Guide.

All new conventional utilities will be located and installed in accordance with the applicable utility providers' requirements and those of the LUDC. All existing overhead lines, transformers, switching and terminal boxes, meter cabinets, and other associated facilities will remain in place as already legally implemented and allowed and controlled by the relative utility providers. All necessary utility easements and drainage easements will be located and dedicated per 7-106. of the LUDC at the time of future subdivision or via separate instrument at the time of site plan or building permit review, or as needed.

We would also emphasize that in an effort to ensure that the biodynamic nature of Nutrient Farm is protected and maintained, absolutely no overhead lines and facilities will be allowed or installed, nor will any wireless meters or antennas be installed on the property without the express advance allowance of the Owner/Developer. The same expectations will be implemented for the dedication of the right-of-way for CR 335 and the LoVa trail.

f. 7-107. Access and Roadways

Nutrient Farm is located south of I-70 and the Colorado River, between Glenwood Springs and New Castle. CR 335 bisects the property and connects to I-70 via Bruce Road/Exit 105. CR 335 is the only access to the property and also serves the surrounding Riverbend residential subdivisions. However, there is no record of its formal dedication to the County as a right-of-way within the Nutrient Holdings property boundaries. We acknowledge that CR 335 was shown on the original 1976 Preliminary Map of Riverbend, however, since Riverbend was not fully developed/platted as planned, this portion of CR 335 was never dedicated.

The location of existing CR 335 lies within a historic, no longer utilized, and for all practical intents functionally abandoned, 80-foot-wide Cattle Drive Easement for one individual owner that does not utilize the same. The same easement alignment was subsequently dedicated, and accepted by the County, as an 80 foot wide right-of-way within the platted Riverbend Subdivision filings. That easement acceptance reflects the County's take on the predominant nature of the right-of-way easement. In complement to the already aligned and dedicated easement for CR 335 discussed above, per this Nutrient Farm PUD, an 80 foot right-of-way corresponding to the historic Cattle Drive Easement for CR 335 and the existing CR 335 dedication, for the stretch within the property, is shown on the PUD Plan Map. In similar fashion to the LoVa Trail, this right-of-way will be dedicated to the County after approval of the Nutrient Farm PUD via a separate dedication agreement process, and all respective obligations and understandings of the parties reflected therein. As discussed below, CR 335 will continue to be maintained by the County, and no improvements to CR 335 are assumed by the Owner/Developer at this time.

CR 335 serves as the legal access to all entrance points of the Nutrient Holdings property from the public highway system. The proposed Nutrient Farm development has been discussed at length on several occasions with Wyatt Keesbery, County Road and Bridge Director, who opined that CR 335 is generally in satisfactory condition without needing major modifications in the near future. Garfield County issued a Driveway Permit Number: GRB19-D-9 for the Nutrient Farm Road access location in April 2019.

While CR 335 is the main public thoroughfare to Nutrient Farm, there is an extensive and functional series of looped roads within the property to foster inter-farm access and circulation. A Conceptual Access, Circulation and Parking Plan for Nutrient Farm has been included in the Nutrient Farm PUD application package and attached to the Nutrient Farm PUD Guide as Exhibit C. Multiple private streets, roads, and driveways will be constructed by Nutrient Holdings to provide access to various portions of the property and its uses. The Plan shows the locations of the

80 foot right-of-way for CR 335 and the two new 50 foot public rights-of-way that will be constructed and offered for dedication to the County to serve the new residential lots in Development Areas 1 and 3 adjacent to the Colorado River. (These road will only be constructed/dedicated when the residential subdivisions are constructed.) The three residential lots in Development Areas 4 and 5 will take access off of the existing Riverbend Drive. All other private streets, roadways, driveways, and associated improvements in Nutrient Farm will be constructed, owned, and maintained by the Owner/Developer. No modifications or improvements to any of the existing roads in the surrounding subdivisions (i.e., land not owned by Nutrient Holdings) are planned.

All roads within Nutrient Farm will be designed to provide adequate, safe, and efficient access and circulation for the property. The proposed road design standards described below will supersede those of Table 7-107 – Roadway Standards of the LUDC. In an effort to minimize site disturbance and hard surfaces, and promote water absorption within the property, the private roads within the PUD will have two 12½ foot gravel travel lanes with a two percent (2%) crown section and two foot (2') deep ditches, as necessary. These roads will be designed with a 12 percent (12%) maximum grade and 80 foot minimum centerline radius, and shoulders and ditches will only be used in select locations, as needed. Speed limits will be posted on-site and will be less than the design speed based on AASHTO criteria. Nutrient Farm anticipates a maximum posted speed limit of 25 miles per hour within the PUD property. We realize that gravel roads require continuous maintenance, so concrete or some other permanent hardscape surface may be needed in the future for some of these private roads, or portions of them, due to heavy traffic or turning movements (i.e., the area around the processing building). Thus, such areas may be paved in the future at the discretion of Nutrient Farm. Any necessary County approval for the surfacing will be obtained.

The two forthcoming 50 foot rights-of-way to serve residential Areas 1 and 3 will also be constructed to these Nutrient Farm design specifications. The internal agricultural access roads in and around the farm areas will be unimproved, natural earth, or gravel as warranted with use. No design standards are proposed for them as they are strictly for agricultural purposes and no public vehicles will be allowed on them. All Campground/Recreational Vehicle (“RV”) Park parking and circulation will meet the regulations of 7-905. of the LUDC and those of the Colorado Department of Public Health and Environment, Division of Environmental Health and Sustainability, contained in 6 Code of Colorado Regulations 1010-9 concerning Campgrounds and Recreational Areas.

As shown on the Plan, Nutrient Farm Road will be constructed to intersect CR 335 and will run to the north and south as the main accesses to the Working Farm – West and its uses. This road loops to the west and then re-connects with CR 335. Multiple roads will be constructed to the south of these to serve the western portion of the property, the Outdoor Adventure Parks, performing arts/music and arts venue area, campground, and the Health and Wellness Retreat in Development Area 8, and the commercial/industrial activities in Development Area 7. To the east of the new Nutrient Farm Road, an existing residential driveway, Coal Ridge Lane, cuts through the property from CR 335. It serves an off-site single-family home and an access easement has been granted

for it. The existing Farm House will connect to this driveway and also utilize it for primary access to CR 335.

Moreover, Storm King Road in the adjacent Riverbend Subdivision Filing No. 2 extends into the property and serves as the existing driveway connection for the Farm House. This will only be used by the Owner/Developer for direct access to and from the Farm House to the Eastern Working Farm, not as an alternative public thoroughway for everyday use. Should the fire department or emergency services need it, the driveway may also serve as emergency access from Storm King Road to CR 335. The three residential lots furthest to the east in Development Areas 4 and 5 will take access off of the existing Riverbend Drive. Two additional roads will be constructed to serve the residential lots adjacent to the Colorado River in Development Areas 1 and 3. These roads will be constructed by the Owner/Developer and dedicated to the County.

A CDOT Level III Traffic Impact Study has been prepared by SGM for the Nutrient Farm PUD in accordance with LUDC section 4-203.L. submittal requirements for a detailed traffic study. It evaluates the existing background traffic and the projected vehicle trips generated from Nutrient Farm in both the immediate and 20-year planning horizon. The Traffic Impact Study concludes that the existing roadway system will continue to operate safely and at an acceptable level of service with the full development of Nutrient Farm. As it recommends, all new road intersections will be designed with acceptable site distances based on 35 miles per hour design (450 feet), and site triangles will be developed and maintained as clear zones.

Further, Uniform Traffic Control or Certified Traffic Control supervision will be implemented at the CR 335/Bruce Road intersection and at event accesses on the property from CR 335 to help provide safe operations during the peak entry/exit periods of the entertainment/music and arts venues or any other Nutrient Farm Events with an expected attendance of 350 guests or more. (The Traffic Impact Study noted that this is **not** required for the CR 335/Bruce Road intersection to operate adequately—that the additional traffic control would only help to provide more organized operations during these times due to the variable nature of peak flow rates for such events.) Based on the full build-out of Nutrient Farm, the CR 335 estimated 2040 total traffic volume is 2,300 vpd east of Park Drive and 2,800 vpd west of Park Drive. The vpd west of Park Drive will exceed Minor Collector standards. (The LUDC calls for Major Collector standards at rates greater than 2,501 vpd.) Thus, if the actual scope of development for Nutrient Farm is realized, future shoulder widening west of Park Drive to Bruce Road could bring CR 335 up to County Major Collector roadway standards.

The ultimate projected traffic volumes from Nutrient Farm on Bruce Road at the Colorado River bridge do warrant a new CDOT Access Permit. The new CDOT Access Permit will be applied for in connection with and as already reflected in this PUD. Also, as per section 4-203.L.4., estimated calculations of the potential future public road improvement fees in the corridor were provided in the Traffic Impact Study. Actual road improvement fees will be determined at the time of development according to the LUDC, as stated in the Development Agreement. We note that the traffic impact fees could be used for any potential necessary future widening of CR 335.

Again, the above referenced Traffic Impact Study does not consider any of the 99 units of reserved density or any On-Site Employee Housing or Bunkhouse dwelling units on the property. As noted, the density reserve is planned as no more than latent density at this point, per the proposed PUD, rather than an entitlement, and thus subject to the scrutiny of multiple levels of land use review and approval before it can be employed in any manner. Thus, as the Traffic Impact Study reflects, there is no rationale for including it in the analysis provided, though arguably such housing will lessen traffic impacts by ensuring employees are located right on the site of their employment.

The Nutrient Farm access and circulation system and the Traffic Impact Study have also been discussed in the previous responses to *General project concept and purpose of the request* and *Explanation of general conformance with the comprehensive plan*. Please see those responses for more information.

g. 7-108. Use of Land Subject to Natural Hazards

Nutrient Farm is located on a benched area between the Colorado River and the steep slopes of the Grand Hogback. Vegetation on the property is sparse, but diverse. The majority of the property, including the areas proposed for development, is dominated by grazed and dryland pasture areas. The Vulcan Ditch traverses the southern part of the property and carries water to these pasture areas. Sagebrush shrublands cover the land as it rises to the south, and pinyon-junipers and mixed mountain shrublands dominate the steep slopes above them. The north and east edges of the property abut the Colorado River. Two minor natural drainages cross the property from south to north, draining from the mountains into the Colorado River. These are ephemeral drainages and with no notable wetland or riparian characteristics. The area of the property immediately adjacent to the Colorado River contains sparse and discontinuous wetland/riparian vegetation on its banks. No wetlands extend beyond the immediate vicinity of the Colorado River. (No formal wetland delineation was conducted, rather a visual inspection of the soils and plants.) The area adjacent to the Colorado River is also within the County's Floodplain Overlay District and contains lands within the designated 100-year floodplain.

As mentioned before, the Impact Analysis Report ("Report") for Nutrient Farm details the property's physical features including its topography, water bodies, vegetative cover, soil characteristics, geology, and other existing conditions. The Report includes an inventory and evaluation of the native vegetation and wildlife habitat potential on the property—including aquatic species use of the Colorado River. In addition, a Soils and Geohazards Evaluation has been prepared by RJ Engineering and Consulting, a Slope Analysis, a Weed Management Plan, and a Reclamation Plans for the Vulcan Ditch improvements and the Nutrient Farm PUD property have been prepared by SGM and included in this submittal package.

The Soils and Geohazard Evaluation ("Evaluation") focused on the property's areas intended for development. Several geological maps were reviewed and a number of potential geohazards were identified including: collapsible/compressible soils; expansive/swelling soils; debris flows;

landslide/potentially unstable slopes; erosive soils; and an area of previous mining activity. (The locations of these areas are shown on the Evaluation's maps.) The Evaluation noted that many of the potential hazards could be mitigated with proper engineering design techniques (i.e., collapsible and expansive soils can be mitigated using deep foundation systems) or the potentially hazardous areas could simply be avoided. Thus, prior to building permit, further site-specific geotechnical investigations (i.e., test pits/soil sample evaluations) will be performed to determine if any potential geotechnical hazards exist in a certain area so that any proper engineering mitigation can be designed. All future improvements will abide by the Drainage and Erosion requirements of section 7-204. and the Natural and Geological Hazard standards of section 7-207. of the LUDC regarding the installation of utilities and development in any avalanche, landslide, rockfall, alluvial fan, corrosive or expansive rock, mudflow, and fault hazard areas.

As mentioned before, previous mining activity took place on the western Coal Ridge PUD portion of the property—exploratory holes were drilled into the hillside and sediment control improvements were constructed. However, no coal seams were reached. The portals were sealed and backfilled, and all disturbed areas revegetated to the satisfaction of the Colorado Division of Reclamation, Mining and Safety. Thus, these improvements and their locations will be considered during future site-specific geotechnical investigations that will take place prior to construction.

Development on steep slopes will also comply with section 7-207.F. of the LUDC except section 7-207F.2. shall only apply to residential or lodging development within Nutrient Farm. All other types of non-habitable uses may be allowed on 30% slopes. However, any development in such 30% slopes shall remain subject to the study requirements of 7-207.F1. for any development on slopes over 20%. Building on slopes 20% or more will require a special engineering study to establish construction feasibility of the proposed improvement and any necessary mitigation measures as per section 7-207.F.1. (Please refer to the attached Slope Analysis for location details.)

The property contains approximately 2.75 miles of the Colorado River. The areas of the property immediately adjacent to the Colorado River contain sparse and discontinuous wetland/riparian vegetation on its banks. No wetlands extend beyond the immediate vicinity of the Colorado River. (No formal wetland delineation was conducted, rather a visual inspection of the soils and plants.) The area adjacent to the Colorado River is also within the County's Floodplain Overlay District and contains land within the designated 100-year floodplain.

However, the Federal Emergency Management Agency ("FEMA") has not mapped the floodplain in this specific area. The area was previously surveyed and studied on several occasions by FEMA and the Colorado Water Conservation Board ("CWCB") but the studies were not officially adopted for this reach of the Colorado River adjacent to Nutrient Farm. The effective FEMA panel is 0802051020B dated 12/15/1977 (not printed). All areas are assigned Zone D areas of possible flooding. An approximate Floodplain Zone A was created and published for public review and comment in the Garfield County Preliminary study circa 2011. The Preliminary Flood Insurance Study and accompanying maps and Geographic Information System ("GIS") digital data were made available on the County website and was widely used as the "best available" information.

For the original Nutrient Farm PUD submittal in May of 2022, SGM obtained updated 2015 DFIRM metadata published by FEMA on July 31, 2015 and used these GIS layers as the best available information for Nutrient Farm. This reach of the Colorado River remains as an approximate Zone A floodplain without water surface elevations. At that time, SGM understood that FEMA was reviewing a new detailed floodplain study for this reach with reduced 100-year flowrate per the adopted Letter of Map Revisions (“LOMAR”). Expectations were that the study would result in 100-year water surface elevations that are lower than shown in previous studies.

In late November 2022, SGM obtained the latest Draft Preliminary Study modeling and mapping from the CWCB. Draft Preliminary Floodplain Mapping was created for the property by SGM using the GIS layers for Colorado River Reach 8. It shows that the limits of the floodplain are confined to the riverbank. The location of the floodplain will not impact the proposed Nutrient Farm PUD development except for the boat ramp/tie ups. A County floodplain development permit and all other necessary State or Federal permits will be obtained in the future at the time of the site specific development request for these improvements. (The existing pump station is still safely above the 100-year water surface elevation (“WSE”).) We will continue to monitor the draft information and its review by FEMA and make any modifications to our mapping analysis and plans as needed for the County’s review and approval. For the time being, this information is the best data available. (A copy of the Draft Preliminary Floodplain Mapping is included in this updated Nutrient Farm PUD submittal package.)

Based on our review of the proposed Nutrient Farm PUD improvements with respect to all flood study information referenced above, the development will comply with all applicable FEMA, National Flood Insurance Program (“NFIP”), CWCB and Garfield County floodplain regulations—Floodplain Overlay Regulation of sections 3-102. and 3-301. and the Floodplain Specific Site Plan requirements of 4-203.O.1. of the LUDC. In addition, any future improvements near the Colorado River will abide by section 7-203. Protection of Waterbodies of the LUDC.

Thus, all natural and geological hazards have been identified on the property. No improvements will be constructed in these areas unless additional studies are conducted, any applicable mitigation provided, and all necessary approvals obtained per the relevant requirements of the LUDC and any other applicable State and Federal regulations.

h. 7-109. Fire Protection

Nutrient Farm is located within the Colorado River Fire Rescue (“CRFR”) jurisdiction. All development on the property will meet all fire protection requirements of the CRFR and comply with wildfire hazard mitigation/defensible space requirements of the CRFR at the time of building permit for each individual building or structure. Wildfire mitigation strategies are encouraged for all construction and development within Nutrient Farm.

Our Engineering Team has met with Orrin Moon, the Fire Prevention Division Chief, on-site reviewing the property and discussing the Nutrient Farm PUD Plan Map. The general road design

was reviewed, and all CRFR road design standards will be met with the formal design and construction of the future roads. All fire flow needs will be met through potable and raw water storage or water supplies and infrastructure sizing. Specifically, for those portions of Nutrient Farm served by its own water system, multiple dry hydrants connected to the on-site cisterns or irrigation and recreational water ponds will be installed throughout property for emergency use by the CRFR.

As mentioned before, the new residences in Development Areas 1, 3, and 4 are intended to connect to the nearby Riverbend system. Numerous fire hydrants are located throughout the existing Riverbend subdivisions. The existing Riverbend potable system provides about 50,000 gallons of storage augmented by a 115 gallons per minute (“gpm”) supply flow from their wells. The intent is for Nutrient Farm to add a 150,000 gallon potable storage tank to bring the fire storage component up to municipal standards if/when new residential lots are platted in Areas 1, 3, and 4 in exchange tap fee credits. New fire hydrants from 8-inch diameter lines will be placed as necessary so that each new residential lot is within 250 feet of a hydrant. (Please also see the previous response to *Type or method of fire protection*.)

4. Rezoning Criteria (4-113.C.1.-4.) / Rezoning Justification Report (4-203.H.)

Section 4-113.C. of the LUDC contains the four criteria that must be met in order for a rezoning request to be approved. This same criteria are required to be addressed in the Rezoning Justification Report (4-203.H.) that is submitted as part of the PUD application package. We believe the Nutrient Farm PUD meets this criteria well and have elaborated on each of the criteria below.

C. Review Criteria

An application for rezoning shall demonstrate that the following criteria has been met:

- 1. The proposed rezoning would result in a logical and orderly development pattern and would not constitute spot zoning;*
- 2. The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area;*
- 3. The proposed rezoning addresses a demonstrated community need with respect to facilities, services or housing; and*
- 4. The proposed rezoning is in general conformance with the Comprehensive Plan and in compliance with any applicable intergovernmental agreement.*

a. 1. The proposed rezoning would result in a logical and orderly development pattern and would not constitute spot zoning;

The proposed Nutrient Farm PUD area is currently zoned with two PUDs—encompassing the entire existing Coal Ridge PUD area as well as the remaining unsubdivided portions of the Riverbend PUD. As noted before, various portions of the original 1,180.83 acre Riverbend PUD were developed as planned with single-family subdivisions, while other portions were sold off. Per Assessor’s records and plats, 75 residential lots have been platted in the original Riverbend PUD boundaries since the Riverbend PUD was approved. Thus, at least 123 residential units of density remain from the original Riverbend PUD ($198 - 75 = 123$). (Please see the earlier Background discussion for a detailed analysis of the Riverbend PUD density and the existing residential subdivisions within the original Riverbend PUD boundaries.)

The Riverbend PUD will be vacated and the Riverbend PUD will be amended and replaced with the Nutrient Farm PUD. Eight Development Areas and four Private Open Space Tracts are planned. As shown on the PUD Plan Map, the heart of Nutrient Farm, and the majority of the flat land, will be the Working Farms – East and West. The Nutrient Farm PUD will bring back the agricultural rural character of Garfield County.

The proposed Nutrient Farm PUD is much more compatible with the nearby residential uses and the original intent of the Riverbend PUD than the coal mine and heavy industrial uses allowed under the Coal Ridge PUD. We see this as an opportunity to replace two rather old and convoluted PUDs with a comprehensive PUD that better conforms to current LUDC standards and expectations, and brings back the agricultural and residential intent of the original Riverbend PUD.

Thus, the proposed Nutrient Farm PUD area is a much more sensitive and logical development pattern for the property.

b. 2. The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area;

This particular criterion supports the Nutrient Farm PUD proposal perhaps more strongly than any other. The Nutrient Farm PUD is a direct repurposing of two much older, unfulfilled PUD visions, both which carry the potential for very high impact on the land and adjacent properties. Instead, we are proposing a biodynamic farm with low impacts and a vibrant array of activities in support of the farm and as an accommodation for the community to participate in and embrace Nutrient Farm in all aspects.

In terms of antiquated, high density residential development, the existing Riverbend PUD area has been planned for development for almost 50 years and has been developed to varying degrees through numerous PUD Amendments and subdivisions, but at a fraction of the original vision. The nearby existing residential subdivisions are on land that was originally part of the overall Riverbend PUD. As mentioned above, the PUD has been amended many times to accommodate the relocated residential uses and their associated subdivisions, and the new mining uses of the Coal Ridge PUD.

For instance, the original Riverbend Preliminary Map did not contemplate any residential lots where the Filing No. 5 Subdivision is located, and the Cedar Ridge Subdivision encompasses the original shown stable area. The Riverbend was also modified in 1984 to allow for the Coal Ridge PUD. The Coal Ridge PUD altered the western 292 acres of the Riverbend PUD designated as Open Space/Agricultural Land and some of the future residential areas near the mountains to allow for a coal mine and other heavy industrial uses. This PUD allows for a mining operation and other heavy industrial uses such as oil and gas extraction, plants for fabrication/processing of natural materials, storage of oil, minerals, explosives, chemicals and fuels, utilities, pipeline, a railroad corridor, open space, agriculture, and a single-family home.

Nutrient Farm surrounds these residential subdivisions and contains the entire Coal Ridge PUD and the remaining unsubdivided portions of the Riverbend PUD. We believe it would be in public's best interest to vacate all of the Coal Ridge PUD and amend the remaining portions of the Riverbend PUD and replace them with the Nutrient Farm PUD. Nutrient Farm PUD is a much more compatible and sensitive development vision than that which is currently allowed. Nutrient Farm has been carefully designed to be compatible in use and intensity with the nearby residential homes and minimize any potential impacts. The Nutrient Farm PUD will bring back the agricultural and residential aspects of the property that were originally envisioned with the Riverbend PUD and help preserve the rural mountain character of Garfield County.

c. 3. The proposed rezoning addresses a demonstrated community need with respect to facilities, services or housing; and

We believe that Nutrient Farm will be an asset to Garfield County as it addresses many of the community's concerns brought up during the Comprehensive Plan 2030 Update. Nutrient Farm is a mixed-use community focused on its biodynamic Working Farm areas with agricultural, residential, and related recreational/entertainment and commercial/industrial activities. No heavy industrial uses from the existing Coal Ridge PUD are sought, rather commercial and light industrial uses such as a contractor's yard, storage, and a sewage treatment facility are proposed. A restaurant serving healthy grown and raised products from Nutrient Farm and other local sources, agricultural processing buildings, and solar systems are planned to power the Nutrient Farm community. Many private and public trails are planned throughout the property.

Nutrient Farm will help to bring back an important emphasis on agriculture, serving as stewards of the land, and preserving the rural character and bucolic beauty of the Colorado River Valley that have been identified as important community attributes. Not only will the rural character of community be protected and enhanced, but also the County's recreational and open space opportunities through the construction of the LoVa Trail and other private trails on the property, and the preservation of over 608 acres of private open space—which is more than half of the total PUD area. Nutrient Farm also will help diversify the economy by providing stable seasonal and year-round jobs in the agricultural, retail/commercial and tourism areas as opposed to the energy industry which depends upon a finite resource. In addition to the new jobs, 18 new residential lots will be created within Nutrient Farm. Although not required by the LUDC, future on-site housing for employees working on the Nutrient Farm property is also planned.

Thus, Nutrient Farm addresses many community needs—preserving agricultural land, diversifying the economy with additional jobs revolving around its biodynamic Working Farm areas, providing housing options, and enhancing recreational and open space opportunities with the public LoVa Trail and multiple private trails on the property. Nutrient Farm will bring back agriculture and the rural feeling of the Valley. Its agricultural practices, energy systems, and utilities will be sensitive to the land, its animals, residents, and guests, and will be compatible with nearby residential development. Nutrient Farm will give local families and guests a chance to visit a working farm and engage in its activities. Nutrient Farm will be an asset to the community.

d. 4. The proposed rezoning is in general conformance with the Comprehensive Plan and in compliance with any applicable intergovernmental agreement.

As mentioned above in response to 7-102. *Comprehensive Plan and Intergovernmental Agreements*, the Nutrient Farm PUD is in general conformance with the Comprehensive Plan 2030. It meets numerous vision statements, goals, policies, and strategies/actions identified in the Comprehensive Plan's ten Plan Elements. A detailed discussion of the Nutrient Farm PUD in relation to each of the ten Plan Elements has already been provided in the above response to the

Explanation of how the PUD is in general conformance with the Comprehensive Plan. Please refer to that response again.

Conclusion of Rezoning Criteria (4-113.C.1.-4) / Rezoning Justification Report (4-203.H.)

PUD Zoning – Review Criteria 6-202.C.1.-5. requires a PUD request to meet the Rezoning Criteria of section 4-113.C.1.-4. Of the LUDC. Four criteria are contained in this section that must be met in order for a rezoning request to be approved. This same criteria are also required to be addressed in the Rezoning Justification Report (4-203.H.) that is submitted as part of the PUD application package. We believe that the Nutrient Farm PUD request readily meets, and in fact thoroughly exceeds, the expectations set forth in these criteria, for the reasons set forth above.

5. Established Zoning Standards

The last PUD Zoning Review Criteria of 6-202.C.1.-5., *Established Zoning Standards*, requires finding that the proposed PUD establishes dimensional and other development standards governing the future uses and development of the PUD. It states:

5. *Established Zoning Standards. The PUD Plan adequately establishes uses and standards governing the development, density, and intensity of land use by means of dimensional or other standards.*

The Pre-Application Conference Summary requests further information by stating:

- *Please respond directly to the Development Standards in Section 6-401.*
- *Please respond directly to the Standards identified in Article 7, Division 3, Site Planning and Development Standards.*

As mentioned before, the Nutrient Farm PUD Guide has been specifically tailored to fit the unique agricultural nature of Nutrient Farm, to foster its compatible and orderly development, and to ensure that it blends in with the nearby residential development pattern and the natural landscape. The following specific Development Standards contained in section 6-401. and the Site Planning and Development Standards of Article 7, Division 3 are all squarely addressed in the PUD Guide. The PUD Guide is reflective of the LUDC in terms of its structure, form, and content, and in fact even incorporates the existing LUDC land uses, definitions, standards, and requirements whenever viable, with minor modifications to such terms when necessary to tailor the PUD terms to the actual circumstances anticipated in the Nutrient Farm community. Additional standards have also been included related to a variety of specific uses such as Solar Energy Systems, sound standards, and Nutrient Farm Events—again, in order to ensure the orderly development and compatibility of Nutrient Farm with its surroundings. Please refer to the Nutrient Farm PUD Guide and the earlier *General project concept and purpose of the request* discussion for the various development standards.

Section 6-401. Development Standards includes:

6-401. DEVELOPMENT STANDARDS

- A. Permitted Uses*
- B. Off-Street Parking*
- C. Density*
- D. Housing Types*
- E. Transportation and Circulation*
- F. Recreational Amenities*
- G. Building Height*
- H. Lots*
- I. Phasing*

Article 7, Division 3. Site Planning and Development Standards contain:

DIVISION 3. SITE PLANNING AND DEVELOPMENT STANDARDS

7-301. COMPATIBLE DESIGN

7-302. OFF-STREET PARKING AND LOADING STANDARDS

7-303. LANDSCAPING STANDARDS

7-304. LIGHTING STANDARDS

7-305. SNOW STORAGE STANDARDS

7-306. TRAIL AND WALKWAY STANDARDS

In addition to the above Development Standards, the *PUD Plan Guide (6-302.A.4.a.-d.)* requires additional regulations which are all contained within the proposed Nutrient Farm PUD Guide and which have already been discussed in detail in this Narrative. As mentioned before, the PUD Guide specifically regulates and addresses: the existing and proposed uses; housing types; density/intensity; lot size; building locations/setbacks; building heights; fences; parking and loading; reclamation; weed management; landscaping; forest management; trails; pathways; walkways; exterior lighting; ADUs; Animal Keeping; Guest Houses; Food Trucks; Nutrient Farm Events; temporary improvements; signage; access and circulation systems; water systems; wastewater systems; utilities; solar energy systems; fire protection; soils/geotechnical hazards; floodplains and protection of water bodies; wildlife protection; snow storage; open space and recreational improvements; public dedications of CR 335; and the LoVa Trail and parking area public easements; etc.

We believe the standards are appropriate and reasonable for Nutrient Farm and will not compromise any Building Code requirements or cause any adverse impacts to the adjacent properties.

Similarly, some of the Article 7, Division 3 Site Planning and Development Standards have already been discussed in other various responses. Therefore, we have listed each one of them below and have briefly responded to them or indicated where previous responses may be found in this project Narrative.

1) 7-301. COMPATIBLE DESIGN

As discussed in detail, we believe our proposal roundly meets and exceeds all compatibility concerns both in terms of development and activities proposed, as well as the large swaths of land where we seek to refrain from any development or intensive activities. The proposed Nutrient Farm PUD is compatible in nature, scale, and intensity with the surrounding land uses and the natural landscape. Nutrient Farm is an infill project on land that has been contemplated and approved for intensive residential and industrial development since the early 1970's. It contains the entire undeveloped Coal Ridge PUD area and the remaining unsubdivided portions of the Riverbend PUD. It is located to the south and west of the Colorado River and backs up to the steep

slopes of the Coal Ridge and nearby BLM lands. CR 335 bisects the property, and pockets of residential subdivisions (single-family and duplex lots) are located adjacent to the property—Riverbend Filing Nos. 1 and 2, Riverbend Ranchettes, Cedar Ridge Subdivision, Riverbend Filing No. 5, and Lot 2 of the Matthies Exemption. These residential subdivisions are on land that was originally part of the Riverbend PUD. As already mentioned, the Riverbend PUD has been amended numerous times to accommodate the re-location of residential uses and the new mining and heavy industrial uses of the Coal Ridge PUD. To the south and west lie private lands which are zoned Rural and are currently being used as grazing land/meadow hay fields/agricultural according to the Assessor’s records. One single-family home exists to the south on one of these properties.

The proposed Nutrient Farm PUD is compatible with the nearby residential uses and the natural landscape, and fulfills numerous vision statements, goals, policies, and strategies/actions identified in the Comprehensive Plan’s ten Plan Elements. With over 270 acres devoted to farming and over 608 acres designated as open space, Nutrient Farm will help bring back the rural mountain agricultural nature of Garfield County and provide a variety of recreational, economic, and other benefits to the County and its residents and guests.

Nutrient Farm has been carefully planned and designed to be compatible with the nearby residential uses and the natural landscape. Unique land uses, definitions, and development standards have been proposed in the Nutrient Farm PUD Guide to encourage this. These include locating new single-family residential lots next to the existing nearby residential subdivisions, feathering recreational and commercial development to the south-west, and ensuring the PUDs proposed uses are internally compatible. For instance, new single-family homes are proposed adjacent to the existing Riverbend Filing No. 5 subdivision. The proposed lots are actually larger than those in the Riverbend Filing No. 5 subdivision and more similar in size to the Riverbend Filing Nos. 1 and 2 lots. Development standards are proposed designed to yield homes compatible with the existing Riverbend homes. (Please see the previous response to *Method and calculation used to determine overall project and specific use type densities* and the Lots and Development Standards discussions under *PUD Plan – PUD Plan Guide* for details on the proposed standards in relation to the LUDC and nearby existing homes.)

The recreational and commercial/industrial uses are located on the southern and western portions of the PUD property. The western Working Farm provides a buffer between the existing Riverbend Subdivisions and these uses. Separate access roads off of CR 335 will also be constructed to provide access to these areas, and a variety of measures regarding hours of operation, noise levels, and parking have been proposed in the PUD Guide to ensure that the uses will be compatible with the surrounding properties and any potential off-site impacts are mitigated.

As suggested in the Traffic Impact Study, and as required in the PUD Guide, Uniform Traffic Control or Certified Traffic Control supervision will be implemented at the CR 335/Bruce Road intersection and at the property accesses from CR 335 to help facilitate circulation during the peak entry/exit periods of any large Nutrient Farm Event with an expected attendance of 350 persons or

more. Similarly, parking attendants will be on-site helping to direct guests to the parking and event areas. No parking will take place on CR 335. Thus, any potential impact to neighbors traveling along CR 335 will be minimized as much as possible.

The proposed Nutrient Farm PUD will revolve around a biodynamic working farm with an Owner/Developer that prioritizes healthy living and responsible stewardship of the land. Nutrient Farm will utilize organic and biodynamic agricultural practices such as avoiding all synthetic chemical pesticides, fertilizers, and transgenic contamination. The design of the uses on-site, and the structures supporting such uses, the internal circulation system, the solar system(s) and other alternative energy systems, and all other aspects of Nutrient Farm, have been meticulously planned to ensure that they blend into the surrounding area and the natural environs. The site plan for Nutrient Farm takes advantage of the size of the land, the layout, and topography, to ensure that internal uses blend well and complement each other. It also ensures that any use or structure is not inconsistent to or offensive to the surrounding area. Nutrient Farm, as designed, serves as a singular transition area from light residential to agricultural, grazing lands, open space, and rural vistas. Specific land uses and development standards have been established in the proposed Nutrient Farm PUD Guide to foster the compatible and orderly development of the Nutrient Farm community so that it blends into the nearby residential development pattern and the natural landscape.

2) 7-302. OFF-STREET PARKING AND LOADING STANDARDS

As mentioned before, Off-Street Parking and Loading standards have been included in the PUD Guide that will supersede those of the LUDC. They closely resemble the LUDC and require compliance with section 7-302. Off-Street Parking and Loading Standards of the LUDC except for Table 7-302.A. regarding the amount of parking spaces for each land use, the location of the parking stalls, surfacing and striping provisions for the parking stalls, loading areas, aisles, and access drives. These standards take into account that guests will enjoy multiple activities during their visit to Nutrient Farm. The parking requirements and surfacing standards have been proposed in an effort to reduce the amount of site disturbance and hard surfaces in Nutrient Farm and promote water absorption for the non-residential uses. Shared permanent parking spaces and a Temporary Parking Plan for any Nutrient Farm Events with an expected attendance of 350 individuals or more are also proposed. (Please refer to the PUD Guide and the earlier responses to *Description of how the development departs from the otherwise applicable standards of this Code but meets the intent and purpose of this Article and PUD Plan – PUD Plan Guide* for details on the proposed parking and loading standards, and for a Parking Summary of the various Nutrient Farm uses.)

3) 7-303. LANDSCAPING STANDARDS and

6) 7-306. TRAIL AND WALKWAY STANDARDS

Nutrient Farm will maintain the rural mountain character of the County and blend in with the nearby residential development and surrounding landscape. A number of landscaping, trail,

pathway, and walkway design standards are contained within the PUD Guide to accomplish this. Landscaping will be installed for all new public and private roadways within Nutrient Farm as well as within the private parks and open spaces. (Not along CR 335, the agricultural access roads, nor within the four Private Open Space Tracts.) As noted in the Nutrient Farm PUD Guide, the Reclamation Standards and requirements of sections 7-208. and 4-203.E.18. of the LUDC will be followed, and Reclamation Plans for the Vulcan Ditch and PUD have been prepared and implemented for the Vulcan Ditch agricultural improvements. A Weed Management Plan has also been created for the Development Areas of the property and weed mitigation has already begun. Ecology will guide farming practices on Nutrient Farm and no chemicals or pesticides will be used on the property by the Owner/Developer that could possibly cause contamination to the Nutrient Farm's plants, animals, residents, or guests. Holistic, natural, cultural, mechanical, and biological mitigation techniques will be used against insects and weeds. This includes utilizing organic compounds such as vinegar, pulling weeds, and introducing natural predators such as goats. (Please refer to the Weed Mitigation Plan for details.)

Design standards have been provided for all future trails, pathways, and walkways that the Owner/Developer will install and maintain. The LoVa Trail and all associated improvements will be constructed by others within the CR 355 right-of-way and within the 25 foot wide public trail easement on the eastern portion of the property as it crosses the Colorado River. (Please see the PUD Guide for location, construction, and dedication details, and our previous responses to *General project concept and purpose of the request* and *PUD Plan Guide* concerning Recreational Amenities and Landscaping—Parks, Trails, and Rights-of-Way for details.)

4) 7-304. LIGHTING STANDARDS

Exterior Lighting Standards have been proposed in the Nutrient Farm PUD Guide in an effort to minimize light pollution and conserve energy while providing adequate lighting for safety and security for residents and guests. The proposed Exterior Lighting Standards encompass and supersede those of section 7-304. of the LUDC with additional details regarding prohibited lighting and exempt lighting for Nutrient Farm. Please refer to the prior discussion on lighting and the proposed Exterior Lighting Standards of the PUD Guide for details.

5) 7-305. SNOW STORAGE STANDARDS

No unique Snow Storage Standards are proposed in the Nutrient Farm PUD Guide to supersede those of the LUDC. Thus, LUDC section 7-305. Snow Storage Standards will apply.

Conclusion to PUD Zoning Review Criteria of 6-202.C.1.-5. – Established Zoning Standards

As mentioned before, old, ill-fitting existing PUDs for the property will be replaced with the Nutrient Farm PUD that will allow for a mixed-use agricultural community revolving around a working farm. Sustainability and ecology will guide agricultural practices and the property's natural resources will be protected. Nutrient Farm is compatible with the nearby residential land

uses and the natural landscape. The proposed PUD Guide adequately establishes uses and development standards to foster the organized development of Nutrient Farm and compatibility with the nearby land uses and the natural environment.

Conclusion to *PUD Zoning Review Criteria of Section 6-202.C.1.-5.*

We believe the Nutrient Farm PUD request meets the *Planned Unit Development Zoning Review Criteria* of section 6-202.C.1.-5. well. The Nutrient Farm PUD will be more compatible with the surrounding uses than the current PUDs and bring back the agricultural and residential intent of the original Riverbend PUD. Nutrient Farm meets numerous goals and strategies of the Comprehensive Plan and will be an asset to the entire Garfield County community.

G. ADDITIONAL REQUESTED INFORMATION PER NOVEMBER 22, 2022 LETTER

This revised Nutrient Farm PUD request package includes the following additional requested information per the November 22, 2022 Letter. For ease of reference, responses to each request have been provided below or it is noted where the information has been provided earlier in this Narrative.

1. Title Commitments need to be updated to be more current.

As mentioned above, the entire 1,136 acres (approximately) was conveyed to Nutrient Holdings via a single warranty deed. The title commitment was updated by Commonwealth Title Company of Garfield County, Inc. on December 6, 2022 and a copy has been included in this submittal packages as well as the accompanying Coal Ridge PUD Revocation and Riverbend PUD Amendment request packages.

2. Statements of Authority needs to be recorded.

A Statement of Authority for Nutrient Holdings LLC was recorded on November 10, 2022 with the Garfield County Clerk and Recorder under Reception No. 981220 to ensure proper ownership interests on the subject property was properly implemented and designated. (A copy of the recorded Statement of Authority has been included in this submittal package.) Working with our title insurer and our title counsel, it does not appear that any further statements of authority are required. Nevertheless, if at any juncture it comes to light that some additional or modified statement of authority is needed, we will promptly do so. Of course, in accordance with CRS 38-30-172(6) a statement of authority may be recorded which reaches back to and clarifies or corrects prior transactions or prior statements of authority.

3. A Plat Amendment Application for the Matthies Exemption is needed, or the Application needs to proposed appropriate timing for completion of the Plat Amendment.

In terms of the Matthies Exemption Plat, that plat was approved by the Garfield County BOCC on November 14, 1994 and recorded in the Garfield County records at Reception No. 471051, over three decades prior to Nutrient Holdings acquiring the subject Nutrient Farm property. That plat created two parcels, colloquially the Lake Property (owned by the Lakes and not subject to the PUD proposal), and the “Owner’s Parcel” for the primary Farm House. In terms of the various PUD proposals at hand, and the alignment and relative sizes and boundaries of these parcels, we have utilized this subject exemption plat for such descriptions, which is the only tool we can use. It does appear that there may be some ambiguity related to Assessor’s records and some potential subsequent quit claims deeds that also well preceded Nutrient’s involvement, we simply cannot speak to the same within the context of this zoning application. Moreover, we also cannot unilaterally proceed with any plat application that affects property outside of our interests.

Nevertheless, in order to address and resolve any concerns regarding such plat, we will agree to some sort of condition of review or approval, etc. that notes that if it is properly determined that a plat amendment to the existing Matthies Exemption Plat is needed, we will take prompt, good faith efforts to process such plat in collaboration with the owners of the Lake Parcel to do the same prior to recordation of the PUD.

4. Boundary Line Adjustments to address merger of the properties to be aggregated under the Nutrient Farms PUD are needed or the Application needs to propose appropriate timing for such mergers and/or provide a legal opinion/assessment of his issue.

As indicated previously, we will not be merging any parcels or adjusting any internal boundary lines within the property prior to the Nutrient Farm PUD review and approval. To proceed with such efforts on the auspice of presuming quasi-judicial approval of the PUD seems to put the proverbial cart before the horse. Moreover, there is no pressing reason or requirement to do so at this juncture, as there is no requirement under the LUDC or state law or jurisprudence that would mandate such an effort. In fact, to the contrary, both the LUDC and state law belie any notion that such merger is required.

First, per section 6-101.B. of the LUDC, multiple contiguous parcels are expressly allowed to be included in one proposed PUD, as follows:

Any single parcel of land or contiguous parcels of land comprising a minimum of 2 acres, sufficient to accommodate an integrally planned environment to be developed through a unified plan, is eligible for PUD zoning.

In terms of pragmatic application of this notion, one need look no further than the Riverbend PUD itself, which of course includes scores of separate properties within it. That PUD, in closer to its present manifestation with various parcels under different ownership, contained therein, has already been subject to several PUD Amendments. We of course have four contiguous parcels here that far exceed two acres in total area, all under one owner (though they need not be). We readily meet the qualifications to proceed with the PUD as proposed.

Further, we point to a Colorado appellate case which has become the seminal case regarding how a PUD may be processed amongst owners of the property within a PUD. In Whatley Ranch v. Summit County, 77 P.3d 793 (2003), the Colorado Court of Appeals noted that a proposed PUD designation may be processed if all owners of property within the proposed PUD sign off on the application. In terms of a PUD Modification, only the directly affected properties within a PUD need to sign off on the application to proceed. Any other property owners need only receive notice of the application via the public notice process.

In the present matter, Nutrient Holdings is the owner of all property within the Nutrient Farm PUD—and has of course signed off on the application fully. Nutrient Holdings is also the owner of all property within the Coal Ridge PUD and has signed off accordingly. In regard to the

Riverbend PUD Amendment request, we are seeking an amendment to only the PUD area boundaries that exclusively only affects the property that Nutrient Holdings owns. Thus, we are the signatories to the application that only affects such properties.

Ultimately, we are happy to explore any future platting or merger that the County feels is necessary or appropriate after the PUD is reviewed and hopefully approved. However, there is no legal mandate, nor any clear policy impetus, behind doing so prior to review—when of course quasi-judicial approval is not even in any manner guaranteed.

5. Updated public notice mailing lists and mineral owners lists applicable to this application and the current legal/parcel description.

This issue has already been addressed and resolved internally with Staff.

6. A check or payment to CGS (Colorado Geological Survey) is needed as we will be referring the Application to them for comment.

We understand the CGS referral is usually associated with subdivision requests, but we agree it would be beneficial to obtain CGS feedback during the PUD review process so that any suggestions or additional information may be considered at this time rather than at the time of any subdivision or site specific development. Per the CGS website fee schedule, a check in the amount of \$2,500 has been provided with the updated Nutrient Farm PUD package.

7. Mapping needs to show legal description for the existing PUD's and proposed PUD. (Note: recent meetings have identified the Sopris Engineering Survey mapping as reference in our title work as a key document.)

Maps have been prepared by our survey team illustrating the location of the Coal Ridge PUD and the remaining portions of the Riverbend PUD to be amended, as well as their separate legal descriptions. The Nutrient Holdings property contains the entire Coal Ridge PUD and all of the remaining unsubdivided portions of the Riverbend PUD. The title commitment shows the property consists of four parcels, Parcels A-D, containing approximately 1,136 acres. The legal description came directly from the title commitments prepared by Commonwealth Title Company of Garfield County, Inc. The original title commitment File No. 1805028 was amended to reflect a price change, buyer/owner name change, include hyperlinks, new dates, correct punctuation and spacing in the legal description, etc. According to our surveyor, none of these edits impacted the boundaries of the property. As mentioned above, an updated title commitment has been prepared by Commonwealth Title Company Filing No. 2103068 and has been attached to this application packages. Again, the legal description did not change from the original title report to this most recent one.

Exhibit A of the current title commitment identifies the property to be conveyed in the four parcels, A, B, C, and D—each with its metes and bounds legal description. The legal description

specifically excludes a few areas from Parcels A and C, and from Parcel B such as the Amended Lake parcel, the existing Riverbend Subdivisions Filing Nos. 1 and 2, the Riverbend Ranchettes, the school site, Riverbend Filing No. 5, the Cedar Ridge Subdivision, and various Colorado Department of Transportation (“CDOT”) parcels. For instance, under Parcel B, the title report states:

EXCEPTING FROM THE ABOVE DESCRIBED LANDS:

- 1. All that portion platted as Riverbend Subdivision Filing No. 1 as shown on Reception No. 281326*
- 2. All that portion platted as Riverbend Subdivision Filing No. 2 as amended as shown on Reception No. 281329 and No. 299710*
- 3. All that portion platted as Riverbend Ranchettes Final Plat as shown on Reception No. 290481*
- 4. All that portion conveyed to the Board of County Commissioners of Garfield County, Colorado, by Deed recorded August 31, 1979 in Book 534 at Page 416 as Reception No. 297140*
- 5. All that portion platted as Riverbend Subdivision Filing No. 5 as shown on Reception No. 517550*
- 6. All that portion platted as Cedar Ridge Subdivision as shown on Reception No. 501840*
- 7. All those portions described as Parcel No. 143; Parcel No. 143-A; and Parcel No. 143-B in the Rule and Order of the Garfield County District Court in Civil Action No. 6635 and recorded in Book 437 at Page 383 as Reception No. 255941*
- 8. All that portion of the lands described in the deeds recorded in Book 906 at Page 790 as Reception No. 464984, Book 863 at Page 424 as Reception No. 447796, and Book 1712 at Page 990 as Reception No. 679354*

All as recorded in the office of the Clerk and Recorder of Garfield County, Colorado.

A survey prepared by Sopris Engineering was obtained during the sale of the property and was provided separately from the original application submittal to the County and is also included in the three submittal packages. The survey is titled “NCIG Ranch Parcel” and its Notes indicate that it relied on the title commitment prepared by Commonwealth Title Company File No. 1805028 with an effective date of May 9, 2018. Sheet 1 of the survey contains the title commitment’s metes and bounds legal descriptions and sheet 2 contains its exceptions noted above. Again, no change occurred to the legal description from the original Title Commitment (File No. 1805028 effective date of May 9, 2018), through its subsequent revisions, to the most recently updated commitment File No. 2103068.

For illustration, Sheet 1 of the Sopris Survey contains a map of the property and a legend in the lower left-hand corner that specifies each Parcel A, B, C, and D, as well as the title commitment exceptions. Sheet 4 contains a boundary map with Notes and calls illustrating the conveyed property. It can be seen that the various existing Riverbend developments—Riverbend Subdivisions Filing Nos. 1 and 2, Riverbend Ranchettes, Cedar Ridge Subdivision, Riverbend Filing No. 5 Subdivision, and the Lake Parcel (Lot 2 of the original Matthies Subdivision Exemption), as well as the 10 acre RE-2 School Site, are not included in the Nutrient Holdings property and consequently, not contained in the Riverbend PUD Amendment, Coal Ridge Revocation, or Nutrient Farm PUD requests. As already mentioned, the title commitment File No. 1805028-1 and this survey were utilized by SGM to prepare the Nutrient Farm PUD legal description, Development Plan Map, and all the other proposed maps and documents in our requests. All shown SGM map boundary areas match the various title commitments legal

descriptions from Commonwealth Title Company of Garfield County and the Sopris Engineering survey. (A copy of the Sopris Engineering survey, the SGM Nutrient Farm PUD legal description, the Nutrient Farm PUD Development Plan Map, and maps and legal descriptions for the Coal Ridge PUD and remaining Riverbend PUD area to be amended are also included in the various submittal packages for reference.)

Nevertheless, the fundamental points of consideration in terms of the PUD boundaries and property interests remain rather straightforward. The County adopted both the Riverbend PUD and the Coal Ridge PUD many decades ago and have henceforth maintained those zoning designations. Thus, it is the County that dictated these PUD boundaries, which are essentially zoning boundaries, not property boundaries. Nutrient Holdings had no involvement in any of those steps.

As discussed above, when the Coal Ridge PUD is revoked, those boundaries simply go away, and will be subsumed by the broader and much larger Nutrient Farm PUD.

In terms of the Riverbend PUD, once again, it is the County that reviewed and approved and legally created all the subdivisions within that PUD, as well as the other exceptions such as the Lake Parcel. What is left from all these formally approved Riverbend subdivisions is a remainder parcel, never subdivided, but serving as a remnant or carve out, of all remaining area in the Riverbend PUD. That remainder parcel is generally on the outer western end of the Riverbend PUD area. This carve out parcel was not subject to any further land use reviews and approvals and thus said parcel now stands as the final remainder parcel of the PUD. That remainder, carve out parcel, is owned in its entirety by Nutrient Holdings.

It follows that, generally speaking, the inner edge of this remnant parcel will now become the outer boundary of the new Riverbend PUD. In other word, the Riverbend PUD, as modified, will encompass an area that consists of all the parcels which have already been subject to some level of review and approval by the County, such as subdivision or subdivision exemption. This same western Riverbend boundary will of course also become the eastern boundary of the adjacent Nutrient Farm PUD. To that extent the proposed Nutrient PUD is essentially nothing more than the entirety of the old Coal Ridge PUD combined with the carve out remainder parcel of the undeveloped Riverbend PUD. Ultimately, these property descriptions, which are now again provided, have already been well determined by the County in prior land use decisions. Our descriptions are thus no more than a precise reflection of these prior decisions, and a combination of those areas into one larger, master PUD for all remaining property.

8. Specific responses are needed to Article 7, Division 2 Standards including but not limited to Agricultural Lands Wildlife, Waterbody Protection, Drainage & Erosion, Environment, Natural and Geological Hazards, and Reclamation.

As requested, additional information related to Article 7, Division 2 has been provided below. Many responses to these standards are already found throughout this Nutrient Farm PUD submittal package—in the Narrative or various accompanying analysis, reports, and maps. However, not all

of them are included such as 7-201. Agricultural Lands. As the Nutrient Farm PUD request is a zoning request and no improvements are proposed/will be approved, many of these General Resource Protection Standards are more adeptly applied to future site-specific development requests on the property, where the specific details of such improvements can be analyzed. Thus, the Nutrient Farm PUD Guide contains many provisions addressing these General Resource Protection Standards. We believe the Nutrient Farm PUD meets the General Resource Protection Standards of 7-200. well.

7-201. Agricultural Lands

A. No Adverse Effect to Agricultural Operations

As stated in the Impact Analysis section 4.1 Adjacent Land Uses, the adjacent land uses within 1,500 foot radius of the Nutrient Farm property consists of the Colorado River, Colorado Department of Transportation and Union Pacific Railroad rights-of-way, residential development, undeveloped private land, Agricultural properties with irrigated lands, meadow hay lands, and grazing lands, and public land managed by BLM. Pockets of residential development—the various Riverbend PUD subdivisions, are adjacent to the Nutrient Farm PUD property.

North Side: To the north of the property is the Colorado River, Union Pacific Railroad, and Interstate 70, and beyond that is a mixture of different residential and commercial uses, and Agricultural Properties being used as irrigated lands, meadow hay lands, and grazing lands.

East Side: To the eastern side of the property is BLM public land.

South Side: To the south is BLM public land and a private property that is designated as an Agricultural Property according to the Assessor's records. Irrigated lands, meadow hay lands, and grazing lands are specified uses.

West Side: To the west, the current land use is primarily irrigated agricultural hay fields and undeveloped mixed mountain shrublands.

Nutrient Farm, considering its agricultural, residential, recreational, and commercial uses as outlined in the PUD, is highly compatible with surrounding uses and will not cause an adverse impact to any of the nearby agricultural operations. To the contrary, it will proffer a significant benefit to such adjacent properties and uses. The Nutrient Farm PUD revolves around its farm areas and operations. Nutrient Farm itself is planned as a sustainable organic holistic working farm. No synthetic chemical pesticides will be used nor any other chemicals that could potentially cause contamination to the farm's crops, livestock, residents, or guests. Nutrient Farm prioritizes healthy living and responsible stewardship of the land. The majority of the developable area, over 270 acres of the property, will be devoted to agricultural uses. No use in the PUD will be allowed to negatively impact the farm areas. The existing Riverbend and Coal Ridge PUDs call for additional residential and mining/heavy industrial activities on the property. Thus, Nutrient Farm will be compatible with the nearby agricultural properties and meet the Comprehensive Plan's goals to

promote and expand agricultural lands. The viability of the nearby agricultural operations will not be impacted, and the opportunity for agricultural operations will be maintained on and off-site. (Please refer to the Impact Report for adjacent uses and the earlier responses to *Explanation of general conformance with the Comprehensive Plan, 7-103. Compatibility*, and the Density and Lots discussions under *PUD Plan – PUD Plan Guide* for more information.)

B. Domestic Animal Controls

Dogs and other domestic animals that are not being used to assist with herding livestock or other operational activities on Nutrient Farm will not interfere with livestock or the care of livestock on the Nutrient Farm property or on nearby agricultural properties. As part of the Impact Report's wildlife habitat potential analysis, recommended mitigation measures were suggested that included prohibiting dogs and cats of residents and guests of Nutrient Farm to run free on the property. This suggestion, and many more, are included in the PUD Guide's Wildlife Protection measures. Specifically, those relating to pets include:

- Dogs and cats shall not be allowed outside of fenced yards unless under leash control. Loose dogs and cats are prohibited outside of individual residential fenced yards or any designated Dog Park on the property.
- Pets shall not be fed outdoors on the individual residential lots. This does not apply to the feeding of animals on the Working Farm – East and West, Commercial, or Industrial Development Areas on the property.

All future residents and guests of the property must abide by the Wildlife Protection measures of the PUD. Any future residential subdivisions not associated with the operation of Nutrient Farm will also contain protective covenants or other deed restrictions related to the control of domestic animals.

C. Fences

Agricultural fences have been installed on Nutrient Farm as part of the farm's operations. Fencing exists on both the Eastern and Western Working Farm areas—around the livestock areas and future orchards. The fencing helps delineate the agricultural operations and provides containment/physical separation from other portions of the PUD areas, and the nearby residential uses, hay field uses, and County Road 335. In the future, additional fencing may be installed within the PUD for safety purposes around utility systems or around recreational areas (i.e., swimming pool, etc.). Fencing recommendations are also included in the Impact Report which are incorporated into the PUD Guide's Wildlife Mitigation Measures. These include:

- Fences, including wildlife friendly fences, shall be installed per the terms of this PUD Guide.
- Any orchards on the Working Farm – East and West shall be within fenced areas.
- Fences to contain children and pets are encouraged.

PUD Table 6 – Allowed Heights – Accessory Structures specifically regulates the height of different types of fences within the various Development Areas of Nutrient Farm. Section III.B.3. of the PUD also contains Wildlife Fencing provisions in an effort to minimize any potential impacts to wildlife and blend into the natural environment. (Please refer to the PUD Guide for the specific requirements.)

All fences will be maintained by the owner of the fence. Thus, no adverse impacts to adjoining agricultural lands will take place.

D. Roads

As mentioned earlier, a Conceptual Access, Circulation and Parking Plan for Nutrient Farm has been attached to the PUD Guide as Exhibit C showing multiple public and private streets, roads, and driveways to be constructed by the Owner/Developer to provide access to various portions of Nutrient Farm. Section IV.A.2. of the PUD discusses the design standards for these—including private roads, internal agricultural roads, and campground/RV area roads. A 25 foot minimum setback from the edge of a dedicated right-of-way or from the edge of road for all other non-dedicated roads or streets is required according to Table 3 of the PUD Guide.

All roads within Nutrient Farm will provide adequate, safe, and efficient access and circulation for the property, and will be located so that normal maintenance, including snow storage and removal, will not damage the existing or future fences within the PUD. Due to the vast amount of vacant, unsubdivided land within the Nutrient Farm property, there will be no difficulties with maintenance operations for the County on CR 335 (an 80' right-of-way will be dedicated for CR 335 and the road itself is approximately 22' wide) nor for the Owner/Developer on any of the private roadways. More than sufficient snow storage areas will be provided. Dust will be controlled, both during and after construction in Nutrient Farm, to minimize adverse impacts to livestock, crops, and adjacent properties. The PUD Guide includes dust control requirements for various uses and activities in Nutrient Farm (i.e., Nutrient Farm Events). Regardless of the use or activity, dust will be controlled within the Nutrient Farm property to minimize the possibility of adverse impacts to the PUD's residents, guests, livestock, crops, and nearby properties.

E. Ditches

The Vulcan Ditch runs through the property and provides water to Nutrient Farm. The Vulcan Ditch has been used historically to irrigate the hay fields on the property. The Water Adequacy Report for Proposed Development Nutrient Farm is included in this PUD application package and provides a history of the property's water rights and analyzes the water rights in relation to the proposed PUD uses. It states,

Acquisition of the Nutrient Farm property included significant ownership in the Vulcan Ditch as well as Coal Ridge Pump & Pipeline and associated Coal Ridge Reservoir. The Vulcan Ditch was

decreed in 1908 for diversion from Canyon Creek, a tributary on the north (opposite) side of the Colorado River from the Farm. The Vulcan Ditch historically passed through an inverted siphon across the Colorado River, emerging high on the hillside on the south side of the River on the Farm property. From there the Vulcan Ditch cuts through the Farm property, terminating toward the western property boundary. The Vulcan Ditch was historically used to irrigate the hay fields on the Farm property. The Farm plans to make necessary repairs to the Vulcan Ditch and to replace the siphon across the Colorado River with an overpass to carry the ditch over the River to the Farm. (Water Adequacy Report for Proposed Development Nutrient Farm, page 2.)

The Vulcan Ditch terminates on the western portion of the property. Besides the Owner/Developer owning water rights to the Vulcan Ditch, Christopher Lake owns two acre feet of the Vulcan Ditch. Although the Owner/Developer of Nutrient Farm has created a diversion for the Lake property through Nutrient Farm, it is not currently being used. Presently, a separate pump and pipeline takes water from the Colorado River across the Nutrient Farm property to the Lake property. Thus, Nutrient Holdings LLC controls both the land being developed and the ditch right-of-way that traverses the land being developed. Nutrient Holdings is the only user of the Vulcan Ditch that traverses the land.

The Owner/Developer acknowledges and agrees to 7-201.E.1-9 below:

- 1. Colorado State Statutes, C.R.S. 37-86-102, provides that “any person owning a water right or a conditional water right shall be entitled to a right-of-way through the lands which lie between the point of diversion and point of use or proposed use for the purpose of transporting water for beneficial use in accordance with said water right or conditional water right.” A plat note shall be placed on all final plats and site plans for land use change permits for properties that are impacted, or contain, irrigation ditches.*
- 2. The Colorado Constitution Article XVI, Section 7 provides that all persons and corporations shall have the right-of-way across public, private corporate lands for the construction of ditches for the purposes of conveying water for domestic, agricultural, mining, manufacturing and drainage purposes upon just compensation.*
- 3. Rights-of-Way. The land use change shall not interfere with the ditch rights-of-way.*
- 4. Maintenance. Where irrigation ditches cross or adjoin the land proposed to be developed, the developer shall insure that the use of those ditches, including maintenance, can continue uninterrupted.*
- 5. Maintenance Easement. A maintenance easement shall be included on any Final Plat for the division of land or for the final development plan for any other land use. The Applicant shall provide a letter from the ditch owner accepting that the development proposal will have no impact on their ability to maintain the ditch and that an adequate maintenance easement is possible. No structure or fence shall be placed within the right-of-way or easement without written permission from the appropriate the ditch owner.*

As noted above, Nutrient Holdings owns the ditch, and all water rights conveyed through the ditch. As the ditch owner, Nutrient Holdings consents to the modifications to the ditch contemplated by the development. Any addition, as the underlying landowner, Nutrient Holdings agrees to continue to maintain the ditch in such a way as to be agreeable to the owner of the ditch and water rights—which, again, is Nutrient Holdings.

6. *Ditch Crossings. Ditch crossings shall respect the rights of ditch owner(s) to operate and maintain their ditch without increased burden or liability. Development shall minimize ditch crossings. At a minimum all irrigation ditch crossings shall:*
 - a. *Require the crossing to be sized to not interfere with ditch operations or change existing hydraulic flow characteristics;*
 - b. *Provide vehicle and maintenance equipment access to the ditch from both sides of the ditch crossing from all roads for use by the ditch owner(s).*
 - c. *Prior to permit application, or construction within the ditch right-of-way the Applicant shall provide a letter from the ditch company regarding agreement with standards contained in the proposed crossing;*

There is no ditch company. Nutrient Holdings is the sole owner of the ditch that traverses the land.

- d. *The BOCC may require specific improvements to ditch crossings if determined to be necessary in the review process, particularly if these improvements are required to address safety concerns;*
7. *Referral to Ditch Owner. Applications for the Division of Land or Land Use Change Permit that may affect or impact any ditch right-of-way shall include the name and mailing address of the ditch owner. (This information may be obtained by contacting the Water Commissioner at the Colorado Division of Water Resources to determine the ditch owner for purposes of requesting review and comment on the development proposal.)*

Nutrient Holdings is the sole owner of the ditch. Thus, no referral to the ditch owner is required in this instance.

8. *Drainage. Application for the Division of Land or Land Use Change Permit that includes any improvements located adjacent to or below grade of an irrigation ditch shall address and mitigate potential impacts to irrigation ditch in a drainage plan. The drainage plan shall demonstrate the drainage will not impair operations of the ditch.*
9. *Water Quality and Storm Water Management. No development or changes in land uses shall channel surface waters into any irrigation ditch without the written consent of the ditch owner.*

Again, Nutrient Holdings is the sole owner of the ditch on the land to be developed as well as the Owner/Developer of the Nutrient Farm PUD proposal.

7-202. Wildlife Habitat Areas

The applicant shall consult with the Colorado Parks and Wildlife or qualified wildlife biologist in determining how best to avoid or mitigate impacts to wildlife habitat areas. Methods may include, but are not limited to, 1 or more of the following:

- A. Buffers*
- B. Locational Controls of Land Disturbance*
- C. Preservation of Native Vegetation*
- D. Habitat Compensation*
- E. Domestic Animal Controls*

Over 600 acres, approximately 53.60% of the Nutrient Farm property, will be preserved as open space. The open space is adjacent to the nearby BLM lands and will not only provide habitat for wildlife but serve as a buffer to the flatter portions of the property where development is planned.

The Impact Analysis Report for the Nutrient Farm PUD includes an inventory and evaluation of the natural vegetation and wildlife habitat potential on the property—including aquatic species use of the Colorado River. Federal, State, and local lists and maps were utilized. Federal and State listed species were reviewed to determine if there are any species' potential habitats on or adjacent to the Development Areas of Nutrient Farm. We also met with Travis Bybee, CPW District Manager, discussing the project—its potential impacts and to develop mitigation measures to reduce any potential impacts to wildlife and their habitats.

The Impact Analysis Report notes that most of the proposed Development Areas are in previously disturbed areas which provide minimal environmental services or habitat for wildlife. However, in order to minimize any potential impacts to wildlife and improve the overall quality of wildlife habitat on and near the property a number of measures will be implemented by the Owner/Developer related to: garbage disposal and storage; compost piles and dumps; agricultural fences, wildlife friendly fences; pets; bird feeders; signage; exterior lighting; hours of operation; and weed management. All such measures related to these topics are specified in the PUD Guide and are either already implemented or will be implemented for specific development stages in the Nutrient Farm phasing plan or at the time of site specific development of a particular use.

In addition, the Impact Analysis Report suggests that a Wildlife Mitigation Plan be developed and implemented in cooperation with CPW. This will be developed after the review and approval of the Nutrient Farm PUD. This Wildlife Mitigation Plan may include mitigation measures to reduce the impacts to Elk and Mule Deer such as leaving taller stubble heights in pastures for more grazing opportunities, the use of some lay-down fences, development of wintertime water sources, and assistance with water sources development on nearby BLM lands.

Please refer to the Impact Analysis Report and PUD Guide for details relating to the wildlife analysis and the Nutrient Farm Wildlife Mitigation measures.

7-203. *Protection of Water Bodies*

- A. Minimum Setbacks*
- B. Structures Permitted in Setbacks*
- C. Structures and Activity Prohibited in Setbacks*
- D. Compliance with State and Federal Laws*

The Impact Report for the Nutrient Farm PUD details the property's physical features including its topography, water bodies, vegetation cover, soil characteristics and geologic conditions. Approximately 2.75 miles of the Colorado River runs through the northern portion of the property and two minor intermittent drainages occur on the southern slopes of the property draining into it. The areas immediately adjacent to the Colorado River contain sparse and discontinuous wetland/riparian vegetation on its banks. No wetlands extend beyond the immediate vicinity of the Colorado River. (No formal wetland delineation was conducted, rather a visual inspection of the soils and plants.) The area adjacent to the Colorado River is also within the County's Floodplain Overlay District and contains land within the designated 100-year floodplain.

Section 3.4 of the Impact Analysis Report includes a detailed Floodplain discussion in relation to the County's Floodplain Overlay District, Federal Emergency Management Agency's ("FEMA") forthcoming publication of the floodplain study for this reach of the Colorado River, the Preliminary Flood Insurance Study and accompanying maps, and Geographic Information System ("GIS") digital data from the County website. At that time, SGM understood that FEMA was reviewing a new detailed floodplain study for this reach with reduced 100-year flowrate per the adopted LOMR. Expectations were that the study would result in 100-year water surface elevations that are lower than shown in previous studies.

As noted in the earlier response to 7-108. *Use of Land Subject to Natural Hazards*, in late November of this year, SGM obtained the latest Draft Preliminary study from the CWCB which designates 55.79.3 as a typical 100-year water surface elevation (WSE) in NAVDSS which matches the property's datum. Preliminary Floodplain Mapping was created for the property by SGM based on the WSE and it shows that the limits of the floodplain are confined to the riverbank. The location of the floodplain will not impact the proposed Nutrient Farm PUD development except for the boat ramp/tie ups. Crucially the vast majority of all development and uses of any kind in the Nutrient Farm PUD is set back a significant distance from the riverbanks, and also separated by a significant topographical difference. The majority of the property, and thus the uses proposed, are significantly above and away from the Colorado River.

A floodplain permit and all other necessary State or Federal permits will be obtained in the future at the time of the site specific development request for these improvements. (The existing pump station is still safely above the 100-year WSE.) We will continue to monitor the draft information and its review by FEMA and make any modifications to our mapping analysis and plans as needed. For the time being, this information is the best data available. (A copy of a draft Preliminary Floodplain Mapping has been included in this application package.)

The Impact Analysis Report concludes, “Based on our review of the proposed Nutrient Farm PUD improvements with respect to all flood study information referenced above, the development will comply with all applicable FEMA, National Flood Insurance Program (“NFIP”), CWCB and Garfield County floodplain regulations. Specially, any future improvements will comply with the applicable Floodplain Overlay Regulation of sections 3-102. and 3-301. and the Floodplain Specific Site Plan requirements of 4-203.O.1. of the LUDC. In addition, any future improvements near the Colorado River will abide by section 7-203. Protection of Waterbodies of the LUDC. This includes the required setbacks for structures and activities near a waterbody and compliance with all applicable State and Federal regulations and permitted requirements, including, but not limit to, Section 404 of the Federal Clean Water Act administered by the Army Corps of Engineers.”

Section IV.B. of the PUD Guide echoes this same language by requiring compliance with the above LUDC sections and with all applicable State and Federal regulations and permitting requirements including, but not limited to Section 404. (Please refer to the PUD Guide, Impact Analysis Report, and the earlier response to 7-108. *Use of Lands Subject to Natural Hazards* for additional information.)

7-204. Drainage and Erosion

- A. Erosion and Sedimentation*
- B. Drainage*
- C. Stormwater Runoff*

A Soils and Geohazards Evaluation was prepared for the Nutrient Farm property and submitted in the PUD application package. A specific Soils and Geohazards section is also included in the PUD Guide. This section requires all future improvements to abide by the Drainage and Erosion requirements of section 7-204. and the Natural and Geological Hazard standards of section 7-207. of the LUDC. (Please see below for more details on the applicability of section 7-207.F.2.)

7-205. Environmental Quality

- A. Air Quality*
Any Land Use Change shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.
- B. Water Quality*
At a minimum, all hazardous material shall be stored and used in compliance with applicable State and Federal hazard materials regulations.

Nutrient Farm will be a sustainable holistic community centered around its biodynamic Working Farm areas. A variety of fruits and vegetables will be grown and animals will be raised on the property. Non-organic chemical use will be restricted, and electro-magnetic radiation emissions or electro-magnetic pollution will be minimized on the property which could potentially cause contamination to the farm, its residents, or guests. Ecology will guide agricultural practices and the property’s natural resources will be protected. Holistic and natural mitigation practices will be used against insects and weeds.

As previously mentioned, dust control suppression efforts will take place on Nutrient Farm according to the PUD Guide to minimize any potential negative impacts to its residents, guests, animals, crops, and neighbors. Nutrient Farm activities will not cause air quality to be reduced below the Colorado Air Pollution Control Division's acceptable levels. With our emphasis on organic and biodynamic practices, use of hazardous materials will be avoided as much as possible on Nutrient Farm. Any hazardous materials will be stored and used in compliance with all State and Federal hazardous materials regulations.

7-206 Wildfire Hazards

- A. Location Restrictions*
- B. Development Does Not Increase Potential Hazard*
- C. Roof Materials and Design*

Nutrient Farm is located within CRFR jurisdiction. As noted in the PUD Guide and earlier response to 7-109. *Fire Protection*, all development on the property will meet all fire protection requirements of the CRFR and comply with wildfire hazard mitigation/defensible space requirements of the CRFR at the time of building permit for each individual building or structure. Wildfire mitigation strategies are encouraged for all construction and development within Nutrient Farm.

Our Engineering Team has met with Orrin Moon, the Fire Prevention Division Chief, on-site reviewing the property and discussing the Nutrient Farm PUD Plan Map. The general road design was reviewed, and all CRFR road design standards will be met with the formal design and construction of the future roads. All fire flow needs will be met through potable and raw water storage or water supplies and infrastructure sizing. Specifically, for those portions of Nutrient Farm served by its own water system, multiple dry hydrants connected to the on-site cisterns or irrigation and recreational water ponds will be installed throughout property for emergency use by the CRFR.

As mentioned before, the new residences in Development Areas 1, 3, and 4 are intended to connect to the nearby Riverbend system. Numerous fire hydrants are located throughout the existing Riverbend subdivisions. The existing Riverbend potable system provides about 50,000 gallons of storage augmented by a 115 gallons per minute ("gpm") supply flow from their wells. The intent is for Nutrient Farm to add a 150,000 gallon potable storage tank to bring the fire storage component up to municipal standards as new residential lots are platted in Areas 1, 3, and 4 in exchange tap fee credits. New fire hydrants from 8-inch diameter lines will be placed as necessary so that each new residential lot is within 250 feet of a hydrant.

In terms of 7-206.A. – *Location Restrictions*, according to Map 7 – The County Wildfire Susceptibility Index Map, the property contains areas designated as "N/R" on its flatter portions of the property, and "low" and "moderate" ratings across the eastern portions and southern portions of the property as it rises up the Hogback. Thus, no development is planned on any severe wildfire hazard area with slopes greater than 30% nor is any development intended within a fire chimney

as identified by the Colorado State Forest Service. (Please let us know if a fire chimney has been identified in the Development Areas on the property that we have inadvertently overlooked.)

Thus, the Nutrient Farm development is not expected to increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior of fuel composition. Rather, with the construction of multiple ponds installed throughout the property and the installation of additional fire hydrants on the property for emergency use, we believe the intensity or duration of a wildfire will decrease. We will be glad to incorporate non-combustible roofing materials or other materials recommended by the CRFR to help reduce the property's structures' ignitability.

7-207. Natural and Geological Hazards

- A. Utilities*
- B. Development in Avalanche Hazard Areas*
- C. Development in Landslide Hazard Areas*
- D. Development in Rockfall Hazard Areas*
- E. Development in Alluvial Fan Hazard Areas*
- F. Slope Development*
- G. Development on Corrosive or Expansive Soils and Rock*
- H. Development in Mudflow Areas*

A Soils and Geohazards Evaluation has been prepared for the property and a discussion of the parent geology and soils within the PUD area are included in the Impact Analysis Report. A Slope Analysis was also prepared and submitted in this PUD application package. A specific Soils and Geohazards section is provided in the PUD Guide.

The Soils and Geohazard Evaluation ("Evaluation") focused on the property's areas intended for development. Several geological maps were reviewed and a number of potential geohazards were identified including: collapsible/compressible soils; expansive/swelling soils; debris flows; landslide/potentially unstable slopes; erosive soils; and an area of previous mining activity. (The locations of these areas are shown on the Evaluation's maps.) The Evaluation noted that many of the potential hazards could be mitigated with proper engineering design techniques (i.e., collapsible and expansive soils can be mitigated using deep foundation systems) or the potentially hazardous areas could simply be avoided.

Thus, as noted in the PUD Guide, prior to building permit, further site-specific geotechnical investigations (i.e., test pits/soil sample evaluations) will be performed to determine if any potential geotechnical hazards exist in a certain area so that any proper engineering mitigation can be designed. All future improvements will abide by the Drainage and Erosion requirements of section 7-204. and the Natural and Geological Hazard standards of section 7-207. of the LUDC regarding the installation of utilities and development in any avalanche, landslide, rockfall, alluvial fan, corrosive or expansive rock, mudflow, and fault hazard areas. However, section 7-207.F.2. shall only apply to residential or lodging development in Nutrient Farm. All other types of non-habitable uses may be allowed on 30% slopes. However, any development on such 30% slopes is still subject to the study requirements of 7-207.F.1. for any development on slopes over 20%.

As mentioned before, previous mining activity took place on the western Coal Ridge PUD portion of the property—exploratory holes were drilled into the hillside and sediment control improvements were constructed. However, no coal seams were reached. The portals were sealed and backfilled, and all disturbed areas revegetated to the satisfaction of the Colorado Division of Reclamation, Mining and Safety. These improvements and their locations will be considered during future site-specific geotechnical investigations that will take place prior to construction.

Thus, all natural and geological hazards have been identified on the property. No improvements will be constructed in these areas unless additional studies are conducted, any applicable mitigation provided, and all necessary approvals obtained per the relevant requirements of the LUDC and any other applicable State and Federal regulations.

7-208. Reclamation

A. Applicability

B. Reclamation of Disturbed Areas

Section III.D.2. of the PUD Guide specifically addresses the reclamation standards and requirements found in section 7-208. of the LUDC. It states:

2. Reclamation

The Reclamation Standards and requirements contained within section 7-208. and 4-203.E.18. of the LUDC shall apply to any development that requires a Land Use Change Permit, including divisions of land; as well as the installation of a new OWTS or the replacement of any OWTS; driveway construction that requires a County Access Permit or Colorado Department of Transportation (“CDOT”) Access Permit; and preparation areas as more fully described in the LUDC.

All areas disturbed during these activities shall be restored to a naturally appearing state in order to blend in with the adjacent undisturbed topography and to prevent soil erosion.

In addition, a Reclamation Plan for the Vulcan Ditch irrigation improvements and a Reclamation Plan for the overall PUD property have been prepared and submitted in this Nutrient Farm PUD application package. All disturbed areas will be stabilized and revegetated according to the above sections of the LUDC and recommendations of the two Reclamation Plans.

A weed survey was also conducted on the property inventorying County and State listed noxious weeds or invasive species targeted for statewide eradication. Its findings and recommendations are documented in a Weed Management Plan for the property and also incorporated into the Impact Report. The Weed Management Plan was prepared and submitted per section 4-203.E.18. of the LUDC and is also included in this submittal package. As Nutrient Farm will become a certified organic facility, the recommendations to manage and control noxious weeds revolve around a variety of natural, cultural, biological, and mechanical techniques. These techniques focus on maintaining the biodynamic nature of the Nutrient Farm and eliminating any impacts from noxious chemicals or other treatment regiments that pose a threat to the farm, the environment, or the community.

The PUD Guide, section III.D.3. references the Weed Management Plan for the property. The Nutrient Farm PUD Owner/Developer has also specifically reserved the right to conduct weed mitigation efforts along the forthcoming CR 335 right-of-way dedication and within the 25 foot LoVa trail easement on the property. (Please refer to section III.D.3. of the PUD Guide, section 4.5 of the Impact Report, and the Weed Management Plan itself for details.)

Conclusion to *Article 7 Division 2 Standards*

Thus, we believe that the Nutrient Farm PUD, with its various standards and requirements and reports and analysis, is in conformance with *Article 7, Division 2 – General Resource Protection Standards* relating to agricultural lands, wildlife habitat, protection of water bodies, drainage and erosion, environmental quality, wildfire hazards, natural and geological hazards, and reclamation of the LUDC.

Conclusion to *Additional Requested Information per November 22, 2022 Letter*

Thank you for this letter and the opportunity to provide additional information and clarification on the Nutrient Farm PUD request. We believe we have addressed each comment adequately and with practicality. We will be glad to discuss any of these items, and the overall Nutrient Farm PUD request, at Staff's convenience.



PRE-APPLICATION CONFERENCE SUMMARY

DATE: August 7, 2018 – Update March 20, 2020 – Update #2 February 12, 2021

TAX PARCEL NUMBER: 218305300086, 218306100057, 212334400005, 212334400007 and 212335300081

PROJECT: Riverbend PUD – Coal Ridge PUD

OWNER: Nutrient Holdings LLC

REPRESENTATIVE: Andy Bruno and Danny Teodoru

PRACTICAL LOCATION: Riverbend and Coal Ridge PUD – Between New Castle and Glenwood on the south side of the Colorado River

ZONING: PUD

TYPE OF APPLICATION: PUD

COMPREHENSIVE PLAN: City of New Castle Urban Growth Area and Residential Medium High

I. GENERAL PROJECT DESCRIPTION

February 12, 2021 Update:

The applicant met with Staff and indicated that they planned on submitting the PUD application shortly. Discussion items between the applicant and Staff included a discussion of utilities, a recommendation that the applicant check-in with the City of New Castle, and an indication from the applicant that the proposed uses had not changed significantly. The applicant indicated that a portion of the property will be used for residential lots, however this portion of the project will be developed in a later phase.

While the Land Use Code has been updated with a varied set of text amendments, no updates were completed regarding the PUD section.

March 20, 2020 Update:

The applicant met with Staff and provided a more detailed list of potential uses on the property. Utility plans were discussed and the applicant indicated that they planned to serve some of the potential residential development with the existing water and sewer system that is already developed as part of the River Bend development. Other uses were proposed to be served by Wells and OWTS. Staff indicated that the applicant would be required to comply with section 7-105 of the Land Use and Development Code regarding utilities.

No major Land Use and Development Code changes with regards to Planned Unit Development regulations have occurred since the original pre-application was issued, however the applicant should note that the County has adopted a new Comprehensive Plan.

The applicant is requesting to vacate the existing, undeveloped portions of the Riverbend PUD and Coal Ridge PUD and replace them with new PUD zoning. The existing Riverbend PUD has been in place since the 1970's and the Coal Ridge PUD was approved in 1984. Portions of the PUD have been developed with single-family residences. A separate pre-application conference summary has been prepared regarding the vacation of the Riverbend PUD. No changes are proposed to developed portions of the PUD.

The applicant has discussed numerous uses on the site including, but not limited to Agriculture and associated uses, recreational ATV trails, ropes courses, a small concert venue, and a small amount of residential uses. The property is approximately 1,139 acres, with frontage on the Colorado River. The northern portion of the property is relatively flat and appears to historically been used for agriculture. The southern portion of the property has significant slopes.

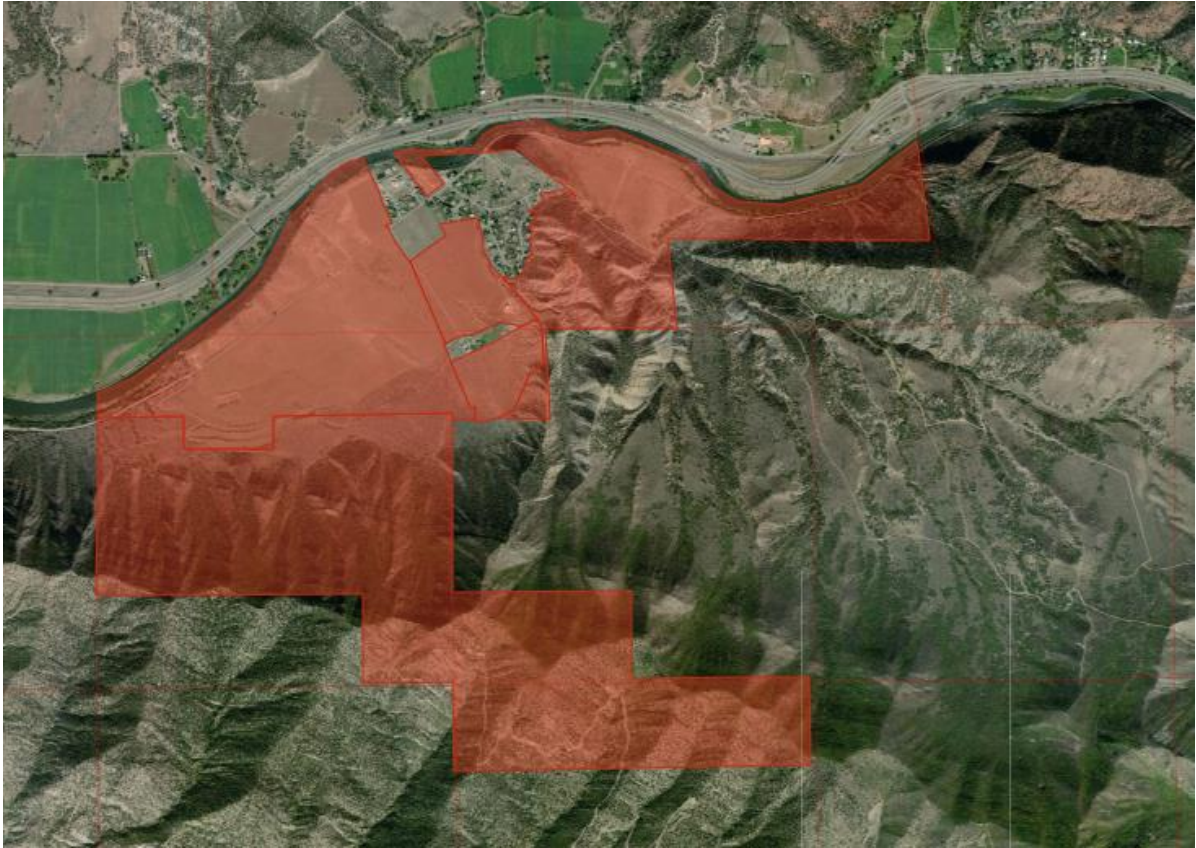
The property will be accessed off of County Road 335 - Colorado River Road. If the applicant is planning to serve the uses by well water, Staff recommends that the applicant contact the Division of Water Resources at (970) 945-5665 to discuss well permitting requirements. Additionally, the applicant will need to demonstrate that they are unable to connect to Central Services for either water or wastewater (See Section 7-105 of the Land Use Code for further information).

Subdivision was not discussed as part of this initial proposal. However, if the applicant desires to Subdivide the property as part of the proposed PUD, that will require a separate Subdivision application.

The applicant will need to demonstrate legal access to the development area within the PUD. Any internal roads will need to be shown and evaluated to the highest traffic impact use as identified within the PUD. Further, the access points onto the County Road will need to be evaluated for necessary upgrades based on the traffic impact study.

As discussed, the uses identified within each of the PUD zone districts will need to be analyzed to their most impactful extent for traffic, water, and wastewater, as well as the review standards identified in Section 6-202(C), Review Criteria and Section 6-401, Development Standards.

Subject Parcels



II. REGULATORY PROVISIONS APPLICANT IS REQUIRED TO ADDRESS

- Garfield County Comprehensive Plan 2030
- Garfield County Land Use and Development Code, as amended
- Section 6-101 General Provisions
- Section 6-202 PUD Zoning
 - Article 7, Division 1 (excluding 7-101) and by extension Section 4-203(M) (Water Supply)
 - Section 4-113(C) (Rezoning)
- Table 6-201 Common Review Procedures and Required Notice
- Table 6-301 Application Submittal Requirements
- Section 6-302 Description of Submittal Requirements
- Section 6-401 Development Standards
- Applicable provisions from Article 7, Standards

III. PROCESS

Table 6-201: Common Review Procedures and Required Notice														
Section 4-101.		A	B	C	D	E	F	G	H	I	Required Notice			
		Pre-App. Conference	Completeness	Referral Agency	Evaluation by Director	Notice	Recommendation	Decision	Duration/Expiration	Extension	Published	Mailed	Posted	Additional Requirements
BOCC	Board of County Commissioners													
D	Director													
PC	Planning Commission													
6-202.	PUD Zoning	✓	✓	✓	✓	✓	PC	BOCC	✓	✓	✓	✓	✓	Notice to all property owners within 200 feet of the proposed PUD boundary. Notice required for PC and BOCC hearings.
6-203.B. 1.a	PUD Amendment (Minor)	✓	✓		✓	✓	✓	D				✓		Mailed notice to all property owners and mineral owners within the PUD
6-203.B. 1.b	PUD Amendment (Substantial)	✓	✓	✓	✓	✓	PC	BOCC	✓	✓	✓	✓	✓	Notice to all property owners and mineral owners within the PUD and all property owners within 200 feet of the PUD boundary. Notice required for PC and BOCC hearings

As a new PUD, the application will be required to be heard in a public hearing with the Planning Commission and the Board of County Commissioners. While the Planning Commission is a recommending body to the Board, the Board of County Commissioners will make the final determination of approval, denial, or approval with conditions.

Notice for both the Planning Commission and the Board of County Commissioner is a minimum of 30 days prior to the hearing date. Notice must be sent to adjacent property owners, mineral owners, the property must be posted, and a legal ad must run in the Rifle Citizen Telegram. While not required, staff encourages that notice be sent to all property owners within the PUD.

For details on the process, please see the relevant code sections identified within Table 6-201. A flow chart of the process has also been attached for reference.

IV. SUBMITTAL REQUIREMENTS

Table 6-301: Application Submittal Requirements												
Section 4-203.		B	C	D	G	H	J	L	O	A	B	Section 6-302.
Application Type		General Application Materials	Vicinity Map	Site Plan	Impact Analysis	Rezoning Justification Report	Development Agreement	Traffic Study	Floodplain Analysis	PUD Plan	Amendment Justification Report	
Planned Unit Development												
6-202	PUD Zoning	✓	✓	✓	✓	✓	✓	✓	✓	✓		
6-203	PUD Amendment	✓	✓							✓	✓	May require a new application if determined to be a Substantial Modification.

As a new PUD, Table 6-301 outlines the submittal requirements. In addition, the application will need to include documentation to address all required review criteria and development standards.

Please refer directly to Table 6-301 and the list of General Application Materials in section 4-203 for the full description of this information:

- General Application Materials (4-203.B)
 - Application Form (property owner must be applicant)
 - General project description
 - Ownership Documentation – Deed and Title Commitment
 - Statement of Authority or Letter of Authorization, as necessary
 - Fee Payment and Payment Agreement Form
 - Pre-Application Conference Summary
 - Names and addresses of all property owners and mineral owners of record within the PUD.
- Vicinity Map (4-203.C)
- Site Plan (4-203.D)
- Impact Analysis (4-203G)
- Rezoning Justification Report (4-203.H)
- Development Agreement (4-203. J)
- Traffic Study (4-203.L)
- Floodplain Analysis (4-203.O)
- PUD Plan (6-302.A) – See details of submittal requirements for both PUD Map and PUD Guide
- Please respond directly to the Review Criteria listed in Section 6-202.C and as excerpted below.

An application for PUD Zoning shall meet the following criteria:

- 1. Purpose and Applicability. The PUD meets the purpose and applicability of this Code, as provided in section 6-101.A. and B.*
- 2. Development Standards. The PUD meets the Development Standards as provided in section 6-401.*
- 3. Standards, Article 7. The PUD meets the standards within Article 7, Division 1, excluding 7-101. (See reference to Section 4-203.M regarding Water Supply in Section 7-104)*
- 4. Rezoning Criteria. The PUD meets the Rezoning Review Criteria in section 4-113.C.*
- 5. Established Zoning Standards. The PUD Plan adequately establishes uses and standards governing the development, density, and intensity of land use by means of dimensional or other standards.*

- Please respond directly to the Development Standards in Section 6-401
- Please respond directly to the Standards identified in Article 7, Division 3. Site Planning and Development Standards

Submit **three** paper copies and **one** digital copy of the application. Additional copies will be requested upon determination of completeness, if necessary. See the land use code for additional information on submittal requirements.

V. APPLICATION REVIEW

- a. Review by:** Staff for completeness recommendation and referral agencies for additional technical review
- b. Public Hearing:** None (Director's Decision)
 X Planning Commission
 X Board of County Commissioners
 Board of Adjustment
- c. Referral Agencies:** May include Garfield County Road and Bridge, Fire Protection District, Town of New Castle, Colorado Department of Transportation, Garfield County Vegetation Management, and Garfield County Designated Engineer.

VI. APPLICATION REVIEW FEES

- a. Planning Review Fees:** \$ 500.00
- b. Referral Agency Fees:** \$ TBD – consulting engineer/civil engineer fees
- c. Total Deposit:** \$ 500.00 (additional hours are billed at \$40.50 /hour)

Disclaimer

The pre-application meeting summary is only valid for six (6) months from the date of the written summary. The foregoing summary is advisory in nature only and is not binding on the County. The

summary is based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. This summary does not create a legal or vested right. The applicant should note that any material submitted to the County is public and will be available for review as part of the application.

Pre-application Summary Prepared by:

A handwritten signature in black ink that reads "Pat B Waller". The signature is written in a cursive, flowing style.

Patrick Waller, Senior Planner

February 12, 2021

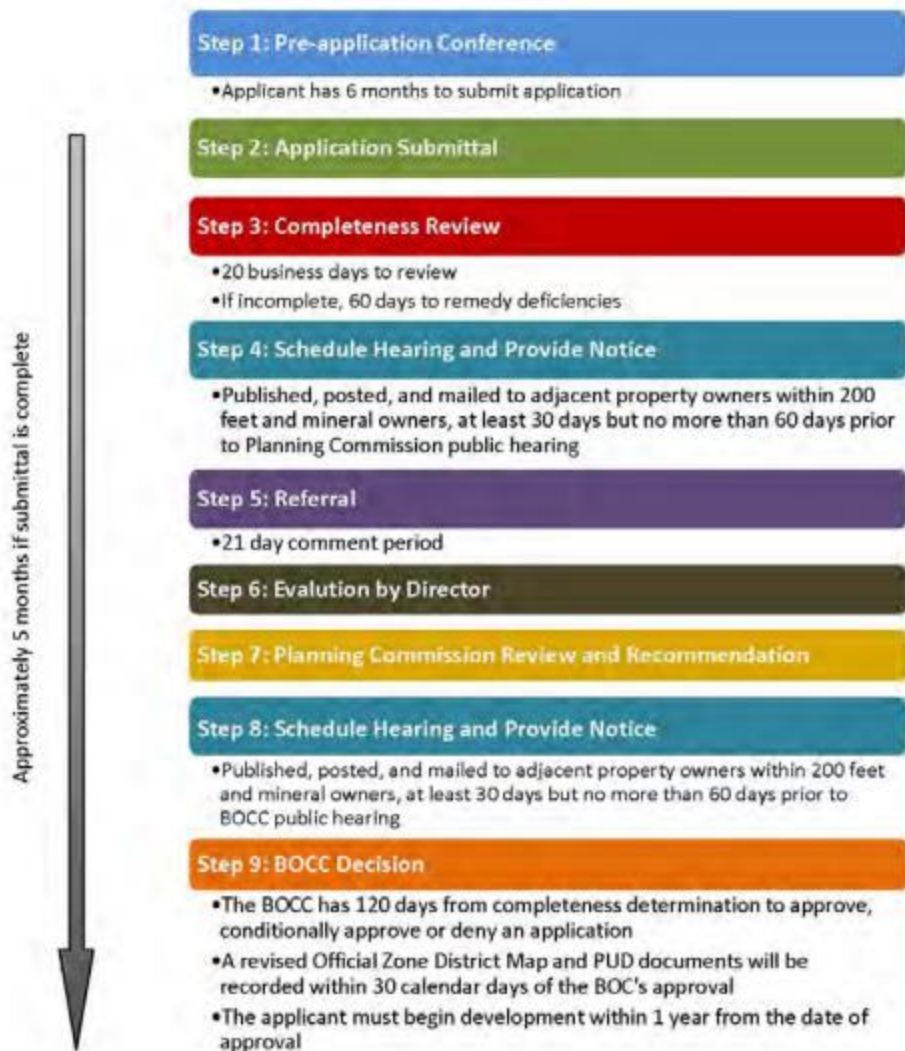
Date

Y. Section 6-202 Planned Unit Development



Planned Unit Development Review Process

(Section 6-202)





MEMORANDUM

TO: Staff

FROM: County Attorney's Office

DATE: June 24, 2014

RE: Mineral Interest Research

Mineral interests may be severed from surface right interests in real property. Colorado revised statute 24-65.5-103 requires notification to mineral owners when a landowner applies for a land use designation by a local government. As such, the landowner must research the current owners of mineral interests for the property.

The Garfield County Land Use and Development Code of 2013 ("LUDC") Section 4-101(E)(1)(b)(4) requires written notice to owners of mineral interests in the subject property "as such owners can be identified through the records in the office of the Clerk and Recorder or Assessor, or through other means."

It is the duty of the applicant to notify mineral interest owners. The following is a suggested process to research mineral interests:

1. Review the current ownership deed for the property (i.e. Warranty Deed, Special Warranty, Quit Claim Deed or Bargain and Sale Deed—NOT a Deed of Trust). The ownership deed is usually one or two pages. Is there a reservation of mineral interests on the ownership deed? Are there any exceptions to title? A deed may include a list of reservations that reference mineral owners or oil and gas leases.
2. Review your title insurance policy. Are there exceptions to title listed under Schedule B-II? If so, review for mineral interests that were reserved and oil and gas leases.
3. Check with the Assessor's office to determine if a mineral interest has been reserved from the subject property. The Assessor's office no longer documents the mineral reservation ownership for its tax roll records unless ownership has been proven. There are only a limited number of mineral owners who have provided such information to the Assessor's office so this may not provide any information, depending on your property.

MEMO

June 24, 2014

Page 2

4. Research the legal description of the subject property with the Clerk and Recorder's computer. You can search the Section, Township, and Range of the subject property. You may find deeds for mineral interests for the subject property.
5. Research whether a Notice of Mineral Estate Ownership was filed for the subject property. On the Clerk and Recorder's computer, search under Filter (on the right hand side of the screen), General Recordings, Notice of Mineral Estate Ownership for the subject property.
6. If you find mineral interest owners as reservations on your deed, listed in your title insurance policy, from the Assessor's records or the Clerk and Recorder's computer, you need to determine whether these mineral interests were transferred by deed and recorded in the Clerk and Recorder's office.
7. Enter the name of the mineral interest owner as the Grantor in the Clerk and Recorder's computer to see if the mineral interest was transferred. If you find a transfer deed, you need to repeat this process to follow any transfer of the mineral interest to present day.
8. Include a description of your research process in your application and the name(s) and address(es) of the current mineral interest owner(s).

Mineral interest research can be a difficult and time consuming process. If you are unable to determine mineral rights ownership by yourself, consider hiring an attorney or landman. Attorneys and landmen specialize in determining mineral rights ownership, but they charge a fee for their services.



November 22, 2022

Andrew Bruno
Nutrient Holdings LLC
P.O. Box 560
New Castle, CO 81647

Daniel Teodoru, Timberline Partners
P.O. Box 625
Breckenridge, CO 80424

Christie Mathews Leidal
Mathews Leidal, LLC
P.O. Box 4678
Breckenridge, CO 80424

David Kotz, SGM
118 W. Sixth St.
Glenwood Springs, CO 81601

RE: Nutrient Farms PUD Revocation and PUD Application
(PUAA-5-22-8898) (PUDA-5-22-8899)

Dear Andrew, Daniel, Christie and David:

Thank you for your detailed submittals, several meetings, past communication and site visit regarding your submittals. Of note we have also received revised submittals for the revocation application, specific to the Coal Ridge PUD. The following outline and completeness summary sets out the needed next steps for a determination of completeness. They are intended to provide information along with the opportunity for additional questions/answers regarding the unique applications and proposals you are putting forth.

Applications for PUD Revocation of the Coal Ridge PUD and Riverbend PUD

The County was not able to process your applications as submitted as the revocations would eliminate the zoning for a significant number of residential properties that have been developed and built on based on the Riverbend PUD Zoning that you were

proposing to eliminate. This Application needs to be withdrawn and replaced by your current Coal Ridge PUD Vacation request and a revised application requesting an amendment to the Riverbend PUD.

Riverbend PUD

The Application regarding the Riverbend PUD needs to be resubmitted as a PUD Amendment designed to remove from the PUD those portions of the property to be included in a new Application for the Nutrient Farms PUD. Based on review of your submittals, the Director has determined that the amendment will be reviewed as a Substantial Modification. Those portions currently developed with residential uses would remain under the Riverbend PUD Zoning. An initial listing of submittal requirements for the amendment is outlined below:

- A. Updated narrative describing the intent of the PUD Amendment/Substantial Modification.
- B. Mapping and labelling of areas to be retained in the PUD and those being removed, along with legal descriptions
- C. The Application needs to address technical issues noted below as #1 - #4. items.
- D. Copies of the existing PUD Approvals and Resolutions as available.
- E. Copies of the existing PUD Guidelines or applicable interpretations regarding the PUD Guidelines, as available.
- F. Mailing list of all property owners within PUD.
- G. Updated public notice mailing lists and mineral owners lists applicable to this application and the current legal/parcel description.
- H. Updated information on status of infrastructure for the PUD, as proposed to be amended. This needs to include but is not limited to the status of water and wastewater facilities, any road or access issues/updates, ongoing fire protection topics, open space provisions and any other changes in existing conditions relevant to and/or in support of the proposed amendment.
- I. Specific responses to the PUD Review Criteria in Section 6-202(C).
- J. Payment of a \$300 Application Fee

Coal Ridge PUD

Staff's understanding is this PUD can be revoked as it is currently undeveloped. The updated submittals are consistent with this direction, however, clearer mapping and labelling of exhibits along with legal descriptions are needed. A listing of additional submittal requirements is outlined below:

- A. Ensure consistency between the multiple applications, legal descriptions, and mapping.
- B. The Application needs to address the submittal requirements noted below as items #1 - #4.
- C. Updated listing of all property owners within the PUD to be revoked or eliminated.

D. Payment of a \$300 Application Fee.

Nutrient Farms PUD

As noted in previous meetings thanks you for the very detailed and extensive PUD Application submittals. While some technical completeness issues will still need to be addressed the primary need prior to initiating review is the coordination between the three anticipated applications including legal descriptions and mapping to clearly delineate the property to be rezoned into the new PUD. Outlined below are technical completeness items that need to be addressed.

1. Title Commitments need to be updated to be more current.
2. Statements of Authority need to be recorded.
3. A Plat Amendment Application for the Mathias Exemption is needed, or the Application needs to propose appropriate timing for completion of the Plat Amendment.
4. Boundary Line Adjustments to address merger of the properties to be aggregated under the Nutrient Farms PUD are needed or the Application needs to propose appropriate timing for such mergers and/or provide a legal opinion/assessment of this issue.
5. Updated public notice mailing lists and mineral owners lists applicable to this application and the current legal/parcel description.
6. A check or payment to CGS (Colorado Geological Survey) is needed as we will be referring the Application to them for comment.
7. Mapping needs to show legal descriptions for the existing PUD's and proposed PUD. (Note: recent meetings have identified the Sopris Engineering Survey mapping as referenced in your title work as a key document)
8. Specific responses are needed to Article 7, Division 2 Standards including but not limited to Agricultural Lands, Wildlife, Waterbody Protection, Drainage & Erosion, Environment, Natural and Geologic Hazards, and Reclamation.

While not completeness issues the following topics have been identified as key issues that are anticipated to be further considered in the course of the development review process for the Nutrient Farms PUD.

- Section 7-109 Fire Protection and any special considerations for major uses with significant attendance, capacity, and or accessibility issues.
- Floodplain Details associated with the mapped floodplain.
- Traffic Study including larger special events and modelling assumptions. Level of service and impacts on adjacent land uses is key issue.
- Location and size of parking areas including areas for temporary parking.
- Noise Study and receiver locations and/or calculation of noise estimates for key PUD zones.
- Clarification to the PUD Guide and including reference to a number of uses that will require additional Land Use Permitting by the County and some industrial uses and high traffic and noise generating uses.

- Additional information on employee housing including the "bunk house" use will be beneficial.

Once the above completeness issues are addressed, we can complete your referral process and schedule your initial Planning Commission reviews/public hearings. Supplements to the submittals are an effective way to address completeness issues, however, a complete compilation/update of any changes/additions will be needed to facilitate referrals and Planning Commission/Board of County Commissioners review.

Please note that the Garfield County Land Use and Development Code requires that the technical completeness issues be resolved within 60-days of the date of this letter, otherwise the application will be deemed withdrawn unless a request for extension is submitted and approved.

Please feel free to contact me with any questions on the completeness topics noted above or if we need to discuss any of the items.

Sincerely,



Glenn Hartmann
Principal Planner

Appendix B – General Application Materials (4-203.B.):

Appendix B.1	• Land Use Change Permit Application Form and Request of Waivers
Appendix B.2	• Waivers Request Letter – Submission Requirements
Appendix B.3	• Statement of Authority (Reception No. 981220)
Appendix B.4	• Letter of Authorization
Appendix B.5	• Evidence of Ownership – Special Warranty Deed – Land (Reception No. 949446)
Appendix B.6	• Evidence of Ownership – Special Warranty Deed – Mineral Rights (Reception No. 949447)
Appendix B.7	• Evidence of Ownership – Title Commitment – Commonwealth Title Company of Garfield County, Inc. File No. 213068
Appendix B.8	• Nutrient Holdings LLC – Articles of Organization and Statement of Change of the Principle Office Address
Appendix B.9	• Memo – Chain of Title
Appendix B.10	• List of Names and Addresses of All Property Owners within the Coal Ridge PUD to be Vacated and Map. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC.
Appendix B.11	• List of Names and Addresses of All Property Owners within the Riverbend PUD Amendment Area and Map. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC.
Appendix B.12	• List of Names and Addresses of All Property Owners within the Remaining Riverbend PUD Area. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC.
Appendix B.13	• Map of All Property Owners within the Remaining Riverbend PUD Area
Appendix B.14	• List of Names and Addresses of All Property Owners within 200’ of Nutrient Holdings Property/Nutrient Farm PUD Area. *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC.
Appendix B.15	• Map of All Property Owners within 200’ of Nutrient Holdings Property/Nutrient Farm PUD Area.
Appendix B.16	• Certificate of Mineral Owner Research and List of Names and Mailing Addresses of All Mineral Estate Owners and Lessees with Subject Site (Nutrient Farm Property) *Updated list to be generated 30 days prior to the hearing dates per 4-101.E. of the LUDC.
Appendix B.17	• Payment Agreement Form
Narrative	• General Project Description



Community Development Department
108 8th Street, Suite 401
Glenwood Springs, CO 81601
(970) 945-8212
www.garfield-county.com

LAND USE CHANGE PERMIT APPLICATION FORM

TYPE OF APPLICATION

<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Development in 100-Year Floodplain
<input type="checkbox"/> Limited Impact Review	<input type="checkbox"/> Development in 100-Year Floodplain Variance
<input type="checkbox"/> Major Impact Review	<input type="checkbox"/> Code Text Amendment
<input type="checkbox"/> Amendments to an Approved LUCP <input type="checkbox"/> LIR <input type="checkbox"/> MIR <input type="checkbox"/> SUP	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Zone District <input checked="" type="checkbox"/> PUD <input type="checkbox"/> PUD Amendment
<input type="checkbox"/> Minor Temporary Housing Facility	<input type="checkbox"/> Administrative Interpretation
<input type="checkbox"/> Vacation of a County Road/Public ROW	<input type="checkbox"/> Appeal of Administrative Interpretation
<input type="checkbox"/> Location and Extent Review	<input type="checkbox"/> Areas and Activities of State Interest
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Accommodation Pursuant to Fair Housing Act
<input type="checkbox"/> Pipeline Development	<input type="checkbox"/> Variance
<input type="checkbox"/> Time Extension (also check type of original application)	

INVOLVED PARTIES

Owner/Applicant

Name: Andrew Bruno, Nutrient Holdings LLC Phone: (970) 984-4369
Mailing Address: PO Box 560
City: New Castle State: CO Zip Code: 81647
E-mail: andy@nutrientfarm.com

Representative (Authorization Required)

Name: Daniel Teodoru, Timberline Partners Phone: (970) 485-9998
Mailing Address: PO Box 625
City: Breckenridge State: CO Zip Code: 80424
E-mail: danny@timberlinelaw.com

PROJECT NAME AND LOCATION

Project Name:

Nutrient Farm Planned Unit Development (PUD)

Assessor's Parcel Number: - - -

Physical/Street Address: 0 Glen Eagle Circle, 0 Riverbend Drive, 364 Storm King Road and two properties un-assigned.

Legal Description: Please see submittal package for Special Warranty Deed

Assessor Parcel Numbers: 2183-053-00-086, 2183-061-00-057, 2123-344-00-005, 2123-344-00-007, and 2123-353-00-081.

Zone District: Coal Ridge and Riverbend PUDs Property Size (acres): 1,136 Total (Appx.)

PROJECT DESCRIPTION

Existing Use: A single-family home (Farm House) and agricultural uses/buildings, and associated roads,

ditches, ponds, fences, utilities and other improvements. CR 335 bisects the properties.

Proposed Use (From Use Table 3-403): Please see proposed Land Use Table for specific allowed uses.

Description of Project: A mixed-use PUD revolving around a experiential working farm with related agricultural, residential, recreational and commercial activities. Eight Development Areas and four Private Open Space Tracts are planned. (Please see the project Narrative for details.)

REQUEST FOR WAIVERS

Submission Requirements

- ☒ The Applicant requesting a Waiver of Submission Requirements per Section 4-202. List:

Section: 4-203.D. Site Plan - some n/a or shown on other plans.

Section:

Section: 4-203.O. Floodplain Analysis - portions not formally mapped.

Section: Floodplain information provided in Impact Analysis Report.

Waiver of Standards

- ☒ The Applicant is requesting a Waiver of Standards per Section 4-118. List:


Section: Please see project Narrative for details.

Section:

Section:

Section:

I have read the statements above and have provided the required attached information which is correct and accurate to the best of my knowledge.

 CEO
Signature of Property Owner or Authorized Representative, Title

1-10-2022
Date

OFFICIAL USE ONLY

File Number: _____ - _____

Fee Paid: \$ _____

TIMBERLINE

March 27, 2022

Sheryl Bower
Garfield County Community Development Director
108 8th Street, Suite 401
Glenwood Springs, CO 81601

RE: Nutrient Farm Planned Unit Development (PUD) – Waivers of Submission Requirements

- Site Plan (4-203.D.)
- Floodplain Analysis (4-203.O.)

Ms. Bower,

As you know, we had been working with Patrick Waller on the Nutrient Farm PUD request and he provided us a Pre-Application Conference Summary (Summary) for the project. After further reviewing the Summary and the Garfield County Land Use and Development Code (LUDC) during the preparation of the PUD application package, we have found two submittal items that we believe are either not applicable to the application or the information is unattainable. These two items are the requirement for a Site Plan (4-203.D.) and a Flood Plain Analysis (4-203.O.).

Site Plan (4-203.D.)

Table 6-301. Application Submittal Requirements for a PUD requires the submittal of a Site Plan according to 4-203.D. of the LUDC. The content requirements for a Site Plan (4-203.D.) seem to be written for the review of a site-specific development application. As we had discussed this in the past with Mr. Waller, no improvements are proposed at this time with the PUD request. The PUD application is merely for a zoning designation of the property, and an articulation and allowance of potential future uses.

In lieu of such a site plan, we have prepared a Conceptual Development Plan/PUD Plan Map that lays out, with a considerable level of detail, not only the location of the proposed possible future uses, but the structures and activities related thereto, and the general area of the improvements that will be tied to such uses. This Conceptual Development Plan is very descriptive, though of course not to the level of specificity associated with a site plan. Said Development Plan fully enables the County to assess not only the uses proposed but how they are situated upon and fit within the Property. Moreover, all future improvements within the PUD area will follow all applicable Garfield County submittal, review, and approval processes—be it through the Planning

Department and/or the Building Department. To help facilitate this, the proposed PUD Guide also contains a Land Use Table with the various levels of development review for the future improvements.

This submittal package also contains many other plans—the PUD Plan Map per 6-302.A.3., as noted, a Conceptual Access, Circulation and Parking Plan attached as Exhibit C to the PUD Guide, and a Water and Sewer Plan containing water and wastewater layout information, which include many of the same content items required for a Site Plan. Thus, a Site Plan has been provided, but does not meet the specific requirements of 4-203.D. because no improvements are proposed at this time (i.e., location and dimensions of all structures, elevation drawings, proposed topography, signs, etc.) and/or the information can be found on the Conceptual Development Plan/PUD Plan Map, the Conceptual Access, Circulation and Parking Plan, or on the Water and Sewer Plan. (I.e., Legal description, existing topography, roads, parking, etc.) Mr. Waller understood our situation and thought many of these Site Plan requirements could be waived and encouraged us to submit a waiver request.

Floodplain Analysis (4-203.O.)

Table 6-301. also requires the submission of a Floodplain Analysis per 4-203.O. This section requires the submission of a Floodplain Specific Site Plan containing existing flood/floodway boundary, water course, and topography information, as well as specific information for proposed improvements (i.e., proposed finished floor levels, flood-proof elevations, impervious surface boundaries/calculations, etc.) Once again, no improvements are proposed at this time with the PUD request.

In order to meet the requirements of this section as much as possible, SGM extensively researched the Colorado River area adjacent to Nutrient Farm and their findings have been included in the Impact Analysis Report which is part of this application package.

According to the Impact Analysis Report, the area adjacent to the Colorado River is within the County's Floodplain Overlay District and contains land within the designated 100-year floodplain. However, the Federal Emergency Management Agency (FEMA) has not mapped the floodplain in this specific area. The area was previously surveyed and studied on several occasions by FEMA and the Colorado Water Conservation Board (CWCB) but the studies were not officially adopted for this reach of the Colorado River adjacent to Nutrient Farm. The effective FEMA panel is 0802051020B dated 12/15/1977 (not printed). All areas are assigned Zone D areas of possible flooding. An approximate Floodplain Zone A was created and published for public review and comment in the Garfield County Preliminary study circa 2011. The Preliminary Flood Insurance Study and accompanying maps and GIS digital data were made available on the County website and was widely used as the "best available" information.

SGM obtained updated 2015 DFIRM metadata published by FEMA on 7/31/2015 and used these GIS layers as the best available information for Nutrient Farm. This reach of the Colorado River remains as an approximate Zone A floodplain without water surface elevations. SGM understands that FEMA is very near publishing a new detailed floodplain study for this reach. That study will

use a reduced 100-year flowrate and is expected to result in 100-year water surface elevations that are lower than shown in previous studies.

Invariably, any Nutrient Farm PUD improvements, with respect to all flood study information referenced above, will necessarily comply with all applicable FEMA, National Flood Insurance Program (NFIP), CWCB and Garfield County floodplain regulations—Floodplain Overlay Regulation of sections 3-102 and 3-301 and the Floodplain Specific Site Plan requirements of 4-203.O.1. of the LUDC. In addition, any future improvements near the Colorado River must abide by section 7-203. Protection of Waterbodies of the LUDC. This includes the required setbacks for structures and activities near a waterbody and compliance with all applicable State and Federal regulations and permitting requirements including, but not limited to, section 404 of the Federal Clean Water Act administered by the Army Corps. of Engineers.

Waiver of Submission Requirements (4-202.)

Section 4-202. of the LUDC allows the Planning Director to waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary and describes the review process and criteria for doing so. Per Section 4-202.:

B. Review Process.

- 1. Applicant shall request the waiver of a submission requirement in writing as part of an application submission.*
- 2. The Director shall review the request as part of the completeness review and make a determination regarding whether to waive or require the information. The Director may refer the waiver request to the BOCC for consideration at a Public Meeting.*
- 3. The Director shall notify the Applicant in writing of the determination whether to waive submission requirements and include a summary of the decision in the staff report.*
- 4. The Director's determination regarding waiver of submission requirements is subject to call-up pursuant to section 4-112.*

C. Review Criteria.

A waiver request shall be considered based on the following criteria:

- 1. The Applicant shows good cause for the requested waiver;*
- 2. The project size, complexity, anticipated impacts, or other factors support a waiver;*
- 3. The waiver does not compromise a proper and complete review; and*
- 4. The information is not material to describing the proposal or demonstrating compliance with approval criteria.*

We respectfully request the aforementioned waivers of the contents of the Site Plan and Floodplain Analysis not met, or waivers of the entire requirement to submit them. We believe that waiving the submittal requirements for various elements of the Site Plan per section 4-203.D. and waiving the submittal requirement for a Floodplain Analysis per section 4-203.O. are appropriate in this instance. We are confident that you will agree that the very comprehensive PUD application which we have submitted addresses all salient issues with an ample level of detail and specificity. It follows that having a site plan or flood plain plan as part of the submittals, which would inevitably have to come with the caveat that any future development may alter such submittals, render them functionally moot for the specific purposes of this PUD review, which does not serve as a permit to commence any specific development in any manner.

The Nutrient Farm PUD application is a zoning request, and no improvements are proposed at this time in connection with it. Rather, all future improvements on the property will follow—and of course must follow

all applicable Garfield County submittal, review and approval processes. As much information has been provided as possible, and many of the Site Plan required contents can be found on other plans submitted in the application package. Thus, we believe that a proper and complete review of the Nutrient Farm PUD request is possible based on the submitted information.

Thank you for your consideration of the waivers. We will be glad to discuss this request with you or provide any other additional information that may be helpful to you.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Daniel Teodoru', with a stylized flourish extending to the right.

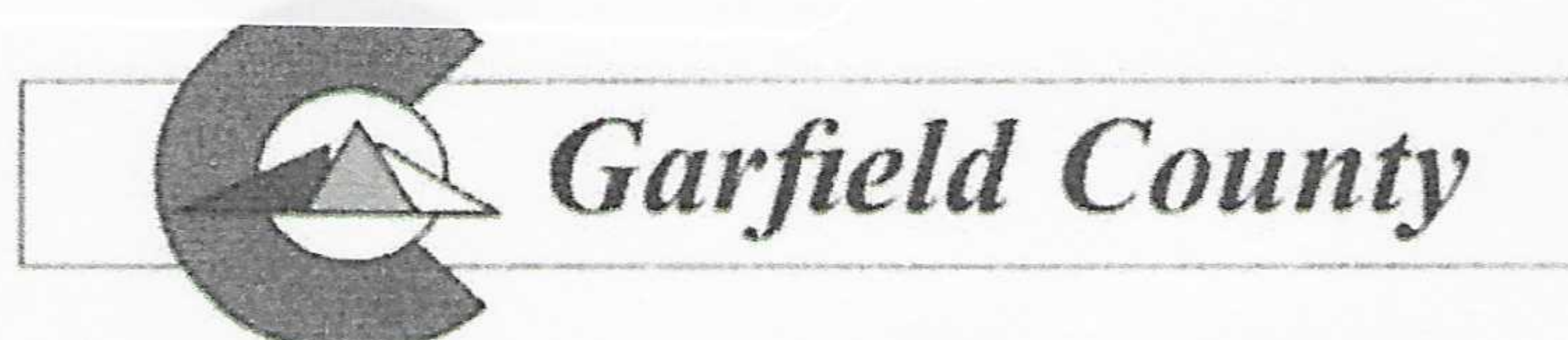
Daniel Teodoru, Esq.



Reception#: 981220

11/10/2022 01:22:58 PM Jean Alberico

1 of 1 Rec Fee:\$13.00 Doc Fee:0.00 GARFIELD COUNTY CO



STATEMENT OF AUTHORITY

Pursuant to C.R.S. §38-30-172, the undersigned executes this Statement of Authority on behalf of Nutrient Holdings LLC, a Colorado (corporation, limited liability company, general partnership, registered limited liability partnership, registered limited liability limited partnership, limited partnership association, government agency, trust or other), an entity other than an individual, capable of holding title to real property (the "Entity"), and states as follows:

The name of the Entity is Nutrient Holdings LLC,
and is formed under the laws of Colorado.
The mailing address for the Entity is PO Box 560, New Castle, Colorado 81647.

The name and/or position of the person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Entity is Andrew Bruno.

The limitations upon the authority of the person named above or holding the position described above to bind the Entity are as follows (if no limitations, insert "None"): None.

Other matters concerning the manner in which the Entity deals with any interest in real property are (if no other matter, leave this section blank): _____.

EXECUTED this 10 day of January, 2022.

Signature: Andrew Bruno
Name (printed): Andrew Bruno
Title (if any): CEO

STATE OF Colorado)
)SS.
COUNTY OF Garfield)

The foregoing instrument was acknowledged before me this 10 day of January, 2022
by Tamara M Hays, on behalf of Andrew Bruno, a
Colorado, LLC.

Witness my hand and official seal.

My commission expires: 2025
(Date)

Tamara M Hays
(Notary Public)

[SEAL]

TAMARA M. HAYS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20104025799
MY COMMISSION EXPIRES 4/22/2025

December 29, 2022

Glenn Hartmann
Garfield County Community Development Department
108 8th Street, #401
Glenwood Springs, Colorado 81601

RE: Letter of Authorization for the Nutrient Farm Planned Unit Development

Mr. Hartmann,

Nutrient Holdings LLC is the owner of approximately 1,136 acres of land located on the south side of the Colorado River, bisected by County Road 335/Colorado River Road, near the existing Riverbend subdivisions in Garfield County, Colorado and as more specifically described in the attached Exhibit A. This area includes the entire Coal Ridge Planned Unit Development area and the remaining portions of the Riverbend Planned Unit Development area.

I, Andrew Bruno, am a Member of Nutrient Holdings LLC and expressly authorize Daniel Teodoru of Timberline Partners, and his agents, to act on behalf of, and represent, Nutrient Holdings LLC regarding all aspects of the application for the above and during the associated review process with Garfield County.

Should you have any questions or need additional information, please feel free to contact me at your convenience at (970) 984-4369 or at andy@nutrientfarm.com.

Sincerely,

Nutrient Holdings LLC



Andrew Bruno, Member

EXHIBIT "A"

Nutrient Holdings LLC, a Colorado limited liability company

Legal description according to the title insurance commitment issued by Commonwealth Title Company of Garfield County, Inc., File No. 2103068, having an effective date of November 30, 2022

Parcels A and C

Township 5 South, Range 90 West, 6th P.M.:

Section 35: That portion of the N½SE¼, NE¼SW¼ lying Southerly of the centerline of the Colorado River.

Township 6 South, Range 90 West, 6th P.M.

Section 6: All that part of Lot 4, lying southerly of the centerline of the Colorado River as described in deed recorded May 28, 1974 in Book 459 at Page 535 in the office of the Clerk and Recorder of Garfield County, Colorado

Excluding the following parcels of property described in the Rule and Order entered in the District court for Garfield County, Colorado, in Civil Action No. 6635, entitled Board of County Commissioners, et al. v. Daryl Gean Richardson, et al., recorded November 8, 1982 in Book 437 at Page 383 as Reception No. 255941

Parcel No. 143-B

A tract or parcel of land No. 143-B of the State Department of Highways, Division of Highways, State of Colorado, Project No. I 70-1 (12), 89 Sec. 2 in the SW¼ of the NW¼, in the SE¼ of the NW¼ and in the NE¼ of the SW¼ of Section 35, Township 5 South, Range 90 West of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the centerline of the Colorado River from which point the NW corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears North 27°13'30" West a distance of 2,615.7 feet; thence North 73°59' East along the centerline of the Colorado River, a distance of 162.8 feet; thence South 70°43' East along the centerline of the Colorado River, a distance of 640.8 feet; thence South 48°26' East, along the centerline of the Colorado River, a distance of 223.6 feet; thence South 33°52' East along the centerline of the Colorado River, a distance of 119.8 feet; thence along the arc of a curve to the left having a radius of 4,483.7 feet, a distance of 1,080.9 feet, more or less, to the POINT OF BEGINNING (the chord of this arc bears North 67°23'30" West a distance of 1,078.3 feet)

PARCEL No. 143-C

A tract or parcel of land No. 143-C of the State Department of Highways Division of Highways, State of Colorado, Project No. I 70-1 (12) 89 Section 2, in the NE¼ of the SW¼ of Section 35, Township 5 South, Range 90 West of the 6th P.M. in Garfield County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point on the thread of the Colorado River in the NE¼ of the SW¼ of Section 35, Township 5 South, Range 90 West, 6th P.M. from which point the S¼ corner of Section 35 bears South 21°36'30" East a distance of 2,796.8 feet; thence South 11°47' West a distance of 104.9 feet; thence South 59°02' East a distance of 176.3 feet; to the thread of the Colorado River; thence North 33°52' West along the thread of the Colorado River, a distance of 232.9 feet, more or less, to the Point of Beginning.

Parcel B

Township 5 South, Range 90 West, 6th P.M.:

Section 33: All that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River;

Section 34: All that portion of the S $\frac{1}{2}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River;

Section 35: W $\frac{1}{2}$ SW $\frac{1}{4}$, that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying Southerly of the Colorado River.

Township 6 South, Range 90 West, 6th P.M.:

Section 5: Lot 4

Section 6: Lots 1, 2 3 and the Northerly 15 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING FROM THE ABOVE DESCRIBED LANDS the following:

1. All that portion platted as Riverbend Subdivision Filing No. 1 as shown on Reception No. 281326
2. All that portion platted as Riverbend Subdivision Filing No. 2 as amended as shown on Reception No. 281329 and No. 299710
3. All that portion platted as Riverbend Ranchettes Final Plat as shown on Reception No. 290481
4. All that portion conveyed to the Board of County Commissioners of Garfield County, Colorado, by Deed recorded August 31, 1979 in Book 534 at Page 416 as Reception No. 297140
5. All that portion platted as Riverbend Subdivision Filing No. 5 as shown on Reception No. 517550
6. All that portion platted as Cedar Ridge Subdivision as shown on Reception No. 501840
7. All those portions described as Parcel No. 143; Parcel No. 143-A; and Parcel No. 143-B in the Rule and Order of the Garfield County District Court in Civil Action No. 6635 and recorded in Book 437 at Page 383 as Reception No. 255941
8. All that portion of the lands described in the deeds recorded in Book 906 at Page 790 as Reception No. 464984, Book 863 at Page 424 as Reception no. 447796, and Book 1712 at Page 990 as Reception No. 679354. All as recorded in the office of the Clerk and Recorder of Garfield County, Colorado.

Parcel D

Township 6 South, Range 90 West, 6th P.M.:

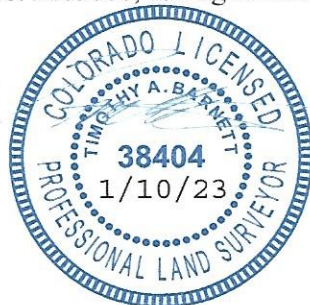
Section 5: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 6: Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$ except the North 15 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8: N $\frac{1}{2}$ N $\frac{1}{2}$

Legal description according to the title insurance commitment issued by Commonwealth Title Company of Garfield County, Inc., File No. 2103068, having an effective date of November 30, 2022

Timothy Barnett PLS 38404



SPECIAL WARRANTY DEED

THIS DEED, made this 26 day of January, 2021, between **APB Holdings LLC, a Colorado limited liability company** ("Grantor"), and **Nutrient Holdings LLC, a Colorado limited liability company**, whose legal address is 520 River View Drive, Unit 506, New Castle, CO 81647 ("Grantee");

WITNESSETH, that Grantor, for and in consideration of the sum of **Ten Dollars (\$10.00) and other good and valuable consideration**, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee, and Grantee's heirs, successors, and assigns forever, 100% of the real property, together with all improvements, situate, lying and being in the County of Garfield, State of Colorado, described as follows:

See **Exhibit A**, attached hereto and incorporated herein,

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of 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 Grantee, and Grantee's heirs, successors, and assigns forever. Grantor, for Grantor and Grantor's heirs, successors, and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's heirs, successors, and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor subject to those specific exceptions set forth on **Exhibit B** attached hereto and incorporated herein.

THIS SPECIAL WARRANTY DEED IS NOT INTENDED TO CONVEY WATER RIGHTS.
WATER RIGHTS ARE BEING CONVEYED BY SEPARATE SPECIAL WARRANTY DEEDS.

THIS SPECIAL WARRANTY DEED IS NOT CONVEYING OIL, GAS, COAL AND OTHER MINERALS. OIL, GAS, COAL AND OTHER MINERALS ARE BEING CONVEYED BY A SEPARATE SPECIAL WARRANTY DEED.

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

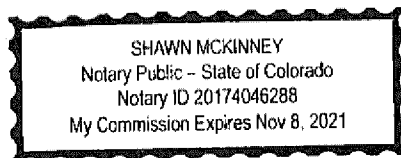
APB Holdings LLC,
a Colorado limited liability company

By: 
Andrew Bruno, its Member

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 26th day of January, 2021 by Andrew Bruno, as Member of APB Holdings LLC, a Colorado limited liability company, on behalf of said corporation.

Witness my hand and official seal:




Notary Public

EXHIBIT A
Legal Description

Parcels A and C

Township 5 South, Range 90 West, 6th P.M.:

Section 35: That portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River

Township 6 South, Range 90 West, 6th P.M.:

Section 6: All that part of Lot 4, lying southerly of the centerline of the Colorado River as described in deed recorded May 28, 1974 in Book 459 at Page 535 in the office of the Clerk and Recorder of Garfield County, Colorado

Excluding the following parcels of property described in the Rule and Order entered in the District Court for Garfield County, Colorado, in Civil Action No. 6635, entitled Board of County Commissioners, et al. v. Daryl Gean Richardson, et al., recorded November 8, 1982 in Book 437 at Page 383 as Reception No. 255941.

Parcel No. 143-B

A tract or parcel of land No. 143-B of the State Department of Highways, Division of Highways, State of Colorado, Project No. I 70-1 (12), 89 Sec. 2 in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the centerline of the Colorado River from which point the NW corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears North 27°13'30" West a distance of 2,615.7 feet; thence North 73°59' East along the centerline of the Colorado River, a distance of 162.8 feet; thence South 70°43' East along the centerline of the Colorado River, a distance of 640.8 feet; thence South 48°26' East, along the centerline of the Colorado River, a distance of 223.6 feet; thence South 33°52' East along the centerline of the Colorado River, a distance of 119.8 feet; thence along the arc of a curve to the left having a radius of 4,483.7 feet, a distance of 1,080.9 feet, more or less, to the POINT OF BEGINNING (the chord of this arc bears North 67°23'30" West a distance of 1,078.3 feet).

PARCEL No. 143-C

A tract or parcel of land No. 143-C of the State Department of Highways Division of Highways, State of Colorado, Project No. I 70-1 (12) 89 Section 2, in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West of the 6th P.M. in Garfield County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point on the thread of the Colorado River in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West, 6th P.M. from which point the S $\frac{1}{4}$ corner of Section 35 bears South 21°36'30" East a distance of 2,796.8 feet; thence South 11°47' West a distance of 104.9 feet; thence South 59°02' East a distance of 176.3 feet; to the thread of the Colorado River; thence North 33°52' West along the thread of the Colorado River, a distance of 232.9 feet, more or less, to the Point of Beginning.

Parcel B

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Section 34: All that portion of the S $\frac{1}{2}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River;

Section 35: W $\frac{1}{2}$ SW $\frac{1}{4}$, that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying Southerly of the Colorado River.

Township 6 South, Range 90 West, 6th P.M.:

Section 5: Lot 4

Section 6: Lots 1, 2, 3 and the Northerly 15 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING FROM THE ABOVE DESCRIBED LANDS the following:

1. All that portion platted as Riverbend Subdivision Filing No. 1 as shown on Reception No. 281326
 2. All that portion platted as Riverbend Subdivision Filing No. 2 as amended as shown on Reception No. 281329 and No. 299710
 3. All that portion platted as Riverbend Ranchettes Final Plat as shown on Reception No. 290481
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 8. All that portion of the lands described in the deeds recorded in Book 906 at Page 790 as Reception No. 464984, Book 863 at Page 424 as Reception no. 447796, and Book 1712 at Page 990 as Reception No. 679354.
- All as recorded in the office of the Clerk and Recorder of Garfield County, Colorado.

Parcel D

Township 6 South, Range 90 West, 6th P.M.:

Section 5: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 6: Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$ except the North 15 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8: N $\frac{1}{2}$ N $\frac{1}{2}$

EXHIBIT B
Permitted Encumbrances

6. General taxes and assessments for the year 2018 and thereafter, not yet due and payable.
7. Any lien or charge on account of the inclusion of subject property in an improvement district.
8. Any and all water rights, claims, or title to water, whether or not the matters excepted are shown by the public record.

9. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches and canals constructed by the authority of the United States as contained in the following United States Patents:

Book	Page	Date	Property
12	20	03/19/1889	N1/2NE1/4 Section 8
12	19	04/13/1889	N1/2NW1/4 Section 8
12	17	04/19/1889	S1/2SW1/4 Section 5, SE1/4SE1/4 Section 6
12	25	04/10/1889	W1/2SE1/4, E1/2SW1/4 Section 6
12	174	06/22/1892	NE1/4SE1/4 Section 6
12	26	04/19/1889	Lot 6 Section 6
12	157	05/20/1892	Lot 4 Section 5, Lots 1, 2 and 3
Section 6			
12	267	01/23/1894	Lot 4 Section 6
12	68	01/10/1891	Lot 5, S1/2NE1/4, SE1/4NW1/4
Section 6			
12	335	10/23/1894	NW1/4SW1/4 Section 34, E1/2SE1/4 Section 33
12	152	05/20/1892	SW1/4SW1/4 Section 34
12	156	05/20/1892	E1/2SW1/4, W1/2SE1/4 Section 34
73	154	04/05/1923	SE1/4SE1/4 Section 34
12	155	05/20/1892	NE1/4SE1/4 Section 34, W1/2SW1/4 Section 35
73	131	02/21/1923	N1/2SE1/4, NE1/4SW1/4, SE1/4NW1/4 Section 35
12	521	01/23/1894	S1/2NE1/4 Section 34, SW1/4NW1/4 Section 35

10. Reservation of all coal, together with the right to prospect for, mine and remove the same, as described in United States Patent recorded April 5, 1923 in Book 73 at Page 154 and any interests therein or assignments thereof.

11. Right of way for the Midland Railway Company as referred to in patent recorded February 21, 1923 in Book 73 at Page 131.

12. Right of way for pipeline to the Vulcan Farming Company as evidenced by deed recorded January 19, 1909 in Book 75 at Page 445.

13. Reservation of all oil and gas, together with the right of ingress and egress to prospect for, drill and remove the same as more particularly described in deed recorded July 11, 1945 in Book 213 at Page 455 and any interests therein or assignments thereof.

14. Reservation of an undivided one-half interest in all oil, gas, hydrocarbons and valuable minerals as described in deed recorded September 23, 1955 in Book 287 at Page 455 and any interests therein or assignments thereof.
15. Terms and conditions of Agreement by and between Daryl Richardson and the State of Colorado for the use and benefit of the Game and Fish Commission regarding the use of a road for public access as described in the Agreement recorded June 26, 1963 in Book 351 at Page 211.
16. Easement and right of way for an electric transmission line as granted to Public Service Company of Colorado and more particularly described in instruments recorded December 28, 1966 in Book 381 at Page 24, February 13, 1967 in Book 382 at Pages 169, 170, 171, 175, 178 and 180, and August 18, 1972 in Book 434 at Page 342.
17. DELETED.
18. Terms, conditions, easements and all matters set forth in Rule and Order recorded November 8, 1972 in Book 437 at Page 383.
19. Perpetual non-exclusive easement for a cattle drive as described in instrument recorded January 10, 1978 in Book 504 at Page 799.
20. Utility Easement granted to Cunningham Construction and Development Co. as described in deed recorded May 28, 1980 in Book 549 at Page 172.
21. Mineral rights conveyed in deed recorded January 14, 1988 in Book 727 at Page 783 and any interests therein or assignments thereof.
22. Terms and conditions of Agreement by and between Greg McKennis, Jill C. McKennis and NCIG Financial, Inc. recorded May 28, 1991 in Book 804 at Page 936 and recorded October 3, 1991 in Book 814 at Page 737.
23. Exclusive access easement granted to E. Peter Matthies and Debra Elena Matthies as described as described in Easement Agreement recorded June 28, 1991 in Book 807 at Page 430 and all terms, conditions and matters set forth therein.
24. Easement described in Revised Easement Agreement recorded December 14, 1992 in Book 849 at Page 627 and all terms, conditions and matters set forth therein.
25. Reservation of all oil, gas and minerals by Orion Homes, Inc. in deed recorded April 26, 1993 in Book 860 at Page 570 and any and all interests therein or assignments thereof.
26. Easement and right of way for the Vulcan Ditch (the exact location of which is not defined) reserved by Orion Homes, Inc. in the deed recorded April 26, 1993 in Book 860 at Page 570.
27. Easement for a roadway reserved by Orion Homes, Inc. in the deed recorded April 26, 1993 in Book 860 at Page 570.
28. Terms and conditions of Garfield County Resolution No. 94-130 recorded November 16, 1994 in Book 922 at Page 738.
29. Easements, rights of way and all matters shown on the plat of Matthies Exemption recorded November 16, 1994 as Reception No. 471051.

30. Easements described in Amended Road Easement Agreement recorded March 15, 1996 in Book 970 at Page 427 and all terms, conditions and matters set forth therein.

31. Access easement granted to American Tower, L.P. d/b/a Mountain Top Management, Inc. as described in instrument recorded February 15, 2000 in Book 1173 at Page 180 and all terms, conditions and matters set forth therein.

Amended in Amendment to Easement Agreement recorded September 30, 2015 at Reception No. 841344. Amendment recorded September 30, 2013 as Reception No. 841344.

32. Access Easement granted to Unites States Bureau of Land Management in instrument recorded September 19, 2000 in Book 1208 at Page 96 and all terms, conditions and matters set forth therein.

33. Mineral rights conveyed to CB Minerals Company, LLC in mineral deed recorded May 8, 2002 in Book 1353 at Page 298 and any interests therein or assignments thereof.

34. Terms and conditions of covenant regarding the Vulcan Ditch recorded September 22, 2003 in Book 1521 at Page 219, Page 231 and Page 243.

35. Reservation of all oil, gas and other minerals by CB Minerals Company, LLC in Special Warranty Deed - Surface Property, recorded June 11, 2015 at Reception No. 863933 and any and all interests therein or assignments thereof.

36. Any question, dispute or adverse claims as to any loss or gain as a result of any change in the river bed location by other than natural causes, or alteration through accretion, reliction, erosion or avulsion of the center thread, bank, channel or flow of waters in the Colorado River lying within subject land; and any questions as to the location of such center thread, bed, bank or channel as a legal description monument or marker for purposes of describing or locating subject lands.

37. Easement and right of way for County Road No. 335.

38. CDOT easements, ditches, pipes, dinosaur fossil wall and all matters shown on Boundary Exhibit Map of NCIG Ranch Parcel prepared by Sopris Engineering LLC.

**SPECIAL WARRANTY DEED
(Mineral Rights)**

THIS DEED, made this 26 day of January, 2021, between **APB Holdings LLC, a Colorado limited liability company** ("Grantor"), and **Nutrient Holdings LLC, a Colorado limited liability company**, whose legal address is 520 River View Drive, Unit 506, New Castle, CO 81647 ("Grantee");

WITNESSETH, that Grantor, for and in consideration of the sum of **Ten Dollars (\$10.00) and other good and valuable consideration**, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee, and Grantee's heirs, successors, and assigns forever, all of Grantor's interest in the oil, gas, carbon dioxide, helium, casing head gasoline, gas condensate, distillate, together with all coal, including lignite and subbituminous coal, coal bed gas, all other gaseous substances and all other minerals in and under and that may be produced from the property situate, lying and being in the County of Garfield, State of Colorado, described as follows:

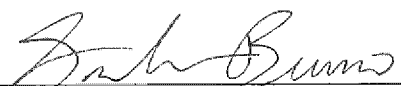
See **Exhibit A**, attached hereto and incorporated herein,

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of 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 Grantee, and Grantee's heirs, successors, and assigns forever. Grantor, for Grantor and Grantor's heirs, successors, and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's heirs, successors, and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor subject to those specific exceptions set forth on **Exhibit B** attached hereto and incorporated herein.

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

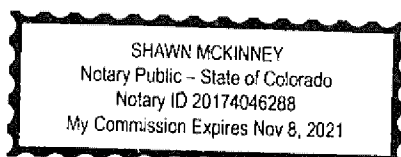
**APB Holdings LLC,
a Colorado limited liability company**

By: 
Andrew Bruno, its Member

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 26th day of January, 2021 by Andrew Bruno, as Member of APB Holdings LLC, a Colorado limited liability company, on behalf of said corporation.

Witness my hand and official seal:




Notary Public

EXHIBIT A
Legal Description

Parcels A and C

Township 5 South, Range 90 West, 6th P.M.:

Section 35: That portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River

Township 6 South, Range 90 West, 6th P.M.:

Section 6: All that part of Lot 4, lying southerly of the centerline of the Colorado River as described in deed recorded May 28, 1974 in Book 459 at Page 535 in the office of the Clerk and Recorder of Garfield County, Colorado

Excluding the following parcels of property described in the Rule and Order entered in the District Court for Garfield County, Colorado, in Civil Action No. 6635, entitled Board of County Commissioners, et al. v. Daryl Gean Richardson, et al., recorded November 8, 1982 in Book 437 at Page 383 as Reception No. 255941.

Parcel No. 143-B

A tract or parcel of land No. 143-B of the State Department of Highways, Division of Highways, State of Colorado, Project No. I 70-1 (12), 89 Sec. 2 in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the centerline of the Colorado River from which point the NW corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears North 27°13'30" West a distance of 2,615.7 feet; thence North 73°59' East along the centerline of the Colorado River, a distance of 162.8 feet; thence South 70°43' East along the centerline of the Colorado River, a distance of 640.8 feet; thence South 48°26' East, along the centerline of the Colorado River, a distance of 223.6 feet; thence South 33°52' East along the centerline of the Colorado River, a distance of 119.8 feet; thence along the arc of a curve to the left having a radius of 4,483.7 feet, a distance of 1,080.9 feet, more or less, to the POINT OF BEGINNING (the chord of this arc bears North 67°23'30" West a distance of 1,078.3 feet).

PARCEL No. 143-C

A tract or parcel of land No. 143-C of the State Department of Highways Division of Highways, State of Colorado, Project No. I 70-1 (12) 89 Section 2, in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West of the 6th P.M. in Garfield County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point on the thread of the Colorado River in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West, 6th P.M. from which point the S $\frac{1}{4}$ corner of Section 35 bears South 21°36'30" East a distance of 2,796.8 feet; thence South 11°47' West a distance of 104.9 feet; thence South 59°02' East a distance of 176.3 feet; to the thread of the Colorado River; thence North 33°52' West along the thread of the Colorado River, a distance of 232.9 feet, more or less, to the Point of Beginning.

Parcel B

Township 5 South, Range 90 West, 6th P.M.:

Section 33: All that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River;

Section 34: All that portion of the S $\frac{1}{2}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River;

Section 35: W $\frac{1}{2}$ SW $\frac{1}{4}$, that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying Southerly of the Colorado River.

Township 6 South, Range 90 West, 6th P.M.:

Section 5: Lot 4

Section 6: Lots 1, 2, 3 and the Northerly 15 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING FROM THE ABOVE DESCRIBED LANDS the following:

1. All that portion platted as Riverbend Subdivision Filing No. 1 as shown on Reception No. 281326
 2. All that portion platted as Riverbend Subdivision Filing No. 2 as amended as shown on Reception No. 281329 and No. 299710
 3. All that portion platted as Riverbend Ranchettes Final Plat as shown on Reception No. 290481
 4. All that portion conveyed to the Board of County Commissioners of Garfield County, Colorado, by Deed recorded August 31, 1979 in Book 534 at Page 416 as Reception No. 297140
 5. All that portion platted as Riverbend Subdivision Filing No. 5 as shown on Reception No. 517550
 6. All that portion platted as Cedar Ridge Subdivision as shown on Reception No. 501840
 7. All those portions described as Parcel No. 143; Parcel No. 143-A; and Parcel No. 143-B in the Rule and Order of the Garfield County District Court in Civil Action No. 6635 and recorded in Book 437 at Page 383 as Reception No. 255941
 8. All that portion of the lands described in the deeds recorded in Book 906 at Page 790 as Reception No. 464984, Book 863 at Page 424 as Reception no. 447796, and Book 1712 at Page 990 as Reception No. 679354.
- All as recorded in the office of the Clerk and Recorder of Garfield County, Colorado.

Parcel D

Township 6 South, Range 90 West, 6th P.M.:

Section 5: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 6: Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$ except the North 15 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8: N $\frac{1}{2}$ N $\frac{1}{2}$

EXHIBIT B
Permitted Encumbrances

Each of the Title Comments and Requirements set forth in the following Acquisition Title Opinions:

Acquisition Title Opinion dated 4/2/08	T. 5 W., R. 90 W., 6 th P.M. Sec. 35: Parcel A [see opinion for detail] T. 6 S., R. 90 W., 6 th P.M. Sec. 6: Parcel C [see opinion for detail]	Parcels A and C
Acquisition Title Opinion dated 05/29/08	T. 5 S., R. 90 W., 6 th P.M. Portions of Sections 33, 34 and 35 T. 6 S., R. 90 W., 6 th P.M. Portions of Sections 5 and 6	Parcel B
Acquisition Title Opinion dated 05/29/08	T. 6 S., R. 90 W., 6 th P.M. Sec. 5: S/2SW/4 Sec. 6: Lot 5, Lot 6, SE/4NW/4 except the north 15 acres, NE/4SW/4, S/2NE/4, N/2SE/4, SE/4SE/4 Sec. 8: N/2N/2	Parcel D

Commonwealth Title Company of Garfield County, Inc.

**127 E. 5th Street
Rifle, CO 81650
Phone (970) 625-3300 / Fax (970) 625-3305**

**1322 Grand Avenue
Glenwood Springs, CO 81601
Phone (970) 945-4444 / Fax (970) 945-4449**

Date: December 6, 2022

File No. 2103068

Property Address. , New Castle

Timberline Partners LLC
210 South Ridge Street
Breckenridge CO 80424
Attn: Erin Hunter
Email: erin@timberlinelaw.com

**COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

File No. 2103068

1. Effective Date: **November 30, 2022 at 7:59 AM**

2. Policy or Policies to be issued:

(a) ALTA OWNER POLICY (ALTA 6-17-06)

\$N/A

Proposed Insured:

(b) ALTA LOAN POLICY (ALTA 6-17-06)

Proposed Insured:

3. The Estate or interest in the land described or referred to in the Commitment and covered herein is Fee Simple and is at the effective date hereof vested in:

Nutrient Holdings LLC, a Colorado limited liability company

4. The land referred to in this Commitment is situated in the County of Garfield, State of Colorado and described as follows:

See Attached Exhibit "A"

TITLE CHARGES

Title Commitment Update

\$150.00

COUNTERSIGNED: _____ Patrick P. Burwell _____
Authorized Officer or Agent

Valid Only if Schedule B and Cover Are Attached

American Land Title Association
Schedule A
(Rev'd 6-06)

Issuing Agent:
Commonwealth Title Company of Garfield County, Inc.
127 East 5th Street Rifle, CO 81650

EXHIBIT "A"

Parcels A and C

Township 5 South, Range 90 West, 6th P.M.:

Section 35: That portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River.

Township 6 South, Range 90 West, 6th P.M.

Section 6: All that part of Lot 4, lying southerly of the centerline of the Colorado River as described in deed recorded May 28, 1974 in Book 459 at Page 535 in the office of the Clerk and Recorder of Garfield County, Colorado

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Parcel No. 143-B

A tract or parcel of land No. 143-B of the State Department of Highways, Division of Highways, State of Colorado, Project No. I 70-1 (12), 89 Sec. 2 in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the centerline of the Colorado River from which point the NW corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears North 27°13'30" West a distance of 2,615.7 feet; thence North 73°59' East along the centerline of the Colorado River, a distance of 162.8 feet; thence South 70°43' East along the centerline of the Colorado River, a distance of 640.8 feet; thence South 48°26' East, along the centerline of the Colorado River, a distance of 223.6 feet;

thence South 33°52' East along the centerline of the Colorado River, a distance of 119.8 feet; thence along the arc of a curve to the left having a radius of 4,483.7 feet, a distance of 1,080.9 feet, more or less, to the POINT OF BEGINNING (the chord of this arc bears North 67°23'30" West a distance of 1,078.3 feet)

PARCEL No. 143-C

A tract or parcel of land No. 143-C of the State Department of Highways Division of Highways, State of Colorado, Project No. I 70-1 (12) 89 Section 2, in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West of the 6th P.M. in Garfield County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point on the thread of the Colorado River in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 South, Range 90 West, 6th P.M. from which point the S $\frac{1}{4}$ corner of Section 35 bears South 21°36'30" East a distance of 2,796.8 feet; thence South 11°47' West a distance of 104.9 feet; thence South 59°02' East a distance of 176.3 feet; to the thread of the Colorado River; thence North 33°52' West along the thread of the Colorado River, a distance of 232.9 feet, more or less, to the Point of Beginning.

Parcel B

Township 5 South, Range 90 West, 6th P.M.:

Section 33: All that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River;

Section 34: All that portion of the S $\frac{1}{2}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southerly of the centerline of the Colorado River;

Section 35: W $\frac{1}{2}$ SW $\frac{1}{4}$, that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying Southerly of the Colorado River.

Township 6 South, Range 90 West, 6th P.M.:

Section 5: Lot 4

Section 6: Lots 1, 2 3 and the Northerly 15 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING FROM THE ABOVE DESCRIBED LANDS the following:

1. All that portion platted as Riverbend Subdivision Filing No. 1 as shown on Reception No. 281326
 2. All that portion platted as Riverbend Subdivision Filing No. 2 as amended as shown on Reception No. 281329 and No. 299710
 3. All that portion platted as Riverbend Ranchettes Final Plat as shown on Reception No. 290481
 4. All that portion conveyed to the Board of County Commissioners of Garfield County, Colorado, by Deed recorded August 31, 1979 in Book 534 at Page 416 as Reception No. 297140
 5. All that portion platted as Riverbend Subdivision Filing No. 5 as shown on Reception No. 517550
 6. All that portion platted as Cedar Ridge Subdivision as shown on Reception No. 501840
 7. All those portions described as Parcel No. 143; Parcel No. 143-A; and Parcel No. 143-B in the Rule and Order of the Garfield County District Court in Civil Action No. 6635 and recorded in Book 437 at Page 383 as Reception No. 255941
 8. All that portion of the lands described in the deeds recorded in Book 906 at Page 790 as Reception No. 464984, Book 863 at Page 424 as Reception no. 447796, and Book 1712 at Page 990 as Reception No. 679354.
- All as recorded in the office of the Clerk and Recorder of Garfield County, Colorado.

Parcel D

Township 6 South, Range 90 West, 6th P.M.:

Section 5: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 6: Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$ except the North 15 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8: N $\frac{1}{2}$ N $\frac{1}{2}$

SCHEDULE B - SECTION 1

The Following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded to the office of the Clerk and Recorder of the County in which said property is located.

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

This is an informational only commitment and no policy will be issued hereunder.

5. Receipt of satisfactory Improvement Survey Plat certified to the Company (i) prepared from an on-the-ground inspection by a registered land surveyor licensed in the State of Colorado; (ii) currently dated, showing the location of the Property and all improvements, fences, easements, roads, rights-of-way and encroachments or other matters identified in Schedule B - Section 2 of this Commitment, to the extent such matters are capable of being shown, (iii) containing a legal description of the boundaries of the Property by metes and bounds or other appropriate legal description; and (iv) meeting the criteria of Colorado Revised Statute 38-51-102(9), as amended, for an Improvement Survey Plat.

DISCLOSURES

Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph F provides: "Whenever a title entity provides the closing and settlement service that is in conjunction with the issuance of an owner's policy of title insurance, it shall update the title commitment from the date of issuance to be as reasonably close to the time of closing as permitted by the real estate records. Such update shall include all impairments of record at the time of closing or as close thereto as permitted by the real estate records. The title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all undisclosed matters that appear of record prior to the time of closing." Provided Commonwealth Title Insurance Company of Garfield County, Inc. conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued. This Notice is required by Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph G.

Pursuant to Colorado Division of Insurance Regulation 8-1-2, notice is hereby given that affirmative mechanic's lien protection for the prospective insured owner may be available upon compliance with the following conditions:

A. The land described in Schedule A of this Commitment must be a single family residence, which includes a condominium or townhouse unit. B. No labor or materials may have been furnished by mechanics or materialmen for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months. C. The Company must receive appropriate affidavits indemnifying the Company against all unfiled mechanic's and materialmen's liens. D. Any deviation from conditions A through C above is subject to such additional requirements or information as the Company may deem necessary; or, at its option, the Company may refuse to delete the exception. No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay. Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph M.

Pursuant to Colorado Division of Insurance Regulation 8-1-3, notice is hereby given of the availability of a Closing Protection Letter which may, upon request, be provided to certain parties to the transaction.

Pursuant to C.R.S. §10-11-122, notice is hereby given that:

A) The subject real property may be located in a special taxing district; B) A Certificate of Taxes Due listing each taxing jurisdiction may be obtained from the County Treasurer's authorized agent; C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor; and D) The company will not issue its policy of policies of title insurance contemplated by the commitment until it has been provided a Certificate of Taxes due from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary

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

Pursuant to C.R.S. §10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

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

If the transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. §39-22-604.5 (Nonresident withholding).

Pursuant to C.R.S. §38-35-125(2), no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right. Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph J. **"Good Funds Law"**

C.R.S. §39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee and Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.

SCHEDULE B - SECTION 2

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

1. Rights or claims of parties in possession not shown by the Public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts, which a correct survey and inspection of the premises would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Any lien or charge on account of the inclusion of subject property in an improvement district.
8. Any and all water rights, claims, or title to water, whether or not the matters excepted are shown by the public record.

9. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches and canals constructed by the authority of the United States as contained in the following United States Patents:

Book	Page	Date	Property
12	20	03/19/1889	N1/2NE1/4 Section 8
12	19	04/13/1889	N1/2NW1/4 Section 8
12	17	04/19/1889	S1/2SW1/4 Section 5, SE1/4SE1/4 Section 6
12	25	04/10/1889	W1/2SE1/4, E1/2SW1/4 Section 6
12	174	06/22/1892	NE1/4SE1/4 Section 6
12	26	04/19/1889	Lot 6 Section 6
12	157	05/20/1892	Lot 4 Section 5, Lots 1, 2 and 3 Section 6
12	267	01/23/1894	Lot 4 Section 6
12	68	01/10/1891	Lot 5, S1/2NE1/4, SE1/4NW1/4 Section 6
12	335	10/23/1894	NW1/4SW1/4 Section 34, E1/2SE1/4 Section 33
12	152	05/20/1892	SW1/4SW1/4 Section 34
12	156	05/20/1892	E1/2SW1/4, W1/2SE1/4 Section 34
73	154	04/05/1923	SE1/4SE1/4 Section 34
12	155	05/20/1892	NE1/4SE1/4 Section 34, W1/2SW1/4 Section 35
73	131	02/21/1923	N1/2SE1/4, NE1/4SW1/4, SE1/4NW1/4 Section 35
12	521	01/23/1894	S1/2NE1/4 Section 34, SW1/4NW1/4 Section 35

10. Reservation of all coal, together with the right to prospect for, mine and remove the same, as described in United States Patent recorded April 5, 1923 in [Book 73 at Page 154](#) and any interests therein or assignments thereof.
11. Right of way for the Midland Railway Company as referred to in patent recorded February 21, 1923 in [Book 73 at Page 131](#).
12. Right of way for pipeline to the Vulcan Farming Company as evidenced by deed recorded January 19, 1909 in [Book 75 at Page 445](#). (affects N1/2SW1/4, Section 35, Township 5 South, Range 90 West)
13. Reservation of all oil and gas, together with the right of ingress and egress to prospect for, drill and remove the same as more particularly described in deed recorded July 11, 1945 in [Book 213 at Page 455](#) and any interests therein or assignments thereof. (affects S1/2SW1/4 Section 5, S1/2NE1/4, SE1/4NW1/4, SW1/4NW1/4, N1/2S1/2 and SE1/4SE1/4 Section 6, N1/2N1/2 Section 8, S1/2NW1/4 Section 9)
14. Reservation of an undivided one-half interest in all oil, gas, hydrocarbons and valuable minerals as described in deed recorded September 23, 1955 in [Book 287 at Page 455](#) and any interests therein or assignments thereof.

(Continued)

SCHEDULE B - SECTION 2
(Continued)

15. Terms and conditions of Agreement by and between Daryl Richardson and the State of Colorado for the use and benefit of the Game and Fish Commission regarding the use of a road for public access as described in the Agreement recorded June 26, 1963 in [Book 351 at Page 211](#).
16. Easement and right of way for an electric transmission line as granted to Public Service Company of Colorado and more particularly described in instruments recorded December 28, 1966 in [Book 381 at Page 24](#), February 13, 1967 in Book 382 at Pages [169](#), [170](#), [171](#), [175](#), [178](#) and [180](#), and August 18, 1972 in [Book 434 at Page 342](#).
17. Terms, conditions, easements and all matters set forth in Rule and Order recorded November 8, 1972 in [Book 437 at Page 383](#).
18. Perpetual non-exclusive easement for a cattle drive as described in instrument recorded January 10, 1978 in [Book 504 at Page 799](#).
19. Utility Easement granted to Cunningham Construction and Development Co. as described in deed recorded May 28, 1980 in [Book 549 at Page 172](#).
20. Mineral rights conveyed in deed recorded January 14, 1988 in [Book 727 at Page 783](#) and any interests therein or assignments thereof.
21. Terms and conditions of Agreement by and between Greg McKennis, Jill C. McKennis and NCIG Financial, Inc. recorded May 28, 1991 in [Book 804 at Page 936](#) and recorded October 3, 1991 in [Book 814 at Page 737](#).
22. Exclusive access easement granted to E. Peter Matthies and Debra Elena Matthies as described as described in Easement Agreement recorded June 28, 1991 in [Book 807 at Page 430](#) and all terms, conditions and matters set forth therein.
23. Easement described in Revised Easement Agreement recorded December 14, 1992 in [Book 849 at Page 627](#) and all terms, conditions and matters set forth therein. (affects Section 34, Township 5 South, Range 90 West)
24. Reservation of all oil, gas and minerals by Orion Homes, Inc. in deed recorded April 26, 1993 in [Book 860 at Page 570](#) and any and all interests therein or assignments thereof. (affects Section 34, Township 5 South, Range 90 West and Sections 5 and 6, Township 6 South, Range 90 West)
25. Easement and right of way for the Vulcan Ditch (the exact location of which is not defined) reserved by Orion Homes, Inc. in the deed recorded April 26, 1993 in [Book 860 at Page 570](#). (affects Section 34, Township 5 South, Range 90 West and Sections 5 and 6, Township 6 South, Range 90 West)
26. Easement for a roadway reserved by Orion Homes, Inc. in the deed recorded April 26, 1993 in [Book 860 at Page 570](#). (affects Section 34, Township 5 South, Range 90 West and Sections 5 and 6, Township 6 South, Range 90 West)
27. Terms and conditions of Garfield County Resolution No. 94-130 recorded November 16, 1994 in [Book 922 at Page 738](#). (affects Matthies Exemption)
28. Easements, rights of way and all matters shown on the plat of Matthies Exemption recorded November 16, 1994 as [Reception No. 471051](#).
29. Easements described in Amended Road Easement Agreement recorded March 15, 1996 in [Book 970 at Page 427](#) and all terms, conditions and matters set forth therein. (affects Section 34, Township 5 South, Range 90 West and Sections 5 and 6, Township 6 South, Range 90 West)
30. Access easement granted to American Tower, L.P. d/b/a Mountain Top Management, Inc. as described in instrument recorded February 15, 2000 in [Book 1173 at Page 180](#) and all terms, conditions and matters set forth therein.

Amended in Amendment to Easement Agreement recorded September 30, 2015 at [Reception No. 841344](#). Amendment recorded September 30, 2013 as Reception No. 841344.

(Continued)

SCHEDULE B - SECTION 2
(Continued)

31. Access Easement granted to Unites States Bureau of Land Management in instrument recorded September 19, 2000 in [Book 1208 at Page 96](#) and all terms, conditions and matters set forth therein.
32. Mineral rights conveyed to CB Minerals Company, LLC in mineral deed recorded May 8, 2002 in [Book 1353 at Page 298](#) and any interests therein or assignments thereof.
33. Terms and conditions of covenant regarding the Vulcan Ditch recorded September 22, 2003 in [Book 1521 at Page 219](#), Page [231](#) and Page [243](#).
34. Reservation of all oil, gas and other minerals by CB Minerals Company, LLC in Special Warranty Deed - Surface Property, recorded June 11, 2015 at [Reception No. 863933](#) and any and all interests therein or assignments thereof.
35. Any question, dispute or adverse claims as to any loss or gain as a result of any change in the river bed location by other than natural causes, or alteration through accretion, reliction, erosion or avulsion of the center thread, bank, channel or flow of waters in the Colorado River lying within subject land; and any questions as to the location of such center thread, bed, bank or channel as a legal description monument or marker for purposes of describing or locating subject lands.
36. Easement and right of way for County Road No. 335.
37. Temporary CDOT easements, ditches, pipes, dinosaur fossil wall and all matters shown on [Boundary Exhibit Map of NCIG Ranch Parcel](#) prepared by Sopris Engineering LLC.
38. Right of way for ditches and canals in place and in use.

NOTE: EXCEPTION(S) N/A WILL NOT APPEAR IN THE POLICY TO BE ISSUED HEREUNDER.

The Owner's Policy of Title Insurance committed for in this Commitment, if any, shall contain, in addition to the Items set forth in Schedule B - Section 2, the following items:

- (1) The Deed of Trust, if any, required under Schedule B - Section 1. (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof. (3) any and all unpaid taxes, assessments and unredeemed tax sales.

NOTE: The policy (s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.

COMMONWEALTH TITLE COMPANY PRIVACY POLICY

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means.
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.



Document must be filed electronically.
Paper documents are not accepted.
Fees & forms are subject to change.
For more information or to print copies
of filed documents, visit www.sos.state.co.us.

Colorado Secretary of State
Date and Time: 06/15/2018 02:41 PM
ID Number: 20181475989
Document number: 20181475989
Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Nutrient Holdings LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

364 Storm King Road

(Street number and name)

New Castle

(City)

CO

(State)

81647

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

5670 Brentwood Drive

(Street number and name or Post Office Box information)

Hoffman Estates

(City)

IL

(State)

60192

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

(Last)

(First)

(Middle)

(Suffix)

or

(if an entity)

Timberline Partners LLC

(Caution: Do not provide both an individual and an entity name.)

Street address

210 South Ridge Street

(Street number and name)

Breckenridge

(City)

CO

(State)

80424

(ZIP Code)

Mailing address

(leave blank if same as street address)

PO Box 625

(Street number and name or Post Office Box information)

Breckenridge CO 80424
(City) (State) (ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) _____
(Last) (First) (Middle) (Suffix)

or

(if an entity) Andrew Bruno Revocable Trust
(Caution: Do not provide both an individual and an entity name.)

Mailing address 5670 Brentwood Drive
(Street number and name or Post Office Box information)

Hoffman Estates IL 60192
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

☐ one or more managers.

or

☒ the members.

6. (The following statement is adopted by marking the box.)

☒ There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

<u>Ray</u>	<u>Shannon</u>		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>PO Box 625</u>			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
<u>Breckenridge</u>	<u>CO</u>	<u>80424</u>	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
<u>United States</u>		<u>.</u>	
<small>(Province – if applicable)</small>	<small>(Country)</small>		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).



Colorado Secretary of State
Date and Time: 03/31/2020 11:10 AM
ID Number: 20181475989

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Document number: 20201298003
Amount Paid: \$10.00

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**Statement of Change
Changing the Principal Office Address**

filed pursuant to § 7-90-305.5 and § 7-90-705 of the Colorado Revised Statutes (C.R.S.)

1. The entity ID number and the entity name, or, if the entity does not have an entity name, the true name are

Entity ID number 20181475989
(Colorado Secretary of State ID number)

Entity name or True name Nutrient Holdings LLC.

2. The entity's principal office address has changed.

Such address, as changed, is

Street address 364 Storm King Road
(Street number and name)

New Castle CO 81647
(City) (State) (ZIP/Postal Code)

United States
(Province – if applicable) (Country)

Mailing address 520 River View Drive Unit 506
(leave blank if same as street address) (Street number and name or Post Office Box information)

New Castle CO 81647
(City) (State) (ZIP/Postal Code)

United States
(Province – if applicable) (Country)

3. (If applicable, adopt the following statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

4. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document are _____.
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in

conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

5. The true name and mailing address of the individual causing this document to be delivered for filing are

<u>Ray</u>	<u>Shannon</u>		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>210 South Ridge Street</u>			
<small>(Street number and name or Post Office Box information)</small>			
<u>PO Box 625</u>			
<u>Breckenridge</u>	<u>CO</u>	<u>80424</u>	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
<u></u>	<u>United States</u>		
<small>(Province – if applicable)</small>	<small>(Country)</small>		

(If applicable, adopt the following statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

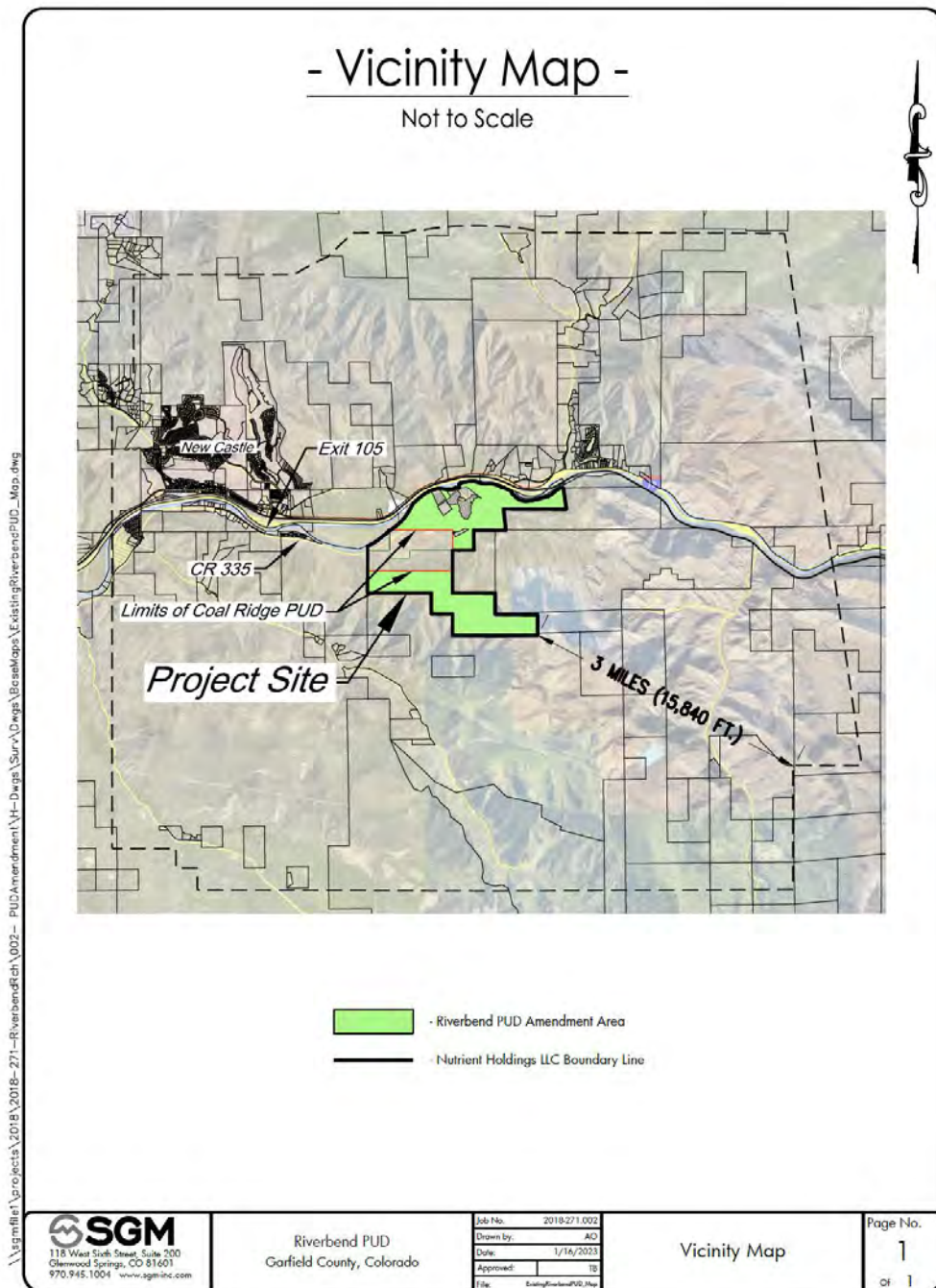
This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

Portions of Assessor Parcel ID Numbers: 2183-061-00-057 and 2183-053-00-086:
Nutrient Holdings LLC
PO Box 560
New Castle, CO 81647



Appendix B.11 – List of Names and Mailing Addresses of All Property Owners within the Riverbend PUD Amendment Area and Map

Nutrient Holdings LLC
PO Box 560
New Castle, CO 81647



PARCELNB	ACCOUNTNB	OWNER	CAREOFNAME	OWNERADDRESS	OWNERCITY	OWNERSTATE	OWNERZIP
212334430019	R083306	RIVERBOAT DRIVE LOT 8 LLC		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602
212334430020	R083307	RIVERBOAT DRIVE LOT 8 LLC		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602
212334401001	R017062	WELLER, STEPHEN F		80 DONEGAN ROAD GLENWOOD SPRINGS, CO 81601	GLENWOOD SPRINGS	CO	81601
212334401010	R017053	KRICK, JON ROBERT & LESLIE JEAN		91 RIVER BEND DRIVE NEW CASTLE, CO 81647-9777	NEW CASTLE	CO	81647-9777
212334401003	R017094	HILBORN, RYAN & REBEKKA		9496 COUNTY ROAD 335 NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334401004	R017102	PACHECO, PHILLIP A & JEANNETTE M		21 RIVER BEND DRIVE NEW CASTLE, CO 81647-9777	NEW CASTLE	CO	816479777
212334401005	R017076	BJORK, JEREMIAH & JULIA		23 PINION RUN NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334401006	R017004	SHAW, BRIAN LEE & SEPTEMBER		41 PINION RUN NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334401007	R017007	SANDOVAL, JUVENAL LEDEZMA		64 PINION RUN NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334401008	R017078	DUCLO, JAY A & TINKER E J		48 PINON RUN NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334401009	R017136	PIHL, ROGER A & HOLLY D JOINT REV LIVING TRUST		24 PINON RUN NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334402001	R017110	WORTON, DOUGLAS SCOTT & WORTON, SHEILA VICTORIA		9620 COUNTY ROAD 335 NEW CASTLE, CO 81647-9654	NEW CASTLE	CO	81647-9654
212334402002	R017016	QUEVEDO, GUSTAVO EDILBERTO & ELLIOTT, SAMUEL MARTIN		9602 COUNTY ROAD 335 NEW CASTLE, CO 81647-9686	NEW CASTLE	CO	816479686
212334402003	R017003	BARTEL, WILLIAM J		9580 COUNTY ROAD 335 NEW CASTLE, CO 81647-9654	NEW CASTLE	CO	81647-9654
212334402004	R017106	KUNKLE, WENDY C & GLENN H		9552 COUNTY ROAD 335 NEW CASTLE, CO 81647-9654	NEW CASTLE	CO	81647-9654
212334402005	R017101	HAYCOCK, ROY A		50 RIVERBEND DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334402006	R017022	COLBY, KALEN J & WESLEY J		250 COUNTY ROAD 127, TRLR 8 GLENWOOD SPRINGS, CO 81601	GLENWOOD SPRINGS	CO	81601
212334402007	R017144	PACHECO, MARY		84 RIVER BEND DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334403001	R017126	CASTORINA, MICAH ANTHONY & MARILYN		161 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334403003	R017125	HANCHETT, KEVIN E & ANNETTE M		113 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647-9446	NEW CASTLE	CO	81647-9446
212334403005	R017123	VAN ENGELBURG, RANDY & VICTORIA A		59 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647-9767	NEW CASTLE	CO	81647-9767
212334403006	R017105	BOLLING, PACE WALKER & EDWARD CHRISTOPHER		29 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647

212334404001	R017028	SCOTT, MICHAEL D & EVELINA A		162 RIVER BEND DRIVE NEW CASTLE, CO 81647-9776	NEW CASTLE	CO	816479776
212334404010	R017121	HEISER, ALLEN J & DALICE L		128 GLENEAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404011	R017120	COLLINGE, ZACHARY A & JENNA		100 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404012	R017119	MILLER, JASON L & TIFFANIE R		72 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404013	R017118	ROMAIN, IAN M & GAYLE A		32 GLENEAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404002	R017029	FELLER, ALEX KEYTH		192 RIVERBEND DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404003	R017030	KAISER, JEFFREY R & BRENDA S		220 RIVER BEND DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404004	R017031	BAKER, RONALD E		349 GLENEAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404005	R017032	SPANGLER, STEVEN		720 GRAND AVENUE GLENWOOD SPRINGS, CO 81601	GLENWOOD SPRINGS	CO	81601
212334404006	R017033	HOLSTEIN, ARIEL ALYSSA		305 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404007	R017034	SEYMOUR, JOHN A & LOPEZ HARBURU, MARIA V		277 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404008	R017035	HUNTER, TODD ALLEN & JULIE ANN		227 GLENEAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334404009	R017122	MITCHELL, RAYMOND ROYCE JR & ANDREA LEE		156 GLENEAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405001	R017036	VAN ROEKEL, DAVID J & CATHLEEN C		291 RIVER BEND DRIVE NEW CASTLE, CO 81647-9777	NEW CASTLE	CO	81647-9777
212334405010	R017045	LINDSTROM, TIMOTHY		182 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405002	R017037	LEINTZ, KIRK A		263 RIVERBEND DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405003	R017038	GALLEGOS, MELIANO JOE		370GLENEAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405004	R017039	SMITH, TYLER J & SAMANTHA L		364 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405005	R017040	JONES, THOMAS W & DINA M		PO BOX 620 NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405006	R017041	COWAN, JESSE & SHELBY		306 GLENEAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405007	R017042	WALTENBURG, JESSICA		278 GLENEAGLE CIRCLE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405008	R017043	BILODEAU, LEANN		560 RIVER VIEW DRIVE, UINT 704 NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334405009	R017044	MOORE, DELBERT L		198 GLEN EAGLE CIRCLE NEW CASTLE, CO 81647-9412	NEW CASTLE	CO	816479412

212334330017	R170405	RIVERBEND WATER & SEWER COMPANY		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602
212334330018	R170409	RIVERBEND FILING #5 HOMEOWNERS ASSN,INC		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602
212334330001	R170389	MCFARLIN, WILLIAM L & WENDY S		11 RIVERBOAT DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330010	R170398	GARRISON, CRYSTAL M & JACOB		139 RIVERBOAT DRIVE NEW CASLTE, CO 81647	NEW CASLTE	CO	81647
212334330011	R170399	GARCIA, ANGEL C & BERTHA E		159 RIVERBOAT DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330012	R170400	BOTTRUFF, DAVID S & JEANNE E		181 RIVERBOAT DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330013	R170401	HEIKKILA, WRYAN & ILIANA		12 RIVERBOAT DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330014	R170402	MACFARLANE, PATRICK & VICTORIA		178 RIVERBOAT DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330015	R170403	HANSON, JARED & MOLLY		152 RIVERBOAT DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330016	R170404	CHAVEZ, PAULINA & PAVON ESTACIO, HERNAN		34 RIVER BOAT DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330002	R170390	CROOK, CRAIG A & TINA M		31 RIVERBOAT DRIVE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330003	R170391	AYALA VILLAMAN, LORETO		55 RIVERBOAT AVENUE NEW CASTLE, CO 81647	NEW CASTLE	CO	81647
212334330004	R170392	RB HOMES, INC		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602
212334330005	R170393	RB HOMES, INC		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602
212334330006	R170394	RB HOMES, INC		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602
212334330007	R170395	RIVERBOAT DRIVE LOT 7 LLC		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602
212334330009	R170397	RB HOMES, INC		PO BOX 1989 GLENWOOD SPRINGS, CO 81602	GLENWOOD SPRINGS	CO	81602