

From: Buckley - DNR, Tim
To: [Jill Falchi](#)
Cc: [Sheila Cross](#); [Tom Eisenman](#); [Lee Phillips](#); [Debra Green](#); [Fred Wegener](#); [Kosloff - DNR, Tracy](#); [Dave Wissel](#); [Pam Jacobus \(pamandmyron@centurylink.net\)](#); [John Pinder](#); [Bob Banks](#); [JAMES SAPP](#); [Beth Semp](#); [rclark@jeffco.us](#); [admin@wowmetro.net](#)
Subject: Re: Referral Request for Retail Marijuana Cultivation Facility for The Dukes of Earl, LLC
Date: Friday, January 20, 2017 8:08:13 AM

Jill,

1. From the information provided it looks like Dukes of Earl Cultivation facility is procuring an augmentation plan for water usage through Mountain Mutual Reservoir Company but the process is not completed.
2. The Dukes of Earl Cultivation Facility needs to apply for an SWSP or haul water until an augmentation plan is approved by the Water Court.
3. The Dukes of Earl Cultivation Facility will be subject to Water Commissioner Inspection prior to the start of production and on a random basis thereafter.

Have Great Weekend

Tim Buckley
Water Commissioner
Districts 9 & 80



P 303.501.4298 | F 970.352.8712
810 9th Street, Suite 200, Greeley, CO 80631
tim.buckley@state.co.us/www.water.state.co.us

On Wed, Jan 18, 2017 at 11:54 AM, Jill Falchi <JFalchi@parkco.us> wrote:

Hi everyone,

Please find the attached Retail Marijuana Cultivation License Application for The Dukes of Earl, LLC. Please review and submit your comments regarding this application to Planning Staff by February 1, 2017. Should you have any additional questions regarding this application please contact the Planning Department.

Thank you!

Jill Falchi

Planning Technician

PH: [719.836.4293](tel:719.836.4293)

Park County Colorado

From: Jim and Annie Halpin
To: [Jill Falchi](#)
Subject: Dukes of Earl MJ Cultivation, ABE Referral Comments
Date: Tuesday, February 07, 2017 5:46:28 PM

Good morning Jill,

ABE did not receive a comment form for this referral. ABE has no environmental concerns with the application at this time.

Thank you for sending this referral to the Board.

Jim Halpin, Vice Chair

halpinsclan@gmail.com

"Tell me and I forget. Teach me and I remember. Involve me and I learn." -- Benjamin Franklin

From: Moses M
To: [Sword - CDOT, Valerie](#)
Cc: [Jill Falchi](#); [Lewis - CDOT, Andrew](#)
Subject: Re: Change of use access permit
Date: Tuesday, December 27, 2016 7:36:19 AM
Attachments: [Permit Application.pdf](#)

Dear Mr. Lewis,

Please accept my apologies, I entered the incorrect address for the current property owner. Please find attached the amended change of use access permit with the correct address and phone number. Thank you very much.

--n. Moses Molin

On Dec 23, 2016, at 12:48 PM, "Sword - CDOT, Valerie" <valerie.sword@state.co.us> wrote:

Mr. Molin,

Thank you for the additional information. You will be required to apply for a change in use of the access with CDOT. I've attached an application for your convenience. Please include the following your application containing the original signature of the fee rights property owner;

1. Brief letter of intent describing existing/proposed land use
2. Proof of ownership; copy of the recorded warranty deed
3. Total ownership map e.g. aerial from Google Earth
4. Site plan showing property boundaries in relation to the state highway, existing/proposed access location and building structure with a north arrow. This map may be hand-drawn.

You will be working with the Asst. Access Manager, Mr. Andy Lewis (copied on this email). Mr. Lewis can be reached at 719-562-5537.

Valerie Sword
Access Manager
Traffic and Safety

P 719.546.5407 | C 719.251.7804 | F 719.562-5523

905 N Erie Avenue, PO Box 536 Pueblo, CO 81002
valerie.sword@state.co.us | <http://www.codot.gov> | www.cotrip.org



On Fri, Dec 23, 2016 at 10:16 AM, Nicholas Molin <moses.m@icloud.com> wrote:

Ms. Sword,

There are no structures currently on the property. It has a well and is zoned for

commercial and agricultural use. It does have direct access to US 285. The greenhouse will be 23,900 square feet with an estimated 6 employees on site.

--N. Molin

Sent from my iPad

On Dec 22, 2016, at 6:23 PM, Sword - CDOT, Valerie
<valerie.sword@state.co.us> wrote:

Good Afternoon Mr. Molin,

Can you let me know if what is currently on the property; e.g. single-family residence or agricultural use?
Does it currently have direct access to SH 285?
How big a green house? Number of employees, etc.

Valerie Sword
Access Manager
Traffic and Safety

P 719.546.5407 | C 719.251.7804 | F 719.562-5523

905 N Erie Avenue, PO Box 536 Pueblo, CO 81002
valerie.sword@state.co.us | <http://www.codot.gov> |
www.cotrip.org



On Thu, Dec 22, 2016 at 12:58 PM, Nicholas Molin
<moses.m@icloud.com> wrote:

Dear Ms. Sword,

I'm contacting you as per instructions from Jill Falchi at the Park County Planning and Zoning office. I'm attempting to get permit approvals for a marijuana greenhouse at

66701 US Highway 285
Bailey, CO 80421

And need to confirm with you whether or not I need to change the access permit. Thanks for the help.

-Nicholas Moses Molin

Sent from my iPad

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application
acceptance date:

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

1) Property owner (Permittee)		2) Applicant or Agent for permittee (if different from property owner)	
Street address		Mailing address	
City, state & zip	Phone #	City, state & zip	Phone # (required)
E-mail address		E-mail address if available	
3) Address of property to be served by permit (required)			
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? <small>county subdivision block lot section township range</small>			
5) What State Highway are you requesting access from?		6) What side of the highway? <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	
7) How many feet is the proposed access from the nearest mile post? _____ feet (<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W) from: _____		How many feet is the proposed access from the nearest cross street? _____ feet (<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W) from: _____	
8) What is the approximate date you intend to begin construction?			
9) Check here if you are requesting a: <input type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated: _____) <input type="checkbox"/> improvement to existing access <input type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)			
10) Provide existing property use			
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: _____ and/or, permit date: _____			
12) Does the property owner own or have any interests in any adjacent property? <input type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe: _____			
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input type="checkbox"/> no <input type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.			
14) If you are requesting agricultural field access - how many acres will the access serve?			
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.			
	business/land use	square footage	
	business	square footage	
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?			
	type	number of units	
	type	number of units	
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.			
Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input type="checkbox"/> average daily volumes.		# of passenger cars and light trucks at peak hour volumes	# of multi unit trucks at peak hour volumes
# of single unit vehicles in excess of 30 ft.		# of farm vehicles (field equipment)	Total count of all vehicles

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

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

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

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

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

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

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

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

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

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

Applicant or Agent for Permittee signature	Print name	Date
--	------------	------

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

Property owner signature	Print name	Date
--------------------------	------------	------

**INSTRUCTIONS FOR COMPLETING APPLICATION FOR ACCESS PERMIT
(CDOT FORM NO. 137)
January 2010**

To construct, relocate, close, or modify access(es) to a State Highway or when there are changes in use of such access point(s), an application for access permit must be submitted to the Colorado Department of Transportation (CDOT) or the local jurisdiction serving as the issuing authority for State Highway Access Permits. Contact the CDOT Regional Access Unit in which the subject property is located to determine where the application must be submitted. The following link will help you determine which CDOT Region office to contact:

http://www.dot.state.co.us/AccessPermits/PDF/Region_Address_and_Map.pdf

All applications are processed and access permits are issued in accordance to the requirements and procedures found in the most current version of the State Highway Access Code (Access Code). Copies of the Access Code and the application form are available from the CDOT Headquarters, Access Unit located at 4201 East Arkansas Avenue, Denver, CO 80222 and in each of the six Regional CDOT offices. The locations of CDOT Regional Offices, the Access Code and the application form are also available from CDOT's web site at:

<http://www.dot.state.co.us/AccessPermits/index.htm>

Please complete all information requested accurately. Access permits granted based on applications found to contain false information may be revoked. An incomplete application will not be accepted. If additional information, plans and documents are required, attach them to the application. Keep a copy of your submittal for your records. Please note that only the original signed copy of the application will be accepted. Do not send or enclose any permit fee at this time. A permit fee will be collected if an access permit is issued. The following is a brief description of the information to be provided on each enumerated space on the application form (CDOT Form 137, 2010).

1. Property Owner (Permittee): Please provide the full name, mailing address and telephone number and the E-mail address (if available) of the legal property owner (owner of the surface rights). Please provide a telephone number where the Permittee can be reached during business hours (8:00 a.m. to 5:00 p.m.). Having a contract on the property is not a sufficient legal right to that property for purposes of this application. If the access is to be on or across an access easement, then a copy of the easement **MUST** accompany this application. If federal land is involved, provide the name of the relevant federal agency **AND** attach copy of federal authorization for property use.

2. Agent for permittee: If the applicant (person completing this application) is different than the property owner (Permittee), provide entity name (if applicable), the full name of the person serving as the Agent, mailing address, telephone number, and the E-mail address (if available). Please provide a telephone number where the Agent can be reached during business hours (8:00 a.m. to 5:00 p.m.). Joint applications such as owner/lessee may be submitted. Corporations must be licensed to do business in Colorado: All corporations serving as, or providing, an Agent as the applicant must be licensed to do business in Colorado.

3. **Address of Property to be Served:** Provide if property to be served has an official street address. If the access is a public road, note the name (or future name) of the road.
4. **Legal Description of Property:** Fill in this item to the extent it applies. This information is available at your local County Courthouse, or on your ownership deed(s). A copy of the deed may be required as part of this application in some situations. To determine applicability, check with the CDOT's Regional Access Manager or issuing authority staff.
5. **State Highway:** Provide the State Highway number from which the access is requested.
6. **Highway Side:** Mark the appropriate box to indicate what side of the highway the requested access is located.
7. **Access Mile Point:** Without complete information, we may not be able to locate the proposed access. To obtain the distance in feet, drive the length between the mile point and the proposed access, rounding the distance on the odometer to the nearest tenth of a mile; multiply the distance by 5,280 feet to obtain the number of feet from the mile point. Then enter the direction (i.e. north, south, east, west) from the mile point to the proposed access. Finally, enter the mile point number. It is helpful in rural or undeveloped areas if some flagging is tied to the right-of-way fence at the desired location of the access. Also, if there is a cross street or road close to the proposed access, note the distance in feet (using the same procedures noted above) from that cross street or road.
8. **Access Construction Date:** Fill in the date on which construction of the access is planned to begin.
9. **Access Request:** Mark items that apply. More than one item may be checked.
10. **Existing property use:** Describe how the property is currently being used. For example, common uses are Single Family Residential, Commercial or Agricultural.
11. **Existing Access:** Does the property have *any other legal alternatives to reach a public road* other than the access requested in this application? Note the access permit number(s) for any existing state highway access point(s) along with their issue date(s). If there are no existing access point(s), mark the "no" box.
12. **Adjacent Property:** Please mark the appropriate box. If the "yes" box is marked, provide a brief description of the property (location of the property in relation to the property for which this access application is being made).
13. **Abutting Streets:** If there are any other existing or proposed public roads or easements abutting the property, they should be shown on a map or plan attached to this application.
14. **Agricultural Acres:** Provide number of acres **to be served**.

15. Access Use: List the land uses and square footage of the site as it will be when it is fully developed. The planned land uses as they will be when the site is fully developed are used to project the amount of traffic that the site will generate, peak hour traffic levels and the type of vehicles that can be expected as a result of the planned land uses. There may be exceptional circumstances that would allow phased installation of access requirements. This is at the discretion of the CDOT Regional Access Unit or issuing authority staff.

16. Estimated Traffic Count: Provide a reasonable estimate of the traffic volume expected to use the access. Note the type of vehicles that will use the access along with the volume (number of vehicles in and out at either the peak hour or average daily rates) for each type of vehicle. A vehicle leaving the property and then returning counts as two trips. If 40 customers are expected to visit the business daily, there would be 80 trips in addition to the trips made by all employees and other visitors (such as delivery and trash removal vehicles). If the PDF on-line version of this application is being used, the fields for each type of vehicle will automatically be added together to populate the last field on the page.

17. Documents and Plans: The CDOT Regional Access Manager or issuing authority staff will determine which of these items must be provided to make the application complete. Incomplete applications will not be accepted. If an incomplete application is received via U.S. mail or through means other than in the hand of the Access Manager or issuing authority staff, it will not be processed. *It is the responsibility of the applicant to verify with the CDOT Regional Access Manager or issuing authority staff whether the application is complete at the time of submission.*

Signature: Generally, if the applicant is not the property owner, then the property owner or a legally authorized representative must sign the application. With narrow exceptions, proof of the property owner's consent is required to be submitted with the application (proof may be a power of attorney or a similar consent instrument). The CDOT Regional Access Manager or issuing authority staff will determine if the exception provided in the Access Code (2.3 (3) (b)) is applicable.

If CDOT is the issuing authority for this application, direct your questions to the CDOT Regional Access Manager or the issuing authority staff serving the subject property.

http://www.dot.state.co.us/AccessPermits/PDF/Region_Address_and_Map.pdf

If the application is accepted, it will be reviewed by the CDOT Regional Access Manager or the issuing authority staff. If an Access Permit is issued, be sure to read all of the attached Terms and Conditions before signing and returning the Access Permit. The Terms and Conditions may require that additional information be provided prior to issuance of the Notice to Proceed.

The CDOT Regional Access Manager (or issuing authority staff) **MUST** be contacted prior to commencing work on any Access Permit project. *A Notice to Proceed that authorizes the Permittee to begin access related construction MUST be issued prior to working on the access in the State Highway right-of-way.* The Notice to Proceed may also have Terms and Conditions that must be fulfilled before work may begin on the permitted access.

From: [Fred Wegener](#)
To: [Jill Falchi](#)
Subject: RE: Referral Request for Retail Marijuana Cultivation Facility for The Dukes of Earl, LLC
Date: Wednesday, January 18, 2017 12:23:37 PM

At this time I don't support any additional grows.

From: Jill Falchi
Sent: Wednesday, January 18, 2017 11:55 AM
To: Sheila Cross; Tom Eisenman; Lee Phillips; Debra Green; Fred Wegener; Kosloff - DNR, Tracy; Dave Wissel; Pam Jacobus (pamandmyron@centurylink.net); John Pinder; tim.buckley@state.co.us; Bob Banks; JAMES SAPP; Beth Semp; rclark@jeffco.us; admin@wowmetro.net
Subject: Referral Request for Retail Marijuana Cultivation Facility for The Dukes of Earl, LLC

Hi everyone,
Please find the attached Retail Marijuana Cultivation License Application for The Dukes of Earl, LLC. Please review and submit your comments regarding this application to Planning Staff by February 1, 2017. Should you have any additional questions regarding this application please contact the Planning Department.

Thank you!

Jill Falchi
Planning Technician
PH: 719.836.4293
Park County Colorado
Open Monday –Thursday 7am-6pm