Town of Elizabeth

Board of Trustees Regular Meeting UPDATED 8/24/2026 / added zoom link 8/25/2026

Tuesday, August 25, 2026 at 7:00 PM
Town Hall, 151 S. Banner Street

Conferencing Access Information: This is viewing-only access.

Invite Link https://us02web.zoom.us/j/84831117832?pwd=AezaDJ5VIkNCgz5ULqfCjovCqnrGmv.1

https://us02web.zoom.us/j/84831117832?pwd=AezaDJ5VIkNCgz5ULqfCjovCqnrGmv.1

Join via phone: 1 669 900 9128 **Meeting ID:** 848 3111 7832
Meeting Passcode:
795631

Call to Order

Roll Call

Pledge of Allegiance

Public Comment

This is a meeting of the Board of Trustees held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name and address to the Board. Your comments will be limited to 5 minutes. If many speakers are anticipated, the Mayor may (a) shorten the time limit; (b) ask speakers to limit themselves to new information and points of view not already covered by previous speakers; and/or (c) limit the total time of public comment to allow the Board to proceed to consider items set on the regular meeting agenda. The Board of Trustees may not respond to your comments during this meeting, but rather take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the Mayor will direct Staff to have a response at the next regularly scheduled Board meeting.

Agenda Changes

Consent Agenda

1. Minutes of the Regular Meeting of August 11, 2026

2. Minutes of the Special Meeting of August 19, 2026

Action may be taken on any and all items listed on the agenda.
Accommodations for disabilities may be made upon request.

3. James Distilling Co. LLC Temporary Sales Room License

Presentations

4. Historic Clock Unveiling - Dianna Hiatt, Alexandra Cramer

Public Hearing

5. Gold Creek Commons PUD First Amendment - Alexandra Cramer

New Business

6. Discussion and possible action on Ordinance 26-13, an Ordinance amending the Planned Unit Development (PUD) Zoning for the property generally known as the Gold Creek Commons PUD - Alexandra Cramer

7. Discussion and possible action on Resolution 26R24, a Resolution approving the Settlement Agreement Upon Termination between the Town and Triple M Construction, LLC regarding the Trade Contractor Agreement for the Main Street Streetscape Project - Chris Lowe

8. Discussion and possible action on Ordinance 26-14, an Ordinance amending the Elizabeth Municipal Code by the addition thereto of a new Article VI of Chapter 8 regulating the operation of electrical assisted bicycles - Chief Engel, Corey Hoffmann

Items for Consideration

9. Items for Consideration

Management Monitoring Reports

10. Management Monitoring Reports

Board of Trustees Report

11. Board Reports

Minutes

12. Minutes of the Main Street Board Regular Meeting of April 6, 2026

13. Minutes of the Main Street Board Regular Meeting of July 13, 2026

14. Minutes of the Main Street Board Regular Meeting of March 9, 2026

15. Minutes of the Planning Commission Regular Meeting of August 4, 2026

Executive Session

16. To determine positions relative to matters that may be subject to negotiations, develop a strategy for

negotiations, and/or instruct negotiations, pursuant to C.R.S. § 24-6-402(4)(e) regarding finalists for the Town Administrator position.

New Business

17. Discussion and possible action on an agreement with a new Town Administrator – Corey Hoffmann

Adjournment

Action may be taken on any and all items listed on the agenda.
Accommodations for disabilities may be made upon request.

Meeting Protocol and Standards of Conduct

Public Participation

Public comment is encouraged and will be listed as an agenda item at every regular Board meeting.

Each individual wishing to be heard during the public comment period will be given up to three (3) minutes to make a comment.

The public comment period will not be used to make political endorsements or for political campaign purposes.

Questions from the Board will be for clarification purposes only. Public comment will not be used as a time for problem solving or reacting to comments made but, rather, for listening to the comments of citizens without taking any formal action.

The Board may direct the Town Administrator to provide information requested by a speaker during the public comment period.

Speakers are not allowed to make belligerent, accusatory, impertinent, slanderous, threatening, abusive, or disparaging comments.

The Mayor may elect to defer public comment on a specific issue that appears on the regular agenda until that specific item is addressed.

The Mayor may call for order when sidebar conversations occur in the audience. Those conversations are distracting from the Board addressing the topics at hand.

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further participation at that meeting or removed from the Board Chambers pursuant to the Elizabeth Municipal Code and Colorado Revised Statutes.

Action may be taken on any and all items listed on the agenda.
Accommodations for disabilities may be made upon request.

Board of Trustees Regular Meeting - Record of Proceedings

Tuesday, August 11, 2026 at 7:00 PM
Town Hall, 151 S. Banner Street

Call to Order

The Regular Meeting of the Board of Trustees for the Town of Elizabeth was called to order on Tuesday, August 11, 2026, at 7:00 pm by Mayor Angela Ternus.

Roll Call

Present:
Mayor Angela Ternus
Mayor Pro Tem Tracy Hutchins
Trustee Loren Einspahr
Trustee Dave Conley
Trustee Michael Schroder
Trustee Steve Gaither
Trustee Tony Atencio
Absent:

There was a quorum to do business.

Also in Attendance:
Town Clerk Michelle Oeser
Assistant Public Works Director James McErnie
Police Chief Jeff Engel
Community Development Director Alexandra Cramer

Pledge of Allegiance

Mayor Ternus led the Board in the Pledge of Allegiance.

Public Comment

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direct Staff to have a response at the next regularly scheduled Board meeting.

Jeff Lehman - Town of Elizabeth Resident
Gary Jones - Town of Elizabeth Business Owner
Paul Schwarzkopf - Town of Elizabeth Resident

Agenda Changes

No changes from Administration.

No changes from the Board.

Agenda set.

Consent Agenda

1. Minutes of the Regular Meeting of July 28, 2026

Motion by Trustee Conley, seconded by Trustee Schroder, to approve the Consent Agenda with correction.
Voting Yes: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Atencio
Voting No: None

Motion Passed Unanimously (7-0)

New Business

2. Discussion and possible action on Resolution 26R22, a Resolution approving an amended and restated Subdivision Agreement with DGH Holdings, LLC and reaffirming the Minor Development Subdivision for the property located at 350 South Elbert Street – Alexandra Cramer

Motion by Trustee Einspahr, seconded by Trustee Gaither, to approve Resolution 26R22, a Resolution approving an amended and restated Subdivision Agreement with DGH Holdings, LLC and reaffirming the Minor Development Subdivision for the property located at 350 South Elbert Street.
Voting Yes: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Atencio
Voting No: None

Motion Passed Unanimously (7-0)

3. Discussion and possible action on Resolution 26R23, a Resolution approving an amended Site Development Agreement with Banner Paired Homes LLC and Reaffirming the Site Plan approval for the Banner Street Paired Homes Project – Alexandra Cramer

Motion by Mayor Ternus, seconded by Trustee Gaither, to approve Resolution 26R23, a Resolution approving an amended Site Development Agreement with Banner Paired Homes LLC and Reaffirming the Site Plan approval for the Banner Street Paired Homes Project.
Voting Yes: Mayor Pro Tem Hutchins, Trustee Einspahr
Voting No: Mayor Ternus, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Atencio

Motion Failed (2-5)

4. Sprouse Court improvement discussion – James McErnie

Mr. McErnie provided a Staff report.
The Board gave direction to Staff to move forward with option 2.

5. Selection of Facility Master Plan Contract Award – Alexandra Cramer / Chris Lowe

Discussion between the Board and Staff on the RPF proposal submitted.
The Board directed Staff to provide the Board with the Wold proposal, and to bring a contract back to the August 25, 2026 Board meeting.

Mayor Ternus closed the Regular Meeting and opened the Public Hearing at 7:22 pm.

Public Hearing

6. Ordinances 26-11 and 26-12 Accessory Building Size and Permit Requirements – Alexandra Cramer

Ms. Cramer provided a Staff report.
David Ternuss - Town of Elizabeth Resident
Paul Schwarzkopf - Town of Elizabeth Resident

Mayor Ternus closed the Public Hearing and reopened the Regular Meeting at 8:05 pm.

New Business

7. Discussion and possible action on recommending approval of Ordinance 26-11 or 26-12, an Ordinance amending Section 16-1-40(f)(2) and Section 16-1-40(g)(12) of the Town of Elizabeth Municipal Code concerning Accessory Buildings – Alexandra Cramer

Motion by Mayor Ternus, seconded by Trustee Conley, to approve Ordinance 26-11 amending Section 16-1-40(f)(2) and Section 16-1-40(g)(12) of the Town of Elizabeth Municipal Code concerning Accessory Buildings.
Voting Yes: Trustee Einspahr, Trustee Conley, Trustee Gaither,
Voting No: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Shcroder, Trustee Atencio

Motion Failed (4-3)

Motion by Trustee Conley, seconded by Trustee Einspahr, to approve 26-12, an Ordinance amending Section 16-1-40(f)(2) and Section 16-1-40(g)(12) of the Town of Elizabeth Municipal Code concerning Accessory Buildings.
Voting Yes: Trustee Einspahr, Trustee Conley, Trustee Gaither, Trustee Shcroder, Trustee Atencio
Voting No: Mayor Ternus, Mayor Pro Tem Hutchins

Motion Passed (5-2)

Items for Consideration

8. Items for Consideration

Trustee Hutchins said thank you to Staff for the communication put out for Hillside Village road construction.

Management Monitoring Reports

9. Management Monitoring Reports

- Police Chief Jeff Engel:
  - Chief Engel thanked the Board members that came out to support the 1st National Night Out

event.
    - Stated that PattyAnn, Daisy, and Mandy did an amazing job putting it all together.
    - Reminded people that school is back in session.
    - The Elizabeth Police Department will be participating in training alongside of the Elizabeth Fire Department.
    - Mayor Ternus asked about the school light on County Road 13.
    - Mayor Ternus stated that National Night Out was a great event.
    - Mayor Ternus stated that PattyAnn, Daisy, and Mandy did a great job.
    - Mayor Pro Tem Hutchins said that the National Night Out was a good event.
    - Mayor Ternus thanked Officer Herbel for the TIPS training.
- Community Development Director Alexandra Cramer:
    - Ms. Cramer thanked Mayor Pro Tem Hutchins for participating in the Facade Grant process.
    - Discussion on the upcoming Backyard BBQ.
    - Discussion on the upcoming 5K and Color Run.
    - Trustee Schroder inquired about the parking permits for the apartment complex.
- Assistant Public Works Director James McErnie:
    - Discussion on the construction at Hillside Village.
    - Rain is in the forecast.
    - This Friday is the last Friday Night Market.
    - The Board was asked to think about updates they would like to see at Running Creek Park.
- Town Clerk Michelle Oeser:
    - The Board was asked to think about if they would like to renew the Town's membership to the Elizabeth Chamber.
    - The Board was asked to think about if they would like to participate in the Annual Boo Bash.
    - Ms. Oeser asked the Board to let her know if there is a Saturday in September that they would like to have a Budget Workshop.
    - Discussion on the upcoming Town Administrator Open House and Interviews.
    - Ms. Oeser reminded the Board of the upcoming September 19th Executive Session.
    - Discussion on Board interview questions.
    - Trustee Antencio asked if he could listen in on the interviews via Zoom.

Board of Trustees Report

10. Board Reports

- Mayor Angela Ternus:
    - Discussion on the upcoming CML Fall District meeting.
    - Discussion on the possible need to move the September 22nd meeting.
    - Mayor Ternus discussed her participation in the Kiowa Ice-cream social.

Minutes

11. Minutes of the Planning Commission Meeting of May 19, 2026

Adjournment

Motion by Mayor Ternus, seconded by Trustee Gaither, to adjourn the meeting at 8:52 pm.
Voting Yes: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Atencio
Voting No: None

Motion Unanimously (7-0)

_____ _____

Town Clerk Michelle Oeser Mayor Angela Ternus

Board of Trustees Special Meeting UPDATED 8/18/2026
Executive Session
Wednesday, August 19, 2026 at 6:00 PM
Town Hall, 151 S. Banner Street

Call to Order

The Regular Meeting of the Board of Trustees for the Town of Elizabeth was called to order on Wednesday, August 19, 2026, at 6:01 pm. by Mayor Angela Ternus.

Roll Call

Present:
Mayor Angela Ternus
Mayor Pro Tem Tracy Hutchins
Trustee Loren Einspahr
Trustee Dave Conley
Trustee Michael Schroder
Trustee Steve Gaither
Trustee Tony Atencio
Absent:

There was a quorum to do business.

Also in Attendance:
Town Clerk Michelle Oeser
Town Attorney Corey Hoffmann
Nicole Gruenhaupt - arrived after Executive Session was in process

Pledge of Allegiance

Mayor Ternus led the Board in the Pledge of Allegiance.

Executive Session

1. To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) regarding finalists for the Town Administrator position.

Motion by Mayor Ternus, seconded by Trustee Einspahr, to close the Regular Meeting at 6:02 pm, and open an Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) regarding finalists for the Town Administrator position..
Voting Yes: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Einspahr, Trustee Conley, Trustee Schroder,

Trustee Gaither, Trustee Atencio
Voting No: None

Motion Paassed Unanimously (7-0)

Motion by Mayor Ternus, seconded by Mayor Pro Tem Hutchins, to adjourn the Executive Session and return to the Regular Meeting at 7:39 pm.
Voting Yes: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Atencio
Voting No: None

Motion Paassed Unanimously (7-0)

Adjournment

Motion by Mayor Ternus, seconded by Trustee Conley, to adjourn the meeting at 7:41 pm.
Voting Yes: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Atencio
Voting No: None

Motion Passed Unanimously (7-0)

TO: Honorable Mayor and Board of Trustees
FROM: Michelle Oeser Town Clerk
DATE: August 25, 2026
SUBJECT: Temporary Sales Room Application

SUMMARY

On August 5, 2026, James Distilling Co. submitted an application for a Temporary Sales Room License, along with a Security and Control Plan.

A Temporary Sales Room License is overseen by the State of Colorado Liquor Enforcement Division. The Town Board's role is to sign off on the application, acknowledging that the Board has been provided the Security and Control Plan, the property owner has granted permission for the temporary sales room, and the property owner has been provided with a copy of the Security and Control Plan.

Obtaining a Temporary Sales Room License will provide James Distilling Co. with additional visibility and an opportunity to promote its products locally. It is also expected to bring additional customers into Outback Liquors, providing a potential benefit to the local business.

STAFF RECOMMENDATION

Staff recommend approval of the James Distilling CO Temporary Sales Room License Application.

ATTACHMENTS(S)

Colorado Liquor Temporary Sales Room Application
Permission letter
Security control plan
Map

Received

AUG 05 2026

Town of Elizabeth

DR 8058 (01/07/26)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
PO Box 17087
Denver CO 80217-0087
Phone (303) 205-2300

Application for Colorado Liquor Temporary Sales Room

Regulation 47-428, 1 C.C.R. 203-2

Temporary Sales Room (3 days or less). Please select the one that applies to you. Note only the following license types may apply for a Temporary Sales Room:

○ Limited Winery ○ Manufacturer (Vinuous) ◉ Manufacturer (Distillery or Rectifier)

Name of Applicant exactly as it appears on your current Colorado Liquor License

James Distilling Co, LLC

Trade Name of Applicant

James Distilling Co

State Sales Tax Number

96892521

Applicant Liquor License Number

03 24057

Business Address

Street Address

372 North Banner St

City

Elizabeth

State

CO

ZIP Code

80107

Mailing Address

Street Address

615 Sage Grouse Cir

City

Castle Rock

State

CO

ZIP Code

80109

Phone Number

3035507826

Email Address

stew@jamesdistilling.com

Sales Room Address

Street Address

113 S Elizabeth St

City

Elizabeth

State

CO

ZIP Code

80107

Date of Events

Name of Event

Outback Liquors

From Date: 9/17/26 Time: 4:00 ○ AM ◉ PM

To Date: 9/17/26 Time: 7:00 ○ AM ◉ PM

If the event is occurring on the same day during the events time period reported, select the day(s) below.

☐ Sunday ☐ Monday ☐ Tuesday ☐ Wednesday ☒ Thursday ☐ Friday ☐ Saturday

Rights to Premises Granted by: (attach a copy of the Premises Use Authorization letter or lease if not previously submitted)

see attached email.

I affirm that there are no Festival(s) at the Temporary Salesroom's location, date(s), and time(s). Festival(s) on the Temporary Salesroom's premises may result in the denial of the permit application. ◉ Yes ○ No

Renting/Leasing Percent Basis: ○ Yes ◉ No

If Yes, List Percent and Interested Party. Use Additional Sheet if Necessary.

Alcohol will be sold (check all that apply):

☒ For on-premises consumption (if selected, please file this application with the Local Licensing Authority and the State Licensing Authority)

☒ For off-premises consumption

Note: If no open containers or samples are served on the temporary license premises, no local approval is needed.

The Sales Room Applicant affirms they have complied with local zoning restrictions?

◉ Yes ○ No

The Applicant affirms that the sales room location is not a residence.

◉ Yes ○ No

Additional Required Documents

☒ Attach a map of the event space and an outlined diagram of the site booth. (This should match the control plan).

☒ Attach a copy of the premises control plan describing how the premises will be controlled to ensure compliance with liquor code and rules. It must include restricting sales to minors and visibly intoxicated persons and insuring that customers cannot leave the premises with an open container of alcohol.

☒ Attach a copy of any contracts and/or operating agreements pertaining to the sales room.

Local Licensing Authority Name

Town of Elizabeth

Date Application Copy Submitted to Local Licensing Authority

8/5/26

Oath of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor, Beer and Wine Code and Liquor Rules which affects my permit.

Applicant Signature

Stewart Tyrrell

Date (MM/DD/YY)

8/5/26

Title

Owner

Notice to Local Licensing Authority

This application for a Sales Room will be granted to the above name applicant unless any of the below listed conditions apply. If any of these conditions apply please contact the State Licensing Authority immediately.

☐ Issuance of this permit would impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances.

☐ If granted this permit would result in violations of the Colorado liquor code or the laws of the local government. (specify).

☐ Issuance of this permit would violate local zoning laws.

For events lasting **three consecutive days or less**, the Local Licensing Authority has **ten (10) business** days to submit its determination to the State Licensing Authority.

Local Licensing Authorities can send the approval via mail or email to dor_liqlicensing@state.co.us

If the Local Licensing Authority does not submit a response or determination within the time specified, the State Licensing Authority shall deem that the Local Licensing Authority has determined that the proposed sales room will not impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances or that the applicant will sufficiently mitigate any impacts identified by the Local Licensing Authority.

Licensing Authority Signature

Date (MM/DD/YY)

Local Licensing Authority Contact Name

Phone Number

◯ Object ◯ Do Not Object

If the Local Licensing Authority objects to the sales room, provide a separate page with details of the objection.

DR 8058 (01/07/26)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
PO Box 17087
Denver CO 80217-0087
Phone (303) 205-2300

Application for Colorado Liquor Temporary Sales Room

Regulation 47-428, 1 C.C.R. 203-2

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Trade Name of Applicant

James Distilling Co

State Sales Tax Number

96892521

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State

CO

ZIP Code

80107

Mailing Address

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615 Sage Grouse Circle

City

Castle Rock

State

CO

ZIP Code

80109

Phone Number

3035507826

Email Address

stew@jamesdistilling.com

Sales Room Address

Street Address

113 S Elizabeth St

City

Elizabeth

State

CO

ZIP Code

80107

Date of Events

Name of Event

Outback Liquors

From Date: 10/15/26 Time: 4:00 ○ AM ◉ PM

To Date: 10/15/26 Time: 7:00 ○ AM ◉ PM

If the event is occurring on the same day during the events time period reported, select the day(s) below.

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The Sales Room Applicant affirms they have complied with local zoning restrictions?

◉ Yes ○ No

The Applicant affirms that the sales room location is not a residence.

◉ Yes ○ No

Additional Required Documents

☒ Attach a map of the event space and an outlined diagram of the site booth. (This should match the control plan).

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Applicant Signature

Stewart Tyrrell

Date (MM/DD/YY)

8/5/26

Title

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Name of Event

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Additional Required Documents

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Town of Elizabeth

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Applicant Signature

Stewart Tyrrell

Date (MM/DD/YY)

8/5/26

Title

Owner

Notice to Local Licensing Authority

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☐ If granted this permit would result in violations of the Colorado liquor code or the laws of the local government. (specify).

☐ Issuance of this permit would violate local zoning laws.

For events lasting **three consecutive days or less**, the Local Licensing Authority has **ten (10) business** days to submit its determination to the State Licensing Authority.

Local Licensing Authorities can send the approval via mail or email to dor_liqlicensing@state.co.us

If the Local Licensing Authority does not submit a response or determination within the time specified, the State Licensing Authority shall deem that the Local Licensing Authority has determined that the proposed sales room will not impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances or that the applicant will sufficiently mitigate any impacts identified by the Local Licensing Authority.

Licensing Authority Signature

Date (MM/DD/YY)

Local Licensing Authority Contact Name

Phone Number

◯ Object ◯ Do Not Object

If the Local Licensing Authority objects to the sales room, provide a separate page with details of the objection.

DR 8058 (01/07/26)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
PO Box 17087
Denver CO 80217-0087
Phone (303) 205-2300

Application for Colorado Liquor Temporary Sales Room

Regulation 47-428, 1 C.C.R. 203-2

Temporary Sales Room (3 days or less). Please select the one that applies to you. Note only the following license types may apply for a Temporary Sales Room:

○ Limited Winery ○ Manufacturer (Vinuous) ◉ Manufacturer (Distillery or Rectifier)

Name of Applicant exactly as it appears on your current Colorado Liquor License

James Distilling Co, LLC

Trade Name of Applicant

James Distilling Co

State Sales Tax Number

96892521

Applicant Liquor License Number

03 24057

Business Address

Street Address

372 North Banner St

City

Elizabeth

State

Co

ZIP Code

80107

Mailing Address

Street Address

615 Sage Grouse Circle

City

Castle Rock

State

CO

ZIP Code

80109

Phone Number

3035507826

Email Address

stew@jamesdistilling.com

Sales Room Address

Street Address

113 S Elizabeth St

City

Elizabeth

State

CO

ZIP Code

80107

Date of Events

Name of Event

Outback Liquors

From Date: 12/17/26 Time: 4:00 ○ AM ◉ PM

To Date: 12/17/26 Time: 7:00 ○ AM ◉ PM

If the event is occurring on the same day during the events time period reported, select the day(s) below.

☐ Sunday ☐ Monday ☐ Tuesday ☐ Wednesday ☒ Thursday ☐ Friday ☐ Saturday

Rights to Premises Granted by: (attach a copy of the Premises Use Authorization letter or lease if not previously submitted)

see attached email.

I affirm that there are no Festival(s) at the Temporary Salesroom's location, date(s), and time(s). Festival(s) on the Temporary Salesroom's premises may result in the denial of the permit application. ◉ Yes ○ No

Renting/Leasing Percent Basis: ○ Yes ◉ No

If Yes, List Percent and Interested Party. Use Additional Sheet if Necessary.

Alcohol will be sold (check all that apply):

☒ For on-premises consumption (if selected, please file this application with the Local Licensing Authority and the State Licensing Authority)

☒ For off-premises consumption

Note: If no open containers or samples are served on the temporary license premises, no local approval is needed.

The Sales Room Applicant affirms they have complied with local zoning restrictions?

◉ Yes ○ No

The Applicant affirms that the sales room location is not a residence.

◉ Yes ○ No

Additional Required Documents

☒ Attach a map of the event space and an outlined diagram of the site booth. (This should match the control plan).

☒ Attach a copy of the premises control plan describing how the premises will be controlled to ensure compliance with liquor code and rules. It must include restricting sales to minors and visibly intoxicated persons and insuring that customers cannot leave the premises with an open container of alcohol.

☒ Attach a copy of any contracts and/or operating agreements pertaining to the sales room.

Local Licensing Authority Name

Town of Elizabeth

Date Application Copy Submitted to Local Licensing Authority

8/5/26

Oath of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor, Beer and Wine Code and Liquor Rules which affects my permit.

Applicant Signature

Stewart Tyrrell

Date (MM/DD/YY)

8/5/26

Title

Owner

Notice to Local Licensing Authority

This application for a Sales Room will be granted to the above name applicant unless any of the below listed conditions apply. If any of these conditions apply please contact the State Licensing Authority immediately.

☐ Issuance of this permit would impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances.

☐ If granted this permit would result in violations of the Colorado liquor code or the laws of the local government. (specify).

☐ Issuance of this permit would violate local zoning laws.

For events lasting **three consecutive days or less**, the Local Licensing Authority has **ten (10) business** days to submit its determination to the State Licensing Authority.

Local Licensing Authorities can send the approval via mail or email to dor_liqlicensing@state.co.us

If the Local Licensing Authority does not submit a response or determination within the time specified, the State Licensing Authority shall deem that the Local Licensing Authority has determined that the proposed sales room will not impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances or that the applicant will sufficiently mitigate any impacts identified by the Local Licensing Authority.

Licensing Authority Signature

Date (MM/DD/YY)

Local Licensing Authority Contact Name

Phone Number

◯ Object ◯ Do Not Object

If the Local Licensing Authority objects to the sales room, provide a separate page with details of the objection.

OUTBACK LIQUORS

outbackliquors.com

08/05/2026

To Whom it may concern,

I Dane Nielsen give the James Distillery the permission to use the parking lot at Outback Liquors 113 S Elizabeth St. On the following dates.

9/17/26
10/15/26
11/19/26
12/17/26

X

James Distilling Co.

Premises Control Plan

Outback Liquors

Applicant: James Distilling Co., LLC
Event: Outback Liquors
Event Address: 113 S Elizabeth St, Elizabeth, Co, 80107
Purpose: Sampling and sale of James Distilling products for on-premises sampling and off-premises consumption.

Control of Licensed Premises

James Distilling Co. employees and authorized representatives will maintain control of all alcoholic beverages within the licensed premises at all times. All product inventory will remain under the direct supervision of James Distilling personnel during setup, operation, and breakdown of the booth.

Age Verification

No alcoholic beverages will be sold or sampled to any person under twenty-one (21) years of age. A valid government-issued photo identification will be checked prior to serving samples or completing sales when age is in question.

Prevention of Sales to Intoxicated Persons

No alcoholic beverages will be sold or served to visibly intoxicated persons. All staff members working the event will be instructed to refuse service when a customer appears intoxicated or impaired.

Sampling Procedures

All samples will be poured and served only by James Distilling employees or authorized agents. Customers will not have direct access to open bottles. Open containers used for sampling will remain within the licensed premises.

Open Container Control

Customers will not be permitted to leave the licensed premises with open containers of alcohol. Staff will monitor the booth area and ensure compliance with all applicable Colorado liquor laws and regulations.

Off-Premises Sales

All products sold for off-premises consumption will be in sealed, manufacturer-packaged containers. No open containers will be sold for off-premises consumption.

Security and Inventory Control

Inventory not actively being displayed will be stored behind the sales table or in designated storage areas accessible only to James Distilling personnel. At the conclusion of each event, all remaining inventory will be removed from the premises by authorized personnel.

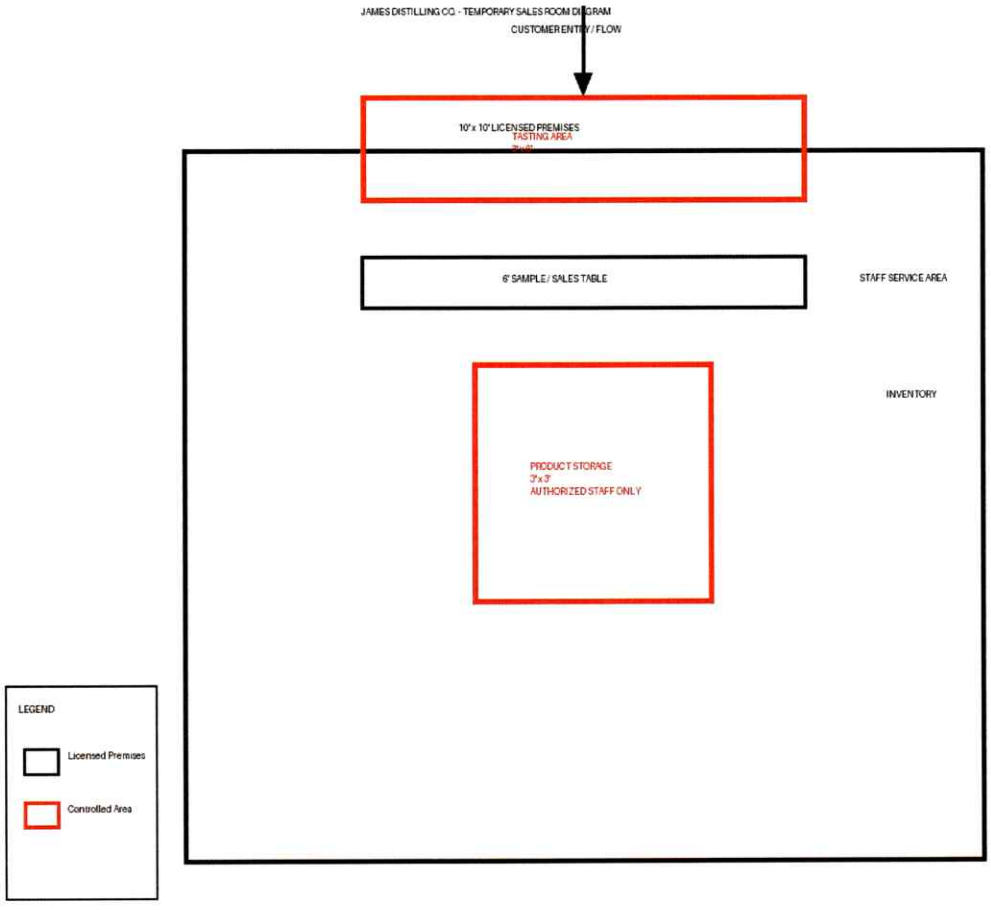
Compliance

James Distilling Co. will comply with all applicable provisions of the Colorado Liquor Code, Liquor Rules, local ordinances, and any event-specific requirements established by Outback Liquors.

James Distilling Co. Temporary Sales Room Diagram

Event: Outback Liquors
Location: 113 S Elizabeth St, Elizabeth, CO, 80107

The entire 10' x 10' tent constitutes the licensed premises. The red outlined areas identify controlled alcohol storage and tasting areas.



Compliance Notes:

- All alcoholic beverages remain under the control of James Distilling personnel.
- Samples are served only within the designated tasting area.
- Product storage is restricted to authorized staff.
- Customers may not remove open containers from the licensed premises.
- Sealed bottles may be sold for off-premises consumption.


86
86
86
Booth
S Elizabeth St
Outback Liquors

STAFF REPORT

PUD First Amendment Application
Gold Creek Commons Planned Development First Amendment

Applicant: David Bourne / LAI Design Group, on behalf of the Stephen W. & Bette M. Gibson Charitable Remainder Trust

Property Owner: Stephen W. & Bette M. Gibson Charitable Remainder Trust

Location: 2481 State Highway 86, Elizabeth, CO 80107 (±56.4 acres)

Current Zoning: Gold Creek Commons Planned Development (PD), adopted 2007

Request: Amendment to the 2007 Planned Development – changes to the land use plan, development standards, and housing mix

Applicant Request

The Applicant, David Bourne, representing the Stephen W. & Bette M. Gibson Charitable Remainder Trust, requests that the Board of Trustees approve an amendment to the Gold Creek Commons Planned Development. The Planning Commission reviewed this application on August 18, 2026, and voted unanimously, 7-0, to recommend approval to the Board of Trustees. The amendment revises the land use plan, the development standards, and the housing mix established under the 2007 zoning, and it is accompanied by an amended Development Guide that sets the standards for each planning area. The property comprises approximately 56.4 acres on the north side of Highway 86 in the Town of Elizabeth, CO.

Background

The Gold Creek Commons Planned Development was approved in 2007 when the property was annexed into the Town, and Development Guidelines for Lot 1 were approved in 2014. The 2007 zoning established a maximum of 134 dwelling units, R-1 and R-2 residential uses, approximately 25.7 acres of PBC-1 and PBC-2 commercial, and a minimum of 10 percent open space. The property is approximately 56.4 acres of largely vacant land that has historically been used for agricultural purposes, and Gold Creek runs along the eastern portion of the site.

The Annexation Agreement recorded in 2007, together with its 2009 amendment, established obligations that run with the land regardless of ownership. Those obligations include the transfer of all groundwater rights on the property to the Town, a requirement that the owner bring Town water and sewer lines to the property at the owner's cost before any building permits are issued, intersection improvements at the Highway 86 entrance, and a setback from Gold Creek. The 2009 amendment provided two options for the Highway 86 intersection, either a full roundabout if CDOT approves one or a three-quarter movement intersection if that is what CDOT allows. The current owner takes on those same obligations.

The Applicant submitted a prior PUD Amendment in 2025 that evaluated a maximum of 317 dwelling units and a larger commercial program. That application was routed to referral agencies, and the

Town's will-serve letter for the property, together with the water rights transferred to the Town at annexation, was issued in connection with that submittal. The 2025 application was later withdrawn to allow for further refinement based on feedback from Town staff, neighboring property owners, and the Board of Trustees. The Applicant subsequently advanced a Sketch Plan under the existing zoning, which the Board of Trustees approved in February 2026, and now returns with this amendment, which proposes fewer dwelling units and substantially less commercial acreage than the 2025 submittal, based on continued feedback regarding the scale of commercial development on the west side of the property.

Proposal Summary

The Applicant proposes to amend the Gold Creek Commons Planned Development plan and guide. The amendment continues to provide a mix of residential, commercial, and open space uses, and it reflects changes developed through approximately eighteen months of discussions with neighboring property owners, Town staff, and the Board of Trustees. The concerns raised most consistently through that process were the scale of commercial development on the property and the compatibility of the project with the rural residential and equestrian properties to the west, and the amendment responds to both.

Compared with the 2007 zoning, the amendment reduces commercial land from approximately 25.7 acres to approximately 3.3 acres concentrated along the Highway 86 frontage, increases open space from approximately 5.5 acres to approximately 17 acres, or slightly more than 30 percent of the site, shifts the housing to primarily single-family detached units while limiting attached housing to a maximum of ten duplex units located entirely within Planning Area 2, and increases the maximum number of dwelling units from 134 to 179 at an overall density not to exceed 3.2 units per acre. The following table compares the 2007 zoning with the proposed amendment.

Land Use	2007 PD (today)	2026 Amendment	Change
Residential land	18.2 acres	36.1 acres	+17.9 acres
Maximum homes	134	179	+45 homes
Commercial land	25.7 acres	3.3 acres	−22.4 acres
Open space	5.5 acres	17 acres	+11.5 acres
Open space (% of site)	~10%	30.1%	roughly triples

Staff notes that the increase in the maximum number of units, from 134 to 179, is the one change that increases intensity relative to the 2007 zoning, and staff evaluated it on that basis. On balance it is offset by the other changes in the amendment, because the commercial acreage is reduced substantially, open space and buffering increase, the housing shifts toward lower impact detached product, and the project is projected to generate less traffic than the version reviewed in February, as the reduction in commercial acreage affects trip generation more than the addition of 45 dwelling units.

At 179 units on 56.4 acres, the resulting density of approximately 3.2 units per acre remains within the low to medium range identified in the Comprehensive Plan for this section of the Highway 86 corridor. The land use regulations set out in the amended Development Guide align with Chapter 16, Article I of the Elizabeth Municipal Code, except where the amended plan and guide state otherwise.

The amended plan organizes the property into three residential planning areas, one commercial area, and three open space tracts, as follows.

Area	What it is	Acres	Max. homes
PA-1	Single-family detached homes (north end)	12.3	52
PA-2	Main neighborhood; the only area allowing duplexes	20.8	107
PA-3	Single-family detached, west of the main road	3.0	20
PA-4	Commercial (mixed-use), along Highway 86	3.3	—
OS-1	Open space and the Gold Creek drainageway	12.7	—
OS-2	Open Space	1.0	—
OS-3	Open space and community feature	3.3	—
Total	Developable 39.4 ac / Open space 17 ac	**56.4**	**179**

Two commitments developed through the outreach process are carried in the amendment. No more than 20 dwelling units are permitted west of the primary north-south spine road, and attached housing is limited to a maximum of 10 duplex units located entirely within Planning Area 2.

Surrounding Land Uses

The site is bordered by the following land uses:

North: Gold Creek Park Subdivision (Town of Elizabeth)

South: Highway 86; Legacy Village development

East: Unincorporated Elbert County agricultural land; Gold Creek Park Subdivision (Town of Elizabeth)

West: Cimarron Subdivision, an existing single-family residential neighborhood within unincorporated Elbert County

Approval Criteria

Section 16-1-240(f) of the EMC includes criteria for the Planning Commission and Board of Trustees to consider in rendering a recommendation or a final decision on the proposal. The criteria are as follows:

1. A need exists for the proposal;

2. The particular parcel of ground is indeed the correct site for the proposed development;
3. There has been an error in the original zoning; or
4. There have been significant changes in the area to warrant a zone change;
5. Adequate circulation exists and traffic movement would not be impeded by development; and
6. Additional municipal service costs will not be incurred which the Town is not prepared to meet.
7. There are minimal environmental impacts or impacts can be mitigated.
8. The proposal is consistent with the Town Master Plan maps, goals and policies.
9. There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land use.

Referral Agency Review

The application was distributed to the following referral agencies for review and comment in accordance with Town procedures. All agencies have reviewed the proposal and provided approval or comment as noted below:

Agency	Contact	Comments	Staff Comment
Town Engineering (Terracina Design)	Martin Metsker, PE	No comments related to the proposed PUD Amendment. Noted that more detailed grading and drainage information will be required at Preliminary Plan and Final Plat, including confirmation that the Pond D outlet reflects a natural and historic discharge across the adjacent property to the east or that an easement is obtained, and that a CLOMR/LOMR may be required for fill or disturbance within the Gold Creek floodzone.	These items pertain to final engineering design and are appropriately addressed at Preliminary Plan and Final Plat.
Town of Elizabeth Public Works Department	James McErnie, Assistant Public Works Director	No comments at this time. Will-serve letter has previously been provided.	_
Elbert County Public Works	Dale Guillen, PE, County Engineer	Elbert County vacated the access points from the Cimarron Subdivision at Pinto Trail and Palomino Trail. Any future request for access from those locations will need to be reviewed by Elbert County.	This comment confirms the County's earlier vacation of those rights-of-way, addressed further in the Traffic section of this report. The plan set continues to show the alignment for those connections consistent with standard planning practice for future street network continuity, not as a request to

			reinstate access. The Applicant is not requesting or pursuing reinstatement of those connections, and any future request would be subject to Elbert County's independent review as the County's comment describes.
Traffic Engineering Consultant (Stolfus and Associates)	Max Rusch, PE, Transportation Project Manager	An updated traffic study should be prepared and submitted concurrently with the application, similar in scope to the previous study but reflecting the proposed changes in land use.	This item has been satisfied. LSC Transportation Consultants prepared an updated trip generation comparison (LSC #250090, July 2026) reflecting the proposed land use, addressed in the Traffic section of this report.
Elizabeth Fire Protection District	Kara Gerczynski. Division Chief/Fire Marshal	Hydrants required approximately 500 feet apart, flowing 1,000 gpm residential / 1,500 gpm commercial. Parcel is within the Moderate Fire Intensity Classification (Colorado Wildfire Resiliency Code); Class I structure hardening and site/area requirements apply and must be added to the Development Guide. Minimum water storage: 60,000 gallons (residential) and 180,000 gallons (commercial) in excess of daily maximum flows. Fire access and secondary access approved by the District.	The Development Guide has been revised to reflect the correct Class 2 structure hardening classification applicable to the Moderate Fire Intensity Classification under the Colorado Wildfire Resiliency Code (effective July 1, 2026), along with the hydrant spacing, fire flow, and water storage requirements identified above.
Elizabeth Police Department	Chief Jeff Engel	No comments	–
Elizabeth School District	Tedd Knight, Superintendent	No comments	–
CORE Electric	Brooks Kauffman	No comments	–
Black Hills Energy	Kyle Sowder	No comments	–
SAFEbuilt (Building Department)	Tom Pitchford, Building Official	No comments	–
Town of Elizabeth Community	Alexandra Cramer, AICP, Community	Reviewed the application and all referral comments received.	No referral agency identified an objection to the proposed amendment. Staff supports approval of the amendment.

Development Department	Development Director		The reduced commercial program and expanded open space and buffering result in a plan that is substantially more compatible with the adjacent rural residential and equestrian properties to the west than either the 2007 zoning or the withdrawn 2025 concept. The shift toward a primarily single-family detached residential program, with attached housing limited to Planning Area 2, is more consistent with the character of the surrounding residential area than the higher-intensity commercial and attached housing program previously contemplated. The amendment is also more conducive to the goals of the 2019 Comprehensive Plan for the Highway 86 corridor, which calls for a mix of residential and neighborhood-scale commercial uses rather than the larger-scale commercial program originally entitled in 2007.

Technical requirements identified by referral agencies are addressed in the submitted plans, will be incorporated into the Development Guide prior to Board of Trustees action as noted above, or can be satisfied through the Preliminary Plan, Final Plat, or building permit review process.

Case Analysis

Staff finds that the proposal displays conformance with the applicable provisions of the EMC and the Elizabeth Comprehensive Plan.

Elizabeth Municipal Code (EMC): The amendment process requires Community Development staff to review the application and refer it to the applicable agencies for comments and responses. Referral comments are addressed by the Applicant prior to the public hearing, and comments received are included in the above section as well as in Exhibit C.

Comprehensive Plan: The Town's Future Land Use map identifies this area for mixed residential and commercial development along the Highway 86 corridor. By concentrating the remaining commercial along the Highway 86 frontage, increasing open space, improving compatibility with the adjacent rural residential properties, and providing a range of housing, the amendment continues to support the goals outlined in the Future Land Use and Development chapter of the Comprehensive Plan.

Compatibility with Adjacent Uses: Compatibility with the rural residential and equestrian properties to the west was the concern raised most consistently through the outreach process. The amendment

provides a minimum 25-foot buffer between development and the adjacent county residential properties to the west, concentrates the reduced commercial program at the Highway 86 frontage and away from the western edge, and designates Planning Area 3 along Pinto Trail as a lower-intensity residential area with enhanced buffering and open space separation.

Traffic: LSC Transportation Consultants prepared an updated trip generation comparison (LSC #250090, July 2026) reflecting the final residential unit count and commercial program under this amendment. The land use assumption evaluated in the January 2026 Traffic Impact Study, which included 48 single-family detached units, 86 single-family attached units, a 14-pump convenience store with gas station, 50,000 square feet of retail, and 30,000 square feet of office, generated an estimated 6,808 weekday vehicle trips, with 4,201 primary trips after accounting for passby trips. The land use proposed under this amendment, consisting of 179 single-family detached units and the same 14-pump convenience store with gas station, generates an estimated 4,476 weekday vehicle trips, with 2,795 primary trips after accounting for passby trips. This represents a reduction of approximately 2,330 weekday vehicle trips, or roughly 34 percent, and a reduction of approximately 1,400 primary trips. Morning and afternoon peak hour trips are reduced in a similar proportion. Staff finds the amendment results in a material reduction in traffic generation compared to the land use previously evaluated, and that adequate circulation exists for the proposed development.

Primary access is from Highway 86, and the final design of the Highway 86 intersection will be determined through the CDOT access permit and ICAT process at the plat stage.

Consistent with standard planning practice for street network continuity, the plan set continues to show a future connection to Pinto Trail and Palomino Trail along the western edge of the property. When the adjacent Cimarron subdivision was platted in the 1970s, both streets were stubbed at its eastern boundary to allow for a future connection into what is now the subject property, and the property similarly maintains a stub connection along its eastern boundary for the same reason. The 2007 Planned Development carried this alignment forward, and although Elbert County has since vacated the portions of those rights-of-way immediately adjacent to the Gold Creek Commons parcel, the plan continues to reflect the alignment at the request of referral agencies, who wish to preserve the possibility of connectivity between developments consistent with standard planning practice. The Applicant is not requesting or pursuing reinstatement of those connections. In the interim, the Applicant has secured an emergency access solution from Highway 86 that the Fire Marshal has reviewed and approved as satisfying emergency access requirements for the project.

Water and Sewer: The property is planned to be served by Town water and sewer, consistent with the Annexation Agreement, and all groundwater rights on the property were transferred to the Town at annexation. The Town's will-serve letter for the property was issued in connection with the prior PUD Amendment application, which evaluated a maximum of 317 dwelling units and a substantially larger commercial program. Because this amendment proposes fewer dwelling units and less commercial acreage than the program the will-serve letter addressed, staff finds the will-serve letter applicable to this submittal. Standard tap fees, impact fees, and renewable water fees will apply before building permits are issued.

Fiscal Impact: THK Associates, Inc. prepared a Revised Fiscal Impact Analysis (June 19, 2026) evaluating the revenue impacts to the Town from the 179 residential units and 36,000 square feet of commercial space proposed under this amendment. The analysis estimates the Town will receive approximately $643,009 in annual tax revenue, consisting of approximately $111,045 in annual property tax and approximately $531,964 in annual sales tax, for a total of approximately $12.86 million over twenty years. The development is also estimated to generate approximately $2.96 million in one-time fees to the Town, consisting of building permit fees, plan review fees, building impact fees, and use tax fees, in addition to approximately $7.03 million in water tap, renewable water, and wastewater

fees that fund utility infrastructure outside the General Fund. THK estimates the development will generate 101 permanent jobs and approximately $6.02 million in annual wages, along with approximately 318 temporary construction jobs. The permanent employment estimate is derived from standard industry ratios rather than known tenants or users, applying 0.2 jobs per residential unit and 1 job per 550 square feet of commercial space, and it is intended to provide a general planning-level estimate rather than a specific employment commitment. Weighing the estimated annual tax revenue against the estimated cost to the Town to serve the property, THK projects a net annual public benefit to the Town of approximately $303,109.

Staff evaluates fiscal impact as part of this review because new development places demand on Town services such as police, public works, and parks, and this analysis is intended to confirm that projected revenues are sufficient to offset that added cost rather than shifting it onto existing residents and businesses through higher taxes or reduced service levels. The projected net annual public benefit indicates that this development is expected to be self-supporting from a fiscal standpoint, while also contributing new housing supply and one-time development and utility fee revenue that can support Town infrastructure and services more broadly. Staff finds the analysis supports a positive fiscal outcome for the Town.

Environment, Drainage, and Open Space: The developable areas are located outside the Gold Creek 100-year floodplain, and floodplain areas are retained as open space. The plan maintains the 200-foot Gold Creek setback authorized under the Annexation Agreement and includes detention to hold and treat stormwater before discharge. The biological, wetland, and geotechnical investigations have been completed, the geotechnical report identifies expansive soils and shallow groundwater in low-lying areas as the primary concerns, both of which can be addressed through standard engineering, and no environmental conditions were identified that would preclude development. The amendment increases open space to approximately 30 percent of the site and preserves the Gold Creek corridor, the drainageway across the northern portion of the property, and buffering adjacent to the rural residential properties to the west.

Neighborhood Meeting

A neighborhood meeting was held on May 20, 2026, with notice mailed to surrounding property owners in accordance with Town requirements, and the Applicant conducted additional outreach with neighboring property owners over approximately eighteen months. All attendees at the neighborhood meeting were property owners from the adjacent Cimarron subdivision. The majority of participants expressed general support for the revised project design and indicated appreciation that the concerns they had previously raised regarding commercial acreage and the variety of housing types had been substantially addressed.

One property owner raised a significant concern regarding commercial acreage located adjacent to their property on the west side of the subject parcel. Following the meeting, the Applicant revised that area of the plan to open space in response to the concern raised. The Applicant met the Elizabeth Municipal Code requirement of 16-1-240(b)(2).

Findings and Staff Recommendation

The amendment to the Gold Creek Commons PUD application has been reviewed by the development review team, staff, and the Planning Commission in accordance with Chapter 16 of the EMC.

Findings:

A need exists for the proposal; The amendment responds to changing market conditions along the Highway 86 corridor and to feedback from neighboring property owners, Town staff, and the Board of Trustees, reducing commercial intensity and improving compatibility with surrounding rural residential properties.

The particular parcel of ground is indeed the correct site for the proposed development; The property has been planned and zoned for mixed use development since its annexation in 2007, is located within the Town, fronts Highway 86, has access to municipal utilities, and is adjacent to existing residential, commercial, educational, and public uses.

There has been an error in the original zoning; No evidence suggests an error in the original zoning. This amendment is based on changing conditions and community feedback rather than a correction.

There have been significant changes in the area to warrant a zone change; Over the past twenty years the residential growth once anticipated north of the property has not occurred as planned, and major commercial services have developed elsewhere along the Highway 86 corridor, reducing the need for the commercial acreage approved in 2007.

Adequate circulation exists and traffic movement would not be impeded by development; The Traffic Impact Study demonstrates that the development can be accommodated by the existing and planned roadway network, and the reduction in commercial acreage is anticipated to reduce traffic generation compared to prior development concepts.

Additional municipal service costs will not be incurred which the Town is not prepared to meet; The property is within the Town and is planned to be served by existing municipal water and sanitary sewer systems, supported by a will-serve letter issued for a larger prior submittal. The Revised Fiscal Impact Analysis estimates the development will generate a net annual public benefit to the Town of approximately $303,109 after accounting for the estimated cost to serve the property, and the development will be responsible for applicable impact fees, utility fees, and infrastructure improvements required to serve the project.

There are minimal environmental impacts or impacts can be mitigated; Environmental, wetland, and geotechnical investigations have been completed, and identified impacts can be mitigated through engineering, design, and compliance with applicable regulations.

The proposal is consistent with the Town Master Plan maps, goals and policies; The amendment maintains the mixed use character of the original zoning while reducing commercial intensity, increasing open space, and improving compatibility with adjacent residential properties, consistent with the 2019 Comprehensive Plan.

There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land use; The property is within the Town's service area and has access to municipal utilities, schools, parks, and public services, and the amendment carries a lower residential unit count than the prior PUD Amendment application, resulting in proportionally reduced impacts on public facilities and services.

Planning Commission Recommendation

The Planning Commission reviewed the Gold Creek Commons PUD Amendment at its regularly scheduled meeting on August 18, 2026. Following presentation of the application, staff's analysis, and public comment, the Planning Commission voted unanimously, 7-0, to recommend that the Board of Trustees approve the amendment.

Staff Recommendation

Based on the analysis above, staff finds that the proposed amendment to the Gold Creek Commons Planned Development meets the criteria for a PUD amendment as set forth in Chapter 16 of the Elizabeth Municipal Code. The amendment is consistent with the Town's Comprehensive Plan and aligns with the development goals for the area. Staff recommends the Board of Trustees approve Ordinance 26-13, adopting the Gold Creek Commons PUD Amendment, consistent with the unanimous recommendation of the Planning Commission.

Please note: If the Board of Trustees approves the amendment, the Applicant is still required to submit a new Sketch Plan, Preliminary Plan, and Final Plat before any development may proceed, and each of those is a separate step with its own technical review and public hearings.

Attachment(s)

Attachment 1: Ordinance 26-13

Exhibit A: Applicant Submittal Documents

- Gold Creek Commons PUD Amendment Narrative
- Gold Creek Commons PUD Amendment Plan Set
- Gold Creek Commons PUD Amendment Development Guide
- Estimated Traffic Generation Comparison (LSC #250090, July 2026)
- Gold Creek Commons Revised Fiscal Impact Analysis (THK Associates, Inc., June 19, 2026)
- Neighborhood Outreach Summary

Exhibit B: Prior Entitlement and Annexation Documents

- Ordinance 07-02 — Annexation of Gold Creek Commons (primary parcel)
- Ordinance 07-05 — Annexation of Gold Creek Commons (adjacent parcel)
- Resolution 07R08 — Findings of Fact and Conclusions for Annexation
- Annexation Agreement — Town of Elizabeth and Gold Creek Commons LLC, recorded May 22, 2007
- First Amendment to Annexation Agreement, recorded May 27, 2009
- Gold Creek Commons Planned Development Plan and Design Guide, adopted 2007

Exhibit C: Referral Agency Comments

Exhibit D: Public Notice

ORDINANCE 26-13

AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) ZONING FOR THE PROPERTY GENERALLY KNOWN AS THE GOLD CREEK COMMONS PUD

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Findings of Fact.

A. The Town desires to rezone certain property by amending the existing Planned Unit Development (PUD) zoning known as the Gold Creek Commons PUD for the approximately 56.4-acre property more particularly described in **Exhibit A,** attached hereto and incorporated herein by this reference (the "Property").

B. Public notice has been given of such rezoning pursuant to Section 16-4-30 of the Town of Elizabeth Municipal Code more than fifteen (15) days in advance of the public hearing.

C. A need exists for rezoning the Property pursuant to Sections 16-1-190 and 16-1-240 by amending the Gold Creek Commons PUD as set forth in the revised PUD Amendment Plan and Development Guide.

Section 2. The Property identified in **Exhibit A** is hereby rezoned to reflect the amendments to the Gold Creek Commons PUD according to the amended PUD Amendment Plan attached as **Exhibit B** and the amended Development Guide attached as **Exhibit C**, both of which are incorporated herein by this reference**.**

Section 3. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change for the Property.

Section 4. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 5. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this ____ day of _____, 2026.

Passed by a vote of _____ for and _____ against and ordered published.

_____
Angela Ternus, Mayor

ATTEST

_____
Michelle M. Oeser, Town Clerk

EXHIBIT A

GOLD CREEK COMMONS

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 8 SOUTH,

RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO

Know what's **below.** **Call** before you dig.

GOLD CREEK COMMONS

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO

PUD AMENDMENT #1

TOTAL ACREAGE: 56.5 ACRES

INTRODUCTION

The Gold Creek Commons Planned Unit Development (PUD) Amendment #1 provides the opportunity for mixed-use development including commercial uses, residential uses, and open space uses for residents. The requested zoning amendment for this property is within the Town of Elizabeth. This PUD Amendment #1 contains specific modifications to the 2007 approved PD zoning and 2014 approved design guide.

GENERAL NOTES

1. The subject property is composed of one parcel referred to as Gold Creek Commons. The property is located in Elbert County and within Elizabeth town limits.
2. The current zoning for the Property is Town of Elizabeth, Planned Development (PD) approved 2007.
3. Water and sewer services will be extended to the Property by the Gold Creek Commons Metropolitan District.
4. The Property is located adjacent to Highway 86. The principal means of access to the property is Highway 86 (south of the Property). Secondary access will be by Emergency Vehicle Access to Highway 86 and to Palomino Trail to the north. Optional future secondary Emergency Vehicle Access will be to Pinto Trail to the west.
5. No improvements that conflict with or interfere with construction, maintenance or access to utilities shall be placed within the utility easements. Prohibited improvements include, but are not limited to, permanent structures, buildings, counterforts, decks, attached porches, attached stairs, window wells, air conditioning units, retaining walls/components and other objects that may interfere with the utility facilities or access, use and maintenance thereof. The entities responsible for providing the utility services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance and replacement of utility lines and related facilities.

LEGAL DESCRIPTION

A PARCEL OF LAND, SITUATED IN THE EAST HALF OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12, BEING MONUMENTED BY A FOUND 3-1/4 INCH DIAMETER ALUMINUM CAP, MOSTLY ILLEGIBLE, IN A RANGE BOX, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 12, BEING MONUMENTED BY A FOUND 3-1/4 INCH DIAMETER ALUMINUM CAP, STAMPED COLO DEPT OF TRANSPORTATION T8S R65W/R64W S12/S7/S13/S18 2001 PLS 31548, IN A RANGE BOX, IS ASSUMED TO BEAR SOUTH 89°16'51" EAST, A DISTANCE OF 2669.94 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 00°24'48" EAST, ALONG THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 40.00 FEET, TO THE APPARENT NORTHERLY RIGHT-OF-WAY OF HIGHWAY 86, AND THE POINT OF BEGINNING;

THENCE THE FOLLOWING NINE (9) COURSES;

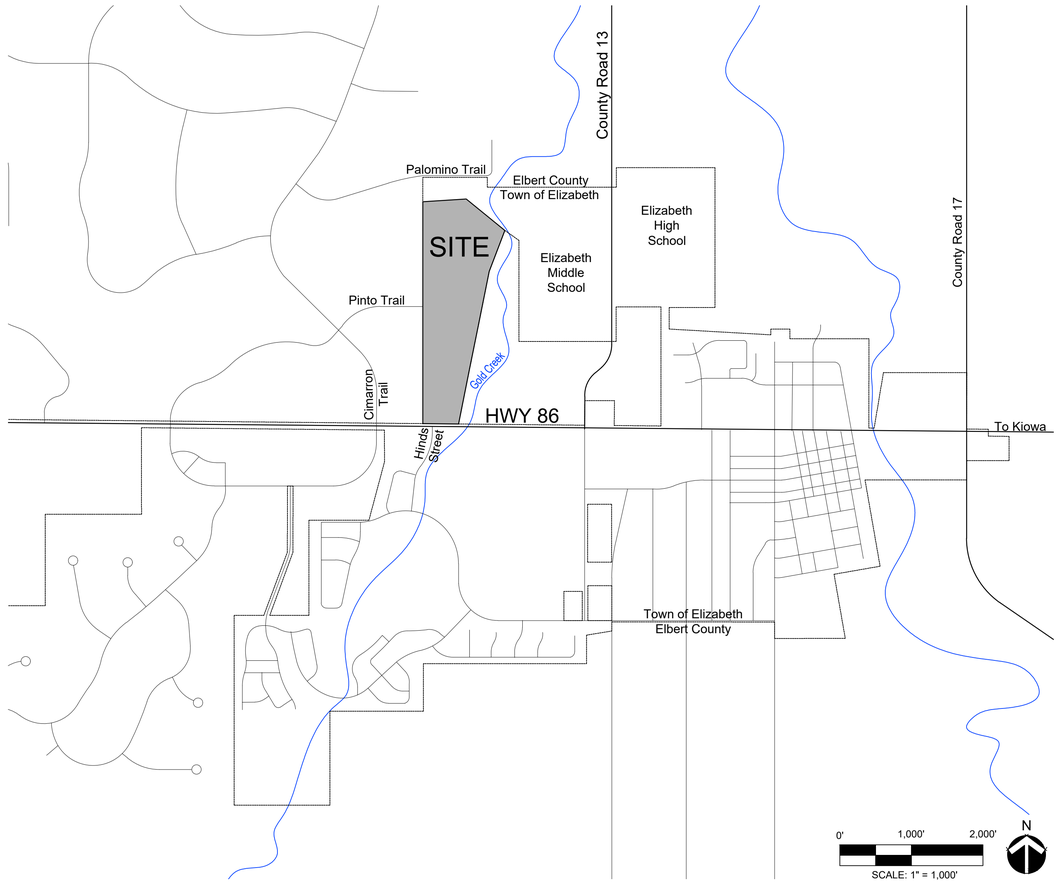
1. NORTH 00°24'48" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 2598.41 FEET, TO THE CENTER QUARTER CORNER OF SAID SECTION 12, BEING MONUMENTED BY A FOUND 3-1/4 INCH DIAMETER ALUMINUM CAP, STAMPED JR ENG C1/4 S12 1996 PLS 13258;
2. NORTH 00°25'19" EAST, ALONG THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 552.97 FEET;
3. DEPARTING SAID WESTERLY LINE, NORTH 86°52'54" EAST, A DISTANCE OF 573.49 FEET;
4. SOUTH 51°08'53" EAST, A DISTANCE OF 701.65 FEET;
5. SOUTH 20°30'51" WEST, A DISTANCE OF 617.52 FEET;
6. SOUTH 11°04'31" WEST, A DISTANCE OF 2173.04 FEET, TO SAID APPARENT NORTHERLY RIGHT-OF-WAY;

THENCE ALONG SAID APPARENT RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES;

7. NORTH 89°01'32" WEST, A DISTANCE OF 75.58 FEET;
8. SOUTH 83°22'28" WEST, A DISTANCE OF 302.65 FEET;
9. NORTH 89°01'51" WEST, A DISTANCE OF 131.87 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING A CALCULATED AREA OF 2,472,3362 SQUARE FEET OR 56.758 ACRES, MORE OR LESS.

VICINITY MAP



SHEET INDEX

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EXISTING CONDITIONS PLAN	2
PUD AMENDMENT PLAN	3

PROJECT TEAM

OWNER / APPLICANT REPRESENTATIVE

Stephen W. & Bette M. Gibson Charitable Remainder Trust
1115 Mountain Ridge Road
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Email:davidbourne@gmail.com
Phone: (949) 456-4048

PLANNERS, LANDSCAPE ARCHITECTS & ARCHITECTS

LAI Design Group
116 Inverness Drive Suite #340
Englewood, Colorado 80112
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Email: dryan@laidesigngroup.com
Phone: (303) 734-1777

CIVIL ENGINEERS / SURVEYORS

Westwood
10333 East Dry Creek Suite #400
Englewood, Colorado 80112
Contact: Garrett Bales, PE/CFM
Email: Garrett.Bales@westwoodps.com
Phone: (888)937-5150

TRAFFIC ENGINEERS

LSC Transportation Consultants, Inc.
1889 York Street
Denver, Colorado 80206
Contact: Christopher McGranahan, PE
Email: csmcgranahan@lsctrans.com
Phone: (303)333-1105

GEOTECHNICAL & ENVIRONMENTAL ENGINEERS

CTL | Thompson
1971 West 12th/ Avenue
Denver, Colorado 80204
Contact: Benny Lujan
Email: blujan@ctlthompson.com
Phone: (303) 825-0777

APPROVAL CERTIFICATES

PLANNING COMMISSION

The PUD Amendment #1 was reviewed by the Planning Commission on:

_____ (Date)

_____
Chair, Planning Commission

BOARD OF TRUSTEES

This PUD Amendment #1 was approved by the Board of Trustees of the Town of Elizabeth, Colorado, on the ____ day of _____, 20___, for filing.

The dedications are hereby accepted.
All expenses incurred with respect to improvements for all utility services, paving, grading, curbs, gutter, sidewalks, road lighting, road signs, flood protection devices, drainage structures and all other improvements that may be required shall be the responsibility of the subdivider and not the Town of Elizabeth. The Town shall only accept maintenance of the roadway improvements after construction has been completed, and after the warranty period, in accordance with Town Regulations.

This acceptance does not guarantee that the soil conditions, subsurface geology, groundwater conditions or flooding conditions of any lot shown hereon are such that a building permit will be issued.

_____
Mayor, Town of Elizabeth

_____
Attest

RECORDING CERTIFICATE

STATE OF COLORADO)
)SS
COUNTY OF ELBERT)

I hereby certify that this PUD Amendment was filed in my office on this ____ day of _____, 20___, at ____ o'clock am/pm and was recorded at reception no._____, plat book _____, page _____.

_____
Elbert County Clerk and Recorder

ARCHITECT / PLANNER

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Suite 340
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T 303.734.1777

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CONTACT: DAVID BOURNE
DAVIDBOURNE@GMAIL.COM
(949) 456-4048

GOLD CREEK COMMONS
ELIZABETH, COLORADO
PUD AMENDMENT #1
COVER & CONTENTS

NOT FOR CONSTRUCTION

PROJECT INFORMATION

PROJECT #:	241083
DRAWN BY:	LAI
CHECKED BY:	LAI

ISSUE RECORD

PUD AMENDMENT JUN 19, 2026

SHEET NUMBER

1

1 OF 3

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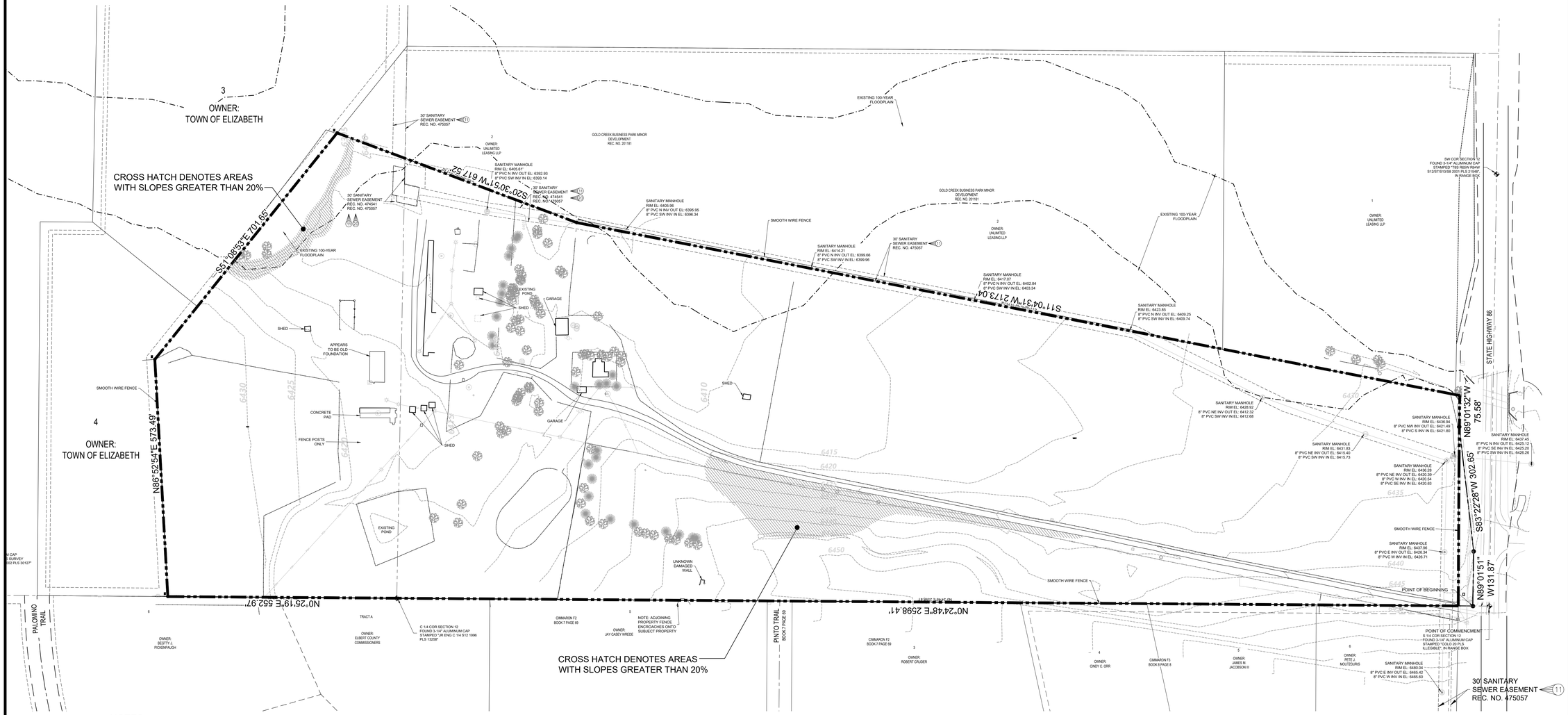
GOLD CREEK COMMONS

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO

PUD AMENDMENT #1

LEGEND

- SECTION CORNER (AS NOTED)
- NO. 5 REBAR, W/ NO CAP
- FOUND #4 REBAR W/ NO CAP
- SET NO. 5 REBAR, 18" LONG, W/ BLUE PLASTIC CAP, STAMPED "WESTWOOD PLS 38474"
- CONIFEROUS TREE
- DECIDUOUS TREE
- DECIDUOUS BUSH
- LIGHT POLE
- IRRIGATION PIPE
- WATER MANHOLE
- IRRIGATION VALVE
- SANITARY MANHOLE
- FIBER PEDESTAL
- TELE PEDESTAL
- ELECTRICAL POLE
- MAILBOX
- FENCE POST
- END 18" CORRUGATED METAL PIPE
- CONTROL POINT SET - NO. 5 REBAR WITH 1-1/4" PINK PLASTIC CAP



NOTES:

1. EXISTING SINGLE FAMILY HOME, ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES TO BE REMOVED.
2. EXISTING OVERHEAD POWER LINES TO BE RELOCATED.
3. EXISTING IMPROVEMENTS BY THE TOWN, SUCH AS SANITARY SEWER, LIFT STATION, AND ASSOCIATED STRUCTURES TO REMAIN.

0' 120' 240'

SCALE: 1" = 120'

N

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ARCHITECT / PLANNER

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GOLD CREEK COMMONS
ELIZABETH, COLORADO
PUD AMENDMENT #1
EXISTING CONDITIONS PLAN

NOT FOR CONSTRUCTION

PROJECT INFORMATION

PROJECT #:	241083
DRAWN BY:	LAI
CHECKED BY:	LAI

ISSUE RECORD

PUD AMENDMENT JUN 19, 2026

SHEET NUMBER

2

2 OF 3

GOLD CREEK COMMONS

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO

PUD AMENDMENT #1

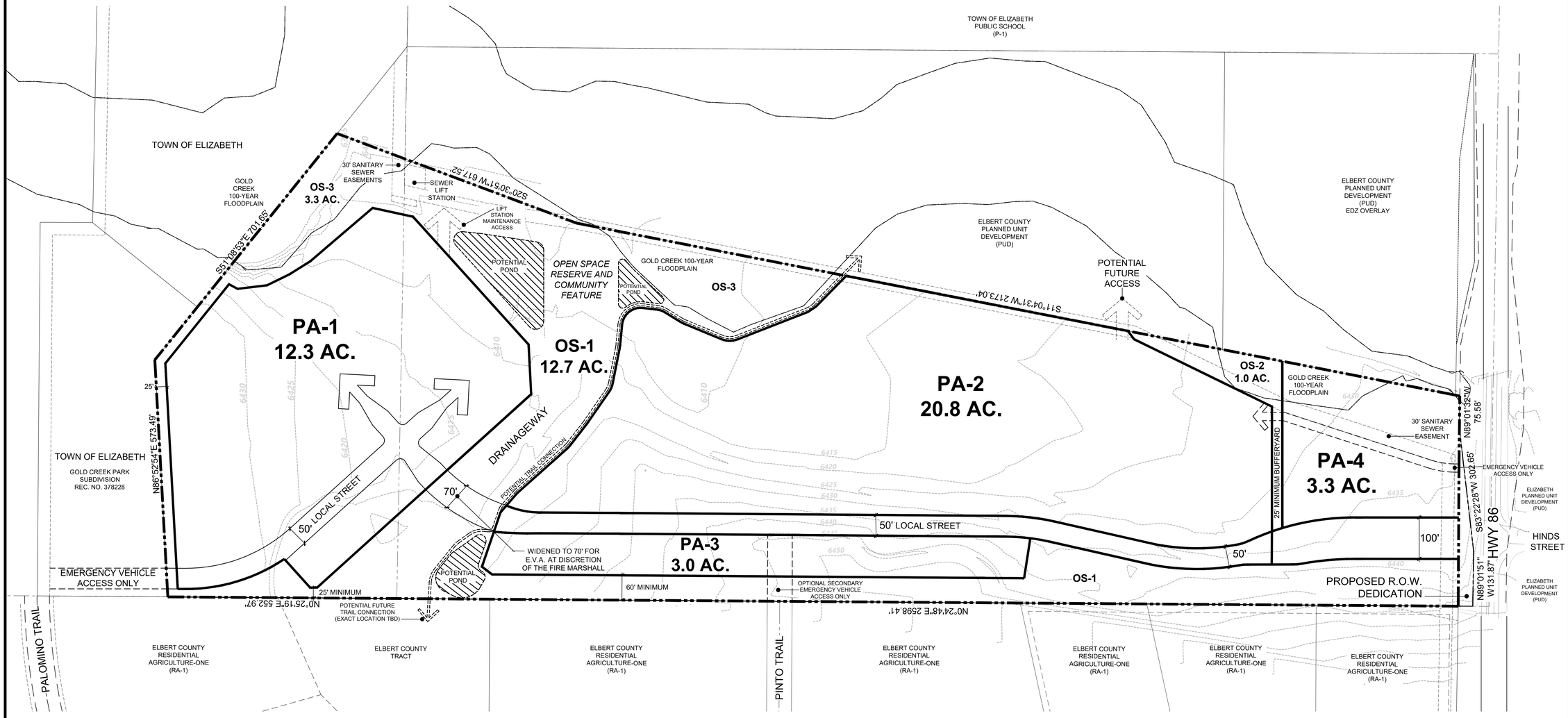
LAND USE CHART: PUD AMENDMENT #1

A Residential	Area (Ac)	Units
PA-1	12.3	52
PA-2	20.8	107
PA-3	3.0	20
Sub-Total	**36.1**	**179**

B Commercial	Area (Ac)
PA-4	3.3
Sub-Total	**3.3**

C Open Space	Area (Ac)
OS-1	12.7
OS-2	1.0
OS-3	3.3
Sub-Total	**17.0**

D Summary	Area (Ac)	Percentage
Developable Area (A&B)	39.4	69.9%
Open Space (C)	17.0	30.1%
Total	**56.4**	100.0%



NOTE: Refer to the Gold Creek Commons PUD Amendment #1 DEVELOPMENT GUIDE for additional standards and guidelines.

0' 120' 240'

SCALE: 1" = 120'

N

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GOLD CREEK COMMONS
ELIZABETH, COLORADO
PUD AMENDMENT #1
PUD AMENDMENT PLAN

NOT FOR CONSTRUCTION

PROJECT INFORMATION

PROJECT #:	241083
DRAWN BY:	LAI
CHECKED BY:	LAI

ISSUE RECORD

PUD AMENDMENT JUN 19, 2026

SHEET NUMBER

3

3 OF 3

Gold Creek Commons
PUD AMENDMENT #1

Town of Elizabeth, Colorado

Development Guide

Initial Submittal: June 19, 2026
Revision 1: August 19, 2026

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I. INTENT

It is the intent of this PUD to identify areas to accommodate innovative approaches to residential, recreational, and commercial land uses. Planned unit developments are encouraged to bring about innovative approaches to development, creative designs of land uses, preservation of significant natural features within the Town, retention of historic structures and sites, retention of open space, compatibility with overall community objectives and consideration of environmental concerns.

II. INTRODUCTION

The Gold Creek Commons Planned Unit Development (PUD) provides the opportunity for mixed-use development including commercial uses, residential uses, and open space uses for residents. The requested zoning amendment for this property is within the Town of Elizabeth. Gold Creek Commons Planned Unit Development (PUD) Amendment contains specific modifications to the 2007 approved PD zoning and 2014 approved design guide.

III. GENERAL GUIDES

A. Definitions

(1) Unless otherwise specifically provided, or otherwise clearly required by the context, the words and phrases defined in this Development Guide shall have the meaning indicated when used in this guide.

(2) *Planned unit development* means a tract or parcel of land controlled by one (1) or more landowners, which is developed under a single development plan for either a number of residential units, business, commercial, industrial, educational, recreational uses or any combination of the foregoing. In addition to a development plan, a development guide shall be prepared, and the development guide shall reflect the variations in lot size, bulk, type of use or activity, density, lot coverage, open space or other regulations modified and approved by the Board of Trustees upon the recommendation of the Planning Commission.

(3) The terms "DEVELOPMENT PLAN" and “DEVELOPMENT GUIDE” and "MASTER PLAN" and “PUD-Amendment” and “PUD” may be used interchangeably.

B. Authority of Application

The authority for this development plan and guide is Article I Section 16-1-190 (Planned Unit Development PUD District) of the Chapter 16 Land Use and Development Code of the Town of Elizabeth, and the authority for Section 16-1-190 of the Chapter 16 Land Use and Development Code of the Town of Elizabeth is the Colorado Planned Unit Development Act of 1972. The entire Gold Creek Development shall be accessible as per the Americans with Disabilities Act (ADA) requirements.

The standards outlined in this Development Guide shall apply to all property contained within the Gold Creek Commons Planned Unit Development (PUD) except as provided herein. The standards outlined in the Development Guide may be divergent from the zoning regulations contained in the Town of Elizabeth Municipal Code Chapter 16 – Article 1 – Zoning, but not any other Chapter of the Town of Elizabeth Municipal Code.

In the event there is a conflict between the standards contained in the Development Guide and on the Plan and the Elizabeth Municipal Code (excluding Chapter 16 - Article 1 - Zoning), then the Elizabeth Municipal Code shall control.

In the event there is a conflict between the guidelines, standards and details contained in the Development Guide, PUD Amendments and on the Plan, and the 2007 approved PD zoning and 2014 approved design guide, then this Amendment shall control.

This Development Guide is one of several documents that will help guide Gold Creek Commons Planned Unit Development (PUD). The 2026 Amended Development Plan and the Development Guide are the planning documents for this development.

IV. ZONING DISTRICTS

A. GENERAL PROVISIONS

(1) Density Standards

a. Residential: The Dwelling Unit Density permitted in any residential Planning Area is an Average Density that shall apply to the entire residential Planning Area and shall not be specifically applicable to any portion thereof. The Average Density of any residential Planning Area shall be computed by dividing the total number of Dwelling Units in the residential Planning Area by the gross acres in the residential Planning Area.

(2) Maximum Number of Dwelling Units

a. In no event shall the total number of **179 Residential Dwelling Units** within all Planning Areas as set forth on the Gold Creek Commons Planned Unit Development (PUD) be exceeded.

(3) Density Variations

a. In general, Residential Planning Areas may contain up to an additional ten percent (10%) of the number of units allowed for each Planning Area.

(4) Average Density

a. The Average Density for Gold Creek Commons Planned Unit Development (PUD), shall not exceed 3.2 Dwelling Units per acre overall as set forth in the Development Plan, using the total 56.4-acre total site. Densities within portions of the Planning Area will vary depending on product type.

(5) Administrative Amendments

a. Any increase in dwelling units within a Planning Area by more than 10% must be processed as a PUD Amendment under Section 16-1-240 of the Elizabeth Municipal Code. Any decrease in dwelling units, regardless of amount, will not require an Amendment.

(6) Planning Area Boundaries

a. Wherever a Planning Area abuts a street as shown on the Gold Creek Commons Planned Unit Development (PUD), the Planning Area boundary is the edge of the abutting right-of-way of such. Wherever a Planning Area is not abutting a street, the Planning Area boundary shall be as shown on the Gold Creek Commons Planned Unit Development (PUD). Modifications in Planning Area boundaries and streets may be accomplished by final road alignments or engineering refinements shown on a Site Plan or Plat, without any amendment to the Gold Creek Commons Planned Unit Development (PUD) provided the Planning Area does not increase or decrease by more than ten percent (10%) in size.

(7) General Road Setbacks & Buffers

a. Roadways
    i. See Exhibits C & E.

b. Access drives/curb cuts:
    i. Shared access driveways are permitted.
    ii. Driveways, unless shared, shall not be closer than five (5) feet to an adjoining lot.
    iii. At street access point, widths shall not exceed twenty-four (24) feet.
    iv. Commercial and Multifamily driveway widths shall not be less than twenty-four (24) feet.

(8) Amenities

The amenities provided will be a function of project size and shall be based on the development at time of build-out. The applicant or developer will be expected to offer amenities commensurate with the project's scope and complexity. A minimum of two (2) of the following amenity elements shall be provided in the PUD:

a. Active recreational amenities, such as playgrounds, courts, swimming pool, walking and running paths, etc., of a size and nature suitable to adequately serve the patrons of the development and located within a walkable distance for the intended users. Active recreational areas shall employ designs and safeguards to accommodate all age groups.

b. Pedestrian and bicycle pathway within the project (exclusive of required sidewalks adjacent to public right-of-way) and designed to connect into existing or planned pedestrian or bicycle routes outside the PUD. These pathway systems shall be designed and constructed in accordance with the Town's development standards. Equestrian use may be integrated into the circulation system and should be taken into consideration.

c. Other amenities appropriate for the size and uses intended in the PUD, such as an open space reserve as a community feature.

d. Buffer areas of at least 25 feet located between planned development within the PUD and adjacent county residential properties to the west.

e. The manner of maintenance and responsibility for PUD amenities shall be specified by the applicant or developer prior to Board of Trustee approval of the final development plan and plat. Under no circumstances is the public responsible for the care and maintenance of PUD amenities, unless dedicated to and accepted by the Board of Trustees or unless agreed to through a public/private partnership agreement constructed as part of the review process.

(9) Clustering

a. Buildings may be clustered to preserve open space. Clustering of dwelling units and commercial uses are encouraged if the buffer yards, open space and emergency access are adequately planned. Buffer yards shall be required to separate different uses to eliminate or minimize potential interference and nuisance on adjacent properties. The Town may require clustering to avoid development along the Gold Creek corridor, floodways, wetlands or other environmentally sensitive areas.

(10) Open Space

a. A **minimum of twenty percent (20%)** of the development's gross land area shall be set aside for open space purposes. The open space shall be distributed throughout the PUD so as to provide recreation and open space access to all residences of the development and their guests. The open space area shall be safe for its occupants. Open space areas placed next to open drainage or irrigation systems, creeks or other potential hazards shall have adequate development safeguards employed to safely mitigate the presence of these features.

(11) HOA/Metro District

a. Homeowner Associations composed of property owners in residential areas may be created for the following purposes: a) to provide for the continued development, improvement and maintenance of properties and facilities which it owns or administers, and b) to protect the investment, enhance the value, and control the use of property owned by its members.

b. Homeowner's Associations or special districts may be created in residential areas where common lands or facilities are owned and maintained by the Homeowner's Association or special district.

(12) Fire Service Water Supply

a. The subdivision will supply hydrants spaced about 500 feet apart along all fire access roads flowing 1,000 GPM for residential and 1,500 GPM for commercial.
b. Water storage shall be provided in an amount not less than 60,000 gallons in excess of daily maximum flows to serve residential uses, and not less than 180,000 gallons in excess of daily maximum flows to serve commercial uses.
c. Colorado Wildfire Resiliency Code- This parcel sits entirely within the moderate Fire Intensity Classification. All new structures shall meet Class 2 structure hardening and site and area requirements.

B. RESIDENTIAL USES

(1) Purpose: Provide for residential development allowing for a variety of units and accessory uses.
   a. Single-Family Detached Dwelling Units
      i. Traditional Products
      ii. Cluster / Motor Court Product (Shared Access Drives)
   b. Single-Family Attached Dwelling Units
      iii. Duplexes / Paired Units (Traditional or Alley-Loaded)
(2) Allowed Uses: See Residential Use Matrix (**Exhibit B**)
(3) Dimensional Standards: See Residential Dimensional Standards Matrix (**Exhibit C**)
(4) Encroachments
   a. Front, side, and rear setbacks shall allow for encroachments up to 2 feet beyond the building foundations. For above-grade features including eaves, fireplace box-out, stoops, bay windows, cantilevers, and overhangs provided that the living space of the projection does not exceed 20 square feet in each instance and extend more than 2 feet.
   b. Side and rear setbacks shall allow for encroachments up to 3 feet beyond the building foundation for below grade window wells.
(5) Use by Special Review: See Residential Use Matrix (**Exhibit B**)
(6) Accessory Uses: Commonly associated Accessory Uses, incidental to the Principal Use or Building, including but not limited to: carriage house units not for sale, storage sheds, private greenhouses, home occupations, radio or TV antenna, TV satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of household pets according to the regulations and standards within the Elizabeth Municipal Code.
(7) Temporary Uses: A temporary sales and marketing center developed to function as a showcase for a variety of builders and housing types within a limited area.
(8) Signs, Parking, and Landscaping: All signs, parking, and landscaping shall comply with the Town of Elizabeth standards as applicable or modified.

C. COMMERCIAL

(1) Purpose: The purpose of the Commercial District is to permit commercial uses with easy access to a major arterial and/or a major collector street. The District is to accommodate nonresidential uses including small-scale retail, professional offices, professional services, and commercial accommodations that encourage pedestrian activity. The Commercial District is to provide a transition between a limited group of uses of a commercial nature and lower density residential areas.
(2) Allowed Uses: See Commercial Matrix (**Exhibit D**)
(3) Dimensional Standards: See Commercial Dimensional Standards Matrix (**Exhibit E**)
(4) Use by Special Review: See Commercial Matrix (**Exhibit D**)
(5) Temporary Uses: A temporary sales and marketing center developed to function as a showcase for a variety of builders and housing types within a limited area.
(6) Signs, Parking, and Landscaping: All signs, parking, and landscaping shall comply with the Town of Elizabeth standards as applicable or modified.

V. LANDSCAPE STANDARDS

A. General

The following standards are to provide landscape guidelines that do not conflict with provisions in EMC-16-2-50.

Landscaping may include the use of permanent irrigation and shade to create "micro-climates" that will support a wide variety of plant materials. As such, ornamental plants, planting beds, gardens, and other formal landscape designs may be introduced within the building envelope or adjacent to the home when an envelope has not been designated. Landscaping within the lot should be designed in order to define outdoor spaces and entries, frame desirable views, screen undesirable views, buffer prevailing winds, provide seasonal shade, and add color and interest to courtyards and other outdoor spaces. Consideration should also be given to the size, color and texture of plant materials. Ornamental plants and other formal plant materials should be located adjacent to the home in courtyards, entries, or other defined spaces.

In order to minimize the use of water and to reinforce the integration of buildings and improvements with the natural environment, the introduction of formal large, manicured lawns is discouraged. When used, manicured lawns should be modest in size and be adjacent to the building envelope. The use of fescue or other low water consumption grasses for manicured lawns is recommended in lieu of water intensive grasses. The landscaping for each lot should include substantial live plants in the front yard of each home, landscape screening where necessary to provide privacy, and lawn and shrub beds.

B. Water Conservation

In the landscaping of each residential site, plant materials, irrigation systems and maintenance practices should be utilized to conserve water wherever possible. It should be noted that if Xeriscape landscaping is selected, a more traditional "green" appearance can still be achieved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch should be allowed in place of green, growing plant material.

C. Fire Mitigation Guidelines

Fire mitigation landscaping focuses on reducing flammable fuels around structures to create defensible space and lower wildfire risk.

Defensible Space Zones (distances from homes):

a. Zone 1 (0–5 ft) – Immediate zone: Use non-combustible materials (concrete, pavers, brick, gravel, bare ground). Avoid combustible mulch (wood chips, bark, pine needles), wicker furniture, and stored firewood. Keep foundations clear of debris.
b. Zone 2 (5–30 ft) – Intermediate zone: Use low-growing, well-irrigated, less flammable plants. Maintain 6–10 ft pruning height on trees/shrubs to reduce ladder fuels. Create fuel breaks (driveways, gravel walkways, lawns). Mix deciduous and coniferous species to reduce fuel continuity.
c. Zone 3 (30–100 ft) – Extended zone: Thin out dense vegetation; remove small conifers between taller trees. Clear heavy woody debris and reduce canopy contact.
d. Plant Selection & Maintenance: Choose high-moisture-content plants (annuals, perennials, succulents). Avoid high-oil, high-resin plants. Maintain regular mowing, pruning, and irrigation. Remove dead leaves, branches, and leaf litter promptly.

D. Retaining Walls

Retaining wall materials should be compatible with the color and style of the home. Acceptable materials include boulders, stone, brick or modular concrete block. Walls within lots should not exceed 3 feet in height. Walls should not obstruct or adversely affect existing drainage patterns

E. Exterior Lighting

Committee approval is required prior to changing or adding exterior lighting. In reviewing lighting requests, the Committee should consider the visibility, style, location and quality of the lighting fixtures. Exterior lighting for security and/or other uses should be directed towards the ground whereby the light cone stays within the property boundaries, and the light source does not cast a glare onto adjacent properties.

VI. Exhibits

Exhibit A
2026 Gold Creek Commons PUD Land Use Development Summary

A Residential	Area (Ac.)	Units
PA-1	12.3	52
PA-2	20.8	107
PA-3	3.0	20
Sub-Total	**36.1**	**179**

B Commercial	Area (Ac.)
PA-4	3.3
Sub-Total	**3.3**

C Open Space	Area (Ac.)
OS-1	12.7
OS-2	1.0
OS-3	3.3
Sub-Total	**17.0**

D Summary	Area (Ac.)	Percentage
Developable Area (A&B)	39.4	69.9%
Open Space (C)	17.0	30.1%
Total	**56.4**	100.0%

Exhibit B
2026 Gold Creek Commons PUD Residential Use Matrix

"A"= Allowed, "S"=Special Review, "-" = Not Allowed

Land Use/Activity	RES	Planning Areas (PA)
Single-Family Detached Dwellings	A	1,2,3
Single-Family Attached Dwellings	A	2
Duplex Structures	A	2
Accessory Dwelling Units (ADU) *must be associated with SFD and/or SFA only	S	1,2,3
Townhouses	-	-
Multifamily Dwellings	-	-
Accessory Buildings	A	1,2,3
Accessory uses: home occupations	A	1,2,3
Assisted living services	S	2
Bed and breakfast inns	-	-
Boarding and rooming houses	-	-
Cemeteries or mausoleums	-	-
Commercial animal establishments	-	-
Dormitories	-	-
Fences, hedges, walls and trees	A	1,2,3
Forestry farming, including raising trees	-	-
Fraternity and sorority houses	-	-
Garages (Attached or Detached Private Garages)	A	1,2,3
General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses	-	-
Golf courses	-	-
Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises	S	2
Group homes or group quarters *must be associated with SFD and/or SFA only	S	2
Horses/livestock	-	-
Hospitals and emergency facilities	-	-
Kennels and other canine-related facilities - commercial	-	-
Kennels and other canine-related facilities - private	-	-
Nursery schools and day care centers	S	2
Parks	A	1,2,3
Playgrounds	A	1,2,3
Public schools	A	2
Public Open Space / Trails	A	1,2,3
Public utilities	A	1,2,3
Recreation centers - nonprofit neighborhood	S	2
Recreation centers - private	A	1,2,3
Religious assembly, place of	S	2
Retirement/group housing services	S	2
Riding stables/academies - commercial	-	-
Stables and other equine-related facilities - private	-	-
Structures for general farming	-	-
Universities	-	-

If "A", the use is allowed; if "S", the use is only allowed upon the issuance of a Use by Special Review permit. If "-" or left blank, the use is not allowed in that zone.

Exhibit C
2026 Gold Creek Commons PUD Residential Dimensional Standards Matrix

Standards	Single Family Detached		Single Family Attached	
	Traditional SFD	SFD (Alley Loaded)	Duplexes Paired Units	Duplexes Paired Units (Alley Loaded)
Min. Lot Size (sf)	4,500 sf	4,500 sf	3,500 sf	3,500 sf
Max. Lot Coverage				
Under Roof	60%	60%	60%	60%
Min. Vegetation	20%	10%	20%	10%
Min. Lot Width (ft) **measured 20' from front property line*	45 ft*	45 ft*	35 ft* per unit	35 ft* per unit
Min. Yard Setbacks (ft)				
1) Front-Principal	15 ft	15 ft	15 ft	15 ft
Front-Side Load Garage	15 ft	-	15 ft	-
Front-Garage Parallel	18 ft	-	18 ft	-
2) Rear-Principal Bldg.	15 ft	2 ft (includes Garage)	15 ft	2 ft (includes Garage)
3) Rear-Accessory Bldg.	5 ft	5 ft	-	-
4) Interior Side	5 ft	5 ft	0 ft	0 ft
5) Street Side	10 ft	10 ft	10 ft	10 ft
6) Side-Accessory Bldg.	10 ft	10 ft	-	-
Residential Use abutting Non - Residential Use	25 ft			
Min. sf per Dwelling	800 sf	800 sf	800 sf	800 sf
Density (du/ac)	*per each Planning Area (PA) / See Exhibit A			
Principal Bldg. Max. Height (Ft)	35 ft	35 ft	35 ft	35 ft
Accessory Bldg. Max. Height (Ft)	20 ft	20 ft	-	-

Building Separation must comply with Building and Fire Code.

Exhibit D
2026 Gold Creek Commons PUD Commercial Matrix

"A"= Allowed, "S"=Special Review, "-" = Not Allowed

Land Use/Activity	Commercial (PA-4)
Single-Family Detached Dwellings	S
Single-Family Attached Dwellings	S
Duplex Structures	S
Accessory Dwelling Units (ADU) *must be associated with SFD or SFA	S
Townhouses	-
Multifamily Dwellings	-
Accessory Buildings	A
Home occupations *must be associated with Residential use	A
Accessory Uses	S
Amphitheater	A
Amusement and recreation establishments and areas	A
Assisted living services	S
Athletic Fields	S
Auto Repair Garages	-
Automotive wrecking and graveyards, salvage yards and junkyards	-
Bakeries	A
Bed and breakfast inns	S
Beer, wine and liquor stores (off premises of alcohol consumption)	-
Boarding and rooming houses	S
Business Schools, studios and vocational schools, not involving a heavy industrial nature	-
Business service establishment	A
Car lots – new and used	-
Car service and sales establishment	-
Car Washes	A
Car/vehicle rental or leasing	-
Cemeteries or mausoleums	-
Clubs and lodges	S
Commercial animal establishments	S
Commercial food preparation kitchens	A
Computer design-generated CAD-CAM operations not involving heavy industry	A
Computer-generated CAD and similar non offensive "light" industrial uses	S
Construction-related businesses	S
Convenience stores or centers	A
Distribution centers	-
Dormitories	S
Drive-in restaurants	A
Eating and drinking establishments	A
Exhibition and art galleries	A
Facilities for assembly, manufacturing, compounding, processing or treatment of products	-
Farmers markets or other open markets	A
Fences, hedges, walls and trees	A
Financial institutions	A
Fitness, recreational sports, gym or athletic club	A
Food and beverage processing	S
Fraternity and sorority houses	S
Garden/flower shops	A
Golf courses	S

Hospitals and emergency facilities	S
Hospitals for animals	A
Hotels and motels	S
Kennels and other canine-related facilities - commercial	S
Kennels and other canine-related facilities - private	S
Laboratories or specialized industrial facilities	-
Mill-type factories	-
Miniature golf establishments	A
Mobile home parks	-
Mobile home subdivisions	-
Mortuaries/funeral homes	-
Movie theaters	S
Museums, exhibitions or similar facilities	A
Nightclubs	-
Nursery schools and day care centers	A
Parking lots and parking garages	A
Parks	A
Pawn shops	-
Performance theaters	S
Personal service establishments	A
Plant or tree nurseries	-
Playgrounds	A
Private campgrounds	-
Professional, commercial or business offices	A
Public buildings and lands	A
Public safety-related facilities	A
Public transportation terminals other than truck terminals	S
Public utilities	A
Recreation centers - nonprofit neighborhood	S
Recreation facilities - private	A
Recreational facilities - public	A
Religious assembly, place of	A
Research and development services	S
Restaurants	A
Retail stores, sales and display rooms and shops	A
Retirement/group housing services	S
Schools - private	A
Schools - public	A
Service stations	A
Services to buildings and dwellings (pest control, janitorial, carpet/upholstery cleaning)	-
Sexually oriented businesses	-
Storage facilities, RVs, campers, trailers, large vehicles	-
Tattoo parlors	-
Trailer sales and service	-
Universities, colleges, technical institutions - satellite locations	A
Warehouse and storage facilities	-
Warehouse discount stores/superstores	-
Wholesaling, exclusive of manufacturing	-

If "A", the use is allowed; if "S", the use is only allowed upon the issuance of a Use by Special Review permit. If "-" or left blank, the use is not allowed in that zone.

Exhibit E
2026 Gold Creek Commons PUD
Commercial Dimensional Standards Matrix

Standards	Commercial
Min. Lot/Space Size (sf)	2,500 sf
Max. Lot Coverage	
Under Roof	50%
Min. Vegetation	10%
Min. Lot/Space Width (ft) **measured 20' from front property line*	30 ft*
Min. Yard Setback (ft)	
1) Highway 86	50 ft
2) Front-Public ROW	15 ft
3) Front-Private ROW	15 ft
4) Rear-Principal Bldg.	5 ft
5) Rear-Accessory Bldg.	5 ft
6) Interior Side	5 ft
7) Street Side-Public ROW	10 ft
8) Street Side-Private ROW	5 ft
9) Side-Accessory Bldg.	10 ft
Non-Residential Use abutting Residential Use	25 ft
Max. Floor Area Ratio (FAR)	1.0
Principal Bldg. Max. Height (Ft)	40 ft
Accessory Bldg. Max. Height (Ft)	30 ft

Building Separation must comply with Building and Fire Code.

END OF DEVELOPMENT GUIDE

Exhibit A: Applicant Submittal Documents

June 19, 2026

Town of Elizabeth

PO Box 159 – 151 S. Banner Street

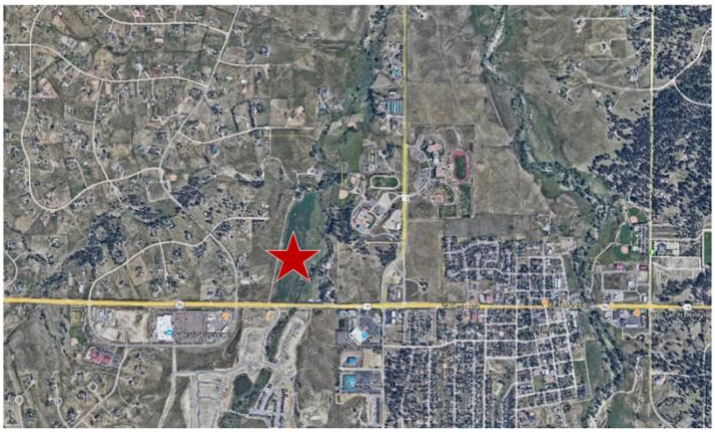
Elizabeth, CO 80107

Phone: 909-646-4166 X4

Re: Gold Creek Commons PUD Amendment Narrative

Contacts

Owner: Stephen W. & Bette M. Gibson Charitable Remainder Trust 1115 Mountain Ridge Road Provo, Utah 84604	**Applicant Representative:** David Bourne 2564 Van Ross Drive South Jordan, Utah 84095 Phone: 949-456-4048 Email: davidkbourne@gmail.com
Planning Consultants LAI Design Group 116 Inverness Drive East Suite #340 Englewood, Colorado 80112 Phone: (303) 734-1777 Contact: Don Ryan Email: dryan@laidesigngroup.com	**Engineering Consultants** Westwood 10333 E. Dry Creek Road, Suite 400 Englewood, Colorado 80112 Phone: 720.482.9526 Contact: Garrett Bales Email: Garrett.Bales@westwoodps.com
Traffic Consulting LSC Transportation Consultants, Inc. 1889 York Street Denver, Colorado 80206 Phone: (303) 333-1105 Contact: Christopher McGranahan Email: csmcgranahan@lsctrans.com	**CTL|THOMPSON** 500 Brian Avenue, Unit A (UPS/FedEx) PO Box 2122 (USPS) Silverthorne, Colorado 80495 Phone: (970) 486-3210 Contact: Benny Lujan Email: Blujan@ctlthompson.com



Project Location

Gold Creek Commons is a proposed development on a +/- 56.4-acre parcel of land on the north side of Highway 86 within the Town of Elizabeth.

Adjacent Parcels/Zones

North: Town of Elizabeth (Public/Institutional – P-I)

South: Elizabeth 86 / Legacy Village (PUD)

East: Gold Creek Business Park PUD (Elbert County)

West: RA-1 (Elbert County) and Elbert County Parks and Open Space (Elbert County)

Project Background

Gold Creek Commons was originally approved as a Planned Unit Development (PUD) in 2007. Development Guidelines for Lot 1 were subsequently approved in 2014. The original annexation agreement transferred groundwater shares to the Town in exchange for access to municipal water and sewer services.

Since acquiring the property, the Applicant has worked closely and diligently with Town staff, elected officials, neighboring property owners, and other stakeholders to evaluate the most appropriate long-term development plan for the site. Over the past eighteen months, the Applicant has participated in an extensive public outreach and stakeholder engagement process that has included individual meetings with neighboring property owners, numerous neighborhood meetings, discussions with Town staff, meetings with elected officials, and ongoing follow-up conversations regarding the future of the property.

During that process, the Applicant submitted and later withdrew a previous PUD Amendment application to allow for additional refinement of the development plan based upon feedback received from Town staff, neighboring property owners, and members of the Board of Trustees. The Applicant subsequently advanced a Sketch Plan under the existing PUD framework while continuing discussions regarding a potential amendment to the PUD. This sketch was approved in February 2026.

Feedback received throughout this process, including discussions with neighboring property owners, Town staff, members of the Board of Trustees, and comments received during the

Sketch Plan review process, consistently emphasized the importance of maintaining compatibility with adjacent rural residential properties, reducing the scale of commercial development, preserving open space, providing appropriate housing opportunities, and minimizing traffic impacts where possible.

The current proposal differs materially from concepts previously evaluated and reflects changes made in direct response to concerns and priorities identified during the outreach and review process.

The proposed PUD Amendment reflects the results of that collaborative effort. The amendment is intended to better align the development potential of the property with current market conditions, Town planning objectives, and community feedback while maintaining the overall vision of Gold Creek Commons as a residential neighborhood with supporting neighborhood-scale commercial uses.

Description of the General Proposal

The Applicant proposes an amendment to the existing Gold Creek Commons Planned Unit Development to modify the land use plan, development standards, and housing mix for the property.

The proposed amendment continues to provide a mix of residential, commercial, and open space uses while incorporating changes developed through extensive discussions with neighboring property owners, Town staff, elected officials, and feedback received during the Sketch Plan review process. The revised plan is intended to create a development pattern that is more compatible with surrounding properties while preserving opportunities for future housing and neighborhood-serving commercial uses.

Key elements of the proposed amendment include:

- Approximately 17 acres of open space, representing more than 30 percent of the site.
- Expanded buffers and separation areas adjacent to existing rural residential and equestrian properties.
- Preservation of significant open space corridors associated with Gold Creek, the existing drainageway, and future trail opportunities.
- Approximately 3.3 acres of neighborhood commercial uses concentrated along the Highway 86 corridor.
- A residential development pattern consisting primarily of single-family detached homes with a limited number of duplex units permitted through the Development Guide.
- A reduction in projected traffic generation compared to prior development concepts as a result of modifications to the commercial program.
- A development program consisting of up to 179 dwelling units.

The proposed amendment maintains the mixed-use character envisioned for the property while providing a development plan that better reflects current market conditions, community input, and the long-term goals of the Town of Elizabeth.

Amended Land Uses

Land Use	2026 PUD Amendment	2007 PUD (Existing)
Residential (acreage)	36.1 Acres	18.2 Acres
Residential (max units)	179	134
Open Space	17 Acres	5.5 Acres
Commercial (acreage)	3.3 Acres	25.7 Acres

Development Summary

A Residential	Area (Ac.)	Units
PA-1	12.3	52
PA-2	20.8	107
PA-3	3.0	20
Sub-Total	**36.1**	**179**

B Commercial	Area (Ac.)
PA-4	3.3
Sub-Total	**3.3**

C Open Space	Area (Ac.)
OS-1	12.7
OS-2	1.0
OS-3	3.3
Sub-Total	**17.0**

D Summary	Area (Ac.)	Percentage
Developable Area (A&B)	39.4	69.9%
Open Space (C)	17.0	30.1%
Total	**56.4**	100.0%

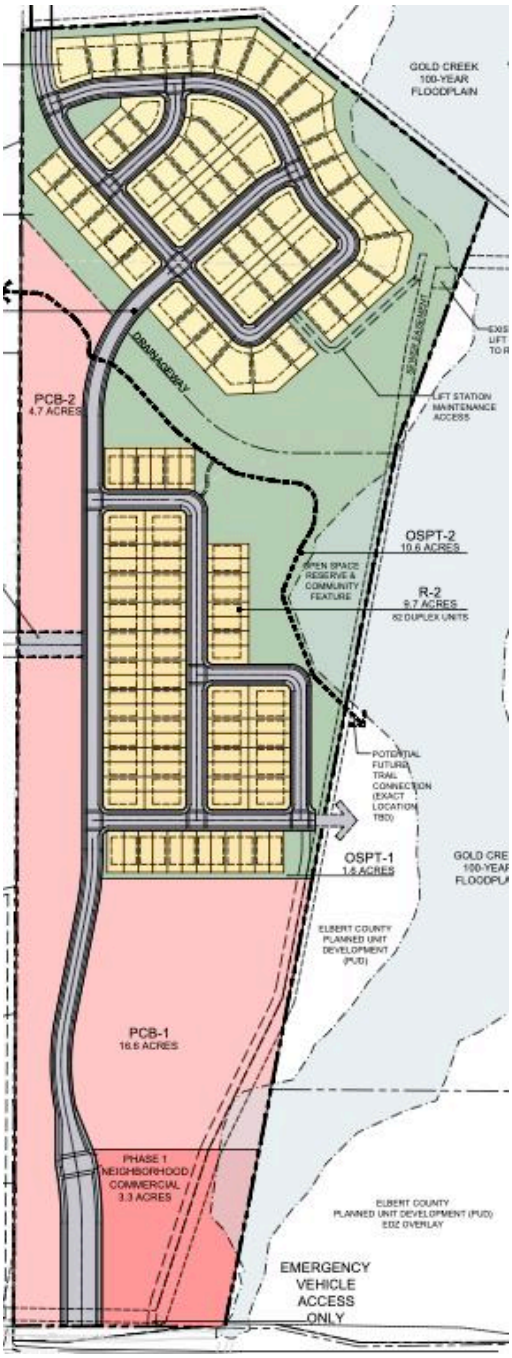
Present and Proposed Zoning

Commercial Uses

The original PUD designated approximately 25.7 acres of commercial land. These commercial uses were concentrated along the Highway 86 corridor and extended northward into the property. At the time of approval, the commercial acreage was intended to serve future residential growth anticipated to occur north of Gold Creek Commons.

Over the last twenty years, several factors have changed the assumptions that supported the original commercial program. Regional growth patterns evolved differently than anticipated, the residential growth anticipated north of the property did not occur as originally envisioned, and major commercial services have since been established along the Highway 86 corridor, including Walmart and Safeway. As a result, the amount of commercial acreage approved in 2007 is no longer required to serve the surrounding area.

In addition to changing market conditions, feedback received from neighboring property owners, Town staff, members of the Board of Trustees, and comments received during the Sketch Plan review process consistently emphasized the importance of reducing the scale and intensity of commercial development on the property and increasing compatibility with adjacent residential and equestrian properties.



The proposed PUD Amendment responds to those concerns by reducing commercial acreage from approximately 25.7 acres to approximately 3.3 acres. Former commercial areas have been replaced with open space, buffering, and residential neighborhoods designed to be more compatible with surrounding properties. The remaining commercial acreage has been concentrated along the Highway 86 corridor where commercial activity is most appropriate and where impacts to existing residential properties can be minimized. This revised commercial program is also anticipated to generate less traffic than previous development concepts.

The proposed commercial planning areas are intended to accommodate neighborhood-serving uses that provide goods, services, employment opportunities, and limited commercial amenities to residents of Gold Creek Commons and the surrounding area.

The proposed PUD-CMU designation is intended to permit a mix of commercial and residential uses with easy access to a major arterial and/or major collector street.

The CMU District is intended to accommodate a mix of compatible nonresidential and residential uses, including:

- Small-scale retail
- Professional offices
- Professional services
- Commercial accommodations that encourage pedestrian activity

The CMU District is intended to provide a transition between limited commercial uses and lower-density residential areas.



Uses contemplated for the commercial planning areas are included within the Development Guide as part of this PUD Amendment application.

C-1 Commercial Planning Area

The C-1 Planning Area is located adjacent to Highway 86 and is intended to serve as the primary commercial area within Gold Creek Commons. Uses within this planning area are intended to provide neighborhood-scale commercial services in a manner that is compatible with surrounding development and consistent with the Town's vision for the Highway 86 corridor.

COMMERCIAL MIXED USE DIMENSIONAL STANDARDS MATRIX (PLANNING AREA PA-4)

2026 Gold Creek Commons PUD
Commercial Dimensional Standards Matrix

Standards	Commercial
Min. Lot/Space Size (sf)	2,500 sf
Max. Lot Coverage	
Under Roof	50%
Min. Vegetation	10%
Min. Lot/Space Width (ft) **measured 20' from front property line*	30 ft*
Min. Yard Setback (ft)	
1) Highway 86	50 ft
2) Front-Public ROW	15 ft
3) Front-Private ROW	15 ft
4) Rear-Principal Bldg.	5 ft
5) Rear-Accessory Bldg.	5 ft
6) Interior Side	5 ft
7) Street Side-Public ROW	10 ft
8) Street Side-Private ROW	5 ft
9) Side-Accessory Bldg.	10 ft
Non-Residential Use abutting Residential Use	25 ft
Max. Floor Area Ratio (FAR)	1.0
Principal Bldg. Max. Height (Ft)	40 ft
Accessory Bldg. Max. Height (Ft)	30 ft

Building Separation must comply with Building and Fire Code.

Residential Uses

The proposed PUD Amendment permits a maximum of one hundred seventy-nine (179) dwelling units across all residential planning areas. In response to concerns raised throughout the public outreach and review process, no more than twenty (20) dwelling units shall be permitted west of the primary north-south spine road. In addition, attached housing shall be limited to a maximum of ten (10) duplex units, all of which shall be located within the Planning Area 2 and governed by the standards established in the Development Guide.

The residential plan has been substantially revised through discussions with neighboring property owners, Town staff, members of the Board of Trustees, and comments received during the Sketch Plan review process. The revised plan places greater emphasis on detached housing,

expanded open space, increased buffering adjacent to existing rural residential properties, reduction in traffic and preservation of the site's natural features.

The residential planning areas are intended to provide a variety of housing opportunities while maintaining compatibility with surrounding development and preserving flexibility to respond to future market conditions. The Development Guide establishes the specific development standards applicable to each planning area.

Currently, PUD-R1/R2 allows 4,500-square-foot lots for single-family detached homes, 7,000-square-foot duplex lots for single-family attached homes, and 6,000-square-foot lots for single-family detached homes. The proposed amendment continues to provide a variety of housing opportunities while placing greater emphasis on detached housing products and limiting the amount of attached housing permitted within the development.

Planning Area 1

The **Planning Area-1** is located in the northern portion of the property and is intended to accommodate detached single-family homes on lots generally consistent with the Town's R-1 zoning district.

Planning Area 2

The **Planning Area-2** serves as the primary residential neighborhood within Gold Creek Commons and is intended to provide flexibility for a variety of residential housing opportunities while maintaining compatibility with adjacent residential and commercial uses. Limited duplex product may be permitted within this planning area as provided in the Development Guide. It is intended to accommodate detached single-family homes on smaller lot configurations consistent with the Development Guide. This planning area provides opportunities for attainable homeownership while maintaining a predominantly single-family character.

Planning Area 3

The **Planning Area-3** is located north and south of Pinto Trail and west of the primary north-south spine road. This planning area is intended to accommodate detached single-family homes while emphasizing compatibility with adjacent rural residential and equestrian properties through enhanced buffering, open space separation, and reduced development intensity.

The Development Guide establishes the permitted housing types, development standards, and design requirements applicable to each residential planning area.

RESIDENTIAL DIMENSIONAL STANDARDS MATRIX

Standards	Single Family Detached		Single Family Attached	
	Traditional SFD	SFD (Alley Loaded)	Duplexes Paired Units	Duplexes Paired Units (Alley Loaded)
Min. Lot Size (sf)	4,500 sf	4,500 sf	3,500 sf	3,500 sf
Max. Lot Coverage				
Under Roof	60%	60%	60%	60%
Min. Vegetation	20%	10%	20%	10%
Min. Lot Width (ft) *measured 20' from front property line	45 ft*	45 ft*	35 ft* per unit	35 ft* per unit
Min. Yard Setbacks (ft)				
1) Front-Principal	15 ft	15 ft	15 ft	15 ft
Front-Side Load Garage	15 ft	-	15 ft	-
Front-Garage Parallel	18 ft	-	18 ft	-
2) Rear-Principal Bldg.	15 ft	2 ft (includes Garage)	15 ft	2 ft (includes Garage)
3) Rear-Accessory Bldg.	5 ft	5 ft	-	-
4) Interior Side	5 ft	5 ft	0 ft	0 ft
5) Street Side	10 ft	10 ft	10 ft	10 ft
6) Side-Accessory Bldg.	10 ft	10 ft	-	-
Residential Use abutting Non - Residential Use	25 ft			
Min. sf per Dwelling	800 sf	800 sf	800 sf	800 sf
Density (du/ac)	*per each Planning Area (PA) / See Exhibit A			
Principal Bldg. Max. Height (Ft)	35 ft	35 ft	35 ft	35 ft
Accessory Bldg. Max. Height (Ft)	20 ft	20 ft	-	-

Building Separation must comply with Building and Fire Code.

General Development Schedule

At this time, the Owner and Applicant Representative intend to complete the PUD Amendment process, followed by Sketch Plan, Preliminary Plat, and Final Plat approvals. The proposed development is anticipated to proceed through the Final Plat process prior to disposition or development.

Phasing Plan

It is anticipated that Gold Creek Commons will be developed in a single phase.

Description of Water and Sewer Systems Proposed to Serve the Site

The site is anticipated to receive water and sewer service from the Town of Elizabeth municipal utility system. The Town has previously provided a will-serve letter for the property which is included as part of the application materials. An existing sanitary sewer main runs adjacent to Gold Creek along the eastern portion of the property. Future development is anticipated to connect to this existing sewer infrastructure. An existing Town water main is located within the Legacy development south of Highway 86. It is anticipated that this water main will be extended across Highway 86 and looped throughout the Gold Creek Commons development to provide

water service to the site. The details of the water and sewer system design will be determined during the Sketch Plan process.

Town of Elizabeth Well/Tank Field

During prior review processes, the Town identified a potential future need for municipal water infrastructure, including wells, pump facilities, and/or water storage facilities. The Applicant will continue to coordinate with Town staff regarding any future utility infrastructure needs and whether a site reservation should be incorporated into the final development plan.

Drainage Channels and Ponds

The Gold Creek drainageway runs generally from south to north along the eastern boundary of the site. Gold Creek is a major drainageway with a corresponding FEMA-designated floodplain.

The PUD identifies developable areas outside of the existing 100-year floodplain. Areas located within the floodplain are proposed to remain as open space.

Stormwater runoff from the site has historically drained toward Gold Creek, and this general drainage pattern will be maintained with future development and improvements.

A secondary drainageway, referred to as the West Tributary, traverses the northern portion of the property from west to east before discharging into Gold Creek. This drainageway conveys regional stormwater flows from upstream properties.

The PUD includes a dedicated tract to accommodate future conveyance of the West Tributary through the site. This tract is intended to function as part of the overall open space system and may also serve as a future regional trail corridor.

It is anticipated that the development will include two Extended Urban Runoff Volume (EURV) detention ponds to detain and treat stormwater runoff prior to discharge into the West Tributary and ultimately Gold Creek. One detention facility is anticipated north of the tributary, with a second facility located south of the tributary. Each pond will serve the corresponding portion of the development.

Wetlands

Three open-water ponded areas were identified on the property. The ponds contain limited wetland areas along their fringes, characterized primarily by sandy soils and sparse vegetation.

Because the assessment was completed during the dry season, water levels may increase during the growing season.

The pond and fringe wetland areas were generally classified as Palustrine, Unconsolidated Bottom, Mud, Permanently Flooded, Excavated (PUB3Hx) under the Cowardin Classification System.

A culvert area exists near the southeastern corner of the property where Gold Creek passes beneath Highway 86. Based upon available assessor mapping, this area appears to be off-site. If future surveying indicates a portion of this area lies within the property boundary, additional evaluation may be warranted.

Wetland boundaries were identified through evaluation of vegetation, hydric soils, hydrology indicators, and geomorphic features.

The findings of the field investigation were not entirely consistent with the National Wetlands Inventory (NWI) mapping. The NWI mapping identifies the east-west drainageway located within the northern portion of the property as a Riverine (R4SBA) wetland.

The NWI is intended as a reference tool and is based primarily upon aerial imagery and lidar analysis. The U.S. Fish and Wildlife Service recognizes that field-verified data takes precedence over NWI mapping.

Floodplains

The FEMA National Flood Hazard Layer (NFHL) was reviewed to identify floodplain impacts on the property.

Much of the southern portion of the area has previously been modified through a Letter of Map Revision (LOMR). A LOMR reflects revisions to an effective Flood Insurance Rate Map (FIRM) based upon physical improvements that alter the hydrologic or hydraulic characteristics of a flood source.

The current FIRM mapping, as revised by the LOMR, identifies two small areas of Zone A floodplain encroachment along the eastern edge of the property.

The majority of the property is located within an area of minimal flood hazard. The floodplain associated with Gold Creek extends onto a limited portion of the eastern boundary.

Additional floodplain analysis and flood risk assessment will be completed by the project's engineering team as required by the Town of Elizabeth.

Pursuant to Town Code, no structure shall be erected within two hundred (200) feet of the centerline of a stream designated as a major flood channel.

Wetland / Waters of the United States (WOTUS) Impacts from Development

Based upon available information, waters located on the property are not anticipated to be jurisdictional to the U.S. Army Corps of Engineers, although they may be subject to State regulation.

Should soil disturbance occur prior to implementation of future regulatory changes, a Temporary Authorization may be appropriate. Additional jurisdictional determinations may be sought as necessary during future development phases.

Environmental and Wildlife Report

A Biological Assessment was completed as part of the application process.

The study evaluated the property and proposed development for potential impacts to state and federally protected species, including but not limited to:

- Preble's Meadow Jumping Mouse

- Pallid Sturgeon

- Piping Plover

- Whooping Crane

- Western Prairie Fringed Orchid

- Burrowing Owl

- Bald Eagle

- Golden Eagle

The site was also reviewed for potential historical and archaeological resources.

Based upon the consultant's findings, no significant environmental constraints were identified that would preclude development of the property.

Traffic

A Traffic Impact Study was previously prepared and approved in support of development of the property. A revised trip generation comparison has been prepared to evaluate the proposed land use changes contemplated by this PUD Amendment and is included as **Exhibit M**.

Exhibit M reflects an earlier iteration of the proposed land use plan. An updated trip generation comparison reflecting the final proposed dwelling unit count and commercial acreage will be provided as a supplemental information submittal. Based on the proposed reduction in commercial intensity, the final PUD amendment is anticipated to further reduce projected traffic generation compared to the approved Sketch Plan.

The transportation impacts associated with Gold Creek Commons can be accommodated by the existing and planned roadway network, subject to recommendations identified within the Traffic Impact Study.

Primary access to the development is proposed from State Highway 86. Internal circulation has been designed to provide connectivity throughout the project and accommodate future development of the property. The proposed PUD Amendment is intended to remain compatible with the Town's long-range transportation planning objectives and shall not preclude potential

future roadway, trail, or emergency access connections identified through future Town or County planning efforts.

The Applicant is aware of ongoing discussions among the Town of Elizabeth, the Elizabeth Fire Protection District, and Elbert County regarding the County's recent vacation of portions of Pinto Trail and Palomino Trail. The proposed development has secured an emergency access solution from State Highway 86 that has been reviewed and approved by the Fire Marshal and satisfies emergency access requirements for the project. The Applicant will continue to monitor and participate in discussions regarding future access opportunities and will coordinate with the Town, County, and Fire District as appropriate.

Additional traffic analysis may be completed in the future as required by CDOT and other reviewing agencies in connection with subsequent development approvals.

.**Mineral Rights**

Not Applicable.

Oil and Gas

Not Applicable.

Schools

Students residing within Gold Creek Commons may attend the following schools*:

- Running Creek Elementary School (+/- 33 students)
- Elizabeth Middle School (+/- 14 students)
- Elizabeth High School (+/- 15 students)

Gold Creek Commons is located immediately adjacent to Elizabeth Middle School and Elizabeth High School.

Following submission of the prior PUD Amendment application, the Applicant met with Dan Snowberger and Justin Henry of the Elizabeth School District on June 5, 2025, to discuss anticipated student generation and school capacity considerations associated with the proposed development. During that meeting, the District did not identify any concerns regarding the District's ability to accommodate students generated by the proposed development.

The Applicant has not conducted a subsequent meeting with the School District regarding the current application. However, the maximum residential unit count proposed by this PUD Amendment has been substantially reduced from the residential unit count evaluated under the prior PUD Amendment application. As a result, anticipated student generation is expected to be significantly lower than previously evaluated.

**The student generation estimates shown above were derived by proportionally reducing the student generation estimates included in the prior PUD Amendment application to reflect the reduced maximum residential unit count proposed in this application. The prior application evaluated a maximum of 317 dwelling units, while this application proposes a maximum of 179 dwelling units. These estimates are provided for planning purposes only.*

Open Space, Trails and Parks (PROST Coordination)

The proposed PUD Amendment significantly increases open space compared to the original PUD and incorporates approximately 17 acres (or approximately 30% of the site) of open space, drainage corridors, wildlife habitat areas, buffering, and community amenities.

On February 14, 2025, the Applicant and consultants met with representatives of the Parks, Recreation, Open Space and Trails (PROST) Committee to discuss how the property could support the goals of the developing PROST Master Plan.

Since that meeting, the Greater Elizabeth PROST Master Plan has been adopted and identifies a potential future trail connection in the vicinity of the property. The open space areas incorporated into Gold Creek Commons may provide opportunities for future trail connections consistent with the goals of the PROST Plan. The Applicant will continue to coordinate with the Town and other stakeholders regarding future trail opportunities as development plans are refined.

See **Exhibit O**.

Soils

A Preliminary Geotechnical Investigation was completed by CTL|Thompson on October 22, 2025, for the Gold Creek Commons property. The investigation evaluated subsurface conditions and provided recommendations related to site development, grading, utilities, foundations, pavement design, and other geotechnical considerations. In summary, no geotechnical or geologic conditions would preclude residential and light-commercial development of the site. The primary geologic hazards are the presence of expansive and compressible soils, and shallow groundwater in low-lying areas. These hazards can be mitigated with proper planning, engineering, design and construction.

Metro District / Homeowners Association

The Applicant anticipates pursuing the formation of a Metropolitan District to finance public infrastructure improvements associated with the development.

In addition, a Homeowners Association may be established to manage and maintain common areas and community amenities, including landscaping, recreational facilities, trash collection, parking controls, security measures, and related neighborhood functions.

PUD General Requirements

This amended PUD complies with the requirements of Section 16-1-190, Planned Unit Development District.

1) There shall be no minimum area required for any planned unit development. **RE: Complies**
2) Parks, school sites or sites for other public purposes shall be provided as determined by the Planning Commission and the Board of Trustees. **RE: Complies**
3) The uses permitted in a planned unit development shall be those indicated in the development guide. **RE: Complies**
4) Planned unit developments shall be under single development responsibility in accord with a unified plan for development, even though the property may be under single or multiple ownership. Each owner is responsible for developing his, her or its portion of the project in accordance with the overall plan. The current and/or future owners and their assigns shall be required to develop the proposed project in accordance with the approved development guide. **RE: Complies**
5) The general location of all major arterials and collectors shall be shown on the development plan. **RE: Complies**
6) Connection to public water and sewer facilities shall be required in any planned unit development. **RE: Complies**
7) All utilities shall be placed underground unless unable to for engineering reasons. **RE: Complies**
8) Structures located along the perimeter of the development must be set back and/or screened in a manner which is recommended by the Planning Commission and approved by the Board of Trustees. **RE: Complies (See Development Guide)**
9) Setbacks and lot sizes required in the individual zoning categories may be modified or varied. Such modifications shall be in accordance with standards and procedures established in the development guide for the proposed planned unit development. **RE: Complies (See Development Guide)**
10) Any planned unit development shall submit a development guide which establishes the standards, variations and requirements for the development which may be divergent from the standards of the zoning regulations of the Town. Those conditions established by the development guide and approved by the Board of Trustees shall be recorded and utilized for development and review of the project. **RE: Complies (See Development Guide)**
11) Planned unit developments and development guides shall not contain provisions that address parking requirements, sign control or landscaping requirements. The provisions of this Chapter shall control planned unit developments with respect to parking, sign control and landscaping. Refer to Article VI for parking requirements, Article XII for sign regulations, and Section 16-2-50 of this Chapter for landscaping requirements. **RE: Complies**

Statement of Consistency with the Town Comprehensive Plan (2019)

The proposed PUD Amendment advances the goals of the Comprehensive Plan by concentrating commercial uses along Highway 86, increasing open space, improving compatibility with adjacent rural residential properties, providing a range of housing opportunities, and reducing projected traffic generation compared to previously evaluated development concepts.

Statement of Relevance – Town of Elizabeth Design Review Standards and Guidelines (2011)

The intent of this PUD Amendment is that all proposed standards and guidelines are consistent with the Design Review Standards & Guidelines, except where the Amended PUD Plan and Development Guide state differently.

Approval Considerations. The Planning Commission and Board of Trustees, in review of rezoning request, shall consider the following factors:

1) **A need exists for the proposal.**
   RE: Complies The proposed PUD Amendment responds to changing market conditions, community feedback, and the need to align the development plan with current Town goals and surrounding land uses. The amendment reduces commercial acreage, increases open space, improves buffering adjacent to existing residential properties, and provides housing opportunities more consistent with current market demand.
2) **The particular parcel of ground is indeed the correct site for the proposed development.**
   RE: Complies The property has been planned and entitled for mixed-use development since its annexation and original PUD approval in 2007. The site is located within the Town of Elizabeth, has access to municipal utilities, fronts Highway 86, and is adjacent to existing residential, commercial, educational, and public uses.
3) **There has been an error in the original zoning.**
   RE: Not Applicable
4) **There have been significant changes in the area to warrant a zone change.**
   RE: Complies Over the last twenty years, surrounding development patterns, market conditions, infrastructure availability, and community priorities have evolved. The residential growth originally anticipated north of the property has not occurred as envisioned, commercial services have developed elsewhere along the Highway 86 corridor, and feedback from neighboring property owners, Town staff, the Board of Trustees, and the Sketch Plan review process has informed a revised development approach more consistent with current conditions.
5) **Adequate circulation exists and traffic movement would not be impeded by development.**
   RE: Complies A Traffic Impact Study has been completed and demonstrates that the proposed development can be accommodated by the existing and planned transportation

network. The reduction in commercial acreage is anticipated to reduce traffic generation compared to previously evaluated and approved development concepts.

6) **Additional municipal service costs will not be incurred which the Town is not prepared to meet.**
RE: Complies The property is located within the Town of Elizabeth and is planned to be served by existing municipal water and sanitary sewer systems. Development will be responsible for applicable impact fees, utility fees, and infrastructure improvements required to serve the project.

7) **There are minimal environmental impacts or impacts can be mitigated.**
RE: Complies Environmental, wetland, geotechnical, and other due diligence investigations have been completed for the property. Identified impacts can be mitigated through engineering, design, construction practices, and compliance with applicable local, state, and federal regulations.

8) **The proposal is consistent with the Town Master Plan maps, goals, and policies.**
RE: Complies The proposed PUD Amendment maintains the mixed-use character of the original PUD while reducing commercial intensity, increasing open space, improving compatibility with adjacent residential properties, and supporting housing opportunities consistent with Town planning objectives.

9) **There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land use.**
RE: Complies The property is located within the Town's service area and has access to municipal utilities, schools, parks, and public services. The proposed development contains a substantially lower residential unit count than the prior PUD Amendment application, resulting in proportionally reduced impacts on public facilities and services.

Exhibit A

Town of Elizabeth Zoning Map October 2024

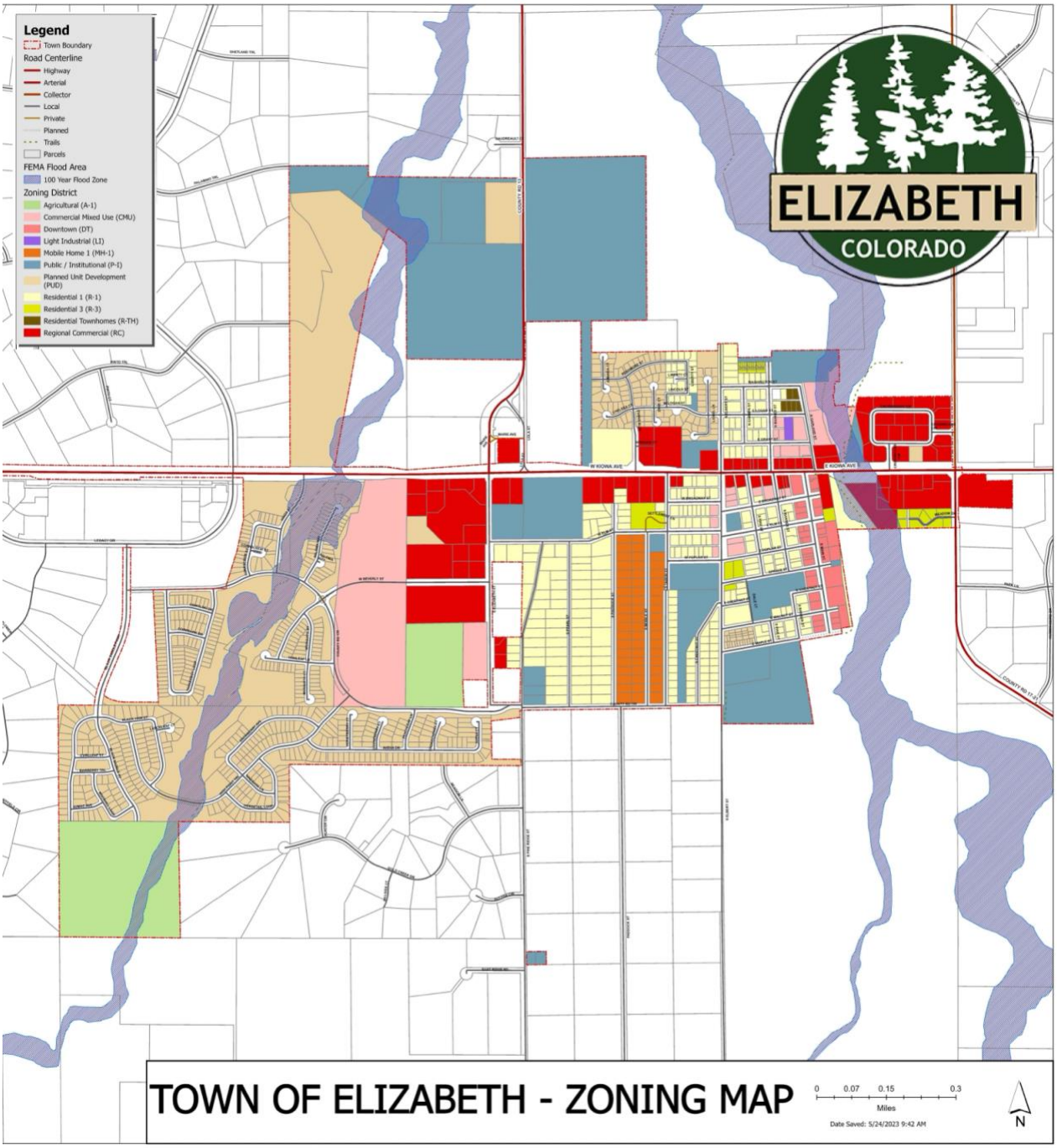


Exhibit B

Town of Elizabeth Subdivision Map

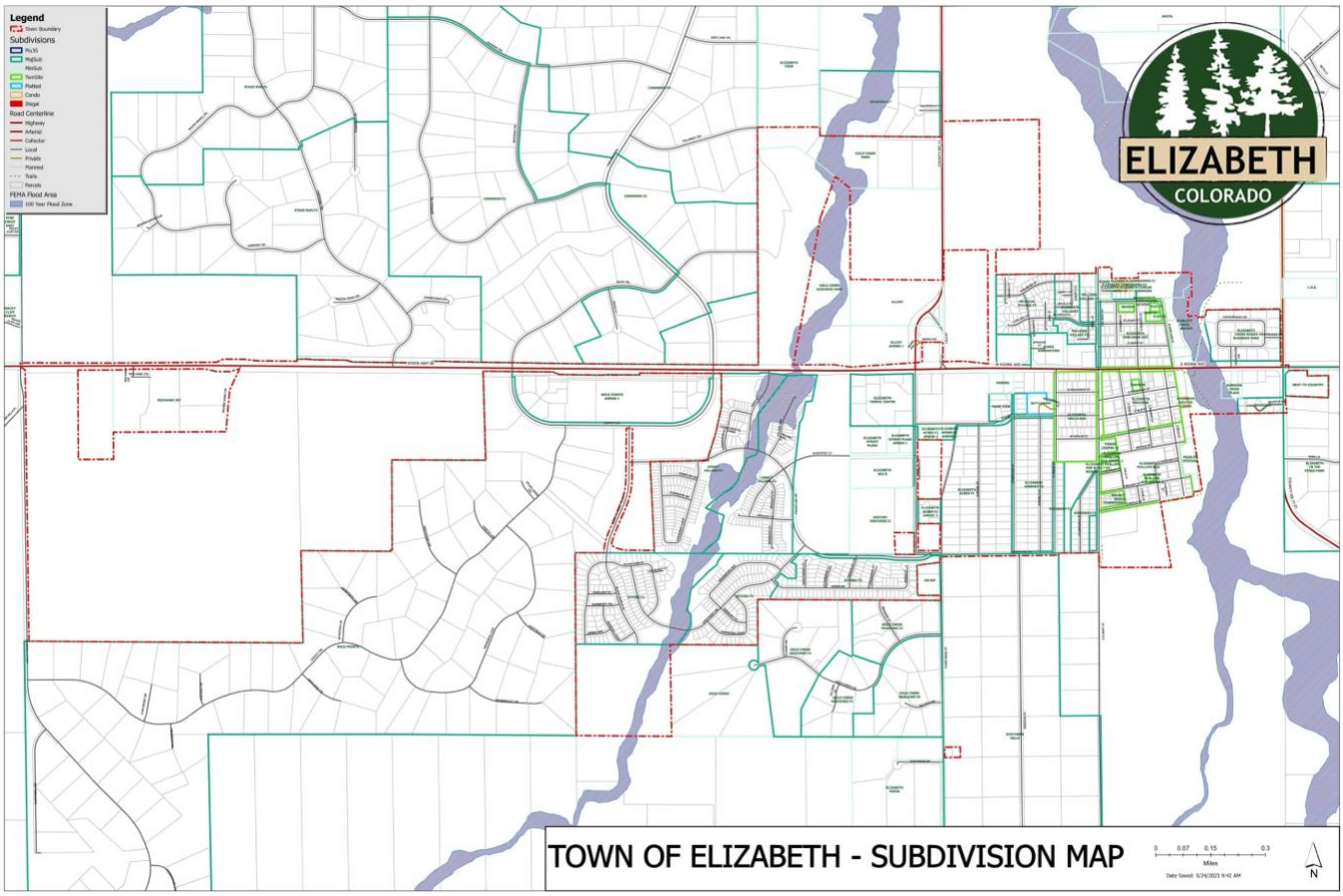


Exhibit C

Town of Elizabeth PUD Map

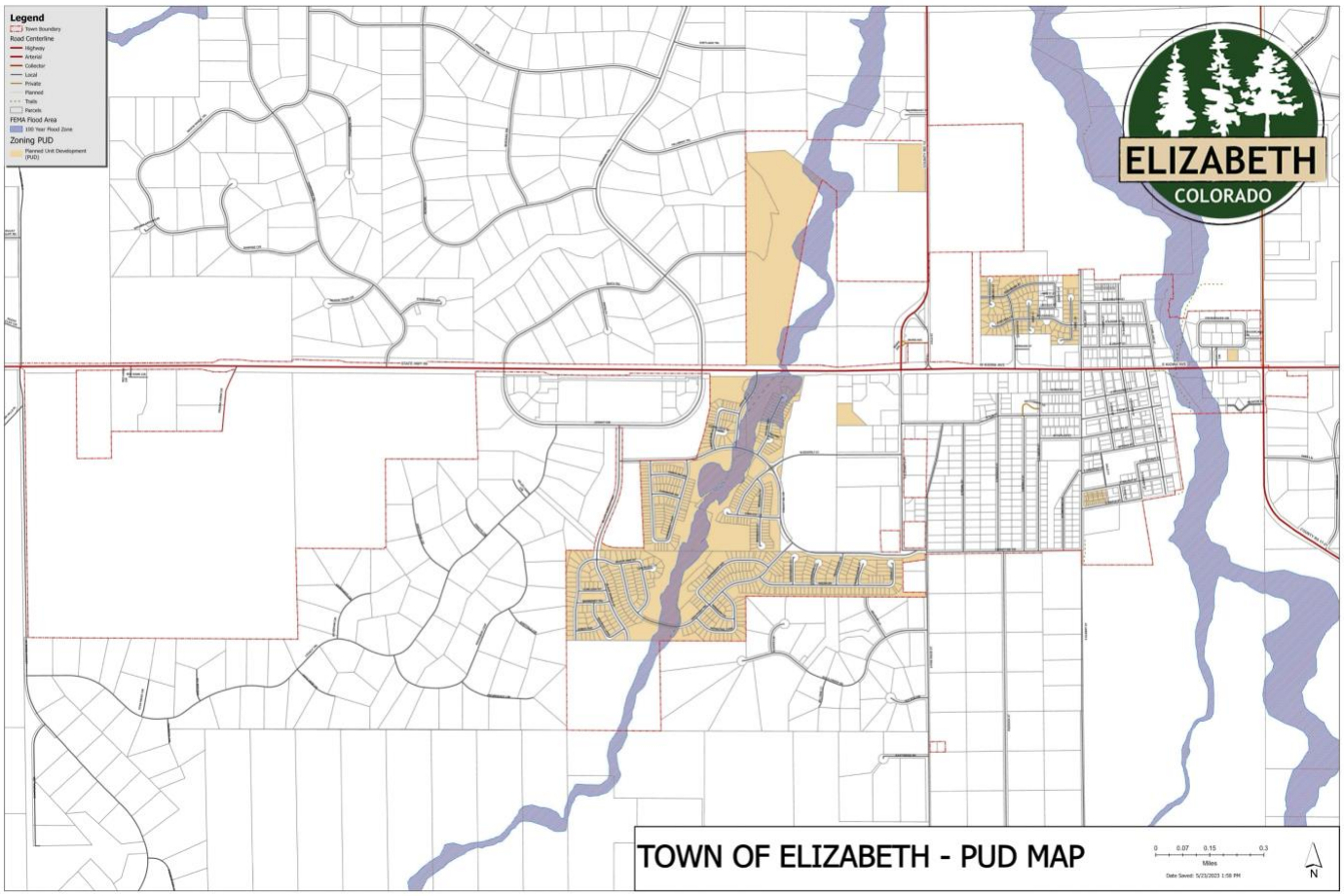


Exhibit D

Water and Sewer Master Plan (2020) Existing Water System

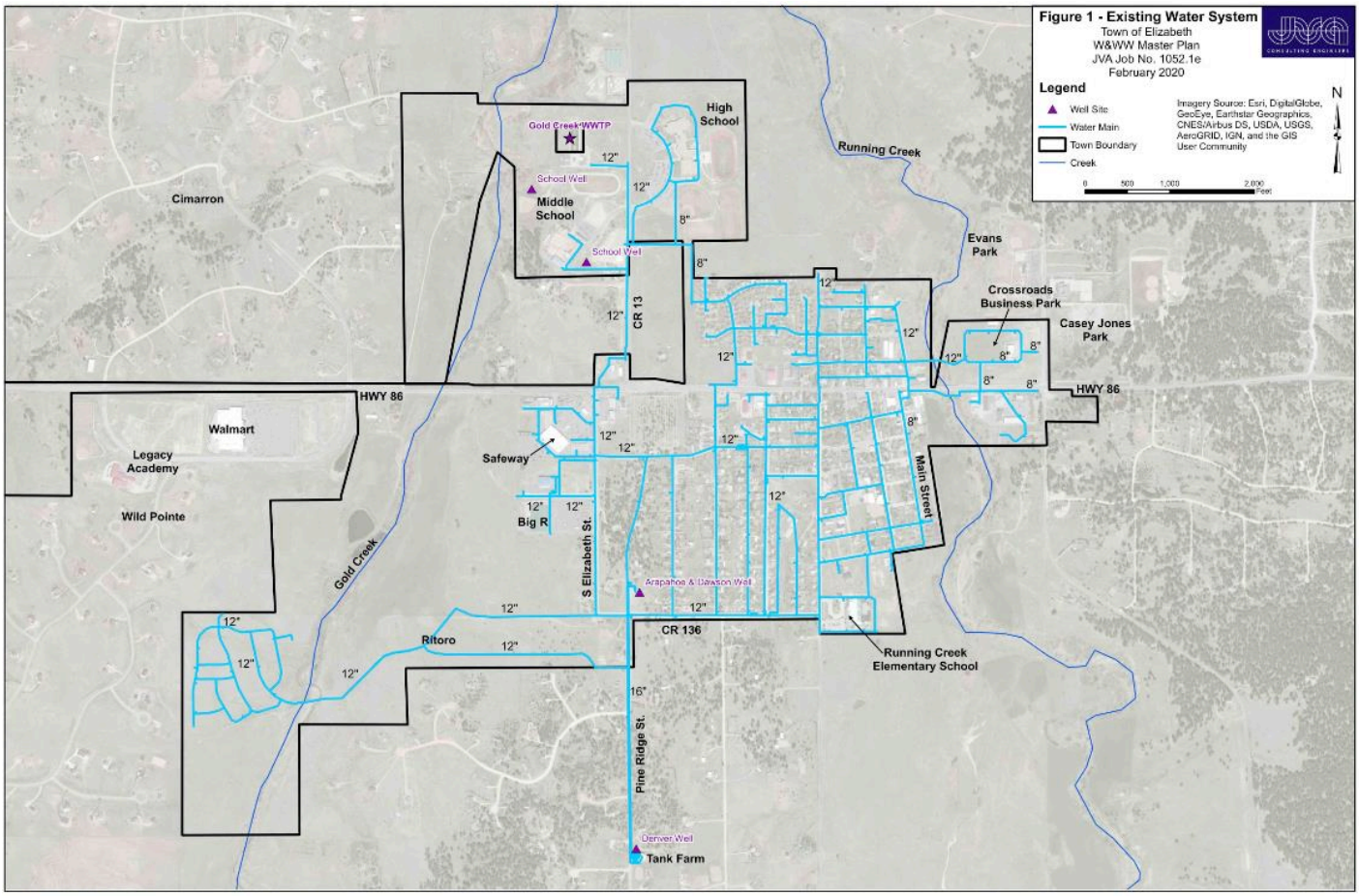


Exhibit E

Water and Sewer Master Plan (2020) Existing Sewer System

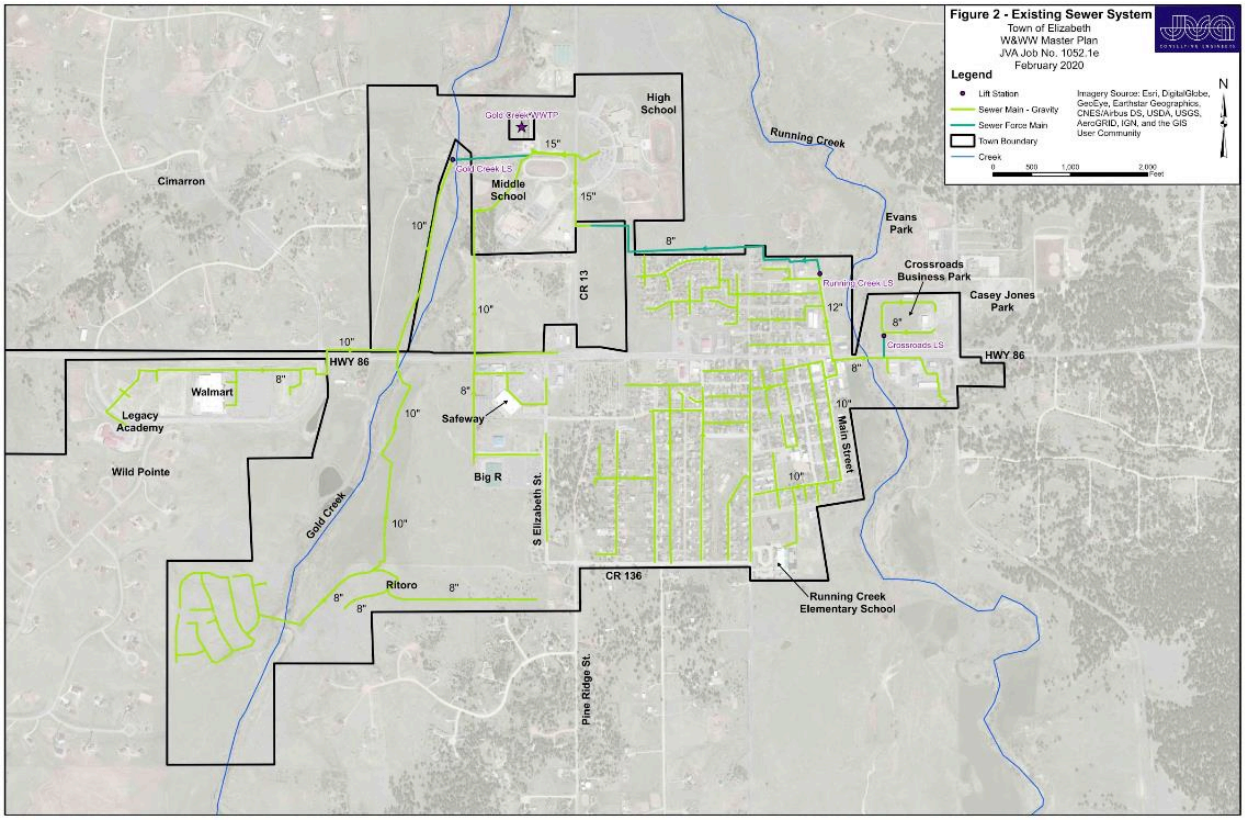


Exhibit F

Water and Sewer Master Plan (2020) Existing Water Supply

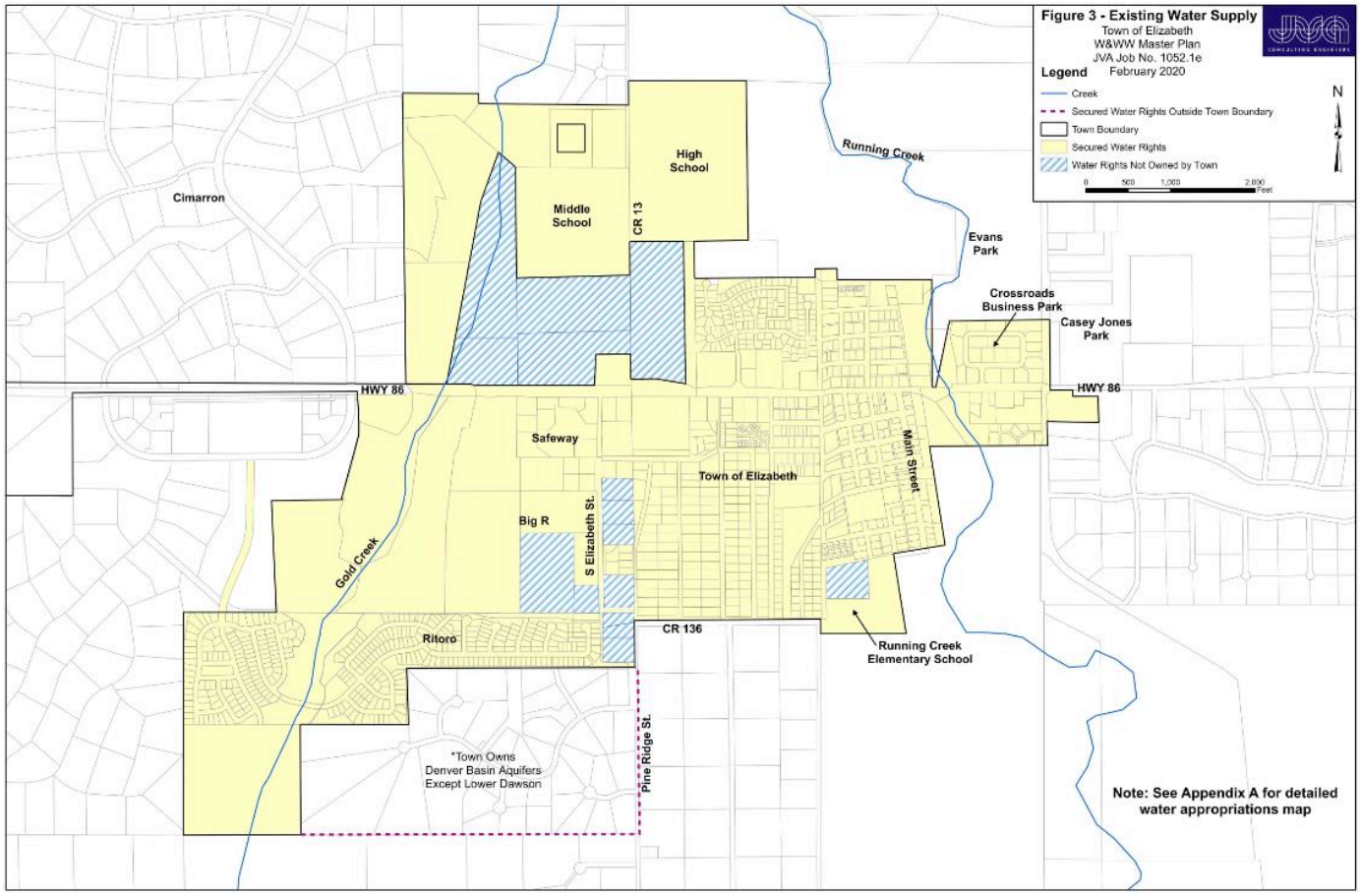


Exhibit G

Water and Sewer Master Plan (2020) Water Resources

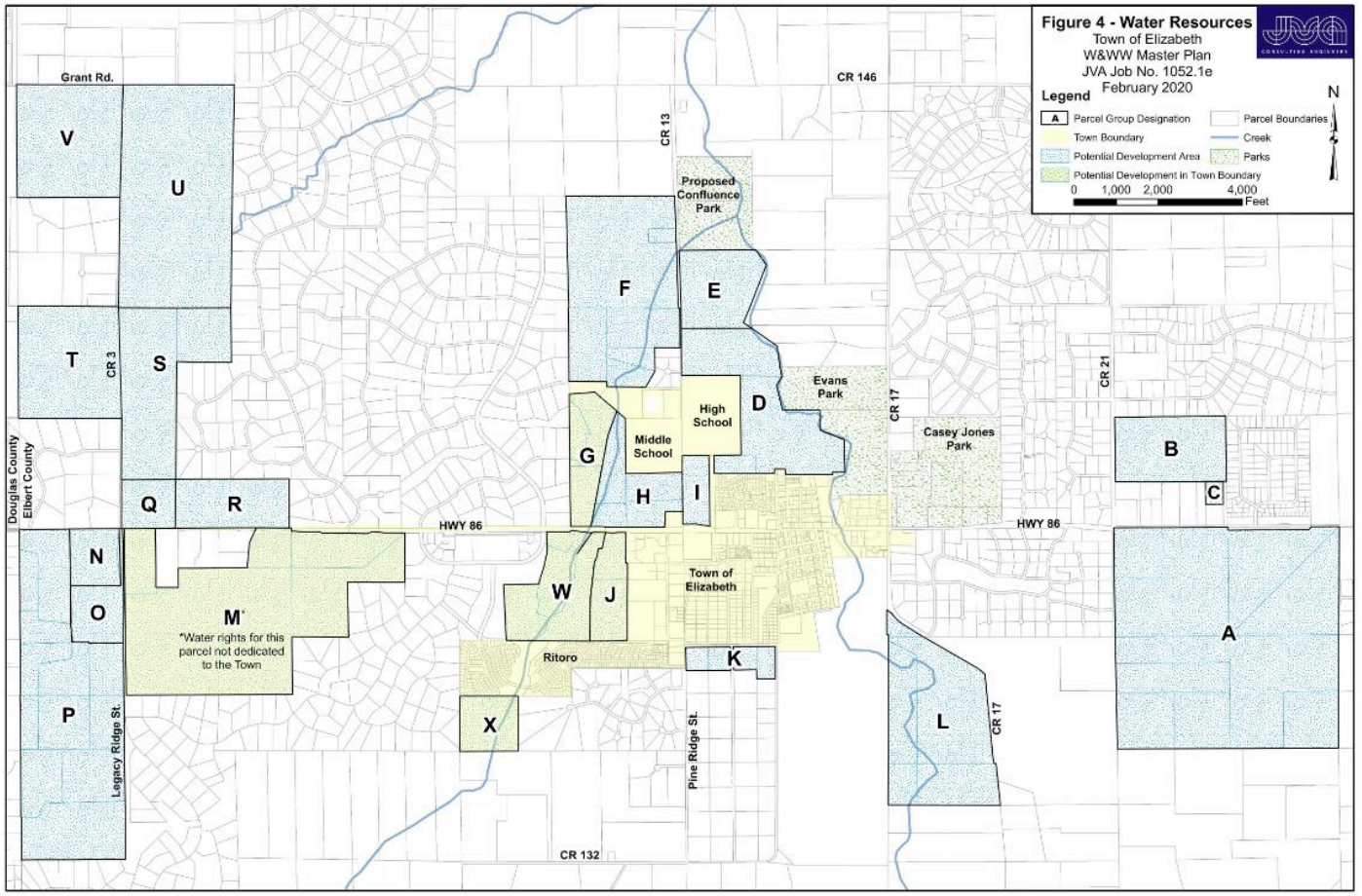


Exhibit H

Water and Sewer Master Plan (2020) Water System at Buildout

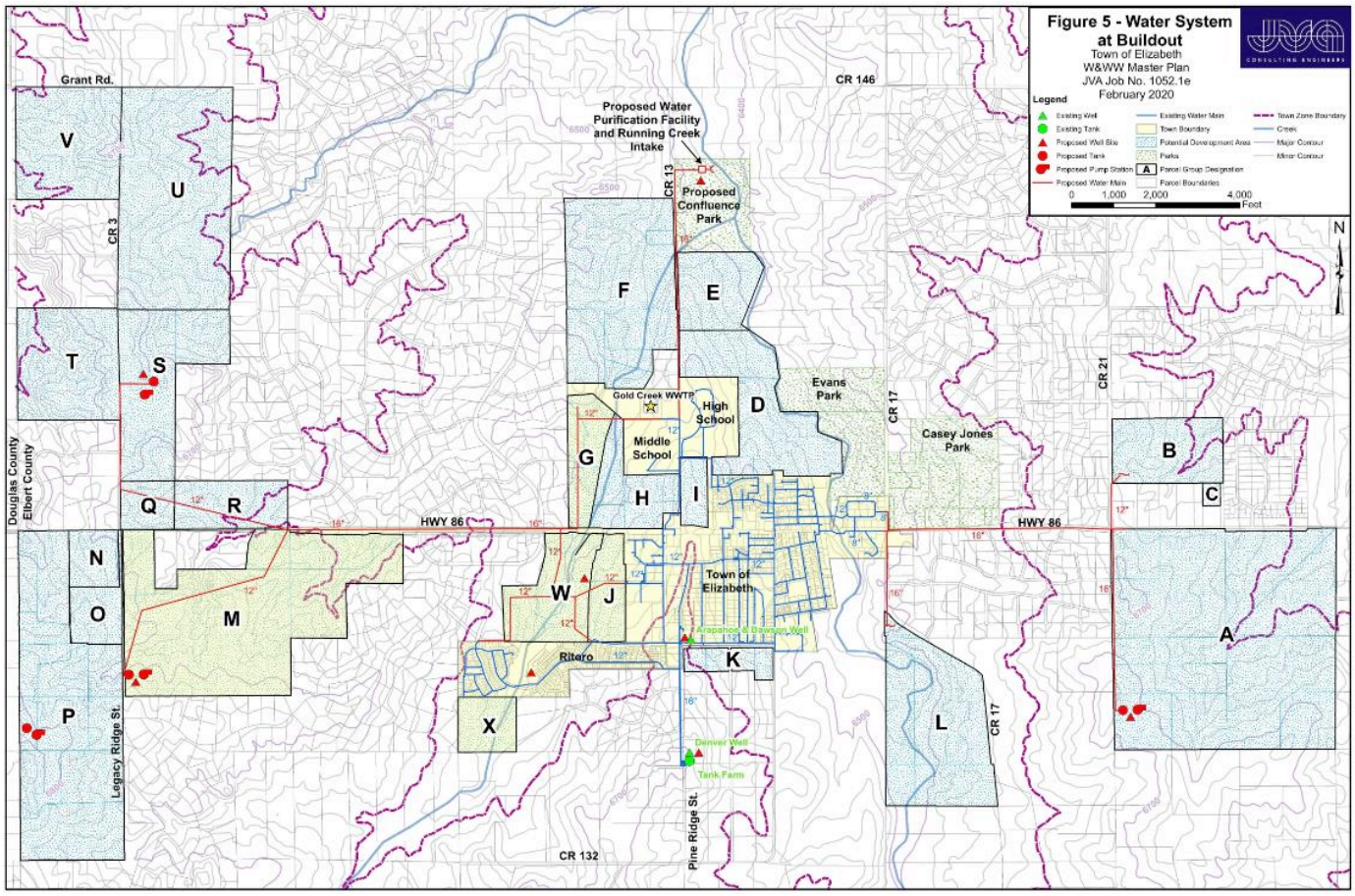


Exhibit I

Water and Sewer Master Plan (2020) Wastewater System at Buildout

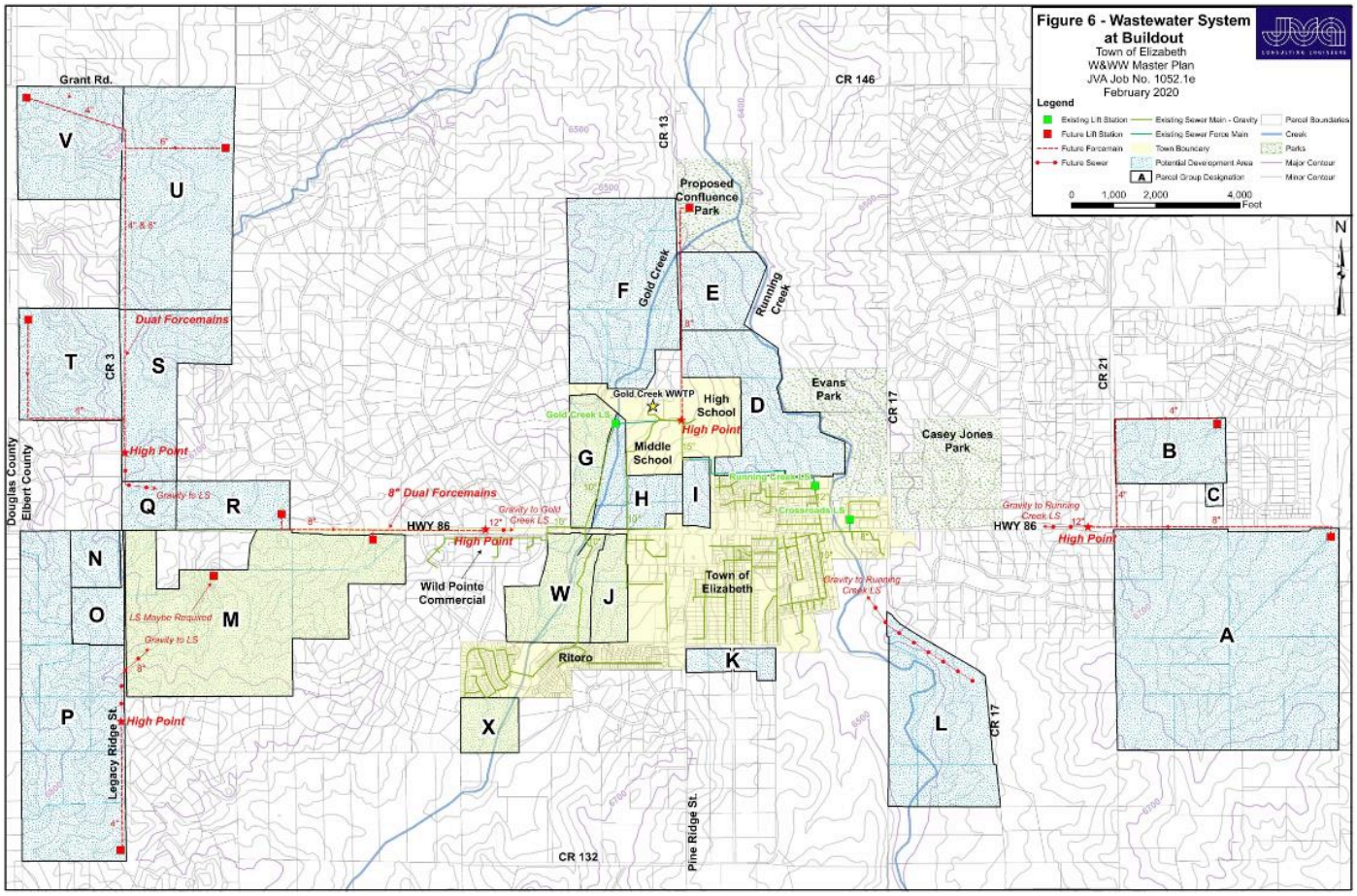


Exhibit J

Water and Sewer Master Plan (2020) Groundwater Appropriations Parcel Map

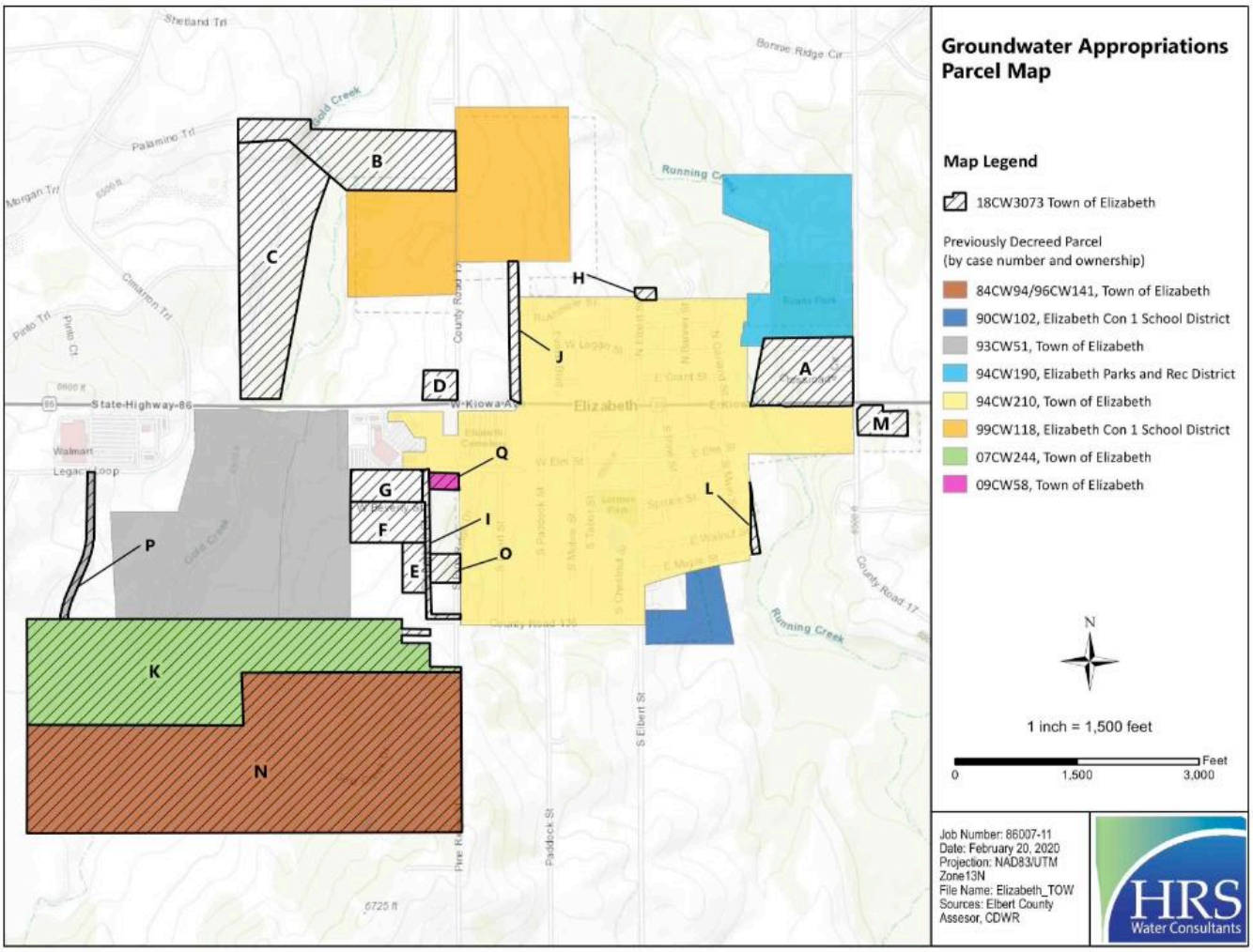


Exhibit K

Town of Elizabeth 2040 Transportation Plan (Fig 10-Proposed Functional Classification)

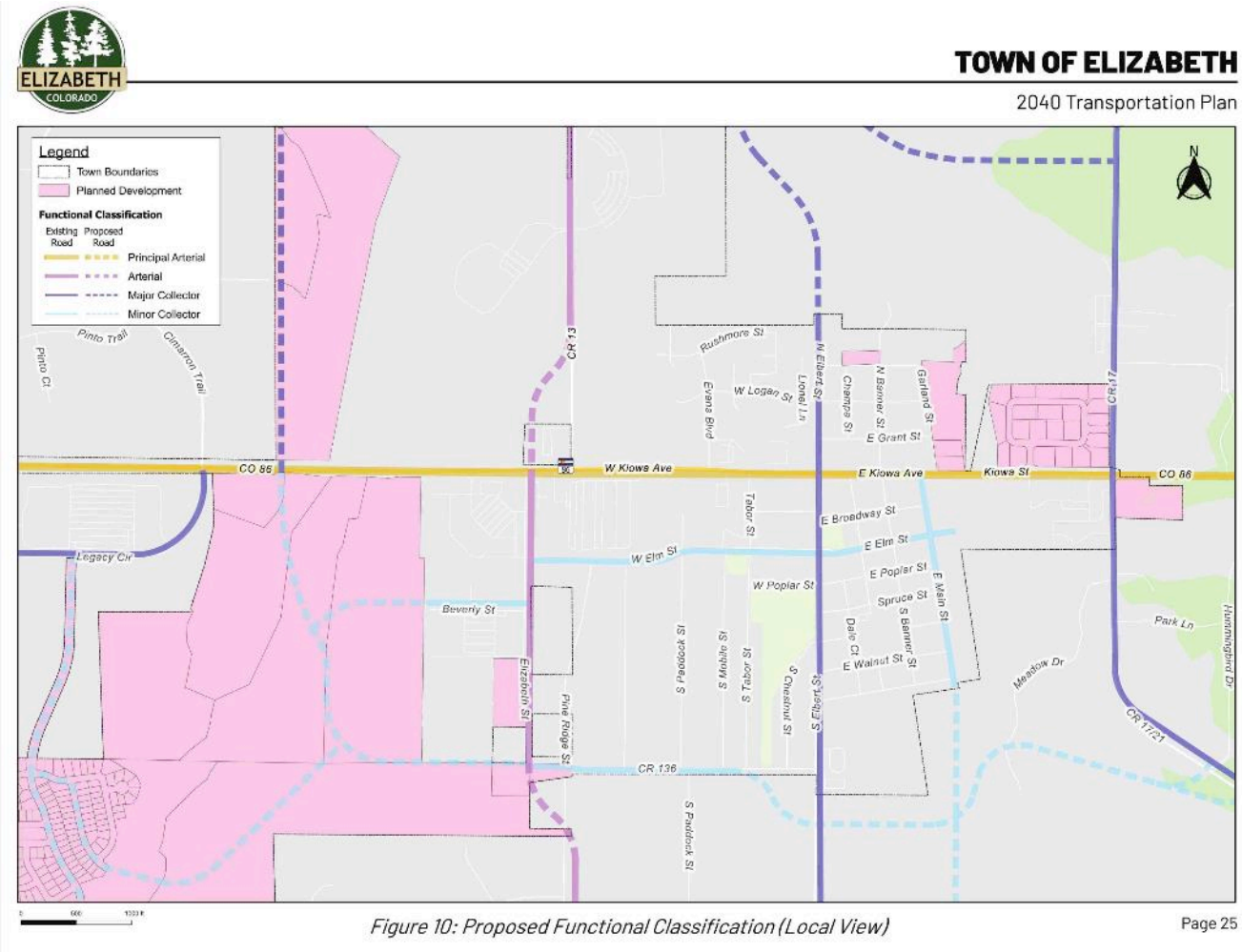


Figure 10: Proposed Functional Classification (Local View)

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Exhibit L

Town of Elizabeth 2040 Transportation Plan (Fig 11-IlLustrative Type Cross Sections)

ELIZABETH COLORADO

TOWN OF ELIZABETH

2040 Transportation Plan

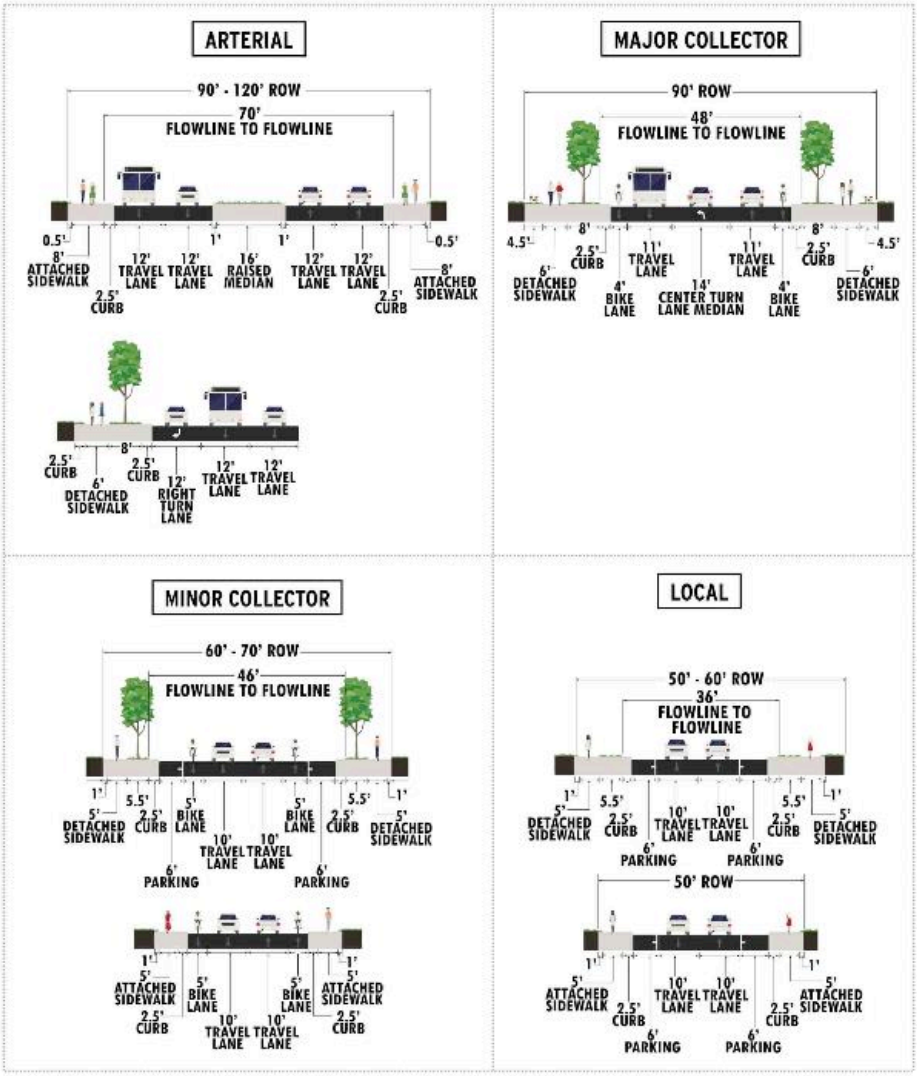


Figure 11: Illustrative Typical Cross Sections

Exhibit M

Town of Elizabeth 2040 Transportation Plan (Fig 12-CO 86 Traffic Control)

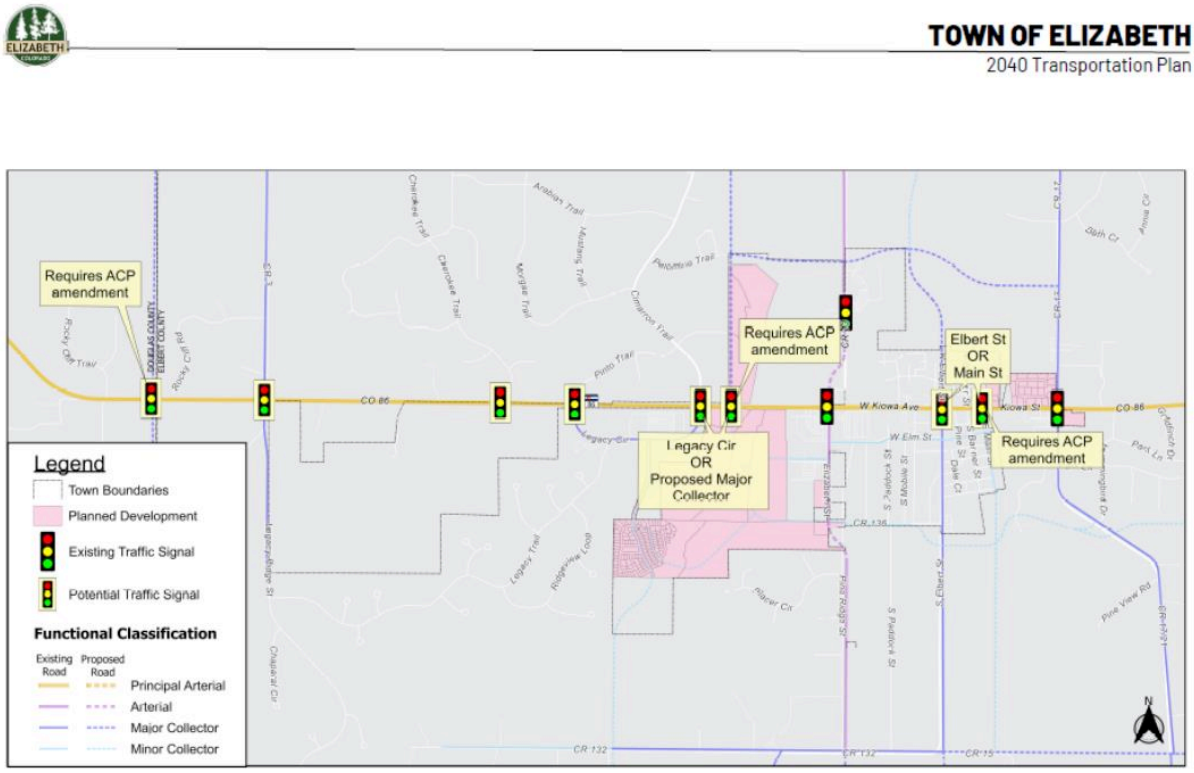


Figure 12: CO 86 Traffic Control

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Exhibit N

Estimated Traffic Generation Comparison

Table 2
ESTIMATED TRAFFIC GENERATION COMPARISON
Gold Creek Commons
Elizabeth, CO
LSC #250090; July, 2026

Trip Generating Category	Quantity	Trip Generation Rates[1] Average Weekday	AM Peak Hour In	AM Peak Hour Out	PM Peak Hour In	PM Peak Hour Out	Vehicle - Trips Generated Average Weekday	AM Peak Hour In	AM Peak Hour Out	PM Peak - Hour In	PM Peak - Hour Out
Land Use Assumed in January, 2026 TIA											
Single-Family Detached Housing [2]	48 DU [3]	9.09	0.189	0.511	0.577	0.353	436	9	25	28	17
Single-Family Attached Housing [4]	86 DU	6.57	0.118	0.352	0.291	0.219	565	10	30	25	19
C-Store with Gas Station [5]	14.0 VFP [6]	203.49	10.154	9.756	9.575	9.975	2,849	142	137	134	140
Retail [7]	50.0 KSF [8]	54.45	2.161	1.769	3.145	3.145	2,723	108	88	157	157
Office Space [9]	30.0 KSF	7.83	1.091	0.149	0.189	0.991	235	33	4	6	30
						Total =	**6,808**	**302**	**284**	**350**	**363**
						Passby Trips [10] =	2,607	120	120	130	130
						Primary Trips =	**4,201**	**182**	**164**	**220**	**233**
Alternative Land Use											
Single-Family Detached Housing [2]	179 DU [3]	9.09	0.189	0.511	0.577	0.353	1,627	34	91	103	63
C-Store with Gas Station [5]	14.0 VFP [6]	203.49	10.154	9.756	9.575	9.975	2,849	142	137	134	140
						Total =	**4,476**	**176**	**228**	**237**	**203**
						Passby Trips [10] =	1,681	86	86	77	77
						Primary Trips =	**2,795**	**90**	**142**	**160**	**126**

Notes:
(1) Source: *Trip Generation*, Institute of Transportation Engineers, 12th Edition, 2025
(2) ITE Land Use No. 210 - Single-Family Detached Housing
(3) DU = Dwelling Units
(4) ITE Land Use No. 215 - Single-Family Attached Housing
(5) ITE Land Use No. 945 - Convenience Store/Gas Station - GFA (4-5.5k)
(6) VFP = Vehicle Fueling Positions
(7) ITE Land Use No. 821 - Strip Retail Plaza (<40k)
(8) KSF = 1,000 square feet
(9) ITE Land Use No. 710 - General Office Building
(10) Passby trips are assumed to be 59% for daily trips, 62% for morning peak-hour trips, and 56% for afternoon peak-hour trips for the C-Store, and 34% for the commercial/retail land use based on the *Trip Generation Handbook*, 3rd Edition.

Exhibit O

PROST Town Trail Plan

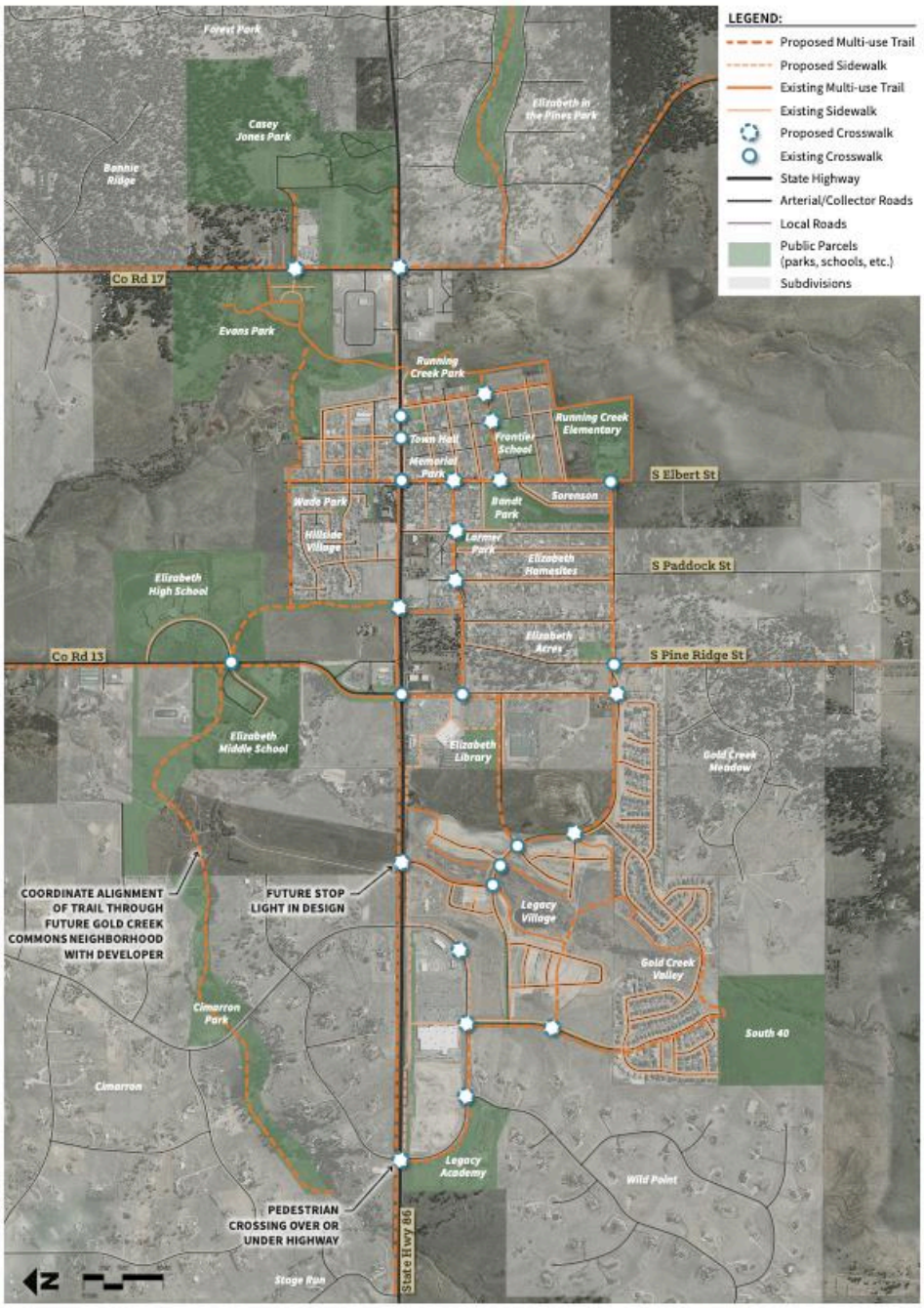


Figure 6-32: Town Trail Plan

END OF NARRATIVE

Know what's **below.** **Call** before you dig.

GOLD CREEK COMMONS

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO

PUD AMENDMENT #1

TOTAL ACREAGE: 56.5 ACRES

INTRODUCTION

The Gold Creek Commons Planned Unit Development (PUD) Amendment #1 provides the opportunity for mixed-use development including commercial uses, residential uses, and open space uses for residents. The requested zoning amendment for this property is within the Town of Elizabeth. This PUD Amendment #1 contains specific modifications to the 2007 approved PD zoning and 2014 approved design guide.

GENERAL NOTES

1. The subject property is composed of one parcel referred to as Gold Creek Commons. The property is located in Elbert County and within Elizabeth town limits.
2. The current zoning for the Property is Town of Elizabeth, Planned Development (PD) approved 2007.
3. Water and sewer services will be extended to the Property by the Gold Creek Commons Metropolitan District.
4. The Property is located adjacent to Highway 86. The principal means of access to the property is Highway 86 (south of the Property). Secondary access will be by Emergency Vehicle Access to Highway 86 and to Palomino Trail to the north. Optional future secondary Emergency Vehicle Access will be to Pinto Trail to the west.
5. No improvements that conflict with or interfere with construction, maintenance or access to utilities shall be placed within the utility easements. Prohibited improvements include, but are not limited to, permanent structures, buildings, counterforts, decks, attached porches, attached stairs, window wells, air conditioning units, retaining walls/components and other objects that may interfere with the utility facilities or access, use and maintenance thereof. The entities responsible for providing the utility services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance and replacement of utility lines and related facilities.

LEGAL DESCRIPTION

A PARCEL OF LAND, SITUATED IN THE EAST HALF OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12, BEING MONUMENTED BY A FOUND 3-1/4 INCH DIAMETER ALUMINUM CAP, MOSTLY ILLEGIBLE, IN A RANGE BOX, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 12, BEING MONUMENTED BY A FOUND 3-1/4 INCH DIAMETER ALUMINUM CAP, STAMPED COLO DEPT OF TRANSPORTATION T8S R65W/R64W S12/S7/S13/S18 2001 PLS 31548, IN A RANGE BOX, IS ASSUMED TO BEAR SOUTH 89°16'51" EAST, A DISTANCE OF 2669.94 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 00°24'48" EAST, ALONG THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 40.00 FEET, TO THE APPARENT NORTHERLY RIGHT-OF-WAY OF HIGHWAY 86, AND THE POINT OF BEGINNING;

THENCE THE FOLLOWING NINE (9) COURSES;

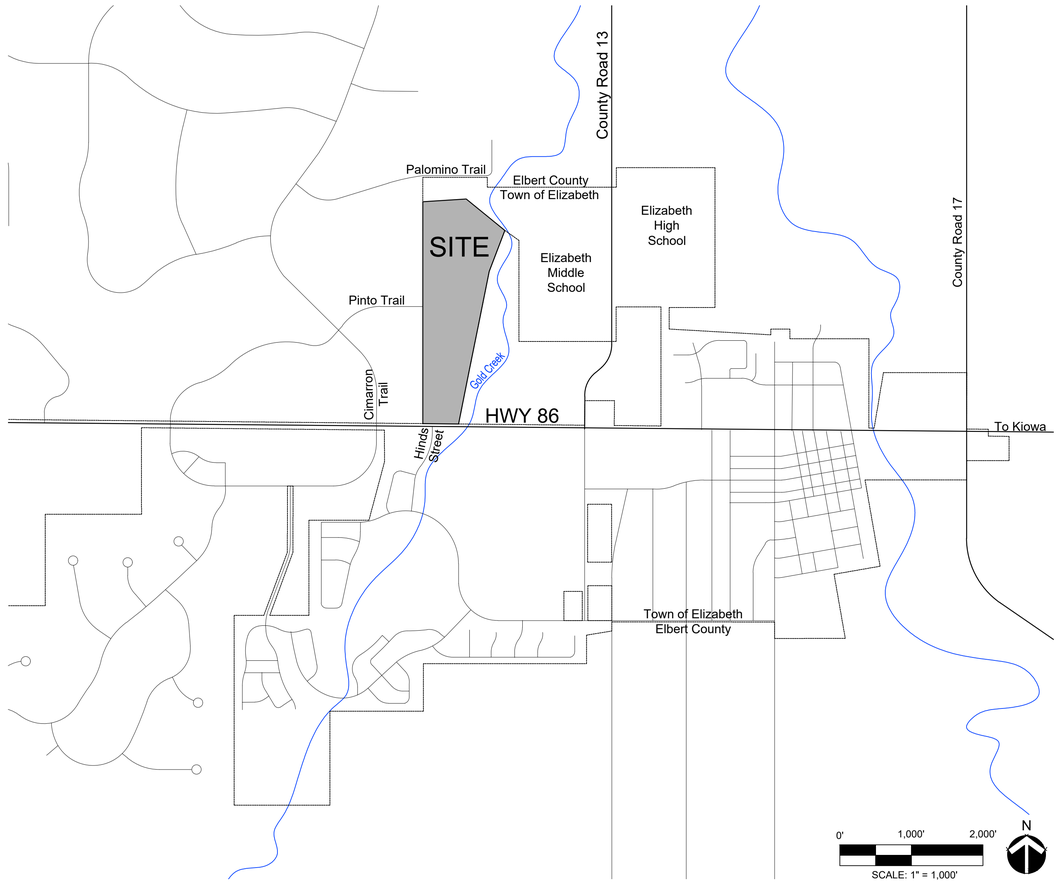
1. NORTH 00°24'48" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 2598.41 FEET, TO THE CENTER QUARTER CORNER OF SAID SECTION 12, BEING MONUMENTED BY A FOUND 3-1/4 INCH DIAMETER ALUMINUM CAP, STAMPED JR ENG C1/4 S12 1996 PLS 13258;
2. NORTH 00°25'19" EAST, ALONG THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 552.97 FEET;
3. DEPARTING SAID WESTERLY LINE, NORTH 86°52'54" EAST, A DISTANCE OF 573.49 FEET;
4. SOUTH 51°08'53" EAST, A DISTANCE OF 701.65 FEET;
5. SOUTH 20°30'51" WEST, A DISTANCE OF 617.52 FEET;
6. SOUTH 11°04'31" WEST, A DISTANCE OF 2173.04 FEET, TO SAID APPARENT NORTHERLY RIGHT-OF-WAY;

THENCE ALONG SAID APPARENT RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES;

7. NORTH 89°01'32" WEST, A DISTANCE OF 75.58 FEET;
8. SOUTH 83°22'28" WEST, A DISTANCE OF 302.65 FEET;
9. NORTH 89°01'51" WEST, A DISTANCE OF 131.87 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING A CALCULATED AREA OF 2,472,3362 SQUARE FEET OR 56.758 ACRES, MORE OR LESS.

VICINITY MAP



SHEET INDEX

COVER & CONTENTS	1
EXISTING CONDITIONS PLAN	2
PUD AMENDMENT PLAN	3

PROJECT TEAM

OWNER / APPLICANT REPRESENTATIVE

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Contact: David Bourne
Email:davidbourne@gmail.com
Phone: (949) 456-4048

PLANNERS, LANDSCAPE ARCHITECTS & ARCHITECTS

LAI Design Group
116 Inverness Drive Suite #340
Englewood, Colorado 80112
Contact: Don Ryan
Email: dryan@laidesigngroup.com
Phone: (303) 734-1777

CIVIL ENGINEERS / SURVEYORS

Westwood
10333 East Dry Creek Suite #400
Englewood, Colorado 80112
Contact: Garrett Bales, PE/CFM
Email: Garrett.Bales@westwoodps.com
Phone: (888)937-5150

TRAFFIC ENGINEERS

LSC Transportation Consultants, Inc.
1889 York Street
Denver, Colorado 80206
Contact: Christopher McGranahan, PE
Email: csmcgranahan@lsctrans.com
Phone: (303)333-1105

GEOTECHNICAL & ENVIRONMENTAL ENGINEERS

CTL | Thompson
1971 West 12th/ Avenue
Denver, Colorado 80204
Contact: Benny Lujan
Email: blujan@ctlthompson.com
Phone: (303) 825-0777

APPROVAL CERTIFICATES

PLANNING COMMISSION

The PUD Amendment #1 was reviewed by the Planning Commission on:

_____ (Date)

_____
Chair, Planning Commission

BOARD OF TRUSTEES

This PUD Amendment #1 was approved by the Board of Trustees of the Town of Elizabeth, Colorado, on the ____ day of _____, 20___, for filing.

The dedications are hereby accepted.
All expenses incurred with respect to improvements for all utility services, paving, grading, curbs, gutter, sidewalks, road lighting, road signs, flood protection devices, drainage structures and all other improvements that may be required shall be the responsibility of the subdivider and not the Town of Elizabeth. The Town shall only accept maintenance of the roadway improvements after construction has been completed, and after the warranty period, in accordance with Town Regulations.

This acceptance does not guarantee that the soil conditions, subsurface geology, groundwater conditions or flooding conditions of any lot shown hereon are such that a building permit will be issued.

_____
Mayor, Town of Elizabeth

_____
Attest

RECORDING CERTIFICATE

STATE OF COLORADO)
)SS
COUNTY OF ELBERT)

I hereby certify that this PUD Amendment was filed in my office on this ____ day of _____, 20___, at ____ o'clock am/pm and was recorded at reception no._____, plat book _____, page _____.

_____
Elbert County Clerk and Recorder

ARCHITECT / PLANNER

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Suite 340
Englewood, Colorado 80112
T 303.734.1777

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OWNER/CLIENT

STEPHEN W. & BETTE M. CHARITABLE REMAINDER TRUST
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(949) 456-4048

GOLD CREEK COMMONS
ELIZABETH, COLORADO
PUD AMENDMENT #1
COVER & CONTENTS

NOT FOR CONSTRUCTION

PROJECT INFORMATION

PROJECT #:	241083
DRAWN BY:	LAI
CHECKED BY:	LAI

ISSUE RECORD

PUD AMENDMENT JUN 19, 2026

SHEET NUMBER

1

1 OF 3

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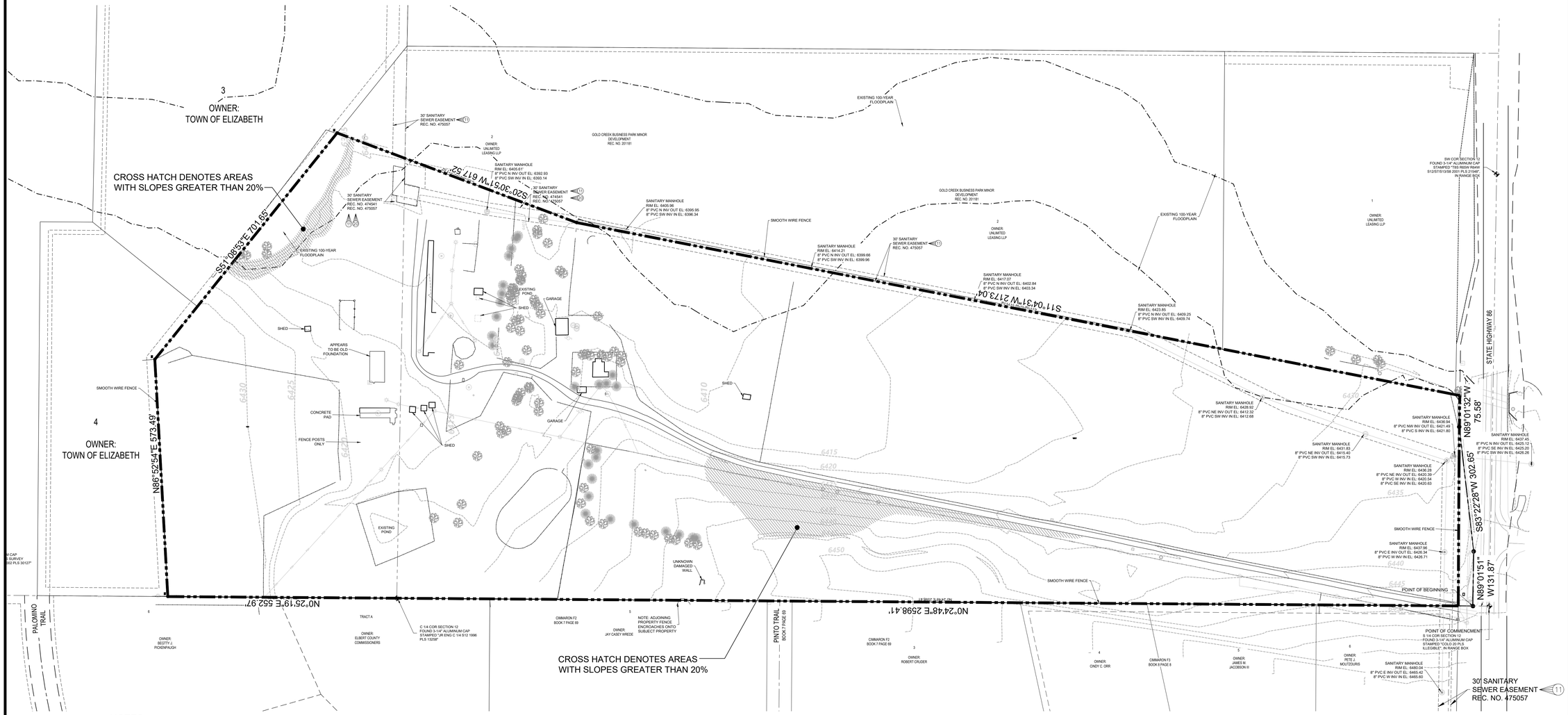
GOLD CREEK COMMONS

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO

PUD AMENDMENT #1

LEGEND

- SECTION CORNER (AS NOTED)
- NO. 5 REBAR, W/ NO CAP
- FOUND #4 REBAR W/ NO CAP
- SET NO. 5 REBAR, 18" LONG, W/ BLUE PLASTIC CAP, STAMPED "WESTWOOD PLS 38474"
- CONIFEROUS TREE
- DECIDUOUS TREE
- DECIDUOUS BUSH
- LIGHT POLE
- IRRIGATION PIPE
- WATER MANHOLE
- IRRIGATION VALVE
- SANITARY MANHOLE
- FIBER PEDESTAL
- TELE PEDESTAL
- ELECTRICAL POLE
- MAILBOX
- FENCE POST
- END 18" CORRUGATED METAL PIPE
- CONTROL POINT SET - NO. 5 REBAR WITH 1-1/4" PINK PLASTIC CAP



CROSS HATCH DENOTES AREAS WITH SLOPES GREATER THAN 20%

NOTES:

1. EXISTING SINGLE FAMILY HOME, ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES TO BE REMOVED.
2. EXISTING OVERHEAD POWER LINES TO BE RELOCATED.
3. EXISTING IMPROVEMENTS BY THE TOWN, SUCH AS SANITARY SEWER, LIFT STATION, AND ASSOCIATED STRUCTURES TO REMAIN.

0' 120' 240'

SCALE: 1" = 120'

N

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GOLD CREEK COMMONS
ELIZABETH, COLORADO
PUD AMENDMENT #1
EXISTING CONDITIONS PLAN

NOT FOR CONSTRUCTION

PROJECT INFORMATION

PROJECT #:	241083
DRAWN BY:	LAI
CHECKED BY:	LAI

ISSUE RECORD

PUD AMENDMENT JUN 19, 2026

SHEET NUMBER

2

2 OF 3

GOLD CREEK COMMONS

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO

PUD AMENDMENT #1

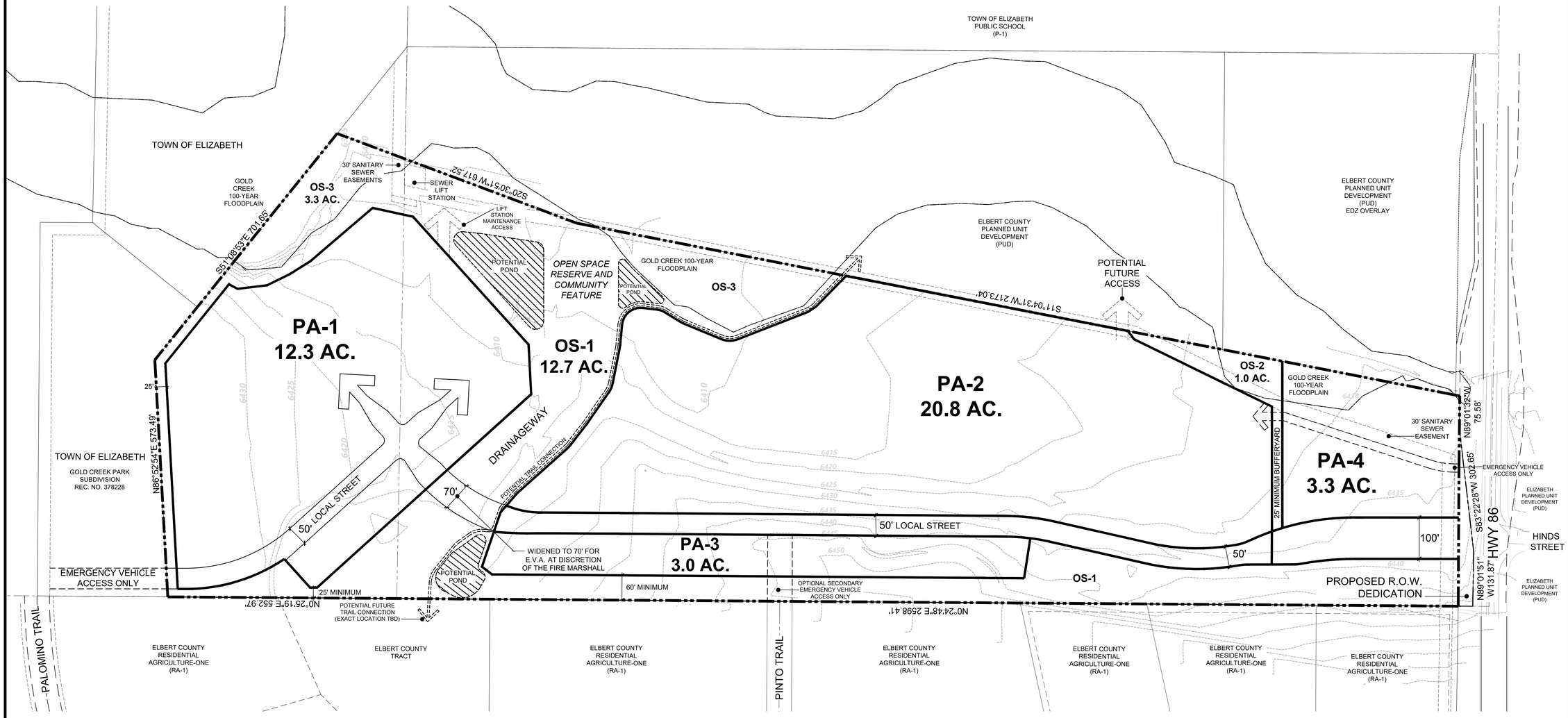
LAND USE CHART: PUD AMENDMENT #1

A Residential	Area (Ac)	Units
PA-1	12.3	52
PA-2	20.8	107
PA-3	3.0	20
Sub-Total	**36.1**	**179**

B Commercial	Area (Ac)
PA-4	3.3
Sub-Total	**3.3**

C Open Space	Area (Ac)
OS-1	12.7
OS-2	1.0
OS-3	3.3
Sub-Total	**17.0**

D Summary	Area (Ac)	Percentage
Developable Area (A&B)	39.4	69.9%
Open Space (C)	17.0	30.1%
Total	**56.4**	100.0%



NOTE: Refer to the Gold Creek Commons PUD Amendment #1 DEVELOPMENT GUIDE for additional standards and guidelines.

0' 120' 240'

SCALE: 1" = 120'

N

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GOLD CREEK COMMONS
ELIZABETH, COLORADO
PUD AMENDMENT #1
PUD AMENDMENT PLAN

NOT FOR CONSTRUCTION

PROJECT INFORMATION

PROJECT #:	241083
DRAWN BY:	LAI
CHECKED BY:	LAI

ISSUE RECORD

PUD AMENDMENT JUN 19, 2026

SHEET NUMBER

3

3 OF 3

Gold Creek Commons
PUD AMENDMENT #1

Town of Elizabeth, Colorado

Development Guide

Initial Submittal: June 19, 2026
Revision 1: August 19, 2026

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I. INTENT

It is the intent of this PUD to identify areas to accommodate innovative approaches to residential, recreational, and commercial land uses. Planned unit developments are encouraged to bring about innovative approaches to development, creative designs of land uses, preservation of significant natural features within the Town, retention of historic structures and sites, retention of open space, compatibility with overall community objectives and consideration of environmental concerns.

II. INTRODUCTION

The Gold Creek Commons Planned Unit Development (PUD) provides the opportunity for mixed-use development including commercial uses, residential uses, and open space uses for residents. The requested zoning amendment for this property is within the Town of Elizabeth. Gold Creek Commons Planned Unit Development (PUD) Amendment contains specific modifications to the 2007 approved PD zoning and 2014 approved design guide.

III. GENERAL GUIDES

A. Definitions

(1) Unless otherwise specifically provided, or otherwise clearly required by the context, the words and phrases defined in this Development Guide shall have the meaning indicated when used in this guide.

(2) *Planned unit development* means a tract or parcel of land controlled by one (1) or more landowners, which is developed under a single development plan for either a number of residential units, business, commercial, industrial, educational, recreational uses or any combination of the foregoing. In addition to a development plan, a development guide shall be prepared, and the development guide shall reflect the variations in lot size, bulk, type of use or activity, density, lot coverage, open space or other regulations modified and approved by the Board of Trustees upon the recommendation of the Planning Commission.

(3) The terms "DEVELOPMENT PLAN" and “DEVELOPMENT GUIDE” and "MASTER PLAN" and “PUD-Amendment” and “PUD” may be used interchangeably.

B. Authority of Application

The authority for this development plan and guide is Article I Section 16-1-190 (Planned Unit Development PUD District) of the Chapter 16 Land Use and Development Code of the Town of Elizabeth, and the authority for Section 16-1-190 of the Chapter 16 Land Use and Development Code of the Town of Elizabeth is the Colorado Planned Unit Development Act of 1972. The entire Gold Creek Development shall be accessible as per the Americans with Disabilities Act (ADA) requirements.

The standards outlined in this Development Guide shall apply to all property contained within the Gold Creek Commons Planned Unit Development (PUD) except as provided herein. The standards outlined in the Development Guide may be divergent from the zoning regulations contained in the Town of Elizabeth Municipal Code Chapter 16 – Article 1 – Zoning, but not any other Chapter of the Town of Elizabeth Municipal Code.

In the event there is a conflict between the standards contained in the Development Guide and on the Plan and the Elizabeth Municipal Code (excluding Chapter 16 - Article 1 - Zoning), then the Elizabeth Municipal Code shall control.

In the event there is a conflict between the guidelines, standards and details contained in the Development Guide, PUD Amendments and on the Plan, and the 2007 approved PD zoning and 2014 approved design guide, then this Amendment shall control.

This Development Guide is one of several documents that will help guide Gold Creek Commons Planned Unit Development (PUD). The 2026 Amended Development Plan and the Development Guide are the planning documents for this development.

IV. ZONING DISTRICTS

A. GENERAL PROVISIONS

(1) Density Standards

a. Residential: The Dwelling Unit Density permitted in any residential Planning Area is an Average Density that shall apply to the entire residential Planning Area and shall not be specifically applicable to any portion thereof. The Average Density of any residential Planning Area shall be computed by dividing the total number of Dwelling Units in the residential Planning Area by the gross acres in the residential Planning Area.

(2) Maximum Number of Dwelling Units

a. In no event shall the total number of **179 Residential Dwelling Units** within all Planning Areas as set forth on the Gold Creek Commons Planned Unit Development (PUD) be exceeded.

(3) Density Variations

a. In general, Residential Planning Areas may contain up to an additional ten percent (10%) of the number of units allowed for each Planning Area.

(4) Average Density

a. The Average Density for Gold Creek Commons Planned Unit Development (PUD), shall not exceed 3.2 Dwelling Units per acre overall as set forth in the Development Plan, using the total 56.4-acre total site. Densities within portions of the Planning Area will vary depending on product type.

(5) Administrative Amendments

a. Any increase in dwelling units within a Planning Area by more than 10% must be processed as a PUD Amendment under Section 16-1-240 of the Elizabeth Municipal Code. Any decrease in dwelling units, regardless of amount, will not require an Amendment.

(6) Planning Area Boundaries

a. Wherever a Planning Area abuts a street as shown on the Gold Creek Commons Planned Unit Development (PUD), the Planning Area boundary is the edge of the abutting right-of-way of such. Wherever a Planning Area is not abutting a street, the Planning Area boundary shall be as shown on the Gold Creek Commons Planned Unit Development (PUD). Modifications in Planning Area boundaries and streets may be accomplished by final road alignments or engineering refinements shown on a Site Plan or Plat, without any amendment to the Gold Creek Commons Planned Unit Development (PUD) provided the Planning Area does not increase or decrease by more than ten percent (10%) in size.

(7) General Road Setbacks & Buffers

a. Roadways
    i. See Exhibits C & E.

b. Access drives/curb cuts:
    i. Shared access driveways are permitted.
    ii. Driveways, unless shared, shall not be closer than five (5) feet to an adjoining lot.
    iii. At street access point, widths shall not exceed twenty-four (24) feet.
    iv. Commercial and Multifamily driveway widths shall not be less than twenty-four (24) feet.

(8) Amenities

The amenities provided will be a function of project size and shall be based on the development at time of build-out. The applicant or developer will be expected to offer amenities commensurate with the project's scope and complexity. A minimum of two (2) of the following amenity elements shall be provided in the PUD:

a. Active recreational amenities, such as playgrounds, courts, swimming pool, walking and running paths, etc., of a size and nature suitable to adequately serve the patrons of the development and located within a walkable distance for the intended users. Active recreational areas shall employ designs and safeguards to accommodate all age groups.

b. Pedestrian and bicycle pathway within the project (exclusive of required sidewalks adjacent to public right-of-way) and designed to connect into existing or planned pedestrian or bicycle routes outside the PUD. These pathway systems shall be designed and constructed in accordance with the Town's development standards. Equestrian use may be integrated into the circulation system and should be taken into consideration.

c. Other amenities appropriate for the size and uses intended in the PUD, such as an open space reserve as a community feature.

d. Buffer areas of at least 25 feet located between planned development within the PUD and adjacent county residential properties to the west.

e. The manner of maintenance and responsibility for PUD amenities shall be specified by the applicant or developer prior to Board of Trustee approval of the final development plan and plat. Under no circumstances is the public responsible for the care and maintenance of PUD amenities, unless dedicated to and accepted by the Board of Trustees or unless agreed to through a public/private partnership agreement constructed as part of the review process.

(9) Clustering

a. Buildings may be clustered to preserve open space. Clustering of dwelling units and commercial uses are encouraged if the buffer yards, open space and emergency access are adequately planned. Buffer yards shall be required to separate different uses to eliminate or minimize potential interference and nuisance on adjacent properties. The Town may require clustering to avoid development along the Gold Creek corridor, floodways, wetlands or other environmentally sensitive areas.

(10) Open Space

a. A **minimum of twenty percent (20%)** of the development's gross land area shall be set aside for open space purposes. The open space shall be distributed throughout the PUD so as to provide recreation and open space access to all residences of the development and their guests. The open space area shall be safe for its occupants. Open space areas placed next to open drainage or irrigation systems, creeks or other potential hazards shall have adequate development safeguards employed to safely mitigate the presence of these features.

(11) HOA/Metro District

a. Homeowner Associations composed of property owners in residential areas may be created for the following purposes: a) to provide for the continued development, improvement and maintenance of properties and facilities which it owns or administers, and b) to protect the investment, enhance the value, and control the use of property owned by its members.

b. Homeowner's Associations or special districts may be created in residential areas where common lands or facilities are owned and maintained by the Homeowner's Association or special district.

(12) Fire Service Water Supply

a. The subdivision will supply hydrants spaced about 500 feet apart along all fire access roads flowing 1,000 GPM for residential and 1,500 GPM for commercial.
b. Water storage shall be provided in an amount not less than 60,000 gallons in excess of daily maximum flows to serve residential uses, and not less than 180,000 gallons in excess of daily maximum flows to serve commercial uses.
c. Colorado Wildfire Resiliency Code- This parcel sits entirely within the moderate Fire Intensity Classification. All new structures shall meet Class 2 structure hardening and site and area requirements.

B. RESIDENTIAL USES

(1) Purpose: Provide for residential development allowing for a variety of units and accessory uses.
   a. Single-Family Detached Dwelling Units
      i. Traditional Products
      ii. Cluster / Motor Court Product (Shared Access Drives)
   b. Single-Family Attached Dwelling Units
      iii. Duplexes / Paired Units (Traditional or Alley-Loaded)
(2) Allowed Uses: See Residential Use Matrix (**Exhibit B**)
(3) Dimensional Standards: See Residential Dimensional Standards Matrix (**Exhibit C**)
(4) Encroachments
   a. Front, side, and rear setbacks shall allow for encroachments up to 2 feet beyond the building foundations. For above-grade features including eaves, fireplace box-out, stoops, bay windows, cantilevers, and overhangs provided that the living space of the projection does not exceed 20 square feet in each instance and extend more than 2 feet.
   b. Side and rear setbacks shall allow for encroachments up to 3 feet beyond the building foundation for below grade window wells.
(5) Use by Special Review: See Residential Use Matrix (**Exhibit B**)
(6) Accessory Uses: Commonly associated Accessory Uses, incidental to the Principal Use or Building, including but not limited to: carriage house units not for sale, storage sheds, private greenhouses, home occupations, radio or TV antenna, TV satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of household pets according to the regulations and standards within the Elizabeth Municipal Code.
(7) Temporary Uses: A temporary sales and marketing center developed to function as a showcase for a variety of builders and housing types within a limited area.
(8) Signs, Parking, and Landscaping: All signs, parking, and landscaping shall comply with the Town of Elizabeth standards as applicable or modified.

C. COMMERCIAL

(1) Purpose: The purpose of the Commercial District is to permit commercial uses with easy access to a major arterial and/or a major collector street. The District is to accommodate nonresidential uses including small-scale retail, professional offices, professional services, and commercial accommodations that encourage pedestrian activity. The Commercial District is to provide a transition between a limited group of uses of a commercial nature and lower density residential areas.
(2) Allowed Uses: See Commercial Matrix (**Exhibit D**)
(3) Dimensional Standards: See Commercial Dimensional Standards Matrix (**Exhibit E**)
(4) Use by Special Review: See Commercial Matrix (**Exhibit D**)
(5) Temporary Uses: A temporary sales and marketing center developed to function as a showcase for a variety of builders and housing types within a limited area.
(6) Signs, Parking, and Landscaping: All signs, parking, and landscaping shall comply with the Town of Elizabeth standards as applicable or modified.

V. LANDSCAPE STANDARDS

A. General

The following standards are to provide landscape guidelines that do not conflict with provisions in EMC-16-2-50.

Landscaping may include the use of permanent irrigation and shade to create "micro-climates" that will support a wide variety of plant materials. As such, ornamental plants, planting beds, gardens, and other formal landscape designs may be introduced within the building envelope or adjacent to the home when an envelope has not been designated. Landscaping within the lot should be designed in order to define outdoor spaces and entries, frame desirable views, screen undesirable views, buffer prevailing winds, provide seasonal shade, and add color and interest to courtyards and other outdoor spaces. Consideration should also be given to the size, color and texture of plant materials. Ornamental plants and other formal plant materials should be located adjacent to the home in courtyards, entries, or other defined spaces.

In order to minimize the use of water and to reinforce the integration of buildings and improvements with the natural environment, the introduction of formal large, manicured lawns is discouraged. When used, manicured lawns should be modest in size and be adjacent to the building envelope. The use of fescue or other low water consumption grasses for manicured lawns is recommended in lieu of water intensive grasses. The landscaping for each lot should include substantial live plants in the front yard of each home, landscape screening where necessary to provide privacy, and lawn and shrub beds.

B. Water Conservation

In the landscaping of each residential site, plant materials, irrigation systems and maintenance practices should be utilized to conserve water wherever possible. It should be noted that if Xeriscape landscaping is selected, a more traditional "green" appearance can still be achieved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch should be allowed in place of green, growing plant material.

C. Fire Mitigation Guidelines

Fire mitigation landscaping focuses on reducing flammable fuels around structures to create defensible space and lower wildfire risk.

Defensible Space Zones (distances from homes):

a. Zone 1 (0–5 ft) – Immediate zone: Use non-combustible materials (concrete, pavers, brick, gravel, bare ground). Avoid combustible mulch (wood chips, bark, pine needles), wicker furniture, and stored firewood. Keep foundations clear of debris.
b. Zone 2 (5–30 ft) – Intermediate zone: Use low-growing, well-irrigated, less flammable plants. Maintain 6–10 ft pruning height on trees/shrubs to reduce ladder fuels. Create fuel breaks (driveways, gravel walkways, lawns). Mix deciduous and coniferous species to reduce fuel continuity.
c. Zone 3 (30–100 ft) – Extended zone: Thin out dense vegetation; remove small conifers between taller trees. Clear heavy woody debris and reduce canopy contact.
d. Plant Selection & Maintenance: Choose high-moisture-content plants (annuals, perennials, succulents). Avoid high-oil, high-resin plants. Maintain regular mowing, pruning, and irrigation. Remove dead leaves, branches, and leaf litter promptly.

D. Retaining Walls

Retaining wall materials should be compatible with the color and style of the home. Acceptable materials include boulders, stone, brick or modular concrete block. Walls within lots should not exceed 3 feet in height. Walls should not obstruct or adversely affect existing drainage patterns

E. Exterior Lighting

Committee approval is required prior to changing or adding exterior lighting. In reviewing lighting requests, the Committee should consider the visibility, style, location and quality of the lighting fixtures. Exterior lighting for security and/or other uses should be directed towards the ground whereby the light cone stays within the property boundaries, and the light source does not cast a glare onto adjacent properties.

VI. Exhibits

Exhibit A
2026 Gold Creek Commons PUD Land Use Development Summary

A Residential	Area (Ac.)	Units
PA-1	12.3	52
PA-2	20.8	107
PA-3	3.0	20
Sub-Total	**36.1**	**179**

B Commercial	Area (Ac.)
PA-4	3.3
Sub-Total	**3.3**

C Open Space	Area (Ac.)
OS-1	12.7
OS-2	1.0
OS-3	3.3
Sub-Total	**17.0**

D Summary	Area (Ac.)	Percentage
Developable Area (A&B)	39.4	69.9%
Open Space (C)	17.0	30.1%
Total	**56.4**	100.0%

Exhibit B
2026 Gold Creek Commons PUD Residential Use Matrix

"A"= Allowed, "S"=Special Review, "-" = Not Allowed

Land Use/Activity	RES	Planning Areas (PA)
Single-Family Detached Dwellings	A	1,2,3
Single-Family Attached Dwellings	A	2
Duplex Structures	A	2
Accessory Dwelling Units (ADU) *must be associated with SFD and/or SFA only	S	1,2,3
Townhouses	-	-
Multifamily Dwellings	-	-
Accessory Buildings	A	1,2,3
Accessory uses: home occupations	A	1,2,3
Assisted living services	S	2
Bed and breakfast inns	-	-
Boarding and rooming houses	-	-
Cemeteries or mausoleums	-	-
Commercial animal establishments	-	-
Dormitories	-	-
Fences, hedges, walls and trees	A	1,2,3
Forestry farming, including raising trees	-	-
Fraternity and sorority houses	-	-
Garages (Attached or Detached Private Garages)	A	1,2,3
General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses	-	-
Golf courses	-	-
Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises	S	2
Group homes or group quarters *must be associated with SFD and/or SFA only	S	2
Horses/livestock	-	-
Hospitals and emergency facilities	-	-
Kennels and other canine-related facilities - commercial	-	-
Kennels and other canine-related facilities - private	-	-
Nursery schools and day care centers	S	2
Parks	A	1,2,3
Playgrounds	A	1,2,3
Public schools	A	2
Public Open Space / Trails	A	1,2,3
Public utilities	A	1,2,3
Recreation centers - nonprofit neighborhood	S	2
Recreation centers - private	A	1,2,3
Religious assembly, place of	S	2
Retirement/group housing services	S	2
Riding stables/academies - commercial	-	-
Stables and other equine-related facilities - private	-	-
Structures for general farming	-	-
Universities	-	-

If "A", the use is allowed; if "S", the use is only allowed upon the issuance of a Use by Special Review permit. If "-" or left blank, the use is not allowed in that zone.

Exhibit C
2026 Gold Creek Commons PUD Residential Dimensional Standards Matrix

Standards	Single Family Detached		Single Family Attached	
	Traditional SFD	SFD (Alley Loaded)	Duplexes Paired Units	Duplexes Paired Units (Alley Loaded)
Min. Lot Size (sf)	4,500 sf	4,500 sf	3,500 sf	3,500 sf
Max. Lot Coverage				
Under Roof	60%	60%	60%	60%
Min. Vegetation	20%	10%	20%	10%
Min. Lot Width (ft) **measured 20' from front property line*	45 ft*	45 ft*	35 ft* per unit	35 ft* per unit
Min. Yard Setbacks (ft)				
1) Front-Principal	15 ft	15 ft	15 ft	15 ft
Front-Side Load Garage	15 ft	-	15 ft	-
Front-Garage Parallel	18 ft	-	18 ft	-
2) Rear-Principal Bldg.	15 ft	2 ft (includes Garage)	15 ft	2 ft (includes Garage)
3) Rear-Accessory Bldg.	5 ft	5 ft	-	-
4) Interior Side	5 ft	5 ft	0 ft	0 ft
5) Street Side	10 ft	10 ft	10 ft	10 ft
6) Side-Accessory Bldg.	10 ft	10 ft	-	-
Residential Use abutting Non - Residential Use	25 ft			
Min. sf per Dwelling	800 sf	800 sf	800 sf	800 sf
Density (du/ac)	*per each Planning Area (PA) / See Exhibit A			
Principal Bldg. Max. Height (Ft)	35 ft	35 ft	35 ft	35 ft
Accessory Bldg. Max. Height (Ft)	20 ft	20 ft	-	-

Building Separation must comply with Building and Fire Code.

Exhibit D
2026 Gold Creek Commons PUD Commercial Matrix

"A"= Allowed, "S"=Special Review, "-" = Not Allowed

Land Use/Activity	Commercial (PA-4)
Single-Family Detached Dwellings	S
Single-Family Attached Dwellings	S
Duplex Structures	S
Accessory Dwelling Units (ADU) *must be associated with SFD or SFA	S
Townhouses	-
Multifamily Dwellings	-
Accessory Buildings	A
Home occupations *must be associated with Residential use	A
Accessory Uses	S
Amphitheater	A
Amusement and recreation establishments and areas	A
Assisted living services	S
Athletic Fields	S
Auto Repair Garages	-
Automotive wrecking and graveyards, salvage yards and junkyards	-
Bakeries	A
Bed and breakfast inns	S
Beer, wine and liquor stores (off premises of alcohol consumption)	-
Boarding and rooming houses	S
Business Schools, studios and vocational schools, not involving a heavy industrial nature	-
Business service establishment	A
Car lots – new and used	-
Car service and sales establishment	-
Car Washes	A
Car/vehicle rental or leasing	-
Cemeteries or mausoleums	-
Clubs and lodges	S
Commercial animal establishments	S
Commercial food preparation kitchens	A
Computer design-generated CAD-CAM operations not involving heavy industry	A
Computer-generated CAD and similar non offensive "light" industrial uses	S
Construction-related businesses	S
Convenience stores or centers	A
Distribution centers	-
Dormitories	S
Drive-in restaurants	A
Eating and drinking establishments	A
Exhibition and art galleries	A
Facilities for assembly, manufacturing, compounding, processing or treatment of products	-
Farmers markets or other open markets	A
Fences, hedges, walls and trees	A
Financial institutions	A
Fitness, recreational sports, gym or athletic club	A
Food and beverage processing	S
Fraternity and sorority houses	S
Garden/flower shops	A
Golf courses	S

Hospitals and emergency facilities	S
Hospitals for animals	A
Hotels and motels	S
Kennels and other canine-related facilities - commercial	S
Kennels and other canine-related facilities - private	S
Laboratories or specialized industrial facilities	-
Mill-type factories	-
Miniature golf establishments	A
Mobile home parks	-
Mobile home subdivisions	-
Mortuaries/funeral homes	-
Movie theaters	S
Museums, exhibitions or similar facilities	A
Nightclubs	-
Nursery schools and day care centers	A
Parking lots and parking garages	A
Parks	A
Pawn shops	-
Performance theaters	S
Personal service establishments	A
Plant or tree nurseries	-
Playgrounds	A
Private campgrounds	-
Professional, commercial or business offices	A
Public buildings and lands	A
Public safety-related facilities	A
Public transportation terminals other than truck terminals	S
Public utilities	A
Recreation centers - nonprofit neighborhood	S
Recreation facilities - private	A
Recreational facilities - public	A
Religious assembly, place of	A
Research and development services	S
Restaurants	A
Retail stores, sales and display rooms and shops	A
Retirement/group housing services	S
Schools - private	A
Schools - public	A
Service stations	A
Services to buildings and dwellings (pest control, janitorial, carpet/upholstery cleaning)	-
Sexually oriented businesses	-
Storage facilities, RVs, campers, trailers, large vehicles	-
Tattoo parlors	-
Trailer sales and service	-
Universities, colleges, technical institutions - satellite locations	A
Warehouse and storage facilities	-
Warehouse discount stores/superstores	-
Wholesaling, exclusive of manufacturing	-

If "A", the use is allowed; if "S", the use is only allowed upon the issuance of a Use by Special Review permit. If "-" or left blank, the use is not allowed in that zone.

Exhibit E
2026 Gold Creek Commons PUD
Commercial Dimensional Standards Matrix

Standards	Commercial
Min. Lot/Space Size (sf)	2,500 sf
Max. Lot Coverage	
Under Roof	50%
Min. Vegetation	10%
Min. Lot/Space Width (ft) **measured 20' from front property line*	30 ft*
Min. Yard Setback (ft)	
1) Highway 86	50 ft
2) Front-Public ROW	15 ft
3) Front-Private ROW	15 ft
4) Rear-Principal Bldg.	5 ft
5) Rear-Accessory Bldg.	5 ft
6) Interior Side	5 ft
7) Street Side-Public ROW	10 ft
8) Street Side-Private ROW	5 ft
9) Side-Accessory Bldg.	10 ft
Non-Residential Use abutting Residential Use	25 ft
Max. Floor Area Ratio (FAR)	1.0
Principal Bldg. Max. Height (Ft)	40 ft
Accessory Bldg. Max. Height (Ft)	30 ft

Building Separation must comply with Building and Fire Code.

END OF DEVELOPMENT GUIDE

Table 2
ESTIMATED TRAFFIC GENERATION COMPARISON
Gold Creek Commons
Elizabeth, CO
LSC #250090; July, 2026

		Trip Generation Rates[1]					Vehicle - Trips Generated				
		Average	AM Peak Hour		PM Peak Hour		Average	AM Peak Hour		PM Peak - Hour	
Trip Generating Category	Quantity	Weekday	In	Out	In	Out	Weekday	In	Out	In	Out
Land Use Assumed in January, 2026 TIA											
Single-Family Detached Housing [2]	48 DU [3]	9.09	0.189	0.511	0.577	0.353	436	9	25	28	17
Single-Family Attached Housing [4]	86 DU	6.57	0.118	0.352	0.291	0.219	565	10	30	25	19
C-Store with Gas Station [5]	14.0 VFP [6]	203.49	10.154	9.756	9.575	9.975	2,849	142	137	134	140
Retail [7]	50.0 KSF [8]	54.45	2.161	1.769	3.145	3.145	2,723	108	88	157	157
Office Space [9]	30.0 KSF	7.83	1.091	0.149	0.189	0.991	235	33	4	6	30
						Total =	**6,808**	**302**	**284**	**350**	**363**
						Passby Trips [10] =	2,607	120	120	130	130
						Primary Trips =	**4,201**	**182**	**164**	**220**	**233**
Alternative Land Use											
Single-Family Detached Housing [2]	179 DU [3]	9.09	0.189	0.511	0.577	0.353	1,627	34	91	103	63
C-Store with Gas Station [5]	14.0 VFP [6]	203.49	10.154	9.756	9.575	9.975	2,849	142	137	134	140
						Total =	**4,476**	**176**	**228**	**237**	**203**
						Passby Trips [10] =	1,681	86	86	77	77
						Primary Trips =	**2,795**	**90**	**142**	**160**	**126**

Notes:

(1) Source: *Trip Generation*, Institute of Transportation Engineers, 12th Edition, 2025
(2) ITE Land Use No. 210 - Single-Family Detached Housing
(3) DU = Dwelling Units
(4) ITE Land Use No. 215 - Single-Family Attached Housing
(5) ITE Land Use No. 945 - Convenience Store/Gas Station - GFA (4-5.5k)
(6) VFP = Vehicle Fueling Positions
(7) ITE Land Use No. 821 - Strip Retail Plaza (<40k)
(8) KSF = 1,000 square feet
(9) ITE Land Use No. 710 - General Office Building
(10) Passby trips are assumed to be 59% for daily trips, 62% for morning peak-hour trips, and 56% for afternoon peak-hour trips for the C-Store, and 34% for the commercial/retail land use based on the *Trip Generation Handbook*, 3rd Edition.

5675 DTC BOULEVARD, SUITE 200,
GREENWOOD VILLAGE, CO 80111

GOLD CREEK COMMONS REVISED FISCAL IMPACT ANALYSIS

Date: June 19, 2026

To: Stephen W. & Betty M. Gibson Charitable Remainder Trust

From: THK Associates, Inc.

Re: Annual Tax Revenues & One-Time Fees from the Development of the Proposed Gold Creek Commons. THK Reference No. 9193

This report assesses the revenue impacts to the Town of Elizabeth from the planned and anticipated development within the Gold Creek Commons property, if the plan is amended. The Gold Creek Commons site would be planned for the following:

- 36,000 Square Feet of Commercial Space
- 179 Single-Family Detached Residential Units

A. Estimated Construction Costs

In Table 1, THK has estimated construction costs per unit and per square foot for the residential and commercial uses for the proposed development.

The residential construction costs are estimated at $350,000 per single family detached unit. For retail and commercial uses the cost is estimated at $275 per square foot. The total construction costs for all uses have been estimated at just over $72.55 million.

Table 1: Estimated Construction Costs and Assessed Value

Use	Square Feet	Construction cost/Sq. Ft.	Total Cost
Commercial	36,000	$275	$9,900,000
	Units	**Construction cost/Unit**	**Total Cost**
Total Residential	179	$350,000	$62,650,000
Total Construction Costs			**$72,550,000**

Source: THK Associates, Inc.

B. Tax Revenues Resulting from the Gold Creek Commons Development

The development of the subject site should have positive impacts in the Town of Elizabeth as well as other area service providers. Revenues from the development will primarily come from property and sales taxes. To quantify revenues generated from the proposed development, THK researched and examined the following:

- Annual property taxes
- Annual sales taxes
- Estimated wages from temporary employment
- Estimated wages from permanent employment

C. One-Time Municipal Development Fees

The Town of Elizabeth would have jurisdiction over the proposed Gold Creek Commons development. The following associated fees that the Town would impose that are detailed in this report are listed below.

- Permit Fees
- Plan Review Fees
- Impact Fees
- Use Taxes
- Water Tap, Renewable Water & Wastewater Fees

D. Taxing Authorities

THK researched the mill levies issued by Elbert County and the Town of Elizabeth that are applicable to the subject property. The Town of Elizabeth has a mill levy of 12.971 mills. The total mills for the Gold Creek Commons site, with the Town of Elizabeth included, is 92.362.

Table 2: Taxing Authorities and Coinciding Tax Rates at the Gold Creek Commons Site

Taxing Authority	Taxing Rate (/1,000)	Mill Levy
Town of Elizabeth	0.012971	**12.971**
Elbert County General	0.01702	17.020
Elbert County Road and Bridge	0.0095	9.500
Elbert County Social Service	0.000794	0.794
Elbert County Retirement	0.000996	0.996
Elizabeth School General	0.02707	27.070
Elizabeth School 2018 MLO	0.003483	3.483
Elizabeth Fire Protection District	0.0155	15.500
Elizabeth Park and Rec General	0.002466	2.466
Elbert County Library	0.002562	2.562
Total:	**0.0924**	**92.362**

Source: Elbert County Assessor and THK Associates, Inc.

E. Property Taxes

Property taxes are a major source of revenue to area service providers, including the Town of Elizabeth. The estimated annual property taxes to the Town are detailed below. These annually recurring revenues have been estimated based on the commercial and assessed values calculated earlier in this report. The tax revenues have been calculated on an annual and twenty-year basis.

Beginning in 2026, the State of Colorado uses a commercial assessment rate (for commercial property) of 25.0%. Also starting in 2026 the residential assessment rate is 7.05% for school districts and 6.8% for all other local government entities. The 6.8% residential rate has a 10% adjustment for values up to $700,000. Thus, the average residential home value at Gold Creek Commons that is estimated at $550,000, has an adjusted value of $500,000 for assessment purposes. Using these assessment rates and having determined the market value per unit, the estimated assessed value of the 179 residential units is $4,606,250. In total, the residential development is estimated to have a market value of $89,500,000.

The State of Colorado uses a commercial assessment rate (for commercial property) of 25.0%. The 36,000 square feet of commercial space is based on 3.3 acres, with a coverage ratio of 25%. The commercial space has a market value of $9.9 million, and an assessed value of $2.475 million.

The 179 residential units and 36,000 square feet of retail space are estimated to generate $111,045 in property taxes to the Town of Elizabeth each year, applying the Town of Elizabeth's 12.927 mills. The Town of Elizabeth will receive an estimated total of $2.22 million in total property tax revenues over twenty years.

Table 3: Estimated Property Tax Revenue to the Town of Elizabeth

179 Residential Units

Estimated Market Value	$89,500,000
Market Value per Unit	$500,000
Assessment Rate	6.80%
Estimated Assessed Value	$6,086,000
Annual Property Tax Revenue	
Town of Elizabeth (12.971 Mills)	$78,942

36,000 Commercial Sq. Ft.

	Value Per Sq. Ft.	36,000 Sq. Ft.
Estimated Market Value	$275	$9,900,000
Assessment Rate		25.00%
Estimated Assessed Value		$2,475,000
Annual Property Tax Revenue		
Town of Elizabeth (12.971 Mills)		$32,103
Total Assessed Value		**$8,561,000**
Total Tax Revenue	One Year	Twenty Years
Tax Revenue to Town of Elizabeth	**$111,045**	**$2,220,895**

Source: Elbert County, Town of Elizabeth and THK Associates, Inc.

THK has also made estimates for the property tax revenues that would be generated for the other relevant taxing authorities at the Gold Creek Commons site. These entities and their respective mill levies are shown in Table 2. With a total assessed value of $8,561,000 for the entirety of the Gold Creek Commons development the nine additional tax authorities would generate just under $680,000 in annual property tax revenues. These revenues are detailed in Table 3A.

Table 3A: Property Tax Revenues to the Additional Taxing Authorities

Total Gold Creek Commons Development	
	Commercial
Estimated Market Value	$9,900,000
Assessment Rate	25.0%
Estimated Assessed Value	$2,475,000

	Residential
Estimated Market Value	$89,500,000
Assessment Rate	6.80%
Estimated Assessed Value	$6,086,000

Total Estimated Assessed Value	**$8,561,000**

Property Tax Revenue			
Taxing Authority	**Mill Levy**	**Revenues**	**Revenues over 20 Years**
Elbert County General	17.020	$145,708	$2,914,164
Elbert County Road and Bridge	9.500	$81,330	$1,626,590
Elbert County Social Service	0.794	$6,797	$135,949
Elbert County Retirement	0.996	$8,527	$170,535
Elizabeth School General	27.070	$231,746	$4,634,925
Elizabeth School 2018 MLO	3.483	$29,818	$596,359
Elizabeth Fire Protection District	15.500	$132,696	$2,653,910
Elizabeth Park and Rec General	2.466	$21,111	$422,229
Elbert County Library	2.562	$21,933	$438,666
Total	**79.391**	***$679,666***	***$13,593,327***

Source: Elbert County and THK Associates, Inc.

F. Employment and Wages

Following the development of the Gold Creek Commons, 36 permanent jobs are expected to be added from the residential units, and 65 permanent jobs will be added from all the commercial space. This is based on 0.2 new jobs per residential unit and 1 new job per 550 square feet of commercial space.

According to the Bureau of Labor Statistics (BLS), average hourly wages in the Town of Elizabeth for likely jobs to be generated from the lands will average $26 per hour for those jobs created by the residential units and $30 per hour for people working in the commercial spaces. Applying these average wages to the projected added permanent employment would generate $6.02 million in total annual wages and $120.4 million in total wages over a 20-year period.

Table 4: Estimated Permanent Employment and Wage Generation

Property	Estimated Full-Time Equivalent (FTE) Employees	Estimated Average Hourly Wages	Estimated Annual Average Wages
Commercial	65	$30.00	$4,084,364
Residential	36	$26.00	$1,936,064
Total:	101	$26.67	$6,020,428
Total Combined Wages Over a 20-Year Period			**$120,408,553**

Source: THK Associates, Inc, Bureau of Labor Statistics and the Urban Land Institute

In addition to permanent employment, the proposed developments are also expected to create approximately 318 temporary construction jobs, 80 attributable to commercial uses and 238 attributable to the construction of the residential units. With an average annual wage of $67,200 per construction worker, the Gold Creek Commons development would generate $26.75 million in wages from temporary employment.

Table 5: Estimated Temporary Employment and Wage Generation

Property Type	Estimated Full-Time Equivalent (FTE) Employees	Estimated Annual Average Wages	Average Construction Time Period per Employee (Months)	Estimated Total Wages
Residential (1.33 per unit)	238	$67,200	12	$15,998,304
Commercial/Retail (1 per 450 square feet)	80	$67,200	24	$10,752,000
Estimated Total Construction Jobs	**318**			**$26,750,304**

G. Sales Taxes

With the proposed development of some limited retail space in the Gold Creek Commons, future retail sales and future sales tax revenues from these sales were estimated. The Town of Elizabeth sales tax rate is 4.0%. The retail space is projected to generate $8,326,631 in taxable sales revenue annually, based on 27,000 square feet of retail space (75% of the total 36,000 square feet is estimated to be taxable space) and sales of $475 per square foot. The Town of Elizabeth would receive $513,000 in annual sales tax revenue.

Table 6: Potential Sales Tax Revenue from the Proposed Gold Creek Commons Retail Development

Taxable Retail Sq. Ft.	Retail Sales	Sales Tax Rate	Annual Town Sales Tax Revenues
27,000	$12,825,000	4.0%	$513,000

Source: Town of Elizabeth & THK Associates, Inc.

In addition to sales tax revenue being generated from the proposed commercial development, a percentage of permanent employee income will be spent in the Town of Elizabeth, further increasing potential sales tax revenues.

As discussed in the previous section, the Gold Creek Commons, when developed, is forecast to add 101 permanent employees with a combined $6.02 million in annual wages. After accounting for taxes, housing, transportation, savings, medical and/or education expenses, $1.89 million of employee wages are available for retail spending. THK estimates that approximately 25% of the disposable income from the added permanent employees will be spent in the Town of Elizabeth. Thus, Elizabeth is expected to receive $18,964 in sales tax revenue per year, or $379,287 over twenty years.

Table 7: Potential Sales Tax Revenue From the Gold Creek Commons Employees

Employees - 101		
Total Annual Permanent Employee Salaries		$6,020,428
Disposable Income	70.0%	$4,214,299
Percent of Disposable Income Available For Retail	45.0%	$1,896,435
Dollars Available for Retail		$1,896,435
Estimated Retail Spending in the Town of Elizabeth	25.0%	$474,109
Estimated Annual Elizabeth New Sales Tax Revenue	4.00%	**$18,964**
Estimated 20-Year Elizabeth New Sales Tax Revenue		**$379,287**

Source: THK Associates, Inc.

H. One-Time Development Fees

As noted previously, several development fees will be imposed on the developer. Each of these development fees and the subsequent revenues that are generated to the town are detailed in the following tables. The fees are derived and calculated based on the Town of Elizabeth's Community Development and Building Department services, as shown in the Appendix of the report. As a consultant to the Town of Elizabeth, SAFEbuilt Colorado, a planning and building services firm, receives 53.5% of the permit and plan review fees, while the Town receives 46.5%. Building permit fees to the Town will total $738,615. Plan review fees for the Town are estimated to total $55,727. Use tax fees will generate $580,770. One of the largest revenue sources is the building impact fees which will generate just over $1.38 million in one-time fees. The impact fees include police, public buildings, parks and open space and public works. In total, the one-time fees will generate $2,975,402 in revenue to Elizabeth.

Table 8: Town of Elizabeth Building Permit Fees

Property Type	*Units/Square Feet*	*Average Unit/ Sq. Ft. Value*	*Rate for 1st $500,000= $7684.00 + $11.25 for each additional $1,000 of value*	Total Permit Fees*
Residential	179	$550,000	$8,426.50	$701,380
			Rate for 1st $1,000,000= $13,325.00 plus $7.50/each additional $1,000	
Retail Commercial	36,000	$275		$37,235
Total Permit Fees				**$738,615**

*Per agreement with SAFEbuilt (a building services consultant), the Town receives 46.5% of the total permit fee

Source: Town of Elizabeth & THK Associates, Inc.

Table 9: Town of Elizabeth Initial Plan Review Fees

Property Type	*Units/Square Feet*	*Average Unit/ Sq. Ft. Value*	*Rate for 1st $500,000= $7684.00 + $11.25/each additional $1,000*	Initial Plan Review Fees**
Single Family	179	$550,000	$8,426.50	
4 Builders, 3 Models @ 65%	4			$10,188
Remaining Single Family @ 5%	175			$34,285
Retail/Commercial	36,000	$275		$11,254
Total Initial Plan Review Fees				**$55,727**

*65% of total permit fees for initial 4 single family home models, then 5% for each unit/building thereafter: retail/commercial @ 65% of permit fees
**Per agreement with SAFEbuilt (a building services consultant), the Town receives 46.5% of the total plan review fee

Source: Town of Elizabeth & THK Associates, Inc.

Table 10: Town of Elizabeth Building Impact Fees

Property Type	*Units/Square Feet*	*Fee per Dwelling**	Total Impact Fees
Residential	179	$7,447.95	$1,333,183
		Fee per 1,000 Square Feet*	
Retail Commercial	36,000	$1,427.46	$51,389
Total Impact Fees			**$1,384,572**

*Impact fees include fees for Police,Public Buildings, Parks, Open Space & Trails and Public Works

Source: Town of Elizabeth & THK Associates, Inc.

Table 11: Town of Elizabeth Use Tax Fees

Construction Costs	*Costs*	*Use Tax*	Use Tax Fees
Total	$72,550,000		
Improvements (80%)	$58,040,000		
Materials (45% of Improvements)	$26,118,000	3.00%	**$783,540**

Source: Town of Elizabeth & THK Associates, Inc.

Table 12: Summary of One-Time Development Fees to the Town of Elizabeth

Fee	Fees
Building Permit Fee	$738,615
Initial Plan Review Fee	$55,727
Building Impact Fee	$1,384,572
Use Tax Fee	$783,540
Total One-Time Fees	**$2,962,453**

Source: Town of Elizabeth & THK Associates, Inc.

I. Water Tap, Renewable Water and Wastewater Fees

The Gold Creek Commons community will generate significant water tap, renewable water and wastewater fees to assist with expansion of facilities. While these fees are not part of the General Fund, they are certainly worthy of mentioning. Wastewater fees are $14,067.67 per Equivalent Residential Unit and will generate almost $2.6 million. Water Tap fees are $16,546.66 per SFE connection and $27,632.95 per 1" commercial connection. The renewable water fee is $7,446.00 per residential tap and $12,434.83 per commercial connection. Based on the 179 residential units and 4 commercial buildings, This equates to approximately $7,028,792 in water related fees.

Table 13: Town of Elizabeth Wastewater & Water Fees

Fee Property Type	*Units/Taps*	*Tap Size*	*Fee per SFE or Building*	Total Fees
Sewer				
Residential	179		$14,064.67	$2,517,576
Retail/Commercial Buildings	4		$14,064.67	$56,259
Sub-Total				**$2,573,835**
Water Tap			***Fee per Tap***	
Residential	179	3/4"	$16,546.66	$2,961,852
Retail/Commercial Buildings	4	1"	$27,632.95	$110,532
Sub-Total				**$3,072,384**
Renewable			***Fee per Tap***	
Residential	179	3/4"	$7,446.00	$1,332,834
Retail/Commercial Buildings	4	1"	$12,434.83	$49,739
Sub-Total				**$1,382,573**
Total				**$7,028,792**

Source: Town of Elizabeth & THK Associates, Inc.

J. Summary of Revenue Impacts

The purpose of this analysis has been to estimate the tax revenues and one-time fees that will be received by the Town of Elizabeth from the development of the Gold Creek Commons property, including the proposed 179 residential units and 36,000 square feet of commercial space. As detailed in the previous charts, the development of the Gold Creek Commons has the potential to generate $643,009 in annual tax revenue to the Town of Elizabeth. One-time permits and fees will also be accumulated at the beginning of development and construction of buildings. In total, the Town of Elizabeth is estimated to generate $2,962,453 in these one-time permits and fees.

Table 14: Summary of Tax Revenues & One-Time Development Fees to the Town of Elizabeth

Taxes	***Annual***	***Twenty Years***
Property Taxes	$111,045	$2,220,895
Sales Taxes	$531,964	$10,639,287
Total Tax Revenues	$643,009	$12,860,182
One-Time Fees	***One-Time***	
Building Permit Fee	$738,615	
Initial Plan Review Fee	$55,727	
Building Impact Fee	$1,384,572	
Use Tax Fee	$783,540	
Total One-Time Fees	**$2,962,453**	

Source: THK Associates, Inc.

K. Annual Public Benefit

Annual revenues from property and sales taxes to the Town of Elizabeth are estimated at $643,009. There will be some General Fund costs to serve the Gold Creek Commons property. Primary expenses will be for public works, police, roads and parks. THK has reviewed the Town of Elizabeth's draft budget for 2026 and the town currently spends approximately $2.9 million annually to provide these services. Adding an additional 20% contingency for the commercial space and some expenses incurred by other departments, the total costs are estimated at $3.625 million. The incorporated area of Elizabeth is 2.0 square miles or just under 1,300 acres. It is estimated that approximately 50%, or 640 acres of this land is currently developed. This equates to these service costs being approximately $5,665 per acre. With the Gold Creek Commons site being close to 60 acres it is estimated that the cost to serve the Gold Creek Commons, using the $5,665 per acre cost, would be $339,900. This would result in an annual net Public Benefit of **$303,109**.

Table 15: Net Annual Public Benefit to the Town of Elizabeth

Town of Elizabeth Net Public Benefit	**Annual**
Annual Property and Sales Taxes	$643,009
Expenses to Serve ($5,665 per Acre)	$339,900
Net Annual Public Benefit	**$303,109**

Source: THK Associates, Inc.

June 19, 2026

Town of Elizabeth

PO Box 159-151 S. Banner Street

Elizabeth, CO 80107

Phone: 909-646-4166 X4

NEIGHBORHOOD OUTREACH SUMMARY

Gold Creek Commons has been the subject of extensive neighborhood outreach and community engagement throughout the development of this PUD Amendment application. While the Town's neighborhood meeting requirements were satisfied through formal notice and a neighborhood meeting held on May 20, 2026, the Applicant's outreach efforts extended well beyond the minimum requirements established by the Town.

Prior to the May 20, 2026 neighborhood meeting, notices were mailed to surrounding property owners in accordance with Town requirements. The purpose of the meeting was to present the proposed PUD Amendment, answer questions, receive feedback, and discuss potential revisions to the project.

At the conclusion of the meeting, neighboring property owners requested additional time to review the materials presented and discuss the proposal with other interested residents who were unable to attend. The Applicant agreed to continue the dialogue and provide additional opportunities for review and feedback prior to finalizing the application. Subsequent meetings and discussions were held to receive additional input and better understand the concerns and priorities of the surrounding neighborhood.

Community Engagement Efforts

In addition to the formal neighborhood meeting, the Applicant has participated in numerous meetings and discussions with neighboring property owners over the past eighteen months. These efforts have included organized group meetings, individual meetings at neighboring homes, meetings on the property, video conferences, telephone calls, and informal discussions with interested residents.

The purpose of these discussions was to understand concerns, answer questions, provide project information, and identify opportunities to improve compatibility between the proposed development and surrounding properties. The Applicant has sought input from any neighboring property owner who expressed an interest in discussing the project and has remained available throughout the process to answer questions and receive feedback.

Throughout this process, the Applicant has made project information available to interested neighbors and community members, including conceptual plans, application materials, technical reports, surveys, environmental studies, and other project-related information. Information was shared even when preliminary in nature to encourage meaningful participation and provide neighbors with the same information available to the Applicant and project consultants.

Project Revisions Resulting from Outreach

Feedback received through the neighborhood outreach process addressed a variety of topics, including commercial intensity, residential product types, buffering and transitions adjacent to existing rural residential properties, traffic impacts, open space, trails, and overall compatibility with the surrounding area.

The current PUD Amendment application is the direct result of this outreach process. Numerous revisions have been made based upon feedback received from neighboring property owners, Town staff, and members of the Board of Trustees. These revisions include:

• Reduction of commercial acreage and intensity.

• Increased open space, buffering, and separation from existing neighboring properties.

• Limitation of attached residential product types and overall attached unit counts.

• Modifications to residential development areas adjacent to existing rural residential properties.

• Reduction in anticipated traffic generation compared to the previously approved Sketch Plan.

• Additional efforts to improve compatibility with surrounding properties and the character of the area.

While the Applicant recognizes that not all participants share the same vision for the future of the property, the outreach process has provided valuable feedback that has directly influenced the design and content of this application.

The Applicant remains committed to continuing discussions with neighboring property owners throughout the review process and appreciates the time, input, and participation provided by members of the community.

Exhibit B: Prior Entitlement and Annexation Documents

ORDINANCE 07-02

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE 1st GOLD CREEK COMMONS LLC PROPERTY IN ELBERT COUNTY.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Board of Trustees of the Town of Elizabeth, Colorado, written petition for annexation to an by the Town of Elizabeth, Colorado, of that property described in attached **Exhibit A**, being contiguous unincorporated territory situated, lying and being in the County of Elbert, State of Colorado; and

WHEREAS, the Board of Trustees of the Town of Elizabeth, Colorado has conducted a public hearing as required by law to determine the eligibility for annexation of that property described in attached **Exhibit A**;

WHEREAS, pursuant to C.R.S. 31-12-110, the Board of Trustees of the Town of Elizabeth, Colorado has passed a Resolution of Findings and Conclusions for the property described in **Exhibit A**;

WHEREAS, the Board of Trustees of the Town of Elizabeth, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in attached **Exhibit A** and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Elizabeth, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1: The annexation by and to the Town of Elizabeth, State of Colorado, of that property described in attached **Exhibit A**, situated, lying and being in the County of Elbert, state of Colorado, meets all requirements of law and the annexation policy of the Town of Elizabeth, and therefore, said annexation is hereby approved and made effective.

Section 2: The owners(s) of more than fifty percent (50%) of the property described in attached **Exhibit A** has petitioned for annexation.

Section 3: Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Elizabeth.

Section 4: Considering all the foregoing, and based on the conviction that annexation of this property to the Town of Elizabeth will serve the best interest of the Town of Elizabeth and the owners(s) of the territory to be annexed, the unincorporated

territory described in **Exhibit A**, which is attached hereto and made a part hereof, is annexed to the Town of Elizabeth, Colorado.

Section 5: The Town Clerk shall file for recording three certified copies of the Annexation Ordinance and three copies of the Annexation Map with the Clerk and Recorder of the County of Elbert, State of Colorado.

Section 6: The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Elbert County Clerk and Recorder.

Section 7: The Town Clerk shall file one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 8: This Ordinance shall become effective thirty (30) days after final publication except for the purpose of general taxation, and for such purposes it shall become on January 1st of the next succeeding year following passage of this Annexation Ordinance.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this 22nd day of May, 2007.

Passed by a vote of 6 for and 0 against and ordered published.

Jon Gleiforst, Mayor

ATTEST:

Serena L. Brooks, Town Clerk

TOWN OF ELIZABETH INCORPORATED SEAL SEPT. 24, 1890 ELBERT COUNTY COLORADO

EXHIBIT A

GOLD CREEK COMMONS ANNEXATION #1

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHEAST $\frac{1}{4}$ AND THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER $\frac{1}{4}$ CORNER OF SAID SECTION 12, AND CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 TO BEAR NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 A DISTANCE OF 553.42 FEET;

THENCE NORTH 86 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 573.58 FEET;

THENCE SOUTH 51 DEGREES 25 MINUTES 39 SECONDS EAST A DISTANCE OF 701.90 FEET TO THE MOST NORTHERLY CORNER OF THAT TRACT DESCRIBED IN DEED RECORDED AUGUST 14, 1979 IN BOOK 326 AT PAGE 267;

THENCE SOUTH 20 DEGREES 18 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 618.17 FEET;

THENCE SOUTH 10 DEGREES 48 MINUTES 27 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 2073.60 FEET;

THENCE SOUTH 50 DEGREES 24 MINUTES 08 SECONDS WEST, A DISTANCE OF 154.11 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 86;

THENCE SOUTH 89 DEGREES 59 MINUTES 48 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 408.47 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 2564.20 FEET TO THE POINT OF BEGINNING.

TOTAL AREA = 56.47 ACRES, MORE OR LESS.

Received
FEB 12 2007
Town of Elizabeth

486886 07/12/2007 12:37P B696 P524 ANNEX
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ANNEXATION AGREEMENT

486886 07/12/2007 12:37P B696 P524 ANNEX
2 of 19 R 96.00 D 0.00 Elbert County

ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this 22nd day of May 2007, by and between Gold Creek Commons, LLC (hereinafter referred to as the "Property Owner"), and the Town of Elizabeth, Colorado, (hereinafter referred to as the "Town").

WITNESSETH:

WHEREAS, a petition has been filed with the Town, pursuant to Section 31-12 107(1), C.R.S., for annexation of the unincorporated lands described in Exhibit A attached hereto and incorporated herein by reference (said lands being hereinafter referred to as the "Property"); and

WHEREAS, the Property Owner has entered a contract to acquire one hundred percent (100%) of the Property; and

WHEREAS, the Property Owner desires to have the Property annexed into the Town in order to obtain from the Town such municipal services as the Town may now or in the future extend including, but not limited to, those described herein; and

WHEREAS, the Town has determined that it is in its best interest to annex the Property, to provide municipal services thereto, and to receive revenues from the development occurring thereon upon the terms and conditions contained herein,

NOW, THEREFORE, in consideration of the foregoing premises and the covenants, promises and agreements of each of the parties hereto, to be kept and performed by each of them, the parties agree as follows:

1. Annexation. The annexation of the Property shall be in accordance provisions of the Municipal Annexation Act of 1965, C.R.S. § 31.12 *et. seq.* and the Elizabeth Municipal Code, Chapter 15.

2. Purpose. The purpose of this Agreement is to set forth the terms, conditions, and fees to be paid by the Property Owner upon annexation and development of the Property. Unless otherwise expressly provided to the contrary herein, all conditions contained herein are in addition to any and all requirements of the Town of Elizabeth Municipal Code as currently in effect, or as may be applied as part of the Final Development Plan; Final Development Guide; Final Plat(s), and Final Site Plan(s) approvals for the property, and any and all applicable state statutes.

3. Zoning and Development. The Property Owner hereby consents and the Town hereby agrees to zoning the Property described in **Exhibit A**, as a Planned Development (PD) District. The Property Owner shall develop the property consistent with the Final Development Plan; Final Development Guide; Final Plat(s); and Final Site Plan(s), as approved by the Board of Trustees.

4. Water and Sewer Service.

a. Prior to the issuance of a building permit for any structure on the Property described in **Exhibit A**, the Property Owner shall bring municipal water and sewer lines to the Property at its own expense and in conformance with the requirements of the Town's engineering firm.

b. Property Owner shall, upon execution of this Agreement, convey to the Town by Special Warranty Deed, free and clear of all liens and encumbrances, all groundwater rights appurtenant to the Property described in **Exhibit A**. Further, the Property Owner shall meet all requirements of Ordinance 07-01, the Town's Water Dedication Code; provided that the Property Owner shall be allowed to continue the use of those irrigation wells provided the wells are metered, said meters to be provided by the Town and installed by the Property Owner, in accordance with Permits No 134476 and 134477 for the purpose of irrigating public parks and open space within the boundaries of **Exhibit A**, but this right shall terminate once the Town has completed an approved augmentation plan, or three years from the date of this Agreement, whichever occurs sooner. Property Owner shall provide all augmentation water required to cover pumping of the said wells by Property Owner pursuant to the preceding sentence.

The Property Owner agrees to reimburse the Town the cost of adjudicating the water rights belonging to the Property. The Property Owner further understands that the Town will be adjudicating other water rights together with an Augmentation Plan and the Property Owner agrees to pay its fair share and pro-rata cost of said adjudication and Augmentation Plan based upon the proportionate amount of land acreage for each property involved. The Property Owner shall pay $14,362 for the pro-rated share of the costs. $5,000 to be paid at the time of execution of this agreement and $9,362 to be paid at the time of Gold Creek Commons Special District formation. Should the Town get additional parties to participate in the adjudication and water augmentation process, the Town will return a pro-rated share of funds to the Property Owner.

c. In the event that easements over private property are necessary to obtain water and sewer service, the Property Owner shall obtain at their own expense all necessary water and sewer utility easements and dedicate said easements to the Town.

d. Prior to the issuance of any building permit, the Property Owner shall pay to the Town all customary tap fees for water and sewer services, as well as applicable Renewable Water Resource Recovery Fees under Ordinance 07-01.

e. The Town will allow the Property Owner to make use of the Town's utility corridors, easements, and rights of way for utility extensions to the site and will cooperate with the Property Owner in seeking to secure reimbursement/recovery agreements for water line extensions that other property owners may seek to utilize.

5. Easements.

a. Pursuant to the Intergovernmental Agreement, dated May 9, 2006, between the Town of Elizabeth, the Property Owner, and other parties, the Property Owner shall grant the Town a utility easement as described in **Exhibit B** for water and sewer facilities, within fifteen days (15) of the approval of the annexation.

b. The Town will grant a 50 foot public right-of-way (**Exhibit C**) on Lot 4, Gold Creek Park Subdivision for a road connection between Gold Creek Commons and Palamino Trail which road alignment, design, and improvement specifications will be constructed by the Property Owner, at his expense, to Town specifications. The exact location as set forth in **Exhibit C** may be moved to the east at the request of the Town and the parties agree to cooperate with the relocation.

6. Gold Creek Buffer Requirement:

a. At the time of subdivision and/or site plan review, the Town will consider reducing the 300-foot setback required by EMC 16-1-150(a)(2) from Gold Creek under authority of this Annexation Agreement. Town consideration criteria shall include, but not be limited to: impacts to the Gold Creek greenbelt/greenway envisioned by the Town of Elizabeth Master Plan; input from the US Fish & Wildlife Service and other parties regarding riparian habitat related to but not limited to Preble's Mouse; evaluation of the 100-year floodplain, including its location relative to the 300' setback area; and proposed development impacts to the 100-year floodplain and 300' setback area and the 100-year floodplain area, and measures designed to mitigate impacts to the greenway, 100-year floodplain, and 300' setback area.

7. SH-86 Access Control Plan:

a. The Town will act as the applicant in amending the *State Highway 83 & 86 Access Control Plan* (February, 2006) to provide for a full movement intersection, whether by signalization, roundabout, or other traffic mechanism at the entrance road to Gold Creek Commons and Highway 86 on the condition that improvements to the intersection address traffic circulation on SH-86 to the satisfaction of the Planning Commission and Board of Trustees. Any costs incurred by the Town acting as the applicant for the amendment to the State Highway 83 & 86 Access Control Plan shall be reimbursed by the Property Owner.

8. Construction of State Highway 86 Roundabout Intersection. Property Owner agrees, at its sole cost and expense, to construct or cause to be constructed a full movement, two (2) lane roundabout intersections, in the approximate location depicted on **Exhibit D**, attached hereto and incorporated herein by this reference, which also includes the following:

a. A realignment of State Highway 86 approximately twenty-three (23) feet north of the current centerline;

b. An extension of Pinto Trail to County Road 13 within the Property, and an extension of Palomino Trail south along the west 50-dfeet of the Gold Creek Park Subdivision, Lot #4, to the Property (per item 5.b. above)

c. The construction of approximately two thousand (2000) linear feet of widened State Highway 86 with two (2) through travel lanes in each direction; and

d. The construction of two (2) left turn lanes for westbound State Highway 86 to southbound Legacy Circle including receiving lanes on southbound Legacy Circle.

The Property Owner shall be responsible for all costs of construction, including property acquisition or dedication, and all other costs, the intent of this provision being that the Property Owner shall be responsible for all such costs, and the Town shall be responsible for no costs. The construction of the complete roundabout intersection described herein shall be commenced within one (1) year of approval of an amendment to the State Highway 86 Access Control Plan allowing such a roundabout intersection. In the event such an amendment is not approved, the Property Owner shall be limited to the currently planned right in, right out access on to State Highway 86 pursuant to the State Highway 86 Access Control Plan.

9. Town Fees.

a. The Property Owner hereby agrees to pay the Town the actual cost to the Town during the annexation and subsequent development review process, to defray reasonable Town cost and expenses for engineering, surveying, environmental assessment, legal services, and any other professional services deemed necessary as part of development review (e.g. publications; mailings; review of landscape plans; review of lighting plans) rendered in connection with the review of the annexation and subsequent development of the Property including all related administrative fees not to exceed fifteen percent (115%) of the actual costs. In addition, the Property Owner shall reimburse the Town for the cost of making corrections or additions to the master copy of the official Town Zoning Map and for the fee for recording the annexation map and accompanying documents with the Elbert County Clerk and Recorder.

b. The Property Owner shall pay the annexation building fees as established by the EMC Article VI, in effect at time of Building Permit approval. The Property Owner shall pay the foregoing annexation building fees in effect at the time specified by such ordinances.

10. Town Ordinances, Regulations, Codes, Policies and Procedures. Except as expressly provided herein, all Town ordinances, regulations, codes, policies, and procedures shall be applicable to the use and development of the Property as the same are in effect at the time of any applicable land use application. The Property Owner specifically agrees and acknowledges that the Town is currently considering adoption of a Design Standards & Guidelines Code, and specifically consents that the Property shall be developed in compliance with the said Design Standards & Guidelines Code, as the same may be in effect at the time Property Owner obtains Subdivision and/or Site Plan approval for any portion of the Property.

11. Special Districts. The Town agrees and understands that the Property Owner desires to form a Title 32 Special District in order to design, construction, and/or finance certain public improvements including water and sewer infrastructure connections to the Town. The District will be called Gold Creek Commons Metropolitan District. Town agrees that this Annexation Agreement is conditioned upon the approval of a Service Plan for the District and should said Service Plan not be approved by the Town, this Agreement shall be void and the Property Owner may apply to the Trustees of the Court for disconnection. Should disconnection occur, the Property will not be subject to future mill levies or debt of the Town.

12. Public Improvements Financed or Constructed by the Town. The Town has no obligation to construct or finance any public improvements under this Agreement for the benefit of the Property.

13. Recordation of Agreement. This Agreement shall be recorded with the Clerk and Recorder of Elbert County, Colorado, shall run with the land, and be binding upon and shall inure to the benefit of the heirs, successors and permitted assigns of the parties hereto.

14. Assignment. Any and all of the rights, duties and obligations of the Property Owner hereunder may be assigned by the Property Owner to any person or entity that is financially responsible. The financial responsibility of such assignee shall be subject to the approval of the Town, which approval shall not be unreasonably withheld or delayed. Upon such approval the Town shall provide the Property Owner with written acknowledgement of such approval. In such event, the assignee shall assume all of the rights, duties and obligations of the Property Owner hereunder as to the portion of the Property so assigned, and the Property Owner shall be relieved from all further liabilities, duties and obligations as to the portion of the Property so assigned.

15. Cure of Legal Defects. In the event the annexation or zoning of the Property, or any portion of this Agreement, is declared void or unenforceable by final court action, the Town and the Property Owner shall cooperate to cure any legal defects cited by the court, and immediately upon such cure the Town shall reinstitute and complete proceedings to annex the Property subject to the terms of this Agreement.

16. Remedies. The Town's remedies under this Agreement include, but are not limited to, the following:

a. The Developer waives any constitutional claims it may have against the Town arising out of a breach of this Agreement.

b. The refusal to issue any building permit or certificate of occupancy.

c. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.

d. Any other remedy available at law.

17. Waiver of Prior Vested Rights. The Property owner waives any prior vested property rights acquired in Elbert County so long as the Property remains annexed into the Town.

18. Effective Date. This Agreement shall be effective and binding upon the parties immediately upon the effective date of an ordinance annexing and zoning the Property, regardless of whether the Agreement is executed prior to the effective date of said ordinance annexing and zoning the Property.

19. Authority of the Town. Nothing contained in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or abrogation of the Town's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the Town or its inhabitants; nor shall this Agreement prohibit the enactment by the Town of any fee that is of uniform or general application.

20. Severability. It is understood and agreed by the parties hereto that if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid, and the parties shall cooperate to cure any such defect as provided in paragraph 12 of this Agreement.

21. Governing Law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be in Elbert County, Colorado.

22. Notice. All notice required under this Agreement shall be in writing and shall be hand-delivered or sent by Certified Mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. All notices so given shall be considered effective on the earlier of actual receipt or seventy-two (72) hours after deposit in the United States Mail with the proper address as set forth below. Either party by notice so given may change the address to which future notices shall be sent.

To the Town:

Town of Elizabeth
P.O. Box 159
321 South Banner Street
Elizabeth, Colorado 80107

Copy to:

Corey Y. Hoffmann, Esq.
Hayes, Phillips, Hoffmann and Carberry P.C.
1350 17th Street, Suite 450
Denver, Colorado 80202

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To the Property Owner: Gold Creek Commons Metropolitan District
32176 County Road 17
Elizabeth, CO 80107

23. Entire Agreement - Amendments. This Agreement, embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written, between the parties hereto relating to the matters set forth herein. This Agreement may be amended by written agreement between the Property Owner and the Town acting pursuant to authorization of the Board of Trustees.

PROPERTY OWNER:

Gold Creek Commons, LLC

By: _____ owner (name & title)
Date: 6/30/07

STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this day of June 30, 2007, by Rick Thum

My commission expires: 05-10-09

(SEAL)

SERENA L. BROOKS NOTARY PUBLIC STATE OF COLORADO

_____
Notary Public

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TOWN OF ELIZABETH, COLORADO

Jon Gleiforst, Mayor
Date: 7/2/07

ATTEST:

Serena Brooks Town Clerk

TOWN OF ELIZABETH INCORPORATED SEAL SEPT. 24, 1890 ELBERT COUNTY COLORADO

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney

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Exhibit A
Legal Description of Property

EXHIBIT A

POLARIS SURVEYING, INC.
1903 Lelaray Street, Suite 102
Colorado Springs, Co. 80909
Phone 719/448-0844 Fax 719-448-9225

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LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHEAST ¼ AND THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER ¼ CORNER OF SAID SECTION 12, AND CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 TO BEAR NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 A DISTANCE OF 553.42 FEET;

THENCE NORTH 86 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 573.58 FEET;

THENCE SOUTH 51 DEGREES 25 MINUTES 39 SECONDS EAST A DISTANCE OF 701.90 FEET TO THE MOST NORTHERLY CORNER OF THAT TRACT DESCRIBED IN DEED RECORDED AUGUST 14, 1979 IN BOOK 326 AT PAGE 267;

THENCE SOUTH 20 DEGREES 18 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 618.17 FEET;

THENCE SOUTH 10 DEGREES 48 MINUTES 27 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 2173.60 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE STATE HIGHWAY NO. 86;

THENCE SOUTH 89 DEGREES 59 MINUTES 48 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 508.47 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 2564.20 FEET TO THE POINT OF BEGINNING.

TOTAL AREA = 56.53 ACRES, MORE OR LESS.

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Exhibit B
Property Owner Easement Dedication to Town for Water & Sewer Facilities

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EXHIBIT B

LEGAL DESCRIPTION
GOLD CREEK COMMONS
30' SANITARY SEWER EASEMENT

A PART OF A PARCEL OF LAND DESCRIBED IN BOOK 663, PAGE 521 ,ELBERT COUNTY RECORDS, LOCATED IN THE EAST HALF OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 12 BEARS NORTH 00°09'54" EAST A DISTANCE OF 2639.25 FEET, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE NORTH 00°09'54" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 12 A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00°09'54" EAST CONTINUING ALONG SAID NORTH-SOUTH CENTERLINE OF SECTION 12 THE WESTERLY LINE OF SAID PAREL A DISTANCE OF 30.00 FEET;
THENCE SOUTH 89°16'53" EAST ALONG A LINE PARALLEL WITH AND 120.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 12 A DISTANCE OF 344.06 FEET;
THENCE NORTH 17°47'28" EAST A DISTANCE OF 406.29 FEET;
THENCE NORTH 25°46'48" A DISTANCE OF 405.12 FEET;
THENCE NORTH 10°49'11" EAST ALONG A LINE PARALLEL WITH AND 15.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID PARCEL A DISTANCE OF 1379.09;
THENCE NORTH 08°18'04" EAST A DISTANE OF 212.80 FEET;
THENCE NORTH 12°04'04" EAST A DISTANCE OF 228.41 FEET;
THENCE SOUTH 89°12'41" EAST ALONG A LINE PARALLEL WITH AND 30 FEET NORTHWERLY OF THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 12 A DISTANCE OF 99.03 FEET TO THE EASTERLY LINE OF SAID PARCEL;
THENCE SOUTH 20°17'24" WEST ALONG SAID EASTERLY LINE A DISTANCE OF 31.83 FEET TO SAID NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 12;
THENCE NORTH 89°12'41" WEST ALONG SAID NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 12 A DISTANCE OF 63.80 FEET;
THENCE SOUTH 12°04'04" WEST A DISTANCE OF 202.82 FEET;
THENCE SOUTH 08°18'04" WEST A DISTANCE OF 149.89 FEET;
THENCE SOUTH 20°17'24" WEST A DISTANCE OF 74.45 FEET;
THENCE SOUTH 10°49'11" WEST ALONG SAID EASTERLY LINE OF SAID PARCEL A DISTANCE OF 1428.91 FEET;
THENCE SOUTH 25°46'48" WEST A DISTANCE OF 348.86 FEET;
THENCE SOUTH 17°47'28" WEST A DISTANE OF 426.36 FEET;
THENCE NORTH 89°16'53"WEST ALONG A LINE PARALLEL WITH AND 90.00 FEETNORTHERLY OF THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 12 A DISTANCE OF 365.94 FEET TO THE POINT OF BEGINNING.

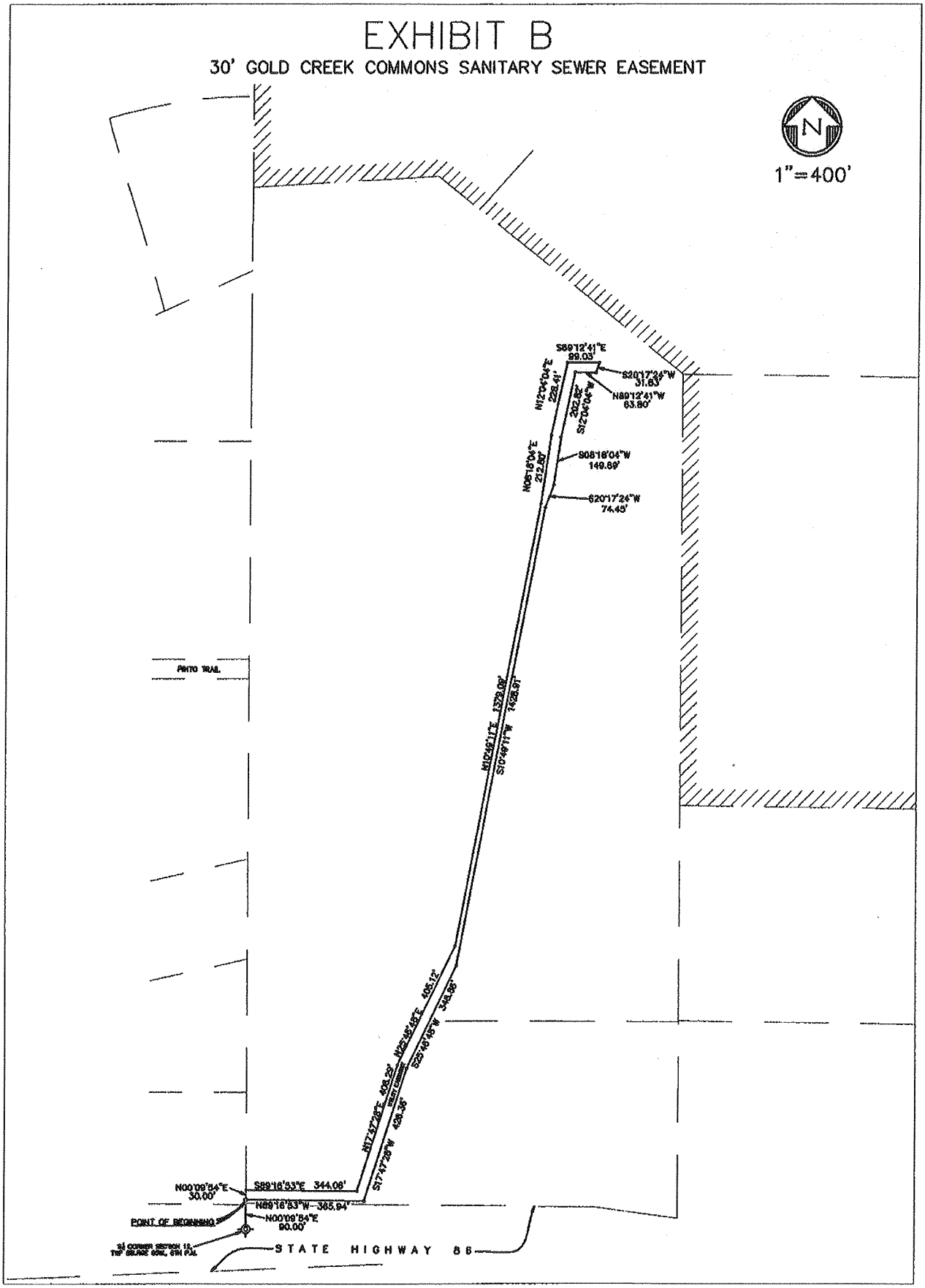
CONTAINING 70,474 SQUARE FEET OR 1.618 ACRES MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
CVL CONSULTANTS OF COLORADO AND
VERIFIED BY:
RANDALL D HENCY, PLS 27605
POLARIS SURVEYING INC.

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EXHIBIT B

30' GOLD CREEK COMMONS SANITARY SEWER EASEMENT



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Exhibit C
50' Easement/Right-of-Way

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EXHIBIT C

50' Public Right-of-Way

1"=100'

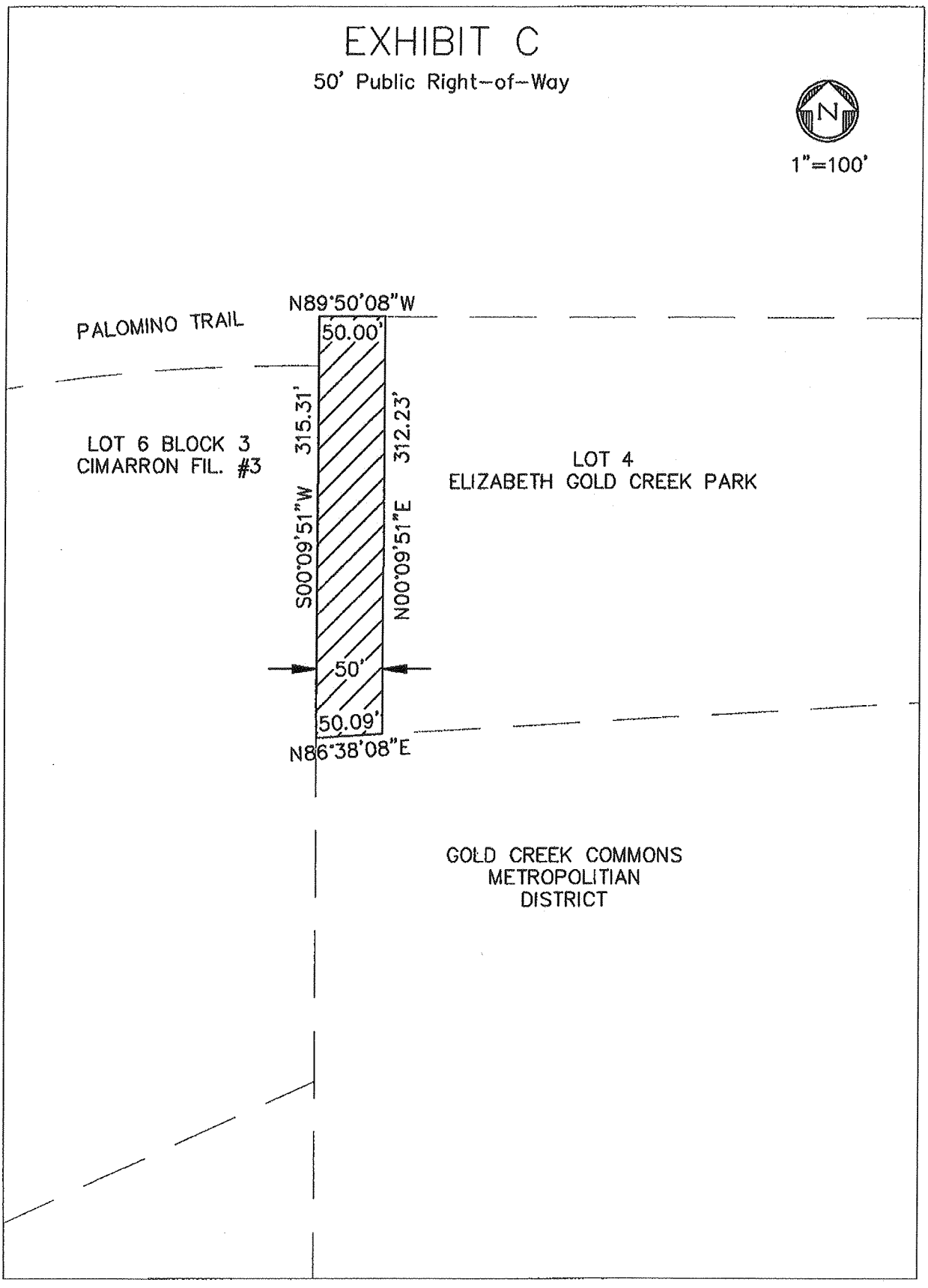
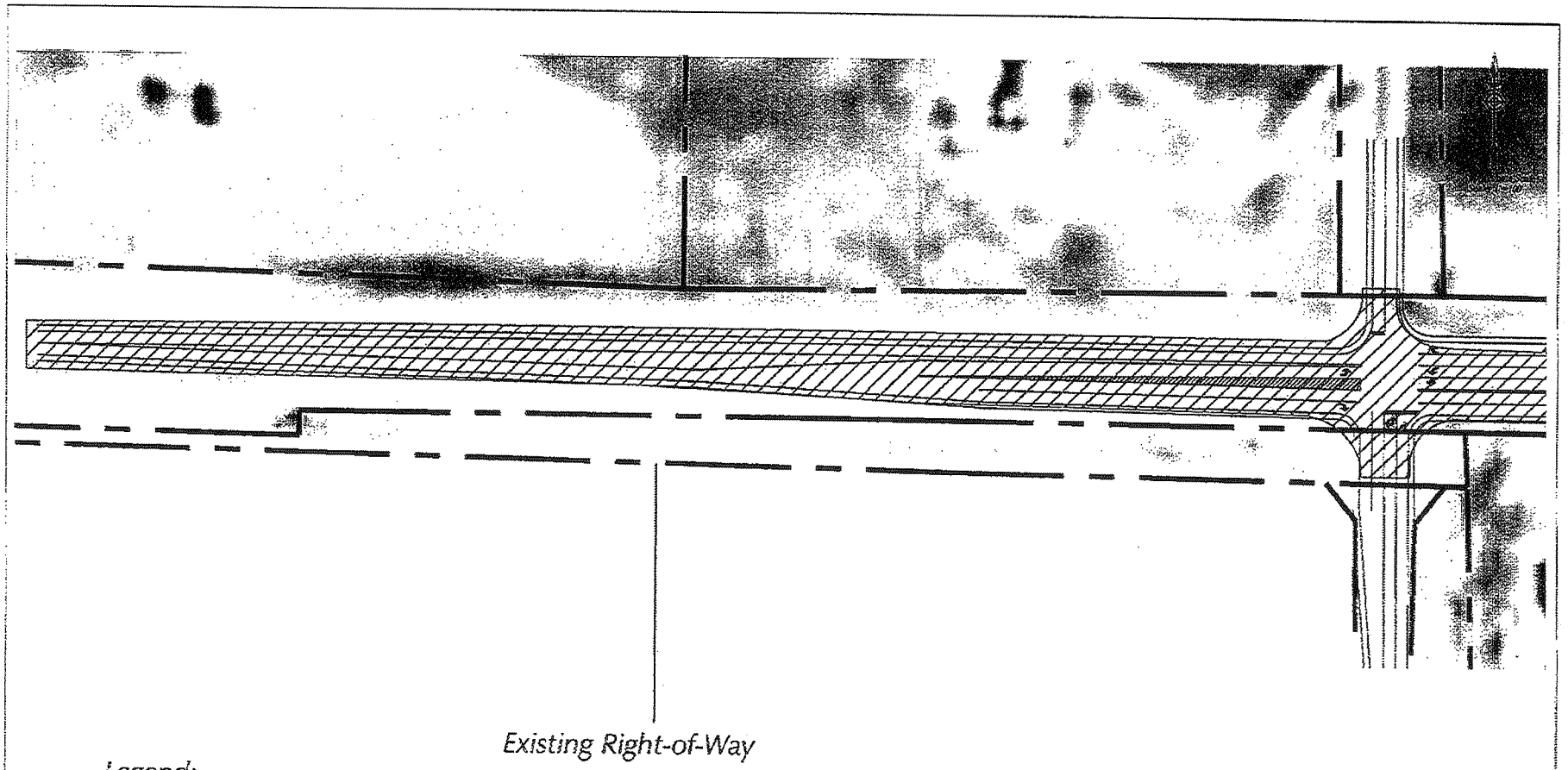


Exhibit D
Roundabout Intersection - Schematic



Legend:

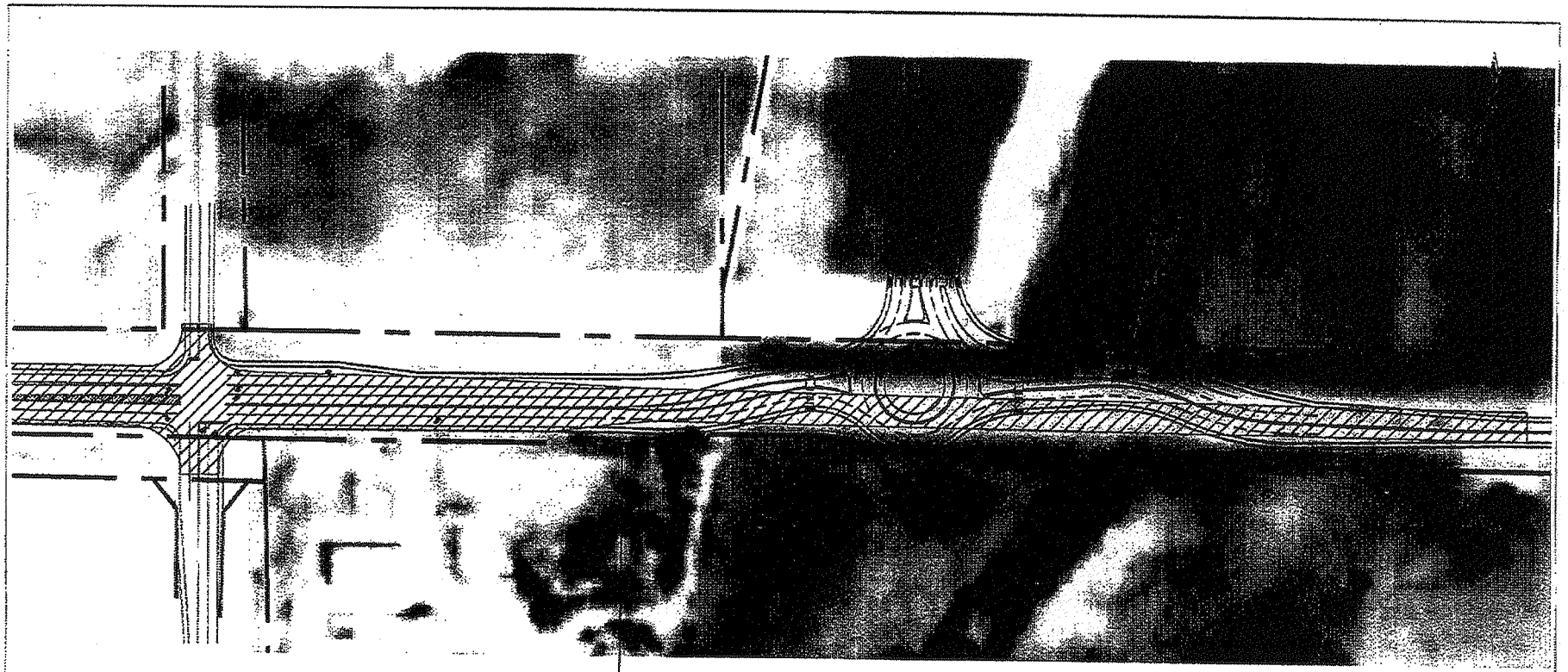
= Existing SH 86 Asphalt Surface

Exhibit D-1

Proposed SH 86 & Road A
3-Legged Roundabout Layout - Two-Lane SH 86
West of Cimarron Trail

SH 86 Access Control Plan Amendment (LSC # 070100)

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Existing Right-of-Way

Legend:

= Existing SH 86 Asphalt Surface

Exhibit D-2

Proposed SH 86 & Road A
3-Legged Roundabout Layout - Two-Lane SH 86
East of Cimarron Trail

SH 86 Access Control Plan Amendment (LSC # 070100)

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ORDINANCE 07-05

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE 2nd GOLD CREEK COMMONS LLC PROPERTY IN ELBERT COUNTY.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Board of Trustees of the Town of Elizabeth, Colorado, written petition for annexation to an by the Town of Elizabeth, Colorado, of that property described in attached **Exhibit A**, being contiguous unincorporated territory situated, lying and being in the County of Elbert, State of Colorado; and

WHEREAS, the Board of Trustees of the Town of Elizabeth, Colorado has conducted a public hearing as required by law to determine the eligibility for annexation of that property described in attached **Exhibit A**;

WHEREAS, pursuant to C.R.S. 31-12-110, the Board of Trustees of the Town of Elizabeth, Colorado has passed a Resolution of Findings and Conclusions for the property described in **Exhibit A**;

WHEREAS, the Board of Trustees of the Town of Elizabeth, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in attached **Exhibit A** and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Elizabeth, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1: The annexation by and to the Town of Elizabeth, State of Colorado, of that property described in attached **Exhibit A**, situated, lying and being in the County of Elbert, state of Colorado, meets all requirements of law and the annexation policy of the Town of Elizabeth, and therefore, said annexation is hereby approved and made effective.

Section 2: The owners(s) of more than fifty percent (50%) of the property described in attached **Exhibit A** has petitioned for annexation.

Section 3: Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Elizabeth.

Section 4: Considering all the foregoing, and based on the conviction that annexation of this property to the Town of Elizabeth will serve the best interest of the Town of Elizabeth and the owners(s) of the territory to be annexed, the unincorporated

territory described in **Exhibit A**, which is attached hereto and made a part hereof, is annexed to the Town of Elizabeth, Colorado.

Section 5: The Town Clerk shall file for recording three certified copies of the Annexation Ordinance and three copies of the Annexation Map with the Clerk and Recorder of the County of Elbert, State of Colorado.

Section 6: The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Elbert County Clerk and Recorder.

Section 7: The Town Clerk shall file one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 8: This Ordinance shall become effective thirty (30) days after final publication except for the purpose of general taxation, and for such purposes it shall become on January 1st of the next succeeding year following passage of this Annexation Ordinance.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this 2nd day of May, 2007.

Passed by a vote of 6 for and 0 against and ordered published.

Jon Gleiforst, Mayor

ATTEST:

Serena L. Brooks, Town Clerk

TOWN OF ELIZABETH INCORPORATED SEAL SEPT. 24, 1890 ELBERT COUNTY COLORADO

EXHIBIT A

GOLD CREEK COMMONS NO. 2 – ANNEXATION

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST ¼ OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER ¼ CORNER OF SAID SECTION 12, AND CONSIDERING THE NORTH–SOUTH CENTERLINE OF SAID SECTION 12 TO BEAR NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG THE NORTH–SOUTH CENTERLINE OF SAID SECTION 12 A DISTANCE OF 553.42 FEET;

THENCE NORTH 86 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 573.58 FEET;

THENCE SOUTH 51 DEGREES 25 MINUTES 39 SECONDS EAST A DISTANCE OF 701.90 FEET TO THE MOST NORTHERLY CORNER OF THAT TRACT DESCRIBED IN DEED RECORDED AUGUST 14, 1979 IN BOOK 326 AT PAGE 267;

THENCE SOUTH 20 DEGREES 18 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 618.17 FEET;

THENCE SOUTH 10 DEGREES 48 MINUTES 27 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 2073.60 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 50 DEGREES 24 MINUTES 08 SECONDS WEST A DISTANCE OF 154.11 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE STATE HIGHWAY NO. 86;

THENCE NORTH 89 DEGREES 59 MINUTES 48 SECONDS EAST ALONG SAID RIGHT–OF–WAY LINE A DISTANCE OF 100.00 FEET TO A POINT ON THE THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267;

THENCE NORTH 10 DEGREES 48 MINUTES 27 SECONDS EAST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING.

TOTAL AREA = 0.06 ACRES, MORE OR LESS.

Received

FEB 1 2 2007

Town of Elizabeth

RESOLUTION 07R08

A RESOLUTION PURSUANT TO C.R.S. § 31-12-110, SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF SAID PROPERTY DESCRIBED IN EXHIBIT A HERETO FOR ANNEXATION TO THE TOWN OF ELIZABETH.

WHEREAS, an annexation petition was filed with the Town Clerk requesting the annexation of certain unincorporated territory located in the County of Elbert, State of Colorado, otherwise known as the Gold Creek Commons LLC property, and hereafter described in **Exhibit A**, attached hereto and made a part hereof;

WHEREAS, said petition was forwarded by the Town Clerk to the Board of Trustees;

WHEREAS, the Board of Trustees of the Town of Elizabeth, Colorado, found substantial compliance of said petition with C.R.S. § 31-12-107;

WHEREAS, public notice of such public hearing was given as required by law;

WHEREAS, the public hearing on said annexation petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to C.R.S. § 31-12-110, the Board of Trustees, sitting as the governing body of the Town of Elizabeth, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility of said property described in attached **Exhibit A** for annexation to the Town of Elizabeth.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. A Three-Mile Plan for that area encompassing the property described in attached **Exhibit A** has been adopted by the Board of Trustees pursuant to C.R.S. § 31-12-105(1)(e).

Section 2. Not less than one-sixth (1/6th) of the perimeter of the area proposed to be annexed as described in attached **Exhibit A** is contiguous with the existing boundaries of the Town of Elizabeth as required by law.

Section 3. A community of interest exists between the area proposed to be annexed as described in attached **Exhibit A** and the Town of Elizabeth, and said area will be urbanized in the near future.

Section 4. The area proposed to be annexed is described in attached **Exhibit A** and is integrated or is capable of being integrated within the Town of Elizabeth.

Section 5. The limitations of the Municipal Annexation Act and the Constitution of the State of Colorado do not prevent the annexation of the subject property or any part thereof since:

a. No land in the territory to be annexed which is held in identical ownership and consists of either a single tract or parcel, or two or more contiguous tracts or parcels has been divided or any portion thereof excluded for the area to be annexed without the written consent of the owners thereof;

b. No land in the territory to be annexed which is held in identical ownership and comprises twenty (20) or more acres, having an assessed valuation for ad valorem tax purposes in excess of two hundred thousand dollars ($200,000.00) in the year next preceding the annexation, has been included in the area to be annexed without the written consent of the landowners;

c. No proceedings have been commenced by another municipality for the annexation of all or part of the territory to be annexed by the Town of Elizabeth; and

d. The annexation will not result in the detachment of the area from the school district in which it is currently located.

Section 6. The petition(s) for the annexation of that real estate described in attached **Exhibit A** meet the requirements of law and are in proper order for annexation for the property proposed to be annexed as described in attached **Exhibit A.**

Section 7. No election is required pursuant to C.R.S. § 31-12-107(2) or any other law of the State of Colorado or the Town of Elizabeth.

Section 8. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year.

Section 9. The entire width of any platted street or alley to be annexed is included within the annexation.

Section10. A voluntary Annexation Agreement has been drafted between the Property Owner and the Town, and both parties assent to the provisions of that Agreement.

Section 11. The property described in attached **Exhibit A** is eligible for annexation to the Town of Elizabeth and all requirements of law have been met for such annexation, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended.

Section 12. An ordinance annexing that property described in attached **Exhibit A** to the Town of Elizabeth shall be considered by this Board of Trustees pursuant to C.R.S. § 31-12-111.

PASSED, APPROVED, and ADOPTED this 22nd day of May, 2007, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of 5 for and 1 against.

Jon Gleiforst, Mayor

ATTEST

Serena Brooks, Town Clerk

EXHIBIT A

POLARIS SURVEYING, INC.
1903 Lelaray Street, Suite 102
Colorado Springs, Co. 80909
Phone 719/448-0844 Fax 719-448-9225

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHEAST $\frac{1}{4}$ AND THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER $\frac{1}{4}$ CORNER OF SAID SECTION 12, AND CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 TO BEAR NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 A DISTANCE OF 553.42 FEET;

THENCE NORTH 86 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 573.58 FEET;

THENCE SOUTH 51 DEGREES 25 MINUTES 39 SECONDS EAST A DISTANCE OF 701.90 FEET TO THE MOST NORTHERLY CORNER OF THAT TRACT DESCRIBED IN DEED RECORDED AUGUST 14, 1979 IN BOOK 326 AT PAGE 267;

THENCE SOUTH 20 DEGREES 18 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 618.17 FEET;

THENCE SOUTH 10 DEGREES 48 MINUTES 27 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 2173.60 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE STATE HIGHWAY NO. 86;

THENCE SOUTH 89 DEGREES 59 MINUTES 48 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 508.47 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 2564.20 FEET TO THE POINT OF BEGINNING.

TOTAL AREA = 56.53 ACRES, MORE OR LESS.

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ANNEXATION AGREEMENT

486886 07/12/2007 12:37P B696 P524 ANNEX
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ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this 22nd day of May 2007, by and between Gold Creek Commons, LLC (hereinafter referred to as the "Property Owner"), and the Town of Elizabeth, Colorado, (hereinafter referred to as the "Town").

WITNESSETH:

WHEREAS, a petition has been filed with the Town, pursuant to Section 31-12 107(1), C.R.S., for annexation of the unincorporated lands described in Exhibit A attached hereto and incorporated herein by reference (said lands being hereinafter referred to as the "Property"); and

WHEREAS, the Property Owner has entered a contract to acquire one hundred percent (100%) of the Property; and

WHEREAS, the Property Owner desires to have the Property annexed into the Town in order to obtain from the Town such municipal services as the Town may now or in the future extend including, but not limited to, those described herein; and

WHEREAS, the Town has determined that it is in its best interest to annex the Property, to provide municipal services thereto, and to receive revenues from the development occurring thereon upon the terms and conditions contained herein,

NOW, THEREFORE, in consideration of the foregoing premises and the covenants, promises and agreements of each of the parties hereto, to be kept and performed by each of them, the parties agree as follows:

1. Annexation. The annexation of the Property shall be in accordance provisions of the Municipal Annexation Act of 1965, C.R.S. § 31.12 *et. seq.* and the Elizabeth Municipal Code, Chapter 15.

2. Purpose. The purpose of this Agreement is to set forth the terms, conditions, and fees to be paid by the Property Owner upon annexation and development of the Property. Unless otherwise expressly provided to the contrary herein, all conditions contained herein are in addition to any and all requirements of the Town of Elizabeth Municipal Code as currently in effect, or as may be applied as part of the Final Development Plan; Final Development Guide; Final Plat(s), and Final Site Plan(s) approvals for the property, and any and all applicable state statutes.

3. Zoning and Development. The Property Owner hereby consents and the Town hereby agrees to zoning the Property described in **Exhibit A**, as a Planned Development (PD) District. The Property Owner shall develop the property consistent with the Final Development Plan; Final Development Guide; Final Plat(s); and Final Site Plan(s), as approved by the Board of Trustees.

4. Water and Sewer Service.

a. Prior to the issuance of a building permit for any structure on the Property described in **Exhibit A**, the Property Owner shall bring municipal water and sewer lines to the Property at its own expense and in conformance with the requirements of the Town's engineering firm.

b. Property Owner shall, upon execution of this Agreement, convey to the Town by Special Warranty Deed, free and clear of all liens and encumbrances, all groundwater rights appurtenant to the Property described in **Exhibit A**. Further, the Property Owner shall meet all requirements of Ordinance 07-01, the Town's Water Dedication Code; provided that the Property Owner shall be allowed to continue the use of those irrigation wells provided the wells are metered, said meters to be provided by the Town and installed by the Property Owner, in accordance with Permits No 134476 and 134477 for the purpose of irrigating public parks and open space within the boundaries of **Exhibit A,** but this right shall terminate once the Town has completed an approved augmentation plan, or three years from the date of this Agreement, whichever occurs sooner. Property Owner shall provide all augmentation water required to cover pumping of the said wells by Property Owner pursuant to the preceding sentence.

The Property Owner agrees to reimburse the Town the cost of adjudicating the water rights belonging to the Property. The Property Owner further understands that the Town will be adjudicating other water rights together with an Augmentation Plan and the Property Owner agrees to pay its fair share and pro-rata cost of said adjudication and Augmentation Plan based upon the proportionate amount of land acreage for each property involved. The Property Owner shall pay $14,362 for the pro-rated share of the costs. $5,000 to be paid at the time of execution of this agreement and $9,362 to be paid at the time of Gold Creek Commons Special District formation. Should the Town get additional parties to participate in the adjudication and water augmentation process, the Town will return a pro-rated share of funds to the Property Owner.

c. In the event that easements over private property are necessary to obtain water and sewer service, the Property Owner shall obtain at their own expense all necessary water and sewer utility easements and dedicate said easements to the Town.

d. Prior to the issuance of any building permit, the Property Owner shall pay to the Town all customary tap fees for water and sewer services, as well as applicable Renewable Water Resource Recovery Fees under Ordinance 07-01.

e. The Town will allow the Property Owner to make use of the Town's utility corridors, easements, and rights of way for utility extensions to the site and will cooperate with the Property Owner in seeking to secure reimbursement/recovery agreements for water line extensions that other property owners may seek to utilize.

5. Easements.

a. Pursuant to the Intergovernmental Agreement, dated May 9, 2006, between the Town of Elizabeth, the Property Owner, and other parties, the Property Owner shall grant the Town a utility easement as described in **Exhibit B** for water and sewer facilities, within fifteen days (15) of the approval of the annexation.

b. The Town will grant a 50 foot public right-of-way (**Exhibit C**) on Lot 4, Gold Creek Park Subdivision for a road connection between Gold Creek Commons and Palamino Trail which road alignment, design, and improvement specifications will be constructed by the Property Owner, at his expense, to Town specifications. The exact location as set forth in **Exhibit C** may be moved to the east at the request of the Town and the parties agree to cooperate with the relocation.

6. Gold Creek Buffer Requirement:

a. At the time of subdivision and/or site plan review, the Town will consider reducing the 300-foot setback required by EMC 16-1-150(a)(2) from Gold Creek under authority of this Annexation Agreement. Town consideration criteria shall include, but not be limited to: impacts to the Gold Creek greenbelt/greenway envisioned by the Town of Elizabeth Master Plan; input from the US Fish & Wildlife Service and other parties regarding riparian habitat related to but not limited to Preble's Mouse; evaluation of the 100-year floodplain, including its location relative to the 300' setback area; and proposed development impacts to the 100-year floodplain and 300' setback area and the 100-year floodplain area, and measures designed to mitigate impacts to the greenway, 100-year floodplain, and 300' setback area.

7. SH-86 Access Control Plan:

a. The Town will act as the applicant in amending the *State Highway 83 & 86 Access Control Plan* (February, 2006) to provide for a full movement intersection, whether by signalization, roundabout, or other traffic mechanism at the entrance road to Gold Creek Commons and Highway 86 on the condition that improvements to the intersection address traffic circulation on SH-86 to the satisfaction of the Planning Commission and Board of Trustees. Any costs incurred by the Town acting as the applicant for the amendment to the State Highway 83 & 86 Access Control Plan shall be reimbursed by the Property Owner.

8. Construction of State Highway 86 Roundabout Intersection. Property Owner agrees, at its sole cost and expense, to construct or cause to be constructed a full movement, two (2) lane roundabout intersections, in the approximate location depicted on **Exhibit D**, attached hereto and incorporated herein by this reference, which also includes the following:

a. A realignment of State Highway 86 approximately twenty-three (23) feet north of the current centerline;

b. An extension of Pinto Trail to County Road 13 within the Property, and an extension of Palomino Trail south along the west 50-dfeet of the Gold Creek Park Subdivision, Lot #4, to the Property (per item 5.b. above)

c. The construction of approximately two thousand (2000) linear feet of widened State Highway 86 with two (2) through travel lanes in each direction; and

d. The construction of two (2) left turn lanes for westbound State Highway 86 to southbound Legacy Circle including receiving lanes on southbound Legacy Circle.

The Property Owner shall be responsible for all costs of construction, including property acquisition or dedication, and all other costs, the intent of this provision being that the Property Owner shall be responsible for all such costs, and the Town shall be responsible for no costs. The construction of the complete roundabout intersection described herein shall be commenced within one (1) year of approval of an amendment to the State Highway 86 Access Control Plan allowing such a roundabout intersection. In the event such an amendment is not approved, the Property Owner shall be limited to the currently planned right in, right out access on to State Highway 86 pursuant to the State Highway 86 Access Control Plan.

9. Town Fees.

a. The Property Owner hereby agrees to pay the Town the actual cost to the Town during the annexation and subsequent development review process, to defray reasonable Town cost and expenses for engineering, surveying, environmental assessment, legal services, and any other professional services deemed necessary as part of development review (e.g. publications; mailings; review of landscape plans; review of lighting plans) rendered in connection with the review of the annexation and subsequent development of the Property including all related administrative fees not to exceed fifteen percent (115%) of the actual costs. In addition, the Property Owner shall reimburse the Town for the cost of making corrections or additions to the master copy of the official Town Zoning Map and for the fee for recording the annexation map and accompanying documents with the Elbert County Clerk and Recorder.

b. The Property Owner shall pay the annexation building fees as established by the EMC Article VI, in effect at time of Building Permit approval. The Property Owner shall pay the foregoing annexation building fees in effect at the time specified by such ordinances.

10. Town Ordinances, Regulations, Codes, Policies and Procedures. Except as expressly provided herein, all Town ordinances, regulations, codes, policies, and procedures shall be applicable to the use and development of the Property as the same are in effect at the time of any applicable land use application. The Property Owner specifically agrees and acknowledges that the Town is currently considering adoption of a Design Standards & Guidelines Code, and specifically consents that the Property shall be developed in compliance with the said Design Standards & Guidelines Code, as the same may be in effect at the time Property Owner obtains Subdivision and/or Site Plan approval for any portion of the Property.

11. Special Districts. The Town agrees and understands that the Property Owner desires to form a Title 32 Special District in order to design, construction, and/or finance certain public improvements including water and sewer infrastructure connections to the Town. The District will be called Gold Creek Commons Metropolitan District. Town agrees that this Annexation Agreement is conditioned upon the approval of a Service Plan for the District and should said Service Plan not be approved by the Town, this Agreement shall be void and the Property Owner may apply to the Trustees of the Court for disconnection. Should disconnection occur, the Property will not be subject to future mill levies or debt of the Town.

12. Public Improvements Financed or Constructed by the Town. The Town has no obligation to construct or finance any public improvements under this Agreement for the benefit of the Property.

13. Recordation of Agreement. This Agreement shall be recorded with the Clerk and Recorder of Elbert County, Colorado, shall run with the land, and be binding upon and shall inure to the benefit of the heirs, successors and permitted assigns of the parties hereto.

14. Assignment. Any and all of the rights, duties and obligations of the Property Owner hereunder may be assigned by the Property Owner to any person or entity that is financially responsible. The financial responsibility of such assignee shall be subject to the approval of the Town, which approval shall not be unreasonably withheld or delayed. Upon such approval the Town shall provide the Property Owner with written acknowledgement of such approval. In such event, the assignee shall assume all of the rights, duties and obligations of the Property Owner hereunder as to the portion of the Property so assigned, and the Property Owner shall be relieved from all further liabilities, duties and obligations as to the portion of the Property so assigned.

15. Cure of Legal Defects. In the event the annexation or zoning of the Property, or any portion of this Agreement, is declared void or unenforceable by final court action, the Town and the Property Owner shall cooperate to cure any legal defects cited by the court, and immediately upon such cure the Town shall reinstitute and complete proceedings to annex the Property subject to the terms of this Agreement.

16. Remedies. The Town's remedies under this Agreement include, but are not limited to, the following:

a. The Developer waives any constitutional claims it may have against the Town arising out of a breach of this Agreement.

b. The refusal to issue any building permit or certificate of occupancy.

c. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.

d. Any other remedy available at law.

17. Waiver of Prior Vested Rights. The Property owner waives any prior vested property rights acquired in Elbert County so long as the Property remains annexed into the Town.

18. Effective Date. This Agreement shall be effective and binding upon the parties immediately upon the effective date of an ordinance annexing and zoning the Property, regardless of whether the Agreement is executed prior to the effective date of said ordinance annexing and zoning the Property.

19. Authority of the Town. Nothing contained in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or abrogation of the Town's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the Town or its inhabitants; nor shall this Agreement prohibit the enactment by the Town of any fee that is of uniform or general application.

20. Severability. It is understood and agreed by the parties hereto that if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid, and the parties shall cooperate to cure any such defect as provided in paragraph 12 of this Agreement.

21. Governing Law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be in Elbert County, Colorado.

22. Notice. All notice required under this Agreement shall be in writing and shall be hand-delivered or sent by Certified Mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. All notices so given shall be considered effective on the earlier of actual receipt or seventy-two (72) hours after deposit in the United States Mail with the proper address as set forth below. Either party by notice so given may change the address to which future notices shall be sent.

To the Town:

Town of Elizabeth
P.O. Box 159
321 South Banner Street
Elizabeth, Colorado 80107

Copy to:

Corey Y. Hoffmann, Esq.
Hayes, Phillips, Hoffmann and Carberry P.C.
1350 17th Street, Suite 450
Denver, Colorado 80202

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To the Property Owner: Gold Creek Commons Metropolitan District
32176 County Road 17
Elizabeth, CO 80107

23. Entire Agreement - Amendments. This Agreement, embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written, between the parties hereto relating to the matters set forth herein. This Agreement may be amended by written agreement between the Property Owner and the Town acting pursuant to authorization of the Board of Trustees.

PROPERTY OWNER:

Gold Creek Commons, LLC

By: _____ owner (name & title)
Date: 6/30/07

STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this day of June 30, 2007, by Rick Thum

My commission expires: 05-10-09

(SEAL)

SERENA L. BROOKS NOTARY PUBLIC STATE OF COLORADO

_____
Notary Public

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TOWN OF ELIZABETH, COLORADO

Jon Gleiforst, Mayor
Date: 7/2/07

ATTEST:

Serena Brooks Town Clerk

TOWN OF ELIZABETH INCORPORATED SEAL SEPT. 24, 1890 ELBERT COUNTY COLORADO

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney

Exhibit A
Legal Description of Property

EXHIBIT A

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POLARIS SURVEYING, INC.
1903 Lelaray Street, Suite 102
Colorado Springs, Co. 80909
Phone 719/448-0844 Fax 719-448-9225

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHEAST ¼ AND THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER ¼ CORNER OF SAID SECTION 12, AND CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 TO BEAR NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 A DISTANCE OF 553.42 FEET;

THENCE NORTH 86 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 573.58 FEET;

THENCE SOUTH 51 DEGREES 25 MINUTES 39 SECONDS EAST A DISTANCE OF 701.90 FEET TO THE MOST NORTHERLY CORNER OF THAT TRACT DESCRIBED IN DEED RECORDED AUGUST 14, 1979 IN BOOK 326 AT PAGE 267;

THENCE SOUTH 20 DEGREES 18 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 618.17 FEET;

THENCE SOUTH 10 DEGREES 48 MINUTES 27 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 2173.60 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE STATE HIGHWAY NO. 86;

THENCE SOUTH 89 DEGREES 59 MINUTES 48 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 508.47 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 2564.20 FEET TO THE POINT OF BEGINNING.

TOTAL AREA = 56.53 ACRES, MORE OR LESS.

486886 07/12/2007 12:37P B696 P524 ANNEX
12 of 19 R 96.00 D 0.00 Elbert County

Exhibit B
Property Owner Easement Dedication to Town for Water & Sewer Facilities

406886 07/12/2007 12:37P B696 P524 ANNEX
13 of 19 R 96.00 D 0.00 Elbert County

EXHIBIT B

LEGAL DESCRIPTION
GOLD CREEK COMMONS
30' SANITARY SEWER EASEMENT

A PART OF A PARCEL OF LAND DESCRIBED IN BOOK 663, PAGE 521 ,ELBERT COUNTY RECORDS, LOCATED IN THE EAST HALF OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 12 BEARS NORTH 00°09'54" EAST A DISTANCE OF 2639.25 FEET, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE NORTH 00°09'54" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 12 A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00°09'54" EAST CONTINUING ALONG SAID NORTH-SOUTH CENTERLINE OF SECTION 12 THE WESTERLY LINE OF SAID PAREL A DISTANCE OF 30.00 FEET;
THENCE SOUTH 89°16'53" EAST ALONG A LINE PARALLEL WITH AND 120.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 12 A DISTANCE OF 344.06 FEET;
THENCE NORTH 17°47'28" EAST A DISTANCE OF 406.29 FEET;
THENCE NORTH 25°46'48" A DISTANCE OF 405.12 FEET;
THENCE NORTH 10°49'11" EAST ALONG A LINE PARALLEL WITH AND 15.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID PARCEL A DISTANCE OF 1379.09;
THENCE NORTH 08°18'04" EAST A DISTANE OF 212.80 FEET;
THENCE NORTH 12°04'04" EAST A DISTANCE OF 228.41 FEET;
THENCE SOUTH 89°12'41" EAST ALONG A LINE PARALLEL WITH AND 30 FEET NORTHWERLY OF THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 12 A DISTANCE OF 99.03 FEET TO THE EASTERLY LINE OF SAID PARCEL;
THENCE SOUTH 20°17'24" WEST ALONG SAID EASTERLY LINE A DISTANCE OF 31.83 FEET TO SAID NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 12;
THENCE NORTH 89°12'41" WEST ALONG SAID NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 12 A DISTANCE OF 63.80 FEET;
THENCE SOUTH 12°04'04" WEST A DISTANCE OF 202.82 FEET;
THENCE SOUTH 08°18'04" WEST A DISTANCE OF 149.89 FEET;
THENCE SOUTH 20°17'24" WEST A DISTANCE OF 74.45 FEET;
THENCE SOUTH 10°49'11" WEST ALONG SAID EASTERLY LINE OF SAID PARCEL A DISTANCE OF 1428.91 FEET;
THENCE SOUTH 25°46'48" WEST A DISTANCE OF 348.86 FEET;
THENCE SOUTH 17°47'28" WEST A DISTANE OF 426.36 FEET;
THENCE NORTH 89°16'53"WEST ALONG A LINE PARALLEL WITH AND 90.00 FEETNORTHERLY OF THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 12 A DISTANCE OF 365.94 FEET TO THE POINT OF BEGINNING.

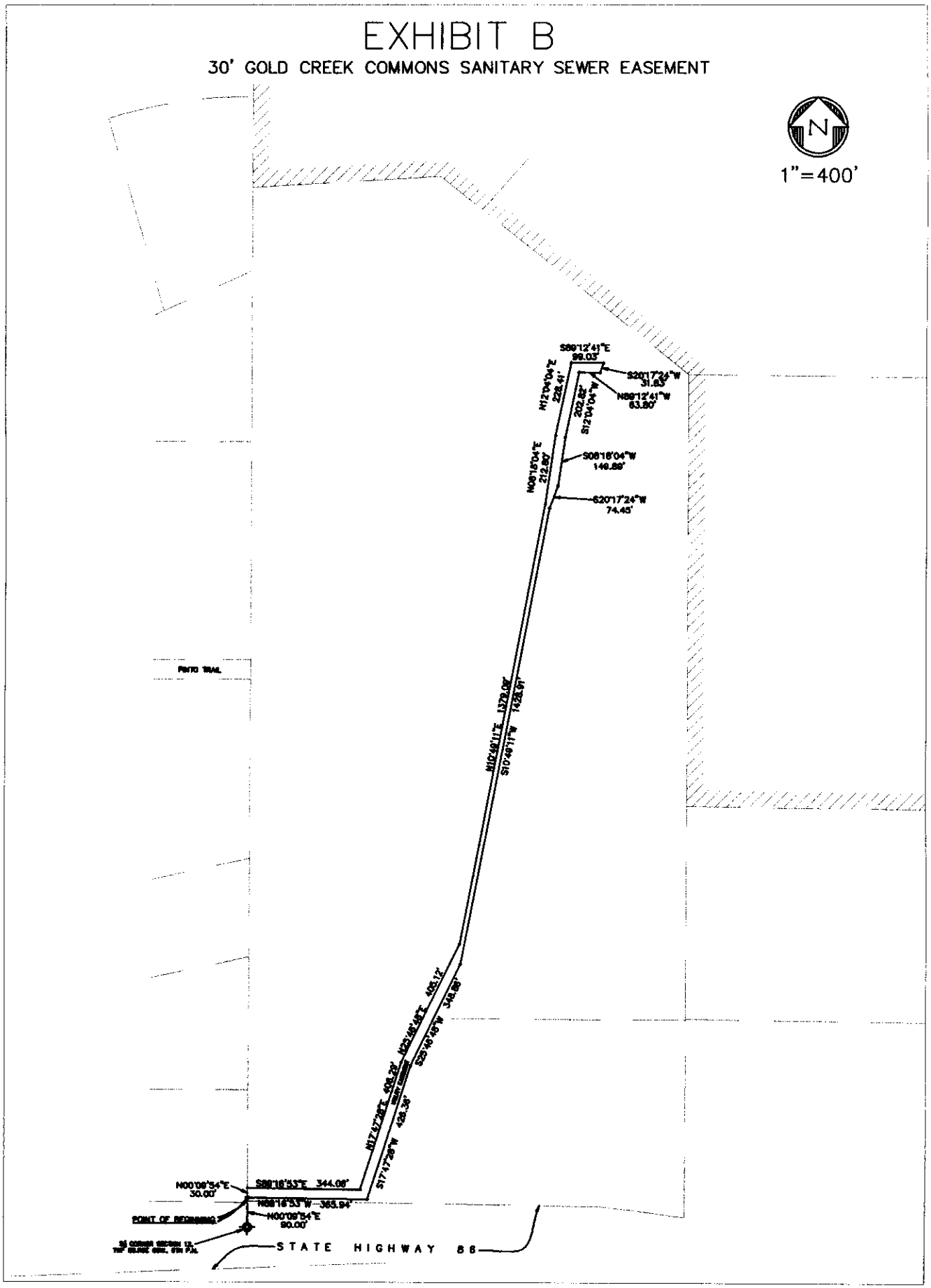
CONTAINING 70,474 SQUARE FEET OR 1.618 ACRES MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
CVL CONSULTANTS OF COLORADO AND
VERIFIED BY:
RANDALL D HENCY, PLS 27605
POLARIS SURVEYING INC.

486886 07/12/2007 12:37P B696 P524 ANNEX
14 of 19 R 96.00 D 0.00 Elbert County

EXHIBIT B

30' GOLD CREEK COMMONS SANITARY SEWER EASEMENT



486886 07/12/2007 12:37P B696 P524 ANNEX
15 of 19 R 96.00 D 0.00 Elbert County

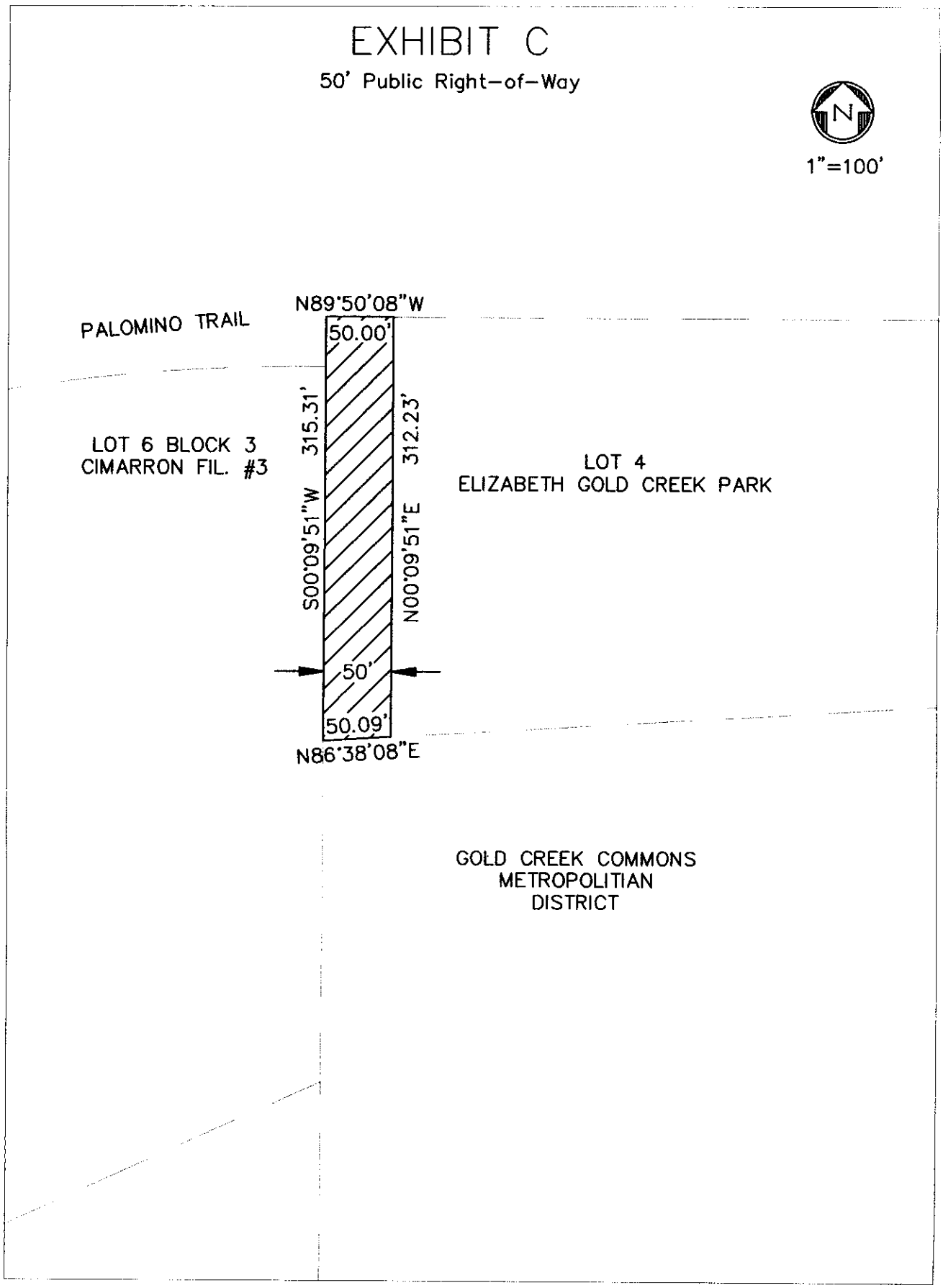
Exhibit C
50' Easement/Right-of-Way

486886 07/12/2007 12:37P B696 P524 ANNEX
16 of 19 R 96.00 D 0.00 Elbert County

EXHIBIT C

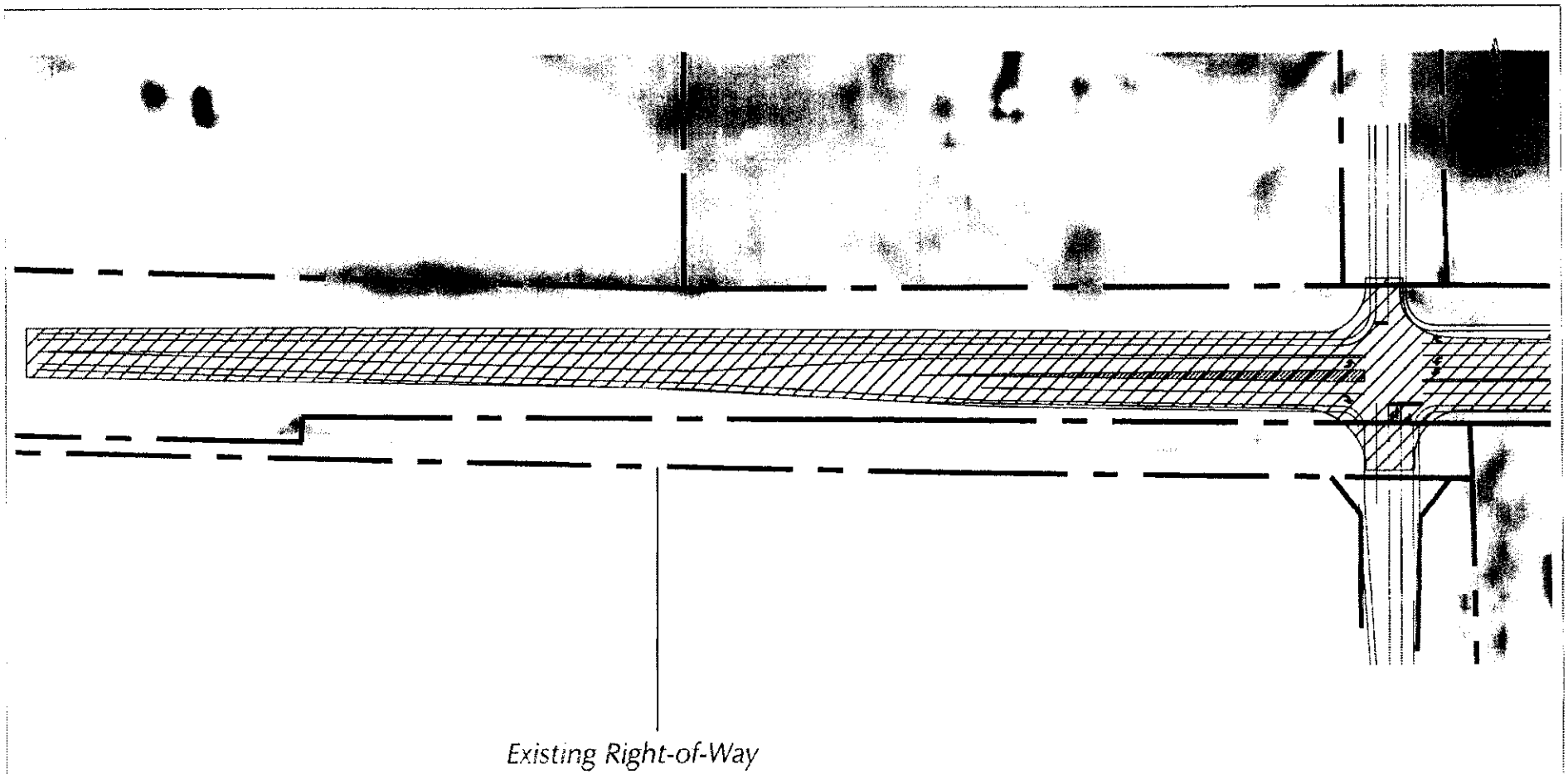
50' Public Right-of-Way

1"=100'



486886 07/12/2007 12:37P B696 P524 ANNEX
17 of 19 R 96.00 D 0.00 Elbert County

Exhibit D
Roundabout Intersection - Schematic



Legend:

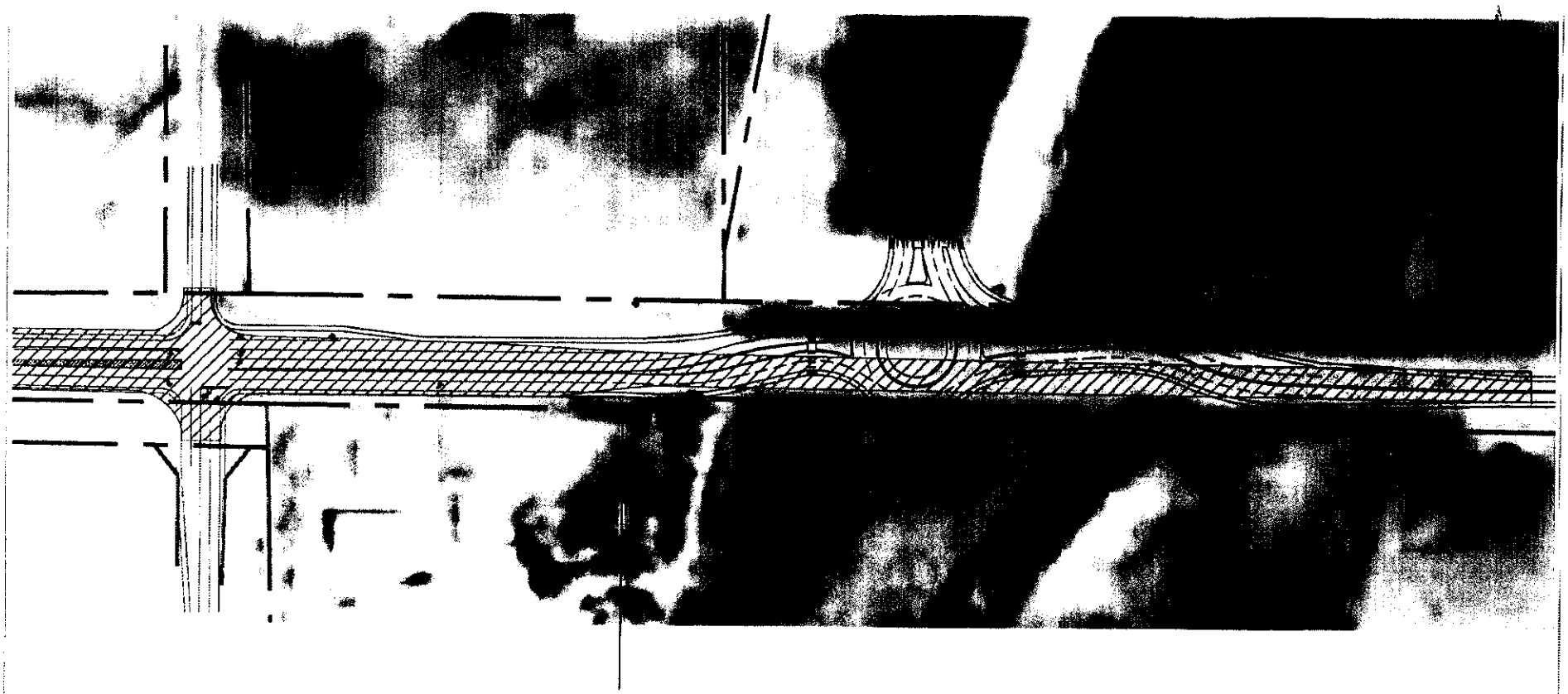
= Existing SH 86 Asphalt Surface

Exhibit D-1

Proposed SH 86 & Road A
3-Legged Roundabout Layout - Two-Lane SH 86
West of Cimarron Trail

SH 86 Access Control Plan Amendment - ESC # 070100.

486886 07/12/2007 12:37P B696 P524 ANNEX
18 of 19 R 96.00 D 0.00 Elbert County



Existing Right-of-Way

Legend:

= Existing SH 86 Asphalt Surface

Exhibit D-2

Proposed SH 86 & Road A
3-Legged Roundabout Layout - Two-Lane SH 86
East of Cimarron Trail

SH 86 Access Control Plan Amendment LSC # 070100

486886 07/12/2007 12:37P B696 P524 ANNEX
19 of 19 R 96.00 D 0.00 Elbert County

502115 B: 711 P: 562 AMDOC
05/27/2009 09:32:09 AM Page: 1 of 8 R 41.00 D
Amy L. Fordyce Clerk/Recorder, Elbert County, Co

FIRST AMENDMENT TO ANNEXATION AGREEMENT

This FIRST AMENDMENT TO ANNEXATION AGREEMENT (the "First Amendment") is voluntarily made and entered into this 25th day of September, 2007, by and between the TOWN OF ELIZABETH, a Colorado municipality (the "Town"), and Gold Creek Commons, LLC (hereinafter referred to as the "Property Owners").

RECITALS

WHEREAS, The Town and Property Owners entered into an Annexation Agreement dated May 22, 2007 (the "Original Agreement") recorded with Elbert County in Book 696, Page 524.

WHEREAS, The Property Owners are the owners of certain real property (the "Property") situated in the County of Elbert, State of Colorado, which property is described as **Exhibit A** of the Original Agreement;

WHEREAS, based on certain changed circumstances, the Town and Property Owners desire to amend the Original Agreement as set forth herein;

WHEREAS, Paragraph 8 of the Original Agreement requires the applicant to construct a full movement access on State Highway 86;

WHEREAS, the Colorado Department of Transportation (CDOT) informed both parties that they would not grant a full movement access to the property at this point in time;

WHEREAS, CDOT informed both parties that they would look favorably upon a three-quarter (3/4) movement access and potentially consider a full movement access in the future,

WHEREAS, both parties to the Original Agreement would like to ensure that the language in the Annexation Agreement permits a three-quarter movement access consistent with the input received from CDOT, while retaining future possibilities for a full movement access, and identifying the mechanisms by which all access improvements are to be funded.

NOW, THEREFORE, in consideration of the foregoing recitals, mutual covenants, and promises set forth below, the receipt and sufficiency of which are mutually acknowledged, the Town and the Property Owner hereby agree to amend the Original Agreement as follows:

1. Paragraph 7 of the Original Agreement is hereby deleted in its entirety, and replaced with the following:

7. SH-86 Access Control Plan:

a. The Town will act as the applicant in amending the *State Highway 83 & 86 Access Control Plan* (February, 2006) to provide for a three-quarter (3/4) and/or full movement intersection by roundabout at the entrance road to Gold Creek Commons and Highway 86 on the condition that improvements to the intersection address traffic circulation on SH-86 to the satisfaction of the Planning Commission and Board of Trustees. Any costs incurred by the Town acting as the applicant for the amendment to the *State Highway 83 & 86 Access Control Plan* shall be reimbursed by the Property Owners.

2. Paragraph 8 of the Original Agreement is hereby deleted in its entirety, and replaced with the following:

8. State Highway 86 Access Improvements

A. Construction of State Highway 86 Roundabout Intersection. The Property Owners agrees if permitted by CDOT, at the Property Owner's sole cost and expense, to construct or cause to be constructed a full movement, two (2) lane roundabout intersection, in the approximate location depicted on **Exhibit D**, attached hereto and incorporated herein by this reference, which also includes the following:

i. A realignment of State Highway 86 approximately twenty-three (23) feet north of the current centerline;

ii. An extension of Pinto Trail and Palomino Trail to County Road 13 within the Property consistent with the July 12, 2007 recorded Gold Creek Commons PD Plan (Sheet 2 of 4);

iii. The construction of approximately two thousand (2,000) linear feet of widened State Highway 86 with two (2) through travel lanes in each direction; and

iv. The construction of two (2) left turn lanes for westbound State Highway 86 to southbound Legacy Circle including two (2) receiving lanes on southbound Legacy Circle.

The Property Owners shall be responsible for all costs of construction, including property acquisition or dedication, and all other costs, the intent of this provision being that the Property Owners shall be responsible for all such costs, and the Town shall be responsible for no costs. The construction of the complete roundabout intersection described herein shall be commenced within one (1) year of approval of an amendment to the *State Highway 83 & 86 Access Control Plan* allowing such a roundabout intersection. The Property Owner agrees to establish an escrow account in the amount of $380,000, to ensure that adequate funding is available for the roundabout intersection. The escrow shall be held by a responsible third party and any and all interest accrued shall be reinvested in the

escrow account to account for escalation of cost. If the costs of the improvements are greater than the amount in escrow, the Property Owner agrees to fund the difference.

B. Construction of State Highway 86 Three-Quarter (3/4) Access. The Property Owner agrees, if permitted by CDOT, at its sole cost and expense, to construct or cause to be constructed a three-quarter (3/4) movement intersection, in the approximate location depicted on **Exhibit E**, attached hereto and incorporated herein by this reference, which also includes the following:

i. An extension of Pinto Trail and Palomino Trail to County Road 13 within the property consistent with the July 12, 2007 recorded Gold Creek Commons PD Plan (Sheet 2 0f 4).

ii. The construction of approximately two thousand (2,000) linear feet of widened State Highway 86 with two (2) through travel lanes in each direction; and

iii. The construction of two (2) left turn lanes for westbound State Highway 86 to southbound Legacy Circle including two (2) receiving lanes on southbound Legacy Circle.

The Property Owner shall be responsible for all costs of construction, including property acquisition or dedication, and all other costs, the intent of this provision being that the Property Owner shall be responsible for all such costs, and the Town shall be responsible for no costs. The construction of the three-quarter (3/4) turn access intersection described herein shall be commenced within one (1) year of CDOT approval of an amendment to the *State Highway 83 & 86 Access Control Plan* allowing such intersection.

3. The Property Owner shall submit an application to the Town to amend conditions 1(a) and 2 of the Gold Creek Commons PD Guide, recorded July 12, 2007 (reception number 201219) associated with the property, following approval of the three-quarter (3/4) access from CDOT.

4. Miscellaneous. The following provisions shall apply with respect to this First Amendment:

A. Except as modified herein, the Annexation Agreement is in full force and effect and is hereby ratified by the Town and the Property Owner; and

B. In the event of any conflict between the Annexation Agreement and this First Amendment, the terms and conditions of this First Amendment shall control.

WHEREFORE, the parties have executed this First Amendment as of the date first written

above.

PROPERTY OWNER:

Gold Creek Commons, LLC

By: Richard Thun (name & title)
owner

STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this day of 10, September, 2007, by Richard Thun

My commission expires:

(SEAL)

TABITHA R TATREAU
Notary Public
State of Colorado

My Commission Expires March 29, 2010

Notary Public

TOWN OF ELIZABETH, COLORADO

Jon Gleiforst, Mayor

ATTEST:

Serena L. Brooks Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney

502115 B: 711 P: 562 AMDOC
05/27/2009 09:32:09 AM Page: 6 of 8 R 41.00 D
Amy L. Fordyce Clerk/Recorder, Elbert County, Co

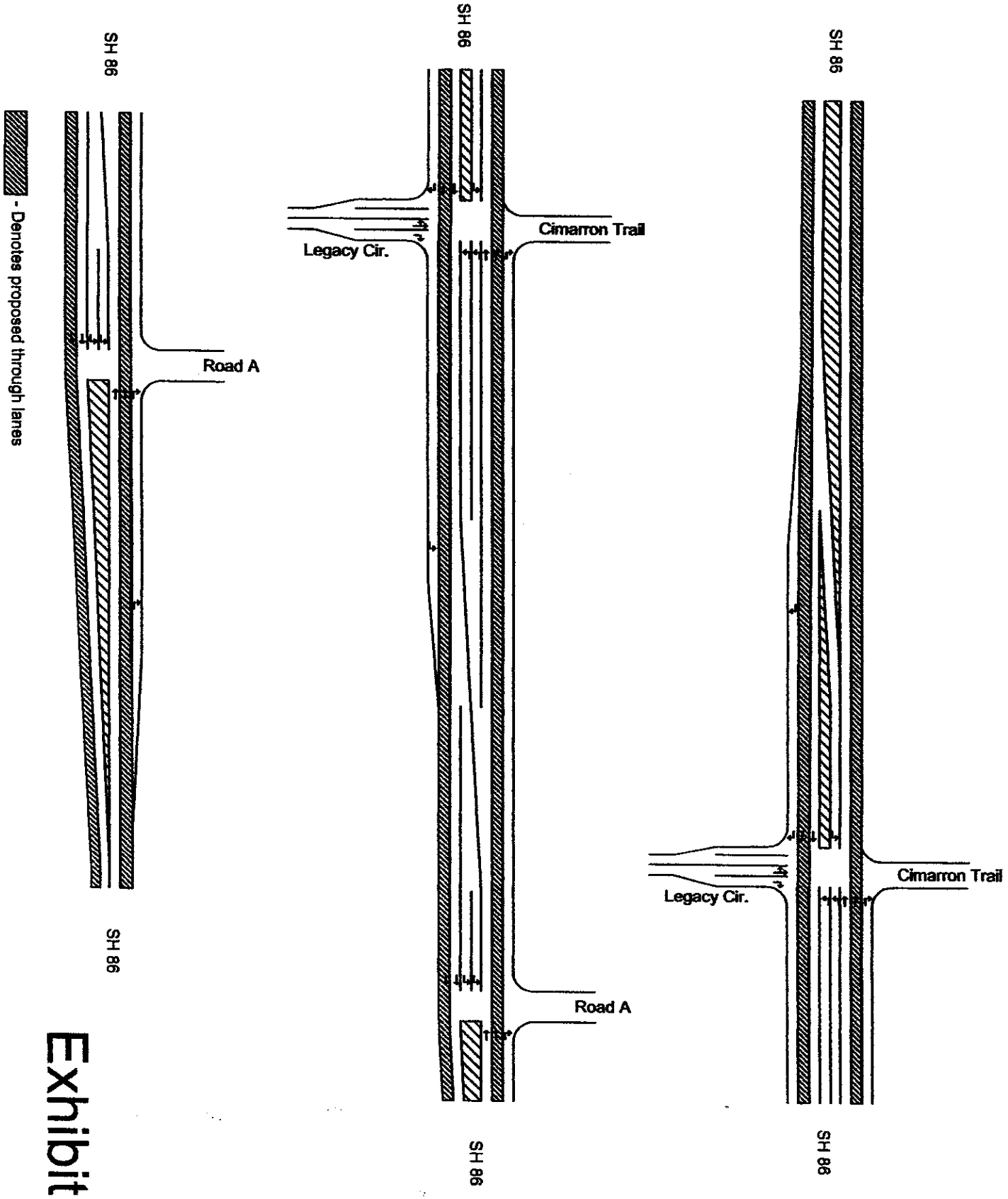
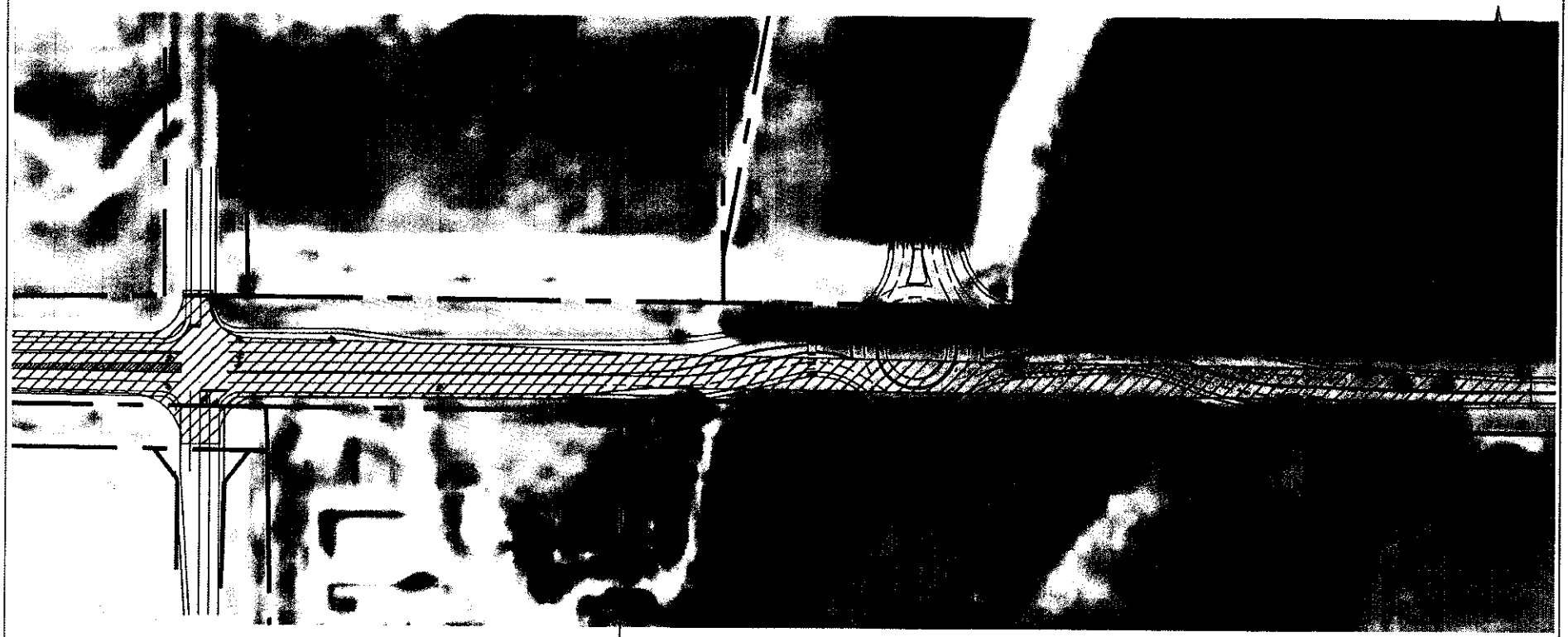


Exhibit E

502115 B: 711 P: 562 AMDOC
05/27/2009 09:32:09 AM Page: 7 of 8 R 41.00 D
Amy L. Fordyce Clerk/Recorder, Elbert County, Co

Exhibit D



Existing Right-of-Way

Legend:

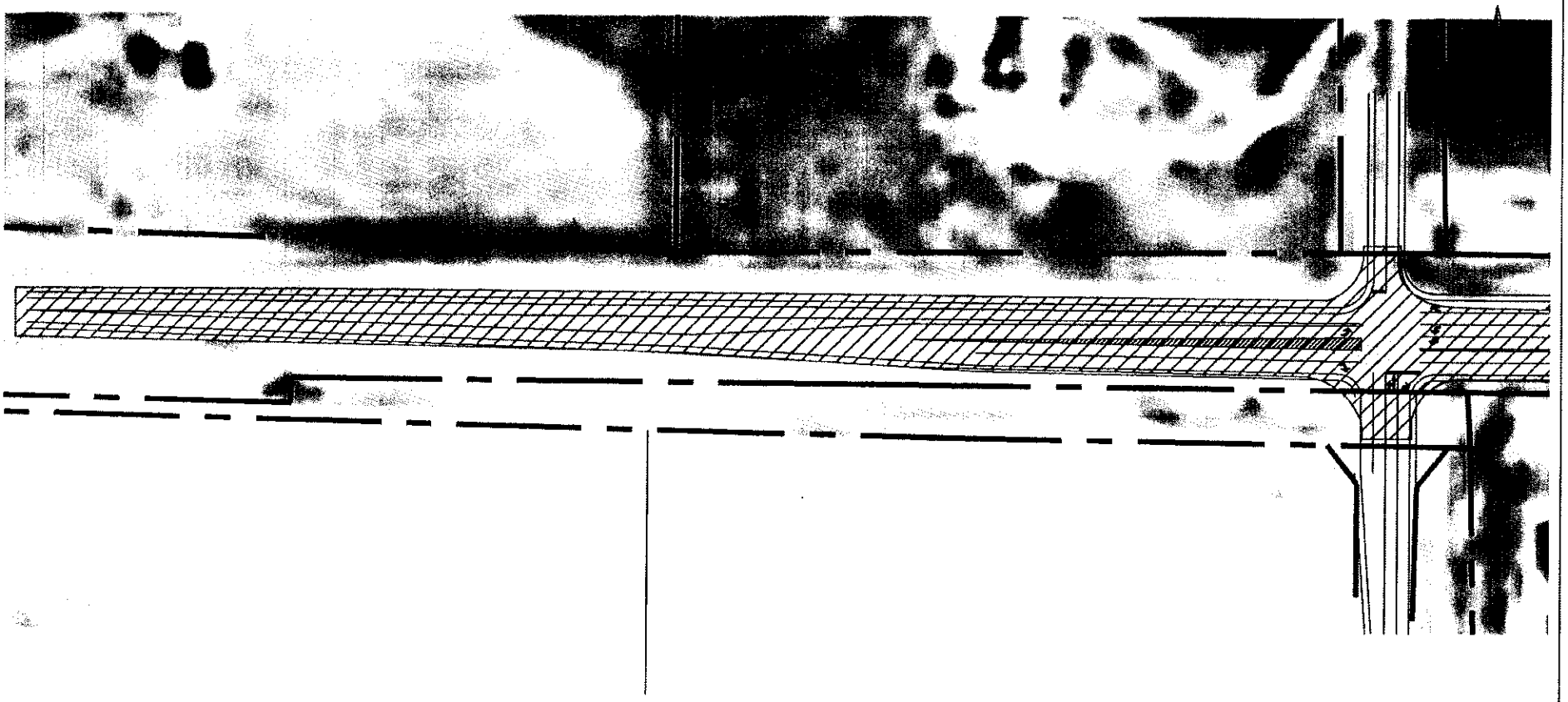
= Existing SH 86 Asphalt Surface

Exhibit D-2

Proposed SH 86 & Road A
3-Legged Roundabout Layout - Two-Lane SH 86
East of Cimarron Trail

SH 86 Access Control Plan Amendment (ESC # 070100)

502115 B: 711 P: 562 AMDOC
05/27/2009 09:32:09 AM Page: 8 of 8 R 41.00 D
Amy L. Fordyce Clerk/Recorder, Elbert County, Co



Existing Right-of-Way

Legend:

= *Existing SH 86 Asphalt Surface*

Exhibit D-1

Proposed SH 86 & Road A
3-Legged Roundabout Layout - Two-Lane SH 86
West of Cimarron Trail

SH 86 Access Control Plan Amendment (LSC # 070100)

Gold Creek Commons

Planned Devlopment

A tract of land located in the Northeast ¼ and the West ½ of the Southeast ¼ of Section 12,
Township 8 South, Range 65 West of the 6th Principal Meridian, County of Elbert, State of Colorado

Introduction
The Gold Creek Commons PD provides the opportunity for mixed use development including commercial uses, residential uses, and recreation uses combined with, parks and open space for residents to enjoy. **The requested zoning for this property is Town of Elizabeth, Planned Development which contains specific modifications to the standard residential and commercial categories.**

Notes
The subject property is composed of one parcel referred to as Gold Creek Commons. The property is currently in Elbert County

1. The requested zoning for this property is Town of Elizabeth, Planned Development (PD) which contains a number of specific modifications to the standard zoning categories.

2. Water and sewer services will be extended to the subject property by the Gold Creek Commons Metropolitan District. The subject property is located adjacent to Highway 86. The principal means of access to the property are Highway 86.

3. The approval of this PD document and its supporting information shall create a vested property right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as revised.

Section I: Conditions of Approval
This Gold Creek Commons (GCC) PD Development Plan and PD Development Guide (four [4] sheets total), pursuant to signature blocks on this Cover Sheet, is conditionally approved. Conditional approval of the PD rezone and associated documents is authorized pursuant to Elizabeth Municipal Code 16-1-150(b)(5)(a). Conditions of approval are:

1. The town recognizes the PD Development Plan and PD Development Guide, in its entirety, as a conceptual land development proposal. The applicant has expressly indicated his willingness to have the PD proposal conditionally approved, instead of addressing a number of critical town identified at zoning. When subdivision and/or site plan submittals are made, the town expressly notes that said submittals shall be scrutinized in detail relative to the following issues, as well as all other matters addressed routinely as part of subdivision and/or site plan review. The GCC property is zoned PD with the following conditions:

a. RE: Property Access:
As part of the provision (7) SH-86 Access Control Plan in the Annexation Agreement between the Town and GCC, the PD rezone is specifically conditioned not only on Planning Commission and Board of Trustee approval, but also on CDOT's approval of the requested amendment to the Access Control Plan. Without CDOT's approval of the pending amendment, the PD Development Plan and Development Guide is void. In such instance, the PD Rezone shall be valid, however, a new Development Plan and Guide shall be created that are consistent with traffic capacity.

Additionally, the Traffic Impact Report for the GCC project shall be updated to be consistent with CDOT and town action on the SH-86 amendment request.

b. RE: Floodplain:
Text in the Elizabeth Master Plan, as well as municipal code, directs that development in floodplains is discouraged and/or prohibited, and, if it occurs, subject to strict regulatory guidelines and standards. As part of subdivision and/or site plan review, detailed scrutiny will be made to ensure that all applicable regulatory guidelines and standards throughout the Colorado Water Conservation Board's (CWCB) 2005 Rules, as well as Town of Elizabeth documents, shall apply. It is expressly understood that there are variable guidelines and standards with CWCB's Rules. The specific guidelines and standards that the Town applies shall be those it chooses to impose, in consultation with the CWCB and other Town consultants.

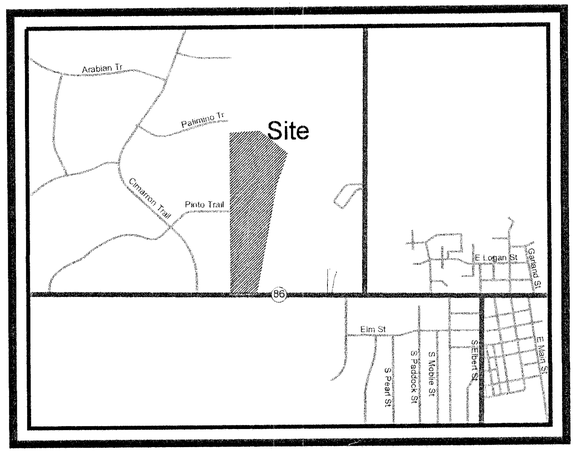
c. RE: Preble's Mouse
Subdivision and Site Plan submittals be designed, and receive written approval from the USDOI, Fish & Wildlife Service, before being acted on by the Town of Elizabeth.

d. Cut & Fill:
The Design Standards and Guidelines that will apply to the project, as well as town guidelines in policy and regulatory documents, encourage retention of natural topography, and discourage extensive land excavation. Proposed land excavation on the property will be closely scrutinized, and subject to Subdivision and/or Site Plan approval.

2. RE: Annexation Agreement: All provisions of the Annexation Agreement between the Town of Elizabeth and Gold Creek Commons, dated 5-23-07 shall apply.

Date
December 8,2006

Revisions:
February 20, 2007
March 16, 2007
May 3, 2007
May 15, 2007



SCALE : 1" = 1200'

600 300 0 1200 2400

A TRACT OF LAND LOCATED IN THE NORTHEAST ¼ AND THE WEST 1/2 OF THE SOUTHEAST ¼ OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER ¼ CORNER OF SAID SECTION 12, AND CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 TO BEAR NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12 A DISTANCE OF 553.42 FEET;

THENCE NORTH 86 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 573.58 FEET;

THENCE SOUTH 51 DEGREES 25 MINUTES 39 SECONDS EAST A DISTANCE OF 701.90 FEET, TO THE MOST NORTHERLY CORNER OF THAT TRACT DESCRIBED IN DEED RECORDED AUGUST 14, 1979 IN BOOK 326 AT PAGE 267.

THENCE SOUTH 20 DEGREES 18 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 618.17 FEET;

THENCE SOUTH 10 DEGREES 48 MINUTES 27 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT DESCRIBED IN BOOK 326 AT PAGE 267, A DISTANCE OF 2173.60 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE STATE HIGHWAY 86;

THENCE SOUTH 89 DEGREES 59 MINUTES 48 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 508.47 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 12;

THENCE NORTH 0 DEGREES 09 MINUTES 51 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 2564.20 FEET TO THE POINT OF BEGINNING.

TOTAL AREA = 56.53 ACRES MORE OR LESS.

Sheet Index

1-Cover Page
2-PD Plan
3-PD Guidelines
4-Architectural and Other Guidelines

Planning Commission Recommendation

The PD rezoning of the real property shown herein was reviewed by the Planning Commission of the Town of Elizabeth, State of Colorado, and recommended to the Board of Trustees with conditions for approval this 15th day of May 2007 AD as attested by representative of the Town of Elizabeth, Elbert County, Colorado

Cristina M Bittinstle 7/02/07
Chairperson Signature Date

Board of Trustees Approval

The PD rezoning of the real property shown herein is conditionally approved by the Board of Trustees of the Town of Elizabeth, State of Colorado, with conditions of approval indicated under Section I of this cover sheet, this 22nd day of May 2007 AD as attested by representative of the Town of Elizabeth, Elbert County, Colorado

Mayor Signature 2/2/07 Date

Town Clerk Signature 7-20-07 Date

TOWN OF ELIZABETH INCORPORATED SEAL SEPT. 24, 1890 ELBERT COUNTY COLORADO

Recording Certificate

STATE OF COLORADO)
) SS
COUNTY OF ELBERT)

I hereby certify that this PD Development Plan and PD Development Guide was filed in my office on this 12th day of July, 2007 a.d. at 12:41 o'clock am/pm and was recorded at reception no. 201219, plat book R2F page ___.

Elbert County Clerk and Recorder

ELBERT COUNTY SEAL FEB 13 1874 COLORADO

OWNER	OWNERS REP	CIVIL ENGINEERING	PLANNERS
Rick Thun 32176 County Rd 17 Elizabeth, CO 80107 303.435.3275 303.646.8751	MDG Design's & Development 37185 Forest Trail Elizabeth, CO 80107 719.491.1829 303.646.2103	JDS Hydro 545 East Pikes Peak Ave Ste 300 Colorado Springs, CO 80903 719.227.0072 719.471.3401	PCS Group, Inc. 1575 Boulder Street Ste F Denver, CO 80211 303.531.4905 303.531.4908

Gold Creek Commons

PD - Development Plan

A tract of land located in the Northeast ¼ and the West ½ of the Southeast ¼ of Section 12,
Township 8 South, Range 65 West of the 6th Principal Meridian, County of Elbert, State of Colorado

Table 1: Land Use Chart

A Residential		Area	Minimum Lot Size
R-1	+/-	10.0 Ac	6000 sf
R-2	+/-	8.2 Ac	4500sf Single Family 7000sf for Duplex's
Sub Total	+/-	18.2 Ac	

B Commercial		Area
PBC-1	+/-	20.4 Ac
PBC-2	+/-	5.3 Ac
Sub Total	+/-	25.7 Ac

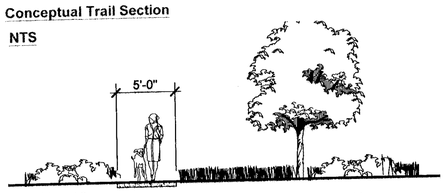
C Open Space / Detention		Area
OSPT-1	+/-	2 Ac
OSPT-2	+/-	2.3 Ac
OSPT-3	+/-	1.2 Ac
Sub Total	+/-	5.5 Ac

D Summary		Area	Percentage
Conceptual Developable Area (A&B)		43.9 Ac	77.7%
Civil/Detention/Open Space (C)		5.5	9.7%
ROW		7.1 Ac	12.6%
Sub Total	+/-	56.5 Ac	100.0%

Notes
1. All lots shall comply with the lot sizes and setback and separation requirements defined by this PD, subject to final Subdivision and/or Site Plan approval by the Town of Elizabeth.
2. Each Parcel depicted on the PD is a conceptual landuse parcel and shall have the flexibility to change in overall geometry, and vary 20% in size as long as the overall design intent and density of the project remains the same, subject to Subdivision and/ or Site Plan Approval by the Town of Elizabeth.
3. Commercial Guidelines and covenants will be written at the time of Site Plan and Subdivision Approval

Conceptual Trail Section

NTS



* Trail width and surface compound will vary depending on the location and use

Figure 1

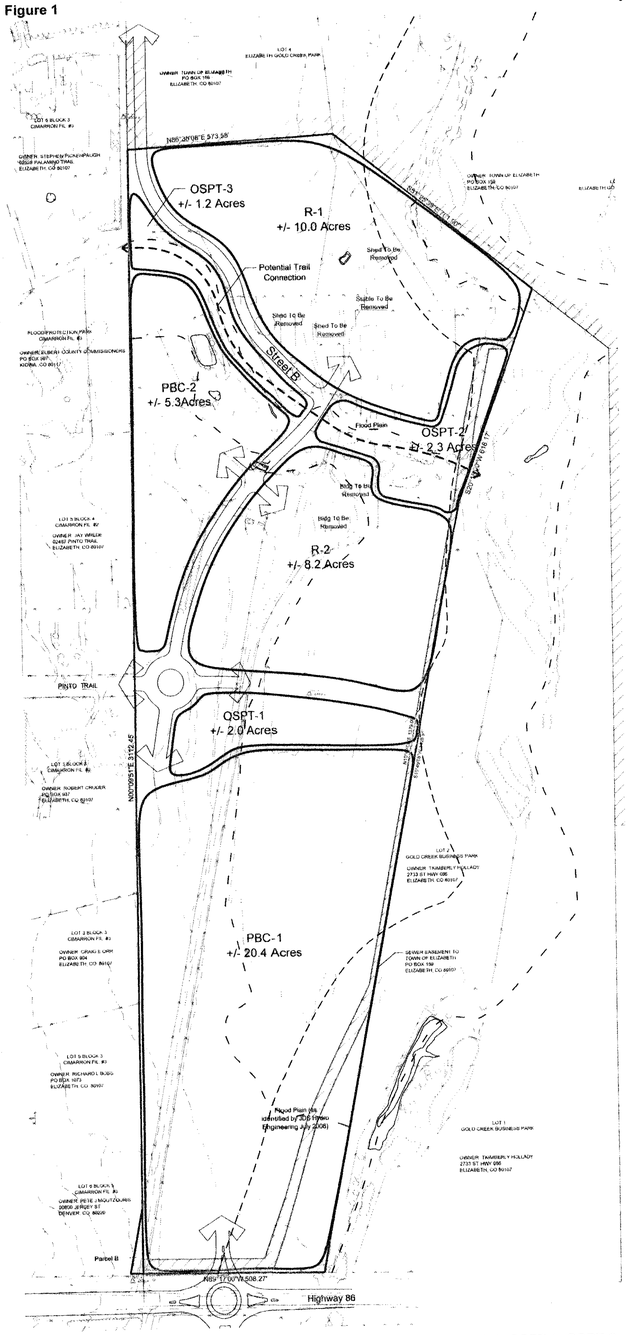
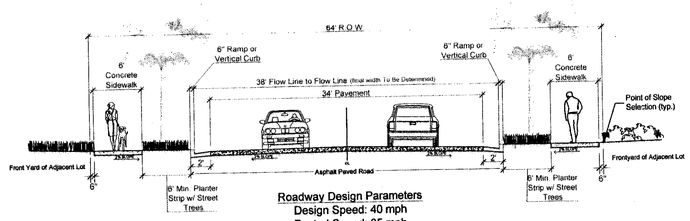


Figure 1 depicts conceptual land use areas (i.e., R-1, R-2, PBC-1, PBC-2, OSPT-1, OSPT-2, OSPT-3 as well as conceptual street layouts within the Gold Creek Commons property). See Table 1, and the PD Development Guide (page 3) for additional details.

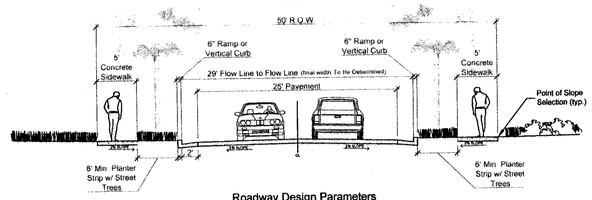
Notes:
The intent of designing different road sections for various parts of Gold Creek Commons is to create a subtle sense of intimacy within the community.
1. The horizontal geometry of the roads depicted is conceptual in nature and shows the hierarchy of roads according to use.
2. All street alignments and cross sections depicted are subject to change with further site engineering and development.
3. Additional street cross sections to be determined as part of Subdivision and/ or Site Plan Approval by the Town of Elizabeth.

Street A



Roadway Design Parameters
Design Speed: 40 mph
Posted Speed: 35 mph
Maximum ADT: 10,000
Design Vehicle: WB-50

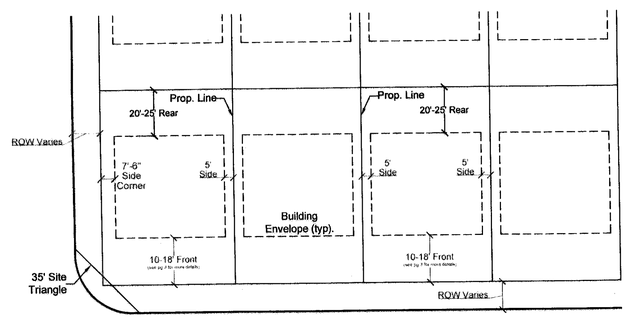
Street B



Roadway Design Parameters
Design Speed: 25 mph
Posted Speed: 25 mph
Maximum ADT: 3,000
Design Vehicle: WB-50

Notes:
The intent of the typical lot layout is to depict how a typical front loaded, single family product would be sited on the property.
1. This depiction is product specific and does not necessarily account for detached garages, alley loaded or courtyard product.
2. All layouts are subject to Site Plan and/ or Subdivision approval by the Town of Elizabeth.
3. Setbacks shall vary with the construction of diverse architectural product, and as a part of lot requirements in the Town of Elizabeth Design Standards and Guidelines.

Typical Lot Layout/ Setbacks



Typical Corner Lot Setbacks

Typical Internal Lot Setbacks

NTS

Date
December 8,2006

Revisions
February 20, 2007
March 16, 2007
May 3, 2007
May 15, 2007

NORTH

SCALE : 1" = 200'

200 100 0 200 400

OWNER
Rick Thun
32176 County Rd 17
Elizabeth, CO 80107
303.435.3275
303.646.8751

OWNERS REP
MBG Design's & Development
37185 Forest Trail
Elizabeth, CO 80107
719.491.1829
303.646.2103

CIVIL ENGINEERING
JDS Hydro
545 East Pikes Peak Ave
Ste 300
Colorado Springs, CO 80903
719.227.0072
719.471.3401

PLANNERS
PCS Group, Inc.
1575 Boulder Street
Ste F
Denver, CO 80211
303.531.4905
303.531.4908

Gold Creek Commons

PD - Development Guide

A tract of land located in the Northeast ¼ and the West ½ of the Southeast ¼ of Section 12,
Township 8 South, Range 65 West of the 6th Principal Meridian, County of Elbert, State of Colorado

GOLD CREEK COMMONS PD DEVELOPMENT GUIDE

A1. Applicability/ Guidelines
The following standards shall apply to all property contained in Gold Creek Commons Planned Development (PD). Guidelines shall govern the land use, the dimensional zoning regulations, and covenants for determining compliance with the provisions of the Gold Creek Commons PD.

A2. Project Description
The Gold Creek Commons PD is a pocket extension of the Town of Elizabeth bordered on the east side by Gold Creek and on the west and south by rural residential and agricultural properties all within Elbert County. Gold Creek Commons is bordered on the north side by the Town of Elizabeth. The project centers on a compact subdivision with many amenities within walking distance which will lend itself well to attainable housing for residents on a low or restricted budget particularly retired citizens. This project provides the opportunity for a recreation center, parks and open space, and an extension of trails linkages to and along Gold Creek and its tributaries for local residents to enjoy. Common landscape elements such as fencing, street tree plantings, landscaping, and signage will establish a unique sense of place for this development. The parks, trails, recreation and shopping have been located so more of the residents can access them by walking and provide a local element to the neighborhoods. Lot sizes, setbacks, and landscape tracts are designed to provide a wide variety of housing options and prices within the development while ensuring open space and visually interesting streetscapes for the community.

B1. Permitted Principal Uses Including Accessory Uses
See: **PROPOSED PD ZONING DISTRICTS**

B2. Use subject to special review
See: **(*) and * Residential Zones,**

C. Development Requirements
1. Maximum lot coverage, Maximum building height, and Setback minimums: As established in **PROPOSED PD ZONING DISTRICTS**
2. Accessory building must comply with the setbacks as established in **PROPOSED PD ZONING DISTRICTS.** Accessory structures shall be governed by architectural covenants regarding building colors and materials to be consistent with the primary structure on the site.
3. Projection into setbacks.
   3a. For property located in residential zone districts containing a minimum required lot size of one half acre or less:
   a. Porch encroachment up to 6' is allowable to front yard setback areas;
   b. Open and enclosed patios, decks, platforms, landings or ramps may extend into required side or rear yard setbacks provided such patio, deck, platform, landing or ramp does not exceed 36 inches in height measured from the finished floor to any adjacent point of the finished grade;
   c. Awnings, chimneys, and flues, sills, belt courses, cornices, eaves and other similar architectural features may project not more than two (2) feet into front, side or rear yard setbacks;
   d. Cantilevered bay windows, no greater than twelve (12) feet in width, may project not more that three feet into required front and/or rear yard setbacks provided that such window contains no supports that extend within the required front and/or rear yard setbacks.
   e. Patios and Decks should not encroach more than 10' into the rear yard setback for R-2 and 15' into the rear yard setback for R-1.
   f. No subdivision of any lot will be permitted if such subdivision results in the creation of additional building lots.

D. Streets
Streets within Gold Creek Commons PD provide general vehicular circulation through the development.
1. Streets shall be publicly owned and maintained by the Town except for those contained in the PBC Zoned District. PBC Streets will be privately owned and maintained by a management company as regulated by a Declaration of Easements with Covenants and Restrictions Affecting Land.
2. Construction of roads will be per the Town of Elizabeth Standards.
3. All streets shall be paved with curb and gutter. Sidewalks and planter strips with street trees shall be provided on both sides of all streets as illustrated on this plan (see page 2).
4. All streets shall be constructed to the Town of Elizabeth standards.
5. All streets (with the exception of those sighted in the PBC District) shall be dedicated to the Town of Elizabeth, for and upon acceptance by the Town of Elizabeth and shall be maintained by the Town of Elizabeth. However, the Town of Elizabeth is exempt from maintaining any landscape that lies within the ROW for any streets within Gold Creek Commons.

Date
December 8,2006

Revisions:
February 20, 2007
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May 15, 2007

E. Architectural Control Committee Review/Covenants
Covenants for Gold Creek Commons PD will be created by separate documents. The Covenants establish rules and regulations for the property within the site and establish the governance mechanism of the site, including the creation of Architectural Control Committee.

F. Authority
The authority of this Development Plan is granted through Elizabeth Municipal Code 16-1-130;16-1-180; 16-1-180(3)(e) and C.R.S. Section §24-67-101 through C.R.S. Section §24-67-108.

Provisions for the Town of Elizabeth Zoning Resolution, as amended, or any other applicable resolutions of the Town of Elizabeth, shall be applicable.

G. Adoption
The Adoption of this Development Plan shall evidence the findings and decision of the Board of Trustees of the Town of Elizabeth, State of Colorado that this Development Plan for Gold Creek Commons is in general conforming with the Town of Elizabeth Master Plan, is authorized by provisions of Article I, Zoning Section 16-130 of the Elizabeth Municipal Code of the Town of Elizabeth and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.

General Notes:
1. Landscape entry features, open space tracts parks and trails shall be owned (when appropriate) and maintained by the Gold Creek Metropolitan District.
2. Double frontage lots shall receive a combination of fencing and landscape between the property line and the curb and have a minimum of one tree per thirty (30) feet of frontage. These trees can be clustered along the frontage as determined by the subdivider.
3. Street medians in R1, R2, and OSPT zones shall be landscaped and maintained by the Gold Creek Commons Metro District. Street medians and landscape within the PBC zone shall be maintained by a management company as regulated by a declaration of easements with covenants and restrictions affecting land.
4. Public utility/drainage easements shall be provided on all R-1 and R-2 lots as follows:
   a. Front: ten (10) feet
   b. Side: five (5) feet
   c. Rear: seven and one-half (7.5) feet
   d. Streets: ten (10) feet easement along all areas when front easement is not appropriate
   e. Subdivision Perimeter: twenty (20) feet
   f. Tract Perimeter: twenty (20) feet
   *Easements to be finalized and defined at Final Plat Approval
7. Final trail alignment to be determined in the field based on grade, vegetation, and other features.
8. All open space/trail/landscape tracts shall be limited to non-motorized use only, except for maintenance and emergency vehicles.
9. A 100 year flood plain has been depicted on the plan per JDS Hydro Engineering (July 2006)
10. Gold Creek Commons will have a minimum of 150,000sf. of commercial floor area in the PBC Zone.
11. Gold Creek Commons PD shall be limited to a total density cap of 134 dwelling units.
12. The 134 unit maximum is subject to Final Plat Approval by the Town Of Elizabeth

PROPOSED PD ZONING DISTRICTS

[R-1] - Residential (Min. 6,000 sf lot size)
Permitted Principal Use = Single Family Dwelling, Open Space, Accessory Residential Uses, Parks & Trails, Utility Improvements and Detention Structures, Adult Care Home*, Child Care Facility*, Group Home*, Preexisting Single-Family Detached Home and its Accessory Uses.

Required Setbacks Minimums
Front Yard: Ten (10) Feet
Garage:(Front Loaded) Eighteen (18) Feet
Side Yard: Five (5) Feet (see page 2 notes regarding lot layouts)
Corner Lot Setback: Seven and a Half (7.5) Feet (assumes adequate site visibility lines)
Rear Yard: Twenty Five (25) Feet
Maximum Lot Coverage (by structures) = Forty (40%) Percent
Maximum Structure Height = Thirty (30) Feet
Accessory Structure Setback = Five (5) Foot Rear Yard and Five (5) Foot Side Yard
Minimum Lot Width at Setback: Fifty (50) Feet
Minimum Lot Width at ROW: Thirty (30) Feet
Note: Irregular lot shapes shall be avoided

[R-2] - Residential (Min. 4,500 sf lot size) [R-2] Duplex (Paired Home) / Two-Family (Min. 7,000 sf lot size)
Permitted Principal Use = Single Family Dwelling,
Two Family or Duplex Dwelling, Open Space, Accessory Residential Uses, Parks and Trails, Utility Improvements and Detention Structures, Adult Care Home*, Child Care Facility*, Group Home*, Dwellings Preexisting Single-Family Detached Home and its Accessory Uses.

Required Setbacks Minimums
Front Yard: Ten (10) Feet
Garage: (Front Loaded) Eighteen (18) Feet
Side Yard: Five (5) Feet (see page 2 notes regarding lot layouts)
Corner Lot Setback: Seven and a Half (7.5) Feet (assumes adequate sight visibility)
Rear Yard: Twenty (20) Feet
Maximum Lot Coverage (by structures) = Forty (40%) Percent
Maximum Structure Height = Thirty (30) Feet
Accessory Structure Setback = Five (5) Foot Rear Yard and Five (5) Foot Side Yard
Minimum Lot Width at Setback = Forty (40) Feet
Minimum Lot Width at ROW = Thirty (30) Feet
Note: Irregular lot shapes shall be avoided

[PBC] - Planned Business Center District
Minimum Lot Size = None
Permitted Use(s) = Indoor Amusement Center,
Bakery, Bar, Community Building, Emergency Facility, Financial Institution, Food Processing, Funeral Parlor, Auto Repair (including tire facility), Gasoline Filling Station, Flea Market, Farmers Market, Sidewalk Sales, Garage Sales, Tent Sales, Christmas Tree Lot, Home Improvement Center, Hotel & Motel, Self Service Laundromat, Personal Services, Laundry Service, Library, Medical Clinic, Nightclub, Office, Open Space, Active Parks and Trails, Parking Lot / Garage, Restaurant, Store, Any Retail or Commercial Uses, Utility Improvements and Detention Structures, Pre-existing Single-Family Detached Home and its Accessory Uses, Indoor/Outdoor Recreational Facilities, Business Services, Government Buildings, Accessory Uses to above.

Minimum Setback Requirements
Front Yard = None
Perimeter Setbacks for Side and Rear Yards = Twenty-Five (25) Feet (measured from the Perimeter Boundary of the parcel.)
Internal Side and Rear Yards = None (no Setback is required for any internal lot line within the PBC District.
Maximum Main Structure Height = Thirty-Five (35) Feet
Maximum Architectural Accents Height = Forty-Five (45) Feet
Maximum Lot Coverage: None

[OSPT] - OPEN SPACE / PARK / TRAIL
Permitted Principal Use = Outdoor Recreation Facility, Athletic and Sports Field, Public Park, Open Space, Detention Ponds, Treatment Facilities, Landscape Buffer Zones, Pedestrian and Equestrian Trail (no motorized vehicles), Lift Stations.
Temporary Use(s) = Temporary Sports Events (ballooning events, track & filed events, dog shows, concerts) for which the user must obtain permission from the Gold Creek Commons Metro District for special events. Motorized events are prohibited.
Temporary Use events must follow the criteria / process as established by the Town of Elizabeth Ordinance.

Notes
* The following limitations on number of individuals shall apply in those zone districts with an asterisk (*) subject to County and State regulations. No use listed under these provisions shall be allowed on an adjacent lot or parcel or on the same street, highway, or lane (except alley) within five hundred (500) linear feet from the property line of another listed use except for those uses that qualify as a "single family dwelling", or within the commercial zone district.

a. All uses shall provide additional off-street parking area adequate to accommodate all needs created by the use.

b. In residential zones there shall be no exterior advertising other than identification of the use, such sign shall be no larger than two (2) square feet and shall not be illuminated.

c. All uses requiring Special Use approval shall not result in an over-intensive use of land in relation to surrounding residential uses, and commercial components, such as parking lots and playgrounds, shall be screened and buffered from neighboring residences or uses.

*** Residential Zones**

CHILD CARE FACILITIES	PRINCIPAL PERMITTED USE (UP TO)
FAMILY CARE HOME	
Family Foster	8 (State Maximum)
Day Care Home	8
CHILD CARE CENTER	
Large Day Care Center	Not Permitted
Small Day Care Center	Not Permitted
Nursery	Not Permitted
Day Camp	Not Permitted
Center for Developmentally Disabled	8
Crisis Center	8
Residential Camp	Not Permitted
Trip Camp	Not Permitted
Day Treatment Center	8
Residential Child Care Facility	8
Specialized Group Facility	8
ADULT CARE HOMES	
ADULT CARE HOME	
Adult Foster Care Home	8
Personal Care Board Homes	8
GROUP HOMES	
GROUP HOMES	
Mentally Ill	8
Developmentally Disabled	8
Aged	8

OWNER	OWNERS REP	CIVIL ENGINEERING	PLANNERS
Rick Thum 32176 County Rd 17 Elizabeth, CO 80107 303.435.3275 303.646.8751	MHG Design's & Development 37185 Forest Trail Elizabeth, CO 80107 719.491.1829 303.646.2103	JDS Hydro 545 East Pikes Peak Ave Ste 300 Colorado Springs, CO 80903 719.227.0072 719.471.3401	PCS Group, Inc. 1575 Boulder Street Ste F Denver, CO 80211 303.531.4905 303.531.4908

Gold Creek Commons

Planned Development

A tract of land located in the Northeast ¼ and the West ½ of the Southeast ¼ of Section 12,
Township 8 South, Range 65 West of the 6th Principal Meridian, County of Elbert, State of Colorado

Residential Architectural and Design Standards and Guidelines

Introduction

Gold Creek Commons is a planned community located in the Town of Elizabeth, Colorado. Rather than trying to mimic the buildings of a certain time period or style, the intent of these Guidelines is for architecture to draw inspiration from the design features that characterize these buildings. This will be accomplished by the implementation of specific architectural guidelines outlined as follows. The Town of Elizabeth Design Standards and Guidelines shall also apply to the site.

Compliance with these guidelines should help preserve the inherent architectural and aesthetic quality of GOLD CREEK COMMONS. It is important that improvements to any property be made in harmony with and not detrimental to, the rest of the community. A spirit of cooperation with the Gold Creek Commons Metropolitan District and its neighbors should go far in creating an optimum environment, which should benefit all homeowners and the community as a whole.

An important element of the Gold Creek Village design style is for buildings to be designed to blend with their site and the surrounding area. In order to implement these design objectives, the following section includes guidelines on:

1. Building height and massing
2. Roofs,
3. Exterior walls
4. Windows and doors
5. Architectural detailing,
6. Lighting
7. Decks and balconies,
8. Accessory buildings and uses

Over time the style of architecture and the manner in which buildings and improvements are integrated with their surroundings will establish a truly unique sense of place and distinguish Gold Creek Village from other communities.

Building Height and Massing

A single family residence is permitted on each residential home site. Building height limits have been established for each zoning category within the Gold Creek Village community. Maximum allowable building heights are not intended to imply that all portions of a building may be built to the maximum allowable height limit. Rather, building height and massing shall be designed in relation to the characteristics of each site and buildings shall be designed with a low-profile understated appearance.

Roofs

Roofs will be a prominent visual element of homes at Gold Creek Village. In order to ensure visual coherence throughout Gold Creek Village, all roofs should be comprised of relatively simple forms and should utilize compatible materials and colors that integrate the building with the site and surrounding area.

Large continuous roof planes should be avoided, smaller segmented roof forms consistent with the additive form of the home, or a composition of primary and secondary roof forms shall be used. Roof overhangs are encouraged in order to provide shade and add interest to building elevations.

Exterior Walls

Exteriors should generally be materials that blend and are compatible with the native landscape of the specific home site. Materials should be chosen for their functionality and their ability to age soundly.

The predominant exterior materials shall consist of a combination of siding, or stucco. The allowable wood materials include siding shingles, beveled or tongue-in-groove board siding, logs board-on-board or board and batten siding. Plywood siding is prohibited. As a major structural element of a building, the type and composition of exterior wall materials should convey an authentic expression of structural integrity. Stone should be applied to reflect the structural massing of the building and the natural forces of gravity should be considered in the placement and composition of all wall materials. The design, materials, and color of exterior walls should relate to the natural colors and textures of the site in order to reinforce the sense that the building is an outgrowth of its surroundings.

Siding

Cementous siding may be used and could be shiplap, tongue and groove, or board and batt and can vary in width. Cedar shingles may be used as an accent element or dormers or gable ends.

Appropriate materials should compliment the surrounding environment. Other complementary stone may be used in order to add accent and variety to a building. Applications of complementary stone include lintels, band courses, wall caps or integrated with the primary stone material.

Windows & Doors

Windows and doors introduce openings and relief to exterior walls and in doing so reinforces the building's scale. Properly detailed, windows and doors also present an opportunity to add interest and individual character to buildings.

Openings should be located to optimize view opportunities and be designed in proportion to the overall structure and form of the residence. Windows and doors in mass walls should be recessed or be trimmed in profiled trim in order to provide interest and relief to building elevations.

Architectural Detailing & "Signature Statements"

Architectural details are an important element of the Gold Creek Village design style and also add individuality and creative expression to a home. In all cases, the origin and interpretation of architectural details should be consistent throughout a home. Use of the following architectural details is encouraged:

- Lintels and sills constructed of stone or timbers.
- Hand-crafted doors and decorative hardware on windows and doors.
- Deep set reveals in stone walls.
- Planter boxes.
- Decorative handrails and balcony railings.
- Decorative exterior light fixtures.
- Operable window shutters (sized in proportion to windows)

All buildings shall include some expression of the structure of the roof. Alternatives for expressing roof structure may include exposed rafter tails and exposed beams at overhanging gable ends.

Date
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Balconies and Decks

The introduction of porches, terraces, patios, courtyards and similar on grade features as primary outdoor living spaces is encouraged. Porches and other covered outdoor spaces are an important element of the Gold Creek Village design style and all homes are encouraged to include these types of features.

Balconies and above grade decks should be designed within the mass of the building or as a cantilevered element of the building supported either by angled braces, by building mass below, or by substantial building elements such as stone columns or arches that visible tie the deck to the ground. Projecting decks or balconies shall be supported by posts or columns with mass that fit the architectural style of the building. The underside of visible portions of balconies and above grade decks shall be treated to be compatible with the building.

Permanent underground irrigation systems are permitted within the building envelope. The use of moisture sensors, drip irrigation, and pop-up heads that conserve water are encouraged. Backflow preventors are required and manual valves are prohibited.

Accessory Structures

Accessory structures, with the exception of detached garages, such as storage sheds, gazebos and green houses shall be located in the rear yard and should adhere to the general design guidelines outlined below. Requests for approval should be reviewed on a case-by-case basis, taking into account the lot size, square footage of the home and proposed location of the accessory building. The accessory structure cannot exceed 80 square feet in size and 8 feet in height. Ideally, storage sheds should be located in areas that are not visible from open space, recreational areas, or public streets. It is important that the massing and scale, as well as forms, materials, and other detailing be coordinated with the main structure(s) on the home site. Gazebos should be an integral part of the landscape plan. Greenhouse structure approval should be based on, but not limited to, the general aesthetics, quality, and permanence of materials used. No carports or prefabricated metal sheds should be allowed.

Hot Tubs /Jacuzzi

Hot tubs and Jacuzzi's should be designed as an integral part of the deck or patio area and should be located in the side or rear yard area. They should be installed in such a way that they are not immediately visible to adjacent property owners, or screened by landscaping or privacy fence in such a manner that affords both homeowners' adequate privacy. The use of the hot tub/Jacuzzi cannot create an unreasonable level of noise for adjacent property owners.

Awnings/Patio Covers/Shutters

Awning, patio covers, and shutter colors should be complimentary to the exterior color of the home. Patio covers should be structured of wood or material generally complementary to the home and be similar or complementary in color. Support posts for patio covers should be a minimum of 6" x 6" in size.

Landscape Standards

General

EMC 16-1-180 (E)(8) indicates that PD Development Guides shall not address landscaping and that standards in EMC 16-2-50 shall apply. The following language is to provide soft landscape guidelines that do not conflict with provisions in EMC-16-2-50. A waiver request to include these landscape guidelines shall be made pursuant to EMC 16-1-200(D).

Landscaping may include the use of permanent irrigation and shade to create "micro-climates" that will support a wide variety of plant materials. As such, ornamental plants, planting beds, gardens, and other formal landscape designs may be introduced within the building envelope or adjacent to the home when an envelope has not been designated. Landscaping within the lot should be designed in order to define outdoor spaces and entries, frame desirable views, screen undesirable views, buffer prevailing winds, provide seasonal shade, and add color and interest to courtyards and other outdoor spaces. Consideration should also be given to the size, color and texture of plant materials.

Ornamental plants and other formal plant materials should be located immediately adjacent to the home in courtyards, entries, or other defined spaces not immediately visible from adjacent lots or roadways. The transition between formal landscape areas within the building envelope and the native landscape area shall be accomplished with a defined edge that clearly contains the formal landscape improvements. A defined edge may be established with the use of patio walls, retaining walls, stone edging, or planting beds.

In order to minimize the use of water and to reinforce the integration of buildings and improvements with the natural environment, the introduction of formal large manicured lawns is discouraged. When used, manicured lawns should be modest in size and be adjacent to the building envelope. The use of fescue or other low water consumption grasses for manicured lawns is recommended in lieu of water intensive grasses such as Kentucky Bluegrass. The landscaping for each lot should include substantial live plants in the front yard of each home, landscape screening where necessary to provide privacy, and lawn and shrub beds that blend into adjacent properties.

Water Conservation

In the landscaping of each residential site, plant materials, irrigation systems and maintenance practices should be utilized to conserve water, wherever possible. It should be noted that if Xeriscape landscaping is selected, a more traditional "green" appearance can still be achieved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch should be allowed in place of green, growing plant material. Please refer to the end of this Design Guideline packet for a listing of approved plant materials for Gold Creek Commons.

Landscape Irrigation

Automatic irrigation systems should be required to be installed and maintained by the homeowner in all front yards. Automatic irrigation systems should be installed, maintained and operated by the owner in a fashion as to conserve water to the maximum extent practicable while still maintaining landscaping in an attractive, green and growing condition. Turf areas should be zoned separately from shrub and ground cover beds.

Front and Side Yard Landscaping

Landscaping within the front yard should consist of a combination of turf lawn trees and shrub beds. Large areas of rock or wood mulch without shrub or flower plantings should be prohibited. Shrub beds should be coordinated between lots, as much as possible, to provide visual continuity. Side yards which front onto streets or public open spaces should also be landscaped by the homeowner.

Front and side yard landscaping should be installed within 90 days of occupancy, unless the home is first occupied between October 1st and March 31st. In this instance the completion of the front, rear and side yard landscaping could be delayed until the following July 1st. Should a homeowner fail to complete the minimum landscaping within the allotted time frame, the escrowed funds should be released to the Gold Creek Commons Metropolitan District as a fine for the homeowner's failure to complete the minimum landscaping. The GCCMD retains the right to access the Property to install the minimum landscaping at its option. If it does so, the GCCMD has the right to file a lien against the Property until the Buyer has reimbursed the GCCMD for the costs of the minimum landscaping, together with the interest at a rate of 10% per annum on the sums advanced by the GCCMD from the date advanced until the date repaid.

Rear Yard Landscaping

Rear yard landscaping should be installed within 90 days of occupancy, unless the home is first occupied between October 1st and March 31st, where completion could be delayed until the following July 1st. Like the front and side yard landscaping, the rear yard landscaping should be subject to the same general Design Guidelines as described above.

Plant Materials

A minimum of one deciduous shade tree, one flowering ornamental tree or one evergreen tree should be planted in the front yard. The deciduous tree should be a minimum of 2 ½ inch caliper at the time of installation and the flowering ornamental tree should be 2 inch caliper minimum at time of installation. The evergreen tree size should be 6 feet to 8 feet in height at time of installation.

Required evergreen trees should generally be spaced 3 to 5 feet apart and at least 10 to 15 feet away from structures. Trees with columnar or a narrow growth habit should be spaced closer to each other and structures. Generally, where small and medium sized shrubs are required, they should be spaced 3 to 5 feet apart and large shrubs spaced 5 to 6 feet apart. A minimum of three, 5-gallon size shrubs should be planted in the front yard. Vines, ground covers and perennial flowers should be 1-gallon size minimum. All turf areas should be sod or seeded with an improved variety of Kentucky bluegrass or drought tolerant equivalent.

Retaining Walls

Retaining wall materials should be compatible with the color and style of the home. Materials should include boulders, stone, brick or modular concrete block. Walls within lots should not exceed 3 feet in height. Walls should not obstruct or adversely affect existing drainage patterns.

Exterior Lighting

Committee approval is required prior to changing or adding exterior lighting. In reviewing lighting requests, the Committee should consider the visibility, style, location and quality of the lighting fixtures. Exterior lighting for security and/or other uses should be directed towards the ground whereby the light cone stays within the property boundaries and the light source does not cast a glare onto adjacent properties.

Recommended Plant List

(to be reviewed and approved by the Town of Elizabeth as part of Site Plan and/ or Subdivision proceedings)

Gold Creek Commons

(x) Means approved xeriscape plants

Deciduous Shade Trees
American Linden
Burr Oak (x)
Greenspire Linden
Redmond Linden
Columnar Norway Maple
Columnar English Oak
Norway Maple
Northern Red Oak
Common Hackberry (x)
Swamp White Oak
Red Maple
Kentucky Coffee Tree (x)
Ohio Buckeye (x)
Black Walnut (x)

Ornamental Trees
Amur Maple (x)
Aristocrat Pear
Selected Flowering Crabapples
Golden Rain Tree (x)
Redspire Pear
Thornless Cockspur Hawthorn (x)
Native Chokecherry (x)
Quaking Aspen
Canada Red Cherry

Evergreen Trees
Pinyon Pine (x)
Ponderosa Pine (x)
Austrian Pine (x)
Colorado Blue Spruce
Concolor Fir

Deciduous Shrubs
Alpine Currant
Barberry
Cistena Plum
Nanking Cherry
Western Sand Cherry (x)
Native Chokecherry (x)
Peking Cotoneaster (x)
Golden Currant (x)
Burning Bush
Anthony Waterer Spirea
Froebel Spirea
Bluemist Spirea (x)
Snowmound Spirea
Butterfly Bush (x)
Threeleaf Sumac (x)
Fragrant Sumac (x)
Thimbleberry
Select Viburnum Species
Dwarf Arctic Shouldow
Dwarf Korean Lilac
Isanti Dogwood
Bailey Dogwood
Yucca (x)
Mockorange
Shrub Rose
Gambel Oak (x)
Dwarf Ninebark
Chinese Lilac
Common Purple Lilac
White Snowberry
Potentilla Species
Wayfaring Tree (x)
Sagebrush (x)
Serviceberry (x)
Hancock Coralberry (x)

Evergreen Shrubs
Buffalo Juniper (x)
Scandia Juniper (x)
Tammy Juniper (x)
Hughes Juniper (x)
Bluechip Juniper (x)
Wilton Juniper (x)
Calgary Juniper (x)
Prince of Wales Juniper (x)
Dwarf Mugho Pine (x)

Perennials, Groundcovers, and Vines
Daylily (x)
Shasta Daisy
Columbine
Blanket Flower (x)
Purple ConeFlower (x)
Border Jewell
Poppy Species
Creeping Potentilla
Creeping Mahonia (x)
Snow in Summer
Wild Strawberry
Sedums (x)
Common Yarrow (x)
Virginia Creeper
Clematis
Hall's Honeysuckle
Silver Lace Vine
Sweet Shouldiam
Creeping Phlox
Basket of Gold (x)
Periwinkle
Fall Mums
Fall Asters
Japanese Iris
Coreopsis

Ornamental Grasses (for use in shrub beds)
Blue Fescue (x)
Fountain Grass (x)
Feather Reed Grass
Blue Avena (x)
Maiden Grass

OWNER
Rick Thum
32176 County Rd 17
Elizabeth, CO 80107
303.435.3275
303.646.8751

OWNERS REP
MHG Design's & Development
37185 Forest Trail
Elizabeth, CO 80107
719.491.4829
303.646.2103

CIVIL ENGINEERING
JDS Hydro
545 East Pikes Peak Ave
Ste 300
Colorado Springs, CO 80903
719.227.0072
719.471.3401

PLANNERS
PCS Group, Inc.
1575 Boulder Street
Ste F
Denver, CO 80211
303.531.4905
303.531.4908

Exhibit C: Referral Agency Comments

TOWN OF ELIZABETH

PO Box 159, 151 S. Banner Street ▪ Elizabeth CO 80107 ▪ 303-646-4166 x4

PRE-APPLICATION MEETING REFERRAL

Project Title: **Gold Creek Commons PUD First Amendment**

Description: **Amending the Gold Creek Commons PUD**

Review Sent Date: 06/23/2026 **Review Due Date:** 07/17/2026

REFERRAL AGENCY	**Terracina Design - Engineering**
Contact Name	**Martin Metsker PE**
Contact Email and Phone Number	**Mmetsker@terracinadesign.com** **720-854-9456**

COMMENTS:

Engineering has no comments related to the proposed PUD Amd. It is noted that more detailed grading and drainage will be required at the time of Preliminary Plan and Final Platting that should note the following:

1) **Per the Drainage Sketch Plan – Prior to Preliminary Plan or Final plan approval, the pond outlet at Pond D must be shown to be a natural and historic discharge across the private property to the East, or, an easement must be obtained or similar.**

2) **Any fill placement or disturbance within the Gold Creek floodzone, may require a CLOMR/LOMR.**

TOWN OF ELIZABETH

PO Box 159, 151 S. Banner Street ▪ Elizabeth CO 80107 ▪ 303-646-4166 x4

PRE-APPLICATION MEETING REFERRAL

Project Title:	**Gold Creek Commons PUD First Amendment**
Description:	**Amending the Gold Creek Commons PUD**
Review Sent Date: 06/23/2026	**Review Due Date:** 07/17/2026

REFERRAL AGENCY	**Public Works**
Contact Name	**James McErnie**
Contact Email and Phone Number	**jmcernie@townofelizabeth.org, 303-596-1594**

COMMENTS:
Public Works has no comments at this time.

TOWN OF ELIZABETH

PO Box 159, 151 S. Banner Street ▪ Elizabeth CO 80107 ▪ 303-646-4166 x4

PRE-APPLICATION MEETING REFERRAL

Project Title:	**Gold Creek Commons PUD First Amendment**
Description:	**Amending the Gold Creek Commons PUD**
Review Sent Date: 06/23/2026	**Review Due Date:** 07/17/2026

REFERRAL AGENCY	**Stolfus and Associates**
Contact Name	**Max Rusch**
Contact Email and Phone Number	**max@stolfusandassociates.com 303-221-2330**

COMMENTS:

An updated traffic should be prepared and submitted concurrently with the new sketch plan. The traffic study should be similar in scope to the previous version but should reflect the changes in proposed land use.

Elizabeth Fire Protection District

P.O. Box 441
155 W Kiowa Ave.
Elizabeth, Colorado
80107

Phone: 303-646-3800
Fax: 303-688-6994
Email: kara@elizabethfire.com
Website: https://www.elizabethfire.com

Division Chief of Administration
and Prevention

Rezoning Checklist

Date 7/3/2026
Applicant David Bourne
Applicant Address 2564 Van Ross Drive
Project Gold Creek Commons PUD Amendment
Project Address 2481 Highway 86 Elizabeth, CO 80107
Plans Dated
Review Number 1
Plan Review Fee 105.00

Approved ☑ **Needs Changes** ☐ **Rejected** ☐

A review was conducted on the submitted plans for the above location based on the adopted codes and standards below.

☑ 2018 International Codes and Adopted Standards
☐ 2021 International Codes and Adopted Standards

Reviewed By: Kara Gerczynski Signature: _____
Title: Division Chief/Fire Marshal

RESPONSE TO PLAN REVIEW COMMENTS AND INSPECTION REQUESTS

Please read this document in its entirety. The contractor and/or applicant is responsible for compliance with all requests, comments, applicable codes, ordinance or policy of the fire department. All comments shall be addressed in writing. If plans are rejected, additional review fees may be charged. If changes are needed, additional submittals may be required.

Conditions found, or other data collected or submitted, shall not prevent the fire code official from requiring correction of errors found.

Inspections are required to be requested on our website at www.elizabethfire.com or phoned in by 4:00 p.m. at 303-646-3800 the day before the day you wish the inspection.

NOTE: ALL INSPECTION TIMES ARE SUBJECT TO INSPECTOR AVAILABILITY

An impact fee form shall be filled out by all applicants. Impact fees shall be paid prior to issuance of building permits for the development. The agreement shall be signed prior to recordation of final plat.

FIRE SERVICE WATER SUPPLY

Required Fire Flow Residential:

☑ The fire code requires 1000 gpm at 20 psi for 60 minutes of fire flow for residential developments. The total water storage shall be $60,000 in excess of the daily maximum flows.

☐ If fire flow cannot be met due to rural conditions or terrain, one of the following requirements can apply by approval only:

- Install an approved automatic sprinkler system in accordance with the adopted fire code in all residential living units on the property.
- Install a 30,000-gallon cistern for a water supply for all the residential houses in the subdivision.
- Pay cash in lieu of $1040.00 per new lot created for firefighting water that will be used for future rural firefighting capabilities.

Required Fire Flow Commercial: * **

☑ The fire code bases fire flow on the type of building and size. Fire flow requirements will be assessed at site plan review. The lowest fire flow will be 1500 gpm at 20 psi for 2 hours. The total water storage shall be a minimum of 180,000 gallons in excess of the daily maximum flows.

☐ If fire flow cannot be met due to rural conditions or terrain, one of the following requirements can apply by approval only based on the following requirements:

☐ For commercial properties that undergo the rezoning process and are over 1250 feet from a reliable water supply:

1. Install an approved automatic sprinkler system in accordance with the adopted fire code throughout the building or;
2. Install an approved 30,000 gallon cistern for a water supply for all the buildings on the associated rezoned property or;
3. Install a lesser water storage (to be determined at plan review) and an approved smoke detection system throughout the building in accordance with the adopted fire code.

☐ For commercial properties that undergo the rezoning process and are within 1250 feet from a reliable water supply:

1. Install an approved automatic sprinkler system in accordance with the adopted fire code throughout the building or;
2. Install an approved fire detection system throughout the building in accordance with the adopted fire code.

☐ For commerical properties associated with the Economic Development Zone Overlay:

1. Install an automatic sprinkler system in accordance with the adopted fire code throughout the building.

a. Exception 1: Any building under 1000 square feet shall be exempt from this provision.
b. Exception 2 : U occupancy buildings (At a square footage limit depending on construction type.)

*The amendments to the fire code for sprinkler requirement can only be used if the commercial building or residence does not require fire sprinklers in accordance with the adopted fire code.

**NFPA 1142 can be used as an approved reference document to meet the requirements of water supply and hydrants for the adopted fire code. The use of NFPA 1142 needs to be approved by the fire district.

Additional Comments:

~~The subdivision will supply hydrants spaced about 500 feet apart along all fire access roads flowing 1000 GPM for residential and 1500 GPM for commercial.~~
~~Colorado Wildfire Resiliency Code- This parcel sits entirely within the moderate Fire Intensity Classification. All new structures shall meet the Class I structure hardening and site and area requirements. These requirements shall be added to the development guide.~~

Section 2

FIRE HYDRANT REQUIRMENTS:

	Required	Not Required
Fire Hydrants	☑	☐

Section 3

FIRE SERVICE ACCESS

Width and Surface:

- All roads shall be a minimum of unobstructed 20’ in width and construction of an approved all-weather surface and shall meet road and standard provisions ***prior to construction.***
- Residential driveways shall follow the requirements of the Elbert County Road and Bridge Driveway Standards.
- Road names and numeric shall be submitted to the fire district for review and approval.
- Any gates that impede fire department access shall have an appropriate Knox lock for fire department access. This lock can be ordered at www.knoxbox.com

Additional Comments:

~~The fire access and secondary access for the subdivision has been approved by the fire district.~~

The required fire department access and fire hydrants shall be installed and approved prior to construction beginning above foundation level or the moving of combustible materials onto the construction site.

Invoice

LAI Design Group
David Bourne

davidkbourne@gmail.com

Occupancy ID: 52488818
Invoice #: EFPD-2026-0000021
Invoice Date: 07/03/2026
Due Date: 08/02/2026

Invoice

Department Contact

Kara Gerczynski
303-800-2748
kara@elizabethfire.org

Vendor Invoice Contact

David Bourne
David Bourne
davidkbourne@gmail.com

Business Name: Gold Creek Common PUD Amendment
Business Address:
2481 STATE HIGHWAY 86

This invoice is for the bellow operational fire permits and/or services provided

Line Items

Line Item	Service Date	Unit	Quantity	Price	Amount	Note
PUD Review (100-199 lots)	07/03/2026	Each	1.00	105.0000	105.00	

Total: $ 105.00

Invoice Total:
$105.00
Balance:
$105.00

Thank you for your prompt payment. Please make payments at https://elizabethfpd.colorado.gov/make-a-payment or by check at 146 E Elbert Street Elizabeth, CO 80107


Enter parcel number
Palomino Trl
Gold Creek
Gold Creek
Elizabeth
School District
County Road 13
Cimarron Trl
nto Trl
Gold Creek
13
13
Highway 86
86
Clr

COLORADO
Wildfire
Resiliency
Code Board

2025

Colorado Wildfire Resiliency Code

01 June 2025

COLORADO
Department of Public Safety

COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

CWRC Version 1.0

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Attributions

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Chapter 1 - Scope and Administration

PART 1 GENERAL PROVISIONS

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Colorado Wildfire Resiliency Code as adopted by [NAME OF JURISDICTION], hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises that contain *occupiable* and/or *habitable space*, or change in use resulting in an occupiable and/or habitable space, unless excepted, within the *wildland-urban interface* areas of Colorado, as designated in this code.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.2 Factory-Built Structures (nonresidential, residential, and tiny homes). Structure hardening provisions of this code for factory-built structures as defined by sections 24-32-3302(9), (10), (11), and (35), C.R.S., are in accordance with Rules adopted by the Division of Housing in 8 CCR 1302-1, Rule 2 Codes and Standards.

101.2.3 HUD Code Homes. Homes built to the HUD Manufactured Home Construction and Safety Standards are exempt from structure hardening requirements on their first installation. Homes built to the HUD Manufactured Home Construction and Safety Standards which are moved into an applicable Wildfire Resiliency code area are subject to the provisions of this code as required by the authority having jurisdiction.

101.3 Purpose. The purpose of this code is to establish minimum regulations for the safeguarding of life and for property protection. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present.

The unrestricted use of property in *wildland-urban interface* areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to

provide adequate fire protection facilities to control the spread of fire in *wildland-urban interface* areas shall be in accordance with this code.

This code shall supplement the jurisdiction's building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the *wildland-urban interface* areas.

101.4 Retroactivity. The provisions of the code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code and conditions that, in the opinion of the *code official*, constitute a distinct hazard to life or property.

> **Exception:** Provisions of this code that specifically apply to existing conditions are retroactive.

101.5 Additions or alterations. Additions or alterations shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided that, when the work increases the footprint of the existing structure by 500 square feet or greater, the addition or alteration conforms to that required for a new building or structure.

> **Exception:** Provisions of this code that specifically apply to existing conditions are retroactive.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

101.6 Roof coverings. The *roof covering* on buildings or structures in existence prior to adoption of this code that are replaced or have 25 percent or more of the surface area of the roof replaced, or where work to reconstruct, alter, or repair the *roof covering* effectively replaces such material, shall require the entirety of the *roof covering* to be replaced with a *roof covering* required for new construction specified in Sections 403.2 through 403.2.2.

> **Exception:** Existing *roof coverings* that are compliant with Section 403.2.

101.7 Exterior walls. The exterior walls of building or structures in existence prior to adoption of this code where 25 percent or more of the total exterior wall surface area is replaced, or where work to reconstruct, alter or repair the exterior walls effectively replaces the exterior wall material, shall require the entirety of the exterior wall surface area, including attachments, to be replaced with materials required for new construction specified in Section 404.3 through 404.3.2

and the immediate zone within 5 feet of the structure shall be made to comply with Section 503.1.

Exception: Existing exterior walls that are compliant with Section 404.3.

101.8 Maintenance. Buildings, structures, landscape materials, vegetation, *defensible space* or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

SECTION 102—APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code, or any other adopted code, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code are listed throughout this code. Such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and the referenced codes and standards, the provisions of this code shall govern.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

102.5 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or policies adopted by the authority having jurisdiction, compliance with applicable standards of other nationally recognized safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

102.6 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof,

which are not specifically provided for by this code, shall be determined by the *code official* consistent with the necessity to establish the minimum requirements to safeguard the public health, safety and general welfare.

102.7 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.8 Existing conditions. The legal occupancy or use of any structure or condition existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code* or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

102.9 Historic structures. A variance is authorized to be issued for the repair or rehabilitation of a historic structure or construction of a contributing structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure, within the spirit of this code.

Exception: Within wildfire hazard areas, historic structures that do not meet one or more of the following designations:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
2. Determined as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
3. Designated as historic under a state or local historic preservation program.

102.9.1 Historic preservation exemption. The authority having jurisdiction may establish a historic preservation exemption or exemptions in their jurisdiction that consists of the spirit and intent of this code.

102.10 Work exempt from permit under this code. Exemptions from code requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the jurisdiction. Compliance with this code shall not be required for the following:

1. Interior alterations of existing structures.
2. Additions that do not increase the footprint of a structure by more than 500 square feet.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected.
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent of the surface area of the exterior *roof covering* or an attachment thereto is affected.

5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.
6. Painting, staining and similar maintenance or restorative work.
7. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
8. *Accessory structures* and buildings of an accessory character classified as Utility and Miscellaneous Group U (including Agricultural Structures) located more than 50 feet from a structure containing *occupiable* or *habitable space*.
9. Fences located more than 8 feet from a habitable structure.
10. Any thirty-five acre parcel with only one residential structure on it that does not abut a residential or commercial area.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103—CODE COMPLIANCE AGENCY

103.1 Creation of agency. The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

SECTION 104—DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 Powers and duties of the code official. The *code official* is hereby authorized to enforce the provisions of this code.

104.2 Determination of compliance. The *code official* shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

104.2.1 Technical assistance. To determine compliance with this code, the *code official* is authorized to require the owner, the owner's authorized agent or the person in possession or control of the building or premises to provide a technical opinion and report.

104.2.1.1 Costs. A technical opinion and report shall be provided without charge to the jurisdiction.

104.2.1.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.1.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management to identify and propose necessary recommendations.

104.2.1.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the *code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *code official*.

104.2.2 Alternative materials, design and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*.

104.2.2.1 Approval authority. An alternative material, design or method shall be *approved* where the *code official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.2.2 through 104.2.2.7, as applicable.

104.2.2.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *code official* for approval. Where the alternative material, design or method of construction is not approved, the *code official* shall respond in writing, stating the reasons the alternative was not approved.

104.2.2.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

104.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official.*

104.2.2.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

104.2.2.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.2.6.1 and 104.2.2.6.2.

104.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved* agency and use of the evaluation report shall require approval by the *code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *code official*'s recognition of the *approved* agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *code official*.

104.2.2.6.2 Other reports. Reports not complying with Section 104.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.7 Peer review. The *code official* is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or

method of construction, prepared by a peer reviewer that is *approved* by the *code official*.

104.2.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases, provided that the *code official* shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in conformance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request and action granting modifications shall be recorded and entered into the files of the code enforcement agency.

104.3 Applications and permits. The *code official* is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.4 Access to Property. For the purpose of inspecting and enforcing the provisions of this code and the terms and conditions of any permit issued under this code, the *code official* is authorized to enter upon private property at reasonable times and upon reasonable notice for the purpose of determining compliance with this code and to evaluate conditions relative to the permit application.

104.4.1 Authorization. The owner or occupant of the property having a permit under this code shall allow the *code official* access to the property to perform the required inspections. If access is denied, the *code official* shall apply to the Court with jurisdiction to seek authority to access the property.

104.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Official records. The *code official* shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

104.7.1 Approvals. A record of approvals shall be maintained by the *code official* and shall be available for public inspection during business hours in accordance with applicable laws.

104.7.2 Inspections. The *code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.2; modifications in accordance with Section 104.2.3; and documentation of the final decision of the *code official* for either shall be in writing and shall be retained in the official records.

104.7.4 Tests. The *code official* shall keep a record of tests conducted to comply with Sections 104.2.1.4 and 104.2.2.5.

104.7.5 Fees. The *code official* shall keep a record of fees collected and refunded in accordance with Section 106.

104.8 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of any act or omission in the discharge of official duties.

104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the *code official* shall be constructed and installed in accordance with such approval.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order and *approved*.

104.10 Other agencies. When requested to do so by the *code official*, other officials of this jurisdiction shall assist and cooperate with the *code official* in the discharge of the duties required by this code.

SECTION 105—TEMPORARY USES, EQUIPMENT AND SYSTEMS

105.1 General. The *code official* is authorized to issue a permit for temporary uses, equipment and systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *code official* is authorized to grant extensions for demonstrated cause.

105.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.

105.3 Temporary service utilities. The *code official* is authorized to give permission to temporarily supply service utilities.

105.4 Termination of approval. The *code official* is authorized to terminate such permit for temporary uses, equipment and systems and to order the same to be discontinued.

SECTION 106—FEES

106.1 General. An AHJ has the authority to establish fees.

SECTION 107—STOP WORK ORDER

107.1 Authority. Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

107.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

107.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

107.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

Chapter 2 - Definitions

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other International Codes, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

ACCESSORY STRUCTURE. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

APPROVED. Acceptable to the *code official*.

BUILDING. Any structure intended for supporting or sheltering any occupancy.

CLASS A TESTS. Class A Tests are applicable to *roof coverings* that are expected to be effective against severe fire exposure, afford a high degree of fire protection to the *roof deck*, do not slip from position, and are not expected to present a flying brand hazard.

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the *code official*'s authorized representative.

DEFENSIBLE SPACE. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

EMBELLISHMENTS. Elements incorporated in design and construction for ornamental or decorative purpose that are not integral to the structure or structural support.

FIRE INTENSITY CLASSIFICATION. The level of fire intensity identified for areas where significant fuel hazards and associated dangerous fire behavior may exist, based upon vegetative fuels, topography, weather conditions, and flame length value.

FIRE-RESISTANCE-RATED CONSTRUCTION. The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the *wildland-urban interface* area.

FIRE-RETARDANT-TREATED WOOD. Fire-retardant-treated wood is any wood product that, when impregnated with chemicals by a pressure process or other means during manufacture, shall have, when tested in accordance with ASTM E84 or UL 723, a listed *flame spread index* of 25 or less. The ASTM E84 or UL723 test shall be continued for an additional 20-minute period and the flame front shall not progress more than 10.5 feet beyond the centerline of the burners at any time during the test.

FLAME SPREAD INDEX. A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E84.

FUEL MODIFICATION. A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

HABITABLE SPACE. A space in a building for living, sleeping, eating or cooking.

HEAVY TIMBER CONSTRUCTION. As described in Section 602.4 of the 2024 *International Building Code*.

HOME IGNITION ZONE. Home Ignition Zone is the home and the area around the home (or structure). The HIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

IGNITION-RESISTANT BUILDING MATERIAL. A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames.

IGNITION-RESISTANT VEGETATION. Plants that are less likely to readily ignite from a flame or other ignition source and produce fewer embers. While they can still be damaged by fire, their foliage and stems don't significantly contribute to the intensity of the fire.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is not less than 6 inches. Log wall construction shall follow requirements of ICC 400.

MULTILAYERED GLAZED PANELS. Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire.

2. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.

3. For the purposes of this code, fire-rated gypsum board tested in accordance with ASTM C1396 with no less than a 1-hour fire-resistance-rating with fire exposure from the outside only is considered a noncombustible material.

OCCUPIABLE SPACE. A room or enclosed space designed for human occupancy in which individuals congregate for amusement, education or similar purposes or in which occupants are engaged at labor.

ROOF ASSEMBLY. A system designed to provide weather protection and resistance to design loads. The system consists of a *roof covering* and *roof deck* or a single component serving as both the *roof covering* and the *roof deck*. A *roof assembly* can include an underlayment, thermal barrier, ignition barrier, insulation or a vapor retarder.

ROOF COVERING. The covering applied to the *roof deck* for weather resistance, fire classification or appearance.

ROOF DECK. The flat or sloped surface not including its supporting members or vertical supports.

SLOPE. The variation of terrain from the horizontal; the number of feet rise or fall per 100 feet measured horizontally, expressed as a percentage.

STRUCTURE. That which is built or constructed.

STRUCTURE IGNITION ZONE. Structure Ignition Zone is the structure and the area around the structure (or home). The SIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

TREE CROWN. The primary and secondary branches growing out from the main stem, together with twigs and foliage.

WILDLAND-URBAN INTERFACE. That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

Chapter 3 - Wildfire Hazard Identification

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter provide methodology to establish and record wildfire hazard based on the findings of fact to be regulated by this code.

301.2 Objective. The objective of this chapter is to provide simple baseline criteria for determining *wildland-urban interface* areas based on the wildfire hazard.

SECTION 302 WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

302.1 Declaration. The AHJ shall declare the *wildland-urban interface* areas within the jurisdiction as defined by this code. The *wildland-urban interface* areas shall be based on the findings of fact.

SECTION 303 MAPPING AND APPLICABILITY

303.1 Mapping of Wildfire Hazard Areas. Wildfire Hazard shall be recorded on official maps. These maps identify areas subject to the provisions of this code and shall be available for public inspection through an accessible online platform and at designated local government offices.

303.1.1 Map. This map shall be based on a combination of factors including, but not limited to, vegetative fuels, topography, local weather patterns, and fire behavior modeling data.

303.1.2 Locally Developed Mapping. The AHJ may develop and adopt local maps designating wildfire hazard and *fire intensity classifications* within its jurisdictional boundaries in accordance with Sections 303.1 through 303.3.

303.2 Fire Intensity Classification. *Fire Intensity Classification* shall be identified on the map in accordance with Section 303.1. *Fire Intensity Classification* is determined by expected wildfire behavior, including flame length and suppression difficulty and is separated into three levels: low, moderate, and high. The identified *fire intensity classification* establishes code requirements for construction and mitigation.

303.2.1 Low Fire Intensity Classification. Low *Fire Intensity Classification* is identified in areas with light to medium surface fuels, such as grasses, shrubs, and scattered low-density vegetation. These fuels are often discontinuous, which limits flame propagation but can sustain burning under moderate weather conditions. Fires in this class may occur on gentle to moderate *slopes*, where topography begins to influence the rate of spread. Although flame lengths remain relatively small—typically less than two feet—limited spotting may occur, especially with wind. Trained firefighters with protective equipment and standard hand tools can usually suppress these fires through

direct attack, particularly on *slopes* under 30 percent. Mechanized equipment is typically unnecessary.

Key Characteristics Include:

1. **Fuels**: Light to medium surface fuels, including grasses, shrubs, and scattered vegetation (e.g., WNL, USL fuel types).
2. **Flame Length**: Less than 2 feet.
3. **Rate of Spread**: Low, increasing with *slopes* over 20 percent.
4. **Spotting**: Very short-range spotting is possible under windy conditions.
5. **Terrain Influence**: More active fire behavior on moderate *slopes* (20 to 30 percent).
6. **Suppression Difficulty**: Easily suppressed by trained firefighters using basic protective gear and hand tools. Direct attack is effective, and mechanized support is rarely needed.

303.2.2 Moderate Fire Intensity Classification. Moderate *Fire Intensity Classification* is identified in areas with moderate to heavy fuel loads, such as dense shrubs, small trees, and accumulated ground fuels. Fires in this class present continuous horizontal and vertical fuel arrangements, allowing flames to reach up to 8 feet in length. Fire behavior is notably influenced by moderate to steep *slopes*, often accelerating the spread. Short-range spotting becomes more common, complicating suppression efforts. Ground crews typically require mechanized support, such as engines and dozers, to establish control lines. Aircraft assistance may be necessary, particularly in inaccessible terrain. There is a significant increase in the potential for property damage and risk to life, especially in *wildland-urban interface* areas.

Key Characteristics Include:

1. **Fuels**: Moderate to heavy fuels, including dense shrublands, small trees, timber litter, and canopy fuels (e.g., USH, UIH fuel types).
2. **Flame Length**: Up to 8 feet.
3. **Rate of Spread**: Moderate to high, increasing significantly on *slopes* over 30 percent.
4. **Spotting**: Short-range spotting is common.
5. **Terrain Influence**: Steep *slopes* (30 percent or greater) increase fire spread and intensity.
6. **Suppression Difficulty**: Challenging for ground crews without support from engines, dozers, or aircraft. Dozers and plows are generally effective on moderate terrain.

303.2.3 High Fire Intensity Classification. High *Fire Intensity Classification* is identified in areas with heavy, continuous fuel loads, such as dense forest canopies, thick

understory growth, and heavy dead/downed material. Fires in this class frequently occur on steep *slopes*, often exceeding 40 percent, where topography dramatically increases the rate of spread and severity. Flame lengths can exceed 30 feet, and both short- and medium-range spotting are common, particularly in windy conditions. Direct suppression by ground crews is typically ineffective, requiring indirect attack strategies, such as backburns and aerial retardant drops. Fires in this class pose extreme risk to life, property, and firefighter safety, especially in rugged or remote areas.

Key Characteristics Include:

1. **Fuels**: Heavy fuels, including dense forests, urban core areas with heavy fuel loads, and canopy-dominated regions (e.g., WNH, USH, UCH fuel types).
2. **Flame Length**: Up to 30 feet or more.
3. **Rate of Spread**: Rapid, especially on *slopes* greater than 40 percent.
4. **Spotting**: Short-range spotting is common; medium-range spotting is possible under windy conditions.
5. **Terrain Influence**: *Slopes* over 40 percent amplify intensity and spread, creating dangerous conditions for suppression.
6. **Suppression Difficulty**: Direct attack by ground forces and dozers is generally ineffective. Indirect strategies (backburning, aerial support) are often necessary. These fires present significant danger to life, property, and responder safety.

303.3 Applicability of Code Provisions. The requirements of this code shall apply to all parcels located within designated Wildfire Hazard Areas and corresponding *fire intensity classifications* as identified on the official maps. The level of structure hardening, *defensible space*, and other mitigation measures required shall correspond to the applicable *fire intensity classification*—Low, Moderate, or High—as established by the board.

Structures and parcels identified with low *fire intensity classification* shall be constructed and maintained in accordance with the provisions for Class 1 structure hardening and site and area requirements.

Structures and parcels identified with moderate to high *fire intensity classifications* shall be constructed and maintained in accordance with the provisions for Class 2 structure hardening and site and area requirements.

SECTION 304 GROUND-TRUTHING

304.1 Purpose. This section establishes a process for owners or the owners authorized representative to request a ground-truthing review of their property's Wildfire Hazard or *fire intensity classification* as identified on state or locally adopted maps. The intent is to provide an opportunity to verify that mapping accurately reflects current, site-specific conditions.

304.2 Determination of Fire Intensity Classification and Code Requirements. As determined by the *code official,* the *fire intensity classification* and associated requirements shall be based on a review of the vegetative fuels on the parcel and within 300' of the parcel boundary, topography, local weather patterns, and fire behavior modeling data and in accordance with the following *fire intensity classifications*:

304.2.1 Low *Fire Intensity Classification* in accordance with Section 303.2.1

304.2.2 Moderate *Fire Intensity Classification* in accordance with Section 303.2.2

304.2.3 High *Fire Intensity Classification* in accordance with Section 303.2.3

This determination shall be made based on existing conditions or conditions that have been established by a development plan approved by the local jurisdiction. Technical documentation shall be submitted in support of such request by a qualified wildfire professional and in accordance with Section 104.2.

Chapter 4- Structure Hardening

SECTION 401 GENERAL

401.1 Scope. Exterior design and construction of new buildings and structures within the *wildland-urban interface* areas of Colorado shall be constructed in accordance with this chapter.

Exceptions:

1. Buildings of an accessory character classified as Group U occupancy (including *agricultural buildings*) of any size located at least 50 feet from a structure containing *occupiable* or *habitable space*.
2. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected.
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent of the surface area of the exterior *roof covering* or an attachment thereto is affected.
5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.
6. Additions that do not increase the footprint of a structure by more than 500 square feet.

SECTION 402 BUILDING MATERIAL

402.1 Building material. Building materials shall comply with any one of the requirements in Section 402.2 through 402.4.

402.2 Noncombustible material. *Noncombustible* material shall comply with the definition of *noncombustible* materials in Section 202.

402.3 Fire-retardant-treated wood. *Fire-retardant-treated wood* shall be identified for exterior use and shall meet the requirements of Section 2303.2 of the 2024 *International Building Code*.

402.4 Ignition-resistant building material. Material shall be tested on the front and back faces in accordance with the extended ASTM E84 or UL 723 test, for a total test period of 30 minutes, or with the ASTM E2768 test. The materials shall bear identification showing the fire test results. Panel products shall be tested with a ripped or cut longitudinal gap of 1/8 inch. The materials, when tested in accordance with the test procedures set forth in ASTM E84 or UL 723

for a test period of 30 minutes, or with ASTM E2768, shall comply with Sections 402.4.1 through 402.4.3.3. Materials or products which melt, drip or delaminate to the extent that the flame front is interrupted are not permitted.

Exception: Materials composed of a combustible core and a noncombustible exterior covering made from either aluminum at a minimum 0.019 inch thickness or corrosion-resistant steel at a minimum 0.0149 inch thickness shall not be required to be tested with a ripped or cut longitudinal gap.

402.4.1 Flame spread. The material shall exhibit a *flame spread index* not exceeding 25.

402.4.2 Flame front. The material shall exhibit a flame front that does not progress more than 10 feet 6 inches beyond the centerline of the burner at any time during the test.

402.4.3 Weathering. *Ignition-resistant building materials* shall maintain their performance in accordance with this section under conditions of use. The materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in Sections 402.4.3.1 through 402.4.3.3, as applicable to the materials and conditions of use.

402.4.3.1 Evaluation requirements for weathering. Fire-retardant-treated wood, wood-plastic composite materials and plastic lumber materials shall be evaluated after weathering in accordance with Method A "Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing" in ASTM D2898.

402.4.3.2 Wood-plastic composite materials. Wood-plastic composite materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m2 in the horizontal orientation, then weathering in accordance with ASTM D7032 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.

402.4.3.3 Plastic lumber materials. Plastic lumber materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m2 in the horizontal orientation, then weathering in accordance with ASTM D6662 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.

SECTION 403 CLASS 1 STRUCTURE HARDENING

403.1 General. Class 1 structure hardening shall be in accordance with Sections 403.2 through 403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a low fire hazard severity.

403.2 Roofing. Roofs shall have a *roof covering* or *roof assembly* classified as Class A when tested in accordance with ASTM E108 or UL 790.

403.2.1 Flame and ember protection of roofs. For roof assemblies where the roof covering profile creates a space between the roof covering and roof deck, the space shall resist the entry of flames and embers by one or more of the following methods:

1. Firestopping with noncombustible material of the space between the roof covering and the roof deck.
2. Installation of one layer of cap sheet complying with ASTM D3909 over the combustible roof deck.
3. Installation of a listed Class A classified roof assembly.

403.2.2 Roof valley flashings. Valley flashings shall be not less than 0.019 inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36- inch-wide underlayment consisting of one layer of cap sheet complying with ASTM D3909 running the full length of the valley.

403.3 Gutters and downspouts. Gutters and downspouts shall be constructed of *noncombustible* material.

403.4 Ventilation Openings. Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be in accordance with Section 403.4.1 or Section 403.4.2 as applicable.

403.4.1 Performance Requirements. Ventilation openings shall be fully covered with listed vents, tested in accordance with ASTM E2886, to demonstrate compliance with all the following requirements:

1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

403.4.2 Prescriptive Requirements. Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be covered with *noncombustible* 404.3corrosion-resistant mesh with openings not to exceed ⅛-inch.

SECTION 404 CLASS 2 STRUCTURE HARDENING

404.1 General. Class 2 structure hardening shall be in accordance with Sections 404.2 through 404.10.1 as well as the provisions of Class 1 structure hardening in Sections 403.2-403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a moderate or high fire hazard severity. See also Sections 101.6-101.7.

404.2 Protection of eaves. Eaves and soffits shall be protected on the exposed underside by *noncombustible material, ignition-resistant materials,* or by materials approved for not less than 1-hour *fire-resistance-rated construction*, *⅝-inch Type X drywall,* 2-inch nominal dimension lumber, or 1 inch nominal *fire-retardant-treated wood* or ¾ inch nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*. Fascias are required and shall be protected on the backside by *noncombustible material, ignition-resistant materials,* or by materials approved for not less than 1-hour *fire-resistance-rated construction, ⅝-inch Type X drywall,* or 2- inch nominal dimension lumber.

404.3 Exterior Walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Exterior wall assemblies with a minimum of 1-hour fire-resistance rating, rated for exposure on the exterior side.
2. *Approved noncombustible materials.*
3. *Heavy timber* or *log wall construction.*
4. *Noncombustible* materials complying with Section 402.2 on the exterior side.
5. *Fire-retardant treated wood* complying with Section 402.3 on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.
6. Ignition-resistant materials complying with Section 402.4 on the exterior side.

Such material shall extend from the top of the foundation to the underside of the eave or the underside of the roof sheathing.

Exceptions:

1. Exterior wall *embellishments* and architectural trim (exclusive of trim on exterior windows and doors) not to exceed 5 percent of the square footage of the exterior wall.
2. Roof or wall top cornice projections and similar assemblies.
3. Solid wood rafter tails and solid wood blocking installed between rafters having minimum dimension 2 inch nominal.

404.3.1 Exterior Wall Coverings. Exterior wall coverings shall be limited to the following:

1. *Noncombustible* materials.
2. *Fire-retardant-treated wood*.
3. *Ignition-resistant building materials*.

Exception: Where options 1 or 2 in section 404.3 are used, vinyl siding may be used as an exterior covering.

404.3.2 Flashing. A minimum of 6 inches of metal flashing or *noncombustible* material applied vertically between the wall sheathing and the exterior cladding shall be installed at the ground, decking, and roof intersections.

Combustible sheathing products exposed by the gap created at the base of the exterior walls, posts, or columns must be protected with *noncombustible material* or *ignition-resistant building materials* while still permitting drainage and moisture control from behind exterior cladding.

404.4 Underfloor enclosure. Buildings or structures shall have underfloor areas enclosed to the ground or comply with exterior walls in accordance with Section 404.3.

404.5 Decking. Unenclosed decks shall have the deck walking surface constructed of one of the following:

1. *Approved noncombustible* materials
2. Class A rated material

   Exception: Composite decking material with a minimum of Class B rating
3. *Fire-retardant-treated wood* identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*
4. *Ignition-resistant building materials* in accordance with Section 402.4.

404.6 Appendages and Projections. Appendages and projections shall be constructed in accordance with Section 404.3.

404.7 Exterior Glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, *multilayered glazed panels*, glass block or have a fire protection rating of not less than 20 minutes.

404.8 Exterior Doors. Exterior doors shall be *approved noncombustible* construction, solid core wood not less than 1 ¾-inches thick, or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 404.7.

Exception: Vehicle access doors.

404.9 Vehicle Access Door Perimeter Gap. Exterior vehicle access doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the head, sill, and jamb of doors from exceeding ⅛ inch as approved by the AHJ.

Gaps between doors and door openings shall be controlled by one of the following methods:

1. Weather-stripping products made of materials that: (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, when the maximum allowable difference in tensile strength values between exposed and

non-exposed samples does not exceed 10 percent; and (b) exhibit a V-2 or better flammability rating when tested to UL 94 (Standards for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances).

2. Door overlaps onto jambs and headers.
3. Garage door jambs and headers covered with metal flashing.

404.10 Detached Accessory Structures. Detached *accessory structures* located less than 50 feet from a building containing *habitable* or *occupiable space* shall have exterior walls constructed in accordance with Section 404.3 through 404.3.2.

404.10.1 Underfloor areas. Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending *slope* surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 404.3 or underfloor protection in accordance with Section 404.4 or with ⅛-inch metal corrosion-resistant screen with a hardened zone within 5 feet.

Exception: The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction, heavy timber construction, noncombustible* materials on the exterior side, or *fire-retardant-treated wood* on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code.*

Chapter 5- Site and Area Requirements

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall apply to parcels subject to this code.

501.2 Reference. As needed, the *code official* shall refer to the Home Ignition Zone (HIZ) Guide as developed by the Colorado State Forest Service.

Where conflicts occur between provisions of this code and the HIZ Guide, the provisions of this code shall govern. The provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

SECTION 502 CLASS 1 REQUIREMENTS

502.1 Structure Ignition Zone 1 (0-5 feet): Immediate Zone

502.1.1 Objective. This zone is designed to reduce or eliminate ember ignition and direct flame contact with the structure, decks, stairs, and attachments.

502.1.2 Materials. Use *noncombustible*, hard surface materials in this zone, such as rock, gravel, sand, concrete, bare earth or stone/concrete pavers.

> **Exception:** Ignition-resistant plantings, per an approved list by the AHJ that is not less than that created by the Colorado State Forest Service, are allowed in the Immediate Zone.

502.1.3 Plantings. Remove all plantings including shrubs, slash, combustible mulch and other woody debris, with the exception of ignition-resistant vegetation.

502.1.4 Trees. There shall be no planting of new trees in the immediate zone. Mature trees of no less than 10-inch diameter at 4.5 feet above ground level may be maintained.

Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.

Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.

502.2 Site Signage

502.2.1 Marking of roads. *Approved* signs or other *approved* notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof.

502.2.2 Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner *approved* by the *code official* to prevent obstruction.

502.2.3 Address markers. Buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located in a manner *approved* by the *code official*.

502.3 Retaining Walls

502.3.1 Retaining Walls. Retaining walls shall be constructed with either *noncombustible* or ignition-resistant materials when any of the following conditions exist:

1. The retaining wall is within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure.
2. The retaining wall is integral to the support of a structure regulated by this code.
3. The retaining wall is integral to the egress from a structure regulated by this code to a public way, easement, or private road.

502.4 Fencing

502.4.1 Fencing. Fencing within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure shall be constructed with *noncombustible* or ignition-resistant materials.

Exception: Vinyl fencing. Vinyl fencing may be allowed.

SECTION 503 CLASS 2 REQUIREMENTS

503.1 General. Class 2 site and area requirements shall be in accordance with Sections 503.2 through 503.3.2 and include all requirements of Class 1 in Sections 502.1 through 502.4.

503.2 Structure Ignition Zone 2 (5-30 feet) Intermediate Zone

503.2.1 Objective. This zone is designed to give an approaching fire less fuel, which will help reduce its intensity as it gets nearer to structures.

503.2.2 Dead Materials. Within the *fuel modification* area, hazardous dead plant material must be removed from live vegetation.

503.2.3 Fuels Accumulation. Avoid large accumulations of surface fuels such as logs, branches, slash and combustible mulch.

503.2.4 Trees. *Tree crowns* extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.

Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.

503.2.4.1 Tree Spacing. *Tree crowns* within this zone shall be spaced to prevent structure ignition and promote fuel discontinuity to limit fire spread.

503.2.5 Shrubs. Shrub groups within this zone shall be spaced to prevent structure ignition. Shrubs shall be at least 10 feet away from the edge of tree branches.

503.3 Structure Ignition Zone 3 (30-100 feet) Expanded Zone

503.3.1 Objective. This zone focuses on mitigation that keeps fire on the ground.

503.3.2 Tree Spacing. *Tree crowns* within this zone shall be spaced at a minimum of 6-10 feet.

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Appendix A: PERMITS

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

A101.1 General. Where not otherwise provided in the requirements of the *International Building Code* or *International Fire Code*, permits are required in accordance with Sections A101.2 through A101.9.

A101.2 Permits required. Unless otherwise exempted, buildings or structures regulated by this code shall not be erected, constructed, altered, repaired, moved, converted, changed, or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the *code official*.

For buildings or structures erected for temporary uses, see Section 105.

A101.3 Permit application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Appendix B.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

A101.3.1 Preliminary inspection. Before a permit is issued, the *code official* is authorized to inspect and approve the systems, equipment, buildings, devices, premises and spaces or areas to be used.

A101.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that

the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

A101.4 Permit approval. Before a permit is issued, the *code official*, or an authorized representative, shall review and approve permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from agencies or departments concerned.

A101.5 Permit issuance. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the *code official*. If the *code official* finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the *code official* is allowed to issue a permit to the applicant.

When the *code official* issues the permit, the *code official* shall endorse in writing or stamp the plans and specifications APPROVED. Such *approved* plans and specifications shall not be changed, modified or altered without authorization from the *code official*, and work regulated by this code shall be done in accordance with the *approved* plans.

A101.5.1 Refusal to issue a permit. Where the application or construction documents do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor.

A101.6 Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

A101.7 Expiration. Every permit issued by the *code official* under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit,or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit is allowed to apply for an extension of the time within which work is allowed to commence under that permit where the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The *code official* is authorized to extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

A101.8 Retention of permits. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the *code official* or other authorized representative.

A101.9 Revocation of permits. Permits issued under this code can be suspended or revoked where it is determined by the *code official* that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.
4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him or her under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. The permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The *code official* is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

Appendix B: CONSTRUCTION DOCUMENTS

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

B101.1 General. Plans, engineering calculations, diagrams and other data shall be submitted in the format as required by the jurisdiction. The construction documents shall be prepared and submitted where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require additional documentation.

> **Exception:** Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

B101.2 Information on plans and specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

B101.3 Site plan. In addition to the requirements for plans in the *International Building Code*, site plans shall include topography, landscape and vegetation details and locations of structures or building envelopes. The *code official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted. Identify the *fire intensity classification*.

> **B101.3.1 Defensible Space Site Plans.** Defensible space site plans shall be prepared and submitted to the *code official* for review and approval as part of the site plans required for a permit. The *code official* is authorized to waive or modify the requirement for a defensible space site plan where the application for permit is for alteration or repair or where otherwise warranted.

B101.5 Other data and substantiation. Where required by the *code official*, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

B101.6 Retention of plans. One set of *approved* plans, specifications and computations shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted work or as required by state or local laws.

B101.7 Examination of documents. The *code official* shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

B101.8 Amended construction documents. Work shall be installed in accordance with the *approved* construction documents, and changes made during construction that are not in compliance with the *approved* documents shall be resubmitted for approval as an amended set of construction documents.

B101.9 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

B101.10 Phased approval. The *code official* is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Appendix C: INSPECTION AND ENFORCEMENT

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

C101.1 Inspection. Inspections shall be in accordance with Sections C101.1.1 through C101.1.4.3.

C101.1.1 General. Construction or work for which a permit is required by this code shall be subject to inspection by the *code official* and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved* by the *code official*.

It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

Where required by the *code official*, a survey of the lot shall be provided to verify that the mitigation features are provided and the building or structure is located in accordance with the *approved* plans.

C101.1.2 Authority to inspect. The *code official* shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the *code official* for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

C101.1.2.1 Approved inspection agencies. The *code official* is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

C101.1.2.2 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

C101.1.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall

either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official*.

C101.1.3 Reinspections. To determine compliance with this code, the *code official* can cause a structure to be reinspected. A fee can be assessed for each inspection or reinspection where work for which inspection is called is not complete or where corrections called for are not made.

Reinspection fees can be assessed where the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the *code official*.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. Where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

C101.1.4 Testing. Installations shall be tested as required in this code and in accordance with Sections C101.1.4.1 through C101.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the *code official*.

C101.1.4.1 New, altered, extended or repaired installations. New installations and parts of existing installations that have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

C101.1.4.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

C101.1.4.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

C101.2 Enforcement. Enforcement shall be in accordance with Sections C101.2.1 and C101.2.2.

C101.2.1 Authorization to issue corrective orders and notices. Where the *code official* finds any building or premises that are in violation of this code, the *code official* is authorized to issue corrective orders and notices.

C101.2.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if such person is not found on the

premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

C101.3 Compliance with orders and notices. Compliance with orders and notices shall be in accordance with Sections C101.3.1 through C101.3.8.

C101.3.1 General compliance. Orders and notices issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, then such corrective orders or notices shall be complied with by the owner or the owner's authorized agent.

C101.3.2 Compliance with tags. building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section C101.3.1.

C101.3.3 Removal and destruction of signs and tags. A sign or tag posted or affixed by the *code official* shall not be mutilated, destroyed or removed without authorization by the *code official*.

C101.3.4 Citations. Persons operating or maintaining an occupancy or premises subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the *code official* shall be guilty of a misdemeanor.

C101.3.5 Unsafe conditions. Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

C101.3.5.1 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

C101.3.5.2 Notice. Where an unsafe condition is found, the *code official* shall serve on the owner, owner's authorized agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or

requires the unsafe structure to be demolished. Such notice shall require the person thus notified, or their designee, to declare to the *code official* within a stipulated time, acceptance or rejection of the terms of the order.

C101.3.5.2.1 Method of service. Such notice shall be deemed properly served where a copy thereof is served by one of the following methods:

1. Delivered to the owner or the owner's authorized agent personally.
2. Sent by certified or registered mail addressed to the owner or the owner's authorized agent at the last known address with a return receipt requested.
3. Delivered in any other manner as prescribed by local law.

Where the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent or on the person responsible for the structure shall constitute service of notice on the owner.

C101.3.5.3 Placarding. Upon failure of the owner, the owner's authorized agent or the person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

C101.3.5.3.1 Placard removal. The *code official* shall remove the unsafe condition placard whenever the defect or defects on which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided by this code.

C101.3.5.4 Abatement. The owner, the owner's authorized agent, operator or occupant of a building, structure or premises deemed unsafe by the *code official* shall abate, correct or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

C101.3.5.5 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the *code official* is authorized to abate or correct summarily such hazardous conditions that are in violation of this code.

C101.3.5.6 Evacuation. The *code official* shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe where such hazardous conditions exist that present imminent danger to the occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or reenter until authorized to do so by the *code official*.

C101.3.6 Prosecution of violation. If the notice of violation is not complied with promptly, the *code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

C101.3.7 Violation penalties. An AHJ has the authority to establish fees.

C101.3.8 Abatement of violation. In addition to the imposition of the penalties herein described, the *code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

TOWN OF ELIZABETH

PO Box 159, 151 S. Banner Street ▪ Elizabeth CO 80107 ▪ 303-646-4166 x4

PRE-APPLICATION MEETING REFERRAL

Project Title:	**Gold Creek Commons PUD First Amendment**
Description:	**Amending the Gold Creek Commons PUD**
Review Sent Date: 06/23/2026	**Review Due Date:** 07/17/2026

REFERRAL AGENCY	**Elbert County Public Works**
Contact Name	**Dale Guillen**
Contact Email and Phone Number	**Dale.guillen@elbertcounty-co.gov** **720-535-3622**

COMMENTS:

Elbert County vacated access points from Cimarron Subdivision at Pinto and Palomino Trail. Any requests for future access from those locations will need to be reviewed by Elbert County.

Exhibit D: Public Notice

AFFIDAVIT OF COMPLIANCE WITH ELIZABETH MUNICIPAL CODE SECTIONS 16-4-30(d) AND 16-4-30(e)

DAVID BOURNE, being over the age of twenty-one (21) and duly sworn upon my oath, states as follows:

1. I am the applicant or applicant representative in the Town of Elizabeth land use application known as GOLD CREEK COMMONS.

2. I caused notice of the public hearings in this matter to be posted on the property for which the land use application has been made, with the language required by Elizabeth Municipal Code section 16-4-30(d), consisting of at least one (1) sign facing each adjacent public right-of-way (or, in the case of a variance request, one (1) sign posted on site in the general vicinity of the requested variance), at the following location(s):

SOUTH SIDE OF PROPERTY, FACING HWY 86,

3. Each such sign measures not less than three (3) feet by four (4) feet, with lettering a minimum of three (3) inches high, is mounted on posts no less than four (4) feet above the ground, and is clearly legible from the right-of-way the sign faces, and such sign(s) were posted on JULY 31, 2026.

4. A photograph of each posted sign is attached hereto.



FURTHER AFFIANT SAYETH NAUGHT.

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF)

Subscribed and sworn to before me this 12th day of August, 2026, by Brock K. Anderson

Witness my hand and official seal.

My commission expires: June 26th, 2027
(SEAL)

By: _____

BROCK K ANDERSON
NOTARY PUBLIC • STATE OF UTAH
My Commission Expires June 26, 2027
COMMISSION NUMBER 731868

AFFIDAVIT OF COMPLIANCE WITH ELIZABETH MUNICIPAL CODE SECTION 16-4-30(c)

David Bourne, being over the age of twenty-one (21) and duly sworn upon my oath, states as follows:

1. I am the applicant or applicant representative in the Town of Elizabeth land use application known as GOLD CREEK COMMONS

2. I caused the attached notice of public hearing in this matter to be sent with the language required by Elizabeth Municipal Code section 16-4-30(c) via regular first class mail to the following property owners at the following addresses, which constitute all such property owners within 500 feet of the site for which the land use application has been made:

COCHRAN DAVID BLAINE	210 PALOMA WAY
CRUDER ROBERT	PO BOX 937
DAVIS KATHLEEN L	2488 PALOMINO TRL
DICKERSON NAOMI GENA	2399 PINTO TRL
E-86 METROPOLITAN DISTRICT	641 N TEJON ST
E-86 METROPOLITAN DISTRICT	641 N TEJON ST
ELBERT COUNTY COMMISSIONERS	PO BOX 7
ELIZABETH 86 WATER LLC	7931 S BROADWAY #312
ELIZABETH SCHOOL DISTRICT	PO BOX 520
GANIBEGOVIC WHITNEY ANN	201 PALOMA WAY
GARLICK DAVID	200 PALOMA WAY
HUTTON GARY SCOTT	241 PALOMA WAY
JACOBSON JAMES M III	34104 CIMARRON TRAIL
KAREN WORKMAN TRUST	2543 PALOMINO TRAIL
KOPLAN CHRISTOPHER	2535 PALOMINO TRL
LAPLACE CORISSA ANN	251 PALOMA WAY
LATHAM JOEL	2493 PALOMINO TRL
LEGACY VILLAGE COMMUNITY ASSOCIATION INC	11002 BENTON STREET
LEGACY VILLAGE COMMUNITY ASSOCIATION INC	11002 BENTON STREET
LEGACY VILLAGE COMMUNITY ASSOCIATION INC	11002 BENTON STREET
MOORE JAMES R III	2388 PINTO TRL
MOUTZOURIS PETE J	800 JERSEY ST
NEW MEXICO CONSTRUCTION CONCEPTS LLC	500 KINLEY AVE NE
ORR CINDY C	PO BOX 904
PICKENPAUGH BETTY J	2526 PALAMINO TRL
RAITER CECIL W	2545 PALAMINO TRL
SABULSKY RICHARD M	2412 PALAMINO TRL
SPIEGEL DYLAN	261 PALOMA WAY

STEPHEN W AND BETTE M GIBSON CHARITABLE REMAINDER UNITRUST	1115 MOUNTAIN RIDGE RD
STEPHEN W AND BETTE M GIBSON CHARITABLE UNITRUST	1115 MOUNTAIN RIDGE RD
TOWN OF ELIZABETH	PO BOX 159
TOWN OF ELIZABETH	PO BOX 159
TOWN OF ELIZABETH ROW	PO BOX 159
TOWN OF ELIZABETH ROW	PO BOX 159
UNLIMITED LEASING LLP	18551 E MAINSTREET STE 207
UNLIMITED LEASING LLP	18551 E MAINSTREET STE 207
WREDE JAY CASEY	2487 PINTO TRL

,

3. In doing so, I specifically sent such notices via regular first class mail with proper postage affixed to each mailing, and such notices were deposited for mailing on JULY 23, 2026.

FURTHER AFFIANT SAYETH NAUGHT.

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF)

Subscribed and sworn to before me this 12th day of August, 2026, by Brock Anderson.

Witness my hand and official seal.

My commission expires: June 26, 2027
(SEAL)

By: _____

BROCK K ANDERSON
NOTARY PUBLIC • STATE OF UTAH
My Commission Expires June 26, 2027
COMMISSION NUMBER 731888

PUBLISHER'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

I, Nikki Lister, do solemnly affirm that I am the Publisher of RANCHLAND NEWS; that the same is a weekly newspaper published in the counties of Lincoln, Elbert, & El Paso, State of Colorado, and has a general circulation therein; that said newspaper has been continuously and uninterruptedly published in said County of Lincoln, Elbert & El Paso for a period of at least 52 consecutive weeks next prior to the first publication of the annexed notice, that said newspaper is entered in the post office at Calhan, Colorado as second class mail matter and that said newspaper is a newspaper within the meaning of the Act of the General Assembly of the State of Colorado, approved March 30, 1923, and entitled "Legal Notices and Advertisements," with other Acts relating to the printing and publishing of legal notices and advertisements. That the annexed notice was published in the regular and entire issue of said newspaper, once each week for one successive weeks; that the first publication of said notice was in the Issue of said newspaper dated;

July 30, 2026

and the last publication of said notice was in the issue of said newspaper dated;

July 30, 2026

and that copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, Ranchland News, according to the accustomed mode of business in this office.

Nikki Lister Publisher

The above certificate of publication was subscribed and affirmed to before me, a Notary Public, to be the identical person described in the above certificate, on the

30 day of July, 20 26

Jenna Lister
Notary Public

February 20, 2028
(My Notary Public Commission Expiration Date)

JENNIFER LISTER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20244007249
MY COMMISSION EXPIRES FEBRUARY 20, 2028

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Trustees and Planning Commission shall hold public hearings concerning Planned Unit Development Amendment (Rezoning) located on property described in Exhibit A and generally located at 2481 State Highway 86, pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the Planning Commission on August 18, 2026 at 6:30 p.m., and the Board of Trustees on August 25, 2026 at 7:00 p.m., or as soon as possible thereafter. The public hearing shall be held in the Town Hall, 151 S. Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at (303) 646-4166.

ALL INTERESTED PERSONS MAY ATTEND.

EXHIBIT A (legal description)

A Parcel of land comprising approximately 56.4 acres situated in the Northeast 1/4 and the West 1/2 of the Southeast 1/4 of Section 12, Township 8 South, Range 65 West of the 6th Principal Meridian, Town of Elizabeth, County of Elbert, State of Colorado.

Published July 30, 2026
In Ranchland News
Legal No. 317

ORDINANCE 26-13

AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) ZONING FOR THE PROPERTY GENERALLY KNOWN AS THE GOLD CREEK COMMONS PUD

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Findings of Fact.

A. The Town desires to rezone certain property by amending the existing Planned Unit Development (PUD) zoning known as the Gold Creek Commons PUD for the approximately 56.4-acre property more particularly described in **Exhibit A,** attached hereto and incorporated herein by this reference (the "Property").

B. Public notice has been given of such rezoning pursuant to Section 16-4-30 of the Town of Elizabeth Municipal Code more than fifteen (15) days in advance of the public hearing.

C. A need exists for rezoning the Property pursuant to Sections 16-1-190 and 16-1-240 by amending the Gold Creek Commons PUD as set forth in the revised PUD Amendment Plan and Development Guide.

Section 2. The Property identified in **Exhibit A** is hereby rezoned to reflect the amendments to the Gold Creek Commons PUD according to the amended PUD Amendment Plan attached as **Exhibit B** and the amended Development Guide attached as **Exhibit C**, both of which are incorporated herein by this reference**.**

Section 3. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change for the Property.

Section 4. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 5. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this ____ day of _____, 2026.

Passed by a vote of _____ for and _____ against and ordered published.

_____
Angela Ternus, Mayor

ATTEST

_____
Michelle M. Oeser, Town Clerk

RESOLUTION 26R24

A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT UPON TERMINATION BETWEEN THE TOWN AND TRIPLE M CONSTRUCTION, LLC REGARDING THE TRADE CONTRACTOR AGREEMENT FOR THE MAIN STREET STREETSCAPE PROJECT

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The Settlement Agreement upon Termination between the Town of Elizabeth and Triple M Construction, LLC, attached hereto as **Exhibit A**, is hereby approved, and the Mayor is authorized to execute the same on behalf of the Town.

.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2026, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of _____ for and _____ against.

_____
Angela Ternus, Mayor

ATTEST

_____
Michelle M. Oeser, Town Clerk

Settlement Agreement Upon Termination

This Settlement Agreement upon Termination (the " Settlement Agreement") is made and entered into this 25th day of August 2026, by and between Triple M Construction, LLC ("Trade Contractor") and the Town of Elizabeth (the "Town"). The Trade Contractor and Town may be referred to together as the "Parties, or individually as a "Party."

WHEREAS, the Trade Contractor and the Town entered into that Trade Contractor Agreement dated August 13, 2024 (the "Agreement"), in which Trade Contractor agreed to construct the Main Street Streetscape Project (the "Project"), which Agreement has been amended in a manner that has led to a dispute regarding the approved not to exceed contract amount, and the approved scope of work;

WHEREAS, such dispute involves final payment under the Agreement, including, but not limited to, the disposition of various change orders, delay damages alleged by Trade Contractor, concerns by the Town regarding defective and/or incomplete work, the imposition of liquidated damages by the Town, and the Parties disagreement as to who is responsible for certain claimed additional costs, the completion of work, and project delays associated with the Project; and

WHEREAS, the Parties desire to terminate the Agreement and treat the Agreement as terminated for convenience under the terms and conditions set forth below in order to finally resolve all claims related to the Agreement through the date of this Settlement Agreement.

NOW THEREFORE, in exchange for the recitals set forth above and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Termination for Convenience. The Town and Trade Contractor hereby agree that the Agreement is hereby terminated for convenience within the meaning of the Agreement, but subject to the following conditions.

A. Amount in Controversy. The Parties agree that Trade Contractor shall be paid the original contract amount of $2,915,834.00 incident to such termination for convenience. Thus, upon final settlement as described in subsection 1.B below, the Town shall pay the amount of $1,483,345.13(the "Final Settlement Amount") to Trade Contractor as final payment under the Agreement.

B. Final Settlement. The Town has advertised for final settlement to occur on September 8, 2026 as required by C.R.S. § 38-26-107 to assure that no person or entity that has supplied or furnished labor, materials, or other supplies used or consumed by Trade Contractor or any subcontractor have been paid, and no amounts other than those due and owing to Trade Contractor remain to be paid. Upon the Town receiving no such claims as of the date of final settlement, the Town shall pay and release the amount of $1,483,345.13 as final payment under the Agreement, and in settlement of the disputed claims hereunder. If any such claims are made, the Town shall withhold such amounts pursuant to and as required by C.R.S. § 38-26-107.

C. Warranties and Performance Guarantees. In consideration for the Trade Contractor agreeing to accept the Final Settlement Amount as final payment hereunder, the Town hereby waives and releases Trade Contractor from any warranty items, punch list items, or other disputed items under the Agreement that are known as of the date of this Settlement Agreement as provided in more detail in Section 1, subsection E. hereunder. Provided however, nothing in this Settlement Agreement shall be deemed a waiver of the right of the Town to make a claim against Trade Contractor for any faulty or defective work that is unknown or has not been discovered as of the date of this Settlement Agreement, and the Parties specifically reserve their respective rights as they may have regarding claims or defenses to such unknown or undiscovered claims, if any. Upon payment of the Final Settlement Amount hereunder, the Town shall release any Performance, Labor and Material Payment Bonds provide to the Town pursuant to the Agreement

D. Cooperation. The Parties agree that a significant component of the dispute being resolved hereunder was a result of potential design deficiencies. Trade Contractor agrees to cooperate with the Town in the event the Town seeks to make a claim against the design consultant retained by the Town that created the design documents for the Project.

E. Mutual Release of Claims. In consideration of the promises set forth in this Settlement Agreement, the Parties for themselves and their heirs, representatives, attorneys, executors, administrators, successors, and assigns hereby release, acquit, remise, and discharge each other and all persons acting under, by, through or in concert with any of them, from any and all actions, causes of action, obligations, costs, expenses, damages, losses, claims, liabilities, suits, debts, demands, and benefits (including attorneys' fees and costs), of whatever character, in law or in equity, known as of the date of this Settlement Agreement. This release of claims does not include claims for breach of this Settlement Agreement, or any claim against Trade Contractor for any faulty or defective work that is unknown or has not been discovered as of the date of this Settlement Agreement.

2. Severability. If any provision of this Settlement Agreement is declared by any court of competent jurisdiction to be invalid for any reason, such invalidity shall not affect the remaining provisions of this Agreement, which shall be fully severable, and given full force and effect.

3. Waiver. No waiver by either Party of any breach by the other or any provision hereof shall be deemed to be a waiver of any later or other breach thereof or as a waiver of any other provision of this Agreement. This Agreement and its terms may not be waived, changed, discharged or terminated orally or by any course of dealing between the Parties, but only by an instrument in writing signed by the Party against whom any waiver, change, discharge or termination is sought.

4. Entire Agreement. This Agreement and the Street Project Agreement constitute the entire agreement between the Parties. No promises or oral or written statements have been made to either Party other than those in this Agreement and the Street Project Agreement.

5. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado.

6. Counterparts. This Agreement may be executed in counterparts, all of which shall have full force and effect.

IN WITNESS WHEREOF, the Parties hereunto to the terms of this Settlement Agreement on the date set forth above.

TOWN OF ELIZABETH,

By _____
Angela Ternus, Mayor

ATTEST:

_____
Michelle M. Oeser, Town Clerk

TRADE CONTRACTOR
TRIPLE M CONSTRUCTION, LLC:

By _____
Its:

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, as _____ of _____.

My commission expires: _____.

(SEAL)

_____
Notary Public

ORDINANCE 26-14

AN ORDINANCE AMENDING THE ELIZABETH MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE VI OF CHAPTER 8 REGULATING THE OPERATION OF ELECTRICAL ASSISTED BICYCLES

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. The Town of Elizabeth Municipal Code is amended by the addition thereto of a new Article VI to Chapter 8 to read as follows:

ARTICLE VI – Motorized Toys and Unlicensed Vehicles

Section 8-6-10. – Definitions.

As used in this Article:

Electrical Assisted Bicycles shall mean a vehicle having two (2) or three (3) wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty (750) watts of power. Electrical assisted bicycles are further required to conform to one (1) of three (3) classes as follows:

(a) **Class 1 Electrical Assisted Bicycle** shall mean an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.

(b) **Class 2 Electrical Assisted Bicycle** shall mean an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.

(c) **Class 3 Electrical Assisted Bicycle** shall mean an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour.

Electric Personal Assistive Mobility Device ("EPAMD") shall mean a self-balancing, non-tandem two-wheeled device, designed to transport only one (1) person that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty (750) watts.

Electric Scooter shall mean a device (i) weighing less than one hundred (100) pounds; (ii) with handlebars and an electric motor; (iii) that is powered by an electric motor; and (iv) that has a maximum speed of twenty (20) miles per hour on a paved level surface

when powered solely by an electric motor. The term shall not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

Low-Power Scooter means a self-propelled vehicle designed primarily for use on the roadways with not more than three (3) wheels in contact with the ground, no manual clutch, and either of the following: (i) a cylinder capacity not exceeding fifty (50) cubic centimeters if powered by internal combustion or (ii) a wattage not exceeding four thousand four hundred seventy-six (4,476) if powered by electricity. The term shall not include a toy vehicle, bicycle, electrical assisted bicycle, electric scooter, wheelchair, or any device designed to assist people with mobility impairments who use pedestrian rights-of-way.

Low-Speed Electric Vehicle means a vehicle that (i) is self-propelled utilizing electricity as its primary propulsion method; (ii) has at least three (3) wheels in contact with the ground; (iii) does not use handlebars to steer; and (iv) exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565. Plug-In Electric Motor Vehicle shall mean:

> (a) A motor vehicle that has received an acknowledgement of certification from the federal internal revenue service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C. sec. 30D, as amended, or any successor statute; or
>
> (b) Any motor vehicle that can be recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle's drive wheels.

Other Power Driven Mobility Device ("OPDMD") means any mobility device powered by batteries, fuel, or other engines whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility device ("EPAMD"), such as a Segway®, or any other mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. An electric assisted bicycle, as defined herein, may be an OPDMD.

Toy Vehicle shall mean any vehicle that has wheels and is not designed for use on public highways or for off-road use. Toy vehicle includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini-bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters. The term does not include electric scooters, off-highway vehicles, or snowmobiles.

Unlicensed Vehicle shall mean any vehicle of any type required by state law to be licensed that is not actually licensed.

Vehicle shall mean a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. Vehicle includes a bicycle, electrical assisted bicycle, electric scooter, or EPAMD, but does not

include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

Section 8-6-20. – Use on Public Streets.

(a) *Electrical Assisted Bicycles*. Electrical assisted bicycles are permitted to be used on public streets; however, where the Town has determined that a roadway is too highly trafficked to safely allow for class 1 and class 2 electrical assisted bicycles and where a suitable bike path, horseback trail, or other trail parallel to or within four hundred fifty (450) feet of that right-of-way has been established, the Town may erect a sign giving notice that class 1 and class 2 electrical assisted bicycles are prohibited on that roadway.

(b) *EPAMDs*. EPAMDs may be operated on any public roadway.

(c) *Electric Scooters*. Electric scooters are permitted to be used on public streets, but not on sidewalks; however, where the Town has determined that a roadway is too highly trafficked to safely allow for electric scooters and where a suitable bike path, horseback trail, or other trail has been established parallel to or within one-fourth of a mile of that right-of-way, the Town may erect a sign giving notice that electric scooters are prohibited on that roadway.

(d) *Low-Power Scooters*. Low-power scooters are permitted on public roadways; however, no low-power scooter may travel on a roadway in excess of forty (40) miles per hour.

(e) *Low-Speed Electric Vehicles*. Low-speed electric vehicles may be operated on roadways that have a speed limit equal to or less than thirty-five (35) miles per hour, except that it may be operated to directly cross the roadway that has a speed limit greater than thirty-five (35) miles per hour to continue traveling along such roadway. Low-speed electric vehicles may also be operated on state highways that have a speed limit of forty (40) miles per hour or to cross a roadway with a speed limit in excess of forty (40) miles per hour if the roadway's lane width is eleven (11) feet or greater, such roadway provides two (2) or more lanes in either direction, and the state and Town determines, based on a traffic investigation, survey, appropriate design standards, or projected volumes that operation of such vehicles on the roadway poses no substantial safety risk or hazard to motorists, bicycles, pedestrians, or other persons.

(f) *Plug-in Electric Vehicles*. Plug-in Electric Vehicles may be operated on any public roadway.

(g) *Toy Vehicles*. Toy vehicles may not be operated on public roadways unless such area is posted indicating such use or operation is allowed within the Town.

(h) *Unlicensed Vehicles*. Unlicensed vehicles may not be operated on public

roadways within the Town except by written order of the Town Administrator or the Town Administrator's designee.

(i) *OPDMDS*. OPDMDS may be operated on any public roadway.

(j) No motorized toy or unlicensed vehicle as defined in this Article, with the exception of an OPDMD, shall be permitted on a sidewalk where such sidewalk is adjacent to a public roadway where such devices may be operated in accordance with this Section.

Section 8-6-30. – Use on Town Property.

(a) Except where otherwise posted, class 1 and class 2 electrical assisted bicycles, EPAMDS, electric scooters, and OPDMDS are permitted to be used on trails and in certain park spaces, pursuant to the operating regulations set forth herein. The following spaces are excluded from use by class 1 and class 2 electrical assisted bicycles, EPAMDS, electric scooters, and OPDMDS:

(1) Playgrounds;

(2) Tennis, basketball, pickleball, or other courts of similar nature and design; and

(3) Athletic fields.

(b) Prohibitions.

(1) It shall be unlawful for any person to use or operate a toy vehicle, electric scooter, or unlicensed vehicle upon any property owned by the Town, within any Town park, or on other publicly owned recreational facility property within the Town in any location where duly authorized signs have been posted prohibiting such use; and

(2) It shall be unlawful for any person to use or operate a class 3 electrical assisted bicycle upon any property owned by the Town excluding bike lanes, within any Town park, on any Town trail, or on other publicly owned recreational facility property within the Town, regardless of their designation as allowing or disallowing electrical assisted bicycles.

Section 8-6-40. – Use on School Grounds and Private Property.

(a) It shall be unlawful for any person to use or operate a class 3 electrical assisted bicycle, toy vehicle, or unlicensed vehicle on any property owned by a school district or any public school grounds or campus including a parking lot unless such operation is specifically permitted by written order of the district superintendent of schools or their designated representative; and

(b) It shall be unlawful for any person to use or operate a class 3 electrical assisted bicycle, toy vehicle, or unlicensed vehicle on any private property within the Town including parking lots and sidewalks unless by specific written order of the owner or designated representative of the owner of such property to the individual operating the class 3 electrical assisted bicycle, toy vehicle or unlicensed vehicle.

Section 8-6-50. – Written Orders.

The written orders specified in this Article must be in possession of the person operating the class 3 electrical assisted bicycle, electric scooter, toy vehicle, or unlicensed vehicle in prohibited areas during the time of such operation.

Section 8-6-60. – Parental Liability.

It shall be unlawful for any parent, guardian, legal custodian, or any adult to authorize, assist, permit, or encourage any minor to operate an electrical assisted bicycle, electric scooter, toy vehicle, or unlicensed vehicle in violation of the provisions of this Article VI. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of two hundred fifty dollars ($250.00), exclusive of any mandatory fees and surcharges.

Section 8-6-70. – Operating Regulations.

Persons operating electrical assisted bicycles, EPAMDS, electric scooters, or OPDMDS pursuant to this Article shall:

(a) Ride safely and responsibly according to any applicable operating manuals or instructions, and not faster than fifteen (15) miles per hour;

(b) Ride on the right side of street lanes and yield the right of way to bicycles in the bike lane or bike path. If riding in the bike lane or bike path, riders shall maintain a safe distance;

(c) Park the electrical assisted bicycle, EPAMD, electric scooter, or OPDMD upright on a hard surface at a curb or edge of the road or on the edge of a sidewalk, provided that normal and reasonable movement of pedestrian traffic is not impeded; and

(d) Wear a helmet at all times if the rider is under eighteen (18) years of age.

Section 8-6-80. – Exception for Police Officers.

Police officers are excepted from the prohibitions of this Article while operating any vehicle in the Town and acting in good faith within the scope of their duties.

Section 8-6-90. – Improper Operation of Electrical Assisted Bicycles.

Persons operating electrical assisted bicycles, of any class, are subject to the

provisions of the Model Traffic Code prohibiting reckless driving, careless driving, and eluding or attempting to elude a police officer, sections 1401, 1402, and 1413 respectively, as adopted by Section 8-1-10 of the Elizabeth Municipal Code and as applied throughout the Town by Section 8-1-40 of the Elizabeth Municipal Code.

Section 2. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2026.

Passed by a vote of _____ for and _____ against and ordered published.

_____
Angela Ternus, Mayor

ATTEST:

_____
Michelle M. Oeser, Town Clerk

ADMINISTRATOR REPORT
08/21/2026

- Hannah and I have had several budget meetings and are running numbers and working hard to be ready for a budget session with you all when you decide on a time and date that works.
- Community Gardens planters are in and look great, the crew did a really nice job of choosing and setting these up. Now hopefully we can get the community interested in using them, even this fall for some plantings. The boys will also be working on changing the gate to a pedestrian entrance and moving the larger gate for equipment to the west side of the garden.
- Travis will have started on 8/24, have been working on some onboarding scheduling and staff will be doing a welcome luncheon later that week. He has a prior commitment on the night of our meeting of the 25th, so I told him he was not expected to attend and to allow him to get acclimated before he attends his first meeting. But we are very excited to get him on board. Mike will be meeting with him on his first day to give him a tour and introductions. Still trying to figure out some office solutions for him.
- As a follow up from the last meeting with the Facilities Master Plan study, I have sent a draft of our standard professional services agreement to Wold for their review. I used the numbers from their proposal but did add the options that they offered but with the caveat that if those were selected as we get further down the road of the project, we would advise you of that.
- Hoping to get Main Street buttoned up for your meeting.
- We have added signage and messaging and information on the website to assist in publicizing information for Hillside. Important to note that we have had residents physically threaten workers, incidents where vehicles are attempting to hit or scare workers. Thoroughly unacceptable behavior especially when you consider that this whole project is intended to transform their streets for the better. There is no construction project in the history of the world, including I am guessing the Pyramids, where someone was not inconvenienced. I understand frustration, what I don't understand is criminal or threatening behavior. I have told the contractor to note all instances and identities, and the Chief has vowed to step up protection of these workers and to attempt to arrest those that are committed to threatening the safety of these workers. I hope our community will try harder to be more respectful, patient and appreciative of this project. Any assistance, help or leadership that you all can provide for our citizens would be much appreciated.
- Street light issue on 86, pedestrian button from the school to Safeway was not working for a brief time. Multiple calls were made to CDOT to instigate repairs. It was damaged in a crash last week and so they reset it while waiting for parts. So, it is fixed in the meantime, but we did deploy officers during school ingress and egress hours for safety reasons until such time as CDOT made their temporary repairs. Will advise when permanent repairs are complete.

TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

ELIZABETH POLICE DEPARTMENT'S MISSION STATEMENT:

"The Elizabeth Police Department is committed to service excellence in protecting life and property, impartial enforcement of law, and building community with those who live, work, and visit, the Town of Elizabeth."

The following is an informational breakdown of EPD police activity from **08/02/2026 at 12:01 a.m. to 08/15/2026 at 11:59 p.m.** This information is compiled from our Records Management System (RMS), identified as New World (NW), as well as Douglas County Regional Dispatch (DCRD) records.

**All suspects/defendants are presumed innocent until proven guilty in a Court of Law. **

425 S. Main St., P.O. Box 1527, Elizabeth, Colorado, 80107
Phone: 303-646-4664 Fax: 303-646-0616
Email: Police@townofelizabeth.org
www.townofelizabeth.org

Colorado Association of Chiefs of Police

TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

Total Calls for Service:

283

Traffic Stops:

Total Stops:	Penalty Assessments Issued:	Warnings Issued:
51	17	34

Other Calls for Service:

Call Type:	Number of Calls:
911 Rapid SOS	4
Abandoned Vehicle	1
Alarm-Bank	2
Alarm-Business Burglary	3
Animal Barking	1
Animal Complaint	1
Animal Cruelty	2
Assault	1
Assist to Fire Department	1

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TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

Assist to Other Agency	5
Attempt to Contact	1
Business Check	10
Child Custody	1
Citizen Assist	20
Citizen Contact	15
Civil	1
Crime Prevention	11
Criminal Mischief	1
Dead Animal	1
Disturbance	2
Drunk Subject	2
Follow Up	49
Found Property	2
Harassment	2
Increased Patrol	2
Informational Report	2
Juvenile Complaint	2
Lost Property	1

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ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

Medical Assist	3
Motorist Assist	2
Municipal Ordinance Violation	8
Motor Vehicle Crash with Property Damage	5
Motor Vehicle Crash with Hazards	1
Parking Complaint	8
Racing	1
Report Every Drunk Driver Immediately	5
Repossession	1
School Education	1
Sex Assault	1
Sex Offense	1
Special Assignment	1
Suicidal Subject with a Weapon	1
Suspicious Circumstance	5
Suspicious Vehicle	5
Theft	4
Traffic Complaint	8
Traffic Hazard	7

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

Traffic Stop	51
VIN Verify	9
Warrant Arrest	1
Weapon Violation	1
Welfare Check	5
Wildlife	1

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ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

Open Patrol Division Criminal Investigations:

Case Number:	Call Type:	Details:
26-3293	Sex Assault	Investigation into a Sex Assault.
26-3628	ICAC Tip	Investigation into a tip received from the Internet Crimes Against Children (ICAT) Task Force.
26-3599	Financial Crimes	Investigation into theft and fraud of a resident.
26-3769	Sex Assault	Investigation into a Sex Assault.
26-4128	Drug Violation	Investigation into possible drug sales in Town.
26-4139	Municipal Ordinance Violation	Investigation into illegal dumping in Town.
26-4534	Financial Crimes	Investigation into fraud of a resident.
26-4589	Theft	Investigation into a piece of property stolen from a resident.
26-4279	ICAC	Investigation with the ICAC Task Force.
26-4652	Weapons Offense	Investigation into a possible weapons offense.

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

26-4442	Financial Crimes	Investigation into fraud of a resident.
26-4651	Shoplifting	Investigation into a shoplifting that occurred at a local store.

Open Community Services Division Municipal Ordinance Violations:

Case Number:	Call Type:	Notes:
26-3027	Municipal Ordinance Violation	Investigation into a property in violation of multiple Town codes.
26-3590	Municipal Ordinance Violation	Investigation into a property in violation of multiple Town codes.
26-4420	Animal Control	Investigation into animal control issues in Town.
26-4262	Municipal Ordinance Violation	Investigation into a property in violation of multiple Town codes.
26-4265	Municipal Ordinance Violation	Investigation into a property in violation of multiple Town codes.

**Please note that limited information regarding open investigations is available. This is to protect the integrity of the investigations. **

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

Closed Case/Incident Reports:

Case/Incident Number:	Call Type:	Details:
26-4678	Alcohol Offenses	EPD responded to a reported minor in possession of alcohol. Upon arrival, Officers determined the underaged party was intoxicated. The subject was issued a municipal summons.
26-4454	Warrant Arrest	EPD Officers contacted a party with a felony warrant for their arrest. The party was arrested and booked into the Elbert County Jail.
26-4535	Animal Control AOA to ECSO	EPD Community Services assisted the Elbert County Sheriff's Office for impoundment of a dog.
26-4491	Sex Offense	EPD closed a case regarding a possible sex offense. The reporting party was unsure of what had actually occurred, and therefore there was insufficient information to continue the investigation.
26-4519	Found Property	Found property was turned into EPD. EPD was able to identify and contact the owner, who came to retrieve their property.
26-1417	Theft	EPD closed a case regarding theft. After an intensive investigation, there was insufficient evidence to pursue criminal charges.
26-4497	Animal Control AOA to BAP	EPD Community Services assisted the Bureau of Animal Protection on an animal cruelty case.

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Colorado Association of Chiefs of Police

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

26-4571	Disturbance	EPD responded to a residence on a report of a family fight. After investigation, the parties agreed to separate and did not wish charges pursued against the other family member.
26-4514	Municipal Ordinance Violation	EPD responded to a residence that was in violation of the Town of Elizabeth Municipal Code (EMC). After working with the resident, the property is now in compliance.
26-4635	Disturbance	EPD responded to a residence on a reported disturbance. After investigation, it was determined no crime had occurred. However, subsequently, another criminal violation was discovered, and a separate case was opened.
26-3459	Financial Crimes	EPD closed a case involving fraud. The reporting party reported it was a family member who had used their credit card, and there was no crime.
26-4671	AOA to DCSO	EPD Officers responded to a BOLO issued by the Douglas County Sheriff's Office, for a vehicle that was allegedly used in a menacing. EPD Officers located the vehicle and conducted a high-risk traffic contact. The suspect was detained and transferred to DCSO.
26-4670	Found Property	EPD responded to a local store on reported found property. EPD was able to return some of the items to their owners. The items that

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

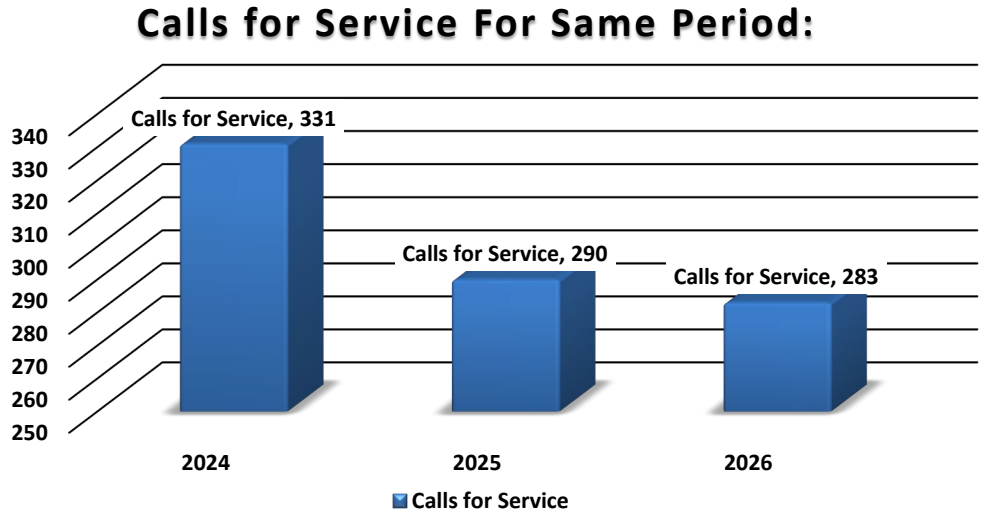
Period: 08/02/2026 to 08/15/2026

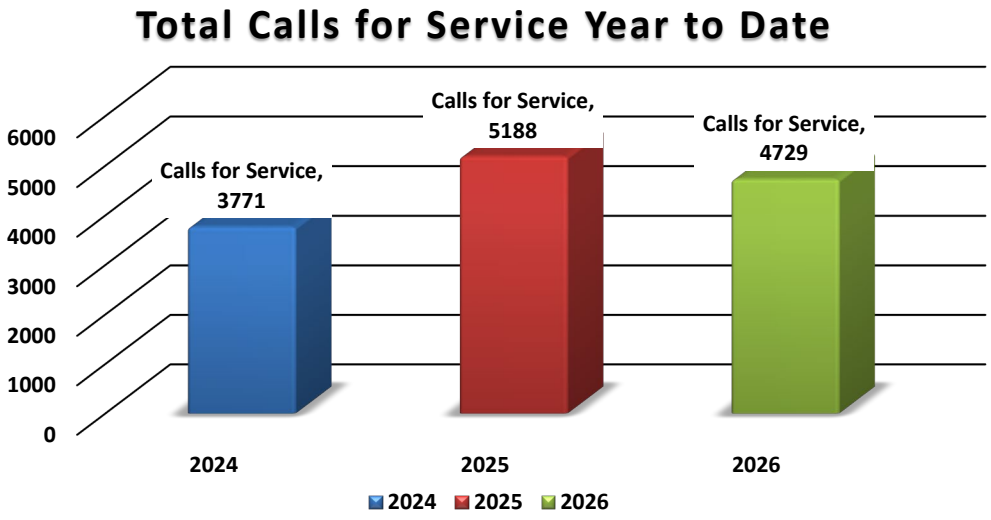
		could not be returned were booked into the property room.
26-4717	Disturbance	EPD responded to a neighbor dispute. After investigation, it was determined that no crime had occurred.
26-4489	Motor Vehicle Crash	EPD responded to a single vehicle crash. The motorist was issued a municipal summons for a traffic offense.
26-4525	Motor Vehicle Crash	EPD responded to a two-vehicle crash. The motorist who violated the Town of Elizabeth Model Traffic Code (MTC) was issued a municipal summons for a traffic offense.
26-4553	Motor Vehicle Crash	EPD responded to a two-vehicle crash. The motorist who violated the Town of Elizabeth Model Traffic Code (MTC) was issued a municipal summons for a traffic offense.
26-4592	Motor Vehicle Crash	EPD responded to a single vehicle vs. a deer crash. The motorist was uninjured and the deer was deceased.
26-4605	Motor Vehicle Crash	EPD responded to a two-vehicle crash. The motorist who violated the Town of Elizabeth Model Traffic Code (MTC) was issued a municipal summons for a traffic offense.

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

Historical Data:





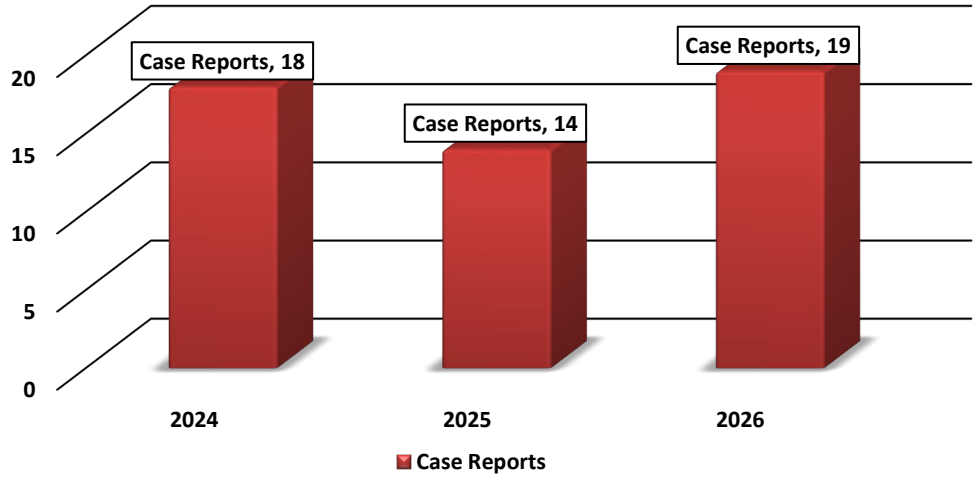
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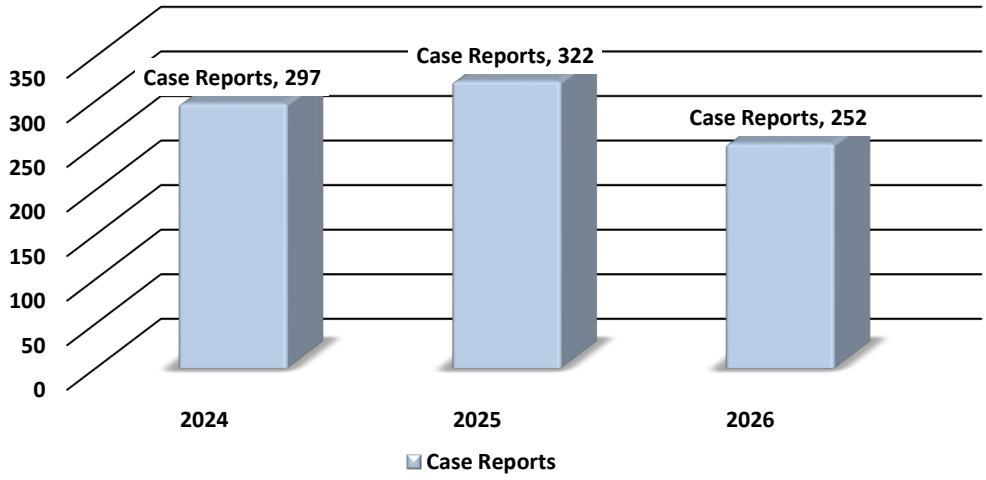
ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/02/2026 to 08/15/2026

Case Reports Pulled For Same Period:



Total Case Reports Pulled Year to Date:



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TOWN OF ELIZABETH POLICE DEPARTMENT

ACCOUNTABILITY•INTEGRITY•RESPECT•TEAMWORK•EXCELLENCE

Town of Elizabeth Police Department Monitoring Report

August 28, 2026

Departmental Updates:

- On August 17, an unknown individual vandalized a Flock camera within the Town of Elizabeth. We are conducting an investigation and following up on actionable information.
- The Internet Crimes Against Children (ICAC) Task Force is currently collaborating with the Federal Bureau of Investigation (FBI) on an active criminal investigation. Due to the ongoing nature of the case, no additional details are available for release at this time.
- With the start of the new school year, officers have been directed to maintain a highly visible presence during school arrival and dismissal times to enhance traffic safety, promote safe pedestrian movement, and support a secure environment for students, parents, and staff.
- Officer Steven Herbel successfully completed the Police and Leadership Institute through CIRSA. He described the program as highly informative and beneficial, providing both professional growth and personal development.

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Colorado Association of Chiefs of Police

Elizabeth Police Department

Special Report

FOR INTERNAL USE ONLY

Report Date	Report Time	Date Occurred	Time Occurred	Primary Jurisdiction	Case Number
08/14/2026	0034	08/13/2026	1526	Elizabeth Police Department	26-4671

Location of Occurrence
State Highway 86 / Hummingbird Dr.

X	Major Criminal Event		Transportation Incident	X	Notable Incident/Arrest
	Inmate Injury		Police Vehicle Accident		General Information Item
	Death Investigation		Discharge of Police Weapon		Other

	After Action Report Completed (required for all incidents involving natural or man-made disasters, pandemics, civil disturbances, mass arrests, credible bomb threats, hostage or barricaded person situations, acts of terrorism, and other unusual incidents)

On Thursday, August 13th, 2026, at approximately 1526 hours, Officers with the Elizabeth Police Department (EPD), responded to the 700 Blk of E. Kiowa Ave, Town of Elizabeth, Elbert County, Colorado, to assist the Douglas County Sheriff's Office (DCSO) on a menacing call.

Douglas County Reginal Dispatch (DCRD) advised EPD that a subject of menacing was traveling eastbound on Highway 86 into EPD's jurisdiction. DCRD advised the vehicle was identified as a blue Ford Bronco bearing Colorado license plate number DGBV36, which registered to a Simla, Colorado address. DCRD advised the subject was identified as a male wearing a red flannel shirt and was reported to have held a handgun out of the window of the vehicle, then knocked it on the roof during a road rage incident that occurred at the approximate intersection of E. Highway 86 and Burning Tree Dr. in Douglas County Sheriff's Office jurisdiction.

Officers located the suspect vehicle and initiated a high-risk vehicle contact. One party, later identified was detained.

DCSO arrived on scene and the investigation was turned over to them.

Nothing further to report at this time.

Deputy/Supervisor Name & Number	
Sergeant Sean R. Bigler #1504	Page 1 of 1

August 25, 2026

Management Team Updates

Community Development — Alexandra Cramer, AICP, Community Development Director

Current Activities (2025-2026)

- **Elizabeth Backyard BBQ:** Volunteer timeline and duties will be sent out this week to BOT. Keep an eye out for this in your email. Staff will have a booth selling tickets for the event at the Main Street Car Show and the Elizabeth Brewfest over the weekend.
- **Gesin Lot:** The RFQ has been published. Responses are due by October 2nd.
- **Façade Grant Program:** The 2026 Façade Grant Program committee met on Wednesday, August 5th to discuss applications. 5 projects were funded this round:
  - **286 Main Street (The Nest)** — Linda Bulmer — front display window glass repair — $688.00 grant / $172.00 match (25%)
  - **338 Main Street (The Section House)** — Jeff Struthers — exterior wood repair and repainting — $3,424.00 grant / $856.00 match (25%)
  - **360 Main Street (Antelope Alpacas Fiber Arts Center)** — Kate Blackburn — exterior painting of building and stucco walls — $4,124.95 grant / $2,062.47 match (50%)
  - **375 S Main Street (Rock Canyon Roofing)** — David Cox — handicap ramp replacement only — $533.33 grant / $266.67 match (50%)
  - **392 Main Street (The Carriage Shoppes)** — Linda Bulmer — front elevation painting (partial award) — $1,229.72 grant / $614.86 match (50%)
- **MSBOD:** The MSBOD is preparing for their next Main Street Car Show on Friday, August 21st, as well as the Main Street 5K and Family Color Run on Saturday, August 29th.
- **Staff Updates:** Dianna Hiatt's last day with the Town will be September 3rd. She is moving north to Sterling to be closer to her daughter and son-in-law. Dianna has been an incredible asset to not only the Town but the greater Elizabeth community over many years and will be greatly missed. Gayle Gardner has been training with Dianna over the past couple of weeks and will begin full-time on August 31st.

Background & Context

- **HAB:** The HAB presented the 2026 Historic Building Coloring Contest awards at the first Friday Night Market on June 12th. All winners and entries can be found on the HAB's website.
- **Code Updates:** Staff is working on identifying areas in the code that are recommended to be updated/revised. Staff has seen a notable uptick in resident inquiries regarding ADUs — specifically how property owners can pursue them on their properties. This trend appears consistent with broader challenges around home ownership affordability and the need for income supplementation. In

reviewing the Town's current ADU requirements, staff has found them to be outdated relative to other Colorado municipalities. Staff plans to bring this to the attention of the Planning Commission and Board of Trustees in the coming month. Staff is also continuing research on downtown district height standards. If the Board has additional code topics it would like to see addressed, please let staff know.

- **2026 Licensing Activity:** In 2026, the CD Department has processed 17 new business licenses to date, 12 of which were issued in April alone. New businesses include*: TPLO2GO (313 E Kiowa Ave), Legends Real Estate (276 E Kiowa Ave #104), Elizabeth Card and Game (210 S Elizabeth St), Rock Canyon Roofing (375 S Main St), Sizzor Magic Hair & Nail Salon (796 E Kiowa Ave #109), All Star Pet Grooming (724 E Kiowa Ave #106), Montessori School of Elizabeth (635 W Beverly St), Light to Wellness (810 E Kiowa Ave #107), Golden Spur Feed Store (125 S Tabor St), Elizabeth Liquors (787 Crossroads Circle), Heritage Cleaners (276 E Kiowa Ave #106), Doug's Diner (724 E Kiowa Ave), Insightful Healing Therapy (286 S Main St), Safeway Fuel Center #1532 (110 S Elizabeth St), ECC Kitchen & Bath (755 Crossroads Circle #101/102), Elevated Auto Body 2 LLC dba Bender Menders LLC (763 Crossroads Circle), and The Pokémon Company International Inc (220 S Elizabeth St).*
- **Chamber Collaboration (October 25):** Some members on the MSBOD will be assisting the Elizabeth Chamber of Commerce at their BooBash on October 25th. This cooperation came out of several meetings the MSBOD had with Chamber on how to better collaborate and assist with each organization's events and efforts. The MSBOD is also sponsoring a musician to play on Main Street during the event from 11am-1pm to encourage attendees to stay and patronize the businesses.
- **2025 5K and Family Color Run:** The 5K and Family Color Run was a success this year. We had approximately 240 participants. We were sponsored by the following organizations/businesses: Waste Management, Independence/Craft Companies, Potestio Brothers, Bobo Bars, EBC, EPR District. We partnered with the Elizabeth Chamber of Commerce to help coordinate sponsorships to pay for the t-shirts this year. We received donations from the following businesses: RNK Running & Walking, Sprouts, Mountain Man, Randy's Antiques, IC Threads, The Nest, EBC, The Prickly Pear and Coffee House on Mainstreet, Carriage Shoppes. We had volunteers from the following organizations: EHS Poms Team, Running Creek PTCO, Boy Scout Troop 636, Elbert Schools Booster Club, Elbert County Fair Royalty, Kiowa Schools, and Redstone Bank.
- **DOLA Colorado Main Street Manager Summit:** Staff attended the Colorado Main Street Manager Summit in Lyons, where Main Street communities across the state presented their recent work. Notable accomplishments included: Windsor received the Colorful Colorado Choice Award for their Downtown Master Plan and launched a new 501(c)(3) Main Street Partnership; Silverton secured full funding for their Blair Street Revitalization Project; Town of Lyons completed town-wide wayfinding signage; Pagosa Springs supported downtown businesses through a two-year US 160 reconstruction; Rifle launched "Third Thursday on Third Street"; Wellington completed two new downtown murals and launched

their Walk of Fame project; Victor adopted a new Land Use Code and launched a Revitalization Program providing $7,500 property improvement grants to 10 businesses. The MSBOD will review all accomplishments presented at the summit to identify programs and initiatives that could be adapted for Elizabeth.

- **Main Street Car Show (September 5, 2025):** The Main Street Car Show took place on September 5th, 2025. There were over 80 cars that participated. We had 3 food trucks and a local musician. We received good feedback from both participants and attendees—some that were visiting Elizabeth Main Street for the first time. The MSBOD would like to explore another car show in the spring.
- **Colorado Main Street Community of the Year Award (2024):** The MSBOD was named the Colorado Main Street Community of the Year in 2024. As part of this recognition, the Town was awarded professional services from DOLA Main Street with Ayres Associates to conduct a development analysis for the Gesin Lot. The analysis was completed in June with the report scheduled for presentation to the BOT in July.
- **Oddfellows Building Mural (May):** Through DOLA mini grant funds, Staff and MSBOD members collaborated to install a mural on the Oddfellows building in May. The public art installation has received positive community reactions.
- **Chamber of Commerce Partnership Development:** The MSBOD is working to build stronger partnerships with the Chamber of Commerce. Staff and MSBOD members have met with the Chamber several times over the past six months to identify collaboration opportunities and improve resources for the business community. Staff also coordinated a meeting with DOLA Main Street and the Chamber to further these discussions. All meetings have been successful, with the Chamber moving forward to assist with 5K sponsorships for the first time.
- **Locable Website Development:** The MSBOD's Locable website continues to grow with approximately 40 local businesses and organizations registered in the directory. The website has been opened to all businesses within Town limits and features numerous events in the calendar. Staff and the MSBOD will continue promoting the website as the Elizabeth area's primary event calendar resource.
- **ElizaBash Weekend Promotion:** During ElizaBash weekend, the MSBOD provided Main Street stickers, temporary tattoos, and bags to participating Main Street businesses for patron distribution. The businesses expressed appreciation for these promotional offerings.
- **Networking Event (May):** The MSBOD held a networking event at Elizabeth Brewing Company in May with approximately 50 attendees from various boards, organizations, businesses, and the general public. The event was catered by the Elizabeth High School Culinary Class and was successful.
- **Stampede Participation:** The MSBOD attempted to attend the Stampede, but their participation was cut short due to storms and tent malfunctions.

Background & Context — Historic Advisory Board

- **Oral History Program:** The HAB continues to expand their oral history collection available at historicelizabethco.org. Bob Rasmussen and Lynn Mitchell, with the assistance of Dianna Hiatt, have been conducting interviews and compiling oral histories. The website currently features 10 completed oral histories with a backlog of additional interviews to be posted. These have proven to be an

effective community engagement tool, with social media generating 250+ engagements on Facebook.

- **11th Historic Walk and Talk (September 27):** The HAB held their 11th Historic Walk and Talk on September 27th at 9:30am with approximately 100 attendees. The event received positive feedback from both new and returning participants. Highlights included a tour of the Oddfellows building and a first-person historic character enactment performed by a Historic Advisory Board member, who dressed in historically accurate attire and portrayed Elsie Banes through monologue. Staff created brochures focusing on the town's historic figures for distribution at the event. American Legion provided lunch, and Elizabeth Brewing Company featured their "Elizabrew" commemorating the town's 135-year anniversary.
- **Museum Tour:** The HAB recently took a tour of the Elbert County Museum and got to meet some of their board members.
- **Historic Building Coloring Contest:** The HAB completed their first historic building coloring contest and received 14 entries. Community voting determined winners from each grade level (K-3rd). The four winners received award bags presented at the First Friday Night Market, and all participants were offered complimentary DQ ice cream cones. The Town thanks the Library District and Elbert County Artist Guild for their partnership on this project. All contest entries can be viewed on the HAB's website.
- **Historic Property Research:** Historic property research efforts are ongoing with several properties completed. As research is finalized, properties are added to the virtual walking tour map on the HAB's website. Property owners receive completed packets of research findings. Staff has received positive feedback from property owners expressing gratitude for the opportunity to meet with HAB members and learn previously unknown history about their properties.
- **Partnership Development:** The HAB is exploring new partnerships with the Library District as well as the Elbert County Historical Society and Museum.

Additional Department Updates

- **Consulting Services Clarification:** At the workshop on October 20th, a comment was made that suggested eliminating SAFEbuilt consulting services as a budget cut, with the implication that Community Development staff should be doing this work instead. This assumes the work is not already being done in-house, which is incorrect. Community Development manages project coordination, stakeholder communication, code compliance, public engagement, Board presentations, and long-range planning. Consulting services provide technical input on specific matters, not ongoing project management or regular planning review. Since the Planner/Project Manager position was filled in 2023, Community Development staff has managed and reviewed all projects. Multiple projects have been presented to and approved by the Board without any third-party consultation. This includes projects managed after the department was reduced by a third in December 2024. The 350 S Elbert Street Subdivision represents a specific exception where the former director established a third-party arrangement in 2022 for project management due to applicant difficulties, and this was kept in place for continuity with both staff and the applicant through

the director's departure. With Walnut Grove, SAFEbuilt was used as a planning resource and second opinion through coordination with the applicant, engineering consultants, and staff on how planning and engineering considerations intersected. Plan review against code is only one small part of what planning and project management entails. The reality is that the town's zoning code and PUDs are outdated and create situations that are rarely black and white. Relying on a single planner to interpret these ordinances without peer review at times is not responsible planning. SAFEbuilt has worked with the Town for over eight years and knows how things generally work here. Getting a second set of eyes on certain situations is standard practice and ultimately protects the Town.

Background & Context — Ongoing Initiatives

- **Greater Elizabeth PROST Master Plan:** The master plan was approved by the Town's BOT, EPR District, and Elizabeth School District.
- **2025 Neighborhood Block Parties:** Neighborhood block parties took place over the course of June, July, and August. *If the BOT plans to move forward with long-range planning initiatives such as a Facilities Master Plan or a Comprehensive Plan Update in 2026-2027, neighborhood block parties should be considered for a way to reach and receive authentic feedback from residents.*
- **Advisory Board Onboarding Packets:** Staff is working on developing onboarding packets for all three boards: Planning Commission, Historic Advisory Board, and Main Street Board of Directors.
- **Permit Document Updates:** Staff is updating permit documents and creating a one-stop shop informational packet to streamline the permitting process.
- **Strong Towns Workshop Series:** The Planning Commission participated in Strong Towns workshops on 08/20/2024 and 09/03/2024. More information can be found on the Town's website under Community Development and Planning Commission. Additional PC training will be researched to help prepare them for a potential comprehensive plan update.

TOWN OF ELIZABETH

CLERK'S/FINANCE OFFICE MANAGER'S REPORT

August 25, 2026

The Clerk's / Finance report reflects updates provided by individual Staff members.

Andi

- I hit my two-month anniversary this week. I am continuing to learn every day; training is going really well.
- Allison, Hannah, and Michelle are amazing resources, and I can't put into words how much I appreciate them. I am so glad to be here.

Hannah

Allison

Michelle

- August has been a very busy month. Thank you all for participating in the Open House and interview process for your chosen Town Administrator final candidates.
- This month's Senior Luncheon featured Jacob Love from the Elbert County Office of Emergency Management as our presenter. Jacob spoke about emergency preparedness, staying safe during severe weather and local events, and the resources available to assist the community. He did an excellent job presenting the information and answering questions. His presentation was informative, engaging, and provided valuable information for our seniors.
- I wanted to let you know that my son will be getting married this weekend. I will be adjusting my work schedule a little so I can be available to help when needed while they are out of town. I will coordinate my schedule accordingly and will keep you informed if there are any significant changes, but I plan to still be working regular hours.
  Thank you for your understanding. I appreciate your support as my family celebrates this exciting time!
- Upcoming event dates for August:

August 21st – Car Show (for fun) 5 pm – 7 pm - Just for fun

August 22nd – Library Foundation Brewfest - 12 pm – 4 pm – Just for fun

August 25th - Regular Board Meeting - 7:00 pm

August 29th – 11:00 am – 4:00 pm – Backyard BBQ (for work and fun)

Town of Elizabeth

Main Street Board of Directors Regular Meeting

Monday, April 6, 2026 at 8:30 AM
Town Hall, 151 S. Banner Street

Call to Order

The Regular Meeting of the Elizabeth Main Street Board of Directors was called to order on Monday, April 6, 2026, at 8:41 AM by Director David Colleran.

Roll Call

Present:
Director Linda Bulmer
Director Jeff Struthers
Director David Cox
Director David Colleran
Absent:
President Carrie Wedel
Vice President Brandon Jeffress
Director Michael Hussey

There was a quorum to do business.

Also in Attendance:
Planner/Project Manager Alexandra Cramer
Deputy Town Clerk Allison Ritter

Public Comment

This is a meeting of the Main Street Board of Directors held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name and address to the Board. Your comments will be limited to 3 minutes. The Main Street Board of Directors may not respond to your comments during this meeting. Rather, they may take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the President will direct Staff to have a response at the next regularly scheduled Board meeting.

There was no Public Comment.

Agenda Changes

No changes from Administration.

No changes from the Board.

Agenda set.

Consent Agenda

1. Minutes of the March 9, 2026 Meeting

Motion by Director Cox, seconded by Director Struthers, to approve the Minutes of the March 9, 2026, Meeting.
Voting Yes: Director Bulmer, Director Struthers, Director Cox, Director Colleran
Voting No: None

Motion Passed Unanimously (4-0)

New Business

2. Discussion and possible action on the 2026 Ornament Design - Alexandra Cramer

Ms. Cramer gave a Staff report.

No action was taken.

3. Discussion on the Main Street Vendor Map - Alexandra Cramer

Ms. Cramer gave a Staff report.
Director Colleran gave a presentation.

Staff Report

4. Staff Report

- Planner/Project Manager Alexandra Cramer:
  - Reviewed her Staff report as presented in the Agenda Packet.
    - Director Colleran asked about having an obstacle course at the 5k/Color Run.
    - Director Bulmer asked who could participate in the BBQ competition at the 250/150 Celebration.
    - Director Colleran asked about vendors at the 250/150 Celebration.
    - Director Bulmer asked about an entry fee for the BBQ competition.

Director Struthers departed the meeting at 9:16 AM.

- Planner/Project Manager Alexandra Cramer:
  - Continue her review of her Staff report as presented in the Agenda Packet.
    - Director Colleran asked for clarification on the changes to the Parking Code.
    - Discussion regarding the selling of the Gesin Lot and promotion of Main Street.

Board Reports

No Board reports.

Adjournment

Motion by Director Cox, seconded by Director Bulmer, to adjourn the meeting at 10:05 AM.
Voting Yes: Director Bulmer, Director Cox, Director Colleran

Voting No: None

Motion Passed Unanimously (3-0)

Deputy Clerk Allison Ritter

~~President Carrie Wedel~~
VP Brandon Jeffress



Town of Elizabeth

Main Street Board of Directors Regular Meeting

Monday, July 13, 2026 at 8:30 AM
Town Hall, 151 S. Banner Street

Call to Order

The Regular Meeting of the Elizabeth Main Street Board of Directors was called to order on Monday, July 13, 2026, at 8:32 am by Director David Colleran.

Roll Call

Present:
Director Linda Bulmer
Director Michael Hussey
Director David Cox
Director David Colleran
Absent:
President Carrie Wedel
Vice President Brandon Jeffress
Director Jeff Struthers

There was a quorum to do business.

Also in Attendance:
Community Development Director Alexandra Cramer
Planning Technician Dianna Hiatt
Town Clerk Michelle Oeser

Public Comment

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There was no Public Comment.

Agenda Changes

Administration requested that Agenda Item 3 be moved to Agenda Item 2 and that Agenda Item 2 be moved to Agenda Item 3.

No changes from the Board.

Agenda set.

New Business

1. Discussion on 2026 Main Street Events - Alexandra Cramer

The Board opened discussion on the successes and areas for improvement from the Meet Me on Main Street event.

2. Discussion on Student Art Installation on Main Street - Alexandra Cramer

Ms. Cramer provided a Staff report.
Discussion followed.

Staff Report

3. Staff Report

Ms. Cramer review her written Staff report.
Discussion on the Wendler lot.

Board Reports

Adjournment

Motion by Director Cox, seconded by Director Hussey, to adjourn the meeting at 10:37 am.
Voting Yes: Director Bulmer, Director Hussey, Director Cox, Director Colleran
Voting No: None

Motion Passed Unanimously (4-0)

Allison Ritter
Deputy Clerk Allison Ritter

~~Director David Colleran~~
VP Brandon Jeffress

TOWN OF ELIZABETH INCORPORATED
SEAL
SEPTEMBER 24 1890
ELBERT COUNTY COLORADO

Main Street Board of Directors Regular Meeting

Monday, March 9, 2026 at 8:30 AM
Town Hall, 151 S. Banner Street

Call to Order

The Regular Meeting of the Elizabeth Main Street Board of Directors was called to order on Monday, March 9, 2026, at 8:33 AM by Vice President Brandon Jeffress.

Roll Call

Present:
Vice President Brandon Jeffress
Director Linda Bulmer
Director Michael Hussey
Director Jeff Struthers
Director David Cox
Director David Colleran
Absent:
President Carrie Wedel

There was a quorum to do business.

Also in Attendance:
Planner/Project Manager Alexandra Cramer
Deputy Town Clerk Allison Ritter

Public Comment

This is a meeting of the Main Street Board of Directors held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name and address to the Board. Your comments will be limited to 3 minutes. The Main Street Board of Directors may not respond to your comments during this meeting. Rather, they may take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the President will direct Staff to have a response at the next regularly scheduled Board meeting.

There was no Public Comment.

Agenda Changes

Administration asked to move Item 2 to the end of the meeting.

No changes from the Board.

Agenda set with change.

Consent Agenda

1. Minutes of the Regular Meeting of February 9, 2026

Motion by Director Hussey, seconded by Director Colleran, to approve the Minutes of the Regular Meeting of February 9, 2026.
Voting Yes: Vice President Jeffress, Director Bulmer, Director Hussey, Director Struthers, Director Cox, Director Colleran
Voting No: None

Motion Passed Unanimously (6-0)

New Business

2. Discussion on the 2026 ornament design

Ms. Cramer gave a Staff report.
Director Hussy agreed to create the final design for the 2026 ornament based on the example given by Staff.

3. Discussion and possible action on the April meeting date - Alexandra Cramer

Ms. Cramer gave a Staff report.

Motion by Director Hussey, seconded by Director Cox, to approve changing the April meeting date to April 6th.
Voting Yes: Vice President Jeffress, Director Bulmer, Director Hussey, Director Struthers, Director Cox, Director Colleran
Voting No: None

Motion Passed Unanimously (6-0)

Staff Report

4. Staff Report

- Planner/Project Manager Alexandra Cramer:
  - Reviewed her submitted report.

New Business

5. Main Street Board of Directors meet with the Elbert County Chamber of Commerce - Alexandra Cramer

Marjorie Engel gave a presentation.

Board Reports

- Director Hussey:
  - Informed the Board of a complaint he received from the owner of Small Town Mini Donuts regarding the setup of tents during events on Main Street.
- Director Bulmer:
  - Asked about plans to have another Feed Lot event.

- Director Struthers:
    - Asked if the lights on Main Street had power yet.

Adjournment

Motion by Director Hussey, seconded by Director Cox, to adjourn the meeting at 9:39 AM.
Voting Yes: Vice President Jeffress, Director Bulmer, Director Hussey, Director Struthers, Director Cox, Director Colleran
Voting No: None

Motion Passed Unanimously (6-0)

Allison Ritter
Deputy Clerk Allison Ritter

TOWN OF ELIZABETH INCORPORATED SEAL SEPTEMBER 24 1890 ELBERT COUNTY COLORADO

~~President Carrie Wedel~~
VP Brandon Jeffress

Town of Elizabeth

Planning Commission Regular Meeting

Tuesday, August 4, 2026 at 6:30 PM
Town Hall, 151 S. Banner Street

Call to Order

The Regular Meeting of the Planning Commission was called to order on Tuesday, August 4, 2026, at 6:30 pm by Chair George Fick.

Roll Call

Present:
Chair George Fick
Vice Chair Amy Schmidt
Commissioner Jim Santangelo
Commissioner Paula Ray
Commissioner Jennifer Malley
Commissioner Debbie Kula
Absent:
Commissioner Samantha Barnhart

There was a quorum to do business.

Also in Attendance:
Community Development Director Alexandra Cramer
Deputy Town Clerk Allison Ritter

Public Comment

This is a meeting of the Planning Commission held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name and address to the Commission. Your comments will be limited to 3 minutes. The Planning Commissioners may not respond to your comments during this meeting. Rather, they may take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Commissioners, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the Chair will direct Staff to have a response at the next regularly scheduled Commission meeting.

There was no Public Comment.

Agenda Changes

No changes from Administration.

No changes from the Board.

Agenda set.

Consent Agenda

1. Minutes of the May 19, 2026 , Regular Meeting

Motion by Commissioner Santangelo, seconded by Vice Chair Schmidt, to approve the Consent Agenda.
Voting Yes: Chair Fick, Vice Chair Schmidt, Commissioner Santangelo, Commissioner Ray, Commissioner Malley, Commissioner Kula
Voting No: None

Motion Passed Unanimously (6-0)

Chair Fick closed the Regular Meeting and opened the Public Hearing at 6:31 pm.

Public Hearing

This matter requires this body to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the adopted regulation standards/criteria and the competent, substantial, and material evidence received during this hearing.

2. Ordinances 26-11 and 26-12 Accessory Building Size and Permit Requirements - Alexandra Cramer

Ms. Cramer provided a Staff report.

Chair Fick opened the Public Hearing for public comment.
There was no public comment.

Chair Fick closed the Public Hearing and reopened the Regular Meeting at 6:48 pm.

New Business

3. Discussion and possible action on Ordinance 26-11 or 26-12, an Ordinance amending Section 16-1-40(f)(2) and Section 16-1-40(g)(12) of the Town of Elizabeth Municipal code concerning Accessory Buildings — Alexandra Cramer

Motion by Commissioner Santangelo, seconded by Commissioner Malley, to recommend denial of Ordinance 26-11 and approval of Ordinance 26-12, an Ordinance amending Section 16-1-40(f)(2) and Section 16-1-40(g)(12) of the Town of Elizabeth Municipal code concerning Accessory Buildings
Voting Yes: Chair Fick, Commissioner Santangelo, Commissioner Ray, Commissioner Malley, Commissioner Kula
Voting No: Vice Chair Schmidt

Motion Passed (5-1)

Staff Report

- Community Development Director Alexandra Cramer:
  - Notified the Commissioners of the four open Board of Trustees seats.
  - Gave a "shout out" to the Town of Elizabeth Police regarding the National Night Out celebration being held at Running Creek Park until 8 pm that evening.
  - Vice Chair Schmidt asked about the status of the Town's Comprehensive Plan review.
  - Discussed the public hearing to be held during the next Planning Commission meeting.

- Commissioner Santangelo asked about the Town Administrator interviews.

Commissioner Reports

There were no Commissioner reports.

Adjournment

Motion by Vice Chair Schmidt, seconded by Commissioner Santangelo, to adjourn the meeting at 6:52 pm.
Voting Yes: Chair Fick, Vice Chair Schmidt, Commissioner Santangelo, Commissioner Ray, Commissioner Malley, Commissioner Kula
Voting No: None

Motion Passed Unanimously (6-0)

Deputy Clerk Allison Ritter

TOWN OF ELIZABETH INCORPORATED SEAL SEPTEMBER 24 1890 ELBERT COUNTY COLORADO

Chair George Fick