



Town of Berthoud Planning Commission
Town Hall
807 Mountain Avenue
Thursday, May 25, 2023, at 6:00 p.m.

1. Call Meeting To Order
2. Roll Call
3. Approval Of Minutes

Documents:

[2023.05.11 PLANNING COMMISSION MEETING MINUTES DRAFT.PDF](#)

4. Public Hearing: Caring Pathways

Documents:

[01 PC INFORMATION FORM.PDF](#)
[02 STAFF REPORT.PDF](#)
[03 APPLICATION MATERIALS.PDF](#)
[04 STAFF PRESENTATION \(002\).PDF](#)
[05 APPLICANT PRESENTATION \(002\).PDF](#)

5. Report By Staff
Work Session: Anatomy of a Staff Report

6. Adjourn

Join Zoom Meeting <https://us02web.zoom.us/j/86049631362> Meeting ID: 860 4963 1362
One tap mobile +17193594580,,86049631362# US

Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.



Planning Commission Minutes – May 11, 2023

1. **Call to Order** – The Planning Commission convened a regular meeting on May 11, 2023.
Commissioner Anderson called the meeting to order at 6:00 p.m.
2. **Pledge of Allegiance**
3. **Announcement of Jan Dowker’s resignation as Chairwoman (via Vice Chairwoman Anderson)**
4. **Roll Call** – Members present: Karen Anderson (Vice Chairwoman)
Chris Kurtz (Secretary)
Abigail Smith (Commissioner)
John Van Benthem (Commissioner)
Brett Wing (Commissioner)

Members absent: Melissa Feldbush (Commissioner)

Staff present: Anne Johnson (Community Development Director)
Lauren Richardson (Baseline Engineering – Associate Planner)
Michelle Tovar (Deputy Town Clerk)
Jonathan Mitchell (Permit Technician)
Erin Smith (Town Attorney) *via ZOOM*
5. **Consent Agenda** – Minutes from the April 27, 2023 Planning Commission Meeting.
MOTION made by Commissioner Wing to APPROVE the Minutes for April 27, 2022.
SECONDED by Commissioner Van Benthem.
With those all in favor, THE MOTION CARRIED.
- 6 and 7. **Public Hearing: Bader Farm 1st Amendment to the PUD and Bader Farm 1st Amendment Minor Subdivision of Parcel 7**
Director Johnson presented the request of ODP amendment and FDP amendment (both parts of a PUD Amendment) to modify allowed land uses.
Director Johnson also presented the request for the Minor Subdivision to divide the property into two lots.
Public Comment was opened at 6:27 p.m.
Public Comment was closed at 6:27 p.m.
MOTION made by Commissioner Van Benthem to APPROVE the Bader Farm PUD Amendment 1 to the Town Board of Trustees due to the findings in the Staff Report including compliance with the Land Use Code, the Criteria for Approval found in Section 30-6-108.C., and the Comprehensive Plan.
SECONDED by Commissioner Kurtz.
With all in favor, THE MOTION CARRIED.

MOTION made by Commissioner Wing to APPROVE the Bader Farm Minor Subdivision Amendment 1 to the Town Board of Trustees due to the findings in the Staff Report including compliance with the Land Use Code, the Criteria for Approval found in Section 30-6-109.C., and the Comprehensive Plan.

SECONDED by Commissioner Smith.

With all in favor, THE MOTION CARRIED.*

**Note - Planning Commission's approval was final regardless of the form of the motion. Minor Subdivisions do not require approval of the Town Board of Trustees.*

8. Public Hearing: Berthoud Self Storage Special Use Permit

Lauren Richardson presented the request for approval of a Conditional Use Permit for a self-storage facility to be located on a part of Bader Farm Parcel 7.

Public Comment was opened at 7:32 p.m.

Battalion Chief Lyle Fenderson (Berthoud Fire Protection District) showed his support for the project and showed off renderings for the Fire Department.

Public Comment was closed at 7:36 p.m.

MOTION made by Commissioner Van Benthem to APPROVE the Berthoud Self-Storage Conditional Use Permit to the Town Board of Trustees due to the findings in the Staff Report including compliance with the Land Use Code, the Criteria for Approval found in Section 30-3-106, and the Comprehensive Plan to the Town Trustees for consideration and with the following condition:

01. The Applicant shall continue to work with Staff to look for opportunities to enhance the landscaping along State Highway 287, and to determine if public art can be incorporated into the site design.

SECONDED by Commissioner Smith.

With all in favor, THE MOTION CARRIED.

6. Election of Chairperson, Vice Chairperson, and Secretary of the Planning Commission

Commissioner Wing NOMINATED Commissioner Anderson as Chairperson, Commissioner Kurtz as Vice Chairperson, and Commissioner Van Benthem as Secretary.

MOTION made by Commissioner Wing to APPOINT Commissioner Anderson as Chairperson, Commissioner Kurtz as Vice Chairperson, and Commissioner Van Benthem as Secretary.

SECONDED by Commissioner Smith.

With all in favor, THE MOTION CARRIED.

9. Reports –

Vice Chairperson Kurtz appreciated the Study Session offered to the Planning Commissioners.

10. Adjourn –

The meeting was adjourned at 8:34 p.m.

CHAIRPERSON

SECRETARY

PLANNING COMMISSION INFORMATION

COMMUNITY DEVELOPMENT DEPARTMENT



Meeting Date:	May 25, 2023
Agenda Title/Subject:	Public Hearing for a Conditional Use Permit to allow a Veterinarian Office and Pet Cremation Services to occur in the M-1 Zone District at 502 2nd Street
Type of Item:	Public Hearing
Purpose:	Request for approval of a Conditional Use Permit at 502 2nd Street
Presented by:	Anne Johnson, Community Development Director

ATTACHMENTS:

- Staff Report
- Application materials, public comments and referral responses
- Presentation materials

BACKGROUND:

The 0.28-acre property is zoned M-1, Light Industrial and is located at 501 1st Street. The applicants have requested a Conditional Use Permit/Special Use Permit to allow a change in use from a previous Industrial facility offering Veterinarian and Pet Cremation services.

UPDATE/NEXT STEPS:

After the Planning Commission public hearing, the Board of Trustees will hear the request in a public hearing on June 13, 2023. If approved, any Conditions of Approval will need to be met, the mapping/plat products will need to be recorded, and collateral for any public improvements will be needed along with the necessary construction permits (right-of-way, building, sign).

FISCAL IMPACT AND FUND SOURCE:

There is no negative impact to the Town in consideration of this request.

COMMUNITY TOUCHSTONES:

Consideration of this request does not negatively impact community touchstones. The property is within the Innovation District and the application was submitted prior to adoption of the formal District Guidelines. The structure is existing. The 2021 update to the Comprehensive Plan indicates that the preferred land uses within the Innovation District will continue to support existing light industrial uses [page 35/52]. The applicant will add awnings and submit building and sign permits as part of the redevelopment process. Re-utilization of existing properties is important to diversify the Town's economy.

RECOMMENDED ACTION(S):

Staff recommends approval of the request. There are suggested motions included in the Staff Report.



**Garden
Spot of
Colorado**

807 Mountain Avenue | PO Box 1229 | Berthoud, CO 80513 | O: 970.532.2643 | F: 970.532.0640 | Berthoud.org

STAFF REPORT: CARING PATHWAYS PET CREMATORIUM CONDITIONAL USE PERMIT

DATE: May 25, 2023

GENERAL INFORMATION

Applicant:	Jeff Lewis, Caring Pathways	Size: .28 Acres
Site Location:	502 N 2 nd Street, Berthoud CO 80513	
Applicant's Request:	Approval of a conditional use permit for a veterinary and pet crematorium facility.	
Current Zoning:	M1- Light Industrial District	

ZONING DISTRICT INFORMATION

	M1
Min. Lot Size	N/A
Min. Lot Width	50'
Front Setback	25'
Side Setback	0'
Rear Setback	20'
Building Height:	40'

SURROUNDING ZONING AND LAND USES

	Adjacent Zoning	Adjacent Land Use
North	M2	Industrial/ Mini Storage
South	M1	Industrial/ Plastic Fabrication
East	M2	Industrial/ Gun Shop
West	M1	Industrial

BACKGROUND

The applicant is proposing to utilize an existing building for a veterinary and pet cremation facility. Caring Pathways currently employs 25 veterinarians to provide comfort care and euthanasia treatments in the pet's home for a large portion of the front range.

PROPOSAL

The applicant proposes a veterinary and pet cremation facility in an existing building. Cremation facilities are a conditional use in the M1 zone district. If approved for a conditional use permit, the applicant would initially utilize two retorts for cremation purposes, with the space to add a third as the business grows.

CRITERIA & FINDINGS

The Town shall use the following criteria in addition to other applicable provisions of the Code to evaluate the applicant's proposal. Staff findings and analysis are presented in the table below.

30-3-106 Conditional Use Review Criteria	Findings	Rationale
1. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.	Yes	• The proposed conditional use application meets this criterion. • The proposed use conforms to the requirements of the Berthoud Development Code. Industrial zone districts permit cremation facilities only with the approval of a conditional use permit. • Veterinary facilities are a use by right in this zone district.
2. The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Berthoud Comprehensive Plan.	Yes	• This conditional use application meets this criterion. • The Future Land Use Map classifies this area as part of the Innovation District which promotes light industrial uses. • Additionally, this project will bring new veterinary jobs to Berthoud.
3. The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.	Yes	• This conditional use is utilizing an existing building that was adequately served by these public utilities, services, and facilities. • Additionally, the proposal was reviewed by Town staff and outside referral agencies, and no issues were found with the proposed use.
4. The conditional use will not substantially alter the basic character of the district in which it is in or impair the development or redevelopment potential of the district.	Yes	• The conditional use will utilize an existing building that will look substantially similar to what is existing today besides aesthetic enhancements to the outside of the building. • Redevelopment potential will be unaffected by this use.
5. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or	Yes	• The proposed use will utilize the existing parking spaces that were constructed with the building originally.

vehicles in or adjacent to the site.		
6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts including: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.	Yes	All activity will be conducted within the building which should mitigate any potential nuisances. Additionally, the applicant has addressed all potential impacts in the attached letter.
7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.	Yes	The applicant is aware that all applicable permits will need to be submitted to the Town of Berthoud prior to operating. This will include Town of Berthoud construction permits and State CDPHE Air Quality Control Permits.

PUBLIC NOTICE

Notice of the Planning Commission public hearing was mailed to property owners within 300 feet of the subject property on May 1st, a legal notice published on May 3rd, and the property was posted as required by the Development Code.

FINDINGS AND RECOMMENDATION

Conditional Use Permit

Staff recommends Planning Commission make a motion to recommend approval of the conditional use permit to the Town Board with the following conditions.

- **Replace exterior lighting on the building with dark sky compliant lighting.**
- **Install new canvas awnings on the exterior of the structure.**

Attachments:

- Application
- Staff PowerPoint
- Applicant PowerPoint

Pet Cremation Operation Conditional Use Application

Property Location

502 N 2nd Street, Berthoud CO 80513

The property is currently under contract for purchase by Jeff Lewis. The property closing is dependent on receiving Conditional Use approval from the Town of Berthoud to allow for a pet cremation service at the property.

Application Contents

Electronic Delivery

- Signed Development Review Application
- Signed MOU
- Written statement/graphics
- Project plans, building plans, and elevations
- Vicinity map
- Technical Review Committee (TRC) meeting notes
- Title Commitment

Physical Delivery

- Payment of Fees
 - Conditional Use Application Fee \$400
 - Development Review Deposit \$2500
 - Sign Deposit \$150
- Mailing Labels for Neighbor Notification

Not Applicable

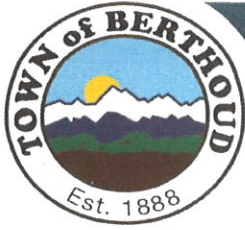
- Utility and Drainage Report
- Development Agreement
- Erosion Control Plan
- Landscape Plan

Contact

Jeff Lewis

Jeff@CaringPathways.com

970-988-6231



Town of Berthoud
807 Mountain Ave.
P.O. Box 1229
Berthoud, CO 80513
970.532.2643

DEVELOPMENT REVIEW APPLICATION

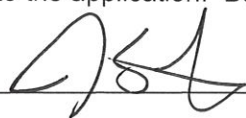
All required information must be provided before submittal will be accepted and deemed complete.
To be complete, the application must include all items identified on the submittal checklist.
Please complete both sides of application form.

Parcel Number(s): 9414458004		
Site Address: 502 N 2nd Street, Berthoud, CO		
Project Name: Caring Pathways/Amare Pet Cremation		
Brief description of project: Veterinary services & pet crematory		
APPLICATION TYPE (Check as appropriate):		
☐ Annexation	☐ Preliminary Subdivision Plat	☐ Final Site Plan
☐ Rezoning	☐ Final Subdivision Plat	☐ PUD Amendment
☐ Concept Plan	☐ Plat Amendment	☐ PUD Preliminary Development Plan
☐ Minor Subdivision	☐ Oil and Gas	☐ PUD Final Development Plan
☐ Special Use Review	☐ ROW Vacation	☒ Other <u>Conditional Use</u>
APPLICANT		
Name: Jeff Lewis, CEO		
E-mail: jeff@caringpathways.com	Mailing Address: 1510 Heirloom Drive	
Phone: 970-988-6231	City/State/Zip: Windsor CO 80550	
CONTACT PERSON (will receive correspondence from Town Staff/Referral Agencies)		
Name: Jeff Lewis		
E-mail: jeff@caringpathways.com	Mailing Address: 1510 Heirloom Drive	
Phone: 970-988.6231	City/State/Zip: Windsor CO 80550	
OWNER(S) (If different than applicant)		
Name:		
E-mail:	Mailing Address:	
Phone:	City/State/Zip:	
CONSULTANT (Engineer, Surveyor, or Planner)		
Name: Dana W Lockwood, Lockwood Architects, Inc.		
E-mail: lockwoodar@aol.com	Mailing Address: 415 E Pitkin St	
Phone: 970-215-3594	City/State/Zip: Fort Collins, CO 80524	

LAND USE INFORMATION							
Existing Use: Business/Commercial Proposed Use: Business/Veterinary Existing Zoning: M-1 Proposed Zoning: (if applicable): NA Number of acres: .28 Proposed Access: Existing street & alley	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="background-color: #e0f0ff; text-align: center;">Adjacent zoning / land use:</th> </tr> </thead> <tbody> <tr> <td style="width: 50%;">East Side: M2</td> <td style="width: 50%;">North Side: M2</td> </tr> <tr> <td>West Side: M1</td> <td>South Side: M1</td> </tr> </tbody> </table>	Adjacent zoning / land use:		East Side: M2	North Side: M2	West Side: M1	South Side: M1
Adjacent zoning / land use:							
East Side: M2	North Side: M2						
West Side: M1	South Side: M1						
UTILITY SERVICE INFORMATION							
Water: Existing	Sewer: Existing						
PROJECT INFORMATION							
Number of proposed units: na Number of phases: na Number of Units per phase: na Number of lots proposed: na Lot size minimum: na Lot size maximum: na Lot size average: na Gross density (units/acre): na Net density (units/acre): na Area and percent open space: na	Non-Residential Building Area (Sq. Ft.) Proposed: 5,400 square feet existing building Non-Residential Construction Floor Area Ratio Proposed: 44% Total Number of Parking Spaces: 9 <u>Acreage of Site:</u> a. Gross: 12,082 square feet b. Right-of-Way: na c. Net (a-b) 12,082 square feet <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="background-color: #e0f0ff; text-align: center;">Type of Housing Proposed (please check):</th> </tr> </thead> <tbody> <tr> <td style="width: 50%; vertical-align: top;"> ☐ Future Single Family ☐ Duplex ☐ Multi-family (# of units:) </td> <td style="width: 50%; vertical-align: top;"> ☐ Townhouse ☐ Condominium </td> </tr> </tbody> </table>	Type of Housing Proposed (please check):		☐ Future Single Family ☐ Duplex ☐ Multi-family (# of units:)	☐ Townhouse ☐ Condominium		
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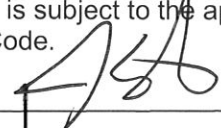
Signatures are required for ALL Property Owners and the Applicant

I hereby certify that I am the lawful owner of the parcel(s) of land that this application concerns and consent to the action. I hereby permit Town of Berthoud staff to enter upon the property for the purposes of inspection relating to the application. Building Permits will not be accepted while this application is in process.

Property Owner(s):  Date: 3/15/23

Property Owner(s): _____ Date: _____

In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Development Code.

Applicant:  Date: 3/15/23

FOR OFFICE USE ONLY	Received By:	Date:
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Town of Berthoud
807 Mountain Ave.
P.O. Box 1229
Berthoud, CO 80513
970.532.2643

**MEMORANDUM OF UNDERSTANDING
FOR PAYMENT OF REVIEW AND DEVELOPMENT
EXPENSES INCURRED BY THE TOWN**

This Memorandum of Understanding, with the Town of Berthoud, Colorado, a municipal Corporation, hereinafter referred to as "the Town," and Jeffrey S Lewis, hereinafter referred to as "the Applicant," is executed so as to prevent confusion on the part of the Applicant as to the Town's reimbursement policies.

WHEREAS, the Applicant of certain property situated in the County of Larimer, State of Colorado, which is more particularly described in Exhibit A attached hereto and incorporated herein, and is commonly referred to as 502 N 2nd Street; and
(Project Name)

WHEREAS, the Board of Trustees has determined that the fiscal impact of annexation, subdivision and development should properly be borne by those parties who receive the benefits; and

WHEREAS, on August 9, 1994, the Board of Trustees passed Ordinance No. 707, establishing policies for reimbursement of professional fees and established fees for applications including, but not limited to, legal notification, planning fees, engineering fees, attorney fees, consultant fees, reproduction of material, public hearing expenses and recording documents; and

WHEREAS, on February 28, 1995, the Board of Trustees passed Ordinance No. 722, adopting a Development Code for the Town of Berthoud, which included the setting of new ~~submittal~~ review fees in Chapter 10; and

WHEREAS, on January 13, 2004, the Board of Trustees passed Ordinance No. 985, establishing new and/or revising existing fees as provided for in Chapter 10 of the Development Code; establishing an hourly fee for Town Personnel involved in development review; amending Section 30-10-104 of the Town of Berthoud Development Code; repealing Ordinance 707 and all ordinances in conflict herewith; providing a severability clause; providing an applicability clause; and providing for an effective date; and

WHEREAS, on February 14, 2006, the Board of Trustees passed Ordinance No. 1025, an Ordinance revising those fees established in Ordinance No. 985; and

WHEREAS, the Town's staff has determined the typical municipal expenditures incurred by the Town in processing subdivision and zoning related applications; and

WHEREAS, the Applicant desires to develop said property and has made a complete application to the Town of Berthoud for development; and

WHEREAS, the Parties hereto recognize that the Town will incur development expenses throughout the entire development process until final completion of the project, including, but not limited to, planning fees, engineering fees, attorney fees, consultant fees, reproduction of material, securing permits and easements, and recording fees;

NOW, THEREFORE, the Applicant understands that:

1. DEVELOPMENT REVIEW DEPOSIT

Development Review Deposit Schedule. In addition to the Application Fee(s), development review deposit(s) shall be provided to the Town at the time of submittal of a Development Review Application. It is the Applicant's responsibility to bear all costs related to the processing of a Development Review Application, including costs for review by consultants hired by the Town to assist with technical review of development projects. These consultants include, but are not limited to, engineering, planning, transportation, and legal. In order to keep track of the expenses incurred by the Town, the Town's staff, including, but not limited to, public works, planning, and administration, shall keep track of the time expended by each person involved in the process precipitated by the submittal of a Development Review Application. The Applicant is also responsible for paying incidental costs such as postage, recording, mileage and publication fees.

Due to numerous unforeseen factors, it is impossible to determine the actual expenses that may be incurred for review of development proposals. Therefore, at such time as expenses are in excess of the development review fee deposit amount, subsequent deposits shall be requested by the Planning Director. This amount will be based upon the status of the project and outstanding issues. In no event will review of a project continue once deposited development review fees have been exhausted until the Town has received a further deposit sufficient to cover anticipated expenses. Said payment shall be made within ten (10) days of the Town submitting an invoice for the expenses. Failure by the Applicant to pay within the specified time shall be cause for the Town to cease processing the application including any public hearing, deny approval of the application, and withhold the issuance of building permits or certificates of occupancy. Once final review is completed, any remaining development review fee deposit funds will be remitted to the Applicant.

2. FULL AND SEPARATE ACCOUNTING OF REVIEW AND DEVELOPMENT EXPENSES

The Town will maintain separate accounts of all monies expended as a result of the review of the above referenced application throughout the development process. The Town on a regular basis will provide statements of expenses incurred to the Applicant.

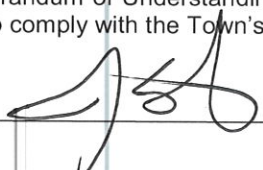
3. APPLICATION TERMINATION

Except where the law or an agreement with the Town provides otherwise, the Applicant may terminate its development application at any time by giving written notice to the Town. The Town shall take all reasonable steps necessary to terminate the accrual of costs to the Applicant e.g., notify newspapers to cancel publications, etc. The Applicant will be liable for all costs reasonably incurred by the Town to terminate the application.

4. COLLECTION OF FEES AND COSTS

If the Applicant fails to pay the fees required herein when due, the Town may proceed to collect the balance due by that Applicant. The Town shall also be entitled to all its filing fees, attorney's fees, expert witness fees, and other costs incurred in collection plus interest on the amount due at a rate of 18% per annum.

By signing this Memorandum of Understanding, the Applicant acknowledges that he/she has read this Memorandum of Understanding in its entirety, and agrees that by processing its application it will be required to comply with the Town's ordinances and the provisions set forth.

Applicant:  _____

3/15/23

Date

Applicant: _____

Date

Applicant: _____

Date

(attach additional signatures as necessary)

Pet Cremation Operation Conditional Use Application Narrative

Town of Berthoud Planning Department Project Narrative and Conditional Use Statement *Requesting conditional use approval for a pet cremation operation in an industrial area (M1)*

Background Information

Caring Pathways is the leading hospice and palliative care veterinary practice in Colorado. We currently employ 25 veterinarians to provide comfort care and euthanasia treatments in the pet's home. Our territory ranges from Castle Rock to Wellington and we have business offices in Centennial and Berthoud (Johnstown exit). We were the first veterinary practice in the U.S. to earn the End-of-Life Care Accreditation from the American Animal Hospital Association (AAHA), which reflects our industry leadership and commitment to providing excellent veterinary care.

A significant aspect of our veterinary service is facilitating after-death care (cremation) for the pets we euthanize. We currently transfer deceased pets to a cremation service and then facilitate the return of ashes to the clients. Our current cremation service was sold to a large Canadian corporation in 2022 and we no longer have complete confidence in their ability to meet our high standards of care. As a result, we need to start a cremation operation.

The new cremation operation be connected to Caring Pathways. We are under contract to purchase 502 N 2nd St. which will be the home of the cremation operation and we will also move our existing NoCo area veterinary office into the building.

Activity at the veterinary office will involve 2-3 veterinarians coming and going throughout the day and into the evening, as they return from appointments with deceased pets. Additionally, 1-2 veterinary support team members will be on-site during business hours, every day of the week. We offer services to families 24/7/365. Some clients will visit the office briefly during regular business hours to pick up their pet's ashes. The facility will also enable us to provide a comfort room that is used for witness cremations and in-office euthanasia appointments.

Conditional Use Request: Pet Cremation Operation

This conditional use application relates to the proposed cremation operation. Activity at the cremation operation will involve certified operators and support team members respectfully performing cremations and associated processes. The cremation operation will employ drivers to retrieve deceased pets from Caring Pathways' offices and client homes. A typical shift will involve 4-5 cremation team employees.

Specialized industrial equipment called retorts are used to cremate deceased pets. Large single-chamber retorts are utilized for communal and partitioned cremations. Multi-chamber retorts have smaller chambers to facilitate private cremations where only one pet is in a chamber at a time. Partitioned and private cremations result in ashes that are returned to clients. We will start with two retorts and plan to add a third to accommodate growth in the future.

Pet Cremation Operation Conditional Use Application Narrative

The cremation process requires the highest levels of accountability to track the chain of custody of the bodies and ensure all necessary steps are taken. Software is used along with metal id tags and barcodes to track the process from death to the return of the ashes to the family.

An industrial area is the best overall fit for the scope of operation. Some veterinary operations provide on-site cremation services while not being in an industrial area. Our impact on the area will be positive in nature, and new cremation equipment follows high standards for energy conservation and clean emissions. We will improve the exterior appearance of the building with fresh paint, new awnings, and concealing the trash receptacle in a screened and secure enclosure on the east side of the building. Our employees will park in the back and front of the building, leaving most of the front parking spaces for brief visits from clients.

Conditional Use Criteria Narrative

The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.

The building's current and future state satisfies the applicable provisions of the M1 zoning code. We are not requesting variances. The exterior color will be light grey with dark grey trim. The front doors will have new awnings. All upgraded exterior lighting will comply with the dark sky standards. Signage will be appropriately sized and attached to the front doors. Existing landscaping at the front of the building will be retained and maintained appropriately.

The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Berthoud Comprehensive Plan.

The Future Land Use Map classifies the property as Innovation District.

The Innovation Character District is intended to create a unique business district strategically designed to attract, retain, and cultivate talent, and improve networking and communication flows between business innovators, and residential uses will be blended into these areas to support the business community.

Our team members will be strong contributors to this strategic goal, and we will strive to hire current residents of Berthoud who can walk or bike to work. Employees will earn industry certifications to cultivate their talents and contributions to the local economy. The operation's CEO, Jeff Lewis Ph.D. is a business professor, serial entrepreneur, and innovator who regularly interacts with other innovators. He was awarded several patents reflecting his ability to innovate and create. The operation will be inherently innovative as processes, products, and software are developed to improve the quality and efficiency of the business. Additionally, Jeff is a skilled networker and looks forward to meeting, assisting, and receiving assistance from other innovators in Berthoud.

The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage,

Pet Cremation Operation Conditional Use Application Narrative

refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

The building has adequate public utilities and our use will not impose an undue burden above and beyond those of the permitted uses of the district. A cremation operation requires a significant natural gas supply at appropriate pressures entering the building. Our contractor will work with Xcel Energy to adjust the gas supply as needed to comply with the cremation retort supply requirements.

The conditional use will not substantially alter the basic character of the district in which it is in or impair the development or redevelopment potential of the district.

The conditional use will contribute to an improvement of the basic character of the district. We are light industrial but also conduct our business at high levels of professionalism which will be reflected in how the building will look and be maintained.

The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

The property has optimal characteristics for our proposed on- and off-site traffic circulation. Client visits will be brief, and they will park in the front parking spaces near the doors. External deliveries can be made on the front or back side of the building. Our veterinarians and delivery driver will enter from the back side of the building and into the garage doors. Our employees will have options to park on the front or back side of the building. We have more than enough parking options and traffic will flow well in a circular pattern from 2nd Street to the rear of the building and then back to 2nd Street.

Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts including traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.

Impact of traffic: Addressed in a previous question.

Impact of activity levels: Our activity levels do not exceed the previous tenants, based on photos of the property showing the front parking filled with vehicles. All business activity will occur inside the building without lines of sight from the exterior. Neighbors will see clients accessing the building from the front and most employees pulling into the building from the rear garage doors.

Impact of light: We will have veterinarians visit the building after a night appointment, so it is important that we have adequate down-facing nighttime lighting on motion detectors to ensure safe conditions for our employees.

Pet Cremation Operation Conditional Use Application Narrative

Impact of noise: Cremation retorts have an operational decibel level of 55. We will also operate a cremulator machine in an interior room of the building which sounds like a coffee grinder or vacuum cleaner with a decibel level of 78. There will be no impact from noise.

Impact of odor: We are working with deceased pets. To mitigate odor, all pets are stored in a large walk-in cooler prior to cremation to inhibit decomposition which leads to odor. There will be times when employees are impacted by odors, but no odors will be present outside of the building or in public areas of the building.

Impact of sight: The retorts will exhaust hot air from the top of the building. The retorts utilize an afterburner configuration to ensure the exhaust does not contain visible smoke. A person observing the exhaust stacks from the exterior may notice heat waves exiting the stacks but should not see smoke. This will be like what can be observed currently at thermoforming and coating operations on 2nd Street. In the event a cremation event generates a brief period of observable smoke, the automated system quickly adjusts the fuel and combustion air supply. Typically, a break-thru event where brief smoke is observable is caused by a mistake by the operator where an item like a blanket was cremated with the pet's body.

Additionally, an observer of the building may see clients entering and exiting the building showing signs of active grief because of the loss of a beloved pet. I would hope others would have sympathy for those who have recently lost a pet and give their own pets extra affection in light of observing someone who no longer has that option.

Impact of hours of operation: Should we have night or weekend shifts, there will be no impact on the neighborhood since we have no direct residential neighbors. There are a small number of homes within 300 feet of the property, but they are not able to see or hear operations from their homes.

Impact of dust: The operation will not generate exterior dust. The cremulator grinds cremated bones into ash but that process will be done in a specific room with dust controls.

Impact of erosion control: The building has established drainage of environmental water, and erosion control is not an issue.

The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

Berthoud Fire Marshall

Our general contractor will apply for the Fire Alarm and Detection Permit. We will install new fire alarms and detection equipment during the remodel along with video-based security and monitoring equipment. Additionally, we will meet all equipment safety requirements including gas shut-offs and fire extinguishers within the building.

Pet Cremation Operation Conditional Use Application Narrative

Town of Berthoud Building Permit

Our general contractor will apply for the necessary building permits prior to starting construction work. In the process of updating the building, the bathrooms and lighting (elimination of fluorescent bulbs) will be brought up to current building codes.

Town of Berthoud Sales Tax License

We will apply for a sales tax license with the Town of Berthoud prior to starting business operations at the location.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

An application for a “Permit to Operate” will be completed soon to meet Colorado’s air quality control regulations. Our cremation equipment provider, American Crematory Equipment, has partnered with us to ensure all data and reports required to secure the permit are provided to the Air Quality Control Commission. American Crematory is headquartered and manufactures the equipment in California and their equipment follows California’s stringent air quality standards. Their retorts pass air quality standards in all 50 states, including a retort recently installed in Denver (Feb 23).

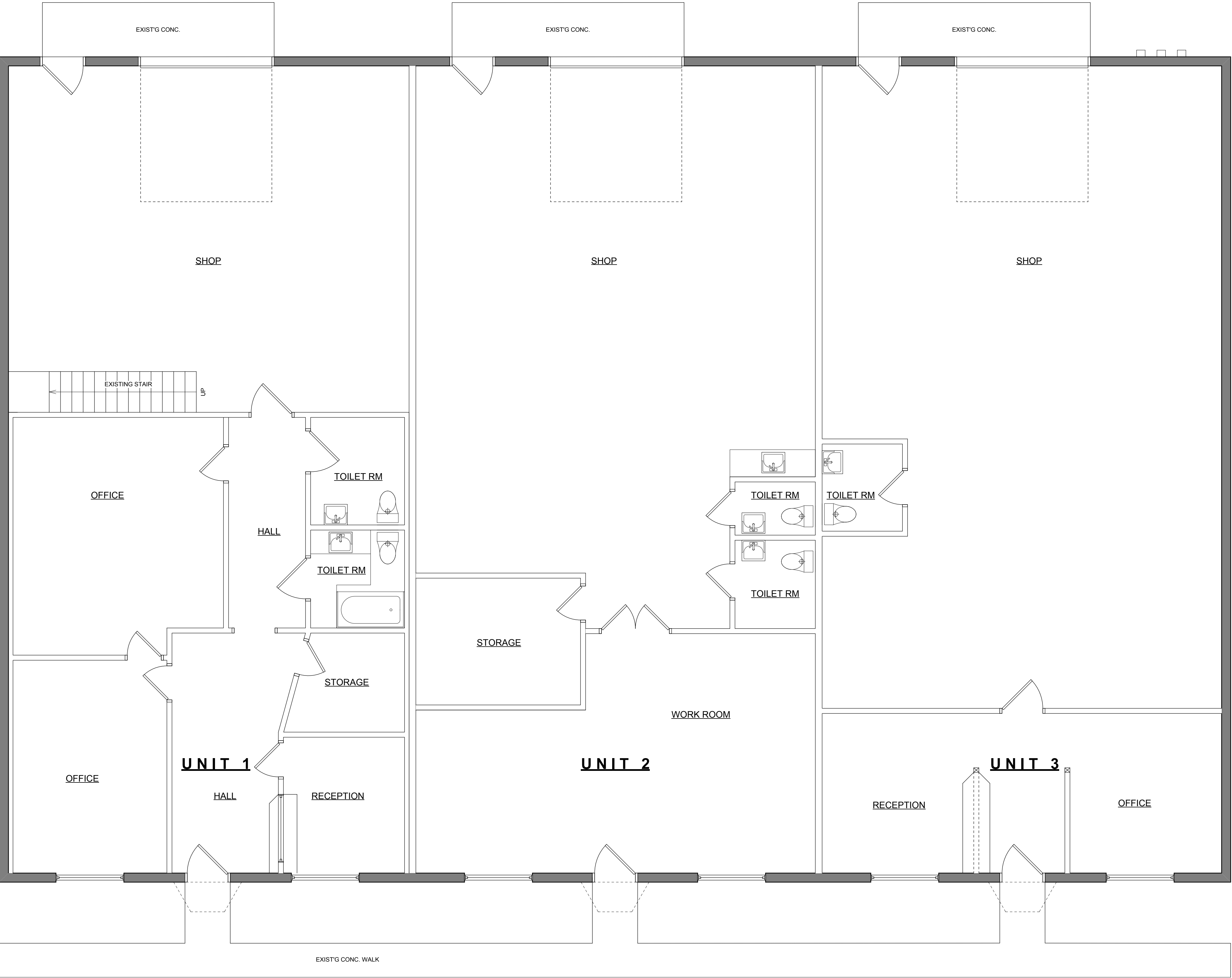
Colorado Office of Economic Development and International Trade

The building is located in Berthoud’s Enterprise Zone and we may qualify for the following credits. We will apply for the credits at the appropriate times.

- Investment Tax Credit
- Business Facility New Employee Credits
- Employee Health Insurance Credit
- Job Training Investment Tax Credit
- Research and Experimental Activities Credit
- Machinery and Machine Tools Exemption

Summary

The proposed veterinary and pet cremation operation, intended for 502 2nd Street in Berthoud, is a strong candidate to receive conditional use approval from the Town of Berthoud. We appreciate the time you’ve spent to consider the application and are available to provide clarifications as requested. The operation represents a win/win. Caring Pathways is excited to become a long-term successful business in the Garden Spot of Colorado. Berthoud will benefit from increased capital investment, sales tax revenue, new jobs held by skilled employees, and increased spending as consumers visiting our business from all parts of Colorado’s Front Range discover all that Berthoud has to offer.



1 EXISTING FLOOR PLAN
Scale: 1/4" = 1'-0"

PRELIMINARY



NOTES

REVISION DATE REVISION NOTE BY

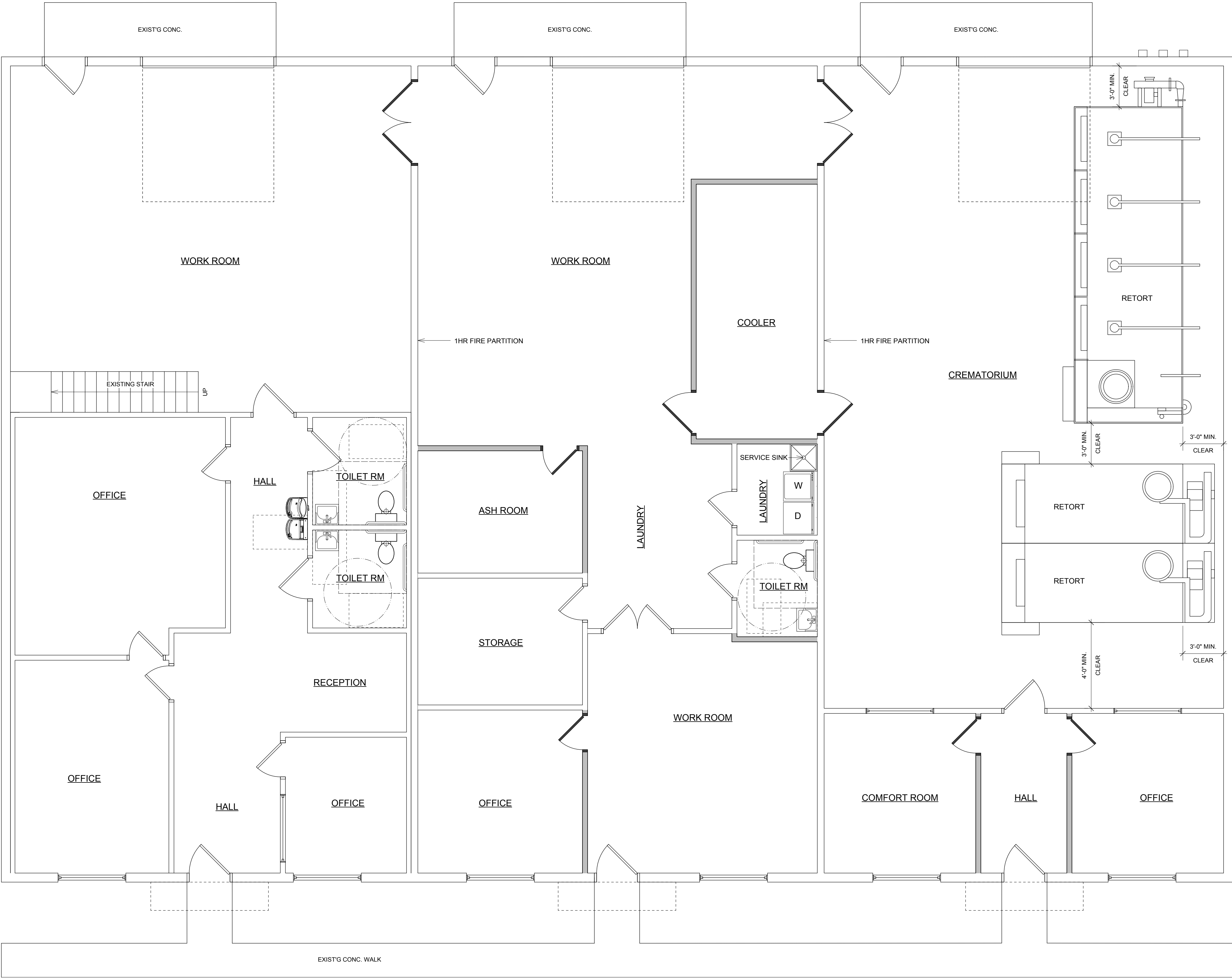
PROJECT
CARING PATHWAYS
CONDITIONAL USE

ADDRESS
502 N 2ND ST
BERTHOUD, CO

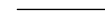
CLIENT
JEFF LEWIS, PhD, CEO
Amare Holdings, LLC
1510 Heirloom Dr.
Windsor, Colorado 80550

PROJECT #
23105
PROJECT DATE
08/8/2023
SHEET TITLE
EXISTING FLOOR PLAN

PLOT DATE
3/16/2023
ORIGINAL SHEET SIZE
US Arch D
DWG FILE
DWG FILE
DRAWN
CGL
CHKD
DWL
DWG #
A2.0



 1 **PROPOSED FLOOR PLAN**
Scale: 1/4" = 1'-0"

LEGEND:	
	PARTITION - EXIST'G
	PARTITION - NEW

PRELIMINARY



NOTES

REVISION	DATE	REVISION NOTE	BY
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PROJECT
CARING PATHWAYS
CONDITIONAL USE

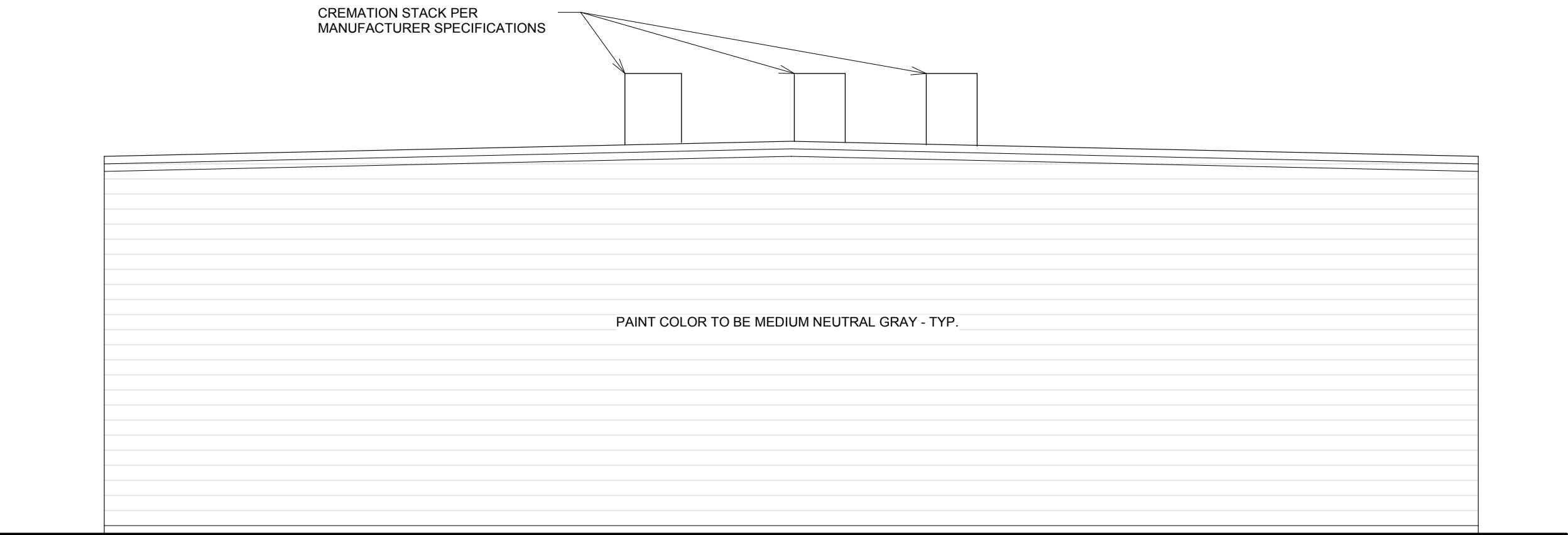
ADDRESS
502 N 2ND ST
BERTHOUD, CO

CLIENT
JEFF LEWIS, PhD, CEO
Amare Holdings, LLC
1510 Heirloom Dr.
Windsor, Colorado 80550

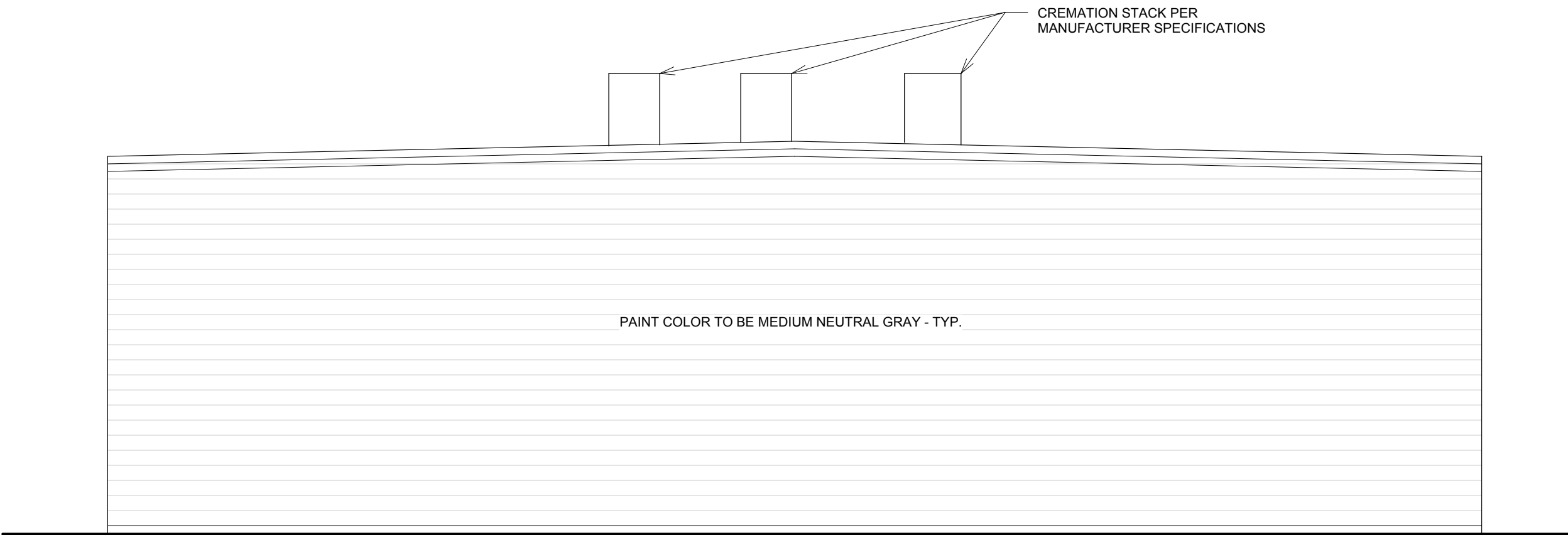
PROJECT #
23105
PROJECT DATE
08/8/2023
SHEET TITLE
PROPOSED FLOOR PLAN

PLOT DATE
3/16/2023
ORIGINAL SHEET SIZE
US Arch D
DWG FILE
10-2-2023.dwg
DRAWN
CGL
CHKD
DWL

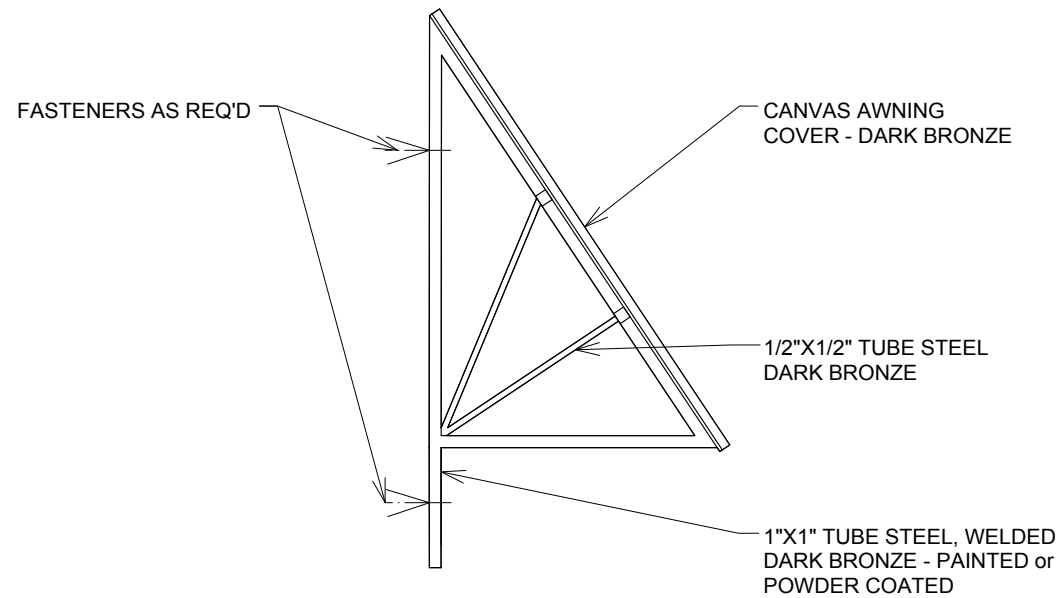
A2.1



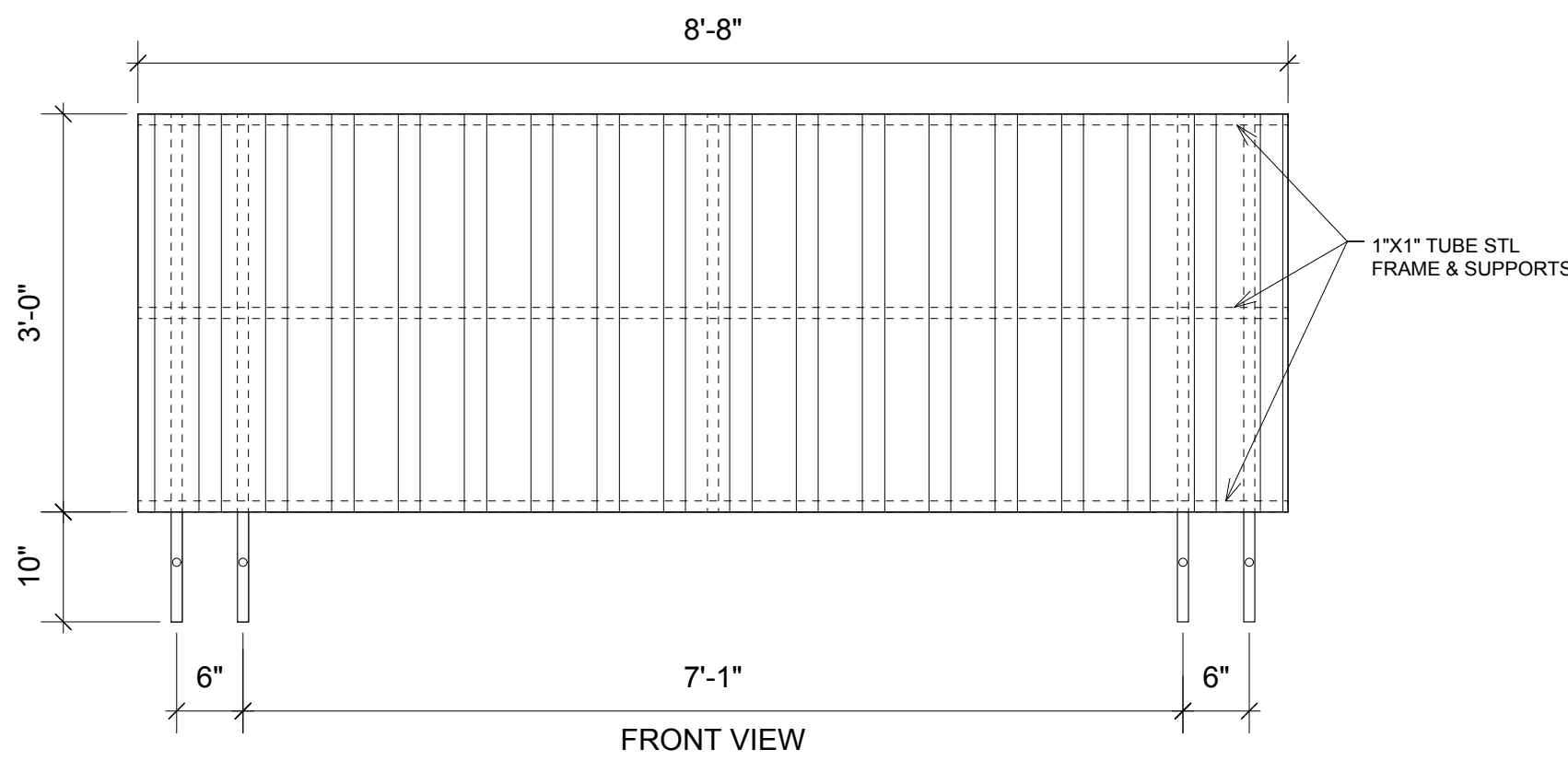
4 NORTH ELEVATION
Scale: 3/16" = 1'-0"



3 SOUTH ELEVATION
Scale: 3/16" = 1'-0"

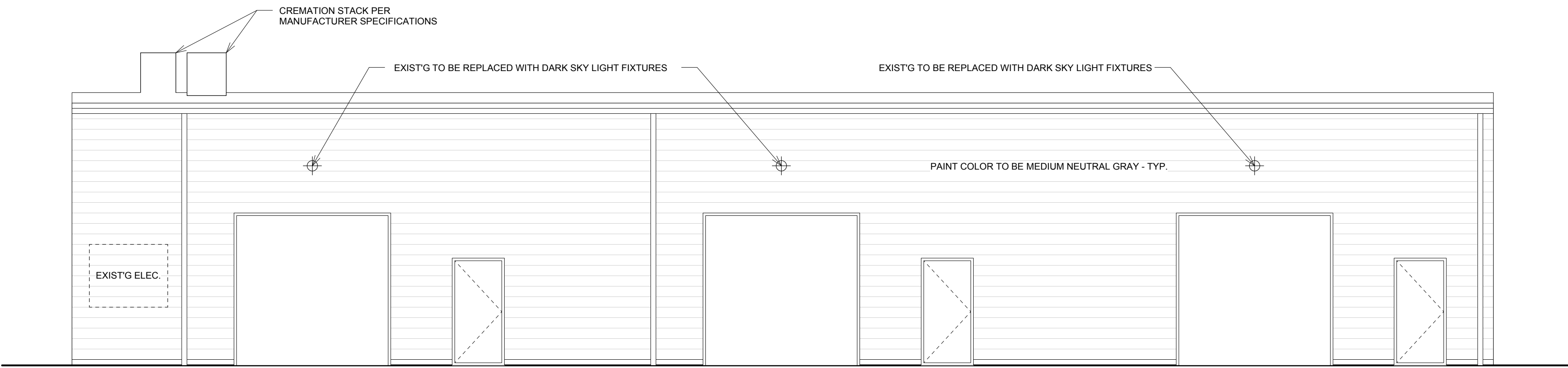


SIDE VIEW

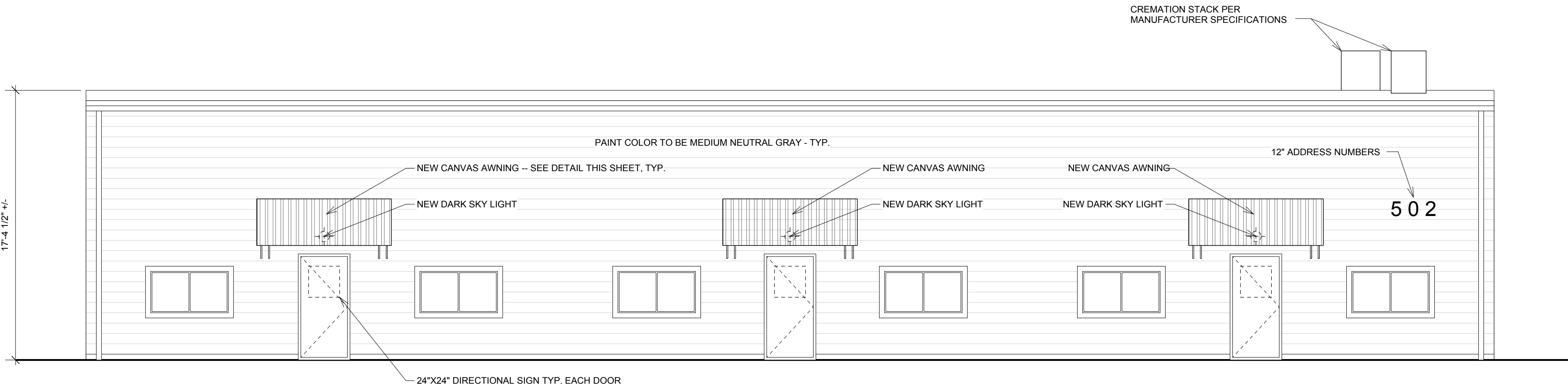


FRONT VIEW

5 CANVAS AWNING DETAILS - TYP
Scale: 3/4" = 1'-0"



2 EAST ELEVATION
Scale: 3/16" = 1'-0"



1 WEST ELEVATION
Scale: 3/16" = 1'-0"

PRELIMINARY



NOTES

REVISION	DATE	REVISION NOTE	BY
1	04/25/2023	Canvas Awning	JL

PROJECT
CARING PATHWAYS
CONDITIONAL USE

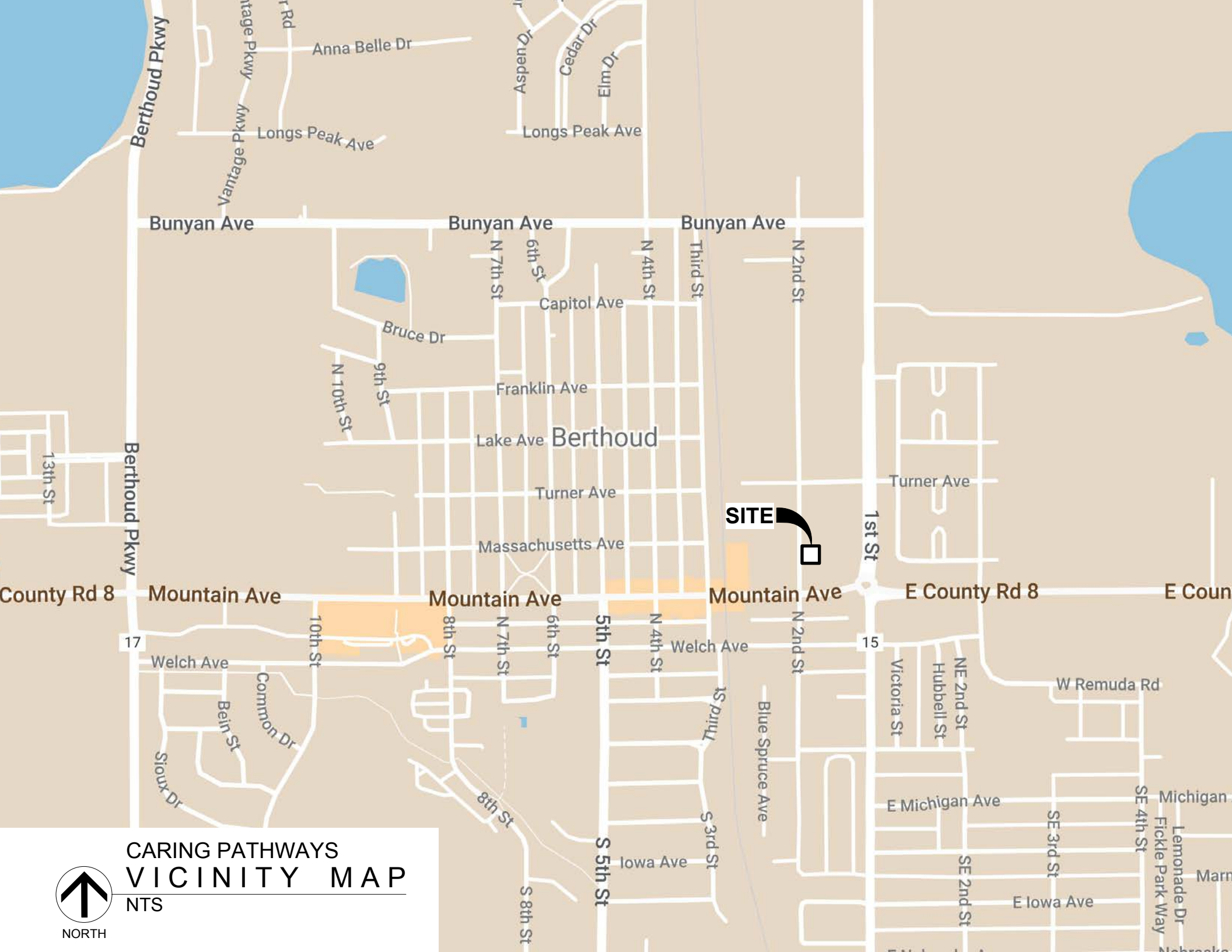
ADDRESS
502 N 2ND ST
BERTHOUD, CO

CLIENT
JEFF LEWIS, PhD, CEO
Amare Holdings, LLC
1510 Heirloom Dr.
Windsor, Colorado 80550

PROJECT #
23105
PROJECT DATE
08/8/2023
SHEET TITLE
BUILDING ELEVATIONS

PLOT DATE 3/16/2023	DWG #
ORIGINAL SHEET SIZE US Arch D	
DRAWING FILE 08-23-2023-01.dwg	
DRAWN CGL	CHKD DWL

A3.0



NORTH

CARLING PATHWAYS VICINITY MAP

NTS



Garden Spot of Colorado

807 Mountain Avenue | PO Box 1229 | Berthoud, CO 80513 | O: 970.532.2643 | F: 970.532.0640 | Berthoud.org

February 23, 2023

Project: Veterinarian Clinic and Pet Crematorium

Location: 502 2nd Street

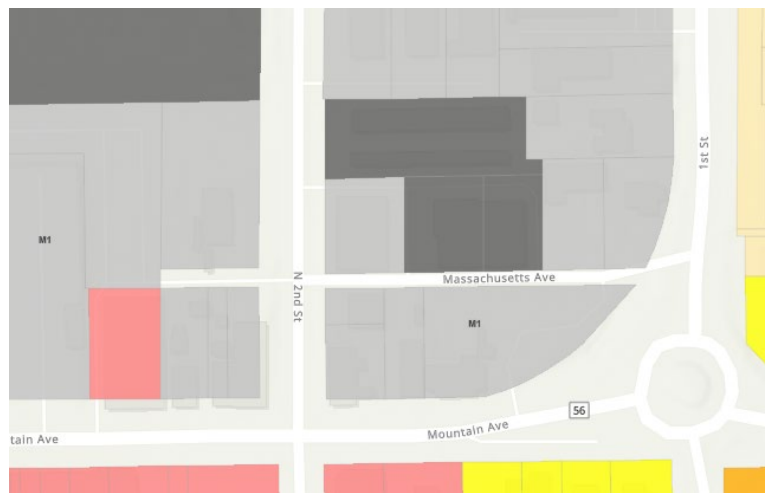
A formal Technical Review Committee (TRC) meeting was held on February 23, 2023 at 11:15 a.m. at Berthoud Town Hall. Representatives present at this meeting included the following:

- Developer's Team:
 - Jeff Lewis (CEO of Caring Pathways)
 - Gary Maggi (Representative of Seller)
 - Rhett Strom
- Town of Berthoud Team:
 - Will Charles (Baseline Engineering – Principal Planner)
 - Walt Elish (Business Development Manager)
 - Anne Johnson (Community Development Director)
 - Jonathan Mitchell (Building Department – Permit Technician)
 - Noah Nemmers (Baseline Engineering – Engineering Division Manager)

The following notes are a summary of items discussed and next steps. These notes may not be inclusive of all items discussed and do represent significant discussion and agreements made at the TRC meeting.

Summary items

- The property is located at 502 N 2nd Street.
 - The property is zoned M1.
 - The Zoning Map can be found here: <https://www.berthoud.org/182/Maps-GIS> or here: <https://www.berthoud.org/DocumentCenter/View/286/Zoning-Map-PDF> A snip of this map is inset below.
- The subject property is east of North 2nd Street and north of Massachusetts Avenue.



- The proposed land use of a veterinarian clinic and a pet crematorium is consistent with the Town's Land Use Code and Future Land Use Map. The property is currently zoned M1. A cremation facility is a use that could be allowed with a Conditional Use Permit/Use by Special Review Permit per Table 3-3 in the Land Use Code. The applicant may choose to submit an application that covers the future build-out of the project.
 - The standards for this Permit can be found in the Code at this link:
https://library.municode.com/co/berthoud/codes/code_of_ordinances?nodeId=CH30BEDECO_S3ZO_30-3-106COUSUSSPRE
 - There is a checklist for application materials which can be found at this link:
<https://www.berthoud.org/DocumentCenter/View/269/Conditional-Use-PDF>
 - The MOU can be accessed at this link:
<https://www.berthoud.org/DocumentCenter/View/267/Memorandum-of-Understanding-PDF>
 - Development Review fees can be found at this link:
<https://www.berthoud.org/DocumentCenter/View/264/Development-Review-Fees>
 - Fire Protection District Development Review fees can be found at this link:
<https://www.berthoud.org/DocumentCenter/View/265/Berthoud-Fire-Protection-District-Development-Review-Fees-PDF> The Conditional Use Permit will fall under the Site Plan Review schedule.
- The Future Land Use Map classifies the property as Innovation District. Refer to the 2021 Comprehensive Plan on page 23 to understand the intent of the Innovation District.
 - <https://www.berthoud.org/DocumentCenter/View/281/Future-Land-Use-Map-PDF>
 - https://library.municode.com/co/berthoud/codes/code_of_ordinances?nodeId=CH30BEDECO_S3ZO
- The use does not propose a conflict with the 2021 Comprehensive Plan.
 - <https://www.berthoud.org/DocumentCenter/View/295/2021-Comprehensive-Plan-PDF>

The following points of discussion were made:

- Engineering / Operations
 - The applicant should contact utility providers including the natural gas provider, to ensure service can be provided. Will-serve letters may be included in the application materials.
 - The area behind the building may be paved in the future. If paved, a drainage report, utility plan and potentially a grading plan will be needed.
 - Traffic Impact Study/Memo need determination
- Fire Protection District: The applicant is encouraged to contact the Berthoud Fire Protection District regarding the proposed use. The Fire Chief is Steve Charles and the District phone number is 970-532-2264.
- Building: A change of use and inspections may be required. Please coordinate with the Town's Building Division. An inspection of the building with the Building Official may be able to be arranged so that you understand any requirements needed for the proposed change of occupancy/use.
- Planning:
 - Land Use process required to meet intended outcomes. The building is existing and the applicant intends to use the existing building. For reference, see the current Town standards provided below as a guide when making improvements to the existing building.
 - Provide an elevation of the façade with the land use application package. See architectural standards found in the Land Use Code:
https://library.municode.com/co/berthoud/codes/code_of_ordinances?nodeId=CH30BEDECO_S2DEST_30-2-117COINST
 - Landscape Standards:
https://library.municode.com/co/berthoud/codes/code_of_ordinances?nodeId=CH30BEDECO_S2DEST_30-2-112LADE
 - Commercial and Industrial Buffering and Screening:
https://library.municode.com/co/berthoud/codes/code_of_ordinances?nodeId=CH30BEDECO_S2DEST_30-2-114COINBUSCTE

- Provide details on the proposed lighting with the land use application package. Standards can be found here:
https://library.municode.com/co/berthoud/codes/code_of_ordinances?nodeId=CH30BEDECO_S2DEST_30-2-118OULIDASKST
- Provide details on the proposed site signage with the land use application package. Sign standards can be found here:
https://library.municode.com/co/berthoud/codes/code_of_ordinances?nodeId=CH30BEDECO_S7SI
- Include a listing of State or Federal permits required for this operation, inclusive of any Colorado Department of Public Health and Environment (CDPHE) permits for emissions that may be required. If not required, please state so in the application narrative.
- Refer to the following section regarding non-conforming situations:
https://library.municode.com/co/berthoud/codes/code_of_ordinances?nodeId=CH30BEDECO_S3ZO_30-3-107NOUSBU

The Town will provide the following information under separate correspondence:

1. Information regarding the Enterprise Zone was included in an email from Berthoud Business Development Manager, Walt Elish on February 23, 2023.



CHICAGO TITLE COMPANY

4645 Ziegler Rd , Suite 220
Fort Collins, CO 80528
Phone: 970-666-7300 / Fax: 970-797-1884

Date: March 16, 2023
File No.: CS0605642, Amendment No. 4
Buyer(s)/Borrower(s): Jeffrey Scott Lewis
Owner(s): 502 Second Street, LLC, a Colorado limited liability company
Property: 502 N 2Nd St, Berthoud, CO 80513-1207
Assessor Parcel No.: R0694088

PLEASE TAKE NOTE OF THE FOLLOWING REVISED TERMS CONTAINED HEREIN:

Updated effective date

[Click here for Tax Cert](#)

WIRED FUNDS ARE REQUIRED ON ALL CASH PURCHASE TRANSACTIONS. FOR WIRING INSTRUCTIONS, PLEASE CONTACT YOUR ESCROW OFFICE AS NOTED ON THE TRANSMITTAL PAGE OF THIS COMMITMENT.

To: Chicago Title of Colorado - Fort Collins
4645 Ziegler Rd
Suite 220
Fort Collins, CO 80528

Attn: Emily Madison
Phone: 9706667306
Fax: 970-797-1884
Email: Emily.Madison@ctt.com
Attn: Mallory Lyons
Phone: (970) 666-7304
Fax: (303) 633-7781
Email: mallory.lyons@ctt.com
Attn: Jessica Edmonson
Phone: (303) 264-1232
Fax: (303) 633-7775
Email: Jessica.Edmonson@fnf.com

To: Jeffrey Scott Lewis sent via email

To: 502 Second Street, LLC, a Colorado limited liability company **Attn:**

To:

To:

To: FirstBank, A Colorado State Banking
Corporation, It's Successors and/or Assigns
10403 W Colfax Ave
Lakewood, CO 80215

To: RE/MAX Town and Country
340 Mountain Avenue
Berthoud, CO 80513

Attn: Gary Maggi
Phone: 970-532-5096
Fax: 970-532-5094
Email: gary@berthoudrealestate.com

To: RE/MAX Town and Country
340 Mountain Avenue
Berthoud, CO 80513

Attn: Lisa Spears (TC-LA)
Phone: 970-532-5096
Fax: 970-532-5094
Email: lisa@berthoudrealestate.com

To: FirstBank
10403 W Colfax Ave
Lakewood, CO 80215

Attn: Joyce Chacon
Phone:
Fax:
Email: Joyce.Chacon@efirstbank.com
Attn: FirstBank Orders
Phone:
Fax:
Email: clordering@efirstbank.com
Attn: FirstBank Closing Disclosure
Phone:
Fax:
Email: closingdisclosure@efirstbank.com

To: The Group
375 E Horsetooth Rd Ste 1
Fort Collins, CO 80525

Attn: Rhett B. Strom
Phone:
Fax:
Email: rstrom@thegroupinc.com

To: The Group
2803 E Harmony Rd
Fort Collins, CO 80528

Attn: ESCROW HUB
Phone:
Fax:
Email: EscrowHub@TheGroupInc.com

END OF TRANSMITTAL

ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:



CHICAGO TITLE
INSURANCE COMPANY

Commitment Number:

CS0605642
Amendment 4

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Terry N. Williams
Authorized Officer or Agent

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Transaction Identification Data for reference only:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Chicago Title of Colorado - Fort Collins 4645 Ziegler Rd , Suite 220 Fort Collins, CO 80528 Main Phone: 970-666-7300	Escrow Officer: Emily Madison Chicago Title of Colorado - Fort Collins 4645 Ziegler Rd , Suite 220 Fort Collins, CO 80528 Phone: 9706667306 Main Phone: 970-666-7300 Email: Emily.Madison@ctt.com

Order Number: CS0605642**Property Address: 502 N 2Nd St, Berthoud, CO 80513-1207****SCHEDULE A**

1. Commitment Date: March 10, 2023 at 08:00 AM
2. Policy to be issued:
 - (a) ALTA Owners Policy 6-17-06
Proposed Insured: Jeffrey Scott Lewis
Proposed Policy Amount: \$849,900.00
 - (b) ALTA Loan Policy 6-17-06
Proposed Insured: FirstBank, A Colorado State Banking Corporation, It's Successors and/or Assigns its successors and/ or assigns, as their interests may appear
Proposed Policy Amount: \$679,920.00
3. The estate or interest in the Land described or referred to in this Commitment is:
Fee Simple
4. The Title is, at the Commitment Date, vested in:
[502 Second Street, LLC, a Colorado limited liability company](#)
5. The Land is described as follows:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PREMIUMS:

Owner's Policy Premium	\$1121.00
CO 110.1-06	\$95.00
Loan Policy 1 Premium	\$300.00
CO 100-06	\$250.00
Tax Certificate	\$13.50

END OF SCHEDULE A

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EXHIBIT "A"

Legal Description

Lot 4, Campbell-James Replat,
County of Larimer, State of Colorado

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**SCHEDULE B, PART I
REQUIREMENTS**

All of the following Requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or for the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Obtain a certificate of taxes due from the county treasurer or the county treasurer's authorized agent.
4. Evidence that any and all assessments for common expenses, if any, have been paid.
5. The Company will require that an Affidavit and Indemnity Agreement be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(s): 502 Second Street, LLC, a Colorado limited liability company

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

6. Deed sufficient to convey the fee simple estate or interest in the Land described or referred to herein, to the Proposed Insured Purchaser.
7. Deed of Trust sufficient to encumber the estate or interest in the Land described or referred to herein for the benefit of the Proposed Insured Lender.
8. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.
9. The company requires the Seller/Vested owner named herein on Schedule "A" to provide complete information necessary to identify all leases and/or tenancies that may be in effect regarding this property. If no leases and/or tenancies are in existence, that information must be provided in written form prior to closing.
10. Intentionally deleted.
11. Recordation of Statement of Authority for 502 Second Street, LLC, a Colorado limited liability company pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.

NOTE: Exception(s) number(ed) 1-4 will not appear on the Lender's Policy, subject to satisfaction of requirements and as applicable.

NOTE: Exception number 5 will be removed from the Owner's and/or Lender's Policy provided the Company conducts the closing.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

NOTE: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

NOTE: Endorsement Form 110.1, deleting exception(s) 1-4 will be issued with the Owner's Policy, subject to satisfaction of requirements and as applicable.

24 MONTH CHAIN OF TITLE, FOR INFORMATIONAL PURPOSES ONLY:

The following vesting deeds relating to the subject property have been recorded in the Clerk and Recorder's office of the County in which the property is located:

There are no conveyances affecting said land recorded within 24 months of the date of this report

[Plat Map](#)

END OF SCHEDULE B, PART I

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**SCHEDULE B, PART II
EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachments, encumbrances, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by Public Records.
4. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for the value the estate or interest or mortgage thereon covered by this Commitment.

NOTE: Upon satisfaction of all requirements herein, the above exception will not be reflected on any proposed title policy identified in Schedule A.

6. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
7. All taxes and assessments, now or heretofore assessed, due or payable.

NOTE: This tax exception will be amended at policy upon satisfaction and evidence of payment of taxes.

8. Reservations contained in the Patent

From: The United States of America
Recording Date: January 1, 1753
Recording No: [Book 32 Page 68](#)

Which among other things recites as follows:

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

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**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

9. Request for Notification of Application for Development recorded July 12, 2016 at Reception No. [20160044648](#).
10. Terms, conditions, restrictions, provisions, notes and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on the Plat(s) of said subdivision set forth below:

Recording Date: August 23, 1977

Recording No: [Plat Book C Page 6](#)

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is Two Million And No/100 Dollars (\$2,000,000.00) or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

END OF CONDITIONS

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DISCLOSURE STATEMENT

- Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.
- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Chicago Title of Colorado - Fort Collins conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.
- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfiled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.
- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 - requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers."
- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).
- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.
- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to requirements of this paragraph.
- Section 38-35-109 (2) of the Colorado Revised Statutes, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.
- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.
- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, the Company is required to disclose the following information:
 - The subject property may be located in a special taxing district.

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DISCLOSURE STATEMENT
(continued)

- o A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.
- o Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.
- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

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Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective January 1, 2023

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: aginquies@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

For Virginia Residents: For additional information about your Virginia privacy rights, please email privacy@fnf.com or call (888) 714-2710.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions or would like to correct your Personal Information, visit FNF's [Privacy Inquiry Website](#) or contact us by phone at (888) 714-2710, by email at privacy@fnf.com, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer



Planning Commission Public Hearing May 25, 2023



Land Use Planning Process



1. PRE-APPLICATION



Discussion with Staff
Pre-Application conference (TRC)
Staff input and direction
Application preparation

2. APPLICATION SUBMITTAL



Application materials received
Completeness review performed
Public notification and comments
Referral notification and comments
Staff review and comments
Resubmittals and reviews
Schedule and notice public meetings/hearings

3. PUBLIC MEETING / HEARING



Staff presentation
Applicant's presentation
Public hearing
Discussion and vote

4. POST-APPROVAL ACTIONS



Conditions of approval
Signing documents
Recording documents
Records management

Land Use Planning Process



1. PRE-APPLICATION



Discussion with Staff
Pre-Application conference (TRC)
Staff input and direction
Application preparation

2. APPLICATION SUBMITTAL



Application materials received
Completeness review performed
Public notification and comments
Referral notification and comments
Staff review and comments
Resubmittals and reviews
Schedule and notice public meetings/hearings

3. PUBLIC MEETING / HEARING



Staff presentation
Applicant's presentation
Public hearing
Discussion and vote

4. POST-APPROVAL ACTIONS

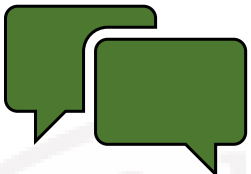


Conditions of approval
Signing documents
Recording documents
Records management

Public Hearing Information Guide



1. STAFF PRESENTATION



The agenda item is introduced by Town Staff, including details of the official request, location, and how the project satisfies the Development Code and Comprehensive Plan

2. APPLICANT PRESENTATION

The applicant presents their proposal and makes their case for approval.



3. PUBLIC HEARING

- 
- The public hearing is opened for testimony.
 - One at a time, citizens have an opportunity to speak for up to 3 minutes about the proposed project. This time is used to ask questions, provide concerns, and offer approval or disapproval of the proposal.
 - Public comments are testimony. The Applicant, Staff and Trustees/Commissioners will not respond to the comments until all testimony has been received and the public hearing is closed.
 - Once all who wish to speak have done so, the Mayor / Chairperson will officially close the Public Hearing which ends the public testimony period.



4. DISCUSSION & VOTE

- **Applicant has the opportunity to address public testimony.**
- The Trustees/Commissioners confer and have an opportunity to ask the applicant or staff questions that arose during the public hearing period or questions of their own.
- A motion must be made on an item, and if a motion is seconded, a vote is called; a majority must be found for any issue to pass (tie votes do not result in the passage of the item).
- If any citizen disagrees with the decision, they have 30 days to file an appeal with the Town.

Caring Pathways: Pet Cremation Conditional Use Permit

**PROJECT:**

Caring Pathways Veterinary
and Pet Cremation
Conditional Use Permit

APPLICANT:

Jeff Lewis, Caring Pathways

LOCATION:

502 N 2nd Street

ZONING:

M1

SIZE:

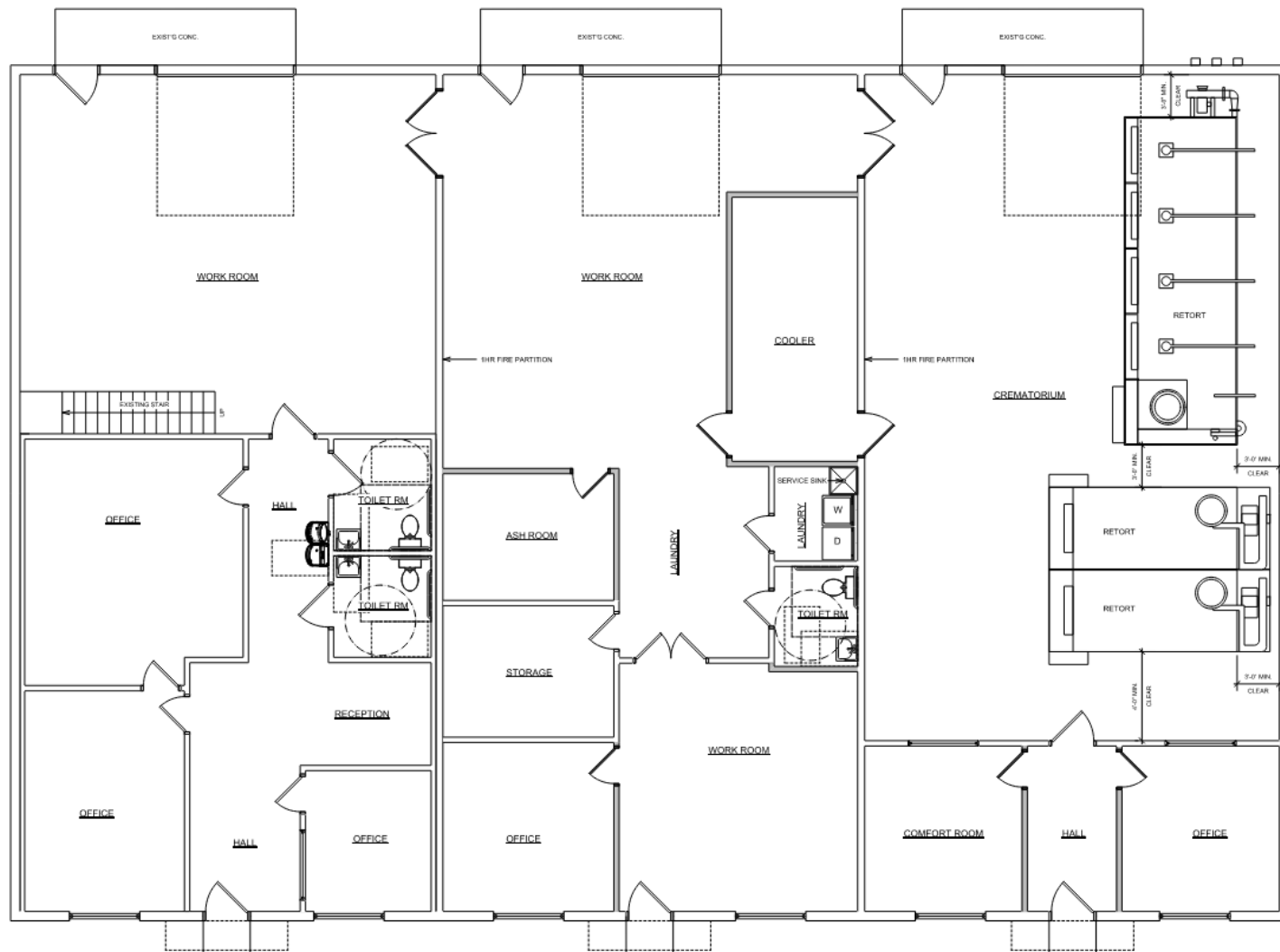
.28 ACRES

**APPLICANT'S
REQUEST:**

Approval of a conditional use
permit for a pet cremation
facility.









Conditional Use Permit



- The 2021 Comprehensive Plan and Future Land Use Map identify this site as part of the Innovation District which promotes light industrial uses.
- The business will bring new veterinary jobs to Berthoud.
- The proposed use will utilize the existing structure and facilities that currently exist on site.

Conditional Use Permit



30-3-106- REVIEW CRITERIA	FINDINGS
1. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested	YES
2. The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Berthoud Comprehensive Plan.	YES
3. The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.	YES
4. The conditional use will not substantially alter the basic character of the district in which it is in or impair the development or redevelopment potential of the district.	YES
5. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.	YES

Conditional Use Perrmit



30-3-106- REVIEW CRITERIA	FINDINGS
6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts including: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.	YES
7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.	YES

Berthoud Self-Storage

Conditional Use Permit / Use by Special Review



Conditional Use Permit

Staff recommends Planning Commission make a motion to recommend approval of the conditional use permit to the Town Board with the following conditions.

- **Replace exterior lighting on the building with dark sky compliant lighting.**
- **Install new canvas awnings on the exterior of the structure.**

Proposed Motions:

For Approval:

I move to approve the Caring Pathways Pet Cremation Conditional Use Permit due to the findings stated in the Staff Report.

For Denial:

I move to deny approval of the Caring Pathways Pet Cremation Conditional Use Permit because of the following reasons:



Planning Commission Meeting May 25, 2023



Conditional Use Application

Utilize 502 N 2nd Street as the operations center for:

- Unit 1: Existing mobile veterinary practice specializing in end-of-life care
- Units 2 & 3: New pet cremation operation to serve the veterinary practice





Pet Cremation Summary

Installing new cremation equipment manufactured in California

- High-tech flame cremation retorts with industry-leading efficiencies
- Live online monitoring by the manufacturer to ensure optimal operation



Pet Cremation Summary

Creating jobs

- Estimated annual payroll of approximately \$650K
- Twelve skilled team members with opportunities for advancement
- Team members achieve industry certifications and specialize in equipment operation, lean manufacturing, customer service, and grief support

Pet Cremation Summary

Introducing the Town of Berthoud to residents on the Front Range

- Pet families from Castle Rock to Wellington will visit the site for witnessed cremations and pick-up of cremains

Pet Cremation Summary

Key Takeaways

- Making a significant investment to make Berthoud our home, for a long time
- High level of business professionalism improving the appearance of the site
- Tech-focused operation
- Strong commitment to innovation and community involvement