



# Brickyard Conditions Survey

Castle Rock, Colorado

June 2022

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# Brickyard Conditions Survey

Castle Rock, Colorado

## 1.0 Introduction

The subject of this work included the former Acme Brick property located at 401 Prairie Hawk Drive (the "Subject Property" or "Survey Area" or "Area") in the southwestern portion of the Town of Castle Rock (the "Town"). **(Figure 1)**

The content of this Brickyard Conditions Survey report includes a description of conditions in the Area and the extent to which they may or may not pose a threat to individuals who occupy or use the property or hamper development within its boundaries, along with findings regarding their relevance to statutory thresholds provided for in the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, 1973, as amended (herein referred to as the "Act").

## 2.0 Survey Area Description

**Table 1** below provides a list of all taxing entities impacting the property that was the subject of this investigation.

**Table 1**

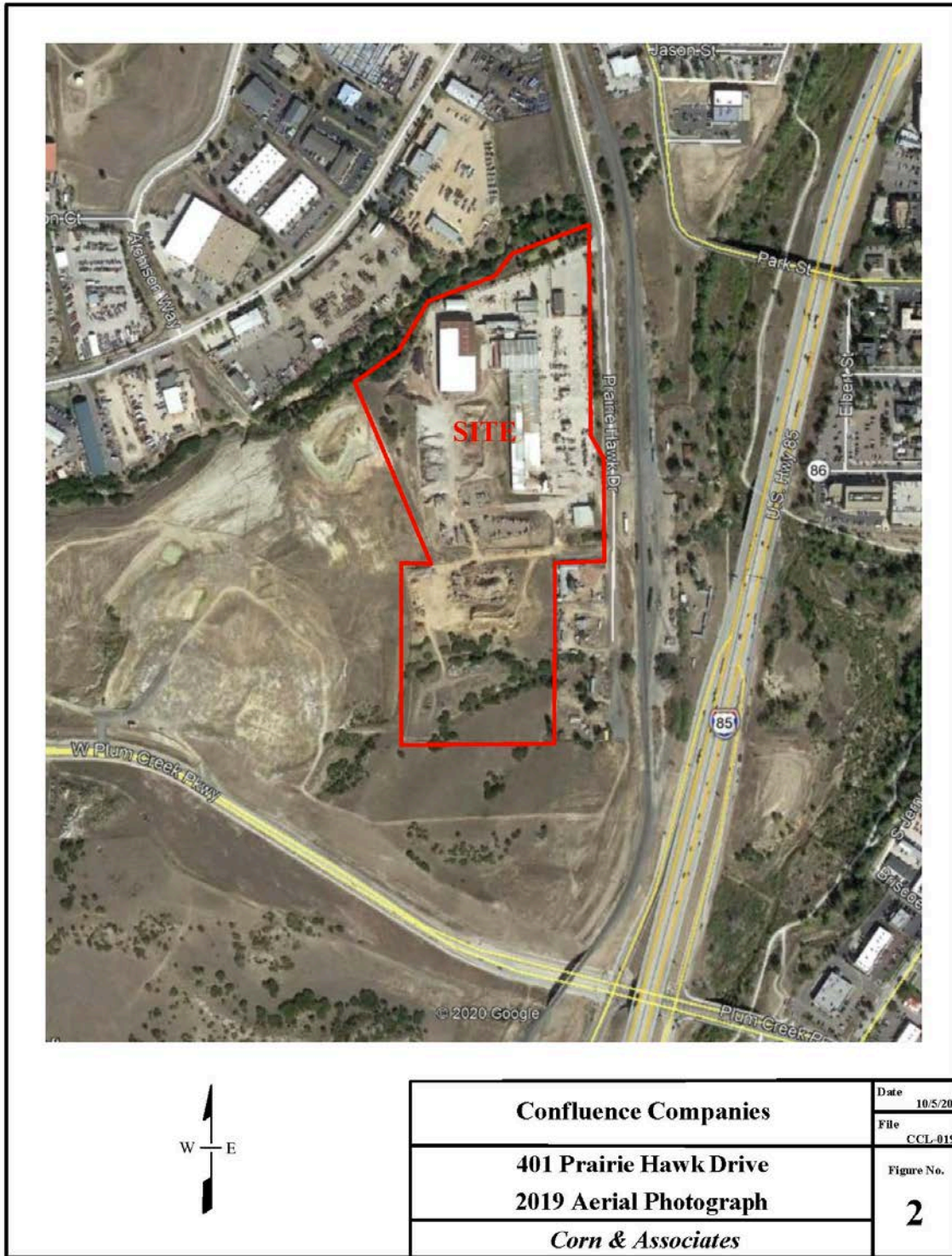
### Taxing Entities with a Presence in the Survey Area

May 2022

Taxing Entity	Mill Levy
Douglas County	18.524
Town of Castle Rock	1.139
Douglas County School District RE-1	43.797
Douglas Public Library District	4.021
Cedar Hill Cemetery Association	0.124
<b>Total</b>	<b>67.605</b>

Source: Douglas County Assessor's Office and Ricker | Cunningham.

Figure 1: Brickyard Survey Area Map



**Table 2** provides a summary of general information regarding certain attributes of the Subject Property. As presented, it encompasses approximately 13.0 acres and nearly 133,000 square feet of improvements constructed between 1983 and 2000. Based on review of public records, the site is classified as Industrial. It was purchased by the Denver Brick Company from Citadel Station Associates on February 24, 1982 for \$424,700, and subsequently sold by Denver Brick Company to CD Acme LLC on December 16, 2020, for \$7,00,000.

**Table 2**  
**Subject Property Characteristics**

May 2022

Property Address	Owner	Land Area (Acres)	Improvement Size (Sq Ft)	Year Built
401 Prairie Hawk Drive	CD Acme LLC	13.0	133,018	1983 to 2000
<b>Total</b>	--	<b>13.0</b>	<b>133,018</b>	--

Source: Douglas County Assessor's Office and Ricker | Cunningham.

**Table 3** provides detailed information regarding the characteristics of physical improvements within the property.

**Table 3**  
**Subject Property Facility Characteristics**

May 2022

Structures and Land	Building Type	Year Built	Stories	Square Feet
Building No. 1	Industrial Light Manufacturing	1983	1	84,410
Building No. 2	Out Building	1984	1	39,200
Building No. 3	Industrial Light Manufacturing   Material Storage Sheds	1991   2004	1	3,356   156
Building No. 4	Modular Office	1991	1	2,812
Building No. 5	Storage Warehouse	2000	1	3,240

Source: Douglas County Assessor's Office and Ricker | Cunningham.

## 2.1 Zoning

The Area is currently zoned **I-2 General Industrial**. Permitted uses within this zoning

classification are provided below as identified in Chapter 17.28 of the Castle Rock Municipal Code.

#### I-2 General Industrial

- Airport
- Alcoholic beverage sales
- Asphalt/concrete plant
- Assisted living/memory care
- ATM/kiosk (stand-alone)
- Auto body and vehicle/RV/boat equipment and repair
- Automobile/vehicle/RV/  
boat/motorcycle/  
all-terrain vehicles/  
equipment sales and leasing
- Automobile service/fuel station/wash/rental
- Bed and breakfast
- Cemetery
- Clinic
- College/university/vo-tech
- Commercial amusement, indoor
- Commercial amusement, outdoor
- Day care center
- Disposal service
- Educational facility
- Gym/health club
- Heavy industry
- Helistop/heliport
- Hospital
- Hotel/motel
- Institutional care
- Kennel/doggy daycare
- Light industry
- Live-work unit
- Medical lab
- Mineral extraction
- Multi-family
- Multi-modal transit facility

- Nursery/greenhouse
- Nursing home
- Office
- Oil and gas production
- Parking facility (stand-alone lot/structure)
- Place of worship
- Private club
- Public facilities
- Recreation, indoor
- Recreation, outdoor
- Recycling center and salvage
- Recycling drop-off
- Rehabilitation clinic/facility
- Restaurant
- Retail
- Self-storage facility
- Service, commercial
- Service, personal
- Service, repair
- Sexually oriented business
- Shooting range, indoor
- Storage yard
- Studio classes
- Towing and storage of inoperable vehicles
- Urgent care
- Utilities, public
- Vehicle/RV/boat storage
- Veterinary clinic
- Warehousing and distribution

## 2.2 Future Land Uses

Future land use designations are reflected in the Town's Comprehensive Plan and Future Land Use Map.<sup>1</sup> The purpose of that map is to illustrate where certain land uses are

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<sup>1</sup> The Future Land Use Map and accompanying land use category descriptions reflect the types of land uses and product types, as well as character of how the community would like to see the town grow over the next several years.

encouraged within Castle Rock's Planning Area over the near- and long-term, and where the Town would support the development of land uses and product types consistent with those designations.

The Area is included in the Town's Mixed-Use Area, which envisions a broad range of land uses with greater intensity than Residential Neighborhood Areas, with primary uses such as: Regional, neighborhood/ community and town centers; freestanding office or industrial, office or industrial parks; and multi-family residential. Secondary uses could include Single family attached or detached residential, parks and recreational facilities, open space, schools, fire and police stations, water storage facilities, public works equipment, government offices, hospitals, places of worship and transit facilities or highways and may have railroad access.<sup>2</sup>

### 3.0 Definition of Blight

A determination of blight is a cumulative conclusion based on the presence of several conditions or factors (physical, market, and other), defined by state law, that collectively contribute to the deterioration of an area. Taken together, and when left unattended for extended periods of time, they can adversely impact the economic health of properties not only in their general vicinity, but those of the community at-large. With more than 60 years of history to reflect on, blighting conditions are known to diminish the positive attributes of investment and reinvestment in land and improvements, stagnate property values, and necessitate disproportionate levels of spending. For this Survey, and as set forth in the Act, the definition of a blighted area is as follows:

*31-25-103. Definitions. (2) "Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:*

- (a) *Slum, deteriorated, or deteriorating structures;*
- (b) *Predominance of defective or inadequate street layout;*

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<sup>2</sup> Castle Rock 2030 Comprehensive Master Plan, Page 69.



- (c) *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- (d) *Unsanitary or unsafe conditions;*
- (e) *Deterioration of site or other improvements;*
- (f) *Unusual topography or inadequate public improvements or utilities;*
- (g) *Defective or unusual conditions of title rendering the title non-marketable;*
- (h) *Existence of conditions that endanger life or property by fire or other causes;*
- (i) *Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;*
- (j) *Environmental contamination of buildings or property;*
- (k.5) *Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements;*

*If there is no objection of such property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation. Source: Colorado Revised Statute 31-25-103(2).*

The determination of whether an area is or is not a "blighted area" is the sole responsibility of municipal legislative bodies (i.e., town council). In a typical situation, the survey report is used by the town council to organize an urban renewal authority and

later, to approve an urban renewal plan for redevelopment of properties within its boundaries.

As stated in the Act, a finding of eligibility neither requires that all eleven (11) factors be present in the Survey Area, nor that every parcel in the area be adversely impacted by a qualifying factor. In this instance, the Castle Rock Town Council will determine the Survey Area's eligibility based on the presence of four (4) or more factors or five (5) in cases where the use of eminent domain is anticipated). As explained in (I) above, these thresholds may be reduced to the presence of one (1) blighting factor in cases where owners of property and tenants of the owners do not object to inclusion in the area. Although ten (10) of the eleven (11) factors were either observed or identified, as per the Statute, the Area may be considered eligible based on the presence of one (1) blighting factor since there is no objection by the property owner.

## 4.0 Study Methodology

Ricker | Cunningham (RC), Urban Renewal Specialists, was authorized in May 2022 to investigate conditions in the Survey Area, and prepare a report describing their findings. To this end, RC personnel reviewed information including Geographic Information Systems (GIS) records, past reports and studies, and other data and documents provided by Town Staff and representatives of other public agencies; and conducted field investigations during the months of May and June 2022.

### 4.1 Description of Statutory Factors

What follows is a description of each of the statutory factors listed above. Actual conditions either observed or identified within the Survey Area are described in *Section 5 Summary of Findings*, along with an opinion regarding whether collectively, they constitute a finding of "blight". In making a final determination, the Castle Rock Town Council will have to conclude that that finding satisfies § 31-25-103(2) of the Statute.

#### (a) Slum, deteriorated, or deteriorating structures

This factor is said to be present when an area contains structures that are deteriorating or deteriorated according to municipal codes or the physical condition of structures in an area pose specific life-safety concerns due to the

deterioration or absence of its: roof; walls, fascia board or soffit; foundation; gutters or downspouts; exterior finish; windows or doors; stairways or fire escapes; mechanical equipment; loading areas; fences, walls or gates; or non-primary structures.

**(b) Predominance of defective or inadequate street layout**

This factor is said to be present when the layout of existing streets or absence of streets adversely impact: the health, safety and welfare of individuals using vehicular and non-vehicular modes of transportation; or sound development of the area. Specific circumstances include inadequate vehicular access, internal circulation, street widths or parking lot layout; presence of dead ends; deteriorating condition of existing streets; inadequate accommodations for safe pedestrian and bicycle movement; lack of driveway definition or curb cuts; and / or elevated history of traffic accidents.

**(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness**

This factor is said to be present when a parcels size or configuration (long and narrow or irregularly sized) inhibits or is likely to inhibit the development of improvements consistent with prevailing regulations (i.e., zoning); or vehicular access is either inadequate or unsafe. In this context, shared access, even among properties with the same owner, is considered a deficiency since it could limit the redevelopment potential of one or more properties were the owner to decide to sell them individually.

**(d) Unsanitary or unsafe conditions**

This factor is said to be present when there are poorly lit or unlit areas, sidewalks are cracked or uneven, drainage infrastructure is deficient, trash or mechanical equipment is unscreened, there is evidence of vandalism or vagrancy; incidents of crime are increasing or disproportionately high; there is a lack of fire protection; or hazardous contaminants, floodways and floodplains, and steep slopes threaten the health, safety and welfare of persons in an area.

**(e) Deterioration of site or other improvements**

This factor is said to be present when property, structures or public improvements have been damaged or neglected as reflected in deteriorating signs, parking surfaces, curbs, gutters, sidewalks, streets or landscaping; or trash, debris and weeds are visible and pervasive.

**(f) Unusual topography or inadequate public improvements or utilities**

This factor is said to be present when the topography of an area, including the presence of severe slopes and gullies, either: makes improvement of properties difficult, impractical, or infeasibly costly; limits a sites usefulness; adversely affects the size or configuration of built structures; or requires expensive infrastructure to support development as required by prevailing regulations. The presence of overhead utilities is another condition considered in the context of this factor.

**(g) Defective or unusual conditions of title rendering the title non-marketable**

This factor is said to be present when development is hampered, or properties are deemed unmarketable due to conditions of title (including unclear ownership) such as covenants or other provisions governing its use that are discriminatory, obsolete or unduly restrictive. Also considered in the context of this factor is the presence of utility, ditch and access easements which can have a similar impact on a property's potential and capacity for development.

**(h) Existence of conditions that endanger life or property by fire or other causes**

This factor is said to be present when property or structures are subject to threats from fire, hazardous contaminants, flooding, or criminal activity.

**(i) Buildings (or sites) that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities**

This factor is said to be present when conditions within properties or structures pose a threat to habitation or daily use resulting from contamination or a lack of safety infrastructure (i.e., fire sprinkler systems). Conditions that are present under (a), (d), (i) and (k.5) may also be included under this factor.

**(j) Environmental contamination of buildings or property**

This factor is said to be present when past or ongoing chemical or biological contamination of a site either poses a health hazard to users or limits the type or magnitude of development that is either legally permitted or financeable. Conditions listed under factors (d), (i), and (k.5) also qualify under this factor.

**(k.5) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements**

This factor is said to be present when properties or structures are vacant or underutilized (as anticipated by zoning); or a disproportionate level of public services are required to address a disproportionately high frequency of crimes, fires, accidents or building code violations. Conditions listed under factors (a), (d), (i), and (j) also qualify under this factor.

## 5.0 Summary of Findings

It is the conclusion of this Brickyard Conditions Survey that, within the Area boundaries, ten (10) of the possible eleven (11) blight factors are present, including those listed here: (a) Slum, deteriorated, or deteriorating structures; (b) predominance of defective or inadequate street layout; (c) faulty lot layout in relation to size, adequacy, accessibility, or usefulness; (d) unsanitary or unsafe conditions; (e) deterioration of site or other improvements; (f) unusual topography or inadequate public improvements or utilities (as per zoning); (h) existence of conditions that endanger life or property by fire or other causes; (i) buildings (and properties) that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities; (j) environmental contamination of buildings or property; and (k.5) existence of health, safety, or welfare

factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

What follows are descriptions and supporting data regarding conditions either observed or identified and associated with each of the factors as defined in the Statute. Representative photographs of select conditions are presented in **Appendix A**.

**(a) Slum, deteriorated, or deteriorating structures**

An investigation of conditions associated with degrading and abandoned buildings and supporting structures in the Survey Area, was conducted from the outside in locations both visible from and accessible to the general public. Elements of improvements that were observed and deemed to be deteriorating included: mechanical and operating equipment that was either unscreened, or partially screened by damaged and deteriorating fencing; broken and boarded windows; crumbling masonry around loading docks and receiving areas; scorched drying oven and firing kilns; and building facades with peeling paint (see discussion regarding the presence of asbestos under Factor (j) below).

Several secondary structures including sheds, other storage facilities, and office trailers were also found to be in various states of disrepair and degradation, most of which lacked fencing adequate to ensure appropriate protections for the public's safety, health, and welfare."

**(b) Predominance of defective or inadequate street layout**

Defective or inadequate street layout is often a byproduct of one or more of the following street conditions: absence of accommodations for safe vehicular and non-vehicular mobility and limited capacity to support existing or potential traffic activity (as required by local codes and measured by the frequency of vehicular conflicts), and deteriorating infrastructure (based on visual observations). All of these conditions are present in the Survey Area.

Accommodations for Mobility

Whereas there are no dedicated roadways within the Subject Property, Prairie Hawk Drive, the principal arterial serving the Area along its eastern border, was the subject of

this investigation as it relates to this Factor (b). Prairie Hawk is a two-way street, with a single lane for traffic moving either north or south. Overhead utility lines and associated easements are located adjacent to its western edge, while the Burlington Northern Santa Fe (BNSF) rail line runs along its eastern edge. The roadway lacks both curbs and gutters, lighting, and sidewalks, as required by municipal codes and zoning. There are no accommodations for non-vehicular movement, and inadequate shoulder space. Points of ingress and egress are ill-defined, and in the case of the Subject Property, further obstructed by overgrown landscaping. In addition to the absence of adequate infrastructure to support vehicular and non-vehicular movement, there are numerous instances of observable degradation.

#### Criminal and Traffic-Related Incidents

Information regarding the number of traffic-related incidents within this and other roadways in the vicinity of the Area was obtained from LexisNexis® Community Crime Maps and the Castle Rock Police Department. Specific occurrences investigated included statistics related to traffic incidents and frequency of conflicts between vehicles, or vehicles and either pedestrians or bicycles. As summarized in **Table 4**, traffic incidents and accidents in the vicinity of the Survey Area between April 2020 and April 2022, more than doubled during this period, 10 occurrences reported in the first four months of 2022. Further, while burglaries are down, motor vehicle thefts are up by potentially 60% (annualized) in 2022.

**Table 4**

#### **Annual Number of Criminal and Traffic-Related Incidents**

Between April 2020 and April 2022

June 2022

Incident Type	April to April			% Change 2020 - 2022
	2020	2021	2022	
Number	Number	Number	Number	
Aggravated Assault	0	0	1	--
Motor Vehicle Theft	5	7	6	20%
Burglary	7	7	6	-14%
Larceny / Theft	3	4	2	-33%
Trespass	1	3	1	0%
Traffic Accidents / Incidents	4	7	10	150%
<b>Total</b>	<b>20</b>	<b>28</b>	<b>26</b>	<b>30%</b>

Source: LexisNexis® Community Crime Maps and Ricker | Cunningham.

### (c) Faulty lot layout

Several conditions associated with the presence of Factor (c) are directly related to those associated with the presence of Factor (b) since many are a consequence of street and lot platting and design. Faulty lots, specifically, are those lacking adequate and clearly defined points of ingress and egress, and | or insufficient in size or shape to comply with local building and development codes. This said, the presence of those conditions that suggest the Survey Area is subject to adverse circumstances associated with Factor (b), also suggest it is subject to adverse circumstances associated with Factor (c).

Whereas faulty lots generally have limited utility, they are often referred to as “remnant parcels,” and rarely possesses any significant value or usefulness unless made part of a larger assemblage.

#### Ingress and Egress

Appropriate points of access to properties are defined by curbs and gutters, made visible by clearly marked breaks in driveways, and supported by adequate lighting. In the principal location where a clear point of ingress would have been anticipated, these improvements are absent. Further, since the Subject Property supported an industrial use, and this appears to be the only location for employees, visitors, and suppliers to access the property, it is highly likely that there were numerous conflicts between not only automobile and truck traffic, but potentially vehicles and pedestrians and | or bicyclists. Limited access to and within commercial and industrial properties not only inhibits the safe movement of goods and services, but presents a significant competitive disadvantage often resulting in below market property values.

#### Parcel Size and Shape

A property's size and configuration will impact its function, usefulness, and capacity to support development. In other words, parcels that are either too small or irregular in shape to accommodate particular uses and comply with municipal regulations (e.g., parking requirements, setbacks, impervious surface coverage, etc.) are often considered faulty and potentially useless. The Subject Property, nearly 13.0 acres in size, and fairly regular in shape, is not adversely impacted by either of these conditions.



#### (d) Unsanitary or unsafe conditions

Conditions deemed unsanitary, in this context, are most often those that are visible such as the presence of graffiti, vandalism, and unkempt landscaping. While frequently indicative of neglect, although not threatening, they often diminish property values and efforts to restore and revitalize a community or neighborhood. In addition to unsanitary conditions, this Factor (d) also considers those that because of their presence or absence pose a hazard for individuals and structures. These can range from insufficient firefighting infrastructure to heightened levels of criminal activity, but also include the presence of environmental contaminants and exposure to flooding.

##### Unsanitary Conditions

Numerous examples of unsanitary conditions were observed, many of which could also be considered unsafe. For example, unscreened mechanical equipment, remnant infrastructure including abandoned railway tracks, and access to abandoned buildings. A body of water located along the Area's northern border has collected various types of industrial trash, and appears to be contaminated. Less menacing instances of unsanitary conditions include unscreened trash, graffiti, discarded bricks, and overgrown vegetation.

##### Protection from Fires

Two elements are considered when evaluating appropriate protections from fire. The first is the presence of firefighting infrastructure such as sprinklers, and the second is adequate fire flow. Whereas structures within the Subject Property are abandoned and in the process of being demolished, and future uses for the property will likely be less impactful on municipal services, no inquiries were made regarding either firefighting infrastructure or fire flow. However, information regarding fire-related incidents in the vicinity of the Survey Area, were investigated and are presented in the context of Factor (h) below.

##### Criminal Activity

Whereas heightened levels of criminal activity can indicate an unsafe environment for people to live or work, this investigation sought to understand the frequency of certain incident types. As previously presented in **Table 4** above, the number of annual criminal incidents in the vicinity of the Survey Area, including the Subject Property, between April 2020 and 2022, have ranged from 16 in 2020 to 21 in 2021, with the potential for a more

than 125% increase in 2022 (based on an estimate of annualized figures).

#### Environmental Impacts

Documents provided by Castle Rock Fire and Rescue confirm the Subject Property has and continues to be investigated for potential threats associated with the use of certain building materials and previous business activities. Additionally, it is one of 17 properties in the vicinity of the Survey Area classified as “facilities of interest” by the Environmental Protection Agency (EPA) and actively being monitored by the entity. More information regarding these findings is described in greater detail in the context of Factor (j) below.

#### Presence of Floodways

According to the Federal Emergency Management Agency (FEMA), portions of the Survey Area are found on Panel Map 0188G and Panel Map 0301G (see detail below). As reflected therein, the Subject Property is located adjacent to an industrial tributary of East Plum Creek and maintains a Special Flood Hazard Area: Zone AE (Base Flood Elevations (BFE) Determined) classification, or special flood hazard area. FEMA defines parcels in these floodways as “. . . subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods,” and are, therefore, required to carry mandatory flood insurance, and floodplain management standards apply.

##### Panel 0188G

Douglas County, CO

Panel 188 of 495

Map No. 08035CO188G

Map Revised March 16, 2016

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##### Panel 0301G

Douglas County, CO

Panel 301 of 495

Map No. 08035CO301G

Map Revised March 16, 2016

#### **(e) Deterioration of site or other improvements**

Evidence of deterioration observed within the Subject Property and adjacent right-of-way include those previously discussed under Factors (a) through (d) above. Examples

provided include the ongoing presence of remnant infrastructure and machinery, unscreened debris and equipment, crumbling and broken asphalt surfaces, damaged signage, and overgrown vegetation and weeds. While some of these conditions considered independent of the others may not suggest a significant threat to people or property, taken together with the presence of other “blighting” factors, suggests a pattern of deterioration and neglect.

**(f) Unusual topography or inadequate public improvements or utilities**

Unusual Topography

The majority of the Survey Area is generally flat, with the exception of a significant downward slope surrounding the body of water located along its northern border. Since, as previously discussed, it may hold potential contaminants, it is likely to be filled or replaced during redevelopment, thereby eliminating any potential threat due to changes in the grade of the property.

Inadequate Public Improvements or Utilities

The Subject Property is served by sanitary sewer, fiber optics, and a stormwater conduit, along with water and raw water distribution mains which run through Prairie Hawk Drive. No information was provided regarding the condition or capacity of this infrastructure, but since the proposed redevelopment plan includes product types that will likely be less impactful than past uses, this is not an obvious concern.

Inadequacies in the Area’s roadway infrastructure have already been documented above, along with conditions deemed deficient in meeting established standards for the safety and security of vehicles, pedestrians, and bicyclists.

Not mentioned previously, but also considered in the context of this Factor (f), is the presence of overhead utility lines. While permissible according to prevailing regulations, overhead power lines, in this context, are considered to be a visual “blight” that can contribute to a larger perception of neglect and decay. Overhead power lines are visible along Prairie Hawk Drive.

**(g) Defective or unusual conditions of title rendering the title non-marketable**

As explained above, this factor is associated with conditions which limit the development potential of a property due to title restrictions or the presence of easements. As of the date of this report, no information was provided to suggest the presence of title concerns. However, it should be noted that the presence of contaminants on the site attributable to past activities could impact the location and type of future improvements once redeveloped.

**(h) Existence of conditions that endanger life or property by fire or other causes**

Conditions posing a threat to people and property identified in the Survey Area previously discussed are primarily associated with the condition and capacity of existing infrastructure, frequency of traffic and criminal activities, neglect by property owners, presence of environmental hazards, and potential threats from flooding. Referenced above, but detailed here, are a disproportionately high number of fire related incidents. As reflected in **Table 5**, between 2019 and 2021, the number of building and structure fires increased by 275%. Similarly, the number of trash and rubbish fires increased by 300%. Although the Area realized a decline in other categories, overall figures increased by approximately 25%.

**Table 5**

**Annual Number of Fire-Related Incidents**

2019 to 2021

June 2022

Fire Type	Annual Incidents			% Change 2019 - 2021
	2019	2020	2021	
Number	Number	Number	Number	
Building / Structure	4	9	15	275%
Cooking	8	12	13	63%
Chimney or Flu	1	2	1	0%
Motor Home, Camper, RV	1	3	0	-100%
Passenger Vehicle	12	9	10	-17%
Road Freight or Transport Vehicle	4	2	3	-25%
Off-Road Vehicle or Heavy Equipment	1	3	1	0%
Natural Vegetation, Forest, or Brush	13	24	13	0%
Trash or Rubbish	3	2	12	300%
Dumpster or Other Outside Receptacle	7	11	2	-71%
Other, Not Classified	3	2	1	-67%
<b>Totals</b>	<b>57</b>	<b>79</b>	<b>71</b>	<b>25%</b>

Source: Castle Rock Fire and Rescue Department and Ricker | Cunningham.

**(i) Buildings | sites that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities**

Previous discussions regarding existing conditions associated with the presence of Factors (a) and (d) above, and Factor (j) below, suggest ongoing threats that are both unsafe, and potentially unhealthy, for people to live and | or work.

**(j) Environmental contamination of buildings or property**

Information regarding the past and ongoing presence of certain contaminants within physical structures, soils, and informal water features, was obtained from multiple sources including Castle Rock Fire and Rescue, professional site assessments commissioned by the property owner, and the Environmental Protection Agency. Findings from review of available information is summarized in the following discussion.

Castle Rock Fire and Rescue

Documents provided by Castle Rock Fire and Rescue suggest the Subject Property has been the topic of ongoing investigations dating back to 2018. Observations made by representatives of the department are presented here for each of the inspection dates.

11.06.2018	Facility closure plan review completed. Follow up on facility closure plan required for the location on 12.21.2018.
7.12.2019	Site inspection regarding the status of the facility closure plan provided the following results: significant product still on site, but being removed every day; chemical products being used but not replaced, amounts are significantly reduced; facility closure estimated to be 50% complete; conditions on site are very acceptable.
10.04.2019	Administrative follow up with the site suggests still under closure. Inspection will be extended out. All hazmat removed. No further fire related issues present.
2.06.2020	Site follow up provided the following results: minimal staff resent; no fabrication occurring; still in load out closure process; no hazmat located on site.

### Professional Reports

The following narrative includes report excerpts which confirm the presence of environmental contaminants in the Survey Area.

#### Asbestos and Regulated Building Materials Inspection Report

Former Acme Brick Site, Castle Rock, CO

May 27, 2021

Prepared for: Confluence Companies

Prepared by: Landmark Environmental, Inc.

Landmark Environmental Inc. (Landmark) was contracted by Confluence Companies (Client) to conduct an asbestos-containing materials (ACM) survey and a regulated building materials (RBM) screening for the former Acme Brick Site (Project Site). Whereas the Project Site was being considered for renovation | redevelopment, the purpose of Landmark's inspection was to assess, quantify, and identify ACM and RBM, which could be used to generate removal costs for identified hazardous materials.

Landmark conducted their inspection of the property between May 3 and May 5, 2021. Of the 93 bulk samples of suspected ACMs and RBMs, none had detectible levels of asbestos present. However, materials within walls and other building improvements not readily available to Landmark's inspectors were suspected of containing certain contaminants. These included: roof shingles, roofing tar, felt, and sealant, electrical wiring insulation in the silo, kiln, belt, and support units, and gasket material on process equipment components in the kiln area.

The report's authors suggested that prior to either renovation or demolition, all ACMs be removed in accordance with applicable U.S. Environmental Protection Agency (EPA) and state regulations. Further, that appropriate notification of demolition forms be completed by a CDPHE-certified asbestos building inspector (CABI).

They also suggested that all regulated RBMs be properly removed, disposed of, and managed including: computer equipment, refrigerants, emergency lighting, exit signs, fire extinguishers, fluorescent lamps, light ballasts, liquid mercury in switches | vials, microwaves, diesel fuel oil tanks, construction chemicals (paints, varnishes, and ready-mix concrete), cleaning products, hydraulic oil tanks, automotive parts containing residual oil, and oil containers.

Phase I Environmental Site Assessment Report

Acme Brick Plant, Castle Rock, CO

October 5, 2020

Prepared for: Confluence Companies

Prepared by: Corn &amp; Associates

Corn & Associates was retained by Confluence Companies to identify recognized environmental conditions (REC) within the Subject Property in conjunction with the ASTM E 1527 Standard Practice for Environmental Site Assessments. An REC is defined under the ASTM Standard as "the presence or likely presence of any hazardous substances or petroleum product on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property." The ASTM E 1527 Standard Practice is designed to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and petroleum products. It is also intended to constitute "all appropriate inquiry into previous owners and past uses of the property consistent with good commercial or customary practice" (42 USC § 9601 (35) (B)).

The Phase I ESA conducted at the Subject Property was in general accordance with ASTM Standard E 1527-13 and included: review of previous environmental site assessments, records review, interviews with regulatory officials and personnel associated with the subject and adjoining properties, a site visit, and evaluation of information and preparation of a report. Whereas, a Phase I ESA does not typically include sampling or testing of air, soil, groundwater, surface water, or building materials, these were not conducted. If required, these activities will be carried out in a Phase II ESA. For the Phase I ESA, no additions to the ASTM E 1527-13 standard were made with the exception of the following: None.

Corn & Associates' assessment revealed no evidence of recognizable environmental conditions in connection with the property, except for the chemical storage building, maintenance building, and fuel storage area located at the north end of the property. Soil and groundwater in the vicinity of these facilities, while suspect, was not investigated for impacts from potential releases. Another exception included the former Castle Rock sanitary landfill located approximately 1,000 feet southwest and hydrologically

upgradient of the Subject Property. With recent remediation of the landfill including the removal of all waste materials, it was considered possible that groundwater within the Subject Property could have been impacted by historic operations there.

The report's authors recommended additional, yet limited soil and groundwater investigations in the vicinity of the chemical storage building, maintenance building, and fuel storage facility. Groundwater samples were also suggested in several locations along its west border, or hydrologically upgradient side of the property.

Limited Phase II Environmental Site Assessment Report

Acme Brick Plant, Castle Rock, CO

November 3, 2020

Prepared for: Confluence Companies

Prepared by: Corn & Associates

In October 2020, Corn & Associates, together with DrillPro Services, were retained by Confluence Companies to complete a limited Phase II Environmental Site Assessment for the Subject Property. The purpose of that work was to investigate soil and groundwater in the vicinity of the chemical storage building, maintenance building, and fuel storage area; and to collect and analyze groundwater samples from several locations along the west, or hydrologically upgradient, side of the property.

Corn & Associates and DrillPro Services, used direct push methods to complete seven soil borings of soils at the north end of the Subject Property, and further up the hill, along the west side of the property. Borings, located in an area where the hillside had been cut and leveled, were also collected. During drilling, soils were screened for volatile organic compounds using a photoionization detector (PID). Samples were then analyzed by Origins Laboratory.

This Phase II investigation found neither alluvial groundwater or volatile organic compounds. Based on the results of that subsurface survey, no additional soil or groundwater inquiries were recommended.

Environmental Protection Agency (EPA)

In addition to ongoing cleanup review by Castle Rock Fire and Rescue of the Subject Property, and previously discussed in the context of Factor (d) above, there are 16



additional “facilities of interest” in the vicinity of the Survey Area (within one-half of a mile) actively being monitored by the EPA.

Not only does the presence of environmental contaminants pose a threat to people and property, it heightens the cost of property development and redevelopment associated with construction of preventative barriers often required by local codes, often causes less efficiency in the site layout, sometimes limits type of allowable uses, and frequently has the potential to restrict the availability of financing for new construction.

**Table 6**  
**Facilities of Interest (EPA)**

June 2022

Facility Name	Property Address	EPA Registry ID
Access/God Loves You	651 TOPEKA WY STE 700	110002959950
Acme Brick - Portable Crusher- Screen	401 PRAIRIE HAWK DR	110070159147
Aquila Inc-Castle Rock Service Ctr	1075 ATCHISON WAY	110006490966
Auto Image Collision & Mechanical Repair	1050 TOPEKA WY	110022473535
Castle Rock Collision Center	701 PARK ST	110002958817
Castle Rock Town Of	KINNER ST RIGHT-OF-WAY	110008297271
Colorado Community Newspapers	125 STEPHANIE PL	110037583102
Industrial Tributary Stabilization	PRAIRIE HAWK DR AND TOPEKA WAY	110070674516
Irving F Jensen Co Inc	704 TOPEKA WAY	110001972919
Irving F Jensen Co Inc Castle Rock Const	651 TOPEKA WY STE 100	110002048533
Kolbe Striping	785 PARK ST	110037073662
Kolbe Striping Inc	550 TOPEKA WAY	110002995073
Protosource Printed Circuits Inc	735 PARK ST UNIT E	110003002107
Schmidt Const Co	1101 WEST TOPEKA WAY	110001428303
Steritec Products Mfg Co Inc	599 TOPEKA WAY STE 700	110003001581
Steritec Products Mfg Co Inc	680 ATCHISON WY #600	110002995439
Vacant Bldg-Formerly Entegris	702 PRARIE HAWK DR	110014461091

Source: EPA Enviromapper and Ricker | Cunningham.

**(k.5) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements**

High Levels of Service

As reiterated throughout this narrative, several conditions associated with other factors also suggest the presence of Factor (k.5). Specifically, those conditions that necessitate the use of municipal resources such as police and fire protection, particularly in locations

impacted by other adverse circumstances, frequently do so at a comparatively higher level than other locations within a community. As such, service providers are forced to expend a disproportionate amount of their resources in some locations, leaving less for others. This is likely occurring in the Survey Area based on the information provided regarding traffic and criminal incidents.

#### Underutilization and Vacancy

Conditions associated with the second aspect of Factor (k.5) relate to site underutilization and high levels of vacancy within existing structures. Underutilized properties not only generate fewer resources (e.g., property taxes) necessary to fund essential services but can disrupt the sound and uniform growth of a community. High levels of vacancy have the potential to perpetuate adverse perceptions of a market's health, and frequently attract lead to physical degradation of an area and increases in criminal activity. Both tend to drive new development activity in unimproved locations, making the delivery of public services more expensive and highly inefficient.

The Subject Property, which is approximately 13.0 acres in size with nearly 133,000 square feet of improved space, has a utilization factor (Floor Area Ratio or FAR) of less than 25%, a figure well within the acceptable range for industrial properties. However, with 100% of the improved space vacant and dilapidated, it is likely having an adverse impact on market conditions and potentially at risk of criminal activity.

## 6.0 Conclusion

In summary, ten (10) of the eleven (11) total possible factors were either identified or observed at varying degrees of intensity in the Survey Area and all at levels considered adverse and impactful to a degree that any resolution or mitigation would be time-intensive and costly, yet necessary to advance stated community goals, and ensure the *"sound growth of the municipality, provision of housing accommodations, economic and social equity; along with public health, safety, morals, and welfare."*

# Brickyard Conditions Survey

June 2022

## **Appendix A:** Photo Inventory

The images presented on the following pages are accompanied by a list of factors visible within each one.

### **Statutory Factors of Blight:**

- (b) Predominance of defective or inadequate street layout
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- (d) Unsanitary or unsafe conditions
- (e) Deterioration of site or other improvements
- (f) Unusual topography or inadequate public improvements or utilities
- (g) Defective or unusual conditions of title rendering the title non-marketable
- (h) Existence of conditions that endanger life or property by fire or other causes
- (i) Buildings or sites that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities
- (j) Environmental contamination of buildings or property
- (k.5) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements



Visible Factors b,d,f,h



Visible Factors a,d,e



Visible Factors b,c,d,e



Visible Factors b,c,d,f,h



Visible Factors d,e



Visible Factors a,b,c,d,e,h,i





Visible Factors b,e,f,h,i



Visible Factors d,e,f,h,i,j,k.5



Visible Factors a,c,d,e,h,i,k.5



Visible Factors d,e,k.5



Visible Factors b,c,d,e,f



Visible Factors c,d,e,k.5





Visible Factors c,d,e,f,h,i,k.5



Visible Factors a,c,d,e,h,i,k.5



Visible Factors d,e,h,i,k.5



Visible Factors a,d,e,h,i,k.5



Visible Factors a,d,e,h,i,k.5



Visible Factors a,c,i,k.5





Visible Factors a,c,d,e,h,i,k.5



Visible Factors a,c,d,e,h,i,k.5



Visible Factors a,c,d,e,h,i,j,k.5



Visible Factors a,c,d,e,h,i,k.5



Visible Factors a,c,d,e,h,i,k.5



Visible Factors a,c,d,e,h,i,k.5





Visible Factors c,d,e,f,h,i,j,k.5



Visible Factors c,d,e,k.5



Visible Factors c,d,e,f,h,i,j,k.5



Visible Factors b,c,d,e,f,h



Visible Factors b,c,d,f,h



Visible Factors b,c,d,f,h





Visible Factors b,c,d,f,h



Visible Factors a,c,d,e,h,i,k.5



Visible Factors a,d,e,h,i,k.5



Visible Factors a,c,d,e,h,i,k.5