



PLANNING COMMISSION AGENDA

December 22, 2022 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | **Meeting ID:** 825-5051-1219

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. READING OF MINUTES**
 - [a.](#) Minutes from 12-08-2022
- 4. ACTION ITEMS**
 - [a.](#) 22-55 Plat Amendment and Vacation of ROW BH2
 - [b.](#) 22-53 CUP Hamant
 - [c.](#) 22-57 CUP Atlas Tower 1
- 5. LGD UPDATES**
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
- 8. DISCUSSIONS**
- 9. ADJOURNMENT**
- 10. UPCOMING MEETINGS**



Huerfano County Planning Commission
semi-monthly Regular Meeting
Thursday, December 8, 2022; 1:30 P.M.

Minutes

Meeting started at 1:30 pm

1. **Roll Call:** Edmundson, White, Lyons, Falk. Brown
Tessitor – absent, excused.
2. **Pledge of Allegiance**
3. **Reading of Minutes from 11/10/2022:** Motion made by White to approve the minutes, second by Brown, passed unanimously.
4. **Action Items:**
 - a. 22-55 CUP Harris: Additional Dwelling Unit. Motion made by White and second by Brown to send to the BOCC for a Public Meeting with the recommendation to approve. Passed unanimously.
 - b. 22-54 BH2 Map Amendment and Vacation of ROW in Cuchara Mountain Park. Discussion on question of whether HOA termination also terminated recreational easements in deed restrictions on L2 and L3. Declarations for the HOA were not attached to record filed with Clerk and Recorder. Because of this, unclear whether HOA was the only intended recipient of rights to deed restrictions. Motion made by White and Second by Brown to table until further information, including the Termination of Declarations could be obtained; motion passed unanimously.
This item was brought up later in the meeting after 4c with further information gathered. Applicant mentioned that he would offer to lower the maximum density allowed on lots. Commissioner Galusha spoke at the meeting and stated that the roads had never been accepted by the county as ROW, but were acquired by tax sale. The County has the Treasurer's deed, but has not done quiet title to the roads. Motion was made by White and Second by Brown to table until the Density could be presented by next Planning Commission meeting 12/22/22. Motion passed unanimously.
 - c. 22-53 CUP Hamant: RV Park in Panadero Subdivision. POA representative Gerald Palomino, spoke on behalf of the POA; said he was unable to verify the boundaries of the POA to speak to the question of whether this property was subject to it. Commissioner Brown asked if a title search had been done. Applicant stated that the property was not part of the POA, it was not listed on

the deed, and his real estate agent assured him that his property was not part of an HOA when he bought the property. He has received no notification from a POA and has paid no dues. Mr. Palomino asked if they could have more time to investigate further items prior to the Planning Commission making a decision.

Motion by White to table the item until 12/22/22 to allow time for POA to provide original plat and declarations. Seconded by Brown; motion passed unanimously.

- d. Recommend Land Use Process Improvements. Motion made by White and second by Brown to send to the BOCC for approval, passed unanimously.
- e. CUP 17-001 & Variance 20-011 Monte Fiore. Motion made by White and Second by Brown to send to the BOCC to initiate the revocation process of the CUP 17-001 & Variance 20-011, passed unanimously.

5. LGD Updates:

6. Old Business

7. New Business:

- 8. Discussions:** Bradford Mesa project concerns were being brought up by the BOCC, it was asked by the Planning Commission to have Code Enforcement go investigate and take some pictures.

9. Commissioner Updates: None

10. Adjourn at 4:00pm



Huerfano County Planning Commission Staff Report – Permit #22-54 Map Amendment and Vacation of Right-of Way in Cuchara Mountain Park, Filing 4 Meeting Type – Advisory

December 08, 2022

Request

With this Application BH2 Land Surveying, LLC (the Applicant) requests the following:

Plat Amendment rearranging lot configuration in Cuchara Mountain Park, Filing 4: pursuant to LUR Section §2.14 to rearrange the lot lines of a part of Cuchara Mountain Park Estates, Filing #4 and to establish a private, gated road as well as a non-motorized access easement heading north/south between Parcels E and F – This pathway would provide access to the ski lift located just south of the property. The site is known as Tracts B1, B2, B3, L2 and L3 (Parcel Numbers 122419, 122420, 122421, 122424 and 122425).

Request for a property tax exemption for lots E and D as long as they remain undeveloped in exchange for public use of lots E and D so long as they remain undeveloped and a perpetual access easement along the east side of Lot E.

Request that Huerfano County pay 25% of the total survey costs (\$6,000 – \$12,000) in exchange for the dedication of a 50-foot public access easement and public use of lots E and D so long as they remain undeveloped.

Vacation of a part of Yosemite Ln and Teton Ridge Dr: Yosemite Ln. previously served to give access to the recreational easement on Tract L3 and to Tract B3. With the elimination of Tract L3 and the reconfiguration of Tract B3 into Parcel D, Parcel D can now be accessed by the non-motorized access easement between Parcel E and Parcels F and D, and a portion of Parcel D abuts the new proposed terminus of Yosemite Ln. The 50' wide segment of Parcel D that extends along the border with the National Forest is not marked as an easement, and it includes a gate. The purpose of this segment is to create a buffer between Forest Service land and Parcels C and F to reduce insurance costs for improvements on those parcels.

The subject property is zoned Urban Residential. Zoning standards for this district are set forth in LUR Section §1.03. The zone permits by right the building of a single family residence on each lot, which is in accordance with the applicant's stated intent to build off-grid single family residences and garages on lots B, C and F.

Process for Plat Amendment

(2.14.01): PC meeting: recommendation → BOCC public meeting → Record amended plat with County Clerk and Recorder within 5 days at applicant's expense.

Noticing: BOCC may require notification of review agencies or other interested parties.

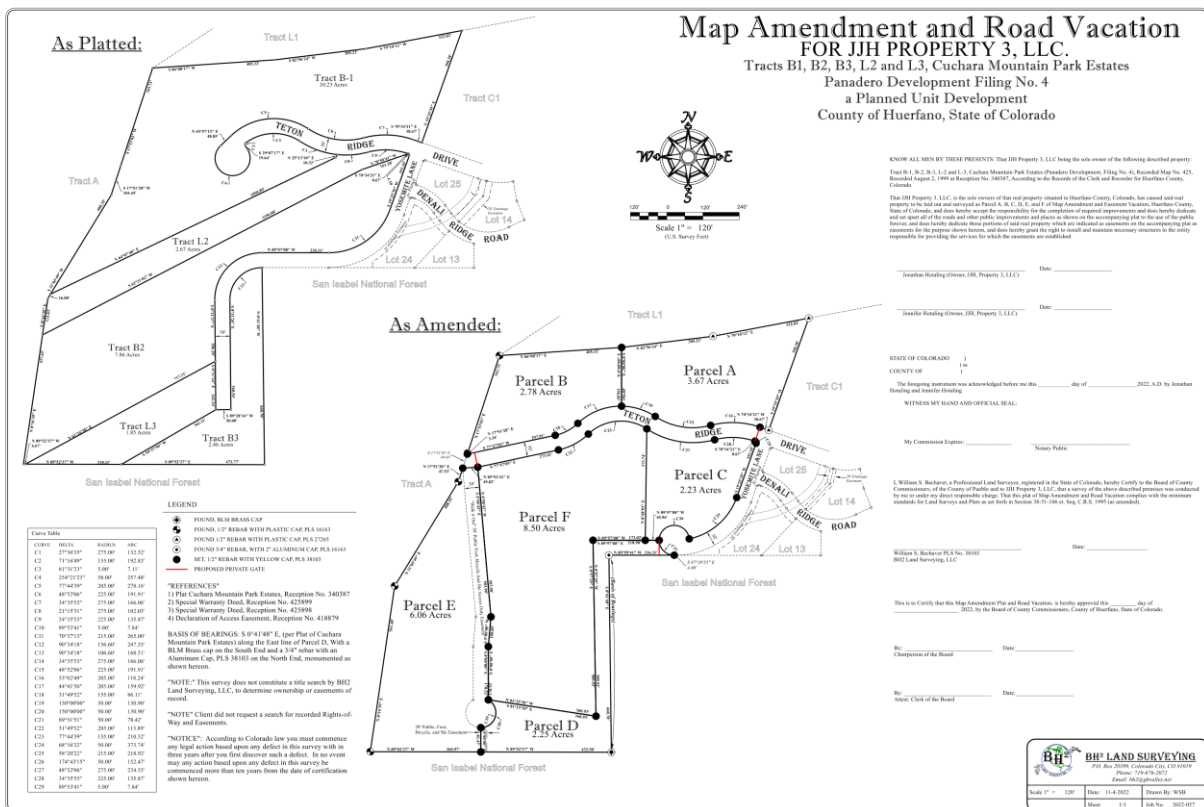
Eligibility: (2.14) Minor changes that do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, drainage easements, dedicated land or encompass more than 25% of land included within a recorded subdivision. Scope can include adjustment of lot lines, replating of lots, reconfiguration of dedicated streets and easements and reserved sites.

Eligibility Note: Cuchara Mountain Park Estates Filing 4 consists of approximately 61 acres. The parcels being reconfigured amount to approximately 27.4 acres, or about 45% of the land included within the recorded subdivision.

Process for Vacation

(2.15.01) PC review → Notify school districts, utility companies and municipalities and other referral agencies identified by Planning Commission (21 day review) → Joint PC/BOCC public hearing → PC recommendation → BOCC decision

Site Map:



Code References

The following Code Sections are applicable to this application and may be referenced by the Planning Commission in their evaluation of the request:

§ 2.14 – Plat Amendment

§ 2.15 Vacation

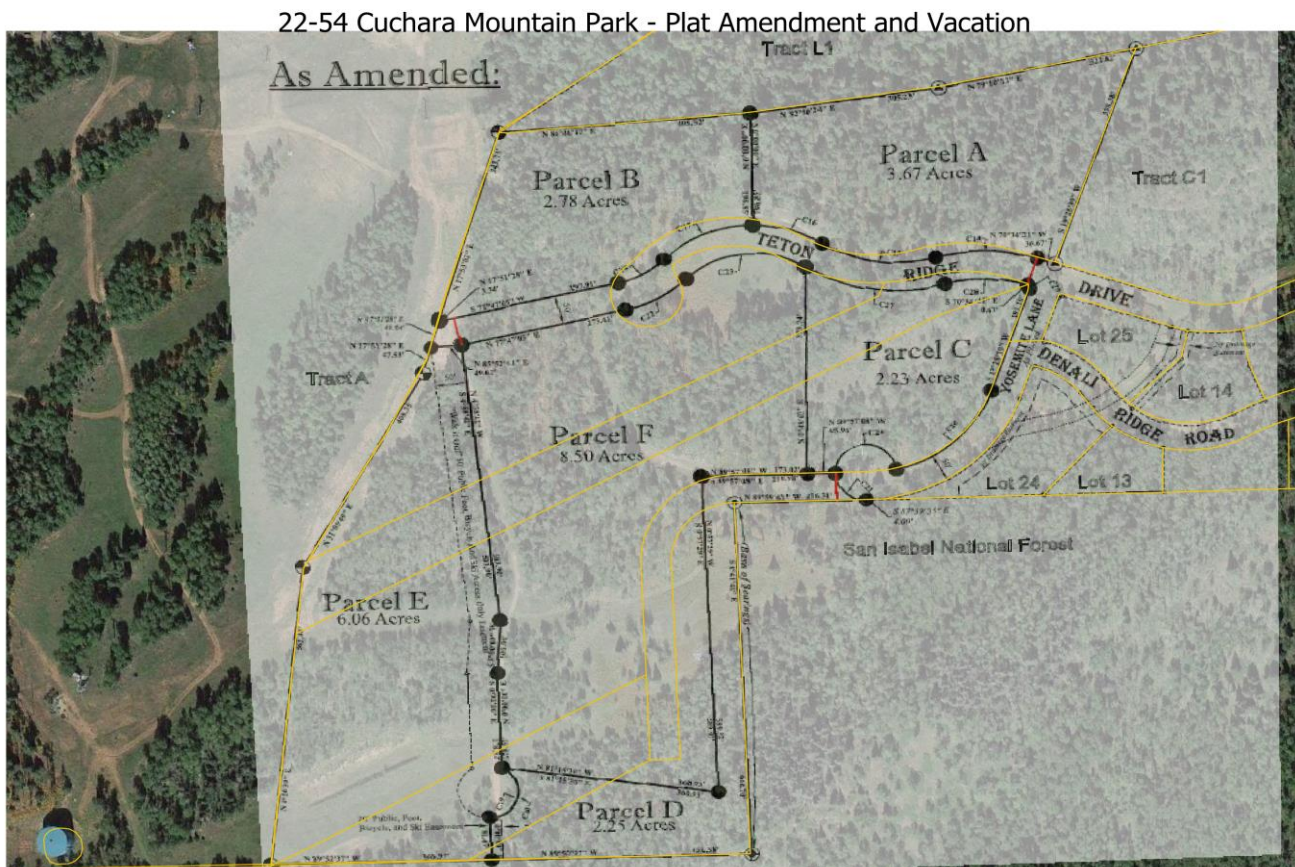
§ 2.02.11 Dedication of Land for Open Space

1. The Board of County Commissioners may require the dedication, reservation or conveyance of areas or sites suitable for open space, flood control, scenic areas and related uses. The location of such sites shall be agreed upon by the applicant and the County, and in an amount of at least ten (10) percent of the total area of the subdivision. The proposed open space(s) shall be reasonably adopted for use for park land and recreational or other purposes, taking into consideration such factors as size, topography, geology, access and location of the proposed subdivision and the land earmarked for dedication.

Staff Comment: Filing 4 contains 59.26 acres; L1 contains 7 acres, L2 2.67 acres and L3 1.85 acres. L1 represents more than 10% of the area of Filing 4.

2. The type of dedication, reservation or conveyance required in a given case shall be determined by the Board of County Commissioners in consultation with the Planning Commission, depending on the proposed size, use(s) and other characteristics of the subdivision. A reservation or dedication of areas for the use of owners or users of lots within the subdivision may be acceptable. Such areas shall be restricted to their intended use by plats, deed restrictions and/or recorded covenants which run with the land in favor of the future owners of property within the subdivision and **which cannot be defeated or eliminated without the consent of the Board of County Commissioners.** In the event of a reservation or dedication for the use of owners of lots within a subdivision, the applicant shall provide for the creation of a homeowners' association or similar organization with powers of assessment for maintenance, improvements and upkeep of such areas and the provisions contained within the homeowners' association bylaws or similar governing document shall receive approval from the Board of County Commissioners prior to acceptance of a final plat.

Staff Comment: The deed restrictions on L2 and L3 were eliminated by a notarized declaration from the HOA as part of their dissolution. The Board of County Commissioners has not, to our knowledge, taken action to eliminate the deed restrictions. The HOA's existence is required to create the deed restrictions, but its dissolution does not imply the elimination of such restrictions. This section of the code implies that BOCC action is required to eliminate deed restrictions.



Background

On November 8, 2022, an Application for a Plat Amendment, Application Fees, and attachments were received by the County.

– Application eliminates two tracts that were deed restricted as open space and which acted as a non-motorized connection between Teton Dr and County land on the Ski Resort (L2) and from Yosemite Ln and the County land on the Ski Resort (L3); the open space tracts serve to give a more direct path of access to the Ski Resort to Lots 1-25 and Tract C-1 within the same subdivision. Furthermore, there is a deed restriction on these tracts to preserve them as open space(see attachment). These deed restrictions were declared removed as part of the dissolution of the Cuchara Mountain Park Estates Master Homeowners Association in 2020, however, it is not certain whether the Homeowners Association has the authority to terminate deed restrictions. Staff has requested a legal opinion from the Applicant’s counsel on this question.

Proposals

Plat Amendment

The intent of the Applicant is to build single family homes on Parcels B, C and F with no immediate development plans for Parcels A, E and D. The Applicant has stated an intent to allow public use of parcels E and D until plans to develop those are made. This offer is made in conjunction with requests for the County to pay for 25% of the survey and for a property tax exemption for these lots so long as they remain undeveloped. It is not clear from the application if the intent to grant public access to parcels E and D and to dedicate a non-motorized access easement is conditional on the County’s agreement to these requests.

Vacation of a portion of Yosemite Ln. and Teton Ridge Dr.

Yosemite Ln. is platted in one location, but there is a track cut through lots 25 and 24 which have been used and declared an access easement. The Applicant does not intend to cut Yosemite Rd in its platted location, and intends instead to use the access eaemetn through lots 24 and 25. Establishing the road and circle as platted, the Applicant claims, would be detrimental to the subdivision’s appeal, operation, the forest, and drainage.

To this point, the owners of lots 24 and 25 have emailed objections. They would like to see the road cut as platted rather than perpetuating the use of the access easement through their parcels. The Applicant would prefer to vacate Yosemite Rd as platted and replat the road where the easement exists. The applicant states that owners of parcels in the subdivision, namely those down Denali Ridge Rd. have always used this easement, however none of those parcels have been developed to date.

The vacation of a portion of Teton Ridge Dr. is part of a realignment and extension of the roadway. Instead of ending in a cul-de-sac, it would extend to the property boundary and connect to the access easement proposed on the east side of Lot E, giving access to lots E and D, neither of which have plans for near-term development. The applicant may not have plans to construct the extension of Teton Ridge Dr at this time, but wishes to plat it on the map.

Application Materials

Requirements for a Plat Amendment: Proof of ownership; approved and recorded final plat along with proposed amendments; narrative statement explaining why proposed changes should be approved by the Planning Commission and BOCC.

Requirements for a Vacation of R.O.W:

Proof of ownership; copy of approved and recorded plat and vacated plat; narrative statement; legal description, area of land to be vacated.

Staff Comment: Acreage of proposed vacation of ROW is not included in letter.

Criteria/Findings

2.14 Amendments to Approved and Recorded Plats

Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included within an overall site within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein.

2.14.03 Criteria for Action on a Plat Amendment Application

All actions by the Planning Commission in reviewing and making recommendations on an application to amend an approved and recorded plat and by the Board of County Commissioners in approving or disapproving such applications shall be based in general upon the provisions of these regulations and specifically on the following criteria:

1. That the proposed amendment meets the qualifications stated herein for a minor change to the approved and recorded plat.
2. That the proposed amendment would be consistent with all other provisions of these regulations and would not cause significant hardship or inconvenience for adjacent or neighboring land owners or tenants.
3. That the proposed amendment would be beneficial to the public health, safety or welfare of County residents.

2.15.03 Criteria for Action on a Vacating Application

All actions by the Planning Commission in reviewing and making recommendations on an application to vacate an approved and recorded plat or easement and by the Board of County Commissioners in approving or disapproving such applications, shall be based in general upon the provisions of these regulations and specifically upon the following criteria:

1. That the proposed vacating would not interfere with development of nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements, nor deny access to structures, facilities or sites located beyond the plat or easement to be vacated.
2. That the proposed vacating would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
3. That the proposed vacating would not be likely to prove detrimental to the public health, safety or welfare of County residents.
4. That the proposed vacating would be consistent with all other provisions in these regulations.
5. That the proposed vacating would not cause undue financial hardship to Huerfano County nor deprive it of needed tax base.

2.15.04 Vacating of Roads, Streets and Highways

Huerfano County
Land Use / Regional Building Dept.
401 Main Street
Walsenburg, Colorado 81089
719-738-1220, Ext. 108



Any conflicting provisions contained within these regulations, notwithstanding the procedures for vacating roads, streets and highways shall conform to the provisions contained in Section 43-2-301, et seq. Colorado Revised Statutes.

Analysis

The Commission must decide whether this application qualifies as a plat amendment or a subdivision. A Plat Amendment must be under 25% of the total area of a subdivision. This application constitutes about 45% of the subdivision filing in which it is located, however, if the Cuchara Mountain Resort Panadero Subdivision, which includes Filing #4, is considered the subdivision, then this would satisfy that criterion.

The deed restrictions on Tracts L2 and L3 read in part:

"...the land described herein shall remain recreational open space in perpetuity, and left in its natural state 'as is' without alteration or modification by structures or buildings. That the Grantee and its successors shall maintain this property in such state forever. That the Grantee and its successors or assigns agrees not to transfer, sell or otherwise dispose of the property except to a successor or related homeowners association or to a master homeowners association which may incorporate Grantee or its successors and assigns within it."

Further down, it reads: *"That only owners, tenants, and guests of grantee or Cuchara Mountain Resort may have access to the property for the use described herein and in accordance with the Declaration of Covenants on file for Cuchara Mountain Park Estates..."*

It is not clear how to treat the perpetuity described in the first paragraph. The term, Cuchara Mountain Resort refers to the whole Panadero subdivision, including the Cuchara Mountain Park filing – this is the name on the 1997 master plan for the whole area (see Map 405). The former deed conveyed these tracts to Cuchara Mountain Park Estates Master Homeowner Association, which was dissolved in 2020. The covenants of Cuchara Mountain Park Estates Master Homeowner Association are no longer valid or binding, however owners, tenants and guests of Cuchara Mountain Resort may still have a claim to access these easements.

The proposed vacation of a portion of Yosemite Ln as well as the vacation of Teton Ridge Dr. as a public road closed to public access in combination with the proposed elimination of the recreational easements on L2 and L3 reduces connectivity and changes how people can access the ski area. This could potentially be partially addressed by leaving the extension of Teton Ln open to public access. If it is determined that the HOA did not have the authority to eliminate the deed restrictions on L2 and L3 this may require action by a court and/or action by the BOCC.

The proposed use of this property, which includes 3 to 4 single-family homes is of lower intensity than what was described in Map 425 for the area in 1999, which planned 150 units for Tract B1, 80 units for Tract B2, and 30 units for Tract B3.

The shape of proposed Parcel D is unusual and has been designed as such to create a buffer between USFS land and property on which applicant intends to build to reduce insurance costs, which are higher when abutting Forest Service land. The 50'-wide strip heading north and east along the Forest Service border represents about 35% of the total area of the parcel and is unbuildable due to setbacks.

Referral Comments

Huerfano County
Land Use / Regional Building Dept.
401 Main Street
Walsenburg, Colorado 81089
719-738-1220, Ext. 108



Prior to submittal, two adjacent property owners wrote to object to a plan to re-route Yosemite Ln from its platted position to the path that exists on the ground and which passes through Lots 24 and 25. When the application was submitted, this was not part of the proposal, however, using the existing access easement instead of building Yosemite Ln as platted is proposed.

LIST ANY ISSUES FROM REFERRALS HERE.

Staff Comment

Potential Conditions or Recommendations

1. Decide whether to interpret 2.02.11 of the LUC to require BOCC action to remove deed restrictions. Consider requiring a legal opinion or action on how to address the deed restrictions on L2 and L3, and whether the dissolution of the Cuchara Mountain Park Estates homeowners association effectively released restrictions on the property.
2. Make a recommendation addressing Applicant's request for property tax exemption on Lots E and D so long as they remain undeveloped and in exchange for the proposed perpetual easement on the east side of Lot E.
3. Make a recommendation addressing Applicant's request for the County to pay 25% of the total survey cost (\$6,000 – 12,000) in exchange for dedication of 50' public access easement and use of lots E and D as public space.
4. Make a recommendation addressing the vacation of a portion of the road and the intent to indefinitely continue to use the access easement through lots 24 and 25 instead of the platted right-of-way.
5. Make a recommendation on whether this application triggers action on the construction of Yosemite Ln. as platted.
6. Make a recommendation addressing proposed changes to Teton Ridge Drive, making it a private road, concerning its phased construction, and gated access.
7. Identify referral agencies to be notified of Vacation.

Commission Action Options after Joint Public Hearing:

1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Enclosures

- Application Materials

Addendum to staff report

22-54 Map Amendment and Vacation BH2

On December 15, 2022, the County received an email from Jon Hotaling, on whose behalf BH2 submitted the application 22-55 outlining a proposal to reduce the maximum densities on the parcels in the application from a total allowance of 260 on all parcels to a total of 240. The email contains an attachment outlining three options: one as proposed in the application, and two adding one and two additional lots to be created. The Applicant requests that the Planning Commission consider whether creating an additional one or two parcels would still be considered a plat amendment, or if it would be considered a subdivision. The current proposal creates six lots out of five tracts, the options in question would be to create seven or eight lots out of the current five tracts.

The distinction between a Plat Amendment and a Subdivision rests on whether it creates a “significant” increase in the total number of lots.

To create eight lots out of the current proposed six, the Applicant proposes splitting parcels A and B into three 2.15-acre lots and splitting Parcel F in half.

Section 2.14 of the Land Use Code reads:

Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included within an overall site within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein.

Attachments to Application 22-54 can be found in the December 8, 2022 packet.



Sky Tallman <stallman@huerfano.us>

JJH Property 3 LLC, new density spreadsheet attached

1 message

Jon Hotaling <jon@libertyservice.group>

Thu, Dec 15, 2022 at 4:36 PM

To: Sky Tallman <stallman@huerfano.us>, BH2 Land Surveying <BH2@ghvalley.net>

Hi Sky,

Thanks for talking to me today. FYI, I spoke to the assessor and she said she was not aware of the BOCC's new mill levy rate. Nevertheless, she answered all my questions about current and future property tax calculations. Thank you.

Per our previous Planning Commission meeting and in preparation of our next meeting on Dec 22, attached is the spreadsheet of our new requested densities which were derived based on acreage percent of the total and the new total density of 240 (down from current 260 multi family residential).

Our current proposed map has 6 proposed "Parcels" so as to satisfy the county's requirement for an amendment that does not "significantly" increase the total number of lots. If possible, we would prefer 8 total lots (derived from our 5 "Tracts" not lots, via MAP 425) and would ask that the 3 additional "Parcels" not be considered a significant increase.

To accomplish this we would split proposed parcels A and B into 3, 2.15 acre lots, and split proposed Parcel F roughly in half. Parcel E to be used as county park / ski area, would not change under any of the scenarios, fyi

Thank you for your help Sky and for letting us know if you need anything else before Dec 22.

Best,

Jon Hotaling

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Liberty Service Group

C: (303) 725-7550

W: (202) 630-3629

**Propossed new multi family residential densities for JJH Property 3, LLC map amendment.xlsx**

19K

Current Proposed	Option 1 - 6 Lots	New density 1	Option 2 - 7 Lots	New density 2	Option 3 - 8 lots	New Density 3
A -3.67 acres		35	A - 2.15 acres	20	A - 2.15 acres	20
B - 2.78 acres		26	B - 2.15 acres	20	B - 2.15 acres	20
C - 2.23 acres		21	C - 2.15 acres	20	C - 2.15 acres	20
D - 2.25 acres		21	D - 2.23 acres	22	D - 2.23 acres	22
E - 6.06 acres		57	E - 2.25 acres	21	E - 2.25 acres	21
F - 8.5 acres		80	F - 6.06 acres	57	F - 6.06 acres	57
			G - 8.5 acres	80	G - 4 acres	38
					H - 4.5 acres	42
	25.49	240	25.49	240	25.49	240

Reducing multi family residential density from current 260 (on 25.08 acres) to 240 (on 25.49 acres)

Huerfano County Planning Commission

Staff Report – Permit #22-53 CUP Hamant

Meeting Type – Advisory

December 8, 2022

Request

With this Application Craig Hamant (the Applicant) requests the following:

A Conditional Use Permit pursuant to LUR Section §1.06 to build a 35-site RV campground. The site is known as Tract 3 in the Panadero Subdivision, Filing 2 (Parcel Number 121875).

The applicant is also pursuing a plat amendment on this parcel. The parcel is currently 4.6 acres; upon approval of the plat amendment, the proposed RV park and campground would be located on 2.6 acres on the west side of the property.

The subject property is zoned Urbanizing Residential (UR). “This district is created to accommodate the urbanizing areas of Huerfano County where relatively high density residential and associated commercial and service development has occurred, is occurring or is desired to occur.” Minimum lot size is ½ acre, front and rear yard setbacks are 20 ft, side setbacks are 10 ft. See LUR Section §1.03.

Site Map

See attached

Code References

The following Code Sections are applicable to this application and may be referenced by the Planning Commission in their evaluation of the request:

§ 1.06 – Conditional Use Permits

§ 1.05.36 – Use Table, establishes camping areas and campgrounds as a conditional use in all districts except Industrial.

Background

On November 9, 2022, an Application for a Conditional Use Permit number 22-53, Application Fees, and required submittals were received by the County. The Application was determined to be complete on November 9, 2022.

Proposal:

The applicant proposes to establish a 35-site RV campground to be known as Cuchara Mountain RV Campground, in three phases. At full buildout, the project will feature 35 RV parking sites (20' x 40') with electrical hook-ups, a dump station, bathrooms and showers, hot tubs and an office.

Applicant intends to operate campsite from May to October with the possibility of winter operations in the future. Water use is not expected to exceed 500 gallons/day.

The applicant stated that the property is not part of the HOA, and is served by Cucahra Sanitation and Sewer District.

Phase I: Grading of a loop road and RV sites. Sewer/dump station connecting to main sewer line on Panadero Loop Rd. A water tap will be established to serve guests and office. Bathroom and shower facilities will be constructed. Two dumpsters will be installed for trash service.

Engineering and survey work scheduled for March 2023.

Phase II: Install electric outlets to all sites. Add improvements to sites.

Phase III: Additional amenities, including: fenced dog park, luxury shower facilities and stargazing hot tubs, high-speed internet.

Context:

Immediately surrounding the parcel on the north and west sides is a parcel designated as open space. On the south and east, the parcel is flanked by Panadero Loop. To the southeast are two condo developments and another lies to the northwest. To the northeast, there are about 15 single-family houses off of Cedar Ridge, Valley Vista and Cougar Ridge Roads. Across the open space tract to the west is a 9.17-acre tract (Tract 6). In the Cuchara Mountain Resort Panadero Subdivision Land Use Plan from 1997 (Map 405, one page of which is attached with application) 12 home sites with another 17 platted on the adjacent parcel that runs along Panadero Ave (Tract M1). Across Panadero Loop to the South is a tract of open space land.

The entrance to the proposed project will be about 450 ft. off of Panadero Avenue.

Application Materials: Application materials are to include a letter of intent, a site plan, a vicinity map and proof of ownership. Staff finds application to be complete.

§1.06.03 Criteria for Action on a Conditional Use Application

All actions by the Planning Commission in reviewing and making recommendations on a conditional use application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the following criteria:

1. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation.
 - a. Camping areas and campgrounds are a conditionally permitted use in the UR zone.
2. That the proposed conditional use is consistent with the goals, objectives and policies of Huerfano County, as contained in the County comprehensive plan.
 - The following excerpts from the 2018 Comprehensive Plan relate to this project.
 - a. GOAL PSA.2: ENCOURAGE TOURISM AND RECREATIONAL OPPORTUNITIES IN THE COUNTY TO MEET THE NEEDS OF THE CITIZENS AND VISITORS.
 - b. Economic Development – Introduction:
The County will ensure that businesses are appropriately located to prevent land use conflicts and are well-designed with a focus on sustainability. Ultimately, the County seeks to find a balance between economic vitality and its rural character to preserve the natural environment and high quality of life.

The appropriate location of businesses should be determined primarily by business developers themselves, subject to the rights of neighbors, and only secondarily by county regulations. Forcing businesses to locate in pre-determined business or industrial parks should be a last resort.

- c. Policy ED.1.3.: Encourage tourism-oriented businesses and organizations and branding (including “Spanish Peaks Country”) in the County.
 - d. Policy ED.1.10: Encourage development of well maintained RV parks throughout the County.
 - e. Policy ED.4.2: Develop and promote outdoor recreation and tourism opportunities throughout Huerfano County including but not limited to hiking and historic trails, historic sites, birding, virtual tours, reopening Grandote Golf Course, non-motorized outdoor sports, endurance rides, and clays courses.
3. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.
 - a. The applicant asserts that due to terrain, nearby neighbors will not be in the line of sight of most of this project.
 4. That the proposed conditional land use will not result in overly intensive use of the land relative to current use of the surrounding land.
 - a. An RV-park is a relatively low intensity of use. The long-term vision for the area is centered around tourism, and a previous vision for this parcel was that it be developed into condos or multi-family housing.
 5. That the proposed conditional use will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic and its roads will meet the requirements of Subdivision County Road Standards and Specifications.
 - a. At full capacity, each camping space may be expected to generate 2-4 trips per day, generating a maximum of 140 trips per day, a marginal impact.
 6. That the proposed conditional use not unnecessarily scar the land on which such use would be located and that the proposed use provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views and existing cultural and historical resources.
 - a. The proposed project is located within a subdivision where single-family and multi-family/condo development exist and have been envisioned. The is an infill development taking place within a long-standing subdivision in the unincorporated village of Cuchara. While it is being built on a vacant parcel, it is taking place within an established development.
 7. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of County residents nor cause hardship for neighboring persons.
 - a. This development will bring in additional tourists to the area, which will have a positive impact on area businesses. As Cuchara expands its tourist offerings, this project will serve to expand lodging and access to outdoor recreation in the summer months. Developing this property into an operating business will be likely to increase the value of this parcel, and have a generally positive impact on nearby property values.
 - b. Potential negative impacts include the impact of noise from generators during Phase I. The applicant intends to mitigate this with curfews limiting nighttime running of generators.

Additional Analysis and Comments

The phasing of the project comes from the applicant’s desire to test the concept and generate a cash flow to finance subsequent phases.

Referral Comments

LIST ANY ISSUES FROM REFERRALS HERE.

Staff Comment

Potential Conditions or Recommendations

At this meeting, the Commission is to determine completeness, review the application, decide whether to add or waive requirements and which review agencies to send application to for comments. The commission is furthermore to decide whether a public hearing is required; if so the application will proceed to a joint public hearing, if not, the Planning Commission may make a recommendation for BOCC action.

1. Consider requiring a curfew on running generators and other noise above 50 db at property boundaries.
2. Recommend whether to require a public hearing is required.
3. Recommendation on review agencies to send for comment.
4. Recommend whether to add or waive requirements.

Commission Action Options:

1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Recommend send to Public Hearing or Public Meeting?

Enclosures

- Application Materials

Addendum to Staff Report

22-53 CUP Hamant

The Panadero POA will be meeting on Monday, December 19, and we expect a statement from them on December 20 regarding the geography of the POA and whether it impacts or includes Tract 3, the subject of Application 22-53.

Staff received documentation from the POA, including a letter regarding their position on the proposed use, their declarations, a deed showing the inclusion of the lettered tracts in the POA, and a settlement agreement made with the Panadero Ski Corporation. The POA also sent the recorded plat of Panadero Filing #2.

Tract #3, which is the subject of this CUP, is not part of the POA. Some of the other tracts on which condos have been developed have formed their own POAs.

Attachments to Application 22-53 can be found in the packet for the December 8, 2022 meeting.



Fw: CUP Amendum

Becca Dimmer <beccadimmer@yahoo.com>
To: Sky Tallman <stallman@huerfano.us>

Sun, Dec 18, 2022 at 6:49 PM

----- Forwarded Message -----

From: Becca Dimmer <beccadimmer@yahoo.com>
To: Becca Dimmer <beccadimmer@yahoo.com>
Sent: Sunday, December 18, 2022 at 06:48:45 PM MST
Subject: CUP Amendum

Conditional Use Permit Addendum

Lighting:

No lighting plan currently in place. Will obey the Dark Sky Ordinance.

Noise:

Will enforce a generator curfew (quiet hours 10pm to 8am). No generators after phase one.

Time of Development:

Phase one will be completed after twelve months of operation. Based on our lower projections the campground will generate enough income to complete the electric to all RV sites after that time. Estimated minimum seventy-five thousand to one-hundred thousand for all RV sites to be installed with electricity.

Traffic:

Conditional use will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic. Its roads will meet the requirements of subdivision county road standards and specifications. At full capacity, each camping space may be expected to generate two to four trips per day generating a maximum of one hundred and forty trips per day, a marginal impact overall.

Comprehensive Plan:

We believe that the proposed conditional use conforms to Huerfano County objectives and policies in the county comprehensive plan. The campground is opening with the encouragement of tourism and recreational opportunities to meet the current and future need of the citizens and visitors to the area. We will ensure the campground is appropriately located to prevent any land use conflicts in which will ensure the campgrounds sustainability. We will be able to maintain a balance between economic vitality and the natural rural character to preserve the environment and high quality of life with this comprehensive plan.

Policy ED.1.3: Encourage tourism-oriented business and organizations and branding (including "Spanish Peaks Country") in the County.

Policy ED.1.10: Encourage development of well maintained RV parks throughout the County.

Policy ED.4.2: Develop and promote outdoor recreation and tourism opportunities Huerfano County including but not limited to hiking and historic trails, historic sites, birding, virtual tours, reopening Grandote golf Course, non-motorized outdoor sports, endurance rides, and clays courses.

This conditional use permit is consistent with and in harmony with neighboring land uses and future indented land uses in the area. We will assert that due to terrain, near-by neighbors will not be in the line of site of majority of this project. We are providing pictures to prove density of trees on the property to hide development of our project. We plan on maintaining the

natural environment by not destroying as many trees as possible. We plan on re-vegetating as well as replanting trees throughout the park while not disturbing any wildlife activities.

Item 4b.

4 attachments



The Panadero Property Owners Association have concerns about the RV Park proposed in the HC CUP Application # 22-53 and we expressed those in our letter to the HC Planning Commission dated December 6, 2022. Here are responses to the questions raised during that meeting and some additional comments/concerns our PPOA has received from members since that time:

1. We have provided copies of the original filing of the Panadero Subdivision as filed in 1982. It clearly depicts the areas zoned for Urban Single and Multi-family use parcels throughout the subdivision and as approved the then BOCC. The only Commercial property in the entire subdivision is clustered around the bottom of the old ski area. There are no other designations other than the Urban Single and Multi-family use parcels and those areas designated for Common Use or open space for members enjoyment. We will have large maps of this and the original land use maps for viewing by the HCPC at the 12/22/22 meeting.
2. A question was also raised by the Commission at their CUP 22-53 hearing on December 8th as to what land does the Panadero Property Owners Association (PPOA) own? We have attached a copy of a Settlement Agreement from the District Court – Huerfano County dated 7/9/1996 explicitly stating in the Agreement and depicting Exhibit A of that agreement the lands to be used for Common Use and special warranty deeds related to such Agreement. There are parcels surrounding Tract 3 that are clearly for Common Use. Further, the Agreement sets out what can be done on certain Tracts throughout the original Panadero Subdivision as agreed in the original filing in 1982. Representatives from the PPOA will have an Official copy of this document with the County Seal affixed to share at the 12/22/22 HCPC meeting.
3. Further, for over forty years the Panadero Property Owners Association (PPOA) has operated within the Panadero Subdivision, handling many overarching issues that benefit the entire subdivision and all HOAs. These have included paying for Mag Chloride for dust control on County roads such as the entire Panadero Loop, spent close to \$100K on wildfire mitigation efforts in and surrounding the subdivision and contributed to the Spanish Peaks Wildfire Organization for their fire mitigation efforts throughout Cuchara. The same is true for the mailboxes structure, signage throughout the subdivision and a \$30K + trash structure that benefits the County and the Cuchara Mountain Park. We are a subdivision with common use and PPOA land that all in our community enjoy and it was built for their peaceful enjoyment over the 30 + years. Dropping an RV Park smack dab in the middle of a long-established residentially zoned community makes no sense.
4. The lack of formal study and engineer supported plans to address such critical areas as the added large vehicle traffic, civil engineering plans for grade that certainly exceeds 20% on the targeted land, the nearby stream at the proposed entrance and waste dump station, the noise from the density of people/vehicles/generators is of great concern. There are rows of condos and several large single-family homes that look right down over the targeted parcel for development. Generators alone will run 24/7 for the enclosed RV'ers and send an unacceptable din throughout the valley. Crowding 35 RV sites and all the accoutrements planned will surely disrupt the peaceful enjoyment and pristine environment that all existing homeowners have come to cherish not to mention the impact on the flora and fauna on the targeted land. Elk, bear, deer etc. all still travel frequently through this quiet neighborhood. What would be the impact on them?
5. The lack of notification of all stakeholders throughout the Panadero Subdivision is clearly a major oversight. The Application makes a reference to neighboring property owners; the Sun

Watcher Condos have 28 units, the Applicant only mentions 1 - Sun Watcher Condo unit, #36. What about the other units that overlook this area that would be greatly affected? No Property Owners Associations or residents were contacted or made aware of this application. Specifically, no contact has been made with the Aspens at Panadero or the Sun Watchers Condos and they look directly down over the targeted property. What about the nearby single-family homes, some circa \$1.0 million in appraised values where owners have paid taxes for years and the need to keep them protected from this type of incompatible development on nearby land that is not mentioned in the original and BOCC approved Subdivision Filing? There are four or five homes that look directly over this area that an RV Park would spoil, devalue, and subject to unacceptable conditions. Need we say, the property owners would suffer significant devaluation on their properties if this were to be approved. HC would then experience significantly lower property tax revenue. We cannot imagine that can be made up from the RV Park property taxes.

6. The Phases to the proposed development are not time bound. Will it happen as planned, will the land be ravaged and then at some point the project stops and the area faces and eyesore? Should there be a surety bond posted or a letter of credit by the applicant to ensure that should this fail, the land is fully restored to its original state?
7. Other points that deserve proper engineering studies and consideration include dark skies (the whole county has dark sky regulations), it's only a couple hundred yards to USFS land and no trails close by to access that land, have they been consulted?

This proposed development clearly is not aligned with the Panadero Subdivision as originally planned and approved.

INDEXED

Item 4b.

State of Colorado Filed for record the 1st day of July, A.D. 1982 at 3:40 o'clock P.M. ALBERT P. VIGIL RECORDER
County of Huerfano No. 337721 BOOK 364 PAGE 42 By Julia Neighan Deputy

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

PANADERO DEVELOPMENT FILING NUMBER TWO

This Declaration made this 26th day of May, 1982 by PANADERO SKI CORPORATION, a Colorado corporation, hereinafter called "Declarant".

WHEREAS, Declarant is the owner of certain real property in the County of Huerfano, State of Colorado, which is more particularly described in Exhibit "A" which is attached hereto and made a part of the Declaration; and

WHEREAS, Declarant desires to protect and enhance the value, desirability and attractiveness of said property for all parties having or acquiring any right, title or interest in the property described in said Exhibit "A"; and to this end, will convey the real property described in Exhibit "A" subject to the covenants, restrictions, easements, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and

WHEREAS, Declarant, in order to insure that the purposes of this Declaration are carried out, agrees to cause the incorporation under the laws of Colorado of Panadero Two Property Owners Association, a non-profit corporation, for the purpose of administering and enforcing the covenants, conditions and restrictions and for such other purpose or purposes hereinafter set forth;

NOW, THEREFORE, Declarant hereby declares that the real property described in Exhibit "A" is and shall be held, transferred, sold, conveyed and occupied subject to the following covenants, conditions, restrictions, easements, charges, and liens, hereinafter sometimes referred to collectively as "covenants and restrictions", all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said property. These covenants and restrictions shall run with said real property and shall be binding on all persons having acquired any right, title or interest in said property or any part thereof, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

The following terms, when used in this Declaration or any supplement or amendment thereto shall have the following meanings unless prohibited by the context:

- (a) "Architectural Control Committee" shall mean the committee of three or more persons appointed by the Board of Directors of Panadero Two Property Owners Association to review and approve the plans for all improvements constructed on the Properties.
- (b) "Association" shall mean and refer to the Panadero Two Property Owners Association.
- (c) "Common Area" shall mean and refer to all real property owned by the Association for the common use and enjoyment of the members of the Association.
- (d) "Declarant" shall mean and refer to Panadero Ski Corporation, a Colorado corporation.
- (e) "Developer" shall mean and refer to any person or entity who is the owner of two or more undeveloped lots or one or more multi-family tracts which he or it purchased directly from the Declarant.
- (f) "Lot" shall mean and refer to any one of the forty single-family residence platted lots shown upon the recorded subdivision plat of the Properties.
- (g) "Member" shall mean and refer to any person or entity who holds membership in the Association.
- (h) "Multi-family Tract" shall mean and refer to any one of the several numbered tracts designated "multi-family" as shown on the recorded plat of the Properties.
- (i) "Owner" shall mean and refer to the record owner, as shown in the records of the Huerfano County Clerk and Recorder, whether one or more persons or entities, of the fee entered in any Lot which is a part of the Properties except an owner who holds title or interest in any said Lot merely as security for the performance of an obligation.
- (j) "Properties" shall mean and refer to the real property described in Exhibit "A" and such additions thereto as may hereinafter be brought within the jurisdiction of the Association by annexation.

overhang shall be provided if gutters are not installed. Cutters and downspouts are required to be painted to blend with earthtone colors of the dwelling.

- (c) Only earthtone colors shall be used on exterior siding or garage doors.
- (d) Garage doors shall be wood or wood composition and be of a plain design.
- (e) All exterior walls shall be constructed of woods, stone, stucco or the following types of brick: sand brick, clinker brick and bricks without a sheen appearance, brick of a color that blends with natural surroundings. Standard red brick is an example of a disapproved material.
- (f) All fences shall be constructed of a natural colored wood or of color of material of the house.
- (g) All walls shall be constructed of stone, stucco or brick of a variety allowed for the construction of exterior walls of the dwelling.
- (h) All fences shall be of a screening, privacy or patio type fence. Chain link or property boundary and separation fences will not be allowed.

SECTION 5. Landscaping. No live existing trees or rocks shall be removed from the Lot unless required in construction of the dwelling or unless approved by the Committee. No exterior landscape watering or irrigation will be allowed, except for the re-establishment of the natural landscape after the initial construction period.

SECTION 6. Easements. Easements for the installation and maintenance of fences, utilities and drainage facilities are reserved as shown on the recorded plat of the Properties.

SECTION 7. Trash. No garbage, refuse, rubbish or cuttings shall be deposited on any Street, Road or Common Area nor on any Lot unless placed in a suitable container. The burning of trash is prohibited, it being intended that all refuse, trash and garbage be hauled from the Properties. Garbage cans are to be inside garages, behind decorative fencing or otherwise hidden from view to the street.

SECTION 8. Storage of Building Materials. No building material of any kind or character shall be placed upon any Lot except in connection with construction or maintenance approved by the Committee. As soon as building materials are placed on any Lot in such connection, construction shall be promptly commenced and diligently prosecuted.

SECTION 9. Commercial Enterprises, Nuisances. No manufacturing or commercial enterprises shall be conducted or maintained upon, in front of or in connection with any Lot or Lots or Condominiums. No noxious or offensive activity shall be carried on or upon any Lot, Condominium, Street, Road or Common Area, nor shall anything be done thereon which may be or may become an annoyance or a nuisance to the neighborhood.

SECTION 10. Commercial Vehicles, Campers, Trailers. No commercial type vehicles and no trucks shall be stored or parked on any Lot except in a closed garage nor parked on any Street, Road or Common Area except while engaged in transport to or from a dwelling or the Common Area. For the purposes of this restriction, a truck having a three-quarter (3/4) ton manufacturer's rated capacity, commonly known as a pick-up truck, shall not be deemed to be a commercial vehicle or a truck. Campers and trailers shall be parked or stored at the rear of the Lot out of sight of the Street or kept in a garage.

SECTION 11. Free-standing Mailboxes. All free-standing mailboxes shall be of a wood design and construction approved by the Committee.

SECTION 12. Animals. No person shall be allowed to keep, breed or raise chickens, turkeys, cattle, horses, sheep, goats, swine, rabbits or other domestic farm or barnyard animals or fowl on any Lot or Condominium or other portion of the Properties, or erect thereon any building designed to house the same. This restriction shall not be construed to prohibit any person from keeping dogs, cats or other household pets on any Lot, provided they are not kept bred or raised for any commercial purpose. Horses may be ridden in the Common Area as specified by the Board of Directors. In the event an owner temporarily hobbles a horse in the Common Area, he shall be responsible to clean up the area utilized.

ARTICLE II
MEMBERSHIP

SECTION 1. Membership. Every person or entity who is an Owner as hereinabove defined or any lot or Condominium which is subject to assessment by the Association shall be a member of the Association. When more than one person is a record Owner of a Lot or Condominium, all such persons shall be Members.

No Owner shall have more than one membership. Membership shall be appurtenant to and may not be separate from ownership of any Lot which is subject to assessment by the Association. Ownership of such Lot or condominium shall be the sole qualification for membership.

SECTION 2. Classes of Membership. The Association shall have two classes of membership:

Class A - All the Owners as defined in Section 1 of this Article II with the exception of the Declarant and any Developers shall be Class A Members.

Class B - The Declarant and all Developers shall be Class B Members.

ARTICLE III
VOTING RIGHTS

SECTION 1. Class A Members. Those Class A Members holding an interest in any one Lot or Condominium shall collectively be entitled to one vote for said Lot or Condominium. The vote for each Lot or Condominium shall be exercised by the Owners thereof as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot or Condominium.

SECTION 2. Class B Members. Except as provided in Section 3 hereof, the Class B Members shall be entitled to three votes for each Lot or Condominium in which they hold the record interest, provided that the Class B membership shall cease on the happening of either of the following events, whichever occurs earlier: (a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or (b) on January 1, 1985.

ARTICLE IV
ANNEXATION OF ADDITIONAL PROPERTIES

SECTION 1. Except as provided in Section 2 of this Article, additional property shall be annexed to the Properties only by a two-thirds (2/3) vote of the votes represented by the Class A Members and a vote of two-thirds (2/3) of the votes of the Class B Members, if any, at a meeting of the Members, written notice of which setting forth the fact that the question of annexation shall be considered shall be sent to all Members not less than fifteen (15) nor more than fifty (50) days in advance of the meeting. The presence of Members or of proxies entitled to cast sixty percent (60%) of the votes of each class of membership shall constitute a quorum to vote on the annexation question. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirements set forth above, and the required quorum at each subsequent meeting shall be one-half (1/2) of the required quorum of the preceding meeting. No subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

SECTION 2. If on or before the date of the incorporation of the Association, the Declarant should develop additional lands adjacent to the area described in Exhibit "A", such additional lands may be annexed to the Properties without the assent of the Class A and B Members by the Declarant recording a declaration to that effect. On the date and at the time said declaration is recorded, said lands shall be deemed a part of the Properties.

ARTICLE V
PROPERTY RIGHTS IN THE COMMON AREA

SECTION 1. Title to Common Area. Common Area, if any, shall comprise those areas designated as such by Declarant from time to time. The Declarant agrees to convey title to the Common Area to the Association promptly upon Resolution of the Board of Directors of the Association agreeing to accept title under such terms and conditions as indicated in any designation by Declarant.

State of Colorado Filed for record the 12 day of July, A.D. 1982, at 11:30 o'clock A.M. ALBERT N. VIGIL RECORDER
 County of Huerfano No. 288757 BOOK 365 PAGE 152 By Julie S. S. S. S. Deputy

AMENDMENT TO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

PANADERO DEVELOPMENT FILING NUMBER TWO

THIS AMENDMENT, made this 21ST day of October, 1982, by PANADERO SKI CORPORATION, a Colorado Corporation, hereinafter called "Declarant".

WHEREAS, a certain Declaration was made by Declarant on the 26th day of May, 1982, and recorded in the records of the Huerfano County Recorder on the 1st day of July, 1982, in Book 364 at Page 42; and

WHEREAS, Exhibit "A" to that Declaration is in error in that the numbered designation of the lots is incorrect and Declarant desires to amend to correct such error;

NOW THEREFORE, Exhibit "A" is corrected to read as follows:

EXHIBIT "A"

The land that is subject to this Declaration of Covenants, Conditions and Restrictions of Panadero Development Filing Two is described as follows:

Lots 75 through 114 inclusive of Panadero Development Filing No. 2, Huerfano County, Colorado.

PANADERO SKI CORPORATION
 a Colorado Corporation,
 Declarant

By: [Signature]
 President

ATTEST

[Signature]
 Secretary



DISTRICT COURT, HUERFANO COUNTY, STATE OF COLORADO

Case No. 96 CV 46

DATE FILED: December 2, 1996

SETTLEMENT AGREEMENT

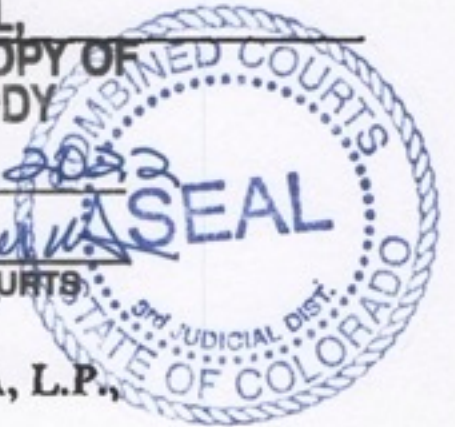
PATRICIA J. CONCANNON,
Plaintiff,

vs.

PANADERO PROPERTY OWNERS ASSOCIATION, SKI CUCHARA, L.P.,
and CUCHARA, L.C.,
Defendants.

CERTIFIED TO BE A FULL,
TRUE AND CORRECT COPY OF
ORIGINAL IN MY CUSTODY

DATED December 4, 1996
Ronald A. Casper
DEPUTY CLERK COMBINED COURTS



This Settlement Agreement ("Agreement") is entered into as of 7/26, 1996, by and between Patricia J. Concannon ("Plaintiff") and Ski Cuchara, L.P. ("SCLP"), and Cuchara, L.C. ("CLC") (SCLP and CLC are collectively referred to as Defendants) to evidence the agreement reached by such parties.

WHEREAS, SCLP is the owner and developer of certain real property located in Huerfano County, Colorado, and CLC is the general partner of SCLP; and

WHEREAS, Panadero Property Owners Association ("PPOA") is an organization of property owners owning real property in Huerfano County, Colorado, which property is located in the vicinity of the Ski Cuchara ski resort owned and operated by SCLP; and

WHEREAS, Plaintiff owns certain real property in Huerfano County, Colorado, in the vicinity of such ski resort and are members of PPOA, and

WHEREAS, a dispute has arisen with respect to the obligations of SCLP and CLC concerning the conveyance of certain real property located in Huerfano County, Colorado, and the future development of certain real property located in Huerfano County, Colorado; and

WHEREAS, Plaintiff filed an action in the District Court of Huerfano County, Colorado, under cause no. 96 CV 46, which action is styled *Patricia J. Concannon vs. Panadero Property Owners Association, Ski Cuchara, L.P., and Cuchara, L.C.* (The "Action") and seeks a declaratory judgment with respect to the matters in dispute; and

WHEREAS, Plaintiff, PPOA, SCLP and CLC met at a PPOA special meeting held on May 4, 1996, and reached an agreement to compromise and resolve the matters in dispute and to bring the Action to an end; and

SETTLEMENT AGREEMENT-Page 1

In consideration of the foregoing, the mutual promises and undertakings contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Plaintiff, SCLP and CLC agree as follows:

1

On May 4, 1996, the parties agreed to a modification of Tract 6 and Tract M, which modification is attached hereto, marked Exhibit A, initialed by all parties and by this reference made a part hereof.

2.

Concannon, by execution of this agreement, does hereby agree that she will not object to the filing nor the approval of such Exhibit A, as a part of SCLP and CLC request for modification of Panadero filing No. 3, filed of record on March 16, 1983, under recording map no. 206-207, pocket no.4, folder no.2, pursuant to which Tract M and Tract 6 shall be restricted to single family lots as configured in said Exhibit which are not less than one-third acre in size and all houses constructed thereon shall contain at least 2000 square feet with a rear yard set back of at least sixty (60) feet.

3

No subsequent changes will be made in the configuration of Exhibit A, as it pertains to Tract M and Tract 6, without the written approval of Concannon.

4

Upon the execution of this agreement by all parties, Concannon will cause to be filed a Journal Entry of Dismissal, without prejudice, in Case No. 96CV46, Patricia J Concannon vs. Panadero Property Owners Association, Ski Cuchara L.P and Cuchara L.C.

5

The parties agree that although Exhibit A is a part of the Master Plan to be filed by SCLP and CLC, this agreement is limited to that portion thereof which modifies Tract 6 and Tract M, as designated in the original Master Plan previously approved by Huerfano County, Colorado.

6.

This agreement shall be filed in the property records of Huerfano County, Colorado and shall attach to and run with the land, upon the approval by the necessary governing body of said county

7

This agreement encompasses the entire agreement between the parties and shall not be changed without the consent of all parties in writing.

8.

This agreement shall be binding upon the parties hereto their respective successors, heirs, executors, administrators and assigns.

9

This agreement may be executed in one or more counterparts, each of which shall be deemed an original, when fully executed by all, of which together, shall constitute one and the same agreement.

Executed and Agreed:

Date: JULY, 1996

Patricia J. Concannon
PATRICIA J. CONCANNON

Date: JULY 26, 1996

SKI CUCHARA, L.P., a Texas limited partnership

By: Cuchara, ^{L.C.}~~L.P.~~, its general partner

By: Donald B. Huffines
Donald B. Huffines
President

Date: JULY 26, 1996

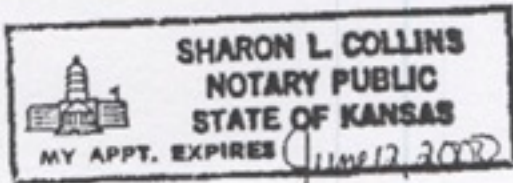
CUCHARA, L.C.

By: Donald B. Huffines
Donald B. Huffines
President

The State of KANSAS

County of STEVENS :

This instrument was acknowledged before me on this 2nd day of ~~July~~ ^{August}, 1996, by Patricia J. Concannon.



Sharon L. Collins
Notary Public, State of Kansas

Printed or Stamped Name of Notary:

SHARON L. COLLINS

My Commission Expires: June 12, 2000

The State of Texas:

County of Dallas:

This instrument was acknowledged before me on this 26th day of July, 1996, by Donald B. Huffines, President of Cuchara, L.C., general partner of Ski Cuchara, L.P., a Texas limited partnership, on behalf of said limited partnership.



Cheryl Moczygemba
Notary Public, State of Texas

Printed or Stamped Name of Notary:

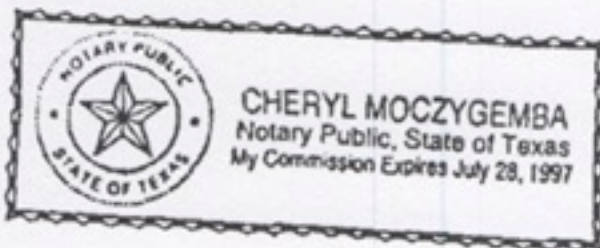
Cheryl Moczygemba

My Commission Expires: 7/28/97

The State of Texas:

County of Dallas:

This instrument was acknowledged before me on this 26th day of July, 1996, by Donald B. Huffines, President of Cuchara, L.C., a Texas limited liability company, on behalf of said limited liability company.



Cheryl Moczygemba
Notary Public, State of Texas

Printed or Stamped Name of Notary:

Cheryl Moczygemba

My Commission Expires: 7/28/97

SPECIAL WARRANTY DEED

Item 4b.

SKI CUCHARA, L.P., for the consideration of Ten Dollars and other good and valuable consideration in hand paid, hereby sells and conveys to **PANADERO PROPERTY OWNERS ASSOCIATION**, whose address is P. O. Box 508, La Veta, Colorado 81055, and its assigns, the following real property in the County of Huerfano, State of Colorado, to-wit:

Tracts C, E, the most northerly Tract G, and Tract H, all in Panadero Filing No. 1;

Tracts F and J, Panadero Filing No. 1, reserving unto Grantor a perpetual easement to use that portion of said tracts currently laid out for parking for public parking and storage of road maintenance equipment;

Tract I, Panadero Filing No. 2, reserving unto the Grantor a perpetual easement 60 foot in width for a road between Tracts 3 and 6 of said filing, the precise location of said easement to be determined;

Tract K, Panadero Filing No. 2, reserving unto Grantor two (2) perpetual easements 60 foot in width for roadways, the precise located to be determined;

Tracts G, L, M and N, Panadero Filing No. 3.

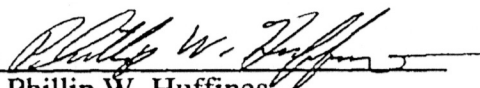
Grantor further reserves perpetual easements for future utilities across all property described herein, with the approval of the Panadero Property Owners Association, such approval not to be unreasonably withheld.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the grantee, grantee's successors and assigns forever. The grantor does hereby bind itself and its successors and assigns to **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor, subject to 1996 general real estate taxes due and payable January 1, 1997, together with all reservations, easements, covenants and restrictions of record.

SIGNED as of the 30th day of July, 1996.

SKI CUCHARA, L.P.

By: Cuchara, L.C., its general partner

By: 
Phillip W. Huffines
Vice President

INDEXED

RECEPTION NO. A0326778 11.00 BK: 0416 PG: 0688-0689
151 JUDY BENINE HUERFANO CLERK/RECORDER 11/22/96 15:34

The State of Texas:

Item 4b.

County of Dallas:

This instrument was acknowledged before me on this 6th day of November, 1996, by Phillip W. Huffines, Vice President of Cuchara, L.C., general partner of Ski Cuchara, L.P., a Texas limited partnership, on behalf of said limited partnership.



Cheryl Moczygemba
Notary Public, State of Texas

PANADERO DEVELOPMENT

FILING NO. 2

191

KNOW ALL MEN BY THESE PRESENTS: That Panadero Ski Corp., Dwight A. Harrison, President, P.O. Box 39, Cuchara, Colorado, 81055;

being the sole owner of the following described land:

A subdivision of a parcel of land located in the N.1/2 of Section 16, Township 31 South, Range 69 West of the 6th. P.M., Huerfano County, State of Colorado to-wit:

Beginning at the N.1/4 corner of said Section 16; thence S. 87-37-37 E., along the north line of said Section 16, a distance of 93.11 feet; thence S. 18-20-21 E., a distance of 1285.61 feet; thence S. 04-09-48 W., a distance of 325.00 feet to a point on the northerly right-of-way line of Panadero Avenue, as shown on the recorded plat thereof as filed for record in Huerfano County Records; thence along said Panadero Avenue right-of-way line the following twelve (12) courses:

- 1.) N. 85-50-12 W., a distance of 133.00 feet;
- 2.) on the arc of a curve to the right, whose radius is 120.00 feet, a distance of 38.16 feet;
- 3.) N. 67-37-00 W., a distance of 236.32 feet;
- 4.) on the arc of a curve to the left, whose radius is 180.00 feet, a distance of 40.55 feet;
- 5.) N. 80-31-30 W., a distance of 222.68 feet;
- 6.) on the arc of a curve to the left, whose radius is 180.00 feet, a distance of 38.16 feet;
- 7.) S. 87-19-47 W., a distance of 466.16 feet;
- 8.) on the arc of a curve to the left, whose radius is 180.00 feet, a distance of 80.79 feet;
- 9.) S. 61-36-45 W., a distance of 14.32 feet;
- 10.) on the arc of a curve to the right, whose radius is 75.00 feet, a distance of 103.11 feet;
- 11.) N. 39-37-15 W., a distance of 231.79 feet;
- 12.) on the arc of a curve to the right, whose radius is 30.00 feet, a distance of 20.41 feet; thence S. 89-21-59 W., a distance of 198.29 feet; thence N. 39-09-00 W., a distance of 385.50 feet; thence S. 87-03-00 W., a distance of 255.80 feet; to the southeast corner of Lot No. 28, Panadero Development Filing No. 1, according to the recorded plat thereof; thence along the property lines of Lots 28 thru 19, said Panadero Development Filing No. 1, the following fifteen (15) courses:
- 1.) N. 08-21-18 W., a distance of 70.60 feet;
- 2.) N. 45-18-30 W., a distance of 70.00 feet;
- 3.) S. 57-33-27 W., a distance of 181.55 feet;
- 4.) N. 76-56-24 W., a distance of 100.00 feet;
- 5.) on the arc of a curve to the left, whose radius is 125.00 feet, a distance of 36.00 feet;
- 6.) N. 86-33-31 E., a distance of 90.00 feet;
- 7.) N. 59-50-10 E., a distance of 139.74 feet;
- 8.) N. 45-18-30 W., a distance of 180.00 feet;
- 9.) N. 06-22-30 W., a distance of 98.72 feet;
- 10.) N. 83-37-30 E., a distance of 155.39 feet;
- 11.) N. 06-22-30 W., a distance of 415.00 feet;
- 12.) S. 83-37-30 W., a distance of 125.00 feet;
- 13.) N. 64-54-12 W., a distance of 158.66 feet;
- 14.) N. 45-17-02 W., a distance of 125.00 feet;
- 15.) N. 47-29-24 W., a distance of 135.10 feet to a point on the north line of said Section 16; thence S. 87-27-30 E., along the said north line of Section 16, a distance of 2297.62 feet to the point of beginning, containing 67.08 acres.

Has caused the foregoing described parcel of land to be surveyed, platted, and subdivided into lots, and streets, and has shown hereon certain easements for the use of all public utilities, and the same be numbered, named, and dimensioned as shown, on the annexed plat, for the purpose of creating a subdivision to be known as "PANADERO DEVELOPMENT FILING NO. 2".

All streets, and easements for public utilities, are hereby dedicated to the public for perpetual use.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands this 26th day of May 1981 A.D.

Dwight A. Harrison
Dwight A. Harrison

STATE of COLORADO)
COUNTY of PUEBLO)

I, Charles A. Harrison, a Notary Public in and for the State of Colorado, do hereby certify that Dwight A. Harrison, is personally known to me to be the person who executed the above dedication, appeared before me this day and acknowledged the execution thereof to be his free and voluntary act for uses and purposes therein set forth as the deed of said individuals.

Witness my hand and seal this 26th day of May 1981 A.D.

My commission expires: June 15, 1985 Charles A. Harrison
Notary Public

This is to certify that we have made the annexed plat and accompanying surveys thereto according to chapter 136, art 2, Colorado Revised Statutes 1979, and that the monuments required by said statutes and Huerfano County subdivision regulations have been placed on the ground.

WACHOB and WACHOB, INC.
P.O. BOX 376
COLORADO CITY, COLORADO 81019

By: Willam A. Wachob
Registered Land Surveyor No. 16163
Date: SEPTEMBER 21, 1981

COMMISSIONER'S CERTIFICATE: Approved, and all public dedications accepted this 26th day of May 1981 A.D. by the board of commissioners of Huerfano County, Colorado. Acceptance of this plat by the County of Huerfano does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said county. Until such roads and rights-of-way meet county road specifications and are specifically accepted for maintenance by resolution of the board of County Commissioners, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land within this development.

PLANNING COMMISSION CERTIFICATE: Reviewed and recommended to be approved by the Huerfano County Planning Commission this 26th day of May 1981 A.D.

By: Robert A. Buggs Chairman, Board of Commissioners
By: G. R. Johnson Chairman, Planning Commission

FILED FOR RECORD on the 27th day of May 1981 A.D. at 2:20 P.M. and was recorded in
Map No. 191 Pocket No. 4 Folder No. 1 Reception No. 256972

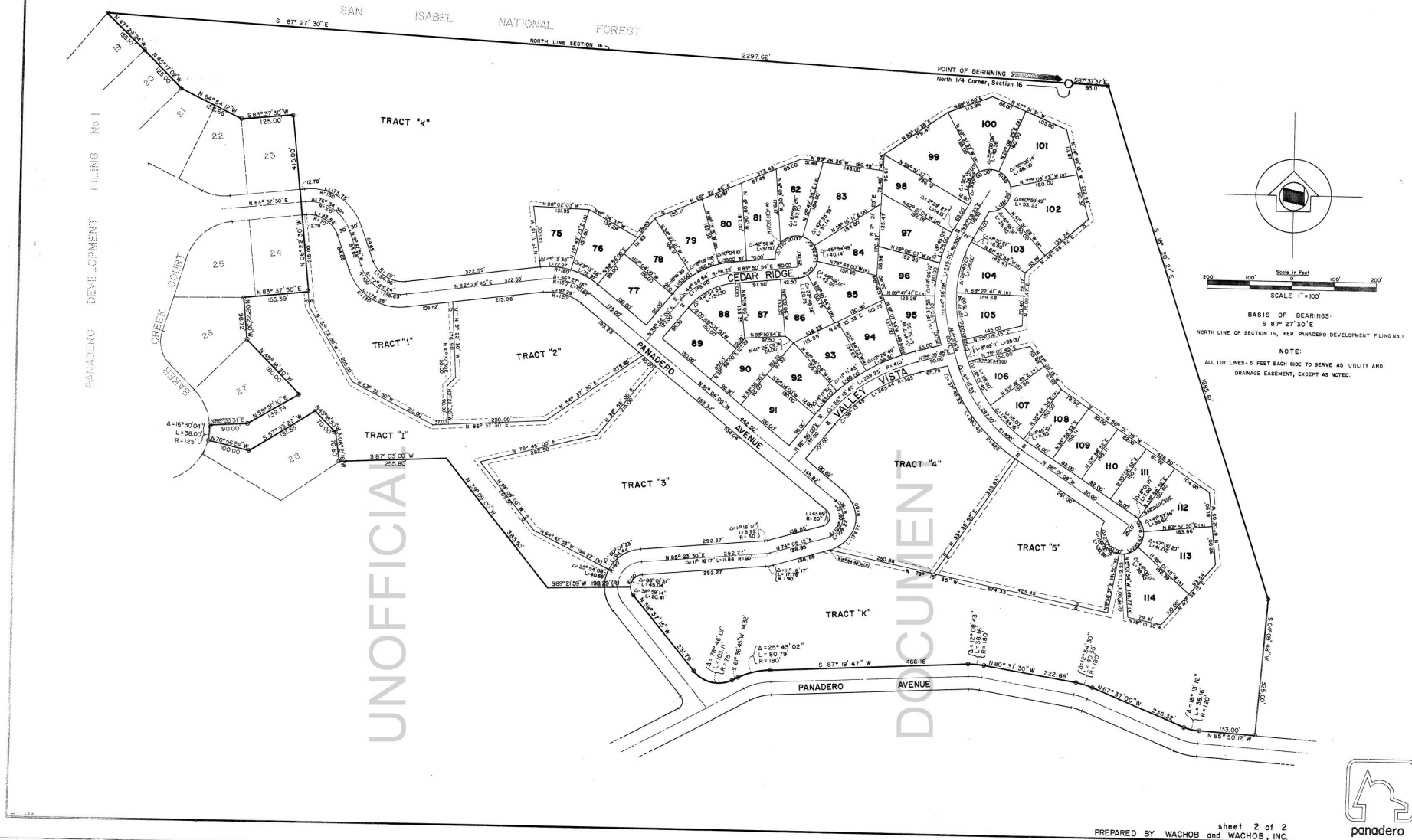
Albert P. Hight
County Clerk and Recorder
By Julie Neighlon, Dep.

INKED BY: H.D.D. sheet 1 of 2
PREPARED BY: WACHOB and WACHOB, INC.



#191

PANADERO DEVELOPMENT FILING NO. 2



DRAWING NUMBER
191

DRAWING NUMBER
191

DRAWING NUMBER
191

DRAWING NUMBER
191

Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, CO 81089
(719) 738-3000, Ext. 506



Huerfano County Planning Commission
12/22/2022

22-57 CUP Atlas Tower 1 LLC
Staff report

The applicant Atlas tower 1 LLC, c/o Cornelius Whitehead, is proposing to build a wireless self-supporting telecommunications facility on parcel number 21440, which is near the intersection of HWY 10 and CR 123. This facility will include a 310-foot self-supporting tower within a 2,500 sq. ft. wireless facility. According to Huerfano County Zoning Regulations section 1.06.23 A Conditional Use Permit is needed for "commercial radio and television transmitting and receiving stations, dishes, and towers including telecommunications, microwave and cellular towers, antennae and dipoles," in all zoning districts of Huerfano County.

The purpose of this facility is to provide wireless coverage to the nearby surrounding agricultural areas and travel corridors. The tower and facility will be used for structural support of up to four wireless providers that will be able to install antennas on the ground base station equipment.

In the letter of intent, Atlas Tower 1 explains what their facility characteristics will be as well as meeting FAA/FCC Compliance, location of the tower and brief overview of the building and tower schematics.

In addition to the referral agencies and requirements listed in section 7.04.08 in the Huerfano County Areas and activities of State Interest Regulations (1041) some additional referral agencies should be considered/added as deemed necessary by the Planning Commission. Those may include but not be limited to the Historical Society, the FAA and FCC and the U.S. Department of the Interior. These agencies have been consulted in previous cell/radio tower applications.

Tower Height:

The Land Use Code does not establish maximum height requirements for cell towers; it is up to the Planning Commission to consider the impacts of the proposed height.

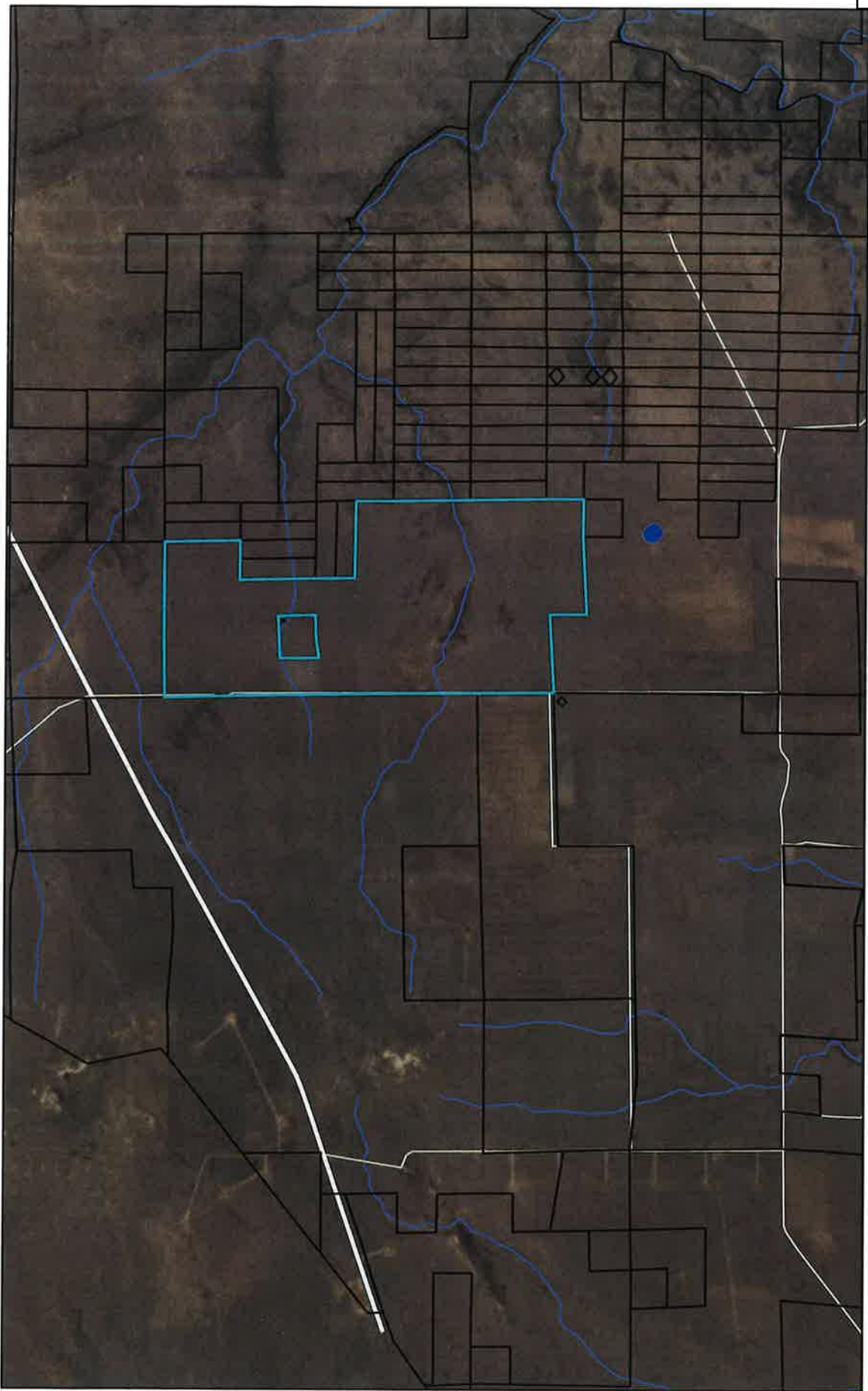
Setbacks:

Setbacks in the Agricultural Zoning District are a minimum of 20' from the front and rear and 10' from the side property line.

Planning Commission Actions:

1. Determine application completeness.
2. Determine the referral agencies that need to be notified about this CUP.
3. Determine whether height is appropriate for the site and local context.
4. Determine whether any additional studies need to be done of the area.
5. Determine whether a public hearing is required.
6. Send application to BOCC for review at a joint public hearing or public meeting.

Huerfano County



12/15/2022, 3:43:07 PM

ParcelsNew Roadways Lakes

Highways Streams



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INQUIRY ONLY

ACCOUNT FILE MAINTENANCE

214401 Flag R LEGAL DESCRIPTION Acres

MOUSEL, NICHOLAS HENRY & THERESA MARY

Address 1 THERESA MARY

Address 2 SC 18: S2 320 A. T26 R64,

Address 3 31801 ROAD W

Address 4 CHEYENNE WELLS

State/Zip CO 80810 0000

Property Map Num 28-4889-174-00-006

Prev Name1 WEHLING, ANTON & MOUSEL, NICHOLAS

Prev Name2 MOUSEL, JN, JUSTINA, THERESA &

VALUES-ASSD TAXABLE EXEMPT

LAND 15088

Use 4147 City 0000 Subdv 00000

Anlys 000 Tax/Dst 150 Zone 00

Exempt Late Filing Advt Y Bnkrupt N TOTALS

ACRES: Master 00000271500 Legal Value 271500

Ignore PP \$ 14500 Exemption N 15088

NOV #

CMD1-Value Change

CMD3-Both Changes

CMD2-Legal Change

CMD4-Sales Change

HELP-More Details

Parcel On 05/02/2018 By COHUMELI

Name On 04/02/2018 By COHUMELI

Values On 05/19/1989 By KFT

Legal On 05/02/2018 By COHUMELI

CHANGES

Huerfano County Land Use Department
 401 Main Street, Suite 340, Attn: Land Use
 Walsenburg, Colorado 81089
 719-738-1220 ext. 103



GENERAL LAND USE APPLICATION

Application File No.: 22-57
 Date Received: 12/12/20
 Received by: SK
 Fees due: _____ Date Paid _____

1. ACTION(S) REQUESTED:

- ☒ Conditional Use Permit
- ☐ Conditional Use Permit / Marijuana
- ☐ Conditional Use Permit/ Oil, Gas or Uranium Exploration and/or Development
- ☐ Rezoning
- ☐ Variance
- ☐ Subdivision Exemption
- ☐ Plat Amendment
- ☐ Lot Consolidation
- ☐ Plat Correction
- ☐ Right-of-Way or Easement Vacation
- ☐ Other Actions (specify): _____
- ☐ Sign Permit
- ☐ Temporary Use Permit
- ☐ H.B. 1041 Text Amendment
- ☐ H.B. 1041 Development Permit
- ☐ H.B. 1041 Flood Plain Exemption
- PUD and Subdivisions:
- ☐ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat / Subdivision Improvement Agreement
- ☐ Appeal of Denied Application

2. APPLICANT AND OWNER INFORMATION:

Applicant Name: _____ Atlas Tower 1, LLC c/o Cornelius Whitehead

Applicant's Mailing Address: _____ 3002 Bluff Street Suite 300 Boulder CO 80301

Applicant's Telephone: _____ 303-448-8896 Email: _____ cwhitehead@atlastowers.com

Name of Land Owner: _____ Nicholas Mousel & & THERESE MARY MOUSEL

Land Owner's Mailing Address: _____ 31801 COUNTY RD W CHEYENNE WELLS CO 80810

Land Owner's Telephone: _____ 719-688-9474 Email: _____ n/a

3. PERMIT DETAILS:

Detailed project description/Scope of Work: _____

Proposed 310' self supporting cellular facility to improve mobile network connectivity in Huerfano County. This project is proposed on vacant farm land near HWY 10 and CR 123

Parcel Area: _____ Acres; Zoning District(s): _____ AG

Parcel/Schedule Number(s): _____ 214401

Parcel Address (optional): _____ Unassigned Address

Current/Proposed Land use (see §1.05 of the Land Use Code): _____ Vacant land / Cellular Facility

GENERAL LAND USE APPLICATION

If project is in an HOA, HOA name: _____ N/a

If a Variance Request, please state the reason for the Variance(s): _____ N/a

Is all or a portion of the subject land located in a 100-year flood plain area (see FEMA floodplain map), or are there areas with slopes in excess of twenty percent (20%)? ☐ YES ☐ NO ☒ NOT SURE

If YES, describe existing conditions: _____

Value of proposed project: _____ \$150,000.00

Will the proposed project require any State or Federal permits? ☒ YES ☐ NO

If YES, please list all permits or approvals required: _____ FAA & FCC application will be apart of this project.

Additional pertinent information: _____

If a H.B. 1041 permit is required, for what matters of local concern and state interest? _____ n/a

4. CERTIFICATION BY THE APPLICANT:

I hereby certify that this Application is made with full knowledge of the design standards, all fees, procedures, public hearing and meeting requirements contained in the Huerfano County Land Use Regulations. Furthermore, I understand that all conditional use permits are non-transferrable, unless specifically approved by the Huerfano County Board of County Commissioners. The Board of County Commissioners may impose permit transfer fees as it deems appropriate. All documents submitted may be subject to internet publishing.

Signature of Applicant: _____ *Cornelius Whitehead* Date: _____ 12-9-22

Printed name: _____ Cornelius Whitehead

5. ACTION (by the authorized permitting authority):

☐ Final Approval

☐ Conditional Approval

☐ Denial

Name _____ Signature _____

Title _____ Date _____

Comments _____

Zoning Narrative – “Beaver Bay”

December 9, 2022

Huerfano County
Department of Land Use
401 Main Street, Suite 340,
Walsenburg, Colorado 81089

To Whom It May Concern:

Atlas Tower 1, LLC is submitting a Special Use Application to Otero County Department of Public Works for review of a new proposed wireless telecommunications facility build on the property with parcel number Parcel number 214401, unassigned address near intersection of HWY 10 and CR 123. This letter shall serve as a narrative to Huerfano County for the proposed 310' self supporting telecommunications facility and how this project will provide the needed mobile network coverage while reducing the need for additional cellular facilities in the future. This project is being proposed and this justification is being provided in an effort to alleviate current mobile network voice, data, and first responder issues in an area that is severely lacking reliable network coverage and capacity.

SITE DETAILS

Land Owner:

NICHOLAS HENRY MOUSEL &
THERESE MARY MOUSEL
31801 COUNTY RD W
CHEYENNE WELLS CO 80810

Site Address:

Parcel number 214401
Unassigned address near intersection of HWY 10 and CR 123

Applicant:

Atlas Tower 1, LLC
3002 Bluff St., Suite 300
Boulder, CO 80301

Coordinates:

LATITUDE	N 37° 44' 54.0816"	(NAD '83) *
	N 37.748356°	
LONGITUDE	W 104° 29' 59.1252"	(NAD '83) *
	W 104.499757°	

Zoning:

Rural Ag

Lease Area:

2,500 sq ft

PROPOSAL SUMMARY

The purpose of this request is to build a 310' self supporting telecommunications tower within a 2,500 sq. ft. wireless facility. This facility will provide critical wireless coverage to the nearby surrounding agricultural areas and travel corridors. As the area develops further, and the existing users demand more data for their existing devices, existing infrastructure will reach capacity limits and be unable to meet coverage needs. This tower and facility will be used for structural support of up to four wireless providers. Each provider will install antennas and on-the-ground base-station equipment.

WIRELESS TELECOMMUNICATION FACILITY CHARACTERISTICS

Visual Effect

We strive to design our facilities and locate parcels that create the least amount of community disturbance. The surrounding area is largely used for farming/vacant land purposes. The proposed site is on a portion of the property primarily used for vehicle storage.

Frequency Of Maintenance Work On The Proposed Facility

On average, after initial installation, a carrier or its contactors would likely visit the facility about one to four times a year for maintenance, though this number could vary depending on the specific circumstances of the facility.

The Average Number Of Vehicles Visiting The Facility

The average maintenance visit by a carrier or its contractors would likely involve one pickup truck. With an average of one to four visits a year and one truck a visit, there would likely be about one pickup truck visiting the site a month, per carrier, if at full capacity.

The Average Duration Work Visits On The Facility

For typical maintenance visits, a carrier or its contractors would only be at the site a few hours, but this number could increase depending on the work that needed to be completed at the site.

Expected Noise Levels

Telecommunications facilities are essentially silent. This would be true whether there were one or four carriers. A generator could be operated on site in the rare instance that power went out. The generator would create noise, but it would not be noticeable or audible in the location the telecommunications facility is proposed to be.

Building Codes; Safety Standards

Atlas Tower will ensure the structural integrity of towers, ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, Huerfano County concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, unless a longer time is reasonably necessary. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

FAA/FCC Compliance

The proposed facility shall conform to the requirements of this title, this code, and other laws, including pertinent federal regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

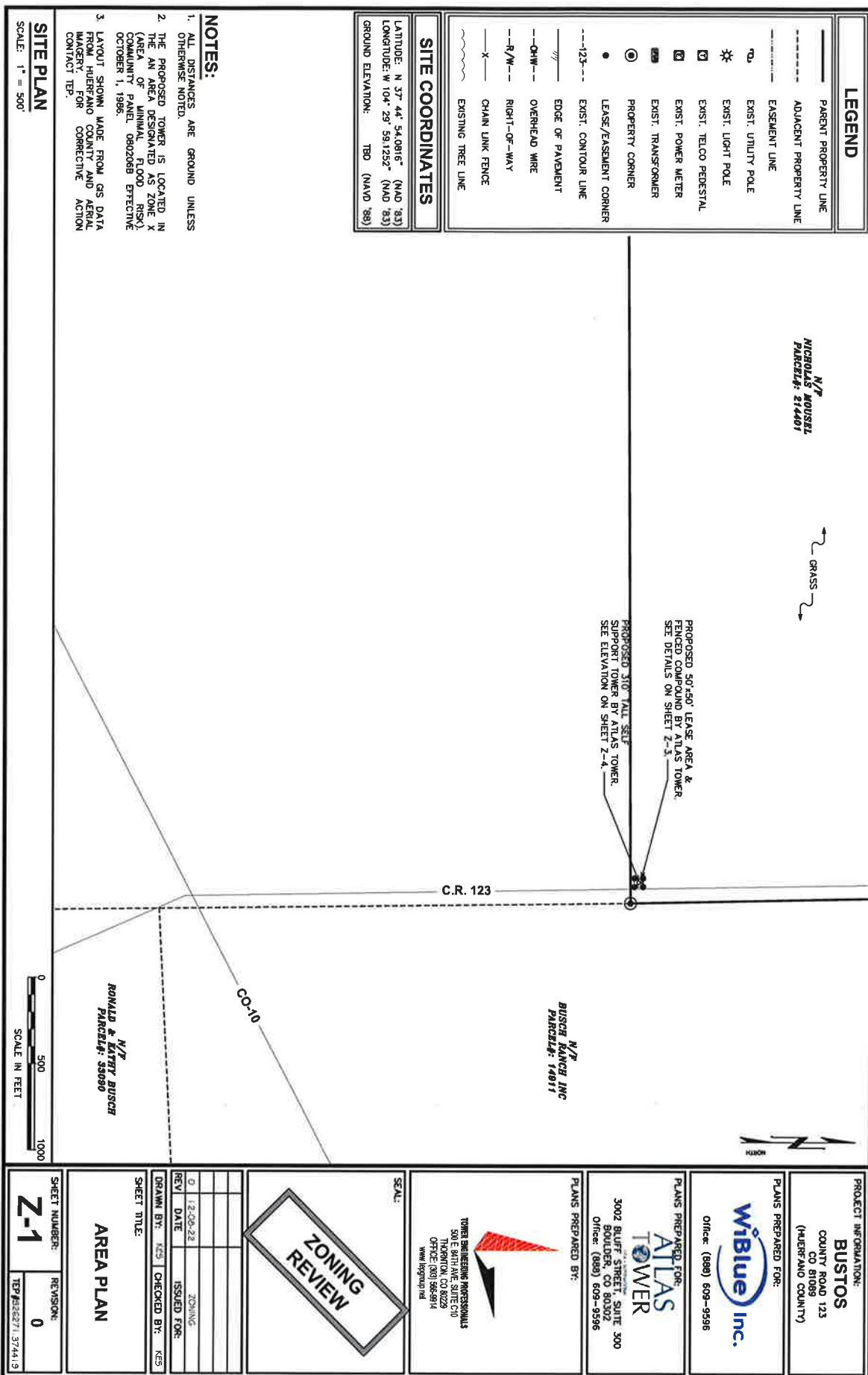
This narrative represents required and supplementary information to document the technological, economic, and social necessity and benefits of a new 310' telecommunications tower in Huerfano County. The information provided highlights the advantages associated with a telecommunications facility at our proposed site. See attached documents to showing our survey and tower drawings.

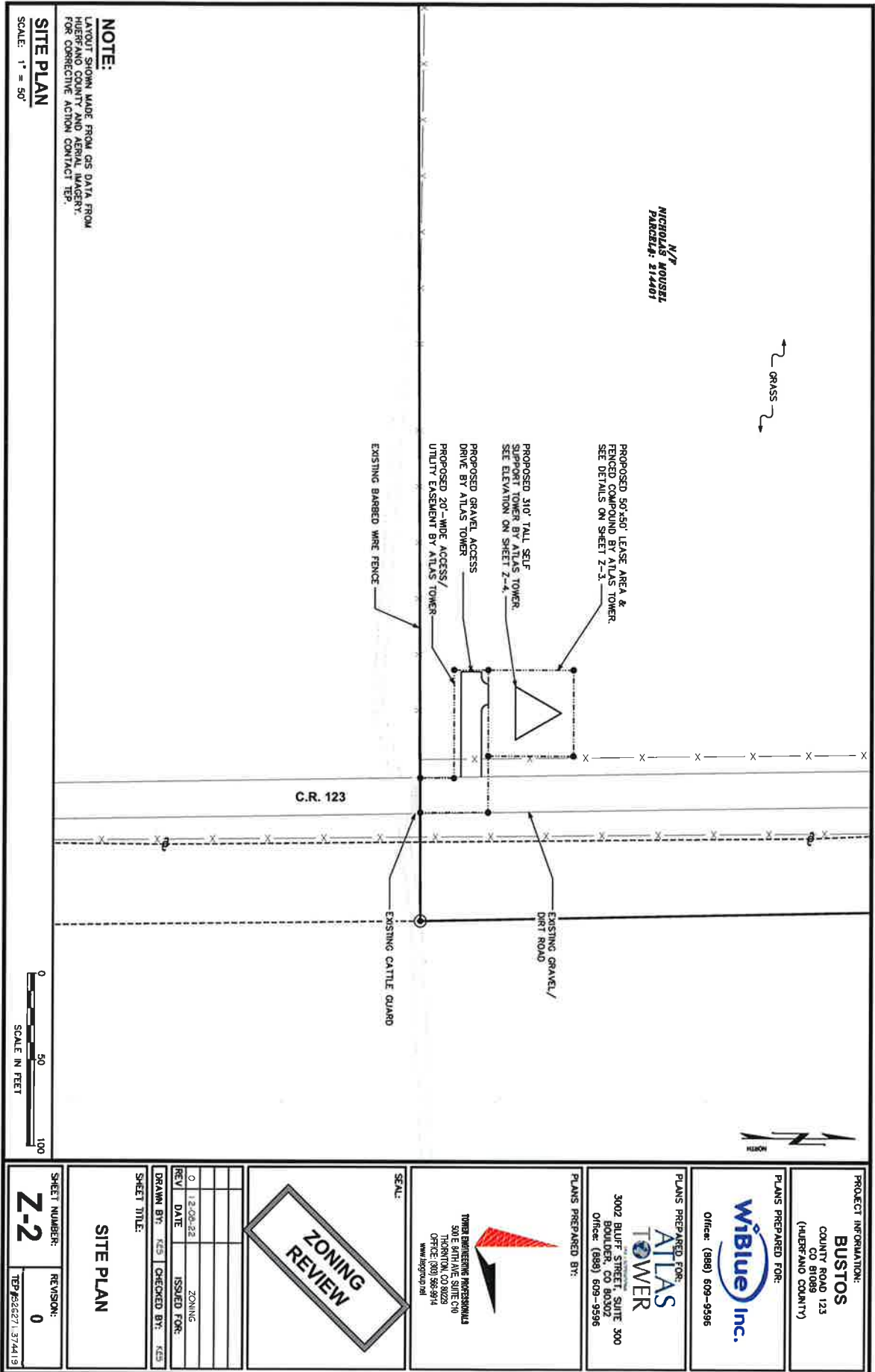
Atlas Tower 1, LLC respectfully requests the acceptance of our application for Special Use review for the proposed communications tower facility.

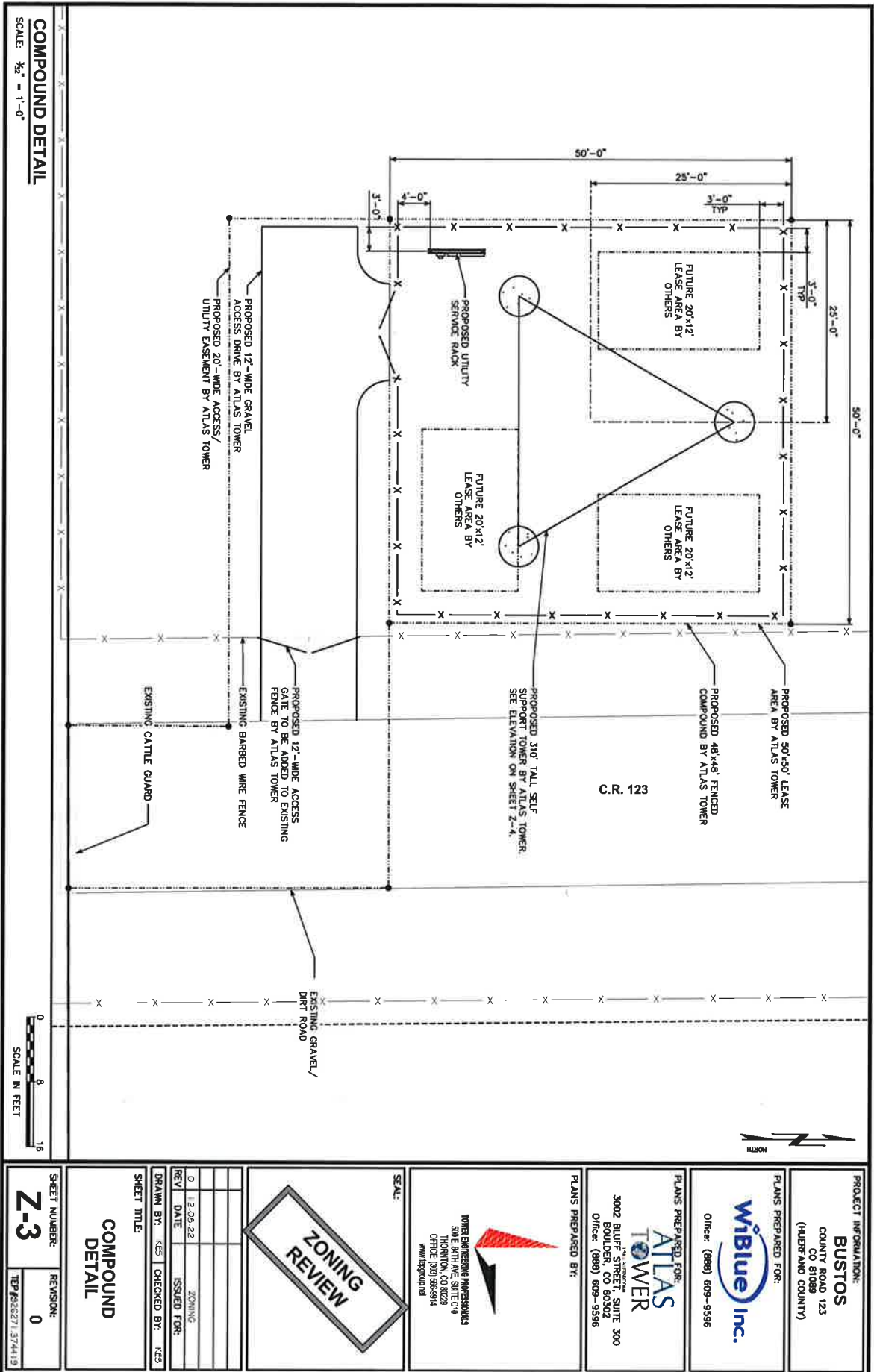
Best Regards,

Cornelius Whitehead
Atlas Tower 1, LLC
3002 Bluff St., Suite 300
Boulder, CO 80301
Office (303) 448-8896
Cell (720) 445-1508

SITE NAME: BUSTOS PROJECT DESCRIPTION: PROPOSED TELECOMMUNICATIONS FACILITY TOWER TYPE: 310' SELF SUPPORT TOWER SITE ADDRESS: C.R. 123 CO 81089 (HUERFANO COUNTY) AREA OF CONSTRUCTION: 2,500 ± SQ. FT. (LEASE AREA) LEGAL DESCRIPTION: - JURISDICTION: HUERFANO COUNTY PARCEL #: 214401 ZONING: AGRICULTURAL PROJECT INFORMATION LATITUDE: N 37° 44' 54.0816" (NAD 83) * LONGITUDE: W 104° 29' 59.1252" (NAD 83) * GROUND ELEVATION: TBD (NAVD 89) *	SITE COORDINATES  USA • INTERNATIONAL wibblue inc. C.R. 123 CO 81089 (HUERFANO COUNTY) CALL FOR UNDERGROUND UTILITIES PRIOR TO BEGINNING CONSTRUCTION. (900) 825-3487 811 Know what's below. Call before you dig. ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE FOLLOWING STANDARDS AND SPECIFICATIONS AS ADOPTED BY THE LOCAL GOVERNING AUTHORITY. NOTHING IN THESE PLANS IS TO BE CONSIDERED TO PRESENT WORK NOT CONFORMING TO THE FOLLOWING STANDARDS: 1. INTERNATIONAL BUILDING CODE 4, (2015 EDITION) 2. NATIONAL ELECTRICAL CODE (NEC) 90, (2011 EDITION) 3. AMERICAN NATIONAL CODE COUNCIL 8, (2009 EDITION) 4. LOCAL BUILDING CODE 5. STRUCTURAL STANDARDS CODE COMPLIANCE CONSTRUCTION OF A TELECOMMUNICATION FACILITY, INCLUDING OF ANTENNAS OR SEVERAL, SHALL BE IN ACCORDANCE WITH HUERFANO COUNTY REGULATIONS, AND THE FOLLOWING STANDARDS SHALL BE FOLLOWED: 1. FACILITY DESIGNED IN ACCORDANCE WITH HUERFANO COUNTY REGULATIONS, AND THE FOLLOWING STANDARDS SHALL BE FOLLOWED: 2. FACILITY SHALL BE CONSTRUCTED ONLY BY MAINTENANCE PERSONNEL, VISITING THE SITE APPROXIMATELY TWICE A MONTH.
---	--







PROJECT INFORMATION:

BUSTOS
COUNTY ROAD 123
CO 81089
(HUERFANO COUNTY)

PLANS PREPARED FOR:

WibBlue Inc.
Office: (988) 609-9596

PLANS PREPARED FOR:

ATLAS TOWER
3002 BLUFF STREET SUITE 300
BOULDER, CO 80302
Office: (988) 609-9596

PLANS PREPARED BY:

TOWER ENGINEERING INVESTIGATIONS
3001 8TH AVE SUITE C-10
THORNTON, CO 80229
OFFICE: (303) 566-5914
www.teiengr.com

SEAL:

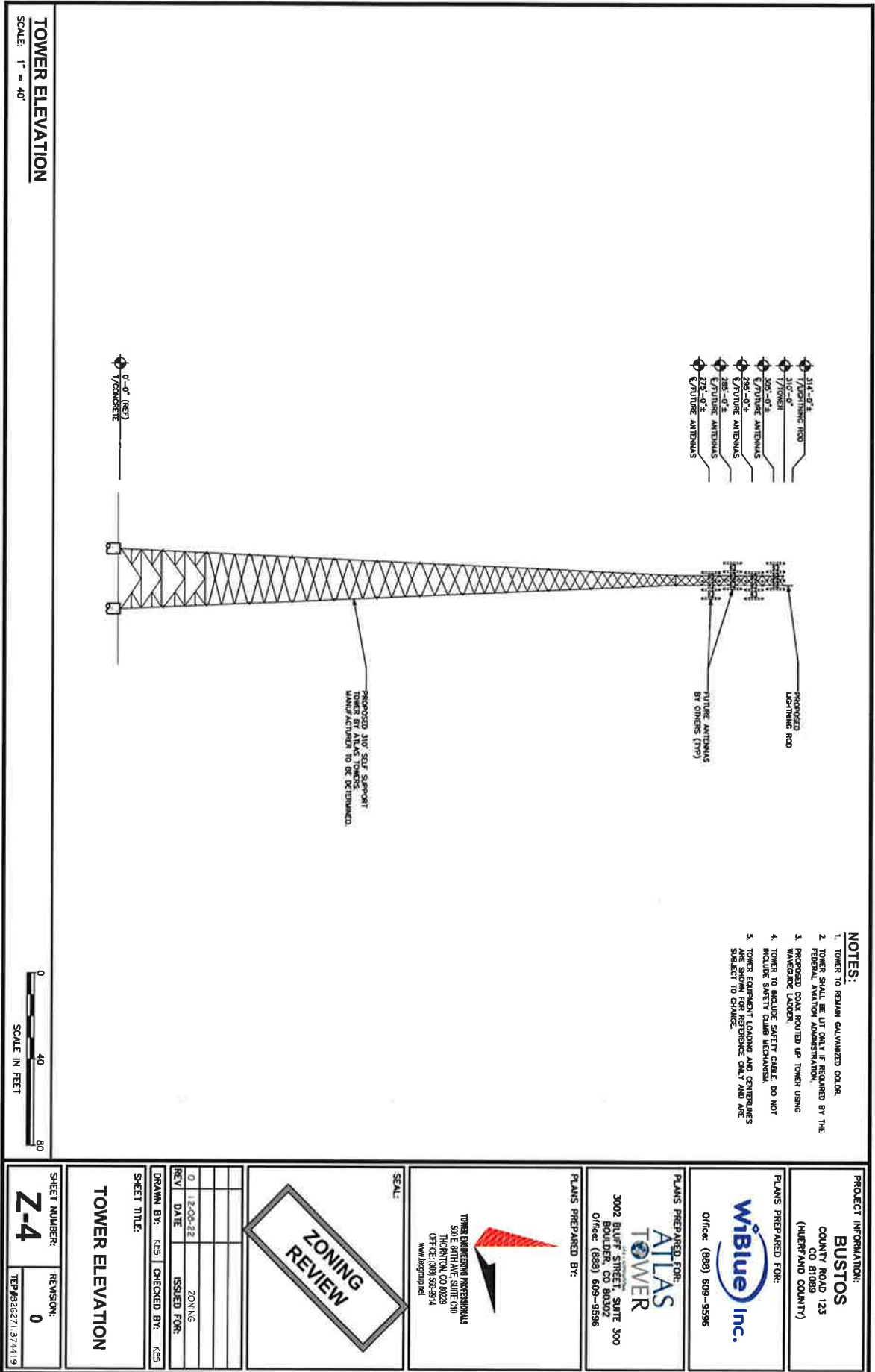


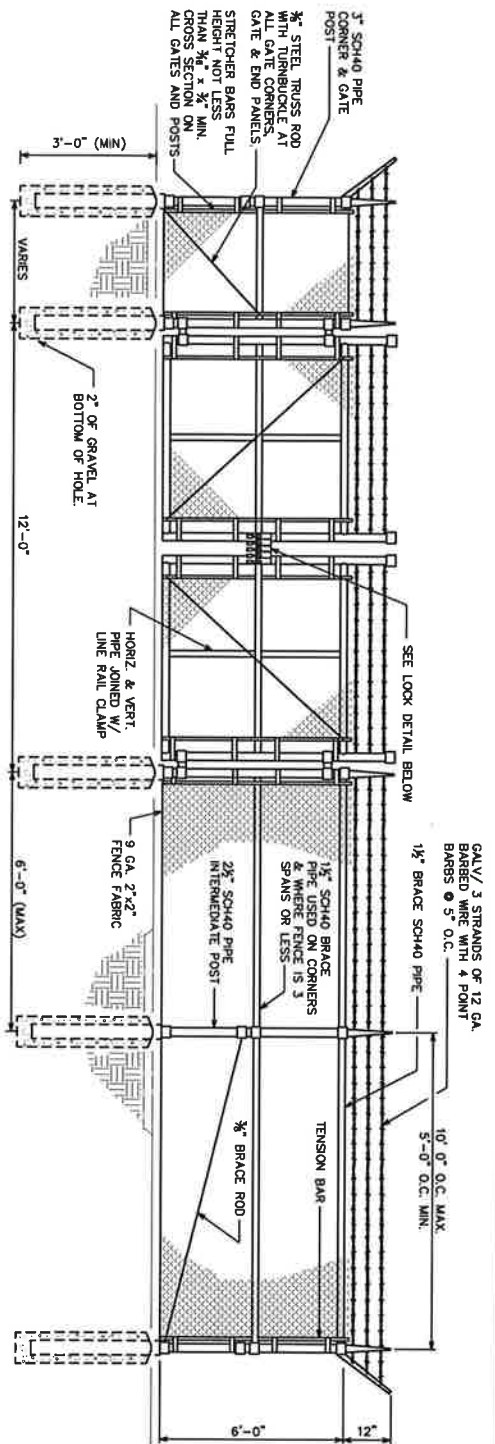
REV	DATE	ISSUED FOR
0	12-06-22	ZONING

DRAWN BY: KES | **CHECKED BY:** KES

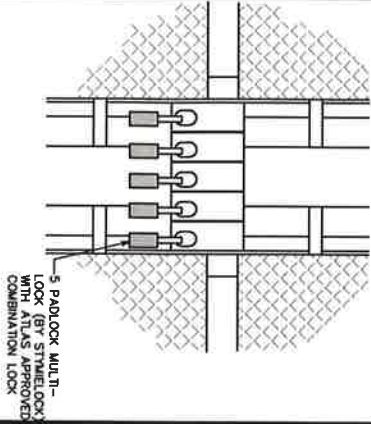
COMPOUND DETAIL

SHEET NUMBER: Z-3
REVISION: 0
TEP#202271.374419

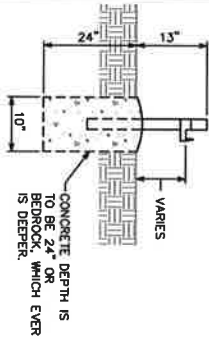




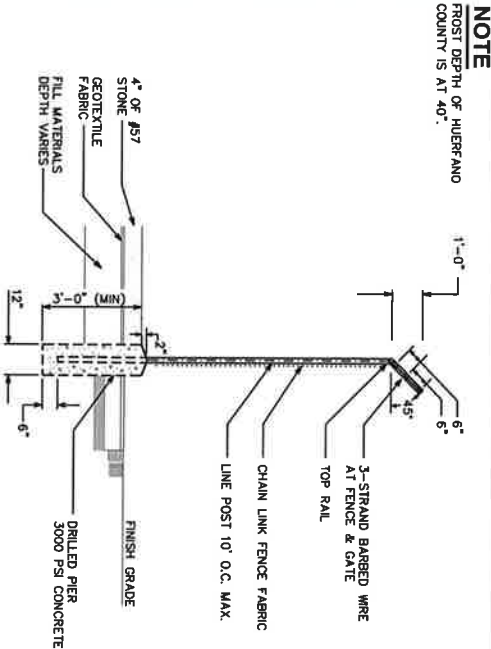
TYPICAL FENCE ELEVATION
SCALE: N.T.S.



GATE LOCK DETAIL
SCALE: N.T.S.



GATE STOP/KEEPER DETAIL
SCALE: N.T.S.



FENCE / BARBED WIRE ARM DETAIL
SCALE: N.T.S.

PROJECT INFORMATION:

BUSTOS
COUNTY ROAD 123
CO 81088
(HUERFANO COUNTY)

PLANS PREPARED FOR:

Wibblue Inc.
Office: (888) 609-9596

PLANS PREPARED FOR:

ATLAS TOWER
3002 BLUNT STREET, SUITE 300
BOULDER, CO 80501
Office: (888) 608-5556

PLANS PREPARED BY:

TOWERS ENGINEERING PROFESSIONALS
301 E. MAIN AVE. SUITE C10
HARTFORD, CT 06102
Office: (860) 565-8914
www.bepgroup.net



SHEET TITLE:

FENCE DETAILS

SHEET NUMBER:

Z-5

TEP#256271.3744.19