



## PLANNING COMMISSION AGENDA

May 25, 2023 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

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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 4-27
  4. **ACTION ITEMS**
    - a. 23-015 Wood Burial Bongiovanni
  5. **LGD UPDATES**
  6. **OLD BUSINESS**
    - a. Roadway Design Guide - Section 19
  7. **NEW BUSINESS**
  8. **DISCUSSIONS**
    - a. Land Use Code Update
    - b. Marijuana Licensing
    - c. Update on 15-010 Walsenburg Cannabis
    - d. 22-54 New Plat Map and Update
- COOPERATIVE PLANNING PROJECTS UPDATE
9. **UPCOMING MEETINGS**
  10. **ADJOURNMENT**



## PLANNING COMMISSION MINUTES

April 27, 2023 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

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

### 1. ROLL CALL

#### PRESENT

Beaver Edmundson

Dale Lyons

Myrna Falk

#### ABSENT

David Tessitor

Lonnie Brown

Sandy White

### 2. PLEDGE OF ALLEGIANCE

### 3. READING OF MINUTES

- a. Minutes from 3-23-23

Motion made by Lyons, Seconded by Edmundson to approve minutes from 3-23-23

Voting Yea: Edmundson, Lyons

Voting Abstaining: Falk

### 4. ACTION ITEMS

- a. 23-05 Rezone and Plat Amendment HCED

Applicant, Carlton Croft, explained the project would involve a 1/4-mile dirt track.

Edmundson asked about dust control. Croft responded that dust on sites like these tends not to be as intense as on other dirt roads, a water truck would be used to mitigate dust when needed and the dirt on the track will remain tamped down.

Discussion of whether it is a use by right in the Industrial zone:

Lyons: similar impacts as 1.05.52 railroad facilities

Agreement by Commissioners that a truck driving school would be a use by right in the Industrial zone.

Agreement by Commissioners that the division of parcel 10635 into two parcels would be considered a plat amendment.

To the question of why San Isabel wants to donate the land, Croft responded that they see the need for economic development and they have a need for CDL licensed drivers.

Referral agencies: Include both RE-1 and RE-2 school districts, the City of Walsenburg, the owner of the ditch and the Water Conservation District.

Motion for the Planning Commission to hold a public hearing on this case on June 8

Motion made by Falk, Seconded by Lyons.

Voting Yea: Edmundson, Lyons, Falk

## **5. LGD UPDATES**

There was a hydrocarbon cloud discharged at ARCO. COGCC reported that there was no danger to waterways or public safety.

3-D mapping may not be useful to include in our oil and gas regulations.

## **6. NEW BUSINESS**

## **7. DISCUSSIONS**

John Hotalling (Application 22-54) said he spoke with Galusha and White and is pursuing a quiet title rather than a declaratory judgment, as was requested by the BOCC, to resolve the question of the deed restricted property in his case. He also shared with staff a new plat map creating separate parcels in what was previously described as access easements.

Letter received from Colorado Parks and Wildlife after public hearing had closed on 23-06 CUP Gravel Pit Siete. The letter asked that the site be inspected for burrowing owls, and if nesting owls were found to delay activity until after nesting is over. Due to timing, this will not be considered for this phase, but will be kept on file and considered for future phases.

Lyons initiated discussion on a proposal to require marijuana grows to also produce food crops to donate to food banks or other organizations. In Gardner, people have abandoned gardening due to a lack of water, and there is a shortage of fresh food, fruits and vegetables.

## **8. UPCOMING MEETINGS**

## **9. ADJOURNMENT**

**Huerfano County Land Use Department**  
401 Main Street, Suite 304  
Walsenburg, Colorado 81089  
719-738-1220, Ext. 506



Item 4a.

**Huerfano County Planning Commission**  
**Staff Report – Permit #23-015 CUP Bongiovanni**  
**Meeting Type – Assignment**

Meeting Date: May 25, 2023

**Request Summary**

With this Application Ray Bongiovanni (the Applicant) requests the following:

A Conditional Use Permit pursuant to LUR Section §1.06 to operate a wood burial operation as part of a carbon credit offset program. Untreated wood would be buried on a roughly 17-acre portion of the parcel in phases, with each phase containing roughly two-acres on which pits of up to 20’ in depth would be dug and in which wood would be buried. Buried wood would be monitored for carbon or methane emissions. The site is addressed at County Rd. 351 #01940 (Parcel Number 41244).

Wood burial will be considered a landfill, and is also regulated through a State of Colorado Certificate of Designation and a State of Colorado Environmental Covenant.

The subject property is zoned Agricultural and contains approximately 60 acres. Zoning standards for this district are set forth in LUR Section §1.03.

**Code References**

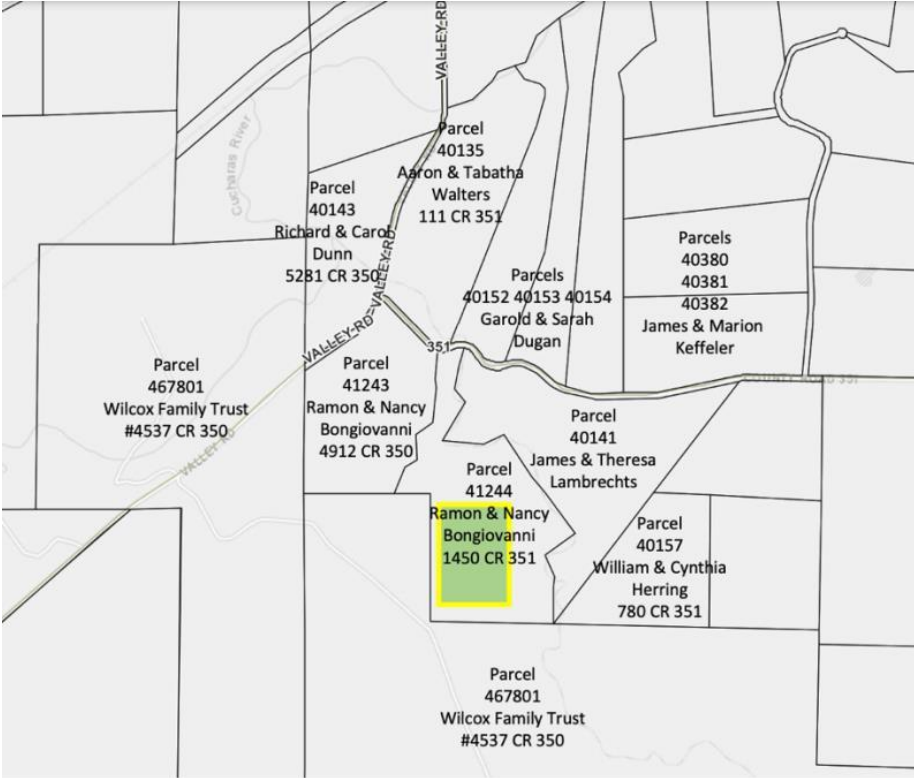
The following Code Sections are applicable to this application and may be referenced by the in the evaluation of this request:

§1.06 Conditional Use Permits

§1.05.25 Use Table Reference: Sewage disposal areas, sludge, septage, landfills for non-hazardous substances and waste water treatment plants

The proposed use falls under §1.05.25 in the Use Table, and is a conditional use in the Agricultural zone.





**Site Map/Vicinity Map**  
(see image)

**Site Description and Context**

The land is located in the Cucharas River Estates subdivision, roughly five miles northeast of La Veta, near the intersection of County Road 350 and 351. The land is currently being used for cattle grazing. The affected area within the property is tree-less grazing land. All surrounding, adjacent properties are zoned Agricultural.

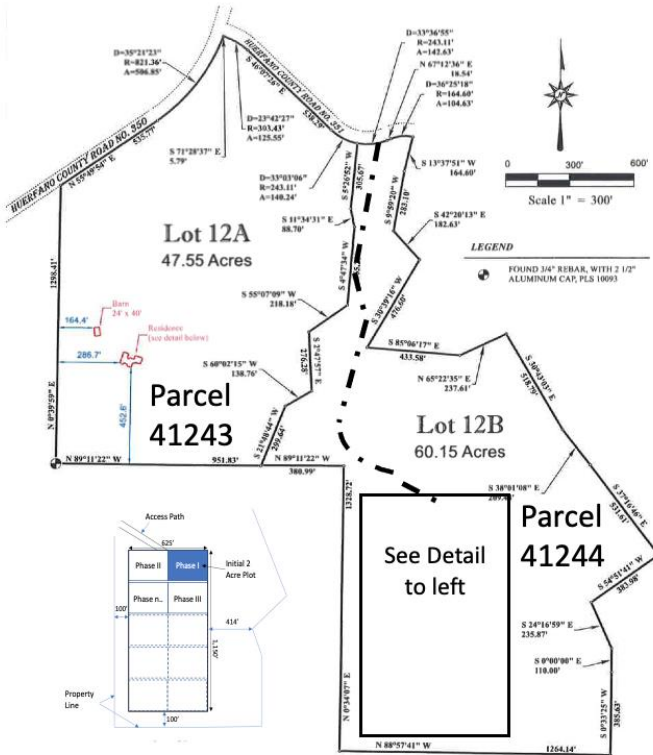
There are 2 nearby homes (in addition to one owned by the applicant), one more than a half-mile away, and the other out of sight. The home on parcel 40157 is approximately 1,500 ft from the proposed burial site; the home on parcel 41243 (4912 CR 350) is approximately 1,300 ft from the proposed burial site and owned by the applicant. There are three other homes within 1/2 mile on parcels 467801 to

the west, 40156 to the east and 40143 to the north.

All cleared land on adjoining properties is used for cattle grazing and fire-wood cutting and distribution. There is a fire-wood business located on Parcel 467801.

**Proposal Details**

## Preliminary Site Plan (Subject to Engineering Change)



The proposed project involves the burial of wood products for the purpose of collecting carbon tax credits. Wood is to be buried in chambers where it will receive minimal moisture and oxygen. Buried wood will be monitored for gasses associated with decomposition; should decomposition begin or reach a certain rate, the problem would be addressed or the wood would be moved.

The project offers a potential use for unmerchantable wood that could reduce fuel in the forest or from other locations.

No utilities are required for the operation. Monitoring equipment will be housed in a small shed and powered by solar panels or batteries.

This proposal involves 17 acres on a 60-acre parcel. Burial would take place in approximately 10 phases involving roughly 2-acres each (see preliminary site plan). Each ~2-acre phase would include the pit to be dug as well as the space to stockpile dirt and material to be buried. While pits are open, a fence would be put up to keep cattle out, and after closing each pit, disturbed earth will be re-planted and the fence removed to allow cattle to graze on all but a currently-disturbed area.

The management plan in Appendix 1 of the Letter of Intent describes monitoring and mitigation strategies for various types of problems.

Appendix 2 includes additional maps showing location and context for the site.

Appendix 3 covers pit design

Appendix 4 covers soil report

### Background

On 5/05/2023, an Application for a Conditional Use Permit along with Application Fees were received by the County. The Application was determined to be complete upon a pre-application meeting with the applicant on 5/8/2023.

This applicant previously applied for a Conditional Use Permit for a similar project (Application 22-50). Because that project only involved wood to be cut from the premises, the Planning Commission determined that it would constitute a use by right, similar to the burial of other agricultural wastes. Because this proposal is to bury material from off-site, it is considered a landfill to contain non-hazardous substances in the Use Table.

In addition to a Conditional Use Permit from the county, this project also requires a State of Colorado Certificate of Designation, and a State of Colorado Environmental Covenant to permanently identify the site as a limited-use site subject to State inspection.

The property was sold to the applicant in March of 2023. The deed to the property is dated March 9, 2023.

## Application Materials

Required Submittals for a CUP:

1. Letter of intent
  - a. Current and proposed uses
  - b. Impacts of proposed use on roads, traffic, safety, services, environment.
  - c. Comprehensive Plan compliance statement
  - d. Proof of ownership
  - e. List of other state or federal permits granted or applied for.
  - f. List of names and mailing addresses of all listed owners of adjacent property
2. Site Plan
3. Vicinity map – area within 500 ft of property, description of any plats and improvements on property within 500 ft.
4. Proof of ownership.
5. List of names and addresses of adjacent property owners.

## Criteria

In order for an Conditional Use Permit to be issued, the criteria set forth in LUR Section 1.06 must be met. An analysis of these criteria is provided below:

Planning commission shall determine if a public hearing is required per **1.06.02**:

1. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. That the proposed conditional use is consistent with the goals, objectives and policies of Huerfano County, as contained in the County comprehensive plan.
3. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.
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.
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.
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.
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.

## Analysis

- No mention of traffic impact made. What will be the volume and size of trucks delivering wood to be buried? Roughly how many truckloads of wood will each phase contain?
- Comprehensive plan compliance statement in letter of intent is unclear.
- The burial of wood presents few long-term risks to neighbors or environment. If problems arise, the repair of capping or removal of material could result, otherwise the long-term activity associated with the project once wood is buried and capped is limited to monitoring.
-

**Noticing** (1.06.02): Referral agency comment period 30 days; Notice in newspaper 10 days before public hearing; Notification to adjacent property owners 10 days before public hearing; post sign on property 10 days before public hearing.

Notices sent: To be sent after Planning Commission sets hearing date.

Notices in paper: To be set after Planning Commission sets hearing date.

**Potential Referral agencies to be contacted:**

To be determined by the Planning Commission

- City/Town administration
- San Isabel Electric Association
- Huerfano County fire district
- Huerfano County Emergency Management Department
- Colorado Division of Parks and Wildlife
- Huerfano County Health Department
- Huerfano County Road and Bridge Department
- CDOT
- \_\_\_ School District
- Huerfano County Water Conservancy District
- La Veta Fire protection District
- Huerfano County Sheriff’s office
- Spanish Peaks Regional Health Center
- \_\_\_ HOA/POA (Subdivision name: Cucharas River Estates)
- USFS
- CDPHE
- COG

**Referral Comments**

(Pending)

LIST ANY ISSUES FROM REFERRALS HERE.

**Staff Analysis/Recommendation**

Impacts associated with granting permit; pros/cons;

INSERT Comments

**Potential Conditions**

1. Weed management plan, preliminary weed survey.
2. Create access and monitoring easement.
3. CUP only active if State permits are concurrently valid and active.
4. Notify CDOT of project, including estimated daily traffic generated while materials are being accumulated and burial is underway.
5. Limit material buried to wood products.
6. The following statements made by the applicant in the application could be considered as conditions of the CUP:
  - o Excavations will be done quickly while materials are being buried – not to exceed two weeks at a time (weather dependent).
  - o Upon capping, burial site will be revegetated.

**Action Items:**

- Recommend send to Public Hearing or Public Meeting
- Recommend review agencies to be contacted

**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.

**Enclosures**

- Application Materials
  1. Application
  2. Letter of intent
  3. Site Plan
  4. Vicinity Map
  5. Proof of Ownership



Huerfano County Land Use and Building Department

401 Main St  
Ste 304  
Walsenburg, CO 81089  
(719) 738-1220, x506

**PERMIT**

**LU-23-015**

**CONDITIONAL USE PERMIT**

**SITE ADDRESS:** CO RD 351 # 01940 UNKNOWN  
**PRIMARY PARCEL:** 41244  
**PROJECT NAME:** WOOD PRESERVATION SITE

**ISSUED:**  
**EXPIRES:**

**APPLICANT:** Bongiovanni, Ramon  
4912 County Road 350  
La Veta, CO 81055  
9402310333

**OWNER:** STRUTHERS, SHELBY  
8164 MIDDLE FORD RD  
BOULDER, CO 80302-0000

Detail Name

Conditional Use Permit Type

Detailed project description

Detail Value

General Permit

Ray Bongiovanni of Woodstone Holdings, LLC, in cooperation with Serge Bushman of Wood Cache PBC a Kansas company, propose to bury raw, untreated wood in a series of pits on approximately 17 acres of Parcel 41244 to sequester carbon as a commercial project. This builds on our pilot program, burying our own wood on our own land on another property. We are approaching the project in multiple seasonal/annual phases. Our initial phase will utilize approximately 2 acres of the 60-acre lot. Specifically, we are planning a pit up to 20' deep. Wood will be collected and stored on the 2 acres until sufficient material has been gathered to commence excavation operations. Excavation operations will be done swiftly to dig each pit, place the wood inside according to approved Engineering specifications, and then cap and revegetate. Excavating times will be infrequent, bi-monthly, or quarterly, and would not exceed 2 weeks at a time dependent on weather. We are submitting 2 applications

Do you want to schedule a pre-application conference?

Parcel (Schedule) Number (Available from Assessor):

Yes

41244





**Huerfano County Land Use and Building Department**

401 Main St  
Ste 304  
Walsenburg, CO 81089  
(719) 738-1220, x506

Please enter Parcel Area (Acres) 60.14

Zoning AGRICULTURAL

Land Owner's Phone Number (if applicable or enter N/A) 9402310333

Applicant's Phone Number (if different from above or enter N/A) N/A

Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and any current land uses on all adjoining property. The land is currently being used for cattle grazing. The affected area within the property is tree-less grazing land. All surrounding, adjacent properties are zoned for agriculture with only 2 nearby homes (besides our own), one more than a half-mile away, and the other out of site. All cleared land on adjoining properties is used for cattle grazing and fire-wood cutting and distribution.

Is your project in one of the HOA/POAs listed? 1-MY HOA/POA IS NOT LISTED

I understand that this permit does not relieve me of any obligation to follow all legally binding subdivision rules, regulations, and covenants as adopted by my property owners' association, if applicable. All documents submitted may be subject to internet publishing. I acknowledge

Is all or part of the proposed project in a 100-year flood zone? No

Are there slopes in excess of 20% in the project area? Yes

If Yes, which of these conditions exist? (Enter N/A if not applicable) The Eastern section drops into the Ritter Arroyo.

Will project require any state or federal permits? Yes

If yes, list all required permits: State of Colorado Certificate of Designation

Is an H.B. 1041 Permit Required? (Applies to site selection for: airports, mass transit, highways/interchanges/collector highways, public utility facilities, new communities, municipal/industrial water projects, and use of geothermal resources.) No

Additional project details that will help us evaluate your application We are submitting 2 parallel applications for 2 different properties. We will only act on one in the near term. The Letter of Intent contains more Details and the preliminary Design.

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 land use permits are non-transferable, unless specifically approved by the Huerfano County Board of County Commissioners. I Certify

The Board of County Commissioners may impose permit transfer fees as it deems appropriate. I also understand that issuance of a permit does not relieve me of the requirement to comply with all federal, state, and local laws as well as all relevant subdivision regulations, declarations, and covenants. All documents submitted may be subject to internet publishing. I Certify



**Huerfano County Land Use and Building Department**

401 Main St  
 Ste 304  
 Walsenburg, CO 81089  
 (719) 738-1220, x506

**CONDITIONS**

\* Below are descriptions of the requirements for the Site Plan and Letter of Intent listed in the "submittals" section:

\* Letter of Intent:

1. A description of the proposed conditional use of the property and project activities, including all utility sources and supplies, needed to bring about that use.
2. A statement of the impacts of the proposed use on items such as roads, traffic and public safety protection services on the features of the subject property and the neighboring environment including but not necessarily limited to flora, fauna, critical wildlife habitat, wildlife migration corridors and the quantity and quality of surface and ground water resources.
3. A statement demonstrating that the proposed conditional use would be in compliance with the comprehensive plan.
4. Current land use(s), characteristics of the land, and current land use on all adjoining property.
5. Zoning of adjoining property.
6. Comprehensive Plan Compliance Statement.

\* Site Plan:

1. Map drawn to scale.
2. location, height and approximate dimensions or envelope location of each existing and proposed structure in the proposed conditional use area.
3. Uses to be contained within existing and proposed structures; Existing and proposed building setbacks.
4. Property lines, rights-of-way, easements watercourses and other natural and historic features of the site.
5. Parking/loading plan.
6. Access Plan (roads, streets, footpaths, traffic devices, driveways and curb cuts).
7. Right-of-way dedication plan.
8. Signs, Lighting and Landscaping.
9. Utilities plan for water, sewage/septic, electrical, telephone and other utilities and facilities needed to develop the proposed conditional use.
10. Grading, storm water runoff and re-vegetation plans.
11. Phases.

| <b>FEES:</b>                      | <b><u>Paid</u></b> | <b><u>Due</u></b> |
|-----------------------------------|--------------------|-------------------|
| CU/Pre-conference Application Fee |                    | \$25.00           |
| Conditional Use NEW Fee           |                    | \$150.00          |
| <b>Totals :</b>                   |                    | <b>\$175.00</b>   |



**Letter of Intent  
Woodstone Holdings, LLC**

**Huerfano County Carbon Sequestration Project**

**22 May, 2023**

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**Description of the current land use(s), characteristics of the land and current land use on all adjoining property.....8**

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## INTRODUCTION

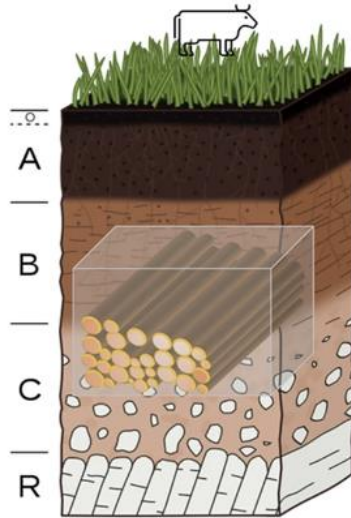
Ray Bongiovanni of Woodstone Holdings, LLC, in cooperation with Serge Bushman of Wood Cache PBC a Kansas company, propose to bury raw, untreated wood in a series of pits on approximately 17 acres of Parcel 41244 to sequester carbon as a commercial project. We own the property as well as the neighboring Parcel 41243 where we have an office and a residence. Our project is backed by science and its benefits are documented in recent International IPCC guidance.

## PROPOSED CONDITIONAL USE OF THE PROPERTY AND PROJECT ACTIVITIES, INCLUDING ALL UTILITY SOURCES AND SUPPLIES NEEDED TO BRING ABOUT THAT USE.

The project is intended to provide a means for local county and regional landowners to perform enhanced fire mitigation by providing an economical means of processing residual, unmerchantable wood. This residual supply becomes a product through the burial process, preserving it for at least 100 years, and sequestering carbon. The conclusion of the process is to put Certificates for Carbon Sequestration on a public offsets market for sale. A pilot project is already underway in Walsenburg and we would like to put in place the first commercial venture of its kind in Huerfano County as well.

The property is currently zoned for Agriculture. While operations are active, cattle grazing will not be allowed. However, we are working with the Colorado State Forest Service office in La Veta to obtain a designation as a Forest Service Agricultural facility during operations. Afterwards, we intend to return it to active Ranching and cattle grazing.

As stated above, the surface pit area will be returned to its original state as a working ranch, potentially with some minor contour changes per the approved plan filed with the State of Colorado (in process) and prepared by a certified Colorado engineering firm.



**Wood Vault**  
 Anaerobic  
 Clean wood, little nutrient  
 'Cold'; CH<sub>4</sub> negligible  
 Stabilize after weeks-months  
 of minor decomposition

Figure 1: Conceptual Wood Vault Courtesy Zeng & Haussmann 2022

We are approaching the project in multiple seasonal/annual phases. Our initial phase will utilize approximately 2 acres of the 60-acre lot. Specifically, we are planning a pit up to 20' deep. Wood will be collected and stored on the 2 acres until sufficient material has been gathered to commence excavation operations.

Excavation operations will be done swiftly to dig the pit, place the wood inside according to approved Engineering specifications, and then cap and revegetate.

The property is not governed by an LOA and, though its postal code is La Veta, Co, we are outside the town limits and are considered "County" land.

No utilities are required to perform this work. We will rent or buy excavating equipment no more invasive than that needed to dig a foundation for a large home. Water will be hauled-in and stored on-site for consumption and fire mitigation. Electricity, as needed will come from Solar panels or batteries carried to site.

Excavating times will be infrequent, bi-monthly, or quarterly, and would not exceed 2 weeks at a time dependent on weather. There are no homes other than our own visible within a half-mile of the site and sound barriers to the East and North. To the South and west is open ranch land, so unsightliness and noise should not become a nuisance.

We only anticipate a small, temporary structure on-site such as a prefab shed up to 8'x12'. This will be used for installation and powering of monitoring equipment (solar), as well as tool and supply storage. Occasionally for personal protection from sun or wind. The solar panel(s) will power the instrumentation collecting gas/light/temperature/moisture data from underground and transmitting it over a mobile network to a centralized data center. All temporary structures will be located within the 17-acre perimeter as pits will be dug sequentially and not opened all at once.

Although we are seeking approval for utilizing the entire 17 -acre site, no more than 15% of the site will be open/excavated at any given time. We will perform the storage and burial in what we are calling Phases. Each Phase will be no larger than 2 acres of affected area. Wood staging prior to burial and burial itself will fit within a 2-acre plot. Once the pit has been filled with wood it will be capped with the original topsoil and replanted to match existing ranch grasses and trees, while the next pit is being excavated.

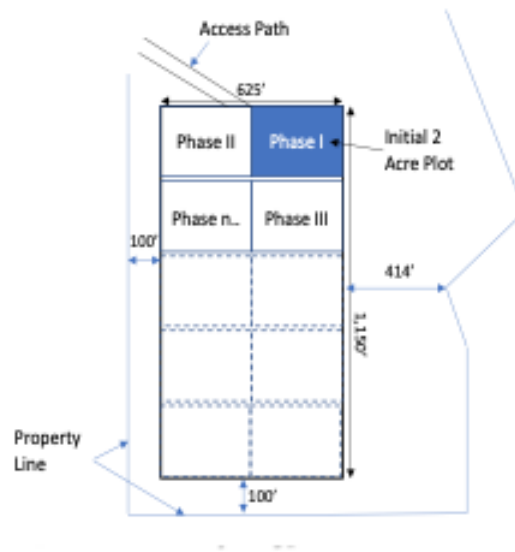


Figure 2: WCSP Facility Phase Breakdown

Subsequent phases will be approximately the same size and will build on the initial phases as per the drawing in Figure 2.

We anticipate 5-years of active operations on the site, working up to 7 months a year between April 15 and November 15. Operations will consist mainly of wood storage and staging and will occur no more than 4 days a week on-site during daylight hours between 9 am and 6 pm. Trucks and trailers will access the property from CR 351 and traverse a 0.33-mile track to the burial site. Wood will be stacked beside each prospective pit until excavation and burial.

We do not anticipate cattle grazing on the property during operations during the 5 years of operations. However, we may consider allowing grazing provided we can ensure the safety of the cattle and the workers, i.e. with proper fencing.

Revegetation after disruption, specifically to re-establish the property for grazing is an important objective for closing each phase and the facility as a whole. We have been working with the NRCS on the most advantageous seed choices and revegetation strategies. In each of our inspections on quarterly and annual bases, we will ensure that revegetation is progressing as anticipated and that no noxious weeds have taken root. If detected, appropriate removal and mitigation efforts will be taken.

**IMPACT STATEMENT: DESCRIBE THE IMPACTS OF THE PROPOSED USE ON ITEMS SUCH AS ROADS, TRAFFIC AND PUBLIC SAFETY PROTECTION SERVICES ON THE FEATURES OF THE SUBJECT PROPERTY AND THE NEIGHBORING ENVIRONMENT INCLUDING, BUT NOT NECESSARILY LIMITED TO: FLORA, FAUNA, CRITICAL WILDLIFE HABITAT, WILDLIFE MIGRATION CORRIDORS AND THE QUANTITY AND QUALITY OF SURFACE AND GROUND WATER RESOURCES.**

All phases of the project will operate on what is now cleared grazing land. Figure 3 shows the perimeter of the HCCSP within parcel 41244. At approximately 625' x 1150' and 17 acres, the facility takes up about 30% the parcel. A pre-dig survey has already been requested and no buried infrastructure has been identified.

As the figure shows, the facility will not encroach on any of the treed areas or the nearby arroyos/drainage.

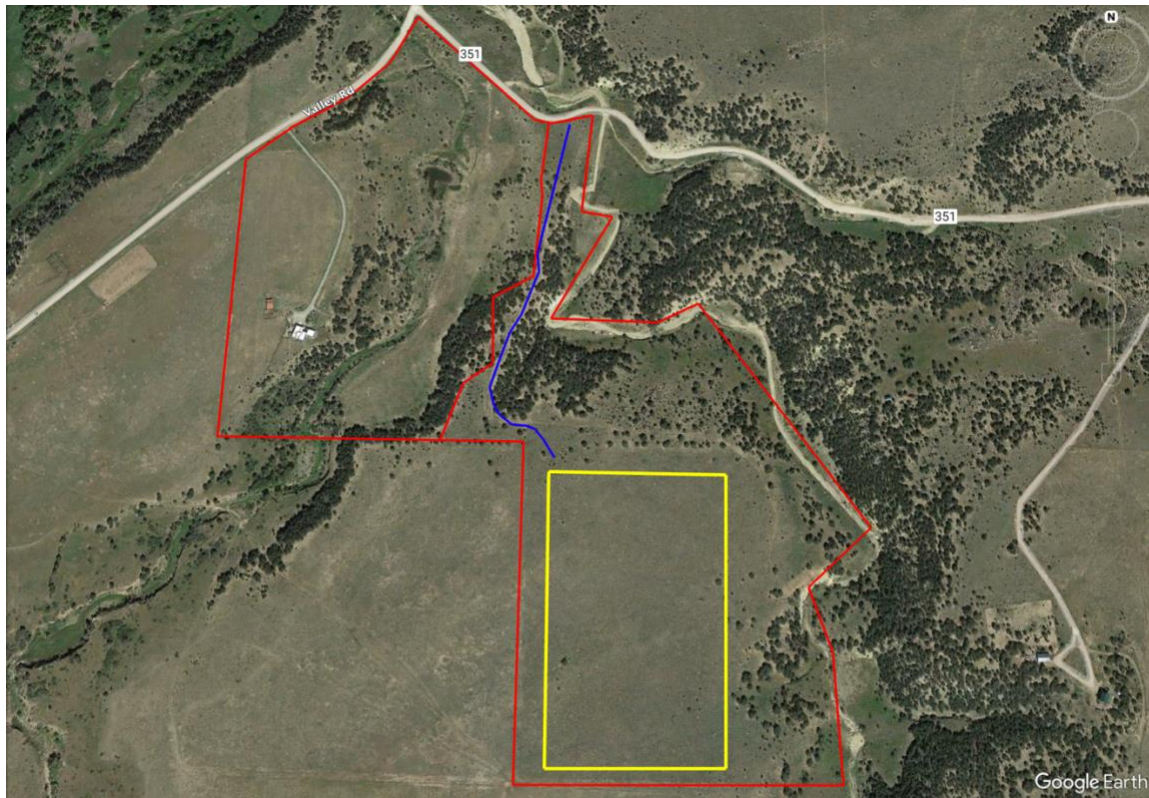


Figure 3: Parcels 41244 & 41243 with HCCSP Facility perimeter (yellow) and access path (blue)

As each phase is only a small area (270' x 325') and will not be opened all at once, we do not see any impact on the local wildlife that frequent the property. Open pits will be cordoned off when unattended to prevent any accidents, but they should be open for only brief periods as described earlier.

Our investigations have not identified the lot as a critical wildlife bedding ground or a migration path. We do not expect to impact the overall grazing lands of nearby cattle or the local wildlife. This document has been submitted for formal CPW review and confirmation of the above.

We are reviewing the soils, the topography, ground water, and the run-off pathways around the property and have enlisted Jesik Engineering to provide an overall facility design that will specifically prevent any impact to neighboring waterways. All water features have been identified and are noted in our site plan.

As the project is specifically designed to keep the wood dry and cool to *prevent* the decomposition of the wood, we are confident that risks to water quality are nominal, meaning that they are no greater than leaving the wood to decay on the land and run-off down-slope.

Nonetheless, we are designing the pit with the features demanded by the Carbon marketplace and the State environmental agencies. These are quite stringent and require 100 years of monitoring and management to test and assure that the pits are working as planned, i.e. no risk of carbon or toxic contaminant release.

Our management plan is provided as Appendix 1. It outlines potential risks and mitigations, monitoring procedures and methane remediation if necessary. Consistent with both State and market requirements we will fund in advance for any third-party remediation.

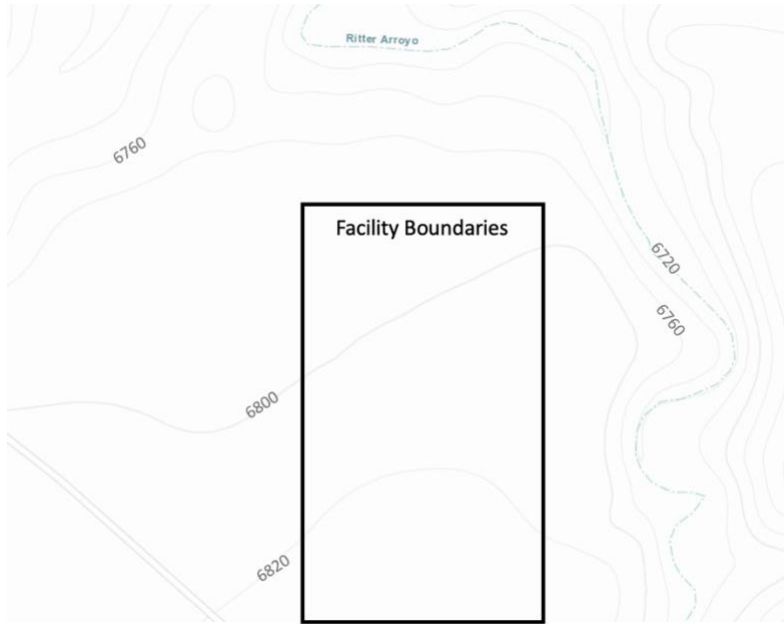


Figure 4: Topography showing slope to Northwest and North and East

## DESCRIPTION OF THE CURRENT LAND USE(S), CHARACTERISTICS OF THE LAND AND CURRENT LAND USE ON ALL ADJOINING PROPERTY.

Appendix 2 provides details of the specific location of the WCSP facility. You will see that the facility is adjacent to several properties. All the properties are zoned 4000 Agriculture per county tax records.

The land is primarily open ranch land leased or owned for cattle grazing. Fencing between and across properties is common. There are small herds of deer and elk. There are no homes directly adjacent to the property other than our own with a single exception on the North side across County Rd. 351 on Parcel 40135. The house on that property is about one-half mile away from the burial site.

There is another home on Parcel 40157 which is the nearest at approximately 1400'. However, site lines are obstructed from that home by forest.

All other buildings are for storage or business-related.

Appendix 4 is the relevant soil report. The facility fits entirely within a survey section identifying Noden Loam with 1-9% slopes.



## COMPREHENSIVE PLAN COMPLIANCE STATEMENT

The Huerfano County Comprehensive Plan Guiding Principle states:

*Huerfano County shall maintain the high quality of life that its residents enjoy by making land use decisions that protect the beauty of the natural environment and the County's western heritage. In order to sustain the County, new development and redevelopment are desired as long as the new uses help meet the needs of the County's citizen. A balance between economic vitality and rural character is essential to the way of life in Huerfano County.*

Our plan to utilize this property as a site for processing unmerchantable wood and sequestering carbon directly aligns with the principle of “..making land use decisions that protect the beauty of the natural environment...”

This operation will begin the essential task of protecting the environment by removing and storing carbon from the atmosphere that has had increasingly onerous impacts on the natural environment. We are doing this in a way that will provide great benefit to the state and national forestry efforts. As Destiny Chapman of the US Forest Service states:

*Exploration of new methods and technologies to address biomass from fuels reduction projects could provide a great deal of benefit to the management of public lands for purposes of ecosystem resilience and reduction of wildfire risk.*

District Ranger Chapman manages the San Isabel Forest lands which comprise a large portion of Huerfano County. For the full text of her letter of support please see Appendix 6. We also are working with the Colorado State Forest Service on a multi-year plan to assist with Public and private lands' forest management efforts.

## CURRENT ZONING OF THE PROPERTY AND ADJOINING PROPERTY.

The current zoning for the target property and all adjoining properties is Agricultural

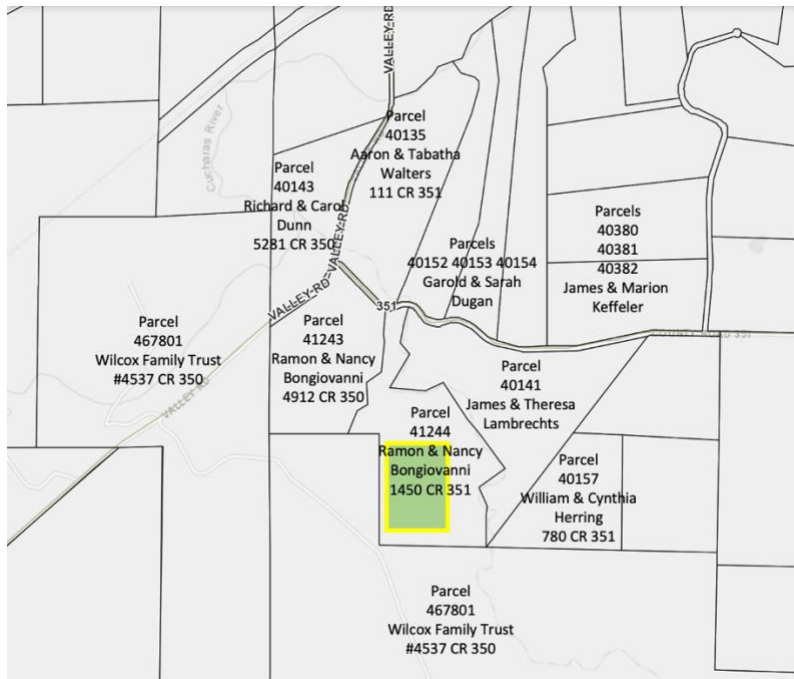
## LIST OF ADDITIONAL PERMITS/APPROVALS (LOCAL, STATE OR FEDERAL) REQUIRED TO BRING ABOUT THE PROPOSED LAND USE AND STATUS OF

WHICH PERMITS HAVE BEEN APPLIED FOR AND WHICH, IF ANY, HAVE BEEN GRANTED.

| Permits or Approvals Needed                  | Status          | Comments  |
|--|-----------------|---|
| State of Colorado Certificate of Designation | Not Submitted   | Will follow County CUP Approval   |
| Conditional Use Permit (CUP)                 | Draft Submitted | This document   |
| State of Colorado Environmental Covenant     | Not submitted   | This permanently identifies the site as a limited-use site subject to State inspection going forward. |

LIST OF THE NAMES AND MAILING ADDRESSES OF ALL LISTED OWNERS OF RECORD OF ALL ADJACENT PROPERTY.

According to County records and per appendix 2 the Facility is bordered by:



- The Wilcox Family Trust                      4537 County Road 350, La Veta, Co. 81055
- James and Theresa Lambrechts              1416 Cathedral Pines Dr., Prescott, Az. 86303
- William & Cynthia Herring                      780 County Road 351, La Veta, Co. 81055
- Garold and Sarah Dugan                        3236 County Rd 114, Elizabeth, Co. 80107-6601

Aaron & Tabatha Walters

111 County Road 351, La Veta, Co. 81055

Richard and Carol Dunn

5281 County Road 350, La Veta, Co. 81055

James and Marion Keffeler

PO Box 1163, La Veta, Co. 81055

## APPENDIX 1 : MANAGEMENT PLAN

**The Management plan** is simplified as the facility is not open to the public. Wood Cache PBC will be the operator of the facility in Partnership with Woodstone Holdings, LLC. Wood Stone Holdings is the owner of the site leasing the property and access to Wood Cache PBC who will have ultimate responsibility for operating and managing it. The owner's primary residence is on the adjoining lot, parcel 41243

### MONITORING PLAN

The monitoring plan is inspection-based with the Risk matrix providing the detailed elements to be addressed. Should a Burial Chamber be compromised, The Burial Chambers are accessible from the surface for maintenance, repair, and restoring to decomposition-inhibiting conditions. Furthermore, woody biomass is a manageable, non-hazardous material and can be reburied.

**Note that we are evaluating electronic monitoring systems that would provide real-time monitoring and reporting. Testing will start in October and a cost-benefit trade-off will follow. This section will be enhanced if the systems provide the benefits we anticipate.**

### RISK & MITIGATION MATRIX

|   | Risk  | Likelihood after preventive mitigations | Mitigation after event  | Time to act   |
|---|---|---|---|---|
| 1 | Moisture level in chambers rise in multiple sequential readings | Low                                     | Open Chamber inspect and dry wood. Repair source of moisture                | It takes years for wood to decompose even in above ground conditions. Given the inherent slowness of woody mass decay, the immediate loss of the most desirable chamber environmental conditions will not |
| 2 | Oxygen levels rise in multiple sequential readings              | Low                                     | Open Chamber inspect sealing layers, identify source of oxygen and Repair.  |   |
| 3 | Temperature Levels rise in multiple sequential readings         | Low                                     | Open Chamber inspect sealing layers, inspect woody mass, identify source of |   |

|   |  |               |   |  |
|---|--|---------------|---|--|
|   |  |               | oxygen and Repair.  | lead to immediate carbon release.  |
| 4 | Lignin or tannin levels in nearest waterways increase due to wood burial | Extremely Low | Excavate down-slope areas and test for lignin or tannin increases. Open Chamber inspect and dry wood. Repair source of moisture ingress and egress. | Desired corrective measures should be implemented within 1 year.                   |
| 5 | Methane levels rise in the chamber in multiple sequential readings       | Very Low      | Open Chamber inspect sealing layers, inspect woody mass, identify source of methane and Repair. See Separate Section on Methane                     |  |
| 6 | Methane Levels rise above-ground in multiple sequential readings         | Very Low      | Open Chamber inspect sealing layers, inspect woody mass, identify source of methane and Repair. See Separate Section on Methane                     |  |
| 7 | Burial Chamber partially uncovered or damaged                            | Very low      | Recover or rebury the woody biomass in this cell and monitor  | The decay process of woody biomass, after it has been re-                          |
| 8 | Burial Chamber completely uncovered or damaged                           | Extremely low | Recover or rebury the woody biomass in this cell and monitor  | exposed to decay conditions, is very slow. It takes years for wood to decompose in |
| 9 | Flood (for dry chamber designs)  | Extremely low | If after careful site selection for slope and drainage moisture remains   | above ground conditions and immediate loss of                                      |

|    |  |               |   |   |
|----|--|---------------|---|---|
|    |  |               | in dry-design Burial Chamber, mitigate as for risk 1 & 2  | sequestered carbon is not foreseeable. This inherent slowness gives time to execute corrective actions and limit the re-emissions to minimal levels even if the very unlikely risks are materialized. |
| 10 | Earthquake (for dry and wet designs)   | Extremely low | If after careful site selection Burial Chamber is compromised, mitigate as risk for 1 & 2   |   |
| 11 | Fire inside chamber  | Extremely low | The woody biomass is very hard to ignite in the conditions in the chamber. If this would happen, mitigate as risk for 1 & 2       |   |
| 12 | Fire above ground  | Very low      | Fire above ground is not likely to damage the chamber. Inspect the Burial Chambers and if compromised, mitigate as for risk 1 & 2 |   |
| 13 | Use for energy, deliberate removal of woody biomass, and combusting for energy | Extremely low | The digging up would be discovered at the first cell and stopped before combustion. Mitigate as for risk 1 & 2                    |   |

## DETECTION AND DESTRUCTION OF METHANE

In 2014 Colorado approved the first methane regulations in the nation requiring energy companies to reduce methane emissions from oil and natural gas operations. The regulations are “more protective” than what the EPA announced according to the Environmental Defense Fund.

In fact, after new methane emissions regulations led by the energy industry with support from a wide range of local governments were adopted in 2021, The Denver Post wrote that, “Federal rules to reduce methane from oil and natural gas operations were modeled after Colorado regulations. In 2014, Colorado approved the first state-level methane regulations in the country and has continued to strengthen its requirements.”

#### LEAK DETECTION AND REPAIR

Despite our intention to implement a wood storage design that eliminates the potential for methane production, like the WCSP’s home state, we are very serious about early detection and elimination. Therefore, we have constructed a robust set of Leak Detection and Repair protocols in part modeled after those becoming more common in the oil and gas industry.

As explained in Section 9, each phase of our facility will be completed with a minimum of three access points which will serve as inspection points. Gas sensors will be lowered into each of our inspection points to assess the presence of methane or other CO<sub>2</sub>e gases. Each inspection point will provide access to a different depth within the stored wood. Inspections will be more frequent initially and will become less frequent over time as previously described.

In addition to subsurface monitoring, we will also consistently perform Leak Detection and Repair (LDAR) inspections using infrared cameras that detect emissions invisible to the human eye. Photos using these LDAR cameras will be taken of the wood burial facility and at least two “Control” sites (where no wood is buried) during each inspection. Photos will be stored, as will all of the inspection documents, in a publicly available and viewable internet site.

Should inspections identify increasing amounts of methane separate and distinct from the “control” sites, further investigation will be performed which will include, at a minimum, the following:

- More frequent inspections (such as monthly during Quarterly inspection periods, quarterly during annual inspection periods).
- Use of multiple sensors in more frequent inspections to corroborate readings
- Drilling of additional access ports to assess broader changes in methane
- Insertion of gas-collection chambers to further sample gases in the storage facility

If methane gas readings reach a 10% increase over nominal in at least 3 readings in a given year, the chamber where readings are the highest will be opened and physically evaluated for signs of decomposition or signs of a methanogenic cause (i.e. increased moisture, warmer temperatures, biologic contamination, etc...).

If methanogenic causes are found, appropriate remedial action will be taken to inhibit methane production. Primarily, modifications/reinforcement of the chamber.

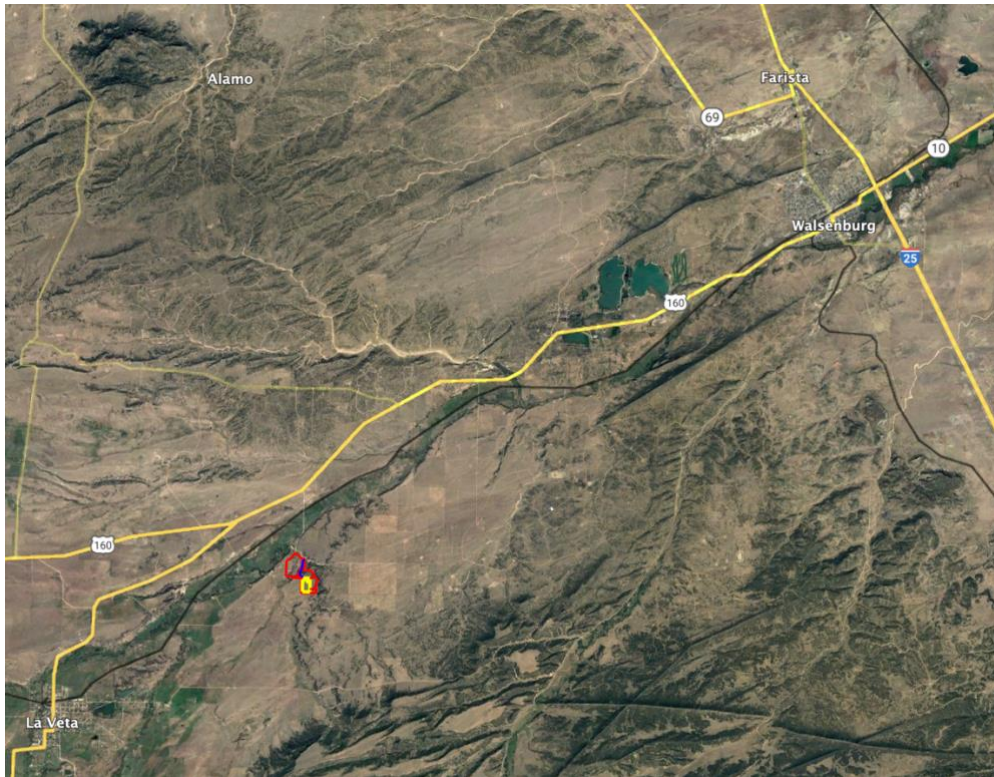
If following remediation, subsequent readings do not produce the desired reduction in methane, Vapor Capture Technology will be deployed.

The technology to manage biogas is relatively simple. Dispersed, perforated tubes are sent down into the chambers to collect gas, which is piped to a central collection area where it can be vented or flared. Better still, it can be compressed and purified for use as fuel in generators or garbage trucks, or mixed into natural gas supply.

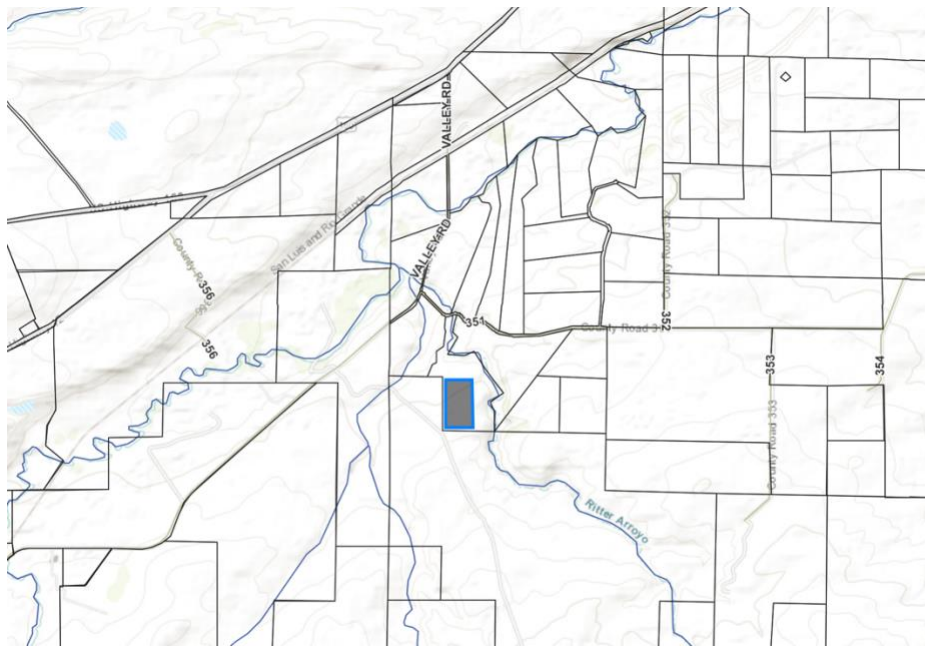
A company such as Project Drawdown will be employed to effect this capture and deal with the resulting methane in the best way possible. They claim methane capture can achieve 85 percent efficiency or more in closed and engineered landfills; it is least effective in open dumps, where the collection efficiency is approximately 10 percent and capture is typically not seen as economically favorable. As a waste treatment solution, landfill methane capture is seen as a last resort and is preferred only to correcting the engineering of the wood storage facility.



## APPENDIX 2 LOCATION AND SITE LAYOUT



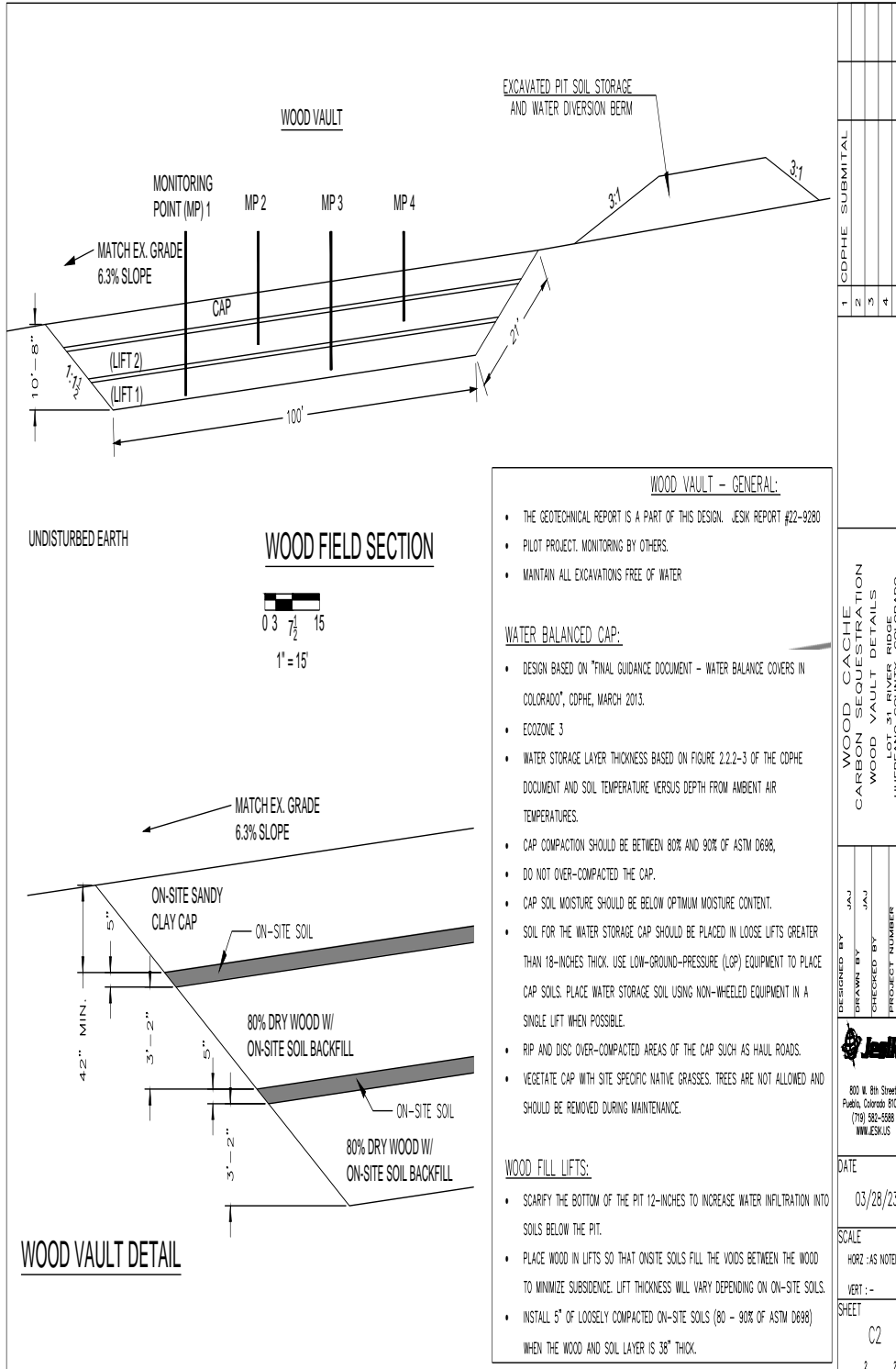
Location of Site between Walsenburg and La Veta, Colorado



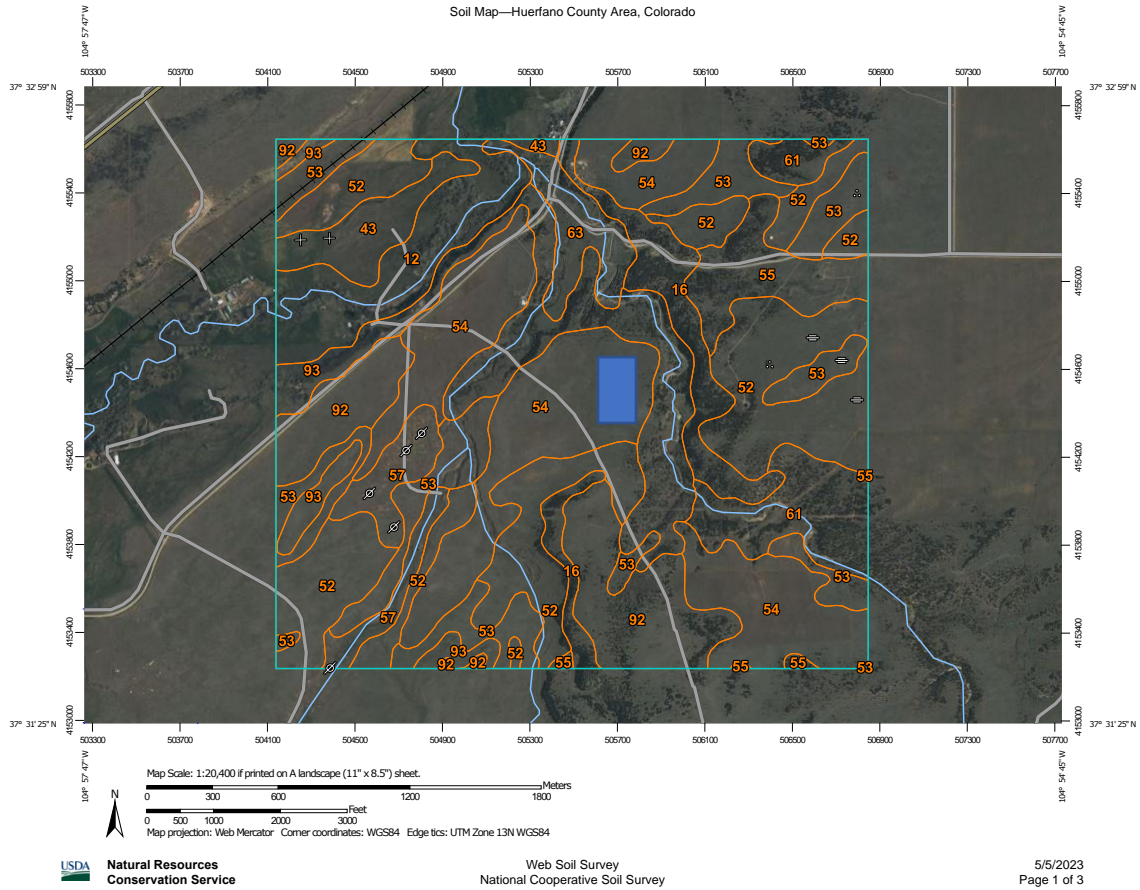
Location within Cucharas River Estates with County Roads

# APPENDIX 3 PIT DESIGN

Preliminary Pit Design - Design will be similar to this. Specific engineering is on-going.



# APPENDIX 4 SOILS REPORT



## Map Unit Legend

| Map Unit Symbol                    | Map Unit Name  | Acres in AOI   | Percent of AOI |
|------------------------------------|--|----------------|----------------|
| 12                                 | Collegiate loam, 1 to 3 percent slopes                     | 99.7           | 6.2%           |
| 16                                 | Farisita very gravelly sandy loam, 10 to 35 percent slopes | 81.2           | 5.0%           |
| 43                                 | Manzano loam   | 48.0           | 3.0%           |
| 52                                 | Noden sandy loam, 1 to 8 percent slopes                    | 328.4          | 20.3%          |
| 53                                 | Noden sandy loam, 8 to 15 percent slopes                   | 174.2          | 10.8%          |
| 54                                 | Noden loam, 1 to 9 percent slopes                          | 317.1          | 19.6%          |
| 55                                 | Noden-Bond sandy loams, 2 to 18 percent slopes             | 65.6           | 4.1%           |
| 57                                 | Nunn clay loam, 0 to 3 percent slopes                      | 52.9           | 3.3%           |
| 61                                 | Olney-Progresso sandy loams, 3 to 15 percent slopes        | 86.6           | 5.4%           |
| 63                                 | Otero fine sandy loam, 1 to 9 percent slopes               | 45.8           | 2.8%           |
| 92                                 | Willowman gravelly sandy loam, 3 to 8 percent slopes       | 143.4          | 8.9%           |
| 93                                 | Willowman gravelly sandy loam, 15 to 30 percent slopes     | 175.7          | 10.9%          |
| <b>Totals for Area of Interest</b> |  | <b>1,618.5</b> | <b>100.0%</b>  |

## Huerfano County Area, Colorado

### 54—Noden loam, 1 to 9 percent slopes

#### Map Unit Setting

*National map unit symbol:* jnmw  
*Elevation:* 6,200 to 7,500 feet  
*Mean annual precipitation:* 15 to 18 inches  
*Mean annual air temperature:* 47 to 52 degrees F  
*Frost-free period:* 100 to 125 days  
*Farmland classification:* Prime farmland if irrigated

#### Map Unit Composition

*Noden and similar soils:* 85 percent  
*Minor components:* 15 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Noden

##### Setting

*Landform:* Fan remnants  
*Landform position (two-dimensional):* Footslope  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Fine-loamy slope alluvium and/or eolian deposits derived from sandstone

##### Typical profile

*A - 0 to 7 inches:* loam  
*Bt - 7 to 32 inches:* clay loam  
*BC - 32 to 60 inches:* loam

##### Properties and qualities

*Slope:* 1 to 9 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Runoff class:* Medium  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.20 to 2.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* High (about 9.5 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4c  
*Hydrologic Soil Group:* B  
*Ecological site:* R049XB202CO - Loamy Foothill  
*Hydric soil rating:* No



# APPENDIX 5 DEED TO PROPERTY & SURVEY

429523  
Page 1 of 1  
Erica Vigil, Clerk & Recorder  
Huerfano County, CO  
03-14-2023 01:05 PM Recording Fee \$13.00

State Documentary Fee  
\$94.00 03-14-2023

**WARRANTY DEED**

State Doc Fee: \$94.00  
Recording Fee: ~~\$28.00~~  
\$ 13.00

THIS DEED is dated the 9 day of March, 2023, and is made between  
**Shelby Struthers**  
(whether one, or more than one), the "Grantor" of the County of Huerfano and State of Colorado and  
**Ramon C Bongiovanni and Nancy E. Bongiovanni**  
the "Grantees", whose legal address is 4912 CO RD 350, La Veta, CO 81055 of the County of Routt and State of Colorado.

**WITNESS**, that the Grantor, for and in consideration of the sum of Nine Hundred Forty Thousand Dollars and No Cents (\$940,000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with any improvements thereon, located in the County of Huerfano and State of Colorado described as follows:

Lot 12-A and 12-B, A REPLAT OF LOT 11, CUCHARAS RIVER ESTATES AMENDED AND LCT 12, CUCHARAS RIVER ESTATES, according to the Map recorded March 27, 2000 under Section No. 343558 as Map No. 17-4-384, Plat Map No. 375, recorded May 24, 1996 at Recession No. 324409, and Map 402, recorded October 23, 1997 at Recession No. 331193, according to the records of the Clerk and Recorder for Huerfano County, Colorado.

also known by street address as: 4912 CO RD 350, La Veta, CO 81055

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantees, and the Grantees' heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns: that at the time of the executing and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: Statutory Exceptions as defined in C.R.S. § 38-30-113(5)(a).

And the Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

*Shelby Struthers*  
\_\_\_\_\_  
Shelby Struthers

State of Virginia  
County of Henrico

The foregoing Instrument was acknowledged before me this 9 day of March, 2023 by Shelby Struthers.

*Lakesha Shemon Cox*  
\_\_\_\_\_  
Notary Public: Lakesha Shemon Cox  
My Commission Expires: 7/31/2024  
Registration # 7884662

LAKESHA SHEMON COX  
Electronic Notary Public  
Commonwealth of Virginia  
Registration No. 7884662  
My Commission Expires Jul 31, 2024

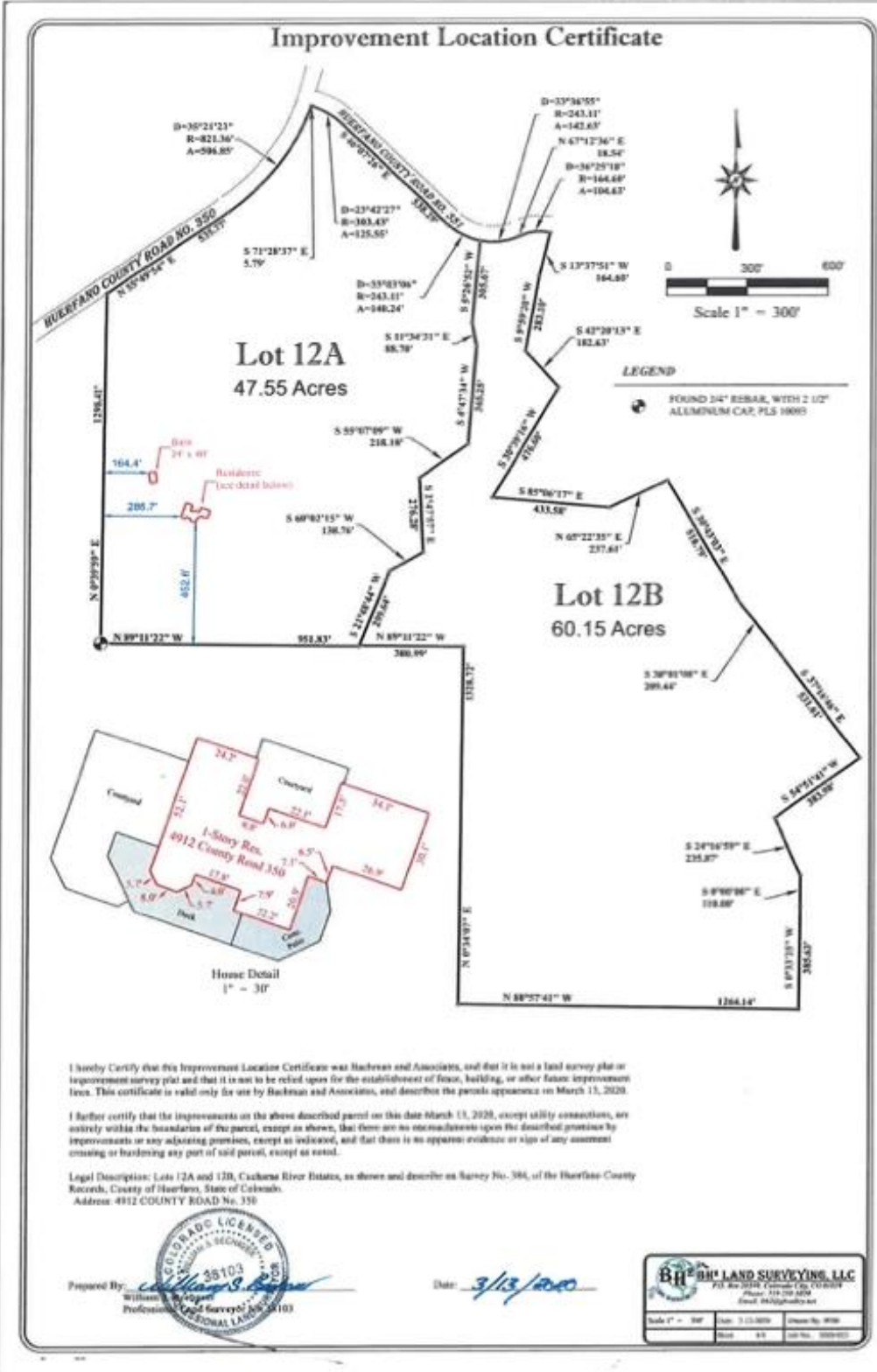
Completed via Remote Online Notarization using 2 way Audio/Video technology.

Stewart Title File No.: 1935279  
Stewart Warranty Deed 821 JT CD


*Unified TITLE COMPANY*  
193 5079

Page 1 of 1

NotaryCam Doc ID: 6788763-67948748356d68305619269



## APPENDIX 6 LETTER OF SUPPORT FROM US FOREST SERVICE

|   |  |                           |   |  |
|---|--|---------------------------|---|--|
|  | <b>United States<br/>Department of<br/>Agriculture</b> | <b>Forest<br/>Service</b> | <b>Pike and San Isabel<br/>National Forests<br/>Cimarron and Comanche<br/>National Grasslands</b> | <b>San Carlos Ranger District<br/>3028 E. Main<br/>Canon City, CO 81212<br/>(719) 269-8500<br/>Fax (719) 269-8719<br/><a href="http://www.fs.fed.us/r2/psicc">www.fs.fed.us/r2/psicc</a></b> |
|   | <hr/>  |                           |   |  |

**File Code:** 1580  
**Date:** May 3, 2023

To Whom It May Concern:

It is my understanding that Wood Cache PBC is exploring new technologies related to carbon sequestration. As the District Ranger for the San Carlos Ranger District on the Pike-San Isabel National Forests & Cimarron and Comanche National Grasslands, fuels reduction projects are an emphasis area in fostering resilient ecosystems and reducing wildfire risk. The San Carlos Ranger District encompasses approximately 440,000 acres across 5 counties in Southern Colorado: Custer, Fremont, Pueblo, Huerfano, and Las Animas.

One key aspect of fuels reduction work is removal of unmerchantable timber and biomass. Removal of this material can be challenging as there is not always a ready market for such material. Often this material is chipped or masticated which helps the material to break down more quickly but does not remove the material from the forest. For material not chipped or masticated, it is piled and later burned by our qualified fire personnel under specific conditions.

Exploration of new methods and technologies to address biomass from fuels reduction projects could provide a great deal of benefit to the management of public lands for purposes of ecosystem resilience and reduction of wildfire risk. I am supportive of entities that are exploring new and different options to address biomass resulting from fuels reduction projects.

Sincerely,

Destiny Chapman  
District Ranger



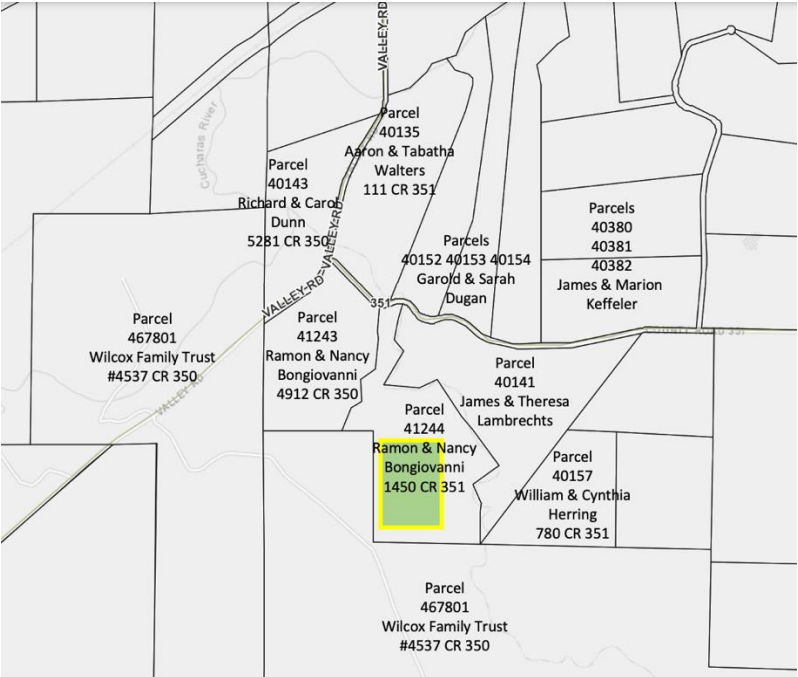
Caring for the Land and Serving People

Printed on Recycled Paper



LIST OF THE NAMES AND MAILING ADDRESSES OF ALL LISTED OWNERS OF RECORD OF ALL ADJACENT PROPERTY.

According to County records and per appendix 2 the Facility is bordered by:



- The Wilcox Family Trust                      4537 County Road 350, La Veta, Co. 81055
- James and Theresa Lambrechts              1416 Cathedral Pines Dr., Prescott, Az. 86303
- William & Cynthia Herring                      780 County Road 351, La Veta, Co. 81055
- Garold and Sarah Dugan                      3236 County Rd 114, Elizabeth, Co. 80107-6601
- Aaron & Tabatha Walters                      111 County Road 351, La Veta, Co. 81055
- Richard and Carol Dunn                      5281 County Road 350, La Veta, Co. 81055
- James and Marion Keffeler                      PO Box 1163, La Veta, Co. 81055



Electronically Recorded

### WARRANTY DEED

State Doc Fee: \$94.00  
Recording Fee: \$28.00  
\$ 13.00

THIS DEED is dated the 9 day of March, 2023, and is made between  
**Shelby Struthers**

(whether one, or more than one), the "Grantor" of the County of Huerfano and State of Colorado and  
**Ramon C Bongiovanni and Nancy E. Bongiovanni**

the "Grantees", whose legal address is 4912 CO RD 350, La Veta, CO 81055 of the County of Routt and State of  
Colorado.

**WITNESS**, that the Grantor, for and in consideration of the sum of **Nine Hundred Forty Thousand Dollars and No Cents (\$940,000.00)**, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, **not in tenancy in common but in joint tenancy**, all the real property, together with any improvements thereon, located in the County of Huerfano and State of Colorado described as follows:

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also known by street address as: 4912 CO RD 350, La Veta, CO 81055

**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the Grantees, and the Grantees' heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns: that at the time of the ensealing and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: Statutory Exceptions as defined in C.R.S. § 38-30-113(5)(a).

And the Grantor shall and will **WARRANT THE TITLE AND DEFEND** the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

**IN WITNESS WHEREOF**, the Grantor has executed this deed on the date set forth above.

*Shelby Struthers*

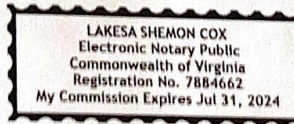
Shelby Struthers

State of Virginia  
County of Henrico

The foregoing Instrument was acknowledged before me this 9 day of March, 2023 by Shelby Struthers.

*Lakesha Shemon Cox*  
Notary Public: LaKesa Shemon Cox  
My Commission Expires: 7/31/2024

Registration # 7884662



Completed via Remote Online Notarization using 2 way Audio/Video technology.

Stewart Title File No.: 1935079  
Statutory Warranty Deed 621 JT CO

*Unified TITLE COMPANY*  
193 5079



## Significant Updates to Proposed Changes to the Land Use Code

### 8.04 Public Hearing Process

8.04.01 Upon review of a land use application, where discretion is allowed, the Planning Commission will determine whether it presents a minor, significant or major impact on nearby landowners, the community, infrastructure, services or the environment.

Applications for variances are presented at a public hearing to the Board of Adjustment.

1. At a preliminary review of an application the Planning Commission shall determine whether the proposed project represents a minor, significant or major impact.
  - a. Minor Impact: the Planning Commission may make a final decision on the application without a public hearing.
  - b. Significant Impact: the Planning Commission shall hold a public hearing. Upon the close of the hearing, the Commission shall make a recommendation to be sent to the BOCC for a decision at a public meeting.
  - c. Major Impact: All applications determined to present a major impact are to receive a public hearing by both the Planning Commission and the Board of County Commissioners. Upon the close of the public hearing with the Planning Commission, the Commission shall make a recommendation and send the case to the Board of County Commissioners, who will hold a second public hearing. Upon the close of the second public hearing, the Board of County Commissioners shall take action on the case.
    - i. All applications for rezoning, subdivisions, PUDs, vacations of rights-of-way and temporary assembly permits for over 500 persons shall be considered major impacts.
2. Review agencies will be contacted and public noticing carried out after preliminary review by the Planning Commission.
3. Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions. The Board of County Commissioners may also remand the application back to the Planning Commission for additional review or additional requests for recommendation.

#### 1.06.02.01 Criteria for modifying a Conditional Use Permit

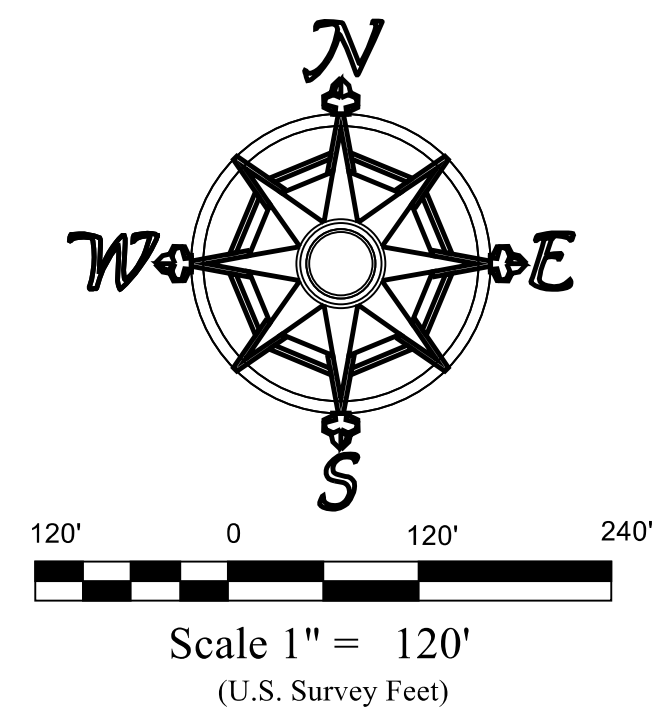
Recognizing that there are circumstances which may cause the holder of a Conditional Use Permit to make changes to operations, premises and uses over time, the holder of a Conditional Use Permit must modify their permit to reflect those changes that potentially alter the impact on neighbors or infrastructure or represent a change of use in one or more buildings. Modifications could include an expansion of operations, modifications to the site plan, or adding additional, related uses.

Should there be a modification or change in the use granted by a Conditional Use Permit, permit holder shall present a detailed description of the changes to the Planning Department for review. If the Director finds that the change presents minimal or no impact on nearby land owners, infrastructure, services or the community, the CUP will be modified administratively to reflect changes. If the Director finds that changes present the potential to increase impacts on or nuisances to nearby land owners, infrastructure, services or the community, the application to modify the CUP will be presented to the Planning Commission for review. The Planning Commission may recommend to staff whether to approve, approve with conditions or deny the proposed modification.



# Map Amendment and Road Vacation FOR JJH PROPERTY 3, LLC.

Tracts B1, B2, B3, L2 and L3, Cuchara Mountain Park Estates  
Panadero Development Filing No. 4  
a Planned Unit Development  
County of Huerfano, State of Colorado



KNOW ALL MEN BY THESE PRESENTS: That JJH Property 3, LLC being the sole owner of the following described property:  
Tract B-1, B-2, B-3, L-2 and L-3, Cuchara Mountain Park Estates (Panadero Development, Filing No. 4), Recorded Map No. 425, Recorded August 2, 1999 at Reception No. 340387, According to the Records of the Clerk and Recorder for Huerfano County, Colorado

That JJH Property 3, LLC, is the sole owners of that real property situated in Huerfano County, Colorado, has caused said real property to be laid out and surveyed as Parcel A, B, C, D, E, and F of Map Amendment and Easement Vacation, Huerfano County, State of Colorado, and does hereby accept the responsibility for the completion of required improvements and does hereby dedicate and set apart all of the roads and other public improvements and places as shown on the accompanying plat to the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements for the purpose shown hereon, and does hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established

Jonathan Hotaling (Owner, JJH, Property 3, LLC) Date: \_\_\_\_\_

Jennifer Hotaling (Owner, JJH, Property 3, LLC) Date: \_\_\_\_\_

STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) ss

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2022, A.D. by Jonathan Hotaling and Jennifer Hotaling

WITNESS MY HAND AND OFFICIAL SEAL:

My Commission Expires: \_\_\_\_\_ Notary Public

I, William S. Bechaver, a Professional Land Surveyor, registered in the State of Colorado, hereby Certify to the Board of County Commissioners, of the County of Pueblo and to JJH Property 3, LLC, that a survey of the above described premises was conducted by me or under my direct responsible charge. That this plat of Map Amendment and Road Vacation complies with the minimum standards for Land Surveys and Plats as set forth in Section 38-51-106 et. Seq, C.R.S. 1995 (as amended).

William S. Bechaver PLS No. 38103  
BH2 Land Surveying, LLC Date: \_\_\_\_\_

This is to Certify that this Map Amendment Plat and Road Vacation, is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ 2022, by the Board of County Commissioners, County of Huerfano, State of Colorado.

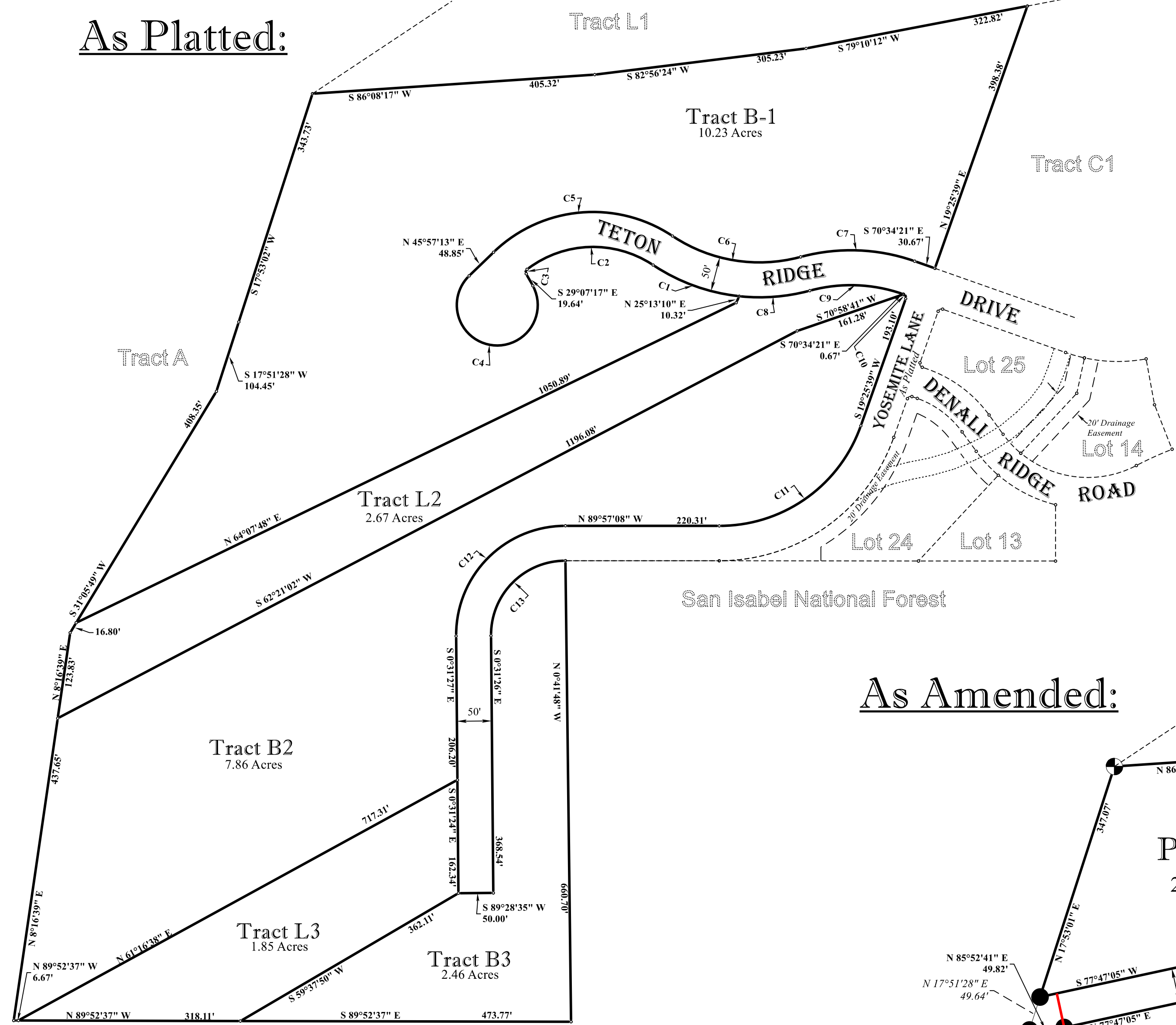
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson of the Board

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Attest: Clerk of the Board

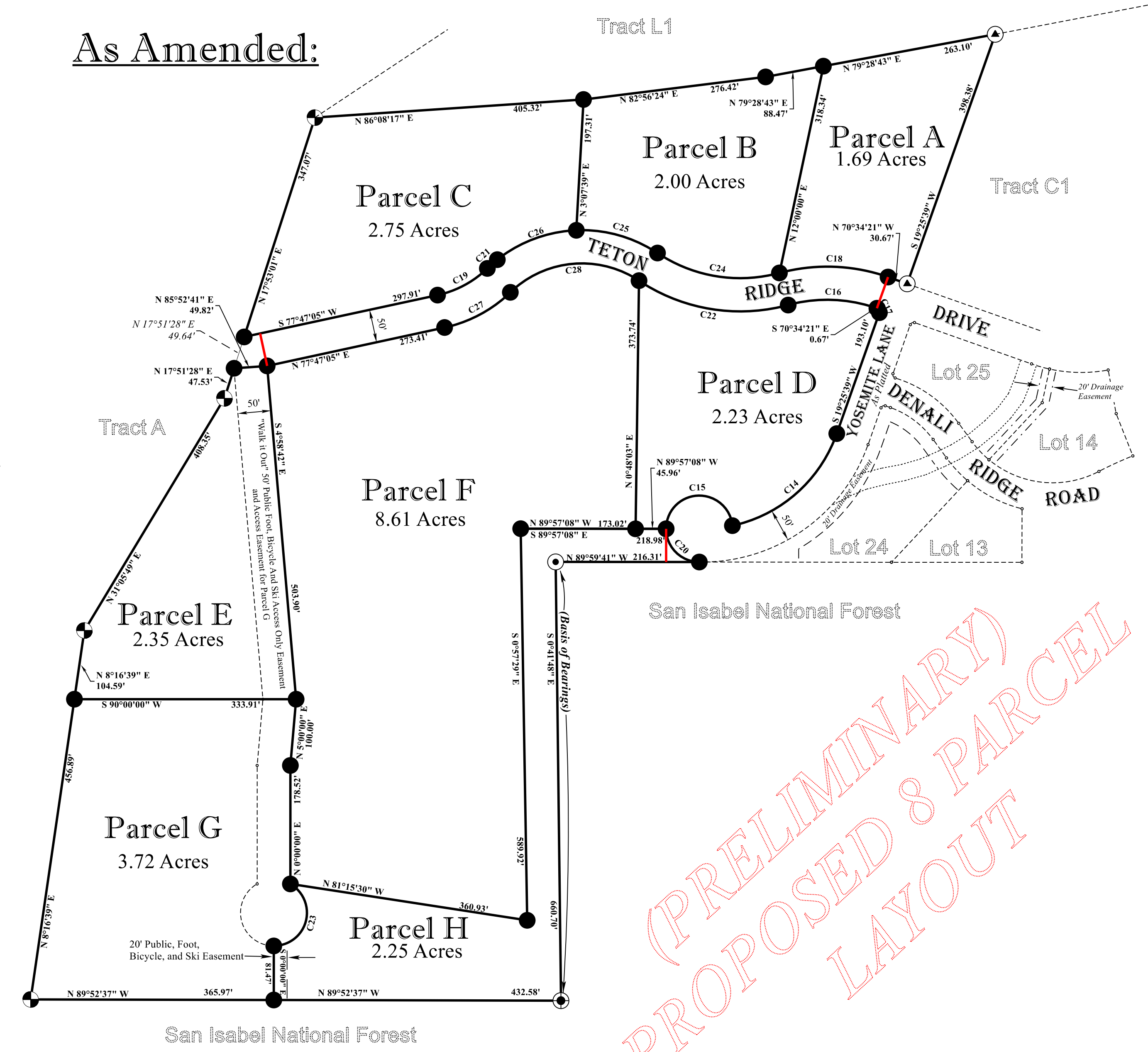
**BH<sup>2</sup> LAND SURVEYING**  
P.O. Box 20399, Colorado City, CO 81019  
Phone: 719-676-2072  
Email: bh2@ghvalley.net

|                 |                  |               |
|-----------------|------------------|---------------|
| Scale 1" = 120' | Date: 1-6-2023   | Drawn By: WSB |
| Sheet 1/1       | Job No. 2022-057 |               |

## As Platted:



## As Amended:



### LEGEND

- FOUND, BLM BRASS CAP
- FOUND, 1/2" REBAR WITH PLASTIC CAP, PLS 16163
- FOUND 1/2" REBAR WITH PLASTIC CAP, PLS 27265
- FOUND 3/4" REBAR, WITH 2" ALUMINUM CAP, PLS 16163
- SET, 1/2" REBAR WITH YELLOW CAP, PLS 38103
- PROPOSED PRIVATE GATE

### "REFERENCES"

- 1) Plat Cuchara Mountain Park Estates, Reception No. 340387
- 2) Special Warranty Deed, Reception No. 425899
- 3) Special Warranty Deed, Reception No. 425898
- 4) Declaration of Access Easement, Reception No. 418879

BASIS OF BEARINGS: S 0°41'48" E, (per Plat of Cuchara Mountain Park Estates) along the East line of Parcel D, With a BLM Brass cap on the South End and a 3/4" rebar with an Aluminum Cap, PLS 38103 on the North End, monumented as shown hereon.

"NOTE:" This survey does not constitute a title search by BH2 Land Surveying, LLC, to determine ownership or easements of record.

"NOTE" Client did not request a search for recorded Rights-of-Way and Easements.

"NOTICE": According to Colorado law you must commence any legal action based upon any defect in this survey with in three years after you first discover such a defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

### Curve Table

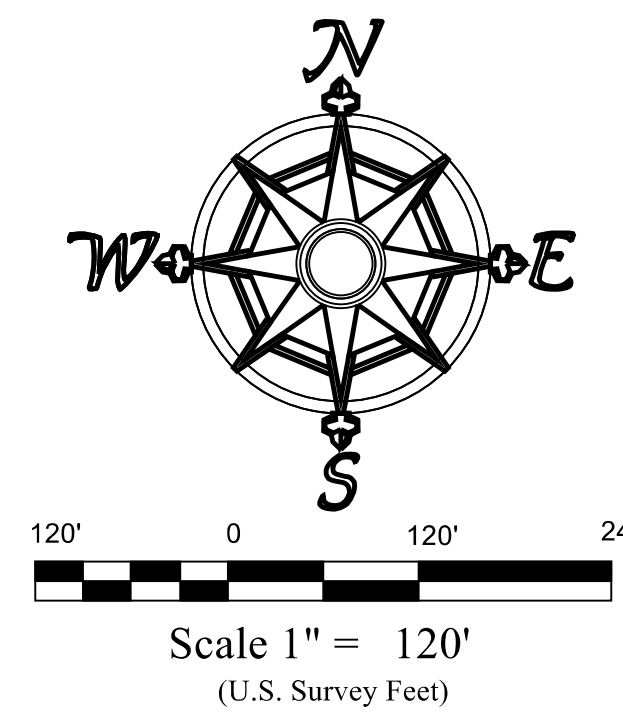
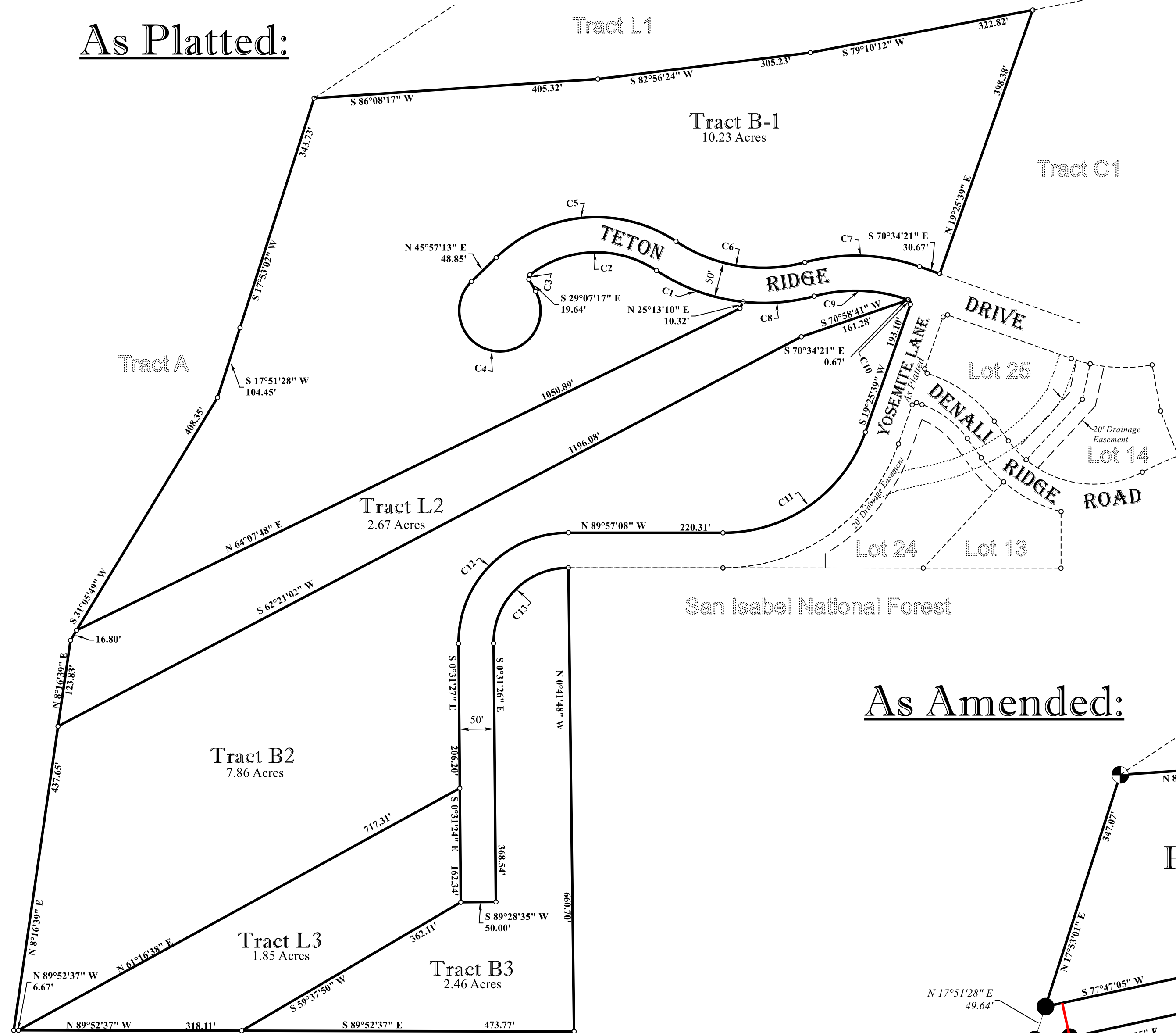
| CURVE | DELTA      | RADIUS  | ARC     |
|-------|------------|---------|---------|
| C1    | 27°36'35"  | 275.00' | 132.52' |
| C2    | 71°16'49"  | 155.00' | 192.83' |
| C3    | 81°31'23"  | 5.00'   | 7.11'   |
| C4    | 254°21'23" | 58.00'  | 257.48' |
| C5    | 77°44'39"  | 205.00' | 278.16' |
| C6    | 48°52'06"  | 225.00' | 191.91' |
| C7    | 34°35'53"  | 275.00' | 166.06' |
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| C10   | 89°53'41"  | 5.00'   | 7.84'   |
| C11   | 70°37'13"  | 215.00' | 265.00' |
| C12   | 90°34'18"  | 156.60' | 247.55' |
| C13   | 90°34'18"  | 106.60' | 168.51' |
| C14   | 58°20'22"  | 215.00' | 218.92' |
| C15   | 174°43'15" | 50.00'  | 152.47' |
| C16   | 34°35'53"  | 225.00' | 135.87' |
| C17   | 89°53'41"  | 5.00'   | 7.84'   |
| C18   | 34°35'53"  | 275.00' | 166.06' |
| C19   | 31°49'52"  | 155.00' | 86.11'  |
| C20   | 89°51'51"  | 50.00'  | 78.42'  |
| C21   | 5°37'53"   | 205.00' | 20.15'  |
| C22   | 48°52'06"  | 275.00' | 234.55' |
| C23   | 150°00'00" | 50.00'  | 130.90' |
| C24   | 48°52'06"  | 225.00' | 191.91' |
| C25   | 36°03'22"  | 205.00' | 129.01' |
| C26   | 36°03'22"  | 205.00' | 129.01' |
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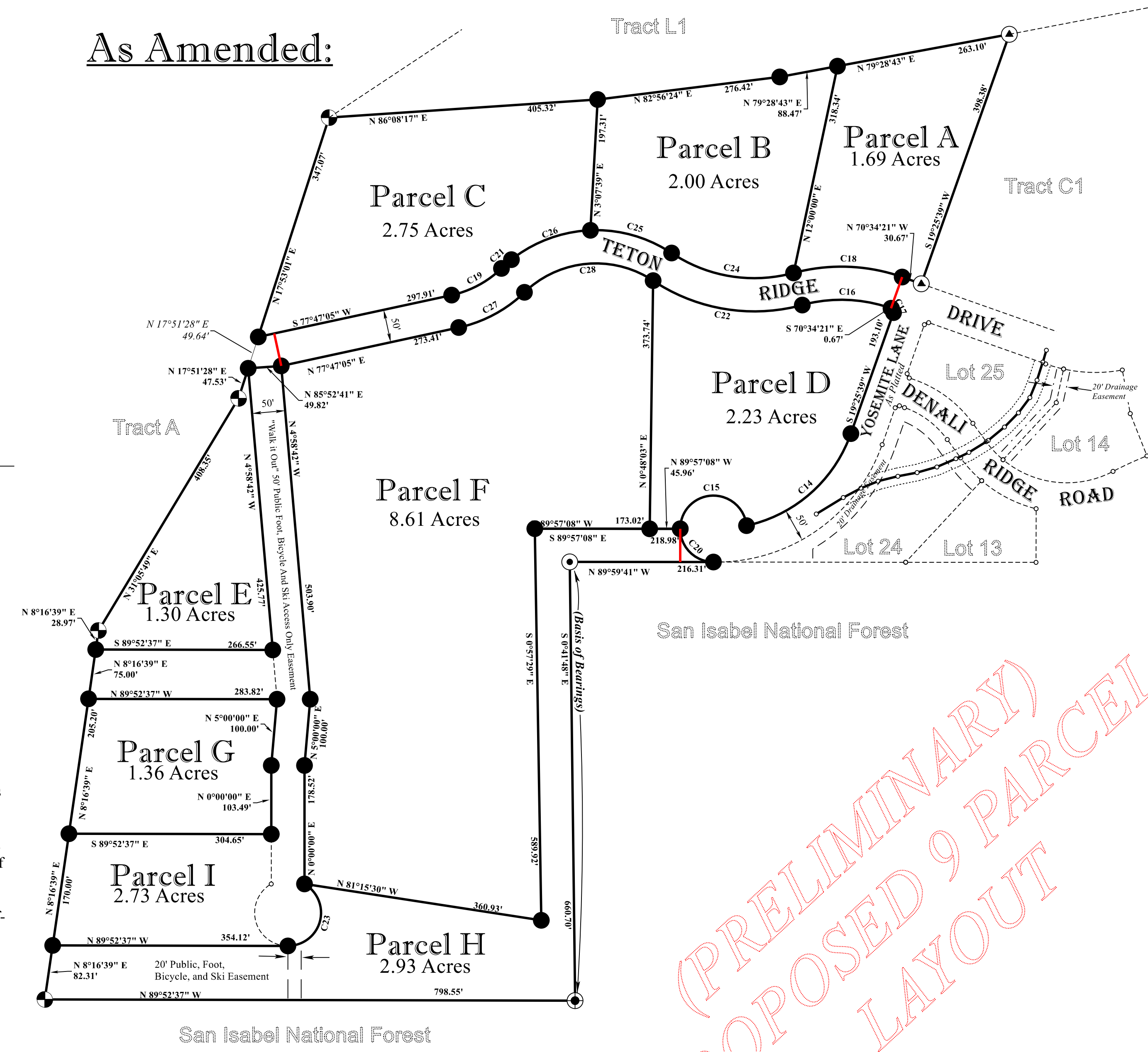
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STATE OF COLORADO )  
  ) ss  
COUNTY OF                  )

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William S. Bechaver PLS No. 38103  
BH2 Land Surveying, LLC

This is to Certify that this Map Amendment Plat and Road Vacation, is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ 2022, by the Board of County Commissioners, County of Huerfano, State of Colorado.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson of the Board

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Attest: Clerk of the Board

(PRELIMINARY)  
PROPOSED 9 PARCEL  
LAYOUT

**BH<sup>2</sup> LAND SURVEYING**  
P.O. Box 20399, Colorado City, CO 81019  
Phone: 719-676-2072  
Email: bh2@gshvalley.net

|                 |                  |               |
|-----------------|------------------|---------------|
| Scale 1" = 120' | Date: 4-5-2023   | Drawn By: WSB |
| Sheet 1/1       | Job No. 2022-057 |               |