



PLANNING COMMISSION AGENDA

June 08, 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

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

1. **Work Session 10:00 - 12:30**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **READING OF MINUTES**
 - a. Minutes from 5-25
5. **PUBLIC HEARINGS**
 - a. 23-05 Rezoning and Plat Amendment - Huerfano County Economic Development
6. **ACTION ITEMS**
 - a. 23-15 Wood Burial Review
7. **LGD UPDATES**
 - a. Oxy Maintenance Operations
8. **OLD BUSINESS**
9. **NEW BUSINESS**
10. **DISCUSSIONS**
11. **UPCOMING MEETINGS**
12. **ADJOURNMENT**



PLANNING COMMISSION MINUTES

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

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

Motion to approve minutes as presented.

Motion made by White, Seconded by Lyons.

Voting Yea: Lyons, Tessitor, Falk, White

- a. Minutes from 4-27

4. ACTION ITEMS

- a. 23-015 Wood Burial Bongiovanni

During presentation of the staff report, Tessitor asked whether this could impact the water table. Applicant responded that a nearby well is 400' deep. Testing was done on the site at a depth of 30' and water table was not reached. Falk asked about fire prevention and reducing fire risk. Applicant responded that water would be brought on site to put out fires, but that the nature of the project, burying wood, will reduce fire risk. Brown stated that he would like to see a report on water table depth and whether this project has the potential to impact the water table downstream.

When the staff report had been reviewed, the applicant came to the stand for questions.

White: Is the timber to be buried green wood?

Bongiovanni: The majority of it, yes. Cuttings from Forest Service activity and from private landowners will provide the source of much of the wood. Usable wood will be sold or collected by others, while piles of slash will be picked up and brought to the site. Dealing with slash produced by the Forest Service will help to reduce the amount of fuel in the forest.

White: What will be the dimensions of each pit?

Bongiovanni: The facility will be 17 acres, with two-acres at a time used to stack and stage until sufficient wood has been gathered. The site will then be excavated, the material buried, and then capped. Then collection of materials for the next phase will begin. The work will have a seasonal component, with much of it being done in the summer.

White: Are there contracts in place? Will you pay for the slash?

Bongiovanni: All of the above; in some cases wood is given. Plans are to also work with a public benefit corporation, Woodcap, to bring in expertise and contract work.

White: Are the two-acre plots going to be monumented or marked?

Bongiovanni: Plan is to leave signs about what is buried. Desire is not to fence the site, but to revegetate and return it to grazing land once burial is complete.

White: How will you compress slash?

Bongiovanni: The soil to be removed is sandy, and the sand will fill gaps. The material will be buried in layers, and each layer will be compressed with heavy equipment, which may include a vibrator.

White: What is your profit margin?

Bongiovanni: costs are not yet completely known. Carbon credits pay around \$80/ton.

Tessitor: Why wouldn't we get people to stop polluting rather than allowing carbon credits?

Tessitor: Impact on roads: How will you maintain roads? Are you willing to contribute to magnesium chloride treatments?

Bongiovanni: Have made contact with Road and Bridge to discuss impacts.

Lyons: How much water, if any, would be needed for fire suppression?

Bongiovanni: To be determined. An engineer is currently designing operations. State permitting office will determine an amount of water.

White: Do you have an estimate of likelihood or amount of subsidence?

Bongiovanni: Relying on engineer for cover design and to prevent subsidence from causing a problem.

White: How is a local government to deal with problems that may arise from subsidence?

Bongiovanni: In case subsidence causes problems, a trust will be set up for to pay for projects to correct problems.

White: Wouldn't a performance bond be preferable?

Bongiovanni: Currently looking into surety bonds. Costs are not yet calculated, but would be based on cost to excavate and remove and remediate. Engineering work will help with calculations.

White: Why did you start application with County and not with the State?

Bongiovanni: If there is local opposition or the Commission is not interested, it would be better to know first before pursuing the more onerous State permitting process.

White: Is your intent to keep the property and to use as a residence?

Bongiovanni: yes. There would be a covenant put in place to run with the land on the site, including an obligation to maintain.

Tessitor: What is done with extra dirt from the excavation?

Bongiovanni: It is used on-site. Some will be used to deal with natural depressions. Some used to divert water.

White: Before this is ready for a public hearing, some of these questions need answers.

Namely: Bonding, Monumenting, details on the covenant, a contingency for groundwater contamination, and more information about groundwater conditions and how this project may impact it.

Motion to table until June 8 meeting to get more information from applicant.

Motion made by White, Seconded by Tessitor.

Voting Yea: Lyons, Tessitor, Falk, White

5. LGD UPDATES

A recent hydrocarbon cloud released poses no danger to public health or environment.

The COGCC will be changing its name to the Energy and Carbon Management Commission (ECMC)

6. OLD BUSINESS

a. Roadway Design Guide - Section 19

The Roadway Design Guide has been formally adopted into the Land Use Code as Section 19.00

7. NEW BUSINESS

8. DISCUSSIONS

a. Land Use Code Update

The section in your packet differs significantly from what was proposed by the planning Commission.

Commission asked Tallman to get County Attorney's opinion on the question of whether we have the Planning Commission or BOCC hold public hearings, and whether for some cases we should have both bodies hold a public hearing. Rule 106 requires a decision to be based on evidence.

b. Marijuana Licensing

c. Update on 15-010 Walsenburg Cannabis

d. 22-54 New Plat Map and Update

On the question of what to do with the proposed change to the plat map submitted after the public hearing:

Tessitor: seems like a shortcut. It should go back to a public hearing.

White: 9-parcel map should be part of a new application.

Hotaling (Applicant): It is not intended to be an amendment, but in the spirit of what was proposed previously. The changes can also be done with the survey and title work. The reason for the nine-lot layout was to make deed restrictions granting public access in order to get property tax exemptions on land with public access.

Applicant stated he had a conversation with Galusha about quiet title process; Galusha said Quiet Title would suffice; it meets County's intent.

White: Suggested going through with the current process as presented in 22-54 and starting a new application for approval of 9-parcel layout.

Hotaling emphasized that this has been a long, expensive process, and added that the deed restrictions would be such that public access is granted so long as the County is pursuing lift-assisted skiing and as long as the County owns the park.

COOPERATIVE PLANNING PROJECTS UPDATE

White requested a meeting including Consultants, himself and Doug Brgoch to discuss water issues and how to include them in the comprehensive plan.

9. UPCOMING MEETINGS

10. ADJOURNMENT



Huerfano County Planning Commission
Staff Report – Permit #23-05
Rezoning and Plat Amendment
Huerfano County Economic Development
Meeting Type – Public Hearing

Meeting Date: 6-8-23

Request

With this Application Huerfano County Economic Development (the Applicant) requests the following:

1. **Rezoning** pursuant to LUR Section §1.18 Re-Zonings to rezone a parcel of land from Agricultural to Industrial for the purpose of receiving a portion of the parcel to use for a truck driving school. The site is addressed at CO RD 301 # 00520 (Parcel Number 10635). The rezoning will also include an adjacent, non-conforming 5-acre parcel owned by San Isabel Electric Association, the deed for which is recorded under Reception Number 333002.
Rezoning will permit the Plat Amendment to create a 13.56 and 21.89 acre parcel and will make an existing 5-acre non-conforming parcel conforming.
1. **Plat Amendment** pursuant to LUR Section 2.14 to divide the 35-acre parcel into one 21.89-acre parcel to be gifted to Huerfano County Economic Development while San Isabel Electric Association wishes to retain the remaining 13.56 acres. A 40'-wide strip will connect the 13.56-acre parcel to County Road 301.

The subject properties are zoned Agricultural. This proposal is to apply for both a rezoning and a plat amendment simultaneously because to amend the plat as proposed, it must be rezoned in order to conform with the minimum lot size in Agricultural of 35 acres. The proposed use of the 21.89-acre parcel to be given to Huerfano County Economic Development is a truck driving school, which would entail an unpaved driving track and a structure to be used as a classroom.

San Isabel currently has no development plans for the 13.56-acre portion of the parcel they are retaining.

Background and Context

On April 27, 2023, the Huerfano County Planning Commission reviewed this application. In this review, review agencies were selected, the Commission agreed that the plat amendment process was appropriate for this application, that a truck driving school would be considered a use by right in the Industrial zoning district, and that a public hearing would be scheduled with the Planning Commission for June 8, 2023.

There are two parcels subject to rezoning in this application and one parcel that will be affected by the plat amendment.

Rezoning will accomplish two things; it will allow for a proposed new use of a truck driving school on a portion of the property to be gifted to Huerfano County Economic Development, and it will make a roughly 5-acre parcel, which has been used by San Isabel Electric Association as a warehouse and storage facility into a conforming lot. The lot was acquired in 1998 and the existing use would be 1.05.21 – Essential public and government utility uses, facilities, services and building -- which is a conditional use in the Agricultural District, and a use by right in the Industrial District.

San Isabel will continue this use and wishes to give the western portion of the parcel to Huerfano County Economic Development. The parcel is part of an area surrounded by City of Walsenburg. City land nearest the property to the south and west, there is an area zoned R-1, to the east, an area zoned C-1, and abutting the property near I-25 in the north, there is an area zoned H-1 heavy industrial (See Walsenburg Zoning Map below).

Across Bear Creek is a steep bank which will buffer most residents of Walsenburg from noise on this property. On top of the bank there are several homes that may be impacted by noise.

It is the County's understanding at this time that there is a private water line under this property connecting to the existing San Isabel structure, and that connecting to City water may not be an option at the moment. Likewise, it appears that connecting to City sewer is also not an option at the moment. Therefore, the truck driving school anticipates building a septic system or vault toilet and being supplied with hauled water.

Rezoning Process:

Section 1.18.02 of the Code permits the Planning Commission to hold a public hearing on rezoning applications.

Plat Amendment Process: A Plat Amendment requires a recommendation from the Planning Commission, but does not require a public hearing.

Noticing Requirements §1.18.02: Notice is required to be published in the paper 30-days in advance of a public hearing for a rezoning. Notice was published in the paper on May 4, 11 and 18. A sign was posted on the property 30-days prior to the hearing and adjacent property owners were sent letters at least 15-days prior to the public hearing.

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:

§ 1.05 Use Table: Similar or relevant uses allowed by right in Industrial

Truck Driving Schools are not a use that is specifically articulated in the Use Table in Section 1.05. To determine whether it would be a use by right, a conditional use or a prohibited use, similar uses are listed below.

Similar Uses Allowed by Right

- 1.05.52 -- Railroad facilities including repair sheds and switch yards and trucking terminals, excluding trucks;
- 1.05.54 -- Batch plants and hot mix plants and all appurtenant and accessible uses thereto;
- 1.05.48 -- Motor vehicle parking lots, and
- 1.05.44 -- Wholesale sales and/or distribution without open storage of goods

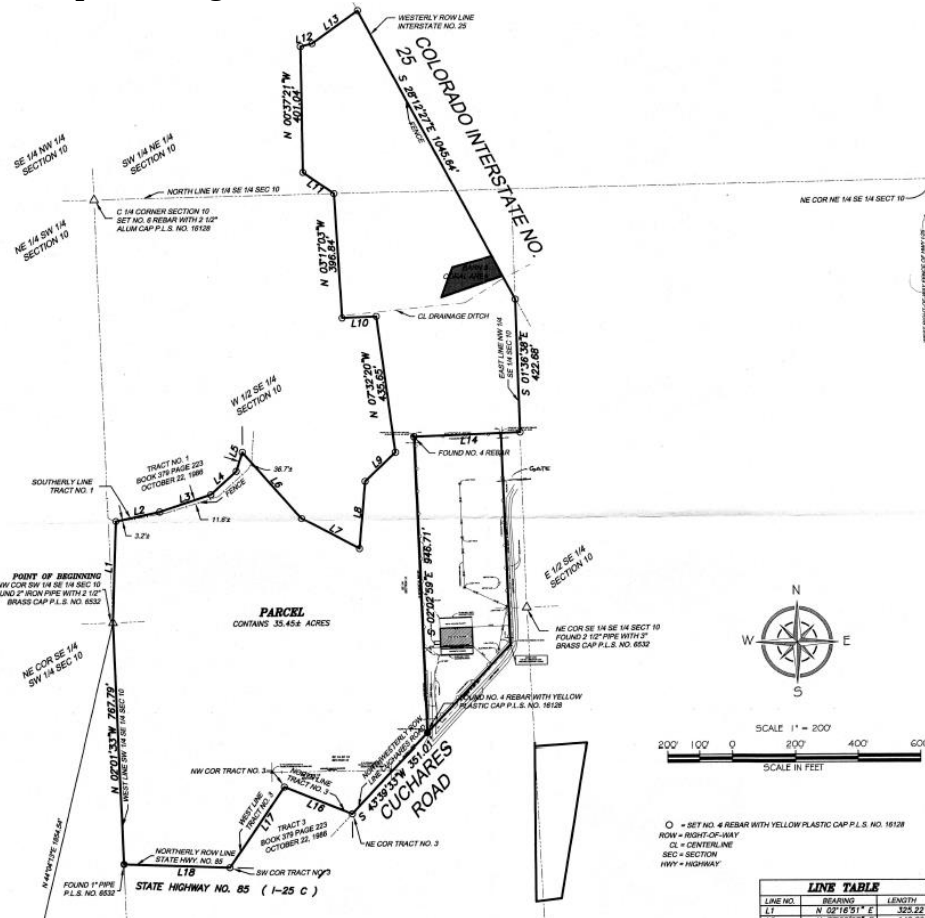
Use Table: Staff Analysis

The proposed truck driving school would involve trucks driving on a dirt track and students attending classes in a single-classroom building. The coming and going of trucks and the maneuvering of trucks on the property along with the presence of students and instructors on site might have a similar impact on the property and surrounding users similar to the by-right uses listed in the Use Table below. While the purpose of trucks being driven on this site will differ from that of trucks at a distribution site, a batch plant or a trucking terminal, the impact would be similar in nature, and therefore considered a use by right. While educational institutes and training centers are a prohibited use in the Industrial zone, this particular type of school requires and involves the driving and maneuvering of large trucks, which is not an impact typically associated with schools, and which could be a use incompatible with other types of schools; prohibiting this use in the Industrial zone is likely due to the assumption that the nuisances created by industrial uses are not compatible with schools or educational institutes. Given the nature of this type of school, it should be considered most similar to those uses by right listed above.

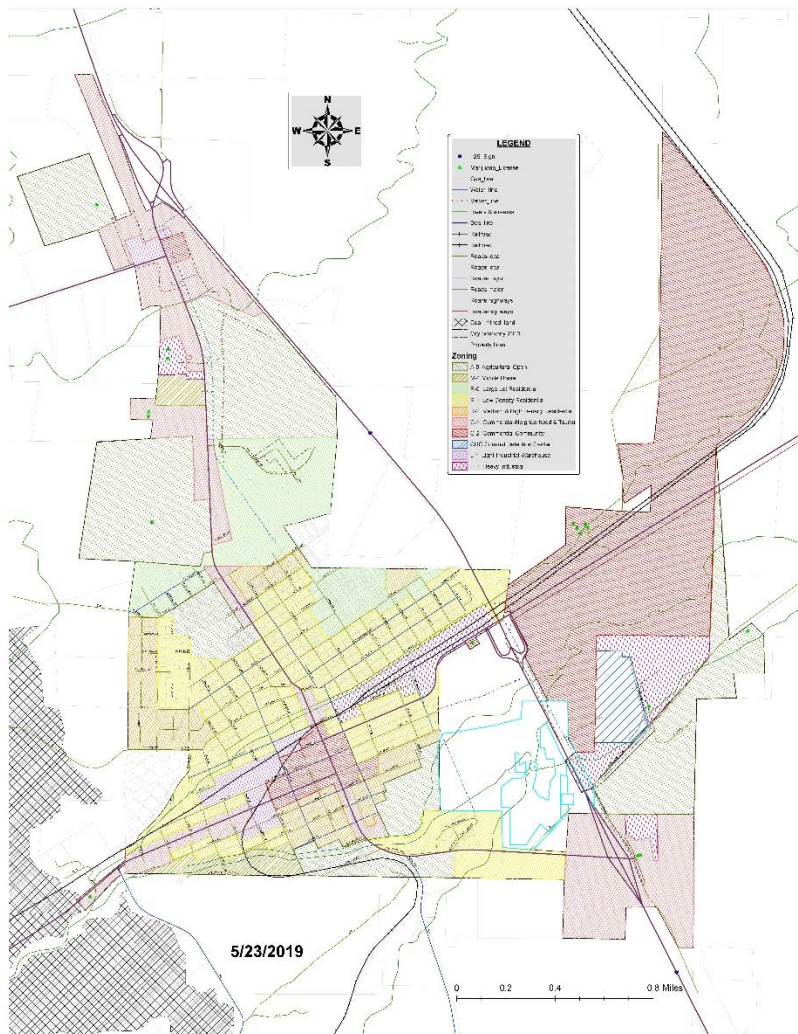
§ 2.14 – Plat Amendment

Eligibility for a Plat Amendment: 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, replatting of lots, reconfiguration of dedicated streets and easements and reserved sites.

Site Map: Existing Conditions



Walsenburg Zoning Map



Rezoning Analysis

It is the position of County staff that rezoning this parcel to industrial would allow for uses appropriate for this area. Its proximity to the city, the highway, and relative separation from any neighborhood uses make it an appropriate area to allow industrial uses; the only immediate plan is to use the parcel to host a truck driving school.

Application materials required for Rezoning

1. Letter of intent (addresses water, wastewater requirements)
2. Plat map
3. Deed and legal description
4. Vicinity map – 2-mile area
5. Topographic map of a portion of property

Application materials required for a plat amendment:

1. Letter of intent
2. Proof of Ownership
3. Approved and Recorded Plat along with proposed amended plat drawn to same scale.

Referral Agencies Contacted:

1. School district(s) in which the land encompassed by the proposed subdivision is located
2. Each county, other than Huerfano County, and municipality within a three (3) mile radius of any portion of the proposed land-use: cityadmin@walsenburg.org
3. All applicable local and state improvement and special districts, ditch companies and utilities
Gomez Ditch #1: JesseScottDavis@gmail.com
4. Huerfano-Las Animas Area Council of Governments: lking@sccog.net
5. Upper Huerfano Soil Conservation District: upperhuerfanocd@gmail.com
6. Colorado Department of Public Health and the Environment and/or such county, district or regional health departments as may exist: cdphe.information@state.co.us, jerry.henderson@state.co.us, rsykes@la-h-health.org
7. State Engineer/Colorado Division of Water Resources: dnr_dnr.edoassist@state.co.us, Rachel.Zancanella@state.co.us, ivan.valles@state.co.us
8. Water Conservation Agency: hcwcdistrict@gmail.com
9. Fire Protection District. smorningstar.huerfanofire@gmail.com
10. Huerfano County Economic Development ccroft@huerfano.us

11. Parks and Wildlife: Cody.purcell@state.co.us

12. Tourism Board: ccroft@huerfano.us

Referral Agency Comments:

A response was received from the Division of Water Resources expressing no objection and no significant concerns.

Criteria/Findings for a Rezoning 1.18.05

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan.

2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.

3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

Criteria for Action on a Plat Amendment Application 2.14.03

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.

Staff Recommendation:

Rezoning: There is no conflict between the proposed rezoning and the criteria for rezoning stated above.

Plat Amendment: There is no conflict between the criteria for action on a plat amendment and the proposed plat amendment.

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

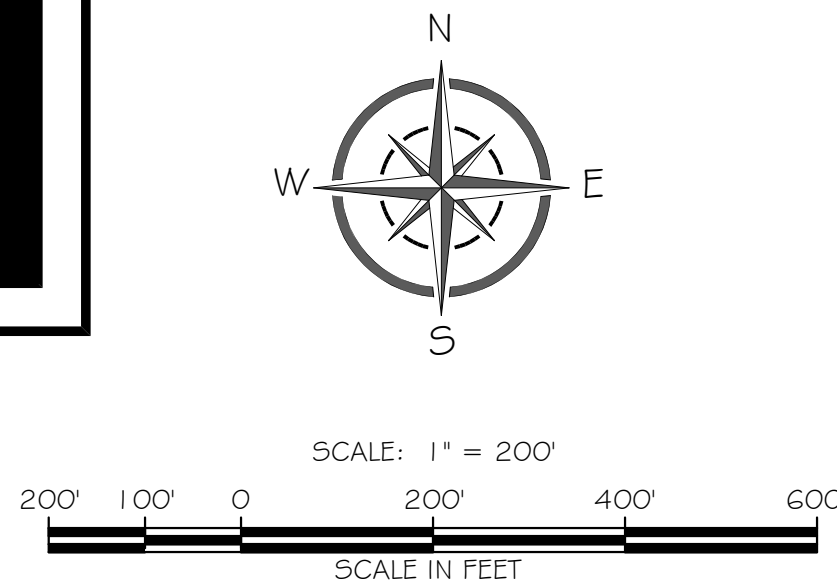
- Application Materials
 - Application Details

- Proof of ownership
- Plat map
- 2-mile vicinity map

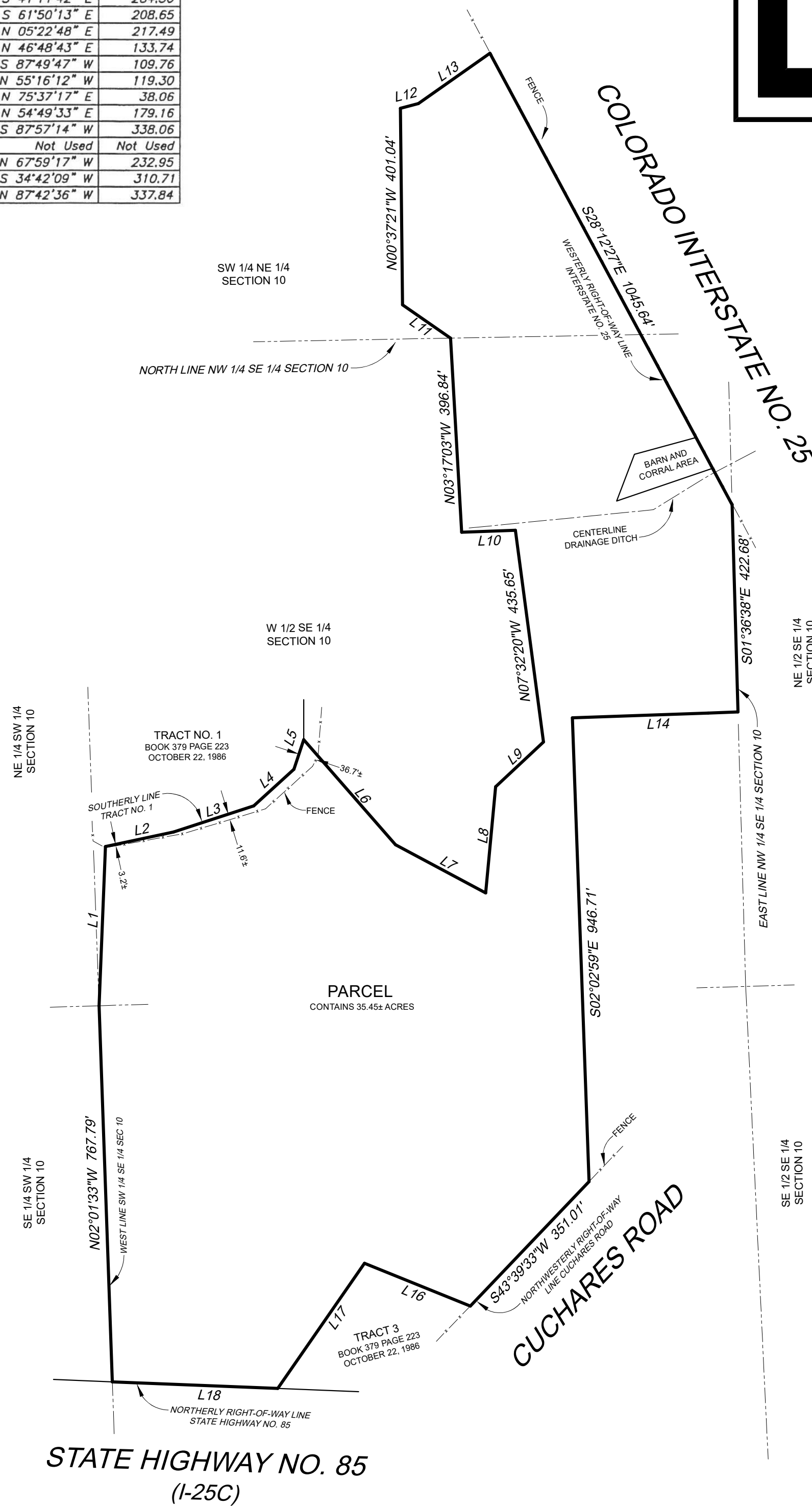
PLAT AMENDMENT FOR SAN ISABEL ELECTRIC ASSOCIATION

A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE W 1/2 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN. HUERFANO COUNTY, COLORADO.

Line No.	Bearing	Length
L1	N 02°16'51" E	325.22
L2	N 77°58'27" E	142.20
L3	N 71°58'27" E	172.00
L4	N 47°48'27" E	111.00
L5	N 18°13'27" E	63.50
L6	S 41°11'42" E	284.50
L7	S 61°50'13" E	208.65
L8	N 05°22'48" E	217.49
L9	N 46°48'43" E	133.74
L10	S 87°49'47" W	109.76
L11	N 55°16'12" W	119.30
L12	N 75°37'17" E	38.06
L13	N 54°49'33" E	179.16
L14	S 87°57'14" W	338.06
L15	Not Used	Not Used
L16	N 67°59'17" W	232.95
L17	S 34°42'09" W	310.71
L18	N 87°42'36" W	337.84



Line No.	Bearing	Length
L1	N 02°16'51" E	325.22
L2	N 77°58'27" E	142.20
L3	N 71°58'27" E	172.00
L4	N 47°48'27" E	111.00
L5	N 18°13'27" E	63.50
L6	S 41°11'42" E	284.50
L7	S 61°50'13" E	208.65
L8	N 05°22'48" E	217.49
L9	N 46°48'43" E	133.74
L10	S 87°49'47" W	109.76
L11	N 55°16'12" W	119.30
L12	N 75°37'17" E	38.06



LEGAL DESCRIPTION:

That parcel of land described in that Warranty Deed filed for record May 30, 2001 as Reception No. 349231 in the records of the Huerfano County Clerk and Recorder which reads as follows:

A parcel of land being a portion of the SW 1/4 of the NE 1/4 and within a portion of the W 1/2 of the SE 1/4 of Section 10, Township 28 South, Range 66 West of the Sixth Principal Meridian, being more particularly described as follows:

BEGINNING at the NW corner of the SW 1/4 of the SE 1/4 of said Section 10; thence N 02°16'51"E (Bearings based on the south line of the SE 1/4 of the SW 1/4 of said Section 10 monumented at the west end with a 2" brass cap on a 2" iron pipe P.L.S. No. 6532 and on the east end with a 2 1/2" brass cap on a 2" iron pipe P.L.S. 6532 assumed to bear N 89°37'40"E), a distance of 325.22 feet to a point on the southerly line of that parcel of land described as Tract No. 1 filed for record October 22, 1986 in Book 379 at Page 223 in the records of the Huerfano County Clerk and Recorders Office; thence along said southerly line the following four (4) courses:

- 1) N 77°58'27"E a distance of 142.20 feet;
- 2) N 71°58'27"E a distance of 172.00 feet;
- 3) N 47°48'27"E a distance of 111.00 feet;
- 4) N 18°13'27"E a distance of 63.50 feet

thence S 41°11'42"E a distance of 284.50 feet; thence S 61°50'13"E a distance of 208.65 feet; thence N 05°22'48"E a distance of 217.49 feet; thence N 46°48'43"E a distance of 133.74 feet; thence N 07°32'20"W a distance of 435.65 feet; thence S 87°49'47"W a distance of 109.76 feet; thence N 03°17'03"W, a distance of 396.84 feet to a point on the north line of the W 1/2 of the SE 1/4 of said Section 10; thence N 55°16'12"W a distance of 119.30 feet; thence N 00°37'21"W a distance of 401.04 feet; thence N 75°37'17"E a distance of 38.06 feet; thence N 54°49'33"E a distance of 178.57 to a point on the westerly right of way line of Colorado Interstate No. 25; thence S 28°12'27"E, along said right of way line, a distance of 1045.64 to a point on the east line of the NW 1/4 of the SE 1/4 of said Section 10; thence S 01°36'38"E, along said east line, a distance of 422.68; thence S 87°57'14"W a distance of 338.06 feet; thence S 02°02'59"E, a distance of 946.71 feet to the northwesterly right of way line of existing Cuchares Road; thence S 43°39'33"W, along said right of way line, a distance of 351.01 feet to the NE corner of that parcel of land described as Tract No. 3 filed for record October 22, 1986 in Book 379 at page 223 in the records of the Huerfano County Clerk and Recorders Office; thence N 67°59'17"W, along the north line of said parcel, a distance of 232.95 feet to the NW corner of said parcel; thence S 34°42'09"W along the west line of said parcel, a distance of 310.71 to the SW corner of said parcel said point also being on the northerly right of way line of State Highway No. 85; thence N 87°42'36"W along said right of way line a distance of 337.84 feet to a point on the west line of the SW 1/4 of the Se 1/4 of said Section 10; thence N 02°01'33"W, along said west line, a distance of 767.79 feet to the **POINT OF BEGINNING**.

Huerfano County, Colorado.

Said Parcel contains 35.45 Acres, more or less.

This is to certify that this Plat Amendment is hereby approved this _____ day of _____, 2023, by the Board of County Commissioners, County of Huerfano, State of Colorado.

BY:
CHAIRPERSON OF THE BOARD

DATE:

BY:
ATTEST: CLERK OF THE BOARD

DATE:

I, **MATTHEW A. CORDOVA**, a Professional Land Surveyor registered in the State of Colorado, hereby certify to San Isabel Electric Association, that this Plat Amendment is not based upon an actual field survey conducted by me or under my responsible charge, but was prepared using information shown on that Land Survey Plat prepared by Rocky L. Mangini P.L.S. No. 16128 with a date of March 21, 2001. The property within this Plat Amendment may or may not be presently monumented, and if it is monumented, I have not confirmed the property pins are accurately located.

MATTHEW A. CORDOVA
PROFESSIONAL LAND SURVEYOR NO. 33194

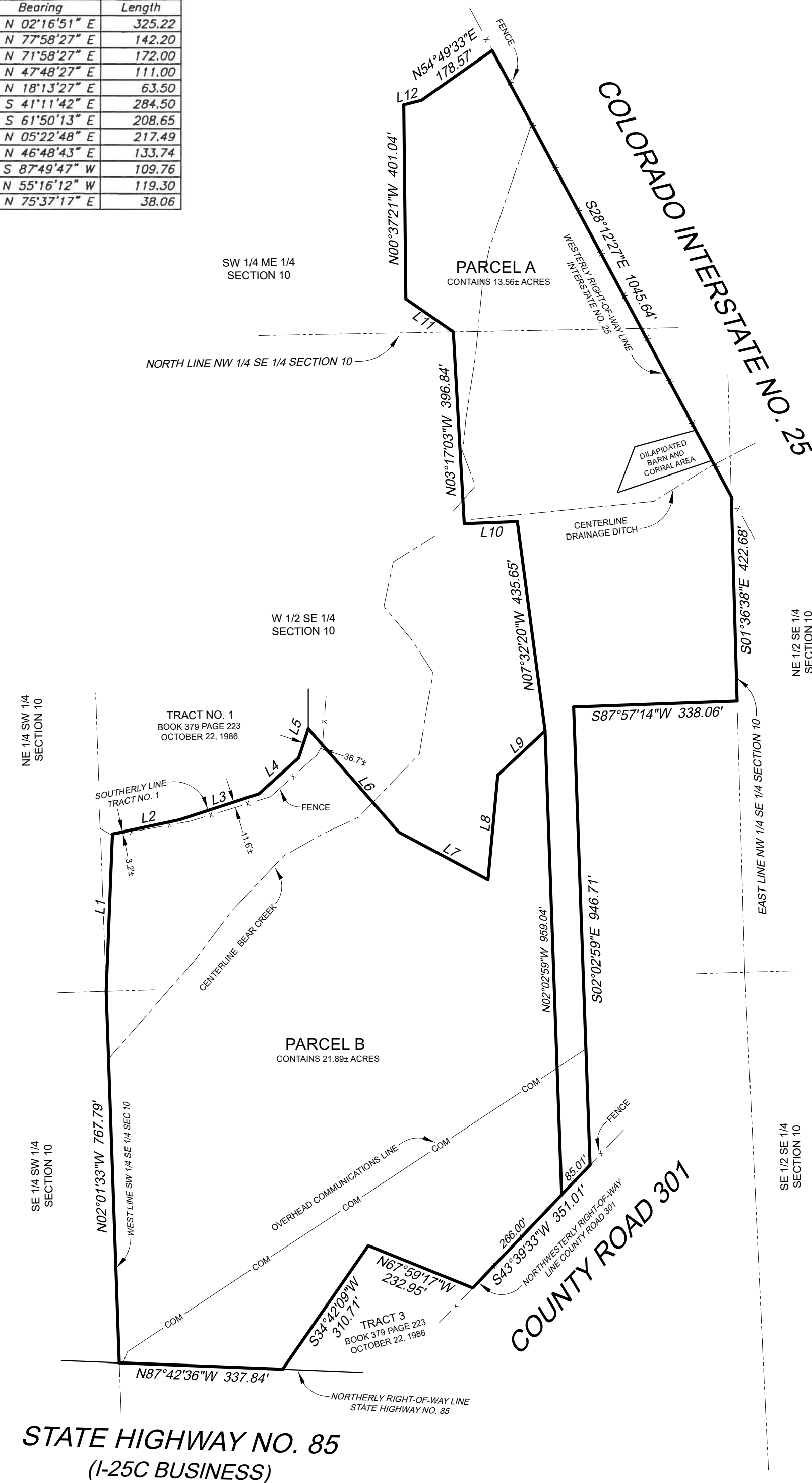
DATE

NOTES:

- 1.) This Plat was prepared without the benefit of an abstract or a title policy and may be subject to other rights-of-ways, easements and/or conditions not shown on this plat
- 2.) Bearings and distances shown hereon are based on that Land Survey Plat prepared by Rocky L. Mangini P.L.S. No. 16128 with a date of March 21, 2001.
- 3.) All distances shown hereon are in U.S. Survey Feet.

NOTICE:

According to the C.R.S. 13-80-105, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certificate shown hereon.



STATE HIGHWAY NO. 85
(I-25C BUSINESS)

- AS AMENDED -

- AS PLATTED -

PER INFORMATION ESTABLISHED ON THAT LAND SURVEY PLAT PREPARED BY
ROCKY L. MANGINI P.L.S. NO. 16128 WITH A DATE OF MARCH 21, 2001

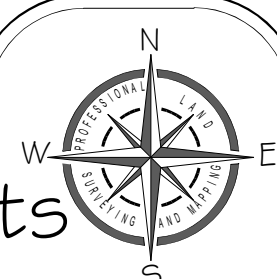
NO.	DATE:	REVISIONS (COMMENTS)	CHECKED:

SHEET: 1 OF 1
DATE: 3-24-2023
SCALE: 1" = 200'

PROJECT: HUERFANO COUNTY LAND USE DEPT.
DESCRIPTION: PLAT AMENDMENT (SEA TRACT, COUNTY ROAD 301)
FIELD: MAC
DRAWN: RMS
CHECKED: MAC
JOB NUMBER: 2023-1-04
FILE NAME: 2023-1-04 PLAT AMENDMENT
REF. JOB NO.

Cardinal Points
Surveying Inc.

4601 Eadsburg Place, Suite 110
Pueblo, Colorado 81008
(719) 253-0874 (719) 253-0878 fax



13

parcel of land being a portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and within a portion of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 10, Township 28 South, Range 66 West of the Sixth Principal Meridian, being more particularly described as follows:

BEGINNING at the NW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 10; thence N $02^{\circ}16'51''$ E (Bearings based on the south line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10 monumented at the west end with a 2" brass cap on a 2" iron pipe P.L.S. No. 6532 and on the east end with a 2 $\frac{1}{2}$ " brass cap on a 2" iron pipe P.L.S. 6532 assumed to bear N $89^{\circ}37'40''$ E), a distance of 325.22 feet to a point on the southerly line of that parcel of land described as Tract No. 1 filed for record October 22, 1986 in Book 379 at Page 223 in the records of the Huerfano County Clerk and Recorders Office; thence along said southerly line the following four (4) courses:

- 1) N $77^{\circ}58'27''$ E a distance of 142.20 feet; ✓
- 2) N $71^{\circ}58'27''$ E a distance of 172.00 feet; ✓
- 3) N $47^{\circ}48'27''$ E a distance of 111.00 feet; ✓
- 4) N $18^{\circ}13'27''$ E a distance of 63.50 feet ✓

thence S $41^{\circ}11'42''$ E a distance of 284.50 feet; ✓ thence S $61^{\circ}50'13''$ E a distance of 208.65 feet; ✓
 thence N $05^{\circ}22'48''$ E a distance of 217.49 feet; ✓ thence N $46^{\circ}48'43''$ E a distance of 133.74 feet; ✓
 thence N $07^{\circ}32'20''$ W a distance of 435.65 feet; ✓ thence S $87^{\circ}49'47''$ W a distance of 109.76 feet; ✓
 thence N $03^{\circ}17'03''$ W a distance of 396.84 feet to a point on the north line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 10; ✓
 thence N $55^{\circ}16'12''$ W a distance of 119.30 feet; ✓ thence N $00^{\circ}37'21''$ W a distance of 401.04 feet; ✓
 thence N $75^{\circ}37'17''$ E a distance of 38.06 feet; ✓ thence N $54^{\circ}49'33''$ E a distance of 179.16 feet to a point on the westerly right of way line of Colorado Interstate No. 25; ✓
 thence S $28^{\circ}12'27''$ E, along said right of way line, a distance of 1045.64 feet to a point on the east line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 10; ✓
 thence S $01^{\circ}36'38''$ E, along said east line, a distance of 422.68 feet; ✓
 thence S $87^{\circ}57'14''$ W a distance of 338.06 feet; ✓ thence S $02^{\circ}02'59''$ E a distance of 946.71 feet to the northwesterly right of way line of existing Cuchares Road; ✓
 thence S $43^{\circ}39'33''$ W, along said right of way line, a distance of 351.01 feet to the NE corner of that parcel of land described as Tract No. 3 filed for record October 22, 1986 in Book 379 at page 223 in the records of the Huerfano County Clerk and Recorders Office; ✓
 thence N $67^{\circ}59'17''$ W, along the north line of said parcel a distance of 232.95 feet to the NW corner of said parcel; ✓
 thence S $34^{\circ}42'09''$ W, along the west line of said parcel a distance of 310.71 feet to the SW corner of said parcel said point also being on the northerly right of way line of State Highway No. 85; ✓
 thence N $87^{\circ}42'36''$ W along said right of way line a distance of 337.84 feet to a point on the east line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 10; ✓
 thence N $02^{\circ}01'33''$ W along said west line a distance of 767.79 feet to the POINT OF BEGINNING. According to the records of the county Clerk and Recorder for Huerfano County, Colorado.



349231 05/30/2001 03:03P WD Judy Benine
 2 of 2 R 10.00 D 7.09 Huerfano Co.

Land Survey Plat

A portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and a portion of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 10, Township 28 South, Range 66 West of the Sixth Principal Meridian, Huerfano County, Colorado.

A parcel of land being a portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and within a portion of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 10, Township 28 South, Range 66 West of the Sixth Principal Meridian, being more particularly described as follows:

BEGINNING at the NW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 10; thence N 02°16'51"E (Bearing based on the south line of the SE $\frac{1}{4}$ of said Section 10) monumented at the west end with a 2" brass cap on a 2" iron pipe P.L.S. No. 6532 and on the east end with a 2 1/2" brass cap on a 2" iron pipe P.L.S. 6532 assumed to bear N 89°37'40"E, a distance of 325.22 feet to a point on the southern line of that parcel of land described as Tract No. 1 filed for record October 22, 1986 in Book 379 at Page 223 in the records of the Huerfano County Clerk and Records Office; thence along said southerly line the following four (4) courses:

- 1) N 77°58'27"E a distance of 142.20 feet;
- 2) N 71°58'27"E a distance of 172.00 feet;
- 3) N 47°48'27"E a distance of 111.00 feet;
- 4) N 18°13'27"E a distance of 83.50 feet;

thence S 41°11'42"E a distance of 284.50 feet; thence S 61°50'13"E a distance of 208.65 feet; thence N 05°22'48"E a distance of 212.49 feet; thence N 46°48'43"E a distance of 133.74 feet; thence N 07°32'20"W a distance of 435.65 feet; thence S 87°49'47"W a distance of 109.76 feet; thence N 01°17'03"W, a distance of 396.84 feet to a point on the north line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 10; thence N 55°16'12"W a distance of 118.30 feet; thence N 02°02'59"E a distance of 401.04 feet; thence N 75°37'17"E a distance of 38.06 feet; thence N 54°49'33"E a distance of 179.16 feet to a point on the westerly right of way line of Colorado Interstate No. 25; thence S 28°12'27"E, along said right of way line, a distance of 1045.64 feet to a point on the east line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 10; thence S 01°36'30"E, along said east line, a distance of 422.68 feet; thence S 87°57'14"W a distance of 338.06 feet; thence S 02°02'59"E a distance of 946.71 feet to the northwesterly right of way line of existing Cuchares Road; thence S 43°39'33"W, along said right of way line, a distance of 351.01 feet to the NE corner of that parcel of land described as Tract No. 3 filed for record October 22, 1986 in Book 379 at page 223 in the records of the Huerfano County Clerk and Records Office; thence N 67°59'17"W along the north line of said parcel a distance of 232.05 feet to the NW corner of said parcel; thence S 34°42'09"W along the west line of said parcel a distance of 310.71 feet to the SW corner of said parcel said point also being on the northerly right of way line of State Highway No. 85; thence N 67°42'06"W along said right of way line a distance of 337.84 feet to a point on the west line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 10; thence N 02°01'33"W along said west line a distance of 767.78 feet to the POINT OF BEGINNING.

Said Parcel contains 35.45 Acres, more or less.

I, ROCKY L. MANGINI, a Professional Land Surveyor registered in the State of Colorado, hereby certify that a survey of the land described above was done by me or under my responsible charge in July 2000 and complies with the minimum standards for Land Surveys and Plats as set forth in Section 38-51-106, et. Sec. C.R.S. 1995 (as amended).

ROCKY L. MANGINI
PROFESSIONAL LAND SURVEYOR NO. 16128

DATE

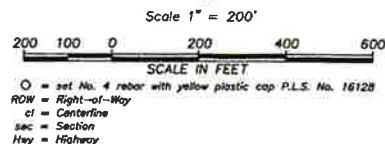
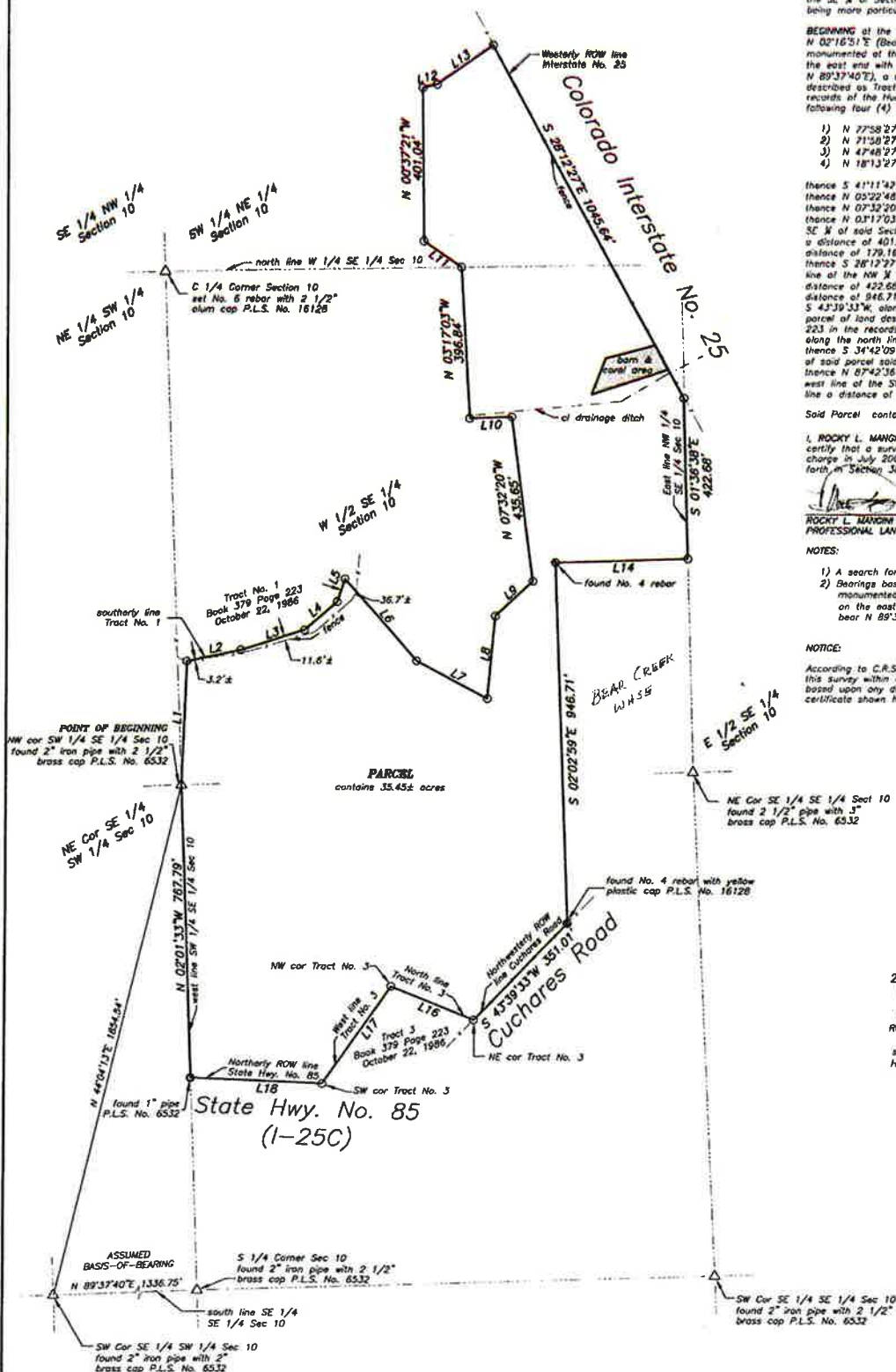
3/21/01

NOTES:

- 1) A search for recorded rights of way and easements was not done at the clients request.
- 2) Bearings based on the south line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10 monumented at the west end with a 2" brass cap on a 2" iron pipe P.L.S. No. 6532 and on the east end with a 2 1/2" brass cap on a 2" iron pipe P.L.S. No. 6532 assumed to bear N 89°37'40"E.

NOTICE:

According to C.R.S. 13-80-105, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certificate shown herein.



Line No.	Bearing	Length
L1	N 02°16'51" E	325.22
L2	N 77°58'27" E	142.20
L3	N 71°58'27" E	172.00
L4	N 47°48'27" E	111.00
L5	N 18°13'27" E	83.50
L6	S 41°11'42" E	284.50
L7	S 61°50'13" E	208.65
L8	N 05°22'48" E	212.49
L9	N 46°48'43" E	133.74
L10	S 87°49'47" W	109.76
L11	N 55°16'12" W	118.30
L12	N 75°37'17" E	38.06
L13	N 54°49'33" E	179.16
L14	S 87°57'14" W	338.06
L15	Not Used	Not Used
L16	N 67°59'17" W	232.05
L17	S 34°42'09" W	310.71
L18	N 67°42'06" W	337.84



4

3

Holita Ditch

181022
183020

Hill School

Bear Creek

Washington School

10

Walsenburg

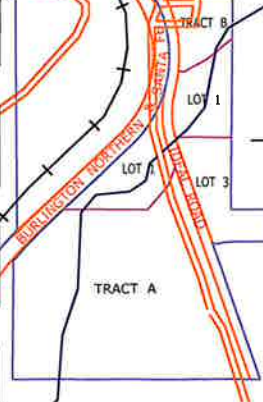
Saint Marys School

36

221432 221437-35
2215
221432 221433-3495C
221482-3

TRACT B

TRACT A



15



Huerfano County Land Use and Building Department

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

PERMIT

LU-23-005

REZONING \$1.18

SITE ADDRESS: CO RD 301 # 00520 UNKNOWN
PRIMARY PARCEL: 10635
PROJECT NAME: INDUSTRIAL PARK

ISSUED:
EXPIRES: 10/17/2023

APPLICANT: Croft, Carlton
401 Main St

Walsenburg, CO 81089
719-738-1220 x111

OWNER: Laura Getts
314 W MAIN ST
TRINIDAD, CO 81082-0000

Detail Name

Detailed project description

Detail Value

Rezoning two parcels from
Agricultural to Industrial and
amending the plat to allow the County
to receive a portion of the parcel being
amended.

Zoning District

AGRICULTURAL

Zone district size (acres):

35

Parcel (Schedule) Number (Available from Assessor):

10635

Number of parcels in proposed zone district:

2

Parcel Area (acres)

35.65

Total number of dwelling units planned in first five years:

0

Total ultimate number of dwelling units

0

Total ultimate number of commercial units:

1

Select The Existing Zoning From The List

AGRICULTURAL

Proposed zoning:

Industrial

Describe existing uses

None

Will proposed rezoning create or include any non-conforming parcels?

Yes

Explain:

Subject to rezoning is one 5-acre,
non-conforming parcel. Deed
recorded under reception No. 333002

If multiple zones proposed, describe areas to be rezoned:

No

If Rezoning Includes Multiple Property Owners, List Names Here And Include
Contact Info And Signatures In Letter Of Intent. Property Owner 1:

None

What (if any) infrastructure or services will be provided as part of this project?

NA



Huerfano County Land Use and Building Department

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

How is rezoning consistent with goals, objectives and policies contained in the Comprehensive Plan Or Other Adopted Planning Documents? NA

Explain how land proposed for rezoning or adjacent land has changed or is changing to a degree that it is in the public interest to encourage different densities or uses within the land in question: Property is adjacent to the interstate and the City of Walsenburg, but not immediately near housing.

What demonstrated community need or service would this rezoning provide? Job Creation, making a non-conforming parcel conforming

Applicant's Phone Number (if different from above or enter N/A) 7197381220 x111

Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property. Vacant

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

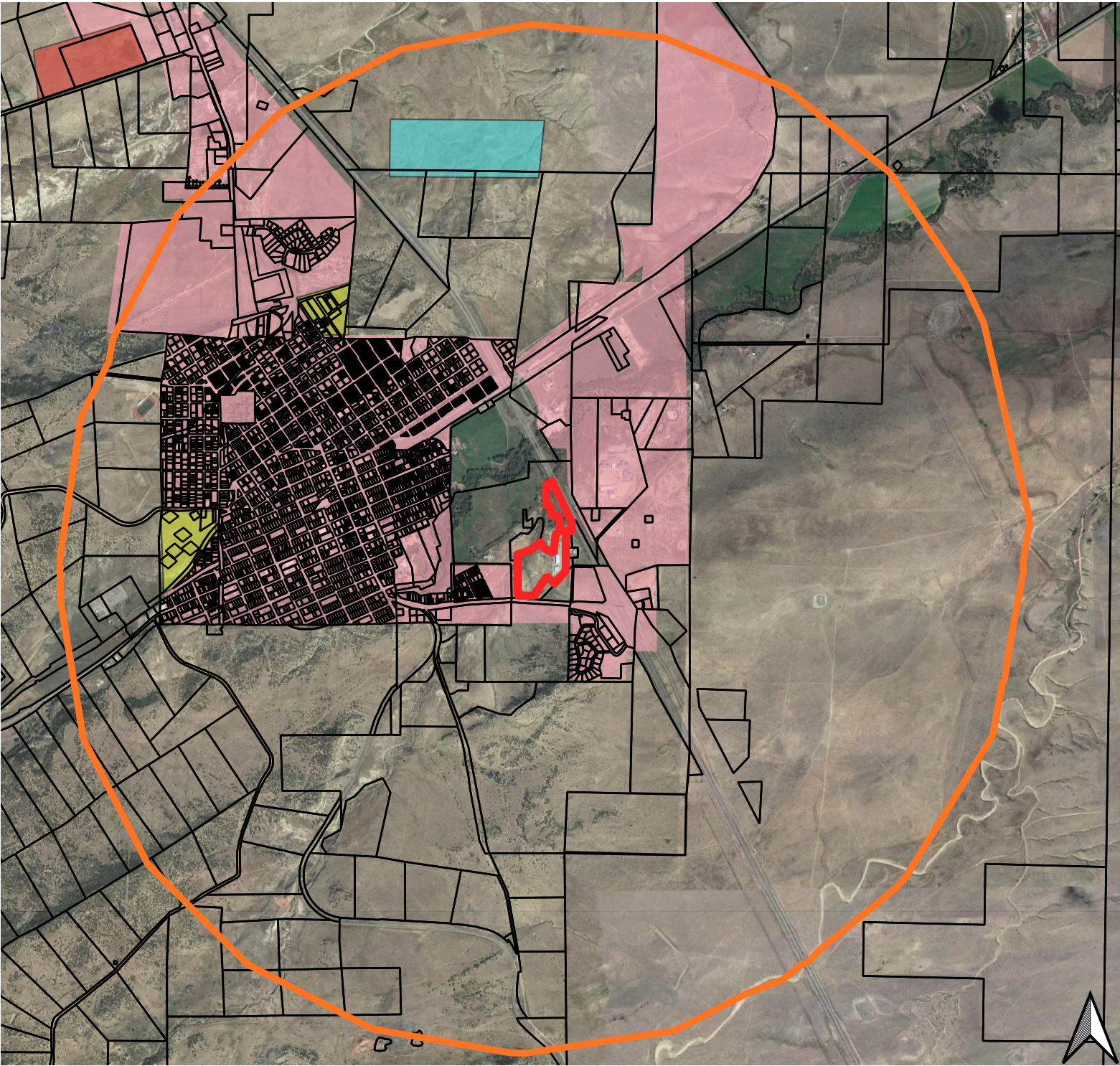
Are there slopes in excess of 20% in the project area? No

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

Will project require any state or federal permits? No

The Homeowner/Property Owner Associations (HOA/POA) in This List Require Their Approval Before Submitting This Application. If Your HOA/POA is in The List Please Upload The Approval Letter. 1-MY HOA/POA IS NOT LISTED

Additional details that will help us understand and evaluate your project This application is for both a rezoning and a plat amendment.



Vicinity Map

Item 5a.

2-mile radius around Parcel No. 10635

Submitted by Huerfano County as part of an application for a rezoning and plat amendment.

Parcel 10635

2-mile Buffer

Parcels

zoning

COMMERCIAL - SERVICE

INDUSTRIAL

URBAN RESIDENTIAL

Walsenburg city limits

Google Satellite

0

2,500

5,000 ft

19



Huerfano County Land Use Department
Rezoning and Plat Amendment
Bear Creek Parcel 10635

The proposed truck driving school will involve a driving track and a small structure to serve as a classroom.

Water Plan:

The water plan for the proposed truck driving school will involve trucking water to a cistern with a tap in the classroom structure.

Quantity?

Wastewater Plan:

A septic system will be installed to handle wastewater from the school.

A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.

Dust from the driving tracks will be suppressed with water and the application of Magnesium Chloride.

The Applicant does not foresee any other hazards resulting from this project.

A description of any critical wildlife habitat and migration corridors and unique natural features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.

Applicant is not aware of any wildlife habitat or migration corridors at this site.

A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.

Applicant is not aware of any floodplains or steep slope in the area to be rezoned.

Sincerely,

Carlton Croft

Huerfano County Director of Economic Development

THIS DEED, Made March 13, 1998, between Joe Mario Amedei aka Joe M. Amedei

of the said County of **Huerfano** and State of, grantor, and San Isabel Electric Association, Inc.

whose legal address is **c/o Sisto Mazza**
314 W. Main St.
Trinidad, co 81082

of the said County of **Huerfano** and State of, grantee:

WITNESS, that the grantor, for and in consideration of the sum of **Ten Thousand Three Hundred Twenty dollars and Zero cents**; the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of **Huerfano** and State of **Colorado** described as follows:

**See Exhibit A attached hereto
as known by street and number as:**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and 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 heritaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantees, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, 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:

The grantor shall and will WARRANTY AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

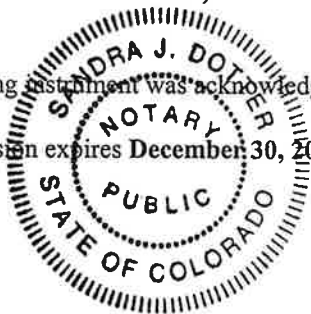
Joe M. Amedei aka Joe Mario Amedei
Joe M. Amedei aka Joe Mario Amedei

County of **Huerfano**)
) ss.
State of **Colorado**)

The foregoing instrument was acknowledged before me **March 18, 1998** by **Joe Mario Amedei aka Joe M. Amedei**

My commission expires **December 30, 2000**. Witness my hand and official seal

Sandra J. Dotter Notary Public



333002 03/18/1998 12:55P WD

1 of 2 R 11.00 D 10.32 N 0.00 Huerfano Co.J Benin

Exhibit A

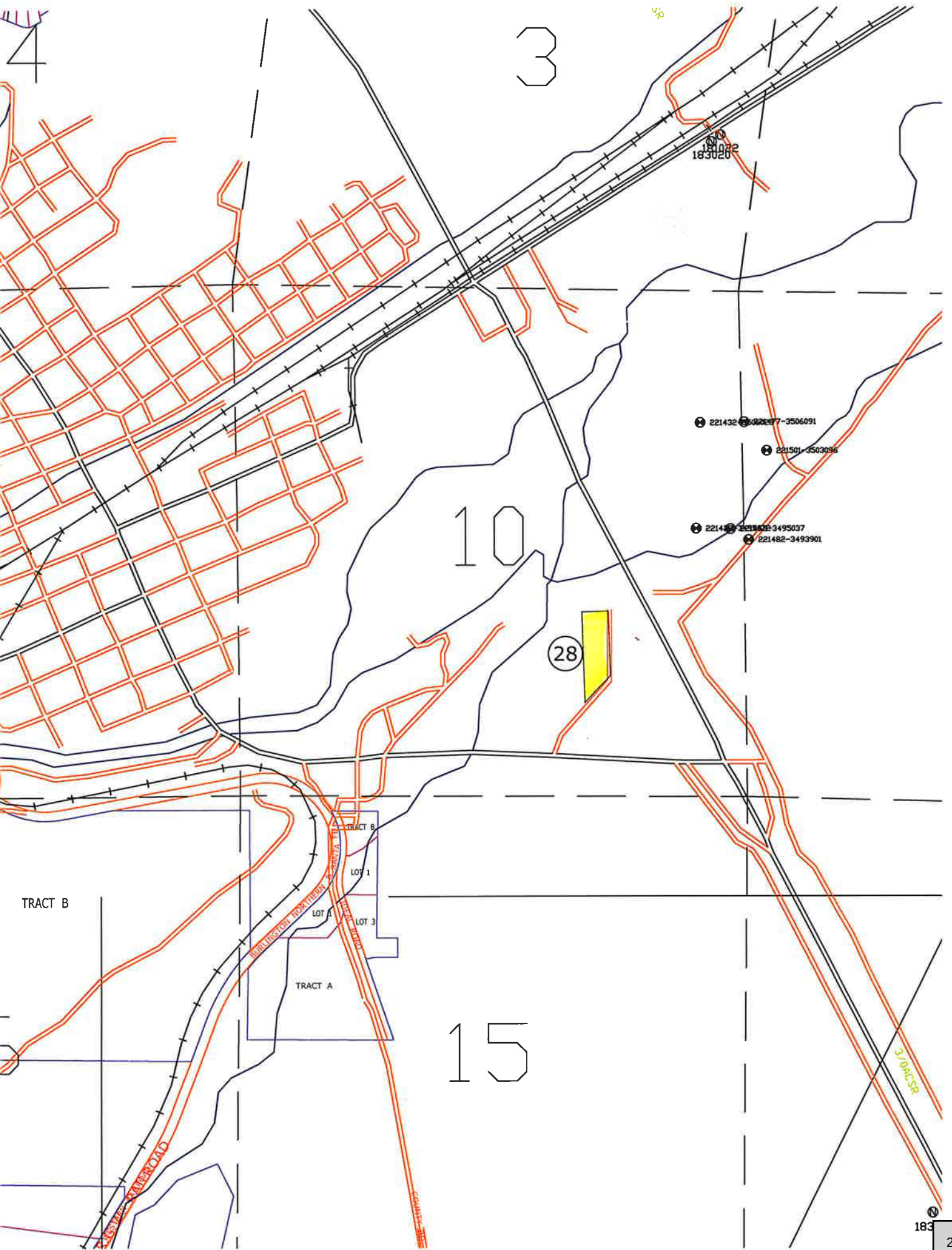
A parcel of land being a portion of the SE $\frac{1}{4}$ of Section 10, Township 28 South, Range 66 West of the 6th P.M., County of Huerfano, State of Colorado, being more particularly described as follows:

Beginning at a point from which the S $\frac{1}{4}$ corner of said Section 10 bears S44°38'34"W (bearings based on the South line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10, monumented at the East end with a 2" iron pipe with a 2 $\frac{1}{2}$ " brass cap P.L.S. No. 6532 and on the West end with a 2" iron pipe with a 2" brass cap, assumed to bear S89°37'40"W), a distance of 1356.33 feet; thence N02°02'45"W, a distance of 946.59 feet; thence N87°57'12"E, a distance of 277.24 feet; thence S02°02'44"E, a distance of 676.09 feet; thence S43°39'33"W, a distance of 387.34 feet to the point of beginning.

Said parcel contains 5.16 acres more or less.



333002 03/18/1998 12:55P WD
2 of 2 R 11.00 D 10.32 N 0.00 Huerfano Co.J Benin





Huerfano County Land Use Department

The Huerfano County Economic Development is requesting a rezoning and a plat amendment on the property known as Bear Creek (Parcel Number 10635) located at County Road 301 #520, just north of the I-25 Business Route. from Agricultural to Industrial. The Rezoning is to change the zoning from Agricultural to Industrial; the Plat Amendment is to divide the parcel to enable San Isabel to give a portion to the County.

We have a truck driving school, Springs Truck Driving School, that wants to move into Huerfano County and offer their classes. This would be a great addition to the educational and career opportunities offered here in Huerfano County.

San Isabel Electric has offered Huerfano County Economic Development 21.89 acres on the west side of their 35-acre property on Bear Creek, which the County will use to host a Truck Driving School.

The property is located near the City of Walsenburg and major transportation routes and separated from nearby residential development. Being close to a labor market and a major transportation route makes this an ideal location for an industrially zoned property. San Isabel owns an adjacent, 5-acre, non-conforming parcel, deeded to San Isabel Electric Association in 1998 (Reception No. 333002), on which warehouses have been build and which is being used for equipment storage, and including this parcel in the rezoning will make both the parcel and the existing use conforming.

Getting a trucking driving school is very important to Huerfano County Economic Development's overall plans for improving the economy of Huerfano County and greatly appreciate your consideration.

Sincerely,

Carlton Croft

Huerfano County Director of Economic Development



COLORADO
Division of Water Resources
 Department of Natural Resources
 Water Division 2 - Main Office

May 30, 2023

Huerfano County Land Use Director / Sky Tallman
 Huerfano County Land Use Department
 401 Main St., Suite 304
 Walsenburg, Colorado 81089

Re: **LU 23-005 / Industrial Park / Bear Creek Parcel 10635**

Dear Mr. Tallman,

This is provided as a courtesy comment as this proposal does not involve a subdivision requiring comment by the State Engineer's Office pursuant to C.R.S. 30-28-101(10)(a). Therefore, pursuant to the State Engineer's March 4, 2005 memorandum to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The submittal indicates the above-proposed Zoning change from agricultural to industrial upon Huerfano County Parcel 10635, also being known and designated as County Road 301 #520, Walsenburg, Colorado, to allow Huerfano County Economic Development to obtain approximately 21.89 acres of land from San Isabel Electric for the purposes of establishing the operations of Springs Truck Driving School, as depicted by Parcels A and B upon the furnished *Plat Amendment for San Isabel Electric Association*.

History:

According to our records, there are no registered groundwater wells upon the affected parcel.

Compliance:

According to the submittal, this action does not involve expanded or changed use of ground or surface water. Applicants intend to provide hauled water via a cistern system to meet the usage requirements of the proposed school. Therefore, the Division of Water Resources does not have additional comments to provide to the county regarding the proposed action at this time nor recommend disapproval of this application.

Please contact me with questions or concerns by email at ivan.valles@state.co.us

Sincerely,

Ivan G. Valles Digitally signed by Ivan G. Valles
 Date: 2023.05.31 08:25:08 -06'00'

Ivan Valles
 Water Data Analyst, Water Division 2

ECC: Bethany Arnold, P.E., Assistant Division Engineer - Division 2





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.

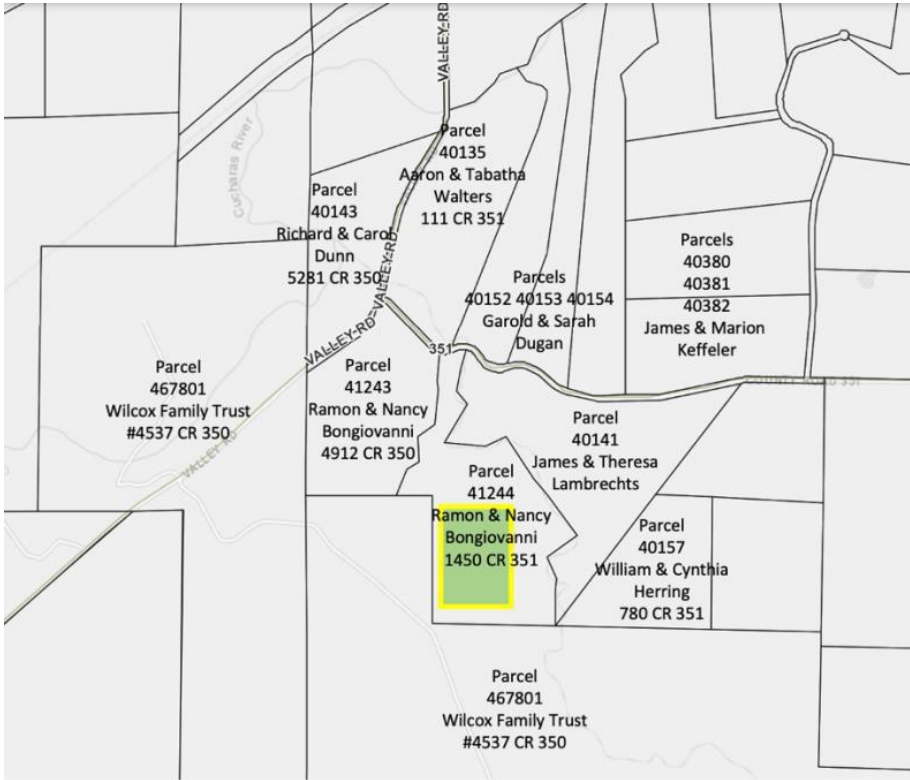
Code References

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.

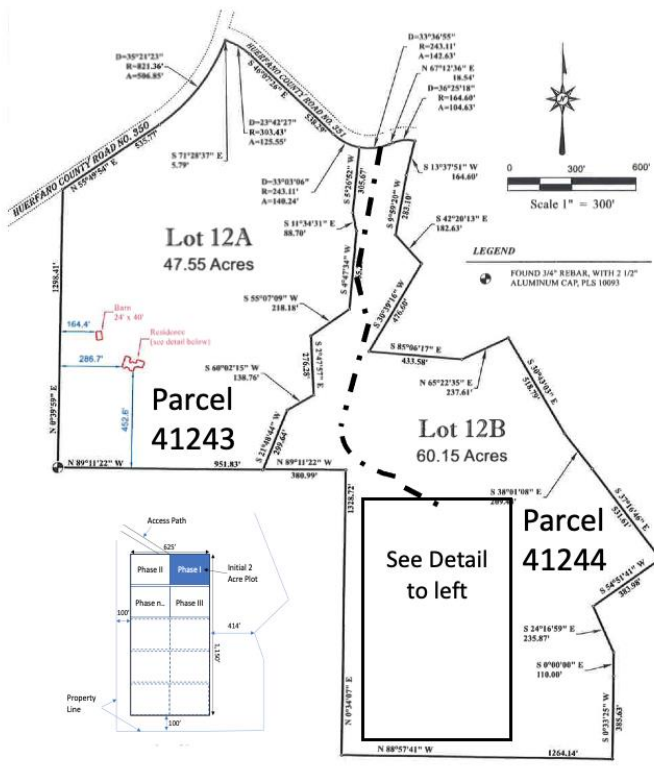
There are 2 nearby homes (in addition to one owned by the applicant), one more than a half-mile away, and the other out of sight. The home on parcel 40157 is approximately 1,500 ft from the proposed burial site; the home on parcel 41243 (4912 CR 350) is approximately 1,300 ft from the proposed burial site and owned by the applicant. There are three other homes within ½ 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:
 - Excavations will be done quickly while materials are being buried – not to exceed two weeks at a time (weather dependent).
 - 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

**Letter of Intent
Woodstone Holdings, LLC**

Huerfano County Carbon Sequestration Project

22 May, 2023

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INTRODUCTION

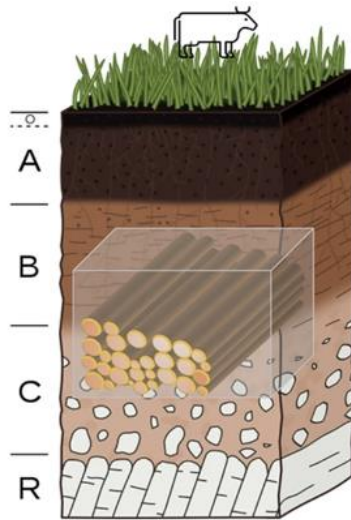
Ray Bongiovanni of Woodstone Holdings, LLC, in cooperation with Serge Bushman of Wood Cache PBC a Kansas company, propose to bury raw, untreated wood in a series of pits on approximately 17 acres of Parcel 41244 to sequester carbon as a commercial project. We own the property as well as the neighboring 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'; CH₄ 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.

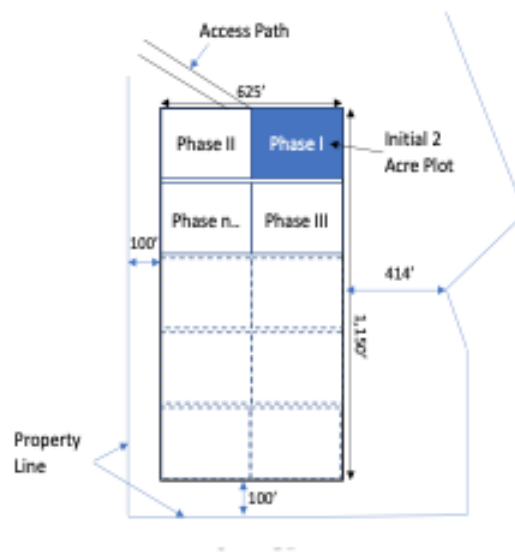


Figure 2: WCSP Facility Phase Breakdown

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.

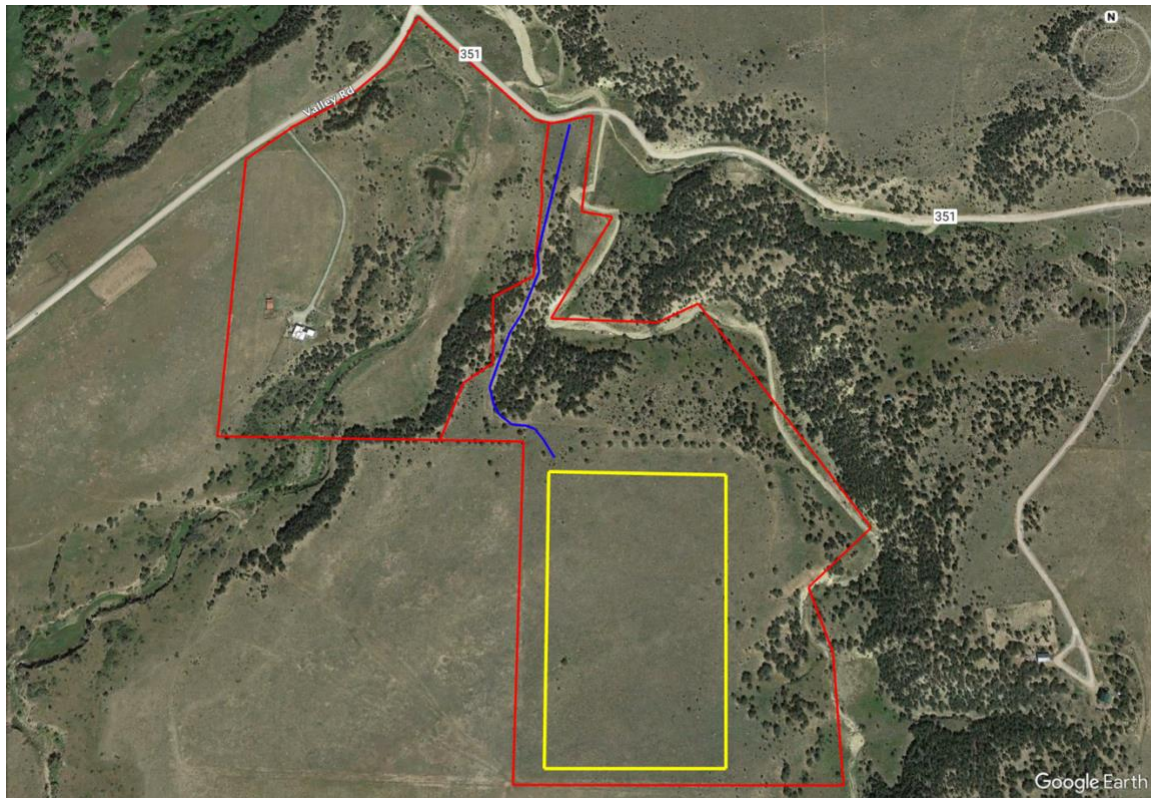


Figure 3: Parcels 41244 & 41243 with HCCSP Facility perimeter (yellow) and access path (blue)

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.

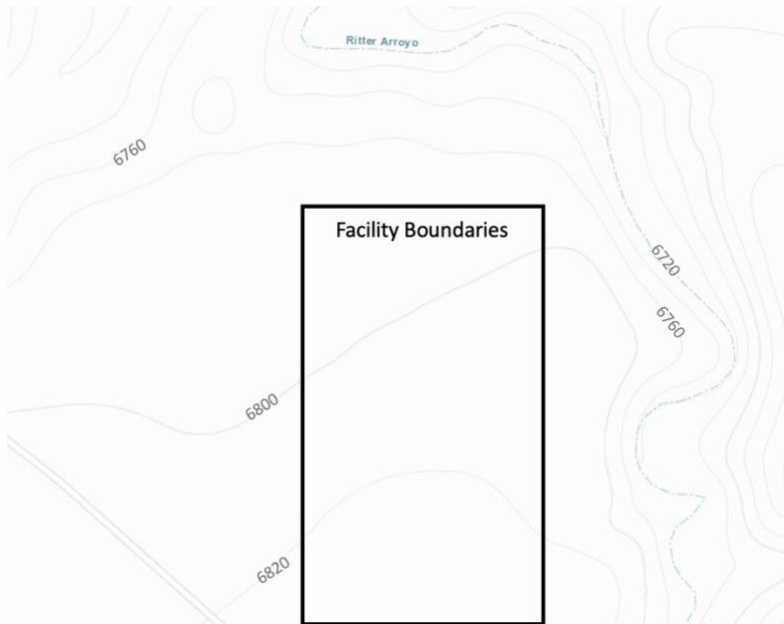


Figure 4: Topography showing slope to Northwest and North and East

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

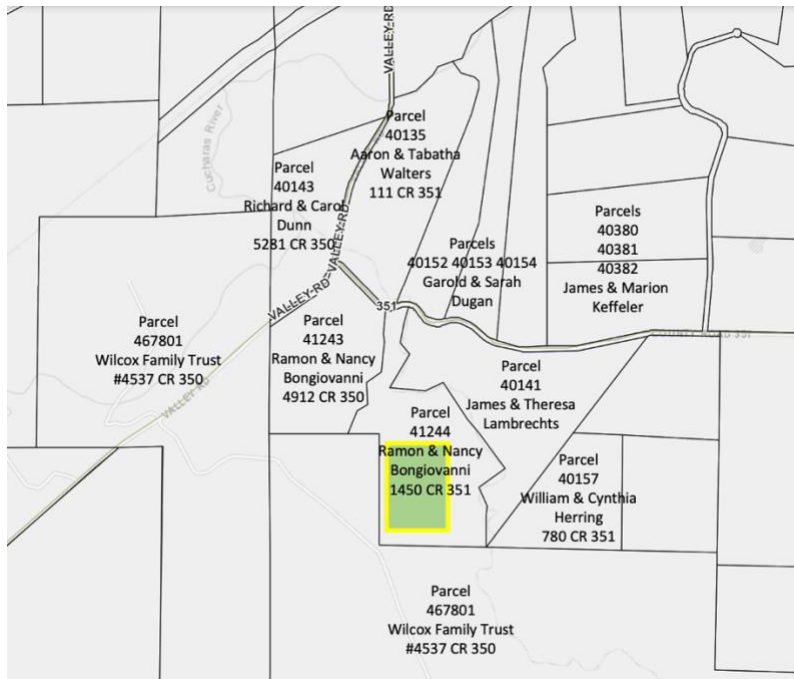
LIST OF ADDITIONAL PERMITS/APPROVALS (LOCAL, STATE OR FEDERAL) REQUIRED TO BRING ABOUT THE PROPOSED LAND USE AND STATUS OF

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 CO₂e 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...).

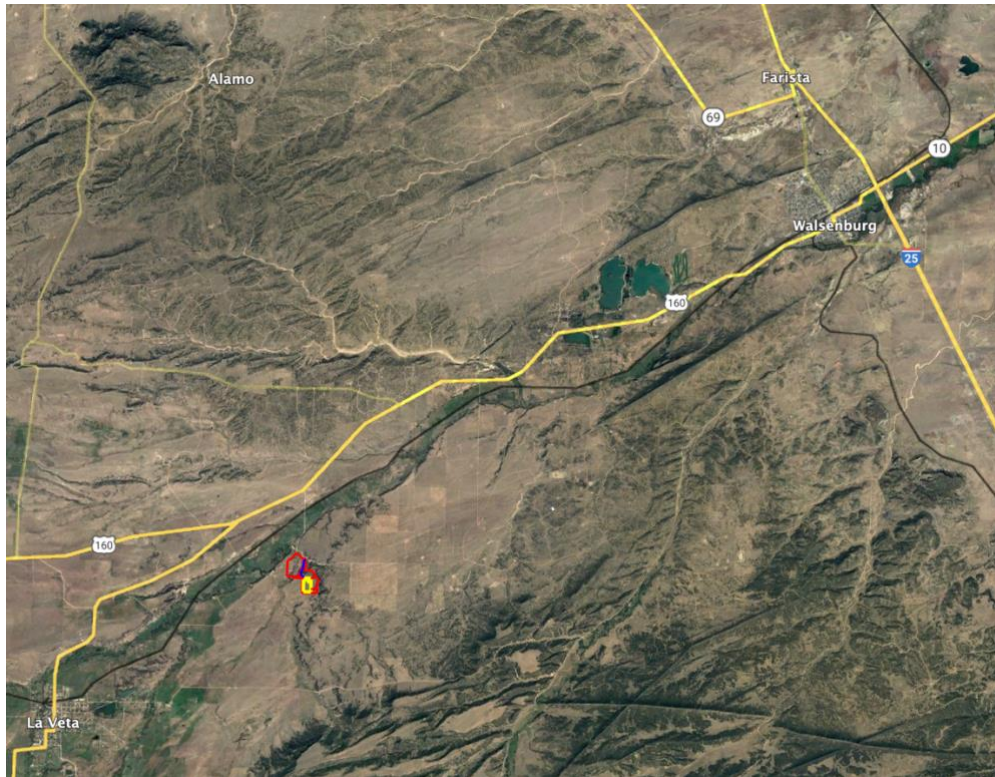
If methanogenic causes are found, appropriate remedial action will be taken to inhibit methane production. Primarily, modifications/reinforcement of the chamber.

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

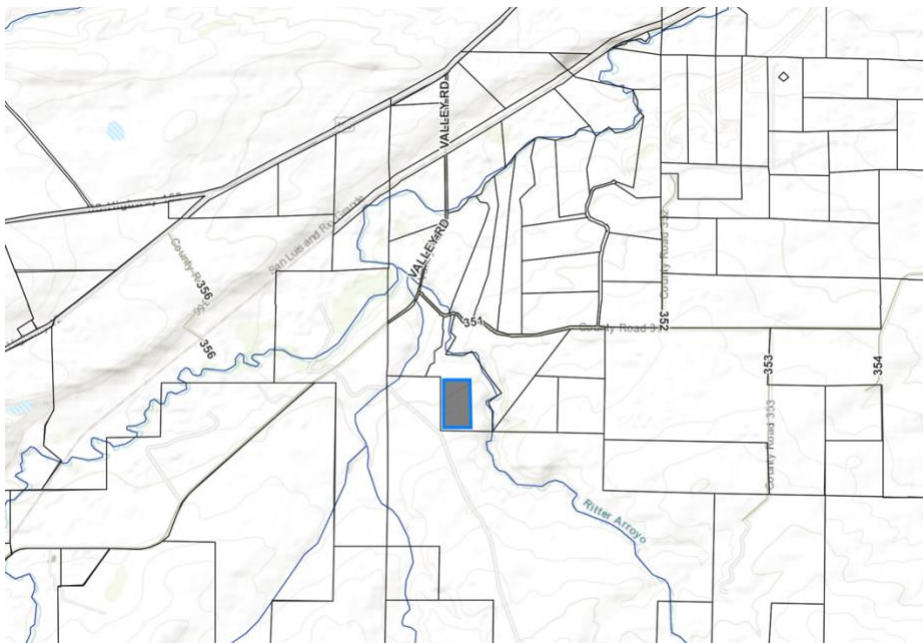
The technology to manage biogas is relatively simple. Dispersed, perforated tubes are sent down into the chambers to collect gas, which is piped to a central collection area where it can be vented or flared. Better still, it can be compressed and purified for use as fuel in generators or garbage trucks,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



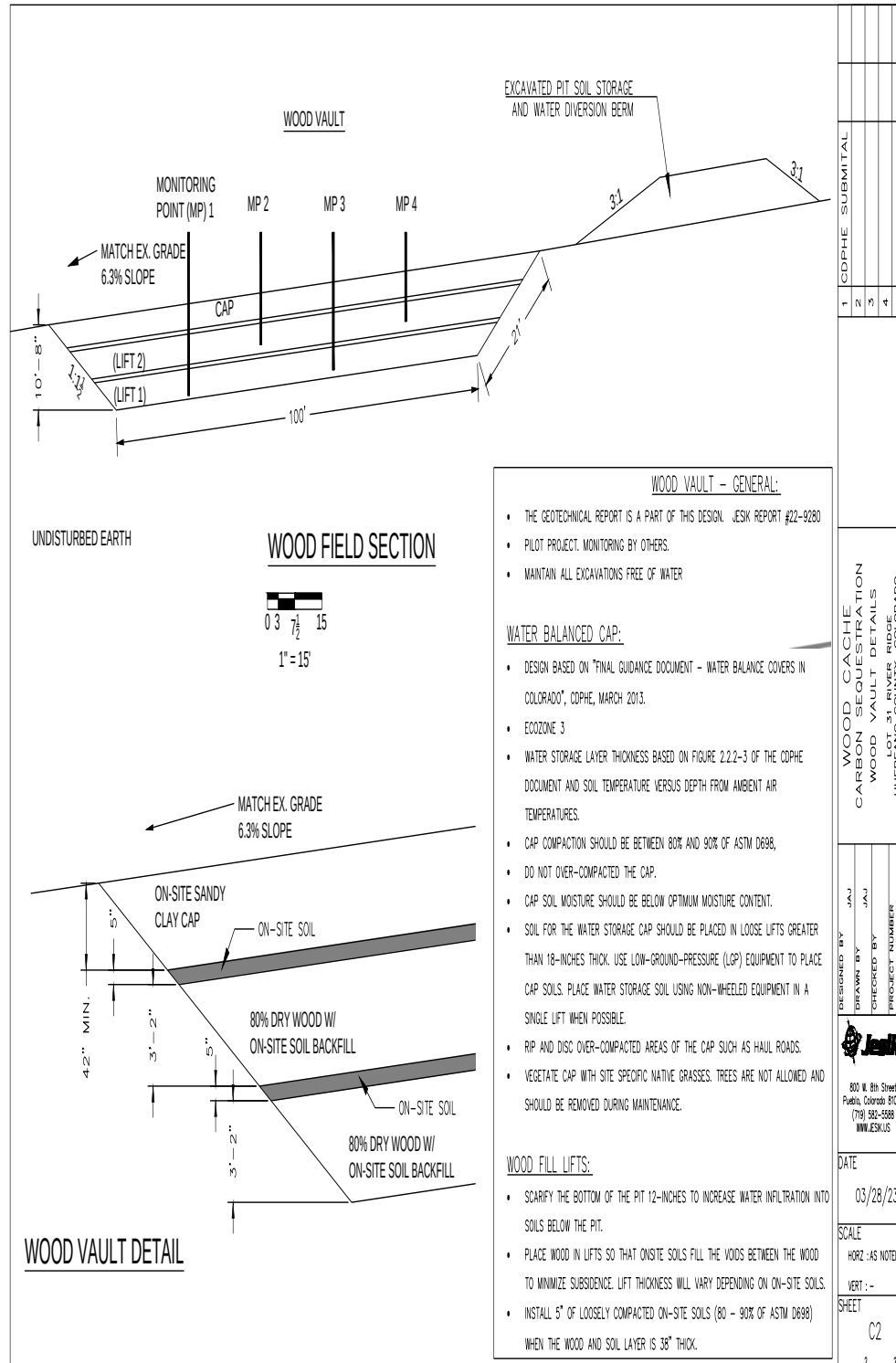
Location of Site between Walsenburg and La Veta, Colorado



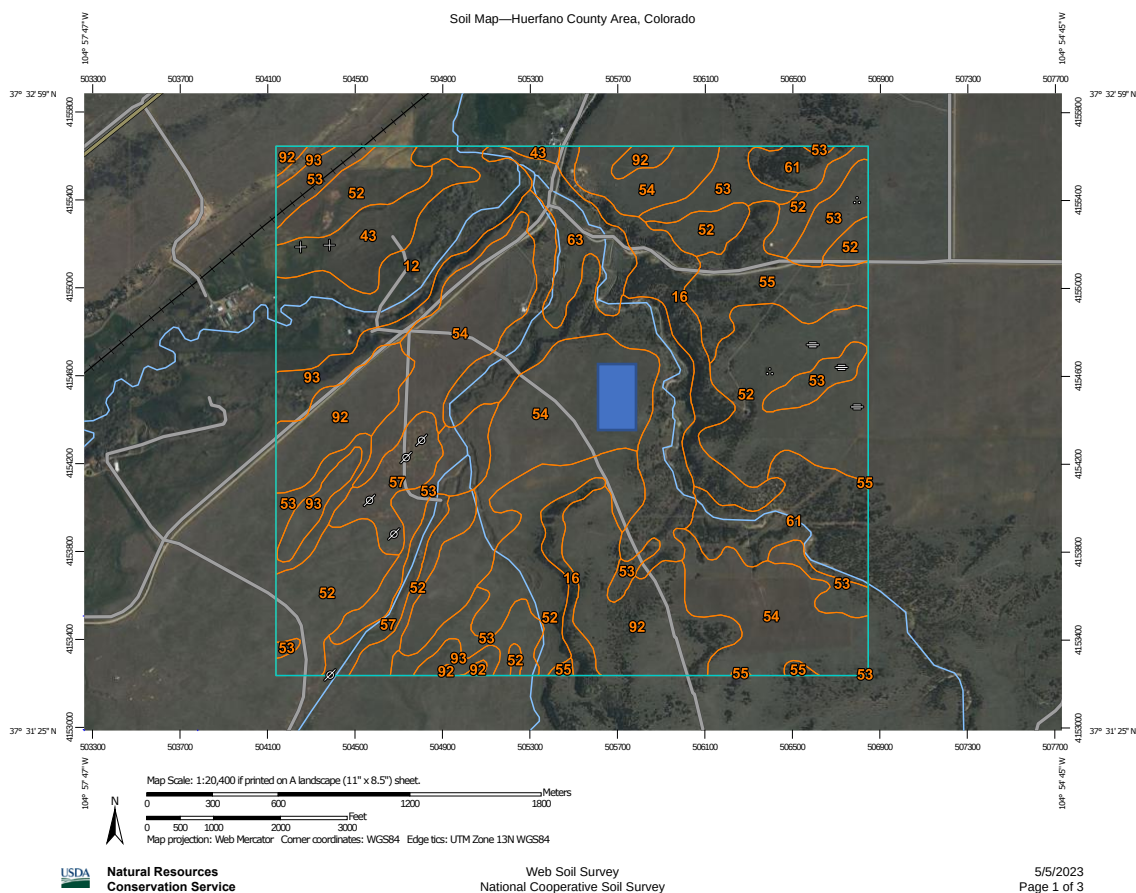
Location within Cucharas River Estates with County Roads

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%
Totals for Area of Interest		1,618.5	100.0%

Map Unit Description: Noden loam, 1 to 9 percent slopes---Huerfano County Area, Colorado

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

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

WARRANTY DEED

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 LOT 12, CUCHARAS RIVER ESTATES, according to the Map recorded March 27, 2000 under Recaption No. 243588 as Map No. 17-5-384, Plat Map No. 375, recorded May 24, 1996 at Recaption No. 324409, and Map 402, recorded October 23, 1997 at Recaption 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

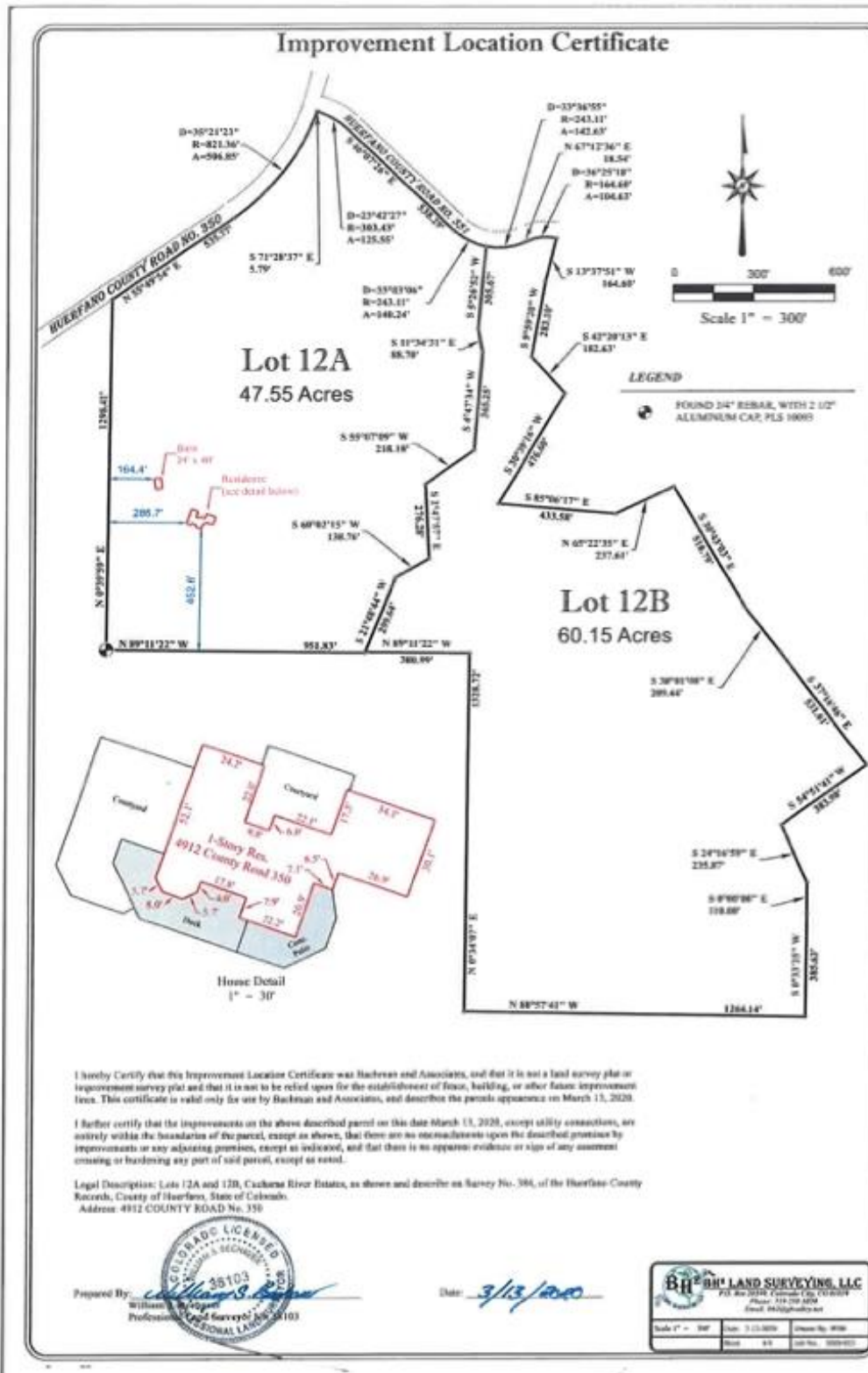
LAKESHA SHEMON COX
Electronic Notary Public
Commonwealth of Virginia
Registration No. 7884662
My Commission Expires Jul 31, 2024

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

Stewart Title File No.: 1935279
Statutory Warranty Deed 621 JT CO

Page 1 of 1

NotaryCam Doc ID: 6785024-679436743356d6305f49259



APPENDIX 6 LETTER OF SUPPORT FROM US FOREST SERVICE

 United States Department of Agriculture	Forest Service	Pike and San Isabel National Forests Cimarron and Comanche National Grasslands	San Carlos Ranger District 3028 E. Main Canon City, CO 81212 (719) 269-8500 Fax (719) 269-8719 www.fs.fed.us/r2/psicc
--	---------------------------	---	--

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



**This property is subject to an Environmental Covenant held by the
Colorado Department of Public Health and Environment pursuant to
section 25-15-321, Colorado Revised Statutes**

ENVIRONMENTAL COVENANT

Ramon Bongiovanni and Nancy Bongiovanni (“**Owner**”) grant an Environmental Covenant (“Covenant”) this [REDACTED] day of [REDACTED], 2023 to the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment (“the Department”) pursuant to § 25-15-321 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.*, C.R.S.

WHEREAS, Ramon Bongiovanni and Nancy Bongiovanni are the owners of certain property commonly referred to as the Lot 30 River Ridge Ranch, located in the NW1/4 of Section 2, Township 20 South, Range 67 West of the 6th P.M. in Huerfano County, State of Colorado, and as shown in **Attachment A**, attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to as “the Property”); and

WHEREAS, Owner has executed a separate Easement Agreement with Wood Cache Completion Corp, a Kansas for Profit Corporation, whose street address is 80127 W. 145th Street, Overland Park, KS 66223 (“Operator”) recorded with the Huerfano County Clerk and Recorder at Reception No. [REDACTED] that permits Operator to construct and maintain a wood preservation project on the Property for purposes of generating carbon dioxide removal certificates/credits (“CORCs”).

WHEREAS, the Easement Agreement between Owner and Operator requires that Owner accept a restrictive covenant on the Property to facilitate the construction and operation of the wood preservation project in exchange for Operator accepting all ongoing responsibilities associated with the wood preservation project including any responsibilities under this Environmental Covenant not expressly assigned to Owner under the terms of the Easement Agreement.

WHEREAS, Operator will construct a wood preservation pit on the Property (“Preservation Pit”) in which Operator will bury wood that will be covered and maintained so as to reduce the production of carbon dioxide. The Preservation Pit is shown on **Attachment B** as the “Wood Vault.”

WHEREAS, the Department, which is located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, is authorized to approve Environmental Covenants pursuant to § 25-15-320 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.*, C.R.S.; and

WHEREAS, for purposes of indexing in the County Clerk and Recorder’s office Grantor-Grantee index only, Ramon Bongiovanni and Nancy Bongiovanni shall be considered the **Grantor**, and the Colorado Department of Public Health and Environment shall be

considered the **Grantee**. Nothing in the preceding sentence shall be construed to create or transfer any right, title or interest in the Property; and

WHEREAS, [COMPLIANCE ORDER NO., PLAN NAME, ETC.], the Property is the subject of enforcement and remedial action pursuant to the [INSERT NAME AND CITATION OF APPLICABLE LAW OR LAWS, e.g., *Colorado Hazardous Waste Act, § 25-15-301, et. seq. ("CHWA")*, the *Resource Conservation and Recovery Act, 42 U.S.C. § § 6926, et. seq. ("RCRA")*, the *Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § § 9601, et seq. ("CERCLA")*, the *Solid Waste Disposal Sites and Facilities Act, § 30-20-101, et seq., etc.*]; and

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by limiting access to and use of the Property as further detailed herein; and

WHEREAS, Owner desires to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind Owner and Operator and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein, for the benefit of the Department. Owner, and Operator as described herein.

NOW, THEREFORE, Owner hereby grants this Environmental Covenant to the Department with Operator as a third party beneficiary and declares that the Property as described in Attachment A shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraphs 1 through 12, below, which shall run with the Property in perpetuity and be binding on Owner and Operator and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein. As used in this Environmental Covenant, the term Owner means the then current record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

1) Use restrictions.

- a) Activities that may damage the cover for the Preservation Pit are prohibited. Such activities include, but are not limited to digging, drilling, tilling, grading, excavation, use as an athletic field, and vehicular traffic. However, grazing is permitted.
- b) Irrigation of the cover is prohibited, except as approved by the Department [in a _____ plan].
- c) Owner and Operator shall comply with all provisions of the approved monitoring and maintenance plan for the Property on file with the Department at [insert file ref #].
- d) No enclosed structures may be built or placed on the cover.
- e) Construction or maintenance of any standing body of water on the Property, including any pond or storm water retention basin, is prohibited within 150 feet of the Preservation Pit.
- f) Nothing in this Environmental Covenant shall prohibit the installation or use of

monitoring or remedial wells.

- g) Nothing in this Environmental Covenant shall prohibit the installation or use of a domestic use well that serves residential buildings on the Property, so long as the well it is not constructed within 150 feet of the Preservation Pit.
 - h) Nothing in this agreement shall prohibit the development of the Property or the construction of buildings on the Property so long as Owner and Operator comply with the terms of the Environmental Covenant.
- 2) Modifications. This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. Owner or Operator may request that the Department approve a modification or termination of the Covenant. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Covenant will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Covenant shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:
- a) a proposal to perform additional remedial work;
 - b) new information regarding the risks posed by the residual contamination;
 - c) information demonstrating that residual contamination has diminished;
 - d) information demonstrating that an engineered feature or structure is no longer necessary;
 - e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
 - f) other appropriate supporting information.
- 3) Conveyances. Owner or Operator shall notify the Department at least fifteen (15) days in advance of the closing on any proposed sale or other conveyance of any interest in any or all of the Property. Within thirty (30) days after any such conveyance, Owner or Operator shall provide the Department with the name, mailing address and telephone number of the new Owner.
- 4) Notice to Lessees. Owner agrees to incorporate either in full or by reference the restrictions of this Covenant in any leases, licenses, or other instruments granting a right to use the Property.
- 5) Notification for proposed construction and land use. Owner shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use.
- 6) Inspections. The Department, including its authorized employees, agents, representatives and independent contractors, shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Covenant.

- 7) Third Party Beneficiary. Owner of the Property and Operator are third party beneficiaries with the right to enforce the provisions of this Covenant as provided in § 25-15-322, C.R.S.
- 8) No Liability. The Department does not acquire any liability under State law by virtue of accepting this Covenant.
- 9) Enforcement. The Department may enforce the terms of this Covenant pursuant to § 25-15-322, C.R.S. against Owner and Operator may file suit in district court to enjoin actual or threatened violations of this Covenant.
- 10) Owner's Compliance Certification. Owner or Operator shall execute and return a certification form provided by the Department, on an annual basis, detailing Owner and Operator's compliance, and any lack of compliance, with the terms of this Covenant.
- 11) Severability. If any part of this Covenant shall be decreed to be invalid by any court of competent jurisdiction, all of the other provisions hereof shall not be affected thereby and shall remain in full force and effect.
- 12) Notices. Any document or communication required under this Covenant shall be sent or directed to:

FOR DEPARTMENT

[appropriate Project manager, Program manager, or Unit leader]
 Hazardous Materials and Waste Management Division
 Colorado Department of Public Health and the Environment
 4300 Cherry Creek Drive South
 Denver, Colorado 80246-1530

FOR OWNER

Ramon Bongiovanni and Nancy Bongiovanni
 4912 County Road 350
 La Veta, Co. 81055
raybon02@swbell.net

FOR OPERATOR

Wood Cache Completion Corp
 c/o Serge Bushman
 80127 W. 145th Street,
 Overland Park, KS 66223
serge.bushman@gmail.com

- 13) Subdivision of Property. At least 90 days prior to any subdivision of the Property, Owner shall submit a plan addressing the certification of compliance set forth in paragraph (10) of this Covenant. The plan may provide for contractual assignment of such obligations to, and

assumption of such obligations by, a property management entity charged with managing the Property (including but not limited to a homeowner's association of multiple owners). The Department shall approve the plan if it determines that the plan reasonably will ensure continued compliance with the requirements of this Covenant. Any Department notice of disapproval shall include the Department's rationale for its decision, including any additional information or changes to the plan that the Department requires before the plan can be approved. Any appeal of a Department notice of disapproval shall be taken in accordance with section 25-15-305(2), C.R.S. If Owner fails to obtain approval of such plan prior to subdividing the Property, the owner of each subdivided parcel shall be responsible for certifying its own compliance with the restrictions set forth in paragraph (1) of this Covenant.

OWNER

OPERATOR

 Ramon Bongiovanni

 Serge Bushman, Managing Member
 Wood Cache Completion Corp, a Kansas for
 Profit Corporation

 Nancy Bongiovanni

Accepted by the Colorado Department of Public Health and Environment this ____ day of _____, 2023.

By: _____

Title: _____

STATE OF COLORADO)
)ss
 COUNTY OF _____)

The foregoing was acknowledged to me this _____ day of _____, 2023 by Ramon Bongiovanni.

Witness my hand and official seal.

My commission expires:

 Notary Public

STATE OF COLORADO)
)ss
 COUNTY OF _____)

The foregoing was acknowledged to me this _____ day of _____, 2023 by Nancy Bongiovanni.

Witness my hand and official seal.

My commission expires:

 Notary Public

STATE OF _____)
)ss
 COUNTY OF _____)

The foregoing was acknowledged to me this _____ day of _____, 2023 by Serge Bushman as Managing Member of Wood Cache Completion Corp, a Kansas for Profit Corporation.

Witness my hand and official seal.

My commission expires:

 Notary Public

STATE OF _____)
)ss
COUNTY OF _____)

The foregoing was acknowledged to me this _____ day of _____, 2023 by _____ on behalf of the Colorado Department of Public Health and Environment.

Witness my hand and official seal.

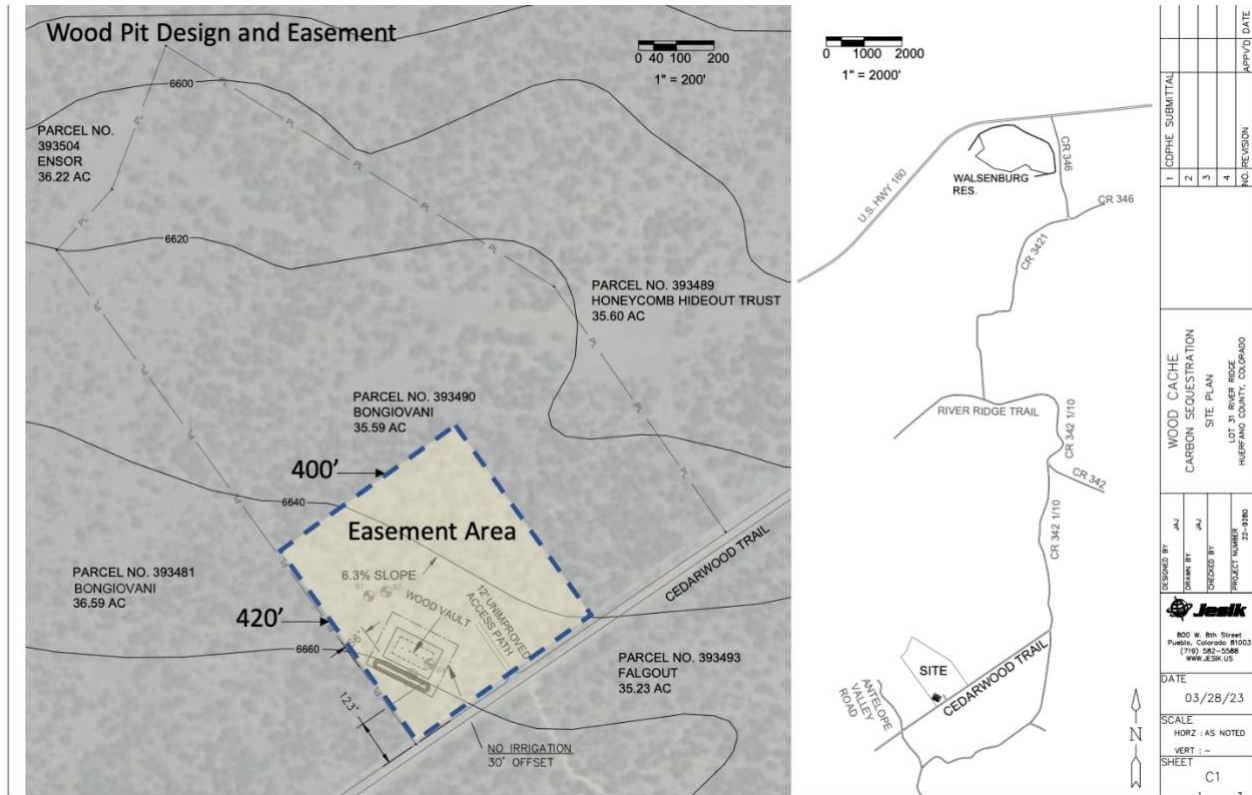
My commission expires:

Notary Public

EXHIBIT A
to the
ENVIRONMENTAL COVENANT



EXHIBIT B **to the** **ENVIRONMENTAL COVENANT**



Supplemental Information Requested by County

1. Bonding - Question is what type of Bond will be posted and for what amount?

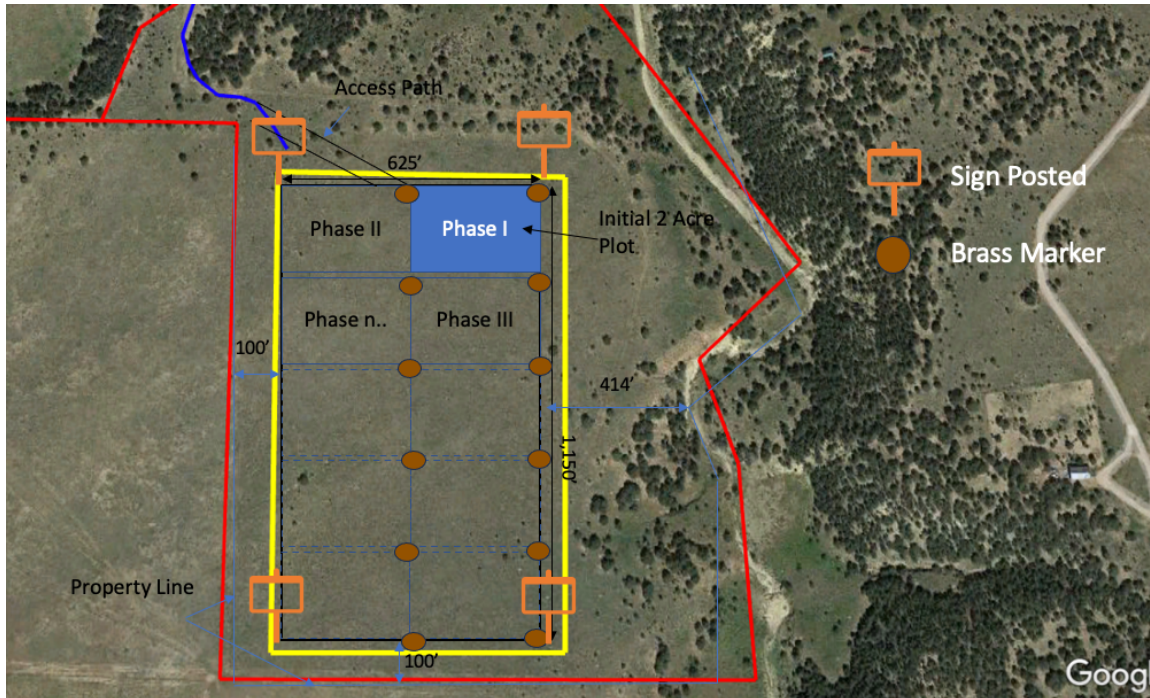
We will be posting Surety Bonds that will increase in value as the Phases of the facility progress. As we see worst-case remediation costs to be the re-excavation of the site, removal of the wood and restoration of the land, the Bond's value will increase as more wood is buried.

We are awaiting more detailed quotes for Excavation and Burial. We expect removal to be approximately 80% of burial. Prior to start of each Phase a bond will be purchased or expanded by 80% of the Burial costs. The full value of the Bond would be approximately \$TBDK at completion if all phases are completed.

2. Monumenting - Describe in Greater detail how the facility will be Monumented

The final, post-closure design for the Facility does not anticipate Fencing so as to return the land to its original use of grazing. However, we will post signs at the corners of the facility stating that it is a Wood Preservation Site and subject to limited uses as prescribed by the State. We will likely include an Internet link or QR Code that can be used to find greater details.

In addition, each of the Phases' pits will be monumented using Brass Markers in a single corner, likely NE, which will be geolocated, used as the original reference point for each pit whose size and location will be documented in the final as-built plot to be filed with the County as per the following:



3. Details on the covenant - Provide example Covenant.

Example Covenant based on earlier project is provided as a separate file.

4. Groundwater conditions and how this project may impact it.

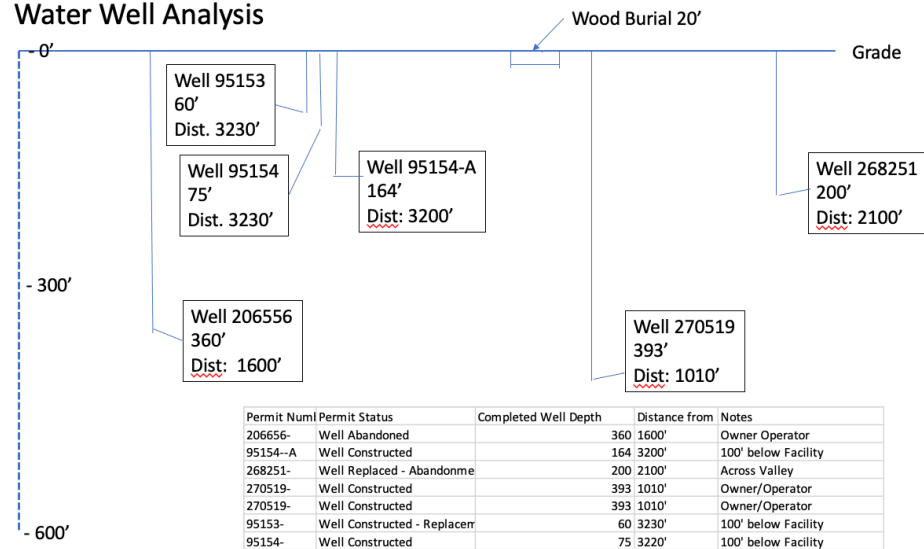
Per an earlier note: Brown stated that he would like to see a report on water table depth and whether this project has the potential to impact the water table downstream.

Below is a water well analysis like one presented to the State in our earlier application. Burial depth is 20' maximum with bedrock identified in 3 of 4 sites at less than 30'. Closest well is over 100' feet away (owned by the operator) and is 393' deep. Shallower wells within 3500' are 100' below facility grade to begin with and are near the Cuchara river 3000+' away.

Our facility/pit is designed specifically to keep water out of the storage area thus we do not expect any material leachate to escape the pit boundaries. Further, surface water will be directed away from the facility, irrigation will not be allowed per the Covenant with the state, so run-off will not be impacted by the buried wood which the State agrees is nontoxic in any case.

Below is a water-way analysis showing the proximity to the facility to each of the potential run-off sources. The facility is out of the 100 year flood plain positioned on a hill. Run-off paths are a substantial distance away which minimizes any potential for leachate reaching them. Again, wood is non-toxic. Methane production should be minimal and will be monitored regularly. If any risks are identified, mitigating actions will be taken.

Water Well Analysis



A) Distance to Ritter Arroyo SE – 538'



B) Distance to Ritter Arroyo NE – 423'



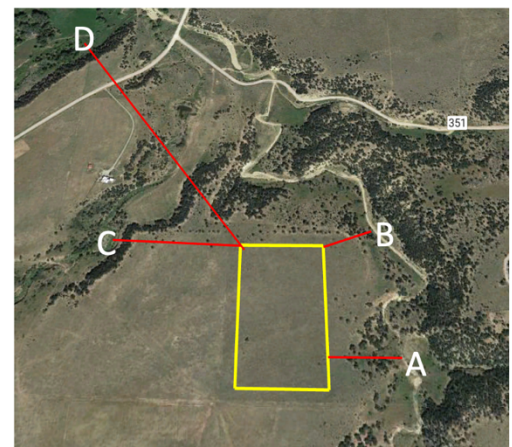
C) Distance to Drury Spring & Arroyo – 984'



D) Distance to Cucharas River – 2630'



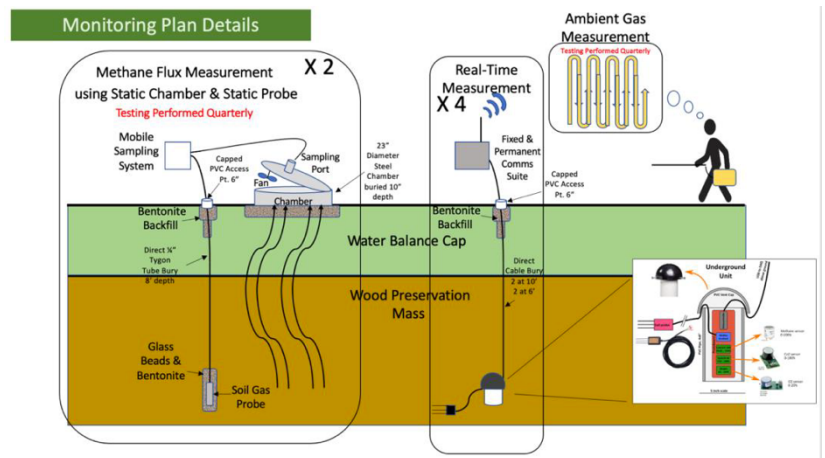
Run-off Analysis – to nearest waterways



5. What is the contingency for groundwater contamination?

We take groundwater contamination potential very seriously. However, we see it as an extremely unlikely scenario for 3 reasons:

- 1) The materials we are burying are natural, non-toxic and non-hazardous.
- 2) Our Pit cover and topographic design (i.e water balance cap (per State recommendations), berms and drainage paths) are specifically intended to prevent water from entering the wood chamber. Success in the project is a dry storage area.
- 3) We will be performing real-time monitoring of moisture conditions in the pit and will take mitigative actions long before leachate conditions could be reached. The graphic to the right shows the extent of monitoring that will be performed for 30 years or more.



In our submission to the State for approval, we also included a set of risks and mitigation activities that we would follow in the event of unplanned events. Those pertaining to water and moisture have been highlighted.

	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
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	the inherent slowness of woody mass decay, the immediate loss of the most desirable chamber

			moisture ingress and egress.	environmental conditions will not lead to immediate carbon release. Desired corrective measures should be implemented within 1 year.
9	Flood (for dry chamber designs)	Extremely low	If after careful site selection for slope and drainage moisture remains in dry-design Burial Chamber, mitigate as for risk 1 & 2	



Sky Tallman <stallman@huerfano.us>

Review Agency Comment - Wood Burial County Rd. 351 #01940 (Parcel Number 41244)

Lancaster - CDOT, Adam <adam.lancaster@state.co.us>
To: "stallman@huerfano.us" <stallman@huerfano.us>

Thu, Jun 1, 2023 at 6:54 AM

Sky Tallman

We are in receipt of the above-referenced development submittal. After review of the provided documents, CDOT Staff currently has **NO COMMENT** pertaining to this submittal.

CDOT requests the opportunity to review and comment on any future submissions relevant to this application.

Thank you

--

Adam Lancaster, PE
R2 Traffic & Safety
Permits Program Manager



719.469.3348

5615 Wills Blvd, Suite A, Pueblo, CO 81008

adam.lancaster@state.co.us | www.codot.gov/ | www.cotrip.org





COLORADO
Department of Public
Health & Environment

VIA EMAIL ONLY

June 1, 2023

Mr. Ray Bongiovanni
Woodstone Holdings, LLC
4912 County Road 350
La Veta, Colorado 81055

RE: CDPHE Comments: Closure and Post Closure Financial Plan
Walsenburg Carbon Sequestration Project, Huerfano County, Colorado
CDPHERM HAZ SW / Permitting / HRF17

Dear Mr. Bongiovanni:

The Colorado Department of Public Health and Environment (“CDPHE” or “Department”) Hazardous Materials and Waste Management Division (Division) received the following document in May 2023:

“Closure and Post Closure Financial Plan;” prepared by Woodstone Holdings, LLC (Woodstone); dated May 15, 2023; (referred to herein as the “Financial Plan”).

The Division reviewed the Financial Plan to determine its compliance with the Solid Waste Disposal Sites and Facilities Act, CRS 30-20-100.5 *et. seq.* (Act); the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 (Regulations); and the site’s Design & Operations Plan (D&O Plan), which has not been approved at the time of this letter. Based on its review, the Division has the following comments on the Financial Plan. The comments should be addressed and incorporated into a revised version of the Financial Plan, which should be submitted to the Division for review and approval.

- 1) Section 4.2 Closure Cost Estimates: Please update the Financial Plan to include a breakdown of the closure costs for the wood vault to support the spreadsheet attached to the Financial Plan. This breakdown should include unit costs for earthwork, burial of the wood waste, revegetation, etc. A bid from the contractor would be acceptable supporting documentation.
- 2) Section 4.3 Post-Closure Cost Estimates: Please update the text in this section do discuss the breakdown of the post-closure costs. It is unclear what will be included in the “infrastructure” and “insurance” costs. Additionally, please be sure that the annual post-closure costs include some funds for repairing the final cover and vegetation over the vault.
- 3) Section 4.5 Revising Closure, Post-Closure, and Corrective Action Cost Estimates: Inflation costs do not need to be calculated in the spreadsheet attached to the Financial Plan. Costs for the entire 30-year period should be included (without inflation) in the spreadsheet attached to the Financial Plan. The 30-year costs will be updated annually per the Implicit Price Deflator for Gross National Product as published by the US Department of Commerce (as discussed in Section 4.5.1 of the Regulations). This will prevent inflation from being counted twice.



Please note that the Division's comments on the Financial Plan do not preclude Huerfano County from taking independent review action.

The Department is authorized to bill for its review of technical submittals at a rate of \$125 per hour pursuant to Section 1.7 of the solid waste regulations. An invoice for the Division's review of the Financial Plan will be transmitted under separate cover.

Should you have questions about this letter please contact me by phone at (720) 251-4841 or by email at sarah.foreman@state.co.us.

Sincerely,

 Digitally signed by Sarah
Foreman
Date: 2023.06.01
09:46:50 -06'00'

Sarah Foreman, PE
Solid Waste Permitting - Engineering Design Unit
Solid Waste and Materials Management Program
Hazardous Materials and Waste Management Division

ec: Sky Tallman - Huerfano County Land Use Director
Jill Parisi, PE - CDPHE Solid Waste Permitting - Engineering Design Unit Leader
Jerry Henderson - CDPHE Solid Waste Permitting - Groundwater & Environmental Unit Leader
Andy Jesik, PE - Jesik Consulting
Serge Bushman - Wood Cache PBC
Tanya Gray - CDPHE Financial Assurance Manager



Sky Tallman <stallman@huerfano.us>

Fwd: Occidental Petroleum (OXY) - Maintenance Operations

Dale Lyons <lgd@huerfano.us>

Tue, Jun 6, 2023 at 8:23 PM

To: "Andreatta, Arica" <aandreatta@huerfano.us>, Karl Sporleder <karl@huerfano.us>, Sky Tallman <stallman@huerfano.us>, "Young, Carl" <cyoung@huerfano.us>, "galusha, john" <john@huerfano.us>

----- Forwarded message -----

From: **Seastrom, Ryan A** <Ryan_Seastrom@oxy.com>

Date: Tue, Jun 6, 2023 at 16:18

Subject: Occidental Petroleum (OXY) - Maintenance Operations

To: lgd@huerfano.us <lgd@huerfano.us>CC: Joseph, Erin (Global Edge Group LLC) <Erin_Joseph@oxy.com>, Lytle, Andy <Andrew_Lytle@oxy.com>

Good afternoon, Dale,

I appreciated the opportunity to speak with you last week regarding some operations we will be conducting on Sheep Mountain at some existing locations of ours. As discussed, please see below for a summary of the work we will be doing. Please feel free to forward this to other departments as you see fit.

Kerr McGee Oil & Gas Onshore LP (KMOG), a subsidiary of OXY USA, Inc., will be conducting maintenance activities on two wells in Huerfano County with an anticipated start date towards the end of this June. The two wells are:

- Sheep Mountain Unit 5-15-O (API#: 05-055-06070)
- Sheep Mountain Unit 4-23-L (API#: 05-055-06314)

These activities will require a workover rig and a minimal amount of daily truck traffic which is estimated to consist of several pick-up trucks for crew transport, two water haulers, and one other contractor truck. A few semis will be used to bring water tanks to and from the location as well. Please note that daily traffic could slightly increase/decrease. As mentioned above, work is scheduled to start towards the end of June and is anticipated to take a total of 3-4 weeks.

There will be no additional land disturbance (grading, location expansion, etc.) to these existing locations and impact to the surrounding area/receptors will be minimal.

KMOG has reviewed the county's oil and gas regulations and does not believe these operations meet the definition of a modification as outlined. KMOG will file all appropriate permits with the COGCC and other state agencies as necessary for the work to be performed.

Please contact Erin Joseph: erin_joseph@oxy.com and Ryan Seastrom: ryan_seastrom@oxy.com should the County have any requirements prior, during, or after operations or if you have any questions.

Sincerely,

Ryan Seastrom

REGULATORY ANALYST SR., REGULATORY AND EXTERNAL AFFAIRS

Office: 720.929.3139 | Mobile: 208.320.2664 | Denver

Zero In™ at oxy.com

LinkedIn | Twitter | YouTube | Instagram | Facebook