Burmaster A-2 Rezone
RZ-18-0027

PLANNING COMMISSION HEARING
July 17, 2018

Table of Contents

Section 1: Staff Report
Section 2: Application Materials
Section 3: Rezone Exhibit
Section 4: Referral Comments
Section 5: Legacy Business Park DGA & PUD
SECTION 1:
STAFF REPORT
THIS PAGE INTENTIONALLY LEFT BLANK
The applicants, Annette and Todd Burmaster, submitted an application requesting a rezone from Planned Unit Development (PUD) to Agriculture-Two (A-2) on their 20.15 acre property. The Burmasters own and live at the property located at 33782 County Road 33, south of the Legacy Business Park and east of the Summit Business Park.

On June 27, 2018 the Board of County Commissioners approved a Special Use by Review for a second residence on this property.
Project Location – Elbert County
Project Location – Legacy Business Park

Summit Business Park

Cherrywood Loop

Legacy Business Park

CR 33

Google Earth

CR 33
PERTINENT DATA:

**Site Description:** The subject property is 20.15 acres in size. There is an existing home, garage, barn, and horse barn on the property, all accessed by a driveway from County Road 33, approximately 1,325 feet south of State Highway 86. The site is served by a water well (permit number 82165-F, issued June 12, 2018) and a permitted individual sewage disposal system.

**Topography:** The site is generally flat but slopes approximately 65 feet down from the west to the east across the 20 acres.

**Floodplain:** There are no designated flood-prone areas on the property.

**Existing Zoning:** Planned Unit Development (PUD) under the terms of Legacy Business Park PUD Development Guide (Rec. No. 474227) and Graphic (Rec. No. 201174).

**Proposed Zoning:** Agriculture-Two (A-2)

**Surrounding Zoning / Land Use:**
North: PUD Zoning / Business Park
South: Agriculture Zoning / Residential and agriculture
East: Agriculture Zoning / Residential and agriculture
West: General Industrial Zoning / Business Park

**MOTIVE FOR REQUEST:** The applicants desire to align the zoning of their property with its present and future desired use of residential, without the restrictions of the Legacy Business Park PUD. This PUD includes the Burmasters’ 20.15 acre residential lot because the original developers of the PUD, Glen and Melanie Peters, lived at and owned the subject property, as well as the property that is now the four lot Legacy Business Park. The Legacy Business Park
PUD consists of a residential portion and a business portion. The Burmasters now own and reside at the residential portion (Lot 2). There is a clause in the PUD that places a water source restriction on the subject property and the motive of the rezone to A-2 is to remove the restriction and bring the property to a straight A-2 zone district.

APPLICATION SUBMITTAL: This proposed rezoning was discussed throughout early 2018 as CDS and the applicant worked on their SUR for a second residence. Formal submittal of the rezoning application was made on April 17, 2018.

COMPLETENESS REVIEW: CDS reviewed the application to ensure that all required submittal items were included, and considered the application to be complete.

REFERRAL PROCESS: The application was sent to referral agencies per Elbert County regulations. The referral period began on April 23, 2018.

Referral Sent To:
- Kiowa Fire Protection District
- Colorado Division of Water Resources
- Colorado Parks and Wildlife
- Kiowa School District #C-2
- Kiowa Conservation District
- CenturyLink
- Intermountain Rural Electric Association
- Black Hills Energy
- XCEL Energy of Colorado
- Town of Kiowa
- Elbert County - Pines and Plains Library
- Elbert County, Assessor, Mapper, Clerk & Recorder, Building, OEM, County Engineer, Public Works, Environmental Health, Treasurer, Sheriff

Referral Comments Received From:
- Black Hills Energy – no comments
- Xcel Energy – no objection
- CenturyLink – no objections
- Intermountain Rural Electric Association – no comment
- Kiowa Fire Protection District – no objections and comments on fees
- Colorado Division of Water Resources – comments on water well permit and water rights
- Colorado Parks and Wildlife – no objection

In addition, CDS staff provided redline comments on the formatting of the Rezone Exhibit.

The Colorado Division of Water Resources responded with a letter dated April 24, 2018 and referred back to its letter dated February 12, 2018 describing the history of the existing water well. During the processing of the Special Use for the second residence, it was discovered that the water well permit (#178030) was invalid. The applicant obtained a new, valid well permit for the existing well (permit #82165-F). The well was apparently supposed to be plugged and abandoned in conjunction with the business park to the north and the residential lot getting water service from Summit Business Park. The DWR followed up with a new letter dated June 25, 2018 stating that the well is now valid legal source of water and that the DWR has no objection to the rezoning.
COMMUNITY & DEVELOPMENT SERVICES REVIEW: CDS staff found the application to be in compliance with the Elbert County Zoning Regulations, Part I, Section 6, Rezoning. The only outstanding issues related to the Division of Water Resource’s ultimate approval of a new source. Staff provided minor redlines on the Rezone Exhibit which have been addressed. The case was then put on hold until the water well permit and water source were validated by the DWR. On June 12, 2018, the DWR approved the new well permit.

HEARING DATES CONFIRMED: Once referral agency and CDS comments were satisfactorily addressed, the case was confirmed for hearings on the July 17, 2018 Planning Commission meeting and the August 8, 2018 Board of County Commissioners meeting.

PUBLIC NOTICE: Proper notice of the hearing was given per Elbert County regulations including posting a notice in the Ranchland News, posting a sign on the property, and mailing a notice to property owners within 1,320 feet.

EVALUATION:
Below is Staff’s evaluation of the proposals compliance with the Elbert County Zoning Regulations. Code sections are in italics to differentiate the comments from the Staff comments in regular text.

Legacy Business Park Planned Unit Development

The property is a part of the Legacy Business Park PUD, which was approved in 2006. The standards in the PUD for the Burmasters’ lot are simple:

A. Intent
   Lot 2 is designated on the plat as a residential single-family lot.

B. Uses Permitted by Right
   Those uses by right identified in the current Elbert County Zoning Regulations for A-2.

C. Restrictions/Regulations
   Until the time that a building permit is obtained for any improvements on Lot 1, Lot 2 shall be served by an existing individual well, no occupancy shall be granted for any improvement to Lot 1 until water service from Summit Business Park Metropolitan District has been provided to Lot 2 and proof the existing well has been capped [and] abandoned, submitted to the Planning Department from residential use.

   Wastewater shall be provided by the existing individual septic system.

   Access to Lot 2 shall be the existing driveway from County Road 33.

The Legacy Business Park PUD has no dimensional or setback standards for Lot 2.

The Burmasters utilize an existing well for their home and they intend to share this well with the approved second residence.

During the referral process for the second residence, the DWR responded with concerns on the permitting status of the existing well. Per DWR, the well permit became invalid upon approval of the Legacy Business Park Subdivision in 2006. A condition of approval of the original two-lot
Legacy Business Park was that the Burmaster property’s well be capped and abandoned and that the Burmasters’ residential property be served by a water connection to the Summit Business Park. This connection was to be made before any building permits were allowed on the northern lot of the Legacy Business Park. In 2011, Elbert County approved an amendment to the Legacy PUD and a four lot subdivision of the northern parcel. Since then, site plans have been approved and building permits issued for two businesses. To date, the Burmasters are utilizing the water well and the previous owner did not connect to Summit Business Park’s water line.

The Burmaster property is not a part of nor was it ever a part of the Summit Park Metropolitan District, not any special district.

The PUD contains a written restriction that the Burmasters’ lot not be served by a water well. CDS Staff and the Burmasters agree that the provision should not be a zoning condition in a PUD and that it was not adhered as the Legacy Business Park developed by either Elbert County or the previous owner. The Burmasters purchased the property in 2016, well after the first building permits were issued in the business park. Also, none of the same CDS staff are present from when the error occurred. CDS staff today is recommending that the property be removed from the PUD allowing them to use the well without the burden of a potential zoning violation. The DWR has approved the ability of the Burmasters to use the well.

**ELBERT COUNTY ZONING REGULATIONS**

**Part I. Section 6.B. General Rezoning Approval Standards**

The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Rezoning applications:

1. **Whether the proposed rezoning complies with the goals and policies of the Elbert County Master Plan.**

   Staff comment: The proposed rezoning complies with the goals and policies of the Elbert County Master Plan.

2. **Whether the proposed rezoning is compatible with surrounding land uses.**

   Staff comment: The adjacent and surrounding land uses are agricultural and single family residential, along with business parks to the west and north. The 20 acre agricultural residential property is compatible with these uses.

3. **Whether the proposed rezoning would adversely impact the provision of public services.**

   Staff comment: The proposal will not adversely impact the provision of public services. The uses will remain the same.

4. **Whether the proposed rezoning would adversely impact the environment.**

   Staff comment: The property does not contain any land within the 100-year floodplain, or any slopes 20% or greater. Elbert County restricts development within floodplains and on steep slopes in order to prevent damage to riparian habitat and to reduce soil erosion. Specific site improvements with potential to impact the environment will be addressed at the time of the building permit review.
5. Whether the proposed rezoning would create traffic congestion or burden the existing road system.

Staff comment: The allowed uses will remain the same and the proposal will not create a traffic burden. The minimum lot size will remain the same at 20 acres. No new lots would be permitted.

6. Whether the proposed rezoning will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

Staff comment: There are no significant concerns related to health, safety, or welfare of present or future inhabitants of Elbert County and no such type of ‘negative comment’ was expressed by referral agencies.

FINDINGS & RECOMMENDATION

Staff recommends that the Planning Commission find that:

1. The proposal is in general conformance with the Elbert County Master Plan; and
2. The proposal meets all the criteria for approval in the Elbert County Zoning Regulations; and
3. The Elbert County Subdivision Regulations are not applicable to this project; and
4. The proposal is compatible with existing and allowable land uses in the surrounding area; and
5. The proposal will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.
6. The recent second residence approved by the Board of County Commissioners on June 27, 2018 is hereby allowed on this same property but with the new A-2 Zoning.

AND

Because this application has met the criteria set forth in the Elbert County Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is that the Planning Commission recommend approval of BURMASTER REZONE TO A-2 RZ-18-0027 on a 20.15 acre property at 33782 County Road SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant will be required to remove the Public Hearing sign(s) within seven (7) days of a decision by the Board of County Commissioners.

2. The rezoning shall not become effective until all fees are paid, conditions of approval are met, and the Rezone Exhibit is recorded.

3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval.

Respectfully submitted to and on behalf of Elbert County,

Ethan Watel, AICP
Senior Planner
Baseline Corporation
CC: Vince Harris, AICP, Interim Director of Community and Development Services
SECTION 2: Application Materials
LAND DEVELOPMENT APPLICATION
Community & Development Services, Elbert County, Colorado
P.O. Box 7, 215 Comanche St. Kiowa, CO 80117 • (303) 621-3185 • Fax (303) 621-3165 • www.elbertcounty-co.gov

COMPLETE ALL BOXES

Applicant/Authorized Representative: Todd & Annette Burmaster
Address & Zip Code: 33782 County Rd 33, Kiowa, CO 80117
Phone: 303-249-6038
Email: aburnmaster24@gmail.com

Property Owner: Todd & Annette Burmaster
Address & Zip Code: 33782 County Rd 33, Kiowa, CO 80117
Phone: 303-249-6038
Email: aburnmaster24@gmail.com

Project Address/Location: 33782 County Rd 33, Kiowa, CO 80117
Project Name: Burmaster
Project Description: Change zoning from PUD to Ag/Res2

Parcel Number: 8413301002
Water Rights Owner: Todd & Annette Burmaster
Mineral Rights Owner: Todd & Annette Burmaster

Existing Zoning & Use: PUD Residential
Proposed Zoning: A-2
Section/Township/Range: 13/8 S/64
Subdivision/Lot/Block: Legacy Business Park, Lot 2

Source of Water: Well
Source of Electricity: IREA
Source of Sanitation: Septic
Source of Natural Gas: Propane

School District: Kiowa
Fire District: Kiowa
Proposed Public Roadway Access: County Road 33

APPLICATION AGREEMENT: Review of this application and supportive documentation will not begin until the Community & Development Services Department deems the application complete. No application or pre-application submittal will be considered complete until all required pieces are submitted in both hard-copy and as an individually labeled, digital collection on a single CD/DVD or thumb drive. Applicant acknowledges that there is no mutually agreed upon time between the County and the applicant during which this application will be approved, conditionally approved or denied. In addition to the standard Land Use Fees, the applicant is responsible for all Public Notice Costs including but not limited to signs, legal notices, and certified mail.

FEES & NOTICES AGREEMENT: The applicant agrees to pay for reasonable additional engineering and/or consultation when requested by the Community & Development Services Department, Planning Commission or Board of County Commissioners when, in their opinion, additional information, studies, or investigations are needed to help clarify the proposal made. The applicant also agrees to remove any Public Notice Sign for hearing notification within 7 days after the final hearing, and acknowledges that this must be completed as a condition of approval prior to the recording of Mylars or Final Plats.

Applicant's Signature ___________________________ Date: 4/11/18

If property owner is represented by a third party, fill out the Property Owner Disclosure below.

PROPERTY OWNER DISCLOSURE: I/We, ___________________________ do hereby acknowledge my/our full awareness of the application/request being presented to Elbert County by ___________________________ for the parcel of land indicated, and for the reason(s) noted on this completed application. I/We hereby acknowledge the person(s) noted is/are my/our authorized representative(s) in the matter. I/We hereby grant permission for the Elbert County Community & Development Services Department, or any referral agency they require, to access the parcel of land indicated for reasons of reviewing and evaluating the land use application.

Owner Name Printed: ___________________________ Owner Signature ___________________________ Date: ___________________________

Owner Name Printed: ___________________________ Owner Signature ___________________________ Date: ___________________________

State of ___________________________ County ___________________________
§: The above and foregoing instrument was subscribed and sworn to before me, in my presence, a Notary Public in and for the County of ___________________________, State of ___________________________, this ___________________________ day of ___________________________, 20___.

(SEAL)

Notary Signature ___________________________
**APPLICATION TYPE**

<table>
<thead>
<tr>
<th>Check all that apply</th>
<th>Required Submittal Materials* (see page 3)</th>
<th>Fees** (see Fee Schedule)</th>
<th>Staff Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Rezone to Straight Zone District</td>
<td>1,2,3,4,7,8,9,10,11,12,13,19,20</td>
<td>$ 3300</td>
<td>ESW</td>
</tr>
<tr>
<td>[ ] Rezone to Planned Unit Development (PUD)</td>
<td>1,2,3,4,6,7,8,9,10,11,12,13,17,18,29,32,38,39</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] PUD Amendment</td>
<td>1,2,3,4,5,7,8,17,18</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Site Development Plan (SDP)</td>
<td>1,2,3,4,6,9,10,11,12,13,27,28,30,31,32,33,34,36,37,39,40,41,42,43,45,46,50</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Special Use By Review (SUR)</td>
<td>1,2,3,4,5,7,8,9,10,11,12,13,15,16,39,50,51</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Subdivision – Concept Plan</td>
<td>1,2,3,4,5,7,8,13,20,27</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Subdivision – Preliminary Plat</td>
<td>1,2,3,4,6,7,8,9,10,11,12,13,21,27,29,31,32,35,39,42,44,47,49,51</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Subdivision – Final Plat</td>
<td>1,2,3,4,6,7,8,9,10,11,12,13,22,30,31,32,33,34,36,37,39,44,45,47,48,49,50,51</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Subdivision – Plat Amendment</td>
<td>1,2,3,4,6,7,8,9,10,11,12,13,23,51,52</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Subdivision – Minor Development</td>
<td>1,2,3,4,6,7,8,9,10,11,12,13,22,30,36,37,39,47,48,50,51</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Subdivision - Lot Line Adjustment</td>
<td>1,2,3,4,5,7,8,23,51,52</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Subdivision – Exemption</td>
<td>1,2,3,4,6,7,8,9,10,11,12,13,25,27,51</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Temporary Use Permit</td>
<td>1,2,3,4,5,7,9,10,11,12,13,14</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Use Not Itemized</td>
<td>1,2</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Vacation of Right-of-Way</td>
<td>1,2,3,7,8,11,26,53</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Variance ( [ ] BOA or [ ] Admin)</td>
<td>1,2,3,4,7,11,13,14</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] Special District Service Plan</td>
<td>Refer to ECZR Part II, Section 26</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>[ ] 1041 Permit</td>
<td>Refer to 1041 Guidelines</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

Fee Subtotal: $ 3300

*Required materials to be identified as part of the pre-application process.

**Additional Review fees for the following stand-alone technical reports may apply:

<table>
<thead>
<tr>
<th>Traffic Study $</th>
<th>Geotechnical Report $</th>
<th>Preliminary Construction Plan $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Drainage Report $</td>
<td>Preliminary Grading Plan $</td>
<td>Final Construction Plan $</td>
</tr>
<tr>
<td>Final Drainage Report $</td>
<td>Final Grading Plan $</td>
<td>Other $</td>
</tr>
</tbody>
</table>

FEE TOTAL: $ 3300

Received by CDS Staff: ____________________________  Date: ____________  Fee Collected: ____________________________  Check #: ____________________________
REQUIRED SUBMITTAL MATERIALS

1. Land Development Application Form: A fully completed and executed application on the form provided by Community and Development Services.
2. Cover Letter/Narrative: The cover letter shall include the name, address and phone number of both the property owner(s) and any appointed representative. The cover letter must provide a clear, concise description of the proposal.
3. Vicinity Map (separate from site plan)
4. Proof of Ownership: A copy of recorded deed(s) reflecting current ownership. If there is a mortgage on the property, a copy of recorded deed(s) of trust/mortgages to any and all lending agencies and any and all liens of record are also required.
5. Proof of Ownership: Ownership & Encumbrance report dated no earlier than three (3) weeks prior to the date this application is submitted.
6. Proof of Ownership: Title commitment or title policy guaranteeing clear title, including legible copies of any reported documents referenced by book and page or reception number, dated no earlier than three (3) weeks prior to the date this application is submitted.
7. List and map of property owners and addresses in accordance with public notice provisions (adjacent, 500', or 1,320' as the case may be) obtained from Elbert County Mapper. Refer to ECZR Part I, section 10 for specific requirements for each application process.
8. Written Legal Description of property boundary.
9. Proof of Water: Either a will serve letter from the water district or company, or the submittal of a copy of an approved well permit.
10. Proof of Sewer: Either a will serve letter from the sanitary district or company, or the submittal of an approved wastewater/septic permit.
11. Proof of Fire Protection: A written statement, on the required CDS form, from the appropriate fire district, indicating that they serve the referenced property. If the property is not located within a fire protection district, a contract with a district or a municipality indicating that they will provide fire service to the property shall be required.
12. Proof/Explanation of Access and/or Copy of Access Permit.
13. Statement of Taxes Due from County Treasurer for the all parcels, current to within one week of submission.
14. Site Plan/Plat Plan Exhibit showing all building improvements, additions, setbacks, and heights proposed.
15. Site Plan Exhibit for Special Use by Review (SUR) Permit in accordance with ECZR, Part II Section 17.
17. Planned Unit Development (PUD) Graphic Exhibit in accordance with ECZR, Part II, Section 16, D. 9.
19. Rezone Exhibit – scaled and dimensioned and in accordance with ECZR, Part I, Section 6, B.2.e.
20. Concept Plan in accordance with ECSR Section VII.
21. Preliminary Plat – scaled and dimensioned and in accordance with ECSR Section VIII.
22. Final Plat (Major or Minor) – scaled and dimensioned and in accordance with ECSR Section IX.
23. Plat Amendment or Lot Line Adjustment Plat – scaled and dimensioned and in accordance with ECSR Section XII.
24. Administrative Parsons Consolidation Plat – scaled and dimensioned and in accordance with ECSR XVIII.
25. Subdivision Exemption Plat – scaled and dimensioned and in accordance with ECSR Section XII.
27. Survey of the property showing property dimensions, existing structures, adjacent roadways, existing easements, etc. – scaled and dimensioned.
28. Site Development Plan (SDP) – scaled and dimensioned and in accordance with SDP guidelines.
30. Final Drainage Report and Plan OR Drainage Letter.
31. Floodplain Report (if property is within mapped flood hazard area).
32. Geologic Report: If the subject property is located within an area that contains expansive soils or other geologic hazards, a geologic report may be required by the County Engineer or Colorado Geologic Survey.
33. Grading and Erosion Control Plan.
34. Civil Construction Plans for on site improvements.
35. Preliminary Plans for Public Improvements.
36. Final Plans for Public Improvements.
37. Quantities and cost estimates for public improvements (Engineer’s Estimate).
38. Visual Analysis or renderings.
39. Traffic Analysis (fewer than 1,000 VPD) or Traffic Study (greater than 1,000 VPD and must be prepared by a Professional Engineer).
40. Wetlands Delineation Report.
41. Wildlife Biologist’s Report.
42. Soils Report.
43. Lighting/Photometric Plan.
44. Utility Report/Plan.
45. Landscape Plan –scaled and dimensioned.
46. Building Elevations.
47. Subdivision Summary Form (provided by CDS).
48. Developed lot valuation from a qualified appraiser.
50. Development Agreement, Subdivision Improvement Agreement, etc.
51. Certification of notice from property owner to mineral estate owners of record pursuant to CRS 24.6.55-103, within 30 days before hearing, if lot lines are changed or created.
52. A letter from the Homeowners Association approving the Lot Line Adjustment/Plat Amendment.
53. A written letter, signed by 100% of the property owners abutting property proposed to be vacated.
54. Other as requested by CDS or Public Works.
Elbert County Community and Development
215 Comanche St
Kiowa, CO 80117

April 9, 2018

RE: Rezone application

Dear Community and Development Services,

Todd and Annette Burmaster request a change of zoning for the property, located at 33782 County Road 33, Kiowa, CO 80117, from the County of Elbert Colorado.

Please find attached an application and documentation to support a change of zoning from a Planned Unit Development to A-2 for the property located at 33782 County Road 33, Kiowa, CO 80117. The legal description for this property is Legacy Business Park Minor Development Rec No. 473517, Lot 2, Section 13, T. 8 S., R. 64 West, 6th P.M., Elbert County, Colorado.

Todd and Annette Burmaster are the current owners of this property and have submitted an application for a Special Use Review in order to construct a second residence on their property, SU-18-0007. The review process has uncovered several issues that came about prior to the Burmaster’s purchase of the property but that need to be rectified in order to bring the property in compliance with current statutes.

In 2006, when the PUD for Legacy Business Park Subdivision was approved, the well that served the original 40 acres property, permit #178030, became invalid and was to be capped and abandoned. Provisions to provide water to the new PUD were made for Lot 1 but no action was taken to update the water source for Lot 2 of the newly approved PUD. Lot 1, which was subdivided into 4 new lots, was to obtain water from the Summit Business Park, which was adopted as the current water source. Lot 2 was to install a new well but that was not done by the previous owners’ of the property.

The Burmasters are currently working with the Colorado Department of Water Resources to rectify the well permit for Lot 2.
A septic system under permit # 2016-511 Elbert County Department of Health and Human Services serves the current residence and a new proposed septic system for the proposed second residence has been designed by Colorado Geoscience and Design, Inc. under the report # 18-3008.

The proposed new residence will use the current driveway which enters the property from County Road 33 as shown on the Rezone Exhibit. The driveway meets the requirements set forth by the Kiowa Fire District.

Thank you for your consideration,

Robin Smith
Colorado Geoscience and Design
THIS DEED, made this 18th day of November, 2016, between

GLEN A. PETERS and MELANIE A. PETERS

of County of Elbert, State of Colorado, grantor, and

TODD E. BURMASTER and ANNETTE R. BURMASTER, JOINT TENANTS

whose legal address is 33782 COUNTY ROAD 33, KIOWA, CO 80117, grantee:

WITNESSETH, That the grantors for and in consideration of the sum of Five Hundred Thousand and 00/100 ($500,000.00), the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Elbert, and State of Colorado described as follows:

LOT 2, LEGACY BUSINESS PARK MINOR DEVELOPMENT, COUNTY OF ELBERT, STATE OF COLORADO.

as known by street and number as: 33782 COUNTY ROAD 33, KIOWA, CO 80117

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 grantors, 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 grantee, his heirs and assigns forever. And the grantors, for themselves/him/herself, their his heirs, and personal representatives, do covenant, grant, bargain, and agree to and with the grantees, their 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

"Except (i) General taxes for the current year, a lien not yet due and payable, (ii) Easements, restrictions, reservations and rights of way of record,
(iii) Distribution utility easements (including cable TV),
(iv) The following specifically described rights of third parties. none.
(v) Inclusion of the property within any special taxing district,
(vi) The benefits and burdens of any declaration and party wall agreement, if any and (vii) none

The grantors shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their 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.

GLEN A. PETERS

MELANIE A. PETERS

STATE OF COLORADO
COUNTY OF

The foregoing instrument was acknowledged before me this 18th day of November, 2016 by GLEN A. PETERS and MELANIE A. PETERS
## Neighboring Properties within 1320 feet

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>84141-00-085</td>
<td>John M Bowman</td>
<td>7781 State Hwy 86, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84141-00-084</td>
<td>Julie Newton</td>
<td>7895 State Hwy 86, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84122-00-532</td>
<td>M2 Land and Cattle Co LLC</td>
<td>8577 State Hwy 86, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-001</td>
<td>Big Eds Steakhouse and Lounge LTD</td>
<td>7993 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-002</td>
<td>PPC Cape Girardeau LLC</td>
<td>7989 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-003</td>
<td>Cattle Creek Properties LLC</td>
<td>7983 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-004</td>
<td>Jeffrey D Franken</td>
<td>7971 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-005</td>
<td>GBP LLC</td>
<td>7963 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-006</td>
<td>Summit Park Metropolitan District</td>
<td>7959 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-007</td>
<td>Summit Business Park LLC</td>
<td>7935 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-008</td>
<td>Erik Jensen</td>
<td>7929 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-009</td>
<td>Erik Jensen</td>
<td>7925 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-010</td>
<td>Reynolds Inliner LLC</td>
<td>7921 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-011</td>
<td>Reynolds Inliner LLC</td>
<td>7915 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-012</td>
<td>Garney Holding Company</td>
<td>7911 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-013</td>
<td>J and R Properties LLC</td>
<td>7914 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-014</td>
<td>PPC Cape Girardeau LLC</td>
<td>7990 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-015</td>
<td>Dirt Dogs Grading and Land LLC</td>
<td>7940 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84144-02-016</td>
<td>T P Enterprises Inc</td>
<td>7922 Cherrywood Loop, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84154-02-001</td>
<td>Lucus and Amanda Love</td>
<td>33398 Summer View Circle, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84154-02-002</td>
<td>Gary D Kinser</td>
<td>33395 Summer View Circle, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84154-02-003</td>
<td>Jared Burns and Ashley Burris</td>
<td>33393 Summer View Circle, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84154-02-004</td>
<td>Daniel and Christina Fredrick</td>
<td>33519 County Rd 33, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84133-00-345</td>
<td>Mitchell and Nancy Rohn</td>
<td>33350 County Rd 33, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84133-00-344</td>
<td>Roy Don and Joyce Leake</td>
<td>8250 State Hwy 86, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84133-02-001</td>
<td>12576 Holdings LLC</td>
<td>8195 Cherrywood Cir, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84133-02-002</td>
<td>Mikton Properties LLC</td>
<td>8175 Cherrywood Cir, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84133-02-003</td>
<td>Elijah F Ochoa</td>
<td>8150 Cherrywood Cir, Kiowa, CO 80117</td>
</tr>
<tr>
<td>84133-02-004</td>
<td>Goodwin Properties LLC</td>
<td>8200 Cherrywood Cir, Kiowa, CO 80117</td>
</tr>
</tbody>
</table>
FIRE PROTECTION AND SAFETY AGREEMENT FORM
Community & Development Services, Elbert County, Colorado
P.O. Box 7, 215 Comanche St. Kiowa, CO 80117 • (303) 621-3185 • Fax (303) 621-3165 • www.elbertcounty-co.gov

This form is designed to accompany Land Development Applications submitted to Elbert County Community and Development Services and serves as Proof of Fire Protection for Land Development Review. PLEASE COMPLETE ALL BOXES

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Address &amp; Zip Code:</th>
<th>Phone:</th>
<th>Email:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd &amp; Annette Burmaster</td>
<td>33782 County Rd 33, Kiowa, CO 80117</td>
<td>303-249-6038</td>
<td><a href="mailto:aburmaster24@gmail.com">aburmaster24@gmail.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner:</th>
<th>Address &amp; Zip Code:</th>
<th>Phone:</th>
<th>Email:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd &amp; Annette Burmaster</td>
<td>33782 County Rd 33, Kiowa, CO 80117</td>
<td>303-249-6038</td>
<td><a href="mailto:aburmaster24@gmail.com">aburmaster24@gmail.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subject Property Address:</th>
<th>Project Name &amp; Description:</th>
</tr>
</thead>
<tbody>
<tr>
<td>33782 County Rd 33, Kiowa, CO 80117</td>
<td>Burmaster Rezone</td>
</tr>
</tbody>
</table>

CHECK ONE:

☒ The subject property is located within the Kiowa fire protection district.

☐ The subject property is located outside a fire protection district.

If the subject property is located outside a fire protection district, a contract with a district providing for fire protection to the property will be required. The applicant has met with the following fire protection district to discuss fire district requirements.

FIRE PROTECTION DISTRICT SERVING THE SUBJECT PROPERTY: Kiowa

Authorized Representative: Gerald L. Lahansky

Title: FIRE CHIEF

Authorized Signature: [Signature]

Date: 4-11-18

APPLICANT AGREEMENT: I am aware of the adopted fire code and will comply with the requirements of the fire district.

Applicant’s Signature: [Signature]

Date: 4/11/18

FIRE PROTECTION DISTRICTS SERVING ELBERT COUNTY:

☐ AGATE FIRE PROTECTION DISTRICT
40160 County Road 153 / P.O. Box 146
Agate, CO 80101
(719) 764-2771

☐ BIG SANDY FIRE PROTECTION DISTRICT/SIMLA VOLUNTEER FIRE DEPARTMENT
219 Sioux Avenue / P.O. Box 161
Simla, CO 80835
(719) 541-2883

☐ DEER TRAIL RURAL FIRE PROTECTION DISTRICT
488 1st Avenue / P.O. Box 257
Deer Trail, CO 80105
(303) 769-4748

☐ ELBERT FIRE PROTECTION DISTRICT
24310 Main Street / P.O. Box 98
Elbert, CO 80106
(303) 648-3000

☐ KIOWA FIRE PROTECTION DISTRICT
403 County Road 45 / P.O. Box 321
Kiowa, CO 80117
(303) 621-2233

☐ LIMON AREA FIRE PROTECTION DISTRICT
130 C Avenue / P.O. Box 3
Limon, CO 80828
(719) 775-8155

☐ NORTH CENTRAL FIRE DEPARTMENT
40144 Ridge Road
Deer Trail, CO 80105
(303) 621-0109

☐ RATTLESNAKE FIRE DEPARTMENT
46200 Coal Creek Drive
Parker, CO 80138
(303) 841-8111

☐ TRI-COUNTY VOLUNTEER FIRE DEPARTMENT & FIRE PROTECTION DISTRICT
590 N Rush Road / P.O. Box 97
Rush, Colorado 80833
(719) 478-2345
Statement of Taxes Due

Account Number R118770
Parcel 8413301002
Assessed To BURMASTER TODD E, BURMASTER ANNETTE R
33782 CO RD 33
KIOWA, CO 80117

<table>
<thead>
<tr>
<th>Year</th>
<th>Tax</th>
<th>Interest</th>
<th>Fees</th>
<th>Payments</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$1,621.92</td>
<td>$0.00</td>
<td>$0.00</td>
<td>($810.96)</td>
<td>$810.96</td>
</tr>
</tbody>
</table>

Total Tax Charge $810.96

First Half Due as of 04/10/2018 $0.00
Second Half Due as of 04/10/2018 $810.96

Taxes outstanding on child account(s) $810.96

Tax Billed at 2017 Rates for Tax Area 0007 - - 0007

<table>
<thead>
<tr>
<th>Authority</th>
<th>Mill Levy</th>
<th>Amount</th>
<th>Values</th>
<th>Actual</th>
<th>Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELBERT COUNTY GENERAL FUND</td>
<td>16.3300000</td>
<td>$453.16</td>
<td>SINGLE FAM.RES.-LAND</td>
<td>$130,975</td>
<td>$9,430</td>
</tr>
<tr>
<td>ELBERT COUNTY ROAD &amp; BRIDGE</td>
<td>9.5000000</td>
<td>$263.62</td>
<td>SINGLE FAM.RES-IMPROVEMTS</td>
<td>$254,426</td>
<td>$18,320</td>
</tr>
<tr>
<td>ELBERT COUNTY SOCIAL SERVIC</td>
<td>1.5000000</td>
<td>$41.62</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ELBERT COUNTY RETIREMENT</td>
<td>0.7030000</td>
<td>$19.51</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KIOWA CON 2 GENERAL FUND</td>
<td>19.2100000</td>
<td>$533.07</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KIOWA FIRE GENERAL FUND</td>
<td>8.6890000</td>
<td>$241.12</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ELBERT COUNTY LIBRARY</td>
<td>2.5160000</td>
<td>$69.82</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>$385,401</td>
<td>$27,750</td>
</tr>
</tbody>
</table>

Taxes Billed 2017 58.4480000 $1,621.92

This is your Statement of Taxes Due for 2017 taxes due in 2018. Full payment is due on 4-30-18. First half payment is due 2-28-18 and second half is due 06-15-18. Prior year taxes need to be paid in Certified Funds. Current taxes can now be paid online at www.elbertcounty-co.gov. Please include the account number with your payment. If you have questions, feel free to call 303-621-3120.

Make payment to:
Elbert County Treasurer
PO Box 67
Kiowa CO 80117
<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Name</th>
<th>Address</th>
<th>Owner address</th>
<th>City</th>
<th>St</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>84141-00-085</td>
<td>John M Bowman</td>
<td>7781 State Hwy 86, Kiowa, CO 80117</td>
<td>7781 State Hwy 86</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84133-02-001</td>
<td>12576 Holdings LLC</td>
<td>8195 Cherrywood Cir, Kiowa, CO 80117</td>
<td>PO BOX 187</td>
<td>Brighton</td>
<td>CO</td>
<td>80601</td>
</tr>
<tr>
<td>84144-02-001</td>
<td>Big Eds Steakhouse and Lounge LTD</td>
<td>7993 Cherrywood Loop, Kiowa, CO 80117</td>
<td>7993 Cherrywood Loop</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84144-02-003</td>
<td>Cattle Creek Properties LLC</td>
<td>7983 Cherrywood Loop, Kiowa, CO 80117</td>
<td>7983 Cherrywood Loop</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84154-02-004</td>
<td>Daniel and Christina Fredrick</td>
<td>33519 County Rd 33, Kiowa, CO 80117</td>
<td>33930 SUMMER VIEW CIR</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84144-02-015</td>
<td>Dirt Dogs Grading and Land LLC</td>
<td>7940 Cherrywood Loop, Kiowa, CO 80117</td>
<td>37467 POLO RUN DRIVE</td>
<td>Elizabeth</td>
<td>CO</td>
<td>80107</td>
</tr>
<tr>
<td>84133-02-003</td>
<td>Elijah F Ochoa</td>
<td>8150 Cherrywood Cir, Kiowa, CO 80117</td>
<td>PO BOX 110296</td>
<td>Aurora</td>
<td>CO</td>
<td>80042</td>
</tr>
<tr>
<td>84144-02-008</td>
<td>Erik Jensen</td>
<td>7929 Cherrywood Loop, Kiowa, CO 80117</td>
<td>2072 SUMMIT ST</td>
<td>Franktown</td>
<td>CO</td>
<td>80116</td>
</tr>
<tr>
<td>84144-02-009</td>
<td>Erik Jensen</td>
<td>7925 Cherrywood Loop, Kiowa, CO 80117</td>
<td>2072 SUMMIT ST</td>
<td>Franktown</td>
<td>CO</td>
<td>80116</td>
</tr>
<tr>
<td>84144-02-012</td>
<td>Garney Holding Company</td>
<td>7911 Cherrywood Loop, Kiowa, CO 80117</td>
<td>7911 Cherrywood Loop</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84154-02-002</td>
<td>Gary D Kinser</td>
<td>33395 Summer View Circle, Kiowa, CO 80117</td>
<td>33395 Summer View Circle</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84144-02-005</td>
<td>GBP LLC</td>
<td>7963 Cherrywood Loop, Kiowa, CO 80117</td>
<td>1941 HEATH PARKWAY</td>
<td>Fort Collins</td>
<td>CO</td>
<td>80524</td>
</tr>
<tr>
<td>84133-02-004</td>
<td>Goodwin Properties LLC</td>
<td>8200 Cherrywood Cir, Kiowa, CO 80117</td>
<td>8200 Cherrywood Cir</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84144-02-013</td>
<td>J and R Properties LLC</td>
<td>7914 Cherrywood Loop, Kiowa, CO 80117</td>
<td>1369 BALLATA CT</td>
<td>Castle Rock</td>
<td>CO</td>
<td>80109</td>
</tr>
<tr>
<td>84154-02-003</td>
<td>Jared Burns and Ashley Burris</td>
<td>33393 Summer View Circle, Kiowa, CO 80117</td>
<td>33393 Summer View Circle</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84144-02-004</td>
<td>Jeffrey D Franken</td>
<td>7971 Cherrywood Loop, Kiowa, CO 80117</td>
<td>25015 LONGHORN TRAIL</td>
<td>Ramah</td>
<td>CO</td>
<td>80832</td>
</tr>
<tr>
<td>84141-00-084</td>
<td>Julie Newton</td>
<td>7895 State Hwy 86, Kiowa, CO 80117</td>
<td>7895 State Hwy 86</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84154-02-001</td>
<td>Lucus and Amanda Love</td>
<td>33398 Summer View Circle, Kiowa, CO 80117</td>
<td>33398 Summer View Circle</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84122-00-532</td>
<td>M2 Land and Cattle Co LLC</td>
<td>8577 State Hwy 86, Kiowa, CO 80117</td>
<td>8577 State Hwy 86</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84133-02-002</td>
<td>Milton Properties LLC</td>
<td>8175 Cherrywood Cir, Kiowa, CO 80117</td>
<td>8175 Cherrywood Cir</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84144-02-002</td>
<td>PPC Cape Girardeau LLC</td>
<td>7989 Cherrywood Loop, Kiowa, CO 80117</td>
<td>18910 LONGS WAY</td>
<td>Parker</td>
<td>CO</td>
<td>80134</td>
</tr>
<tr>
<td>84144-02-014</td>
<td>PPC Cape Girardeau LLC</td>
<td>7990 Cherrywood Loop, Kiowa, CO 80117</td>
<td>18910 LONGS WAY</td>
<td>Parker</td>
<td>CO</td>
<td>80134</td>
</tr>
<tr>
<td>84144-02-010</td>
<td>Reynolds Inliner LLC</td>
<td>7921 Cherrywood Loop, Kiowa, CO 80117</td>
<td>1800 HUGHES LANDING BLVD #800</td>
<td>The Woodlands</td>
<td>TX</td>
<td>77380</td>
</tr>
<tr>
<td>84144-02-011</td>
<td>Reynolds Inliner LLC</td>
<td>7915 Cherrywood Loop, Kiowa, CO 80117</td>
<td>1800 HUGHES LANDING BLVD #800</td>
<td>The Woodlands</td>
<td>TX</td>
<td>77380</td>
</tr>
<tr>
<td>84133-00-345</td>
<td>Rohn L &amp; Nancy S Mitchell</td>
<td>33350 County Rd 33, Kiowa, CO 80117</td>
<td>33350 County Rd 33</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84133-00-344</td>
<td>Roy Don and Joyce Leake</td>
<td>8250 State Hwy 86, Kiowa, CO 80117</td>
<td>PO BOX 455</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84144-02-007</td>
<td>Summit Business Park LLC</td>
<td>7935 Cherrywood Loop, Kiowa, CO 80117</td>
<td>PO BOX 640</td>
<td>Parker</td>
<td>CO</td>
<td>80134</td>
</tr>
<tr>
<td>84144-02-006</td>
<td>Summit Park Metropolitan District</td>
<td>7959 Cherrywood Loop, Kiowa, CO, 80117</td>
<td>7959 Cherrywood Loop</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>84144-02-016</td>
<td>T P Enterprises Inc</td>
<td>7922 Cherrywood Loop, Kiowa, CO, 80117</td>
<td>7922 Cherrywood Loop</td>
<td>Kiowa</td>
<td>CO</td>
<td>80117</td>
</tr>
<tr>
<td>ORIGINAL PERMIT APPLICANT(S)</td>
<td>APPROVED WELL LOCATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------</td>
<td>------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANNETTE R BURMASTER</td>
<td>Water Division: 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TODD E BURMASTER</td>
<td>Designated Basin: KIOWA-BIJOU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>County: ELBERT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parcel Name: LEGACY BUSINESS PARK</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lot: 2 Block: Filing:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Physical Address: N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NW 1/4 SW 1/4 Section 13 Township 8.0 S Range 64.0 W Sixth P.M.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>UTM COORDINATES (Meters, Zone:13, NAD83)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Easting: 541884.0 Northing: 4355868.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PERMIT TO CHANGE OR INCREASE USE**

**PERMIT TO USE AN EXISTING WELL**

**ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT**

**CONDITIONS OF APPROVAL**

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.

3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated June 6, 2018, for Determination of Water Right No. 3524-BD and its associated Replacement Plan. In the event the well is not operated in accordance with the conditions of this determination and replacement plan, it will be subject to administration, including orders to cease diverting water.

4) Approved for the use of an existing well constructed under well permit no. 178030. Issuance of this permit cancels permit no. 178030.

5) The use of ground water from this well is limited to in-house use in 2 single family residences, irrigation of home lawn and garden and watering of domestic animals. The place of use shall be limited to the 20.15 acre land area claimed in the above described Order of the Commission.

6) The pumping rate of this well shall not exceed 15 GPM.

7) The annual withdrawal of ground water from this well shall not exceed 0.96 acre-feet, subject to the total annual withdrawal limitations and conditions as specified by the above referenced Order of the Commission.

8) This well is constructed into the Lower Dawson aquifer.

9) The owner shall mark the well in a conspicuous place with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.

10) This well shall be located within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Lower Dawson aquifer.

11) The return flows from the inhouse supply component of this well use have been claimed as a replacement source, pursuant to the Findings and Order of the Commission dated June 6, 2018. As a result, the return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.

12) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Ground Water Commission upon request.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
NOTICE: This permit has been approved for the uses and annual withdrawal allowed by the replacement plan. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

Issued By      JOANNA WILLIAMS

Date Issued:   6/12/2018
Expiration Date:  N/A
SECTION 3: Rezone Exhibit
THIS PAGE INTENTIONALLY LEFT BLANK
LOT 2, LEGACY BUSINESS PARK MINOR DEVELOPMENT REZONE

LOT 2, LEGACY BUSINESS PARK MINOR DEVELOPMENT

ZONING: PUD

SECTION 13, TOWNSHIP 8 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO

ZONING: PUD

USE: BUSINESS PARK

CURRENT ZONING: PUD

PROPOSED ZONING: A-2

SIDESETBACK

FRONT

PROPOSED ONSITE WASTE

REAR

NOTE:

1. THERE ARE NO AREAS OF 20% OR GREATER SLOPES.

3. SANITATION SERVICE TO BE PROVIDED BY ONSITE WASTEWATER TREATMENT SYSTEM.

5. THE PROPERTY IS CURRENTLY ZONED PLANNED UNIT DEVELOPMENT UNDER THE TERMS OF THE LEGACY BUSINESS PARK PUD DEVELOPMENT GUIDE RECORDED MAY 17, 2006 AT RECEPTION NUMBER 474227 AND THE PUD EXHIBIT RECORDED APRIL 26, 2006 AT

6. UTILITY EASEMENTS SHOWN PER THE PLAT OF LEGACY BUSINESS PARK MINOR DEVELOPMENT RECORDED APRIL 26, 2006 AT RECEPTION NUMBER 473517 AND BOOK 12

NOTARY PUBLIC

WITNESS MY HAND AN OFFICIAL SEAL MY COMMISSION EXPIRES:___________________________________

Kent Backlund
DIRECTOR OF COMMUNITY AND DEVELOPMENT SERVICES

I, ANNETTE BURMASTER, AS OWNER OF THE LAND AFFECTED BY THIS REZONING, ACCEPT AND APPROVE ALL CONDITIONS SET FORTH HEREIN.

OWNER:________________________________________    DATE:_______________________

REZONE "EXHIBIT"

PROJECT LOCATION:

33782 COUNTY ROAD 33

ELBERT COUNTY, COLORADO

LEGAL DESCRIPTION:

LOT 2, LEGACY BUSINESS PARK MINOR DEVELOPMENT, REC. NO. 473517

OWNER:________________________________________    DATE:_______________________

NOTARY PUBLIC

WITNESS MY HAND AN OFFICIAL SEAL MY COMMISSION EXPIRES:___________________________________

County of Elbert, CO

COUNTY CLERK AND RECORDER

WITNESS MY HAND AN OFFICIAL SEAL MY COMMISSION EXPIRES:___________________________________

Colorado

STATE OF COLORADO

STATE OF______________________________)
SECTION 4: Referral Comments
Ethan Watel

From: Zuroff, Ron <Ron.Zuroff@blackhillscorp.com>
Sent: Monday, April 23, 2018 2:38 PM
To: Ethan Watel
Cc: McKune, Jason
Subject: FW: Elbert County Land Use Referral: Burmaster A-2 Rezone
Attachments:
- RZ-18-0027 Burmaster A-2 Rezone referral form.pdf
- RZ-18-0027 Burmaster A-2 Rezone submittal.pdf

No comment from Black Hills Energy Ethan! Thanks Ron

From: Ethan Watel [mailto:ethan@baselinecorp.com]
Sent: Monday, April 23, 2018 2:27 PM
To: Tracey Aaron (Tracey.Aaron@elbertcounty-co.gov) <Tracey.Aaron@elbertcounty-co.gov>; Vince Harris <vince@baselinecorp.com>
Cc: Ethan Watel <ethan@baselinecorp.com>
Subject: Elbert County Land Use Referral: Burmaster A-2 Rezone

*** This email is from an EXTERNAL sender ***
Use caution before responding. **DO NOT** open attachments or click links from unknown senders or unexpected email. If this email appears to be sent from a BHE employee or department, verify its authenticity before acting or responding. Report suspected phishing messages by forwarding them to Report Phishing. Contact the Helpdesk with questions.

Hello,

On behalf of Elbert County Community & Development Services, I am sending you an application for a rezoning from PUD to A-2. This case is for a property that you recently reviewed a Special Use for a 2nd Residence. This new application strictly seeks to remove the property from the Legacy Business Park PUD and zone it Agriculture-Two (A-2).

The relevant application materials are attached. The referral period is open until 5 pm on Monday, May 7, 2018. Please use the attached form if you wish to comment on the project.

Please note that the applicant is currently working with the Colorado Division of Water Resources to legalize the source of water.

Thank you.


This electronic message transmission contains information from Black Hills Corporation, its affiliate or subsidiary, which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware the disclosure, copying, distribution or use of the contents of this information is prohibited. If you received this electronic transmission in error, please reply to sender immediately; then delete this message without copying it or further reading.
REFERRAL REQUEST

DATE: April 23, 2018

COMMENTS DUE BY: Monday, May 7, 2018

RE: PROJECT NAME: Burmaster A-2 Rezone

PROJECT NUMBER: RZ-18-0027

PROJECT TYPE: Rezone

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

- [x] We have no objections to this proposal.
- [ ] Please note the following concerns this organization has with this proposal:


- [ ] See the attached letter for detailed comments regarding this proposal.

Date: 5/7/18

Agency Name: CenturyLink

Your name (Please Print Clearly): Dustin Pulciani, ROW Agent

Signature: Dustin Pulciani

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statues 30-28-136(2).

Sincerely,

Project Planner
COUNTY OF ELBERT
COMMUNITY & DEVELOPMENT SERVICE DEPARTMENT
P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO  80117
303-621-3136  FAX: 303-621-3165

REFERRAL REQUEST

DATE: April 23, 2018  COMMENTS DUE BY: Monday, May 7, 2018

RE: PROJECT NAME: Burmaster A-2 Rezone
    PROJECT NUMBER: RZ-18-0027
    PROJECT TYPE: Rezone

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

✔ We have no objections to this proposal.

☐ Please note the following concerns this organization has with this proposal:

_______________________________________________________________________________________________________

☐ See the attached letter for detailed comments regarding this proposal.

Date: ______________________________

Agency Name: Colorado Parks and Wildlife

Your name (Please Print Clearly): Casey Westbrook

Signature: ______________________________

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statues 30-28-136(2).

Sincerely,

Project Planner
April 24, 2018

Elbert County Community & Development Services Department
c/o Ethan Watel, Baseline Engineering, Planning & Surveying
Transmitted via email:
ethan@baselinecorp.com

RE: RZ-18-0027, Burmaster A-2 Rezone
S½ of the NW ¼ of the SW ¼ Sec 13, T8S, R64W, 6th P.M.
Lot 2, Legacy Business Park Minor Development
Kiowa Bijou Designated Ground Water Basin
Water Division 1, Water District 1

Dear Mr. Watel:

We have received your April 23, 2018 referral concerning the above-referenced rezoning of a 20.15 acre parcel described as Lot 2, Legacy Business Park Minor Development (i.e. Legacy Business Park Subdivision) from the Legacy Business Park PUD to Agriculture-Two (A-2) zoning.

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, 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.

In a letter dated February 12, 2018 (copy attached) this office previously provided its opinion on the water source for Lot 2, Legacy Business Park Minor Development. As described in our February 12, 2018 letter, the current water source of an existing well with permit no. 178030 is an invalid well permit and use of the well may not occur under that permit. In order to use the existing well to produce from the Lower Dawson Aquifer a determination of water right, approval of a replacement plan, and a new large capacity well permit would have to be obtained from the Colorado Ground Water Commission. The applicant currently has applications pending for a Determination of Water Right and Replacement Plan for the Lower Dawson aquifer. Prior to approval of this rezoning the applicant should obtain a legal source of water to serve the lot.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,

Keith Vander Horst
Chief of Water Supply, Basins

Cc: Division 1
Well permit no. 178030

RZ-18-0027 Burmaster A-2 Rezone.docx
February 12, 2018

Elbert County Community & Development Services Department
c/o Ethan Watel, Baseline Engineering, Planning & Surveying
Transmitted via email:
ethan@baselinecorp.com

RE: SU-18-0007, Burmaster Second Residence Special Use by Review
5½ of the NW ¼ of the SW ¼ Sec 13, T8S, R64W, 6th P.M.
Lot 2, Legacy Business Park Minor Development
Kiowa Bijou Designated Ground Water Basin
Water Division 1, Water District 1

Dear Mr. Watel:

We have received your February 7, 2018 referral concerning the above-referenced special use by review to add a second residence on a 20.15 acre parcel described as Lot 2, Legacy Business Park Minor Development (i.e. Legacy Business Park Subdivision).

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, 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.

According to the submittal the current water supply to Lot 2 of Legacy Business Park Subdivision is an existing small capacity well, permit no. 178030, that produces from the Lower Dawson Aquifer. Well permit no. 178030 was issued pursuant to Section 37-90-105, C.R.S., on a 40 acre parcel described as the NW ¼ of the SW ¼ of Section 13, Twp. 8 S, Rng. 64 W, Sixth P.M. The permitted uses are domestic use inside one single family dwelling, the irrigation of not more than 1 acre of lawn and garden and the watering of livestock. The applicant proposes to re-permit the well to allow it to supply the proposed second residence.

In a letter dated January 30, 2006 sent to Elbert County Planning Department regarding the proposed Legacy Business Park Subdivision (copy attached), our office stated that well permit no. 178030 would become invalid upon approval of the subdivision, and continued use of the well under that permit would result in material injury to vested water rights. As the 40 acres on which permit no. 178030 was permitted no longer exists as a 40 acre parcel but was subdivided into the Legacy Business Park Subdivision, well permit no. 178030 is currently invalid, and use of that well may not occur under that permit.

In order to use the existing well to produce from the Lower Dawson Aquifer a determination of water right, approval of a replacement plan, and a new large capacity well permit would have to be obtained from the Colorado Ground Water Commission.
As stated in our January 30, 2006 letter, the approved water supply to the Legacy Business Park Subdivision was wells producing from the Denver, Arapahoe and Laramie-Fox Hills aquifers under Determination Nos. 788-BD, 787-BD and 786-BD, respectively.

In order to continue using the existing well constructed under permit no. 178030 into the nontributary Lower Dawson aquifer, a large capacity well permit operating pursuant to a Colorado Ground Water Commission issued determination of water right and approved replacement plan would be needed. In the alternative it appears the applicant could plug and abandon the existing well and construct a well into the Denver aquifer pursuant to the Determination of Water Rights referenced above, as contemplated by the subdivision water supply plan. The ability to obtain approval of any of these applications will be determined at the time that the applications are submitted to and reviewed by the Ground Water Commission.

Prior to approval of this special use by review the applicant should obtain a legal source of water to serve the lot.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,

Keith Vander Horst
Chief of Water Supply, Basins

Cc: Division 1
Well permit no. 178030

Burmaster_SU-18-0007.docx
June 25, 2018

Elbert County Community & Development Services Department  
c/o Ethan Watel, Baseline Engineering, Planning & Surveying  
Transmitted via email:  
ethan@baselinecorp.com

RE: RZ-18-0027, Burmaster A-2 Rezone  
S½ of the NW ¼ of the SW ¼ Sec 13, T8S, R6W, 6th P.M.  
Lot 2, Legacy Business Park Minor Development  
Kiowa Bijou Designated Ground Water Basin  
Water Division 1, Water District 1

Dear Mr. Watel:

I am responding to your email of June 18, 2018 requesting an update to my letter dated April 24, 2018 concerning the above-referenced rezoning of a 20.15 acre parcel described as Lot 2, Legacy Business Park Minor Development (i.e. Legacy Business Park Subdivision) from the Legacy Business Park PUD to Agriculture-Two (A-2) zoning. This letter replaces my letter of April 24, 2018.

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, 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.

On June 12, 2018 well permit no. 82165-F was issued for the existing Lower Dawson aquifer well on Lot 2 of Legacy Business Park Subdivision. Well permit no. 82165-F was approved pursuant to Section 37-90-107(7), C.R.S. and the Findings and Order of the Colorado Ground Water Commission dated June 6, 2018, for Determination of Water Right No. 3524-BD and its associated Replacement Plan. The permitted uses are use in 2 single family residences, irrigation of home lawn and garden and watering of domestic animals. Since the well is now a legal source of water, this office has no objection to the proposed rezoning, as long as the well is operated in accordance with the terms and conditions on the well permit.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,

Keith Vander Horst  
Chief of Water Supply, Basins

Cc: Division 1  
Well permit no. 82165-F

RZ-18-0027 Burmaster A-2 Rezone_6-19-18.docx
REFERRAL REQUEST

DATE: April 23, 2018

COMMENTS DUE BY: Monday, May 7, 2018

RE: PROJECT NAME: Burmaster A-2 Rezone

PROJECT NUMBER: RZ-18-0027

PROJECT TYPE: Rezone

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

[X] We have no objections to this proposal.

[ ] Please note the following concerns this organization has with this proposal:

 Kiowa Fire District Fire Impact Fee of $1,902.00 will be due at time of building permit.

 [ ] See the attached letter for detailed comments regarding this proposal.

Date: 04-26-18

Agency Name: Kiowa Fire Protection District

Your name (Please Print Clearly): Gerald L. LaMansky

Signature: ____________________________

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statues 30-28-136(2).

Sincerely,

Project Planner
Ethan Watel

From: Brooks Kaufman <BKaufman@Irea.Coop>
Sent: Friday, May 04, 2018 7:02 AM
To: Ethan Watel; Tracey Aaron
Subject: RE: Elbert County Land Use Referral: Burmaster A-2 Rezone

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, service requirements and environmental impact.

The Association has no comments at this time.

Brooks Kaufman
Lands and Rights of Way Director
5496 N. US Hwy 85
Sedalia, CO 80135
Direct : 720.733.5493
Cell : 303.912.0765
bkaufman@irea.coop

From: Ethan Watel [mailto:ethan@baselinecorp.com]
Sent: Monday, April 23, 2018 2:27 PM
To: Tracey Aaron (Tracey.Aaron@elbertcounty-co.gov); Vince Harris
Cc: Ethan Watel
Subject: Elbert County Land Use Referral: Burmaster A-2 Rezone

Hello,

On behalf of Elbert County Community & Development Services, I am sending you an application for a rezoning from PUD to A-2. This case is for a property that you recently reviewed a Special Use for a 2nd Residence. This new application strictly seeks to remove the property from the Legacy Business Park PUD and zone it Agriculture-Two (A-2).

The relevant application materials are attached. The referral period is open until 5 pm on Monday, May 7, 2018. Please use the attached form if you wish to comment on the project.

Please note that the applicant is currently working with the Colorado Division of Water Resources to legalize the source of water.

Thank you.
May 4, 2018

Elbert County Community and Development Service Department
PO Box 7 / 215 Comanche Street
Kiowa, CO 80117

Attn: Ethan Watel

Re: Burmaster A-2 Rezone

Public Service Company of Colorado’s Right of Way & Permits Referral Desk has reviewed the request for the Burmaster A-2 Rezone and has no objection to this proposed rezone, contingent upon Public Service Company of Colorado’s ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

If there are any questions about this referral response, please contact me at (303) 571-3306.

Donna George
Right of Way and Permits
Public Service Company of Colorado
SECTION 5:
Current DGA & PUD

- Legacy Business Park PUD Graphic (2006)
THIS PAGE INTENTIONALLY LEFT BLANK
LEGACY BUSINESS PARK
PUD

Development Plan and Guide

Developer:
Glen A. Peters and Melanie A. Peters

Date: MARCH 2006
CHAPTER I

GENERAL PROVISIONS
PROPERTY DESCRIPTION
PREAMBLE
CERTIFICATIONS

Page 1
Page 2
Page 3
Page 4

CHAPTER II

INTENT
COMMERCIAL LOT
RESIDENTIAL LOT

Page 5
Page 6-8
Page 9
I-A General Provisions

1. Authority – The authority of this Development Plan and Guide is Part II, Section 16, (Planned unit Development) of the Elbert County Zoning Regulation. The authority for Section 16 of the Elbert County Zoning Resolution is the Colorado Planned Unit Development Act of 1972, as amended.

2. Adoption – The adoption of this Development Plan and Guide shall evidence the findings and decision of the Elbert County, Colorado, Board of County Commissioners that this Development Plan and Guide for "LEGACY BUSINESS PARK PUD AND MINOR DEVELOPMENT" is authorized by the provisions of Part II, Section 16 of the Elbert County Zoning Resolution and that such Part II, Section 16 in this Development Plan and Guide comply with the Colorado Planned Unit Development Act of 1972, as amended.

3. Relationship to County Regulations – The provisions of this Development Plan and Guide shall prevail and govern the development of "LEGACY BUSINESS PARK PUD AND MINOR DEVELOPMENT", provided, however, that where the provisions of this Development Plan and Guide do not address a particular subject, the relevant provisions of the Elbert County Zoning Resolution or any other applicable resolution of regulation of Elbert County shall be applicable.

4. Enforcement – The provisions of this Development Plan and Guide relating to the use of land shall run in favor of Elbert County residents, occupants, and owners of the land within "LEGACY BUSINESS PARK AND PUD MINOR DEVELOPMENT" without any limitation of any power or authority granted by law.

5. Subdivision Plat – A subdivision plat showing all proposed lots, common area improvements, setback requirements and easements shall be submitted and approved by the Board of Elbert County Commissioners, in conjunction with this Development Plan and Guide. Any setbacks not established on the plat shall revert to the setbacks established by Elbert County Zoning and Subdivision regulations.
PROPERTY DESCRIPTION:

Lots 1 and 2
Legacy Business Park Minor Development
NW1/4 SW1/4 of Section 13
Township 8 South
Range 64 West of the 6th P.M.
County of Elbert
State of Colorado
I-B **Preamble – Statement of Intent and Commitments**

A. It is the intent of the Elbert County, Colorado, Board of County Commissioners to promote the zoning of the property by clarifying appropriate use and location restrictions to protect the adjoining land owners and the residents of the area while maintaining the flexibility required to meet the uses of the commercial parcel and the single-family lots by the lot owners and their invitees. For purposes of this development guide, invitees shall mean family members, friends and guests of residential single-family lot owners, including the owners of any commercial property. Nothing in this provision should be construed to prohibit a residential single-family lot owner from leasing his entire residential property and the use of his residential property to another person. Such person shall assume the rights and status of the residential single-family lot owner and shall be bound by the restrictions on use of the property and common areas to the same extent as the residential single-family lot owner.

B. Toxic or hazardous waste- discharge of toxic or hazardous waste, as defined by EPA or OSHA, into any on site sewage disposal system is prohibited. Such Waste, if generated, shall be disposed of in accordance to accepted EPA and/or OSHA standards.

C. **County Certification**

This Planned Unit Development has been reviewed and found to be complete and in accordance with governing Elbert County Regulations.

(Signature)  
Board of County Commissioners/Chairman  

Date 5-4-06
STATE OF COLORADO

COUNTY OF ELBERT

I hereby certify that this Development Plan and Guide was filed in my office on this 17th day of May, 2006 at 2:48 o'clock a.m. (p.m.), and was recorded per Reception No. 174227.

Kristine Gottmacker
County Clerk and Recorder
A. **INTENT**

For the purposes of this development guide, the Development is divided into two distinct types of lots based upon permitted uses.

1. Commercial Lot
2. Residential Single-Family Lot
A. INTENT

For the purposes of this Development Guide, the PUD allows for Commercial types of permitted uses by right, which are described in section E of this Guide.

B. AREA AND YARD SETBACK REQUIREMENTS-FOR PRINCIPAL AND ACCESSORY USES.

1. Minimum front yard setback and minimum yard setback for land abutting a street shall be 100 feet.
2. Minimum side and rear yard setbacks, as allowed in the current Elbert County Zoning Regulations.
3. Maximum building height shall be 60 feet.

C. FENCES, HEDGES AND WALLS

1. As per current Elbert County Zoning Regulations.

D. GENERAL REQUIREMENTS

1. Parking Requirements: Part II, Section 20, Off Street Parking Requirements of the current Elbert County Zoning Regulations.
2. Sign Requirements: Part II, Section 19, Sign Regulations, of the current Elbert County Zoning Regulations.
3. Landscape Requirements: The lot shall be landscaped in accordance with an approved landscaping plan. The areas landscaped shall be inclusive of, but not limited to, the front yard, parking areas and other required areas. This plan shall be made part of the site plan submittal for building permits.
4. Water and Sewer Requirements: Prior to any building permits being issued for Lot 1, a will serve letter for water service from Summit Business Park Metropolitan District will be provided to the County, prior to issuance of any occupancy of Lot 1, water from Summit Business Park Metropolitan shall be available and installed. Wastewater shall be provided by sewage treatment plant, approved by Elbert County Health Department and the State of Colorado Health Department.
5. Impact fees: The impact fees to be collected by the County for this particular parcel shall be collected at the time the site plan is approved by Elbert County. These fees shall be calculated on a square foot basis at whatever fee is being charged by Elbert County for like development at the time of approval of the site plan. No building permits will be allowed to be issued for this lot until this fee has been paid in full.

6. Allowable Square Footage: The allowable square footage for any improvements to this site shall be determined by the amount of water available underlying Lot 1, which will have to be deeded to Summit Business Park Metropolitan District to provide service to Lot 1. The maximum allowable square footage using the available onsite water shall be 32,000 square feet. The allowable square footage can be increased if additional water ever becomes available for Lot 1.
RESIDENTIAL SINGLE FAMILY LOTS

A. INTENT

Lot 2 is designated on the plat as a residential single-family lot.

B. USES PERMITTED BY RIGHT

Those uses by right identified in the current Elbert County Zoning Regulations for A-2.

C. RESTRICTIONS/REGULATIONS

Until the time that a building permit is obtained for any improvements on Lot 1, Lot 2 shall be served by an existing individual well, no occupancy shall be granted for any improvement to Lot 1 until water service from Summit Business Park Metropolitan District has been provided to Lot 2 and proof the existing well has been capped abandoned, submitted to the Planning Department from residential use.

Wastewater shall be provided by the existing individual septic system.

Access to Lot 2 shall be the existing driveway from County Road 33.