

# **Letter of Intent**

**Site Development Plan  
August 18, 2021  
rev. January 27, 2022  
rev. May 18, 2022  
rev. July 22, 2022**

**Rocky Top RV Park & Campground**

G&D Enterprises, Corp.  
10090 West Highway 24  
Green Mountain Falls, Colorado 80819  
Owner: Daniel P. Nieman

**I. Owner/Applicant and Consultant.**

G&D Enterprises, Corp. is owned by Daniel P. Nieman. The Owner/Applicant and Consultant contact information is as follows:

**Applicant:**

Daniel P. Nieman  
P.O. Box 215  
Green Mountain Falls, Colorado 80819  
(989) 430-8065  
[dan@rockytopco.com](mailto:dan@rockytopco.com)

**Owner:**

G&D Enterprises, Corp.  
10090 West Highway 24  
Green Mountain Falls, Colorado 80819  
(719) 684-9044

**Consultant:**

Debra Eiland, Esq.  
Law Offices of Debra Eiland, P.C.  
24 S. Weber Street, Suite 300  
Colorado Springs, Colorado 80903  
(719) 471-1545  
[debra@eilandlawfirm.com](mailto:debra@eilandlawfirm.com)

**II. Site Location, Size and Zoning.**

The subject property is located at 10090 West Highway 24, Green Mountain Falls, Colorado. The parcel number is: 8309200011. The property consists of approximately 9.30 acres and is zoned C-2.<sup>1</sup>

**III. Request and Justification.**

Mr. Nieman purchased the property on June 23, 2017. The property has been home to a small motel since 1947, and an RV park/campground since 1950. Pursuant to the Administrative Determination dated March 5, 2019 (ADM-18-029), the motel is a legal non-conforming use.

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<sup>1</sup>The Assessor's records show the property area to be 9.21 acres, which appeared on a Survey Plat recorded on January 27, 1997, under Reception Number 97902111. That acreage was subsequently amended by a Boundary Line Agreement recorded on February 19, 2004, at Reception Number 204028584. The change to 9.30 acres, based on that Boundary Line Agreement, is reflected in a full Boundary Survey and Land Survey Plat deposited with the El Paso County Clerk & Recorder's office on December 29, 2017, at Reception Number 217900261.

On February 23, 2021, the El Paso County Board of County Commissioners approved a use variance to legalize the existing RV park and campground. This application is made to obtain approval of the Site Development Plan pursuant to the conditions of the Use Variance approval.

**IV. Existing and Proposed Facilities, Structures, Roads, etc.**

Access to the property is provided from Highway 24 across a short CDOT owned gravel road via a paved driveway entrance. A copy of the Access Permit Application filed with CDOT is attached in Appendix A. The paved driveway entrance provides access to the motel and RV park/campground and is wide enough to accommodate large RVs and emergency vehicles.

The property currently has 60 RV sites and 8 tent sites. The two small sheds and propane tank located within the northern boundary setback will be relocated as shown on the Site Development Plan. The Applicant has designated RV site number 26 along the northern boundary of the property for the RV of its full-time on-site caretaker.

A 12' x 16' bathroom building will be constructed near RV site 50 to replace an old tent camper restroom building. A greenhouse will be constructed for the owner's personal use. A 20' x 30' garage for the owner will be built behind the motel building.

Three light poles with security cameras will be added near the tent area, the northwest corner of the property, and below RV sites 9 and 10. All lights will be shielded and equipped with dusk-to-dawn sensors. Upgraded electric, water, and sewer connections will be installed at RV sites 50-60, and the electric lines and connection to the well shed will also be upgraded. One sign for the motel and RV/campground business is located at the paved driveway entrance. Over the next five years, the Applicant plans to add a retaining wall below RV sites 4-9 and expand those RV sites, and plans to upgrade the water, sewer, and electric connections to all the other RV sites. The Applicant also plans to install 16' x 30' cement pads on each of the RV sites over the next several years.

**V. Waiver Requests.**

None.

**VI. Criteria for Approval of the Site Development Plan.**

**A. Landscape Requirements.**

1. Roadway Landscape Requirements. State Highway 24 is classified as "principal arterial" in the Major Transportation Corridor Plan ("MTCP"). The landscaping requirement for this roadway classification is 1 tree per 20 linear feet of roadway frontage. Along the highway frontage the Applicant proposes to reduce the total number of trees required from 29 to 13.

2. Buffer and Screen Areas Between Non-Residential and Residential Districts. The LDC requires 1 tree per 25' for buffer and screening along the property boundaries. The West property boundary requires 32 trees, and already contains 21 trees. To provide screening for the neighboring residences to the West, the applicant proposes adding 19 new trees, which will bring the total trees along this boundary to 40. The Applicant will also install 6' opaque privacy fencing along the West property boundary of the RV park/campground to provide additional screening.

For the North and East boundaries, which adjoin vacant land, the Applicant proposes an alternative plan with fewer trees. For the North boundary 26 trees are required, and the Applicant proposes a total of 21. For the East boundary 36 trees are required and the Applicant proposes a total of 17. To supplement this screening the Applicant will install 6' opaque privacy fencing along the North and East property boundaries of the RV park/campground within the next two years.

#### Justification for Alternative Landscape Plan

The proposed number of trees along the West property boundary exceeds the requirements of the LUC. However, as stated above, the Applicant proposes an alternative landscaping plan that reduces the number of trees required along the highway frontage and along the North and East property boundaries.

The RV Park & Campground has been operational at this site since 1950. The adjoining properties to the North and East contain undeveloped land consisting of open meadows with scattered mature trees. While the general layout of the RV Park has not changed over the years, the density has decreased from 72 RV sites down to 60 RV sites.

The tent sites are not visible from the properties to the North and East. A 6' opaque fence along the North and East property lines along with existing and new trees will screen the RV sites from view of the adjoining properties. With the exception of the tent sites, the campground is not visible from Highway 24. The existing and additional evergreen trees proposed around and below the tent sites will shield them from view of the highway and the rest of the campground. No property will be disturbed within 75' of the Highway frontage. There are two or three existing trees along the Highway 24 frontage, and the proposed new trees will enhance the streetscape there without impairing the view of vehicles entering and exiting the property onto Highway 24.

The Property is served by an adjudicated well. The Judgment and Decree entered by the District Court (attached in Appendix B) provides that the well may be used for commercial, business, drinking, and sanitary facilities only. The well is approved to pump up to 14 gallons per minute, which is insufficient for

widespread irrigation. The lack of water available for irrigation and present drought conditions limits the number of trees that can be planted and kept alive.

3. Parking Lot Landscape Requirements. The only parking lot on the property is at the motel, which contains 20 parking spaces. The El Paso County Planning and Community Development Department has determined that the motel is a legal nonconforming use separate from the RV park/campground use.<sup>2</sup> The Applicant is neither expanding nor changing the motel use.

Pursuant to the El Paso County LDC *Parking Lot Landscape Requirements*, "Parking lots containing fewer than 25 spaces shall not be required to provide islands." LDC § 6.2.2.(C)(2). The Rocky Top motel parking lot has less than 25 parking spaces, so landscape islands are not required.

The LDC also states that "Small parking lots may utilize the perimeter area of the parking lot to satisfy the parking lot tree location requirement when there are not more than 2 rows of parking spaces and a single drive aisle." The Rocky Top motel parking lot has one row of parking spaces and a single drive aisle. As depicted on the landscape plan there are 8 existing mature trees around the southeast perimeter of the parking lot, which provide shade and a suitable canopy over a sizable portion of the motel parking lot. Additionally, the parking spaces also run along the front of the motel building and are shaded and screened by the building itself.

4. Internal Landscaping. The LDC requires that a minimum of 5% of the lot or parcel be landscaped. This requirement is met by the existing native grasses and vegetation on the property. The LDC also requires 1 tree per 500 sf of area. To meet this requirement 40 trees are required. The 55 existing trees on the property exceeds the requirement of 40 for this area.

5. Refuse Areas Screened. Trash receptacles will be screened with a 6' wooden fence enclosure.

**B. Lighting.** A lighting plan is submitted with this application. The following lighting is existing or proposed:

- Low voltage Pagoda 4 Tier (9" High, 6" diameter) black – On/Off with a Photocell – 9 Watt LED at each RV site and each tent site.
- Three light poles with security cameras (one near the tent area, one in the northwest corner of the property, and one below RV sites 9 and 10). All will be shielded from neighboring properties and equipped with dusk-to-dawn sensors.

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<sup>2</sup> Letter dated March 5, 2019, addressed to Daniel Nieman from Craig Dossey, Executive Director, regarding Determination of Nonconformity for Rocky Top Motel and Campground.

- Wall flood lights on the sides/entryways of the rec room/bathroom/laundry building and the proposed bathroom building (directed downward).
- An LED bar flood light over the entrance to the rec room/bathroom/laundry building.

**C. Signs. A sign plan is submitted with this application.** The Applicant will retain the existing sign for the motel and RV/campground business, which is located at the paved driveway entrance. This is the only sign proposed. The Applicant will be taking the lighted propane sign section down and putting an unlighted propane sign in its place. The Applicant will also change the lighting of the sign to energy saving LED.

The Applicant requests administrative relief from the 15' front setback for the existing entrance sign depicted on the sign plan. The entrance sign is located 13.26' from the front property line (extending 1.74' into the setback). The requested setback reduction is less than 20% of the setback area. The strict application of the 15' setback is unnecessary for this type of land use, and the intent of the LUC and the setback requirement is preserved with this reduction. Granting this relief will not result in any adverse impact on surrounding properties and will not allow an increase in the number of dwelling units on a parcel. Additionally, granting administrative relief to allow this sign to remain in its existing location will avoid unnecessary site disturbance, minimize grading, and reduce vegetation removal.

**D. Parking.** The only structure onsite that requires parking is the motel building. It has a paved parking lot that accommodates twenty cars and includes ADA parking. The motel has been determined to be a legal non-conforming use and is not part of this application.

**E. Access and Maintenance.** Access is by a paved driveway from Highway 24, which continues to the upper level of the RV park/campground and turns onto gravel roads for access to the individual RV and tent sites. The driveway, paved, and gravel roads are sufficiently wide and configured to safely accommodate large RVs and to provide safe access for emergency vehicles. The Applicant will perform routine road maintenance that includes grading and re-surfacing as needed. Such routine maintenance will not result in any adverse impacts.

**F. Dust and Debris Control.** For safety and to minimize dust, campers access their RV and tent sites via internal roads with a posted speed limit of 10 mph. Daily travel into and out of the campground is minimal, with vehicles driving to and from their specific sites. The use of ATVs and dirt bikes is prohibited on the property. The area outside the roadways is or will be landscaped or covered with vegetation.

**G. Air Quality Control.** Generators are prohibited and campers are not allowed to run their vehicles for extended periods of time.

**H. Fire Protection and Wildfire Mitigation.** The property is served by the Green Mountain Falls Fire Protection District. The response time to emergency calls is about 5 minutes. In consultation with the Fire Chief, the Applicant has prepared a Wildland Management and Evacuation Plan for the property, a copy of which is attached in Appendix C to this Letter of Intent.

**I. Wetlands and Wildlife.** The property is not within a designated wetland, and the use will have no impact on wildlife or wildlife habitat.

## **APPENDIX A**



# COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

**Instructions:**

- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
- Submit an application for each access affected.
- If you have any questions contact the issuing authority.
- For additional information see CDOT's Access Management website at <https://www.codot.gov/business/permits/accesspermits>

**Please print or type**

1) Property owner (Permittee) <b>G&amp;D Enterprises, Corp.</b>		2) Applicant or Agent for permittee (if different from property owner) <b>Daniel P. Nieman, President</b>															
Street address <b>10090 West Highway 24</b>		Mailing address <b>P.O. Box 215</b>															
City, state & zip <b>Green Mtn Falls CO 80819</b>	Phone # <b>(719) 684-9044</b>	City, state & zip <b>Green Mtn Falls CO 80819</b>	Phone # (required) <b>(989) 430-8065</b>														
E-mail address <b>Karan@rockytopco.com</b>		E-mail address if available <b>rocko928@hotmail.com</b>															
3) Address of property to be served by permit (required) <b>10090 West Highway 24, Green Mountain Falls, CO 80819</b>																	
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? <table style="width:100%; border:none;"> <tr> <td style="border:none;">county</td> <td style="border:none;">subdivision</td> <td style="border:none;">block</td> <td style="border:none;">lot</td> <td style="border:none;">section</td> <td style="border:none;">township</td> <td style="border:none;">range</td> </tr> <tr> <td style="border:none;"><b>El Paso</b></td> <td style="border:none;"></td> <td style="border:none;"></td> <td style="border:none;"></td> <td style="border:none;"><b>9</b></td> <td style="border:none;"><b>13</b></td> <td style="border:none;"><b>68</b></td> </tr> </table>				county	subdivision	block	lot	section	township	range	<b>El Paso</b>				<b>9</b>	<b>13</b>	<b>68</b>
county	subdivision	block	lot	section	township	range											
<b>El Paso</b>				<b>9</b>	<b>13</b>	<b>68</b>											
5) What State Highway are you requesting access from? <b>Highway 24 West</b>		6) What side of the highway? <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W															
7) How many feet is the proposed access from the nearest mile post? <b>4,330</b> feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W from: <b>291</b>		How many feet is the proposed access from the nearest cross street? <b>315</b> feet <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W from: <b>Lucky 4 Road</b>															
8) What is the approximate date you intend to begin construction? <b>3/1/2021</b>																	
9) Check here if you are requesting a: <input checked="" type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated: _____ ) <input checked="" type="checkbox"/> improvement to existing access <input type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)																	
10) Provide existing property use <b>Motel and RV Park/Campground</b>																	
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: _____ and/or, permit date: _____ <b>Request is to obtain permit for existing driveway access point from Hwy 24 West.</b>																	
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe: _____																	
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.																	
14) If you are requesting agricultural field access - how many acres will the access serve? <b>n/a</b>																	
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.																	
	business/land use	square footage	business														
	<b>Motel &amp; RV Park/Campground</b>	<b>406,002</b>															
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?																	
	type	number of units	number of units														
	<b>n/a</b>																
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.																	
Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.		# of passenger cars and light trucks at peak hour volumes <b>5</b>	# of multi unit trucks at peak hour volumes <b>25</b>														
# of single unit vehicles in excess of 30 ft. <b>5</b>	# of farm vehicles (field equipment) <b>0</b>	<b>Total count of all vehicles</b> <b>35</b>															

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- a) Property map indicating other access, bordering roads and streets.
- b) Highway and driveway plan profile.
- c) Drainage plan showing impact to the highway right-of-way.
- d) Map and letters detailing utility locations before and after development in and along the right-of-way.
- e) Subdivision, zoning, or development plan.
- f) Proposed access design.
- g) Parcel and ownership maps including easements.
- h) Traffic studies
- i) Proof of ownership.

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: <https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view>

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

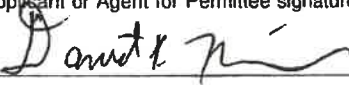

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <https://www.codot.gov/business/civilrights/ada/resources-engineers>

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

**The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.**

**I understand receipt of an access permit does not constitute permission to start access construction work.**

Applicant or Agent for Permittee signature 	Print name <b>Daniel P. Nieman</b>	Date <b>Jan. 29, 2021</b>
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.		
Property owner signature 	Print name <b>Daniel P. Nieman, President</b>	Date <b>Jan. 29, 2021</b>

## **APPENDIX B**

Filed in the office of the  
Clerk, District Court Water  
Division No. 2, State of  
Colorado

DISTRICT COURT, WATER DIVISION 2, COLORADO

CASE NO. 82CW5

JUN 1 1982

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JUDGMENT AND DECREE  
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*Priscilla S. Lucero*  
Clerk

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

GLENN T. and MARY J. WAGONER in EL PASO County.

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THE COURT FINDS That no protest has been filed to the Ruling of the Water Referee within the time provided by law, and that said Ruling should be confirmed, approved and adopted,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED That the Ruling of Referee entered on April 28, 1982, be and is incorporated herein by reference and is confirmed, approved and adopted as the judgment of this Court.

Dated: June 1, 1982.

BY THE COURT:

*John C. Statler*  
\_\_\_\_\_  
JOHN C. STATLER, WATER JUDGE

xc: Glenn T. and Mary J. Wagoner  
10090 W. Hwy. 24, P. O. Box 215  
Green Mountain Falls, Colorado 80819

Robert W. Jesse  
Division Engineer

Jeris A. Danielson  
State Engineer

DISTRICT COURT  
WATER DIVISION NO. 2  
STATE OF COLORADO  
Certified to be a full, true  
and correct copy of original  
on file: JUN - 1 1982  
Date: \_\_\_\_\_

PRISCILLA S. LUCERO, CLERK  
By: *Priscilla S. Lucero*  
Deputy Clerk

RECEIVED  
JUN 3 1982  
DIVISION ENGINEER  
PUEBLO, COLORADO

COPY

Filed in the office of the  
Clerk, District Court Water  
Division No. 2, State of  
Colorado

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO  
Case No. 82CW5

APR 28 1982

RULING OF REFEREE

*Roseanna Lopez*

Clerk

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

GLENN T. and MARY J. WAGONER

IN EL PASO COUNTY.

*Tabbed  
2/15/89  
B*

Pursuant to Order of Referral filed and entered in the above case on January 26, 1982, and a subsequent Order Transferring case to the undersigned Water Referee filed and entered on April 27, 1982, the undersigned having investigated the matter of the application on file herein, hereby makes the following findings and ruling thereon:

FINDINGS OF FACT

1. That the said Application was filed on January 26, 1982.

2. That the Water Clerk caused publication of such filing as provided by statute; that the time for filing Statements of Opposition expired on the last day of March, 1982, and that none has been filed.

3. That the said Application concerns one well located in El Paso County, Colorado, and use is claimed for commercial business; drinking and sanitary facilities.

4. That the said well is an exempt well as defined in C.R.S. 1973, 37-92-602(1)(c).

5. That Applicants have furnished acceptable proof as to claims made.

IT IS, THEREFORE, ORDERED AS FOLLOWS: That Applicants be, and are hereby, awarded an absolute underground water right, to-wit:

NAME AND ADDRESS: Glenn T. and Mary J. Wagoner  
10090 W. Hwy. 24  
P.O. Box 215  
Green Mtn. Falls, Colorado 80819

UNDERGROUND WATER RIGHT

NAME OF WELL: Motel X Well #1. *ID 5698*

LOCATION OF WELL: SW1/4 of the NW1/4 of Section 9, Township 13 South, Range 68 West of the 6th P.M., in El Paso County, Colorado, being 1,650 feet from the north line and 990 feet from the west line of said Section 9.

DEPTH: 140 feet.

PRIORITY DATE: July 15, 1953

AMOUNT OF WATER: 0.031 c.f.s., or 14 g.p.m.

USE OF WATER: Commercial-Business; Drinking and Sanitary Facilities.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

IT IS FURTHER ORDERED That Applicants shall install and maintain such water measurement devices, recording devices, content gauges and inlet and outlet measurement and recording devices, as the case may be, as are deemed essential by the Office of the State Engineer, and the same shall be installed and operated in accordance with instructions from said Office.

IT IS FURTHER ORDERED That copies of this ruling shall be mailed as provided by statute.

Dated and filed with the Water Clerk this 28th day of April, A. D. 1982.

BY THE REFEREE:

DISTRICT COURT  
WATER DIVISION NO. 2  
STATE OF COLORADO  
Certified to be a full, true  
and correct copy of original  
on file.  
Date: APR 28 1982

*Clyde B. Young, Jr.*  
Clyde B. Young, Jr., Water Referee  
Water Division No. 2  
State of Colorado

MARICELA S. LUCERO, CLERK  
By: *[Signature]*  
Deputy Clerk

COPY

DISTRICT COURT WATER DIVISION 2, COLORADO

Filed in the office of the  
Clerk, District Court Water  
Division No. 2, State of  
Colorado

CASE NO. 82CW5

APR 27 1982

ORDER TRANSFERRING CASE

*Russell J. Lyons*

Clerk

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

GLENN T. and MARY J. WAGONER,

IN EL PASO COUNTY.

At the request of the Applicants that this case be accelerated and the Water Referee to whom the case has been assigned just having undergone surgery and being presently hospitalized and recuperation period being unknown at this time, it is

ORDERED that the above case be and is hereby transferred from Wallace A. Doe, Water Referee, to Clyde B. Young, Jr. Water Referee for investigation and ruling thereon. The time within which to render said ruling shall remain the same as set by statute unless otherwise extended by the Court.

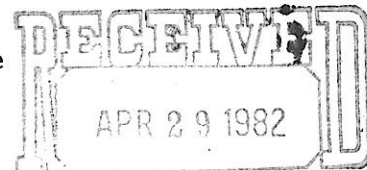
Done this 27th day of April, 1982.

BY THE COURT:

*John C. Statler*

John C. Statler, Water Judge

c: Glenn T. Wagoner and  
Mary J. Wagoner  
Clyde B. Young, Jr., Water Referee  
Wallace A. Doe, Water Referee  
Division Engineer  
/State Engineer



DIVISION ENGINEER  
PUBLIC, COLORADO

OFFICE OF THE DIVISION ENGINEER

CASE NO. 82CW5

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CONSULTATION RESPONSE  
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CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

GLENN T. and MARY J. WAGONER in El Paso County.

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In compliance with C.R.S. 1973, 37-92-302, the undersigned submits the following:

1.  Proof of claimed date of initiation of appropriation is inadequate.
2.  Proof of amount of water claimed is inadequate.
3.  No proof of use of water.
4.  No legal description of irrigated land.
5.  Amount claimed for proposed use is excessive.
6.  Application does not include claim for storage rights.

RECOMMENDATIONS

1.  Application should be denied by Water Referee.
2.  Application should be amended.
3.  Applicant should furnish the required information.
4.  None.

ADDITIONAL COMMENTS

Should be decreed Exempt Commercial.

Dated: April 7, 1982

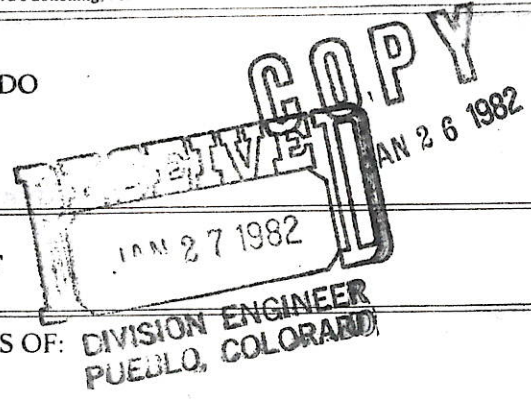
Robert W. Jesse

Division Engineer Div. 2



DISTRICT COURT, WATER DIVISION 2, COLORADO

Case No. 82CW5



APPLICATION FOR UNDERGROUND WATER RIGHT

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

Glenn T. and Mary J. Wagoner, in El Paso County

1. Name, address, telephone number(s) (residence and business) of applicant(s)

Glenn T. and Mary J. Wagoner

10090 W. Hwy. 24 P.O. Box 215

Green Mtn. Falls, Co., 80819      684-9044      684-2100

2. Name of well and registration number (as registered in State Engineer's office, or, if a new well, the number on the permit):

Motel X Well #1      Not registered

3. Legal description of well: (include feet from Section Line, 1/4 1/4, Section, Township, Range and County)

SW 1/4 of NW 1/4 Section 9, Township 13S, Range 68 W 6th Pm, El Paso County

1650 feet from North section line & 990 feet from West section line

4. Source: Underground

A. Depth: 140 Feet

5. A. Date of appropriation: July 15, 1953

B. Date water applied to beneficial use: July 15, 1953

C. How appropriation was initiated: Roy & Laura Jones had well drilled and pump installed

See attached affidavit

6. Amount claimed in gpm: 14 gpm (X) Absolute ( ) Conditional

7. Use or proposed use: Commercial-Business: Drinking and Sanitary Facilities

# WOODLAND PUMP & SUPPLY

Company, Inc.  
Wholesale Distributors

Plumbing - Electrical - Pumps - Well Supplies

Phone 687-9364

P. O. Box 35X 69  
WOODLAND PARK, COLO. 80863

January 22, 1982

Glenn Wagoner  
P.O. Box 215  
Green Mountain Falls, Colorado

Re: Well located at  
Motel X  
El Paso County, Colorado

To Whom It May Concern:

A pump down test was performed on the well at the above location on January 18, 1982. During the two hours of the test the well produced fourteen (14) gallons per minute. If you have further questions feel free to contact me.

Sincerely,



George M. Hemming  
State License #1079

Stat of Colorado, County of Teller

Subscribed and sworn to before me this 22nd day of January 1982.

My commission expires: ~~My Commission Expires Aug. 21, 1985~~

Notary Public Raven Sue Hemming  
P.O. Box 1004, Woodland Park, CO 80863

For use by Property owner or any one having personal knowledge.

STATE OF COLORADO  
COUNTY OF EL. PASO.

AFFIDAVIT

Laura B. Jones

COMES NOW the undersigned \_\_\_\_\_,  
and being first duly sworn states as follows.

1 That she has been a resident of Ute pass area El. Paso C.O.  
for 31 years.

2 That she is well acquainted with that certain well , on  
property legally described as follows:  
That portion of the N.W. 1/4 of section 9 in Township 13  
South, Range 68 west of the 6th P.M. described as follows,  
Beginning at a point on the easterly R.O.W. line of U.S. 24  
whence the S.W. corner of the N.W. 1/4 of section 9 bears  
southwest 635 ft. thence southeast 605.3 ft. thence northeast  
722 ft. thence northwest 513.6 ft thence 723 ft. to the P.O.B.

3 That she states , of her own personal knowledge, that  
said well was drilled and put to beneficial use on or about the  
15th day of July 1953.

Signature Laura B Jones

subscribed and sworn to before me this 25<sup>th</sup> day of  
January 19 52

Witness my hand and official seal.

My commission expires 12/22/84

Conrad Y. Lindon

notary Public

To whom it may concern:

Roy and Laura Jones owned and operated Motel X from 1950 to 1965, and drilled the well in 1953.  
Roy Jones is now deceased.

*David Hansen*

David and Vivian Hansen owned business from 1965 to Feb. 1978.

Glenn and Mary Wagoner owned business from Feb. 1978 to present.

*Glenn Wagoner* 1-25-82

1-25-82

My commission expires My Commission Expires Sept. 23, 1982

*Judith K Wood*  
Notary

## **APPENDIX C**

# Rocky Top RV Park & Campground Wildfire Management and Evacuation Plan

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In consultation with the Green Mountain Falls-Chipita Park Fire District, Rocky Top RV Park & Campground (“Rocky Top”) has prepared this Wildland Management and Evacuation Plan for protection of the campground property and its guests. Policies specific to Rocky Top, the Fire District’s resources and capabilities, and evacuation plans for the campground and the surrounding communities are included and integrated into the overall plan.

Rocky Top staff are trained in these policies and procedures concerning fire mitigation, safety, and evacuation as well as implementation of the Green Mountain Falls-Chipita Park Fire Protection District’s Wildland Fire Emergency Evacuation Plan. The Owner, Daniel Nieman, is in close contact with the Green Mountain Falls-Chipita Park Fire Department, which serves the Rocky Top property and surrounding community, concerning possible fire hazards and other emergencies.

## **I. FIRE PROTECTION AND WILDFIRE MITIGATION**

Fire protection to the property is available from the Green Mountain Falls-Chipita Park Fire Protection District. The Green Mountain Falls Fire Department is located at 2 Carsell Way, Green Mountain Falls, CO on the South side of Highway 24 and in close proximity to the Campground. The average response time to the campground property is five minutes. The District makes regular use of mutual aid from surrounding departments, such as the Cascade Volunteer Fire Department, the El Paso County Wildland Fire Crew, the Manitou Springs Fire Department, and the Northeast Teller County Fire Department.

The campground Rules & Regulations prohibit open burning and outdoor cooking except in designated grills and fire rings. Use of fireworks is also prohibited. Campground staff posts notice of any official bans on open burning. Several fire extinguishers are readily accessible in each of the buildings on the premises.

## **II. ROADS/ACCESS/INGRESS & EGRESS**

The campground contains one road for access, ingress, and egress. The access road is paved, well maintained, and sufficiently wide to accommodate access by emergency vehicles, as are the internal gravel roads that serve the RV and tent sites. The roads throughout the campground are at all times kept clear for passage of vehicles, and are adequate to allow Type 6 trucks and other emergency vehicles, such as ambulances, to safely navigate and turn around. A lighted sign can be easily seen near the Highway 24 entrance to guide emergency responders to the motel and campground. In the event of an emergency evacuation, campground staff will supervise and direct the flow of traffic to the exit to ensure organization and efficiency of the evacuation.

### **III. MAINTENANCE OF PROPERTY**

Rocky Top's staff ensures that the grounds are well groomed and kept free of debris and trash at all times. All trees, shrubs, and grasses are regularly pruned, thinned and mowed, including removal of any dead material. Defensible space free of combustible plant material is maintained around all buildings and the campsites. Vegetation is mowed or otherwise maintained at a height that discourages the spread of ground fire.

### **IV. WILDFIRE EVACUATION PLAN**

In the event Rocky Top staff is notified of a wildland fire or other emergency in the area and that evacuation of residents is necessary, or if the staff observes that a large fire is nearby, evacuation of campground guests and staff shall be carried out immediately. Notification may come in the form of a reverse 911 call and/or door-to-door notification.

Rocky Top staff will determine the direction the fire is coming from in order to provide direction to campground guests and staff for safely leaving the area. The staff will manage the flow of traffic from the Campground to the Highway 24 exit. If time allows, all RVs and trailers carrying propane or other combustible fuels will be driven from the property by their respective owners. Evacuation routes are either Highway 24 West to Woodland Park, or Highway 24 East to Manitou Springs. For their safety, and to enable Fire Department vehicles to access the campground and surrounding properties, Campground guests and staff will not be allowed to stay on the Campground property.

A copy of this evacuation plan is posted in the Campground office.