

# **Letter of Intent**

**Application for Variance of Use  
July 26, 2019**

**revised May 29, 2020**

**Rocky Top RV Park & Campground  
Rocky Top RV Storage**

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

### **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  
[edebara@qwest.net](mailto:edebara@qwest.net)

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

The property located at 10090 West Highway 24, Green Mountain Falls, Colorado contains a motel and RV park/campground. Pursuant to the El Paso County Assessor's records for Parcel #8309200011, the motel and a storage warehouse were built in 1947, and the RV park/campground was built in 1950. The motel has 15 rooms, including the laundry and Owner's residence, and the RV park/campground has had as many as 72 campsites for trailers and RVs, and additional sites for tent camping.

In addition to the motel and RV park/campground, Mr. Nieman plans to operate an RV storage business at the property. The property consists of approximately 9.30 acres.<sup>1</sup> The RV storage business is located along the lower southern side of the property along Highway 24.

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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.

The property is zoned C-2. A parcel map showing the location of the property is included with this application.

### **III. Request and Justification.**

Mr. Nieman purchased the property on June 27, 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. However, due to the expansion of the campsites since the Land Use Code became effective, a variance is required to legalize the expanded RV park and campground use. Mr. Nieman is applying for a use variance for a recreational RV park and campground with a provision for extended stays, and to also conduct an RV storage business on the property.

### **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 two driveway entrances (one paved and one gravel).<sup>2</sup> Both driveway entrances are wide enough to accommodate large RVs and emergency vehicles. The paved driveway entrance provides access to the motel and RV park/campground, as well as the southeast RV storage lot. The gravel driveway entrance provides access to the northwest RV storage lot.

see site plan for update to how many full-time caretakers

The motel has 15 rooms, including a laundry, office and Owner's residence, and the RV park/campground currently has 60 RV and trailer sites and 7 tent campsites. Amenities include electric, Internet/Wifi, water and sewer hookups at each site, two dump stations, a fenced dog park, a recreation room, bathrooms, and laundry building, and a covered patio/BBQ area. The two small sheds and propane tank located within the northern boundary setback will be moved outside the setback area.

A 12' x 16' building will be constructed next to campsite 50 for bathrooms to serve the tent sites. A greenhouse will be constructed adjacent to campsite 48. A children's playground will be added above the dog park. Three light poles with security cameras will be added near the tent area, the northwest corner of the property, and below campsites 9 and 10. All lights will be shielded and equipped with dusk-to-dawn sensors. The Applicant will provide a photometric plan with the subsequent site

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<sup>2</sup>On February 2, 1992, former owners David and Vivian Hansen conveyed to the Colorado State Department of Highways a strip of the property along the Highway 24 frontage, reserving an access easement across that strip of property and to the two driveway entrances. A copy of the Deed of Access Rights dated February 2, 1992, and recorded in the records of the El Paso County Clerk and Recorder at Reception Number 860329, Book 2465, Page 195 is attached as Appendix A. The Applicant has filed access permit applications with CDOT for the two driveways, and is awaiting either an acknowledgment of this Deed of Access Rights and/or issuance of access permits. The Applicant will provide a copy of the acknowledgment and/or access permits upon receipt.

development plan. Upgraded electric, water, and sewer connections will be installed at campsites 50-60, and the electric lines and connection to the well shed will also be upgraded. Over the next five years, the Applicant plans to add a retaining wall below campsites 1-9 and expand those campsites, and plans to upgrade the water, sewer, and electric connections to all the other campsites. These land disturbance areas will be included in the drainage report as part of the subsequent site development plan.

Campers access their campsites via private internal roads with a posted speed limit of 10 mph. Ample parking, including ADA accessible parking, is provided at the campsites and in front of the motel office. The Applicant also plans to install 16' x 30' cement pads on each of the campsites over the next several years. These land disturbance areas will be included in the drainage report as part of the subsequent site development plan.

see site plan for update to how many full-time caretakers

The Applicant ~~proposes to have its full-time caretaker live on-site in his personal RV.~~ It is common for campgrounds, including state, federal, and commercially owned properties, to have a caretaker or campground host living on-site full time in an RV. The Rocky Top motel does not provide an apartment-type unit that would be suitable for this purpose. The Applicant has designated site number 47 along the northern boundary of the property for this purpose. The property adjoining the northern boundary of the Rocky Top property is vacant land with no residences. Rocky Top's caretaker living on-site in his RV will have no adverse impact on adjoining property owners. His presence will enhance safety and security to the benefit of neighboring properties and Rocky Top guests.

The RV storage lot area is located on the lower third of the property facing Highway 24, is generally flat, and consists of two gravel parking areas. The RV storage lots are located on either side (northwest and southeast) of the paved driveway entrance. Twenty-nine RVs can be stored at the southeast storage lot, and six RVs can be stored at the northwest storage lot. The southeast storage lot is accessed via the paved driveway, is fenced on all sides, and is locked. The northwest storage lot is accessed via the gravel driveway, and will be similarly fenced and locked for security. No RV will be posted for sale or rent while being stored on the premises.

A parking area for storage lot customers is provided on the northwest storage lot, and includes ADA accessible parking. The small weather shelter/bus stop on the corner of the northwest storage lot will be removed. One sign for the motel and RV/campground business is located at the paved driveway entrance. All other pre-existing signs will be removed.

The RV storage areas, tent sites, and retaining walls are recent areas of land disturbance that exceed one acre in total area. All land disturbances that have occurred on the property since February 2008 are part of a Large Common Plan of Development and are considered for Water Quality Capture Volume. The drainage report submitted with the subsequent site development plan will address the historic/undeveloped condition of the property. All required engineering documents will be submitted with the site development plan.

## **V. Waiver Requests.**

The Applicant requests a waiver of the LDC to allow long-term campers. The upper two-thirds of the property has been used as an RV park/campground since 1950. The adjoining properties to the north and east of the RV park/campground are vacant land. Rocky Top is open year round, and allows extended campground stays. Extended stays at Rocky Top provide an important resource to the community. Some examples of the campers who have taken advantage of the extended stay policy are:

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| <p>FYI, the Code, Section 6.2.5.C.2.c.iii requires paving for 25 or more parking spaces. A waiver request will be required at the SDP stage, however, I would address here as well.</p> | <ul style="list-style-type: none"><li>• Families looking for property or a home to buy</li><li>Fire Evacuees - Families camp at Rocky Top while their homes are being built or rebuilt because of fires and other disasters.</li><li>Families whose spouse/children are receiving medical treatment</li><li>Loggers, storm chasers, seasonal or temporary workers</li><li>Veterans seeking services from a VA provider</li><li>Students and workers from Charis Bible College</li><li>Military awaiting deployment or transfers</li><li>Retirees visiting families</li><li>People going through a divorce, or a death in the family</li><li>Employment transfer or searching for a new job in the area</li><li>Seasonal campers, summer here and winter in warmer climates</li></ul> |
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## **VI. Criteria for Approval of Use Variance.**

- A. **The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County.** see site plan for update to how many full-time caretakers

A full-time caretaker will live on-site to ensure ~~that the facilities and grounds are~~ kept clean and in good repair. The caretaker will monitor the grounds on a regular basis to ensure adherence to the campground rules including, but not limited to, an evening noise curfew. The campground Rules and Regulations are included as Appendix B. The presence of a full-time on-site caretaker will enhance safety and security to the benefit of neighboring properties.

In addition to the noise curfew, generators are not allowed at any time. Campers are advised of campground boundaries and are prohibited from entering neighboring properties so as not to disturb the peace and quiet enjoyment of the neighbors. The campground enforces a speed limit of 10 mph for all vehicles on the premises. The campground provides a laundry room, showers, washing station, two sanitary sewer dump station for RVs, and regular trash pickup to ensure proper sanitation and waste disposal.

Lucky 4 Road separates the Rocky Top property from the residential properties to the west. The properties to the west of Lucky 4 Road contain residences that were

built between 1962-2005, many years after the RV park/campground opened. The western property boundary between the tent sites and Lucky 4 Road is currently fenced with a wooden privacy fence. That fence will be extended and/or replaced with opaque fencing that does not exceed the maximum height allowed in the setback and extended to the corner of the western and northern boundaries to provide screening for those residences. The property boundaries for both RV storage lots will also be fenced with a 6 foot high opaque fence or trees that will attain at maturity a minimum height of 6 feet to provide 100% opaque screening for the residence to the southeast and the currently vacant land to the southwest of the RV storage lots.

The properties adjoining the RV park/campground to the north and east are vacant land. The northern and eastern property boundaries are currently enclosed with a 4 foot high wire fence, which the owner will replace within the next two years with 6 foot high opaque fencing or trees that will attain at maturity a minimum height of 6 feet to screen the property from future development on those adjoining properties.

The proposed RV storage business is compatible with the RV park/campground use, and with the commercial zoning of the property. An RV storage business on the lower southern side of the property, along the U.S. Highway 24 frontage, is also harmonious and compatible with other businesses in the area. Another RV storage business is similarly located on U.S. Highway 24 frontage a half mile west of the subject property.<sup>3</sup>

The motel, RV park/campground, and RV storage business will all be contained wholly within the boundaries of the subject property, and all are easily and safely accessible from the adjoining highway. No RV will be posted for sale or rent while being stored on the premises. Traffic volume to the RV storage business is 8 vehicle trips per day, and traffic to the motel and RV park/campground together is a maximum of 35 vehicle trips per day.<sup>4</sup> Neither the motel and RV park/campground nor the RV storage business will cause negative impacts to any future development in the area, nor will they negatively impact the health, safety, or welfare of the inhabitants of the area or the County.

**B. The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project.**

The initial grading to establish the RV storage areas was minimal and is complete. The RV storage lots and roads in the RV park/campground will require annual road and lot maintenance. The installation of retaining walls along the western boundary was necessary to prevent water erosion caused by the improper diversion of

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<sup>3</sup>Leggett's RV Storage, LLC, 10550 W. Highway 24, Green Mountain Falls, CO.

<sup>4</sup>Leaving the property and then returning counts as two trips. Thus, 8 trips is equivalent to 4 cars leaving and returning.

the natural drainage path by the owner of the adjoining property to the west. No permits were required for installation of the retaining walls because all retaining walls on the property are 4 feet or less in height (see footnote 5 on page 8). None of the proposed future construction activities and improvements (e.g., an additional retaining wall and installation of concrete pads) are expected to impact air or water quality, or result in additional odors or noise. The use will meet air, water, odor and noise standards at all times during construction and upon completion of the project.

The RV storage areas, tent sites, and retaining walls are recent areas of land disturbance that exceed one acre in total area. All land disturbances that have occurred on the property since February 2008 are part of a Large Common Plan of Development and are considered for Water Quality Capture Volume. The drainage report submitted with the subsequent site development plan will address the historic/undeveloped condition of the property. All required engineering documents will be submitted with the site development plan.

**C. The proposed use will not adversely affect property values in the immediate area.**

The homes across Lucky 4 Road to the west were built from 1962-2005, after the RV park/campground opened for business in 1950. The expanded RV park and campground will be operated in much the same way as its predecessor. Property values in the immediate area will not be adversely affected by the expanded use.

The proposed RV storage lots will be screened from adjoining properties by a 6 foot high opaque fence or trees that will attain at maturity a minimum height of 6 feet to provide 100% opaque screening. Because the proposed RV storage use is similar to the existing RV/campground use, will be screened from adjoining properties, and will be located along U.S. Highway 24 frontage on a commercially zoned property, it will have no adverse affect on property values in the immediate area. The proposed use is expected to enhance the value of the subject property.

**D. The proposed use will comply with all regulations of the El Paso County Land Development Code and all County, State and Federal regulations except those portions varied by this action.**

Rocky Top RV Park/Campground and Rocky Top RV Storage will at all times comply with all regulations of the County Land Development Code, and all County, State and Federal regulations, except those portions varied by approval of the requested use variance.

**E. The proposed use will not adversely affect wildlife or wetlands.**

The proposed use is not located within a Federally protected wetland, and no impact to endangered species is expected.

**F. The applicant has addressed all off-site impacts.**

The applicant is aware of no existing off-site impacts from either the RV park/campground or the proposed RV storage business. All campground activities and all RV storage and related activities will be conducted on-site. Entry to and exit from the RV park/campground and the storage business is from Highway 24, and is separated a reasonable and safe distance from the Highway by a gravel road. A pre-existing private gravel road (Lucky 4 Road) runs past the west property line, and is screened by a natural berm, and a concrete block retaining wall that extends 1' to 3' in height.<sup>5</sup> The existing wooden privacy fence will be lowered so that it does not exceed the maximum height allowed in the setback. All lighting will be shielded from neighboring properties, and will be equipped with dusk-to-dawn sensors.

**G. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping.**

The RV park/campground and the RV storage business will be contained wholly within the boundaries of the subject property. Access to the property is provided from Highway 24 via a short gravel road and two driveway entrances. The driveway entrances and access road are sufficiently wide to accommodate large RVs and emergency vehicles.

Campers access their campsites via internal private roads with a posted speed limit of 10 mph. All roads and campsites are configured to safely accommodate larger RVs and emergency vehicles. Ample parking, including ADA accessible parking, is provided at the campsites, in front of the motel office, and at tent sites 4-7. Traffic volume to the motel and RV park/campground together is a maximum of 35 vehicle trips per day.

Trash receptacles are located in five places within the campground, and will be screened with wooden fence enclosures. The entire perimeter of the property will be surrounded with opaque screening (6 foot high opaque fence or trees that will attain at maturity a minimum height of 6 feet), which will comply with all material, height and setback requirements of the LDC.

The RV storage lots will be screened with 6 foot high opaque fencing or trees that will attain at maturity a minimum height of 6 feet to provide 100% opaque screening as required by the LDC. Parking spaces for storage lot customers, including ADA accessible spaces, are located on the northwest storage lot. No more than 4

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<sup>5</sup>All retaining walls on the Rocky Top property are 4' or less in height. Pursuant to Pikes Peak Regional Building Department regulations, permits are needed for retaining walls *greater* than 4' in height. No permit is required for an accessory structure of less than 200 square feet, and no permit is required for fences less than 7 feet in height. See, Pikes Peak Regional Building Department website at: <https://www.pprbd.org/Information/HomeownerPermit>.

customers per day are expected to visit the lots. Traffic volume to the RV storage business is 8 vehicle trips per day. A pre-existing private gravel road (Lucky 4 Road) runs past the west property line, and is screened by a natural berm, and a concrete block retaining wall that extends 1' to 3' in height.

The property contains existing trees and natural vegetation that provide adequate screening and landscaping. The property also contains an enclosed dog park, and ample open space between the proposed RV storage area and the existing motel and RV park/campground.

H. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

The RV park/campground has water and sewer hookups at each site, two dump stations, a fenced dog park, two bathhouse and laundry buildings, and a dish washing station. A 12' x 16' building will be constructed for bathrooms to serve the tent sites. No water or sanitary sewer disposal will be used or needed for the RV storage business.

Water is provided by an adjudicated commercial well. A copy of the Court Judgment and Decree is included with the application. Maintenance and pumping of the permitted onsite wastewater treatment system is provided by Arrowhead Septic and Divide Septic Services.

The property owner to the west of Lucky 4 Road that redirected storm water from the west side of Lucky 4 Road, onto the property to the Rocky Top property. Mr. Nier submitted walls and french drains along or near by the redirected historic flow from the site submitted with the subsequent site development plan. The property owner understands the following as it will be a notation added to the proposed resolution, "Pursuant to the Judgment and Decree in Water Court Case No. 82CW5, Division 2, Applicant, its successors and assigns, cannot pump more than 14 gallons per minute for the uses allowed under the Decree."

Please add a statement that the owner understands the following as it will be a notation added to the proposed resolution, "Pursuant to the Judgment and Decree in Water Court Case No. 82CW5, Division 2, Applicant, its successors and assigns, cannot pump more than 14 gallons per minute for the uses allowed under the Decree."

Access to the RV park/campground and the RV storage business is provided via an existing gravel road from Highway 24 and two access entrances deeded to the property by the Deed of Access Rights referenced previously herein. Both access driveways and roads can accommodate large RVs and emergency vehicles. The roads, driveways, and storage lots will be maintained annually or as needed by surface grading and the addition of gravel where needed. This routine maintenance will not result in any adverse impacts.

"CDOT permit required, or proof the exhibit is sufficient from CDOT

The property is served by the Green Mountain Falls Fire Protection District and the El Paso County Sheriff's Department. The response time to emergency calls is about 5 minutes.

**I. The strict application of any of the provisions of the El Paso County Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property.**

The existing motel and RV park/campground is in need of significant and expensive maintenance and repairs. The cost of this work will exceed the regular income of the business for several years, and place an undue financial burden and hardship on Mr. Nieman if he is unable to obtain the use variance for the expanded RV Park/Campground, and continue using the southern side of the property as an RV storage business. Without approval of the use variance for the expanded RV Park/Campground, Mr. Nieman will be forced out of business. The RV Park/Campground revenue covers operating expenses without extra revenue available for repairs and maintenance. The RV storage business provides much needed extra income that will be used to make the necessary repairs more quickly, and pay for regular maintenance. Without this additional source of income, the repairs and maintenance will be delayed, which may adversely impact the safety of the motel and RV park/campground, the viability of the business, and the aesthetics of the property to the surrounding neighbors.

## **APPENDIX A**

Recorded at 9:20 a.m. FEB 21 1972, 19 BOOK 2465 PAGE 195  
Reception No. 860329 MARYET E. Recorder

## KNOW ALL MEN BY THESE PRESENTS:

That I, or We,

DAVID A. HANSEN and VIVIAN F. HANSEN, J.T.

the Grantor or Grantors,  
of the \_\_\_\_\_ County of El Paso, and State of Colorado  
for and in consideration of the sum of TEN DOLLARS, and other good and valuable considerations to the said Grantor or Grantors  
in hand paid, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these  
presents do hereby GRANT, BARGAIN, SELL, CONVEY AND CONFIRM unto

### STATE DEPARTMENT OF HIGHWAYS Division of Highways, State of Colorado

the Grantee, its successors and assigns forever, the following right and interest in real property, situated in the \_\_\_\_\_ County  
of El Paso and State of Colorado, owned by said Grantor or Grantors, to-wit:

EACH AND EVERY RIGHT OR RIGHTS OF ACCESS OF THE GRANTOR OR GRANTORS to and from any part of the right-of-way for Colorado State Highway No. 24, a Freeway established according to the laws of the State of Colorado, and from  
and to any part of the said real property of the Grantor or Grantors abutting upon said Highway, along or across the access line or lines  
described as follows:

F 024-2(1) Sec. 1

PARCEL NO. AC-110 REV.

NORTHEASTERLY LINE

Beginning at a point of intersection of the westerly property line and the northeasterly right of way line of S.H. No. 24 as recorded in Book 910, Page 473 of the El Paso County records, from which the W<sup>1</sup> corner of Sec. 9, T. 13 S., R. 68 W. of the 6th P.M. bears S. 37° 02' W., a distance of 644.8 feet;

1. Thence along said northeasterly right of way line, along the arc of a curve to the left, having a radius of 1,567.1 feet, a distance of 15.0 feet (the chord of this arc bears S. 55° 04' E. a distance of 15.0 feet) to the center of a 30.0 foot opening which is being excepted from this access limitation;
2. Thence continuing along said northeasterly right of way line, along the arc of a curve to the left, having a radius of 1,567.1 feet, a distance of 15.0 feet (the chord of this arc bears S. 55° 37' E. a distance of 15.0 feet);
3. Thence continuing along said northeasterly right of way line, S. 55° 53' 30" E., a distance of 305.4 feet to the center of a 30.0 foot opening which is being excepted from this access limitation;
4. Thence continuing along said northeasterly right of way line, S. 55° 53' 30" E., a distance of 269.9 feet;
5. Thence continuing along the northeasterly right of way line, N. 34° 06' 30" E., a distance of 10.0 feet to a point on the easterly property line.

together with all the appurtenances thereunto belonging.

DOH FORM NO 250 (7-1-68)  
FORMERLY DOH FORM NO 35

2465 PAGE 196

Excepting, however, from this grant, the right of the Grantor or Grantors to have the following point or points of access at the locations set forth hereinafter, to be limited, however, in use by the Grantor or Grantors, to the width and purpose hereinafter designated:

WIDTH	USE OR PURPOSE	CENTER OF ACCESS OPPOSITE—	
		SIDE	STATION
30 foot		Left	2039+30 E.B.
30 foot		Left	P.O.S.T. 2036+05.4 E.B.

according to centerline stationing of the Grantee's Project No. F 024-2(1) Sec. 1

Further excepting from this grant, the right of the Grantor or Grantors to have access across the aforesaid line or lines at those points where passageways under the roadway, and public openings in said line or lines, may be provided for that purpose by the Grantee.

This deed, and the rights and interests herein conveyed, shall be and constitute a perpetual burden upon the real property of Grantor or Grantors, adjoining the hereinbefore described access line or lines, across which access will be denied, as herein set forth, and shall be binding upon the Grantor or Grantors, and all the heirs, successors and assigns of the Grantor or Grantors, with respect to said adjoining real property.

And the Grantor or Grantors, for themselves and for their heirs, successors, executors, administrators and assigns, do covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, the above bargained access rights and interests, in the quiet and peaceable possession of the Grantee, and its successors and assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, by, through or under the Grantor or Grantors, to WARRANT AND FOREVER DEFEND.

Signed, sealed and delivered this 2 day of January, A.D. 1922.

DAVID A. HANSEN

VIVIAN F. HANSEN

STATE OF

The foregoing instrument was acknowledged before me this 2 day of January, 1922,  
by DAVID A. HANSEN & VIVIAN F. HANSEN, J.T.



STATE OF

County of Notary Public  
The foregoing instrument was acknowledged before me this 2 day of January, A.D. 1922,

by

Witness my hand and official seal.  
My Commission expires Jan 1, 1924.

STATE OF

County of Notary Public

County of

The foregoing instrument was acknowledged before me this 2 day of January, A.D. 1922,

by

Witness my hand and official seal.  
My Commission expires.

Notary Public

Recitation No. <b>SH 111229</b>	Project # F 024-2(1) Sec. 1	FROM DAVID A. HANSEN	TO VIVIAN F. HANSEN, J.T.	STATE DEPARTMENT OF HIGHWAYS Division of Highways, State of Colorado	STATE OF COLORADO County of <span style="float: right;">ss</span>	I, the County Clerk and Recorder of the County hereunder, do hereby certify that the within document was filed for record in my office on the <u>2</u> day of <u>January</u> , A.D. 19 <u>22</u> , at the hour of <u>9:00</u> a.m., and was thereafter by me duly recorded in Book <u>2465</u> , Page <u>15</u> of the records of my office.	HARRIET BEALS County Clerk and Recorder Deputy	FEB 2 1922 A. S.	AFTER RECORDING, PLEASE MAIL TO STATE DEPARTMENT OF HIGHWAYS Division of Highways, State of Colorado 420 F. Arkansas Ave. Denver, Colorado 80222 Attention: STAFF RIGHT OF WAY ENGINEER
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## **APPENDIX B**

# **Rocky Top Campground Rules and Regulations**

1. Our office hours are (**Summer**) **9:00 AM-8:00 PM** or (**Winter**) **9:00 AM-6:00 PM**. Registration must be accomplished on arrival and payment is due in advance of your stay here. Checkout time for the campground is 12:00 PM and strictly enforced. You may be responsible for an additional day of site rent if you do not vacate your site by 12:00 PM on the day of your departure.
2. Rec Room hours are (**Summer**) **10:00 AM-8:00 PM** or (**Winter**) **9:00 AM-6:00 PM**. **All children 14 years old and younger must have parental supervision.** Alcoholic beverages are not allowed inside the rec room. Do not move any of the game tables or remove games and/or game pieces from the rec room.
3. A maximum of two vehicles per site are allowed and they must be parked in the site you are paying for. If a 2<sup>nd</sup> vehicle will not fit on your site, you will need to ask management where you should park, and you will be charged \$3.00/day or \$50.00/month for additional parking. If there is not room for your guest to park on your site, please contact the office to be advised where they should park.
4. Quiet hours are observed from **10:00 PM till 8:00 AM**. The volume of noise or music must be low enough that it will not disturb others. Generators are not to be used in the park. **ABSOLUTELY NO FIREWORKS OR FIREARMS ARE TO BE DISCHARGED AT ANY TIME!!!**
5. In the event that you have guests visit you and they want to use campground amenities, or stay overnight, the office must be notified. A fee may apply for that usage.
6. Please use the utilities designated for your space only unless directed by the management of Rocky Top.
7. Quiet pets, under control and on a leash at all times, are welcome. All pets are to be walked on designated pet walks or on the roads throughout the campground. Pets are not to be left unattended in or around vehicles or campsites at any time. Dog houses are not allowed on sites. Pets left unattended in your RV or tent must be quiet in your absence. All pet's solid messes must be cleaned up immediately, including your site. If you are seen by any Rocky Top employee not picking up pet messes, you may be charged a \$50.00 cleanup fee for each incident. **Absolutely no pets are permitted in buildings.** If pet messes are left on your site when you check out, your credit card on file will be charged a \$50.00 cleanup fee.
8. Guests not on sewer hookups are required by law to retain all waste water in a suitable container. These containers are to be emptied only at the dump station. Dishes are not to be washed in the upper restrooms/showers. The lower restrooms have a dish washing station available only during summer season for your use. No washing of any vehicles or servicing (oil change) is permitted on this property.
9. The speed limit throughout the park is **10 MPH**. ATV's and dirt bikes (except for Rocky Top's maintenance ATV) are not to be ridden for pleasure riding on Rocky Top's property.
10. Rocky Top is surrounded by private property. Please respect others' property by keeping all people and pets inside our fence.

11. All sites must be kept neat and free of clutter. Only items used for camping are allowed to be left outside on your site.
12. Parents **MUST** accompany small children to the washrooms and showers. Children under 18 are subject to a 10:00 PM curfew unless accompanied by parents.
13. **STATE LAW DOES NOT ALLOW SMOKING IN ANY PUBLIC BUILDING. VIOLATION OF THIS LAW ON ROCKY TOP'S PROPERTY WILL RESULT IN A CHARGE TO YOU OF \$250.00 ON THE CREDIT CARD YOU HAVE PROVIDED BELOW.**
14. If you use the campgrounds during the colder months you will need to heat tape your water hose and plug in both your heat taped water hose and our heat taped water hydrant. If any damage results because of freezing due to your negligence then you will be responsible for any repairs to the facility, for any loss of business that may occur, and any inconvenience to other campers due to the problems you cause. **Any damages to Rocky Top property will be charged to the credit card you provided below.**
15. Vandalism will not be tolerated, and violators will be prosecuted.
16. Excessive use of alcohol with disruptive behavior or any evidence of illegal drugs will result in law enforcement being called and you and others with you will be asked to leave the property immediately.
17. Campfires are permitted in fire rings only. **FIRE RINGS ARE NOT TO BE MOVED.**
18. Garbage is to be placed into the dumpsters provided to keep wild animals away from campers.
19. The equipment, apparatus and facilities furnished are solely for the convenience of guests and **ALL PERSONS USING SAME DO SO AT THEIR OWN RISK. MANAGEMENT WILL NOT BE RESPONSIBLE FOR ACCIDENTS, INJURIES OR LOSS OF PROPERTY BY FIRE, THEFT, WIND OR ANY ACT OF GOD. MANAGEMENT WILL NOT BE RESPONSIBLE FOR LOSS OF MONEY OR VALUABLES OF ANY KIND.**
20. Management reserves the right to refuse service to anyone or make changes or supplement these rules as may be necessary. Violation of **ANY** of these rules may result in eviction **WITHOUT REFUND.**

**FYI – We have cameras throughout the property for your safety.**

Please help us to keep our facility clean, neat and comfortable for all our guests. **THANK YOU** for your support to make everyone's stay at Rocky Top Motel and Campground a pleasant experience.

# LOI\_V3.pdf Markup Summary

## Cloud+ (2)



**Subject:** Cloud+  
**Page Label:** 3  
**Lock:** Locked  
**Author:** dsdsevigny  
**Date:** 6/23/2020 10:14:52 AM  
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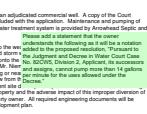
needs to be completed prior to scheduling for public hearing



**Subject:** Cloud+  
**Page Label:** 9  
**Lock:** Locked  
**Author:** dsdsevigny  
**Date:** 6/23/2020 10:14:54 AM  
**Status:**  
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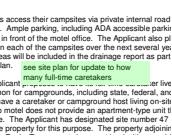
CDOT permit required, or proof the exhibit is sufficient from CDOT

## Text Box (5)



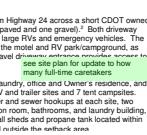
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**Author:** dsdsevigny  
**Date:** 6/23/2020 10:14:53 AM  
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Please add a statement that the owner understands the following as it will be a notation added to the proposed resolution, "Pursuant to the Judgment and Decree in Water Court Case No. 82CW5, Division 2, Applicant, its successors and assigns, cannot pump more than 14 gallons per minute for the uses allowed under the Decree."



**Subject:** Text Box  
**Page Label:** 4  
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**Date:** 6/23/2020 10:15:00 AM  
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see site plan for update to how many full-time caretakers



**Subject:** Text Box  
**Page Label:** 3  
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**Date:** 6/23/2020 10:15:01 AM  
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**Space:**

see site plan for update to how many full-time caretakers

PVI, the Code, " Families looking  
Section: Fine Estates  
6.2.5.C.2.c.ii request paving for  
residential paving for  
25 or more parking  
spaces. Families whose  
Veterans seeking  
request will be  
required at the SDP stage,  
however, I would address here as well.  
People going to  
Employment tra  
Seasonal camp  
as well.  
Vt. Criteria for Approval

**Subject:** Text Box  
**Page Label:** 5  
**Lock:** Locked  
**Author:** dsdsevigny  
**Date:** 6/23/2020 10:15:02 AM  
**Status:**  
**Color:** ■  
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**Space:**

FYI, the Code, Section 6.2.5.C.2.c.iii requires  
paving for 25 or more parking spaces. A waiver  
request will be required at the SDP stage,  
however, I would address here as well.

le with the surrounding area.  
the neighborhood, not detrimental  
to the future development of  
o the health, safety, or welfare of the  
unit. see site plan for update to how  
ensure that the development and growth of the  
and Regulations are included as  
caretaker will enhance safety and  
s.

**Subject:** Text Box  
**Page Label:** 5  
**Lock:** Locked  
**Author:** dsdsevigny  
**Date:** 6/23/2020 10:15:03 AM  
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**Space:**

see site plan for update to how many full-time  
caretakers