



Request for Comments

Case Name: West Fork Ranch Meteorological Tower Height Variance

Case Number: VSP2024-00015

April 30, 2024

The Adams County Board of Adjustment is requesting comments on the following application: **Variance to allow a non-agricultural structure to be approximately 196 feet in height where the maximum structure height allowed is 35 feet within the Agricultural-3 zone district.** This request is located at the northwest corner of the intersection of Yonder Rd and E 120th Ave. The Assessor's Parcel Number is 0155300000076.

Owner Information: WEST FORK RANCH LLC
PO BOX 100
WIGGINS, CO 806540100

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by **05/30/24** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to DDeBoskey@adcogov.org.

Once comments have been received and the staff report written, the staff report will be forwarded to you. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

David DeBoskey
Planner II

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Lynn Baca
DISTRICT 5

Written Narrative for Variance Request

- **Which dimensional standard(s), performance standard(s), or physical requirement(s) cannot be met? (Include code section reference from [Adams County Standards and Regulations](#))**
Reach out to the Planner of the Day (cedd-plan@adcogov.org) if you have any questions.

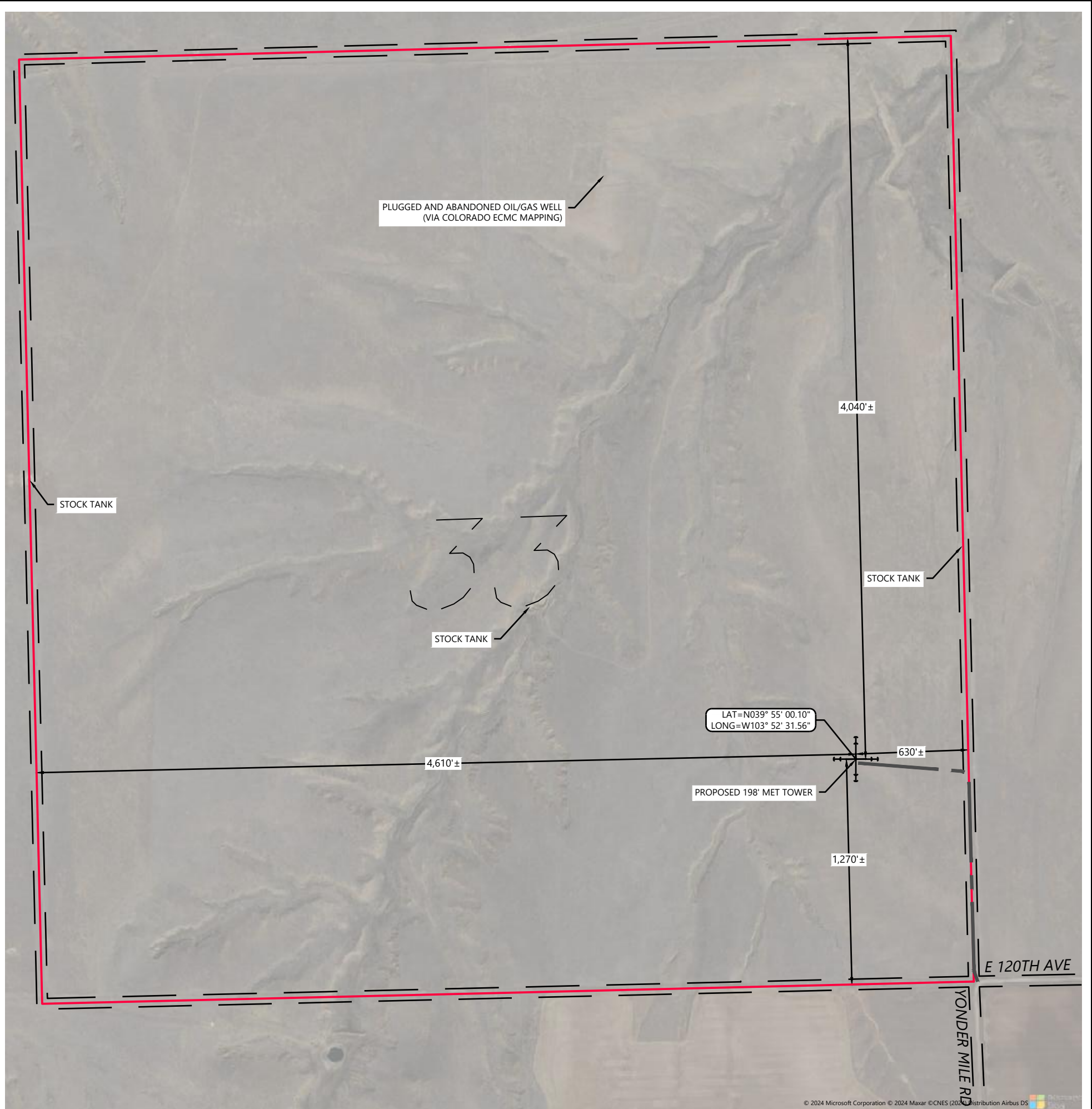
The proposed structure would be constructed within an Agricultural-3-zoned district, where the maximum permissible height for any non-agricultural structure is 35 feet (3-10-06-05-01); (3-07-02), and the maximum height for any agricultural structure is 70 feet (3-10-06-05-02); (3-07-02). The proposed meteorological tower ("Met Tower") would be 60 meters (approximately 196 feet), therefore exceeding the height standard for this zone district. The Met Tower would be used to measure atmospheric conditions, such as wind speed, wind direction, temperature, and barometric pressure.

- **Why are you unable to meet this standard?**






The proposed Met Tower requires sufficient height to collect accurate meteorological data which is not possible under a literal interpretation or application of the relevant regulations for the property. Variances from the code's height restrictions for structures in this zone district have been granted for the construction of similar structures, including a June 5, 2020, variance for a 197-foot Met Tower. See VSP 2020-00005 (Adams County Wind Meteorological Tower). Accordingly, granting this request is consistent with the Board of Adjustment's previous variance decisions which acknowledged that Met Towers always require variances from the height dimensions in this zone district. Similarly, granting this variance will not confer on the applicant any special privilege. The physical circumstances and conditions of the subject property do not currently allow the construction of a structure of sufficient height to effectively gather meteorological data. The height restrictions set forth in the Adams County Development Standards were not created by the applicant or the property owner. Neither the property owner nor the applicant has created any special circumstances which preclude that construction of the desired structure on this property.

Given the presence of other Met Towers and structures of similar height in the zone district, and the fact that access to renewable energy is one of the policy objectives in the Adams County Comprehensive Plan, granting of this variance will be in harmony with the general purpose and intent of these standards and Adams County's Comprehensive Plan. Similarly, the proposed Met Tower would be located in a rural area and would not adversely impact adjoining property owners. A variance from the strict application of the height standards is consistent with past variances for similar structures and will not cause substantial detriment to the public good or allow a use which is not otherwise permitted in the zone district.

The project would be developed completely within the property boundary and would have limited impact on the property itself. It would not affect the zoning of the property, result in non-conforming use, or adversely affect the public good and safety. The construction of the Met Tower is most similar to the construction of a telecommunications tower, which can now be approved administratively and without a variance from County height restrictions.

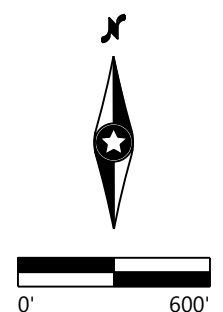


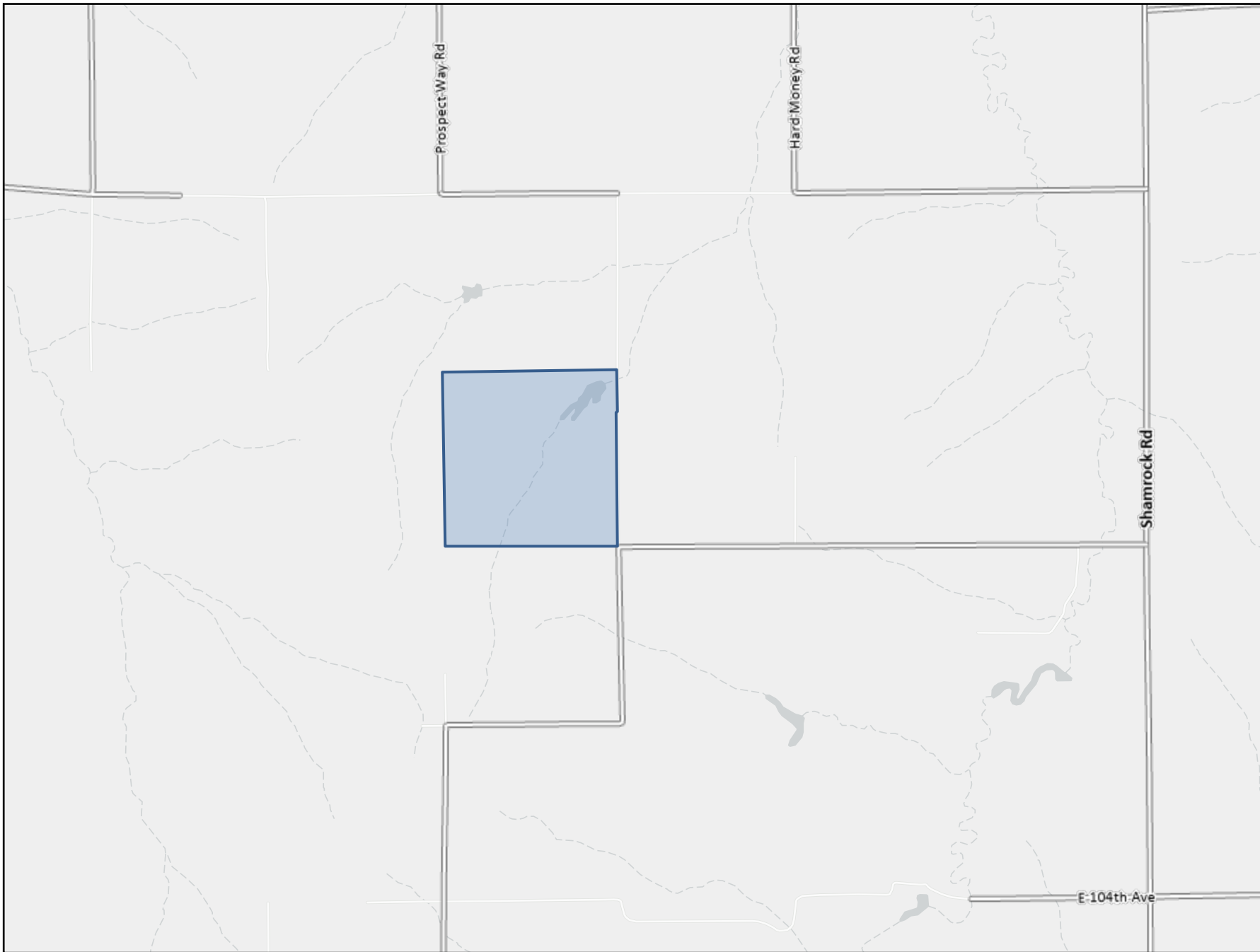
LEGEND:

-  PROPOSED MET TOWER LOCATION
-  SECTION NUMBER
-  APPROXIMATE PARCEL LINE
-  APPROXIMATE RIGHT-OF-WAY
-  PROPOSED ACCESS

GENERAL NOTES:

1. PARCEL LINES ARE FROM PUBLICLY AVAILABLE SOURCES AND ARE APPROXIMATE.
2. NO FIELD SURVEY WORK WAS PERFORMED IN THE DETERMINATION OF THE BOUNDARY LINES SHOWN ON THIS SITE PLAN.
3. 30 FEET RESERVED FOR PUBLIC RIGHT-OF-WAY ON BOTH SIDES OF ALL SECTION LINES PER COUNTY COMMISSIONERS RESOLUTION, RECORDED IN BK 33, PG 279 IN THE ADAMS COUNTY RECORDS.
4. SUBJECT PARCEL, SECTION 33, TOWNSHIP 1 SOUTH, RANGE 58 WEST OF THE 6TH P.M.
5. BASED ON PUBLICLY AVAILABLE AERIAL IMAGERY, EXCEPT AS SHOWN, THE SITE CONTAINS NO EXISTING PERMANENT STRUCTURES OR SEPTIC FIELDS.
6. THE PROPOSED MET TOWER REQUIRES SUFFICIENT HEIGHT TO COLLECT ACCURATE METEOROLOGICAL DATA WHICH IS NOT POSSIBLE UNDER A LITERAL INTERPRETATION OR APPLICATION OF THE RELEVANT REGULATIONS FOR THE PROPERTY.





Legend

- +— Railroad
- Major Water
- - - Zoning Line
- ▭ Sections

Case Name West Fork Ranch Meteorological Tower Height Variance

Case Number VSP2024-00015





VARIANCE

A variance is a means whereby the literal terms of these standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with the subject site. In granting a variance, the spirit of these standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

Please include this page with your submittal. Submittal instructions and more information about checklist items can be found on page 2.

- Development Application Form (pg. 3)
- Written Narrative
- Site Plan
- Proof of Ownership (warranty deed or title policy)
- Proof of Water and Sewer Services **Water and sewer services will not be needed**
- Legal Description
- Statement of Taxes Paid

Number of Variance Requests:

A variance may only be approved from the dimensional requirements, performance standards, and other special physical requirements contained in the Adams County development standards and regulations.

Type of Variance Request:	# of Requests:
Setback:	
Height:	1
Lot Coverage:	
Other:	

Application Fees:	Amount:
Variance	\$500-residential \$700-non-residential <i>*\$100 per each additional request</i>

Guide to Development Application Submittal

All applications shall be submitted electronically to epermitcenter@adcogov.org. If the submittal is too large to email as an attachment, the application may be sent as an unlocked MS OneDrive link. Alternatively, the application may be delivered on a flash drive to the Community & Economic Development Department. Once a complete application has been received, fees will be invoiced and payable online at www.permits.adcogov.org

Written Explanation:

- A clear and concise explanation of the proposal and why it is necessary.
- Complete the attached Written Explanation for Variance Request form.

Scaled Site Plan:

- A site plan prepared to-scale showing at minimum: the request, any existing or proposed structures, existing and proposed setbacks of structures, any hardship, location of well, location of septic field, location of easements, surrounding rights-of-way, north arrow.
- Site plan may be hand-drawn.

Proof of Ownership (warranty deed or title policy):

- A deed may be found in the Office of the Clerk and Recorder; or
- A title commitment is prepared by a professional title company

Proof of Water and Sewer:

- Public utilities - A written statement from the appropriate water & sanitation district indicating that they will provide service to the property OR a copy of a current bill from the service provider.
- Private utilities - Well permit(s) information can be obtained from the Colorado State Division of Water Resources at (303) 866-3587. A written statement from Adams County Health Department indicating the viability of obtaining Onsite Wastewater Treatment Systems.

Legal Description:

- Geographical description used to locate and identify a property.

Statement of Taxes

- All taxes on the subject property must be paid in full. Please contact the Adams County Treasurer's Office.
- Or adcotax.com



DEVELOPMENT APPLICATION FORM

APPLICANT

Name(s): Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

OWNER

Name(s): Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name: Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

DESCRIPTION OF SITE

Address:

City, State, Zip:

Area (acres or square feet):

Tax Assessor Parcel Number:

Existing Zoning:

Existing Land Use:

Proposed Land Use:

Have you attended a Conceptual Review? YES NO

If Yes, please list PRE#:

I hereby certify that I am making this application as owner of the above-described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name:

Date:

Owner's Printed Name

Name:

Owner's Signature

Written Narrative for Variance Request

- **Which dimensional standard(s), performance standard(s), or physical requirement(s) cannot be met? (Include code section reference from [Adams County Standards and Regulations](#))**
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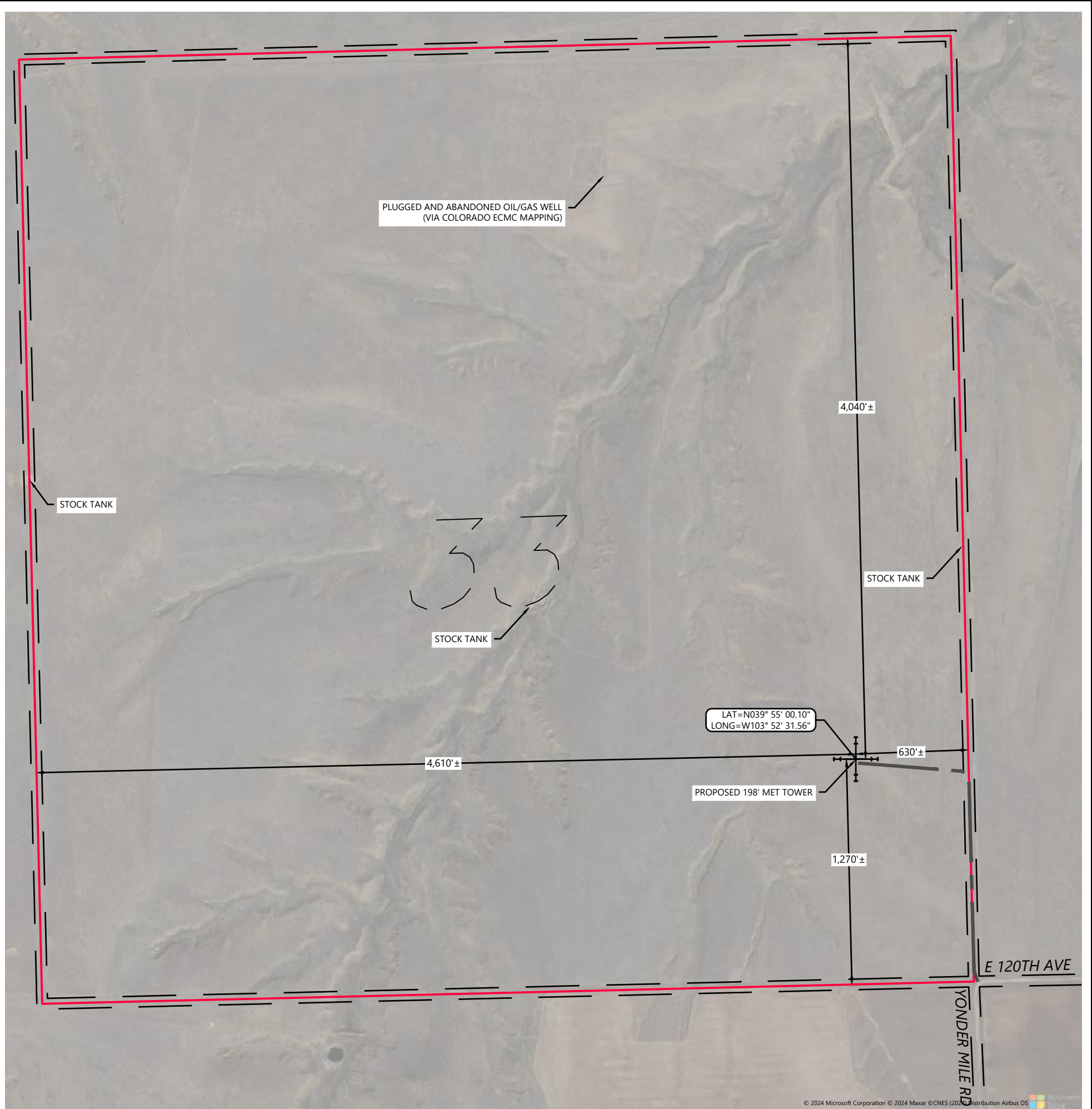
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




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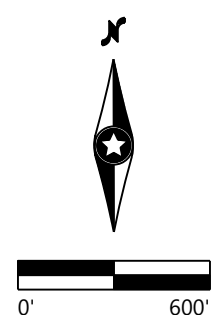


LEGEND:

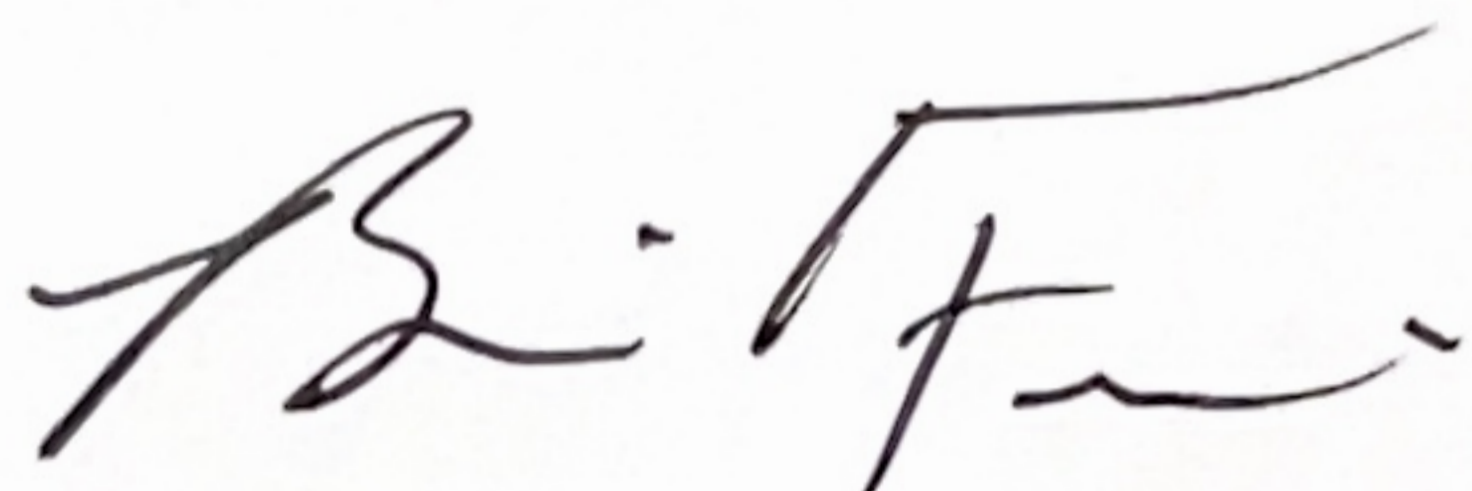
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West Fork Ranch, LLC authorizes Tower Associates, LLC and their technical representatives to submit on their behalf permits to Adams County related to development of their property located at East 120th Avenue, Fort Morgan, Colorado (parcel number 0155300000076).

West Fork Ranch by  OWNER
West Fork Ranch, LLC
BRIAN FERRIS



RECEIPT OF PAYMENT (Tax, Fees, Costs, Interests, Penalties)

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0000134	0155300000076	May 1, 2023	Apr 30, 2023	2023-05-01-NetVantage-27198

WEST FORK RANCH LLC
 PO BOX 100
 WIGGINS, CO 80654-0100

Situs Address **Payor**

0

Legal Description

SECT,TWN,RNG:33-1-58 DESC: ALL 640A

Property Code	Actual	Assessed	Year	Area	Mill Levy
AG DRY GRAZING LAND - 4147	29,189	7,710	2022	436	70.084

Payments Received

Check Multi-Account Payment
 Check Number 00200029

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2022	Tax Charge	\$540.34	\$0.00	\$540.34	\$0.00
				\$540.34	\$0.00
Balance Due as of Apr 30, 2023					\$0.00

4430 S ADAMS COUNTY PKWY C2436
 BRIGHTON CO 80601
 [Stay Safe! Please use website payment services www.adcotax.com]

Email: treasurer@adcogov.org
 Telephone: 720-523-6160

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!

RECEPTION#: 2011000033608, 05/26/2011 at 11:11:20 AM, 1 OF 5, D \$151.50 TD
Pgs: 2 Doc Type:SPWTY Karen Long, Adams County, CO Recorded As Received

SPECIAL WARRANTY DEED

THIS DEED, dated this 25th day of May, 2011, between McIntosh Farm Co., a Colorado general partnership of the County of Adams and State of Colorado, grantor(s) and West Fork Ranch, LLC, a Colorado limited liability company whose legal address is 4828 County Road K, Wiggins, CO 80654 of the County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of ONE MILLION FIVE HUNDRED FIFTEEN THOUSAND AND 00/100 DOLLARS (\$1,515,000.00), the receipt and sufficiency of which is hereby acknowledged, has/have granted, bargained, sold and conveyed, and by these presents do(es) grant, bargain, sell, convey and confirm unto the grantee(s), its heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Adams and State of Colorado, described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

also known by street and number as: Vacant Land, Fort Morgan, CO 80107
assessor's schedule or parcel number:

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), 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(s), its heirs and assigns forever. The grantor(s), for its heirs, personal representatives, successors and assigns, do(es) covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), its and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s), except:

general taxes for the current year and subsequent years and subject to those items shown on Exhibit "B" attached hereto and by this reference incorporated herein.

IN WITNESS WHEREOF, the grantor(s) has/have executed this deed on the date set forth above.

Doc Fee \$ 151.50

McIntosh Farm Co., a Colorado general partnership

BY: Kenneth R. McIntosh
Kenneth R. McIntosh, general partner

STATE OF Colorado

COUNTY OF Denver

I, Elizabeth M. Greco, a Notary Public of the County and State first above written, do hereby certify that the foregoing instrument was acknowledged before me this 25th day of May, 2011, by Kenneth R. McIntosh as general partner of McIntosh Farm Co., a Colorado general partnership.

Witness my hand and official seal,

Elizabeth M. Greco
Elizabeth M. Greco, Notary Public

My Commission Expires: 02/23/12



Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

After Recording Return to:

West Fork Ranch, LLC
4828 County Road K
Wiggins, Colorado 80654

RECEPTION#: 2011000033608, 05/26/2011 at 11:11:20 AM, 2 OF 5, Doc Type:SPWTY TD
 Pages: 2 Karen Long, Adams

EXHIBIT A LEGAL DESCRIPTION

Parcel One:

The North half of Section 29, Township 1 South, Range 58 West of the 6th Principal Meridian,
 EXCEPT any portion thereof lying within County Roads as established by Resolution recorded May 23, 1908 in Book 33
 at Page 279,
 County of Adams,
 State of Colorado.

Parcel Two:

The West half of Section 4;
 The East half of the Northeast Quarter, and the East half of the Northwest Quarter of the Northeast Quarter of Section 5;
 Township 2 South, Range 58 West of the 6th Principal Meridian,
 EXCEPT any portions thereof lying within County Roads as established by Resolution recorded May 23, 1908 in Book 33
 at Page 279,
 County of Adams,
 State of Colorado.

Parcel Three:

The East half of Section 22;
 The West half of Section 23;
 All of Section 27;
 The South half of Section 28,
 The South half of Section 29;
 The East half of Section 30;
 The East half of Section 32;
 All of Section 33,
 All of Section 34,

EXCEPTING from said Section 34, that parcel of land described in Deed recorded January 14, 2000 at Reception No.
 C0632187, described as follows: "Except 1 acre more or less located in Section 34 conveyed for School Purposes
 (location not shown)"

***Note: The Company finds that the 1 acre excepted parcel should be defined as set forth herein under
 REQUIREMENT E. Said School Purposes parcel is assessed with the Adams County Assessor under Parcel Number
 01553-00-0-00-077***

All in Township 1 South, Range 58 West of the 6th Principal Meridian,

EXCEPT any portions thereof lying within County Roads as established by Resolution recorded May 23, 1908 in Book 33
 at Page 279,
 AND EXCEPT the following 4 (four) parcels described as Parcels A through D:

Parcel A:


A parcel of land in the West half of Section 23, Township 1 South, Range 58 West of the 6th Principal Meridian,
 described as follows:

Commencing at the Northeast corner of said West half of Section 23 and considering the North line of said West half as
 bearing North 89 degrees 57 minutes East with all other bearings relative thereto;
 Thence South 00 degrees 15 minutes 40 seconds East along the East side of said West half of Section 23, 5283.8 feet
 to the Southeast corner of said West half of Section 23;
 Thence South 89 degrees 34 minutes 30 seconds West along the South line of said Section 23, 1100.3 feet;
 Thence North 02 degrees 57 minutes 13 seconds East, 1886.1 feet;
 Thence North 00 degrees 25 minutes 20 seconds East, 745.4 feet;
 Thence North 31 degrees 10 minutes 13 seconds West 338.00 feet;
 Thence North 00 degrees 10 minutes 20 seconds West 2372.7 feet to a point on the North line of said West half of
 Section 23, said point being 1468.3 feet East of the Northwest corner of said Section 23;
 Thence North 89 degrees 57 minutes East 1155.6 feet to the Point of Beginning,
 County of Adams,
 State of Colorado.

Parcel B:

A parcel of land in the North half of Section 27, Township 1 South, Range 58 West of the 6th Principal Meridian,
 described as follows:

Commencing at the Northwest corner of said Section 27, and considering the North line of said Section 27 as bearing

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EXHIBIT A
LEGAL DESCRIPTION
 (Continued)

North 89 degrees 50 minutes West and all other bearing relative thereto;

Thence South 00 degrees 19 minutes West along the West line of said Section 27 1609.4 feet;
 Thence South 82 degrees 33 minutes 34 seconds East 841.8 feet;
 Thence North 49 degrees 58 minutes 56 seconds East 255.5 feet;
 Thence North 43 degrees 20 minutes 27 seconds East 181.5 feet;
 Thence North 22 degrees 04 minutes 56 seconds East 274.8 feet;
 Thence North 12 degrees 59 minutes 50 seconds East 396.1 feet;
 Thence North 89 degrees 57 minutes 40 seconds East 1321.5 feet;
 Thence North 00 degrees 47 minutes 23 seconds East 772.9 feet to a point on the North line of said Section 27, said point being 2596.8 feet West of the Northeast corner of said Section 27 and 36.9 feet East of the North quarter corner of said Section 27;
 Thence North 89 degrees 50 minutes West along the North line of said Section 27 2670.6 feet to the Point of Beginning, County of Adams, State of Colorado.

Parcel C:


□A parcel of land in Section 34 and 27, Township 1 South, Range 58 West of the 6th Principal Meridian, described as follows:

Commencing at the Southeast corner of said Section 34 and considering the South line of said Section 34 as bearing North 89 degrees 47 minutes East, and all other bearings relative thereto;
 Thence North 00 degrees 18 minutes East 2925.7 feet along the East side of said Section 34;
 Thence South 86 degrees 11 minutes 00 seconds West 213.0 feet;
 Thence South 05 degrees 45 minutes 45 seconds West 272.3 feet;
 Thence South 88 degrees 18 minutes 54 seconds West 620.4 feet;
 Thence North 00 degrees 19 minutes 58 seconds West 384.3 feet;
 Thence South 83 degrees 40 minutes 43 seconds West 958.4 feet;
 Thence North 04 degrees 28 minutes 22 seconds East 1570.1 feet;
 Thence North 32 degrees 23 minutes 27 seconds East 605.9 feet;
 Thence North 05 degrees 54 minutes 41 seconds East 270.1 feet to a point on the North line of said Section 34 and 1291.5 feet West of the Northeast corner of said Section 34;
 Thence North 05 degrees 54 minutes 41 seconds East 27.6 feet;
 Thence South 89 degrees 51 minutes 44 seconds West 1953.3 feet;
 Thence South 09 degrees 38 minutes 15 seconds West 27.6 feet to a point on the North line of said Section 34 and 2043.7 feet East of the Northwest corner of said Section 34;
 Thence South 09 degrees 38 minutes 15 West 431.6 feet;
 Thence South 55 degrees 32 minutes 37 seconds West 442.2 feet;
 Thence South 13 degrees 42 minutes 05 seconds East 1279.5 feet;
 Thence South 61 degrees 30 minutes 25 seconds East 834.5 feet;
 Thence South 00 degrees 29 minutes 56 seconds West 2935.5 feet to a point on the South line of said Section 34, said point being 21.55 feet West of the South Quarter corner of said Section 34;
 Thence North 89 degrees 47 minutes East 2651.0 feet to the Point of Beginning, County of Adams, State of Colorado.

Parcel D:

A parcel of land in the Northeast Quarter of Section 22, Township 1 South, Range 58 West of the Sixth Principal Meridian, described as follows:

Commencing at the Northwest corner of said Northeast Quarter;
 Thence along the North line of said Northeast Quarter North 89 degrees 55 minutes East 2635.9 feet to the Northeast corner of said Northeast Quarter;
 Thence along the East line of said Northeast Quarter South 00 degrees 09 minutes 10 seconds East 369.5 feet;
 Thence South 89 degrees 55 minutes West 783.0 feet;
 Thence South 00 degrees 27 minutes 00 seconds West 1548.7 feet;
 Thence North 87 degrees 25 minutes 50 seconds West 1759.5 feet to a point on the West line of said Northeast Quarter;
 Thence North 00 degrees 07 minutes 10 seconds West along said West line 1840.6 feet to the Point of Beginning, County of Adams, State of Colorado.

 File No.: 1481847

RECEPTION#: 2011000033608, 05/26/2011 at 11:11:20 AM, 4 OF 5, Doc Type:SPWTY TD
 Pages: 2 Karen Long, Adams

Exhibit "B"

Reservations of all oil, gas and other minerals as contained in various instruments of record, including but not limited to, Deeds recorded September 8, 1933 in Book 211 at Page 90; June 8, 1934 in Book 216 at Page 245; September 19, 1940 in Book 265 at Page 205; November 4, 1941 in Book 274 at Page 362; June 3, 1942 in Book 279 at Page 301; October 28, 1947 in Book 346 at Page 569; November 9, 1949 in Book 384 at Page 57; December 13, 1956 in Book 639 at Page 195; December 21, 1961 in Book 956 at Page 528; May 8, 1964 in Book 1148 at Page 570; August 30, 1966 in Book 1316 at Page 179; July 24, 1975 in Book 2007 at Page 462; February 26, 1979 in Book 2320 at Page 836; December 30, 2005 at Reception No. 20051230001431790 and December 30, 2005 at Reception No. 20051230001431800, and any and all reservations or exceptions to minerals of any kind, and any and all assignments thereof or interests therein.

The effect of the severed oil, gas and mineral interests, and any and all conveyances or assignments thereof, as contained in various instruments of record, including, but not limited to the instruments recorded September 16, 1955 in Book 569 at Page 419; October 10, 1955 in Book 575 at Page 546; May 2, 1966 in Book 1291 at Page 176; March 15, 1971 in Book 1675 at Page 463; August 15, 1975 in Book 2011 at Page 628; April 14, 1976 in Book 2057 at Page 224; March 4, 1980 in Book 2434 at Pages 834, 835 and 836; June 30, 1983 in Book 2763 at Pages 214, 218, 222 and 225; April 27, 1989 in Book 3558 at Pages 192 and 195; May 16, 1991 in Book 3778 at Page 434; November 20, 1992 in Book 3987 at Page 772; September 9, 1996 in Book 4832 at Page 931; February 9, 2004 at Reception No. C1275348; March 7, 2005 at Reception No. 20050307000230310; April 11, 2005 at Reception No. 20050411000373150; November 16, 2005 at Reception No. 20051116001263580; October 23, 2007 at Reception No. 2007000099529; June 4, 2009 at Reception No. 2009000040211; July 24, 2009 at Reception No. 2009000054786; October 28, 2010 at Reception Nos. 2010000074238 and 2010000074239 and March 21, 2011 at Reception No. 2011000018092.

The effect of the Notice of Underground Facilities of Morgan County Rural Electric Association recorded January 22, 1982 in Book 2617 at page 638.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Griffin Oil & Gas, Inc.
 Purpose: pipelines
 Recording Date: September 15, 1983
 Recording No: Book 2790 at Page 590

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Koch Hydrocarbon Company
 Purpose: pipelines
 Recording Date: July 30, 1984
 Recording No: Book 2900 at Page 369

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Koch Hydrocarbon Company
 Purpose: pipelines
 Recording Date: September 4, 1984
 Recording No: Book 2913 at Page 124

The effect of the Notice Concerning Underground Facilities of Wiggins Telephone Association recorded October 14, 1992 in Book 3968 at Page 113.

Terms, conditions, provisions, agreements, easements and obligations contained in the Right of Way and Easement as set forth below:

Recording Date: August 13, 2007
 Recording No.: 2007000077641

RECEPTION#: 2011000033608, 05/26/2011 at 11:11:20 AM, 5 OF 5, Doc Type:SPWTY TD
 Pages: 2 Karen Long, Adams

Terms, conditions, provisions, agreements, easements and obligations contained in the Right of Way and Easement as set forth below:

Recording Date: November 21, 2007
 Recording No.: 2007000107940

The effect of the Zoning Hearing Decision - Case #RCU2008-00009 recorded August 26, 2008 at Reception No. 2008000068562.

Terms, conditions, provisions, agreements, easements and obligations contained in the Right of Way and Easement as set forth below:

Recording Date: January 14, 2009
 Recording No.: 2009000002571

Any existing leases or tenancies, and any and all parties claiming by, through or under said lessees.

"All Mineral Lands" as reserved in United States Patent recorded February 24, 1904 in Book 16 at Page 76, and any and all assignments thereof or interests therein.

Reservations made by the Union Pacific Land Company of (1) oil, coal and other minerals underlying the Land, (2) the exclusive right to prospect for, mine and remove oil, coal and other minerals, and (3) the right of ingress and egress and regress to prospect for, mine and remove oil, coal and other minerals, all as contained in Deed as set forth below, and any and all assignments thereof or interests therein:

Recording Date: November 18, 1907
 Recording No.: Book 25 at Page 187

Note: A Request for Notification of Surface Development in connection therewith recorded May 20, 2002 at Reception No. C0971652.

Reservations as contained in Patents from The United States of America recorded August 9, 1916 in Book 68 at Page 636; November 10, 1917 in Book 88 at Page 226; October 30, 1918 in Book 92 at Page 425; November 1, 1918 in Book 92 at Page 433; November 21, 1918 in Book 92 at Page 496; December 31, 1918 in Book 97 at Page 34; January 16, 1919 in Book 97 at Page 94; August 4, 1919 in Book 99 at Page 13; August 11, 1919 in Book 99 at Page 46; May 3, 1920 in Book 99 at Page 510; May 21, 1920 in Book 106 at Page 336; June 23, 1920 in Book 106 at Page 415; October 13, 1921 in Book 113 at Page 246; March 11, 1922 in Book 114 at Page 171; January 27, 1923 in Book 118 at Page 383 and May 8, 1944 in Book 297 at Page 487,

Which among other things recites as follows:

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by local customs, laws and decisions of the courts.

Any rights, interest or easements in favor of the United States, the State of Colorado or the Public, which exists or are claimed to exist in and over the present and past bed, banks or waters of the West Fork of the Sand Arroyo Creek.

Reservations as contained in Warranty Deed dated May 20, 2011 between Hunt Family LLC, a Colorado limited liability company and McIntosh Farm Co., a Colorado general partnership excepting and reserving unto the Grantor any and all mineral and mineral rights, oil rights, gas rights and geotherman energy rights owned by the grantor in, upon and under the real property described in the attached Exhibit A.

Legal description for the property, according to the Adams County Assessor, is SECT,TWN,RNG:33-1-58 DESC: ALL 640A.

WHAT IS A VARIANCE

and when may it be requested?

When a property owner cannot use their property in a way that meets the Adams County Development Standards & Regulations, a variance may be requested to allow the property owner to be exempt from one or more land use regulations.



A VARIANCE MAY BE REQUESTED FOR:

- ✓ Dimensional requirements
- ✓ Performance standards
- ✓ Other special physical requirements



A VARIANCE MAY NOT BE REQUESTED FOR:

- ✗ Change in use
- ✗ Change in zoning
- ✗ Amending a Planned Unit Development (PUD)
- ✗ Relief from airport overlays

How long does a

VARIANCE LAST?

A variance runs with the land. If a variance is granted, a building permit must be obtained within one year.

1
YEAR

VARIANCE APPLICATION

Contact the E-Permit Center at epermitcenter@adcogov.org or visit their website:

epermits.adcogov.org

For more information, please contact:

cedd-pod@adcogov.org | 720.523.6800

VARIANCE REQUESTS

in Adams County



STAY CONNECTED

4430 S. Adams County Pkwy., Brighton, CO 80601

 /AdamsCountyGov  @AdamsCountyGov

 Public Agencies  /AdamsCountyCo

Adcogov.org



What are the criteria for APPROVAL?

A variance application is evaluated based upon the following criteria of approval (**Sec. 2-02-23-06**):

- 1 There is a physical hardship specific to the lot.
- 2 The property owner is being deprived of a right that's commonly enjoyed by other lots in the same zone district.
- 3 The variance doesn't give a special privilege to the applicant.
- 4 The property cannot be reasonably developed in conformity of the regulations.
- 5 The circumstances that cause the need for a variance are not self-imposed.
- 6 The proposal is harmonious with the neighborhood and compatible with the purpose of the regulations.
- 7 The public good and safety is not impaired.
- 8 The proposed use is allowed in the zone district and doesn't further a non-conforming use.

What is the variance REVIEW PROCESS?

APPLICATION SUBMITTAL

Application is submitted to the E-Permit Center. You can contact this office at epermitcenter@adcogov.org or visit their website at epermits.adcogov.org.



FIRST REVIEW

35 calendar days for staff review and agency referral (school districts, fire districts, Colorado Department of Public Health & Environment etc.). Neighbors are also notified of the application at this time and are given the opportunity to make comments. At the end of this review period, a meeting is scheduled with the applicant to go over the review comments.

35 calendar days for the first review

EACH ADDITIONAL REVIEW

21 days. If a resubmittal is required, the application will undergo an additional round of review. This may happen several times depending on the quality of each submittal.

21 calendar days for each additional review

BOARD OF ADJUSTMENT (BOA) HEARING

BOA hearings are scheduled on the first and third Thursday of every month at 6 p.m. and are scheduled four weeks in advance. All review comments need to be resolved prior to scheduling the public hearing.

First & Third THURSDAY of every month BOA hearings are scheduled

BOA MAY VOTE TO...

- Approve.**
The variance is valid upon approval by the BOA.
- Approve with conditions.**
The BOA may attach special conditions to the variance to make sure no special privileges are being granted to the applicant.
- Deny.**

The variance process can take three months or longer, depending on the number of resubmittals and available Board of Adjustment hearing dates.

3
MONTHS+

If a building permit is not issued within one year of the variance approval or the use associated with the variance has not been established, the variance will expire. Extensions may be requested — see **Sec. 2-02-23-10**.

1
YEAR