

JUL 11 2024

Planning & Zoning



Fremont County Colorado
Department of Planning and Zoning

615 Macon Ave., Cañon City, Colorado
719-276-7360 PH / 719-276-7374 Fax
Email: Planning@fremontco.com

Accessory Dwelling Unit Application

- 1. Project Name: 701 BIG CAT ADU Fee: \$ 350.00
- 2. Owner(s) Name: ARTHUR W BREHM
- 3. Site Address: 701 BIG CAT TRAIL
 City: TEN ROSE State: CO Zip Code: 81240
 Telephone #: 719 429 3250 Facsimile # N/A
 Email Address: ARTO SLEEP @ gmail . com

Land Description:

Acreage: 35-40 Zone District: _____

Utility Services – Provider/Source

Water: Well # 188609-A Sewer: SEPTIC

Gas: PROPANE Electric: BHE

Phone: Ø Cable: Ø

Fire Protection District / Source: TEN ROSE

Primary & Accessory Dwelling Information:

Primary Structure Square Footage: 1800 Accessory Dwelling Square Footage: 616

Attachments:

- A. Copy of the most recent recorded deed.
- 3 - B. Signed Declaration of Covenant & Restriction stating ADU restrictions.
- 2 - C. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
- ? - D. Certified mail receipts.
- E. Floor plan of ADU - emailed Dave You are good 7-9
- F. Plot Plan Showing:
 - a. All structures proposed or existing with dimensions to property lines & structures.
 - b. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
 - c. All parking areas.
 - d. All exterior access points

Art Brehm Applicant Printed Name A. Br Signature 7-9-24 Date

DEED TO TRUST

THIS DEED, Made January 13, 2021, between Arthur W. Brehm, whose address is 322 County Road F45, Penrose, CO 81240, **Grantor** herein, for the consideration of Ten Dollars paid in hand, the receipt and sufficiency of which is hereby acknowledged, by this deed does sell and QUITCLAIM to Arthur W. Brehm, as Trustee under the Declaration of Trust dated January 13, 2021, known as the **DAD's Trust**, made by Arthur W. Brehm and said Trustee, as the Grantee herein, all of Grantor's interest in the following real property, together with improvements, if any, situate, lying and being in the said County of Fremont, State of Colorado, described as follows:

S1/2 S1/2 SE1/4, SECTION 35, TOWNSHIP 18 SOUTH, RANGE 68 WEST OF THE 6TH P.M., FREMONT COUNTY, COLORADO.

Also known by street and number as: 701 Big Cat Trail, Penrose, CO 81240

Together with all appurtenances, subject to general property taxes for 2020 and subsequent years, which the Grantee assumes and agrees to pay; and except easements, rights-of-way, restrictive covenants, prior exceptions and reservations of record.



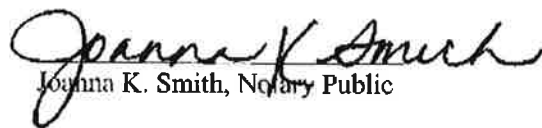
Arthur W. Brehm, Grantor

STATE OF COLORADO)
) ss.
COUNTY OF FREMONT)

The foregoing instrument was acknowledged before me this January 13, 2021, by Arthur W. Brehm.

WITNESS my hand and official seal.

My commission expires: 12/07/2021


Joanna K. Smith, Notary Public

JOANNA K SMITH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014037544
MY COMMISSION EXPIRES DECEMBER 7, 2021

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

WELL PERMIT NUMBER <u>188609</u> <u>A</u>			
DIV. 2	CNTY. 22	WD 12	DES. BASIN MD

APPLICANT

PAT MCFALL
1516 LOCUST
CANON CITY CO 81212-

(719)269-3942

Lot: Block: Filing: Subdiv:

APPROVED WELL LOCATION
FREMONT COUNTY

SW 1/4 SE 1/4 Section 35
Twp 18 S RANGE 68 W 6th P.M.

DISTANCES FROM SECTION LINES

200 Ft. from South Section Line
1900 Ft. from East Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(c) for the relocation of an existing well, permit 188609. The old well must be plugged and sealed according to the Water Well Construction Rules within ninety (90) days of completion of the new well. The enclosed Well Abandonment Report form must be completed and submitted to affirm that the old well was properly plugged and sealed.
- 4) Approved as the only well on a tract of 40 acres described as the S1/2 of the S1/2 of the SE1/4, Sec. 35, Twp. 18 South, Rng. 68 West, 6th P.M., Fremont County.
- 5) The use of ground water from this well is limited to fire protection, ordinary household purposes inside up to 3 single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals, poultry, and livestock on a farm or ranch.
- 6) The maximum pumping rate shall not exceed 15 GPM.
- 7) The return flow from the use of the well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 8) This well shall be constructed not more than 200 feet from the location specified on this permit.

APPROVED
HCF

Hal D. Simpson
State Engineer

By [Signature]

Receipt No. 0397681

DATE ISSUED MAR 19 1996

EXPIRATION DATE MAR 19 1998

COLORADO DIVISION OF WATER RESOURCES
 DEPARTMENT OF NATURAL RESOURCES
 1313 SHERMAN ST., RM. 818, DENVER CO 80203
 phone - info: (303) 866-3587 main: (303) 866-3581

188609A

RECEIVED

11 15 20

MAR 12 '96

RESIDENTIAL * (Note: You may also use this form to apply for livestock watering)
 Review instructions prior to completing form

Water Well Permit Application
 Must be completed in black ink or typed

WATER RESOURCES

1. APPLICANT INFORMATION				6. USE OF WELL (check appropriate entry or entries)			
Name of applicant <i>Pat McFall</i>				See instructions to determine use(s) for which you may qualify --			
Mailing Address <i>1516 Locust</i>				<input type="checkbox"/> A. Ordinary household use in one single-family dwelling (NO outside use)			
City <i>Canon City</i>		State <i>CO</i>		Zip code <i>81202</i>		<input checked="" type="checkbox"/> B. Ordinary household use in 1 to 3 single-family dwellings:	
Telephone Number (include area code) <i>719-269-3942</i>				Number of dwellings: _____			
2. TYPE OF APPLICATION (check applicable box(es))				<input type="checkbox"/> Home garden/lawn irrigation, not to exceed 1 acre: area irrigated _____ <input type="checkbox"/> sq. ft. <input checked="" type="checkbox"/> acre			
<input type="checkbox"/> Construct new well		<input type="checkbox"/> Use existing well		<input checked="" type="checkbox"/> C. Livestock watering (on farm/ranch/range/pasture)			
<input checked="" type="checkbox"/> Replace existing well		<input type="checkbox"/> Change / Increase Use		7. WELL DATA			
<input type="checkbox"/> Change (source) aquifer		<input type="checkbox"/> Reapplication (expired permit)		Maximum pumping rate <i>15 GPM</i> gpm		Annual amount to be withdrawn <i>977 700 3</i> acre-feet	
<input type="checkbox"/> Other:				Total depth <i>300</i> feet		Aquifer <i>Dakotas</i>	
3. REFER TO (if applicable)0				8. TYPE OF RESIDENTIAL SEWAGE SYSTEM			
Water court case #		Permit # <i>188609</i>		<input checked="" type="checkbox"/> Septic tank / absorption leach field			
Verbal # <i>-VE-</i>		Monitoring hole acknowledgment # <i>MH-</i>		<input type="checkbox"/> Central system			
Well name or # <i>P McFall</i>				District name: _____			
4. LOCATION OF WELL				<input type="checkbox"/> Vault			
County <i>Fremont</i>		Quarter/quarter <i>SW ¼</i>		Quarter <i>SE ¼</i>		Location sewage to be hauled to: _____	
Section <i>35</i>		Township N or S <i>18</i> <input type="checkbox"/> N <input checked="" type="checkbox"/> S		Range E or W <i>68</i> <input type="checkbox"/> E <input checked="" type="checkbox"/> W		<input type="checkbox"/> Other (attach copy of engineering design)	
Distance of well from section lines <i>200</i> ft. from <input type="checkbox"/> N <input checked="" type="checkbox"/> S <i>1900</i> ft. from <input checked="" type="checkbox"/> E <input type="checkbox"/> W		Principal Meridian <i>6th PM</i>		9. PROPOSED WELL DRILLER (optional)			
Well location address, if different from applicant address (if applicable)				Name <i>Robert Young</i>		License number <i>592</i>	
For replacement wells only - distance and direction from old well to new well <i>200 feet East direction</i>				10. SIGNATURE of applicant(s) or authorized agent			
5. TRACT ON WHICH WELL WILL BE LOCATED				The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.			
A. You must check one of the following - see instructions				Must be original signature <i>PM McFall</i>			
<input type="checkbox"/> Subdivision: Name _____				Title <i>owner</i>		Date <i>3-7-96</i>	
Lot no. _____ Block no. _____ Filing/Unit _____				OPTIONAL INFORMATION			
<input type="checkbox"/> County exemption (attach copy of county approval & survey) Name/no. _____ Tract no. _____				USGS map name		DWR map no.	
<input type="checkbox"/> Mining claim (attach copy of deed or survey) Name/no. _____				Office Use Only <i>397681</i>		Surface elev. _____	
<input type="checkbox"/> Other (attach legal description to application)				CHECKS DIV OF WATER RESOURCES		TRN397681 031296	
B. STATE PARCEL ID# (optional): _____				DIV <i>2</i>		20.0 <i>22</i>	
C. # acres in tract <i>40</i>		D. Are you the owner of this property? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (if no - see instructions)		WD <i>12</i>		BA _____	
E. Will this be the only well on this tract? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (if other wells are on this tract- see instructions)				USE _____		MD _____	



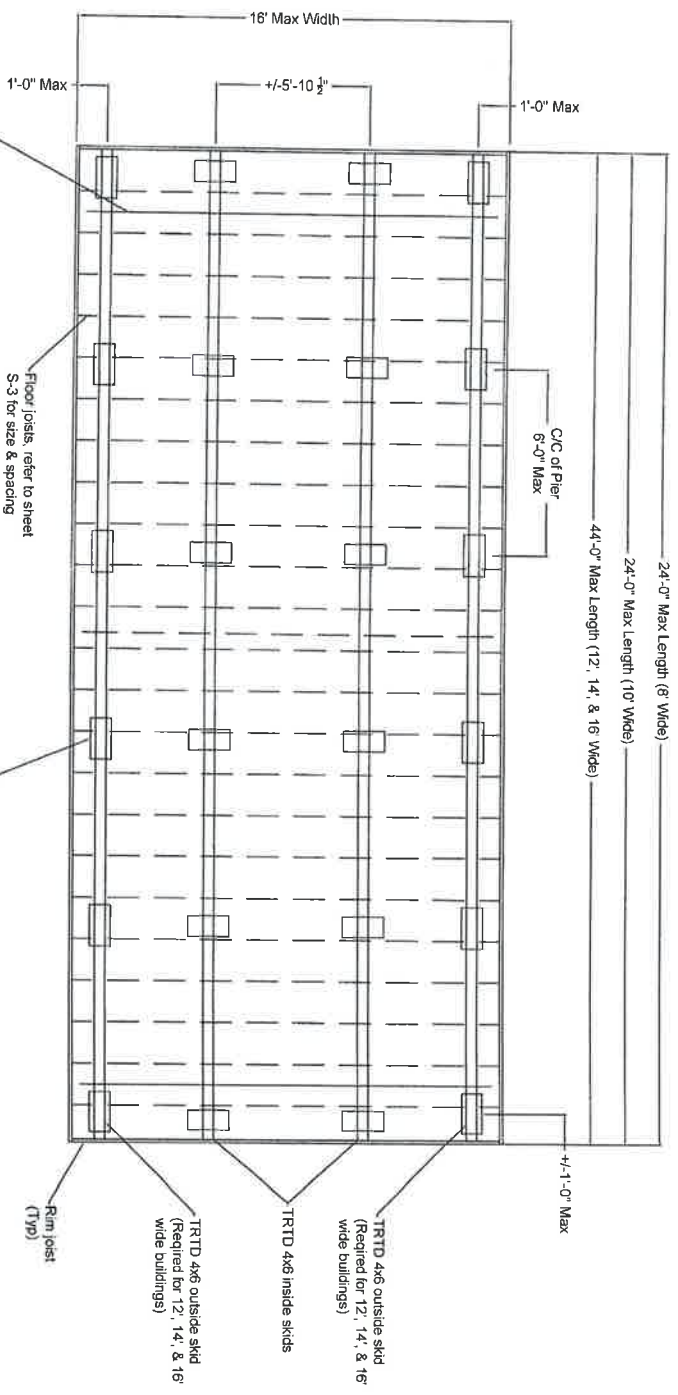
LOFTED BARN-COLORADO- WIND=135 MPH-IRC 2021

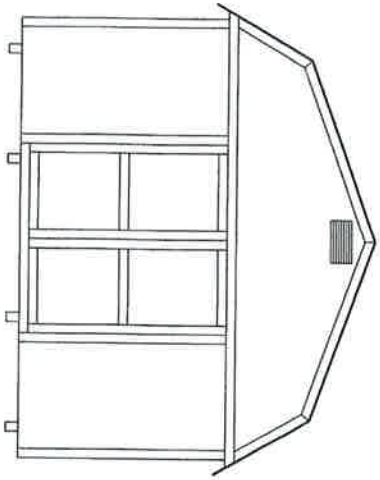
Drawn by: C.M. Checked by: J.L.L.
 Date: 5/9/2024
 Location:
 Project Number:
 Revision: Revised for Inhabitation

Drawing Number
S-1-LB-CO
 Scale: Not to Scale

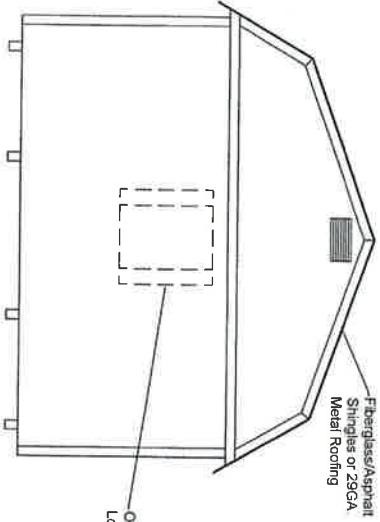
Floor Framing Plan

Refer to notes on S-0
 See S-2 for required head-down
 quantity and rating (Typ.)





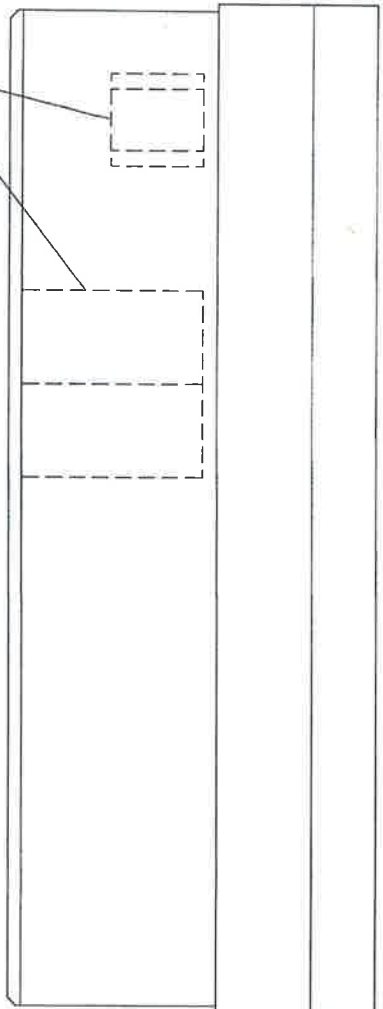
Front Elevation



Rear Elevation

Fiberglass/Asphalt
Shingles or 29GA
Metal Roofing

Optional Door or Window
Locations Vary per Customer



Side Elevation

Door and Window Locations
Vary per Customer

Note:
Windows, doors, and trim shown are conceptual. Actual window, door, and trim
may vary per customer request.



**LOFTED BARN-COLORADO-
WIND=135 MPH-IRC 2021**

Drawn by: C.M. Checked by: J. L.
Date: 5/8/2024
Location:
Project Number:
Revision: Δ Revised for Inhabitation

S-5-LB-CO

Scale: Not to Scale



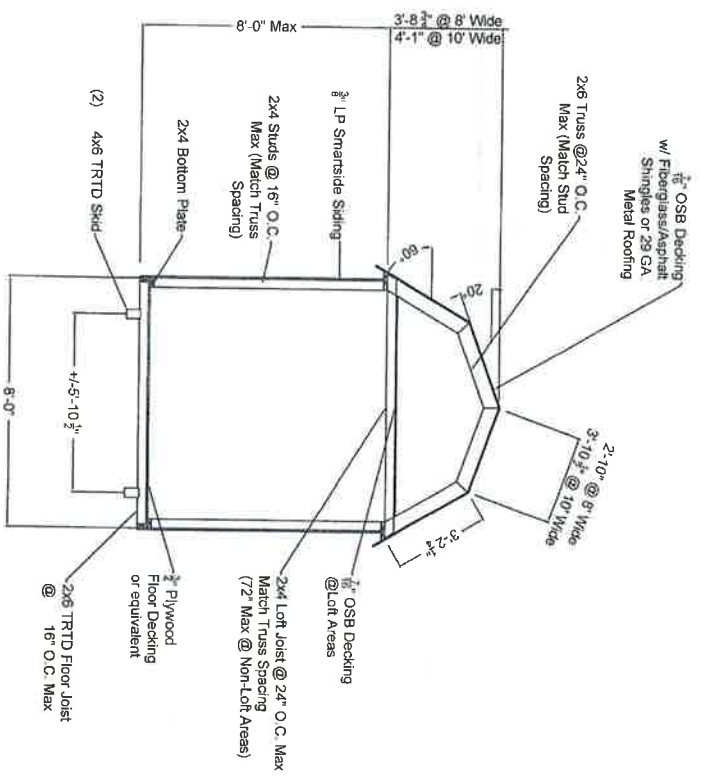
LOFTED BARN-COLORADO- WIND=135 MPH-IRC 2021

Drawn by: C.M.	Checked by: J.L.	Drawing Number:
Date: 5/9/2024		S-3-LB-CO
Location:		Scale: Not to Scale
Project Number:		
Revision: Revised for Rehabilitation		

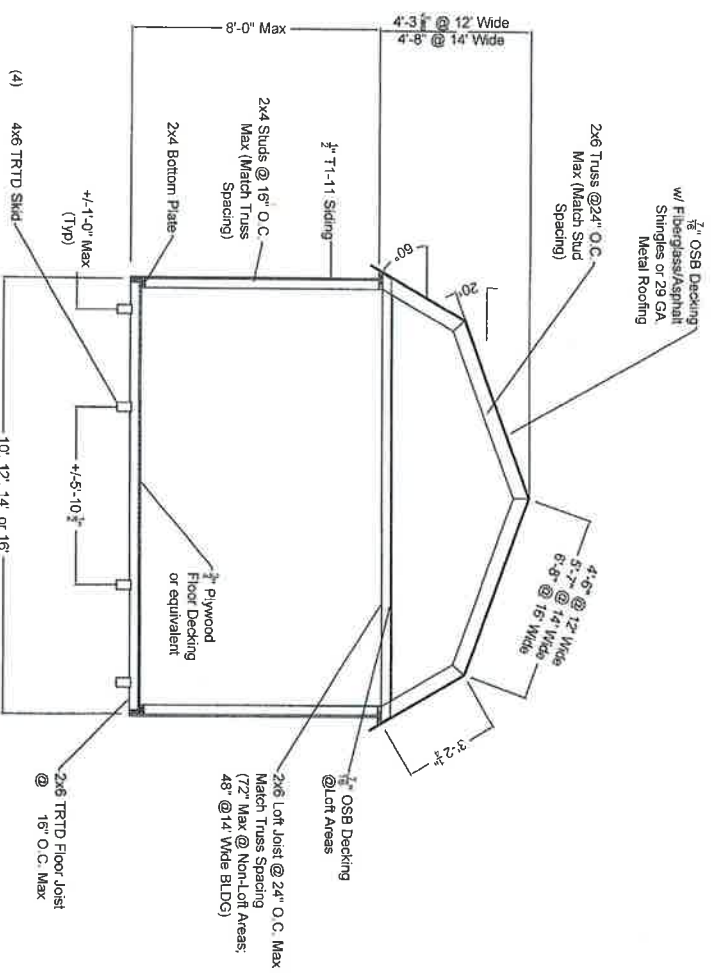


Building Section

8' Wide



10', 12', 14', or 16' Wide

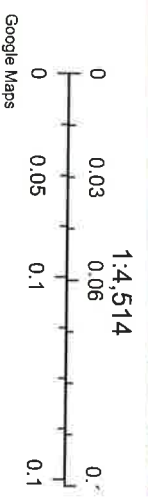


Fremont County Regional GIS Web Map



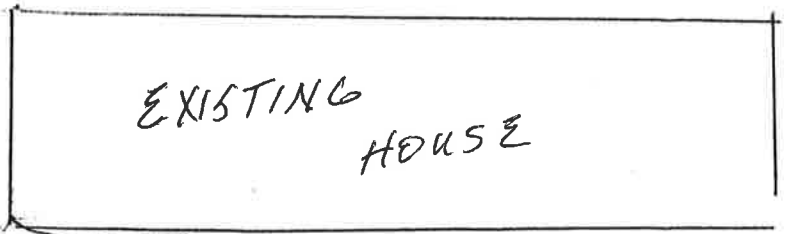
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FC Roads private road FC Parcels
local



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701 BCT



EXISTING HOUSE

ELECTRIC POLE

AS 400'

EASEMENT ROAD

WELL HEAD

AS 143'

PROPERTY LINE

123'



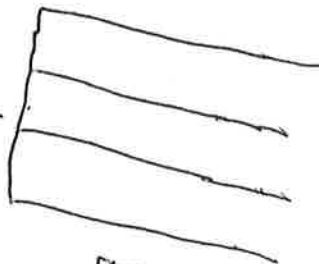
ABU

444'

42'



SEPTIC TANK



LEAK FIELD

RIVER BOTTOM

Fremont County Regional GIS Web Map



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FC Roads

private road

FEMA Firm Panels

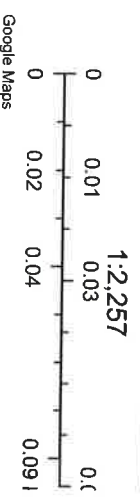
100yr-SFHA_UPPD2017_04_29_labels



100yr-SFHA_UPPD2017_04_29_shaded

100yr-SFHA_UPPD2017_04_29_outline

FC Parcels



ADU 701 BCT





Date Applied: 5/17/2021
 Permit Fee: \$ 283.00
 Use Tax: \$ 34.05
 Colorado State Surcharge: \$ 23.00
 Total: \$ 340.05

Septic Permit #: S21-095
 Expiration Date: 5/19/2022
 Paid By: CK # Counter
 Receipt #: 2021-05-17-KJ-16508

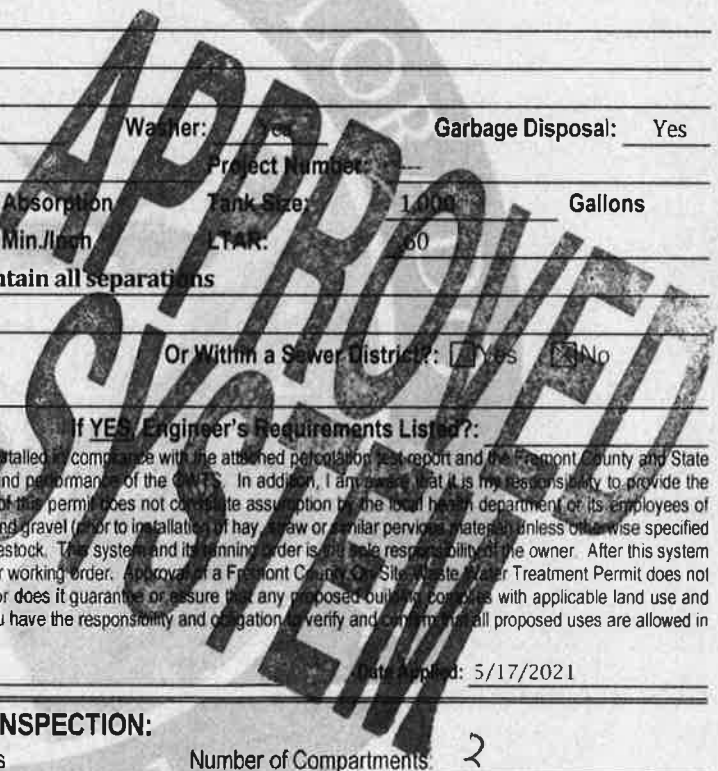
Inspection Request Line (719) 276-7373

Building Permit # (if applicable): _____

FREMONT COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT

Owner: Kevin Nosik / Arthur Brehm Applicant: _____ Owner: _____
 Mailing Address: 322 City Rd F45 Mailing Address: _____ Same
 City, State, Zip Code: Penrose, CO 81240 City, State, Zip Code: _____ Same
 Phone Number: 719-641-7152 / 719-429-3250 Phone Number: _____ Same
 OWTS Contractor: Owner Contractor Phone: _____ License #: _____
 Construction Address: 322 Co Rd. F45, Penrose, CO 81240 701 Big Cat Trail, Penrose
 Gate/Combination Lock #: _____ Directions From Major Thoroughfare: (Include Legible Map & Directions)
 Legal Description: Sch# 69008262
 Type/Use of Structure: Single Family Dwelling
 Lot Size: 40 Acres Source, Type of Water: Well
 Maximum Potential # of Bedrooms: 2 Basement: No Washer: Yes Garbage Disposal: Yes
 Engineering Firm: Justin Kaiser - CPOW Project Number: _____
 Type of System: New System - OWTS Absorption Tank Size: 1000 Gallons
 Absorption: 600 Square Feet Perc Rate: Profile Holes Min./Inch L.T.A.R.: 60

NOTES: Keep excavation shallow - Locate in designated area - Maintain all separations



Is Site Within 400 Feet of Sewer Main?: Yes No Or Within a Sewer District?: Yes No
 If YES, Is A Letter of Refusal To Connect Attached?: N/A
 Is Site In A Designated Flood Plain?: Yes No If YES, Engineer's Requirements Listed?: _____
 I certify that the On-Site Waste Water Treatment System (OWTS) described in this permit will be installed in compliance with the attached percolation test report and the Fremont County and State of Colorado Regulations. I understand that I will be responsible for the operation, maintenance, and performance of the OWTS. In addition, I am aware that it is my responsibility to provide the contractor with a copy of the attached percolation test report. I am also aware that the issuance of this permit does not constitute assumption by the local health department or its employees of liability for failure of any OWTS. Request for inspection will be required after installation of all pipe and gravel (prior to installation of hay, straw or similar pervious material unless otherwise specified by engineer. The system must be properly protected from off site drainage, vehicular traffic, and livestock. This system and its running order is the sole responsibility of the owner. After this system has been inspected and approved by the inspector it shall be assumed that this system is in proper working order. Approval of a Fremont County On-Site Waste Water Treatment Permit does not guarantee or assure that the proposed use is permitted within the zone district for the property, nor does it guarantee or assure that any proposed building complies with applicable land use and requirements for the zone district, such as setbacks, height restrictions, or other similar issues. You have the responsibility and obligation to verify and conform that all proposed uses are allowed in the zone district and conform to the requirements of the zone district for the property.
 Owner or Applicant's Signature: Signature on File Date Applied: 5/17/2021

FINAL OWTS INSPECTION:

Tank Information: Size: 1000 Boughton Concrete Gallons Number of Compartments: 2
 Is Entrance and Exit Sealed: Yes No Is Tank Level? Yes No
 Pipe Inlet-Outlet?: _____ Distance From Building: _____ Feet Distance From Well: 285 feet
 Absorption Bed Information: Type of System Installed: _____
 Pipe & Rock: Chamber Absorption Bed Absorption Trench: Width: 12 Length: 50
 Number Of Trenches: _____ Total Square Feet: 600 Gravel Depth: 12 Inches
 Is Pipe Level? Yes No If Bed, Is Pipe Been Connected?: Yes No Distance From Well: 285 feet
 Distance From Building: _____ feet Is System Located In Recommended Area?: Yes No

DEPARTMENT USE ONLY:

Installation Has Been: Approved Disapproved
 NOTES: Rock & Pipe Bed System 12' x 50'
Tank lids accessible at time of inspection.
 Approved By: [Signature] Date Approved: 11-16-22
 Prepared By: Elizabeth Lehl Date Prepared: 5/19/2021

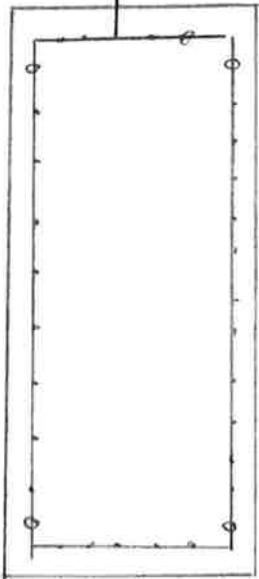
Existing Home ↓

N →

Big Cat Trail



20'



Inspection Ports each Corner

S21-095
11-16-22

No Buildings
Sewer at time of Install
* System Installed in Flood Zone But
Above potential flood Elevation

**DECLARATION OF COVENANTS AND RESTRICTIONS
TO REAL PROPERTY REGARDING AN ACCESSORY DWELLING UNIT**

This Covenant between (land owner) and the County of Fremont, State of Colorado, is hereby recorded and attached to that parcel of land as described in deed as recorded in the records of the Fremont County Clerk and Recorder's office under Reception Number 995634, and described as follows:

(INSERT LEGAL DESCRIPTION)

I/We, herein, covenant and agree to the County of Fremont on behalf of ourselves and all heirs, assigns and successors of interest, into whose ownership the title to or interest in the above-described real property might transfer, as follows:

1. The owners are the sole and exclusive fee-simple owners of the above described parcel located within Fremont County, Colorado.
2. The owner(s) shall reside in the primary or accessory dwelling unit (ADU) as the principal and permanent residence at all times that the other dwelling unit is occupied. The owner(s) shall reside on the property for at least (6 months) out of the year, and at no time receive rent for, or otherwise allow a third party non-owner to reside in, the owner-occupied unit.
3. Sale of the ADU, separate from the primary dwelling, is prohibited.
4. Subdivision of the property in a manner that separates the ADU from the primary dwelling is prohibited.
5. Formal approval from Fremont County is required for modification of the size of the ADU.
6. These covenants and restrictions, shall run with the land and be binding and enforceable upon the owners and any and all of their heirs, assigns, grantees, and successors in interest into whose ownership title to the above-described real property may pass.
7. These covenants and restrictions will automatically terminate upon removal of the ADU from the parcel.
8. The provisions of these covenants and restrictions are enforceable in law or equity by Fremont County and its assigns. The Owner(s) expressly consent to and grant a private cause of action for enforcement, including damages and reasonable attorney fees, to any party is adversely affected by the failure to comply with the covenants and restrictions set forth herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed
this 11 day of July, 2024.

AB
Owner

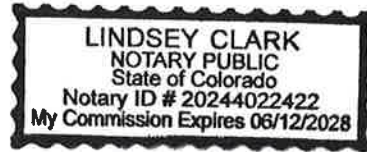
State of Colorado
County of Fremont

The foregoing instrument was acknowledged before me this July 11, 2024 (date)
by Arthur Brehm (name of person acknowledged).

Lindsey Clark
Notary Public

Print Name: Lindsey Clark

My commission expires: 12/12/2028



(Seal)

Owner

State of Colorado
County of _____

The foregoing instrument was acknowledged before me this _____ (date)
by _____ (name of person acknowledged).

Notary Public

Print Name: _____

My commission expires: _____

(Seal)