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2024  
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Fremont County

AUG 14 2024

Planning & Zoning



## TEMPORARY USE PERMIT APPLICATION

1. Project Name: Happy Apple Farm Fall Harvest
2. Applicant: Anthony T. Ferrara Address: 1190 1<sup>st</sup> St.  
 City: Penrose State: CO Zip Code: 81240  
 Telephone #: 1-719-429-6300 Facsimile # \_\_\_\_\_  
 Email Address: atf@ferrera.net

### Please read the entire application form prior to completion of this application

Property owners and other potential applicants are encouraged to meet informally or communicate with Planning and Zoning Department staff to gain familiarity with the application process prior to formal submittal of an application and to continue the communications throughout the application process. For more details on application meetings, see Section 8.3 of the Fremont County Zoning Resolution (FCZR).

A special event which is to be conducted in whole or part within Fremont County (*non-incorporated areas*) such as spectator events, athletic events, carnivals, circuses, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses with similar impacts which are for public participation, requires a Temporary Use Permit (TUP).

An application fee as adopted by resolution of the Fremont County Board of County Commissioners (Board) shall accompany this application.

The applicant shall provide **one (1) original document and an electronic copy (either CD or flash/thumb drive)** and all of its attachments. After submittal, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter). The letter will state the submittal deficiencies, Department comments and or questions about the application, which must be addressed by the applicant.

The Fremont County Department of Planning and Zoning (Department) shall be entitled to refuse any application for a temporary use permit which is not made on the form provided by the Department, which is incomplete, or is made later than thirty (30) working days prior to the regularly scheduled Board meeting at which the application is proposed to be heard. The application shall not be considered complete unless all information required in the application is provided at the time it is filed.

Once the Department has determined that the application is complete, the application will be scheduled on an agenda of the Board for their consideration of approval. Prior to issuance of a temporary use permit, the event shall be approved by the Board at a regularly scheduled meeting and all contingencies or requirements shall be met or provided. The Board does have the right to request review and recommendations from the Fremont County Planning Commission (Commission) and/or other pertinent entities, if the Board determines that it is necessary for its review. The Board may require professional review at the applicant's expense if deemed necessary by the Board. The Board may require the applicant to provide various professional studies and/or statements concerning the event in order to fully understand the impact of the proposed event. This could result in a longer review process and require more time to complete.

Under certain circumstances, the Department may have approval authority over an annual event which has been granted TUP approval by the Board consecutively for the three (3) previous years. See Section 8.16.2 of the Fremont County Zoning Resolution for requirements.

Attachments can be made to this application to provide expanded narrative for any application item including supportive documentation or evidence for provided application item answers. Please indicate at the application item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (i.e. the attached document providing evidence in support of the answer given at application item number 12 would be marked - Exhibit 12.1).

For specific regulatory requirements the applicant should refer to the appropriate sections of the Fremont County Zoning Resolution (FCZR) which can be viewed on the Internet at:

<http://www.fremontco.com/planningandzoning/zoningresolution.pdf>

2. Please provide a general description of the event: Please see Exhibit 2.1
3. What is the general location and/or street address of the event? 1190 1<sup>st</sup> ST.  
Penrose, CO. 81210
4. What are the dates that the proposed event is scheduled to occur? September 16<sup>th</sup> 2023 thru October 29<sup>th</sup> 2023
5. What are the hours of the day that the proposed event is scheduled to occur? Friday thru Sunday 9:00AM. till 4:30 P.M.
6. Will there be any signs used to advertise the event? NO If yes, please provide a statement as to the size (type), location, and how many: \_\_\_\_\_
7. Please provide a statement as to how litter will be disposed and include documentation consisting of agreements and/or contracts with companies providing necessary facilities. Please see Exhibit 9.1
8. Address crowd control before, during and after the event. Crowd control is provided by Farm Management
9. What are the anticipated off-site impacts that will be created by the proposed event? Please see Exhibit 9.1
10. Please provide a statement as to a drinking water plan which includes documentation consisting of agreements and signed contracts with companies providing necessary facilities. NOTE: This will require review and approval by the Fremont County Environmental Health Officer. Drinking Water provided by Penrose Water District.  
Bottled Water sold in store.

11. Please provide a statement as to a sanitation plan which includes documentation of agreements and signed contracts with companies providing necessary facilities. **NOTE: This will require review and approval by the Fremont County Environmental Health Officer.** \_\_\_\_\_

Place see Exhibit 11.A ~~11.A~~ + 11.AA

12. Please provide a statement as to a concession plan, if any, which includes a list of vendor names and required permits. If vendors are used, please provide documentation of sales tax license. **NOTE: This will require review and approval by the Fremont County Environmental Health Officer.** \_\_\_\_\_

We will have no vendors

13. Please provide an emergency service operation plan addressing what emergency services are proposed for the event. The emergency services shall include any agreements, signed contracts, with appropriate agencies or companies and a specific contact person with contact information. \_\_\_\_\_

Please see Exhibit 13.1 From the Florence Fire Dept.

14. Will there be any street closures proposed in connection with the special event (or other provisions deemed appropriate with respect to the provision for safe and adequate vehicular and pedestrian traffic flow and parking associated with the conduct of the special event)? **Note: If Street closures are proposed, signed approval by the Director of the Fremont County Department of Transportation or Colorado Department of Transportation is required.** \_\_\_\_\_

NO Street Closures - Please see Exhibit 15.1

15. Please provide a statement as to how the proposed event parking will be addressed. Such statement will include how many off-street parking spaces will be provided along with the size of spaces and parking area location. **Note: If on-street parking is proposed, signed approval by the Director of the Fremont County Department of Transportation or Colorado Department of Transportation as may be appropriate is required.** \_\_\_\_\_

Farm Owner Supervised - Please also see Exhibit 15.1

16. Please provide a statement as to how vehicular and pedestrian traffic for the proposed event will be handled: \_\_\_\_\_

Farm Owner Supervised

17. The following items shall be attached to this application and marked appropriately as exhibits:

a. A drawing of the property on which the event will be held locating items such as natural features (waterways, cliffs, etcetera), existing improvements (structures, driveways, septic systems, etcetera) and components of the special event (stages, parking areas, vendor areas, etcetera).

Please see Exhibit D

b. Documentation as to acceptance of a fire protection plan, signed by the appropriate agency representative along with a copy of said plan.

Please see Exhibit 13.1

- c. Documentation that the Sherriff's Office has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.19.1 for details.

Exhibit SL

- d. Documentation that the Colorado State Patrol has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.20.1 for details.

Exhibit MC (MC) (17.C)

- e. Documentation that the Director of the Fremont County Department of Transportation has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.21.1 for details.

Exhibit 151

- f. If the subject property gains direct access from a roadway under the jurisdiction of Colorado Department of Transportation (CDOT) or if deemed necessary by the Department, documentation that CDOT has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.22.1 for details.

N/A

- g. Documentation from the Environmental Health Officer as to acceptance and approval of application items number 10, 11 and 12, signed by the appropriate agency representative.

Please see Exhibit 11A

- h. Proof of general liability insurance for the event in amounts deemed appropriate by the Board of County Commissioners.

Please see Exhibit 17F

- i. Cash, surety or other bond deemed necessary and appropriate by the Board of County Commissioners to ensure that the property affected by the special event will be cleaned to the reasonable satisfaction of the County and that damage associated with the conduct of the special event may be repaired or remedied without cost to the County. *If a waiver of this item is requested it shall be in writing, with justification, at the time of application.*

Please see Exhibit 17/G

18. Additional Requirements:

- a. The Department of Planning and Zoning shall have the right to require publication, notice to property owners and posting in accordance with Section 8.4.2.1 if it is deemed necessary.

- b. The Board of County Commissioners has the right to:

- 1) Refer any application for Temporary Use Permit to the Planning Commission requesting its review and recommendations at a regular meeting.
- 2) Refer any application for Temporary Use Permit to any entity the Board deems could have significant input regarding the potential impacts of the proposed Temporary Use Permit.
- 3) Right to obtain professional review, at the applicant's expense, for any aspect of the proposed event as deemed necessary by the Board.
- 4) Require the applicant to submit the following information if in their opinion it is necessary, to fully understand the impacts of the proposed Temporary Use Permit:
  - a) An environmental impact study/statement;
  - b) A roadway impact analysis study;
  - c) A drainage study;
  - d) A socioeconomic impact study/statement;
  - e) Studies, comments, referrals to agencies or professionals whose area or jurisdiction of expertise is applicable and germane to the use being proposed.

**By signing this Application, the Applicant, or the representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.**

**Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.**

**Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.**

**Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.**

Anthony T. Feltus  
Applicant Printed Name

  
Signature

8-4-2022  
Date

# Anthony T. Ferrara / Happy Apple Farm

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1190 1<sup>st</sup>. St. Penrose Colorado 81240 | #719-429-6300 | [atf@bresnan.net](mailto:atf@bresnan.net)

**August 8<sup>th</sup>. 2024**

**Exhibit 2.1**

**To: Fremont County Commissioner's  
& Dan Victoria / Planning Director**

**Dear County Commissioner's and Mr. Victoria,**

**For over thirty-two years Happy Apple Farm has been a twenty acre Pick-your-own Apple Orchard and Pumpkin Patch located in Penrose Colorado. This year our season will be from Saturday August 17<sup>th</sup>. to Sunday October 27<sup>th</sup>.. We refer this period to as the "Happy Apple Farm Fall Harvest". We will have Apples available August 17<sup>th</sup> and pick-your-own Pumpkins that will start on September 14<sup>th</sup>. We will end our season on Sunday October 27<sup>th</sup>. During our years of operation a new word has been coined in the Agriculture Industry called "Agritainment" this, we believe, was developed in order to fill a need for families to do affordable and wholesome things as a family and to enable small farmers a means of competing in an environment of larger company managed farms and ever rising cost of operation. Happy Apple Farm has developed into one of Colorado's best known pick-your-own farms. Eight out of the last thirteen years we have lost our Apple Crop to a late freeze in April or hail. Our request for a temporary user permit will allow us to sell our produce and continue to survive.**

**Exhibit 2.1**

Exhibit 7.1



Sustainability in Action

**August 1, 2024**

**To: Fremont Counting Planning & Zoning**

**From: Republic Services**

**RE: Happy Apple Farms Trash Removal**

**Happy Apple Farms currently has a 6-yd Solid Waste dumpster for on/call trash service, and a 6-yd Recycling (cardboard) dumpster for on/call recycle service.**

**Each year they increase to 1 pick up per week on both the solid waste and the recycle container during their busy season. If you have any questions, please call our office at (719)275-6955 or contact us at [republicservices.com](http://republicservices.com).**

**Republic Services  
645 McDaniel Blvd. Canon City Co, 81212  
Telephone: 719-275-6955**

## **EXHIBIT #9.1**

**Due to the fact that the entire event will take place on the farm which is entirely enclosed by a 8 foot deer fence, there will be no off site impact of blowing debris. The potential impact of off site noise should be minimal and associated with the coming and going of vehicular traffic.**



**Happy Apple Farm / Anthony T. Ferrara**  
**1190 1<sup>st</sup>. St. Penrose, Co. 81240**

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**EXHIBIT 11A**

**Date 8/1/2024**

**RE: Happy Apple Farm Fall Festival**

**Hi Amy, here is the information for our annual "Happy Apple Farm Fall Festival" to secure our Temporary User Permit for 2024.**

**Penrose Water District will be our main source of drinking water during the event, we also will sell bottled water in our Country Store. As always we will have a six yard trash container supplied by Republic Services which will be emptied weekly. Also be advised we again will have no vendors or concession stands on the premises. This year's event will be from Saturday August 17<sup>th</sup>. thru Sunday October 27<sup>th</sup>. The Deli is only open Saturdays and Sundays. As always if you need any further information please feel free to contact me. Have a great week! Tony / Happy Apple Farm.**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'Anthony T. Ferrara', with a long horizontal flourish extending to the right.

**Anthony T. Ferrara**



Exhibit 13.1

### FIRE PROTECTION AUTHORITY INFORMATION

1. The name of the fire protection authority is: Florence Fire Protection District
2. Name of contact person: Bill Ritter  
Title: Fire Chief Telephone: 719-784-2350
3. The name and address of the responding fire station is: \_\_\_\_\_  
Florence Fire Protection District Station # 2  
207 Broadway Penrose, CO.
4. The distance from the subject property, by public roadway, to the responding fire station is: \_\_\_\_\_  
3 miles
5. The estimated response time to the subject property is: 7 minutes
6. The location of the closest fire hydrant to the subject property is: \_\_\_\_\_  
First Street and K Street
7. Is the existing hydrant size and location adequate for the existing neighborhood and the proposed development?  Yes --  No Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Are the existing public roadways accessing the subject property adequate for fire vehicle access?  Yes --  No Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access?  Yes --  No Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Are the proposed fire protection measures adequate for any existing or proposed structures to be housed on the subject property?  Yes --  No Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. What are the wildfire hazard classifications for the subject property, as prepared by the Colorado State Forest Service? Contact BLM Office Canon City, CO. 81212



*Exhibit 15.1*



**Fremont County  
Department of Transportation**

1170 Red Canyon Road • Cañon City, Colorado 81212  
Phone: 719-276-7430 • Fax: 719-275-2120

8.01.2024

Anthony Ferrara  
1190 First Street  
Penrose, CO 81240

RE: Happy Apple Farm Event

Mr. Ferrara,

The Fremont County Department of Transportation is providing this letter in acknowledgement of your annual event to be held from August 17, 2024 through October 27, 2024. The event is to not cause an issue with the traveling public and shall not block the roadway. Removal of any litter or debris resulting from the event shall be the responsibility of Happy Apple Farm. Should there be a need for road closures, you will need to notify our department with adequate notice and provide your own closures and traffic control.

We look forward to working with you and wish you success in your event. Should you have any questions, feel free to contact our office at the number listed above.

Thank you,

***Michael Whitt***

Michael Whitt  
FCDOT

Learn mo

Exhibit   
 Happy Apple   
 Happy Apple Fat

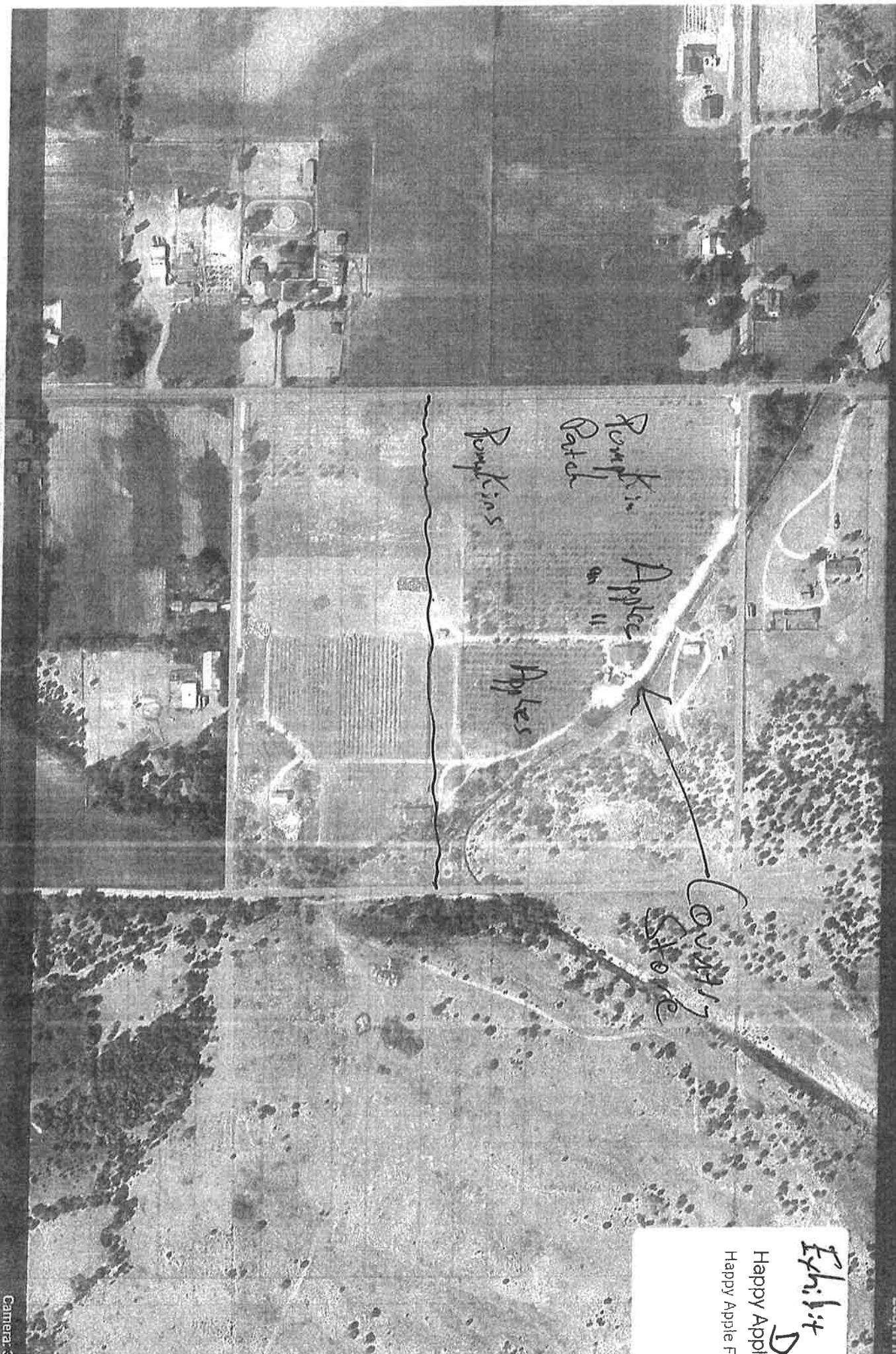


Exhibit SL



# OFFICE OF SHERIFF, FREMONT COUNTY

100 JUSTICE CENTER ROAD · Canon City, Colorado 81212  
Phone (719) 276-5555 · FAX (719) 276-5596



ALLEN COOPER  
SHERIFF

DEREK IRVINE  
UNDERSHERIFF

**To:** Fremont County Commissioners  
**Subject:** Happy Apple Farm Temporary Use Permit  
**Date:** August 7, 2024

I received a request from Tony Ferrara, with Happy Apple Farms, regarding a letter for a Temporary Use Permit at 1190 1st Street, Penrose, Colorado. Mr. Ferrara explained that the dates for the Temporary Use Permit would be August 17, 2024 through October 27, 2024 with the hours of operation being Friday through Sunday 9:30 a.m. until 4:30 p.m. Mr. Ferrara further explained that he would not be requesting any road closures or special traffic enforcement of any type.

I reviewed the area in person and utilizing overhead maps. I did not see any traffic or parking concerns that the Fremont County Sheriff's Office would have. Additionally, I researched past calls for service at the orchard to determine a history of law enforcement matters and did not locate any.

After reviewing all of the information, the Fremont County Sheriff's Office would have no arguments or concerns in reference to the Temporary Use Permit being granted to Happy Apple Farm at 1190 1st Street, Penrose, Co.

A handwritten signature in cursive script, appearing to read "Jeremy Green".

Cpt. Jeremy Green  
100 Justice Center Road,  
Canon City, Co. 81212  
(719)276-5513



Exhibit 17.C



**COLORADO**  
State Patrol  
Department of Public Safety

August 5, 2024

Mr. Tony Ferrara  
Happy Apple Farm  
1190 1<sup>st</sup> Street  
Penrose, CO 81240  
719-372-6300  
atf@bresnan.net

The Colorado State Patrol, Troop 2A Troop Office has received your information about the Happy Apple Farm annual fall festival being held from August 17<sup>th</sup> through October 27<sup>th</sup>, 2024.

I understand that at present, you are not requesting the presence of Colorado State Patrol troopers to assist in this event or this event does not rise to the level requiring mitigation from the CSP.

The Colorado State Patrol has no concerns as long as the traffic does not adversely compromise the safety or volume of traffic flow on the roadways and highways in the area. If there becomes an issue, please contact me to address your traffic mitigation plan and strategy.

We can also speak if you feel you need a trooper for traffic mitigation on a paid overtime basis. Please feel free to contact me with any concerns.

Respectively,

**Captain Chad J Hunt**  
Colorado State Patrol  
Troop 2A Florence  
600 W. 3rd Street, Suite C  
Florence, CO 81226  
719-784-3275





Exhibit 17.F

**COMMERCIAL LIABILITY COVERAGE PART  
DECLARATIONS**

Policy Number: NPP6026605

Effective Date: 02/18/2024  
12:01 AM, Standard Time

**COMMERCIAL GENERAL LIABILITY - LIMITS OF INSURANCE**

General Aggregate Limit (Other Than Products-Completed Operations) \$ 2,000,000  
 Products - Completed Operations Aggregate Limit \$ 1,000,000 †  
 Personal and Advertising Injury Limit \$ 1,000,000 Any One Person or Organization  
 Each Occurrence Limit \$ 1,000,000  
 Damage to Premises Rented to You \$ 100,000 Any One Premises  
 Medical Expense Limit \$ 5,000 Any One Person  
 Each Professional Incident Limit (if applicable) \$ Not Covered

† If the Limit is shown as Included, Products-Completed Operations are subject to the General Aggregate Limit.

**PREMIUM**

Classification	Code No.	Premium Basis	Rate		Advance Premium		
			Pr/Co	All Other	Pr/Co	All Other	
Fruit or Vegetable Distributors (P1/B1)	13112	Gross Sales 100,000.00	0.204	0.208	20.00	MP 480.00	MP
Hay Rides (P1/B1)	W2711	Attendee 1		0.1113		MP 0.00	MP
Pumpkin Stands (P1/B1)	W2716	Attendee 1	Included	0.1113	Included	0.00	MP
<b>Total Advance Premium</b>						<b>\$ 500.00</b>	

**FORMS AND ENDORSEMENTS**

Forms and Endorsements applying to this coverage part and made part of policy at time of issue:

**See Schedule of Forms and Endorsements**

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.

**EXHIBIT 17.1 G**

**It is hereby requested that a waiver to a Cash or Surety Bond be given by the Board of County Commissioners with regards to this application. The entire event will be conducted on the farm where the event is taking place and full liability will rest with the farm owners.**

**Sincerely,**



**Anthony T. Ferrara**