

Fremont County

OCT 01 2025

Planning & Zoning



FREMONT COUNTY
DEPARTMENT OF PLANNING AND ZONING
 615 MACON AVENUE, ROOM 210, CAÑON CITY, COLORADO, 81212
 Telephone 719-276-7360 / Facsimile 719-276-7374
 Email: Planning@fremontco.com

☐ Accessory Dwelling Unit
\$200.00

PROPERTY INFORMATION: Provide information to identify property.

Property Address: 1716 C.R. 49, Salida Co. 81201
 Tax ID/Parcel Numbers: 85000112 Zone District: R3

PROPERTY OWNER(S) INFORMATION: Indicate the person(s) or organization(s) who own the property proposed for development. Attach additional sheets if there are multiple property owners.

Name(s) (Individual or Organization): W. Kekuni Minton, Terrell S. Minton
 Mailing Address: 621 Gay St., Longmont CO. 80501
 Telephone: (719) 221-6111 (Terrell)
 Email Address: terrellminton@yahoo.com



Fremont County Planning & Zoning Department
Accessory Dwelling Unit Application

1. Fire Protection District / Source: Chaffee County Fire Protection District
2. Primary Dwelling Square Footage: 2468 s.f. (to be built)
3. Accessory Dwelling Square Footage: 1150 s.f. (existing)
4. List Utility Provider information:

WATER	well, (permit # 338121)
SANITATION	septic
ELECTRICAL	xcel
TELEPHONE	N/A
REFUSE	Waste Management, shared dumpster @ end of CR 49
IRRIGATION WATER	yes
NATURAL GAS / PROPANE	small propane tank (owner fills)
CABLE TELEVISION	N/A

5. REQUIRED ATTACHMENTS

- | | |
|---------------|--|
| ✓ EXHIBIT 5.1 | Copy of the most recent recorded deed. |
| ✓ EXHIBIT 5.2 | Signed Declaration of Covenant & Restriction stating ADU restrictions. |
| ✓ EXHIBIT 5.3 | Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel. |
| ✓ EXHIBIT 5.4 | Floor plan of ADU |
| ✓ EXHIBIT 5.5 | Plot Plan Showing: <ul style="list-style-type: none"> 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 |

Legal Description Attachment for Special Warranty Deed
between BARBARA SIMONSON as the party of the first part,
and GRADY V. BRANTLEY, JR. and CAROLYN M. BRANTLEY, as
the parties of the second part, dated April 24, 1987.

A tract of land located in the Northeast Quarter of the South-
east Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), and the Northwest Quarter of the South-
east Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27, Township 49 North, Range
9 East of the New Mexico Principal Meridian, Fremont County,
Colorado, being more particularly described as follows:

Commencing at the East $\frac{1}{4}$ corner of said Section 27;
thence South 00°58'07" East along the east boundary of
said Section 27 a distance of 911.39 feet to the point of
beginning of the tract herein described;
thence proceeding around said tract North 69°38'24" West
1358.06 feet to the easterly boundary of Fremont County Road
No. 49 (Bear Creek Road);
thence South 29°42'55" West along said easterly county
road boundary 81.50 feet;
thence South 24°00'24" West along said easterly road
boundary 357.82 feet;
thence leaving said road boundary South 37°15'54" East
256.63 feet;
thence South 77°27'58" East 266.96 feet;
thence South 16°19'35" West 241.58 feet to the south
boundary of the said Northeast Quarter of the Southeast Quarter;
thence North 89°27'11" East along said south boundary
1118.14 feet to the Southeast corner of the said Northeast
Quarter of the Southeast Quarter;
thence North 00°58'07" West along the said east boundary
of Section 27 a distance of 408.22 feet to the point of beginning.

SPECIAL WARRANTY DEED

STATE DOCUMENTARY FEE
Date OCT 19 2004
Amount \$

THIS DEED, dated OCTOBER 14, 2004, between GRADY V. BRANTLEY, JR. and CAROLYN M. BRANTLEY, of the County of FREMONT and State of COLORADO, grantor(s), and TERRELL S. MINTON and W. KEKUNI MINTON, whose legal address is 1645 CR 45, HOWARD, CO 81233 of the County of FREMONT and State of CO, grantees:

WITNESS, that the grantor(s), for and in consideration of the sum of ZERO DOLLARS, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with improvements, if any, situate, lying and being in the County of FREMONT and State of Colorado, described as follows:

An undivided 1/3 interest in and to the DeWitt Ditch No. 1 and the waters decreed thereto consisting of a 1/4 cubic foot of water (Priority Date June 1, 1884) and 2/3 interest in a Domestic Well, known as #67946 located on the following described parcel of land, situate, lying and being in the County of Fremont, State of Colorado, to wit:

A tract of land located in the NE 1/4 SE 1/4 and NW 1/4 SE 1/4 of Section 27, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Fremont County, Colorado being more particularly described as follows:
Commencing at the East 1/4 corner of said Section 27;
thence South 00°58'07" East along the East boundary of said Section 27 a distance of 911.39 feet to the point of beginning at the tract herein described;
thence proceeding around said tract North 69°38'24" West 1358.06 feet to the Easterly boundary of Fremont County Road No. 49 (Bear Creek Road);
thence South 29°42'55" West along said Easterly County Road boundary 51.50 feet;
thence South 24°00'24" West along said Easterly road boundary 357.32 feet;
thence leaving said road boundary South 37°15'54" East 256.63 feet;
thence South 77°27'58" East 266.96 feet;
thence South 16°19'35" West 241.58 feet to the South boundary of the said NE 1/4 SE 1/4;
thence North 89°27'11" East along said South boundary 1118.14 feet to the Southeast corner of the said NE 1/4 SE 1/4;
thence North 00°58'07" West along the said East boundary of Section 27 a distance of 408.22 feet to the point of beginning.

County of Fremont,
State of Colorado

also known by street and number as:
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 grantees, their heirs and assigns forever. The grantor(s), for themselves, their heirs, personal representatives, successors and assigns, do covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

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

Carolyn M. Brantley
CAROLYN M. BRANTLEY

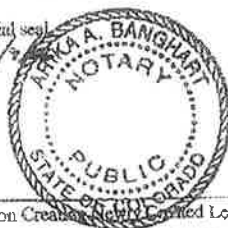
Grady V. Brantley Jr. by
GRADY V. BRANTLEY, JR., by Cheryl D. Elgert
as attorney in fact
Cheryl D. Elgert as attorney in fact

STATE OF COLORADO

County of CHAFFEE

The foregoing instrument was acknowledged before me this 14TH day of October, 2004, by Carolyn M. Brantley and Cheryl D. Elgert as attorney in fact for Grady V. Brantley, Jr..

Witness my hand and official seal.
My commission expires: 1/8/2008



[Signature]
Notary Public

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

My Commission Expires 1/8/2008

**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 918884, 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.

By signing this Application, the Applicant, or the agent / representative / consultant 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 the Applicant's knowledge and belief.

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

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

Signing this Application is a declaration by the applicant that all plans, drawings and commitments submitted with or contained within this Application are or will be in conformance with the requirements of the Fremont County Zoning Resolution.

W. Kekuni Minton  10/1/2025
Printed Name Applicant Signature Date
Terrell S. Minton  10/1/2025
Printed Name Owner Signature Date

affected by the failure to comply with the covenants and restrictions set forth herein.

Declaration of Covenants and Restrictions (Accessory Dwelling Unit) 12/21/15

Page 1 of 2

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed
this 1st day of October, 2025.

W. Kekuni Minton and Terrell S. Minton
Owner

State of Colorado
County of Chaffee

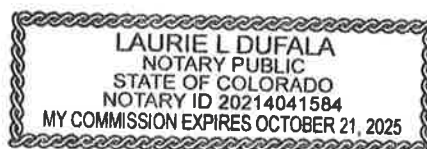
The foregoing instrument was acknowledged before me this October 1, 2025 (date)

by W. Kekuni Minton (name of person acknowledged),

Laurie L. Dufala
Notary Public

Print Name: Laurie L. Dufala

My commission expires: October 21, 2025 (Seal)



Owner

State of Colorado
County of Chaffee

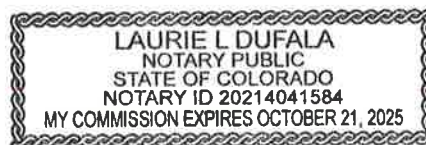
The foregoing instrument was acknowledged before me this October 1, 2025 (date)

by Terrell S. Minton (name of person acknowledged),

Laurie L. Dufala
Notary Public

Print Name: Laurie L. Dufala

My commission expires: October 21, 2025 (Seal)



Declaration of Covenants and Restrictions (Accessory Dwelling Unit) 12/21/15

Page 2 of 2



COLORADO
Division of Water Resources
Department of Natural Resources
Water Division 2 - Main Office

9/24/2025

Terrell Minton
1716 County Road 49
Salida, CO 81201

Subject: Auxiliary Dwelling Unit, 1716 County Road 49 Salida, CO 81201

To Whom It May Concern:

This letter is in reference to the building permit application submitted by Terrell Minton for a new single-family residence and continued use of an existing structure on the property located at 1716 County Road 49, Salida, Colorado 81201 with respect to the water supply being provided by a permitted well, (Permit No. 338121). The purpose of this letter is to confirm that the Division of Water Resources (DWR) has reviewed the request and supports the designation of the existing structure as an extension of the primary residence (single-family dwelling) for water supply purposes, in accordance with our Guideline 2016-1 (attached).

The DWR has reviewed the proposed use of the existing 1150-square-foot building. Based on the representations made by Ms. Minton, the proposed use of this structure as an art studio and overflow space for guests and family members aligns with our guidelines for Auxiliary Living Spaces. Specifically, the following criteria from Guideline 2016-1 are met:

- **Occupancy:** The space will not be rented, leased, or otherwise occupied by a party other than a guest or member of the family that would otherwise reside in the main single-family dwelling, or by nannies, health care workers, or other employees who provide supervision or care to residents of the main single-family dwelling.
- **Non-Residential Use:** The space will not be used for non-residential purposes such as businesses, manufacturing, or a facility providing restrooms for customer or public access.
- **Kitchen Facilities:** While the existing structure currently has a kitchen, Ms. Minton has confirmed her intent to remove both the stove and the large refrigerator upon the completion of the new residence. The DWR considers an Auxiliary Living Space to have kitchen facilities if it has either a stove/oven



with an equivalent hookup or a refrigerator more than 6 cubic feet in size. The removal of these items will ensure the space meets this criterion.

Based on this information, the DWR considers the existing building to be an extension of the main residence. Therefore, a well permitted to serve one single-family dwelling can legally supply both the main residence and the existing Auxiliary Living Space. No changes or amendments to the well permit are required from the DWR for this proposed use.

Please do not hesitate to contact me if you require any further clarification.

Sincerely,



Rachel A. Zancanella, P.E.
Division Engineer
Colorado Division of Water Resources, Div 2





COLORADO

Division of Water Resources

Department of Natural Resources

WELL PERMIT NUMBER 338121-

RECEIPT NUMBER 10038496

ORIGINAL PERMIT APPLICANT(S)

TERRELL S. MINTON

W K. MINTON

APPROVED WELL LOCATION

Water Division: 2 Water District: 12

Designated Basin: N/A

Management District: N/A

County: FREMONT

Parcel Name: N/A

Physical Address: 1716 COUNTY ROAD 49 SALIDA, CO 81201

NE 1/4 SE 1/4 Section 27 Township 49.0 N Range 9.0 E New Mexico P.M.

UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 416624.0 Northing: 4258160.0

PERMIT TO USE AN EXISTING 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 this permit does not ensure 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)(b)(II)(A) for the change in use of an existing well constructed under permit no. 67946, as the only well on a residential site of 19.29 acre(s) described as that portion of the NE 1/4 of the SE 1/4, the SE 1/4 of the SE 1/4 of Section 27, the NW 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4 of Section 26, Township 49 North, Range 9 East, New Mexico P.M., Fremont County, more particularly described on Exhibit A in the well permit file. The issuance of this permit hereby cancels permit no. 67946.
- 4) The use of groundwater from this well is limited to ordinary household purposes inside one single-family dwelling. The groundwater shall not be used for irrigation or other purposes.
- 5) The pumping rate of this well shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through an individual wastewater disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be located not more than 200 feet from the location specified on this permit.

NOTICE: This permit has been approved subject to the following changes: The UTM coordinate values were determined from the distance from section line values on permit no. 67946 instead of the distance from section line values provided with the permit application. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

Issued By GEOFFREY DAVIS

Date Issued: 3/26/2025

Expiration Date: N/A



COLORADO
Division of Water Resources
Department of Natural Resources

WELL PERMIT NUMBER 338121-
RECEIPT NUMBER 10038496

ORIGINAL PERMIT APPLICANT(S)

TERRELL S. MINTON
W K. MINTON

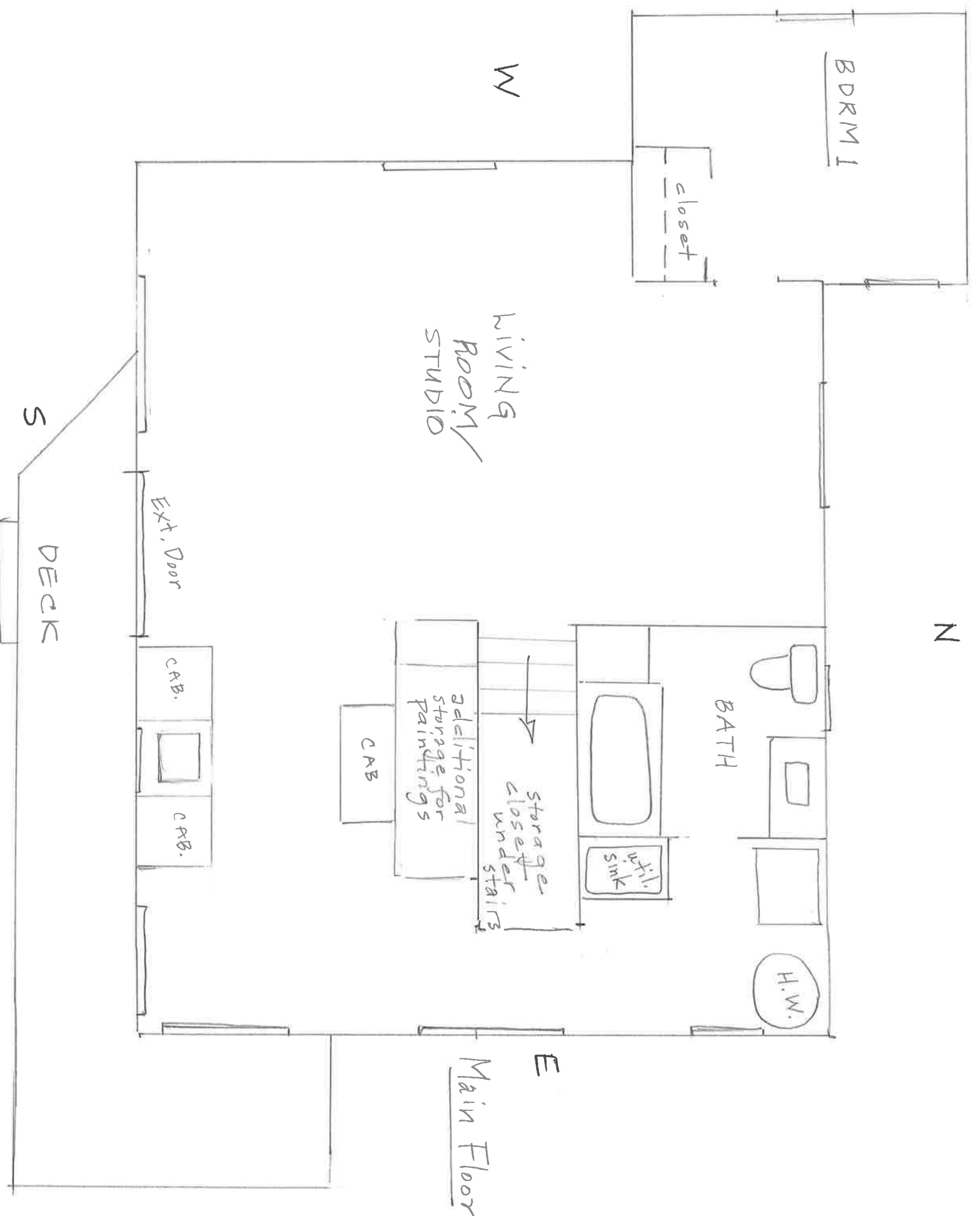
APPROVED WELL LOCATION

Water Division 2 Water District 12
Designated Basin N/A
Management District N/A
County FREMONT
Parcel Name N/A
Physical Address 1716 COUNTY ROAD 49 SALIDA, CO 81201
NE 1/4 SE 1/4 Section 27 Township 49 0 N Range 9 0 E New Mexico
P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 416624.0 Northing: 4258160.0

PERMIT TO USE AN EXISTING WELL



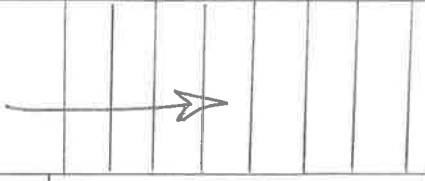
N

Egress

BDRM 2

W

E



BDRM 3

Egress

Egress

S

2nd Floor