

Diana's Pumpkin Patch & Corn Maze SRU 25-002

Fremont County

Revisions and Additions

JUL 09 2025

Planning & Zoning

Application Items Corrected

Exhibit 1 1.3, 1.3a #1, #2, #3

Letters of Intent

Exhibit 2.2

Exhibit 2.6

6 ADA making spaces drawn on Surveyor's map.

Parking lighting explanation. Parking lighting also on map.

Section 3: Impact Analysis

Exhibit 3.3 Corrected Exhibit 3.3a included as explanation.

Exhibit 3.7 Corrected and explained.

Required Submittals

Roadway Impact Analysis Form

Question 5 explained

Exhibit 7.1

Site Plan Revised

Additional Concerns & Comments

#1 Waiver Requested Parking Material

#2 Building & Environment Health Department

#3 Department of Public Health & Environment

#4 Code Enforcement



**Fremont County Planning & Zoning Department**  
 Special Review Use, Conditional Use Permit, &  
 Commercial Development Plan Application

1. Please indicate the Zone District & Current Land Use for adjacent properties.

		Land Use
Northerly	R1	residential
Easterly	R1	residential
Westerly	R1	residential
Southerly	R1	residential/mobil home park

2. Master Plan – Planning District of property: R1 Urban Development Dist. 1

3. Is access through adjacent properties? ☒ Yes ☐ No

• If "yes" is access legally established through:

☒ Deed of Record ☒ Recorded Plat ☐ Court Order (Attach documentation marked "Exhibit 1.3"). 1.3 + 1.3a

4. Does the property lie adjacent to or within three (3) miles of any municipal boundary lines (city/town limits)? ☒ Yes ☐ No

• If marked "yes" Entity Name: CANON CITY

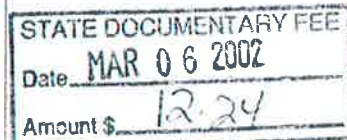
5. Requested duration of proposed use: ☒ Life of Use ☐ Estimated use in years: \_\_\_\_\_

6. List Utility Provider information:

WATER	CANON CITY WATER
SANITATION	TWIN ENVIRO
ELECTRICAL	BLACK HILLS
TELEPHONE/CABLE	SPECTRUM
REFUSE	TWIN ENVIRO
IRRIGATION	DEWEESE-DYE
PROPANE	BLUE FLAME

WARRANTY DEED

THIS DEED, Made this 28th day of February, 2002, between  
CHARLES H. FORMBY



of the said County of FREMONT and State of COLORADO, grantor, and  
TIMOTHY MADONE AND SUSAN F. MADONE

DECLARATION ATTACHED

whose legal address is 1649 POPLAR AVE  
CANON CITY, COLORADO 81212

of the said County of FREMONT and State of COLORADO, grantee;

WITNESS, that the grantor, for and in consideration of the sum of Ten dollars and other good and valuable consideration DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does 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 said County of FREMONT and State of Colorado described as follows:

SEE EXHIBIT "A"

also known by street and number as: 1649 POPLAR AVENUE, CANON CITY, CO 81212

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and 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, 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, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except 2002 taxes and all subsequent years, restrictions, reservations, covenants, easements and rights-of-way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

CHARLES H. FORMBY

State of COLORADO )  
) ss.  
County of FREMONT )

The foregoing instrument was acknowledged before me this 28th day of February, 2002, by CHARLES H. FORMBY

My commission expires January 15, 2006 Witness my hand and official seal.

Exhibit 1.3a

SPECIAL WARRANTY DEED

THIS DEED, Made this 6th day of May, 2011 between

Jennet J. Trella

of the County of Pueblo and State of COLORADO, grantor(s), and

Susan Madone

whose legal address is 1724 Poplar Avenue, Canon City, CO 81212

of the County of Fremont, State of COLORADO, grantee(s):

WITNESS, That the grantor(s), for and in consideration of the sum of One Hundred Fifty-Nine Thousand Dollars and NO/100's (\$159,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Fremont, State of COLORADO, described as follows:

See Exhibit A attached hereto and made a part hereof.

Doc Fee  
\$ 15.90

also known by street and number as 1629 Poplar Avenue, Canon City, CO 81212

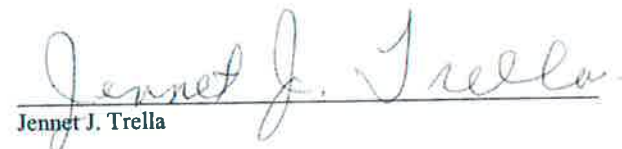
TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s),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

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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


SELLER:

  
Jennet J. Trella

STATE OF COLORADO  
COUNTY OF Fremont

} ss:

The foregoing instrument was acknowledged before me this 6th day of May, 2011 by Jennet J. Trella

  
Notary Public

Witness my hand and official seal.  
My Commission expires: 06/05/14



Commission Expires 6/5/2014





## EXHIBIT 2.2

### ALL FUTURE WORK IS CONTINGENT ON GETTING MY SRUP

1. We are not building a commercial kitchen. We are putting in a certified kitchen in the existing home. Hopefully we would have it done and inspected by Fremont Count Health Dept. by September 2025.
2. Future Pavilion Roof is the roof over the grill area up by 2026, it will have to be permitted so you will have the exact date.
3. Future Grain silo 2026.
4. The Pavilion Roof over the picnic tables 12' X 90' 2028 which will be permitted so you will know the exact date.
5. House and garage will have to be determined later as we won't know what will be required at that time. If not allowed to remove it, it will stay.
6. The COW Barn is in the driveway of 1649 Poplar Ave. and the COW (MECANICAL) has been in my garage for 2 years waiting to be used to educate students. I intend to put her out when permitting allows.

Additional Explanation

EXHIBIT 2.6

Lighting Plan is on the map but to clarify:

- One PAL light by dumpster and grill area,
- One Solar Streetlight on our property by the Restroom On Poplar Street. It lights the parking lot A and parking on Poplar Street.
- One PAL light at 1629 Poplar Parking lot B, Garage light on building.
- One Solar Streetlight by the Bouncer tent at the entrance to the Maze.

There is also solar pathway lights all around the farm leading to restrooms hay slide, and maze. These are not on the map as their location moves around as needed.

Corrected

## IMPACT ANALYSIS- SECTION THREE

### Exhibit 3.1

#### DUST & EROSION MEASURES:

There is no dust or erosion considerations while the pumpkin patch & corn maze is open. We are not irrigating the corn or the pumpkins in late September or October as the ditch water is off by then. The lawn is watered with city water if it needs watering at all. So there is no run off of any kind to cause erosion. Dust is controlled by vegetation covering 90% of our property. If the parking areas are made to be gravel there will be more dust issues. Please consider this before deciding to remove hay coverage to replace it with gravel.

### Exhibit 3.2

#### NOISE CONTROL MEASURES:

The only noise during the pumpkin patch is laughing and talking. Sound is always muffled with vegetation, so noise isn't an issue. The hay ride tractor is running during the day but is no louder than any other tractor on a farm. The hayride, thus the tractor, does not run after 6pm.

### Exhibit 3.3

#### VISUAL IMPACT CONTROL MEASURES:

There is no issue with visual impact as the corn blocks most of the view of the parked cars and houses that surround the farm. The view from Locust St. is the play field which is partially blocked by the straw slide and climbing straw wall. The boxes of picked pumpkins are blocked with new cattle fence. Our neighbor to the bottom of our property ( Mr Bunker), **His view is blocked by corn planted the full length of our property to hide the playing field and the hayride from his sight.** The west side of our property, (not the street side) has parking half way and corn the rest of the length of the property, also hiding the hayride and any activity of the pumpkin patch. There are only two sides of the pumpkin patch that are visible to passers by on, Locust St. and Poplar Ave. The admission barn, on Locust St. is painted every year as well as all the white fencing around the barn and house.

### EXHIBIT 3.4

#### ODOR CONTROL:

There is no issue with odor during pumpkin patch season.

### Exhibit 3.5

#### WILDLIFE /PLANT HABITAT PROTECTION MEASURES:

Anyone who has come out to the farm has seen the deer, raccoons, birds and geese. There are no controls for these animals as we have become a refuges for the wildlife. Extra grain for the geese in winter, fresh corn for the raccoons, insects for the birds & the deer eat everything. We have had to call out DOW for their help with too many animals and they are fully aware of the property and its use and what is thriving on it.

## Correction for Visual Impacts

### Section 3 Impact Analysis

#### Exhibit 3.3

1. Wording was incorrect in my original application. My Northside neighbors property view is blocked by rows of corn planted on the north side of our property that block his view of the playing field, hayride or customers.

The East and South side of the property have Hog fence ( these are galvanized 10 wire 4' x 16') to control the flow of customers to the entrance but no not block the view. The view from these sides of the farm are part of the farms draw to come to the pumpkin patch. Tall corn, orange pumpkin field, straw bales and customers playing encourage excitement to visit the farm. This is only the view during the 6 weeks we are open. The rest of the year it has the view of agriculture in production, harvest, post harvest, corn stubble, wildlife habitat (geese eating the corn), winter cover on fields, spring start up of field preparation, growing season and Fall, 6 weeks of opening the farm for visitors. We remove most everything during the off season to be able to farm the land. Tents are taken down, cattle fences are removed, all leftover pumpkins are removed and the corn is harvested.



Corrected

## IMPACT ANALYSIS -SECTION THREE PAGE 2

### Exhibit 3.6

#### WATER QUALITY /WATERWAY PROTECTION:

There is no waterways during pumpkin season that are impacted by the pumpkin patch or corn maze or parked vehicles.

### Exhibit 3.7

#### SAFTEY MEASURES TO PROTECT ADJACENT PROPERTIES:

We hire 3 parking attendants (contract labor) to control and direct traffic to the parking areas. Our property is fenced with wire mesh (hog panels) along Poplar Ave. and most of Locust street. The back part of our property is fenced with chain link fence and Mr Bunker has rolled metal fencing between his and our property. We also have two PAL lights on power poles to light parking areas and some of the admission barn. Parking areas also have 2 solar street lights on 20' poles placement location on plat drawing. Maze entrance and exit have solar street lights on 20' poles, paths outside of the maze are lit with solar path lights and spotlights according to manufactures distance settings. The barn also has lights in the eaves, and peaks to light all around the front entrance & exit.

To answer Exhibit 3.7 question will parking attendants help with backing onto the Poplar Ave. or Locust Street. Only if attendants stay on our property and are in a location to do so as someone is backing out.

After dark there are no guests in the southwest corner of the property as we are never busy enough to use this area in the dark. There is a PAL street light on our property here if guest wanted to park there. The tractor ride doesn't take people to their cars as it never goes on the public roads.

### Exhibit 3.8

#### MEASURES TO PRESERVE HISTORICALLY SIGNIFACANT SITE:

Our operation is trying PRESERVE 10 acres that once was orchards and farmland from becoming extinct in Fremont County. We work with the Soil Conservation Service here in Fremont County to improve our soil every year. This year we have had the honor to receive the CULTIVATION AWARD from the Conservation District. We want this land to stay a farm for all of Fremont County to enjoy for years to come.

### Exhibit 3.9

#### MEASURES TO LIMIT CONTROL OF VIBRATIONS:

I don't believe this applies to the pumpkin patch.



## Fremont County Department of Planning and Zoning Roadway Impact Analysis Form

This form shall be used in conjunction with any applications submitted in accordance with Section 8 of the Fremont County Zoning Resolution and or Section VI of the Fremont County Subdivision Regulations. This form is considered a minimum application submittal item and shall be required to be provided at the time of application submittal. This form is intended to provide the minimum items that must be addressed in the roadway impact analysis. The form can be expanded or attachments can be made to further address the roadway impact of the proposed use. **If the estimated average daily traffic increase is less than thirty (30) vehicle trips per day (one trip to be considered as a single or one-direction vehicle movement with either the origin or the destination [exiting or entering] inside the subject property) as per the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions for the entire development, as estimated by the project engineer, then a Roadway Impact Analysis will not be required to be completed by an engineer. In such situations other minimum items shall be addressed by the applicant.**

1. Project Name Dianna's Pumpkin Patch & Corn Maze
2. Type of application:

<input type="checkbox"/> Zone Change #1	<input checked="" type="checkbox"/> Special Review Use Permit
<input type="checkbox"/> Zone Change #2 – Use Designation Plan	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Zone Change #2 – Final Development Plan	<input type="checkbox"/> Temporary Use Permit
<input type="checkbox"/> Commercial Development Plan	<input type="checkbox"/> Change of Use of Property
<input type="checkbox"/> Commercial Development Modification	<input type="checkbox"/> Subdivision Preliminary Plan
<input type="checkbox"/> Expansion of an existing Business or Industrial Use	
3. Engineer: \_\_\_\_\_ Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone #: ( ) \_\_\_\_\_ Facsimile #: ( ) \_\_\_\_\_ Email: \_\_\_\_\_
4. Provide a detailed description of the proposed use: Corn Maze / Pumpkin Picking /  
Hayride / Farm Hay slide / Baby chicks & bunnies /  
Concessions / School field trips during the week by  
appointment
5. Provide the estimated average daily traffic to be generated by the proposed use(s), using the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions. The estimated volumes of traffic to be generated by the proposed use(s) shall include as a minimum, the average weekday traffic volume and the peak-hour (morning and afternoon) traffic volumes. Specify the number of trips in each category. **(one trip to be considered as a single or one-direction vehicle movement with either the origin or the destination [exiting or entering] inside the subject property)** Answered on Separate Page.  
Residential: \_\_\_\_\_ daily, \_\_\_\_\_ peak-hour am, \_\_\_\_\_ peak-hour pm \_\_\_\_\_  
Employee: \_\_\_\_\_ daily, \_\_\_\_\_ peak-hour am, \_\_\_\_\_ peak-hour pm \_\_\_\_\_

## Roadway Impact Analysis Form

#5 Estimated daily traffic to Diana's Pumpkin Patch & Corn Maze.

Residential: None

Employee: Employee parking is located at 1722 Poplar, which is owned by Tim & Sue Madone. 2 of our vehicles are at the farm 1649 poplar every day.

Employee (owners): Weekly average 14

Customers: Weekday Mornings Usually are 1 -2 school buses

Average weekday Mornings & Evenings 17 cars a day

Weekends 400 (Sept.) to 1000 (Busy Middle of Oct.) people,

Average weekends 577 people per day, divided by 4 per car = 144.25 cars

As per DOT Director, Mike Whitt, the transportation department will waive the traffic count and not require an Engineer.

*Buses will use driveways or be a drop off in front of admission barn.*



Customer: \_\_\_\_\_ daily, \_\_\_\_\_ peak-hour am, \_\_\_\_\_ peak-hour pm

Truck generated by the proposed use: \_\_\_\_\_ daily, \_\_\_\_\_ peak-hour am, \_\_\_\_\_ peak-hour pm

Delivery – required by the use: \_\_\_\_\_ daily, \_\_\_\_\_ peak-hour am, \_\_\_\_\_ peak-hour pm

Total Vehicle Trips: \_\_\_\_\_ daily, \_\_\_\_\_ peak-hour am, \_\_\_\_\_ peak-hour pm

I certify that based on the proposed use(s) the total vehicle trips using the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions will average less than thirty (30) trips per day based on any fourteen (14) day time frame.

\_\_\_\_\_  
Colorado Licensed Professional Engineer Date \_\_\_\_\_ Seal

*If the above has been certified, then the applicant can complete the form and acknowledge it. If completed by the applicant only the questions marked by asterisk (\*) are required to be answered.*

**NOTE:** If the additional information provided warrants improvements to the roadway system, even though the traffic generated by the proposed use is less than thirty (30) trips per day, such improvements will be required. If in the future the use exceeds an average of thirty (30) trips per day a complete analysis could be required.

6. \*What is the general location of the subject property? 1649 Poplar Ave – which is the corner of Poplar Ave & Locust St.

7. \*What are the names and/or the numbers of the public roadways that serve the site? Poplar Ave, Locust St., Ash St., Cedar Ave., Chestnut St., Elm Ave

Provide a site plan drawing that shows the subject property, its proposed access points and all public roadways within a one-half (½) mile radius of the subject property, marked as Exhibit 7.1. ☒ An exhibit has been attached.

8. \*What is the classification, according to the Fremont County Master Plan, of the roadway from which the project site will gain access to the public transportation system?  
☐ Expressway or Freeway --- ☐ Major Arterial --- ☐ Arterial --- ☐ Collector --- ☒ Local

9. \*Do the roadways in question lie within a three (3) mile radius of any incorporated town or city limits or the boundary of another County? ☒ Yes --- ☐ No  
If yes, provide the name(s) of the jurisdiction(s): Brookside Canon City  
In addition if a new roadway is to be constructed, how will it comply with the transportation plan in effect for the municipality? \_\_\_\_\_

10. \*Will this project require a Fremont County Driveway Access Permit or a Colorado Department of Transportation (CDOT) State Highway Access Permit? ☐ Yes --- ☒ No  
Please explain: \_\_\_\_\_

11. \*Will the project require construction of, or improvement to any roadway maintained by the CDOT?

☐ Yes --- ☒ No

If yes, will the proposed construction or improvement be in compliance with CDOT's "5 Year Transportation Plan"? ☐ Yes --- ☐ No Please Explain \_\_\_\_\_

Has CDOT required that the applicant provide a traffic study? ☐ Yes --- ☒ No

If yes, a copy of the study shall be attached to this application, marked as Exhibit 11.1. ☐ An exhibit has been attached.

12. \*Will the project require construction of, or improvement to any roadway currently maintained or proposed to be maintained by the County? ☐ Yes --- ☒ No

If yes, what would be the social, economic, land use, safety and environmental impacts and effects of the new roadway on the existing transportation system and neighborhood? \_\_\_\_\_

13. \*Are any roadways proposed to be vacated or closed in conjunction with the proposed project? ☐

Yes --- ☒ No

If yes, please explain. \_\_\_\_\_

? 14. \*Is the proposed project site adjacent to or viewable from any portion of the Gold Belt Tour Scenic Byway or other scenic corridor designated by the Master Plan? ☐ Yes --- ☒ No

If yes, identify the byway and or scenic corridor: \_\_\_\_\_

If yes, explain how the scenic quality will be affected by the proposed project. \_\_\_\_\_

If yes, what measures will be taken to not have a negative impact on the byway and or scenic corridor? \_\_\_\_\_

15. \*Will the proposed project gain access to the public transportation system via 3<sup>rd</sup>, 9<sup>th</sup>, K and or R Streets in the Penrose-Beaver Park Area of the County? ☐ Yes --- ☒ No

16. \*Does the subject property have frontage on a public roadway? ☒ Yes --- ☐ No

If answered no, then documentation evidencing a "right of access" to the subject property for the proposed use shall be attached marked as Exhibit 16.1. ☐ An exhibit has been attached. If answered no, then please explain what the right of access consists of: \_\_\_\_\_

? 17. \*What is the right-of-way width of the public roadway(s) that serve the site? \_\_\_\_\_

18. \*What is the surface type of the public roadway(s) that serve the site? Paved



19. \*What is the surface width of the public roadway(s) that serve the site? 20'
20. \*What are the existing drainage facilities for the public roadway(s) that serve the site? Basin ditch
21. \*Does the public roadway(s) that serves the site have curb and gutter? ☐ Yes --- ☒ No  
If answered yes, what is the type of curb and gutter? \_\_\_\_\_
22. \*Does the public roadway(s) that serves the site have adjacent sidewalks or other pedestrian ways?  
☐ Yes --- ☒ No  
If answered yes, what is the width(s) and surface type(s)? \_\_\_\_\_
23. \*How many access points will the subject property have to public roadways? Road Frontage.
24. \*Will the proposed roadways that access the public roadways intersect the public roadways other than at perpendicular? ☐ Yes --- ☒ No  
If answered yes, please explain: \_\_\_\_\_
25. \*What are the sight distances, in all directions, from the subject property access point(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)  
☒ Northerly, site distance: 300' ☒ Southerly, site distance: 300'  
☒ Easterly, site distance: 300' ☒ Westerly, site distance: 300'
26. \*What are the distances from the subject property access point(s), in all directions, to the nearest intersection with another public roadway along the public roadway that serves the site? (mark and provide distance for each that is applicable)  
☒ Northerly, distance: 1205.4' Elm Ave ☒ Southerly, distance: 107.9 to Poplar Ave  
☒ Easterly, distance: 1340.5' Ash St ☒ Westerly, distance: 202.9 to Chestnut
27. \*What are the distances from the subject property access point(s), in all directions, to the nearest driveway(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)  
☐ Northerly, distance: N/A ☒ Southerly, distance: 256.5' + 63.5' to mobile home park  
☒ Easterly, distance: 80.1' ☐ Westerly, distance: N/A
28. \*What are the distances from the subject property access point(s), in all directions, to the nearest blind curve(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)  
☐ Northerly, distance: N/A ☐ Southerly, distance: N/A  
☐ Easterly, distance: N/A ☐ Westerly, distance: N/A

29. \*What are the distances from the subject property access point(s), in all directions, to the nearest blind hill(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)

☐ Northerly, distance: N/A ☐ Southerly, distance: N/A  
☐ Easterly, distance: N/A ☐ Westerly, distance: N/A

30. \*Identify any and all hazardous conditions with regard to the public roadway(s) that provide access to the subject property in the general area of the subject property: N/A no hazardous conditions exist.

If the public roadway(s) that currently serve the subject property have any hazardous conditions, then recommendations shall be made for improvements that will decrease the hazardous conditions on the public roadway(s): \_\_\_\_\_

31. \*Explain what effect the proposed use will have on the existing traffic in the neighborhood. If no change is expected, please explain why no change is expected: The only change during the week is minimal. Average 17 cars. Weekends average is 144 cars in an 11 hour span.

32. \*Will the proposed use, due to the increase in traffic or the type of vehicle traffic generated by the proposed use, change the level and or type of required maintenance for the public roadway(s) that serve the site? ☐ Yes --- ☒ No, (please explain) \_\_\_\_\_

If the proposed use, due to the increase in traffic or the type of vehicle traffic generated by the proposed use, changes the level and or type of required maintenance for the public roadway(s) that serve the site, then recommendations shall be made that would lessen the maintenance impact for the entity in control of maintenance of the public roadway(s): \_\_\_\_\_

**Note:** If improvements are required, it may be mandatory that such improvement be installed prior to final approval of the application.

33. \*Are new roadways proposed to be constructed, on or off site, in association with the proposed project? ☐ Yes --- ☒ No If yes, provide evidence that the roadways will be constructed to conform to natural contours in order to minimize soil disturbance, cut and fills, protect drainageways and not create to unstable slopes. \_\_\_\_\_



34. Provide an analysis of the existing traffic volumes on the adjacent roadway system, including the average weekday traffic (*vehicles per day*) and the weekday peak-hour traffic (*vehicles per hour – am and pm*), showing the dates and times of traffic counts or source utilized for traffic volume counts. Determine the existing level of service or percentage of roadway capacity currently in use.

Roadway name or # \_\_\_\_\_ average weekday traffic \_\_\_\_\_  
Weekday peak-hour traffic \_\_\_\_\_ am \_\_\_\_\_ dates \_\_\_\_\_ times  
Weekday peak-hour traffic \_\_\_\_\_ pm \_\_\_\_\_ dates \_\_\_\_\_ times  
Current level of service - % of roadway in use \_\_\_\_\_

Roadway name or # \_\_\_\_\_ average weekday traffic \_\_\_\_\_  
Weekday peak-hour traffic \_\_\_\_\_ am \_\_\_\_\_ dates \_\_\_\_\_ times  
Weekday peak-hour traffic \_\_\_\_\_ pm \_\_\_\_\_ dates \_\_\_\_\_ times

Current level of service / % of roadway in use \_\_\_\_\_

Roadway name or # \_\_\_\_\_ average weekday traffic \_\_\_\_\_  
Weekday peak-hour traffic \_\_\_\_\_ am \_\_\_\_\_ dates \_\_\_\_\_ times  
Weekday peak-hour traffic \_\_\_\_\_ pm \_\_\_\_\_ dates \_\_\_\_\_ times  
Current level of service / % of roadway in use \_\_\_\_\_

35. Provide an estimate of the probable traffic directional distribution from and to the subject property based on the proposed use(s) and assignment of the estimated traffic volumes to the adjacent roadway network. Estimate the future background and resulting total traffic volumes (*including the estimated generated traffic due to the proposed use*) on the adjacent roadway system for a twenty (20) year design period, showing volumes for both left and right turn movements as well as through traffic.

36. Determine the projected future levels of service or percentage of roadway capacity to be in use at the subject property's access points and key adjacent intersections. Provide recommendations for street and access improvements if any portions of the roadways do not have the capacity to accept the additional estimated traffic volumes. All necessary improvements will be required to be designed, completed and accepted by the County prior to any final action regarding the application.

37. Please provide any additional information considered by the Certifying Engineer to be pertinent to the roadway impact in association with the proposed project: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the foregoing information was prepared by myself or under my direct supervision and is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Colorado Licensed Professional Engineer      Date \_\_\_\_\_      SEAL

If not completed by an Engineer, then the following acknowledgement shall be signed by the applicant and/or owner.

By signing this Application, the Applicant, or the agent/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.

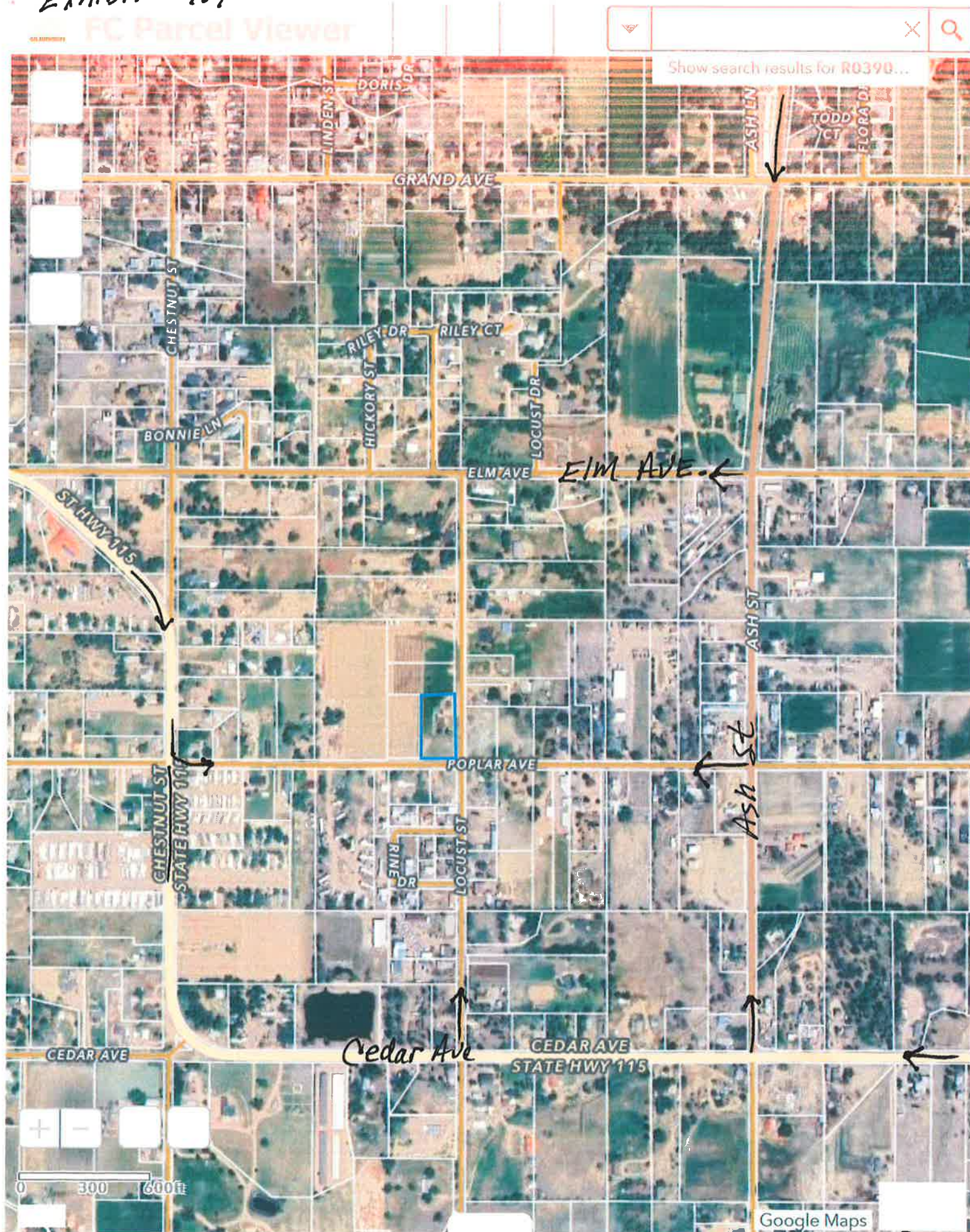
Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

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.

<u>Sue Madone</u> Applicant Printed Name	<u>Sue Madone</u> Signature	<u>4/30/2025</u> Date
<u>Kim Madone</u> Owner Printed Name	<u>Kim Madone</u> Signature	<u>6/30/2025</u> Date



Exhibit 7.1





## Waiver Requested:

*A/* I am requesting a waiver for the parking material for Diana's Pumpkin Patch & Corn Maze.

At the present time our parking area on the northeast corner of the property is one of our parking lots. It has 61 spaces and is the closest to the entrance. Most guest use this lot. School buses park here during the week as well as parents that come with the school. It is planted in grass hay which is cut and baled. We use the baled hay for the pumpkin patch, after its use there, it is sold. This area in gravel would just cause dust for neighbors to the east. The grass roots hold the soil all year to protect against erosion. The visual impact is much more continuous with surrounding farm land. We paint lines on the grass to mark out parking spaces and keep reapplying paint throughout the 6 weekends we are open. I have attached a picture of that.



The next area for parking would be the area running parallel to Poplar Ave., along the corn field, 36 spaces. We have moved this toward the interior of the field to allow cars to stay off of the county right of way. This area is road base that we have put down and is almost level with the roadway making it easy to pull into the space. The road base controls mud on wet days, deters weeds and makes for a clean appearance. I don't have a pic of what this would look like now. This would be the first year we moved the field in to allow off county right of way parking. We have in the past years spread road base up to the road and for the parking spaces so this is firm ground for parking.

The far West parking lot ( We call this Trellas for the orchard that was once there) is also packed road base and has no trouble with rain or mud, 50 spaces are there. I've added a pic before road base.



The last parking spaces are located on the Locust Street, East side of the property. These are also hay/grass mix which we keep mowed down. We again feel this side of the property flows with the hay field and would only cause dust for the East neighbors if we removed it. This is the area of the field that the ADA parking spaces would be on. There are 15 spaces and 6 ADA spaces. I don't have a pic of this at this time.

## Additional Concerns

### #2 Addressing Fremont County Building and Environmental Health Letter

I have read the Building dept. letter and choose to continue as long as possible to renew my permit and use Port-a Potties. A permanent restroom would not work here on the farm. I have port-a potties stationed at several areas around the farm. 4 are in the parking lot to relieve customers who have traveled from out of town. These are the most used on the farm. 4 are in the picnic area and 4 are at the end of the field by the hayride the distance a person would have to walk with a child needing to use a restroom would be 462' if the restrooms weren't situated like we have them.

Another concern is what goes into the port-a potties. Our potties are serviced twice a week. My service provider has mentioned to me several times what is being put down the toilet-CORN COBS, POP CANS, CORN STALKS. This isn't the place to try and be unplugging toilets. Please consider where we are located and what we need to do to provide our guest with a restroom that works.

## Additional concerns

### #3 Addressing Department of Public Health & Environment Letter

I read the letter and it is accurate in stating we have a weekly pick up and YES we do order an extra pick up when the dumpster is full, usually in the middle of October after a busy weekend. I also notice she states "Best Practice" is to have the dumpster on asphalt or concrete. Ours is on flat road base. I don't believe best practice means it is a requirement to be done. The dumpster is removed after the 6 weeks we are open. Therefore 46 weeks out of the year there is no dumpster and no need for concrete.

## Additional Concerns

### #4 Code Enforcement

I have read the notes/concerns of Code Enforcement. Nothing has changed in what is being stored on the property in the past 5 years. In a neighborhood full of code violations I find it unsettling that code enforcement is concerned with the Pumpkin Patch. Tim has in the past had a masonry side business before the pumpkin patch as his dad was a masonry contractor all his life. The masonry materials and equipment are not used in the masonry trade now. It's a possibility they could be moved. Our problem this year is timing. We are now remodeling the 1649 home built in 1898 and in the middle of producing a crop.

We are asking for a waiver for any clean up or moving of the masonry equipment for at least 24 months.

As for the backhoe, loader and skid steer they are all used on the farm to move pumpkins, or dig up broken irrigation pipes etc. According to DMV they do not need SMM tags as they do not leave the farm.





Scale 1" = 40'  
NOTE: ON 3/28/2025 DAN VICTORIA APPROVED SCALE

# SPECIAL REVIEW USE PERMIT DIANA'S PUMPKIN PATCH

IN THE SE1/4NW1/4SE1/4 SECTION 3,  
TOWNSHIP 19 SOUTH, RANGE 70 WEST OF THE 6th P.M.,  
FREMONT COUNTY, COLORADO

COMMENCING AT A POINT WHICH IS 80 RODS  
EAST OF THE SOUTHWEST CORNER OF THE  
NORTHWEST QUARTER OF THE SOUTHEAST  
QUARTER OF SECTION 3, TOWNSHIP 19 SOUTH,  
RANGE 70 WEST OF THE 6TH P.M.,  
THENCE EAST 20 RODS, MORE OR LESS, TO THE EAST  
LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST  
QUARTER OF SECTION 3;  
THENCE RUNNING SOUTH ALONG THE SAID EAST LINE  
OF SAID NORTHWEST QUARTER OF THE SOUTHEAST  
QUARTER OF SAID SECTION 3, 40 RODS;  
THENCE WEST ALONG THE SOUTH LINE OF SAID  
QUARTER SECTION TO SAID POINT OF BEGINNING.

EXCEPTING AND RESERVING A STRIP OF LAND  
20 FEET WIDE OF THE EAST SIDE AND A LIKE STRIP  
OFF THE SOUTH END OF THE TRACT FOR PUBLIC ROADS,  
SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS  
AND RIGHTS OF WAY OF RECORD,  
ALSO KNOWN AS LOTS 1-4 T 5 SUBDIVISION

COMMENCING 40 RODS EAST OF THE SW CORNER  
OF THE NW1/4 S/E1/4 SECTION 3, TOWNSHIP 19 SOUTH,  
RANGE 70 WEST OF THE 6TH P.M.,  
THENCE NORTH 40 RODS;  
THENCE EAST 20 RODS;  
THENCE SOUTH 40 RODS;  
THENCE WEST 20 RODS TO THE PLACE OF BEGINNING.  
EXCEPT, FOR A ROAD, A STRIP 20 FEET WIDE ALONG  
AND OFF FROM THE SOUTH END OF SAID TRACT.  
COUNTY OF FREMONT, COLORADO.

CONTAINING 404809.08 sqft OR 9.293 ACRES

CURRENT ZONING IS R1  
SURROUNDING ZONING IS R1

PARKING	SPACES	SQFT	SURFACE
ROAD A & B	18	1404	GRASS SURFACE (WAIVER)
ROAD B	36	2592	GRASS SURFACE
LOT A	61	5918	GRASS SURFACE
LOT B	50	17076	GRASS SURFACE
TOTAL	165	40054	GRASS SURFACE



BUSES SHALL BE DROP OFF AND PICKUP AT DESIGNATED TIME BY APPOINTMENT  
BUSES CAN WAIT IN LOT B MONDAY THROUGH THURSDAY

SRU BOUNDARY  
404809.08 SQFT 9.29 ACRES

BUILDING INFORMATION	SQ. FT.	HEIGHT
STORAGE HOUSE	1051	10'
WORK BARN	648	10'
CARPORT 1	377	10'
CARPORT 2	340	10'
CONTAINER 1	150	8'
CONTAINER 2	150	8'
METAL SHED	240	8'
TEMP TENT A	240	10'
SHED A	100	8'
SHED B RELOCATION	100	13'
OPEN GAZEBO A	108	13'
OPEN GAZEBO B	108	13'
FUTURE GRAIN SILO	707	15'
TEMP TENT B	541	10'
FUTURE COW BARN	208	12'
EXISTING COW BARN TO BE RELOCATED	208	12'
GRAIN SHED	547	9'
STORAGE SHED	188	10'
TICKETS/CONCESSIONS	318	10'
COOK TENT	481	10'
SHED C TOOLS	83	8'
HOUSE	1215	31'
TEMP TENT C FUTURE PAVILION	1100	10'
TEMP TENT D (SHADE)	1600	10'
GAZEBO	110	8'
TOTAL BUILDINGS	10918	

BUILDING COVERAGE 10918 / 404809.08 = 0.0270 x 100 = 2.70% COVERAGE

PUMPKIN PATCH SEASONAL PUBLIC OPERATIONS:  
MID SEPTEMBER - END OF OCTOBER:  
MONDAY THROUGH THURSDAY: BY APPOINTMENT ONLY (3 HOUR WINDOWS)  
FRIDAY AND SATURDAY: 10:00 AM - 8:00 PM  
SUNDAY: 10:00 AM - 8:00 PM  
10 EMPLOYEES  
\*CLOSED BY 9:00 PM DAILY\*

TYPICAL AGRICULTURAL BUSINESS OPERATIONS  
NOVEMBER - MID SEPTEMBER:  
AGRICULTURAL OPERATIONS-  
CORN GROW, PUMPKIN GROW & HAY GROW  
MID SEPTEMBER - END OF OCTOBER:  
PUMPKIN PATCH PUBLIC OPERATIONS



- SPECIAL REVIEW USE BOUNDARY
- CURRENT BUILDINGS
- EXISTING FENCE
- PARKING
- POWER LINE
- EASEMENT
- LINE OF ADJACENT
- IRRIGATION
- CORN MAZE & PUMPKIN FIELD BOUNDARIES
- PUMPKIN FIELD
- TEMPORARY PUMPKIN PATCH FENCE
- TRAFFIC DIRECTION

- ACCESS LOCATION
- POWER POLE
- SET REBAR
- ALLOT CORNER
- FOUND REBAR
- WOOD SIGN
- TOILETS



VICINITY MAP  
N.T.S.

DRAWN BY: GRH  
FILENAME: 2025125PUMPKIN\_SRU  
DATE: 05/12/2025 07/05/2025

Client: MADONE TIMOTHY & SUSAN F  
1724 POPLAR AVE  
CANON CITY, CO 81212-5138

NOTICE: No Colorado law or court decision, any legal action based on any defect in this survey, shall be held against the surveyor or the Crown Point Land Services, Inc. until the date of certification shown herein.  
Crown Point Land Services, Inc. is a Colorado Limited Liability Company.  
GENERAL NOTES:  
1. All measurements are in feet and inches.  
2. All bearings are in degrees, minutes and seconds.  
3. All distances are in feet and inches.  
4. All areas are in acres.  
5. All volumes are in cubic feet.  
6. All weights are in pounds.  
7. All temperatures are in degrees Fahrenheit.  
8. All pressures are in pounds per square inch.  
9. All speeds are in miles per hour.  
10. All times are in hours and minutes.

Crown Point Land Services  
719-275-8005 Office 381 Arrowhead Drive  
P.O. Box 749 Florence, CO 80818  
Canon City, CO 81215-0749 crown.land@outlook.com

NOTES  
This survey does not constitute a title search by Crown Point Land Services to determine ownership. No Title Commitment was provided by the client. Easements are as shown, no other easements were requested to be researched for this survey.

BASE OF BEARINGS:  
Bearings are based on G.P.S. observation on the XXX line of XXX as being X 00°00'00" X. The XXX corner being a XXX, the XXX corner being XXX.

George R. Hall, C.P.L.S. 38118