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Join via phone at 1-719-359-4580 Meeting ID: 819 4056 2844  
Meeting Passcode: 284545

**AGENDA**

**Call to Order**

**Roll Call**

**Public Comment**

**Consent Items**

- A. Approval of Agenda

**Old Business**

**New Business**

- A. **Special Use Permit** to allow the property described in Exhibit A, and generally located at the southwest corner of County Road 134 and Highway 86 (811 CR 134) - to operate as a distribution facility for agricultural sales pursuant to the Town of Kiowa Zoning Regulations.

**Discussion**

**Adjourn**

**Agenda Approved By:**

**Chairperson Wendy Frenzel**

Date Posted:

Date

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7/1/25

Time Posted

4:00pm



## Staff Report to the Kiowa Planning and Zoning Commission Special Use Permit and Site Plan Staff Report & Analysis 811 County Road 134

<b>Applicant</b>	Mackenzie Howell on behalf of Foster Houts
<b>Owner</b>	Freedom Investment X LLC
<b>Location</b>	811 County Road 134, Kiowa, CO 80117
<b>Zoning District</b>	Commercial/Professional District (CP)
<b>Legal Description</b>	NW Quarter of Section: 21, Township: 8 S, Range: 63 W, 6 <sup>th</sup> P.M. County of Elbert, State of Colorado

**Exhibit A – elevations + site plan + narrative paragraph.**

### Applicant’s Request

Applicant Mackenzie Howell of Fine Construction Inc., on behalf of property owner Foster Houts, is requesting approval of a Special Use Permit (SUP) and Site Development Plan for the operation of a distribution facility for agricultural sales at 811 County Road 134. The proposal represents a modest intensification of the existing agricultural sales use, specifically through the addition of structures used for the bulk outdoor storage of agricultural materials.

The property is zoned Commercial/Professional (CP), and the proposed use is not explicitly permitted by right within this zoning district (per Section 16-23 of the Code). As a result, staff is processing the request under the Special Use Permit review procedure.

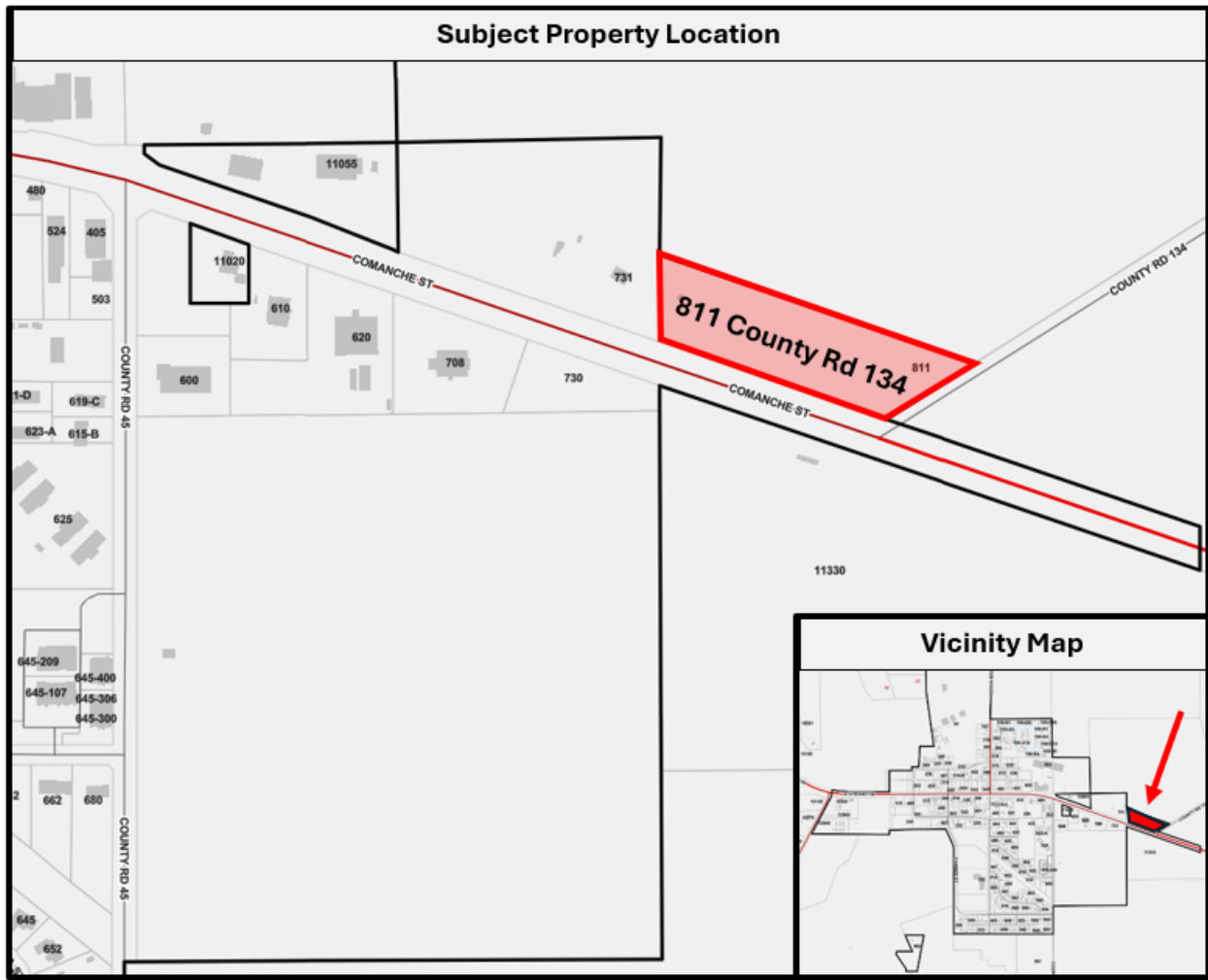
According to the applicant, the proposed facility will operate Monday through Friday from 8:00 a.m. to 5:00 p.m. and on Saturdays from 10:00 a.m. to 3:00 p.m. Deliveries will occur only during business hours, with semi-truck deliveries expected one to two times per week, though there may be weeks without deliveries depending on inventory levels. Products to be sold include hay, IBC totes, steel pipes, lumber, and railroad ties. Some of these materials will be stored in three Connex containers placed on a level dirt pad, with a canopy between the containers for additional outdoor storage of hay and equipment.

This staff report evaluates both the Special Use Permit and the Site Development Plan. The SUP review focuses on the compatibility of the proposed use with surrounding land uses and the potential for adverse impacts, while the Site Development Plan addresses compliance with development standards, site layout, and structural placement. Because the two components are subject to different review criteria, the analysis is divided into two parts: Part One addresses the SUP, and Part Two evaluates the Site Plan.

The formalization of operations through the proposed structures—intended to provide weather-protected storage and organized site layout—necessitated application of land use review procedures. The SUP and Site Plan processes provide an opportunity to establish clear operational and physical parameters for the use, helping to prevent the potential expansion of nonconforming activities in the future.

## Subject Property Location – 811 County Road 134

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## Site Images

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*Top-Down Aerial View of subject property*

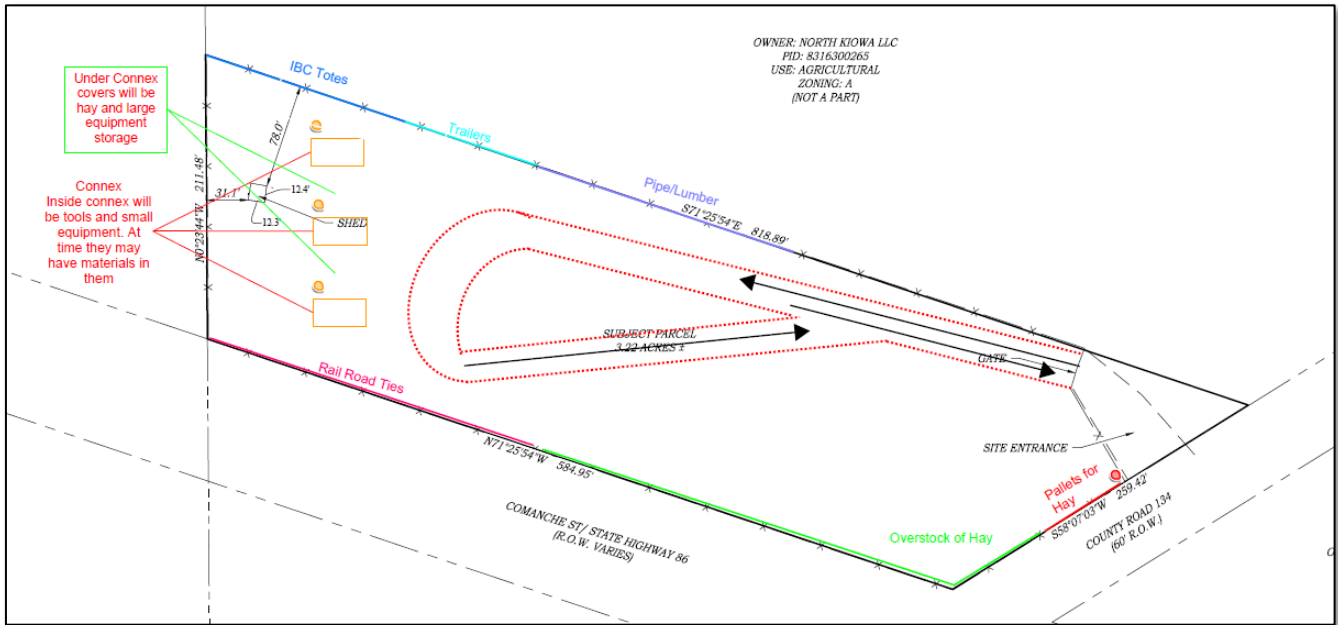


*View of subject property from CO-86 looking northeast*



View of subject property from CO-86 looking northwest

## Site Plan (also provided as Attachment A)

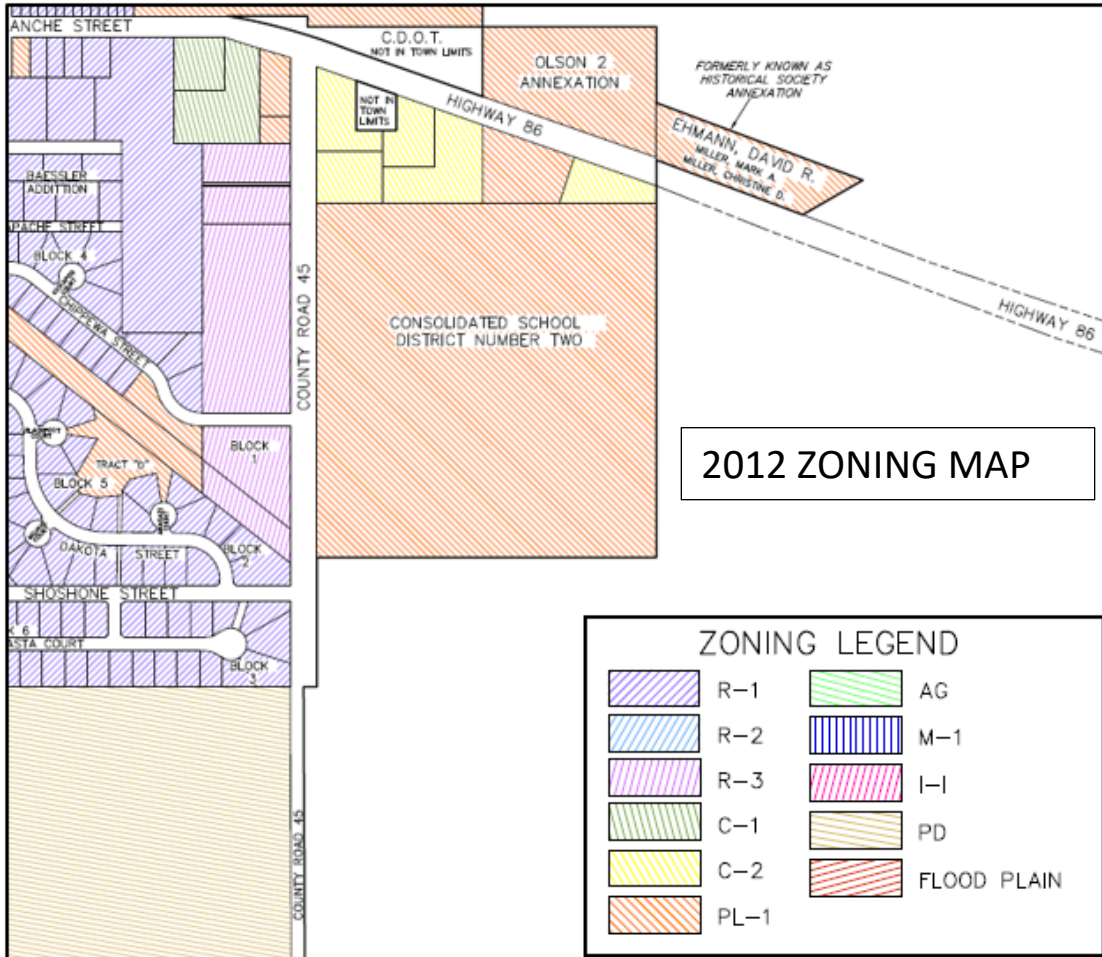


## Part One: Special Use Permit Analysis

The applicant is requesting to operate a distribution facility for agricultural sales pursuant to the Town of Kiowa Zoning Regulations. Prior to 2024, the property was zoned Public Land (PL-1) as depicted in the zoning map below (Figure 1). In 2024, staff rezoned the property to C-2 in accordance with uses more closely aligned with agricultural sales occurring on the property. Later in 2024, the Town adopted updated zoning districts and updated, permitted uses allowed in each of the districts. Formerly zoned C-2 (Wholesale/Retail Business) properties were changed to a CP (Commercial/Professional) zoning designation, rendering the agricultural sales as a nonconforming use.

Currently, the subject property, zoned *Commercial/Professional (CP)*, does not explicitly list agricultural sales as a use permitted by right in the CP district (*Sec. 16-23*), therefore staff is seeking review as a Special Use Permit (SUP). The proposed use is in line with the district’s intent, which seeks to “provide a wide range of general retail goods and services for residents of the local community and region...”.

Figure 1



**Analysis of Proposed Use**

- **Anticipated Neighborhood Impacts**

- The business currently operates as an agricultural sales facility, and the proposed use will involve the development of three Connex storage containers with covers to store and distribute agricultural projects. This slight intensification in use is not anticipated to pose harm to the adjacent properties, which are all non-residential land uses.
- At the suggestion of staff, the applicant has agreed to (as reflected on the site plan) store natural & agrarian materials in proximity to the southern boundary of the parcel, along Highway 86. Plastic and metal materials are stored along the northern boundary of the lot to offset visual impacts.
- Adjacent properties are zoned and used as follows:

Direction	Zoning District	Land Use
North	Agricultural (Unincorporated)	Vacant
East	Agricultural (Unincorporated)	Vacant
South	Agricultural (Unincorporated)	Elbert County Public Works Facility
West	PL-1 (Schools and Public Lands)	First responder training center

- No impact to adjacent properties is anticipated at this time.
- No significant harm to the neighborhood’s character is anticipated as a result of the development of this project.

- **Infrastructure Services**

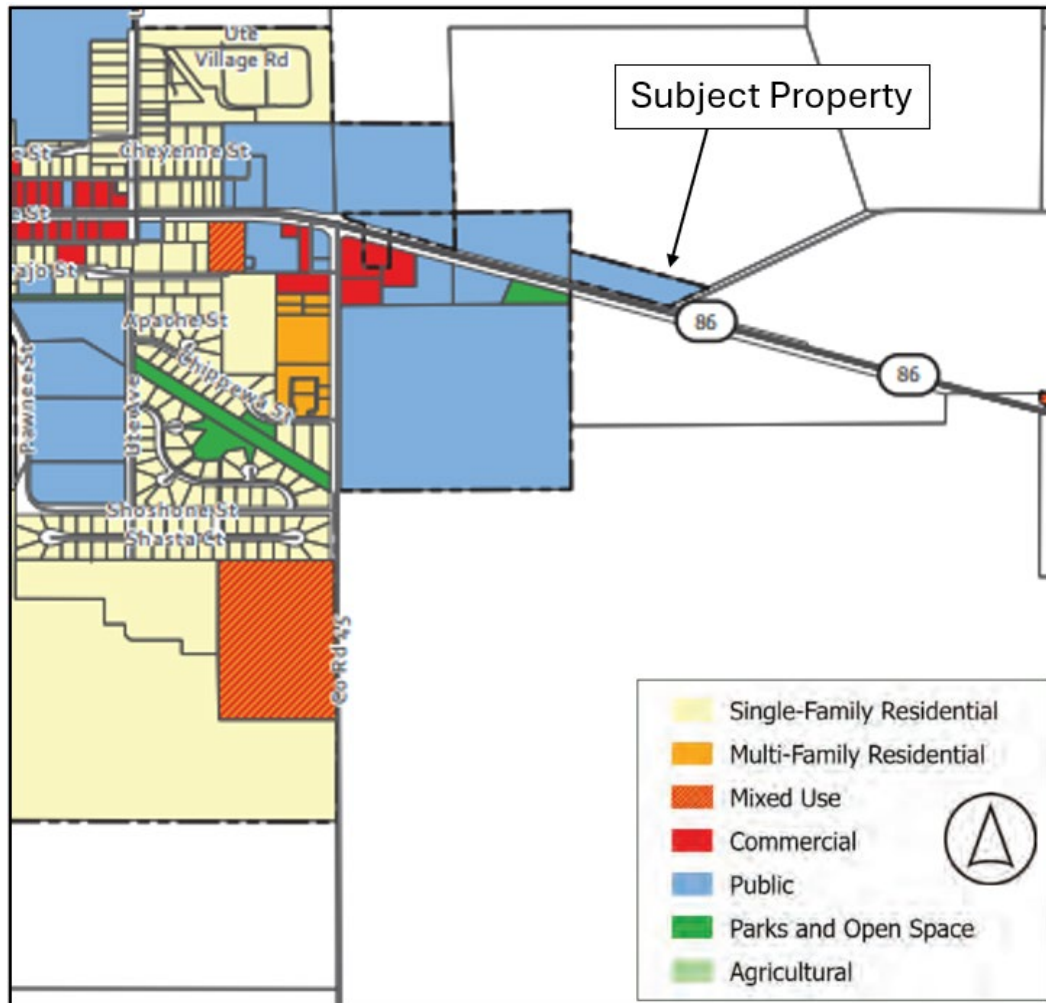
- This proposal is not expected to adversely impact the Town’s infrastructure services, financially or otherwise. No physical infrastructure is planned to be extended to the proposed structures. Infrastructure services include, but are not limited to, water, sewer, streets, and emergency services.

- **Master Plan**

- At the time of the creation of the Master Plan in 2024, the Town created a future land use map in which the subject property is projected to be used as public land. (Figure 2) Although both the current and proposed use are not public land uses, the temporary nature of the proposed structures would not significantly prevent the site from eventually becoming land used for public purposes.
- The Master Plan outlines goals that are intended to serve as a guide to direct decisions made by the Town in order to move towards a desired result. The following are goals that align with the proposed development:

- **Growth:** New development should provide a net positive fiscal impact to the Town of Kiowa.
- **Image and Design:** Promote new commercial and residential development within the current town limits of Kiowa.
- **Economic Development:** Encourage the development and expansion of existing businesses. Doing so would encourage more retail opportunities to increase convenience, maintain consumer dollars, and provide employment opportunities for residents of Kiowa.

Figure 2



## Special Use Permit Review Criteria

Article XIII outlines the process used to determine the eligibility of an SUP request. The following criteria are used to guide the Planning and Zoning Commission in determining the appropriateness of a proposed use:

SUP Review Criteria	Staff Findings
<p>1. Relation to and effect upon the master plan generally;</p>	<p>Although the master plan’s Future Land Use Map designates the subject property as <i>public</i>, the temporary nature of the proposed structures would not significantly prevent the site from eventually becoming public land.</p>
<p>2. Effect upon light and air, distribution of population, transportation, water, sewage, schools, parks and other public improvements and requirements;</p>	<p>There will be limited impact on these listed criteria. The following comment will need to be incorporated in the conditions of approval to ensure access is maintained to ensure no negative impacts on public improvements and transportation will be created:</p> <ul style="list-style-type: none"> <li>○ A fire apparatus access road (driveway) shall be designed and maintained to support the imposed loads of fire apparatus (56,000 pounds) and shall be surfaced to provide all-weather driving capabilities (e.g. gravel, road base or recycled asphalt). 2018 IFC Section 503.2.3. Fire Department vehicle access shall be required.</li> </ul>
<p>3. Effect upon traffic in the streets, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, including control and flow of traffic entering public streets from private property, access and maneuverability and removal of snow from the streets under circumstances of heavy accumulation;</p>	<p>The driveway for the Elbert County Public Works facility and the Highway 134 intersection are aligned directly across from one another providing a better traffic safety condition than if they were offset. No vehicle conflict is anticipated.</p> <p>The following comments from Elbert County and the Colorado Department of Transportation will need to be incorporated in the conditions of approval to ensure access is maintained and traffic impacts are mitigated:</p> <ul style="list-style-type: none"> <li>○ Access from unincorporated Elbert County requires the applicant to apply for an access permit for the access off CR 134 from Elbert County Public Works and construct the access to Elbert County Public Works</li> </ul>

	<p>standards.</p> <ul style="list-style-type: none"> <li>○ Any further town reviews beyond this round of reviews in which the applicant generates additional traffic onto the Hwy 86 / CR 134 intersection (beyond what is being proposed in this review) will require a new CDOT access permit for the CR 134 / highway intersection</li> </ul>
<p>4. Effect upon the character of a particular zoning district, including the effect upon characteristic use within such district, and the characteristic physical attractiveness of such district, its architecture and landscaping;</p>	<p>This development is not expected to have an adverse effect on the character of the CP district. This SUP would grant a slight intensification of the current use and is in line with the general intent of the district, which is to “provide a wide range of general retail goods and services for residents of the local community and region...”.</p>
<p>5. Effect upon the value of existing buildings and improvements;</p>	<p>There is not an anticipated impact on the value of adjacent properties. Two adjacent properties are currently vacant, and the other two are nonresidential uses that will not be impacted by an agricultural product distribution facility.</p>
<p>6. The appropriateness of the proposed use in relation to the land uses generally throughout the town;</p>	<p>Given that the proposed use is not greatly different from the existing use, granting an SUP in this scenario is deemed appropriate.</p>
<p>7. Complete list of the names and mailing addresses of adjacent property owners within 300 feet of subject property required to be notified of the hearing on the application for special use permit;</p>	<p>The applicant notified all property owners within 300 feet and has satisfied this requirement.</p>
<p>8. Whether the granting of the application would amount to granting to the applicant a special favor not available to other persons;</p>	<p>Granting a SUP for this application would not amount to the applicant receiving a special favor not available to other people.</p>
<p>9. The possible adverse effect of approval or denial as a precedent in future cases.</p>	<p>Neither approval nor denial of this SUP would create adverse effects or set a negative precedent for future cases based on the unique nature of the request.</p>

## Part Two: Site Plan Analysis

### Town of Kiowa Zoning Code:

This development request was reviewed in accordance with the Town of Kiowa Zoning Code, Sec.16-51, and all other applicable commercial development standards and regulations.

- **Dimensional Requirements (Sec.16-51):**

- The following are the dimensional requirements required for developments within the CP zoning district:

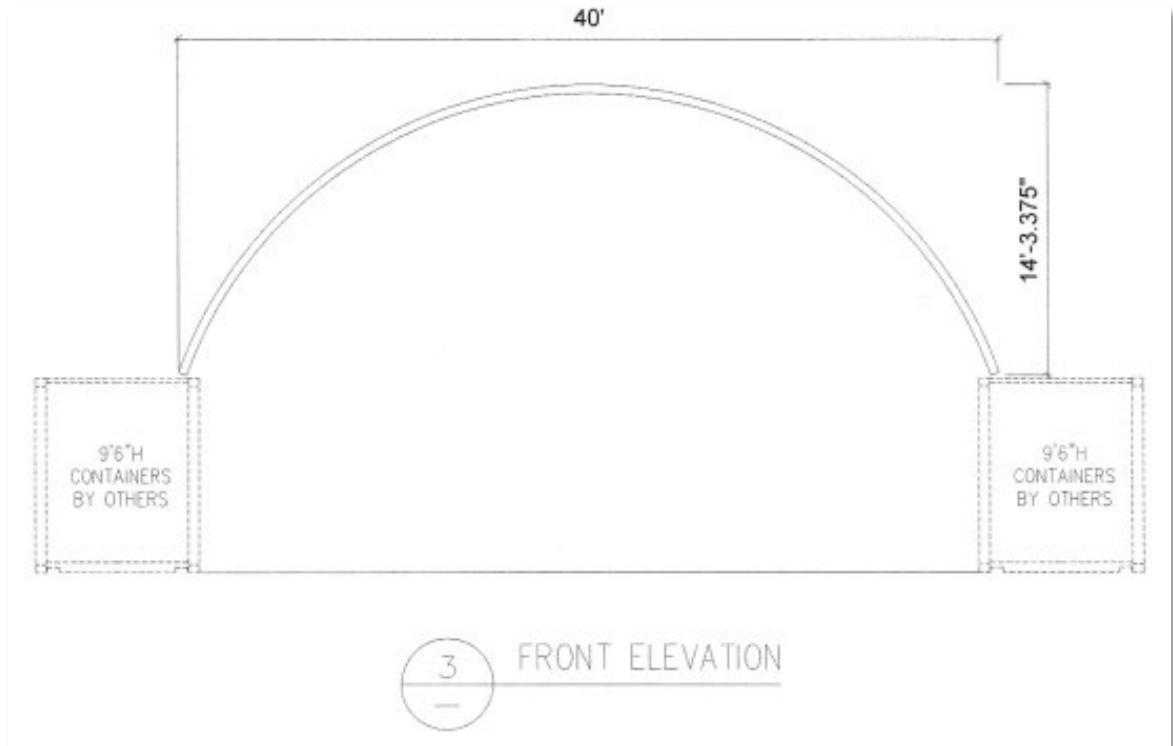
Standards	CP District Requirements	Proposed Dimensions	Substantial Compliance? (Y/N)
Height	45'	23' 9"	Y
Lot Area	1 acre	3.223 Acres	Y
Min. Lot Frontage	125'	Approx. 585 ft	Y
Setbacks			
Front	0'	Approx. 50'	Y
Side	0'	Approx. 120'	Y
Rear	0'	Approx. 55'	Y

- **Site Plan Standards – Chapter 17, Article II**

- **Landscape regulations – 17-15**
  - No formal landscaping is proposed. The site will remain in its natural vegetation state with the exception of structures, roads, and stored areas of agricultural products. All areas not occupied by structures, driveways, or agricultural products will remain covered by living material.
- **Lighting standards – 17-16**
  - No lighting is proposed for the site. The regulations largely guard against shielding light from adjacent properties. The code does not require site lighting.
- **Screening standards – 17-17**
  - No screening is proposed for any of the agricultural materials on-site. The Landscape regulations of 17-15 indicate that all open industrial or commercial storage areas shall be screened from all public rights-of-way. The code does not mention agricultural products.
- **Drainage and Stormwater**
  - Limited land disturbance and impervious surfaces are anticipated with the proposal. Historic stormwater flows and ground percolation of stormwater is anticipated.

○ **Architectural renderings – 17-13(6)**

- The following figure (also included in Attachment A) depicts the proposed structure(s)(3) that are located on the site plan labeled as “connex”. The connex boxes are proposed at 9’ 6” in height. The architectural panels placed between the boxes will reach a height of approximately 24 feet at their highest point. The Town’s building department has reviewed these proposed structures for compliance with the International Building Code. The proposed plans and anchoring connections are stamped and sealed by a Colorado Registered Professional Engineer.



*Front Elevation of Connex container with architectural panel covering the area between the two boxes.*

## Site Plan Review Criteria

- The Town’s code does not provide for specific criteria guidance as it relates to Site Plans. In determining the applicability of a Site Plan, the Board of Trustees should consider the following factors:
  - **(1)Landscaping requirements have been met by the applicant;** - No landscaping is proposed and all portions of the site not covered by buildings, driveways, or stored products will remain in natural vegetation.
  - **(2)A final drainage plan is approved by the Town Drainage Engineer;** - Limited land disturbance and drainage disruption is anticipated. No formal drainage plan was submitted or requested.
  - **(3)Parking lots and drainage facilities are in, and are useable.** - No parking areas are proposed. Truck loading will occur in close proximity to the proposed structures.

- **(4)Sufficient fire flows or protection are present and accepted by the Kiowa Fire Protection District;** - The Kiowa Fire Protection District has provided requirements that account for an all weather access roadway/driveway to the structures to allow for fire protection provided by mobile vehicles.
- **(5)Any other requirements made by the Town's Building Officials, utilities or other agencies are satisfied.** Please see the list of proposed conditions associated with the site plan

## Findings & Staff Recommendation – Special Use Permit

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Based on the analysis of the proposed Special Use Permit within the context of both the Town of Kiowa Municipal Code and Master Plan, the SAFEbuilt team recommends that the Planning and Zoning Commission recommend an approval, with conditions, to the Board of Trustees for the proposed distribution facility for agricultural sales on the property located at 811 County Road 134.

Staff recommends the following conditions for approval:

### Comments / Conditions for approval

#### Town Staff and Planning Consultant:

- Any expansion of any storage material area by more than 20% will require a Special Use Amendment hearing;
- Any new areas of material storage that exceed 10% of the site area will require a Special Use Amendment hearing;
- An increase of delivery frequency exceeding 50% of the present anticipated deliveries will require a Special Use Amendment hearing.

**\*Commissioners and Board Members may elect to add conditions**

## Findings & Staff Recommendation – Site Plan

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Based on the analysis of the proposed Site Plan within the context of both the Town of Kiowa Municipal Code and Master Plan, the SAFEbuilt team recommends that the Planning and Zoning Commission recommend an approval, with conditions, to the Board of Trustees for the Site Plan associated with the proposed distribution facility for agricultural sales on the property located at 811 County Road 134.

Staff recommends the following conditions for approval:

### Comments / Conditions for approval

#### • **Kiowa Fire Protection District:**

- A fire apparatus access road(driveway) shall be designed and maintained to support the imposed loads of fire apparatus (56,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities (e.g. gravel, road base or recycled asphalt). 2018 IFC Section 503.2.3. Fire Department vehicle access shall be required.

- Each proposed site shall be reviewed by the Kiowa Fire Protection District for compliance of the Fire Code.
- The business will be subject to annual fire inspections performed by the Kiowa Fire Protection District.
- **Elbert County Planning:**
  - The applicant needs to apply for an access permit for the access off CR 134 from Elbert County Public Works and construct the access to Elbert County Public Works standards.
- **CORE / Engineering:**
  - Add a stop sign to the site entrance.

**\*Commissioners and Board Members may elect to add conditions**

**Next Steps – Motions for formal recommendations to the Town Board will be forwarded prior to their scheduled meeting & hearing on July 08, 2025.**

## ATTACHMENT A

American Custom Ag  
34638 Wolf Creek Trail  
Kiowa CO 80117  
720-355-9679

To Whom this Concerns,

The operations at 811 County Rd 134, Kiowa CO 80117 will consist of selling agricultural goods to farmers, ranchers, and livestock owners. The business hours will be Monday-Friday 8am-5pm and Saturday 10am-3pm. Delivery of the goods will normally come on a semi during business hours. We expect 1-2 semi's a week depending on the inventory. There will be weeks when we don't get any semi deliveries. The goods that will be sold will consist of hay, IBC totes, Steel pipe, lumber and railroad ties. We will have 3 connex containers on a leveled dirt pad that will have a canopy between them for hay and equipment storage.

Sincerely,

A handwritten signature in black ink, appearing to read "Foster Houts". The signature is stylized and cursive.

Foster Houts

# 811 CR 134 REZONE EXHIBIT

PART OF THE NORTHWEST 1/4 OF SECTION 21, T. 8 S, R. 63 W, 6TH P.M.  
COUNTY OF ELBERT, STATE OF COLORADO

OWNER: KIOWA FIRE PROTECTION  
SERVICE DISTRICT  
PID: 8321201002  
USE: EXEMPT  
ZONING: PL-1  
(NOT A PART)

OWNER: NORTH KIOWA LLC  
PID: 8316300265  
USE: AGRICULTURAL  
ZONING: A  
(NOT A PART)

OWNER: ELBERT COUNTY FARM BUREAU  
PID: 8321204001  
USE: VACANT  
ZONING: C-2  
(NOT A PART)

OWNER: ELBERT COUNTY GOVERNMENT  
PID: 8321200120  
USE: EXEMPT  
ZONING: 1  
(NOT A PART)

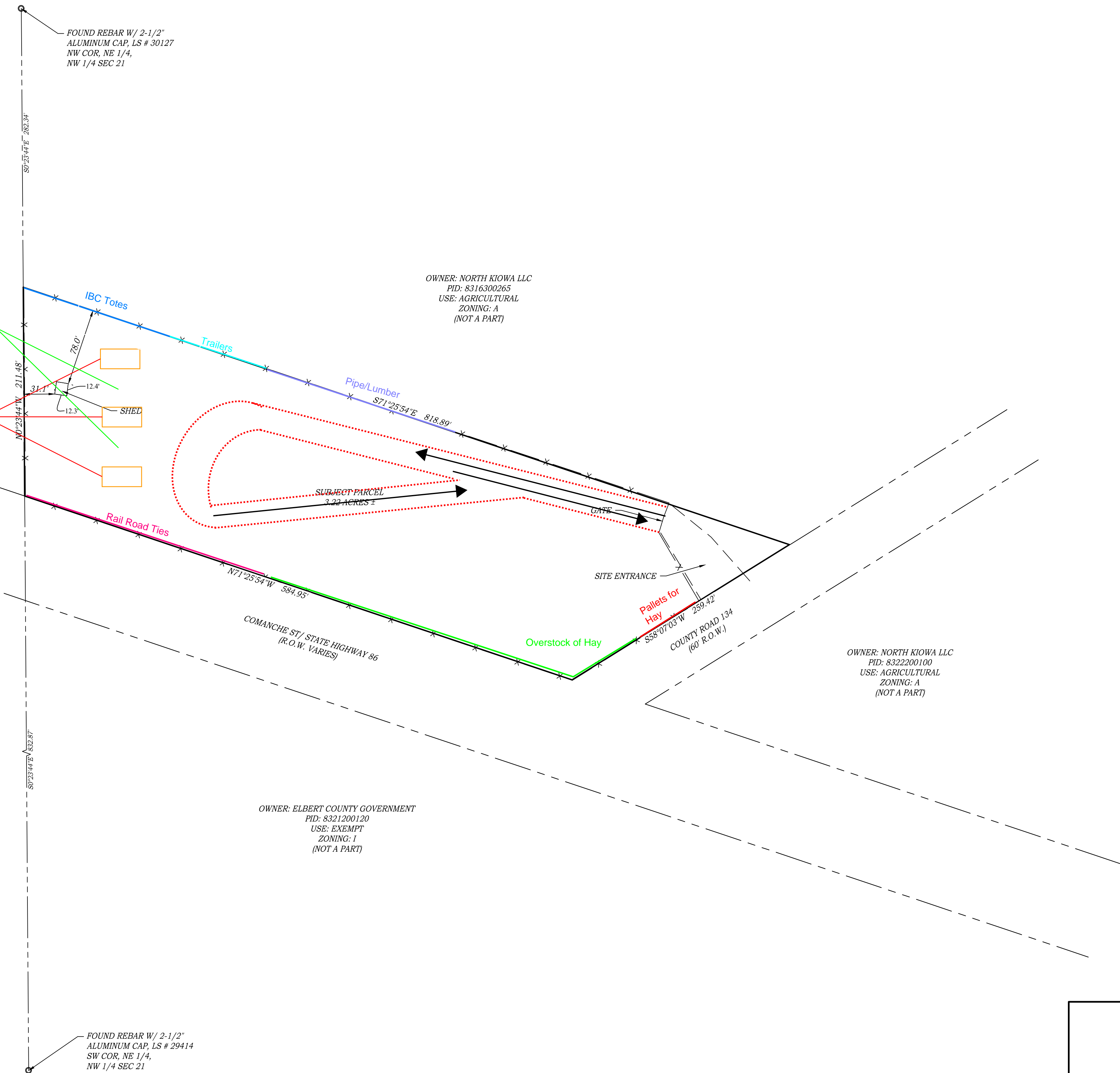
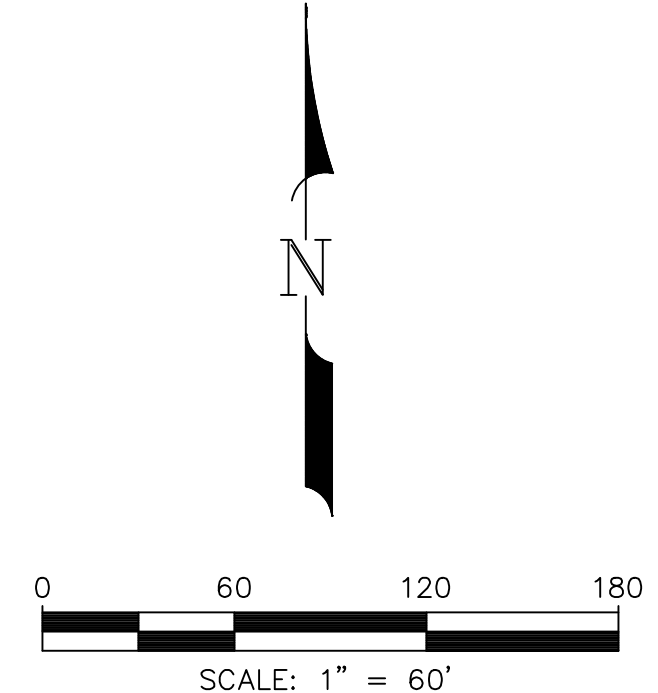
OWNER: NORTH KIOWA LLC  
PID: 8322200100  
USE: AGRICULTURAL  
ZONING: A  
(NOT A PART)

Under Connex covers will be hay and large equipment storage

Connex Inside connex will be tools and small equipment. At time they may have materials in them

**LEGEND:**

	SUBJECT PROPERTY LINE
	ADJOINER PROPERTY LINE
	EASEMENT LINE
	ROAD RIGHT OF WAY
	EDGE OF ROAD
	SECTION LINE
	FENCE LINE
	FOUND REBAR W/ 2-1/2" ALUMINUM CAP



**REVISIONS:**

NO.	DATE	DESCRIPTION

2750 S. WADSWORTH BLVD, SUITE C-202  
DENVER, COLORADO 80227  
303-955-6080  
WWW.ENCOMPASSSERVICES.COM

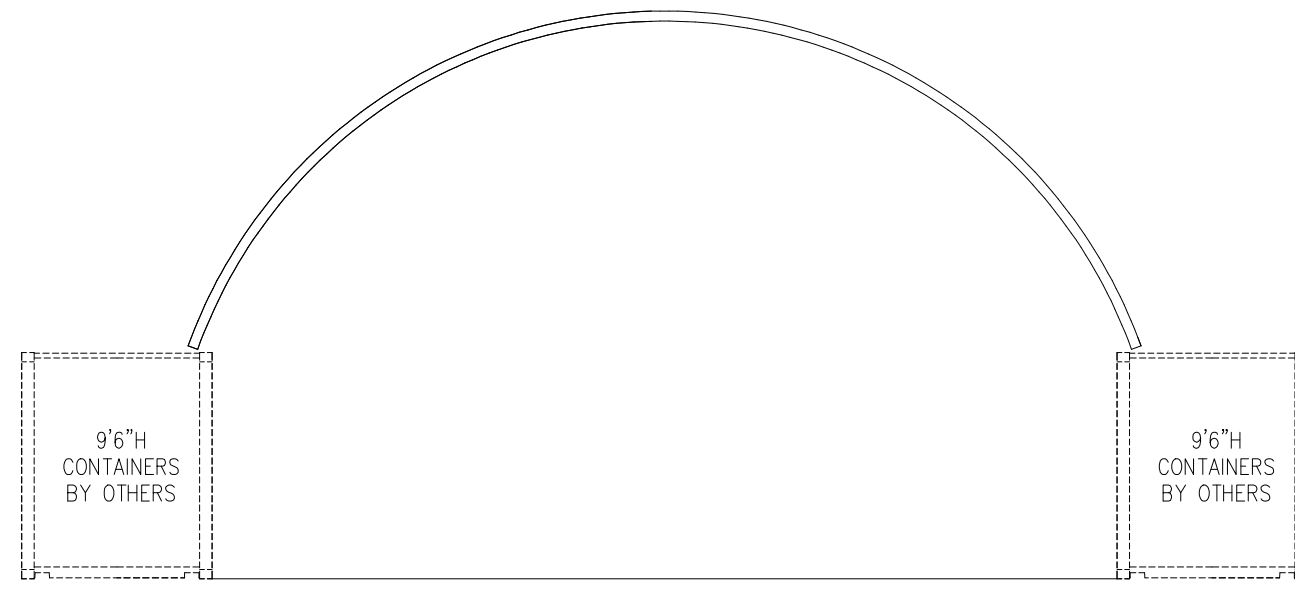
60' 0" 120' 0" 180' 0"

HORIZONTAL SCALE IN FEET

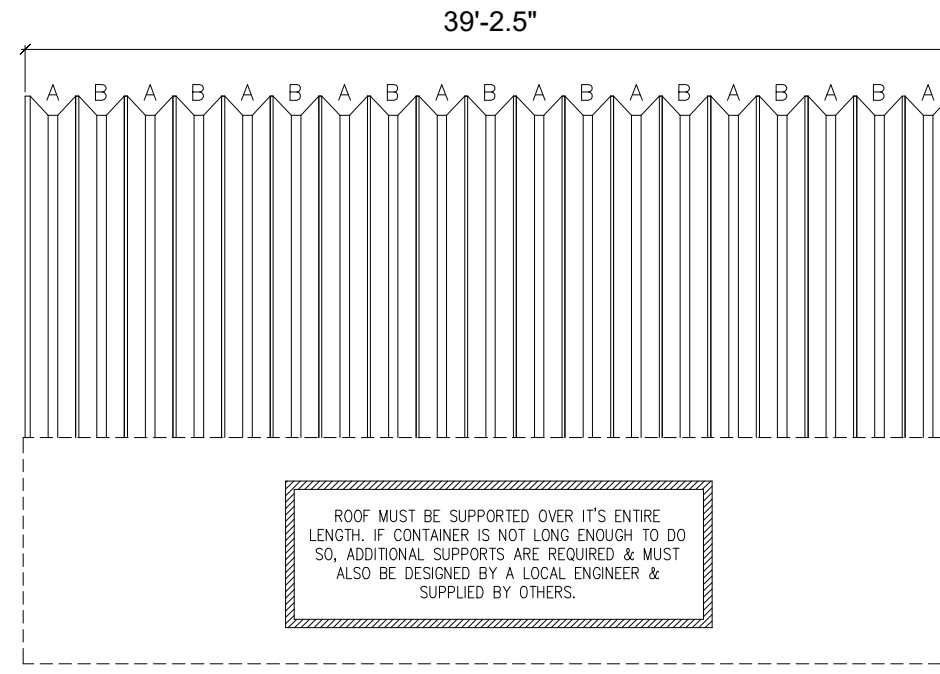
DRAWN BY: MBB PROJECT NO: 65299  
CHECKED BY: BRB DATE: 10/31/2023 SCALE: 1" = 60'  
FIELD WORK COMPLETED: 10/27/2023 SHEET 2 OF 2

Z:\SHARED\PROJECTS\00000 - CIVIL PROJECTS\65299 - MARK MILLER - 811 CR 134\04 - DRAWINGS\01 - WORKING\65299 - REZONE PLAT.DWG

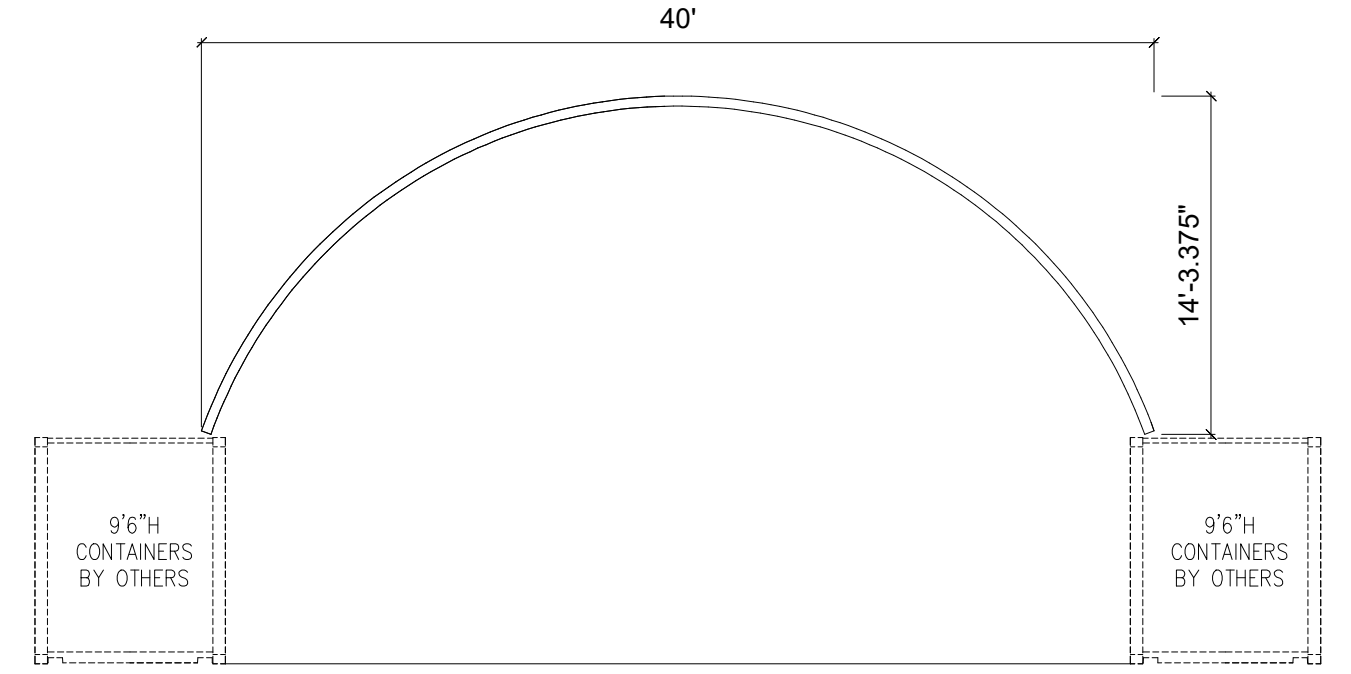
**ATTACHMENT A**



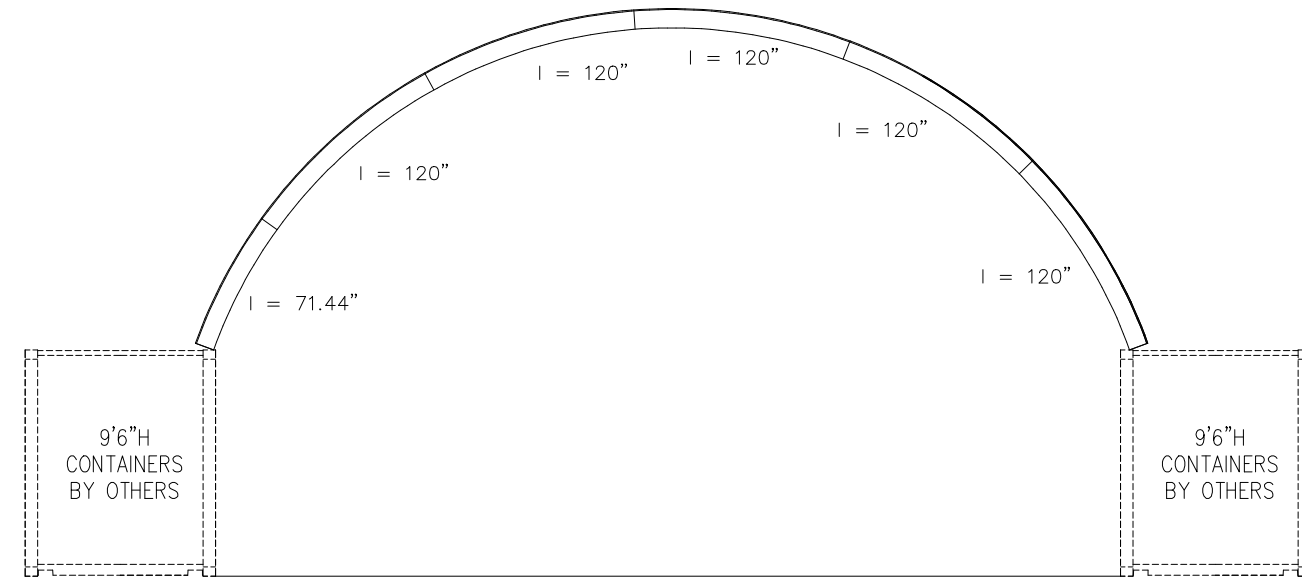
1 REAR ELEVATION



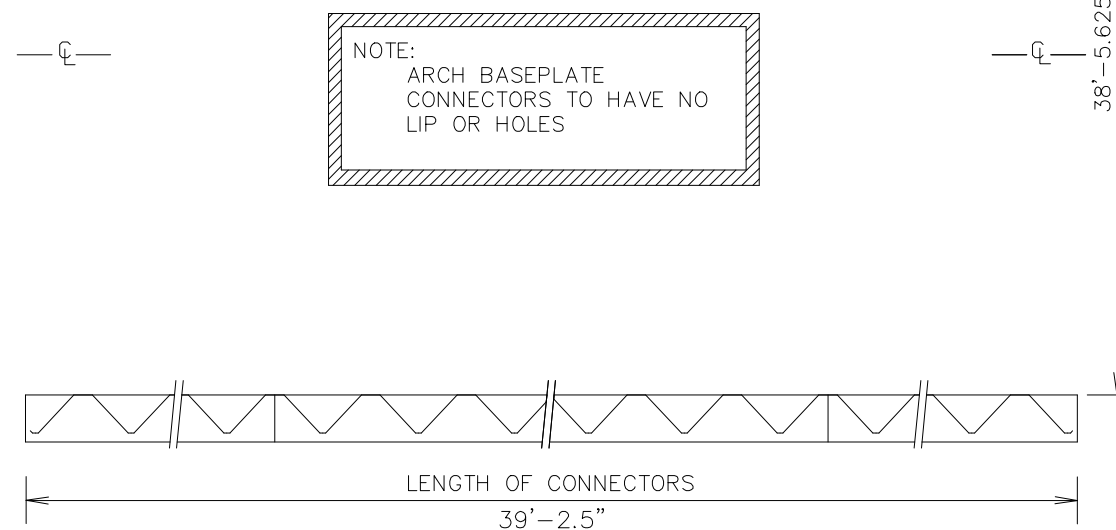
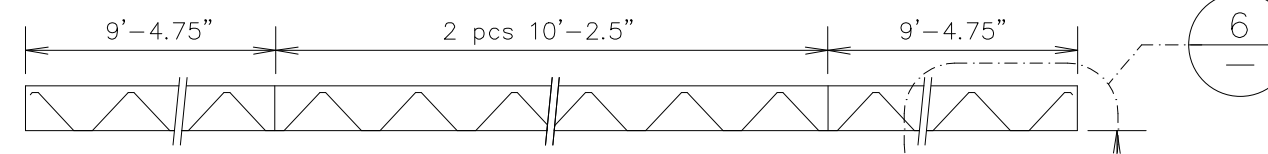
2 SIDE ELEVATION



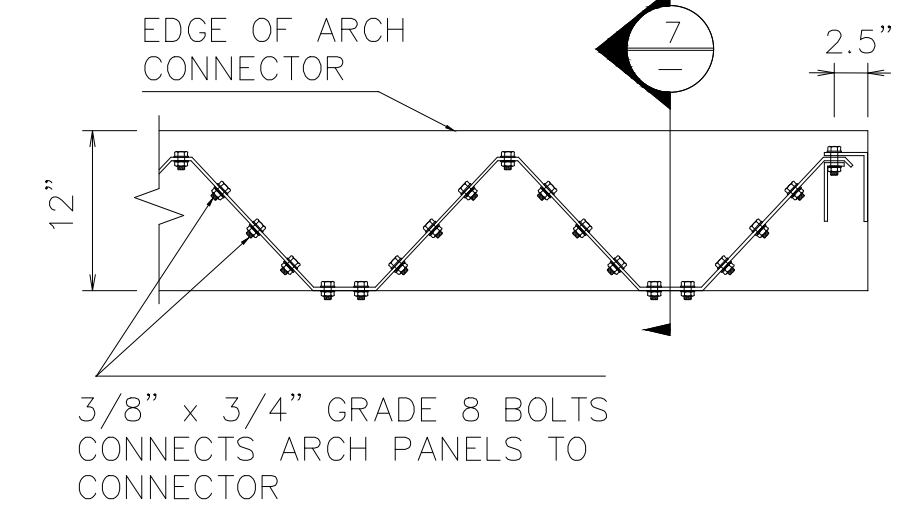
3 FRONT ELEVATION



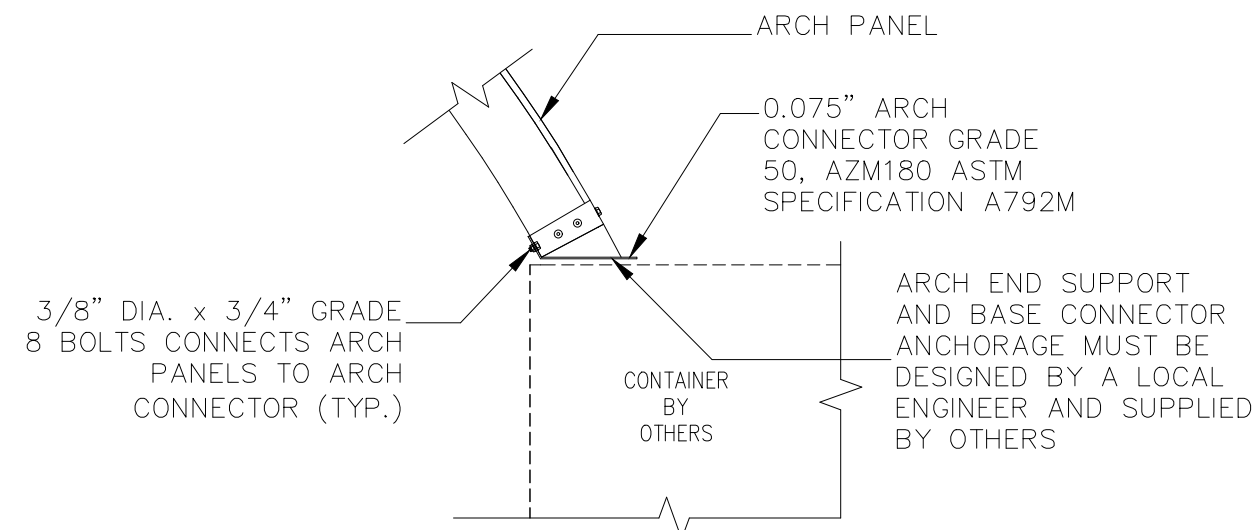
4 ARCH PROFILE



5 CUSTOM CONNECTOR LAYOUT

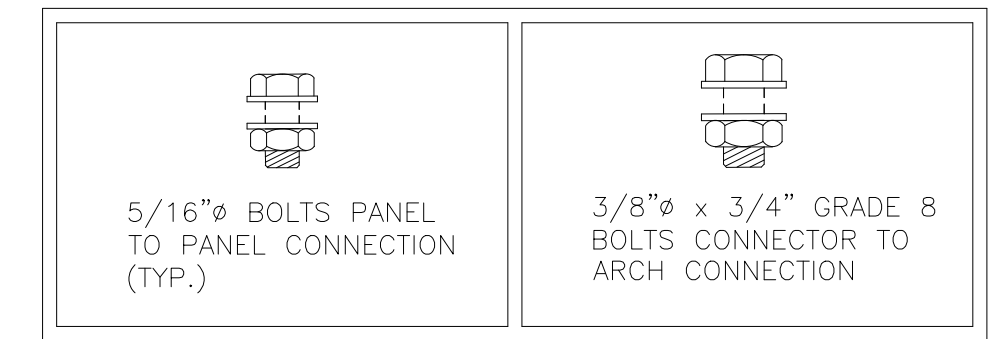


6 CORNER DETAIL



7 ARCH BASE/ CONNECTOR DETAIL

SPECIFIED ARCH REACTIONS PER ARCH END		
LOAD TYPE	Rh (lbs/ft)	Rv (lbs/ft)
DEAD LOAD	67	101
LIVE LOAD	251	383
SNOW LOAD	378	525
EXTERNAL WIND	-293	-326
INTERNAL WIND PRESSURE	-27	-76



8 BOLT DATA

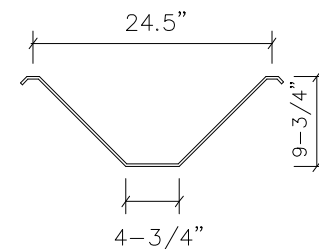
**GENERAL NOTES**

- ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE IBC 2018. DESIGN ACCORDING TO AISI S100-16W/S1-18 NORTH AMERICAN SPECIFICATION FOR THE DESIGN OF COLD-FORMED STEEL STRUCTURAL MEMBERS, AND WITH ANSI/ASCE 7-16.
- NO LOADS OTHER THAN THOSE GIVEN UNDER "DESIGN DATA" BESIDE SHALL BE IMPOSED ON THE "STRUCTURE".
- SPECIFIC NOTES AND DETAILS SHOWN ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER THE BUILDING MANUAL SUPPLIED.

- THE BUILDING, INCLUDING THE FOUNDATION, MUST BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE DRAWING AND ERECTION INSTRUCTIONS. ANY DEVIATION, UNLESS APPROVED BY US IN WRITING, SHALL NULLIFY OUR CERTIFICATE AND SEAL AND SHALL BE THE SOLE RESPONSIBILITY OF THE ERECTOR.
- A PROFESSIONAL ENGINEER SHOULD BE RETAINED WHERE SITE INSPECTIONS ARE WARRANTED.
- NO ARCH PANEL MAY BE CUT OR MODIFIED UNLESS IT IS TO ACCOMMODATE AN ACCESSORY PROVIDED BY THE MANUFACTURER IN ACCORDANCE WITH ITS INSTRUCTIONS AND/OR THIS DRAWING.
- MINIMUM SEPARATION FROM THIS BUILDING TO ANY TALLER BUILDING MUST BE THE SMALLER OF 20 FEET AND 6 TIMES THE HEIGHT DIFFERENCE.
- IF SEALED BY AN ENGINEER, THIS DRAWING IS FOR PERMIT APPLICATION, OTHERWISE IT IS A DRAFT AND NOT FOR CONSTRUCTION.

- THE ANCHORAGE & STRUCTURAL SUPPORT FOR OUR ROOF SYSTEM, THE ANCHORAGE OF THE CONTAINER TO A BASE AND ITSELF MUST BE DESIGNED BY A LOCAL ENGINEER BASED ON THE ARCH REACTIONS, SITE CONDITIONS AND BUILDING CODE REQUIREMENTS & SUPPLIED BY OTHERS.
- OUR DESIGN IS LIMITED TO OUR ROOF SYSTEM ITSELF ONLY AND CONDITIONAL ON PROPER LEVEL SUPPORT & ANCHORAGE BY OTHERS.

**ARCH DATA**



BOLTS: SAE GRADE 2 OR ASTM A307  
 Arch A: 10 Arches  
 ROOF STEEL THICKNESS = 0.05"  
 Arch B: 9 Arches  
 ROOF STEEL THICKNESS = 0.04"

GALVALUME SHEET STEEL:  
 STRUCTURAL QUALITY ASTM SPECIFICATION A792-10 (2015)  
 55% ALUMINUM-ZINC ALLOY (HOT DIP COATING)  
 ASTM A792 GRADE 50 CLASS 1  
 50 KSI MINIMUM YIELD  
 65 KSI MINIMUM TENSILE  
 OTHER SECTIONS SHALL CONFORM TO:  
 ASTM A36 (Fy=36 KSI)

ARCH DESIGN DATA IN ACCORDANCE WITH ASCE/SEI 7-16:  
 Lr: ROOF LIVE LOAD (PSF) = 30  
 Pg: GROUND SNOW LOAD (PSF) = 35  
 Ce: EXPOSURE FACTOR = 1.0  
 Ct: THERMAL FACTOR = 1.2  
 I: IMPORTANCE FACTOR (SNOW) = 0.8  
 CATEGORY 1 BUILDING  
 Pnet: COMPONENT WIND PRESSURE (PSF) = +/- 21  
 V: BASIC WIND SPEED (MPH) = 105  
 Kv: VELOCITY PRESSURE EXPOSURE = 0.85  
 Kzt: PEAK GUST TOPOGRAPHIC FACTOR = 1.00  
 Gcpi: INTERNAL PRESSURE COEFFICIENTS = +/- 0.18  
 Kd: DIRECTIONALITY FACTOR = 0.85  
 Ke: GROUND ELEVATION FACTOR = 1.00  
 WIND EXPOSURE FACTOR = C  
 SEISMIC DESIGN CATEGORY = B

ENGINEERS SEAL:

**LEGAL NOTE**  
 This drawing is the property of Future Steel Buildings Intl. Corp. Any duplication of this drawing in whole or in part is strictly forbidden. Anyone doing so will be prosecuted to the full extent of the law.

**FUTURE STEEL BUILDINGS®**  
 220 CHRYSLER DR., BRAMPTON, ON. (905) 790-8500, engineering@futuresteel.info

SCALE: N.T.S.	APPROVED BY: P.G.	CHECKED BY: N.M.	DATE: NOV. 15, 2024.
PROJECT: Henry Houts		American Custom Agriculture LLC Kiowa, Colorado	
MODEL: XR40-14	DWG: 24-1396		