



**Town of Green Mountain Falls
Planning Commission Regular Meeting
Agenda
January 12, 2021 • 6:30 PM • Virtual Meeting***

*[Zoom Meeting Link](#)

Meeting ID: 857 5744 0753

Passcode: 961513

**Register for public comment by 4:00 PM the day of the meeting clerk@gmfco.us and planner@gmfco.us

TIME		ITEM	DESIRED OUTCOME
6:30	1.	CALL TO ORDER	
6:32	2.	ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA	
		APPROVAL OF MINUTES	
6:33	3.	Draft Minutes of the December 08, 2020 Regular Meeting	Action Recommended
6:35	4.	PUBLIC COMMENT**	
		OLD BUSINESS	
6:45	5.	Planning Commission Draft Bylaws for Consideration and Recommendation to the Board of Trustees for Approval. Continuation of Discussion from November 10, 2020 and December 8, 2020 Regular Meetings.	Action Recommended
		NEW BUSINESS	
6:55	6.	Ordinance 2021-03 AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS ZONING CERTAIN RECENTLY ANNEXED PROPERTY TO BUSINESS DISTRICT (JOYLAND CHURCH PARCEL ANNEXATION) Public Hearing and Consideration of a Zoning Ordinance for Recommendation to the Board of Trustees. Jesse Stroope on Behalf of Green Mountain Road, LLC.	Action Recommended
7:05	7.	Ordinance 2021-04 AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS ZONING CERTAIN RECENTLY ANNEXED PROPERTY TO PUBLIC LANDS DISTRICT (RED DEVIL MOUNTAIN PARCEL ANNEXATION) Public Hearing and Consideration of a Zoning Ordinance for Recommendation to the Board of Trustees. Jesse Stroope on Behalf of Historic Green Mountain Falls Foundation, LLC.	Action Recommended
7:15	8.	Special Use Permit. Public Hearing and Consideration of a Special Use Permit for Recommendation to the Board of Trustees on the Development of a Public Building in R-1 5-Acre Hillside Single-Family Residential District at 10400 El Paso Avenue. Jesse Stroope on Behalf of Historic Green Mountain Falls Foundation, LLC.	Action Recommended
		OTHER BUSINESS	
7:25	9.	Trustee Liaison Report on Board Action and Matters of Comprehensive Plan Implementation. Katharine Guthrie, Board of Trustees Planning Liaison	Information
7:30	10.	Housekeeping and Announcements; Next Regular Meeting is February 9, 2021	Information
	11.	Adjournment	

Agenda Item	Motion/Discussion	M/S	TD	SI	LM	GW	PY	JN
1. CALL TO ORDER / ROLL CALL	Chairperson Dixon called the meeting to order at 6:30 PM.							
2. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA	Motion to approve the agenda as submitted. All aye, motion passes	GW/LM	Y	Y	Y	Y	-	-
3. APPROVAL OF MINUTES- <u>November 10, 2020 Meeting</u>	Motion to approve the minutes of the November 10, 2020 meeting as posted. All aye, motion passes	GW/LM	Y	Y	Y	Y	-	-
4. PUBLIC COMMENT	Mac Pitrone, 10840 Myrtle Street, gave public comment for Item 5, Draft PC Bylaws, and Item 6, RDM Concept Proposal. Mr. Pitrone asked the Chair to recognize him during the public hearing for Item 7, RDM Annexation. Mr. Pitrone's email testimony is included in the agenda packet, posted on GMF Website .							
OLD BUSINESS								
5. Planning Commission Draft Bylaws for Consideration and Recommendation to the Board of Trustees	The second draft version was reviewed. Additional edits were suggested and will be considered at the next regular meeting, January 12, 2021. No formal action taken.							

[illegible]

Agenda Item	Motion/Discussion	M/S	TD	SI	LM	GW	PY	JN
8. Trustee Liaison Report on Board Action and Matters of Comprehensive Plan Implementation. Presented by Katharine Guthrie, Board of Trustees Planning Liaison	<p>Trustee Guthrie gave the liaison report on recently adopted Resolutions, which can be viewed on Board of Trustees Agendas & Minutes page, GMF Website.</p> <p>Surveys for managed parking and wayfinding signage are available on GMF Website. Town Manager and GMF consultant will conduct a public forum during BoT special meeting, December 15, 2020.</p> <p>The PC and the Board are scheduling a retreat Q1 2021, to include work on <i>Plan GMF</i> implementation.</p> <p>The Commission will elect a secretary in the first quarter of 2021, per Ordinance.</p>							
9. Housekeeping and 2021 Schedule – Next Regular Meeting is January 12, 2021 and February 9, 2021.	<p>Staff had no housekeeping items to present.</p>							
	Chair Dixon adjourned the meeting at 7:32 PM							

BYLAWS

ARTICLE I **GENERAL**

SECTION 1. POWERS AND DUTIES. The GREEN MOUNTAIN FALLS PLANNING COMMISSION_ (the "PLANNING COMMISSION"), acting by and through its appointed members, shall have all the powers granted by the Board of Trustees of Green Mountain Falls (the "Board of Trustees") and the Colorado Revised Statutes and shall perform all duties provided therein.

SECTION 2. OFFICE. The office of the Planning Commission shall be at the Green Mountain Falls Town Hall.

ARTICLE II **DIRECTORS**

SECTION 1. APPOINTMENT AND TERMS. The appointment and the terms of office of the members of the PLANNING COMMISSION shall be as provided by resolution of the Board of Trustees.

SECTION 2. REMOVAL. Members may be removed by the Board of Trustees as provided by resolution of the Board of Trustees.

SECTION 3. CODE OF ETHICS. Each member of the Planning Commission shall comply with the Town's Code of Ethics as set forth in Article XI, Chapter 2, of the Green Mountain Falls Municipal Code, as amended (the "Code"). If any member has a conflict of interest, as defined by the Code, with regard to any matter before the Planning Commission, the member shall follow the disclosure and other requirements of Section 2-62 of the Code, as amended.

SECTION 4. ALTERNATES. By resolution, the Board of Trustees may appoint alternate members of the Planning Commission. At each meeting of the Planning Commission, if a regular member is not present at the time of roll call, an alternate member who is present at the time of roll call shall be seated as a member for that meeting, by motion of the Planning Commission. Alternate members may take part in the discussion of any matter that comes before the Planning Commission, except for quasi-judicial matters, in which they may not participate unless they have been a) appointed in the place of an absent member for the duration of the matter and b) designated to do so by the chair in place of an absent member. Alternate members may not serve as officers of the Planning Commission.

ARTICLE III **OFFICERS**

SECTION 1. ELECTION. The officers of the Planning Commission shall be a Chair, a Vice-Chair and a Secretary, elected annually by the Planning Commission at the first regular meeting of each calendar year, and they shall assume their duties upon election. In the same manner, the Planning Commission shall also elect a secretary who may be a non-member, employee of the Town, whose job description includes secretarial duties.

SECTION 2. CHAIR. The Chair shall preside at all meetings of the Planning Commission. Except as otherwise authorized by resolution of the Planning Commission, the Chair will sign, or direct Town Staff to sign, documents as stated in GMF Zoning and Land Use Code. The Chair shall appoint such standing sub-committees as authorized by a vote of the Planning Commission.

SECTION 3. VICE-CHAIR. The Vice-Chair shall perform the duties of the Chair in the absence from the Town or incapacity of the Chair; and in case of a vacancy in the office of the Chair, the Vice-Chair shall perform such duties as are imposed on the Chair until such time as the Planning Commission selects a new Chair from among its members.

SECTION 4. SECRETARY. The Secretary shall attest to the signature of the Chair on documents, keep the records of the Planning Commission, shall record all votes, and shall cause to be kept a record of the proceedings of the Planning Commission in a journal of proceedings to be kept for such purposes, and shall perform all other duties incident to this office. The Secretary may be a non-member of the Planning Commission who is employed by the Town.

SECTION 5. ADDITIONAL DUTIES. The officers of the Planning Commission shall perform such other duties and functions as may from time to time be required by the Board of Trustees.

SECTION 6. VACANCIES. Should the office of Chair, Vice-Chair, or Secretary become vacant, the Planning Commission shall select a successor from its membership at the Planning Commission's next regular meeting to serve for the unexpired term of said office.

ARTICLE IV **MEETING**

SECTION 1. REGULAR MEETINGS. A regular meeting shall be held at Town Hall on the second Tuesday of each month with notice as required by Colorado law and the Code. If additional room or facilities are needed, with approval of the Board of Trustees or Town Manager, the Chair may change the site of the meeting to another public location within the Town of Green Mountain Falls that is open and accessible to the general public, provided notice of such change is made not less than 24 hours prior to the scheduled meeting time. Meetings which take place virtually through Online platforms must also provide notice to the general public not less than 24 hours prior to the scheduled meeting time.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Chair, any 3 members, or the Town Manager with at least 24 hours' written notice.

SECTION 3. QUORUM. A majority of the appointed non-vacant seats shall constitute a quorum, but a smaller number may adjourn until a quorum is obtained.

SECTION 4. VOTING. When a quorum is in attendance, action may be taken by the Planning Commission upon an affirmative vote of the majority of the members present. The yeas and nays shall be entered upon the minutes of every meeting, except where there is a unanimous vote.

SECTION 5. ABSENCES. A member who is unable to attend a meeting shall notify the Secretary in advance of the meeting, stating the reason for his or her absence. More than three (3) absences from meetings within any calendar year may constitute the basis for removal. Remote participation pursuant to rules and regulations adopted by the Board of Trustees, as they may be amended, shall not constitute an absence.

SECTION 6. RULES OF PROCEDURE. The meetings of the Planning Commission shall be conducted according to the Planning Commission's adopted Rules of Procedure, which may, in the future, be revised to include procedures for allowing members to participate in meetings through telephonic or digital means.

SECTION 7. OPEN MEETINGS. The Planning Commission shall make all policy decisions, pass resolutions, adopt rules and regulations, and take action only at meetings open to the public. Notices of meetings shall be posted in compliance with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*, and the Code.

SECTION 8. EXECUTIVE SESSIONS. The Planning Commission may enter into executive sessions as permitted by the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* Attendance at executive sessions shall be limited to the members of the Planning Commission and such persons as the Planning Commission may also invite as required for advice and information.

ARTICLE V **MANAGEMENT**

SECTION 1. POLICIES. The Planning Commission may adopt policies as it deems appropriate. All policies shall be reviewed by the Board of Trustees before adoption, and all adopted policies shall be available for public inspection at the Town Clerk's office.

SECTION 2. ANNUAL REPORT AND WORK PLAN. Annually the Planning Commission may be required to present to the Board of Trustees a written report summarizing the work of the Planning Commission during the preceding calendar year. At that time, the Planning Commission may also be required to present for the Board of Trustees review and approval a proposed work plan for the new year.

SECTION 3. RELATIONSHIP WITH THE TOWN OF GREEN MOUNTAIN FALLS. The Planning Commission, its officers and members shall always strive to provide regular and comprehensive communications regarding the Planning Commission's activities with the Mayor, Board of Trustees and Town Manager of the Town of Green Mountain Falls. The Planning Commission shall cooperate with the Town of Green Mountain Falls to further the Town's adopted goals.

ARTICLE VI **BOOKS AND RECORDS**

SECTION 1. RECORDKEEPING. The Planning Commission shall maintain adequate and correct accounts of its meetings, policies, resolutions, and activities. All records shall be open to inspection by the public at any reasonable time.

SECTION 2. RECORDS TO BE PUBLIC. All resolutions and orders, as soon as practicable after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Chair and attested to by the Secretary. A record shall also be made of all other proceedings of the Planning Commission, with minutes of the meetings and reports entered into the record. Said records shall be public records, shall be open to inspection as required by law, and shall be provided to the Town Clerk.

ARTICLE VII
APPROVAL, AMENDMENT TO AND SUSPENSION OF BYLAWS

SECTION 1. These Bylaws shall be reviewed and approved by the Board of Trustees.

SECTION 2. AMENDMENT. Amendments to these Bylaws are subject to Board of Trustee approval after adoption by Planning Commission following first reading at the previous meeting.

SECTION 3. SUSPENSION. Any requirement of these Bylaws may be waived by a written consent signed by all members, except those required by law.

Adopted [date] _____, by Res. No. _____

Approved by the BOT on _____ [date]



To: Planning Commission
From: GMF Land Use & Planning Staff
Date: January 6, 2021
Re: Ordinance 2021-03, Zoning of Newly Annexed Land, Joyland Parcel

Background

The Applicant is requesting the Planning Commission's consideration and recommendation to the Board of Trustees for Zoning the subject property into the Business designation.

Planning Commission Recommended Actions:

- Public hearing
- Review petition for compliance with GMF Zoning Code
- Recommend approval, approval subject to conditions, or disapproval to Board of Trustees

Discussion

Existing Land Use and Zoning

According to the plat map and the El Paso County Assessor, the land is a 1.05-acre parcel, purchased by Green Mountain Road, LLC. in July 2019. Some information on the EPC site will need to be corrected when the petitioner files with the Clerk and Recorder. The plat map and legal description is attached. The existing zoning in unincorporated El Paso County is RT, Residential Topographic with a land use of Agricultural Grazing.

Sec. 16-304. - Zoning of newly annexed territory.

Any area annexed to the Town after the effective date of this Land Use Code shall be given a zone designation under the provisions of the Zoning Ordinance within ninety (90) days from the effective date of the annexation ordinance. During this period no building permits shall be issued on any portion or all of the newly annexed area until such time as the property is designated on the Zoning Map.

Board of Trustees approved Ordinance 2021-01, Annexing Joyland Parcel into GMF on January 5, 2021 and approved the attached Annexation Agreement by Resolution.

Sec. 16-310. - B Business District.

The proposed parcel sits adjacent to municipal facilities (Marshal, Town Hall, Fire) and a commercial business property (Joyland Church Parcels A&B). Adjacent property to the east is the other parcel for consideration during this public hearing, the Red Devil Mountain parcel, which is proposed for PL Public Lands. A development sketch plan is provided; no development of any type is proposed at this time. Future development will be reviewed to meet the standards

in §16-705. The Petitioner should provide clarification on whether the subject parcel will be replatted with the Joyland Church A and B parcels.

Staff believes the proposed zoning is consistent with the policies, uses, and standards in §16-310.

Sec. 16-711. - Zoning amendments.

GMF Zoning Code full text for this section is attached. The proposed zoning was initiated by petition as part of the annexation of Joyland parcel. Section 16-711(b), submittal requirements, is not applicable; the Petitioner is not proposing any development at this time. Plat map, legal description, and existing conditions was submitted and is included as part of the annexation. Section (c), Procedure, establishes that a publicly notice public hearing, shall be held by the PC and BoT. The affidavit of publication is attached, and the property was physically posted by Public Works.

Further, Section 16-711(c)(2), Criteria, establishes *The Town shall consider whether the rezoning complies with at least one of the following criteria:*

- a. The proposed rezoning furthers the goals and policies of the Comprehensive Plan;*
- b. The rezoning is consistent with the purpose statement of the proposed zoning district;*
- c. There have been significant changes in the area to warrant a zoning change; or*
- d. There was an error in establishing the current zoning.*

Staff believes the rezoning, or initial zoning, is satisfied because the proposal furthers the goals and policies of the Comprehensive Plan, *Plan GMF* approved by the Planning Commission and Board of Trustees in 2019. Additionally, the parcel, adjacent to the Joyland Church and Town Municipal facilities, meets the standard in §16-310 Business District for permitted principal uses (see below). Town Attorney has reviewed the petition and all materials and drafted the Business Zoning Ordinance for PC consideration. The attached Annexation Agreement for Joyland Church Parcel establishes the contractual responsibilities of each party and includes language specific to zoning designation.

Sec. 16-712. - Development plan requirements.

The code establishes twelve items necessary on all development plan proposals. At this time, the subject parcel does not have a development proposal. Standards of management and maintenance are outlined in the annexation agreement, which requires a traffic study, parking plan, trails plan, restrooms, and drainage/ECP for all development. This agreement was reached through many compromises and revisions together with Board, staff, Town Attorney, and the Petitioner. Staff believes the submittals meet the requirements in this section and only asks the developer to submit documentation on the slope of the property to establish whether Hillside Overlay is applicable.

Conclusion

Staff, in consultation with Town Attorney, has reviewed the Petitioner's materials and concludes that the zoning petition for Joyland parcel to be annexed and zoned (B) Business is consistent with GMF Zoning Code. Therefore, Staff recommends the Planning Commission forward a recommendation of approval to the Board for its January 19, 2021 public hearing.

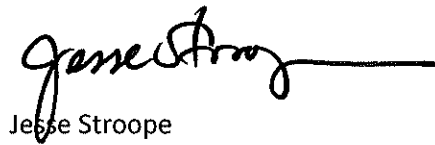
Town of Green Mountain Falls

December 29, 2020

Dear Planning Commissioners and Board of Trustees,

Please find attached an application for a zoning amendment for 10325 W. US Highway 24, Parcel 2. Green Mountain Road, LLC requests consideration in changing zoning from Agriculture zoning to Business zoning if annexation of this property is achieved. Business zoning reflects that of the rest of the Joyland property.

Thank you in advance for your consideration,

A handwritten signature in black ink, appearing to read "Jesse Stroope", followed by a long horizontal line extending to the right.

Jesse Stroope

Project Planner

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS ZONING CERTAIN RECENTLY ANNEXED PROPERTY TO BUSINESS DISTRICT (JOYLAND CHURCH PARCEL ANNEXATION)

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. Findings of Fact.

a. The Town desires to zone certain property recently annexed to the Town and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), to Business District (B).

b. Public notice has been given as follows and as required by C.R.S. § 31-23-304 and Green Mountain Falls Code Sec. 16-711:

i. One publication in a newspaper of general circulation within the Town at least 15 days before the public hearing of such rezoning; and

ii. Notice of such hearing was posted on the Property.

c. A need exists for zoning the Property to Business District (B) and doing so will meet the following criteria in Green Mountain Falls Code Sec. 16-711:

i. The zoning will promote the public health, safety, and general welfare;

ii. The zoning furthers the goals and policies of the Comprehensive Plan; and

iii. The rezoning is consistent with the purpose statement of the Business District (B) zoning district, which is to:

(1) Encourage the development of and the continued use of the land for retail, service, office and associated business and commercial uses that can be aggregated at low densities without inducing undue hazards to public health and safety;

(2) Permit a concentrated intensive development of the permitted uses while maintaining an adequate relationship between the intensity of land uses and the capacity of supporting utilities and transportation networks; and

(3) Encourage the aesthetic development of buildings and storefronts through construction, landscaping and proper maintenance that is compatible with the historical character of the Town.

Section 2. Based on the foregoing findings, the Property is hereby zoned Business District (B), and the Town's Zoning Map is hereby amended accordingly.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

ADOPTED AND ORDERED PUBLISHED the ____ day of _____, 2021, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado 80819.

Jane Newberry, Mayor

ATTEST:

Matthew Gordon, Town Clerk/Treasurer

Published in the Pike Peaks Courier, December 23, 2020.

EXHIBIT A
Property

Bearing are based on the record bearing of the West line of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., N 01°05'40" E, Monumented as shown on the survey.

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, described as follows:

Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, and containing 1.058 acres.

ANNEXATION AGREEMENT

Joyland Church Parcels

THIS ANNEXATION AGREEMENT (the "Agreement") is made and entered into this ____ day of January, 2021 (the "Effective Date") by and between the Town of Green Mountain Falls, a Colorado municipality with an address of 10615 Unit B, Green Mountain Falls Road, Green Mountain Falls, Colorado, 80819 (the "Town"), and Green Mountain Road, LLC with an address of 1001 W. Wilshire Boulevard, Oklahoma City, Oklahoma 73116 ("Owner") (each a "Party" and collectively the "Parties").

WHEREAS, Green Mountain Road, LLC is the owner of certain real property known as the Joyland Church Parcel located in unincorporated El Paso County and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, Owner desires to have the Property annexed to the Town; and

WHEREAS, the Town wishes to annex the Property into the Town upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing recitals, mutual covenants, and promises set forth below, the receipt and sufficiency of which are mutually acknowledged, the Parties hereby agree as follows:

1. Annexation. The annexation of the Property shall be in accordance with the Colorado Municipal Annexation Act of 1965, as amended.
2. Purpose. The purpose of this Agreement is to set forth the terms, conditions, and fees to be paid by Owner upon annexation and initial development of the Property. Unless otherwise expressly provided to the contrary herein, all conditions contained herein are in addition to any and all requirements of the Green Mountain Falls Municipal Code, as amended, and other applicable law.
3. Water and Sewer Service. The Town does not currently provide water or wastewater services within the Town. If at the time of development of the Property, the Town provides water or wastewater services capable of serving the Property, the Property shall connect to such services in accordance with the Town's regulations in effect at the time at the sole expense of Owner and the construction and extension of any such necessary lines and associated infrastructure shall be constructed in accordance with Town standards and specifications. Owner shall further be required to acquire at its own expense and dedicate to the Town, in a form acceptable to the Town in the Town's sole judgment, easements necessary to provide for the location of water and wastewater distribution, collection and transmission lines and related facilities serving the planned development on the Property.
4. Drainage. Owner is responsible for all erosion control and management of drainage from the Property. Individual drainage plans shall be prepared and submitted by Owner to the Town and approved by the Town Engineer prior to approval of any building permit. The area addressed by each individual drainage plan shall be established by the Town Engineer at the time of building permit application and shall be sufficient to cover the impacts to drainage and erosion, both on and

off-site, if applicable, caused by the development to which the building permit is issued. If determined by the Town Engineer to be necessary, such drainage plans shall include the construction of facilities for the safe discharge of all surface and subsurface water into a drainage conveyance facility. Owner shall be solely responsible for the construction, designs, and costs of all drainage improvements included in the drainage plans. Construction of all drainage improvements in each drainage plan shall be completed as set forth in a separate improvements agreement, which shall be entered into by the Parties prior to issuance of a building permit for any development on the Property. Owner shall incorporate each individual drainage plan into a Master Development Drainage Plan which shall be prepared and submitted by Owner to the Town and approved by the Town Engineer prior to Prior to Owner performing any road mitigation work.

5. Trail Easement and Improvements.

a. Owner shall construct and grant a 25-year public trail easement at least 30 feet in width, to the Town, in a form acceptable to the Town in its sole judgment, for a new trail to be known as the Pittman Trail (the "Pittman Trail") to cross the Property from an access point to the east from the Red Devil Mountain Parcel, and terminating at a point near the site of the former Joyland Church. Owner shall consult with the Town Parks, Recreation, and Trails Advisory Committee for the design, layout, and signage of the Pittman Trail prior to dedication of the easement.

b. Owner shall be solely responsible for maintenance of the Pittman Trail. On or before June 1, 2021, Owner shall prepare and submit to the Town, and the Town shall approve, a comprehensive and professionally reviewed Trail Management Plan for all public trails, including without limitation the Pittman Trail. At a minimum, the Trail Management Plan shall specify the maintenance and construction standards and schedules for the trails, trail use policies and safety standards for public users, and policies for reducing the environmental impact of the trails on and near sensitive resources, habitats, riparian areas, and native and special-status plant and animal species. The Trail Management Plan shall also include provisions for parking planning, impacts, and traffic management. The Trail Management Plan shall be updated annually, with Owner providing the Town with qualitative and quantitative user information sufficient to evaluate impacts on the Town caused by the development of the Property. Such information shall be provided to the Town by Owner by January 30 of each year, beginning in 2022. Thereafter, the Trail Management Plan shall be updated to address and mitigate these impacts and any required improvements or management steps under the Plan shall be implemented by June 1 of that same year.

c. The Pittman Trail shall be open to the public at no charge, and shall remain open to the public during hours established in the Trails Management Plan. Owner may temporarily close the Trail for maintenance, unsafe conditions, or for publicly noticed and scheduled private events, with notice provided for closures as established in the Trails Management Plan.

6. Public Restroom Improvements. Owner shall be responsible for the cost of design and construction of all public restroom improvements on the Property, as deemed necessary to meet demand as set forth in the Trail Management Plan, as amended and updated. At a minimum, Owner shall be responsible for the design and construction of at least one restroom on the Property located by the northwestern terminus of the Pittman Trail. The number of stalls shall be suitable

to serve the projected visitors to the Property. A temporary restroom installation is acceptable unless and until a permanent public restroom structure is required by the Trail Management Plan, as amended and updated. Unless otherwise provided by separate agreement of the Parties, restroom maintenance shall be the sole responsibility of Owner.

7. Parking Improvements. As part of the Trail Management Plan, on or before June 1, 2021, Owner shall prepare and submit to the Town, and the Town shall approve, a comprehensive and professionally reviewed Parking Plan to include without limitation maps, signage, and number of spaces at all dedicated locations. Owner shall be responsible for the cost of design and construction of all public and private parking improvements on the Property sufficient to meet demand for usage, as determined necessary by the Trails Management Plan, as amended and updated. All on-site parking shall be incorporated into the Town's paid parking program by a separate parking management agreement, which shall include terms regarding parking rates and revenue sharing. Owner shall not charge a fee for parking except in accordance with the Town's parking program and the applicable parking management agreement. Unless otherwise provided by separate agreement of the Parties, parking lot maintenance, snow removal, and trash removal shall be the responsibility of Owner.

8. Maintenance Plan. As part of the Trail Management Plan, on or before June 1, 2021, Owner shall prepare and submit to the Town, and the Town shall approve, a comprehensive and professionally reviewed Maintenance Plan for all public trails, restrooms, and other public improvements. The Maintenance Plan shall consider the need for public safety and the impacts of the public on the Property for matters such as trash and debris removal and preservation and conservation of nearby open space. The Maintenance Plan shall provide a clear narrative of how Owner shall maintain the Property and the publicly accessible improvements to best serve the public. Once approved, the Maintenance Plan shall be binding upon Owner and shall be enforceable by the Town. The Maintenance Plan is in addition to any other required plan under this Agreement, including without limitation, the Trail Management Plan.

9. Traffic Study. As part of the Trail Management Plan, on or before June 1, 2021, Owner shall prepare and submit to the Town a comprehensive and professionally prepared Traffic Study addressing the anticipated impacts of the proposed development of the Property to traffic safety, congestion, current and proposed levels of service, and access to and from downtown Green Mountain Falls. Owner shall mitigate the negative impacts on traffic congestion caused by development of the Property as identified in the Traffic Study, to the satisfaction of the Town as a condition of the Town's approval of Owner's development plan.

10. Road Improvements. Owner shall be responsible for the cost of design and construction of all public or private access improvements, including without limitation the construction and design of new or improved streets, roads, and driveways, to and from the Property as needed for any such road to comply with the Town's current standards and specifications. At the time any such new or improved public street, road, or driveway is requested by Owner or initiated by the Town to serve the Property, Owner shall reimburse the Town its proportional cost for the extension of such service and conferral of such benefit upon the Property within 90 days of written request from the Town made after the improvements are complete. The decision whether to extend or improve any such public access improvement shall be at the sole discretion of the Town. Any

road improvements dedicated to and accepted by the Town shall be maintained by the Town at the Town's sole expense.

11. Wildfire Mitigation. Owner shall cooperate and consult with the Green Mountain Falls Marshal, the Green Mountain Falls/Chipeta Park Fire Protection District, and the Town Fire Mitigation Advisory Committee to form a Wildfire Mitigation and Prevention Plan for the Property and shall promptly comply with such wildfire mitigation and prevention measures, which shall include the management of vegetation and wildfire fuels on the Property.

12. Zoning and Development.

a. Owner hereby consents to the zoning of the Property as Business District (B), as defined by § 16-310 of the Green Mountain Falls Municipal Code.

b. Owner may only develop the Property in accordance with this Agreement, Town ordinances and regulations and other applicable law.

c. Rezoning shall conform to the Master Plan and the Town's Master Plan in existence at the time of application for rezoning. Rezoning may occur prior to actual development on the site.

13. Vested Rights. Upon annexation, Owner waives any prior vested property rights that may have been acquired in El Paso County and acknowledges that this Agreement creates no new vested rights.

14. Remedies. Owner's remedies against the Town for the Town's breach of this Agreement are limited to breach of contract claims. The Town's remedies under this Agreement include without limitation the following:

a. The refusal to issue any building permit or certificate of occupancy.

b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.

c. A demand that the security given for the completion of the public improvements be paid or honored.

d. A demand for reimbursement of the cost of any maintenance work performed by the Town on any of the trails or improvements specified in this Agreement, so long as notice to cure was provided to Owner and Owner failed to cure any such maintenance obligation within 24 hours of receiving such notice.

e. The initiation of an action for public nuisance.

f. Any other remedy available at law.

15. Authority of the Town. Nothing in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances or as a waiver or abrogation of the Town's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the Town or its inhabitants.

a. Owner acknowledges that the annexation and subsequent zoning of the Property are subject to the legislative discretion of the Board of Trustees of the Town of Green Mountain Falls. No assurances of annexation or zoning have been made or relied upon by Owner.

b. In the event that the Town of Green Mountain Falls Board of Trustees, in the exercise of its legislative discretion, does not take any action with respect to the Property required herein, then the sole and exclusive remedy for the breach hereof accompanied by the exercise of such discretion shall be the withdrawal of the petition for annexation by Owner, or disconnection from the Town in accordance with state law, as may be appropriate.

16. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Owner, its successors in interest, or their legal representatives, including all developers, purchasers and subsequent owners of the Property, and shall constitute covenants running with the land. This Agreement shall be recorded with the County Clerk and Recorder of El Paso County, Colorado, at Owner's expense.

17. Indemnification. Owner agrees to indemnify and hold harmless the Town and the Town's officers, employees, agents, and contractors, from and against all liability, claims, and demands, including reasonable attorney's fees and court costs, which arise out of or are in any manner connected with the annexation of the Property, or with any other annexation or other action determined necessary or desirable by the Town in order to effectuate the annexation of the Property, or which are in any manner connected with the Town's enforcement of this Agreement. Owner further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the Town's option to pay the reasonable attorney's fees for defense counsel of the Town's choice for any such liability, claims, or demands, which arise out of or are in any manner connected with the annexation of the Property.

18. Termination. If the zoning as set forth herein is not approved by the Town, or if the annexation of the Property is not completed, then this Agreement shall be null and void and of no force and effect whatsoever.

19. Miscellaneous.

a. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in El Paso County, Colorado.

b. No Waiver. Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligation of this Agreement.

c. Integration. This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

- d. Third Parties. There are no intended third-party beneficiaries to this Agreement.
- e. Notice. Any notice under this Agreement shall be in writing and shall be deemed sufficient when directly presented or sent prepaid, first-class U.S. Mail to the Party at the address set forth on the first page of this Agreement.
- f. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.
- g. Modification. This Agreement may only be modified upon written agreement of the Parties.
- h. Assignment. Neither this Agreement nor any of the rights or obligations of the Parties shall be assigned by either Party without the written consent of the other.
- i. Governmental Immunity. The Town and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys or employees.
- j. Subject to Annual Appropriation. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the Effective Date.

**TOWN OF GREEN MOUNTAIN
FALLS, COLORADO**

Jane Newberry, Mayor

ATTEST:

Matthew Gordon, Town Clerk

GREEN MOUNTAIN ROAD, LLC

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this ____ day of _____, 2021, by _____ as _____ of Green Mountain Road, LLC.

My commission expires: _____

(SEAL)

Notary Public

EXHIBIT A
Joyland Church Parcel

Bearing are based on the record bearing of the West line of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., N 01°05'40" E, Monumented as shown on the survey.

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, described as follows:

Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, and containing 1.058 acres.



VICINITY MAP

N.T.S.

Owners

Historic Green Mountain Falls Foundation, LLC
1001 W. Wilshire Blvd, Fourth Floor
Oklahoma City, OK 73116

Christian Keese, Sole Member
Green Mountain Road, LLC
1001 W. Wilshire Blvd, Fourth Floor
Oklahoma City, OK 73116

Legal Descriptions

Watson Parcel:

Lots 28, 29, 30, 31, 32, 33 and 34, and vacated Cheyenne Street adjacent thereto, in Block 18, Addition Number 2 to the Town of Green Mountain Falls, Excepting therefrom That portion of Lots 31 and 32, Block 18, Addition No. 2 to the Town of Green Mountain Falls, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 28 of the records of said county, described as follows: Beginning at the Westerly end of vacated Cheyenne Street; Thence along the Westerly line of said Lot 32, being the Easterly line of High Street, for the following two (2) courses: (1) Thence on a curve to the right having a central angle of 104°11'15", a radius of 25.00', a length of 45.46', and whose chord bears N26°26'13"E; (2) Thence on a curve to the left having a central angle of 99°33'06", a radius of 339.47', a length of 56.59', and whose chord bears N73°45'18"E; Thence S19°07'14"E, 66.65'; Thence S19°06'13"E, 64.98'; Thence S22°32'23"E, 34.82'; Thence S39°24'08"W, 104.03'; Thence along the South and West lines of vacated Cheyenne Street for the following three (3) courses: (1) Thence on a curve to the right having a central angle of 25°02'45", a radius of 166.63', and a length of 72.84'; Thence N25°39'24"W tangent to said curve, 110.42'; Thence N45°45'58"E, 42.20' to the Point of Beginning, County of El Paso, State of Colorado And containing 1.588 acres

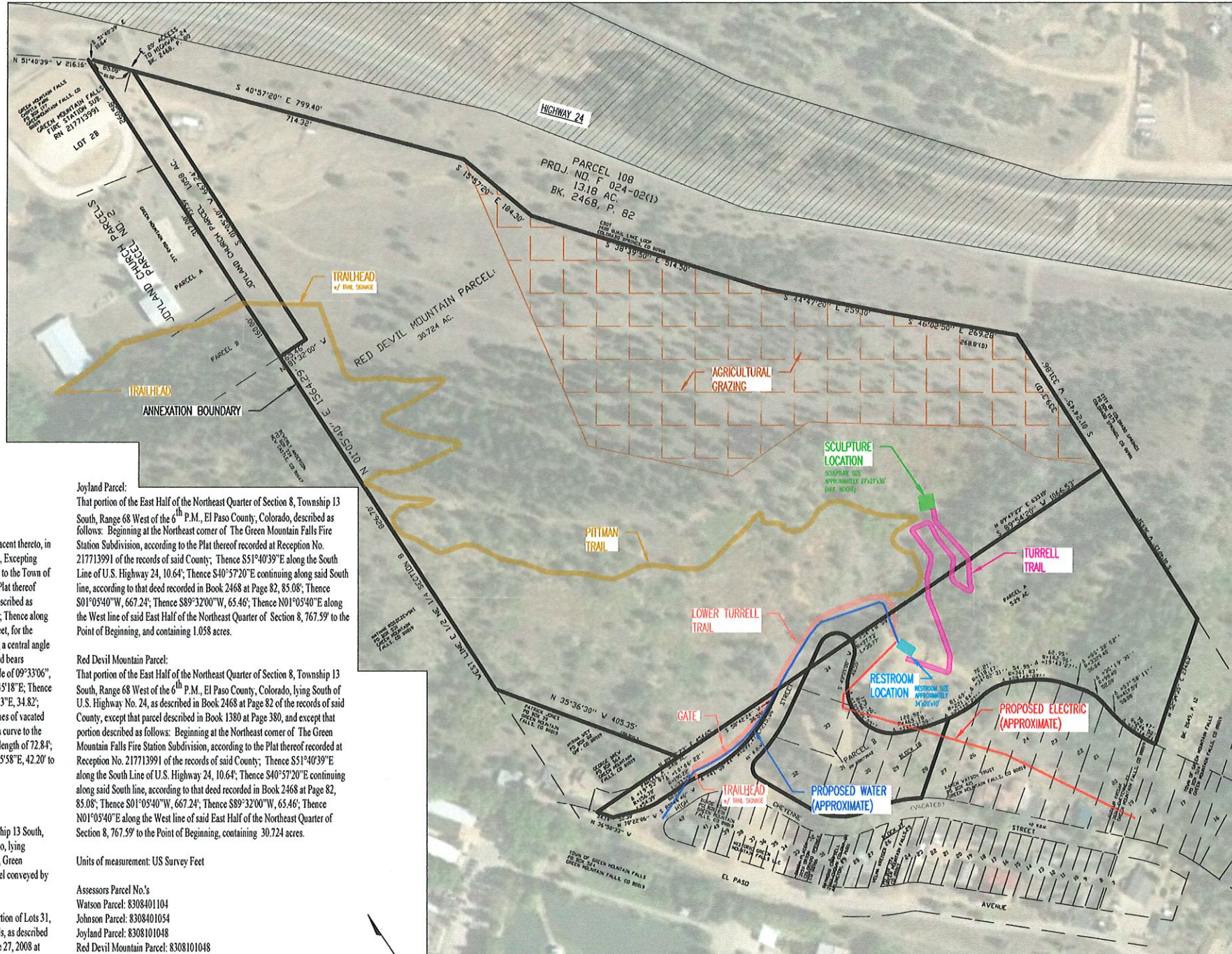
Johnson Parcel A:

That unplatted portion of the Southeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., County of El Paso, State of Colorado, lying Northerly of Block 17 and Northerly and Northeasterly of Block 18, Green Mountain Falls Addition No. 2 and lying Northwesterly of that parcel conveyed by Deed recorded January 9, 1974 in Book 2649 at Page 12.

Johnson Parcel B:

A non-exclusive easement for ingress, egress and utilities over a portion of Lots 31, 32, 33 and 34 in Block 18 in Addition No. 2 to Green Mountain Falls, as described on Shared Driveway and Utility Easement Agreement recorded June 27, 2008 at Reception No. 208073542.

And containing 5.77 acres



Joyland Parcel:

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, and containing 1.058 acres.

Red Devil Mountain Parcel:

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, lying South of U.S. Highway No. 24, as described in Book 2468 at Page 82 of the records of said County, except that parcel described in Book 1380 at Page 380, and except that portion described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, containing 30.724 acres.

Units of measurement: US Survey Feet

Assessors Parcel No.'s

Watson Parcel: 8308401104

Johnson Parcel: 8308401054

Joyland Parcel: 8308101048

Red Devil Mountain Parcel: 8308101048

Proposed Zone: ~~PD~~

Red Devil Mountain - Public Land
Joyland Parcel - Business

CONCEPT PLAN

1" = 100'

REVISIONS	BY

ENTECH
ENGINEERING, INC.
305 ELKTON DRIVE
COLORADO SPRINGS, CO 80907
(719) 531-5599



DEVELOPMENT PLAN
RED DEVIL MOUNTAIN DEVELOPMENT
GREEN MOUNTAIN FALLS, CO
FOR: GREEN MOUNTAIN ROAD, LLC

DRAWN BY: AMH
DESIGNED BY:
CHECKED BY:
DATE: 12/10/2020
SCALE: AS SHOWN
JOB NO.: 201280
SHEET NO.: 1
1 OF 1 SHEETS



VICINITY MAP

N.T.S.

Owners

Historic Green Mountain Falls Foundation, LLC
1001 W. Wilshire Blvd, Fourth Floor
Oklahoma City, OK 73116

Christian Keesee, Sole Member
Green Mountain Road, LLC
1001 W. Wilshire Blvd, Fourth Floor
Oklahoma City, OK 73116

Legal Descriptions

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Units of measurement: US Survey Feet

Assessors Parcel No.'s

Watson Parcel: 8308401104

Johnson Parcel: 8308401054

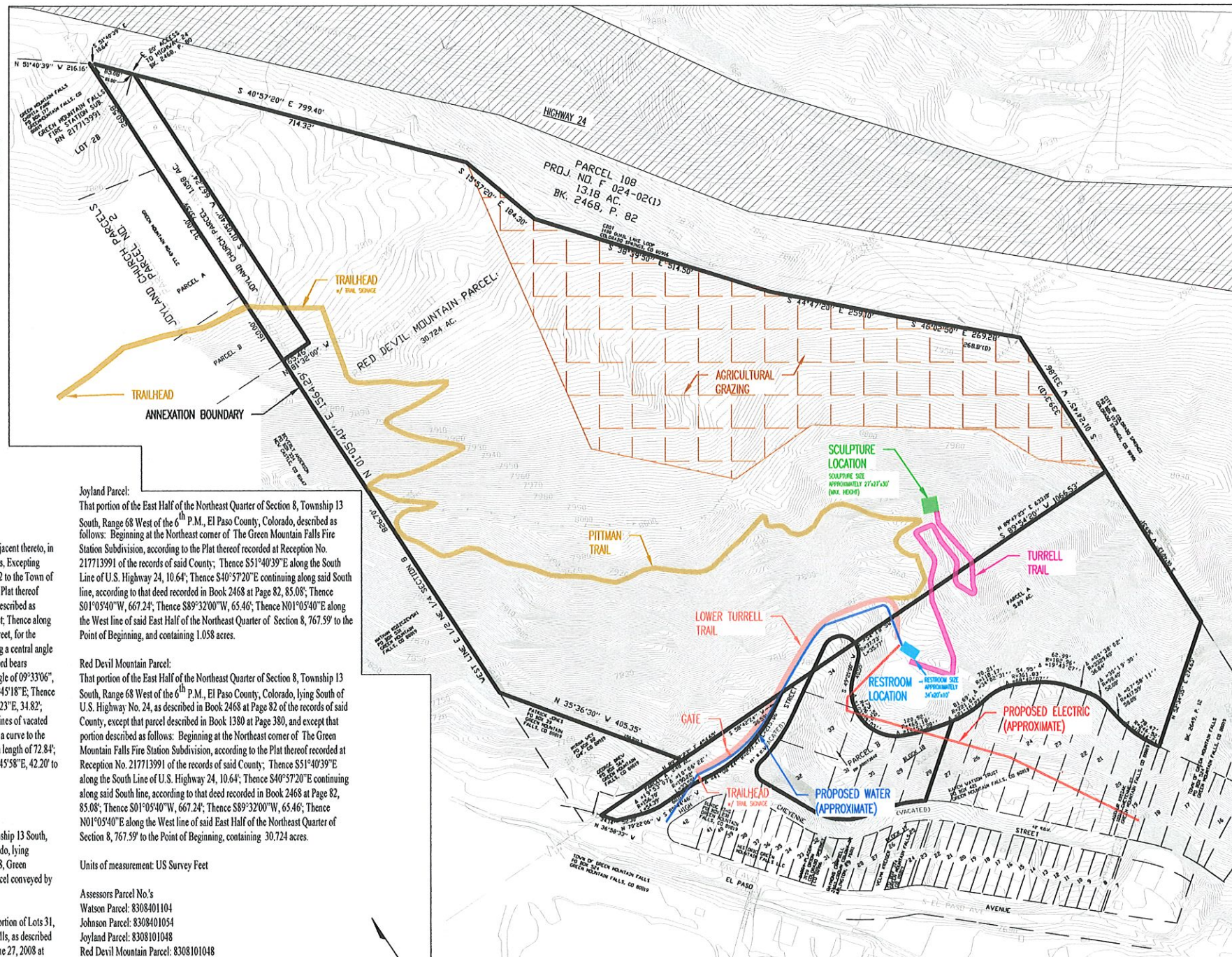
Joyland Parcel: 8308101048

Red Devil Mountain Parcel: 8308101048

Proposed Zone: PUD

Red Devil Mountain - Public Land

Joyland Parcel - Business



SCALE: 1" = 100'

REVISIONS BY

ENTECH
ENGINEERING, INC.

505 ELKTON DRIVE
COLORADO SPRINGS, CO 80907 (719) 531-5599



DEVELOPMENT PLAN
RED DEVIL MOUNTAIN DEVELOPMENT
GREEN MOUNTAIN FALLS, CO
FOR: GREEN MOUNTAIN ROAD, LLC

DRAWN BY: AMW

DESIGNED BY:

CHECKED BY:

DATE: 12/23/2020

SCALE: AS SHOWN

JOB NO.: 201280

SHEET NO.:

2 OF 2 SHEETS

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF Teller

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Pikes Peak Courier, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of Teller, and the State of Colorado, and which is called Pikes Peak Courier; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 12/23/2020

That said newspaper has been published continuously and uninterrupted-ly in said County of Teller for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

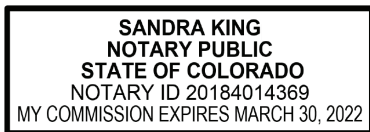


Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 12/28/2020, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette



Document Authentication Number
20184014369-209924

TOWN OF GREEN MOUNTAIN FALLS, COLORADO NOTICE OF PUBLIC HEARINGS
<p>NOTICE IS HEREBY GIVEN of a public hearing before the Town of Green Mountain Falls Board of Trustees concerning the initial zoning of presently unincorporated property known as the Jayland Church Parcel as Business District (B). The legal description of the property is as follows: Bearing are based on the record bearing of the West line of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., N 01°05'40"E, Monumented as shown on the survey. That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, and containing 1.058 acres.</p> <p>NOTICE IS HEREBY GIVEN of a public hearing before the Town of Green Mountain Falls Board of Trustees concerning the initial zoning of presently unincorporated property known as the Red Devil Mountain Parcel as Public Lands District (PL). The legal description of the property is as follows: That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, lying South of U.S. Highway No. 24, as described in Book 2468 at Page 82 of the records of said County, except that parcel described in Book 1380 at Page 380, and except that portion described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, containing 30.724 acres.</p> <p>The public hearings shall be held before the Planning Commission on January 12, 2021, at 6:30 p.m. or as soon as possible thereafter as the agenda of the Board of Trustees permits. The public hearing shall be held via remote video conferencing accessed at the following link: https://us2web.zoom.us/j/84832751421?pwd=M00vaUZZkzB6eUhwEpuRjkrYTBldz09 Meeting ID: 848 3275 1421, Call-in number (346) 2487799. Any interested person may appear and be heard on the application. Further information is available by calling (719) 684-9414.</p> <p>DATED this 23rd day of December, 2021. TOWN OF GREEN MOUNTAIN FALLS, COLORADO Angie Sprang, Town Manager Published in the Pikes Peak Courier December 23, 2020.</p>

Sec. 16-310. - B Business District.

- (a) The B Business District is established, in which the principal use of land is for retailing and personal services to the general public. The uses permitted within this District are those that will provide the maximum amount of service to the general public without creating an adverse impact. The specific intent of this Section is to:
 - (1) Encourage the development of and the continued use of the land for retail, service, office and associated business and commercial uses that can be aggregated at low densities without inducing undue hazards to public health and safety;
 - (2) Permit a concentrated intensive development of the permitted uses while maintaining an adequate relationship between the intensity of land uses and the capacity of supporting utilities and transportation networks; and
 - (3) Encourage the aesthetic development of buildings and storefronts through construction, landscaping and proper maintenance that is compatible with the historical character of the Town.
- (b) Permitted principal uses:
 - (1) Business and professional offices, medical and dental clinics;
 - (2) Retail stores such as groceries, clothing, small appliances, jewelry, sporting goods, books, antiques, bakery and candy;
 - (3) Service establishments such as barber shops, beauty parlors, watch and jewelry repair, pharmacies, laundry and dry cleaners, package liquor stores, taverns, lounges, cafes and restaurants;
 - (4) Post office, banks and printing establishments;
 - (5) Hotels, motels and bed and breakfast dwellings;
 - (6) Public buildings, fire station, library, museum and art galleries;
 - (7) Educational institutions;
 - (8) Religious institutions; and
 - (9) Parks and playgrounds.
- (c) Uses requiring special approval (special uses):
 - (1) Multiple dwelling apartments;
 - (2) Commercial garages;
 - (3) Automobile filling stations;
 - (4) Mini-warehouse storage units;
 - (5) Business and commercial uses other than those listed in Paragraphs (b)(1) through (b)(9) above which are determined by the Planning Commission not to be detrimental to the surrounding development of the Town;

- (d) Development requirements:
 - (1) Minimum lot area: ten thousand (10,000) square feet.
 - (2) Setback requirements:
 - a. Front, fifteen (15) feet.
 - b. Side:
 - 1. Where adjoining a residential district, the standards of that district shall apply.
 - 2. If there is no side yard, the side wall of the building shall be constructed of four-hour fire-resistant material.
 - 3. If the side wall material is less than four-hour fire-resistant, the side yard shall not be less than five (5) feet.
 - c. Rear, fifteen (15) feet.
- (e) Accessory uses and buildings: refer to Article VI of this Land Use Code.
- (f) Off-street parking: refer to Section 16-604.
- (g) Permitted signs: refer to Article IV of this Land Use Code.
- (h) Conformance. All buildings, structures and uses shall conform to the requirements of Section 16-705.

(Ord. 97-01)

Sec. 16-314. - PL Public Lands District.

- (a) Description and purpose. The Public Lands District is intended to provide appropriate land for the continuation and expansion of public, active, recreational pursuits and passive open space use and preservation. Generally, the active parks include playground equipment, athletic fields, tennis courts, swimming pools and other facilities and programs normally associated with public parks. Passive open space may be reserved for natural or environmental reasons, such as preservation of backdrop views, wildlife habitat, vegetation or significant natural or historic resources. The Public Lands District is also suitable for use and designation of trails and associated activities. The term *public lands* may be used to describe the existing or future use of the land or the character of the ownership of the land.
- (b) Where established. Approval for a Public Lands District requires either outright public ownership or a significant public easement or grant of public usage (i.e., long term lease). A determination that a public need exists and the use and location are compatible with adjacent land uses is necessary to establish a Public Lands Zoning District. Conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access and the placement and size of signs and amount of parking may be approved with the establishment of the Public Lands Zoning

District. A development plan which conforms to the provisions of Section 16-712 shall be approved before any building permits may be issued or before construction of any public parks and open space facility may begin.

- (c) Permitted uses. Uses allowed in this District are limited to those under public ownership or control, such as active recreational pursuits (playground equipment, athletic fields, tennis courts, swimming pools and other facilities and programs normally associated with public parks), passive open space preservation (preservation of backdrop views, wildlife habitat, vegetation or significant natural or historic resources) and for use and designation of trails and associated activities. These uses are not typically listed as permitted or conditional uses in other zoning districts. Development standards, such as lot size, setbacks, height of structures, etc., are determined at the time of zoning or development plan review in accordance with the provisions of Section 16-712.

(Ord. 97-01)

Sec. 16-711. - Zoning amendments.

- (a) Initiation of zoning changes. A rezoning may be initiated by the Town, by an initiative petition, or by application of the fee owners of the property that is the subject of the rezoning.
- (b) Submittal requirements. An application for rezoning shall include the following, as applicable:
 - (1) Proof of ownership of the subject property satisfactory to the Town;
 - (2) The reason for the change in zone classification;
 - (3) The total number of acres in the requested area;
 - (4) The number of apartment buildings;
 - (5) The number of dwelling units per building;
 - (6) The number of dwelling units per acre;
 - (7) The number of industrial sites proposed;
 - (8) Typical lot sizes: length and width;
 - (9) Acres and percent of land to be set aside as open space, not to include parking, drives and access roads;
 - (10) Type of proposed recreational facilities;
 - (11) If phased construction is proposed, how it will be phased;
 - (12) Anticipated schedule of development;
 - (13) How water and sewer will be provided;
 - (14) Proposed uses, relationship between uses and densities; and
 - (15) Legal description and drawing. The drawing shall be at a scale suitable to describe the information required and shall include:
 - a. Boundary description of the land to be zoned which shall illustrate the legal description;
 - b. Existing land uses on the property;
 - c. Adjoining property ownership and use;
 - d. Existing and proposed structures;
 - e. Existing and proposed easements; and
 - f. Name and addresses of the petitioner, owners of all interest in the property and the preparer.
- (c) Procedure.
 - (1) Public hearing. The Planning Commission shall conduct a public hearing on the application within seventy-five (75) days of the filing of a complete application and prepare recommendations for the Board of Trustees. After receipt of the Planning Commission recommendation, the Board of Trustees shall conduct a public hearing and render a decision.
 - (2) Criteria. The Town shall consider whether the rezoning complies with at least one of the

following criteria:

- a. The proposed rezoning furthers the goals and policies of the Comprehensive Plan;
- b. The rezoning is consistent with the purpose statement of the proposed zoning district;
- c. There have been significant changes in the area to warrant a zoning change; or
- d. There was an error in establishing the current zoning.

(3) Notice. Notice of the public hearings shall be provided by posting the property and by publication in an official paper or paper of general circulation in the Town at least fifteen (15) days prior to the public hearing. The notice shall describe the time and place of the hearing, the nature of the application, and the subject property.

(d) Protests.

(1) If a valid petition opposing a change in zoning classification is filed with the Town, the proposed amendment may then only be adopted by a favorable vote of two-thirds of all members of the Board of Trustees.

(2) To be valid, the petition shall:

- a. Be signed by the owners of either twenty percent (20%) or more of the property subject to the proposed change; or by twenty percent (20%) or more of the area of land extending a radius of one hundred (100) feet from the boundaries of the property which is subject to the proposed change;
- b. Be received by the Town at least twenty-four (24) hours prior to the public hearing before the Board of Trustees; and
- c. Be on a form provided by the Town and containing all the information requested on the form.

(Ord. 97-01; Ord. No. 2019-02, § 1, 5-7-2019)

Sec. 16-712. - Development plan requirements.

The following information is required on all development plan proposals:

- (1) The location, height and dimensions of each existing and proposed structure in the development area and the uses to be contained therein.
- (2) The proper building setbacks and building area with reference to property lines, highways or street rights-of-way;
- (3) The location and surfaces of all parking areas and the exact number of parking spaces;
- (4) The location of watercourses and other natural historic features;
- (5) The location of all pedestrian walks, malls, recreation and other open spaces;
- (6) The location, number, height and square footage of freestanding identification signs;
- (7) The location, height, size and orientation of any required light standards;

- (8) The location of all permanent accesses from publicly dedicated streets, roads or highways;
- (9) The location, overlain on contours for the area, of all roadways, walkways, bridges, culverts, drainage easements, existing or contemplated, and green belts;
- (10) The location of all footpaths, traffic islands, traffic devices and driveways, indicating the pedestrian and vehicular movement and control;
- (11) The stages, if appropriate, in which the project will be developed; and
- (12) A vicinity map to locate the development in relation to the community.

(Ord. 97-01)



To: Planning Commission
From: GMF Land Use & Planning Staff
Date: January 7, 2021
Re: Ordinance 2021-04, Zoning of Newly Annexed Land, Red Devil Mountain Parcel

Background

The Applicant is requesting the Planning Commission's consideration and recommendation to the Board of Trustees for Zoning the subject property into the Public Lands (PL) designation.

Planning Commission Recommended Actions:

- Public hearing
- Review petition and attachments for compliance with Green Mountain Falls Zoning Code
- Recommend approval, approval subject to conditions, or disapproval to Board of Trustees

Discussion

Existing Land Use and Zoning

According to the plat map and the El Paso County Assessor, the land is a 29.27-acre parcel, purchased by Historic Green Mountain Falls Foundation, LLC, in July 2019. Some information on the EPC site will need to be corrected when the petitioner files with the Clerk and Recorder. The plat map and legal description is attached. The existing zoning in unincorporated El Paso County is RT, Residential Topographic

Sec. 16-304. - Zoning of newly annexed territory.

Any area annexed to the Town after the effective date of this Land Use Code shall be given a zone designation under the provisions of the Zoning Ordinance within ninety (90) days from the effective date of the annexation ordinance. During this period no building permits shall be issued on any portion or all of the newly annexed area until such time as the property is designated on the Zoning Map.

Board of Trustees approved Ordinance 2021-02, Annexing Red Devil Mountain Parcel into GMF on January 5, 2021 and approved the attached Annexation Agreement by Resolution.

Sec. 16-314. - PL Public Lands District.

*(a) **Description and purpose.** The Public Lands District is intended to provide appropriate land for the continuation and expansion of public, active, recreational pursuits and passive open space use and preservation. Generally, the active parks include playground equipment, athletic fields, tennis courts, swimming pools and other facilities and programs normally associated with public parks. Passive open space may be reserved for natural or environmental reasons, such as*

preservation of backdrop views, wildlife habitat, vegetation or significant natural or historic resources. The Public Lands District is also suitable for use and designation of trails and associated activities. The term public lands may be used to describe the existing or future use of the land or the character of the ownership of the land.

(b) Where established. *Approval for a Public Lands District requires either outright public ownership or a significant public easement or grant of public usage (i.e., long term lease). A determination that a public need exists and the use and location are compatible with adjacent land uses is necessary to establish a Public Lands Zoning District. Conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access and the placement and size of signs and amount of parking may be approved with the establishment of the Public Lands Zoning*

(c) Permitted uses. *Uses allowed in this District are limited to those under public ownership or control, such as active recreational pursuits (playground equipment, athletic fields, tennis courts, swimming pools and other facilities and programs normally associated with public parks), passive open space preservation (preservation of backdrop views, wildlife habitat, vegetation or significant natural or historic resources) and for use and designation of trails and associated activities. These uses are not typically listed as permitted or conditional uses in other zoning districts. Development standards, such as lot size, setbacks, height of structures, etc., are determined at the time of zoning or development plan review in accordance with the provisions of Section 16-712.*

The Petitioner is working in a private-public partnership with GMF. Per the 25-year easements established in the agreements, the Petitioner is maintaining the trails, wildland access corridor, passive recreation, and associated public facilities to meet the code requirements in this section. The Board will be considering management plans prior to the Green Box Arts festival this summer, and the Board will continue to assess the progress, partnership, and any unforeseen issues that may arise during the first year of offering this resource to the public.

Town Attorney has reviewed the zoning designation and drafted the attached Annexation Agreement, a contract between HGMFF and GMF, as an understanding for what each entity is responsible for. Any development proposals/ land use approvals will be considered individually, referring back to the agreement and the PL standards.

Sec. 16-711. - Zoning amendments.

GMF Zoning Code full text for this section is attached. The proposed zoning was initiated by petition as part of the annexation of RDM parcel. Plat map, legal description, and existing conditions was submitted and is included as part of the annexation. Section (c), Procedure, establishes that a publicly notice public hearing, shall be held by the PC and BoT. The affidavit of publication is attached, and the property has been physically posted by Public Works.

Section 16-711(c)(2), Criteria:

The Town shall consider whether the rezoning complies with at least one of the following criteria:

- a. The proposed rezoning furthers the goals and policies of the Comprehensive Plan;*
- b. The rezoning is consistent with the purpose statement of the proposed zoning district;*
- c. There have been significant changes in the area to warrant a zoning change; or*
- d. There was an error in establishing the current zoning.*

Staff believes the rezoning, and in this instance, initial zoning, is satisfied because the proposal furthers the goals and policies of the Comprehensive Plan, *Plan GMF* approved by the Planning Commission and Board of Trustees in 2019. Town Attorney has reviewed the petition and all materials and drafted the Public Lands Zoning Ordinance, 2021-04, for PC consideration. The attached Annexation Agreement for RDM establishes the contractual responsibilities of each party and includes the language on zoning designation.

Sec. 16-712. - Development plan requirements.

The following information is required on all development plan proposals:

- (1) The location, height and dimensions of each existing and proposed structure in the development area and the uses to be contained therein.*
- (2) The proper building setbacks and building area with reference to property lines, highways or street rights-of-way;*
- (3) The location and surfaces of all parking areas and the exact number of parking spaces;*
- (4) The location of watercourses and other natural historic features;*
- (5) The location of all pedestrian walks, malls, recreation and other open spaces;*
- (6) The location, number, height and square footage of freestanding identification signs;*
- (7) The location, height, size and orientation of any required light standards;*
- (8) The location of all permanent accesses from publicly dedicated streets, roads or highways;*
- (9) The location, overlain on contours for the area, of all roadways, walkways, bridges, culverts, drainage easements, existing or contemplated, and green belts;*
- (10) The location of all footpaths, traffic islands, traffic devices and driveways, indicating the pedestrian and vehicular movement and control;*
- (11) The stages, if appropriate, in which the project will be developed; and*
- (12) A vicinity map to locate the development in relation to the community.*

Proposed sketch development plan for RDM parcel is provided. Development is being limited to the Skyspace art installation, trails, access road, and large animal grazing. Additional requirements (restrooms, parking, traffic, and maintenance/management) are comprehensively addressed in the contract, which was approved by the Board. Drainage is being addressed at a site plan review level to minimize/prevent erosion and off-site drainage. The Hillside Overlay (HO) will apply to the sections of the parcel that exceed the maximum slope, as designated in Section 16 and may include the entire RDM parcel. The petitioner will be required to provide

this information and the overlay will be applied as an administrative function during the next round of mapping.

Conclusion

Staff, in consultation with Town Attorney, has reviewed the Petitioner's materials and concludes that the zoning petition for Red Devil Mountain parcel to be annexed and zoned (PL) Public Lands is consistent with GMF Zoning Code. Therefore, Staff recommends the Planning Commission forward a recommendation of approval to the Board for its January 19, 2021 public hearing.

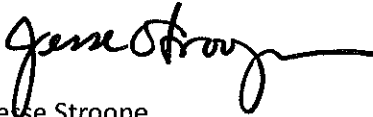
Town of Green Mountain Falls

December 29, 2020

Dear Planning Commissioners and Board of Trustees,

Please find attached an application for a zoning amendment for 10325 W. US Highway 24. Historic Green Mountain Falls Foundation requests consideration in changing zoning from Agriculture zoning to Public Land zoning if annexation of this property is achieved. Public Land zoning most accurately encompasses the planned use of the property as described in the Red Devil Mountain Concept Plan. The property is 30.724 Acres. Approximately 90 percent of the property will be set aside as open space and the developed portions of the property will have a hiking trail and art installation. Further details can be found in the Red Devil Mountain Concept Plan.

Thank you in advance for your consideration,

A handwritten signature in black ink, appearing to read "Jesse Stroope", with a long horizontal flourish extending to the right.

Jesse Stroope

Project Planner

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS ZONING CERTAIN RECENTLY ANNEXED PROPERTY TO PUBLIC LANDS DISTRICT (RED DEVIL MOUNTAIN PARCEL ANNEXATION)

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. Findings of Fact.

a. The Town desires to zone certain property recently annexed to the Town and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), to Public Lands District (PL).

b. Public notice has been given as follows and as required by C.R.S. § 31-23-304 and Green Mountain Falls Code Sec. 16-711:

i. One publication in a newspaper of general circulation within the Town at least 15 days before the public hearing of such rezoning; and

ii. Notice of such hearing was posted on the Property.

c. A need exists for zoning the Property to Public Lands District (PL) and doing so will meet the following criteria in Green Mountain Falls Code Sec. 16-711:

i. The zoning will promote the public health, safety, and general welfare;

ii. The zoning furthers the goals and policies of the Comprehensive Plan; and

iii. The rezoning is consistent with the purpose statement of the Public Lands District (PL) zoning district, which is to provide appropriate land for the continuation and expansion of public, active, recreational pursuits and passive open space use and preservation.

Section 2. Based on the foregoing findings, the Property is hereby zoned Public Lands District (PL), and the Town's Zoning Map is hereby amended accordingly.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

ADOPTED AND ORDERED PUBLISHED the day of , 2021, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado 80819.

Jane Newberry, Mayor

ATTEST:

Matthew Gordon, Town Clerk/Treasurer

Published in the Pike Peaks Courier, December 23, 2020.

EXHIBIT A
Property

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, lying South of U.S. Highway No. 24, as described in Book 2468 at Page 82 of the records of said County, except that parcel described in Book 1380 at Page 380, and except that portion described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°005'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°005'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, containing 30.724 acres.

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2021-04

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ii. Notice of such hearing was posted on the Property.

c. A need exists for zoning the Property to Public Lands District (PL) and doing so will meet the following criteria in Green Mountain Falls Code Sec. 16-711:

i. The zoning will promote the public health, safety, and general welfare;

ii. The zoning furthers the goals and policies of the Comprehensive Plan; and

iii. The rezoning is consistent with the purpose statement of the Public Lands District (PL) zoning district, which is to provide appropriate land for the continuation and expansion of public, active, recreational pursuits and passive open space use and preservation.

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ANNEXATION AGREEMENT
Red Devil Mountain Parcel

THIS ANNEXATION AGREEMENT (the "Agreement") is made and entered into this ____ day of January, 2021 (the "Effective Date") by and between the Town of Green Mountain Falls, a Colorado municipality with an address of 10615 Unit B, Green Mountain Falls Road, Green Mountain Falls, Colorado, 80819 (the "Town"), and Historic Green Mountain Falls Foundation, LLC of the Kirkpatrick Family Fund, an affiliated fund of the Oklahoma City Community Foundation, with an address of 1001 North Broadway, Oklahoma City, Oklahoma 73102 ("Owner") (each a "Party" and collectively the "Parties").

WHEREAS, Historic Green Mountain Falls Foundation, LLC is the owner of certain real property known as the Red Devil Mountain Parcel located in unincorporated El Paso County and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, Owner desires to have the Property annexed to the Town; and

WHEREAS, the Town wishes to annex the Property into the Town upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing recitals, mutual covenants, and promises set forth below, the receipt and sufficiency of which are mutually acknowledged, the Parties hereby agree as follows:

1. Annexation. The annexation of the Property shall be in accordance with the Colorado Municipal Annexation Act of 1965, as amended.
2. Purpose. The purpose of this Agreement is to set forth the terms, conditions, and fees to be paid by Owner upon annexation and initial development of the Property. Unless otherwise expressly provided to the contrary herein, all conditions contained herein are in addition to any and all requirements of the Green Mountain Falls Municipal Code, as amended, and other applicable law.
3. Water and Sewer Service. The Town does not currently provide water or wastewater services within the Town. If at the time of development of the Property, the Town provides water or wastewater services capable of serving the Property, the Property shall connect to such services in accordance with the Town's regulations in effect at the time at the sole expense of Owner and the construction and extension of any such necessary lines and associated infrastructure shall be constructed in accordance with Town standards and specifications. Owner shall further be required to acquire at its own expense and dedicate to the Town, in a form acceptable to the Town in the Town's sole judgment, easements necessary to provide for the location of water and wastewater distribution, collection and transmission lines and related facilities serving the planned development on the Property.
4. Drainage. Owner is responsible for all erosion control and management of drainage from the Property. Individual drainage plans shall be prepared and submitted by Owner to the Town and approved by the Town Engineer prior to approval of any building permit. The area addressed

by each individual drainage plan shall be established by the Town Engineer at the time of building permit application and shall be sufficient to cover the impacts to drainage and erosion, both on and off-site, if applicable, caused by the development to which the building permit is issued. If determined by the Town Engineer to be necessary, such drainage plans shall include the construction of facilities for the safe discharge of all surface and subsurface water into a drainage conveyance facility. Owner shall be solely responsible for the construction, designs, and costs of all drainage improvements included in the drainage plans. Construction of all drainage improvements in each drainage plan shall be completed as set forth in a separate improvements agreement, which shall be entered into by the Parties prior to issuance of a building permit for any development on the Property. Owner shall incorporate each individual drainage plan into a Master Development Drainage Plan which shall be prepared and submitted by Owner to the Town and approved by the Town Engineer prior to Owner performing any road mitigation work.

5. Trail Easement and Improvements.

a. Owner shall construct and grant a 25-year public trail easement at least 30 feet in width, to the Town, in a form acceptable to the Town in its sole judgment, for a new trail to be known as the Pittman Trail (the "Pittman Trail") to cross the Property from an access point near Gazebo Lake, over Red Devil Mountain, and down to the site of the former Joyland Church. Owner shall consult with the Town Parks, Recreation, and Trails Advisory Committee for the design, layout, and signage of the Pittman Trail prior to dedication of the easement.

b. Owner shall construct and grant a 25-year public trail easement at least 30 feet in width, to the Town, in a form acceptable to the Town in its sole judgment, for a new access trail (the "access trail") to cross the Property from an access point near El Paso Street to the site of Owner's proposed art installation. Owner shall consult with the Town Parks, Recreation, and Trails Advisory Committee for the design, layout, and signage of the access trail prior to dedication of the easement.

c. Owner shall be solely responsible for maintenance of the Pittman Trail and the access trail. On or before June 1, 2021, Owner shall prepare and submit to the Town, and the Town shall approve, a comprehensive and professionally reviewed Trail Management Plan for all public trails, including without limitation the Pittman Trail and access trail. At a minimum, the Trail Management Plan shall specify the maintenance and construction standards and schedules for the trails, trail use policies and safety standards for public users, and policies for reducing the environmental impact of the trails on and near sensitive resources, habitats, riparian areas, and native and special-status plant and animal species. The Trail Management Plan shall also include provisions for parking planning, impacts, and traffic management. The Trail Management Plan shall be updated annually, with Owner providing the Town with qualitative and quantitative user information sufficient to evaluate impacts on the Town caused by the development of the Property. Such information shall be provided to the Town by Owner by January 30 of each year, beginning in 2022. Thereafter, the Trail Management Plan shall be updated to address and mitigate these impacts and any required improvements or management steps under the Plan shall be implemented by June 1 of that same year.

d. The Pittman Trail and access trail shall be open to the public at no charge, and shall remain open to the public during hours established in the Trails Management Plan. Owner may temporarily close the trails for maintenance, unsafe conditions, or for publicly noticed and scheduled private events, with notice provided for closures as established in the Trails Management Plan.

6. Public Art Improvements. Owner shall be responsible for the cost of design and construction of all public art improvements on the Property. The public art improvements shall be open to the public at no charge.

7. Public Restroom Improvements. Owner shall be responsible for the cost of design and construction of all public restroom improvements on the Property, as deemed necessary to meet demand as set forth in the Trail Management Plan, as amended and updated. At a minimum, Owner shall be responsible for the design and construction of one permanent restrooms on the Property located near the public art installation. The number of stalls shall be suitable to serve the projected visitors to the Property unless additional restrooms are constructed, and the restroom shall comply with the accessibility and construction requirements of the Americans with Disabilities Act, 42 U.S.C. § 12101 (the "ADA") for required accessibility. A temporary restroom installation is acceptable until a permanent public restroom structure is built, however, a permanent public restroom shall be in place no later than May 30, 2022. Notwithstanding the foregoing, the permanent restroom must be functional prior to the public opening of the Pittman Trail or access trail. Unless otherwise provided by separate agreement of the Parties, restroom maintenance shall be the sole responsibility of Owner.

8. Parking Improvements. As part of the Trail Management Plan, on or before June 1, 2021, Owner shall prepare and submit to the Town, and the Town shall approve, a comprehensive and professionally reviewed Parking Plan to include without limitation maps, signage, and number of spaces at all dedicated locations. Owner shall be responsible for the cost of design and construction of all public and private parking improvements on the Property sufficient to meet demand for usage, as determined necessary by the Trails Management Plan, as amended and updated. All on-site parking shall be incorporated into the Town's paid parking program by a separate parking management agreement, which shall include terms regarding parking rates and revenue sharing. Owner shall not charge a fee for parking except in accordance with the Town's parking program and the applicable parking management agreement. Unless otherwise provided by separate agreement of the Parties, parking lot maintenance, snow removal, and trash removal shall be the responsibility of Owner.

9. Maintenance Plan. As part of the Trail Management Plan, on or before June 1, 2021, Owner shall prepare and submit to the Town, and the Town shall approve, a comprehensive and professionally reviewed Maintenance Plan for all public trails, art installations, restrooms, and other public improvements. The Maintenance Plan shall consider the need for public safety and the impacts of the public on the Property for matters such as trash and debris removal and preservation and conservation of open space. The Maintenance Plan shall provide a clear narrative of how Owner shall maintain the Property and the publicly accessible improvements to best serve the public and meet the continuing goals of the Public Lands District for the Red Devil Mountain Parcel. Once approved, the Maintenance Plan shall be binding upon Owner and shall be

enforceable by the Town. The Maintenance Plan is in addition to any other required plan under this Agreement, including without limitation, the Trail Management Plan.

10. Traffic Study. As part of the Trail Management Plan, on or before June 1, 2021, Owner shall prepare and submit to the Town a comprehensive and professionally prepared Traffic Study addressing the anticipated impacts of the proposed development of the Property to traffic safety, congestion, current and proposed levels of service, and access to and from downtown Green Mountain Falls. Owner shall mitigate the negative impacts on traffic congestion caused by development of the Property as identified in the Traffic Study, to the satisfaction of the Town as a condition of the Town's approval of Owner's development plan.

11. Road Improvements. Owner shall be responsible for the cost of design and construction of all public or private access improvements, including without limitation the construction and design of new or improved streets, roads, and driveways, to and from the Property as needed for any such road to comply with the Town's current standards and specifications. At the time any such new or improved public street, road, or driveway is requested by Owner or initiated by the Town to serve the Property, Owner shall reimburse the Town its proportional cost for the extension of such service and conferral of such benefit upon the Property within 90 days of written request from the Town made after the improvements are complete. The decision whether to extend or improve any such public access improvement shall be at the sole discretion of the Town. Any road improvements dedicated to and accepted by the Town shall be maintained by the Town at the Town's sole expense.

12. Wildfire Mitigation. Owner shall cooperate and consult with the Green Mountain Falls Marshal, the Green Mountain Falls/Chipeta Park Fire Protection District, and the Town Fire Mitigation Advisory Committee to form a Wildfire Mitigation and Prevention Plan for the Property and shall promptly comply with such wildfire mitigation and prevention measures, which shall include the management of vegetation and wildfire fuels on the Property.

13. Zoning and Development.

a. Owner hereby consents to the zoning of the Property as Public Lands District (PL), as defined by §16-314 of the Green Mountain Falls Municipal Code. Large animal grazing shall be allowed, which shall preserve open space viewsheds and provide an opportunity for education and rehabilitation.

b. Owner may only develop the Property in accordance with this Agreement, Town ordinances and regulations and other applicable law.

c. Rezoning shall conform to the Master Plan and the Town's Master Plan in existence at the time of application for rezoning. Rezoning may occur prior to actual development on the site.

14. Vested Rights. Upon annexation, Owner waives any prior vested property rights that may have been acquired in El Paso County and acknowledges that this Agreement creates no new vested rights.

15. Remedies. Owner's remedies against the Town for the Town's breach of this Agreement are limited to breach of contract claims. The Town's remedies under this Agreement include without limitation the following:

- a. The refusal to issue any building permit or certificate of occupancy.
- b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.
- c. A demand that the security given for the completion of the public improvements be paid or honored.
- d. A demand for reimbursement of the cost of any maintenance work performed by the Town on any of the trails or improvements specified in this Agreement, so long as notice to cure was provided to Owner and Owner failed to cure any such maintenance obligation within 24 hours of receiving such notice.
- e. The initiation of an action for public nuisance.
- f. Any other remedy available at law.

16. Authority of the Town. Nothing in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances or as a waiver or abrogation of the Town's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the Town or its inhabitants.

a. Owner acknowledges that the annexation and subsequent zoning of the Property are subject to the legislative discretion of the Board of Trustees of the Town of Green Mountain Falls. No assurances of annexation or zoning have been made or relied upon by Owner.

b. In the event that the Town of Green Mountain Falls Board of Trustees, in the exercise of its legislative discretion, does not take any action with respect to the Property required herein, then the sole and exclusive remedy for the breach hereof accompanied by the exercise of such discretion shall be the withdrawal of the petition for annexation by Owner, or disconnection from the Town in accordance with state law, as may be appropriate.

17. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Owner, its successors in interest, or their legal representatives, including all developers, purchasers and subsequent owners of the Property, and shall constitute covenants running with the land. This Agreement shall be recorded with the County Clerk and Recorder of El Paso County, Colorado, at Owner's expense.

18. Indemnification. Owner agrees to indemnify and hold harmless the Town and the Town's officers, employees, agents, and contractors, from and against all liability, claims, and demands, including reasonable attorney's fees and court costs, which arise out of or are in any manner connected with the annexation of the Property, or with any other annexation or other action determined necessary or desirable by the Town in order to effectuate the annexation of the

Property, or which are in any manner connected with the Town's enforcement of this Agreement. Owner further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the Town's option to pay the reasonable attorney's fees for defense counsel of the Town's choice for any such liability, claims, or demands, which arise out of or are in any manner connected with the annexation of the Property.

19. Termination. If the zoning as set forth herein is not approved by the Town, or if the annexation of the Property is not completed, then this Agreement shall be null and void and of no force and effect whatsoever.

20. Miscellaneous.

a. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in El Paso County, Colorado.

b. No Waiver. Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligation of this Agreement.

c. Integration. This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

d. Third Parties. There are no intended third-party beneficiaries to this Agreement.

e. Notice. Any notice under this Agreement shall be in writing and shall be deemed sufficient when directly presented or sent prepaid, first-class U.S. Mail to the Party at the address set forth on the first page of this Agreement.

f. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

g. Modification. This Agreement may only be modified upon written agreement of the Parties.

h. Assignment. Neither this Agreement nor any of the rights or obligations of the Parties shall be assigned by either Party without the written consent of the other.

i. Governmental Immunity. The Town and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys or employees.

j. Subject to Annual Appropriation. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is

subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the Effective Date.

**TOWN OF GREEN MOUNTAIN
FALLS, COLORADO**

Jane Newberry, Mayor

ATTEST:

Matthew Gordon, Town Clerk

**HISTORIC GREEN MOUNTAIN
FALLS FOUNDATION, LLC**

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this ____ day of _____, 2021, by _____ as _____ of Historic Green Mountain Falls Foundation, LLC.

My commission expires: _____

(SEAL)

Notary Public

EXHIBIT A
Red Devil Mountain Parcel

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, lying South of U.S. Highway No. 24, as described in Book 2468 at Page 82 of the records of said County, except that parcel described in Book 1380 at Page 380, and except that portion described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°005'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°005'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, containing 30.724 acres.

(d) Development requirements:

(1) Minimum lot area: ten thousand (10,000) square feet.

(2) Setback requirements:

a. Front, fifteen (15) feet.

b. Side:

1. Where adjoining a residential district, the standards of that district shall apply.

2. If there is no side yard, the side wall of the building shall be constructed of four-hour fire-resistant material.

3. If the side wall material is less than four-hour fire-resistant, the side yard shall not be less than five (5) feet.

c. Rear, fifteen (15) feet.

(e) Accessory uses and buildings: refer to Article VI of this Land Use Code.

(f) Off-street parking: refer to Section 16-604.

(g) Permitted signs: refer to Article IV of this Land Use Code.

(h) Conformance. All buildings, structures and uses shall conform to the requirements of Section 16-705.

(Ord. 97-01)

Sec. 16-314. - PL Public Lands District.

(a) Description and purpose. The Public Lands District is intended to provide appropriate land for the continuation and expansion of public, active, recreational pursuits and passive open space use and preservation. Generally, the active parks include playground equipment, athletic fields, tennis courts, swimming pools and other facilities and programs normally associated with public parks. Passive open space may be reserved for natural or environmental reasons, such as preservation of backdrop views, wildlife habitat, vegetation or significant natural or historic resources. The Public Lands District is also suitable for use and designation of trails and associated activities. The term *public lands* may be used to describe the existing or future use of the land or the character of the ownership of the land.

(b) Where established. Approval for a Public Lands District requires either outright public ownership or a significant public easement or grant of public usage (i.e., long term lease). A determination that a public need exists and the use and location are compatible with adjacent land uses is necessary to establish a Public Lands Zoning District. Conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access and the placement and size of signs and amount of parking may be approved with the establishment of the Public Lands Zoning

District. A development plan which conforms to the provisions of Section 16-712 shall be approved before any building permits may be issued or before construction of any public parks and open space facility may begin.

- (c) Permitted uses. Uses allowed in this District are limited to those under public ownership or control, such as active recreational pursuits (playground equipment, athletic fields, tennis courts, swimming pools and other facilities and programs normally associated with public parks), passive open space preservation (preservation of backdrop views, wildlife habitat, vegetation or significant natural or historic resources) and for use and designation of trails and associated activities. These uses are not typically listed as permitted or conditional uses in other zoning districts. Development standards, such as lot size, setbacks, height of structures, etc., are determined at the time of zoning or development plan review in accordance with the provisions of Section 16-712.

(Ord. 97-01)

STAFF REPORT MEMO

Public Restrooms on Johnson Property

- Architectural Plan Review
- Grading/ECP
- Special Use Permit



To: Planning Commission
From: GMF Land Use & Planning Staff
Date: January 10, 2021
Re: Special Use Permit for Restrooms at 10400 El Paso Avenue

Background

The Applicant, Jesse Stroope on behalf of Historic Green Mountain Falls Foundation, LLC., is requesting the Commission's consideration and recommendation to the Board on a Special Use Permit for the construction of public restroom facility in R-1 5-Acre Hillside Single-Family Residential District at 10400 El Paso Avenue.

In addition, the applicant submitted site plans for Architectural Plan Review and a Grading/Erosion Control Plan. All items can be considered separately if the PC prefers; however, staff has determined that they are dependent and integral to one another and therefor has prepared one staff memo and report.

Planning Commission Recommended Actions:

- Public hearing
- Review proposed project for compliance with all relevant sections of GMF Zoning Code
- Recommend approval, approval subject to conditions, or disapproval to Board of Trustees

Discussion

Sec. 16-308, R-1 5-Acre Hillside Single-Family Residential District

The electronic file maintained by Town Hall, *Official Town Zoning Map 2007*, and the El Paso County Assessor's Office show the parcel is owned by the Applicant, Historic Green Mountain Falls Foundation since April 2020, as 7.14-Acre lot R-1 5-Acre Hillside Single-Family Residential District.

Section 16-308 (a) lists policies of this zoning designation, which are to minimize disturbances to unique natural features, provide safe access to difficult sites, minimize runoff and erosion, provide for appropriate density and development, and prevent undue cost and burden on the town. The proposed restroom facility will be accessed by a road and trail, to be considered during land use approval with a grading and ECP. Staff believes the proposed development is consistent with the policies and that through the additional review by Town Engineer, is compliant.

The permitted principal use (b) is single family dwellings and the reason for the Special Use Permit for restrooms; the proposed facility's special approval falls under educational institutions, public buildings, and parks. Staff is considering this a Special Use under §16-308(c)(3), public buildings, to be developed with trails and passive recreation.

Site plan designs show the proposed structure meets minimum development requirements (§16-308(d)) for lot area and setbacks. At the time of writing this memo, Staff is waiting for clarification that the minimum frontage and lot width is compliant with 16-308(d)(2) and (3).

Sec. 16-312. - HO Hillside Overlay Zone.

The purpose of these regulations is to specify conditions for any type of development in areas where, due to topography, disturbance of the natural environment or for other reasons, problems are created which are detrimental to the public health, safety and welfare.

The parcel is subject to the additional scrutiny, per the zoning designation and Hillside Overlay Zone that sets a more stringent requirements on developers to protect the public health and safety. The requirements are outlined in the grading and erosion control section of this memo, below.

Sec. 16-705. - Building permits; architectural review

The code language of for section 16-705, which is considered by the PC in each instance of land use approval, is attached for review.

As a minimum, the following specific criteria shall be considered by the Planning Commission

- a. Architectural compatibility;*
- b. Bulk of the proposed building or structure in relation to surrounding buildings and land;*
- c. Vehicular access and parking;*
- d. Pedestrian access; and*
- e. Relation to existing and future open space.*

Staff believes the proposed project is consistent with the policies in §16-705 and the site design makes every effort to reduce footprint, utilize the most reasonable location for development, and limit unnecessary viewshed obstructions.

Sec. 16-714. - Hillside Overlay Zone requirements.

Sec. 17-81 - 99. - Grading permit and erosion control plan

The overlay requirements provide an additional layer of scrutiny and allow for conditions or restrictions on the development proposal. The Commission may recommend the Board place mitigation measures or standards, as specified in Code. The robust nature of both sections is intended to minimize or eliminate liability and the potential for future damage on the subject property and unintended off-site runoff. In this instance, due to slopes and location, Staff believes the Commission and Board are best served when relying on a professional engineer, as is the requirement in Sec 17-83, ECP. Town Engineer will be consulted to review the site plans and erosion control measures against all relevant sections of code and coordinate with the Applicant's engineer for consistency and compliance and to ensure public health and safety are considered.

The Commission can review and forward a recommendation to the Board; Conditions of issuance, §17-90, is attached for consideration.

Conclusion

Since this is a Special Use Permit, the Architectural Plan Review, Grading, and Erosion Control will also be forwarded to the Board, for final dis/approval or conditions. Staff has reviewed the Applicant's application and materials and recommends approval of Special Use Permit, Architectural Plan Review, Grading, and ECP, with the condition that Town Engineer review the site plan designs for compliance with relevant sections of Section 16, Hillside Overlay and Section 17, Grading permit and ECP.

Town of Green Mountain Falls

December 29, 2020

Dear Planning Commissioners and Board of Trustees,

Please find attached an application for a special use permit at 10400 El Paso Ave. Requested use of the property is to build a public restroom which is part of the greater Red Devil Mountain Concept Plan. This plan is attached to the submission for reference. Building drawings have also been submitted for set back and architectural review.

Thank you in advance for your consideration,

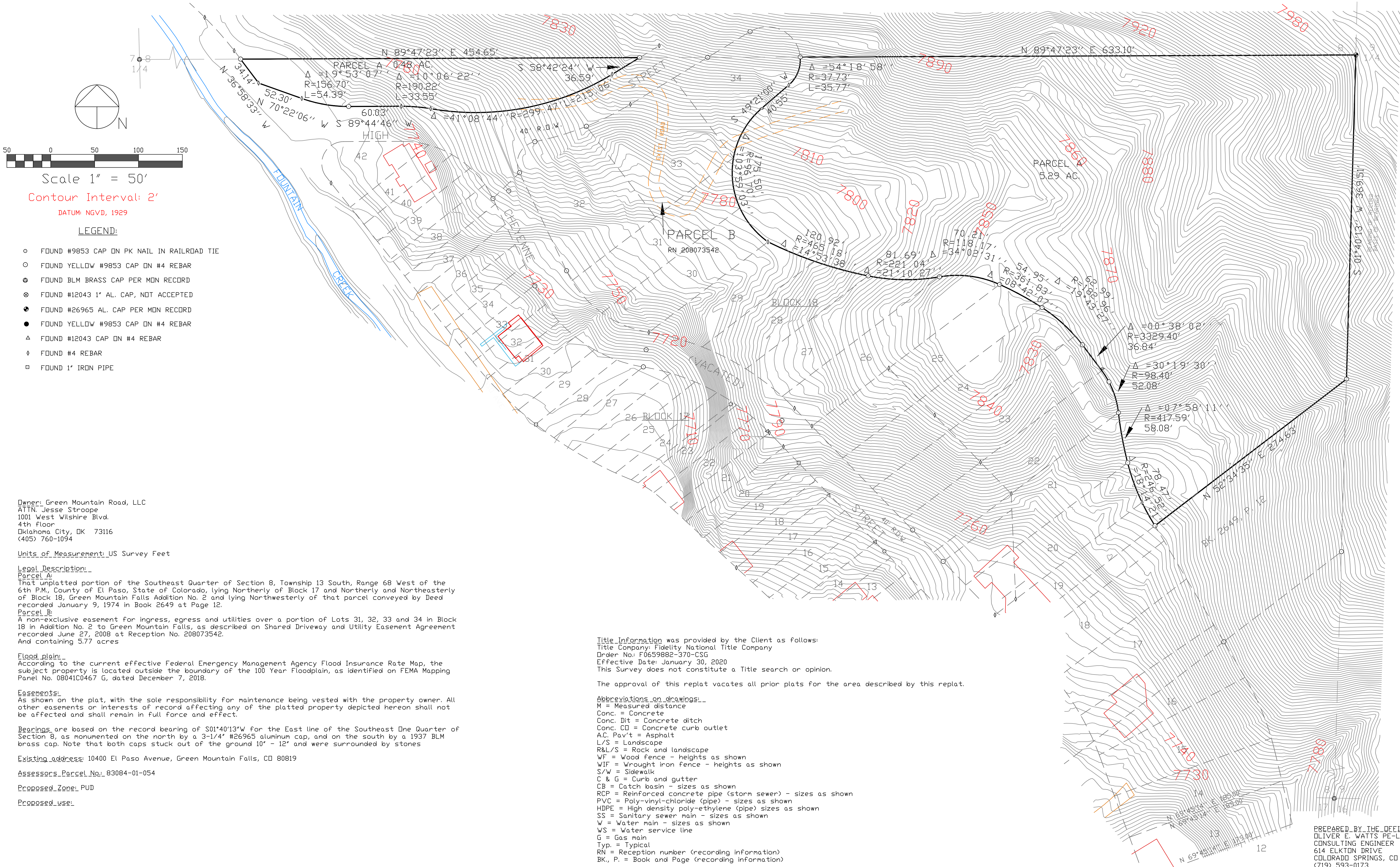
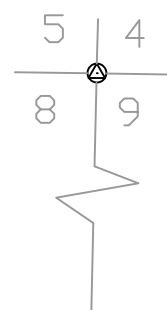
A handwritten signature in black ink, appearing to read "Jesse Stroope", with a long horizontal flourish extending to the right.

Jesse Stroope

Project Planner

SITE PLAN

PART OF SECTION 8, T.13S., R.68W., 6TH P.M.
TO THE TOWN OF GREEN MOUNTAIN FALLS
EL PASO COUNTY, COLORADO



Owner: Green Mountain Road, LLC
ATTN: Jesse Stroope
1001 West Wilshire Blvd.
4th floor
Oklahoma City, OK 73116
(405) 760-1094

Units of Measurement: US Survey Feet

Legal Description:

Parcel A:
That unplatted portion of the Southeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., County of El Paso, State of Colorado, lying Northerly of Block 17 and Northerly and Northeasterly of Block 18, Green Mountain Falls Addition No. 2 and lying Northwesterly of that parcel conveyed by Deed recorded January 9, 1974 in Book 2649 at Page 12.
Parcel B:
A non-exclusive easement for ingress, egress and utilities over a portion of Lots 31, 32, 33 and 34 in Block 18 in Addition No. 2 to Green Mountain Falls, as described on Shared Driveway and Utility Easement Agreement recorded June 27, 2008 at Reception No. 208073542.
And containing 5.77 acres

Flood plain:

According to the current effective Federal Emergency Management Agency Flood Insurance Rate Map, the subject property is located outside the boundary of the 100 Year Floodplain, as identified on FEMA Mapping Panel No. 08041C0467 G, dated December 7, 2018.

Easements:

As shown on the plat, with the sole responsibility for maintenance being vested with the property owner. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.

Bearings are based on the record bearing of S01°40'13"W for the East line of the Southeast One Quarter of Section 8, as monumented on the north by a 3-1/4" #26965 aluminum cap, and on the south by a 1937 BLM brass cap. Note that both caps stuck out of the ground 10" - 12" and were surrounded by stones

Existing address: 10400 El Paso Avenue, Green Mountain Falls, CO 80819

Assessors Parcel No.: 83084-01-054

Proposed Zone: PUD

Proposed use:

Title Information was provided by the Client as follows:
Title Company: Fidelity National Title Company
Order No: F0659882-370-CSG
Effective Date: January 30, 2020
This Survey does not constitute a Title search or opinion.

The approval of this replat vacates all prior plats for the area described by this replat.

Abbreviations on drawings:

M = Measured distance
Conc. = Concrete
Conc. Dlt = Concrete ditch
Conc. CD = Concrete curb outlet
A.C. Pav't = Asphalt
L/S = Landscape
R&L/S = Rock and landscape
WF = Wood fence - heights as shown
WIF = Wrought iron fence - heights as shown
S/W = Sidewalk
C & G = Curb and gutter
CB = Catch basin - sizes as shown
RCP = Reinforced concrete pipe (storm sewer) - sizes as shown
PVC = Poly-vinyl-chloride (pipe) - sizes as shown
HDPE = High density poly-ethylene (pipe) sizes as shown
SS = Sanitary sewer main - sizes as shown
W = Water main - sizes as shown
WS = Water service line
G = Gas main
Typ. = Typical
RN = Reception number (recording information)
BK., P. = Book and Page (recording information)

PREPARED BY THE OFFICE OF:
OLIVER E. WATTS PE-LS
CONSULTING ENGINEER
614 ELKTON DRIVE
COLORADO SPRINGS, CO 80907
(719) 593-0173
oliewatts@aol.com
Celebrating over 41 years in business

11/25/2020 9:53:52 AM C:\Users\Adam Edge\Desktop\1950 James Turrell\Rev\11950 - James Turrell - Bar Option #2.rvt

RED DEVIL MOUNTAIN
SKYSPACE

RED DEVIL MOUNTAIN RESTROOM

GREEN MOUNTAIN FALLS, COLORADO



NOTE: THESE PLANS ARE PREPARED WITH CARE; HOWEVER, ANY ERRORS OR AMBIGUITIES THAT ARE DISCOVERED BY THE CONTRACTOR MUST BE REPORTED TO THE ARCHITECT BEFORE WORK IS STARTED. THE CONTRACTOR AND THE CONTRACTOR'S SUBCONTRACTORS' WORK SHALL CONFORM TO FIELD AND BUILT CONDITIONS SO AS TO COMPLY WITH ALL LOCAL, STATE OR FEDERAL LAWS, CODES, ORDINANCES, STANDARDS, RULES AND REGULATIONS INCLUDING WITHOUT LIMITATION LIFE SAFETY CODES AND AMERICANS WITH DISABILITIES ACT, THE SPECIFICATIONS AND ALL OTHER CONTRACT DOCUMENTS SHALL BE OBSERVED IN USE OF THESE PLANS.

PROJECT DATA

PROJECT LOCATION
GREEN MOUNTAIN FALLS, COLORADO

PROJECT DESCRIPTION
WOOD FRAMED RESTROOM AND STORAGE
AREA WITH COVERED OUTDOOR PATIO AREA

OCCUPANCY CLASS
U

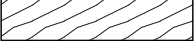
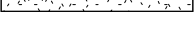
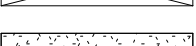


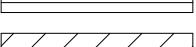
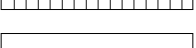
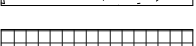
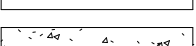


CONSTRUCTION TYPE
TYPE 5

MAX STORIES ABV GRADE
1

BUILDING CODE
2009 INTERNATIONAL BUILDING CODE
ICC/ANSI A117.1-2003
2009 IECC

AUTOMATIC FIRE SUPPRESSION SYSTEM
NO

MATERIAL LEGEND



EARTH

POROUS FILL

CONCRETE

RIGID INSULATION

BOARDFORM CONCRETE

CAST STONE

LIMESTONE TILE

WOOD BLOCKING OR END SECTION

EIFS FINISH

PLYWOOD

BATT INSULATION

SHEET INDEX

GENERAL

2G01 RESTROOM COVER SHEET

2G02 ABBREVIATIONS & SYMBOL LEGEND

STRUCTURAL

1 FOUNDATION / STRUCTURAL PLAN

ARCHITECTURAL

2A01.1 RESTROOM SITE PLAN

2A10.1 RESTROOM FLOOR PLAN

2A20.1 RESTROOM ELEVATIONS & BUILDING SECTIONS

2A50.1 RESTROOM SCHEDULES & DETAILS

PROJECT TEAM

ARCHITECT
HSEarchitects
914 N. Broadway Avenue
OKLAHOMA CITY, OK 73102
(405) 526-1300

CIVIL & STRUCTURAL ENGINEER:
ENTECH ENGINEERING INC.
505 ELKTON DRIVE
COLORADO SPRINGS, CO 80907
(719) 531 - 5599

CONTRACTOR
MIKE PENMAN CONSTRUCTION
PENMANCONSTRUCTION@MSN.COM

NOT FOR CONSTRUCTION

Revisions	
No.	Date

PROJ. NO.
1950

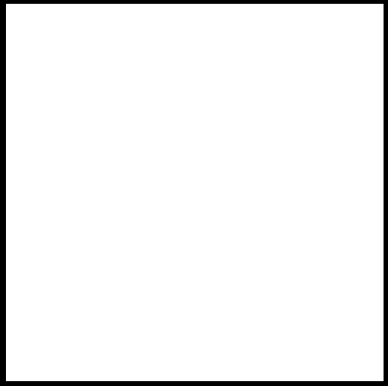
DATE
10.15.2020

SHEET NO.
2G01

ARCHITECTURE
+
PLANNING
+
INTERIORS

914 N. BROADWAY
SUITE 200
OKLAHOMA CITY, OK 73102
phone: 405.526.1300
fax: 405.526.1305
www.HSEarchitects.com

HSEarchitects



RED DEVIL MOUNTAIN RESTROOM

Green Mountain Falls, Colorado

RESTROOM COVER SHEET

Revisions	
No.	Date

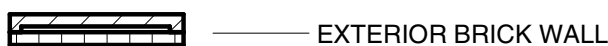
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DATE	10.15.2020
SHEET NO.	2G02

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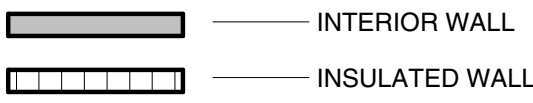
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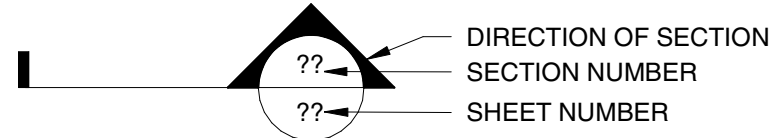
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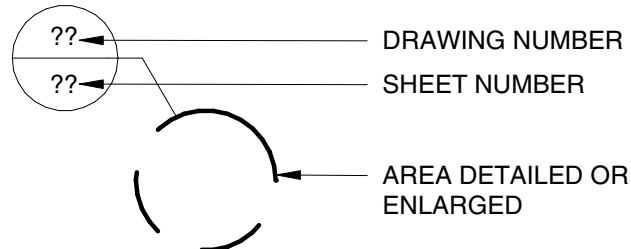
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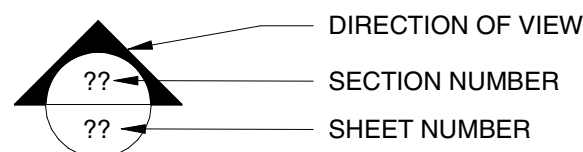
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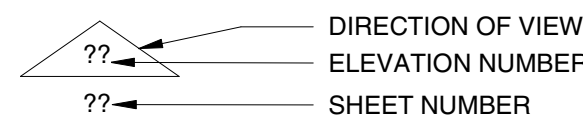
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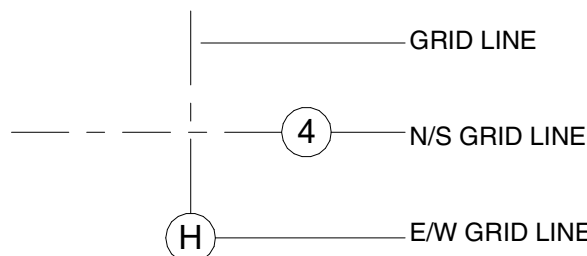
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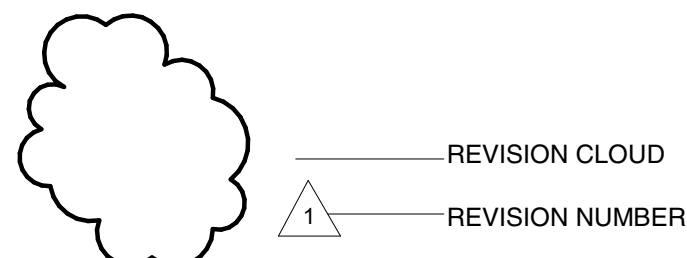
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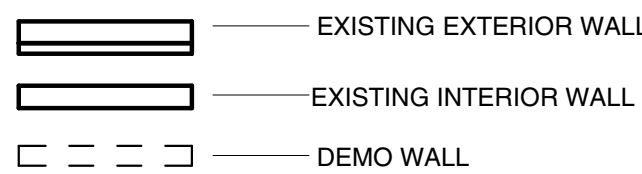
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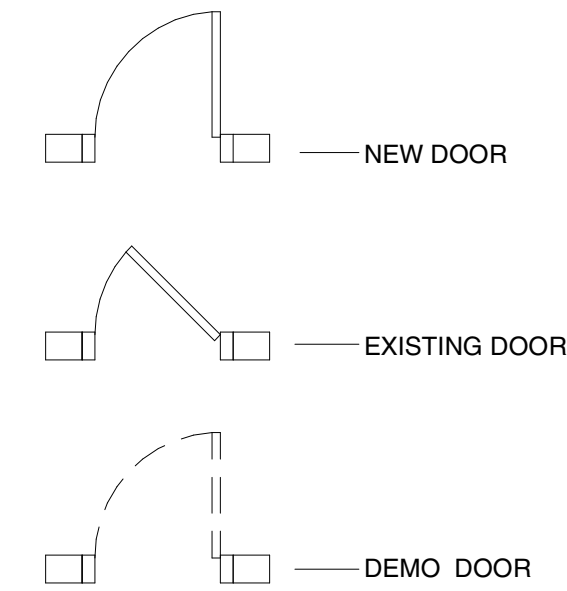
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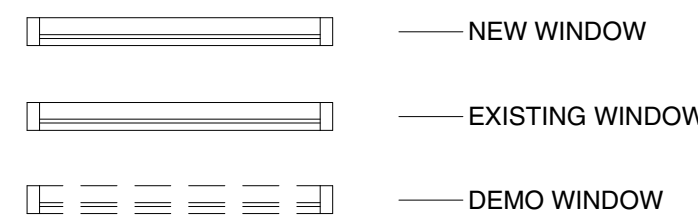
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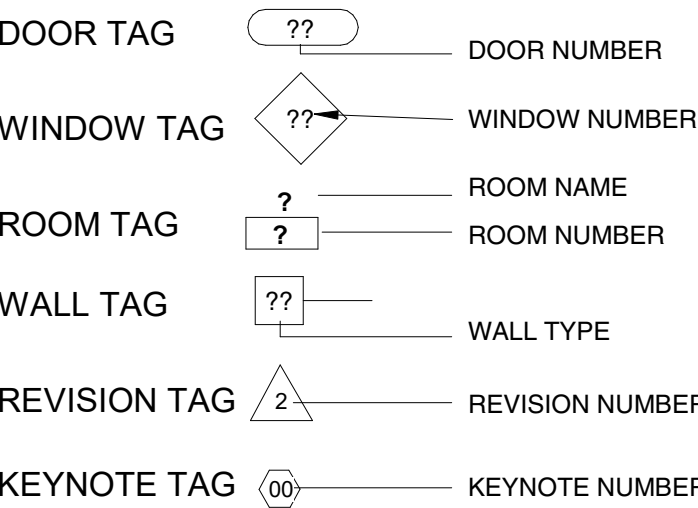
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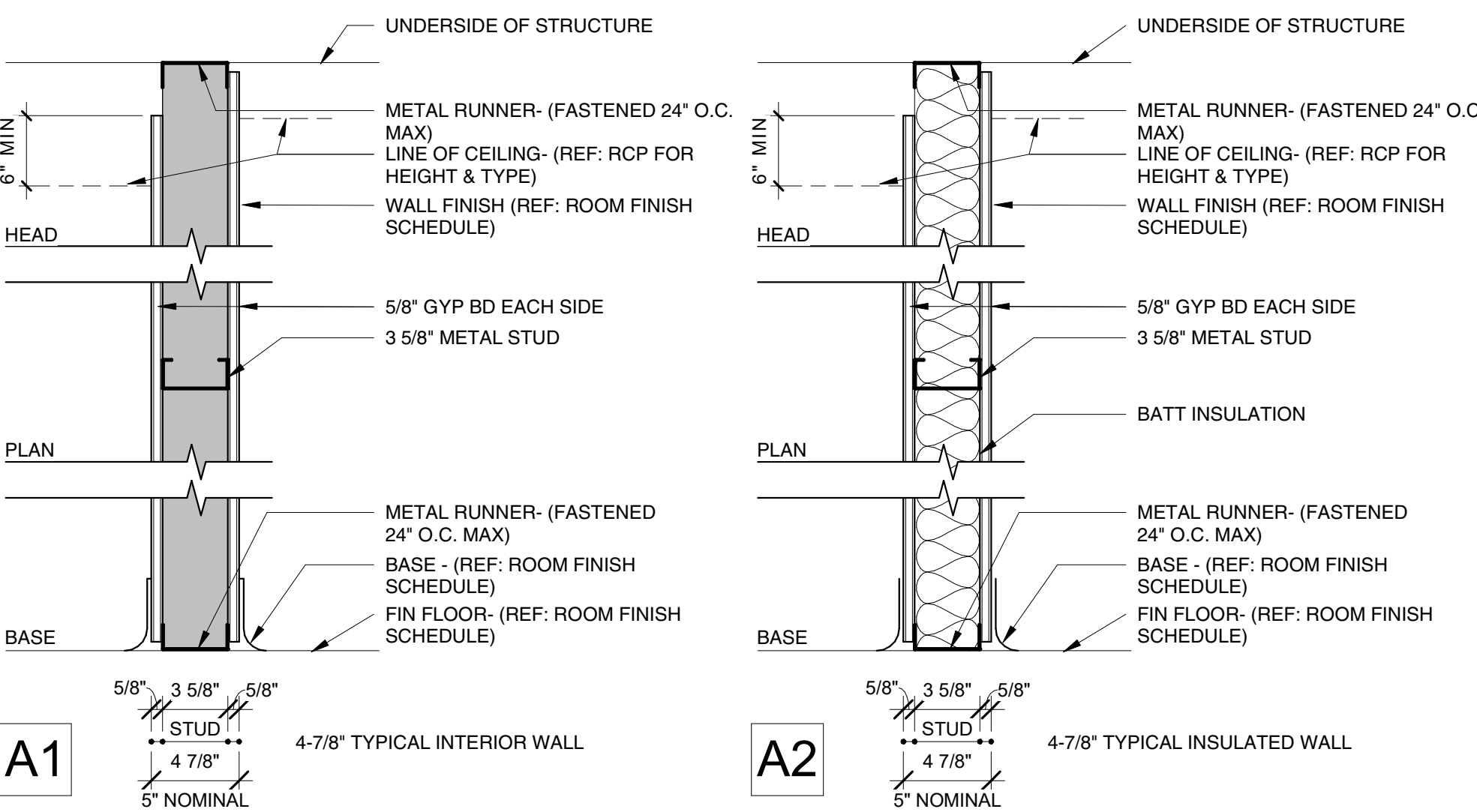
OBJECT TAGS



ABBREVIATIONS

A.F.F.	AD	ADD.	A/C	ALT.	ALUM.	A.B.	ANOD	APPROX.	BSMT.	B.PL.	B.M.	BEL.	BM.	BRG.	BLK.	BD.	BO.	B.O.H	BLKG	BRK.	BLDG.	B.U.R.	CAB.	CPT.	C.SMT.	CLG.	CEM.	CER.	C.T.	C.M.T.	CLR.	C.O.	CL.	COL.	CO.	CONC.	C.M.U.	CONST.	CONT.	C.J	CORR.	CTR.	CF.	DTL.F.S.	D.I.A.M.	DI.M.	DR.	DN.	DS.	DWR.	DWG.	D.F.	E	E.I.F.S.	ELEC.	EL.	ELEV.	ELEV.	EMER.	ENCL.	EQ.	EXH.	EXIST.	E.J.	EWC.	EXP.	EXT.	F.W.C.	F.O.S.	FAS.	FEC.	FHC.	FGL.	FIN.	FL.	F.D.	FLUOR.	F.O.H	FT.	FTG.	FND.	FUT.	F.R.	GA.	GALV.	G.I.	G.C.	GL.	GR.	ABOVE FINISHED FLOOR	ACOUSTIC DIMENSIONS	ADDENDUM	ADJUSTABLE (MENT)	AIR CONDITIONING	ALTERNATE	ALUMINUM	ANCHOR BOLT	ANODIZED	APPROXIMATE (LY)	BASEMENT	BEARING PLATE	BENCH MARK	BELOW	BLOCK	BOARD	BOTTOM OF	BACK OF HOUSE	BLOCKING	BRIK	BUILDING	BUILT UP ROOFING	CABINET	CARPET	CASEMENT	CEILING	CEMENT	CERAMIC	CERAMIC TILE	CERAMIC MOSAIC TILE	CLEAR (ANCE)	CLEAN OUT	CLOSET	COLUMN	COMPANY	CONCRETE	CONCRETE MASONRY UNIT	CONSTRUCTION	CONTINUOUS	CONTROL JOINT	CORRUGATED	COUNTER	CUBIC FOOT	DEAD LOAD	DETAIL DIRECT APPLIED	DIAMETER	DIMENSION SYSTEM	DOOR	DOWN	DOWNSPOUT	DRAWER	DRAWING	DRINKING FOUNTAIN	EAST	EXTERIOR INSULATED FINISHING SYSTEM	ELECTRIC (AL)	ELEVATION	ELEVATION	ELEVATOR	EMERGENCY	ENCLOSE (URE)	EQUAL	EXHAUST	EXISTING	EXPANSION JOINT	ELECTRIC WATER COOLER	EXPOSED	EXTERIOR	FABRIC WALL COVERING	FACE OF STUDS	FASTEN (ER)	FIRE EXTINGUISHER CABINET	FIRE HOSE CABINET	FIBERGLASS	FINISH (ED)	FLOOR (ING)	FLOOR DRAIN	FLUORESCENT	FRONT OF HOUSE	FOOT (FEET)	FOOTING	FOUNDATION	FUTURE	FIRE RATED	GAGE, GAUGE	GALVANIZED	GALVANIZED IRON	GENERAL CONTRACT (OR)	GLASS, GLAZING	GRADE	GYP. BD.	GWB	HC	HR.	HDW.	HWD.	HDR.	HTG.	HVAC	CONDITION	H.O.	H.D.	HT.	H.C.	H.M.	HOR.	H.B.	H.W.H.	IN.	INCH	INCL.	I.D.	INSUL.	INT.	INV.	J.C.	JOINT	JOIST	KIT.	KITCHEN	KNOCKDOWN	KNOCKOUT	L.B.L.	LAB.	LADDER	LAM.	LAV.	L.H.	L.	LIGHT	LT.WT.	L.F.	L.L.	LVR.	LUM.	M.H.	MFR.	MATL.	MAX.	MECH.	METER (S)	RESISTANT	MT.	MM.	MWK.	MIN.	MISC.	MOD.	MOV.	MULL.	NAT.	N.R.	N.R.C.	NOM.	N	N.I.C.	N.T.S.	O.C.	OFC.	OPNG.	OPP.	O.D.	PAIR	PANEL	PAR.	PK.	PAV.	PVMT.	PED.	PERFORATE (D)	PERIM.	P.LAM.	PLAM.	P.C.F.	P.L.F.	P.S.F.	P.S.I.	PREFAB.	PREFIN.	PT.	PTD	P.L.	QTY.	QTR.	RAD.	RECEP.	RECEPTACLE	REFRIG.	REG.	REINF.	R.C.P.	REQD.	R.A.	R'EV.	R.H.	R.H.R.	R.O.W.	R.D.	RFG.	RM.	R.O.	SCHED.	SECT.	SF.	SHTH.	SIM.	S.C.	S	S.L.L	SL	SPEC.	SQ.	SR	S.S.	STD.	STL	STOR.	S.D.	STORM DRAIN	STRUCT.	SURF.	SUSP.	SYM.	TEL.	TV.	TER.	THK.	THRESH.	T&G	TL	T.O.	T.O.C.	T.O.S.L	T.O.S.	T.O.W.	TYP.	US	VAR.	VERT.	VEST.	V.C.T.	WSC.T.	W.H.	W.C.	W.R.	WT.	W.W.F.	W	W.	W.	W.	W.	W.	WD.	YD.	REFRIGERATOR	REGISTER	REINFORCE (D), (ING)	REFLECTED CEILING PLAN	REQUIRED	RETURN AIR	REVISION (S), (ED)	RIGHT HAND	RIGHT HAND REVERSE	RIGHT OF WAY	ROOF DRAIN	ROOFING	ROOM	ROUGH OPENING	SCHEDULE	SECTION	STORE FRONT	SHEATHING	SIMILAR	SOLID CORE	SOUTH	SOUND AND LIGHT LOCK	STAGE LEFT	SPECIFICATION (S)	SQUARE	STAGE RIGHT	STAINLESS STEEL	STANDARD	STEEL	STORAGE	STORM DRAIN	STRUCTURAL	SURFACE	SUSPENDED	SYMMETRY (OR SYMBOL)	TELEPHONE	TELEVISION	TERRAZZO	THICK (NESS)	THRESHOLD	TONGUE AND GROOVE	THEATRICAL LIGHTING	TOP OF	TOP OF CURB	TOP OF SLAB	TOP OF STEEL'S LAB. INC.	TOP WALL,OTED OTHERWISE	TYPICAL	UPSTAGE	VARIES	VERTICAL	VESTIBULE	VINYL COMPOSITION TILE	WAINSCOT	WALL HUNG	WATER CLOSET	WATER REPELLANT (WATER RESISTANT)	WEIGHT	WELDED WIRE FABRIC	WEST	WIDTH, WIDE	WIDE FLANGE STEEL SHAPE	WITH	WINDOW	WOOD	YARD
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WALL STYLES



- GENERAL FOUNDATION NOTES:
- Use dimensions from the architectural plans, except for foundation components.
 - All miscellaneous details shall be in accordance with instructions from manufacturer or designer.
 - Reinforcing should be continuous around the building, as shown.
 - Minimum top of reinforcing should be 30 bar diameters.
 - All foundation pads must be formed to the proper dimension.
 - Floor slabs must be separated from all structural portions of building with an expansion joint a minimum of 1/2" thickness. All nonbearing partitions above floor slabs must be constructed with a minimum 2" gap at the bottom to permit vertical movement of floor slabs.
 - Stairways should not be constructed as rigid connections between floors, but should allow floor slabs to move vertically.
 - Door jambs should not be built tight to slabs on grade.
 - Mechanically compact all interior backfill to 90% maximum Modified Proctor Dry Density, ASTM D-1557. All exterior backfill should be mechanically compacted to 90% of maximum Modified Proctor Dry Density, ASTM D-1557.
 - Walls having backfill on both the interior and exterior faces should have the backfill on either side brought up approximately together. Otherwise, where possible, no exterior backfill should be placed until the floor slab and floor joists are in place or the wall is otherwise properly braced.
 - Minimum recommended design strength of foundation concrete shall be 3000 psi. See soils report for site specific concrete strength recommendations.
 - Foundation forms should remain in place a minimum of three (3) days.
 - A gravel pad beneath floor slabs is not recommended.
 - Planters, if any, should be well sealed and drained.
 - Slope backfill away from the building a minimum of 5% for the first 10 feet. Carry roof drains across the backfilled areas. Do not allow water to stand or pond near the building. Do not flood the backfill.
 - This design has been completed in accordance with pertinent standards, recommended design soil parameters, and accepted engineering design procedures, and is based on the best information available at the time of completion. The design is intended to minimize differential movement resulting from the heaving of expansive soil induced by seasonal moisture changes. It must be recognized that foundation components, and in particular, floor slabs and other flatwork, will undergo movement. Adherence to those details isolating floor slabs from columns, walls, partitions, or other structural components is extremely important if damage to the superstructure is to be minimized. Any subsequent owners should be apprised of the expansive soil condition, if any, and advised to maintain good practices in the future with regard to surface and subsurface drainage, framing of partitions above floor slabs, drywall and finish work above floor slabs, etc.
 - All reinforcing bars are to consist of #4, grade 60 steel unless otherwise noted.
 - #5, grade 40 reinforcing bars may be used in place of #4, grade 60 reinforcing bars, if desired.

Standard Designation	SI Designation
#4, Grade 60	#13, Grade 420 MPa
#5, Grade 60	#16, Grade 420 MPa

- Reinforcing must remain continuous above all windows and doors, bundle bars as necessary.
- Verify top of foundation elevations and top of wall steps with Builder prior to placing concrete.
- Verify foundation dimension and pad locations with architectural plans prior to setting forms or placing concrete.
- Verify mudsill locations with architectural plans prior to setting forms or placing concrete.
- Euffer ground to be located and installed by others as required by local codes.
- Design loads:

Roof Snow Load 40 psf	Floor Live Load 40 psf	Deck Live Load 40 psf
Roof Dead Load 20 psf	Floor Dead Load 10 psf	Deck Dead Load 15 psf

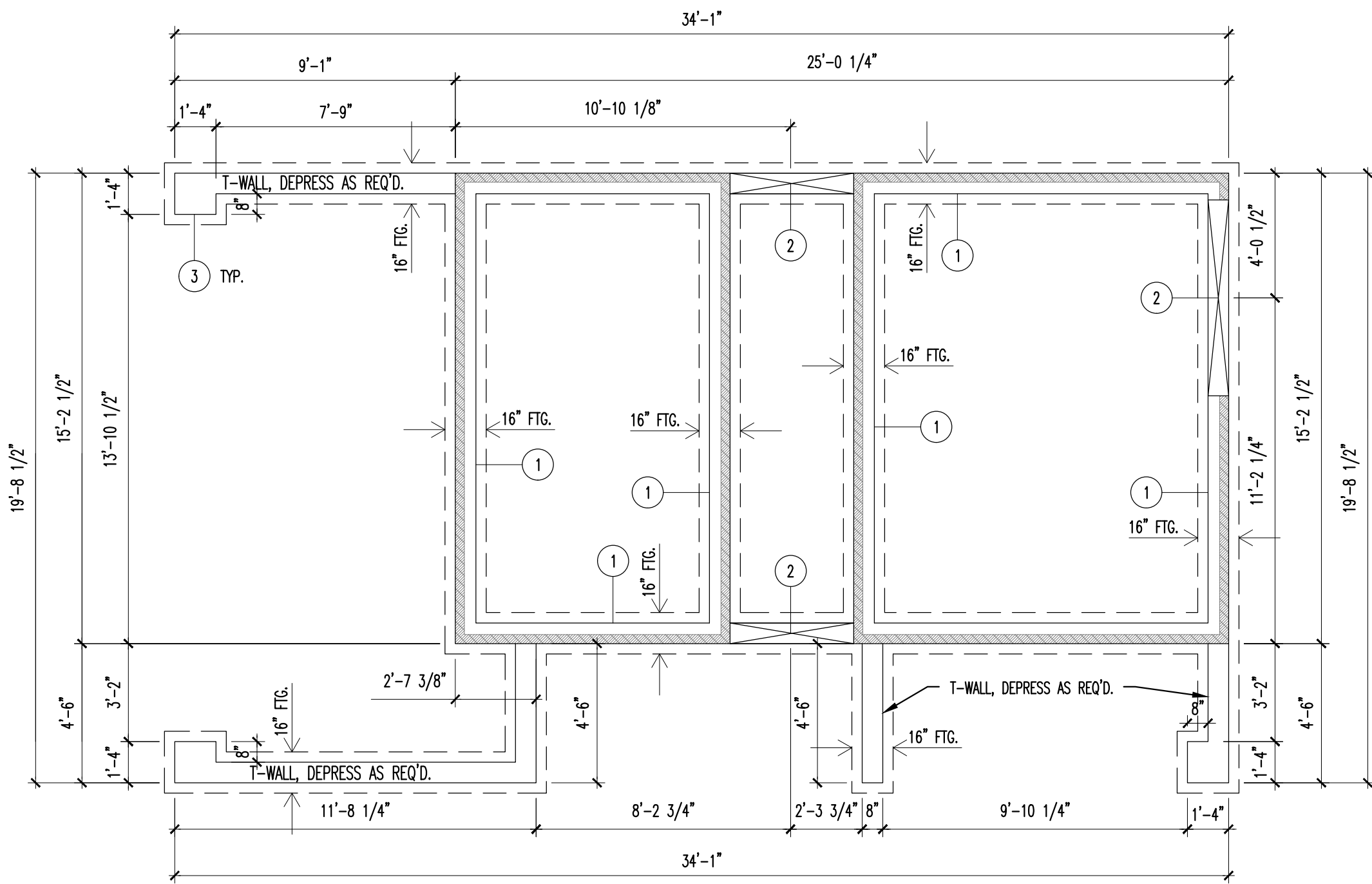
LEGEND	
	FOUNDATION WALL W/ FOOTING & MUD SILL
	BEAM
	CENTER LINE
	DETAIL REFERENCE
	FOUNDATION PAD

SOILS NOTES:

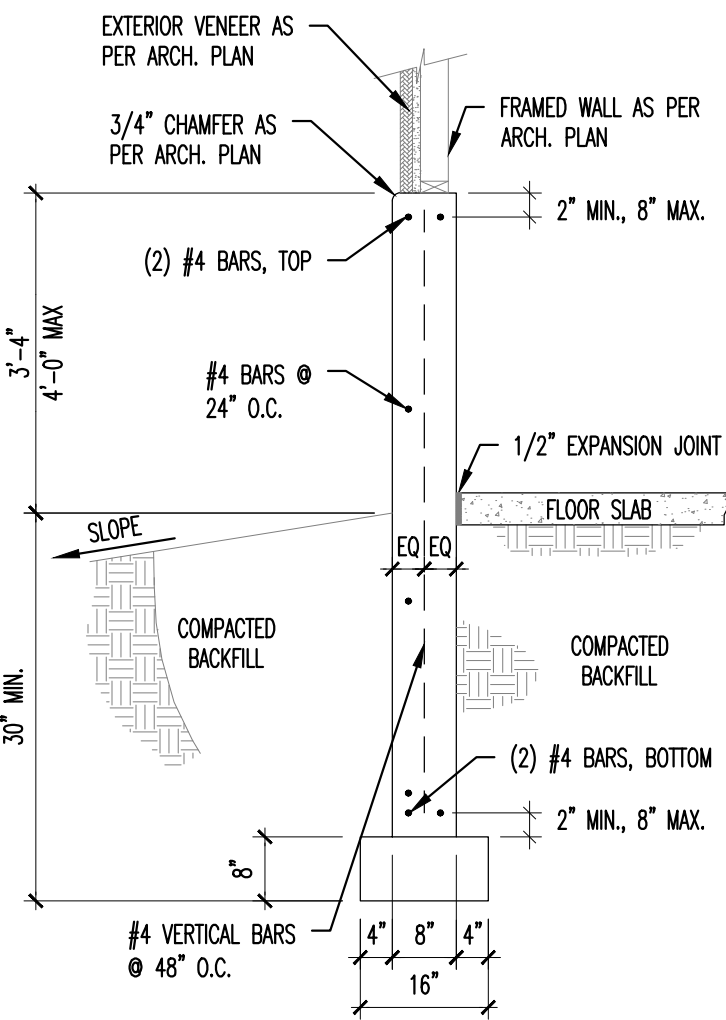
- The foundation excavation must be observed by Entech Engineering, Inc. prior to placing forms or concrete to verify that the design is appropriate for the site.
- The foundation was designed using a minimum soil bearing capacity of 2,000 psf.
- The foundation was designed according to the building plans by HSE Architects, dated XXXX XX, 2020, and the Soils Report by XXXX, job No. 201280, dated XXXX XX, 2020

VERIFY ALL DIMENSIONS
WITH ARCHITECTURAL PLANS
PRIOR TO SETTING FORMS
OR PLACING CONCRETE.

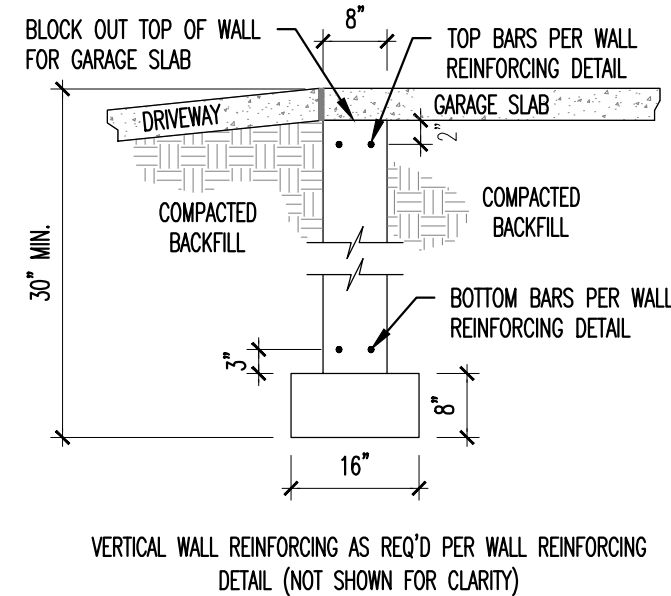
MODIFICATIONS TO THIS
DESIGN MAY BE REQUIRED.



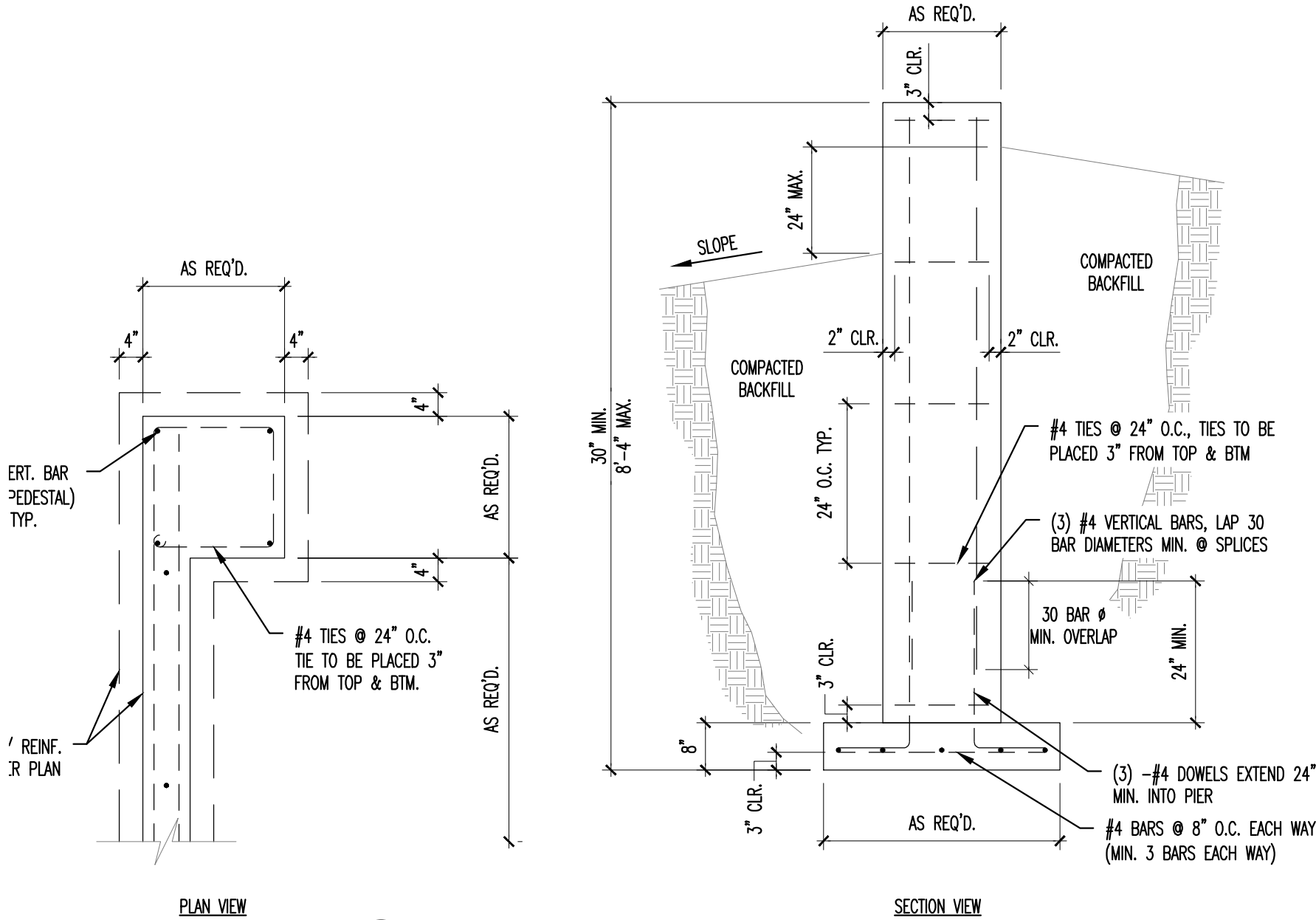
FOUNDATION PLAN
1/4" = 1'-0"



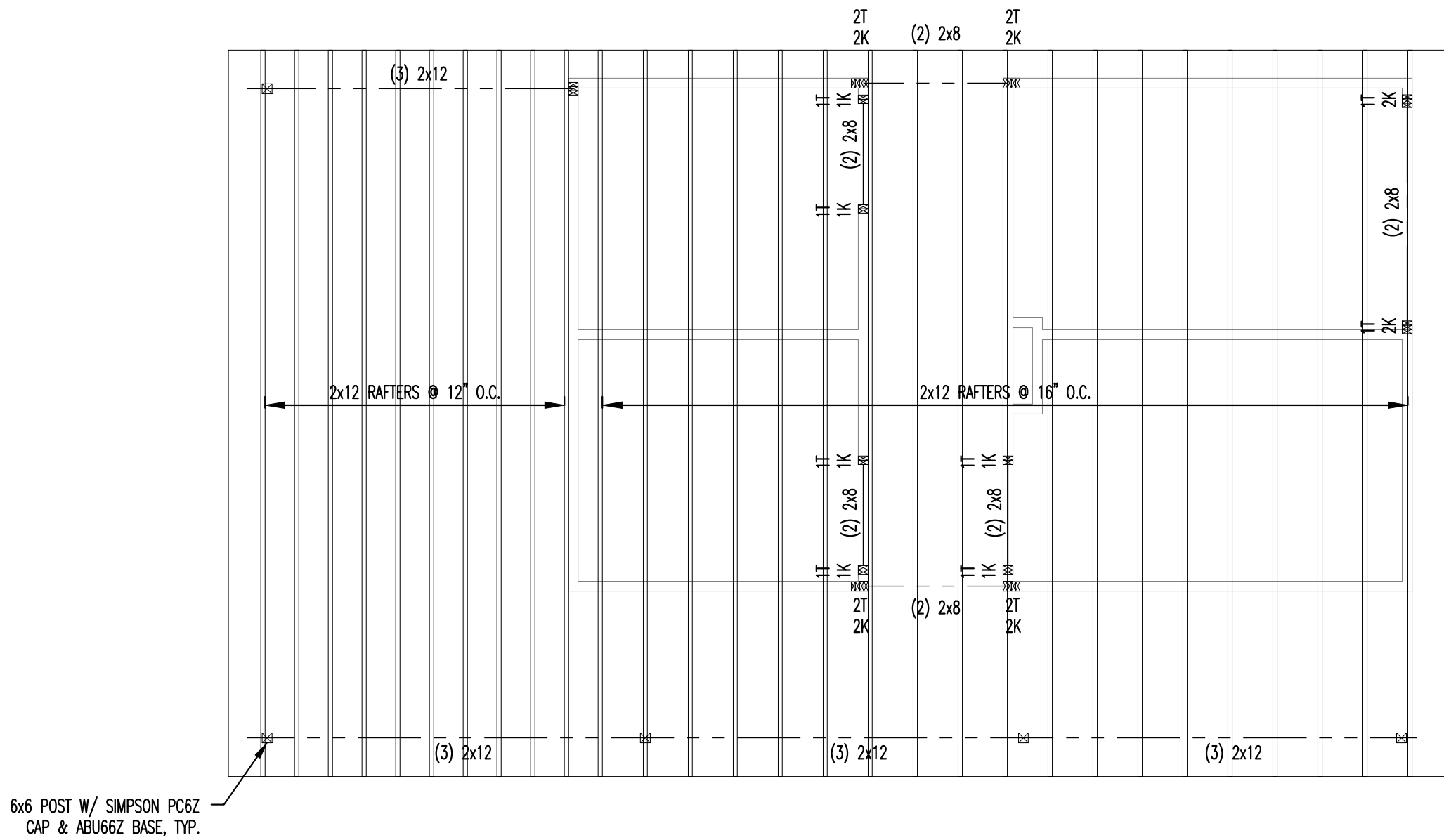
1 WALL DETAIL



2 LOW WALL



3 T-WALL PEDESTAL REINF.



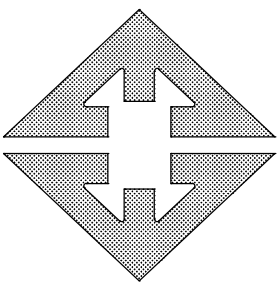
ROOF FRAMING PLAN
1/4" = 1'-0"

Structural Roof Notes:

1. Roof trusses are to be designed by others and installed per the manufacturer's specifications.
2. The layout and design of permanent bracing of roof trusses are to be provided by others.
3. Install (1) Simpson H2.5T hurricane tie per end of each truss, unless otherwise noted. Install (2) Simpson H2.5T ties as required on opposite sides of double top plate (interior/exterior).
4. All girder trusses are to have (2)-2x post and (2) Simpson H2.5T ties at each bearing location, unless otherwise noted.
5. All overframing is to be 2x6 rafters @ 24" o.c. w/ 2x4 cripples, vertical @ 45° o.c. between overframing & rafters or trusses. Overframing 2x6's shall bear on 2x4's flat on decking @ valleys.
6. Install bearing blocks per truss manufacturer's specifications, U.N.O.
7. Roof sheathing shall consist of 7/16" plywood or O.S.B. Roof sheathing is to be nailed according to the following: 6" O.C. at the sheathing edges and 6" O.C. in the sheathing field w/ 8d nails or 16 gage staples (1 1/2" long, 1/8" min. crown width), unless otherwise noted.

REVISIONS BY:

ENTECH
ENGINEERING, INC.



FOUNDATION/STRUCTURAL PLAN
GREEN BOX ARTS 2021
GREEN MOUNTAIN FALLS, CO
FOR: JESSE STROOPE

PRELIMINARY
NOT FOR
CONSTRUCTION

STATE OF COLORADO

DRAWN BY: JAC

DESIGNED BY: HSE ARCH

CHECKED BY: AMN

DATE: 10/22/20

SCALE: AS SHOWN

JOB NO.: 201280

SHEET NO.:

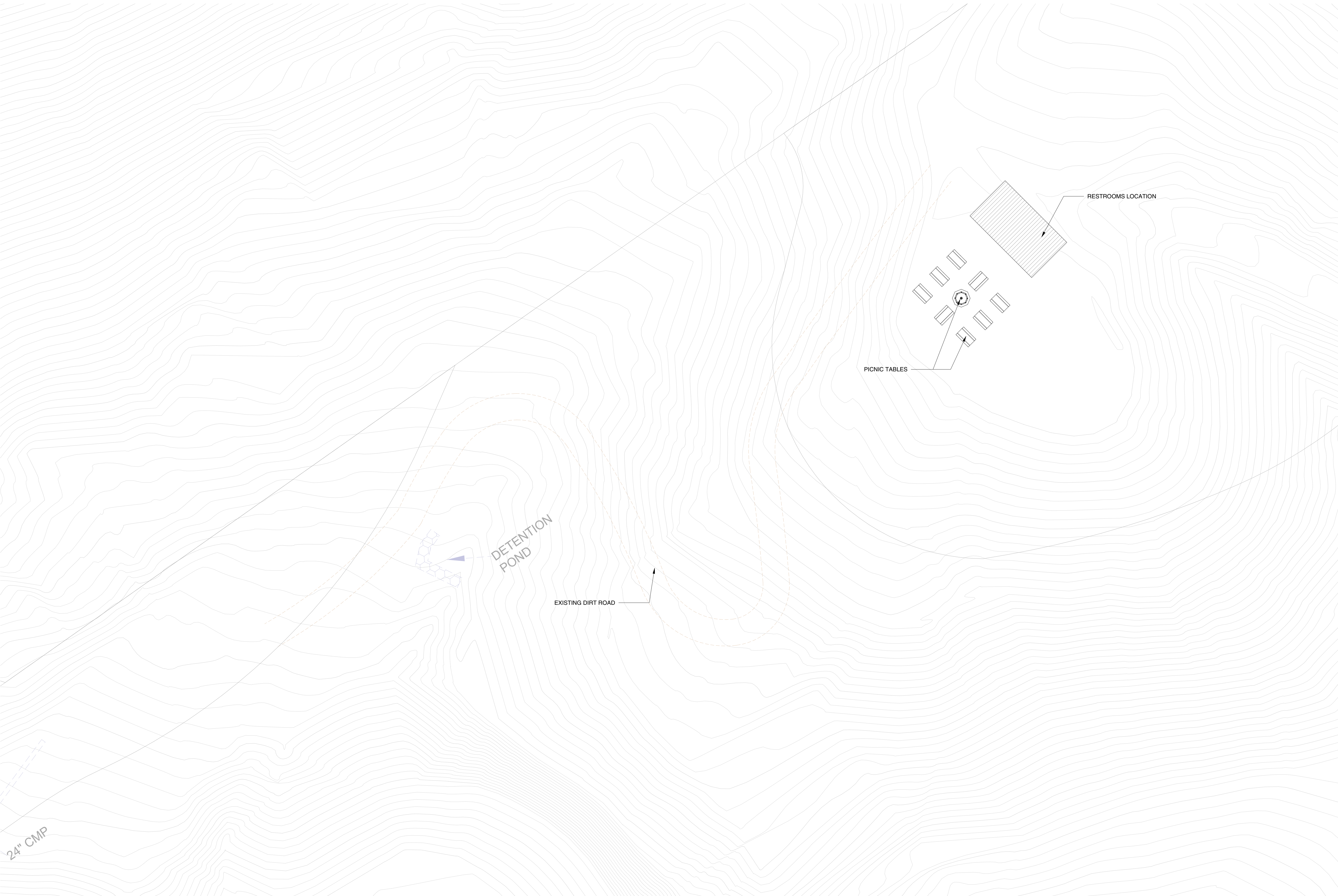
1 OF 3 SHEETS

RED DEVIL MOUNTAIN SKYSPACE 11/25/2020 9:53:50 AM C:\Users\Adam Edge\Desktop\1950 James Turrell\Revit\1950 - James Turrell - Bar Option #2.rvt

24" CMP

1 RESTROOM SITE PLAN

SCALE: 1" = 20'-0"



NOT FOR CONSTRUCTION

Revisions	
No.	Date

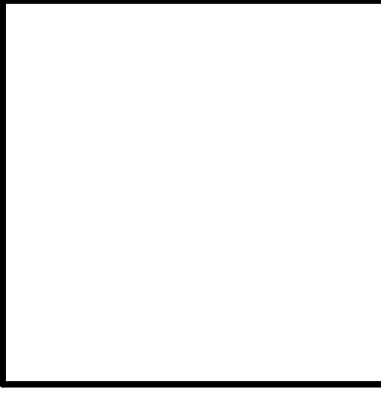
PROJ. NO.	1950
DATE	10.15.2020
SHEET NO.	2A01.1

RED DEVIL MOUNTAIN RESTROOM
Green Mountain Falls, Colorado
RESTROOM SITE PLAN

ARCHITECTURE
+
PLANNING
+
INTERIORS
914 N. BROADWAY
SUITE 200
OKLAHOMA CITY, OK 73102
phone: 405.526.1300
fax: 405.526.1305
www.HSEarchitects.com

HSE architects



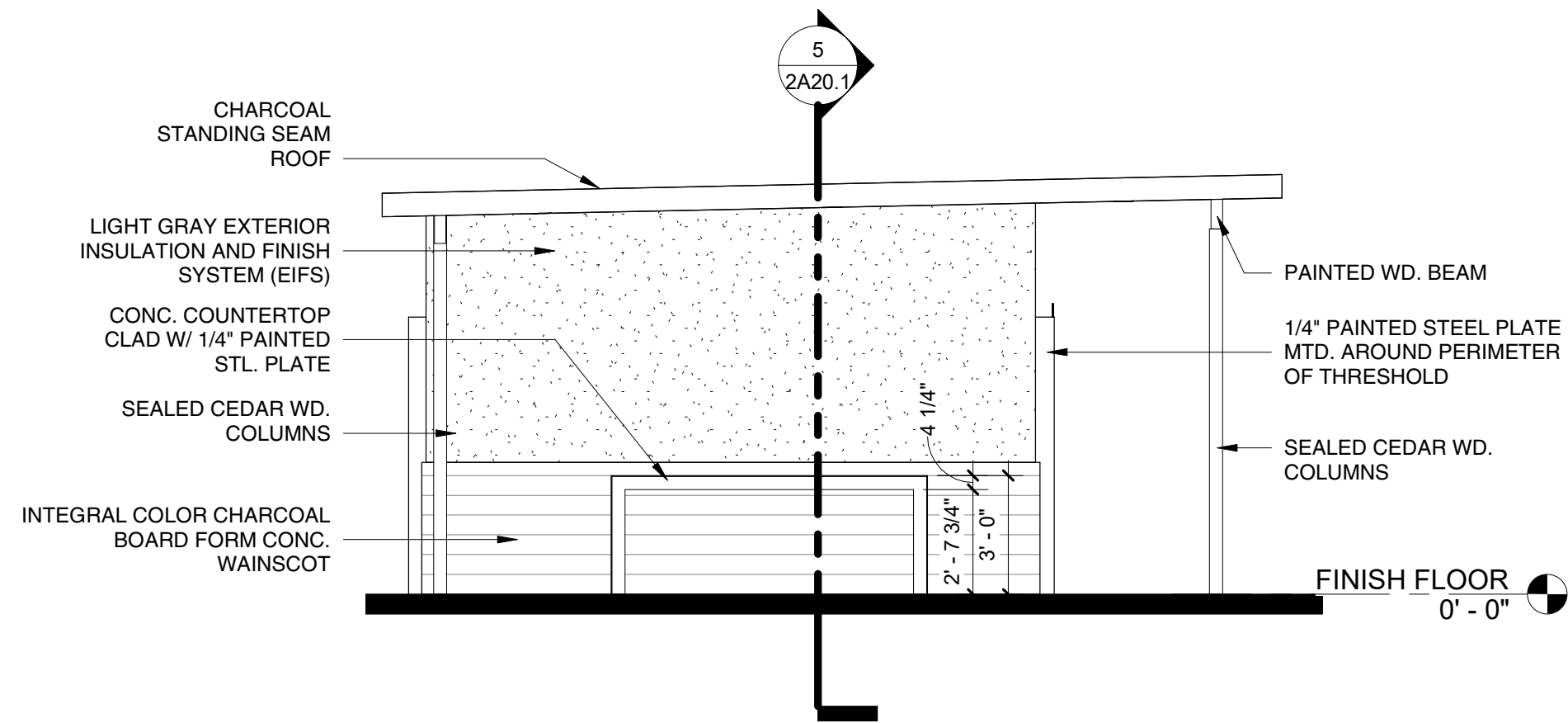


RED DEVIL MOUNTAIN RESTROOM
Green Mountain Falls, Colorado
RESTROOM ELEVATIONS & BUILDING SECTIONS

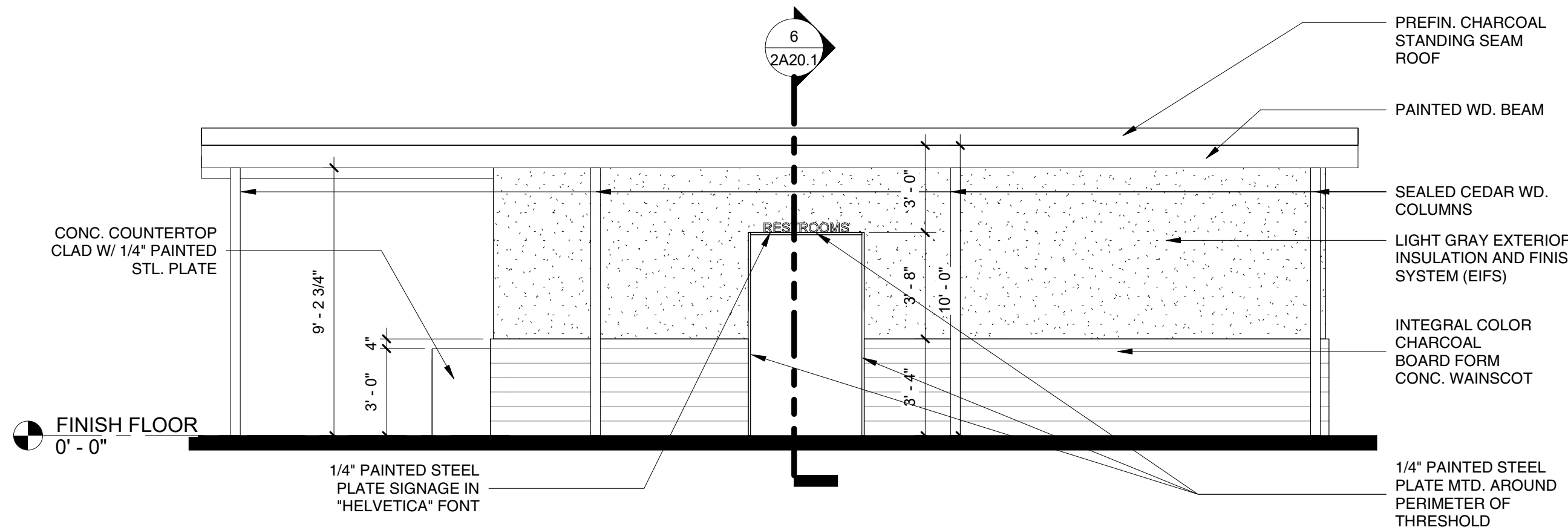
Revisions	
No.	Date

PROJ. NO.	1950
DATE	10.15.2020
SHEET NO.	2A20.1

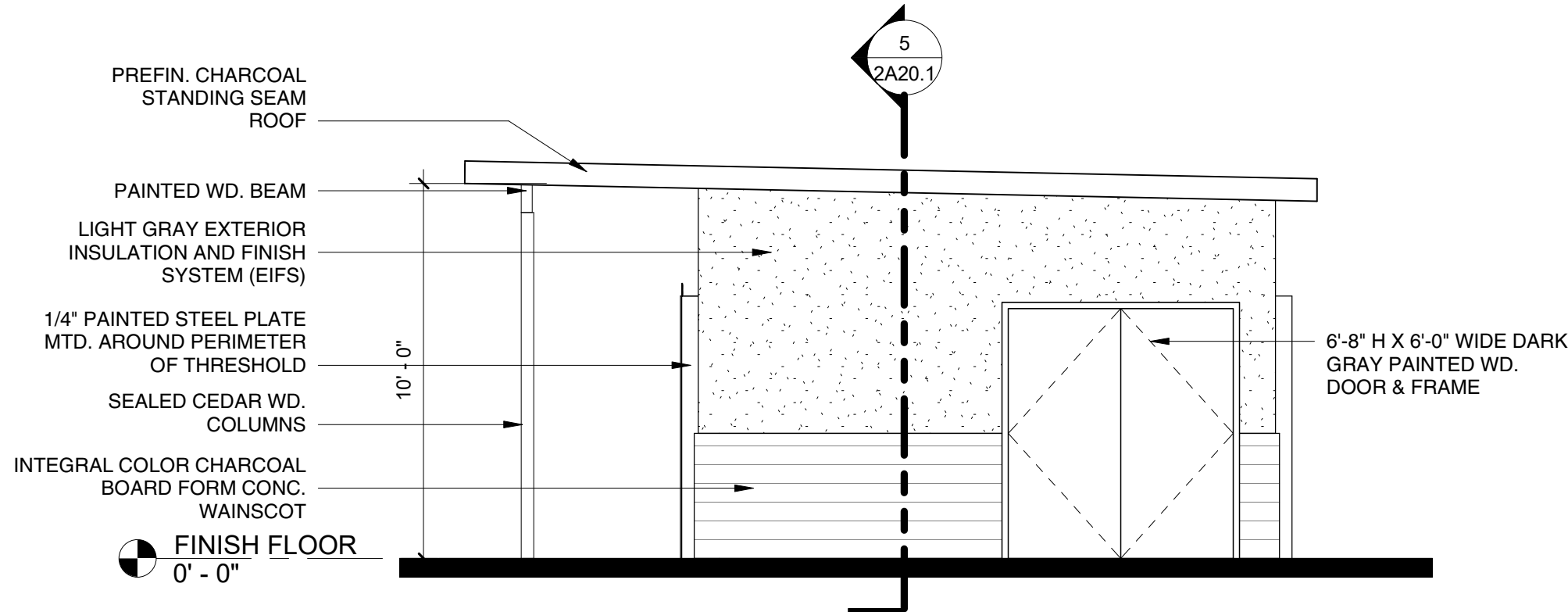
NOT FOR CONSTRUCTION



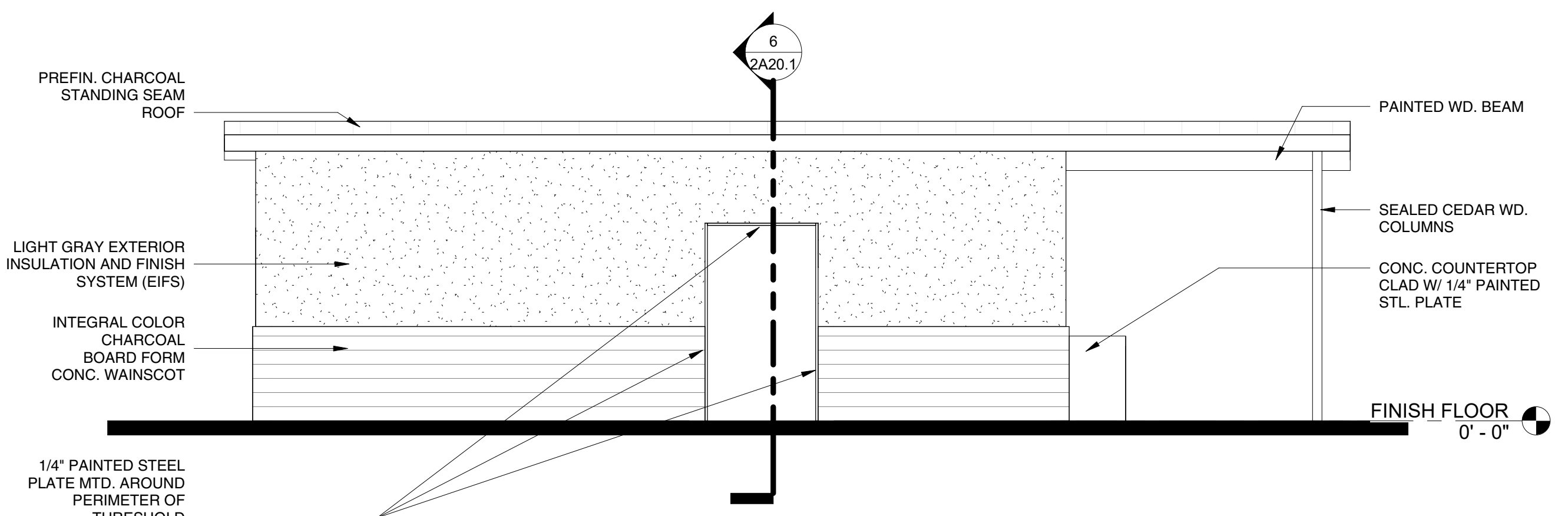
2 WEST RESTROOM ELEVATION
SCALE: 1/4" = 1'-0"



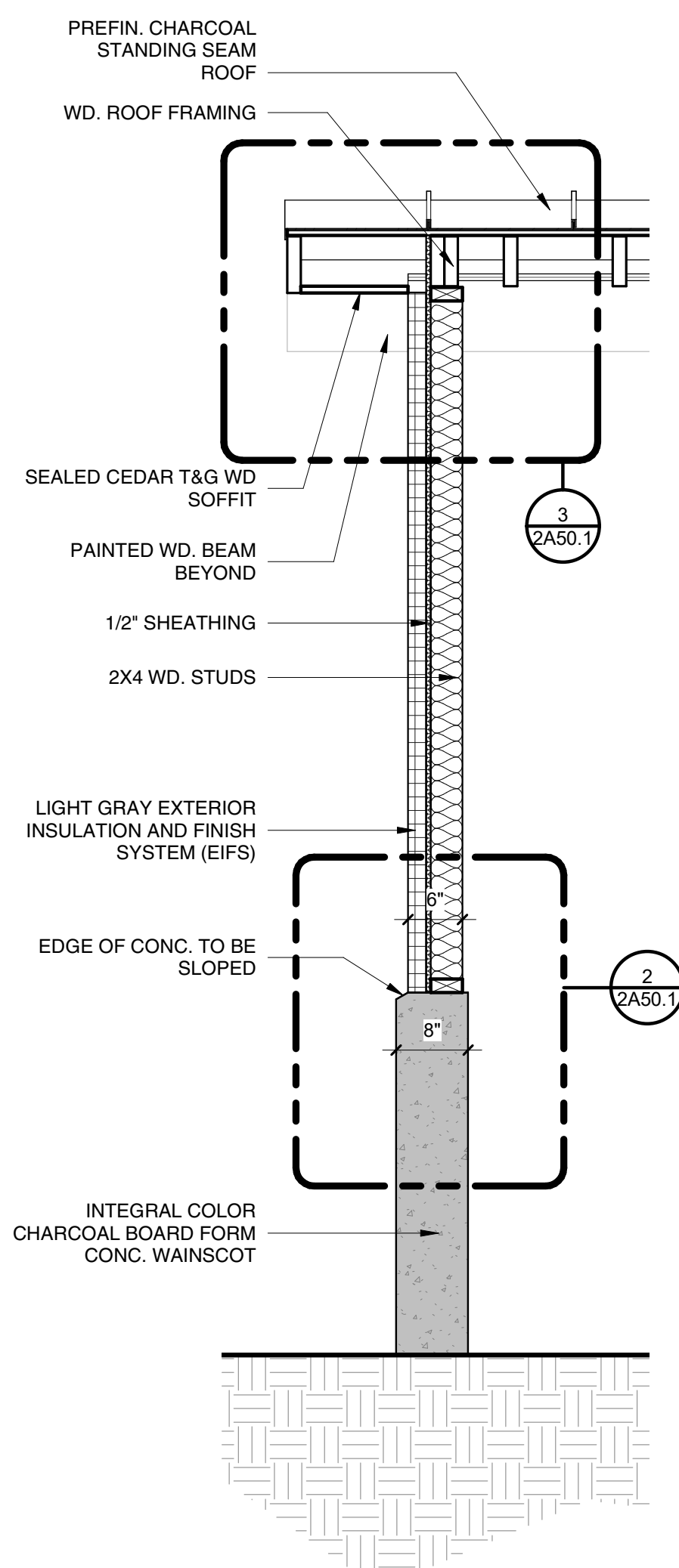
1 SOUTH RESTROOM ELEVATION
SCALE: 1/4" = 1'-0"



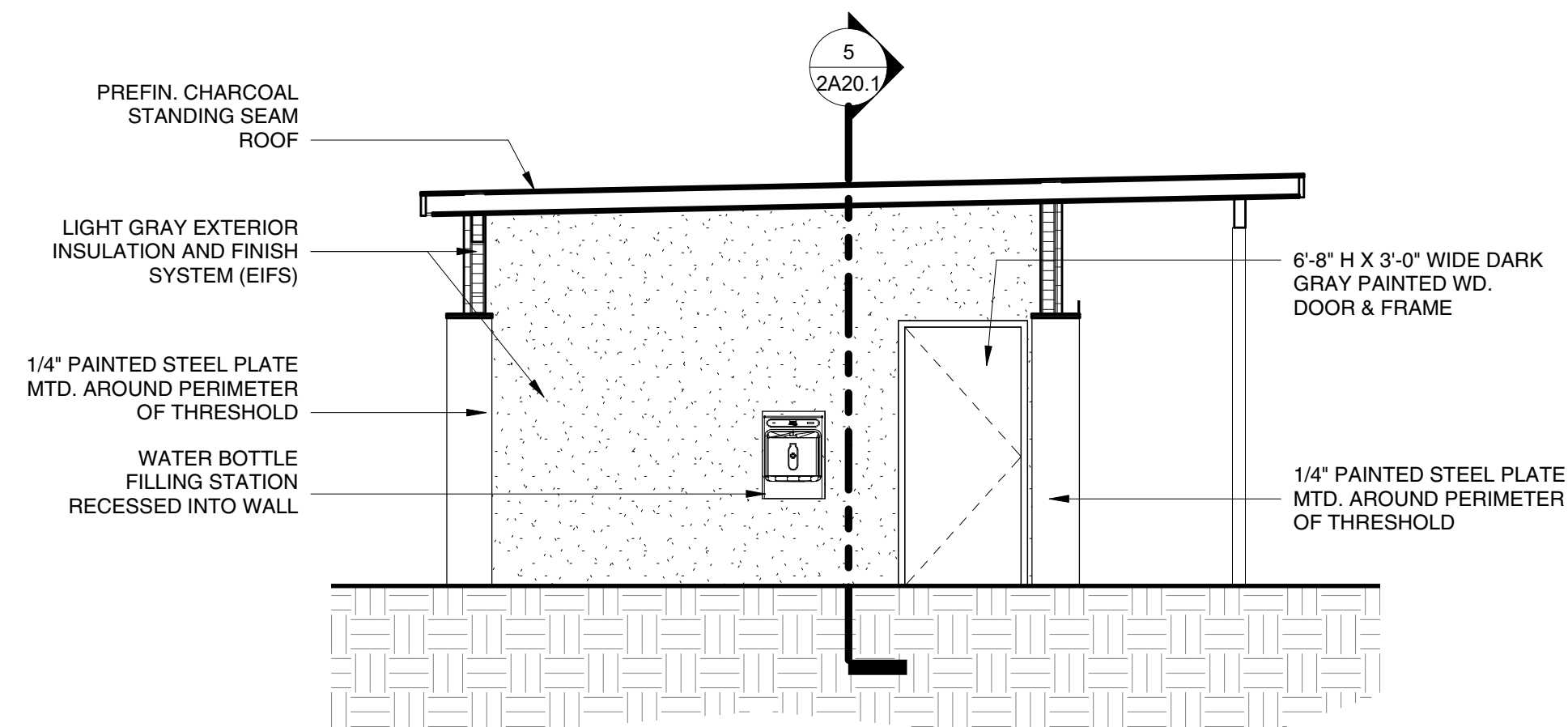
4 EAST RESTROOM ELEVATION
SCALE: 1/4" = 1'-0"



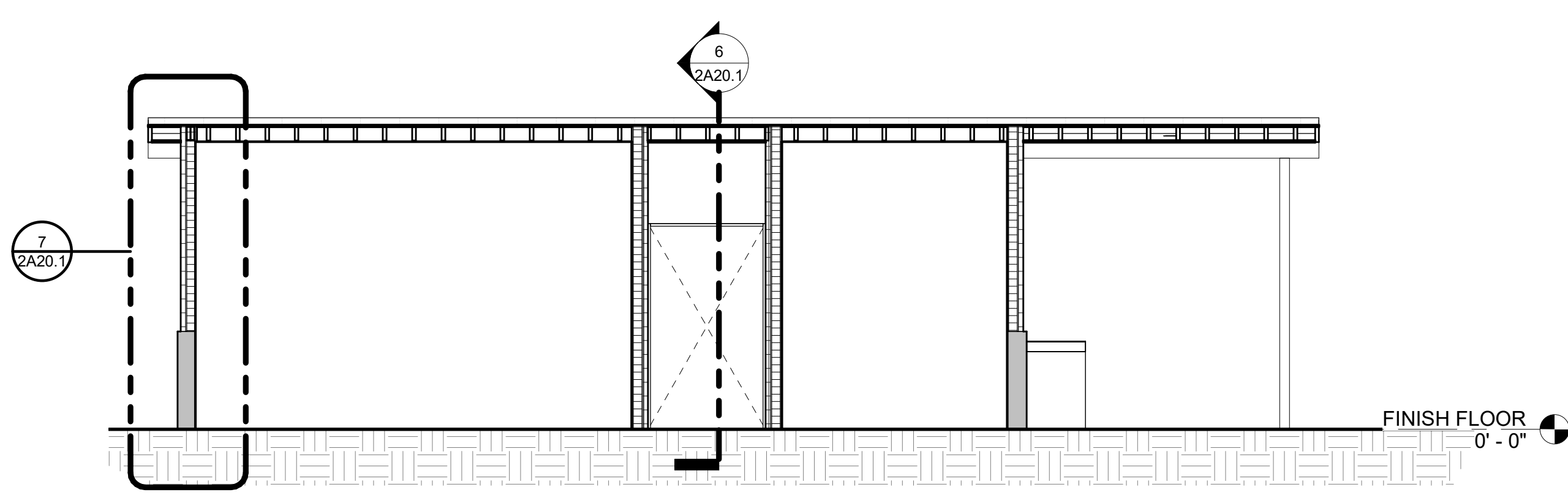
3 NORTH RESTROOM ELEVATION
SCALE: 1/4" = 1'-0"



7 WALL SECTION
SCALE: 3/4" = 1'-0"



6 BUILDING SECTION
SCALE: 1/4" = 1'-0"

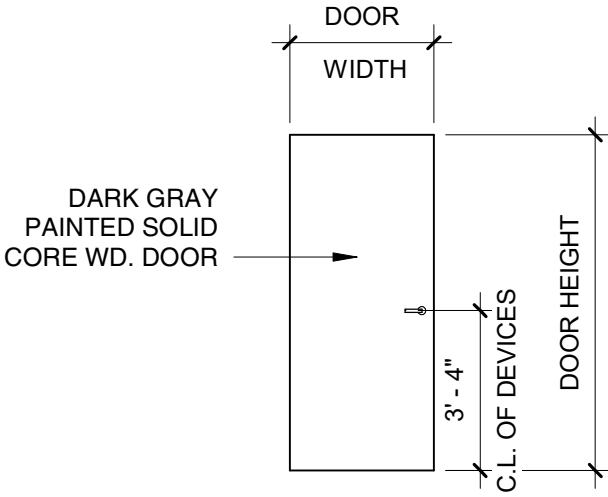


5 BUILDING SECTION
SCALE: 1/4" = 1'-0"

ROOM FINISH SCHEDULE Copy 1									
NUMBER	NAME	FLOOR FINISH	BASE FINISH	N WALL FINISH	S WALL FINISH	E WALL FINISH	W WALL FINISH	CEILING FINISH	CEILING HEIGHT
101	PATIO	SEALED CONCRETE	N/A	N/A	N/A	EIFS / BOARDFORM CONC.	N/A	T&G CEDAR SOFFIT	VARIES
102	MENS	SEALED CONCRETE	WOOD	T&G CEDAR	T&G CEDAR	T&G CEDAR	T&G CEDAR	T&G CEDAR SOFFIT	VARIES
103	WOMENS	SEALED CONCRETE	WOOD	T&G CEDAR	T&G CEDAR	T&G CEDAR	T&G CEDAR	T&G CEDAR SOFFIT	VARIES
104	JANITOR	SEALED CONCRETE	N/A	EXPOSED	EXPOSED	EXPOSED	EXPOSED	EXPOSED	VARIES
105	STORAGE	SEALED CONCRETE	N/A	EXPOSED	EXPOSED	EXPOSED	EXPOSED	EXPOSED	VARIES

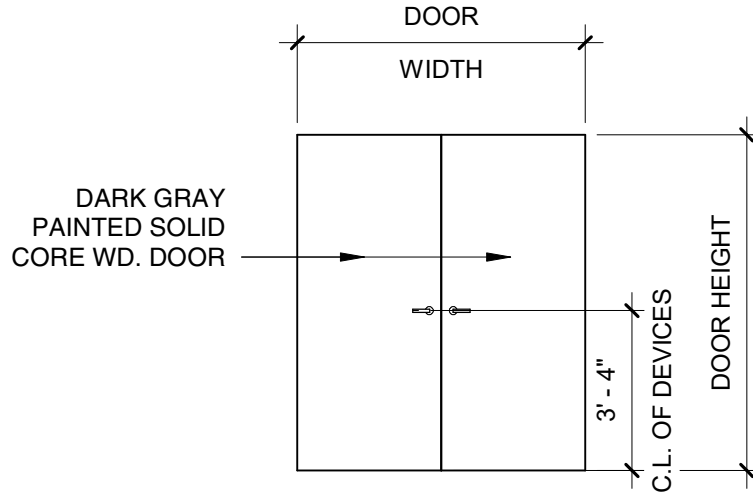
DOOR SCHEDULE Copy 1						
NO.	DOOR TYPE	DOOR			FRAME TYPE	HARDWARE GROUP
		WIDTH	HEIGHT	THICKNESS		
102A	AA	3' - 0"	6' - 8"	0' - 1 3/4"	WOOD	GROUP B
103A	AA	3' - 0"	6' - 8"	0' - 1 3/4"	WOOD	GROUP B
104A	AA	3' - 0"	6' - 8"	0' - 1 3/4"	WOOD	GROUP A
105A	BB	6' - 0"	6' - 8"	0' - 1 3/4"	WOOD	GROUP A

DOOR TYPES



AA

WOOD DOOR



BB

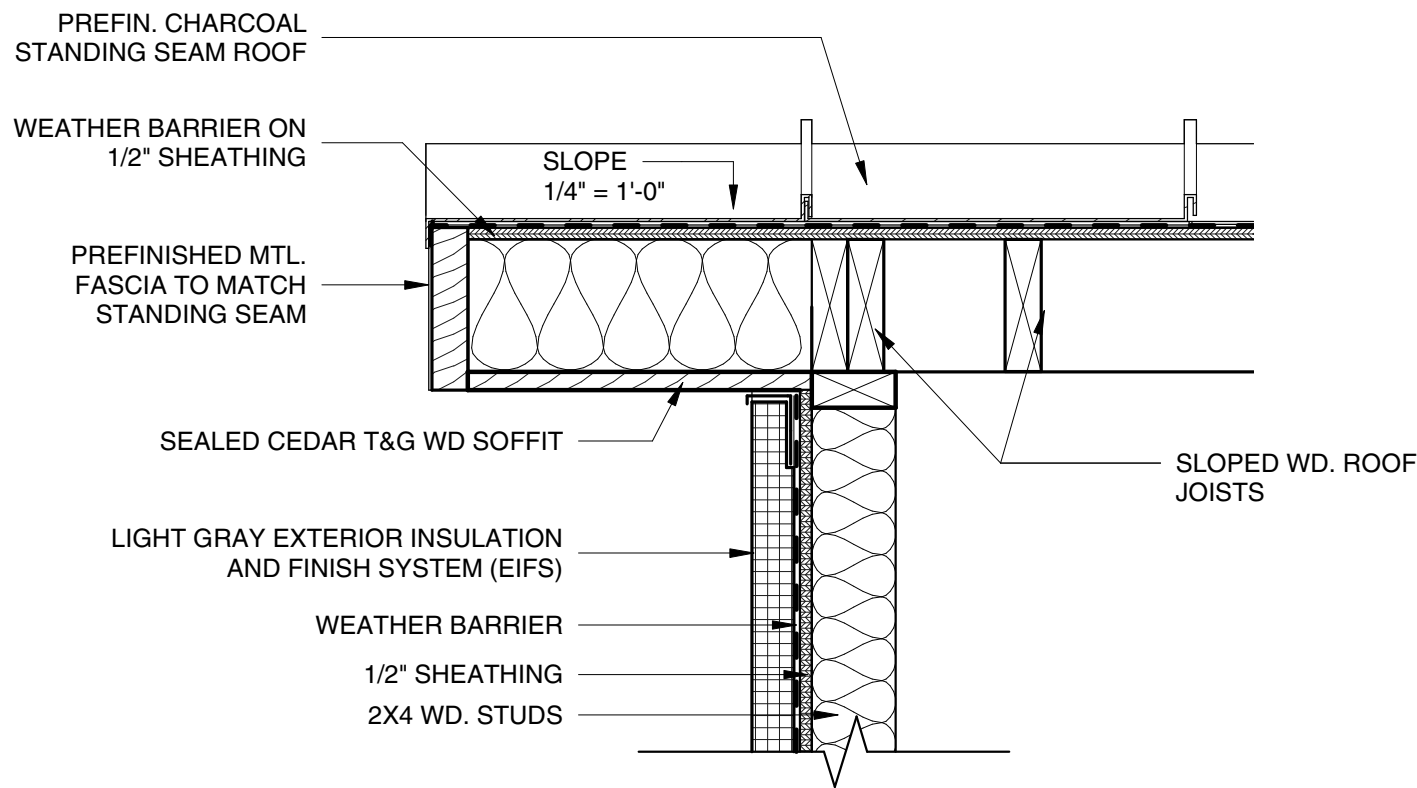
DOUBLE WOOD DOOR

DOOR HARDWARE GROUPS

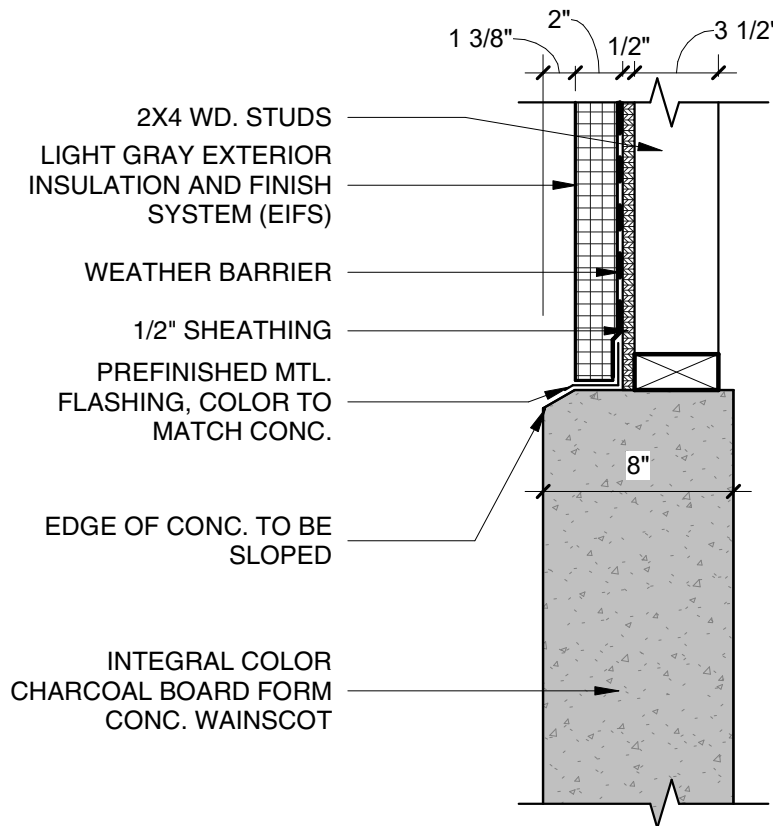
GROUP A: SARGENT 11 LINE BORED LOCK / F86 STOREROOM OR CLOSET / BLACK SUEDE POWDER COAT FINISH / LJ - L ROSE J LEVER

GROUP B: SARGENT 11 LINE BORED LOCK / F76 PRIVACY- BATHROOM / BLACK SUEDE POWDER COAT FINISH / LJ - L ROSE J LEVER

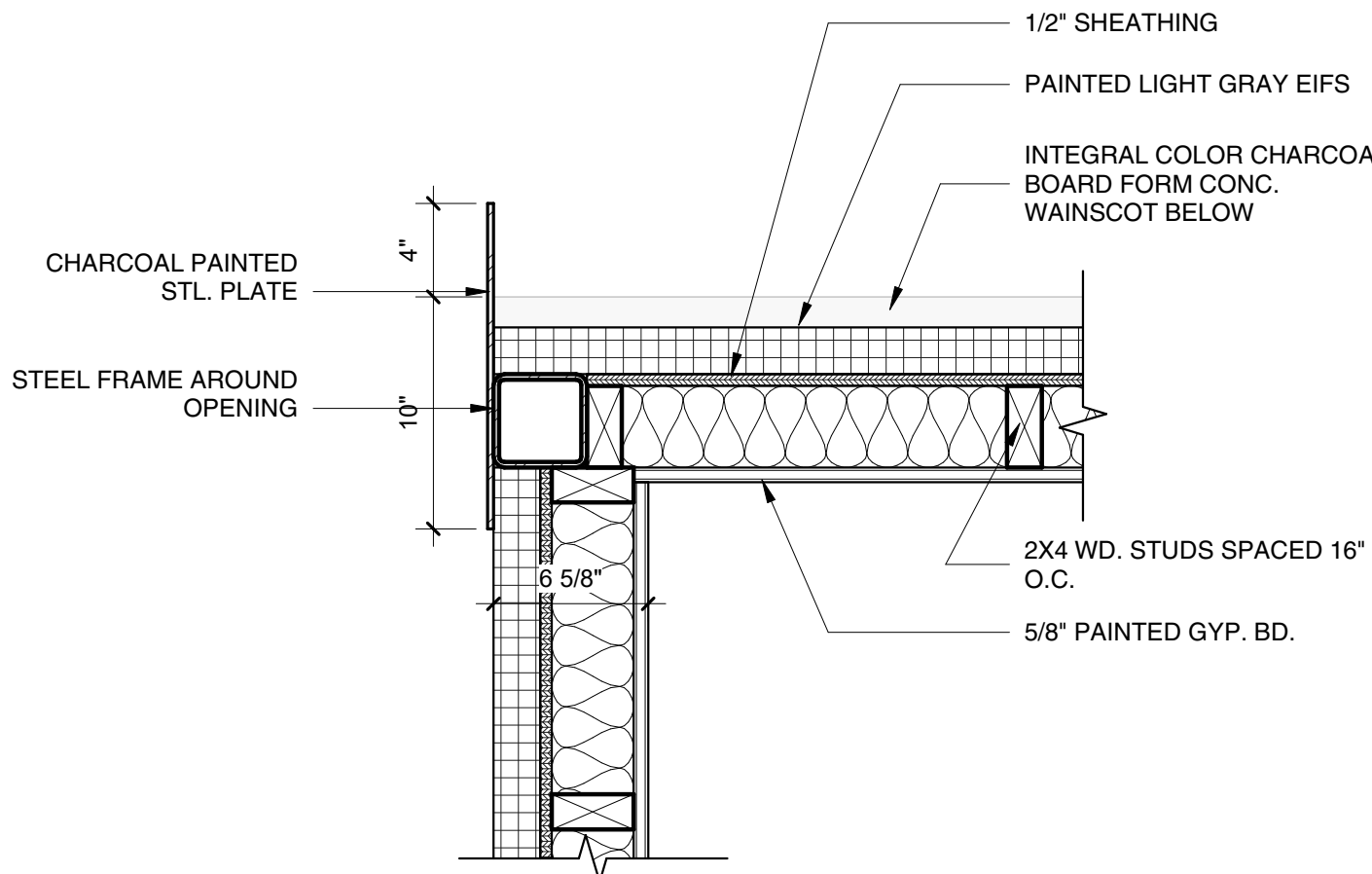
**ALL HARDWARE TO BE AS SPECIFIED OR APPROVED EQUAL



3 RESTROOM EAVE DETAIL
SCALE: 1 1/2" = 1'-0"



2 RESTROOM SILL DETAIL
SCALE: 1 1/2" = 1'-0"



1 PLAN DETAIL - RESTROOM THRESHOLD
SCALE: 1 1/2" = 1'-0"

NOT FOR CONSTRUCTION

RED DEVIL MOUNTAIN RESTROOM

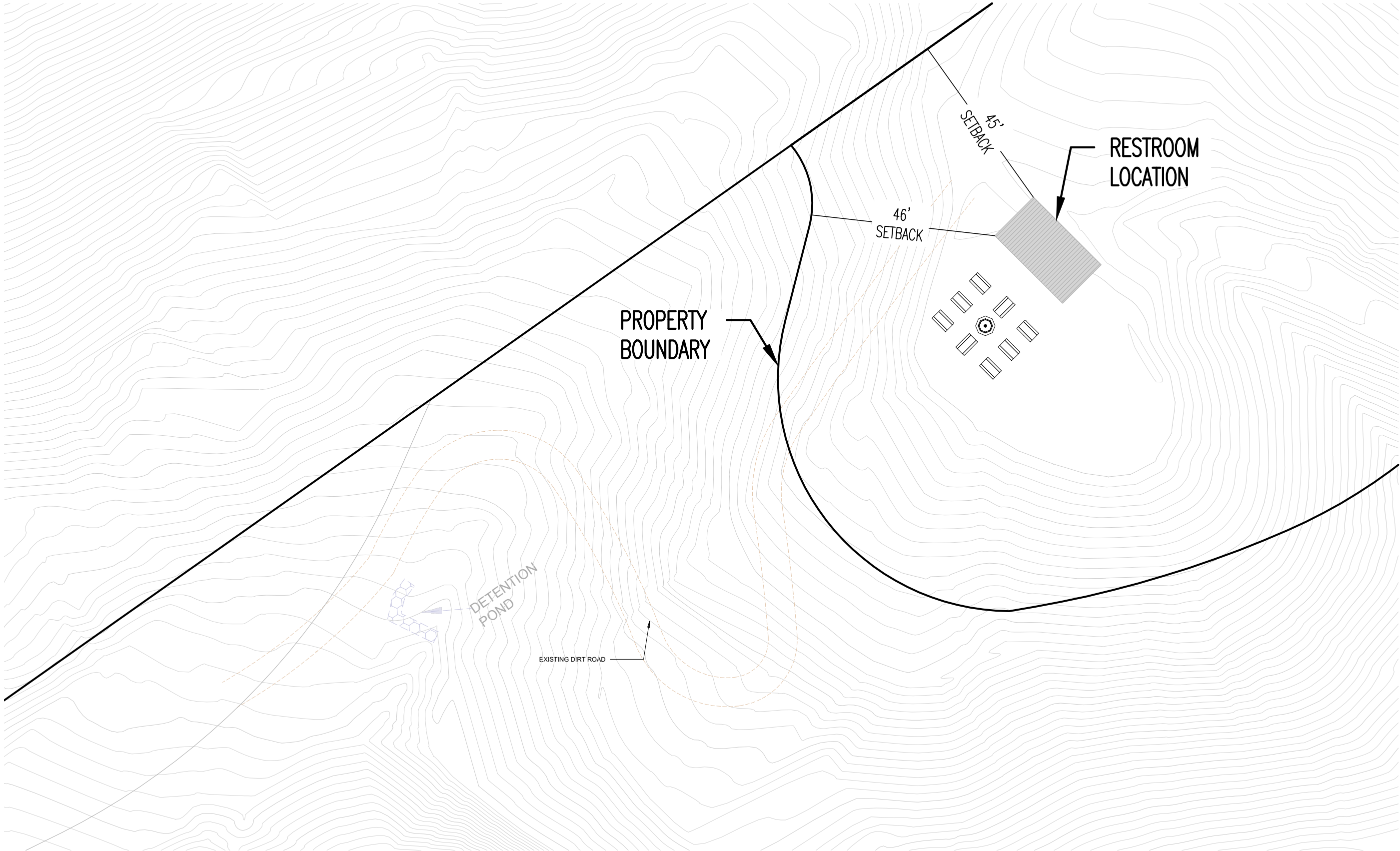
Green Mountain Falls, Colorado

RESTROOM SCHEDULES & DETAILS

Revisions	
No.	Date

PROJ. NO.
1950
DATE
10.15.2020

SHEET NO.
2A50.1



S I T E P L A N
1/2" = 1'-0"

REVISIONS	BY



ENTECH
ENGINEERING, INC.
505 ELKTON DRIVE
COLORADO SPRINGS, CO. 80907 (719) 531-5599

SITE PLAN
RED DEVIL MOUNTAIN RESTROOMS
GREEN MOUNTAIN FALLS, CO
FOR: JESSE STROOPE

DRAWN BY: AMN
DESIGNED BY: AMN
CHECKED BY:
DATE: 12/29/2020
SCALE: AS SHOWN
JOB NO.: 201280
SHEET NO:
1
OF SHEETS



Christian Keesee, Sole Member
Green Mountain Road, LLC
1001 W. Wilshire Blvd, Fourth Floor
Oklahoma City, OK 73116

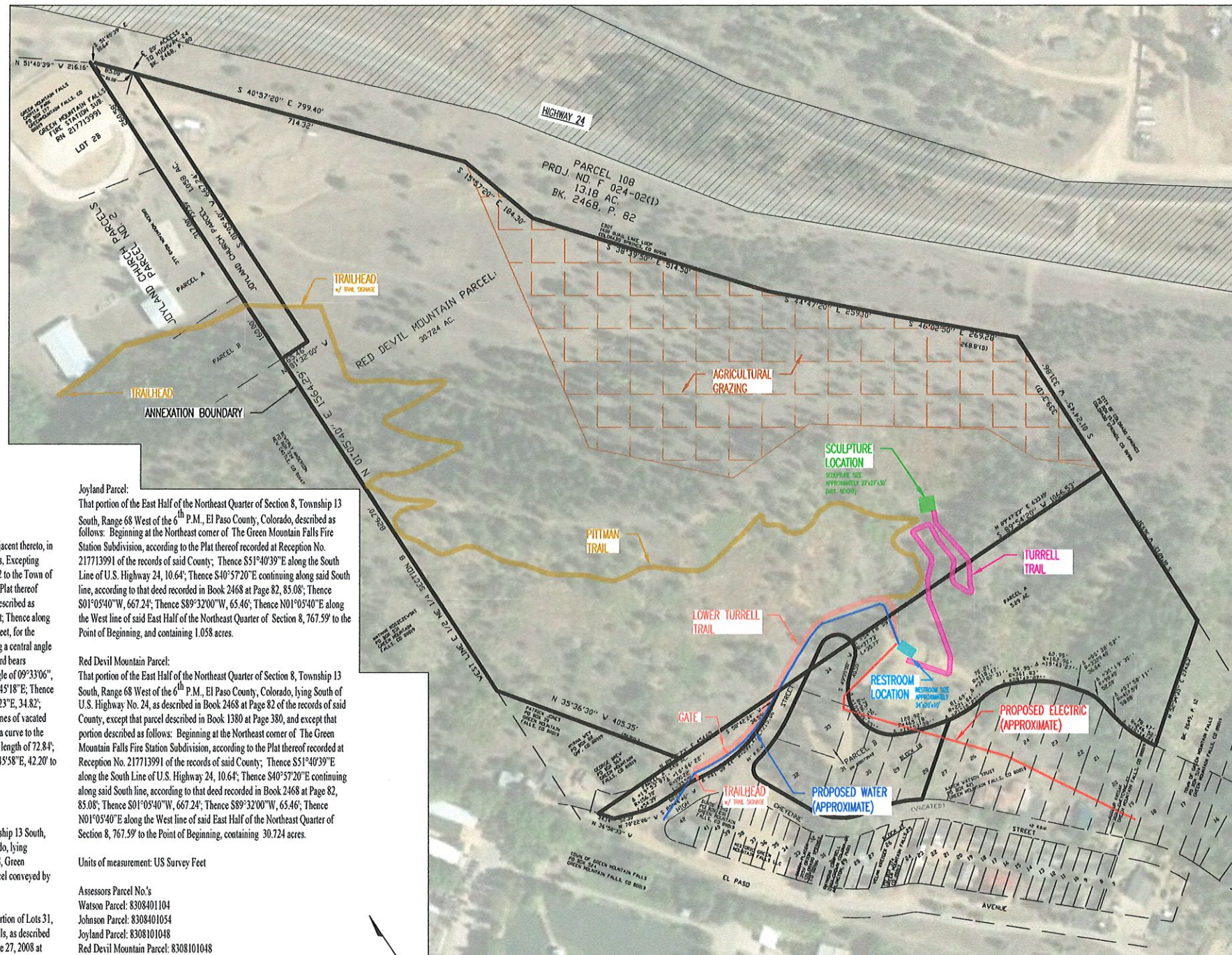
Watson Parcel:

Johnson Parcel A:
That unplatted portion of the Southeast Quarter of Section 8, Township 13 South,
Range 68 West of the 6th P.M., County of El Paso, State of Colorado, lying
Northerly of Block 17 and Northerly and Northeasterly of Block 18, Green
Mountain Falls Addition No. 2 and lying Northwesternly of that parcel conveyed by
Deed recorded January 9, 1974 in Book 2649 at Page 12.

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book #426 of the County, 82.85'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, and containing 1,058 acres.

Units of measurement: US Survey Feet

Proposed Zone: PUD
Red Devil Mountain - Public Land
Joyland Parcel - Business


$$1'' = 100'$$
[illegible]

DEVELOPMENT PLAN
RED DEVIL MOUNTAIN DEVELOPMENT
GREEN MOUNTAIN FALLS, CO
FOR: GREEN MOUNTAIN ROAD, LLC

DRAWN BY: AMN
DESIGNED BY:
CHECKED BY:
DATE: 12/10/2020
SCALE: AS SHOWN
JOB NO.: 201280
SHEET NO.: 1 OF 1 SHEETS



VICINITY MAP

N.T.S.

Owners

Historic Green Mountain Falls Foundation, LLC
1001 W. Wilshire Blvd, Fourth Floor
Oklahoma City, OK 73116

Christian Keesee, Sole Member
Green Mountain Road, LLC
1001 W. Wilshire Blvd, Fourth Floor
Oklahoma City, OK 73116

Legal Descriptions

Watson Parcel:

Lots 28, 29, 30, 31, 32, 33 and 34, and vacated Cheyenne Street adjacent thereto, in Block 18, Addition Number 2 to the Town of Green Mountain Falls, Excepting therefrom That portion of Lots 31 and 32, Block 18, Addition No. 2 to the Town of Green Mountain Falls, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 28 of the records of said county, described as follows: Beginning at the Westerly end of vacated Cheyenne Street; Thence along the Westerly line of said Lot 32, being the Easterly line of High Street, for the following two (2) courses; (1) Thence on a curve to the right having a central angle of 104°11'15", a radius of 25.00', a length of 45.46', and whose chord bears N26°26'13"E; (2) Thence on a curve to the left having a central angle of 09°33'06", a radius of 339.47', a length of 56.59', and whose chord bears N73°45'18"E; Thence S19°07'14"E, 66.65'; Thence S19°06'13"E, 64.98'; Thence S22°32'23"E, 34.82'; Thence S39°24'08"W, 104.03'; Thence along the South and West lines of vacated Cheyenne Street for the following three (3) courses; (1) Thence on a curve to the right having a central angle of 25°02'45", a radius of 166.63', and a length of 72.84'; Thence N25°39'24"W tangent to said curve, 110.42'; Thence N45°45'58"E, 42.20' to the Point of Beginning, County of El Paso, State of Colorado And containing 1.588 acres

Johnson Parcel A:

That unplatted portion of the Southeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., County of El Paso, State of Colorado, lying Northerly of Block 17 and Northerly and Northeasterly of Block 18, Green Mountain Falls Addition No. 2 and lying Northwesterly of that parcel conveyed by Deed recorded January 9, 1974 in Book 2649 at Page 12.

Johnson Parcel B:

A non-exclusive easement for ingress, egress and utilities over a portion of Lots 31, 32, 33 and 34 in Block 18 in Addition No. 2 to Green Mountain Falls, as described on Shared Driveway and Utility Easement Agreement recorded June 27, 2008 at Reception No. 208073542. And containing 5.77 acres

Joyland Parcel:

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, and containing 1.058 acres.

Red Devil Mountain Parcel:

That portion of the East Half of the Northeast Quarter of Section 8, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, lying South of U.S. Highway No. 24, as described in Book 2468 at Page 82 of the records of said County, except that parcel described in Book 1380 at Page 380, and except that portion described as follows: Beginning at the Northeast corner of The Green Mountain Falls Fire Station Subdivision, according to the Plat thereof recorded at Reception No. 217713991 of the records of said County; Thence S51°40'39"E along the South Line of U.S. Highway 24, 10.64'; Thence S40°57'20"E continuing along said South line, according to that deed recorded in Book 2468 at Page 82, 85.08'; Thence S01°05'40"W, 667.24'; Thence S89°32'00"W, 65.46'; Thence N01°05'40"E along the West line of said East Half of the Northeast Quarter of Section 8, 767.59' to the Point of Beginning, containing 30.724 acres.

Units of measurement: US Survey Feet

Assessors Parcel No.'s

Watson Parcel: 8308401104

Johnson Parcel: 8308401054

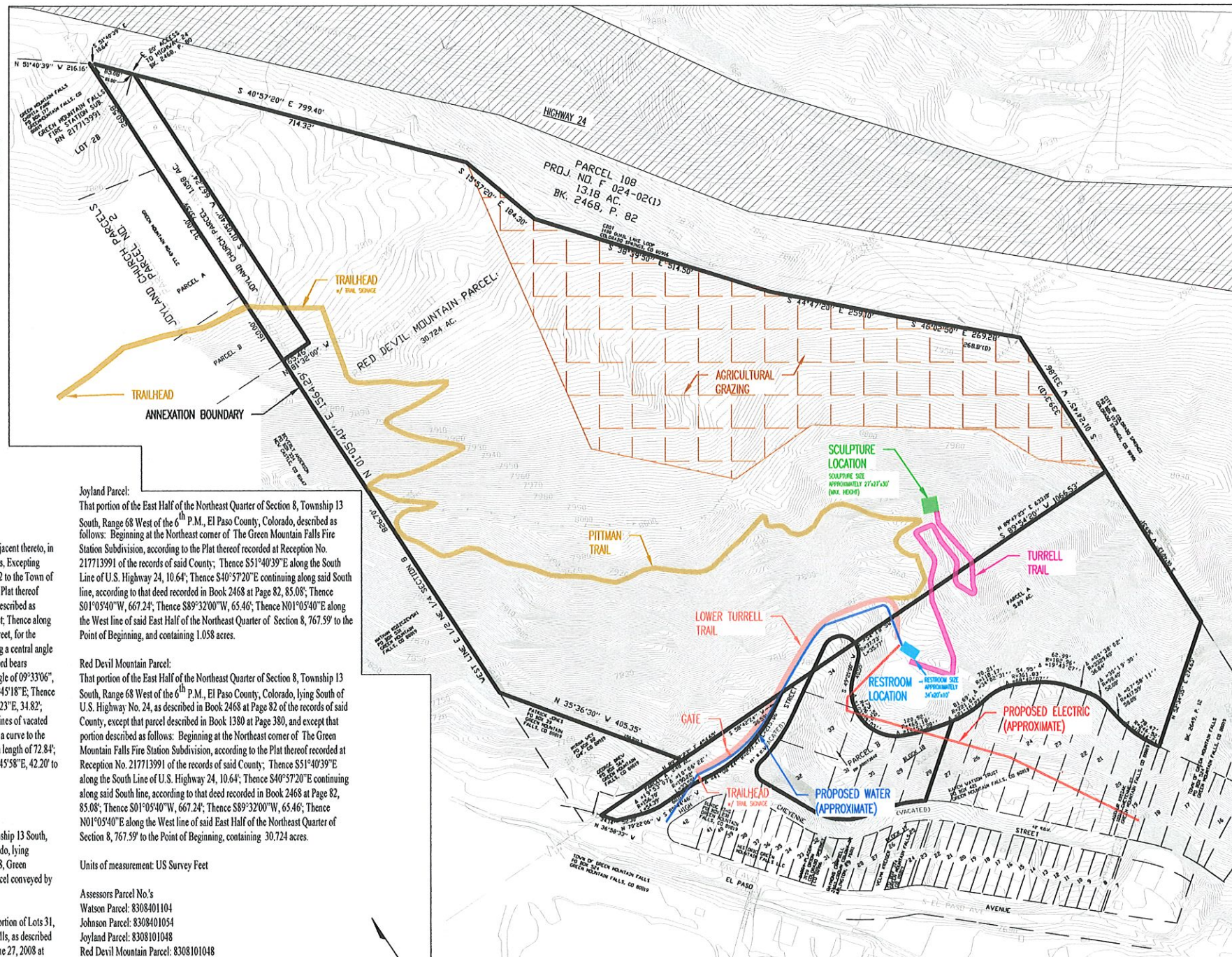
Joyland Parcel: 8308101048

Red Devil Mountain Parcel: 8308101048

Proposed Zone: PUD

Red Devil Mountain - Public Land

Joyland Parcel - Business



SCALE: 1" = 100'

REVISIONS BY

ENTECH
ENGINEERING, INC.

505 ELKTON DRIVE
COLORADO SPRINGS, CO 80907 (719) 531-5599



DEVELOPMENT PLAN
RED DEVIL MOUNTAIN DEVELOPMENT
GREEN MOUNTAIN FALLS, CO
FOR: GREEN MOUNTAIN ROAD, LLC

DRAWN BY: AMW

DESIGNED BY:

CHECKED BY:

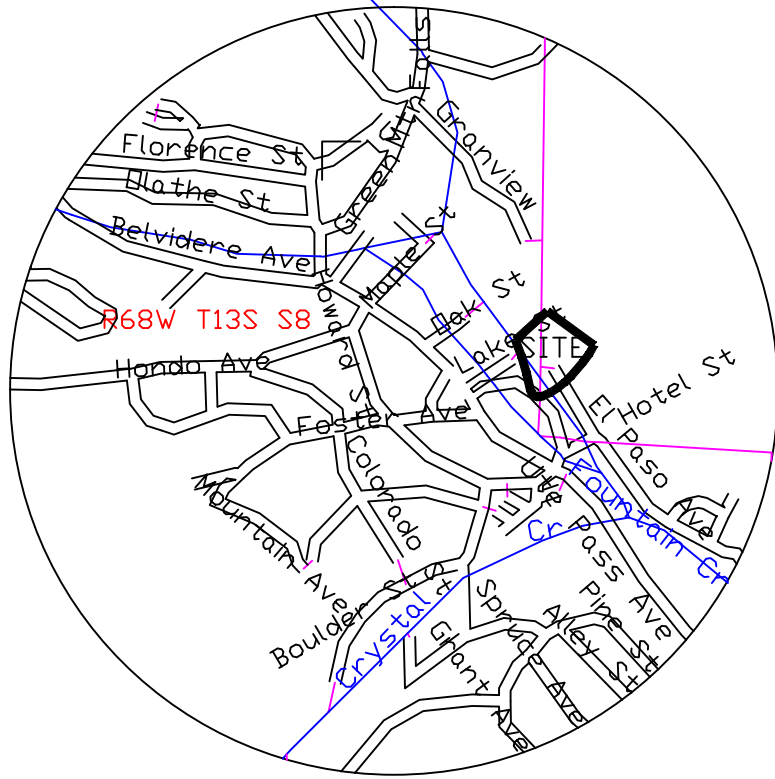
DATE: 12/23/2020

SCALE: AS SHOWN

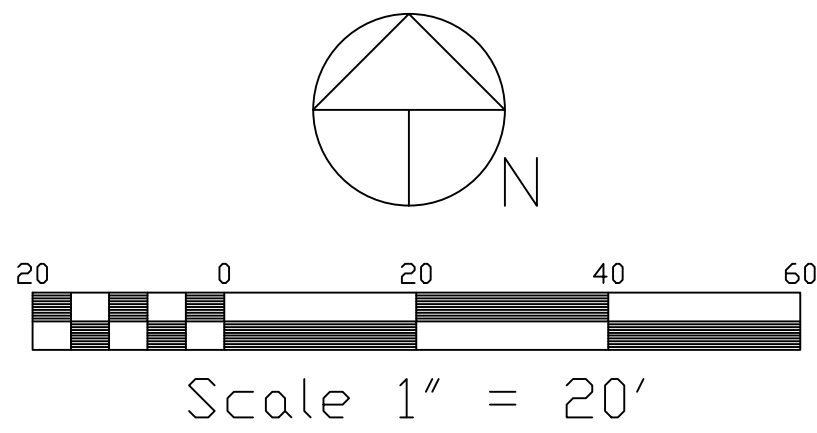
JOB NO.: 201280

SHEET NO.:

2 OF 2 SHEETS



VICINITY MAP
1"=1000'

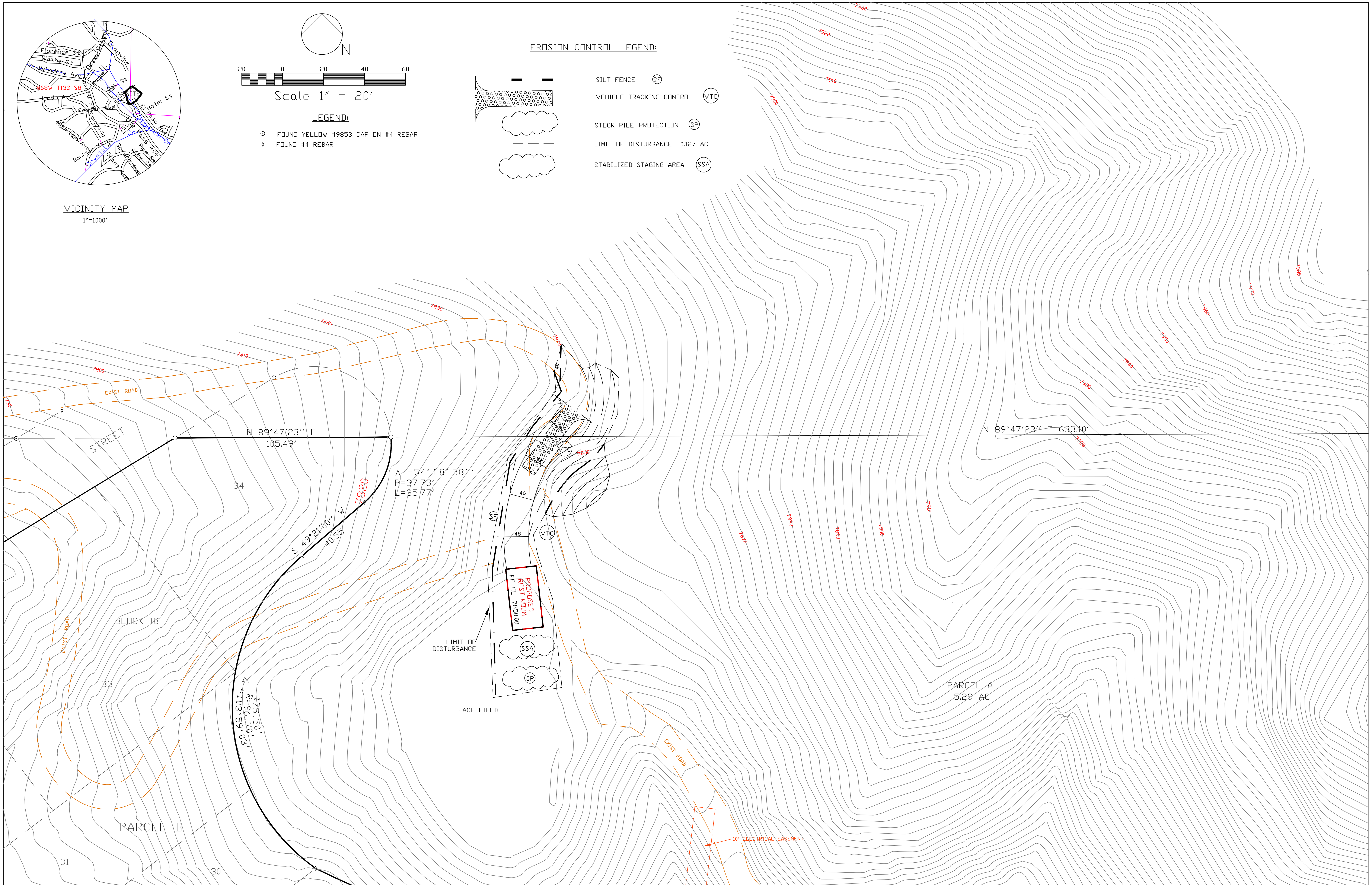


LEGEND:

- FOUND YELLOW #9853 CAP ON #4 REBAR
- ◊ FOUND #4 REBAR

EROSION CONTROL LEGEND:

- SILT FENCE (SF)
- VEHICLE TRACKING CONTROL (VTC)
- STOCK PILE PROTECTION (SP)
- LIMIT OF DISTURBANCE 0.127 AC.
- STABILIZED STAGING AREA (SSA)



<p>DRAWN BY: D.E. WATTS</p> <p>DATE: 1-4-21</p> <p>DWG. NO.: 20-5462-05</p> <p>SURVEYED BY: DEW, ESW, DEV V THRU 9-21-20</p>	<p>APPROVED BY:</p> <p>PROJ. NO.</p> <p>DWG.</p>	<p>REVISIONS</p>	<p>OLIVER E. WATTS</p> <p>CONSULTING ENGINEER</p> <p>COLORADO SPRINGS</p>	<p>PROJECT</p> <p>10400 EL PASO AVE.</p> <p>ADD. NO. 2 TO GREEN MOUNTAIN FALLS</p> <p>EL PASO COUNTY, COLORADO</p>	<p>SHT. NAME</p> <p>GRADING AND EROSION CONTROL PLAN</p>	<p>SHT. NO.</p> <p>1 OF 2</p>
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EROSION CONTROL COST ESTIMATE			
ITEM	QUANTITY	UNIT COST	COST
SILT FENCE	166 LF	\$ 2.50	\$ 415.00
VEHICLE TR CONTROL	1 EA	1325.00	1325.00
RESEEDING	5500 SF	0.03	165.00
SUBTOTAL CONSTRUCTION COST			\$ 1905.00
MAINTENANCE AND REPLACEMENT	40%		762.00
TOTAL ESTIMATED COST			\$ 2667.00

Standard Grading, Erosion And Stormwater Quality Control Plan Notes

- Any land disturbance by any owner, developer, builder, contractor, or other person shall comply with the Basic Grading, Erosion and Stormwater Quality Control Requirements and General Prohibitions noted in the Drainage Criteria Manual Volume II.
- No clearing, grading, excavation, filling, or other land disturbing activities shall be permitted until signoff and acceptance of the Grading Plan and Erosion and Stormwater Quality Control Plan is received from EDRD.
- The installation of the first level of temporary erosion control facilities and BMP's shall be installed and inspected prior to any earth disturbance operations taking place. Call City Stormwater Inspections, 385-5980, 48 hours prior to construction.
- Sediment (mud and dirt) transported onto a public road, regardless of the size of the site, shall be cleaned immediately.
- Concrete wash water shall not be discharged to or allowed to runoff to State Waters, including any surface or subsurface storm drainage system or facilities.
- Soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within twenty-one (21) calendar days after final grading or final earth disturbance has been completed. Disturbed areas and stockpiles which are not at final grade but will remain dormant for longer than thirty (30) days shall also be mulched within twenty-one (21) days after interim grading. An area that is going to remain in an interim state for more than sixty (60) days shall also be seeded. All temporary soil erosion control measures and BMP's shall be maintained until permanent soil erosion control measures are implemented.
- The grading and erosion control plan will be subject to re-review and re-acceptance by EDRD should any of the following occur: grading does not commence within twelve (12) months of the City Engineer's acceptance of the plan, a change in property ownership, proposed development changes, or proposed grading revisions.
- The Plan shall not substantially change the depth of cover, or access existing utility lines. Acceptance of this plan does not constitute approval to grade in any utility easement or right-of-way. Approvals to grade within utility easements must be obtained from the appropriate utility company. It is not permissible for any person to modify the grade of the earth on any Colorado Springs Utilities easement or Utility right-of-way without their written approval. The plan shall not increase or divert water towards utility facilities. Any changes to existing utility facilities to accommodate the plan must be approved by the affected utility owner prior to implementing the plan. The cost to relocate or protect existing utilities or to provide interim access is the applicant's expense.
- Applicant represents and warrants that they have the legal authority top grade and/or construct improvements on adjacent property. The City has not reviewed the developer's authority to modify adjacent property.
- All utility installations within the limits of disturbance shown on this plan are covered under this plan. Locations of utilities within the limits of disturbance may be modified after plan approval as a field change. Utility installations related to the private development that extend beyond the limits of disturbance shown on this plan are considered to be part of the larger development, and therefore require a plan modification or separate plan for the additional disturbance area.

Description of construction activities
Anticipated starting and completion time period of site grading: January, 2021 -June
Expected date on which the final stabilization will be completed: June 1, 2021
Areas - Total area of the site to be cleared, excavated, or graded: 0.127 ac.
Receiving Waters - Name of receiving waters: Fountain Creek
Soils Information: Sphinx series, hydrologic group "D"

Signature Blocks

Engineer's Statement

This Erosion and Stormwater Quality Control/Grading Plan was prepared under my direction and supervision and is correct to the best of my knowledge and belief. If such work is performed in accordance with the grading and erosion control plan, the work will not become a hazard to life and limb, endanger property, or adversely affect the safety, use, or stability of a public way, drainage channel, or other property.

Signature: _____ Seal: _____ Date: _____

Oliver E. Watts, Colorado PELS#9853
For and on behalf of
Oliver E Watts Consulting Engineer, inc
614 Elkton Drive Colorado Springs, CO 80907
719-593-0173
olleewatts@aol.com

Developer's/Owner's Statement

The owner will comply with the requirements of the Erosion and Stormwater Quality Control Plan including temporary BMP inspection requirements and final stabilization requirements. I acknowledge the responsibility to determine whether the construction activities on these plans require Colorado Discharge Permit System (CDPS) permitting for Stormwater discharges associated with Construction Activity.

Developer/Owner Signature: _____

Name of Developer/Owner: Jesse Stroepe _____ Date: _____

DBA: Kirkpatrick Oil Company _____ Phone: (719) 465-3065 _____

Title: Project Manager _____ Email: JesseStroepe@yahoo.com _____

Address: 1001 West Willshire Blvd, Oklahoma City, OK 73116

Town of Green Mountain Falls Grading and Erosion Control Review

This grading plan is filed in accordance with section 7.7.1503 (enacted as ord. 82-56) of the code of the City of Colorado Springs, 2001, as amended. Erosion control is reviewed in accordance with the Drainage Criteria Manual, Vol. I (May 2014) and Vol. 2 (May 2014); latest revisions

Date:

Notes: No construction activities shall commence prior to approval of the Hillside Site / Grading Plan.
If the unapproved geological hazard study/waiver ultimately results in significant site changes then a new grading plan will have to be reviewed and approved.

	DRAWN BY: O.E. WATTS	APPROVED BY:	REVISIONS	OLIVER E. WATTS CONSULTING ENGINEER COLORADO SPRINGS	10400 EL PASO AVE. ADD. NO. 2 TO GREEN MOUNTAIN FALLS EL PASO COUNTY, COLORADO	SHT. NAME GRADING AND EROSION CONTROL PLAN	2 OF 2	
	DATE: 1-4-21	PROJ. NO.						
	DWG. NO.: 20-5462-02	DWG.						
	SURVEYED BY: DEW, ESW, DEV V THRU 9-21-20							

MM-2

STOCKPILE PROTECTION INSTALLATION NOTES

3. SEE PLAN VIEW FOR:
 - LOCATION OF STOOPLES.
 - TYPE OF STOOPLE PROTECTION.
4. INSTALL PERIMETER CONTROLS IN ACCORDANCE WITH THEIR RESPECTIVE DESIGN DETAILS.
 - 2x12 FENCE IS SHOWN IN THE STOOPLE PROTECTION DETAILS HOWEVER, OTHER TYPES OF PERIMETER CONTROLS MAY BE USED.
 - THESE CONTROLS MUST BE DESIGNED TO BE SUITABLE IN SOME CIRCUMSTANCES CONSIDERATIONS FOR DETERMINING THE APPROPRIATE TYPE OF PERIMETER CONTROL FOR A STOOPLE INCLUDE WHETHER THE STOOPLE IS TO BE PROTECTED BY A PERIMETER CONTROL, THE HEIGHT OF THE PERIMETER CONTROL, THE PERIMETER CONTROL, AND STOOPLE, THE ABILITY OF THE PERIMETER CONTROL TO CONTAIN THE STOOPLE WITHIN THE PERIMETER, THE EVENT THAT MATERIAL FROM THE STOOPLE SLIPS OR SLUMPS AGAINST THE PERIMETER, AND OTHER FACTORS.
5. STABILIZE THE STOOPLE SURFACE WITH SURFACE ROUGHENING, TEMPORARY SEEDING AND MULCHING TO PREVENT EROSION. THE SURFACE SHOULD BE SEEDING AND MULCHED WITH A TEMPORARY GRASS COVER ONCE THE STOOPLE IS PLACED (TYPICALLY WITHIN 14 DAYS OF PLACEMENT). THE MULCHING SHOULD BE REPLACED AS NEEDED. THE STOOPLE WILL BE IN PLACE FOR A LONG LIMITED TIME PERIOD (TYPICALLY 30-60 DAYS).
6. FOR TEMPORARY STOOPLES ON THE INTERIOR PORTION OF A CONSTRUCTION SITE, WHERE OTHER DOWNGRADE CONTROLS, INCLUDING PERIMETER CONTROL, ARE IN PLACE, STOOPLES

SP-3

Stockpile Management (SM)

STOCKPILE PROTECTION MAINTENANCE NOTES

1. INSPECT BMPs EACH WORKDAY, AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION. MAINTENANCE OF BMPs SHOULD BE PROACTIVE, NOT REACTIVE. INSPECT BMPs AS SOON AS POSSIBLE, ALWAYS WITHIN 24 HOURS FOLLOWING A STORM THAT CAUSES SURFACE EROSION, AND PERFORM NECESSARY MAINTENANCE.
 2. FREQUENT OBSERVATIONS AND MAINTENANCE ARE NECESSARY TO MAINTAIN BMPs IN EFFECTIVE OPERATING CONDITION. INSPECTIONS AND CORRECTIVE MEASURES SHOULD BE DOCUMENTED THOROUGHLY.
 3. WHERE BMPs HAVE FAILED, REPAIR OR REPLACEMENT SHOULD BE INITIATED UPON DISCOVERY OF THE FAILURE.
- STOCKPILE PROTECTION MAINTENANCE NOTES**
4. IF PERMETER PROTECTION MUST BE MOVED TO ACCESS SOIL STOCKPILE, REPLACE PERMETER CONTROLS BY THE END OF THE WORKDAY.
 5. STOCKPILE PERMETER CONTROLS CAN BE REMOVED ONCE ALL THE MATERIAL FROM THE STOCKPILE HAS BEEN REMOVED.

(DETAILS ADAPTED FROM PARKER, COLORADO. NOT AVAILABLE IN AUTOCAD)

NOTE: MANY JURISDICTIONS HAVE BMP DETAILS THAT VARY FROM UDFCD STANDARD DETAILS. CONSULT WITH LOCAL JURISDICTIONS AS TO WHICH DETAIL SHOULD BE USED WHEN DIFFERENCES ARE NOTED.

November 2010

SC-1



SECTION A

SF-1. SILT FENCE

SF-3

Silt Fence (SF)

SILT FENCE INSTALLATION NOTES

1. SLT FENCE MUST BE PLACED ANYWHERE FROM THE TOE OF THE SLOPE TO ALLOW FOR WATER PONDING. SLT FENCE AT THE TOE OF A SLOPE SHOULD BE INSTALLED IN A FLAT LOCATION (MINIMUM 10' TO 15' WIDE) 10' TO 25' (3 TO 8 M) FROM THE TOE OF THE SLOPE TO ALLOW ROOM FOR PONDING AND DEPOSITION.
2. A UNIFORM 6" X 4" ANCHOR TRENCH SHALL BE EXCAVATED USING TRENCHEER OR SLT FENCE INSTALLATION DEVICE. NO ROAD GRADERS, BACKHOES, OR SIMILAR EQUIPMENT SHALL BE USED.
3. COMPACT ANCHOR TRENCH BY HAND WITH A "JUMPING JACK" OR BY WHEEL ROLLER. COMPACT SHALL BE SUCH THAT SLT FENCE RESISTS BEING PULLED OUT OF ANCHOR TRENCH BY HAND.
4. SLT FENCE SHALL BE PULLED TIGHT AS IT IS ANCHORED TO THE STAKES. THERE SHOULD BE NO SLACK BETWEEN STAKES. STAKES AFTER IT HAS BEEN ANCHORED TO THE STAKES.
5. SLT FENCE SHALL BE PULLED TIGHT AS IT IS ANCHORED TO THE STAKES. THERE SHOULD BE NO SLACK BETWEEN STAKES. STAKES AFTER IT HAS BEEN ANCHORED TO THE STAKES.
6. SLT FENCE FABRIC SHALL BE ANCHORED TO THE STAKES USING 1" HEAVY DUTY STAPLES OR NAILS WITH 1" HEADS. STAPLES AND NAILS SHOULD BE PLACED 3" ALONG THE FABRIC DOW THE STAKE.
7. AT THE END OF A RUN OF SLT FENCE ALONG A CONTOUR, THE SLT FENCE SHOULD BE TURNED PERPENDICULAR TO THE CONTOUR TO CREATE A "J-HOOK," THE "J-HOOK" SHOULD BE PERPENDICULAR TO THE CONTOUR SHOULD BE OF SUFFICIENT LENGTH TO KEEP RUNOFF FROM FLOWING AROUND THE END OF THE SLT FENCE (TYPICALLY 10' - 20').
8. SLT FENCE SHALL BE INSTALLED PROPER TO ANY LAND DISTURBING ACTIVITIES.

SILT FENCE MAINTENANCE NOTES

3. INSPECT EMBs EACH MORNING, AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION. MAINTENANCE OF EMBs SHOULD BE PROACTIVE, NOT REACTIVE. INSPECT EMBs AS SOON AS POSSIBLE (AND ALWAYS WITHIN 24 HOURS) FOLLOWING A STORM THAT CAUSES SURFACE EROSION. REPAIR OR REPLACE ANY NECESSARY MAINTENANCE.
4. FREQUENT OBSERVATIONS AND MAINTENANCE ARE NECESSARY TO MAINTAIN EMBs IN EFFECTIVE OPERATING CONDITION. INSPECTIONS AND CORRECTIVE MEASURES SHOULD BE DOCUMENTED THOROUGHLY.
5. WHERE EMBs HAVE FAILED, REPAIR OR REPLACEMENT SHOULD BE INITIATED UPON DISCOVERY OF THE FAILURE.
6. SEDIMENT ACCUMULATED UPSTREAM OF THE SILT FENCE SHALL BE REMOVED AS NEEDED TO MAINTAIN THE FUNCTIONALITY OF THE EMB. TYPICALLY WHEN DEPTH OF ACCUMULATED SEDIMENTS IS APPROXIMATELY 6".
7. REPAIR OR REPLACE SILT FENCE WHEN THERE ARE SIGNS OF WEAR, SUCH AS SAGGING, TEARING, OR COLLAPSE.
8. SILT FENCE IS TO REMAIN IN PLACE UNTIL THE UPSTREAM DISTURBED AREA IS STABILIZED AND APPROVED BY THE LOCAL JURISDICTION, OR IS REPLACED BY AN EQUIVALENT PERMANENT EROSION CONTROL MEASURE.
9. WHEN SILT FENCE IS REMOVED, ALL DISTURBED AREAS SHALL BE COVERED WITH TOPSOIL, SEEDED AND MULCHED OR OTHERWISE STABILIZED AS APPROVED BY LOCAL JURISDICTION.

(DETAIL ADAPTED FROM TOWN OF PARKER, COLORADO AND CITY OF AURORA, NOT AVAILABLE IN AUTOCAD)

NOTE: MANY JURISDICTIONS HAVE BMP DETAILS THAT VARY FROM UDFO STANDARD DETAILS. CONSULT WITH LOCAL JURISDICTIONS AS TO WHICH DETAIL SHOULD BE USED WHEN DIFFERENCES ARE NOTED.

November 2010

SM-4



/TC-3

Vehicle Tracking Control (VTC)

STABILIZED CONSTRUCTION ENTRANCE/EXIT INSTALLATION NOTES

1. SEE PLAN VIEW FOR
- LOCATION OF CONSTRUCTION ENTRANCE(S)/EXIT(S)
- TYPE OF CONSTRUCTION ENTRANCE(S)/EXIT(S) (WITH/WITHOUT WHEEL WASH, CONSTRUCTION MAT OR TRM).
2. CONSTRUCTION MAT OR TRM STABILIZED CONSTRUCTION ENTRANCES ARE ONLY TO BE USED ON SHORT DURATION PROJECTS (TYPICALLY RANGING FROM A WEEK TO A MONTH) WITH LOW TRAFFIC VOLUMES AND LOW TRUCK/VEHICLE AVERAGE WEIGHTS.
3. A STABILIZED CONSTRUCTION ENTRANCE/EXIT SHALL BE LOCATED AT ALL ACCESS POINTS WHERE VEHICLES ACCESS THE CONSTRUCTION SITE FROM RIGHT-OF-WAYS.
4. STABILIZED CONSTRUCTION ENTRANCE/EXIT SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBING ACTIVITIES.
5. A NON-WOVEN GEOTEXTILE FABRIC SHALL BE PLACED UNDER THE STABILIZED CONSTRUCTION ENTRANCE/EXIT PRIOR TO THE PLACEMENT OF ROCK.
6. UNLESS OTHERWISE SPECIFIED BY LOCAL JURISDICTION, ROCK SHALL CONSIST OF DO NOT EXCEED 4" DIAMETER AND 4" THICKNESS.

STABILIZED CONSTRUCTION ENTRANCE/EXIT MAINTENANCE NOTES

1. INSPECT BMPs EACH WORKDAY, AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION. MAINTENANCE OF BMPs SHOULD BE PROACTIVE, NOT REACTIVE. INSPECT BMPs AS SOON AS POSSIBLE (AND ALWAYS WITHIN 24 HOURS) FOLLOWING A STORM THAT CAUSES SURFACE EROSION, AND REPAIR ANY NECESSARY MAINTENANCE.
2. FREQUENT OPERATIONS AND MAINTENANCE ARE NECESSARY TO MAINTAIN BMPs IN EFFECTIVE OPERATING CONDITION. INSPECTIONS AND CORRECTIVE MEASURES SHOULD BE DOCUMENTED THOROUGHLY.
3. WHERE BMPs HAVE FAILED, REPAIR OR REPLACEMENT SHOULD BE INITIATED UPON DISCOVERY OF THE FAILURE.
4. ROCK SHALL BE REPLACED OR REGRADED AS NECESSARY TO THE STABILIZED ENTRANCE/EXIT TO MAINTAIN A CONSISTENT DEPTH.
5. SEDIMENT TRAPPED DURING DOWN PAVED ROWS IS TO BE REMOVED THROUGHOUT THE DAY AND BY THE END OF THE DAY. ONLY SHOVELING OR SWEEPING. SEDIMENT MAY NOT BE WASHED DOWN STORM DRAINS.

NOTE: MANY JURISDICTIONS HAVE BMP DETAILS THAT VARY FROM UDFCD STANDARD DETAILS. CONSULT WITH LOCAL JURISDICTIONS AS TO WHICH DETAIL SHOULD BE USED WHEN DIFFERENCES ARE NOTED.

(DETAILS ADAPTED FROM CITY OF BROOKFIELD, COLORADO, NOT AVAILABLE IN AUTOCAD)

November 2010

SM-6



STABILIZED STAGING AREA INSTALLATION NOTES

1. SEE PLAN VIEW FOR
 -LOCATION OF STAGING AREA(S).
 -CONTRACTOR MAY ADJUST LOCATION AND SIZE OF STAGING AREA WITH APPROVAL
 FROM THE LOCAL JURISDICTION.
2. STABILIZED STAGING AREA SHOULD BE APPROPRIATE FOR THE NEEDS OF THE SITE.
OVERSIZING RESULTS IN A LARGER AREA TO STABILIZE FOLLOWING CONSTRUCTION.
3. STAGING AREA SHALL BE STABILIZED PRIOR TO OTHER OPERATIONS ON THE SITE.
4. THE STABILIZED STAGING AREA SHALL CONSIST OF A MINIMUM 3" THICK GRANULAR
MATERIAL.
5. UNLESS OTHERWISE SPECIFIED BY LOCAL JURISDICTION, ROCK SHALL CONSIST OF DO
SIZE #703, ASTM# 83 COARSE AGGREGATE OR 6" (MINUS) ROCK.

STABILIZED STAGING AREA MAINTENANCE NOTE

1. INSPECT BMPs EACH WORKDAY, AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION. MAINTENANCE OF BMPs SHOULD BE PROACTIVE, NOT REACTIVE. INSPECT BMPs AS SOON AS POSSIBLE (AND ALWAYS WITHIN 24 HOURS) FOLLOWING A STORM THAT CAUSES SURFACE EROSION, AND PERFORM NECESSARY MAINTENANCE.
2. FREQUENT OBSERVATIONS AND MAINTENANCE ARE NECESSARY TO MAINTAIN BMPs IN EFFECTIVE OPERATING CONDITION. INSPECTIONS AND CORRECTIVE MEASURES SHOULD BE DOCUMENTED THOROUGHLY.
3. WHERE BMPs HAVE FAILED, REPAIR OR REPLACEMENT SHOULD BE INITIATED UPON DISCOVERY OF THE FAILURE.
4. ROCK SHALL BE REPLACED OR REGRADED AS NECESSARY IF RUTTING OCCURS OR UNDERLYING SUBGRADE BECOMES EXPOSED.

SSA-3

Stabilized Staging Area (SSA)

STABILIZED STAGING AREA MAINTENANCE NOTES

5. STABILIZED STAGING AREA SHALL BE ENLARGED IF NECESSARY TO CONTAIN PARKING, STORAGE, AND UNLOADING/LOADING OPERATIONS.
6. THE STABILIZED STAGING AREA SHALL BE REMOVED AT THE END OF CONSTRUCTION. THE GRANULAR MATERIAL SHALL BE REMOVED OR, IF APPROVED BY THE LOCAL JURISDICTION, USED ON SITE, AND THE AREA COVERED WITH TOPSOIL, SEEDED AND MULCHED OR OTHERWISE STABILIZED IN A MANNER APPROVED BY LOCAL JURISDICTION.
7. MANY JURISDICTIONS PROHIBIT THE USE OF RECYCLED CONCRETE AS GRANULAR MATERIAL FOR STABILIZED STAGING AREAS DUE TO DIFFICULTIES WITH RE-ESTABLISHMENT OF VEGETATION IN AREAS WHERE RECYCLED CONCRETE WAS PLACED.
- NOTE: MANY JURISDICTIONS HAVE BMP DETAILS THAT VARY FROM USDC STANDARD DETAILS. CONSULT WITH LOCAL JURISDICTIONS AS TO WHICH DETAIL SHOULD BE USED WHEN DIFFERENCES ARE NOTED.
- DETAILS ADAPTED FROM DODGIS COUNTY, COLORADO. (NOT AVAILABLE IN AUTOCAD)

November 2010

DRAWN BY: O.E. WATTS	APPROVED BY:	REVISIONS	OLIVER E. WATTS CONSULTING ENGINEER COLORADO SPRINGS	PROJECT COLORADO SPRINGS	SHT. NAME EROSION CONTROL DETAILS	SHT. NO. 2 OF 2
DATE: 2-7-19	PROJ. NO.					
DWG. NO.: 18-5278-03	DWS.					
SURVEYED BY: DEW, ESQ., 1-4-19						

Sec. 16-308. - R-1 5-Acre Hillside Single-Family Residential District.

- (a) The R-1 5-Acre Single-Family Residential District is the largest-lot residential zoning category for residential land which may exhibit one (1) or more of the following conditions: (1) has severe topographic or geological conditions; (2) is subject to special requirements imposed by the HO Hillside Overlay Zone; and (3) is not suitable for typical subdivision design development, but which must be subdivided with special care to avoid physical damage to public or private property or both. Disposing of sewage from buildings at high elevations may endanger the health of residents living at lower elevations; providing fire protection may be difficult given the road access and possibility that fire will be fanned by high winds; and extremes of weather can endanger buildings, structures, vehicles and persons. The specific intent of this Section is to:
- (1) Minimize disturbances to the unique natural features and aesthetic qualities of the Town backdrop areas;
 - (2) Provide safe and convenient access to difficult building sites;
 - (3) Minimize water runoff and soil erosion problems incurred in adjustment of the natural terrain;
 - (4) Assure type, distribution and densities of development which are compatible with the natural systems and terrain of the backdrop areas; and
 - (5) Assure that the taxpayers of the Town are not burdened by extraordinary costs for services attributable solely to the development of hillside areas.
- (b) Permitted principal uses: single-family dwellings.
- (c) Uses requiring special approval (special uses):
- (1) Educational institutions;
 - (2) Religious institutions;
 - (3) Public buildings; and
 - (4) Parks and playgrounds.
- (d) Development requirements:
- (1) Minimum lot area: five (5) acres.
 - (2) Minimum frontage: two hundred (200) feet.
 - (3) Minimum lot width: two hundred (200) feet at front building setback line.
 - (4) Setback requirements:
 - a. front, fifty (50) feet;
 - b. side, twenty-five (25) feet; and
 - c. rear, fifty (50) feet.
 - (5) Maximum building height:
 - a. For building lots with an average slope of less than fifteen percent (15%), thirty-five (35)

feet; and

- b. For building lots with an average slope of fifteen percent (15%) or greater, twenty-five (25) feet.

(e) Accessory uses and buildings: refer to Article VI of this Land Use Code.

(f) Off-street parking: refer to Section 16-604.

(g) Permitted signs: refer to Article IV of this Land Use Code.

(h) All buildings, structures and uses shall conform to the requirements of Section 16-705.

(Ord. 97-01)

Sec. 16-705. - Building permits; architectural review.

- (a) Purpose. The purpose of architectural review is to ensure that high standards of design are maintained for all residential, business and commercial buildings and uses in development and construction in the Town. Anyone seeking to renovate the exterior of, add to or construct a new building shall be subject to Planning Commission approval anywhere within the Town. In promoting the general purposes of this Land Use Code, the specific intent of this Section is to:
- (1) Protect the historic and architectural qualities of the Town's building stock;
 - (2) Promote development and building consistent with the policies of the Comprehensive Plan;
 - (3) Promote a consistent standard in architectural design and the construction of aesthetically pleasing structures;
 - (4) Improve the general quality of the environment and promote conservation of natural and manmade resources of the Town;
 - (5) Encourage land uses which are orderly, functionally efficient, healthful, convenient to the public and aesthetically pleasing;
 - (6) Encourage development of safe and attractive residential areas that are compatible with existing historical development in a variety of housing styles;
 - (7) Encourage the construction of safe, convenient and attractive commercial facilities and residences;
 - (8) Promote neighborhood integrity by congruity in architecture and cohesiveness in style;
 - (9) Encourage the preservation of the Town's early styles of architecture; and
 - (10) Promote visual relief throughout the community by preservation of mountain vistas, creation of open space and variation of styles of architecture.
- (b) Design review policies. There are two (2) areas of policy in which the Planning Commission directs its review. The guidelines for each of these policy areas are intended to provide general direction to an applicant coming before the Planning Commission. The policies are:
- (1) Building design and function.
 - a. Building design. Buildings should demonstrate compatibility in materials and consistency in style throughout all exterior elevations. Building components, such as windows, doors, arches and parapets, should have proportions appropriate to the architecture of the structure.
 - b. Additions. All additions should relate to the existing building in design, details, colors and materials.
 - c. Energy efficiency. Buildings should be designed and oriented to maximize energy efficiency and conservation.
 - d. Color. Building color should complement architectural details and blend with surrounding buildings or dominant structures and should be appropriate to the architectural style proposed.
 - e. Historical significance. Plans should show consideration for historical elements, if any, of significance existing on the site.
 - (2) Site and neighborhood compatibility.
 - a. Relation to site. Buildings should be designed to relate to the existing landforms and the contours of the site and present an integrated appearance.
 - b. Neighborhood compatibility. Buildings should have a harmonious relationship with the surrounding neighborhood. Significant factors in establishing this relationship are a sense of scale, roof-lines, colors and materials.
- (c) Requirements.
- (1) Materials.

- a. The use of natural materials (wood and stone) for the exterior surfaces of all buildings and other structures is encouraged. Corrugated metal, plastic and fiberglass are prohibited.
 - b. Vinyl and aluminum siding that meet the requirements of the Uniform Building Code are allowed, provided that the installation results in a uniform appearance absent of buckling and drooping.
 - c. Exterior nontextured concrete block and concrete walls (nontextured) must be covered with a veneer, stucco or other surfacing. Paint is not an acceptable cover.
 - d. All roof surfaces shall meet the requirements of the Uniform Building Code. Corrugated metal, plastic and fiberglass are not permitted. Class A roof coverings are recommended for fire resistance. Color selection to be approved prior to permit issuance.
- (2) Colors. Natural wood or earth tones (i.e., dark shades of brown or green) for exterior surfaces are encouraged.
- (3) Trees shall not be removed on any lot except as follows:
 - a. Actual land occupied for buildings plus a fifteen-foot clearance strip adjacent to the perimeter thereof;
 - b. On off-street parking areas and driveways providing access thereto; or
 - c. Diseased trees, trees damaged by natural causes and other trees which interfere with utility lines.
- (d) Procedure.
 - (1) The Town Clerk shall forward plans and drawings for the proposed construction of all residential, business, commercial, public and semi-public structures, including its accessory uses and structures, to the Planning Commission for its review.
 - (2) The Planning Commission shall review plans and exterior design of all proposed residential, business, commercial, public and semi-public structures. Before approving any new residential, business, commercial, public or semi-public principal building and its accessory uses and structures, the Planning Commission shall find that the character of the proposed construction is in harmony with the established exterior architectural appeal of structures already located in the neighborhood and with approved public plans for the surrounding area so that existing and future land values within the Town will not be depreciated. The Planning Commission shall restrict its consideration in each case to the effect of the proposed construction on the health, safety, morals, and general welfare of the Town, keeping particularly in mind the unique characteristics of certain existing structures in the Town and that the prosperity of the entire Town is involved in the preservation of established sections of the Town. As a minimum, the following specific criteria shall be considered by the Planning Commission:
 - a. Architectural compatibility;
 - b. Bulk of the proposed building or structure in relation to surrounding buildings and land;
 - c. Vehicular access and parking;
 - d. Pedestrian access; and
 - e. Relation to existing and future open space.
 - (3) The Board of Trustees, after review and recommendation by the Planning Commission, may vary the requirements of this Section if the same may be granted without substantial detriment to the compatibility with surrounding uses and natural land features.

(Ord. 97-01)

Sec. 16-714. - Hillside Overlay Zone requirements.**(a) Applicability.**

- (1) No building or structure may be erected, reconstructed or structurally altered on land which is designated on the Official Zoning Map of the Town as a Hillside Overlay Zone, nor shall such land be subdivided, graded or otherwise disturbed for purposes of development, subdivision or any other purpose unless such construction, subdivision, disturbance or development is undertaken in accordance with the requirements set forth in this Article and all other laws of the Town.
- (2) Upon written request from a landowner or authorized representative, the Town may exempt certain property from all or part of the requirements of this Article if the subject property is not a characteristic hillside area as described in Subsection 16-312(a). The request shall clearly state the rationale for any exemptions and list all exemptions being sought. The Town shall respond in writing to the applicant within fifteen (15) working days of receiving an exemption request.
- (3) As part of any approval, the Board of Trustees may incorporate conditions, restrictions or other mitigation measures deemed necessary to assure that the development criteria specified herein are adequately satisfied.

(b) Land suitability analysis.

- (1) A land suitability analysis, prepared by a professional engineer or geologist, shall be required as part of the justification for the proposed development of a hillside area. A site-specific professional engineer's report satisfactorily addressing, at a minimum, geology, soils, drainage and erosion control of the proposed site shall be submitted. The soils and geology information shall be reviewed by a civil engineer retained by the Town, and said engineer's fee shall be paid by the applicant. Any review expenses associated with the request shall be borne by the applicant. The soils and geology information shall be required if any portion of a structure is proposed within the Hillside Overlay Zone. The analysis shall consist of an evaluation of all physical and environmental factors on the site so that type, density and distribution of development may be established in the most environmentally compatible manner that will minimize land disturbance, protect natural plant and animal communities and minimize costs and liability to the Town. The suitability analysis shall be prepared in conjunction with the Master Plan, and the Master Plan shall be clearly reflective of the analysis. Should any land in a designated hillside area not be master planned, the suitability analysis shall be prepared in conjunction with the development plan. The development plan shall be clearly reflective of that analysis in terms of type, density and distribution of proposed development.
- (2) Components of land suitability analysis.
 - a. Slope analysis. Identification of slope ranges for parcels in order to assess the potential of sites for intensity of development and difficulty in provision of infrastructure and emergency services. Slope analysis shall be provided in the following increments and use a contour interval of five (5) feet:
 1. Zero percent (0%) to eight percent (8%), generally suitable for development;
 2. Eight percent (8%) to twelve percent (12%), increased potential for engineering difficulties and moderate potential for activating site hazards;
 3. Twelve percent (12%) to fifteen percent (15%), increased potential for engineering difficulties and moderately high potential for activating site hazards;
 4. Fifteen percent (15%) to twenty-five percent (25%), high potential for engineering difficulties and

- for activating hazard potential;
- 5. Twenty-five percent or more (25%+), very high potential for development difficulty and severe hazard potential.
- b. Vegetation and wildlife. Grasslands, scrub oak and similar shrubs and coniferous tree cover are major components of hillside areas. Analysis shall show the physical location of vegetation and the following items:
 - 1. Ecosystems defined by the Colorado Forest Service;
 - 2. Assessment of wildfire hazard potential;
 - 3. Wildlife habitat and migration corridors.
- c. Geologic analysis. Identification of significant natural features and geologic hazards and constraints which require unusual mitigation during design and construction of structures and/or infrastructure (e.g., downslope creep, debris flow, flood hazards, rockfall hazards, etc.)
- d. Soils analysis. Identification of soil types shall be reviewed by a civil engineer retained by the Town, and said engineer's fee shall be paid by the applicant.
- e. Natural and manmade features. Identification of significant site features, such as streambeds and other drainage, ridgelines and existing land uses.
- f. Topographic map, using a five-foot-contour interval.
- g. Analysis package:
 - 1. Composite map. The various components of the suitability analysis shall be overlaid and as a result a composite opportunities and constraints map shall be prepared to support any proposed land uses.
 - 2. Written text. A summary of the existing site features and constraints and how the development of the site will occur in a manner which considers both the opportunities and constraint and addresses mitigative measures for the site's physical constraints and hazards.
- (c) Development plan.
 - (1) No subdivision plat shall be submitted until such time as a detailed development plan has been approved as set forth in Paragraph (2) below. An Erosion Control Plan as outlined in Chapter 17, Article V of the Municipal Code shall be prepared for all land-disturbing activities of three hundred (300) square feet or fifty (50) cubic yards. The development plan shall be prepared in compliance with this Land Use Code and shall contain all information required therein unless specifically exempted under Paragraph (a)(2) above.
 - (2) Review and approval procedures. The development plan shall be processed in conformance with procedures set forth in this Land Use Code.
 - (3) Development criteria. In addition to the development plan submittal requirements listed in this Land Use Code, the following information is required to accompany a development plan in a designated Hillside Overlay Zone; except that, in meeting requirements a. and d. below, the applicant shall not be required to depict actual construction on individual lots in a single-family detached residential development. These exceptions shall not apply to zero-lot-line or to single-family attached developments.
 - a. Building height.
 - 1. For building lots with an average slope of less than fifteen percent (15%), no portion of a building, including additions to an existing building, shall exceed thirty-five (35) feet in height as measured

- from the lowest elevation of the finished grade adjoining the building to the highest point of the roof.
2. For building lots with an average slope of fifteen percent (15%) or greater, no portion of a building, including additions to an existing building, shall exceed twenty-five (25) feet in height as measured from the lowest elevation of the finished grade adjoining the building to the highest point of the roof.
 3. For the above two (2) Subparagraphs, average slope of lots is calculated by the formula: one hundred (100) times the contour interval in feet times the sum of all contour lines in feet divided by the area of the lot in square feet times one hundred (100) equals average percent of slope.
- b. Setback. No building shall be closer than one hundred (100) feet from any building on an adjoining lot.
 - c. No structure shall be closer than twenty-five (25) feet from any major drainageway.
 - d. Development shall follow the natural contours of the site to minimize disruption of existing topography.
 1. Locate buildings to minimize grading; each lot shall indicate the location of a building.
 2. Buildings shall not be located on ridgelines, hereby defined as the elongated crest or series of crests at the apex or uppermost point of intersection between two (2) opposite slopes or sides of a mountain (mount) (hill), and includes all land within one hundred (100) feet below the elevation of any portion of such ridgeline or surface along the crest. *Crest* means the uppermost line of a mountain (mount) (hill) or chain of mountains (mounts) (hills) from which the land falls away on at least two (2) sides to a lower elevation or elevations.
 3. Locate buildings to avoid primary natural drainage systems.
 4. Avoid traditional building method of flattening large pad sites with cut and fill.
 5. Locate building pad and foundation excavation so as to minimize disruption of existing trees and plants.
 - e. Show location and species of vegetation (common names are acceptable), an indication of vegetation to be removed and an indication of defensible spaces around structures and/or use of fire retardant materials to reduce wildfire hazards.
 - f. Show location of rock outcroppings.
 - g. Proposed road alignments shall follow the natural contours and avoid long, straight approaches. Road alignments shall identify segments at grades of zero percent (0%) to four percent (4%), four percent (4%) to eight percent (8%) and eight percent (8%) and above. Centerline profiles shall be required for all road segments which exceed a grade of eight percent (8%). Profiles may be required for segments with grades of less than eight percent (8%) if deemed necessary by the Town. Impervious materials should be kept to a minimum. Garages and parking should be located closest to the access road.
 - h. Where grading is to occur, plans showing the relationship of all cuts and fills to the existing topography and plans for the stabilization, restoration and control of erosion for disturbed areas as required by Subsection (e) below. The applicant shall be required to file with the Town an improvement security in the form of an escrow account surety bond, irrevocable letter of credit or other undertaking satisfactory to the Town, for one hundred twenty-five percent (125%) of the actual

costs of the project to cover all costs of protection or other improvements required to establish protective cover on the site in conformity with this Land Use Code. Such security shall remain in force until the improvements are completed in accordance with the approved plan and said improvements are finally inspected and approved. Upon completion of the improvements as required in this Land Use Code, written notice thereof shall be given by the applicant to the Board of Trustees. The Board of Trustees shall cause an inspection for the improvements to be made and, if approved, shall within thirty (30) days of notice authorize in writing the release of the security given.

- i. Show the manner in which access will be provided or restricted due to topographic and other physical constraints, from the access road to each lot.
 - j. Where deviations from those standards contained in Chapter 17 of the Municipal Code are being proposed, a master facilities plan shall be required in accordance with Subsection (d) below.
- (4) Criteria for review. In addition to development plan review criteria, criteria for review of a development plan in a designated hillside area shall also be as follows:
- a. Is terrain disturbance minimized?
 - b. Is natural vegetation preserved and incorporated into the project design to the maximum possible extent?
 - c. Have visual impacts upon off-site areas been avoided or reasonably mitigated? Mitigation measures which may be demonstrated on the development plan may include, but are not limited to:
 - 1. Alternate siting of structures so that there is a mountain or hillside backdrop to the structure from areas where the structure is visible.
 - 2. Use of existing vegetation to soften structural mass when building sites are located in highly visible areas.
 - 3. Use of supplementary native landscaping to soften structural mass when building sites are located in highly visible areas.
 - 4. Designation of special height restrictions for highly visible areas.
 - 5. Use of visually compatible stabilization measures for cuts and fills.
- (5) Amendments. All amendments to an approved development plan shall be processed in conformance with requirements and procedures set forth in this Land Use Code.
- (d) Master facilities plan. In order to allow for design flexibility, a master facilities plan shall be required concurrent with the detailed development plan when deviations from Town development standards are being proposed. Due to the unique and often fragile nature of hillside environs, certain variances from the hillside standards may be allowed if they will result in superior and more environmentally compatible design. The master facilities plan shall be used to demonstrate that the proposed deviations will not adversely affect the public health, safety or welfare, and shall specify how the unique natural features of the site will be protected through the careful placement of services. The plan shall be presented by the applicant in lieu of individual waivers and shall contain as much information as necessary to justify any deviations from standards contained in Chapter 17 of the Municipal Code. A master facilities plan shall be deemed approved by the Planning Commission and the Board of Trustees when the development plan is approved. Should an applicant wish to submit a master facilities plan prior to submitting a development plan, it shall be processed as a waiver.
- (e) Grading plan, erosion control and reclamation.

- (1) The primary objective of the grading/ erosion control/reclamation plan is to minimize terrain disturbance and to restore and stabilize those areas which are disturbed. Plans for grading and control of erosion shall be submitted by the applicant with the development plan, development plan amendment or replat, whichever is applicable, in any designated hillside area. No land so designated shall be subdivided, graded or otherwise disturbed for purposes of development or any other purpose until the plan for grading and erosion control is approved by the Town. The grading plan shall meet all the requirements of Chapter 17, Article V of the Municipal Code. In addition, the grading plan shall show all areas to be disturbed by grading and fill and shall show proposed final contours for these areas. The contour interval shall be five (5) feet (steeper slopes may require a lesser interval; i.e., two [2] feet) and the horizontal scale 1" = 40' unless otherwise approved by the Planning Commission. The erosion control/reclamation plan or program shall state in detail how each type of restoration situation will be dealt with, recognizing that different combinations of slope and material may require varied stabilization methods. No cleared, graded or otherwise disturbed land may be left without temporary protective stabilizing cover longer than thirty (30) days or without permanent cover as described in the erosion control plan longer than one (1) year from the date of disturbance. All grading plans prepared and submitted under this Section shall include measures for drainage and erosion control to be employed during construction. Such measures shall remain in place after construction has been completed until such time as temporary or permanent protective cover is applied. Whenever possible and wherever appropriate, erosion control and restoration shall incorporate the use of live native plant materials. Criteria for treatment shall include visual compatibility with the surrounding landscape, sustained survivability under arid conditions and effectiveness in prevention of soil erosion and slope failure.
 - (2) All grading plans prepared and submitted under this Section shall include plans for limiting ecological damage through restrictions on the use of construction equipment and placement of supply and equipment storage areas.
 - (3) Revisions of any approved grading plan shall be submitted to the Town for review and shall be acted upon by the Town within ten (10) working days of receipt.
 - (4) The applicant shall be required to file with the Town an improvement security in the form of an escrow account surety bond, irrevocable letter of credit or other undertaking satisfactory to the Town for one hundred twenty-five percent (125%) of the actual costs of the project to cover all costs of protection or other improvements required to establish protective cover on the site in conformity with this Land Use Code. Such security shall remain in force until the improvements are completed in accordance with the approved plan and said improvements are finally inspected and approved. Upon completion of the improvements as required in this Chapter, written notice thereof shall be given by the applicant to the Board of Trustees. The Board of Trustees shall cause an inspection for the improvements to be made and, if approved, shall within thirty (30) days of notice authorize in writing the release of the security given.
- (f) Issuance of building permits. No building permits shall be issued in any designated hillside area until such time as:
- (1) The final plat is recorded;
 - (2) The applicant shall be required to file with the Town an improvement security in the form of an escrow account surety bond or irrevocable letter of credit, in accordance with Paragraph (e)(4) above; and
 - (3) The plan for grading and erosion control, as outlined in Chapter 17, Article V of the Municipal Code, for

the individual lot, is approved by the Town. In addition, this plan shall consist of the following:

- a. Plot plan drawn to scale.
- b. Five-foot contour (existing and proposed).
- c. All existing vegetation and rock outcroppings.
- d. All areas of cut, fill or both, including driveway.
- e. Erosion control/stabilization methods for cuts and fills.
- f. Restrictions on equipment use and supply storage areas so that disturbances and ecological damage are minimized.

The Town shall respond to this plan within thirty (30) working days of receipt.

(g) Restoration and maintenance.

- (1) If any land disturbance or alteration, including but not limited to grading or otherwise disturbing natural ground cover, occurs in a hillside overlay zone which is not in accordance with the properly approved plans as required by this Article, a stop order may be issued prohibiting all further activity until all required plans have been submitted and properly approved. The landowner shall have forty-five (45) days after such a stop order is issued to submit a plan pursuant to Subsections (c) and (e) above. The Town may extend this time period for an additional forty-five (45) days for good cause shown. The Town may also condition its approval of any restoration measures upon the landowner supplying a satisfactory bond, letter of credit or other suitable guarantee for the performance of any proposed restoration. Such plan shall require that restoration commence within thirty (30) days after the plan approval and proceed with due diligence to completion.
- (2) Maintenance.
 - a. Obligation to maintain. All facilities, vegetation and other items required by the approved grading erosion control and reclamation plan shall be properly maintained by the owners of the property. Such maintenance shall include, but not be limited to, keeping all erosion control facilities in good order and functional, repairing any erosion damage that occurs, keeping all vegetation healthy and in growing condition and replacing any dead vegetation as soon as practicable. This obligation to maintain shall not apply to individual lots except as the individual lots may be subject to maintenance obligations incurred under the approved grading, erosion control and reclamation plan and except for obligations incurred under this Section.
 - b. Failure to maintain. If the Town determines that the maintenance required under subparagraph (1) above has not been performed in the manner required under this Subsection, the Town may extend this forty-five-day period if, because of other factors, the required maintenance cannot reasonably be performed within forty-five (45) days, for an additional forty-five-day period. If the maintenance specified in such notice is not satisfactorily performed within forty-five (45) days, or an additional forty-five-day extension after delivery of this notice, the Town may proceed with a formal notice and order to correct as hereinafter set forth.
- (3) Formal notice and order to correct; Town performance of restoration and maintenance work. If the approval as required by Paragraph (1) above has not been obtained within the time required, if work is not commenced within the time required or if maintenance required under Paragraph (2) above has not been commenced or concluded within the time required, or at any time prior to approval or

commencement of such work that the Town determined there is either imminent or existing erosion damage, drainage damage, dust pollution or other hazardous condition for which immediate action is necessary, the Town may cause corrective proceedings to be undertaken and shall submit a notice and order to correct.

(Ord. 97-01; Ord. 03-2011 §1)