



**AGENDA**  
**Planning Commission**  
**Tuesday, 14 April 2020**  
**6:30 p.m. Online Meeting\***

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**1. CALL TO ORDER**

**2. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA**

**3. MINUTES**

3a. Minutes of the 25 February 2020 Special Meeting

**4. PUBLIC COMMENT**

Members of the Public May Address the Commission on Items Not Germane to the Agenda. [Register](#) by 4:00 PM, Tuesday 14 April 2020.

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

- 6a. PR2020-02 – Plan Review 2020-02 – New Ingress/Egress and Landscape Improvements at 10585 Ute Pass Avenue. Ms. Carla Anderson, RLA, Applicant, on behalf of Jeffrey M. Chapman, President, Church in the Wildwood.
- 6b. PR2020-03 – Plan Review 2020-03 – New Deck Permit at 6615 Spruce Avenue. Mr. Cris Clothier, Clothier Construction, Applicant, on behalf of Derrick and Sharon Maetzold, Owners.
- 6c. PR2020-04 – Plan Review 2020-04 – New Deck Permit at 10735 Foster Avenue. Mr. Scott Johnson, Complete Home Remodeling & Repair, LLC, on behalf of Michael J. Lambert, Owner.
- 6d. Rev2020-03 – Revocable Permit 2020-03 – Septic Tank Beneath Right-of-Way and Finish Landscaping at Surface of Right-of-Way at 10550 Ute Pass Avenue. Mr. Mike Frey, Applicant, Owner, The Painted Bear.

**7. OTHER BUSINESS**

- 7a. Concept Proposal – Presentation and Discussion on Landscaping, Sidewalk, and Drainage Improvements in Right-of-Way at 10550 Ute Pass Avenue. Mr. Mike Frey, Applicant and Owner, The Painted Bear.
- 7b. Green Mountain Falls Zoning Code Hillside Overlay – Discussion and Input for Staff
- 7c. Planning Commission Resignations and Vacancy Announcement

**8. ADJOURNMENT**

**\*Important Meeting Update:** The Green Mountain Falls Planning Commission is conducting regularly scheduled meetings using Zoom meeting technology. To join by phone or video, use the link provided in the **instructions packet**. To give public comment, register by email and the Chair will recognize you to speak.





14 April Planning Commission Meeting

# ZOOM INSTRUCTION GUIDE

## WEBSITE and TELEPHONE

*During the Colorado Public Health Stay-at-Home Order, members of the public are encouraged to attend meetings via ZOOM*

### ZOOM MEETING INFORMATION:

**WEBSITE:** <https://zoom.us/join>

**MEETING ID:** 911 7098 4105

**PASSWORD:** 813569

### CALL IN PHONE NUMBER:

1 669 900 9128

1 301 715 8592

1 346 248 7799

1 253 215 8782

1 301 715 8592

1 312 626 6799

#### **IMPORTANT INFORMATION**

*ZOOM can be accessed by telephone or computer. You must have a computer or smart phone application to view the participants or visual presentation.*

*For those participating by computer only, you must have a microphone enabled computer to communicate verbally. Otherwise you will have to call in via the telephone as well.*





## **TO ACCESS VIA TELEPHONE:**

1. Call phone number: +choose number, above
2. Enter Meeting ID: 911 7098 4105
3. Password: 813569
4. Press # to confirm you are a participant and enter the meeting
5. To state a public comment, "raise hand": \*9  
(You will be called on in order received)





## TO ACCESS VIA WEBSITE:

1. Access website at: <https://zoom.us/join>
2. A set of dialogue boxes will appear (as seen below)

1

### Join a Meeting

Meeting ID or Personal Link Name

Join

Join a meeting from an H.323/SIP room system

Enter Meeting ID: 911 7098 4105#

2

Open Zoom?  
https://zoom.us wants to open this application.  
Open Zoom Cancel

Launching...

CLICK HERE

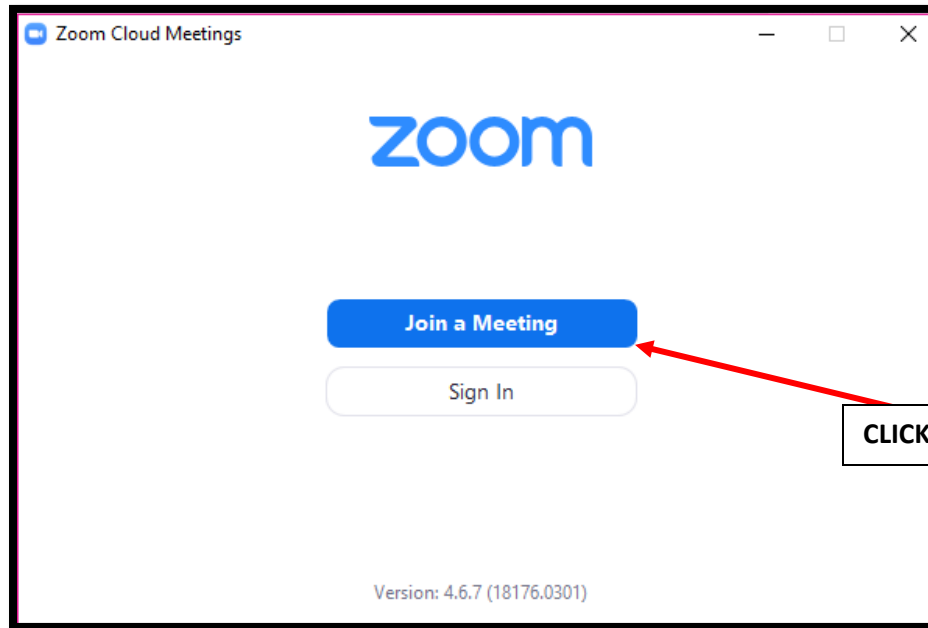
Please click Open Zoom Meetings if you see the system dialog.

If nothing prompts from browser, [click here](#) to launch the meeting, or [download & run Zoom](#).





3



CLICK HERE

4

The image shows the "Join Meeting" form in the Zoom application. The title bar says "Zoom". The main heading is "Join Meeting". Below it is a meeting ID input field containing "744-576-1347" with a dropdown arrow. Below that is a "Your Name" input field containing "John Smith". There are three checkboxes: "Remember my name for future meetings" (checked), "Do not connect to audio" (unchecked), and "Turn off my video" (unchecked). At the bottom are "Join" and "Cancel" buttons. A red arrow points from a text box to the "Your Name" field. Another red arrow points from a text box to the meeting ID field.

Enter Your **Name** to be displayed in Zoom meeting for public viewing

Enter meeting ID: 91170984105






5a

Computer Audio

Choose ONE of the audio conference options

Phone Call Computer Audio

**Join with Computer Audio**

 Failed to detect your microphone. Please make sure your microphone is properly connected.  
[Test Speaker and Microphone](#)

☒ Automatically join audio by computer when joining a meeting


CLICK HERE


5b


Phone Call


Choose ONE of the audio conference options

Phone Call Computer Audio

 Dial: ~~+1 919 208 6099~~  
~~+1 312 766 6799~~  
~~+1 301 755 8592~~  
~~+1 366 248 8799~~  
+1 669 900 6833  
+1 253 215 8782

Meeting ID: ~~744 576 1947~~  911 7098 4105

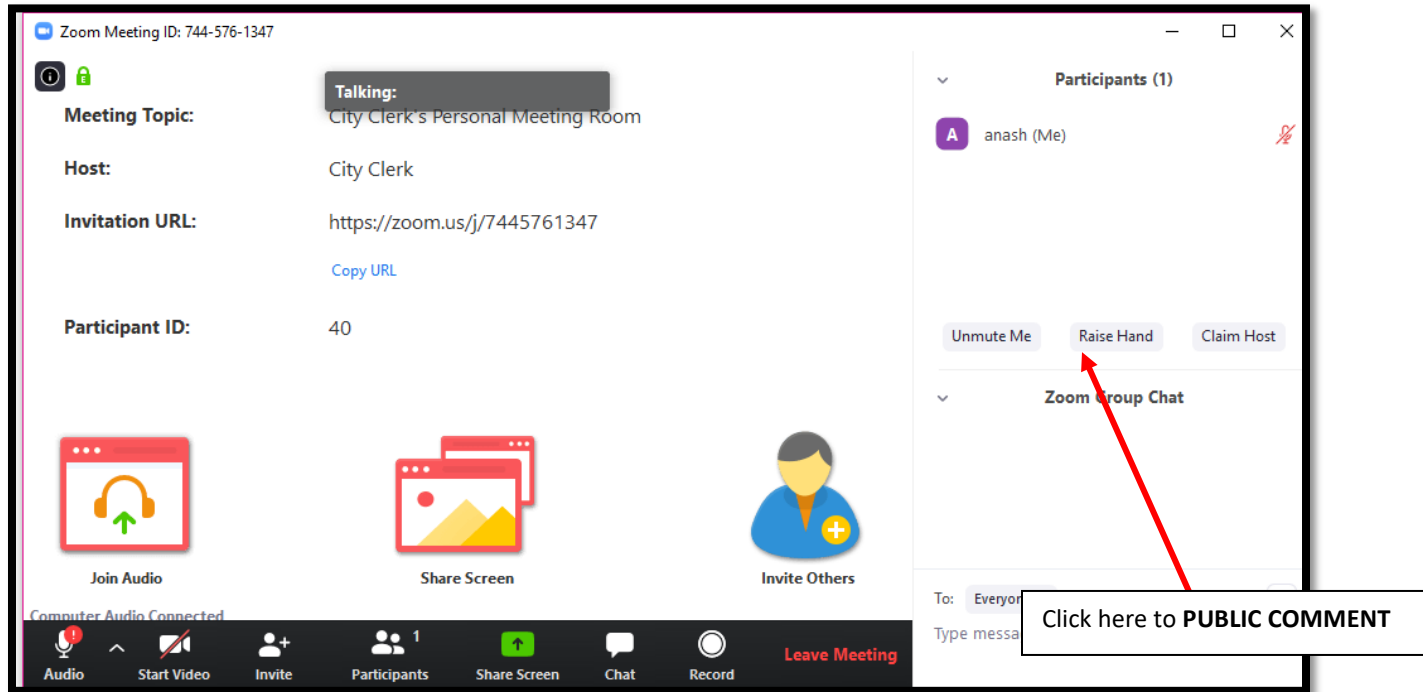
Participant ID: **13** 







6



3. Use icon **RAISE HAND** to provide Public Comments. You will be unmuted and called upon in the order received.

## SEE WEBSITE LINKS BELOW FOR MORE TUTORIALS

<https://support.zoom.us/hc/en-us/articles/201362193>

<https://support.zoom.us/hc/en-us>

[https://www.youtube.com/embed/vFhAEoCF7ig?rel=0&autoplay=1&cc\\_load\\_policy=1](https://www.youtube.com/embed/vFhAEoCF7ig?rel=0&autoplay=1&cc_load_policy=1)



**TOWN OF GREEN MOUNTAIN FALLS  
PLANNING COMMISSION MEETING  
Tuesday, February 25, 2020 – 6:00 P.M.**

**MEETING MINUTES**

**Current PC Members Present**

Chair Eric Caldwell  
Commissioner Rocco Blasi  
Commissioner Nathan Scott

**Current PC Members Absent**

Mayor Jane Newberry

**Appointed PC Members Present**

Commissioner Bratton  
Commissioner Yingling

**Appointed PC Members Absent**

Commissioner Williamson

**GMF Staff Present**

Julia Simmons

**Secretary**

Katharine Guthrie

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**1. Call to Order/Roll Call**

Chairman Caldwell called the meeting to order at 6:08 P.M.

**2. Additions, Deletions, or Corrections to the Agenda**

**Motion:** Commissioner Blasi moves to approve agenda as submitted.

**Second:** Commissioner Scott

**Vote:** All aye. The motion is carried

**3. Approve Minutes of January 29, 2019**

**Motion:** Chairman Caldwell moves to approve minutes as submitted.

**Second:** Commissioner Scott

**Vote:** All aye. The motion is carried

**4. Public Comment**

No members of the public signed-in to be recognized by the Chair

**5. New Business**

**5a. Finalize 2020 Planning Commission Appointment Vacancies**

**Motion:** Chairman Caldwell moves to fill the two full-term vacancies on the Planning Commission with Board of Trustees-appointed members Dick Bratton and Gregory Williamson

**Second:** Commissioner Scott

**Vote:** All aye. The motion is carried

**5b. Nomination and Election of Planning Commission Chair and Secretary**

**Discussion:** Commission discusses the benefits of electing a Chair and Vice Chair. Chairman Caldwell nominates Gregory Williamson to be considered for Chair of the Planning Commission. Commissioner Blasi nominates Dick Bratton to be considered for Chair of the Planning Commission.



**Motion:** Chairman Caldwell moves to elect Commissioner Williamson as Chair of the Planning Commission and Commissioner Bratton, Vice Chair.

**Second:** None; motion falls to the floor

**Motion:** Chairman Caldwell moves to elect Commissioner Bratton as Chair of the Planning Commission and Commissioner Williamson as Vice Chair.

**Second:** Chairman Scott

**Vote**

**Aye:** Bratton, Scott

**No:** Caldwell

**Abstain:** Blasi

**Discussion:** Housekeeping discussion on the number of voting members present and what the Municipal Code and bylaws require for voting. Sam Light, CIRSA General Counsel, recommends reviewing the vote with GMF Town Attorney to verify.

Chairman Caldwell announces his resignation and exits the meeting. Further housekeeping regarding PC member terms is requested from Commissioner Blasi: Commissioner Yingling, appointed by the Board of Trustees, will complete the remainder of Commissioner Caldwell's term, ending December 31, 2020, with an opportunity to serve another term beginning January 1, 2021.

**Motion:** Commissioner Bratton moves to nominate Katharine Guthrie as Planning Commission Secretary

**Second:** Commissioner Blasi

**Vote:** All aye. The motion is carried

## **6. CIRSA Advisory Body Training**

CIRSA General Counsel, Sam Light, gives PowerPoint training

Meeting is adjourned at 8:05 pm





To: Board of Trustees  
From: GMF Land Use & Planning  
Date: April 10, 2020  
Re: Plan Review PR2020-02, 10585 Ute Pass Avenue

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The Applicant submitted a Plan Review Application (**Attachment A**) for consideration of several exterior improvements to the Church in the Wildwood. The letter of intent (**Attachment B**) outlines proposed changes including new doors with ingress/egress improvements, ADA ramp, overhang/roof, paving, and a utility enclosure for bear-safe storage of refuse.

#### §16-301 – Districts enumerated

The 2007 and 2018 electronic files maintained at Town Hall, *Official Town Zoning Map*, shows the parcel zoned R-1, Residential. With a total lot size of 25,582 s.f., the parcel is designated in the Zoning Code as both *R-1 20,000 Estate Residential District* and *R-1 20,000 Single Family Residential District*.

#### §16-307 – R-1 20,000 Single-Family Residential District

*The R-1 20,000 Single-Family Residential District is the large-lot residential zoning category for residential land which has moderate to severe topographic or geological conditions which may subject the property to special requirements imposed by the HO Hillside Overlay Zone and preclude smaller-lot development of single-family dwellings.*

The existing land use is a religious institution built in the 19<sup>th</sup> century. The church faces the main thoroughway in town, Ute Pass Avenue, across from public park facilities and a post office/commercial core.

Setback requirements for R-1 20,000 are fifteen (15) feet; ten (10) feet; ten (10) feet on the front, side, and rear, respectively. The Applicant included setback distances on the Concept Plan (**Attachment C**). Distances to the refuse storage and all landscape improvements exceed 20 feet to the Ute Pass ROW shown in **Attachment D**, the Improvement Survey Plat (unsigned, no date). The proposed improvements will not impact nor encroach the privately-maintained parking along Ute Pass Avenue.

#### § 16-312 - HO Hillside Overlay Zone

Based on the maps on-file at Town Hall, the parcel is designated Hillside Overlay Zone (*Map 4: Official Zoning Map, January 2007, and Official Town Zoning Map, June 10, 2019*). Maps and Hillside Overlay Zone Code §16-31 language included as **Attachment E, F, G**.

#### §16-312. - HO Hillside Overlay Zone



The Description and purpose in §16-312(a): *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. It is the intent of these regulations to prevent physical damage to public and private property and to aid in the preservation of the natural heritage of the Town.*

GMF Zoning Code §16-110, Definitions: *Hillside shall mean any area with a degree of slope exceeding fifteen percent (15%) as depicted on the Degree of Slope map prepared for the Town in September 1980.*

A lack of documentation and GIS data at Town Hall, the staff is unclear on the history of the “Steep Slope Ordinance” as they are also referred. The overlay standard applied at the subject property may have been met by the southwestern portion of the property, sloping up to Howard Street. However, the front portion of the property is characterized by little or no slope and is just above the ROW grade. Minimizing runoff and soil erosion will be accomplished by appropriate design and permitting review by Regional Building.

The proposed improvements will disturb little, if any, earth and will not meet the requirements in GMF Municipal Code §17-83. - Grading permit and erosion control plan; when required: *(1) An excavation, fill or combination thereof, in excess of fifty (50) cubic yards; (2) An excavation which, at its greatest depth, will be three (3) or more feet below the surface of the ground over an area of three hundred (300) square feet or more...*

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

The Zoning Code §16-705(d)(2) – Procedure states: *at 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.*

From a policy standpoint, staff concludes the proposed project meets the intent and purpose of the Building Permit and Architectural Review section of the Zoning Code.

Conclusion:

Staff reviewed the proposed plan concept and description with the policy guidelines and requirements in the Zoning Code and concludes the improvements meet the zoning and architectural standards. The project uses compatible materials, is consistent in style, increases energy efficiency, complements the architectural details, and preserves the historic significance of the structure and surrounding grounds. Parking and ADA-appropriate access will be maintained.

Therefore, Staff recommends approval of Land Use Approval PR2020-02 with the following conditions:

1. Proof from Town Clerk/Treasurer of the Plan Review application fee
2. Evidence of a current GMF Business License





## Land Use Approval Application

This application form must be submitted with each land use approval request. Please refer to the appropriate Checklist of Supplemental Materials for a complete list of all documents that must accompany this form.

More information is available on the [Land Use & Planning](#) webpage.

### PART I – APPLICANT INFORMATION

|                    |
|--------------------|
| <b>Applicant:</b>  |
| Address:           |
| E-Mail: [REDACTED] |
| Phone: [REDACTED]  |
| <b>Owner(s):</b>   |
| Address:           |
| E-mail:            |
| Phone:             |

### PART II- PROPERTY INFORMATION

|   |  |
|---|--|
| Address:  |  |
| Zoning Designation:   | Lot Size:  |
| Hillside Overlay zone? Yes <input type="checkbox"/> No <input type="checkbox"/> | Land Survey Included: Yes <input type="checkbox"/> No <input type="checkbox"/> |

### PART III- LAND USE

|                            |
|----------------------------|
| Brief Project Description: |
| Type of Land Use Approval: |

### PART IV- CERTIFICATION & SIGNATURE

Certification: The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge. I certify that I understand that the proposed development will be in accordance with all provisions of the Town of Green Mountain Falls Municipal Code and other applicable regulations.

Applicant Signature Jeffrey M. Chapman Date \_\_\_\_\_

Owner Signature Jeffrey M. Chapman Date \_\_\_\_\_

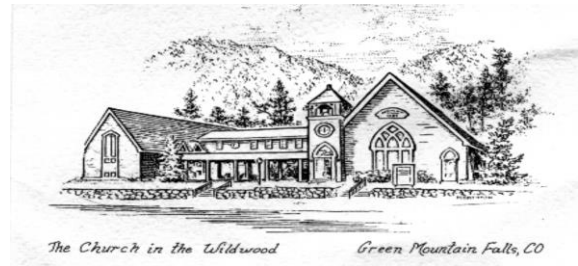
Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Staff notes: Received 4/6/2020. Application fee for Plan Review/Architectural Review \$250.00. Fees will be paid by Church of Wildwood bookkeeping before hard copy plans will be signed for PPRBD approval.



The Church in the Wildwood (UCC)  
10585 Ute Pass Avenue  
Green Mountain Falls, CO 80819

(719) 684-9427  
admin@church-in-the-wildwood.org  
www.church-in-the-wildwood.org



*"The Mountains shall bring peace to the people" - Psalm 72*

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To: Planning Commission, Town of Green Mountain Falls

From: The Church in the Wildwood  
10585 Ute Pass Ave., Green Mt. Falls

April 6, 2020

Re: Letter of Explanation for Plan/Architectural Review Submission

As part of a major renovation and upgrade to the interior of the existing structure, Church in the Wildwood proposes the following exterior changes to enhance the functioning of the building, as shown on the accompanying plan:

- Replace current old doors to the left of the main entry doors with new double glass doors.
- Replace concrete steps and landing to service these doors.
- Connect the existing main entry and the new landing with a concrete platform, allowing existing handicap ramp to service both entrances.
- Addition of small roof (not attached to building) over new entry.
- Removal of old entry door (to right of current main entrance), which is no longer in use.
- Replace existing flagstone paving in the courtyard with poured concrete.
- Addition of service enclosure (approximately 10' x 4' x 6') to house trash bins and other outdoor equipment items. This structure will be constructed to be as bear resistant as possible and will match the existing finishes of the church (siding, roof shingles). See attached rendering. Final construction details to be submitted when available.
- Addition of an outdoor water bottle fill station.
- Associated new landscaping.

The footprint of the existing building will not be altered with these additions. The property (3 lots) is zoned R-1, 20,000 Single Family.

Thank you for your review.

Regards,

A handwritten signature in cursive script that reads "Jeffrey M. Chapman".

Jeff Chapman  
President, Moderator - Church in the Wildwood  
cell 719.440.0124

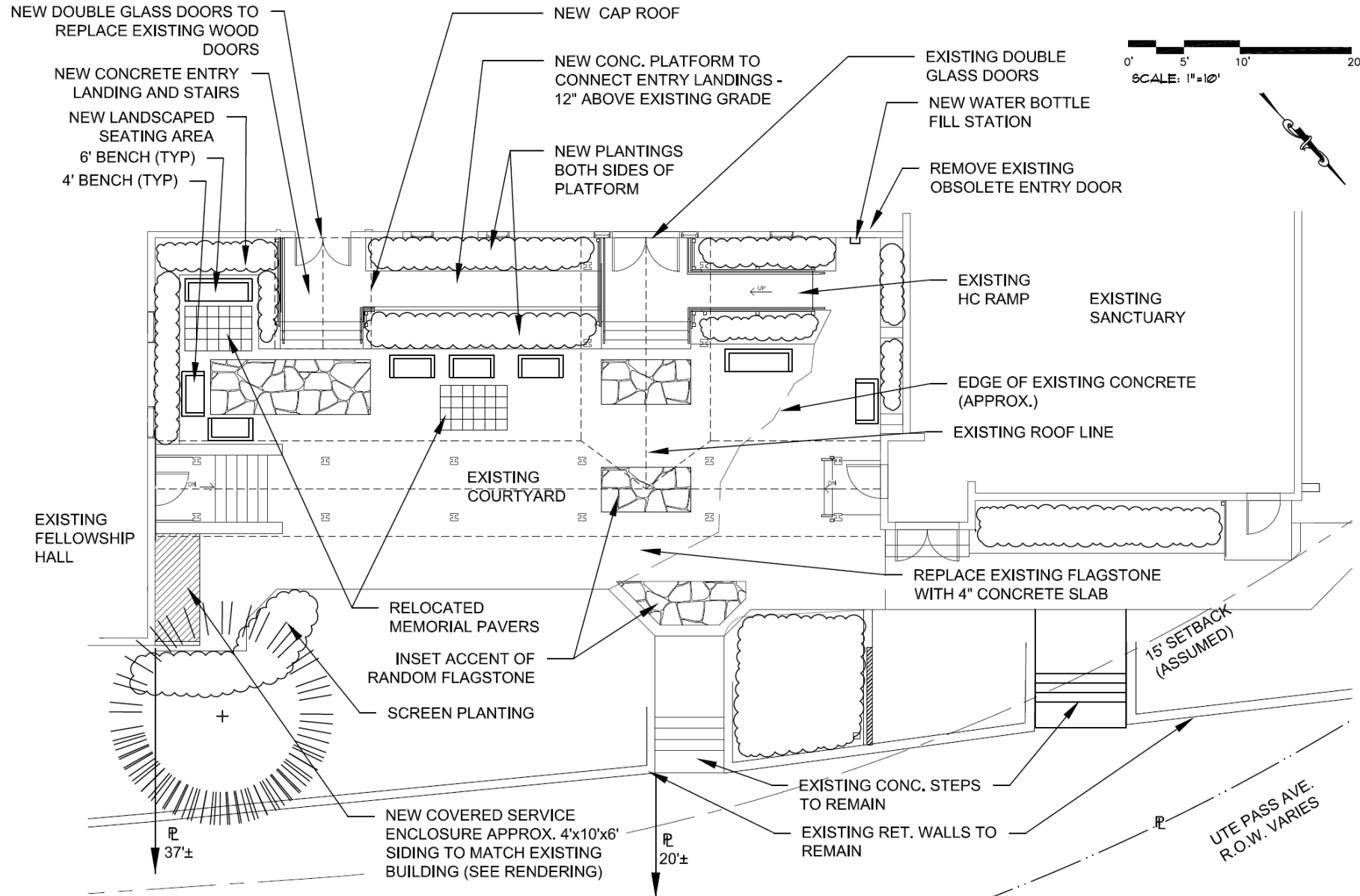




# Courtyard Concept Plan Submittal

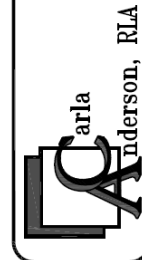


# Courtyard Concept Plan



LANDSCAPE ARCHITECTURE  
GARDEN DESIGN  
CONSTRUCTION SUPERVISION

P.O. BOX 335  
SANDERS CO. 80609  
PHONE (719) 687-1992  
carla@landscaparch.com



COURTYARD CONCEPT PLAN  
CHURCH IN THE WILDWOOD  
GREEN MOUNTAIN FALLS, COLORADO

APR 2 2020



# Courtyard Storage - Before / After

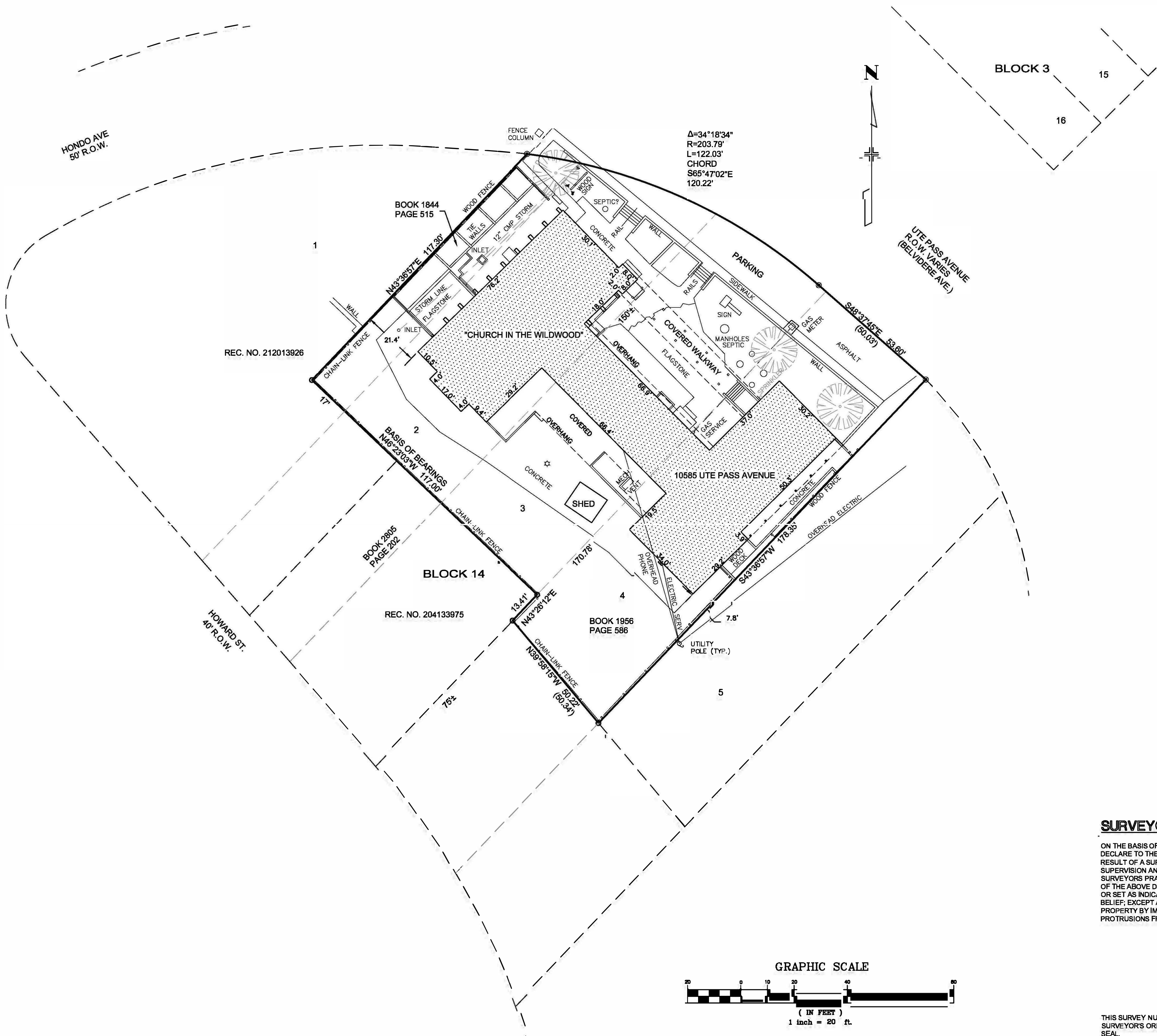


**Current Space**



**Space Rendered with Added Storage**





PROPERTY DESCRIPTION:  
THAT PORTION OF LOT 1 DESCRIBED IN BOOK 1844 AT PAGE 515 OF THE EL PASO COUNTY RECORDS;  
LOT 2, EXCEPT THOSE TRACTS DESCRIBED IN BOOK 2805 AT PAGE 202 AND UNDER RECEPTION NUMBER 212013926 OF THE EL PASO COUNTY RECORDS;  
LOT 3, EXCEPT THAT TRACT DESCRIBED UNDER RECEPTION NUMBER 204133975 OF THE EL PASO COUNTY RECORDS; AND  
THAT PORTION OF LOT 4 DESCRIBED IN BOOK 1956 AT PAGE 586 OF THE EL PASO COUNTY RECORDS;  
ALL IN BLOCK 14, ADDITION NO. 1 TO THE TOWN OF GREEN MOUNTAIN FALLS, EL PASO COUNTY, COLORADO AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 29 OF SAID EL PASO COUNTY RECORDS.  
  
CONTAINING 25,582 SQUARE FEET, MORE OR LESS.  
  
NOTES:  
● FOUND A 1" OUTSIDE DIAMETER PIPE OR AS NOTED  
● SET A 5/8" DIAMETER REBAR, 18" IN LENGTH, WITH A 1-1/2" DIAMETER ALUMINUM CAP "LWA PLS 28658"  
  
THE CLIENT DID NOT WISH TO HAVE RECORDED RIGHTS OF WAY AND EASEMENTS RESEARCHED AND SHOWN.  
  
THIS DRAWING DOES NOT CONSTITUTE A TITLE SEARCH BY KEVIN M. O'LEARY OR LWA LAND SURVEYING INC.  
  
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WESTERLY LINE OF THE SUBJECT PARCEL, N46°23'03"W - 117.00 FEET. THE DIRECTION IS ON AN ASSUMED BASIS AND THE LINE IS MONUMENTED AS SHOWN.  
  
UNITS OF MEASURE ARE U.S. SURVEY FEET

**SURVEYOR'S STATEMENT:**

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I HEREBY STATE AND DECLARE TO THE CONGREGATIONAL CHURCH OF CHRIST, EXCLUSIVELY, THAT AS A RESULT OF A SURVEY MADE ON THE GROUND IN MARCH, 2013 UNDER MY DIRECT SUPERVISION AND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN EL PASO COUNTY, COLORADO, I FIND THAT THE BOUNDARIES OF THE ABOVE DESCRIBED TRACT OF LAND ARE AS SHOWN: THE CORNERS WERE FOUND OR SET AS INDICATED HEREON AND ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; EXCEPT AS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS ONTO ADJACENT PROPERTY BY IMPROVEMENTS LOCATED ON THE SUBJECT PROPERTY, NOR VISIBLE PROTRUSIONS FROM ADJOINING PROPERTY ONTO SUBJECT PROPERTY.

THIS SURVEY NULL AND VOID WITHOUT SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.

KEVIN M. O'LEARY  
COLORADO PLS #28658  
FOR AND ON BEHALF OF  
LWA LAND SURVEYING, INC.

"NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON."

MONUMENTED SURVEY PLAT DEPOSITING CERTIFICATION:  
DEPOSITED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2013 AT \_\_\_\_\_ O'CLOCK  
M. IN BOOK \_\_\_\_\_ OF LAND SURVEY PLATS, AT PAGE \_\_\_\_\_  
DEPOSIT NUMBER \_\_\_\_\_, OF THE RECORDS OF THE CLERK  
AND RECORDER OF EL PASO COUNTY, COLORADO.  
BY \_\_\_\_\_ DEPUTY COUNTY CLERK AND RECORDER

REVISIONS: FINAL BOUNDARY DATA SET - 4/21/13 KMO

LWA LAND SURVEYING, INC.  
2906 BEACON STREET, SUITE B  
COLORADO SPRINGS, CO 80907  
TELEPHONE (719) 636-5179 FAX (719) 636-5199

DWG: GMP CH/BC H  
SCALE 1"=20'  
DATE 3/21/13  
DRAWN BY: KMO  
CHECKED BY: HK  
PROJECT NO. 13027  
SHEET 1 OF 1

IMPROVEMENT SURVEY PLAT  
CHURCH IN THE WILDWOOD  
10585 UTE PASS AVENUE  
SEC. 8, T13S, R68W, 6th PM



PIKE NATIONAL FOREST

To  
Woodland  
Park  
24

24

To  
Manitou  
Springs

PL

R-1

R-1

5-A

R-1

R-1

5-A

PUD

B

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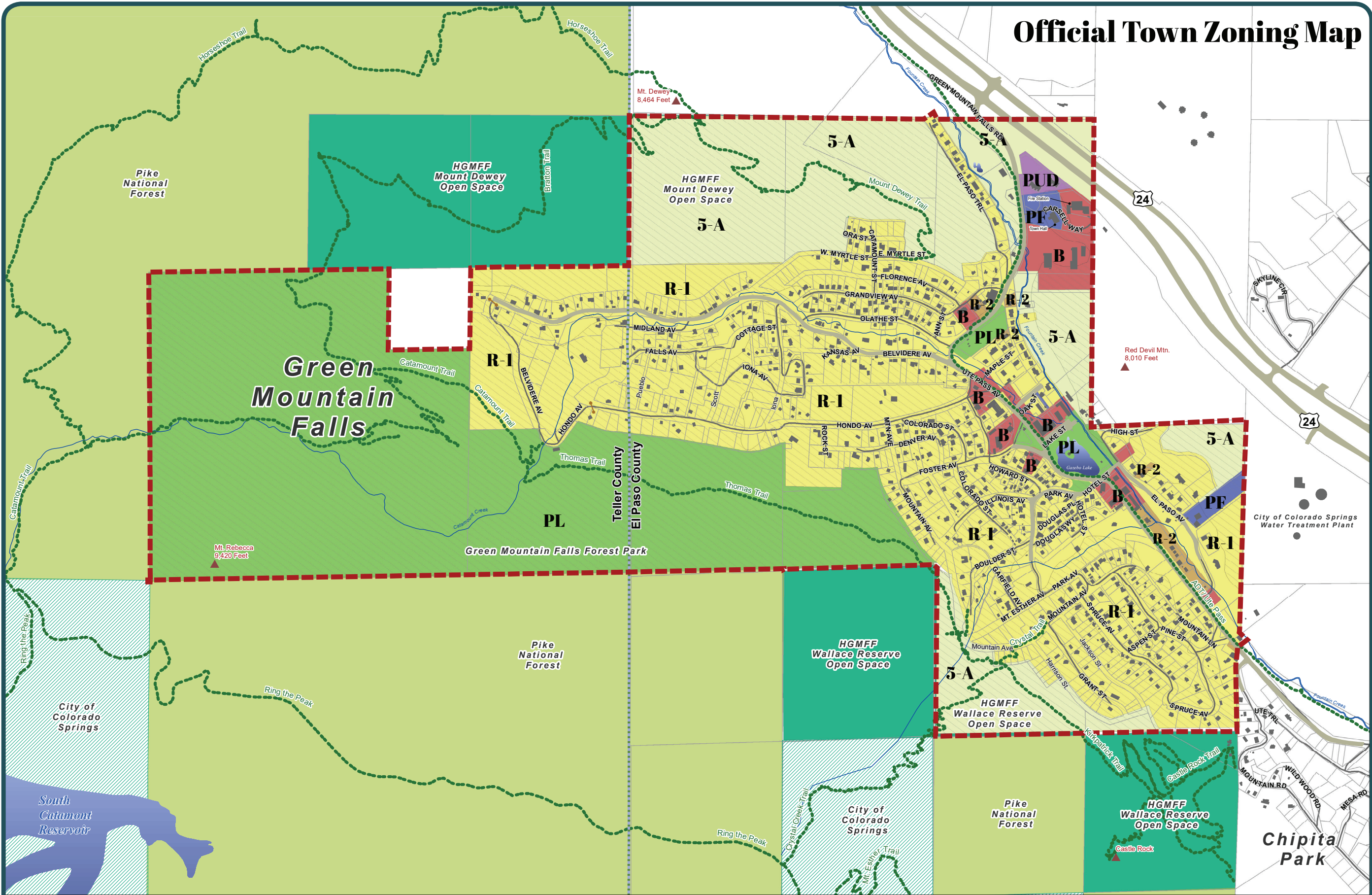
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R-1



FIGURE 18. OFFICIAL TOWN ZONING MAP  
Source: Green Mountain Falls June 2019

# Official Town Zoning Map



## Green Mountain Falls Official Zoning Map

- Trails
- Streams
- Gates
- County Line
- Buildings
- Paved Streets
- Parcel
- Green Mountain Falls Boundary
- Water Bodies
- Open Space
- Colorado Springs North Slope Recreation Area
- Pike National Forest

## Official Zoning Districts

- 5-A 5 Acre Hillside
- R-1 Single Family Residential
- R-2 Two-Family Residential
- B Business District
- PF Public Facilities
- PL Public Lands
- PUD Planned Unit Development
- Hillside Overlay



Map Sources: US Forest Service digital geographic data and the Teller County Geographic Information System as modified by the Town of Green Mountain Falls.

All data and information contained herein are for planning purposes only. The information does not replace legal description information in the chain of title and other information contained in official governmental records such as in County Clerk and Recorder's office or in the courts. Also the representations of location in this map data cannot be substituted for actual legal surveys.

The information contained herein is believed accurate and suitable for limited use and subject to the limitation set forth above. The Town of Green Mountain Falls makes no warranty as to the accuracy or suitability of any information contained herein. Users assume all risk and responsibility for any and all damages including consequential damages, which may flow from the user's use of information.

Town of Green Mountain Falls  
Comprehensive Plan Update

Official Town Zoning Map  
June 10, 2019

0 500 1,000 Feet  
1 inch=300 feet



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

- (a) Description and purpose. Certain areas of the Town are characterized by significant natural features that include ridgelines, bluffs, slope, vegetation, drainage, rock outcroppings, geologic conditions and other physical factors and which, if disturbed for purposes of development, can cause physical damage to public or private property or both. Therefore, the development of such areas and adjacent land requires special care on the part of the public and private sectors. 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. It is the intent of these regulations to prevent physical damage to public and private property and to aid in the preservation of the natural heritage of the Town. It is furthermore the purpose of this Section to allow an appreciable degree of development flexibility in order to protect the environment of hillside areas. Specifically, the objectives of this Section are:
- (1) To conserve the unique natural features and aesthetic qualities of the hillside areas;
  - (2) To provide safe and convenient access to hillside areas;
  - (3) To minimize water runoff and soil erosion problems incurred in adjustment of the terrain to meet development needs;
  - (4) To assure type, distribution and densities of development which are compatible with the natural systems, terrain and geologic character of the hillside areas; and
  - (5) To assure that the taxpayers of the Town are not burdened by extraordinary costs for services attributable solely to the development of hillside areas.
- (b) Designations. The Hillside Overlay Zone, when specifically adopted and applied to a defined tract or parcel of land by ordinance of the Board of Trustees, establishes and depicts the areas of the Town covered by the Hillside Overlay Zone. The Board of Trustees may, at its discretion and from time to time, add areas to this Hillside Overlay Zone map if such areas meet the criteria in Subsection 16-714(a) of this Land Use Code.
- (c) The Hillside Overlay Zone is to be combined where applicable with other zoning districts in the Town. Public notices for designating an area as a hillside area shall be in accordance with this Land Use Code; however, posting is not required.
- (d) Administrative procedures. See Section 16-714 for applicability of the zone, planning requirements, issuance of building permits and other requirements.

(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)





To: Planning Commission  
From: GMF Land Use & Planning  
Date: April 14, 2020  
Re: Plan Review PR2020-03, 6615 Spruce Avenue

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### Background

The Applicant is requesting the Planning Commission's consideration for a new 12' x 17' redwood or Trex deck and staircase. The Applicant submitted the application and plans on his client's behalf (**Attachment A**). The Applicant's letter of explanation (**Attachment B**) and site plans (**Attachment C**) are provided for Commission's review.

### Discussion

§16-301 – Districts enumerated

The 2007 and 2018 electronic files maintained at Town Hall, *Official Town Zoning Map* and the El Paso County Assessor's Office indicate the 14,624 SF property is zoned R-1 10,000 Single-Family Residential. The subject property is not in the designated Hillside Overlay Zone.

Sec. 16-306. - R-1 10,000 Single-Family Residential District.

Setback requirements §16-306(d)(4):

- a. front, fifteen (15) feet
- b. side, ten (10) feet
- c. rear, ten (10) feet

Staff reviewed the site plans (**Attachment C**) and is interpreting the setbacks to be 32 feet (side) and 52 feet (rear), which would meet the minimum Zoning Code requirements.

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

The Zoning Code §16-705(d)(2) – Procedure states: *at 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.*

From a policy standpoint, staff agrees that the proposed project meets the intent and purpose of the Building Permit and Architectural Review section of the Zoning Code

### Conclusion



Staff has reviewed the application, site plan, and description and recommends approval of PR2020-03 for a new deck permit with the following conditions:

1. The Applicant confirms the property line setback distances from the proposed staircase and deck footprint
2. An electronic Land Use Approval Application, signed by all property owners be submitted
3. Town Clerk confirms receipt of credit card or check payment for a new deck permit
4. Proof of a current GMF Business License





## Attachment A

### Land Use Approval Application

This application form must be submitted with each land use approval request. Please refer to the appropriate Checklist of Supplemental Materials for a complete list of all documents that must accompany this form. More information is available on the [Land Use & Planning](#) webpage.

#### PART I - APPLICANT INFORMATION

|            |                                |
|------------|--------------------------------|
| Applicant: | CRIS CLOTHIER / CLOTHIER CONST |
| Address:   | [REDACTED]                     |
| E-Mail:    | CLOTHIER CONSTRUCTION          |
| Phone:     | [REDACTED]                     |
| Owner(s):  | DERICK + SHARON MAGZAD         |
| Address:   | [REDACTED] 77546               |
| E-mail:    |                                |
| Phone:     | [REDACTED]                     |

#### PART II - PROPERTY INFORMATION

|                        |   |                       |  |
|------------------------|---|-----------------------|--|
| Address:               | 6615 SPRUCE AVE   |                       |  |
| Zoning Designation:    | R-1 SINGLE FAMILY   | Lot Size:             | 1-1, 624 SF.   |
| Hillside Overlay zone? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Land Survey Included: | Yes <input type="checkbox"/> No <input type="checkbox"/> |

#### PART III - LAND USE

|                            |                  |
|----------------------------|------------------|
| Brief Project Description: | ADD A 12x17 DECK |
| Type of Land Use Approval: |                  |

#### PART IV - CERTIFICATION & SIGNATURE

Certification: The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge. I certify that I understand that the proposed development will be in accordance with all provisions of the Town of Green Mountain Falls Municipal Code and other applicable regulations.

Applicant Signature CRIS CLOTHIER Date 7/23/20

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

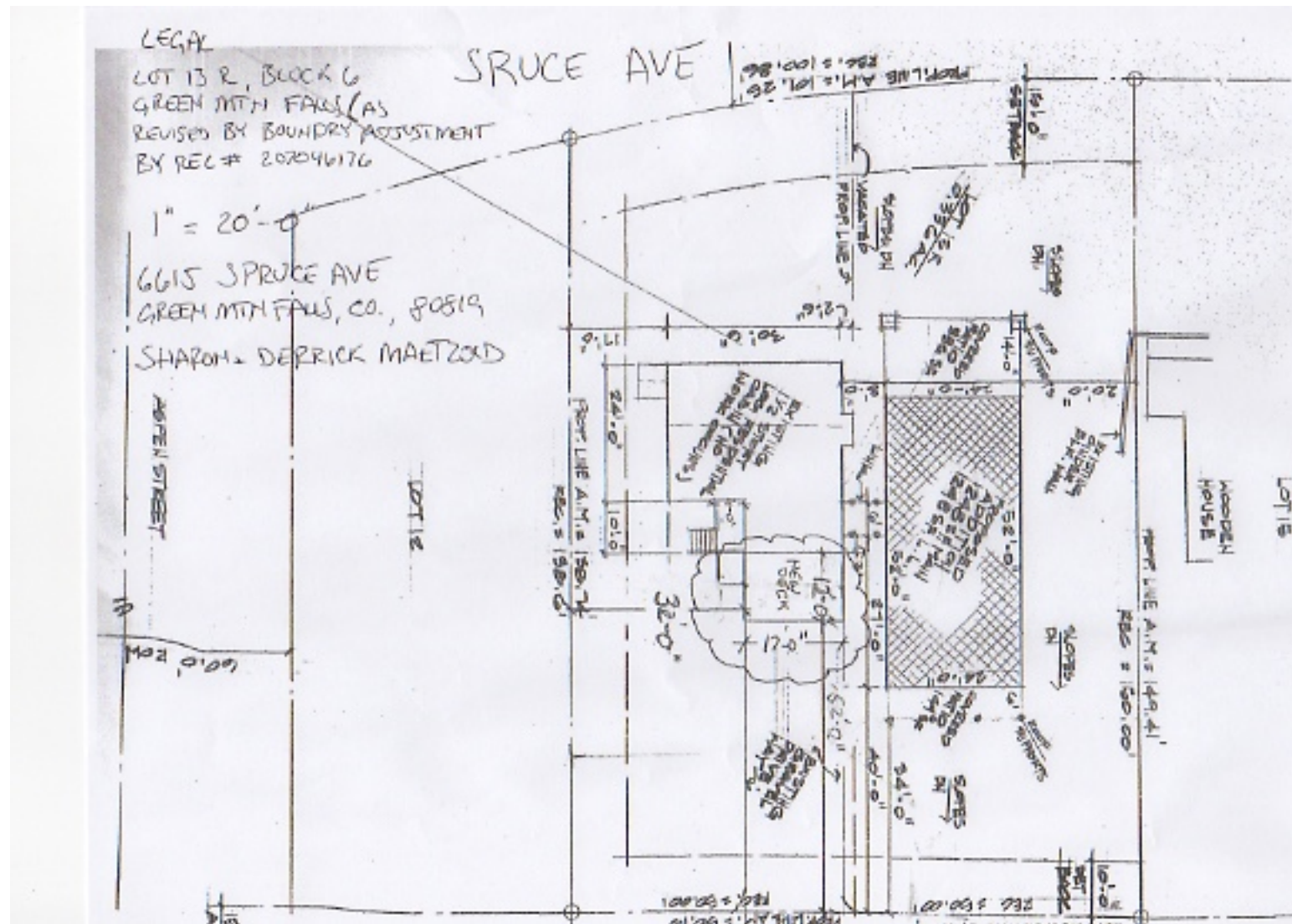
Owner Signature \_\_\_\_\_ Date \_\_\_\_\_



## Attachment B

good morning, here is the application. the deck will be framed with stained 2x12 material with log columns and hand rail. one small set of stairs( 6 treads) and either treks decking or possibly redwood decking. more than likely treks composite. let me know if this is enough and what the fees are and how you want to handle that. thanks for your help









To: Planning Commission  
From: GMF Land Use & Planning  
Date: April 14, 2020  
Re: Plan Review PR2020-04, 10735 Foster Avenue

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### Background

The Applicant is requesting the Planning Commission's consideration for a deck permit to remove a rotting wrap-around deck and replace it with a smaller footprint. The Applicant submitted the signed Land Use Approval Application and is appearing on behalf of his client (**Attachment A**). The Applicant's letter of explanation (**Attachment B**) and site plans (**Attachment C, D**) are provided for Commission's review.

### Discussion

Green Mountain Falls Zoning Ordinance

§16-301 – Districts enumerated

The 2007 and 2018 electronic files maintained at Town Hall, *Official Town Zoning Map* and the El Paso County Assessor's Office indicate the 22,400 SF property is zoned R-1 20,000 Single-Family Residential.

Sec. 16-307. - R-1 20,000 Single-Family Residential District

*The R-1 20,000 Single-Family Residential District is the large-lot residential zoning category for residential land which has moderate to severe topographic or geological conditions which may subject the property to special requirements imposed by the HO Hillside Overlay Zone and preclude smaller-lot development of single-family dwellings.*

Setback requirements §16-307(d)(4):

- a. front, fifteen (15) feet
- b. side, ten (10) feet
- c. rear, ten (10) feet

The aerial view site plan (**Attachment D**) illustrates the property line setbacks on each deck to be 41' and 35.8' (sides) and 64.8' (rear). Therefore, the proposed design appears to meet the minimum Code setback requirements.

§16-312. - HO Hillside Overlay Zone

The subject property on Foster Avenue is in the designated hillside overlay, per the 2007 and 2018 *Official Town Zoning Map*. The description and purpose outlined in this overlay zoning designation: *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. It is the intent of these regulations to prevent physical damage to public and private property and to aid in the preservation of the natural heritage of the Town.*

As a matter of policy, when reviewed and permitted by a Pike's Peak Regional Building engineer, the replacement of a private decking structure would not pose the threat to public health and safety that the Code's intent specifies.

A safe, permitted ingress/egress decking structure may address the description and purpose outlined in 16-312(a) by conserving the unique natural features and providing safe and convenient access to hillside areas. Preventing water runoff and soil erosion can be mitigated by proper design review. The Applicant can address any of these items with the Commission.

Further discussion on erosion issues in the Hillside Overlay: the amount of earth that will be displaced during construction, while unspecified in the application, is not likely to meet the requirements in GMF Municipal Code §17-83. - Grading permit and erosion control plan; when required: *(1) An excavation, fill or combination thereof, in excess of fifty (50) cubic yards; (2) An excavation which, at its greatest depth, will be three (3) or more feet below the surface of the ground over an area of three hundred (300) square feet or more...*

Many of the homes in GMF would be inaccessible without properly permitted staircases and decking due to the slopes and siting of homes over the past 100 years.

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

The Zoning Code §16-705(d)(2) – Procedure states: *at 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.*

From a policy standpoint, staff agrees that the proposed project meets the intent and purpose of the Building Permit and Architectural Review section of the Zoning Code.

### Conclusion

Staff has reviewed the application, site plan drawing, and description and recommends approval of Plan Review PR2020-04 for a new deck permit with the following conditions:

1. The Applicant confirms proof of a current GMF Business License
2. Town Clerk confirms receipt of credit card or check payment for a new deck permit





## Land Use Approval Application

This application form must be submitted with each land use approval request. Please refer to the appropriate Checklist of Supplemental Materials for a complete list of all documents that must accompany this form.

More information is available on the [Land Use & Planning](#) webpage.

**PART I – APPLICANT INFORMATION**

|   |  |
|---|--|
| <b>Applicant:</b> Scott Johnson - Complete Home Remodeling & Repair LLC |  |
| <b>Address:</b> [REDACTED]  |  |
| <b>E-Mail:</b> [REDACTED]   |  |
| <b>Phone:</b> 719-922-0601  |  |
| <b>Owner(s):</b> Michael J Lambert                                      |  |
| <b>Address:</b> 10735 Foster Ave Green Mountain Falls, CO               |  |
| <b>E-mail:</b> [REDACTED]   |  |
| <b>Phone:</b> [REDACTED]  |  |

**PART II- PROPERTY INFORMATION**

|   |  |
|---|--|
| <b>Address:</b> 10735 Foster Ave Green Mountain Falls, CO   |  |
| <b>Zoning Designation:</b> NA on county assessor  | <b>Lot Size:</b> 22,400 sq ft  |
| <b>Hillside Overlay zone?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | <b>Land Survey Included:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |

**PART III- LAND USE**

|  |
|--|
| <b>Brief Project Description:</b> Existing deck has severe rot, replace with smaller footprint |
| <b>Type of Land Use Approval:</b> Accessory structure  |

**PART IV- CERTIFICATION & SIGNATURE**

Certification: The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge. I certify that I understand that the proposed development will be in accordance with all provisions of the Town of Green Mountain Falls Municipal Code and other applicable regulations.

Applicant Signature Scott Johnson Date 04-02-20

Owner Signature Michael J Lambert Date 4/02/20

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_





7795 Severy Ave. Cascade CO. 80809

1-719-922-0601

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04/02/2020

**Letter of Explanation**

Michael J Lambert of Green Mountain Falls has hired my company to replace the existing deck at his property located at 10735 Foster Ave. This original wrap around deck was constructed more than 45 years ago, and due to age has been subject to rot which has compromised the integrity of the structure. The footprint of the new deck structures is less than what is currently on the home, the details and dimensions of the proposed structure are included within this packet.

Scott Johnson



# DECK ATTACHMENT SHEET

This document is to remain with your plans at all times

PROJECT ADDRESS:

YES NO

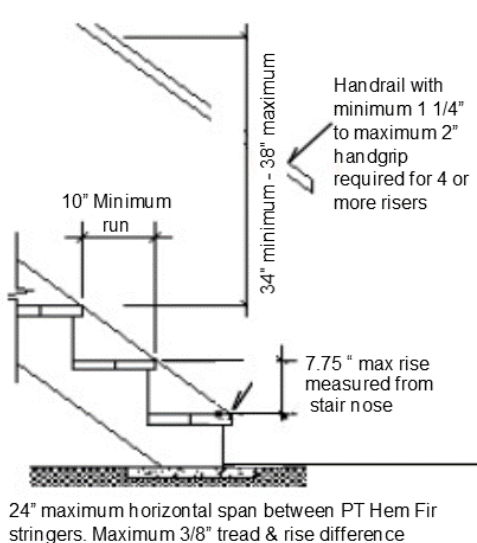
DECK DESIGN INCLUDES A SOLID COVER OR PERGOLA STYLE COVER

ELECTRICAL SERVICE AND METER LOCATION MAY BE AFFECTED BY DECK, RECOMMEND DISCUSSION WITH ELECTRICAL DEPARTMENT IF YES.

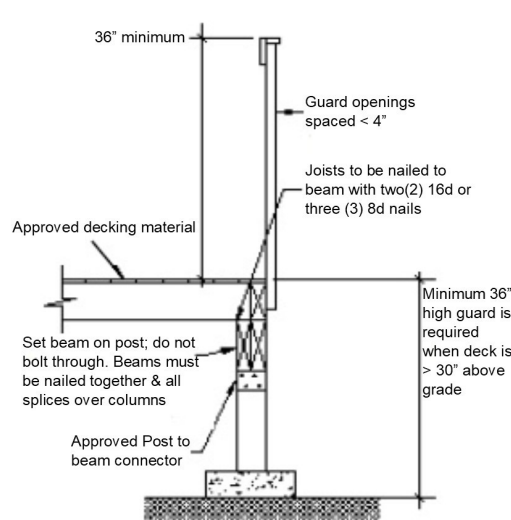
DECK SUPPORTS HOT TUB OR SPA LOADING

DECK IS SUPPORTED BY CANTILEVER AT HOUSE EXISTING INVERTED HANGER INSTALLATION WAS VERIFIED OR ENGINEERING WAS PROVIDED

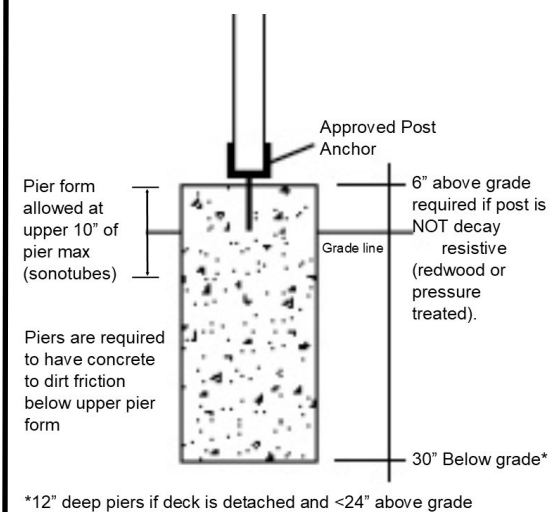
**USE LISTED JOIST HANGERS TO MATCH JOIST SIZE AND PROVIDE LISTED HARDWARE AT POST CAP AND BASE. INSTALL ALL LISTED PRODUCTS PER THE MANUFACTURER'S RECOMMENDATIONS (USP/SIMPSON/ETC..)**



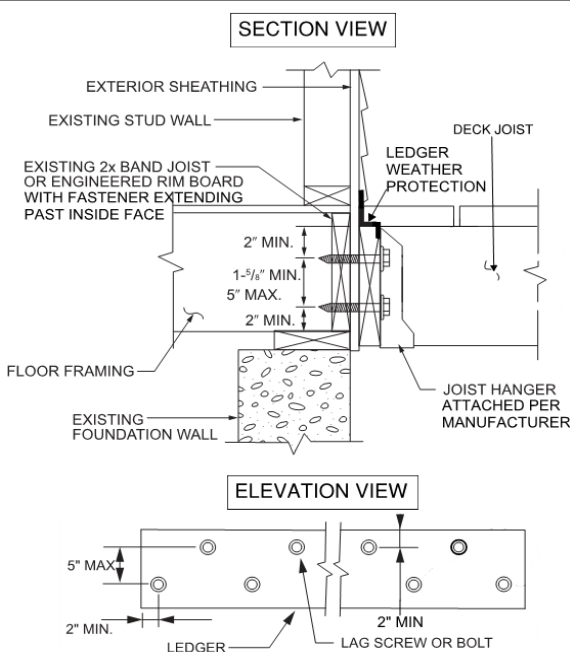
STAIR DETAILS



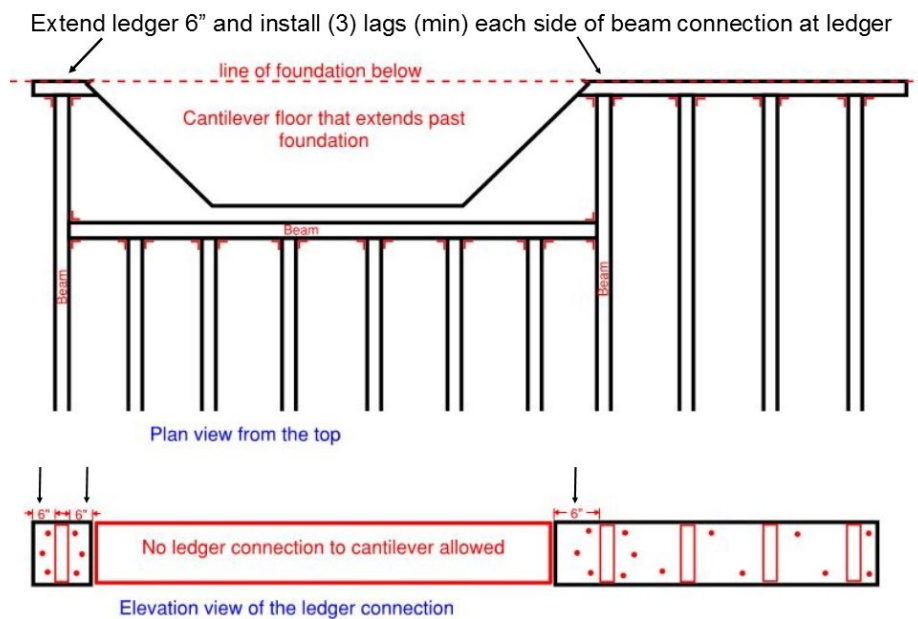
GUARD DETAILS



FOOTING DETAILS



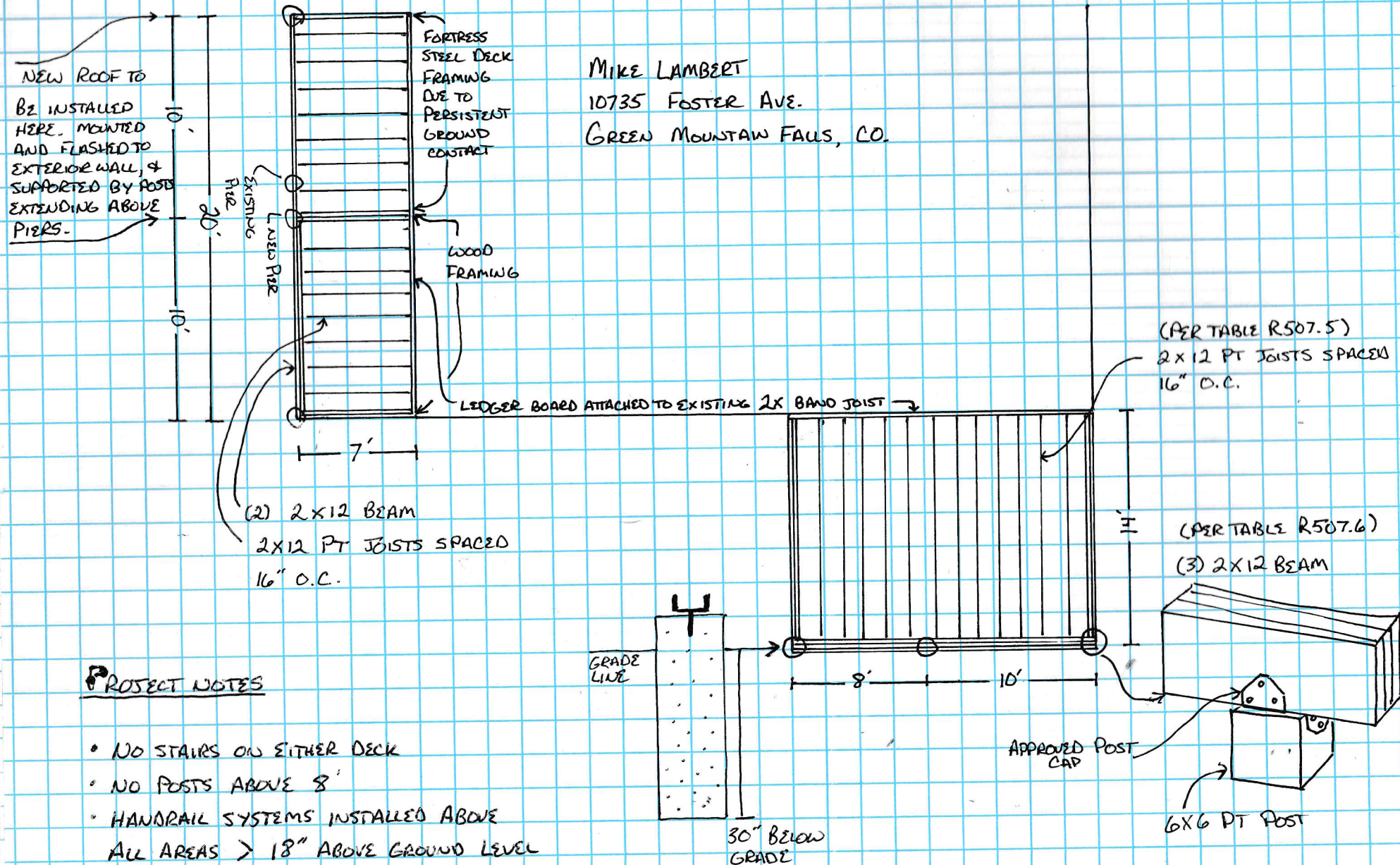
LEDGER DETAILS



CANTILEVER DETAILS



MIKE LAMBERT  
10735 FOSTER AVE.  
GREEN MOUNTAIN FALLS, CO.

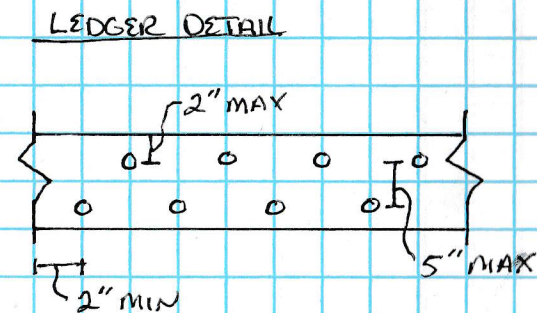
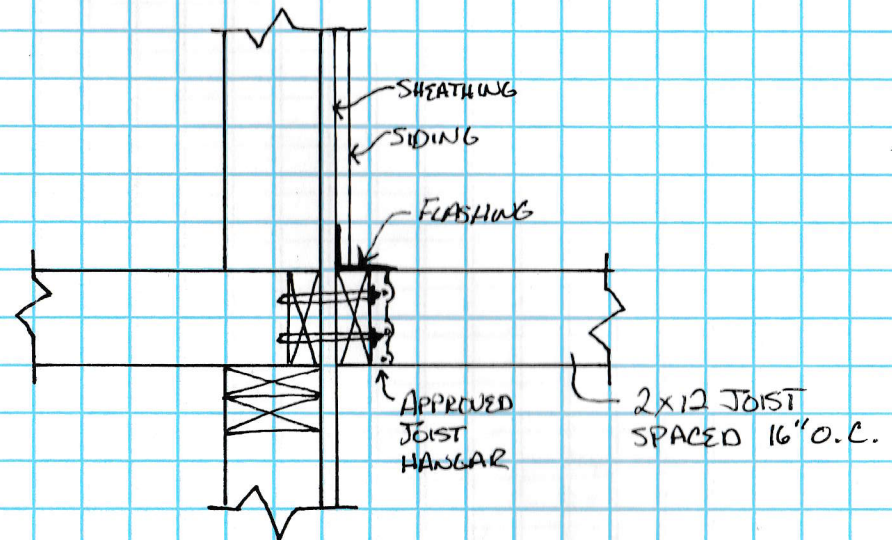
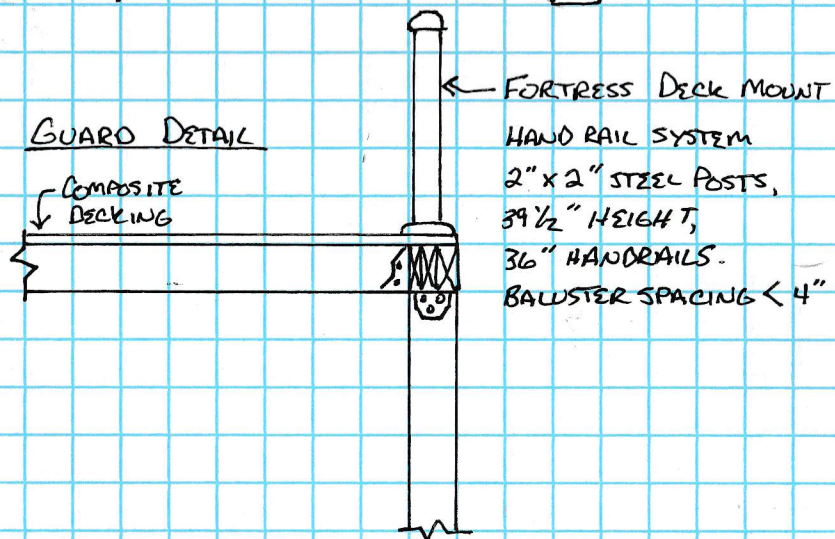
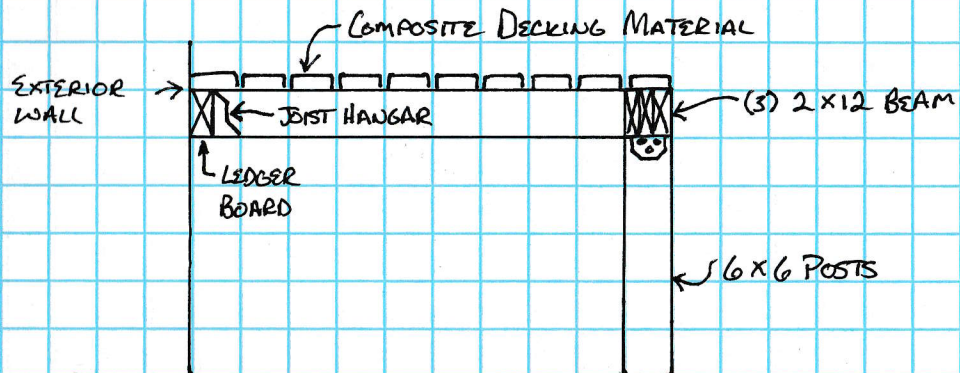


### PROJECT NOTES

- NO STAIRS ON EITHER DECK
- NO POSTS ABOVE 8'
- HANDRAIL SYSTEMS INSTALLED ABOVE ALL AREAS > 18" ABOVE GROUND LEVEL



MIKE LAMBERT  
10735 FOSTER AVE  
GREEN MOUNTAIN FALLS, CO



4", 1/2" DIAMETER LAGS, SPACED 13" O.C.  
(PER TABLE R507.2)



Attachment D

03/31/2020  
Michael J Lambert  
10735 Foster Ave.  
Green Mountain Falls  
CO, 80819  
Zone: NA      Lot size: 22,400 sq ft

- Legend:
- Property Boundary
  - Deck replacements
  - Distance to property boundary







To: Planning Commission  
From: GMF Land Use & Planning  
Date: 13 April 2020  
Re: Revocable Permit 2020-03, 10550 Ute Pass Avenue

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### Background

The Applicant is requesting the Planning Commission's consideration and recommendation to the Board of Trustees for uses beneath the surface, at the surface, and above the surface of the GMF Town Right-of-Way (ROW) on Ute Pass Avenue.

The Applicant, owner of The Painted Bear, has asked to work with Town Hall for a lapsed permit to maintain septic tanks beneath the ROW. Previous owner had not renewed the septic ROW Revocable Permit in 4+ years, to no fault of the current owner, who has only recently taken possession of the commercial property.

The Applicant came to Town Hall, asking to coordinate with Planning, Town Manager, and Public Works on several improvement projects. The first of these is to obtain permission to operate the septic system and add landscape improvements for seating along the sidewalk area.

Due to unforeseen circumstances occurring during the COVID-19 pandemic, Town Staff was unavailable to meet in-person for a site visit. The Applicant provided photos and details in several emails and has been cooperative and communicative, eager to start work in-anticipation of springtime business soft opening.

### Discussion

#### Permitting Process

Staff turnover at Town Hall has created challenges for records retention and reliable, consistent application and approval processes. Moving forward, staff is working to streamline the process and provide consistency to applicants and the advisory body. This will include enforcement of defunct permits. A draft Revocable Permit Checklist is included as **Attachment A** for the PC's review and recommendations.

An Applicant intending to occupy the *space below the surface, upon the surface, and above the surface of public property* (§18-61, GMF Municipal Code, **Attachment B**) must obtain the permission of the Board of Trustees to do so. Proof of insurance that meets the requirements set forth in §18-63 must be provided. The 2020 Fee Schedule, set by the Board of Trustees, gives a range of \$100- \$400 for the term of one year, renewed each January. The cost of the Permit will be established by Resolution of Board of Trustees.



#### §§18-72 - 75 – Use and occupancy of public property

The Applicant's photos, explanation, and proposed use are included as **Attachment C**. The Commission will be limiting its review to just the portion of the Revocable concerning the septic, finish grade above septic, and proposed seating/courtyard area. However, the pictures and narrative from Mr. Frey could not be separated from the Concept Proposal the Commission will discuss, later in the agenda.

#### §18-73. - Subsurface use

This proposal is for an existing septic system constructed in early-1980s (**Attachment D**), with approval from the Department of Health. Records for a revocable permit were found, but with little consistency. The absence of permit renewals occurred prior to the Applicant purchasing the property. The Applicant voluntarily hired a private septic company to inspect the tank for safety and can speak to the results of tank health.

Revocable permits may be issued for vaults and storage tanks, per §18-73(g). Plans for existing subsurface uses do not need to submit plans.

#### § 18-74 – Surface uses

The Applicant is requesting permission to construct finishes at grade to improve safety and aesthetic appeal. Detailed plans should be included or forthcoming. The permittee shall pay all costs for installation and construction of any structure. Benches are named as an approved use. However, interrupting the normal flow of vehicular or pedestrian traffic is prohibited, as is interfering with the public's normal use.

Staff encourages the safe, attractive maintenance and the creative approach to covering a septic tank. A graphic rendering- even one by hand- depicting the proposed use should be included before final permit is issued. The design and maintenance of any seating should be with the public's health and safety as a priority. Consideration of the FEMA Flood Zone FIRM Map should be given when designing seating for the public. The Applicant can provide greater detail on materials and plans and can initially do so during oral testimony at the public hearing, today.

#### §18-75 – Spaces above surface of public property

The concept of seating is not inconsistent with the requirements in §18-75(a)-(f). The location, design, and use should be approved before any construction, to include, if necessary, consult with Regional Building. If rubbish bins are incorporated into the design, the Applicant must provide ongoing maintenance.

Consideration of the FEMA Flood Zone FIRM Map should be given when designing seating for the public. The Applicant can provide greater detail on materials and plans and can initially do so during oral testimony at the public hearing, today.

#### Plan GMF Comprehensive Plan, 2019

The new business is a welcome addition to the Commercial Core area. A well-maintained, attractive gathering area for tourists and residents is encouraged and aligns with the intent of the Goals and Policies in Plan GMF, specifically to *Improve the appearance and vitality of downtown*.



## Conclusion

Staff appreciates the Applicant proactively pursuing a current permit for existing septic storage and concurs that a safe cover at grade is a benefit to owner and the Town. Attractive landscape finish and store-front seating is a community benefit. However, without design detail, Staff is unable to conclude that the above-ground improvements will be wholly consistent with all the requirements in the Municipal Code.

Staff concludes that the Planning Commission, after reviewing the materials and receiving public testimony during the public hearing, should recommend approval of Revocable Permit 2020-03 for septic storage in the ROW with the following conditions:

1. A Land Use Approval Application, signed, is submitted
2. Adequate proof of insurance is provided
3. Application fee for Revocable Permit, to be set by the Trustees, is received by the Town Clerk
4. A signed letter of indemnification be submitted

Staff recommends the Planning Commission forward a recommendation for approval for improvements and work being conducted in the ROW at surface and above surface with the following conditions:

1. Final materials and location design concept, including any input from the Planning Commission, be provided for review by Staff and BoT
2. Indemnification letter
3. Proof of adequate insurance





## Land Use Approval Checklist

### Revocable Permit

This checklist serves as a guideline for submitting a Revocable Permit application and is not a substitute for the provisions in Green Mountain Falls Municipal Code or any other rules that apply.

Applicants are expected to review [§16, Zoning](#), [§17, Subdivision](#), [§18, Building Regulations](#).

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | <b>1. Land Use Approval Application Form</b><br>Signed and dated by all Applicants  |
| <input type="checkbox"/> | <b>2. Letter of Explanation</b><br>Detailed description of the proposed use to occupy public property   |
| <input type="checkbox"/> | <b>3. Site Plan Drawings</b><br>Date of preparation, scale, and north arrow<br>Vicinity map with lot lines and GMF Zoning designation<br>Location of existing parking areas and driveways<br>Waterways and floodplains with FEMA FIRM designation |
| <input type="checkbox"/> | <b>4. Application Fee</b><br><a href="#">2020 Green Mountain Falls Fee Schedule</a>   |
| <input type="checkbox"/> | <b>5. Proof of Insurance</b>  |
| <input type="checkbox"/> | <b>6. Proof of Current Business License</b>   |

Complete applications must be received **28 days** (four weeks) prior to a regularly scheduled meeting of the Planning Commission.

The cost of each permit shall be as established by Resolution of the Board of Trustees, payable to the Town Clerk upon issuance. Such permit shall not be refundable or pro-rated in the event of suspension or revocation.



## ARTICLE III - Revocable Permits

## Sec. 18-61. - Permits required.

The space below the surface, upon the surface, and above the surface of public property may be used and occupied for any purposes not inconsistent with the provisions of this Article, other provisions of this Code, or other laws or ordinances regulating the use and occupancy of such public property; provided, however, that it shall be unlawful for any person to use or occupy such space, whether below, upon or above the surface of public property, or to construct any device or structure thereupon as hereinafter set forth except by and under the authority of a revocable permit in writing, first granted by the Board of Trustees and issued by the Town Clerk. In addition, it shall be unlawful for any person to use or occupy such space for any purpose other than that specifically provided for in such revocable permit.

(Ord. 10-1984)

## Sec. 18-62. - Application for permit.

An application for a revocable permit shall be filed with the Town Clerk or with the Town Planning Commission on a form or forms provided by the Town Clerk or Planning Commission.

(Ord. 10-1984)

## Sec. 18-63. - Insurance required.

- (a) No revocable permit shall be issued until the applicant shall furnish evidence of current public liability and property damage insurance policies. The following insurance coverage shall be required in the name of the licensee with the Town also named as insured:

|                  |              |
|------------------|--------------|
| Bodily Injury:   |              |
| Each person      | \$400,000.00 |
| Each accident    | \$400,000.00 |
| Property Damage: |              |
| Each accident    | \$100,000.00 |
| Aggregate        | \$200,000.00 |



Should the Colorado Governmental Immunity Statute, Section 24-10-101 *et seq.*, C.R.S., be amended to impose higher limits of liability upon municipalities, the above insurance amounts shall automatically be increased to reflect such amendment without requiring further amendment of this Article.

- (b) Each such policy of insurance shall contain an endorsement to the effect that the insurance carrier shall notify the Town Clerk at least thirty (30) days in advance of the effective date of any reduction or cancellation of the policy. The cancellation or reduction of insurance coverage shall be cause for automatic suspension of the permit until the coverage shall be reinstated. All policies shall be kept in force for the period of the permit.

(Ord. 10-1984)

Sec. 18-64. - Permit fees; renewals.

- (a) The cost of each permit, to cover the cost of investigation and filing and not as rental for use of Town property, shall be as established by resolution of the Board of Trustees, payable to the Town Clerk upon issuance. Such permit shall not be refundable or proratable in the event of suspension or revocation.
- (b) All revocable permits shall be renewable unless expressly declared to be nonrenewable on the face of the permit. Renewal shall be obtained from the Town Clerk upon payment of the required fee if the Town Clerk has not received any objections in writing concerning the revocable permit. If such objections are received, the Board of Trustees shall review the renewal request to determine whether the public interest will be jeopardized by renewal of the permit. If it finds that the public interest is jeopardized, the Board of Trustees shall refuse to renew the permit.

(Ord. 10-1984; Ord. 92-04 §1)

Sec. 18-65. - Permit term; expiration date.

No revocable permit shall be for a term longer than one (1) year. All revocable permits shall expire on December 31 of each year. Renewal of revocable permits shall be requested prior to December 31. If no request is made for renewal, such use, device or structure occupying public property shall be considered to have been discontinued and, if still remaining, will be removed at the expense of the permittee. An additional fee as established by resolution of the Board of Trustees will be charged for each late renewal.

(Ord. 10-1984; Ord. 92-04 §1)

Sec. 18-66. - Issuance of permit; filing.

The initial application for a permit shall be submitted to the Planning Commission for review. Upon finding that the application is in proper form and that all other conditions and requirements of this Article have been met, the Planning Commission shall forward the application to the Board of Trustees and the Board of Trustees shall grant a revocable permit. The Town Clerk shall countersign and issue such permit in writing and shall keep a file of all such permits in his or her office.

(Ord. 10-1984)

Sec. 18-67. - Assignment of permit.



There shall be no assignment of any revocable permit, except by express authorization in writing by the Board of Trustees. Such authorization shall not be withheld if the assignee complies with all the requirements of this Article.

(Ord. 10-1984)

Sec. 18-68. - Indemnification.

The permittee shall be responsible for any and all damages to property or injury to persons arising out of the exercise of the permit or the construction or installation of any device or structure thereunto appertaining, including the maintenance thereof, and the permittee shall indemnify and save harmless the Town and all its officers, agents or employees from all suits, actions or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by a person, persons or property on account of the exercise of the permit, or of any act or omission of the permittee, his or her agents or employees or on account of the failure of the permittee to maintain the structure or device or to provide necessary safety devices to ensure the safety of the public. The permittee shall defend against any such suit, action or claim and pay any judgment, with costs, which may be obtained against the Town, its officers, agents or employees growing out of such injury or damage.

(Ord. 10-1984)

Sec. 18-69. - Additional provisions or conditions.

- (a) The Planning Commission or the Board of Trustees is authorized to impose on the permittee at any time additional conditions or provisions relating to the revocable permit for the use or occupancy of public property that are reasonable and necessary to protect the public health, safety and welfare. Without limiting the generality of the foregoing, the Board of Trustees may consider the requirement of a bond or cash deposit to assure the removal of any device or structure at the expiration of or in the event of revocation of the permit, or to assure the completion of the work within the required time or restoration of the surface of the public space to the former conditions upon completion of installation of the structure or device for which the permit is requested.
- (b) The Board of Trustees is authorized to waive any of the provisions or conditions of this Article in respect to any revocable permit requested by any charitable, educational, nonprofit institution, organization or association whose request for a revocable permit is for a temporary use, device or structure.

(Ord. 10-1984)

Sec. 18-70. - Compliance with laws.

The permittee shall inform himself or herself, keep fully informed, and comply with all federal and state laws and Town ordinances, including but not limited to the various construction codes of the Town as the same may be now or hereafter amended. The permittee shall at all times protect and indemnify the Town, its officers, agents and employees against any claim of liability arising from or based on violations of such laws, ordinances or regulations caused by any actions or omissions of the permittee arising out of the exercise of the permit.

(Ord. 10-1984)

Sec. 18-71. - Permit site.



The site or sites of the permitted use, occupancy or both shall have adequate safeguards to protect the public against damage or injury, and shall be kept in a clean and orderly manner. Failure to maintain a safe, clean and orderly site shall be cause for suspension or revocation if such fault is continued or of aggravated nature.

(Ord. 10-1984)

Sec. 18-72. - Use and occupancy of public property.

The use and occupancy of public property for which revocable permits may be issued is classified in three (3) categories:

- (1) Spaces below the surface of public property (Section 18-73);
- (2) Surface of public property (Section 18-74); and
- (3) Spaces above the surface of public property (Section 18-75).

(Ord. 10-1984)

Sec. 18-73. - Subsurface use.

- (a) The space below the surface of public property may be used and occupied in connection with the use of the adjoining private property or for uses in the public interest not inconsistent with the provision of this Article or other laws and ordinances regulating the use of such property, provided that no use shall be authorized which will interfere with any existing or proposed underground utility line, installation or other lawfully existing underground installation. *Proposed* means scheduled for installation within the following twelve (12) month period.
- (b) The person or persons desiring a revocable permit for the use of subsurface space shall submit with the application detailed plans including but not limited to:
  - (1) The exact location, size, dimensions, apertures, ventilation and landscaping of the underground structure or device;
  - (2) The period of excavation and space required for excavation;
  - (3) A description of protective and safety devices to be used during the excavation, including but not limited to barricades, warning lights and directional signs; and
  - (4) The legal description of adjoining land to be served by the permit, if pertinent.
- (c) The issuance of a revocable permit shall not relieve the permittee of the obligation to obtain from the department having jurisdiction all required permits and to pay the required fees therefor, in accordance with applicable Town ordinances.
- (d) The permittee shall pay for the installation and construction of any structure or device below the surface of public property, and shall pay all costs and expenses attendant to the removal of such structure or device and backfilling of such space in the event the permit is rescinded.
- (e) Openings from the spaces below the surface of public property shall be covered so as to prevent damage or injury. The permittee may open access to the space below the surface of public property at any time as long as there are adequate safeguards to protect the public from damage or injury, and the time of



opening does not inconvenience the public. It shall be unlawful to leave open any aperture to the space below so as to endanger persons, animals or vehicles. Ventilation shall be by means of grates or other devices so as not to endanger persons or property.

- (f) The entire construction or installation shall be subject to the direction and approval of the Planning Commission.
- (g) A revocable permit may be issued for the following:
  - (1) Vaults.
  - (2) Storage tanks. Fire Department approval is required for storage of flammables.
  - (3) Equipment or material drops.
  - (4) Any other lawful similar uses or occupancies as determined by the Planning Commission.
- (h) All permittees of subsurface uses now existing shall be required to comply with this Article upon renewal of the permit, except that plans need not be submitted.

(Ord. 10-1984)

#### Sec. 18-74. - Surface uses.

- (a) The surface of public property may be used and occupied for any purpose not inconsistent with the provisions of this Article, Code or other laws and ordinances regulating the use of such property.
- (b) The person or persons desiring revocable permits to use the surface of public property shall submit with the application detailed plans and descriptions, including but not limited to the installation, construction, size and location of the structure or device and the purpose thereof.
- (c) The permittee shall pay all costs for the installation and construction of any structure on public property and, further, shall pay all costs and expenses attendant to the removal of such device, structure or use in the event the permit is rescinded.
- (d) The construction or installation of a device or structure on the surface of public property shall be subject to the direction of the Planning Commission or its designated representative.
- (e) A revocable permit may be issued for the following uses, structures or devices:
  - (1) Bicycle parking racks.
  - (2) Newspaper or other vending machines that serve the public interest in a similar manner.
  - (3) Benches.
  - (4) Telephone booths.
  - (5) Flagpoles.
  - (6) Trees and shrubbery.
  - (7) Collection booths or kiosks (charitable).
  - (8) Curbside teller or business services.
  - (9) Recessed curbs.
  - (10) Conduct of TV and radio interviews.
  - (11) Canopies.
  - (12) Conduct of promotion, sidewalk or street sales and similar activities. A single permit may be issued to an organization or group sponsoring such activity, provided that all addresses or locations



represented by the group shall appear on the application and the permit.

- (13) Any other lawful similar uses or occupancies as determined by the Planning Commission.
- (f) The following conditions, as well as the other conditions specified in this Article, shall apply to each of the above-listed uses, structures and devices:
- (1) No device or structure shall be so located or used so as to:
    - a. Interrupt the normal flow of vehicular or pedestrian traffic;
    - b. Interfere with the public's normal use of the public property upon which the structure, device or use is permitted, such as the overhang of diagonally parked automobiles or the door-opening radius of parallel parked automobiles; or
    - c. Interfere with any other device or structure lawfully existing thereon, such as parking meters, water meters, curb cuts, bus stops, etc.
  - (2) Whenever possible, devices and structures shall be installed on unpaved or unused areas of sidewalks or in connection with other devices or structures already installed which break the flow of pedestrian traffic.
  - (3) Any device or structure shall be installed in such a manner so as to prevent it from being dislodged by any natural force such as wind or by any manmade force such as an act of vandalism.
  - (4) Devices and structures permitted shall be so constructed as to reduce so far as is feasible sharp edges or protrusions that could cause injury to persons or damage to property. Devices and structures shall be easily visible and recognizable with regard to the available light from street lighting and light emanating from adjoining property during periods of darkness.
  - (5) Devices and structures shall be installed so as to eliminate the collection of litter under and upon the same insofar as possible and to facilitate cleaning of the adjacent area of litter and snow.
- (g) All permittees with uses, devices or structures now existing shall be required to comply with the provisions of this Article; except for the submission of plans.

NOTE: The most recently adopted edition of the Uniform Building Code permits the temporary use of public property during construction or demolition. No revocable permits are required for such activities unless there is a deviation from the Uniform Building Code as amended and modified.

(Ord. 10-1984)

Sec. 18-75. - Spaces above surface of public property.

- (a) The space above the surface of public property may be used and occupied in connection with the use of adjoining private property or for uses in the public interest not inconsistent with the provisions of this Article, Code or other laws and ordinances regulating the use of such property.
- (b) The person or persons desiring a revocable permit shall submit with the application detailed plans including but not limited to the exact location, size, dimensions and access to the aboveground device or structure.
- (c) The permittee shall pay for the construction and installation of any device or structure above the surface of public property and, further, shall pay all costs attendant on removing the device or structure in the event the permit is rescinded.



- (d) The construction or installation of the device or structure above the surface of public property shall be subject to the direction of the Planning Commission or its designated representative.
- (e) A revocable permit may be issued for the following uses, structures or devices: Any other lawful similar uses or occupancy to those permitted by the Uniform Building Code and Uniform Sign Code as determined by the Planning Commission, provided that no device or structure of a permanent nature shall extend beyond the curbline regardless of the height of the structure, and provided further that no such use, structure or device shall interfere with any existing or proposed overhead utility line or other lawfully existing use or structure. *Proposed* means scheduled for installation within the following twelve (12) month period.
- (f) All permittees with devices, structures or uses now existing shall be required to comply with this Article upon renewal of the permit; provided, however, that plans need not be submitted.

(Ord. 10-1984)

#### Sec. 18-76. - Revocation of permits.

Any revocable permit may be revoked by the Board of Trustees if such action is deemed to be necessary to protect the public safety, necessity or convenience in the use of public property. Notice shall be given in writing to the permittee at least fourteen (14) days before the effective date of revocation in order to allow the permittee to seek review of the decision by the Board of Trustees. Such notice requirement shall not limit the power of the Board of Trustees to summarily revoke any revocable permit if there is a present existing or imminent danger to the public health, safety or welfare.

(Ord. 10-1984)

#### Sec. 18-77. - Appeal procedures.

Any applicant for a revocable permit, or any person protesting such application who is aggrieved by the action or decision of the Planning Commission or Board of Trustees, may request a hearing to review said decision in front of the Board of Trustees. The request shall be in writing, shall be executed by the applicant, his or her agent or attorney, in duplicate, shall state and specify briefly the grounds for the request and shall be filed with the Town Clerk within ten (10) days after the Planning Commission or Board of Trustees action has been taken. The Board of Trustees shall then give public notice of the request and shall hold a public hearing. The hearing shall be *de novo* and all facts and circumstances shall be heard and considered. At the conclusion of the hearing, the Board of Trustees may deny or revoke the permit, order changes in the conditions and provisions of the permit, or order the issuance, continuance or renewal of the permit.

(Ord. 10-1984)

#### Sec. 18-78. - Obstruction of public ways prohibited; removal.

- (a) It shall be unlawful for any person to place upon or construct upon any sidewalk, street, alley or other public way or upon any natural watercourse or improved drainway, any encumbrance or obstruction, such as but not limited to earthfill, building materials, fences, platforms, stairs, signs, signposts, railings or barricades (hereinafter "offending object"), except under the terms of a revocable permit as provided in this Article.



- (b) The Planning Commission shall notify in writing the owner, agent or person responsible for the placing or construction of such offending object to remove the same within a reasonable time and restore the public way to its former state. If the offending object has not been removed at the expiration of the time stated in the notice, the Planning Commission or the Board of Trustees shall cause the same to be removed and stored and all necessary correction work performed to restore the public way or watercourse to its former state, all at the expense of the owner.
- (c) If, within thirty (30) days, the offending object has not been reclaimed and all costs of removal and restoration of the public way paid, the same shall be presumed to have been abandoned and the Board of Trustees may declare the same to be Town property. Thereafter, the same may be used or disposed of in the same manner as other Town property.

(Ord. 10-1984)

Secs. 18-79—18-90. - Reserved.



**From:** [REDACTED]  
**To:** [Julia Simmons](#)  
**Subject:** materials for upcoming meeting  
**Date:** Saturday, April 4, 2020 3:49:46 PM  
**Attachments:** [Painted Bear-GMF's newest business.jpg](#)  
[Flooded stairwell.JPG](#)  
[Foster Ave runoff.jpg](#)  
[drainage from Ute Pass.jpg](#)  
[Low spot on sidewalk \(1\).JPG](#)  
[Grassy area.JPG](#)

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Julia

With all the corona virus orders changing on a daily basis, we are assuming if a Town Council meeting is to be held on April 7, it will be a teleconference. On the theory that a picture is worth a thousand words, we are sending you some pictures that should help illustrate to the Council our problem and our proposed solutions.

The first picture (Painted Bear-GMF's newest business) is of the store front now. As we explained to you, part of Margaret's goal with this business is to improve the appearance of the GMF main street. I think everyone would agree, she has definitely made big progress on that goal with the improvements she has made to the exterior.

#### THE PROBLEMS:

1. The flooded stairwell - (see "flooded stairwell Pic) A heavy rain will flood the stairwell (and the basement) when rain runs across Ute Pass Ave. from Foster Ave. and across the parking area between our parking area and the Post Office. That area is sloped directly toward the SW corner of the sidewalk in front of the building and that spot is directly in front of the stairwell. Even though there is a culvert under Ute Pass Ave from Foster Ave, that culvert sometimes gets clogged up and does not drain. In addition, Foster Ave is graded in such a way that only part of its run off goes into the culvert. Much of the water goes across Ute Pass. (see "foster ave runoff" & "drainage from Ute Pass")
2. Water and mud collects in the low spot on the SW corner of the sidewalk in front of the building.- (See "low spot on sidewalk Pics #1). Even in a light rain or snow melt, this spot at the SW corner of the sidewalk in front of the building collects water and mud. That mud is then tracked into the store.
3. There is an unsightly space between parking area and the sidewalk- ("grassy area" pic ) This area is directly above two 1500 gallon septic holding tanks. We are getting the tanks pumped and new risers and riser lids will be installed according to current code, but the space is unsightly and we believe can be easily improved.

#### PROPOSED SOLUTIONS:

1. We believe that blacktopping the 3 parking spaces in front of our building and the area between our parking spaces and the post office would be the most effective means of solving problem # 1 above. The blacktop grade could be engineered to divert all runoff from Foster Ave. and Ute Pass Ave. into the creek instead of our stairwell, and since there would be no mud where the black top is laid, it would be mostly clear water running into the creek.



2. The problems associated with the low spot in front of our stairwell (standing water and mud, #2 above) could be solved in one of two ways. The first and easiest would be to build a drain with a grate that drains the water from the low spot into the creek. That drain could be built into the blacktop area so that there is little or no mud to collect there or run into the creek. A more permanent solution, but more expensive, would be to replace the entire sidewalk and re-engineer the grade so that the water runs toward the alley instead of the SW corner.

3. Once the new risers and lids are installed on the septic tanks, we propose to grade the grassy section and put AstroTurf on the surface. We would put new railroad ties on top of the existing ties at the front of the three parking spaces to prevent vehicles from accidentally rolling forward from the new blacktop onto the space between the parking and the sidewalk. We are considering placing a couple tables and chairs on the AstroTurf for people to sit and relax and enjoy downtown GMF. If we need a permit to do the AstroTurf, we hereby request one. We will pay for and install the railroad ties and AstroTurf.

We realize that we will need an engineer to establish the proper grade and water diversion barriers on the blacktop and, if used, the low spot drain. If we replace the sidewalk, an engineer would also be needed to establish the proper grade to get the desired drainage from the sidewalk.

Since most of the sidewalk and all of the parking area is in the Town's right of way, this is probably the Town's responsibility and should be at the Town's expense. We are, however, willing to work with the Town to arrive at a workable, but hopefully a timely, solution. Mike is willing to find and manage the resources required to do the engineering and the work, (with oversight and approval from the Town of course), and is willing to do part of the work himself. (He worked on construction early in life.)

We hope this adequately describes what needs to be done. If you have questions we will make ourselves available to the extent the Corona-virus orders permit.

Thanks for your consideration.

Mike and Margaret Frey

303-378-7831

Julia, please let me know when you receive this, if the pictures come through ok, and what the plans are for the next Town Council meeting. Thanks much for your help with these issues.



Date \_\_\_\_\_

EL PASO COUNTY HEALTH DEPARTMENT  
501 NORTH FOOTE AVENUE  
COLORADO SPRINGS, COLORADO  
636-0125

Tax Schedule # \_\_\_\_\_

Application for permit to construct, Remodel, or Install a Sewage Disposal System.

Name of Owner Davey Wheat Phone 687-3529

Address of Property 10550 Ute Park Ave.

Legal Description of Property \_\_\_\_\_

Owner's Address (if different) Box 4211 Woodland Park Phone Same

Systems Contractor Arrow Excavating Address \_\_\_\_\_

Type of Construction Vault source and type of water supply city

Size of Lot .5 acre

The construction of the Sewage Disposal System will comply with all applicable Laws, Ordinances, Standards or Resolutions.

HEALTH DEPARTMENT USE ONLY

Permit Number \_\_\_\_\_

Receipt Number \_\_\_\_\_

Number of Bedrooms \_\_\_\_\_ Tank Capacity \_\_\_\_\_ gallons Absorption area \_\_\_\_\_ Sq. Ft.

Remarks Approved for installation of 2 - 1500 gal. holding vaults only!

APPLICATION IS

☒ APPROVED

☐ DENIED

ENVIRONMENTALIST

Rick Millil

DATE 9/20 1982

PLOT PLAN WILL INCLUDE THE FOLLOWING .

Plot plan may be drawn on the back of this sheet or on a separate sheet.

1. Streams, Lakes, Ponds, Irrigation Ditches and other Water Courses
2. North Direction
3. Location of Property Line
4. Buildings
5. Wells
6. Location of Proposed Septic System
7. Location of percolation test
8. Geographical features
9. Other Information as required



# IMPROVEMENT LOCATION CERTIFICATE

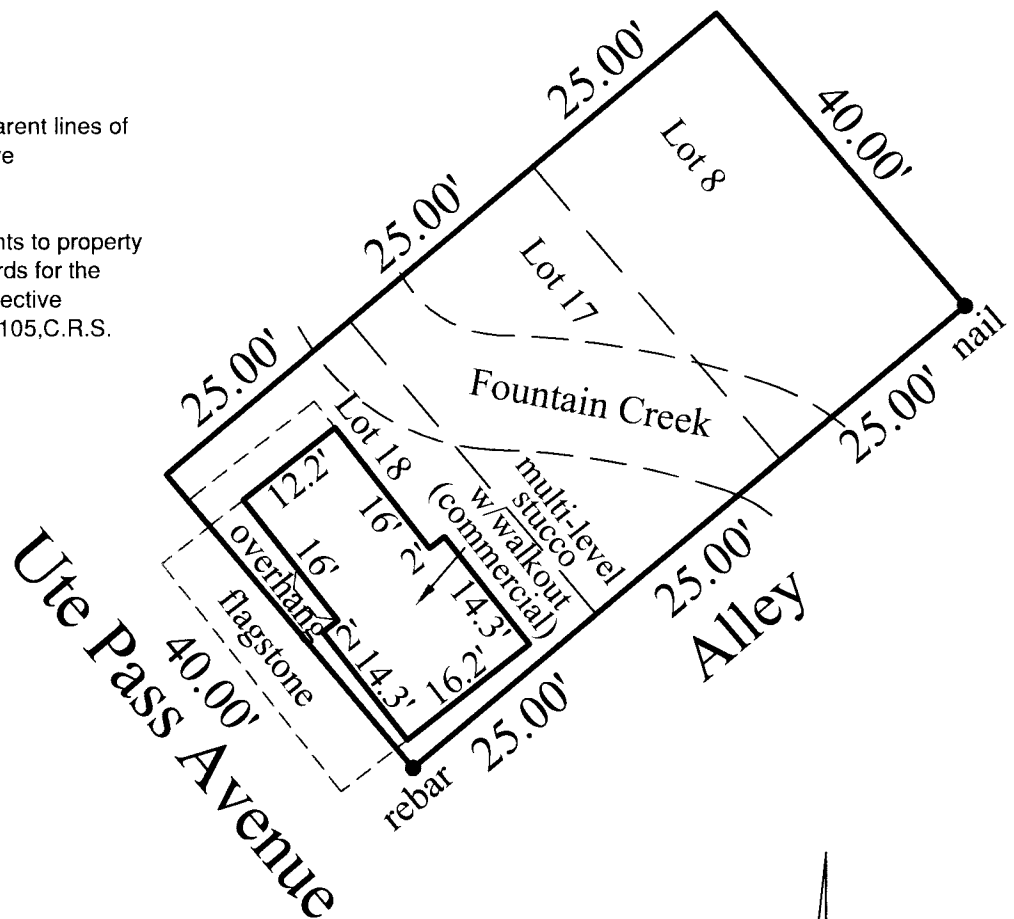
(THIS IS NOT A PROPERTY SURVEY)

## LEGEND

- Chainlink Fence
- Wood Fence
- ×-× Wire Fence
- End. Monument - Pipe
- /// Overhead Power Line

Note: Improvements shown by apparent lines of possession, without sufficient positive monumentation found.

Note: Dimensions from improvements to property lines have been repealed as standards for the Improvement Location Certificate effective September 1, 2015. Section 38-51-105, C.R.S.



## Legal Description

That portion of Lot 8, Block 4, in the Town of Green Mountain Falls and that portion of Lots 17 and 18, Block 4, in the Town of Green Mountain Falls, (Affects Block 3, 4 and 14), described as follows: Beginning at the most Southerly corner of Lot 18, thence Northwesterly on the Southwesterly line of said Lot 18, a distance of 40 feet; thence Northeasterly 40 feet from and parallel to the Southeasterly lines of said Lot 8, 17 and 18 to intersect the Northeasterly line of said Lot 8; thence Southeasterly on the Northeasterly line of Lot 8, a distance of 40 feet to the most Easterly corner of said Lot 8; thence Southwesterly along the Southeasterly boundary of said Lots 8, 17 and 18 to the Point of Beginning, County of El Paso, State of Colorado.

## Surveyor's Certificate

I Hereby certify that this Improvement Location Certificate was prepared for the \*Mortgage Lender and the \*Title Company and that it is not a Land Survey or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines. I further certify that the Improvements on the described parcel on this date \*\*, except utility connections, are entirely within the boundaries of the parcel, except as shown, that indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel except as noted. (c.r.s.38-51-109)

This Improvement Location Certificate does not constitute a title search by Alessi and Associates, Inc. to determine ownership of easements of record. For all information regarding easements, Right-of-Way and Title of Record, Alessi and Associates, Inc. relied on Title Commitment\*.

PREPARED BY



**ALESSI & ASSOCIATES, Inc.**

APPRAISERS • ENGINEERS • SURVEYORS

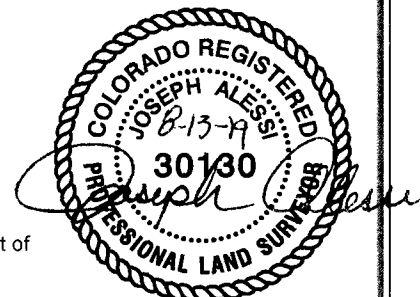
2989 Broadmoor Valley Road  
Colorado Springs, CO 80906

Tele. 719/540-8832  
Fax 719/540-2781



copy  
reduced

Scale: 1" = 20'



PURPORTED STREET ADDRESS:

**10550 Ute Pass Avenue**

\*\*DATE: 8/13/2019

\*LENDER/CLIENT: Re/Max Performance

\*BORROWER: M&H Farms, LLC

\*TITLE COMPANY: Unified Title

\*JOB NUMBER: 191493





PAINTED  
BEAR



Art's  
Keepsakes  
Stamps  
Hiking needs  
Gifts  
Jewelry  
etc.



10550

























**From:** [REDACTED]  
**To:** [Julia Simmons](#)  
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1. The flooded stairwell - (see "flooded stairwell Pic) A heavy rain will flood the stairwell (and the basement) when rain runs across Ute Pass Ave. from Foster Ave. and across the parking area between our parking area and the Post Office. That area is sloped directly toward the SW corner of the sidewalk in front of the building and that spot is directly in front of the stairwell. Even though there is a culvert under Ute Pass Ave from Foster Ave, that culvert sometimes gets clogged up and does not drain. In addition, Foster Ave is graded in such a way that only part of its run off goes into the culvert. Much of the water goes across Ute Pass. (see "foster ave runoff" & "drainage from Ute Pass")
2. Water and mud collects in the low spot on the SW corner of the sidewalk in front of the building.- (See "low spot on sidewalk Pics #1). Even in a light rain or snow melt, this spot at the SW corner of the sidewalk in front of the building collects water and mud. That mud is then tracked into the store.
3. There is an unsightly space between parking area and the sidewalk- ("grassy area" pic ) This area is directly above two 1500 gallon septic holding tanks. We are getting the tanks pumped and new risers and riser lids will be installed according to current code, but the space is unsightly and we believe can be easily improved.

#### PROPOSED SOLUTIONS:

1. We believe that blacktopping the 3 parking spaces in front of our building and the area between our parking spaces and the post office would be the most effective means of solving problem # 1 above. The blacktop grade could be engineered to divert all runoff from Foster Ave. and Ute Pass Ave. into the creek instead of our stairwell, and since there would be no mud where the black top is laid, it would be mostly clear water running into the creek.



2. The problems associated with the low spot in front of our stairwell (standing water and mud, #2 above) could be solved in one of two ways. The first and easiest would be to build a drain with a grate that drains the water from the low spot into the creek. That drain could be built into the blacktop area so that there is little or no mud to collect there or run into the creek. A more permanent solution, but more expensive, would be to replace the entire sidewalk and re-engineer the grade so that the water runs toward the alley instead of the SW corner.

3. Once the new risers and lids are installed on the septic tanks, we propose to grade the grassy section and put AstroTurf on the surface. We would put new railroad ties on top of the existing ties at the front of the three parking spaces to prevent vehicles from accidentally rolling forward from the new blacktop onto the space between the parking and the sidewalk. We are considering placing a couple tables and chairs on the AstroTurf for people to sit and relax and enjoy downtown GMF. If we need a permit to do the AstroTurf, we hereby request one. We will pay for and install the railroad ties and AstroTurf.

We realize that we will need an engineer to establish the proper grade and water diversion barriers on the blacktop and, if used, the low spot drain. If we replace the sidewalk, an engineer would also be needed to establish the proper grade to get the desired drainage from the sidewalk.

Since most of the sidewalk and all of the parking area is in the Town's right of way, this is probably the Town's responsibility and should be at the Town's expense. We are, however, willing to work with the Town to arrive at a workable, but hopefully a timely, solution. Mike is willing to find and manage the resources required to do the engineering and the work, (with oversight and approval from the Town of course), and is willing to do part of the work himself. (He worked on construction early in life.)

We hope this adequately describes what needs to be done. If you have questions we will make ourselves available to the extent the Corona-virus orders permit.

Thanks for your consideration.

Mike and Margaret Frey

303-378-7831

Julia, please let me know when you receive this, if the pictures come through ok, and what the plans are for the next Town Council meeting. Thanks much for your help with these issues.