



**Town of Green Mountain Falls  
Planning Commission Regular Meeting  
Agenda**

**Tuesday, September 14, 2021 @ 6:30 PM  
In-person Meeting @ 10615 Green Mountain Falls Rd  
Green Mountain Falls, CO 80819**

OR Join Zoom Meeting

<https://us02web.zoom.us/j/84667168271?pwd=aG51d05aYUI5a3A0Z0FGUUZoYWVRkZz09>

Meeting ID: 846 6716 8271; Passcode: 524239

TIME		ITEM	DESIRED OUTCOME
6:30	1.	CALL TO ORDER	
	2.	AUDIO CHECK	
	3.	ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA	
	4.	APPROVAL OF MINUTES August 10, 2021, Regular Meeting Minutes	Action Recommended
	5.	PUBLIC COMMENT**	
	6.	NEW BUSINESS	
	a.	AUG2021-02 - 6620 Pine – Deck Application	Action Recommended
	7.	OLD BUSINESS	
	a.	MAY2021-01 - 11070 Belvidere - Remodel	Action Recommended
	8.	OTHER BUSINESS	
	a.	10650 Hondo Ave. – Encroachment on Town-owned parcel	Action Recommended
	b.	Land Use Code rewrite – Planning Commission and Staff discussion	Information
	c.	Planning process documentation – Planning Commission and Staff discussion	Information
	d.	Housekeeping Announcements Next Regular Meeting October 12th	Information
	9.	Adjournment	

\*\*Register for public comment by 4:00 PM the day of the meeting: [staff@gmfco.us](mailto:staff@gmfco.us); [planner@gmfco.us](mailto:planner@gmfco.us)

*Planning Commission Members:*  
*Todd Dixon, Chair*  
*Lamar Matthews, Commissioner*  
*Sean Ives, Commissioner*  
*Gregory Williamson, Vice Chair*  
*Paul Yingling, Commissioner*



**MEETING MINUTES**  
**Planning Commission**  
**August 10, 2021**  
**6:30 p.m. In Person and Zoom Virtual Meeting**

Commissioners Present: Todd Dixon, Lamar Matthews (Zoom), Gregory Williamson (Zoom), Paul Yingling (Zoom)

Commissioners Absent: Sean Ives

Ex Officio Member: Mayor Jane Newberry

GMF Staff: Nate Scott

Agenda Item	Motion/Discussion	M/S	TD	SI	LM	GW	PY	JN
1. CALL TO ORDER / ROLL CALL	Meeting was called to order at 6:30pm.							
2. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA	Moved to accept agenda	PY/LM	A	-	A	A	A	
3. APPROVAL OF MINUTES-	Moved to approve minutes	LM/PY	A	-	A	A	A	
4. PUBLIC COMMENT	No public comments							
5. NEW BUSINESS								
a. JUL2021-02 – 6960 Howard St – Deck Application	Staff report - Deck application is in Pike Peak Regional application system. Items from the last meeting have been corrected. Setbacks are met and marked on site plan. Looks complete Com to staff - No questions. Applicant - No statement. Com - What materials are being used? Fire rated materials are being used. Motion made to approve.	LM/PY	A	-	A	A	A	

b. AUG2021-01 – 6855 Hotel St – Deck Application	<p>Staff report - Applicant in queue for Pikes Peak Regional. Docs were submitted from the construction company. No ILC. Site plan has setbacks. Looks complete.</p> <p>Com to staff - Materials? Pressure treated, composite decking.</p> <p>Com to applicant - Site plan has no dimensions. There is no engineer stamp so dimensions are needed.</p> <p>Applicant - Research showed no existing records from town hall due to the fire. Was referred to Pikes Peak Regional. Willing to get a survey to satisfy dimension requirements. Looked and could not find existing pins. Surveyors have a better chance of finding pins.</p> <p>PC chair encouraged applicants to get ILC. Makes the planning process go smoother.</p> <p>It was moved to approve on contingency of getting a surveyed site plan and having it reviewed by the planner.</p>	GW/LM	A	-	A	A	A	
6. OLD BUSINESS								
a. APR2021-03- 6725 Park Ave. - Dr. Trent - Shed	Staff report - Tried to follow up with the applicant via phone but could not make contact. Emailed applicant with list needed to move forward.							
b. JUN2021-01 – 11070 Belvidere – Remodel	Staff report - Packet sent to Pikes Peak Regional but returned due to lack of details. List of town and Pikes Peak Regional needs were sent to the applicant.							

	Nate gave a background of his experience and connection to GMF. Will post his hours for the public. PC thanked Nate for being here.							
7. OTHER BUSINESS								
a. Nina Williams – Land Use Code Rewrite - Update	Nina gave a presentation on Land Use Code Rewrite. Commissioners were given an action item to provide feedback in 2 weeks. Email feedback to Nate. Review the overview not the actual text of the Code. Need threshold info before draft. Some commissioners would like full text. Commissioner Matthews thanked Nina for her presentation and precision.							
b. Housekeeping and Announcements	Next Regular Meeting September 14th  Chair Dixon presented his swim lanes for Planning Commission processes. Nate will email these processes to the commissioners. Chair Dixon asked the commissioners to provide comments by the next meeting, September 14th.							
13. Adjournment	Meeting was adjourned at 7:57pm.							



To: Planning Commission

From: GMF Staff

Date: August 31, 2021

Re: AUG2021-02 Architectural and Zoning Application for a new deck at 6620 Pine St

### **Background**

The applicant Matt Swanson, on behalf of property owner Kelli Preisler, is requesting the Planning Commission's consideration for a new deck permit at the subject address: 6620 Pine St. The application was received on August 25, 2021 and paid on August 31, 2021. The construction plan will be sent to Pikes Peak Regional Building Dept. for their review.

Planning Commission Recommended Actions:

- Review proposed project for compliance with Green Mountain Falls Zoning and Land Use Code.
- Approve, approve subject to conditions, or disapprove.

### **Project Summary**

This proposal is for a removal of the existing 4' x 8' deck and replacement with a new 8' x 12' deck in the same location, which is off the SW side of the house. All new materials will be used:

- Pressure treated lumber for posts and supports.
- Moisture Shield brand decking (similar to Trex).
- Fortress brand wrought iron railings.
- Simpson brand mechanical fasteners for attachment to rim joist on house.

Support posts are 4" x 4" with 8" concrete piers.

- 6 feet between posts;
- 12" from posts to outsides of deck;
- Double 2' x 8' cross supports on posts.

### **Discussion**

The electronic file maintained by Town Hall, *Official Town Zoning Map 2019*, shows the Zone District as R-1 and the El Paso County Assessor's Office show parcel ID 8308405005 with an area of 23,683 sq. feet. Therefore zoning is:

**16-305 R-1 20,000 Single-Family Residential District, within designated Hillside Overlay Zone.**

*Setback requirements:*

- a. Front, fifteen (15) feet;*
- b. Side, ten (10) feet; and*
- c. Rear, ten (10) feet.*

**Sec. 16-705. - Building permits; architectural review (attached)**

The Zoning Code §16-705(d)(2) – *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.*

The language for architectural review is couched as policy recommendation with vague standards: nevertheless, it does state the advisory body *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.*

**Sec. 16-712. - Development plan requirements (w/ notes specific to this project).**

- (1) The location, height, and dimensions of each existing and proposed structure in the development area and the uses to be contained therein. **(included in site plan)**
- (2) The proper building setbacks and building area with reference to property lines, highways, or street rights-of-way; **(After review, staff has no concerns with setbacks on this project. Based on the aerial view of the existing deck, house, and property lines, the setback well exceeds the 10' limit. See below aerial view.)**
- (3) The location and surfaces of all parking areas and the exact number of parking spaces; N/A
- (4) The location of watercourses and other natural historic features; N/A
- (5) The location of all pedestrian walks, malls, recreation, and other open spaces; N/A
- (6) The location, number, height, and square footage of freestanding identification signs; N/A
- (7) The location, height, size, and orientation of any required light standards; N/A
- (8) The location of all permanent accesses from publicly dedicated streets, roads, or highways; N/A
- (9) The location, overlain on contours for the area, of all roadways, walkways, bridges, culverts, drainage easements, existing or contemplated, and green belts; N/A
- (10) The location of all footpaths, traffic islands, traffic devices and driveways, indicating the pedestrian and vehicular movement and control; N/A
- (11) The stages, if appropriate, in which the project will be developed; and N/A
- (12) A vicinity map to locate the development in relation to the community. **(included below)**  
(Ord. 97-01)

**Sec. 16-712. - HO Hillside Overlay Zone; Sec. 16-714. - Hillside Overlay Zone requirements**

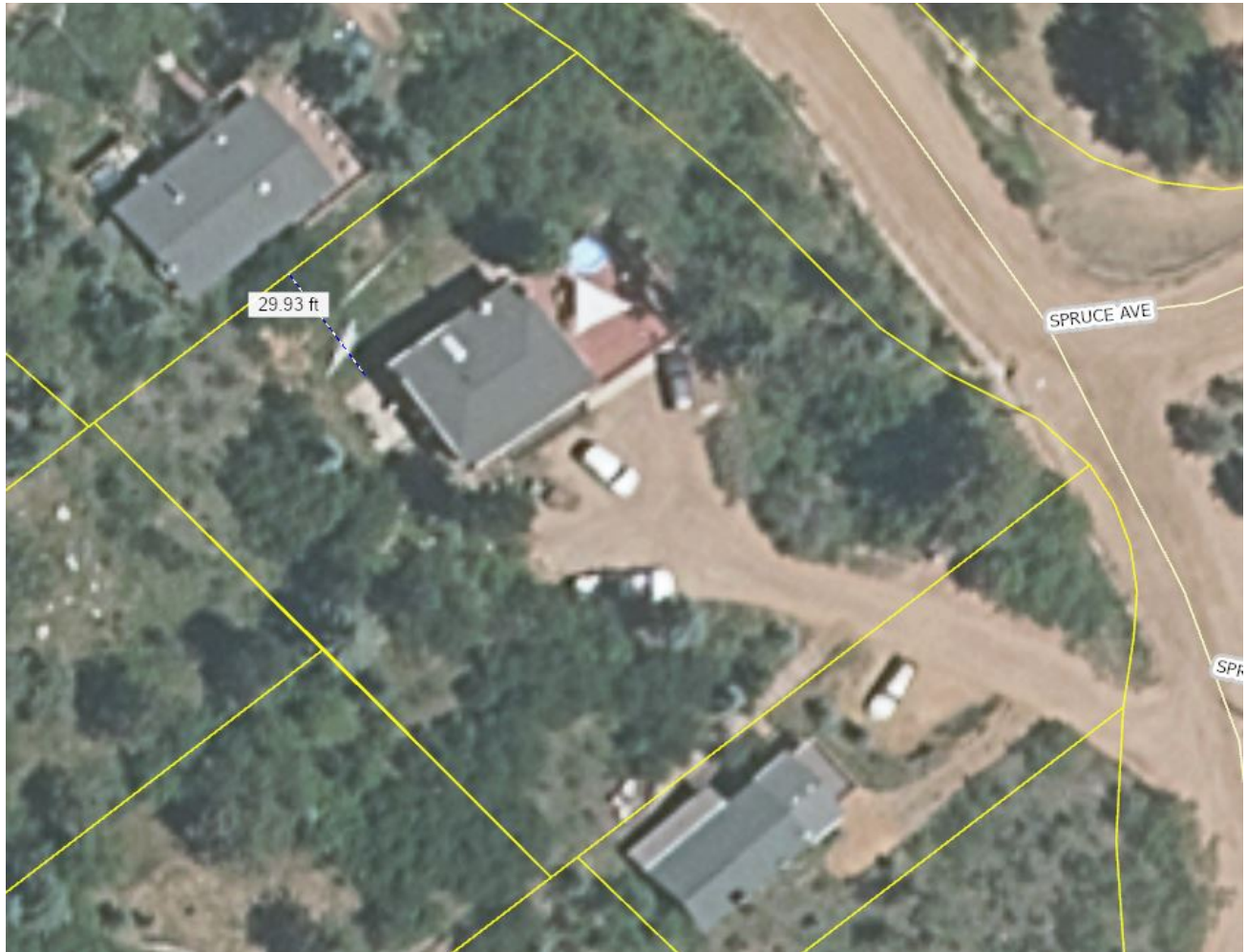
Due to the minimal soil disturbance and overall scope of this project, staff has no concerns about this project within the Hillside Overlay Zone.

### **Conclusion and Recommendation**

Staff recommends approval of this project, subject to:

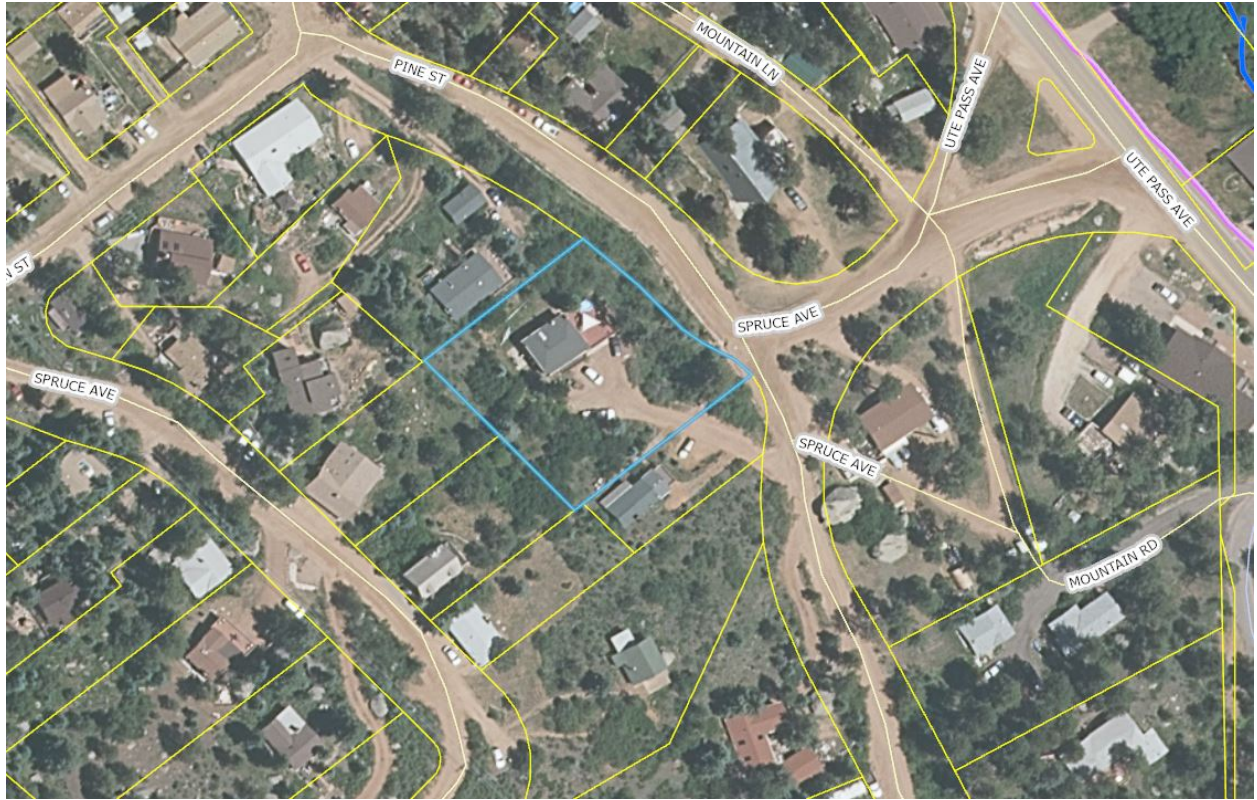
1. Contractor showing proof of or acquiring a current GMF Business License.

Setback image:





Site overview image:







**Town of Green Mountain Falls  
Land Use Approval Application  
Architectural Plan Review**

**General Information**

- This checklist serves as a guideline for submitting a Zoning & Architectural Plan Review Land Use Approval application and is not a substitute for the provisions in GMF Municipal Code or any other rules that may apply.
- Applicants are responsible for reviewing and understanding the Code.
- Complete applications are subject to staff review time of **two weeks (14 days)**.

**Applicant**

Applicant:	all Square, Ltd
Address:	2822 Old Broadmoor Rd
E-Mail:	matt@allsquareltd.com
Phone:	719.499.2791
Owner:	Kelli Preisler
Address:	6620 Pine st
E-mail:	Preislerkelli@gmail.com
Phone:	616.836.6412

**Property**

Physical Property Address:	6620 Pine St		
Type of Plan Review:	New Deck	Lot Size/Zoning:	23,683 sf
Hillside Overlay zone? Yes <input type="checkbox"/> No <input type="checkbox"/>		Land Survey/ILC Included: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Certification & Signature**

APPLICANT'S STATEMENT: I understand the procedures and requirements (pages 1 and 2 of this application) that apply to my request and acknowledge an incomplete application will not be scheduled for public hearing. GMF Staff's acceptance of the application, payment of fees, and submittal of accompanying materials does not constitute completeness. I further agree to reimburse the city for technical and professional consulting expenses that may be incurred during the review of my request. Failure to reimburse the Town for invoiced expenses constitutes an incomplete application.

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.

By checking this box, I agree to the certification statement and am typing my full name as an electronic signature.

Applicant Signature Matt Date 8.25.21

Owner Signature Kelli Preisler Date 8-25-21

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

This document can be signed electronically using Adobe Reader DC for free.

## Plan Review Checklist

This checklist serves as a guideline for submitting a Zoning & Architectural Plan Review (APR) Land Use Approval application and is not a substitute for the provisions in Green Mountain Falls Municipal Code or any other rules that may apply. Applicants are expected to review, at a minimum §16, Zoning, §17, Subdivision, §18, Building Regulations.

APR is a general term for the review by the Planning Commission/Board of Trustees for zoning compliance and the evaluation of architectural compatibility, as outlined in §16-705.

### 1. Application & Petition

- a. Application, signed and dated by the applicant and property owner(s)
- b. Application fee
- c. Letter of explanation
  - i. Describe the purpose of the project (e.g., deck, SFH addition, exterior renovation, etc.) and describe project details, referring to site plans and drawings as necessary

### 2. Development Plan

- a. Vicinity Map with streets and access points to the property
- b. Existing and proposed structures with zoning setbacks, property boundaries and dimensions
- c. The location of all drainage to, from and across the site, the location of intermittent and permanent springs, culverts and other drainage structure

### 3. Procedure:

- a. Electronic submittal of signed application and checklist materials: [planner@gmfco.us](mailto:planner@gmfco.us)
- b. Payment of fees to Town Clerk for receipt
- c. Upon determining an application is complete, staff will schedule for PC and/or BoT public hearing

#### GMF Town Staff:

- ☒ Application
- ☒ Letter of Explanation
- ☒ Development Plan
- ☒ Application fee (Town Clerk)  
Date 8/30/21 Amount \$125 ☐ Check #                      ☒ Credit Card

# Letter of Explanation

8.25.2021

## Purpose of project

- remove existing deck and build new 8'x12' deck in same location.
- All new materials to be used including Pressure Treated lumber, moisture shield brand decking and Fortress brand iron railings.

Thank you for your  
consideration,

Matt Swanson  
all Square, Ltd  
719.499.2791

Proposed 8x12 deck.

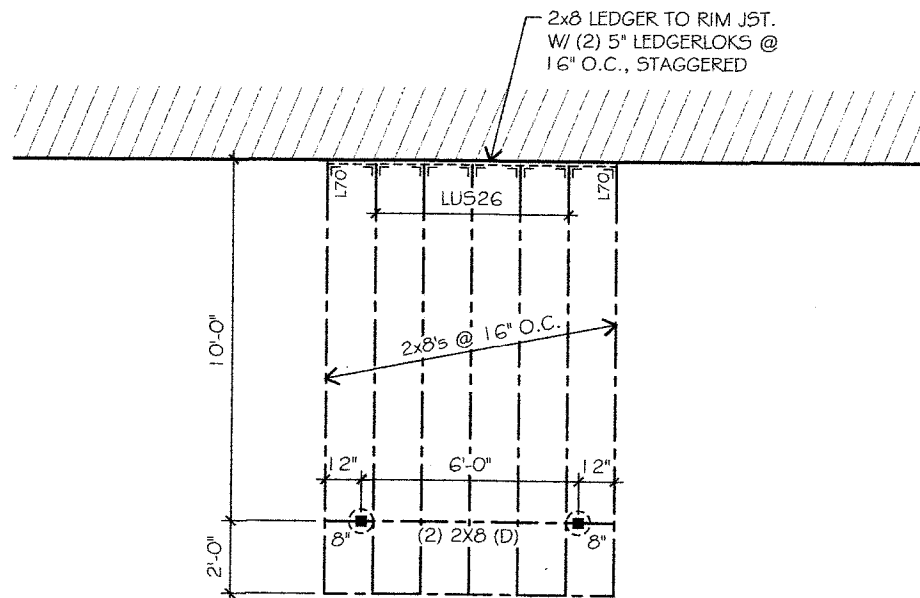
Contractor: All Square, Ltd #23487

No egress wells in area of proposed deck



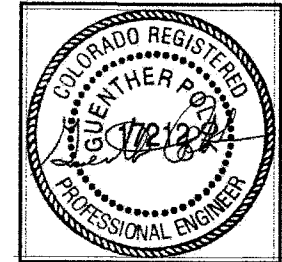
Lots 6 to 8 ex Swly  
130.0 FT resub of lots  
6 to 13 inc blk 7  
Green Mountain Falls

6620 Pine St  
Green Mountain Falls, CO 80819



# DECK FRAMING PLAN

SCALE: 1/4" = 1'-0"



8/18/21

CLIENT:

THE PREISLER FAMILY

ADDRESS:

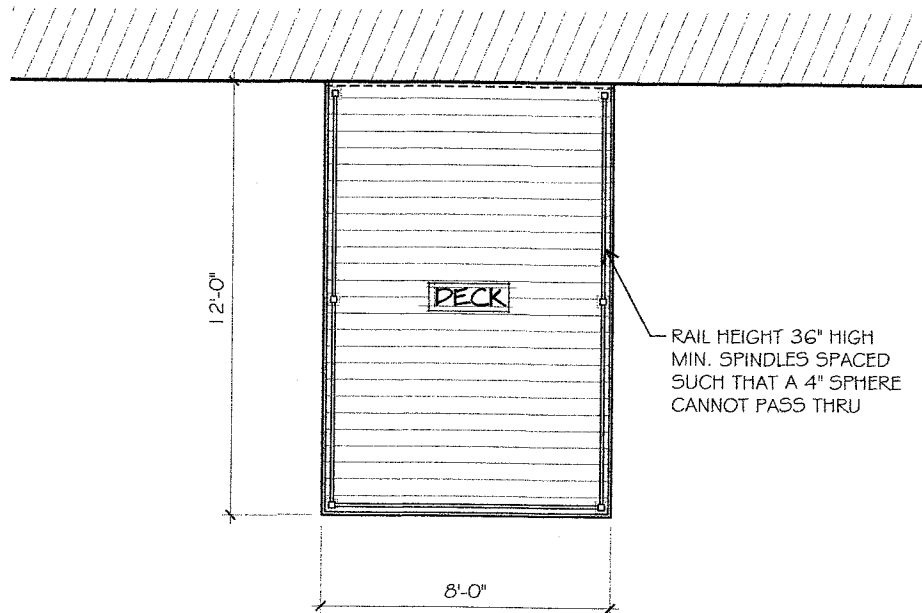
6620 PINE ST. CSCO

Brian E. Slute  
(779) 2B-7874

**DSB**  
*conceptual*

architectural & structural design drafting services

2125 Rimwood Dr Colorado Springs, CO. 80918



**DECK PLAN**

SCALE: 1/4" = 1'-0"

CLIENT:

THE PREISLER FAMILY

ADDRESS:

6620 PINE ST. CSCO

**DSB**  
*conceptual*

Brian E. Shute  
(719) 213-7874

architectural & structural design / drafting services

2125 Rimwood Dr Colorado Springs, CO. 80918





To: Planning Commission

From: GMF Staff

Date: September 8, 2021

Re: MAY2021-01 Architectural and Zoning Application for a third-floor addition at 11070 Belvidere Ave.

### **Background**

The applicant Nick Rohman with Basecamp Construction, on behalf of property owner Steve Tabor, is requesting the Planning Commission's consideration for a new second floor addition at subject address: 11070 Belvidere Ave. The application was received on June 7, 2021, and paid on June 15, 2021. The construction plans are with Pikes Peak Regional Building Dept. for their review and Basecamp Construction has an active business license with the Town.

This application appeared before Planning Commission on July 13, 2021, but it lacked a comprehensive site plan as well as letters from the ownership trusts. This information is now included in tonight's packet.

#### **Planning Commission Recommended Actions:**

- Review proposed project for compliance with Green Mountain Falls Zoning and Land Use Code.
- Approve, approve subject to conditions, or disapprove.

### **Project Summary**

This proposal is for the addition of a third floor onto the existing house with the following characteristics:

- No change to the building footprint.
- New master bedroom suite with bath and 2<sup>nd</sup> bedroom with bath.
- Wood siding to match color scheme of existing dark red and brown siding.
- Metal roofing, color TBD – but selecting from earth tone list.
- Building height from the lowest first floor elevation is 33.5 feet, under the 35-foot max building height limit.

### **Discussion**

The electronic file maintained by Town Hall, *Official Town Zoning Map 2019*, shows the Zone District as R-1 and the El Paso County Assessor's Office show parcel ID 8308201025 with a lot area of 7,500 sq. feet. Therefore, zoning is:

**16-305 R-1 5,000 Single-Family Residential District, within designated Hillside Overlay Zone.**

*Setback requirements:*

- a. Front, fifteen (15) feet;*
- b. Side, five (5) feet; and*
- c. Rear, ten (10) feet.*

**Sec. 16-705. - Building permits; architectural review (attached)**

The Zoning Code §16-705(d)(2) – *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;*
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- d. Pedestrian access; and*
- e. Relation to existing and future open space.*

The language for architectural review is couched as policy recommendation with vague standards: nevertheless, it does state the advisory body *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.*

**Sec. 16-712. - Development plan requirements (w/ notes specific to this project).**

- (1) The location, height, and dimensions of each existing and proposed structure in the development area and the uses to be contained therein. **(Included in site plan.)**
- (2) The proper building setbacks and building area with reference to property lines, highways, or street rights-of-way; **(The existing footprint of the building will not change. Applicant did provide a site plan showing the current building footprint in relation to setbacks.)**
- (3) The location and surfaces of all parking areas and the exact number of parking spaces; N/A
- (4) The location of watercourses and other natural historic features; N/A
- (5) The location of all pedestrian walks, malls, recreation, and other open spaces; N/A
- (6) The location, number, height, and square footage of freestanding identification signs; N/A
- (7) The location, height, size, and orientation of any required light standards; N/A
- (8) The location of all permanent accesses from publicly dedicated streets, roads, or highways; N/A
- (9) The location, overlain on contours for the area, of all roadways, walkways, bridges, culverts, drainage easements, existing or contemplated, and green belts; N/A
- (10) The location of all footpaths, traffic islands, traffic devices and driveways, indicating the pedestrian and vehicular movement and control; N/A
- (11) The stages, if appropriate, in which the project will be developed; and N/A
- (12) A vicinity map to locate the development in relation to the community. **(Included in site plan.)**  
(Ord. 97-01)

**Sec. 16-712. - HO Hillside Overlay Zone; Sec. 16-714. - Hillside Overlay Zone requirements**

Due to the minimal soil disturbance and overall scope of this project, staff has no concerns about this project within the Hillside Overlay Zone.

### **Conclusion and Recommendation**

Staff recommends approval of this project.



## Town of Green Mountain Falls Land Use Approval Application Architectural Plan Review

### General Information

- This checklist serves as a guideline for submitting a Zoning & Architectural Plan Review Land Use Approval application, per Section 16-705 GMF Zoning Code.
- Applicants are responsible for reviewing and understanding the Code.
- Complete applications are subject to staff review time of **two weeks (14 days)**.

### Applicant

Applicant:
Address:
E-Mail:
Phone:
Owner:
Address:
E-mail:
Phone:

### Property

Physical Property Address:	
Type of Project:	Zoning/Lot Size:
Hillside Overlay zone? Yes <input type="checkbox"/> No <input type="checkbox"/>	Land Survey/ILC Included: Yes <input type="checkbox"/> No <input type="checkbox"/>

### Certification & Signature

APPLICANT'S STATEMENT: I understand the procedures and requirements (pages 1 and 2 of this application) that apply to my request and acknowledge an incomplete application will not be scheduled for public hearing. GMF Staff's acceptance of the application, payment of fees, and submittal of accompanying materials does not constitute completeness. I further agree to reimburse the city for technical and professional consulting expenses that may be incurred during the review of my request. Failure to reimburse the Town for invoiced expenses constitutes an incomplete application.

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.

By checking this box, I agree to the certification statement and am typing my full name as an electronic signature.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_  
Owner Signature \_\_\_\_\_ Date 6/4/2021  
Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

This document can be signed electronically using [Adobe Reader DC for free](#).

## Plan Review Checklist

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### 1. Application & Petition

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- b. [Application fee](#)
- c. Letter of explanation
  - i. Describe the purpose of the project (e.g., deck, SFH addition, accessory structure, exterior renovation, etc.) and describe project details, referring to site plans and drawings as necessary

### 2. Development Plan

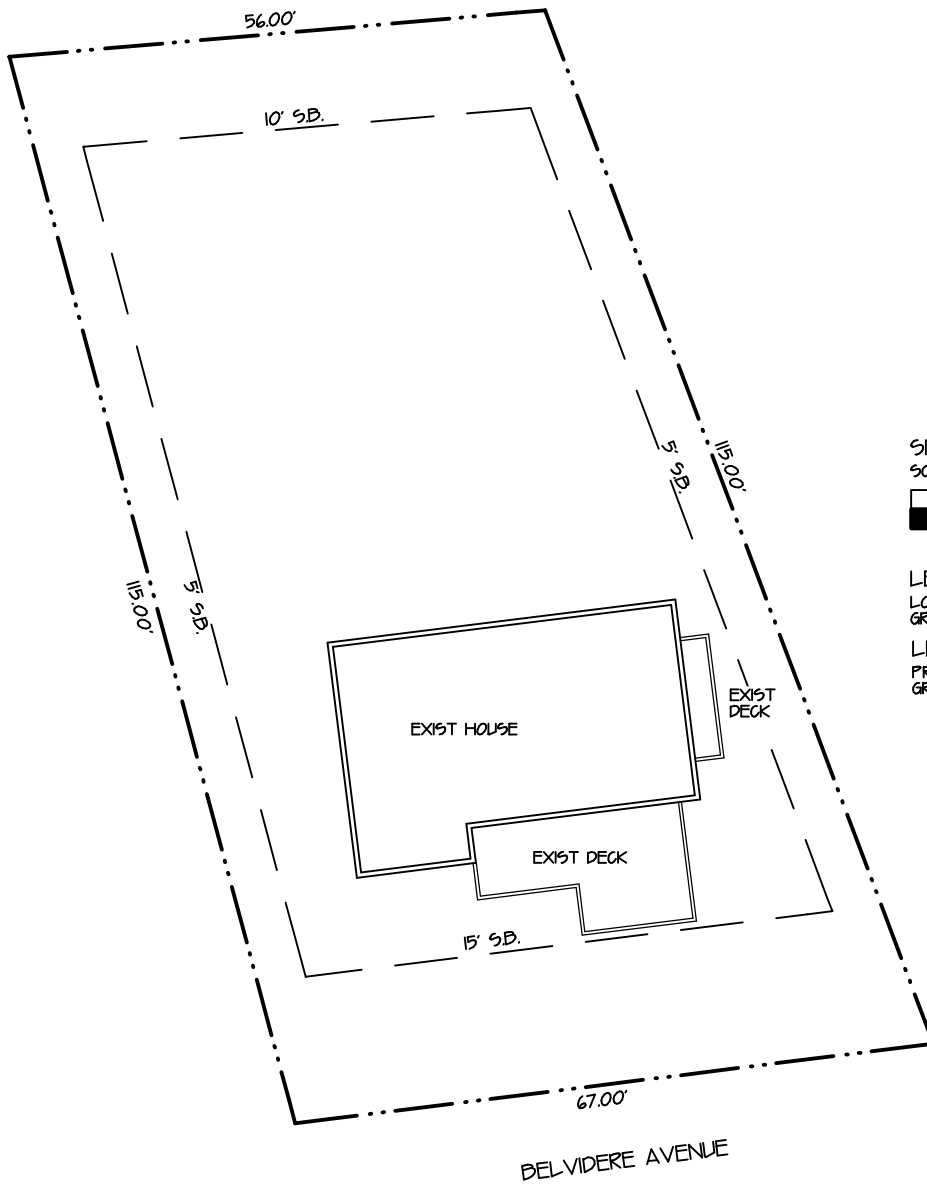
- a. Vicinity Map with streets and access points to the property
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- ☐ Application fee (Town Clerk)  
Date\_\_\_\_\_ Amount\_\_\_\_\_ ☐ Check #\_\_\_\_\_ ☐ Credit Card



SITE PLAN  
SCALE: 1" = 20'-0"



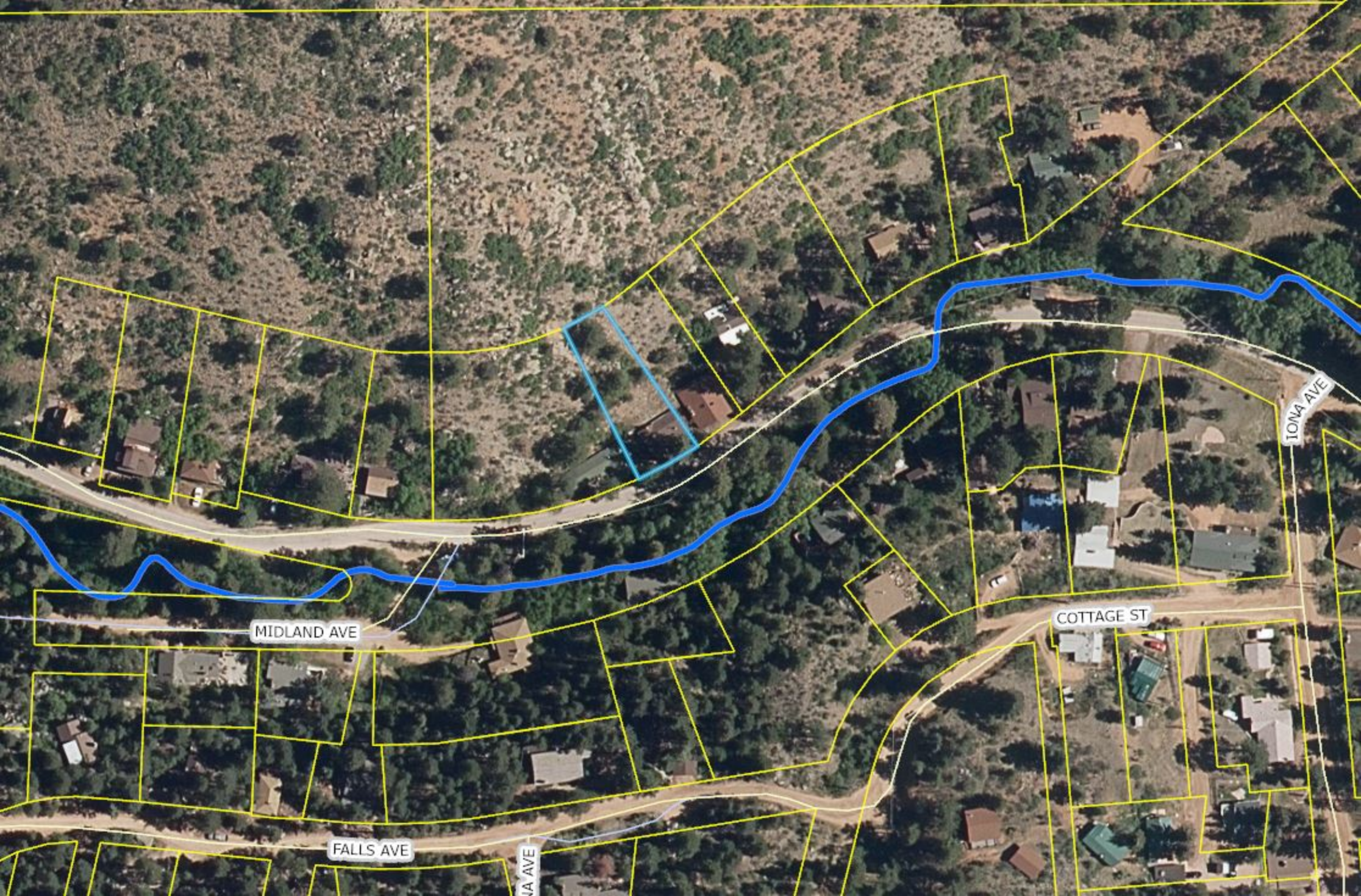
LEGAL DESCRIPTION

LOT 9, BLOCK 58, GREEN MOUNTAIN FALLS ADDITION,  
GREEN MOUNTAIN FALLS, COLORADO

LEGEND

PROPERTY ADDRESS: 11070 DELVIDERE AVENUE  
GREEN MOUNTAIN FALLS, COLORADO 80819





MIDLAND AVE

FALLS AVE

IONA AVE

COTTAGE ST

IONA AVE





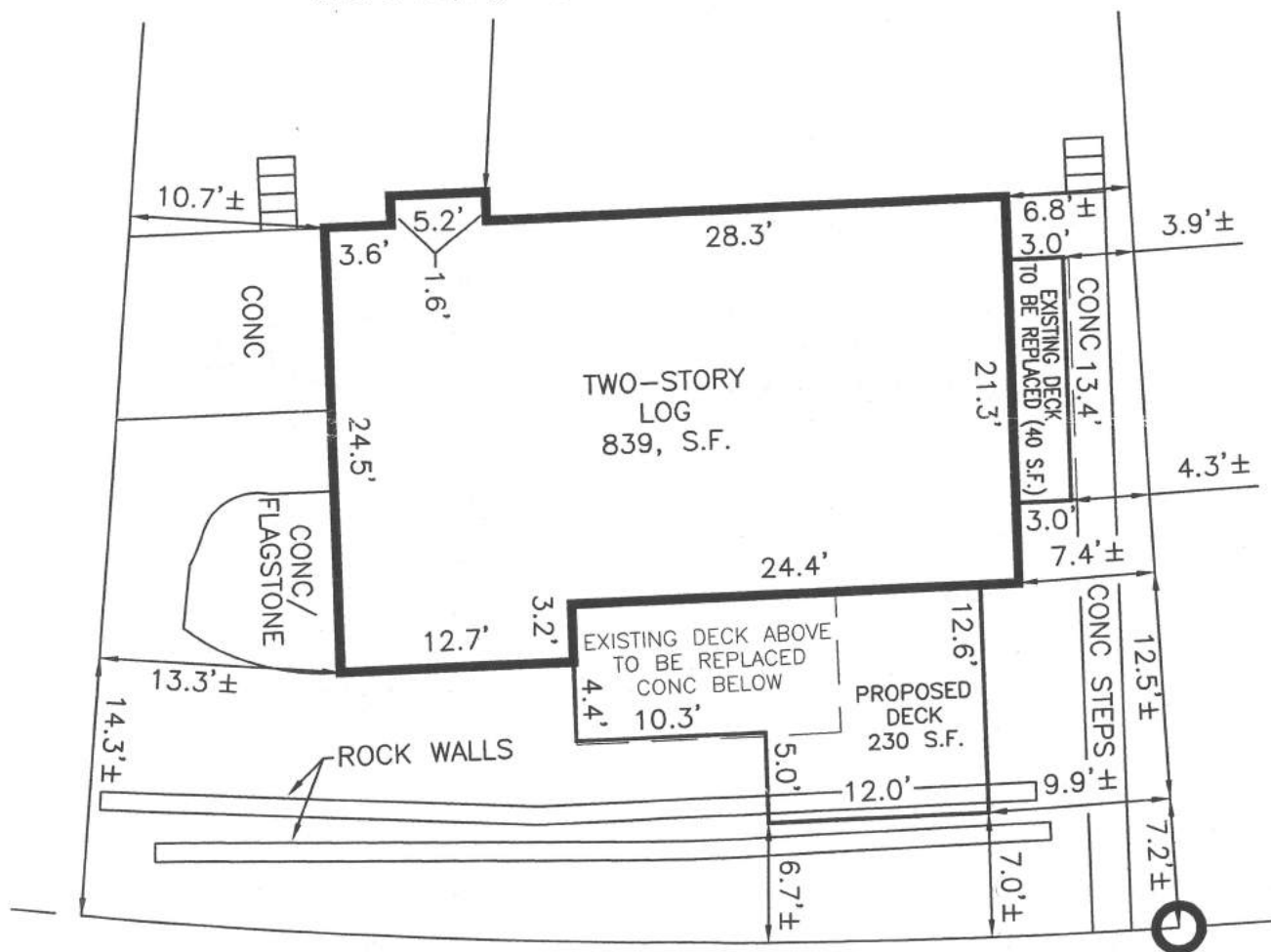
# SITE PLAN

Lot 8, Block 58, Eighth Addition to Green Mountain Falls  
11070 Belvidere Avenue  
Green Mountain Falls, Colorado

## LAND DESCRIPTION

Lot 9, Block 58, Eighth Addition to Green Mountain Falls as recorded in Plat Book D at Page 9 of the records of the Clerk and Recorders Office, County of El Paso, State of Colorado.

Site Address: 11070 Belvidere Avenue  
Project Name: Site Plan  
Tax Schedule No.: 83082-01-025  
Area of Property: 7,471 S.F.



## HOUSE SITE DETAIL

SCALE: 1"=10'

**PINNACLE LAND SURVEYING, INC.**  
121 County Road 5, Divide, CO 80814

**APPLICANT:**

**SURVEYOR:**

Brenda Tabor  
ral  
KS 67801

PINNACLE LAND SURVEYING CO., INC.  
121 County Road 5  
Divide, CO 80814  
(719) 687-7360

**SITE PLAN**  
TITLE: LOT 9, BLOCK 58, EIGHTH ADDITION TO GREEN MOUNTAIN FALLS

SCALE: 1"= 20'

DRAWN BY: MWW

FILE: 13001200SP.DWG

DATE: 02/19/13

CHECKED BY: JWT

JOB NO. 13001200

7/22/2021

To: Green Mountain Falls Commission

From:

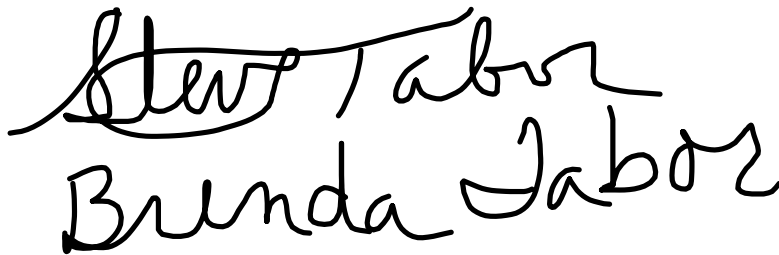
Steve and Brenda Tabor Irrevocable Trust  
1209 Central Ave.  
Dodge City, KS 67801  
620-789-1375

To Whom It May Concern,

We approve of the remodeling project by Basecamp Construction to our property located at 11070 Belvidere Ave, Green Mountain Falls, CO 80919.

Our approval is for all plans, including revisions, through any construction company agent.

Sincerely,

Handwritten signatures of Steve Tabor and Brenda Tabor. The signature for Steve Tabor is written above the signature for Brenda Tabor. Both signatures are in black ink and are cursive.

Steve Tabor & Brenda Tabor

7/21/2021

To: Green Mountain Falls Commission

From:

Forrest D. Burdue, Jr.  
Trustee for Steven and Brenda Tabor Irrevocable Trust  
8108 E. Fairmount Dr., Denver, CO 80230  
303-517-3516


To Whom It May Concern,

I approve of the remodeling project authorized by Steve and Brenda Tabor in conjunction with plans submitted by Basecamp Construction for the property located at 11070 Belvidere Ave, Green Mountain Falls, CO 80919

My approval is for any and all plans that have been made by Steve and Brenda Tabor, including any revisions, through any construction company agent.

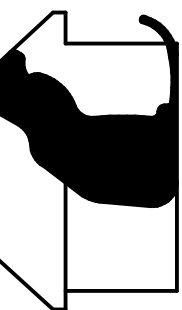
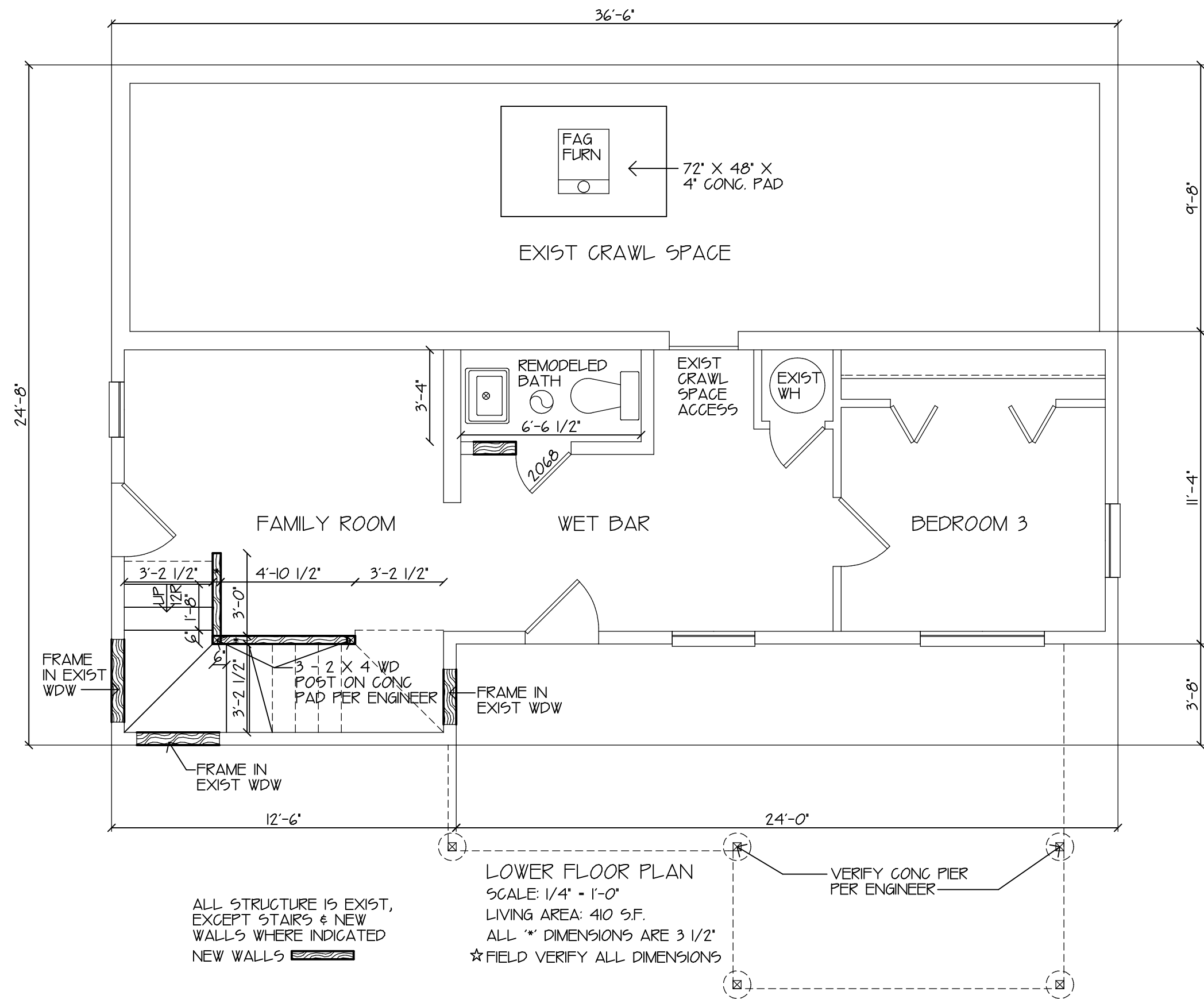
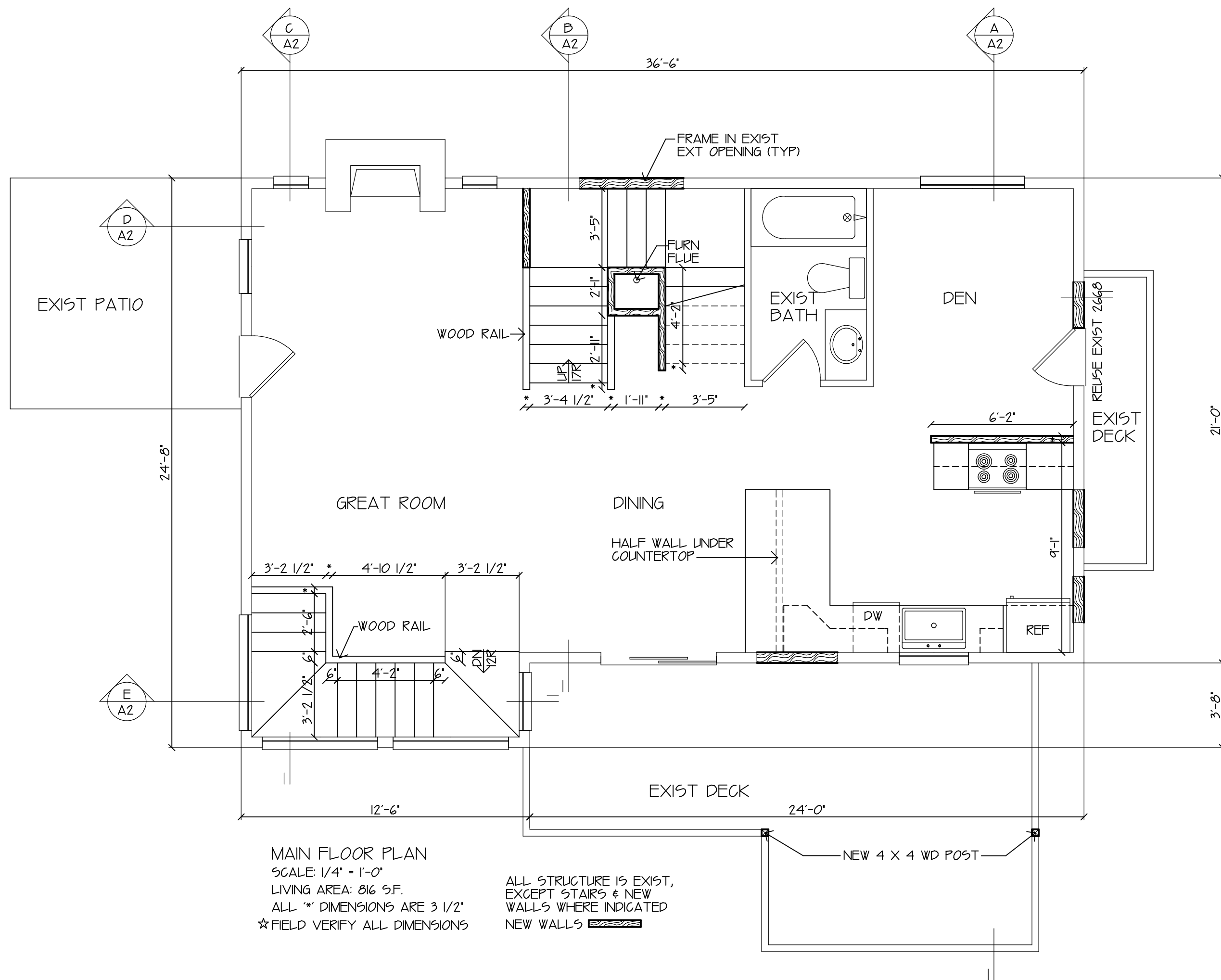
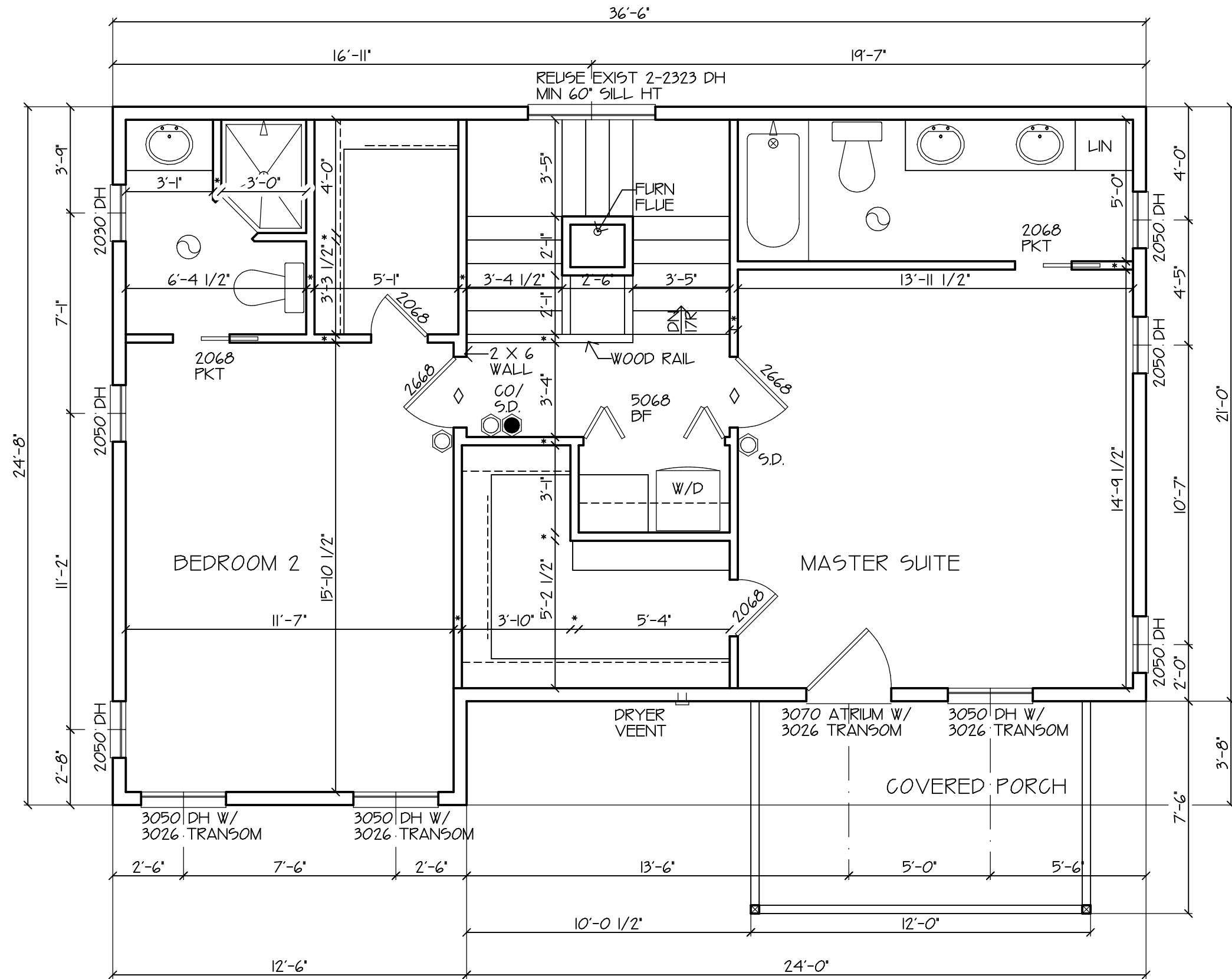
Sincerely,

Forrest D. Burdue, Jr.

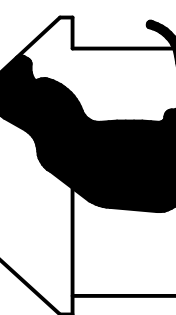
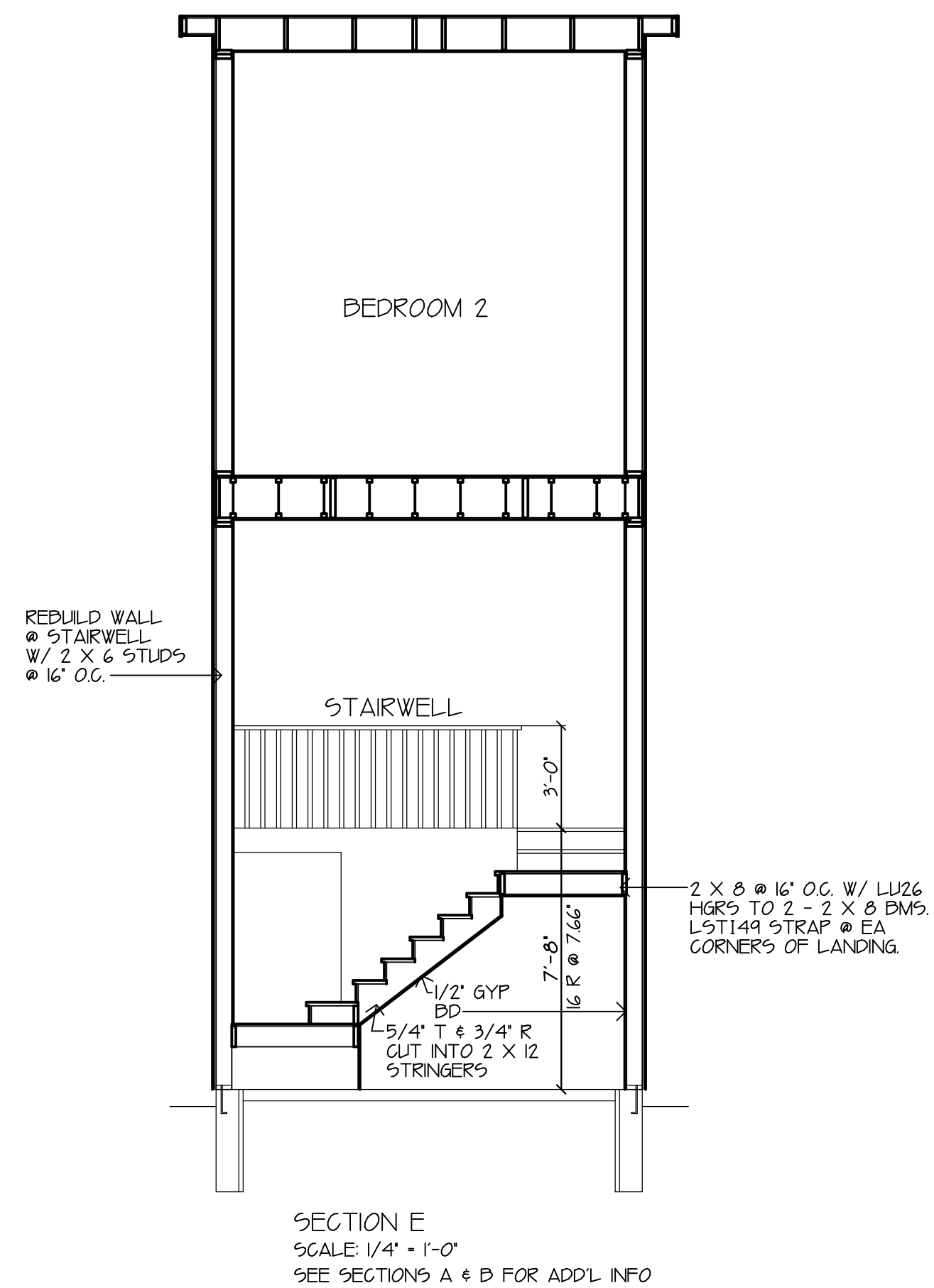
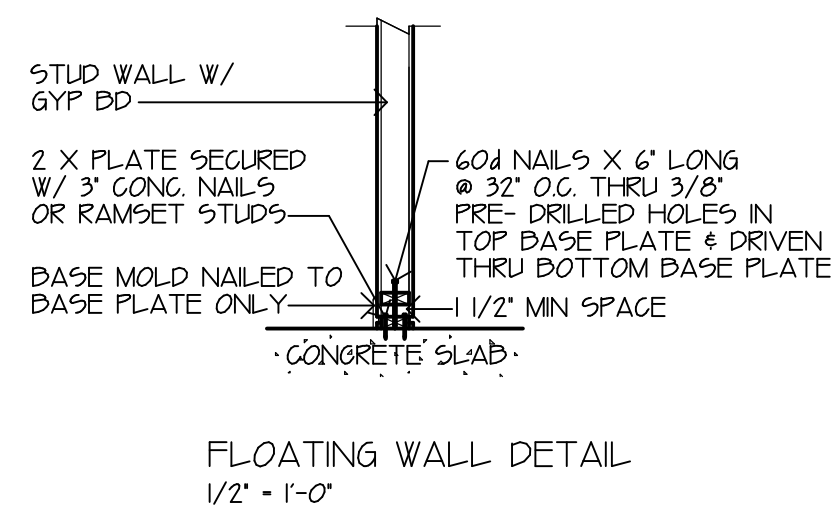
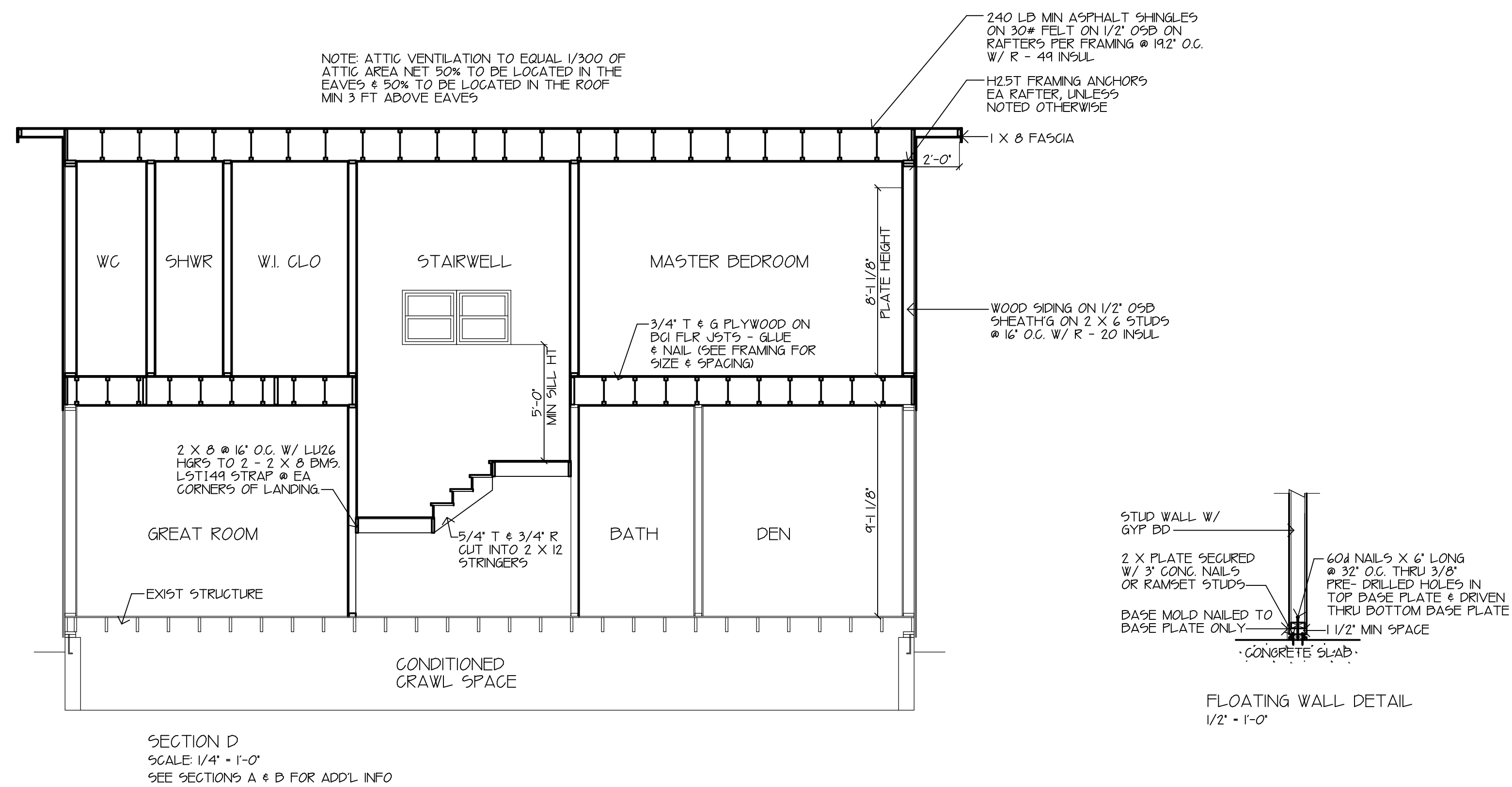
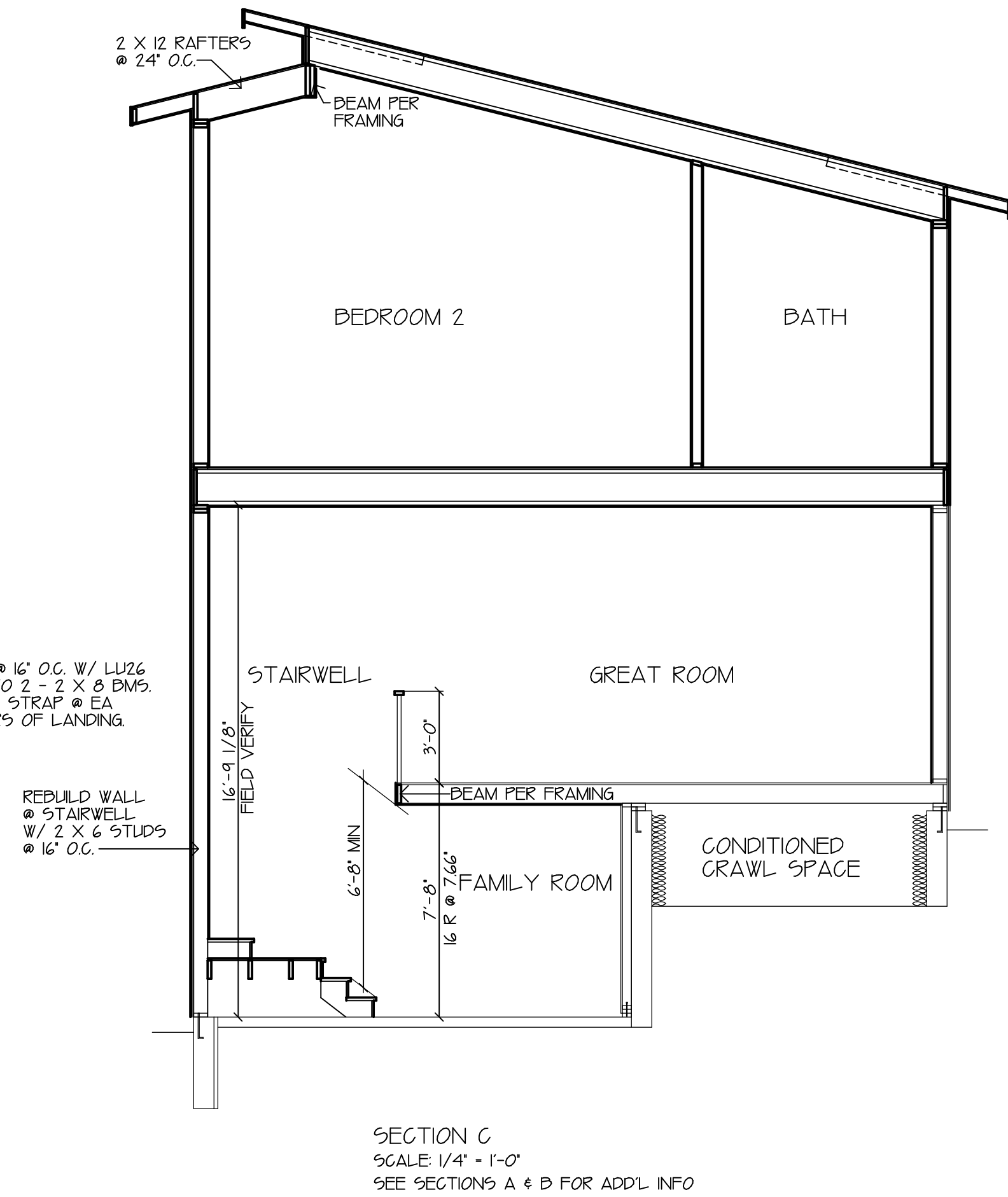
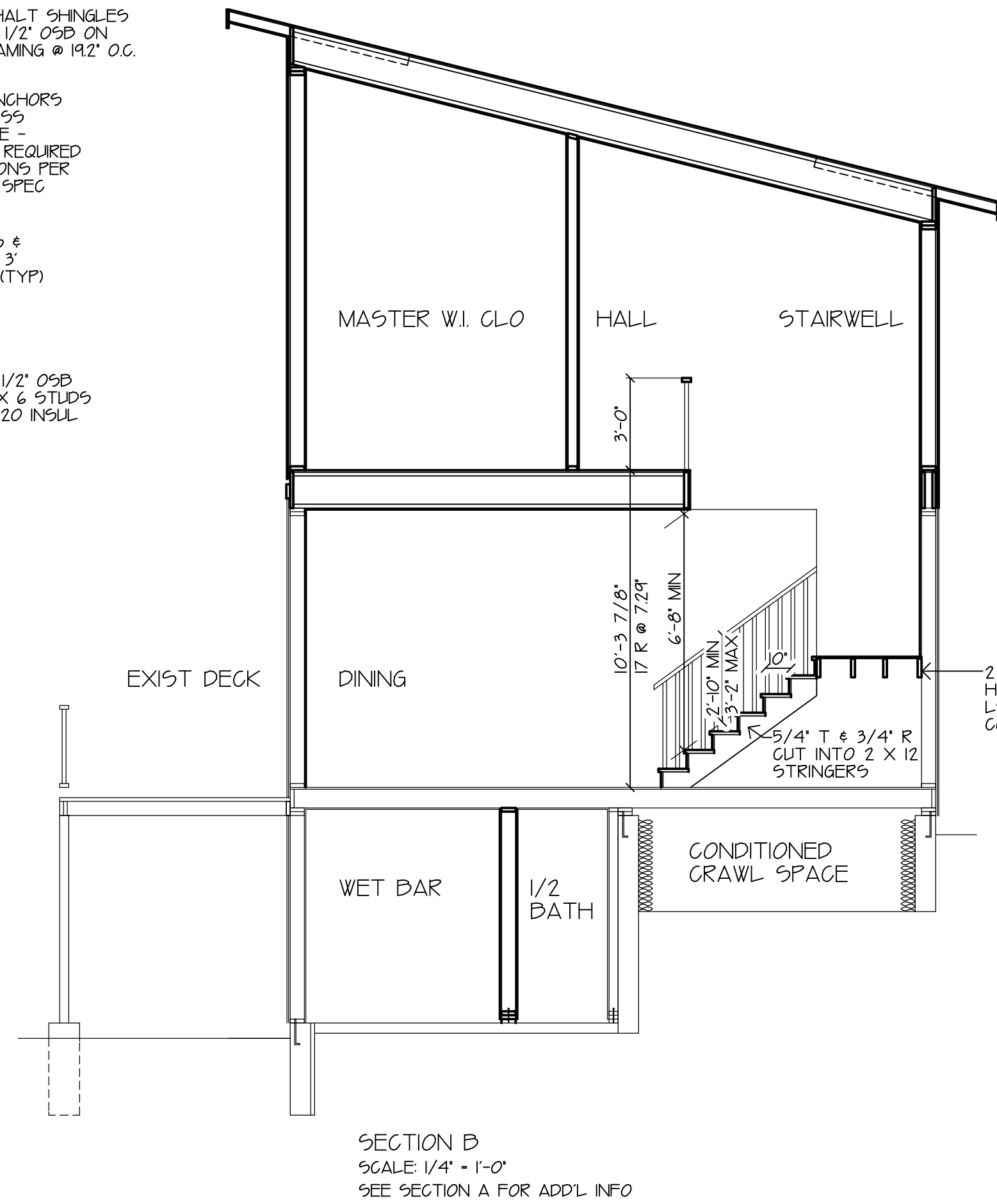
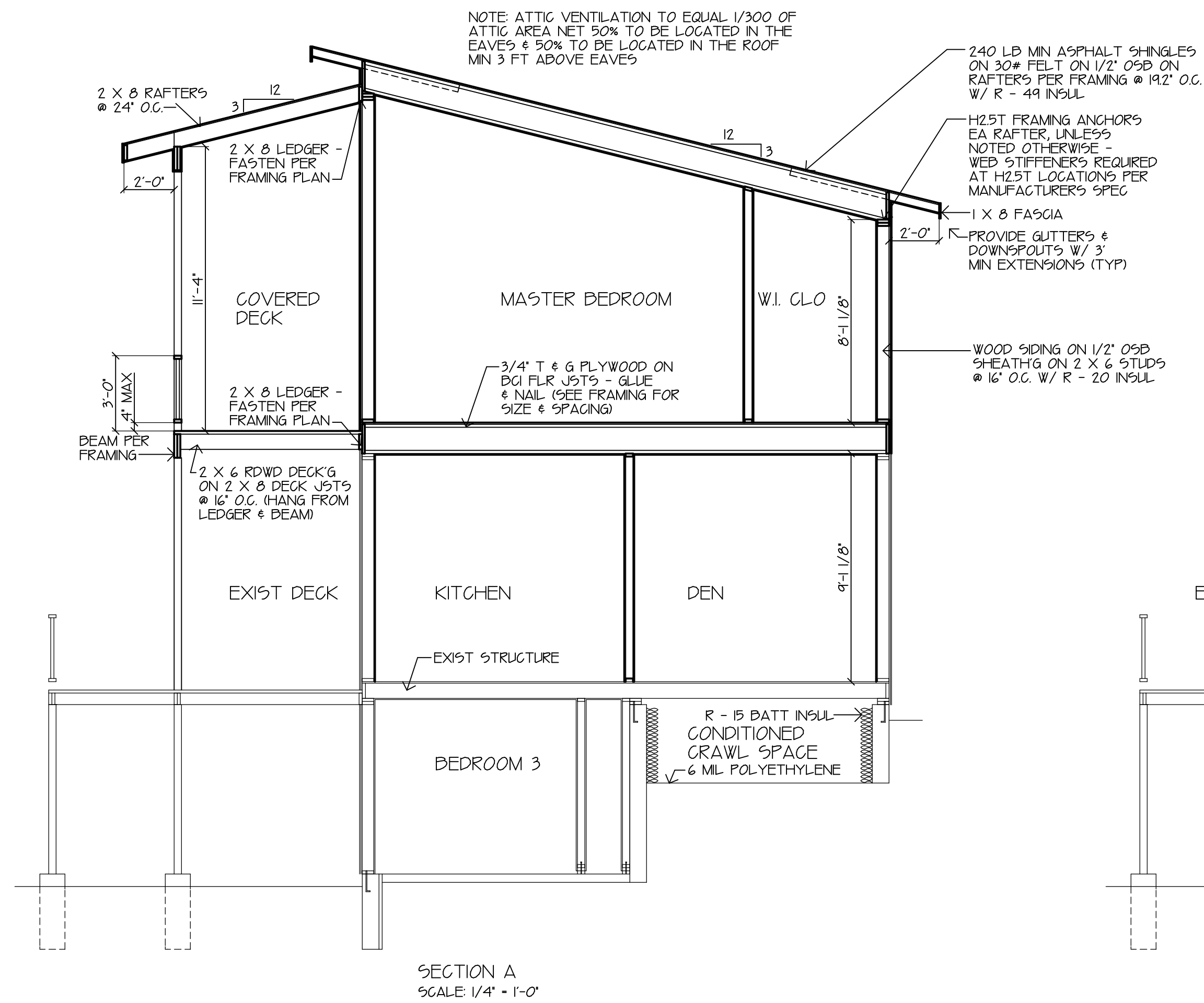
A handwritten signature in dark ink, reading "Forrest D. Burdue Jr." in a cursive script. The signature is written in a fluid, connected style with a prominent loop at the end of the last name.













To: Planning Commission

From: GMF Staff

Date: September 8, 2021

Re: Encroachment of house at 10650 Hondo onto Town-owned parcel

### **Background**

The current owners of parcel 8308105009 in El Paso County, the Bair family, are trying to sell their property via Liz Snow-Wheeler of Cutting Edge Realtors. Liz reached out to the Town because the house is under contract, but the recent ILC for title work revealed a significant encroachment of the current Bair house onto parcel 8308105005, owned by the Town of Green Mountain Falls.

When the Bairs purchased the property in 1982 they also had a survey/ILC completed for title work. The 1981 ILC does not show the house encroaching on the property, only part of a south patio encroaching slightly into Lot 65, Block 19 of GMF Addition 3. They are asking the Town to help fix the problem because the 1982 ILC did not raise any red flags and the assumption has been that the recording of deed 209410 in 2006 creating the Town parcel (north 15' of Lot 65) caused this problem. They would like to acquire the Town parcel to fix the matter.

Liz Snow-Wheeler will be attending the Planning Commission on behalf of the Bairs, who request a preliminary discussion from the Commission on whether the Town would consider selling parcel 8308105005 to the Bairs. The Bairs have limited funds but are willing to pay for a real estate attorney to draw up paperwork if the PC is willing to recommending this transaction. The El Paso County Assessor's site lists a market value of the property at \$4,100. The Bairs are willing to offer half that amount, \$2,050, payable after the sale of this property.

### **Deed 209410 history**

The document that was recorded in 2006 (originally a Town of GMF ordinance from 1913) is an ordinance which vacated the alleyway between lots 63 and 64 in apparent exchange for what is now parcel 8308105005. The Scarritts deeded the north 15' of lot 65 to the Town of Green Mountain Falls (now parcel 8308105005) via deed no. 209410. NOTE: there is no language in the ordinance which specifies vacation FROM the Town TO the Scarritts, just generic vacation language. There is, however, reference to a deed number which transfers parcel 8308105005 FROM the Scarritts TO the Town.

My speculation is the Town wanted to maintain access to the ROW that runs east/west parallel to Hondo and Belvidere. This transaction would have taken place (1913) before a house was built (1925) on what is now the Bair parcel. My initial assumption with the encroachment issue is that the encroachment may have been created when this deed was belatedly recorded in 2006.

HOWEVER, after further review:

1. Based on the Bair ILCs, the house looks to have a different and larger footprint on the 2021 ILC compared to 1981, so it appears the house was added on to by the Bairs. PPRBD search does not show any addition permit history but does show permits for a roof in 2002 and significant electrical work in 2005.
2. The legal description of the Bair parcel on all the ILC documents has been only Lot 1, Block 19 – I have not seen mention of the Bair parcel containing any of Lot 65, so...
3. The Town acquiring parcel 8308105005 did not create the encroachment. It seems that the initial building of and subsequent changes to the Bair house is what caused encroachment from Lot 1 into Lot 65, regardless of who owned Lot 65 at the time.

#### **Staff recommendation**

- Advise Bairs to invest in a survey of the site in order to stake the property accurately and plot out the proposed solution (trading the north 15' of the existing Bair parcel for the Town's parcel, which is the north 15' of Lot 65, where the encroachment is taking place).
- This proposal, if access to the ROW is deemed necessary, would have to include a viable access point at the NW corner of the parcel.

OR

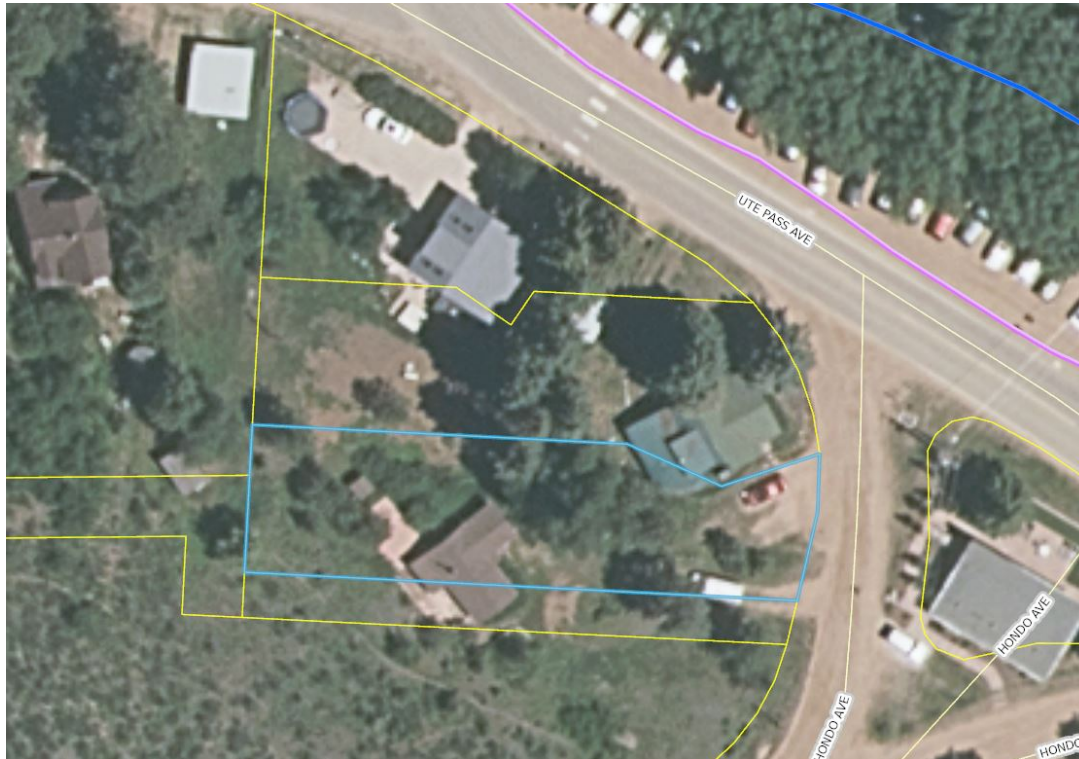
- If CSU and other utilities agree that access to the ROW where the water valve was found is not needed,
- Staff recommends selling this parcel to the Bairs at a fair market price to facilitate a good sale of real estate withing Town borders.
- Although the El Paso County Assessor's site lists market value at \$4,100, this valuation is likely low compared to actual sales of land in the area. My approximation of \$100,000/acre in the Ute Pass area based on active listings for land informs an estimated value of at least \$6,500.

#### **Action Requested**

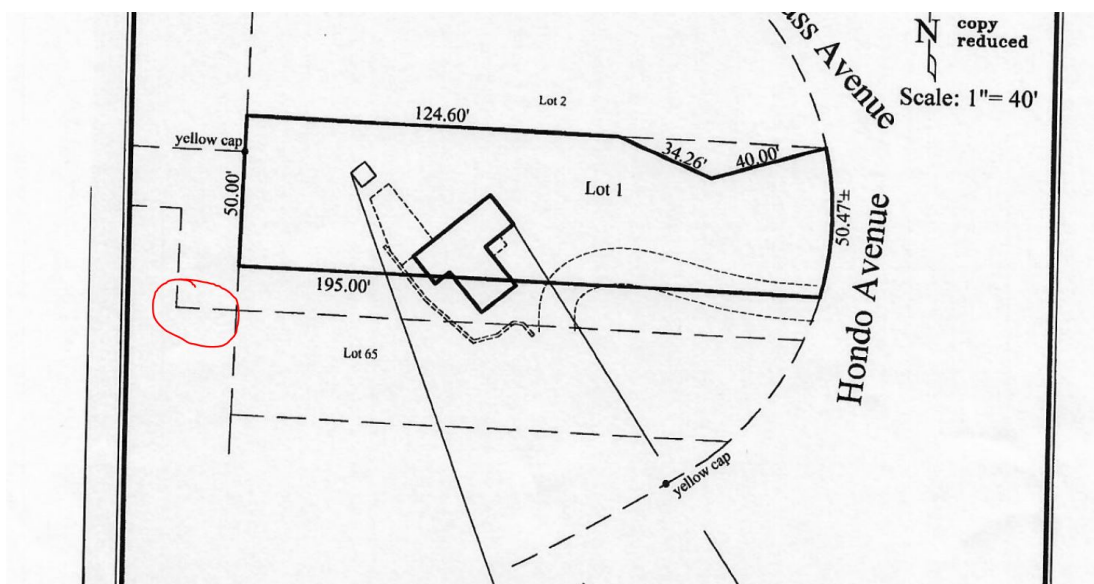
- The Bairs are requesting discussion of the issue and an informal, preliminary decision on whether or not the Planning Commission will recommend a course of action to rectify this matter.
- They have limited funds until the sale of the property, and want to make sure they use available funds most effectively.

## Site images

Bair parcel in blue, Town parcel to the south (N 15' of Lot 65):



Rear water valve location and image:







[illegible]





Search mail

9,636

10650 Hondo Inbox x



**Liz Snow-Wheeler**

Thank you so much for looking at this. I just don't understand how this happened and my sellers have

**Jim Brinkman**

to me

Liz,

Here is a possible solution – if GREEN MOUNTAIN FALLS is willing to do a trade of the two 15' parcels

As a trade: It may require Board action on the Part of GMF and 15' might need to be updated to current

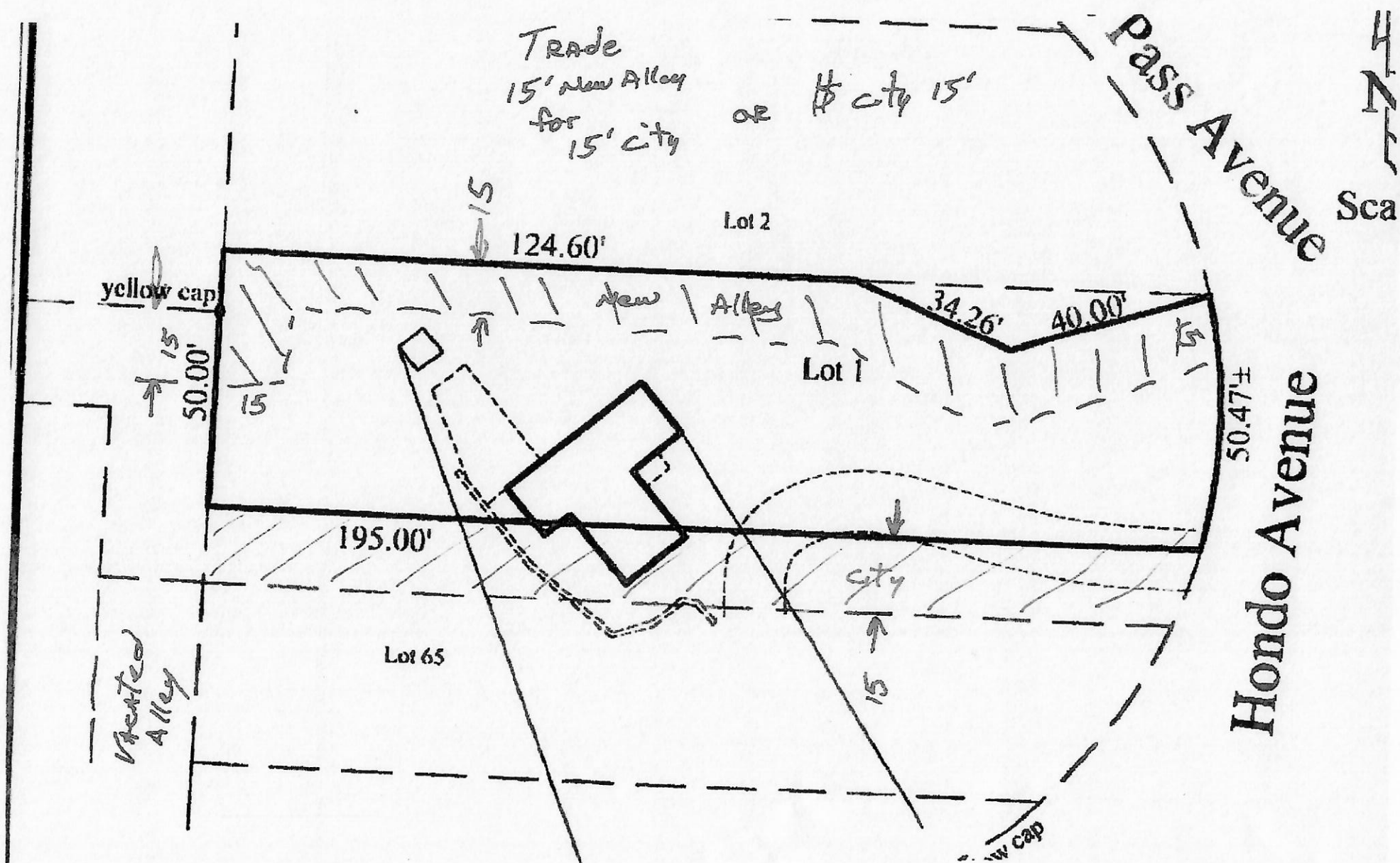
Let me know what you find out

Jim



JAMES P. BRINKMAN, PLS  
CROSSED PATHS SURVEYING  
PO BOX 49742

Message sent.



LUC ADMINISTRATION AND PROCEDURES COMMENTS  
TODD DIXON

Proposed Organization: OK

Article 1; Ch 16:

- 16-1-50: Nonconformities
  - Non-conforming site features: Instead of building area, can we trigger off of adding new bedrooms? Many homes in the area cannot physically comply with newer Codes. Some Right of Ways go through structures (and in one case, their living room). If bedrooms are added, they should have additional parking spaces and updated septic systems (GMF does not do septic though).
  - Do not add in landscaping or lighting. My preference is to not have these items in Code. Only major building should trigger updates (more bedrooms).

Article 7; Ch 16:

- Table 7A
  - Ordinance Amendments:
    - Board of Trustees should be a “D” for all. Planning Commission should review and “recommend” with a public hearing for all (R\*).
    - Annexation should be the same as Rezoning. Pre-application conference should be required. For rezoning, a pre-application conference should be required as well.
  - Developmental Permits:
    - No comment
  - Subdivisions:
    - Minor Subdivisions: Admin review should be “R”. Planning Commission should be “R\*”. BoT should be “D”.
    - Major Subdivision - Preliminary Plat: BoT should be “D”.
    - Major Subdivision - Final Plat: Pre-Application conference should be required. Admin review should be “R”. Planning Commission should be “R\*” and BoT should be “D”.
    - Condominiumization: Admin review should be “R”. Planning Commission should be “R\*” and BoT should be “D”.
  - Historic Preservation:
    - Pre-Application Conference should be required for all.
    - Planning Commission should be “R\*” and BoT should be “D” for all.
  - Modification and Appeals:
    - Variance: Planning Commission should be “R\*”. Board of Trustees should be “D”.
    - Minor Modification: Pre-Application Conference should be “optional”. Admin review should be “D”. Planning Commission should be “A”.
- Table 7-D: Needs to match up with Table 7-A.
- Site Plans: I’d like to see the criteria for Minor Site Plan be any one of the following (or any combination of the following): Note: some criteria may need to be developed for

these. All modifications need to be within setbacks and ROWs and must have some form of site plan or survey (ILC OK). Surveys or ILCs can be older ones. Homeowner diagrams are also OK and must locate their property markers.

- Fences
- Decks
- Sheds (with a maximum size of 8 ft. x 8 ft.?)
- Emergency erosion control? In the case of where something was needed immediately - no outside engineering review required.
- Trail on private property (if accomplished by a Trail Building Organization). Note: Trail building organizations have been trained on how to best design, build and maintain a trail. **I should recuse myself on this item when it comes to a vote (I'm one of the Directors in a Trail Building Org).**
- Replacement roofs (fire resistant) (pre-approved materials?)
- Exterior Painting (I'd like to see an approved color palette). Outside of the approved color palette = major.
- Pre-approved exterior finish changes (have a pre-approved list of exterior finishes).
- Sidewalks on private property.
- Change of an existing driveway material. (?)
- Retaining walls less than 4' high.
- Home or garage additions and/or modifications that do not add bedrooms, bathrooms or expand the footprint. Also, they would have to comply with the pre-approved exterior finishes and colors. (is this too much???)
- Others???
- Consolidating Subdivision Procedures:
  - Process should follow the "major" site plan process as much as possible. GMF really doesn't have that much activity under subdivisions.

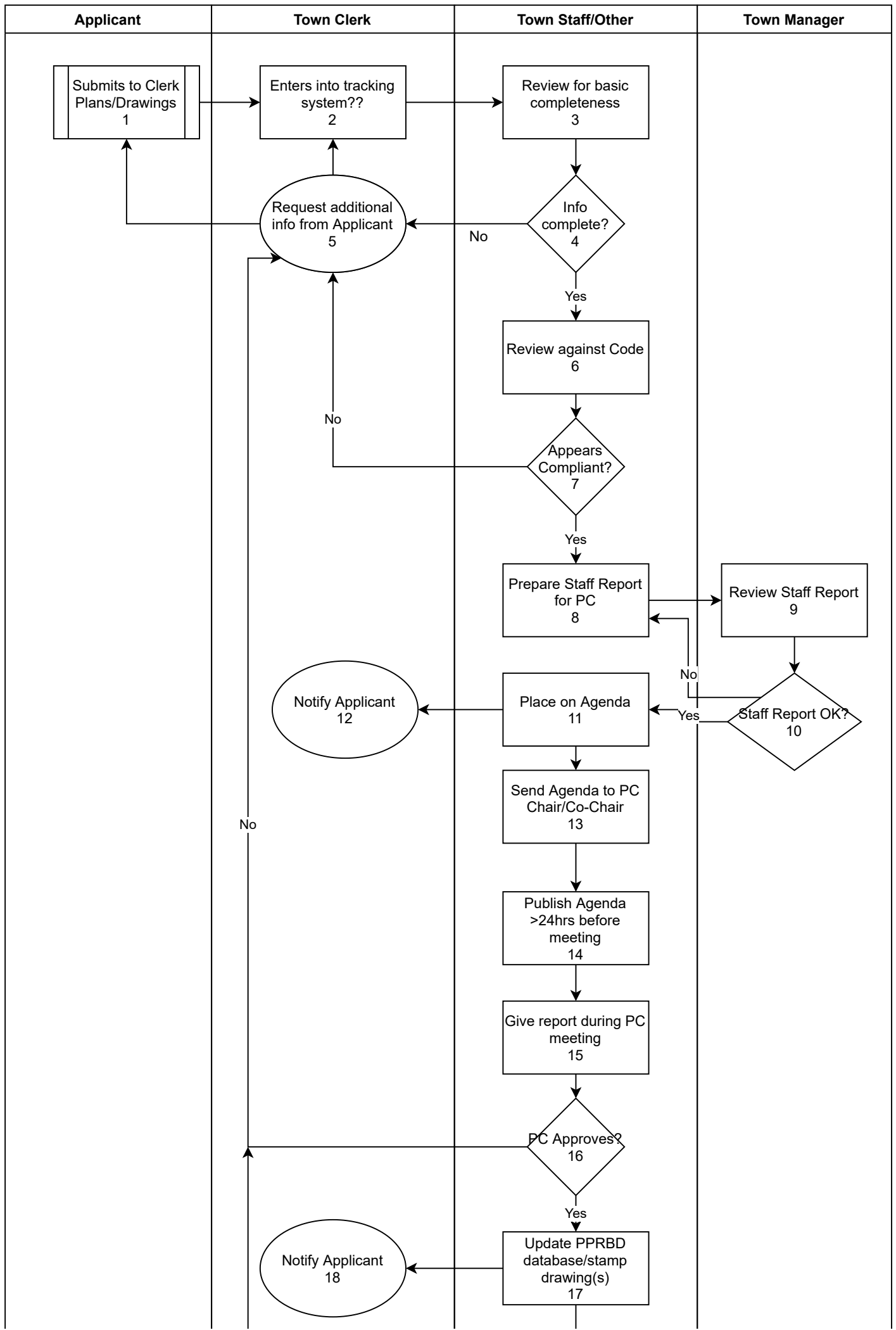


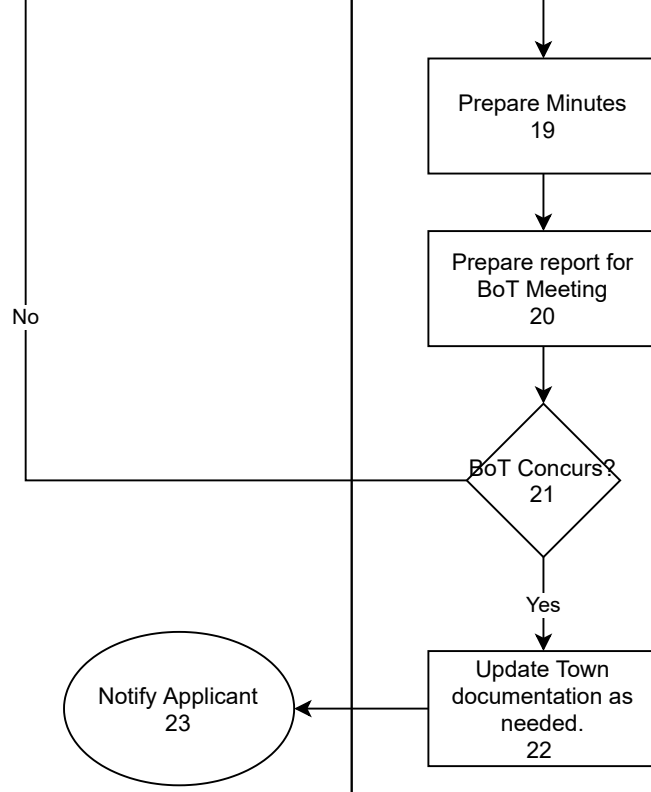
## Code rewrite suggestions/comments

Nate Scott, Town Planner, September 9, 2021

- ILC requirements?
  - Need to clarify if/when these are actually required or if there is anything else that can satisfy the requirement.
- Min development requirements (ie. 5,000 sq feet Zone, etc.) – can parcels less than 5,000 sq. feet be developed at all?
- How to handle ROW vacations or purchase requests.
  - Could be a good source of revenue for the Town, but should only be approved if a list of conditions are met: no utility infrastructure or access needs, no other Town use, etc. If something doesn't meet the basic requirements, it can be administratively denied without wasting anyone's time.
- Septic systems – require adequate space as part of development. (from Comp plan, page 47)
- 20,000 R-1 zone is referred to as "Estate" in the header for the section but not in the definition section – clarify.
- Architectural review:
  - make color pallet more defined, not just "encouraged"
  - materials – with more and more metal roofs, should corrugated still be prohibited? Need to refine the prohibited materials list?
- Clarify Accessory Building Use and development: make it mandatory for there to be a principal use building first.
- Trust ownership letters – is this in code as a requirement?
- STR guidance:
  - don't want people hanging on to licenses without using them. Way to revoke an "unused" license. Better for the town in theory to bring on another person from the waiting list who will generate revenue for the town.
  - More clarity on waiting list considerations – pay whole fee or a deposit that goes towards app fee?
  - If a property is not ready due to renovations, can they still apply and receive an active license?
  - Local agent – do agencies like Vacasa fit this description? They don't have local people...
  - Enforcement – no guidance for how long a fix is needed after warning (ie. building repairs/renovations, missing tax remittance or renewal documents)
- Parking:
  - so much of the residential parking in this town is likely on Town ROW, so how do we deal with this when people want to expand homes. Will they be required to pay annually for revocable permits when they expand their homes?
  - How to handle residential parking platforms that currently exist in ROW? Revocable permit w/ annual fee? Only if improvements to the platform are needed moving forward?
- I agree with Todd Dixon's proposed changes to table 7-A of the Code Rewrite presentation (Development Review Procedures).
- Minor development thresholds:
  - I agree with Todd's list of projects and criteria that would be considered "minor".

- I think the 5-lot max for minor subdivision is reasonable, but would it be better to consider an acreage threshold? 5 lots could, in theory, make up a significant portion of or an entire neighborhood.





PROCESS DETAILS  
PC SUBMITTAL  
V3

Refer to the numbers in the swimlane diagram. The following are details to assist individuals with making sure the process flows smoothly.

The process was created by using the Town Clerk as the portal for communications with the Applicant. With certain staffing situations, this may not be practical and may need to be adjusted. Likewise, when staffing shortages exist, the process may need to be modified as to what position has responsibility for a particular process item.

1. Applicant submits plans/drawings to Clerk:
2. Town Clerk enters plans/drawings into tracking system:
  - a. ***Do we have a tracking system?***
  - b. For Applications that involve a grading and erosion control plan, immediately inform the Applicant that the Town of GMF uses a third party engineering firm to review the drawings. That means there will be additional delays and the cost of the additional engineering review is passed on to the Applicant.
3. Town Staff/Other review plans/drawings for basic completeness:
  - a. Has the Application Form been filled out completely?
  - b. Does the name on the Application match the El Paso County Assessor's site for the property?
    - i. Yes; proceed with the process. However, with entities (trusts, etc...), we will need an authorization from the Entity and their authorized agents.
    - ii. No; then a written authorization must be received from the Entity and its authorized agents. The Clerk (?) requests additional info from the Applicant (step 5).
  - c. Have any/all fees been paid?
  - d. Has a survey or Improvement Location Certification (ILC) been submitted? (refer to Section 16-712 below)
4. Town Staff/Other make a decision on if the submitted info is complete:
  - a. If the items in step 3 are OK, then the next step is #6 and the plans/drawings need to be reviewed against the Code.
  - b. If the items in step 3 are not OK, then the Clerk (?) requests additional info from the Applicant.
5. Clerk requests additional info from Applicant:
  - a. This is from steps #3/#4
6. Town Staff/Other review plans/drawings against Code:

- a. Codes *typical* for **all** improvement applications (for decks use this and the Codes for new Buildings for the appropriate set-backs; i.e. R-1 5000)
    - i. 16-703 Architectural Review
    - ii. 16-705 Building Permits/Architectural Review
    - iii. 16-712 Development Plan Requirements (**Note: This one is critical and hand drawings may not meet the requirements. Many times, this requires a professional survey to be completed**). For all development plans, compliance with Section 16-712 typically means some form of survey is either completed for the improvement; or a previous survey completed for an improvement on the property is used for compliance. For fences and decks, it is common to receive an Improvement Location Certificate (ILC). Even though it may be an older certificate (and yes, they may have a disclaimer that they should not be used for follow-on activity), these have been used successfully by Applicants on recent projects.
  - b. Additional Codes *Typical* for New Buildings
    - i. 16-305 to 16-314 depending on type of improvement.
    - ii. 17-83 Grading Permit and Erosion Control Plan
    - iii. 17-85 Procedure for a Grading Permit
    - iv. 17-86 Details of the Application
    - v. 17-87 Development Details
    - vi. 17-92 Erosion Control Plan
    - vii. 17-100 Development Details and Regulations
    - viii. 17-101 Procedures for Driveway Permit
  - c. Additional Codes *typical* for Fences
    - i. 16-707 Fence Permits
  - d. Additional Codes *typical* for Accessory Buildings (sheds)
    - i. 16-601 Definitions (basically states that accessory buildings have to meet the same requirements as the principal use buildings. We've been using the Codes for new buildings to establish the set-backs.)
7. Town Staff/Other assess whether the plans/drawings appear compliant:
- a. Has everything in step 6 been accounted for? If yes, proceed on. If not, have the Clerk contact the Applicant for deficient items.
  - b. For grading and erosion control, has the third party engineer completed their review and has it been satisfactory? If not, have the Clerk contact the Applicant for deficient items.
8. Town Staff/Other prepares staff report for PC:
- a. Summarize the activity
  - b. List the Codes involved



- c. Include a staff position on whether or not staff recommends the PC approve the request
- 9. Town Manager reviews staff report:
  - a. Town Manager should spot-check the Codes and the recommendation
- 10. Town Manager makes determination on staff report:
  - a. If the staff report appears OK, then respond to the report preparer. If not, have the preparer re-do what is deficient.
- 11. Town Staff/Other puts the request on the Agenda for the next meeting:
  - a. Create an agenda per the existing templates (*add location of file?*)
- 12. Town Clerk notifies Applicant of their item being on the Agenda:
  - a. Notification can be in any form
- 13. Town Staff/Other sends Agenda to Chair and Co-Chair:
  - a. Send Chair and Co-Chair copies of the Agenda and packet (if available); preferably at least 3 business days prior to meeting.
- 14. Town Staff/Other publishes Agenda and material >24 hrs prior to the PC meeting:
  - a. Publication is via Town web-site under Planning Commission Agendas and Minutes
    - i. *Add procedure for adding information to the web-site.*
- 15. Town Staff/Other gives a report during PC meeting:
- 16. PC approval:
- 17. Town Staff/Other updates PPRBD database:
  - a. Recommend creating an account and training in the Bluebeam program to indicate Town approval with PPRBD. In the meantime, the PPRBD workaround for staff that doesn't have an account or training is to contact Matthew Matzen, Permit Supervisor. 719-327-2995. Town staff can email him a write-up including the plan number on town letterhead with a signature to indicate approval of a project. [matthewm@pprbd.org](mailto:matthewm@pprbd.org)
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- 20. Town Staff/Other create a report for the BoT meeting:
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2. Town Clerk enters plans/drawings into tracking system: (Any staff, preferably Planner)
  - a. *Do we have a tracking system? Just a spreadsheet and corresponding file folders which hold all docs. File folder is started with naming convention in Apps Pending folder, then once all docs are in order, can be moved to Planning Commission folder for inclusion in the next PC Agenda packet.*
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