



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

**Tuesday, September 13, 2022 @ 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/81324512036?pwd=bGpaUU9peUEwMkFMaGVMNThrMTRMQT09>

Meeting ID: 813 2451 2036; Passcode: 911940; Dial-in: 346-248-7799

	<b>ITEM</b>	<b>DESIRED OUTCOME</b>
1.	CALL TO ORDER/ROLL CALL	
2.	AUDIO CHECK	
3.	ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA	Action Recommended
4.	PUBLIC COMMENT	Public Comment
5.	APPROVAL OF MINUTES - August 23, 2022, Meeting Minutes	Action Recommended
	NEW BUSINESS	
6.	Application 20220321 – Easements and Architectural/Zoning Review for 11110 and 11120 Belvidere Ave.	Action Recommended
7.	Application 20220906 – Shed Construction at 7060 Oak St.	Action Recommended
8.	Application 20220901 – Final Plat – Black Bear Subdivision	Action Recommended
9.	Application AUG2021-01 – Deck Construction – 6855 Hotel St.	Action Recommended
	OLD BUSINESS	Action Recommended
10.	Land Use Code Rewrite: a. Updated Timeline Review b. Status Update c. Discussion – District and Uses Table	Information Only
11.	OTHER BUSINESS	
12.	Adjournment	

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

*Planning Commissioners: Lamar Mathews, Chair; Lisa Bonwell, Vice-chair; Ann Esch; Mike Frey; Rocco Blasi*



**MEETING MINUTES**  
**Planning Commission**  
**August 23, 2022**  
**6:30 p.m. In-Person and Zoom Meeting**

Commissioners Present: Chair Lamar Mathews, Vice-chair Lisa Bonwell, Ann Esch, Mike Frey, Rocco Blasi

Commissioners Absent:

Board of Trustees Liaison: Mayor Todd Dixon

GMF Staff: Nate Scott (Town Clerk/Treasurer/Planner)

Agenda Item	Motion/Discussion	M/S	LM	MF	AE	LB	RB
1. CALL TO ORDER / ROLL CALL	Meeting called to order at 6:30 p.m.						
2. AUDIO CHECK	Audio is good for Zoom participants.						
3. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA	Motion to approve agenda as presented	RB/LB	A	A	A	A	A
4. PUBLIC COMMENT	No public comment.	None					
5. APPROVAL OF MINUTES - August 9, 2022, Meeting Minutes	Motion to approve minutes as presented	MF/AE	A	A	A	A	A
NEW BUSINESS							
6. Public Hearing: Variances for 11110 and 11120 Belvidere Ave.	Public hearing called to order at 6:32 pm.  TCTP Scott summarizes the posting history and the variance requests.  No public comment. Public hearing closed at 6:35 pm.	None					
7. Application 20220321 – Easements and Variances for 11110 and 11120 Belvidere Ave.	TCTP Scott gives a more detailed summary of the application and required processes for the easement and variance requests.						

**MEETING MINUTES**  
**Planning Commission**  
**August 23, 2022**  
**6:30 p.m. In-Person and Zoom Meeting**

	<p>Discussion about nonconforming uses regarding building and deck footprints. Confirmation from the applicants that the footprints of the decks are not changing.</p> <p>Move to approve (MF), with amendment to waive future annual easement fees (RB).</p>	MF RB/MF	A	A	A	A	A
8. Application 20220804 – Easement Application for 10565 Foster Ave	<p>TCTP Scott gives summary of the history of the application and the proposed design. Discussion about the proximity of utilities as a factor in the decision. Discussion about how this differs from the above Belvidere app – existing use vs. new use. Concerns raised about emergency vehicle access and the limited ROW space in this area.</p> <p>Motion to deny the request as submitted.</p>	RB/LM	A	A	N	A	A
OLD BUSINESS							
9. Code Rewrite	<p>a. Discussion with associate attorney and land use specialist Austin Flanagan of Hoffman, Parker, Wilson &amp; Canterbury, P.C.</p> <p>Mr. Flanagan gives an assessment of the status of our project and summarizes options to proceed. He explains his professional and relevant experience. Discussion about how to proceed, the timeline, and what of the current draft could be used.</p> <p>b. Land Use Code alternatives</p> <p>Discussion about the budget. What has been spent to date and what is left. Talk about alternatives: the</p>						

## MEETING MINUTES

### Planning Commission

August 9, 2022

6:30 p.m. In-Person and Zoom Meeting

	ideas of getting training for the PC; if another extension is requested/granted, reposting the RFQ; consultants and attorneys together; Planning Commission step aside. TM Frank lists off possible sources for training. Mayor Dixon will send out the page on the DOLA site with planning training webinars. Planning Commission verbally agrees that the plan to move ahead with Mr. Flanagan's services, as he is already under contract with the Town's attorney firm. Staff will keep PC posted weekly on hours worked.						
	Motion to continue the land use code rewrite using Austin Flanagan.	RB/MF	A	A	A	A	A
	c. Presentation – Preliminary Zoning Summary						
	Motion to table this discussion.	RB/MF	A	A	A	A	A
	d. Continued review of land use code draft						
	Motion to table this item. No second or vote.	LM/					
	Chair Matthews begins a discussion about what our policy priorities are. Discussion about affordable housing, what it means, and whether it is a priority or not. PC agrees this is not a priority at this time. Discussion about fire mitigation code. PC agrees this is a priority. Discussion about the proposed historic preservation overlay zone district. PC is open to it, as long as it is the owner's choice/request. Don't want to spend a lot of money on it.						



**MEETING MINUTES**  
**Planning Commission**  
**August 23, 2022**  
**6:30 p.m. In-Person and Zoom Meeting**

10. OTHER BUSINESS							
11. ADJOURNMENT	Meeting adjourned at 8:23 p.m.						



To: Planning Commission  
From: Nate Scott, Town Clerk/Treasurer/Planner  
Date: September 7, 2022  
Re: 20220321a and b: Easement Requests for 11110 and 11120 Belvidere Ave.;  
20220321e and f: Architectural and Zoning Applications for 11110 and 11120 Belvidere Ave.

### **Background**

The applicant Bruce McSpadden is requesting the Planning Commission's consideration for an application for a deck replacement along with ROW easements and variances on both properties from the Town in order to accommodate the rebuild. The application for the Architectural and Zoning Review was received and paid for on March 21, 2022. The application for the easements was received and paid for on July 24, 2022. Public notice for the variances was posted online and at Town Hall on August 8. The applicant understands that this construction, if approved, will need to be presented to Pikes Peak Regional Building Department for permitting upon approval of the Town and any contractor must acquire a Business License.

The variances were approved at the August 23 Planning Commission and August 30 Board of Trustees meetings.

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

- Review proposed easement for compliance with Green Mountain Falls Zoning and Land Use Code.
- Review proposed Architectural and Zoning Application for compliance with Green Mountain Falls Zoning and Land Use Code.

### **Project Summary**

The reconstruction of the deck at 11110 Belvidere was approved at the May 24, 2022, Planning Commission meeting. The applicant was advised prior to that meeting that the reconstruction at 11120 Belvidere would need a variance, as the site plan indicated that the front setback would not be met. Upon further review and survey work on both properties, it was discovered that the deck footprints on both properties encroach into town right-of-way. Therefore, a variance and easement will be required in order to allow the reconstruction of both decks.

The applicant has submitted site plans showing the proposed measurements of the easements, and the Planning Commission approved Step 1 (concept) at its August 23 meeting. The step is to approve the formal easement agreement documents, which will be recorded with the detailed legal descriptions as presented tonight. The proposed easement dimensions will allow for deck reconstruction and envelope the front steps on both properties so that improvements can be made to those in the future as necessary.

Per the applicant: "both decks are necessary to our cabins as they provide safe entrances and exits to two of four cabin doors. We will not be expanding the footprint of the decks, only replacing them with composite materials which will improve the fire resistance of our cabins and is supportive of Green Mountain Falls' current fire mitigation efforts."

Staff has included an aerial photo view of the properties, which shows an approximate distance from the CSU water lines to the building footprints. Staff has no concern with the easement interfering with utility infrastructure or operation.

## Discussion

### 1 - Architectural and Zoning Application:

The electronic file maintained by Town Hall, *Official Town Zoning Map 2019*, shows the Zone District as R-1 for both parcels, therefore the front setback requirement for both is fifteen feet. Side and rear setback requirements are met for both projects.

### 2 – Granting of Easement:

From [Chapter 11, Article V](#):

- **Sec. 11-111. - Factors to be considered in granting easements.**

The following factors shall be considered in review by the Planning Commission and Board of Trustees of any request for an easement for use of public lands. Said factors shall not be exclusive, however:

- (1) Conformation with the Town Comprehensive Plan; **(Land Use Code rewrite should allow flexibility and promotion of positive development.)**
- (2) Adverse effects to the Town if an easement is granted; **(This small easement will not affect utilities or the functional use of the ROW in this area.)**
- (3) Benefits to the Town if an easement is granted. **(This property will be improved, thus increasing tax base.)**

- **Sec. 11-112. - Reasons for granting of easement.**

The following reasons for granting of said easement shall be deemed sufficient justification for such grant;

- (1) Compensation due and payable to the Town for use; **(There is a \$50 annual fee for easement.)**
- (2) Assistance to property owners who do not have clear title to their land due to an encroachment of their property upon public land and which purchase of said public property is not considered a feasible alternative by the Planning Commission and Board of Trustees; **(Easement is a positive alternative to purchase – the Town holds on to its ROW and has reclamation language in the agreement if something drastically changes.)**
- (3) Service of the health, safety and welfare of the inhabitants of the Town, or alternatively, lack of detriment or harm to the health, safety and welfare of the inhabitants of the Town. **(There is no risk to health, safety, or welfare of Town residents.)**

- **Sec. 11-113. - Presentations required to procure a grant of easement.**

Anyone wishing to procure a grant of an easement for the use of public land owned by the Town will be required to make two (2) presentations to the Planning Commission, as further described below, as a precondition to seeking the Board of Trustees' agreement to said sale:

- (1) The first presentation shall include clear identification of the land to be subjected to an easement and the feasibility of the proposed easement (Step #1 - Concept Approval).
- (2) The second presentation shall include the formal submittal requirements (Step #2 - Formal Submittal).
- (3) Any decision to grant said easement shall be by resolution passed by the Board of Trustees.
- (4) The procedure for the first and second presentation to the Planning Commission shall be determined by the Planning Commission, which shall set forth guidelines in the form of check lists for preparation for said proceedings, to include public hearing procedures. Said guidelines shall be available to the public, and may be provided at the office of the Town Clerk.
- (5) No second presentation will be scheduled before the Planning Commission until the guidelines for presentation as set forth in the document available to the public have been met. Review of said guidelines shall be made by the Town Clerk as a prerequisite to scheduling said presentation before the Planning Commission.

## Conclusion and Recommendation

As outlined above, this is the second step in granting easements, which along with the variances for both properties, will be necessary for approval of the deck reconstruction.

Staff recommends approval of the Architectural and Zoning Applications, as well as the easement agreement documents. The easements will need final approval from the Board of Trustees.

**Recommended Motions:**

Move to approve applications 20220321 A and B, for the respective easements.

Move to approve applications 20220321 E and F, for the respective Architectural and Zoning reviews.

March 18, 2022

To Green Mountain Falls,

We are planning to replace the decks on our cabins located at 11110 and 11120 Belvidere. We are not changing the footprint on the structures, only replacing the aging materials.

The application, fee and drawing will be submitted. We will also include the materials list. We plan on using composite decking with aluminum railings.

Bruce McSpadden

5220 Fairway Homes

Lee's Summit, MO 64064

816-550-4193

[bmcpaper@gmail.com](mailto:bmcpaper@gmail.com)



**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:	Bruce McSpadden
Address:	5220 Fairway Homes
E-Mail:	BmcPaper@gmail.com
Phone:	816-550-4193
Owner:	Same as above
Address:	
E-mail:	
Phone:	

**Property**

Physical Property Address:	1110 and 1120 Belvidere
Type of Plan Review:	Deck Replacement
Lot Size/Zoning:	
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 Bruce McSpadden Date 3-15-21  
Owner Signature Same Date \_\_\_\_\_  
Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

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





ORA ST

MYRTLE ST

GRANDVIEW AVE

OLATHE ST

KANSAS AVE

IONA TR

IONA AVE

COTTAGE ST

FALLS AVE

PUEBLO AVE

HONDO AVE

HONDO AVE

MIDLAND AVE

BELVIDERE AVE

BELVIDERE AVE



11120

11110

36.36 ft

25.02 ft

4CIP

Total: 36.36 ft

Total: 25.02 ft

6CIP

Page 6



*SITE PLAN*  
*A TRACT OF LAND LOCATED IN THE SW1/4NW1/4*  
*SECTION 8, T13S, R68W OF THE 6th P.M.*  
*TOWN OF GREEN MOUNTAIN FALLS*  
*EL PASO COUNTY, COLORADO*



LEGAL DESCRIPTION:  
THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF LOT FIVE (5) IN BLOCK THIRTY-SEVEN (37) IN THE FIFTH ADDITION TO GREEN MOUNTAIN FALLS, AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK C AT PAGE 49 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE NORTH 2° WEST ON THE EXTENSION OF THE OF THE WEST LINE OF SAID LOT FIVE (5) A DISTANCE OF 236 FEET; THENCE ANGLE RIGHT 95° SOUTH 87° EAST 670 FEET; THENCE ANGLE RIGHT 89°59' SOUTH 2°59' WEST TO THE POINT ON THE NORTHERLY LINE OF BELVIDERE AVENUE IN SAID FIFTH ADDITION TO GREEN MOUNTAIN FALLS, FOR THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED HEREBY; THENCE WESTERLY ON THE NORTHERLY LINE OF SAID BELVIDERE AVENUE 75 FEET TO THE SOUTHEASTERLY CORNER OF THE TRACT CONVEYED TO W.C. PAYNE BY WARRANT DEED RECORDED IN BOOK 534 AT PAGE 415 OF SAID RECORDS; THENCE NORTHERLY ON THE EAST LINE OF SAID PAYNE TRACT 150 FEET TO THE NORTHEAST CORNER THEREOF; THENCE EASTERLY TO A POINT NORTH 2°59' EAST 150 FEET FROM THE POINT OF BEGINNING; SOUTH 2°59' WEST 150 FEET TO THE POINT OF BEGINNING.

ADDRESS:  
11110 BELVIDERE AVENUE  
GREEN MOUNTAIN FALLS, COLORADO 80819

ACCOUNT NO.:  
8308201028

OWNER:  
GEORGE AND SANDRA HUBBARD (REVOCABLE FAMILY TRUST)  
7756 SOUTH GUTHRIE AVENUE  
TULSA OKLAHOMA 74132

EXISTING BUILDING AREA:  
547 SQUARE FEET

LOT AREA:  
9,375 SQUARE FEET±

LAND USE:  
SINGLE FAMILY RESIDENTIAL

EXISTING LOT COVERAGE:  
5.8%

NOTE: ALL LINEAL UNITS DEPICTED ON THIS SITE PLAN ARE U.S. SURVEY FEET.

THE PROPERTY LINES AS DEPICTED ON THIS SITE MAP ARE BASED ON A WARRANTY DEED RECORDED IN BOOK 1448 PAGE 197 UNDER RECEPTION NO. 933082 ON AUGUST 23, 1954 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER.

NO BOUNDARY SURVEY OR LAND SURVEY PLAT WAS COMPLETED AS PART OF THIS SERVICE.

FOR AND ON BEHALF OF  
RAMPART SURVEYS, LLC



SITE PLAN - A TRACT OF LAND LOCATED IN THE SW1/4NW1/4  
SEC. 8, T13S, R68W OF THE 6th P.M., EL PASO COUNTY, COLORADO

**RAMPART**  
SURVEYS, LLC

P.O. Box 5101 Woodland Park, CO. 80866 (719) 687-0920

219/109 DRAWING: 22306-11110SP.DWG PAGE 1 OF 1



SITE PLAN  
A TRACT OF LAND IN THE SW1/4NW1/4  
SECTION 8, T13S, R68W OF THE 6th P.M.  
TOWN OF GREEN MOUNTAIN FALLS  
EL PASO COUNTY, COLORADO

- LEGEND:
- FOUND REBAR AND YELLOW CAP STAMPED "LS 12043"
  - ⊙ FOUND REBAR AND YELLOW CAP (ILLEGIBLE)
  - ▲ FOUND 1" IRON PIPE
  - ⊕ POWER/UTILITY POLE
  - ⊞ GAS METER
  - ⊞ WATER METER
  - ⊞ WATER VALVE
  - OVERHEAD ELECTRIC / O.H. UTILITY LINE
  - ▨ CONCRETE
  - ▨ ASPHALT
  - ▨ GRAVEL
  - ▨ FLAGSTONE

LEGAL DESCRIPTION:  
THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF LOT FIVE (5) IN BLOCK THIRTY-SEVEN (37) IN THE FIFTH ADDITION TO GREEN MOUNTAIN FALLS, THENCE NORTH 2° WEST ON A LINE WHICH IS THE WEST LINE OF SAID LOT FIVE (5) PRODUCED IN A STRAIGHT LINE 236 FEET TO A POINT APPROXIMATELY ON THE SUBDIVISIONAL LINE DIVIDING THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER FROM THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION SEVEN (7) IN SAID TOWNSHIP AND RANGE, AND ALSO ABOUT 205 FEET WEST OF THE WEST LINE OF SECTION EIGHT (8) IN SAID TOWNSHIP AND RANGE, THENCE ANGLE RIGHT 95° SOUTH 87° EAST 670 FEET TO A POINT, THENCE ANGLE RIGHT 89° 59' SOUTH 2° 59' WEST TO THE POINT OF INTERSECTION WITH THE NORTHERLY LINE OF BELVIDERE AVENUE IN SAID FIFTH ADDITION TO GREEN MOUNTAIN FALLS, THENCE FOLLOWING THE NORTHERLY LINE OF SAID BELVIDERE AVENUE WESTERLY A DISTANCE OF 75 FEET TO A POINT WHICH IS THE POINT OF BEGINNING OF TRACT OF GROUND COVERED BY THIS DEED, THENCE NORTHERLY AT A RIGHT ANGLES TO SAID NORTHERLY LINE OF BELVIDERE AVENUE 150 FEET, THENCE WESTERLY ON A LINE PARALLEL TO SAID NORTHERLY LINE OF BELVIDERE AVENUE 100 FEET, THENCE SOUTHERLY AT RIGHT ANGLES TO LAST COURSE TO THE NORTHERLY LINE OF BELVIDERE AVENUE, THENCE EASTERLY ALONG SAID NORTHERLY LINE OF BELVIDERE AVENUE TO THE POINT OF BEGINNING, IN THE TOWN OF GREEN MOUNTAIN FALLS.

ADDRESS:  
11120 BELVIDERE AVENUE  
GREEN MOUNTAIN FALLS, COLORADO 80819

ACCOUNT NO.:  
8308202029

OWNER:  
GEORGE AND SANDRA HUBBARD (REVOCABLE FAMILY TRUST)  
7756 SOUTH OUTHRIE AVENUE  
TULSA OKLAHOMA 74132

EXISTING BUILDING AREA:  
1,071 SQUARE FEET

LOT AREA:  
15,000 SQUARE FEET±

LAND USE:  
SINGLE FAMILY RESIDENTIAL

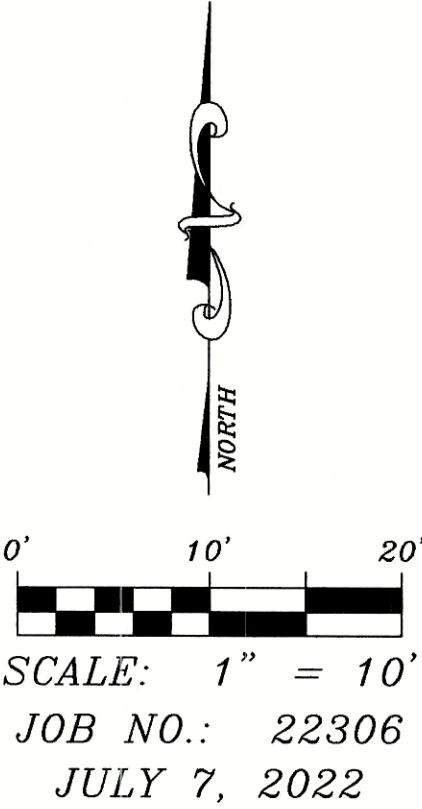
EXISTING LOT COVERAGE:  
7.1%

NOTE: ALL LINEAL UNITS DEPICTED ON THIS SITE PLAN ARE U.S. SURVEY FEET.

THE PROPERTY LINES AS DEPICTED ON THIS SITE MAP ARE BASED ON A WARRANTY DEED RECORDED IN BOOK 1079 PAGE 289 UNDER RECEPTION NO. 718563 ON AUGUST 31, 1945 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER.

NO BOUNDARY SURVEY OR LAND SURVEY PLAT WAS COMPLETED AS PART OF THIS SERVICE.

FOR AND ON BEHALF OF  
RAMPART SURVEYS, LLC



SITE PLAN - A TRACT OF LAND LOCATED IN THE SW1/4NW1/4  
SEC. 8, T13S, R68W OF THE 6th P.M., EL PASO COUNTY, COLORADO

**RAMPART**  
SURVEYS, LLC

P.O. Box 5101 Woodland Park, CO. 80866 (719) 687-0920

DRAWING: 22306SP-11120.DWG

PAGE 1 OF 1



## **RIGHT OF WAY EASEMENT AGREEMENT**

THIS RIGHT OF WAY EASEMENT AGREEMENT (the "Agreement") is made effective this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the Town of Green Mountain Falls (the "Town"), whose address is 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado 80819 and "Hubbard George L and Sandra L Revocable Family Trust", whose address is 7756 S. Guthrie Ave, Tulsa, OK 74132-2832 (the "Grantee"). Both the Town and the Grantee hereinafter are individually referred to as "Party" and collectively referred to as "Parties."

WHEREAS, the Grantee is the Owner of certain real property located in the Town of Green Mountain Falls, more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference and desires to construct an addition that will encroach into the Town right of way as depicted in **Exhibit B** attached hereto and incorporated herein by reference (the "Easement Area"); and

WHEREAS, the Town wishes to grant the Grantee an easement for the purposes of constructing, installing and maintaining the addition within the Town right of way.

NOW, THEREFORE, in and for consideration of the sum of fifty dollars (\$50), the promises, mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. Grant of Easement. The Town hereby grants to the Grantee, its successors and assigns a perpetual, non-exclusive right of way easement (the "Easement") on, over, upon, and across, the portion of Town right of way as described in the graphic representation of the Easement in **Exhibit B** for the following purposes:

a. Construction, installation, and maintenance of a deck and staircase on the front side of the house, in conformance with the plans and specifications in **Exhibit C**, to the residence at 11110 Belvidere Avenue, Green Mountain Falls, Colorado 80819.

2. Town's Rights.

a. The Town reserves use of the Right of Way Easement, for maintaining any existing Town facilities or utilities.

b. The Town shall not be under any obligation to inspect, repair, or maintain the Easement Area.

3. Surface Restoration and Maintenance. The Grantee shall promptly restore, replace, or repair the surface of the Right of Way Easement to as close to its condition immediately prior to such work as may be reasonably possible and shall be responsible for the surface maintenance of the Easement Area.

4. Insurance. The Grantee shall procure and maintain, and shall cause any subcontractor of the Grantee to procure and maintain, the following insurance coverage with coverage up to the limits allowed by the Colorado Governmental Immunity Act under C.R.S. § 24-10-114:

Commercial general liability insurance with minimum combined single limits of four hundred twenty-four thousand dollars (\$424,000) each occurrence and one million one hundred ninety-five

thousand dollars (\$1,195,000) general aggregate, which limits shall be adjusted as the limits allowed by the Colorado Governmental Immunity Act under C.R.S. § 24-10-114 are amended from time to time. The policy shall be applicable to all work done in the Easement Area. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall contain a severability of interests provision, and shall be endorsed to include the Town and the Town's officers, employees, and contractors as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.

5. Indemnification. The Grantee shall indemnify, hold harmless and defend the Town and its representatives, officers, employees, agents, and contractors from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney fees, arising from or in any way connected to the Right of Way Easement.

6. Binding Effect. Each and every one of the benefits and burdens of this Right of Way Easement shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors, transfers, agents, and assigns of the Parties.

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

8. Modification. This Agreement may only be modified upon written agreement by the parties.

9. Severability. The provisions of this Agreement are severable. Illegality or unenforceability of any provision herein shall not affect the validity or enforceability of the remaining provisions in this Agreement.

10. Integration. The foregoing constitutes the entire agreement between the parties regarding its subject matter and no additional or different oral representation, promise, or agreement shall be binding on any of the parties hereto with respect to the subject matter thereof.

11. Termination. The Town may terminate this Right of Way Easement in the event of a violation of or non-compliance with the terms and conditions of this Easement.

12. No Third-Party Beneficiaries. Except as may be expressly provided herein, there are no intended third-party beneficiaries to this Agreement.

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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**TOWN OF GREEN MOUNTAIN FALLS, COLORADO**

\_\_\_\_\_  
Todd Dixon, Mayor

ATTEST: \_\_\_\_\_

Nate Scott, Town Clerk

**GRANTEE:**

Officers of the "Hubbard George L and Sandra L Revocable Family Trust"

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_            )

The foregoing instrument was subscribed, sworn to and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

# Attachment A

## EL PASO COUNTY - COLORADO

8308201028  
11110 BELVIDERE AVE

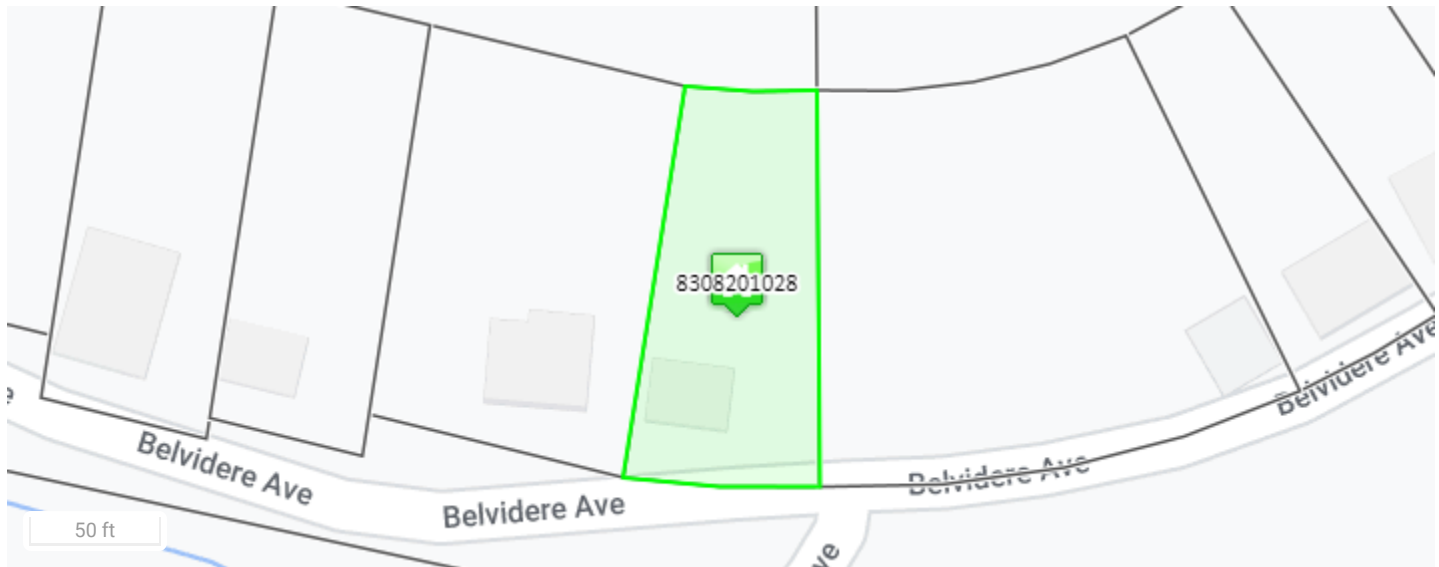
Total Market Value  
\$137,286

### OVERVIEW

Owner:	HUBBARD GEORGE L & SANDRA L, REVOCABLE FAMILY TRUST, HUBBARD LORI A, YOUNT BRIAN J, HUBBARD GARRETT L, MCSPADDEN BRUCE E, MCSPADDEN MARILYN R, MCSPADDEN BRET W, MCSPADDEN BENJAMIN E
Mailing Address:	7756 S GUTHRIE AVE TULSA OK, 74132-2832
Location:	11110 BELVIDERE AVE
Tax Status:	Taxable
Zoning:	-
Plat No:	-
Legal Description:	TRACT IN SW4NW4 SEC 8-13-68 AS FOLS, BEG AT SW COR OF LOT 12 BLK 58 ADD 8 TO GREEN MOUNTAIN FALLS, TH WLY ON NLY LN OF BELVIDERE AVE 75 FT, TH NLY AT R/A TO BELVIDERE AVE 150 FT, ELY TO NW COR OF AFSD LOT 12, TH S 2<59' W 150 FT M/L TO POB 4

### MARKET & ASSESSMENT DETAILS

	Market Value	Assessed Value
Land	\$41,300	\$2,870
Improvement	\$95,986	\$6,670
Total	\$137,286	\$9,540



#### Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.

## Attachment B

### Easement – 11110 Belvidere Avenue:

A portion of the Belvidere Avenue Right of Way lying southerly of the tract of land described at Reception No. 933082, recorded August 23, 1954, in the official records of the clerk and recorder of El Paso County, located in the Southwest Quarter of the Northwest Quarter of Section 8, Township 13 South, Range 68 West of the 6<sup>th</sup> P.M., in Green Mountain Falls, Colorado, more particularly described as follows;

COMMENCING at a 1" iron pipe located at the approximate southeast corner of said tract of land;

WHENCE a rebar and yellow cap stamped "LS 12043 bears N79°07'28"W a distance of 176.08 feet (Basis of bearing – assumed);

THENCE N79°07'28"W, coincident with the line between the afore described monuments and approximately the southerly line of said tract of land, a distance of 33.11 feet to the POINT OF BEGINNING;

THENCE S10°54'27"W a distance of 4.00 feet;

THENCE S73°11'56"W a distance of 30.61 feet;

THENCE N82°58'38"W a distance of 6.64 feet;

THENCE N21°25'18"W a distance of 17.35 feet;

THENCE N10°52'32"E a distance of 4.00 feet to a point that is the approximate southwesterly corner of said tract of land;

THENCE S79°07'28"E, coincident with said approximate southerly line, a distance of 43.00 to the POINT OF BEGINNING;

Said easement contains 528 square feet (0.01 acres) more or less.

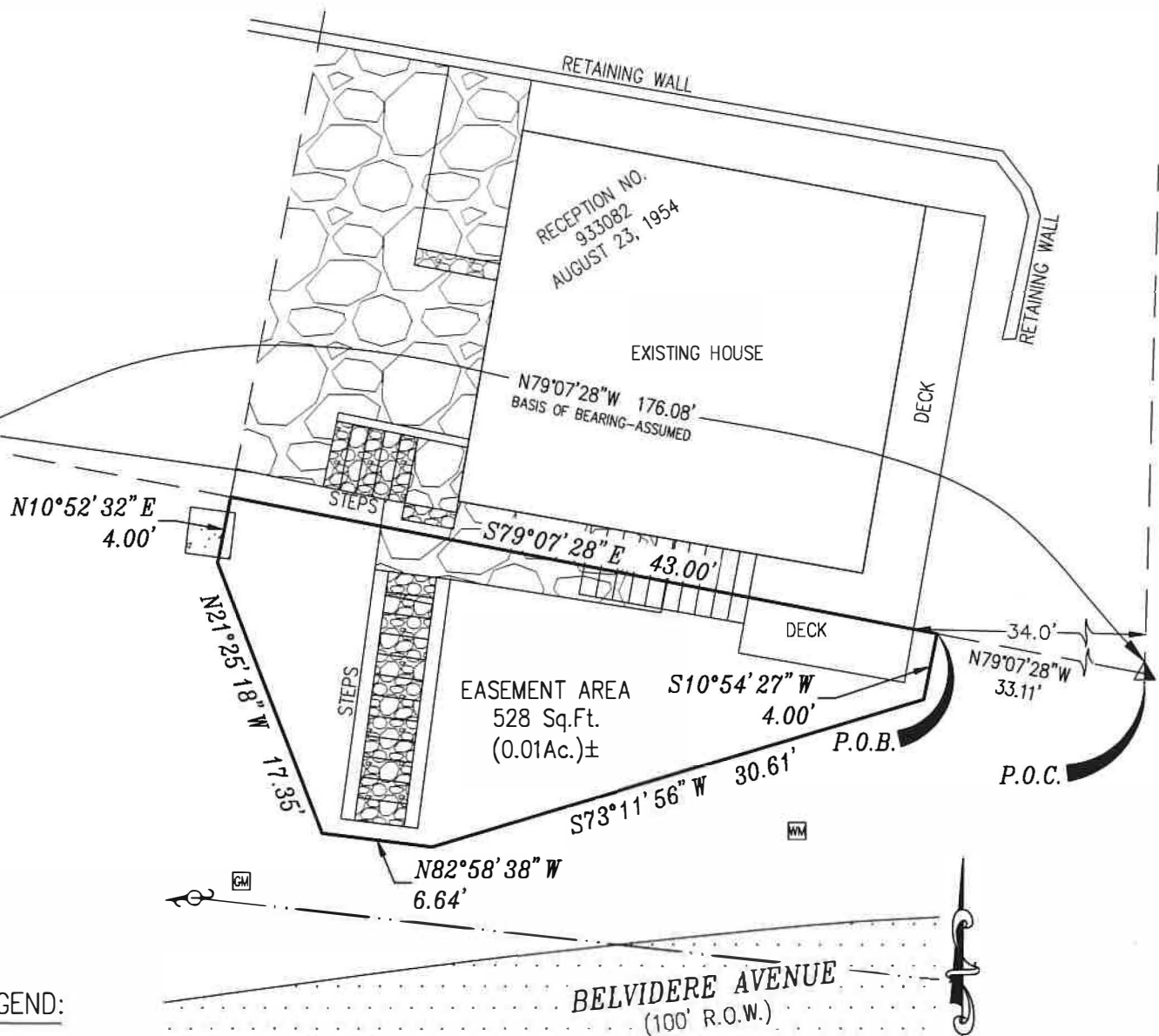
Prepared by:

Julia S. Keilman PLS 38315

For and on behalf of Rampart Surveys, LLC  
PO Box 5101, Woodland Park, Colorado 80866  
Julia@RampartLS.com



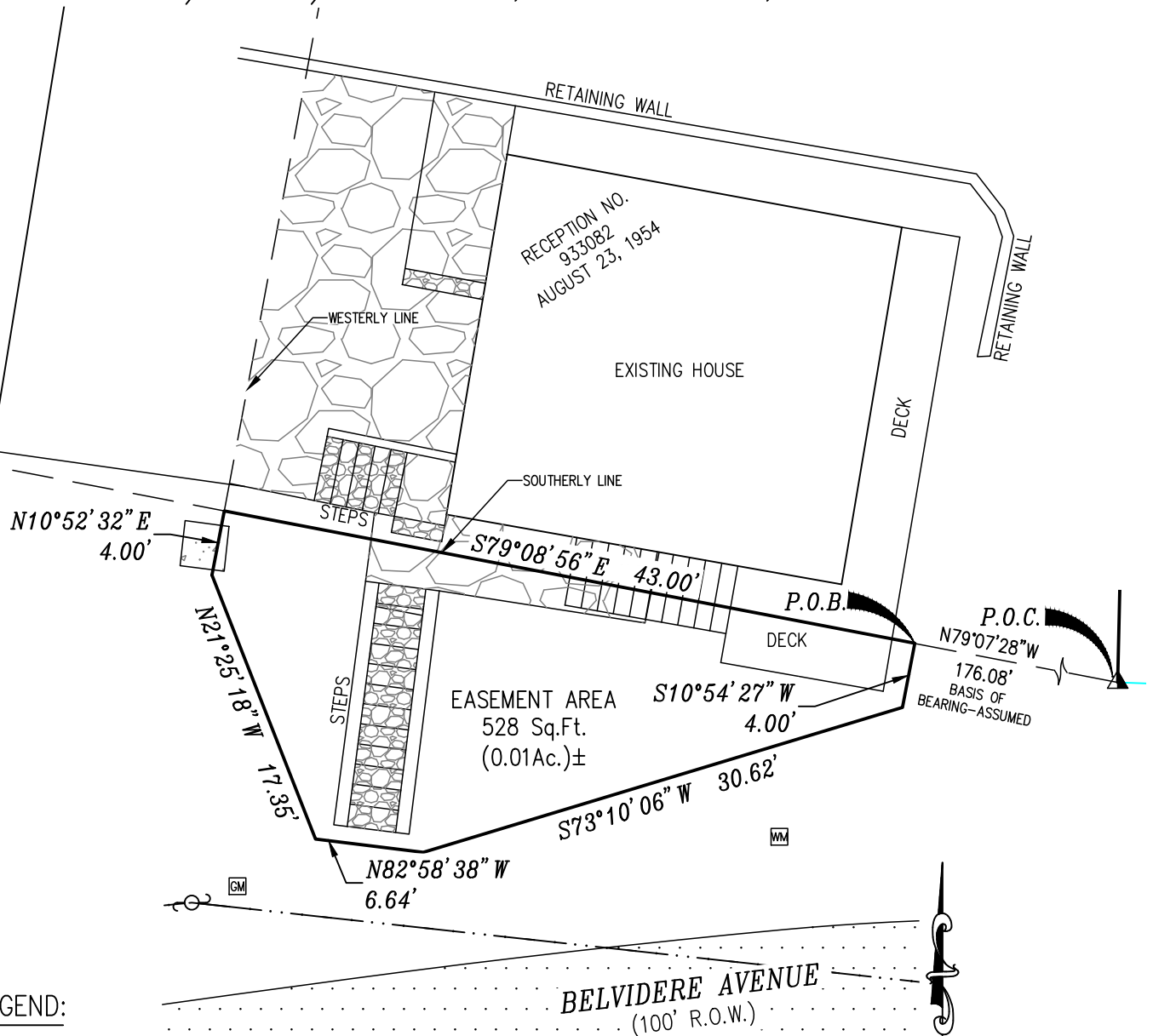
**EXHIBIT: 11110 BELVIDERE AVENUE  
GREEN MOUNTAIN FALLS, TELLER COUNTY, COLORADO  
SW1/4NW1/4 SEC. 8, T13S R68W, 6TH P.M.**



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY AND IS INTENDED ONLY TO ILLUSTRATE THE ATTACHED PROPERTY DESCRIPTION.



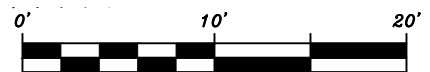
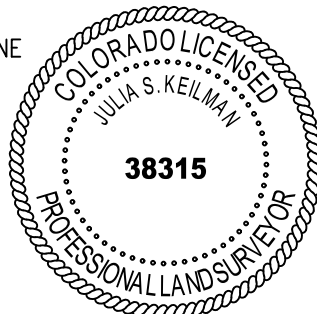
**EXHIBIT: 11110 BELVIDERE AVENUE  
GREEN MOUNTAIN FALLS, TELLER COUNTY, COLORADO  
SW1/4NW1/4 SEC. 8, T13S R68W, 6TH P.M.**



**LEGEND:**

- FOUND REBAR AND YELLOW CAP STAMPED "LS 12043"
- ▲ FOUND 1" IRON PIPE
- ⊕ POWER/UTILITY POLE
- GM GAS METER
- WM WATER METER
- OVERHEAD ELECTRIC / O.H. UTILITY LINE
- CONCRETE
- ASPHALT
- FLAGSTONE

FOR AND ON BEHALF OF  
RAMPART SURVEYS, LLC



SCALE: 1" = 10'

JOB NO.: 22306

AUGUST 2, 2022

**RAMPART  
SURVEYS**

P.O. Box 5101  
Woodland Park, CO. 80866  
(719) 687-0920

THIS EXHIBIT DOES NOT REPRESENT A  
MONUMENTED SURVEY AND IS INTENDED ONLY TO  
DEPICT THE ATTACHED PROPERTY DESCRIPTION.

## **RIGHT OF WAY EASEMENT AGREEMENT**

THIS RIGHT OF WAY EASEMENT AGREEMENT (the "Agreement") is made effective this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the Town of Green Mountain Falls (the "Town"), whose address is 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado 80819 and "Hubbard George L and Sandra L Revocable Family Trust", whose address is 7756 S. Guthrie Ave, Tulsa, OK 74132-2832 (the "Grantee"). Both the Town and the Grantee hereinafter are individually referred to as "Party" and collectively referred to as "Parties."

WHEREAS, the Grantee is the Owner of certain real property located in the Town of Green Mountain Falls, more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference and desires to construct an addition that will encroach into the Town right of way as depicted in **Exhibit B** attached hereto and incorporated herein by reference (the "Easement Area"); and

WHEREAS, the Town wishes to grant the Grantee an easement for the purposes of constructing, installing and maintaining the addition within the Town right of way.

NOW, THEREFORE, in and for consideration of the sum of fifty dollars (\$50), the promises, mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. Grant of Easement. The Town hereby grants to the Grantee, its successors and assigns a perpetual, non-exclusive right of way easement (the "Easement") on, over, upon, and across, the portion of Town right of way as described in the graphic representation of the Easement in **Exhibit B** for the following purposes:

a. Construction, installation, and maintenance of a deck and staircase on the front side of the house, in conformance with the plans and specifications in **Exhibit C**, to the residence at 11120 Belvidere Avenue, Green Mountain Falls, Colorado 80819.

2. Town's Rights.

a. The Town reserves use of the Right of Way Easement, for maintaining any existing Town facilities or utilities.

b. The Town shall not be under any obligation to inspect, repair, or maintain the Easement Area.

3. Surface Restoration and Maintenance. The Grantee shall promptly restore, replace, or repair the surface of the Right of Way Easement to as close to its condition immediately prior to such work as may be reasonably possible and shall be responsible for the surface maintenance of the Easement Area.

4. Insurance. The Grantee shall procure and maintain, and shall cause any subcontractor of the Grantee to procure and maintain, the following insurance coverage with coverage up to the limits allowed by the Colorado Governmental Immunity Act under C.R.S. § 24-10-114:

Commercial general liability insurance with minimum combined single limits of four hundred twenty-four thousand dollars (\$424,000) each occurrence and one million one hundred ninety-five

thousand dollars (\$1,195,000) general aggregate, which limits shall be adjusted as the limits allowed by the Colorado Governmental Immunity Act under C.R.S. § 24-10-114 are amended from time to time. The policy shall be applicable to all work done in the Easement Area. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall contain a severability of interests provision, and shall be endorsed to include the Town and the Town's officers, employees, and contractors as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.

5. Indemnification. The Grantee shall indemnify, hold harmless and defend the Town and its representatives, officers, employees, agents, and contractors from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney fees, arising from or in any way connected to the Right of Way Easement.

6. Binding Effect. Each and every one of the benefits and burdens of this Right of Way Easement shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors, transfers, agents, and assigns of the Parties.

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

8. Modification. This Agreement may only be modified upon written agreement by the parties.

9. Severability. The provisions of this Agreement are severable. Illegality or unenforceability of any provision herein shall not affect the validity or enforceability of the remaining provisions in this Agreement.

10. Integration. The foregoing constitutes the entire agreement between the parties regarding its subject matter and no additional or different oral representation, promise, or agreement shall be binding on any of the parties hereto with respect to the subject matter thereof.

11. Termination. The Town may terminate this Right of Way Easement in the event of a violation of or non-compliance with the terms and conditions of this Easement.

12. No Third-Party Beneficiaries. Except as may be expressly provided herein, there are no intended third-party beneficiaries to this Agreement.

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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**TOWN OF GREEN MOUNTAIN FALLS, COLORADO**

\_\_\_\_\_  
Todd Dixon, Mayor

ATTEST: \_\_\_\_\_

Nate Scott, Town Clerk

**GRANTEE:**

Officers of the "Hubbard George L and Sandra L Revocable Family Trust"

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was subscribed, sworn to and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

Attachment A

EL PASO COUNTY - COLORADO

8308201029  
11120 BELVIDERE AVE

Total Market Value  
\$218,498

OVERVIEW

Owner:	HUBBARD GEORGE L & SANDRA L, REVOCABLE FAMILY TRUST, HUBBARD LORI A, YOUNT BRIAN J, HUBBARD GARRETT L, MCSPADDEN BRUCE E, MCSPADDEN MARILYN R, MCSPADDEN BRET W, MCSPADDEN BENJAMIN E
Mailing Address:	7756 S GUTHRIE AVE TULSA OK, 74132-2832
Location:	11120 BELVIDERE AVE
Tax Status:	Taxable
Zoning:	-
Plat No:	-
Legal Description:	TRACT IN SW4NW4 SEC 8-13-68 AS FOLS, BEG AT SW COR OF LOT 12 BLK 58 ADD 8 TO GREEN MOUNTAIN FALLS, TH FOL NLY LN OF BELVIDERE AVE WLY 75 FT FOR POB, TH NLY AT R/A TO BELVIDERE AVE 150 FT, WLY ON A LN PARA TO SD NLY LN OF BELVIDERE AVE 100 FT, SLY AT R/A TO LAST COURSE TO NLY LN OF BELVIDERE AVE, TH ELY ALG SD NLY LN TO POB 3

MARKET & ASSESSMENT DETAILS

	Market Value	Assessed Value
Land	\$49,500	\$3,440
Improvement	\$168,998	\$11,750
Total	\$218,498	\$15,190



Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.

## Attachment B

### Easement – 11120 Belvidere Avenue:

A portion of the Belvidere Avenue Right of Way lying southerly of the tract of land described at Reception No. 718563, recorded August 31, 1945, in the official records of the Clerk and Recorder of El Paso County, located in the Southwest Quarter of the Northwest Quarter of Section 8, Township 13 South, Range West of the 6<sup>th</sup> P.M., in Green Mountain Falls, Colorado, more particularly described as follows;

BEGINNING at a rebar and yellow cap stamped "LS 12043 located at the approximate southwest corner of said tract of land;

WHENCE a 1" iron pipe bears S79°07'28"E a distance of 176.08 feet (Basis of bearing – assumed);

THENCE S79°07'28"E, coincident with the line between the afore described monuments and approximately the southerly line of said tract of land, a distance of 99.97 feet to a point that is the approximate southeasterly corner of said tract of land;

THENCE S10°52'32"W a distance of 4.00 feet;

THENCE N86°00'27"W distance of 100.64 feet;

THENCE N10°42'25"E a distance of 16.06 feet to the POINT OF BEGINNING;

Said easement contains 1003 square feet (0.02 acres) more or less.

Prepared by:

Julia S. Keilman PLS 38315

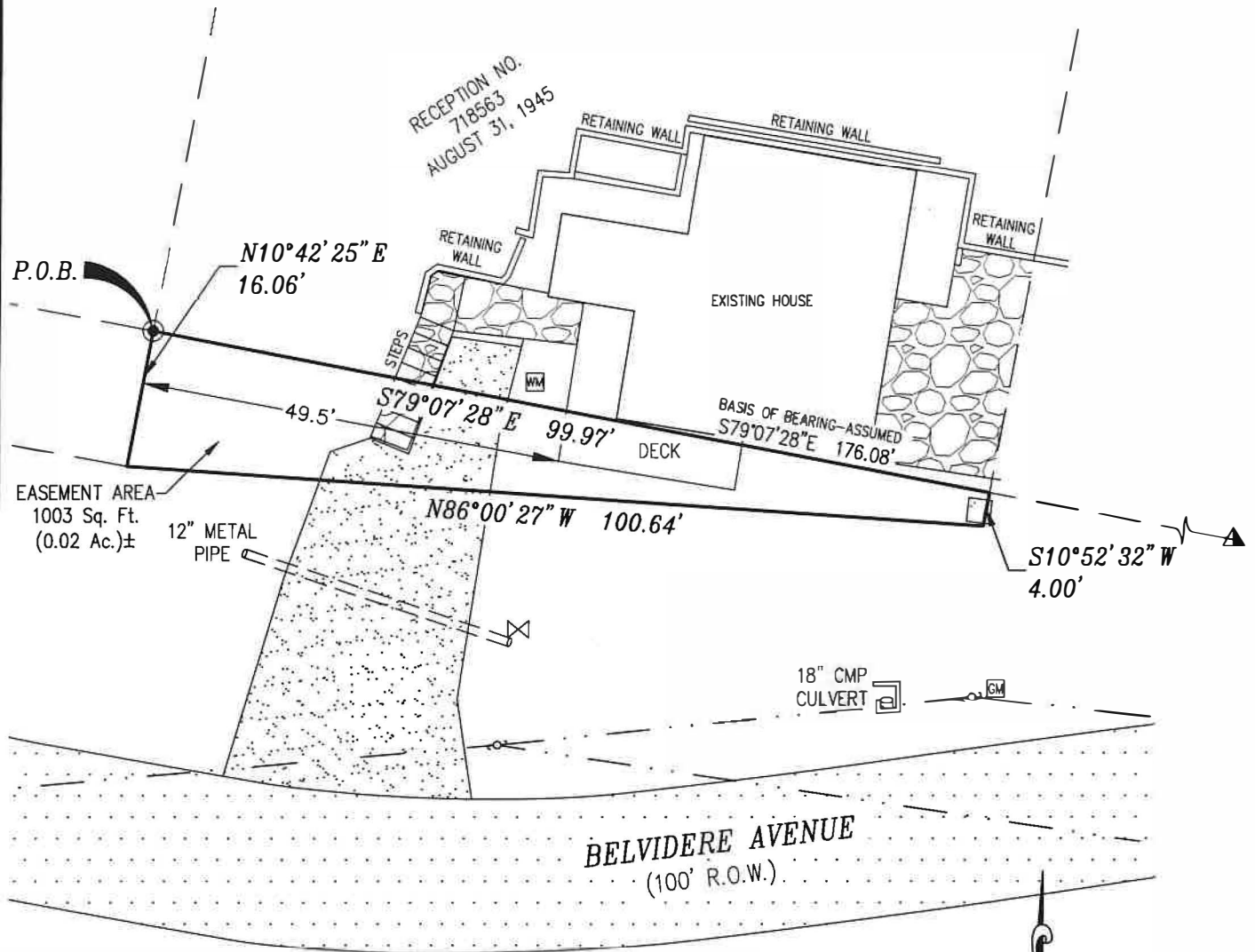
For and on behalf of Rampart Surveys, LLC

PO Box 5101, Woodland Park, Colorado 80866

Julia@RampartLS.com



**EXHIBIT: 11120 BELVIDERE AVENUE  
GREEN MOUNTAIN FALLS, TELLER COUNTY, COLORADO  
SW1/4NW1/4 SEC. 8, T13S R68W, 6TH P.M.**



**LEGEND:**

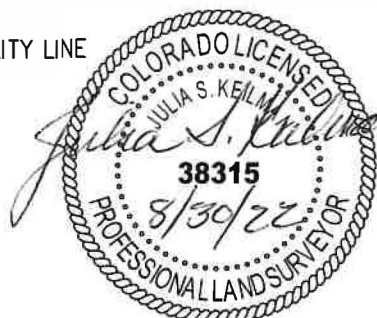
- FOUND REBAR AND YELLOW CAP STAMPED "LS 12043"
- ▲ FOUND 1" IRON PIPE
- GM GAS METER
- POWER/UTILITY POLE
- WM WATER METER
- ⊗ WATER VALVE
- · — · — OVERHEAD ELECTRIC / O.H. UTILITY LINE
- ASPHALT
- GRAVEL
- FLAGSTONE

FOR AND ON BEHALF OF  
RAMPART SURVEYS, LLC



SCALE: 1" = 20'  
JOB NO.: 22306  
AUGUST 25, 2022

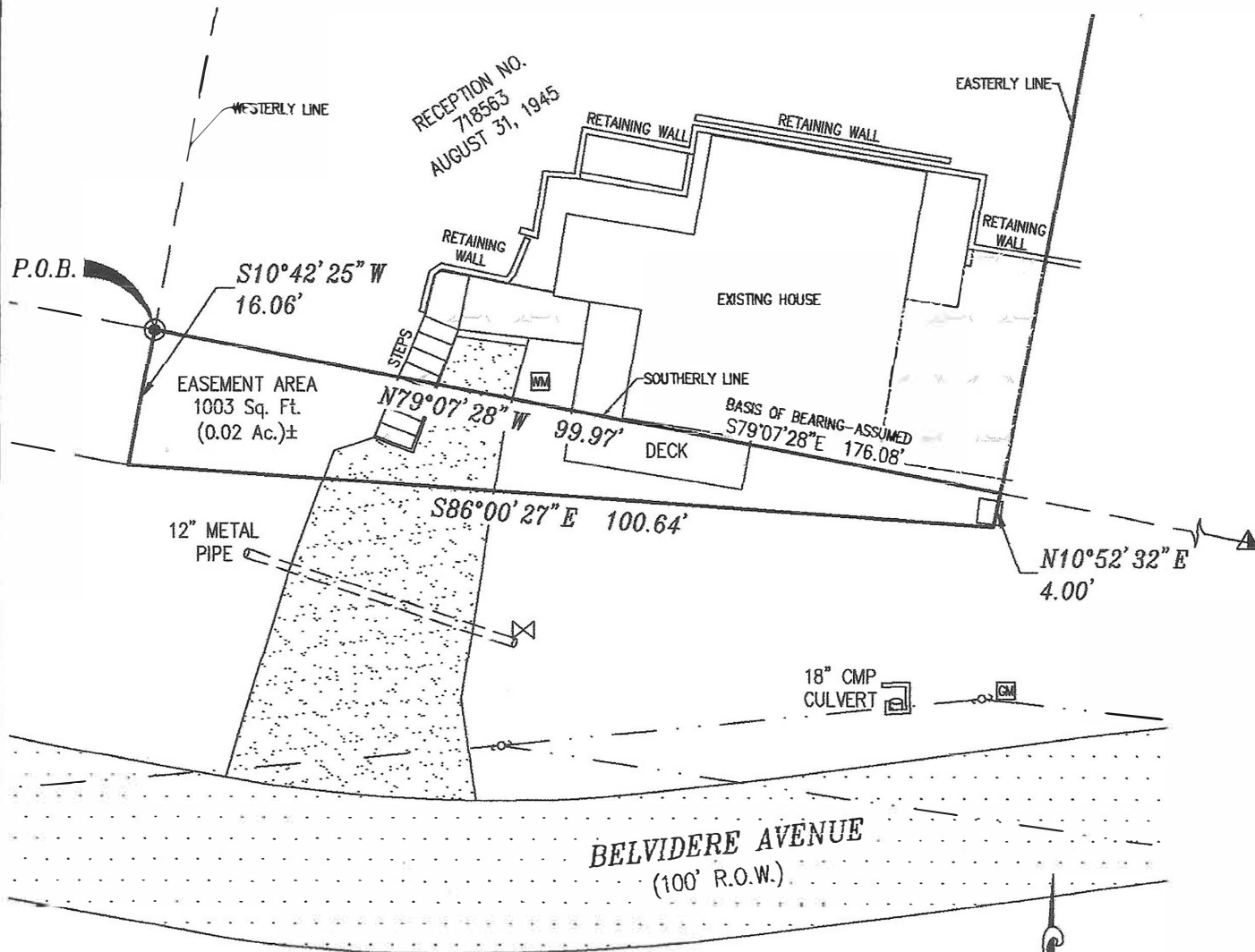
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED  
SURVEY AND IS INTENDED ONLY TO ILLUSTRATE THE  
ATTACHED PROPERTY DESCRIPTION.



**RAMPART  
SURVEYS**

P.O. Box 5101  
Woodland Park, CO. 80866  
(719) 687-0920

**EXHIBIT: 11120 BELVIDERE AVENUE  
GREEN MOUNTAIN FALLS, TELLER COUNTY, COLORADO  
SW1/4NW1/4 SEC. 8, T13S R68W, 6TH P.M.**



**LEGEND:**

- FOUND REBAR AND YELLOW CAP STAMPED "LS 12043"
- ▲ FOUND 1" IRON PIPE
- GM GAS METER
- POWER/UTILITY POLE
- WM WATER METER
- ⊠ WATER VALVE
- OVERHEAD ELECTRIC / O.H. UTILITY LINE
- ASPHALT
- GRAVEL
- FLAGSTONE

FOR AND ON BEHALF OF  
RAMPART SURVEYS, LLC



SCALE: 1" = 20'  
JOB NO.: 22306  
JULY 15, 2022

**RAMPART  
SURVEYS**

P.O. Box 5101  
Woodland Park, CO. 80866  
(719) 687-0920

THIS EXHIBIT DOES NOT REPRESENT A  
MONUMENTED SURVEY AND IS INTENDED ONLY TO  
DEPICT THE ATTACHED PROPERTY DESCRIPTION.



To the City of Green Mountain Falls:

Our cabins at 11120 and 11110 Belvidere have been in our family since 1993. The decks on both cabins were there at the time they were purchased by my father-in-law and now are rotten, unstable, and need to be replaced.

The recent survey we had completed by Rampart Surveys revealed what we suspected - that the deck on 11120 is not on our property, and although the deck on 11110 is, it does not meet current zoning guidelines. As a result, we are applying for a variance that includes separate easements for both cabins as illustrated in the attached site plan which would meet the town's requirements.

Both decks are necessary to our cabins as they provide safe entrances and exits to two of four cabin doors. We will not be expanding the footprint of the decks, only replacing them with composite materials which will improve the fire resistance of our cabins and is supportive of Green Mountain Fall's current fire mitigation efforts.

These improvements will not affect our community negatively as the decks are 50 feet and 25 feet respectively from the street. Also, our cabins are unusually separated from our neighbors, with our nearest neighbor being 60 feet to the west.

Sincerely,

Bruce McSpadden

## ESTIMATE



3-14 PAID 12 823.28  
3-11 PAID 50.00

**Bruce MCSpadden**  
11120 +11110 Belvidere  
Green mountain falls

**Mountain Pro Home Improvement**

Colorado Springs, CO,80916  
Colorado Springs, Colorado 80916  
Phone: (719) 960-6162  
Email: mountainpro@yahoo.com

Estimate # 038185  
Date 03/08/2022  
PO # 5365  
Business / Mountain Pro Home  
Tax # Improvement

Description	Total
-------------	-------

Deck Remodel. Scope of work for both decks.	\$0.00
---	--------

PRICE IS A LABOR AND MATERIALS QUOTE. Demo of all old decking, post, joist, decking, stairs on one deck with disposal in 40 yard dumpster on site. New composite decking of customers choice installed with clip "no screw system". Joist tape will be applied to new joist to ensure protection from rott. Composite fascia installed around frame. New pressure treated 2x8x6 joist will be installed and secured with hurricane ties. Proper joist hangers will be installed with galvanized nails. Installed 12 inch on center recommendation for composite decking. New black matt coated metal railings installed with new blocking installed for post backing. New stair stringers (3) installed 2x12x16 installed 12 inch on center. Post will be 6x6 pressure treated lumber. Footings will be 10inch sand tubes 30" in depth. Footing must be 6" above grade before post can connect. All work will be installed to pikes peak regional building code and to industry standard. Home owners permit will be purchased and all inspection requests will be handled by Mountain Pro.

**Framing for both decks**

Install pressure treated 2x8x6 joist.  
New joist will be installed at 12 inches on center for composite decking stability.  
Composite material requires 12 inch on center to ensure no flexing in the decking.  
All components of the existing deck will be examined once demo and if any repairs at house are needed will be addressed at that time. Blocking for metal railing post will be installed during the framing process.  
Post will be 6x6 pressure treated lumber.  
Beam will be made up of (2) 2x10x12 with 1/2" pressure treated fling between beam.  
6x6 metal post brackets installed with galvanized nails.  
Proper hurricane ties, joist hangers, deck mate 3 inch screws, galvanized nails, composite clips, 5 inch ledger locks will be installed to pikes peak code  
1/2"x5" Lag bolts will be installed 12" on center into ledger board.  
Ledger board against house 2x8 pressure treated.  
All framing will be inspected by pikes peak.

**Composite Decking both decks.**

Demo of old composite decking and disposal. Install new Fiber on composite decking.  
45 degree angle decking is offered as an design option if home owners approve.  
Joist tape installed on all new joist.



To: Planning Commission  
From: Nate Scott, Town Clerk/Treasurer/Planner

Date: September 7, 2022

Re: 20220906 – Architectural and Zoning Application – Shed Construction @ 7060 Oak St

### **Background**

The applicant Michael Lloyd is requesting the Planning Commission's consideration for approval of the construction of a shed on the rear of the home. The application was received on September 6, 2022, and payment is pending. The applicant understands that if any contractor is used for construction, they must obtain a Town Business License. El Paso County parcels 8308101026 and 8308101062 into one singular, new parcel (schedule number).

#### **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**

The applicant wishes to build a 12' W x 8' H x 4' W (48 sq. feet) lean-to type shed on the north exterior wall of the garage. It will be 2x4 construction with plywood floor and shingled roof. We'll put about 4" of crushed granite down for a base. Materials are Sunset Shed's "Factory Primed Smart Siding" with a 50-year warranty and Owens Corning 3-tab shingles for the roof. The color will be painted log brown to match the house.

### **Discussion**

The electronic file maintained by Town Hall, *Official Town Zoning Map 2019*, shows the Zone District for El Paso County parcels 8308101026 and 8308101062 as R-1 for both parcels. These parcels have been treated as one for past development. The ILC from 1997 shows part of the house encroaching onto the SE parcel and the septic system for the property has been built on 8308101062. Thus, for this project's purpose, the setbacks should be considered for the two parcels as a whole, which have a combined square footage of 13,776, making the setbacks:

- A) Front, 15 feet
- B) Side, 10 feet
- C) Rear, 10 feet

Based on the scale of the ILC drawing and shed location within the envelope of the home's footprint, staff has no concerns with setbacks.

## **Sec. 16-705. - Building permits; architectural review:**

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. **(see site plan)**
- (2) The proper building setbacks and building area with reference to property lines, highways, or street rights-of-way; **(in site plan)**
- (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; **N/A** and
- (12) A vicinity map to locate the development in relation to the community. (see attached site overview map) (Ord. 97-01)

## **Conclusion and Recommendation**

Staff recommends approval of this project.

## **Recommended Motion:**

I move to approve application 20220906 for a shed at 7060 Oak St.



**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:	Michael Lloyd and Dani Hains
Address:	PO Box 749, GMF, CO 80819
E-Mail:	hainslloyd@msn.com
Phone:	719-331-4663
Owner:	Same as above
Address:	
E-mail:	
Phone:	

**Property**

Physical Property Address: 7060 Oak St, GMF	
Type of Project: Shed	Zoning/Lot Size:
Hillside Overlay zone? Yes <input type="checkbox"/> No <input type="checkbox"/>	Land Survey/ILC Included: Yes <input checked="" 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 Michael Lloyd Date 9/6/22  
Owner Signature Dani Hains Date 9/6/2022  
Owner Signature Dani Hains Date 9/6/2022

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











## EL PASO COUNTY HEALTH DEPARTMENT

Permit # 04776

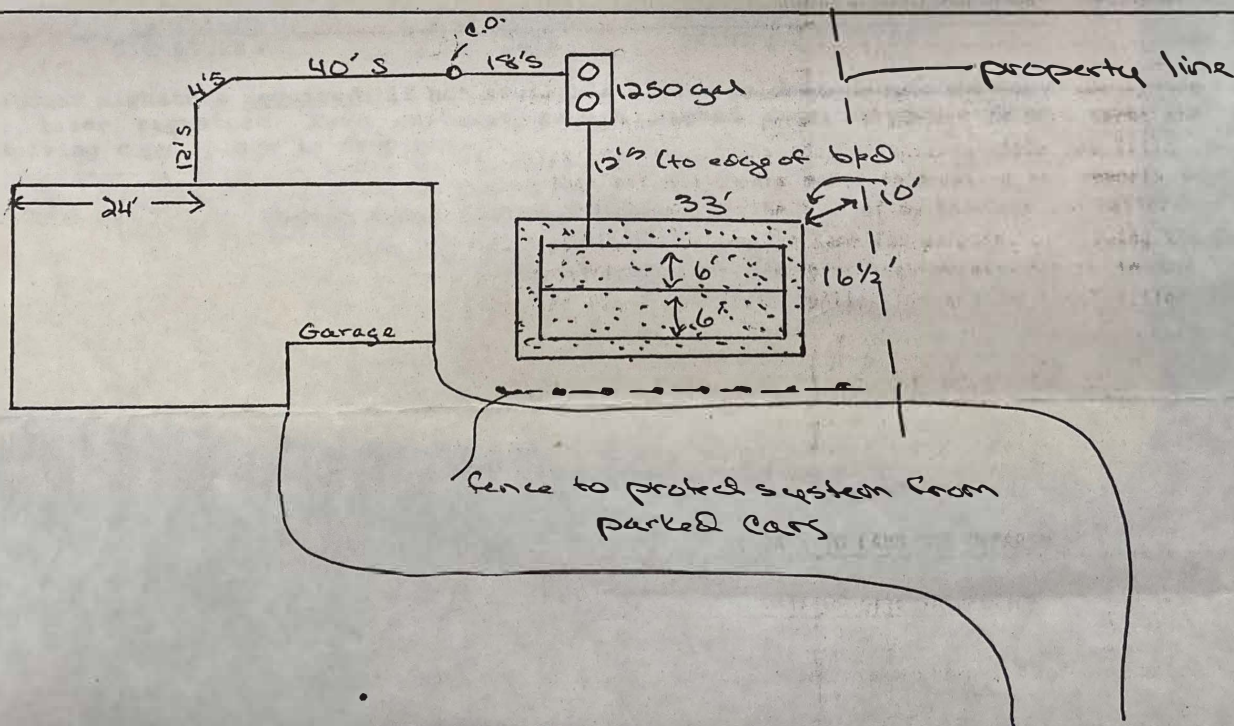
## INDIVIDUAL SEWAGE DISPOSAL INSPECTION FORM

Date 11/5/87~~Replacement~~  
of failed cesspoolAPPROVED YES ☒ NO ☐ENVIRONMENTALIST Robin ClarkAddress 7000 Oak St, GMFOwner Joe D. HamiltonLegal Description Lot 6, Blk 6C2Residence ☒ Commercial ☐ # of Bedrooms       System Installer Dave Cummins

## SEPTIC TANK

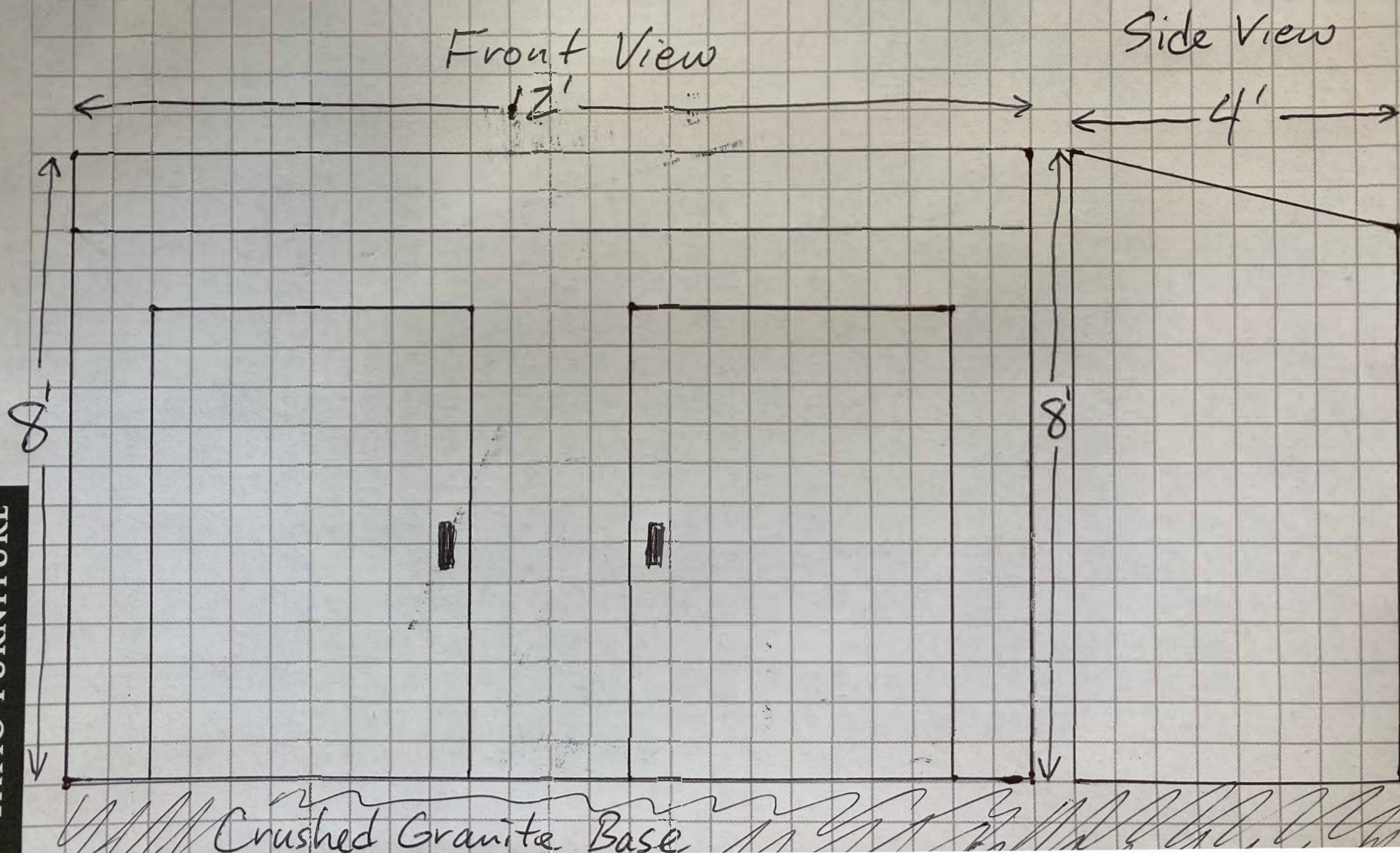
Commercial ☒ Noncommercial ☐Measurements: L        W        WD       Construction Material pre-cast concrete Liq. Cap. 1250 gal

## DISPOSAL FIELD

Exc. Depth 24"-36" Width 16 1/2' Total Length 33' Sq. Ft. 544.5 ft<sup>2</sup>Rock river Depth 12" Under 6" Over 2"Rockless System: Diameter of Pipe       Seepage Pits: Number of rings        Lining Material        Sq. Ft.       Working Depth        Width       Engineer Design Yes ☐ Type        Engineer Approval Letter Yes ☐Well 50 feet from Tank        100 feet from leach field       Well Installed at Time of Septic System Inspection Yes ☐ No ☐ Public Water ☒



Proposal for a shed at 7060 Oak St.  
Michael Lloyd & Dani Hains





To: Planning Commission

From: GMF Staff

Date: September 12, 2022

Re: 20220901 Minor Subdivision – Final Plat Review – Black Bear Subdivision

### **Background**

The applicants, owner Victor Matthews and contractor Krueger Brothers Construction, are requesting the Planning Commission's consideration for a new subdivision as described herein. This is a result of the applicant wanting to build a deck on a residential property, which as designed would encroach into the neighboring business property, also owned by the applicant. The applicant was advised that in order to accomplish this, either the deck design or the property lines would need to be modified so that no encroachment is occurring.

The applicant decided to create a new subdivision with the lots so that the residential deck can be built without any variance or encroachment, and the two "Black Bear Distillery" parcels are combined into one parcel, simplifying that property for future use. Staff recommends the Planning Commissioners review the Subdivision and Final Plat sections of the Land Use code and has no concerns with the replat of this property.

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.

### **Discussion**

According to section 17-133 of the current code, "Minor subdivisions shall follow procedures appropriate for final plats." This is really the only guidance we have, and it's clear that this would be considered a minor subdivision, as it is not establishing new infrastructure needs, rights-of-ways, or otherwise changing the predominant use or terrain of the land involved. The town does not have a simpler way to accomplish this defined, such as a "Property Boundary Adjustment" or other method, and the new land use code will address this. The applicant has consulted with the surveyor and El Paso County Records office, which indicated that this replat has been designed sufficiently for recording purposes.

### **Conclusion and Recommendation**

Staff recommends approval of this minor subdivision.

### **Recommended Motion**

I move to approve application 20220901 for the minor subdivision called Black Bear Subdivision.

Victor Matthews  
6855 Hotel St.  
Green Mtn. Falls, CO 80819

July 15, 2022

Mr. Nate Scott  
Clerk/Treasurer/Planner  
Town of Green Mtn. Falls  
PO Box 524  
Green Mtn. Falls, CO 80819

Dear Mr. Scott,

This Letter is to inform you of my intent to build a new deck on my property at 6855 Hotel St. Currently there is a retaining wall behind the house that steps down into the yard. The new 14'x13' deck will sit level with the top of that retaining wall creating a functional, aesthetically pleasing outdoor living area for my family to enjoy for years to come.

I hired a surveyor to replat my adjacent properties so that the deck will meet setback requirements. The appropriate changes have been made concerning the zoning and property set backs.

If you have any questions or concerns regarding my application for this project, please contact me at 719-964-2990 or [Chefmatthews@aol.com](mailto:Chefmatthews@aol.com) or contact Richard Shepard with Krueger Brothers Construction at 256-653-4279 or [Richard@kruegerbrothers.com](mailto:Richard@kruegerbrothers.com).

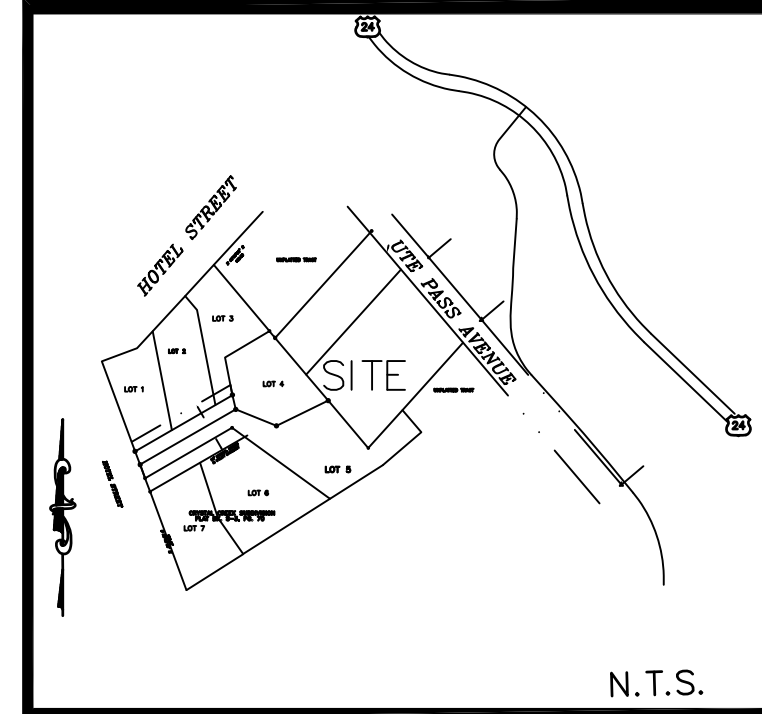
Thank you for your time and consideration.

Sincerely,  
Victor Matthews

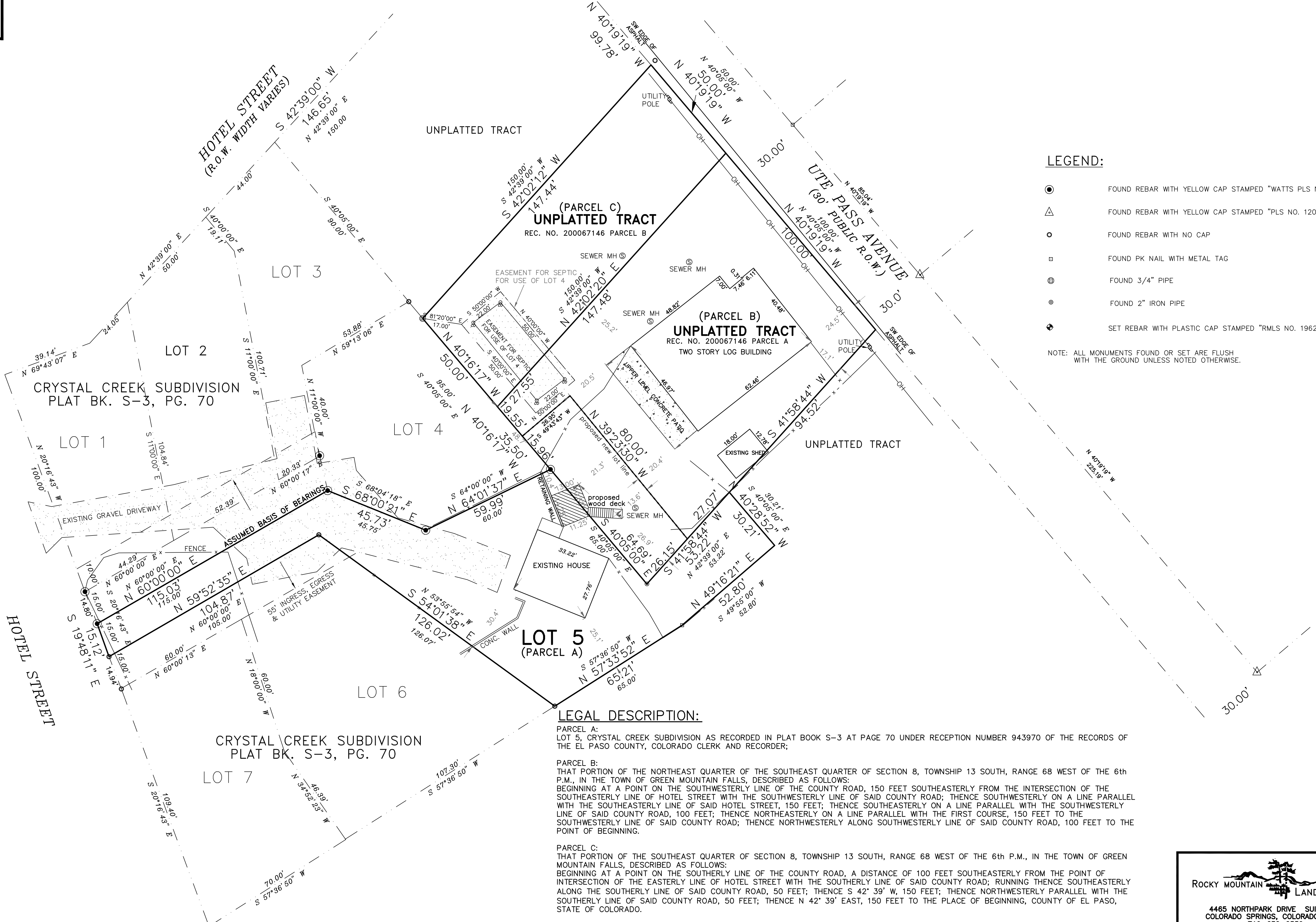


PRELIMINARY PLAT: BLACK BEAR SUBDIVISION

A REPLAT OF LOT 5, CRYSTAL CREEK SUBDIVISION TOGETHER WITH  
A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 8,  
TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE  
TOWN OF GREEN MOUNTAIN FALLS, EL PASO COUNTY, COLORADO



VICINITY MAP



- LEGEND:**
- FOUND REBAR WITH YELLOW CAP STAMPED "WATTS PLS NO. 9853"
  - △ FOUND REBAR WITH YELLOW CAP STAMPED "PLS NO. 12043"
  - FOUND REBAR WITH NO CAP
  - FOUND PK NAIL WITH METAL TAG
  - ⊕ FOUND 3/4" PIPE
  - ⊙ FOUND 2" IRON PIPE
  - ⊕ SET REBAR WITH PLASTIC CAP STAMPED "RMLS NO. 19625"
- NOTE: ALL MONUMENTS FOUND OR SET ARE FLUSH WITH THE GROUND UNLESS NOTED OTHERWISE.

**LEGAL DESCRIPTION:**

**PARCEL A:**  
LOT 5, CRYSTAL CREEK SUBDIVISION AS RECORDED IN PLAT BOOK S-3 AT PAGE 70 UNDER RECEPTION NUMBER 943970 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER;

**PARCEL B:**  
THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE TOWN OF GREEN MOUNTAIN FALLS, DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF THE COUNTY ROAD, 150 FEET SOUTHEASTERLY FROM THE INTERSECTION OF THE SOUTHEASTERLY LINE OF HOTEL STREET WITH THE SOUTHWESTERLY LINE OF SAID COUNTY ROAD; THENCE SOUTHWESTERLY ON A LINE PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID HOTEL STREET, 150 FEET; THENCE SOUTHEASTERLY ON A LINE PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID COUNTY ROAD, 100 FEET; THENCE NORTHEASTERLY ON A LINE PARALLEL WITH THE FIRST COURSE, 150 FEET TO THE SOUTHWESTERLY LINE OF SAID COUNTY ROAD; THENCE NORTHWESTERLY ALONG SOUTHWESTERLY LINE OF SAID COUNTY ROAD, 100 FEET TO THE POINT OF BEGINNING.

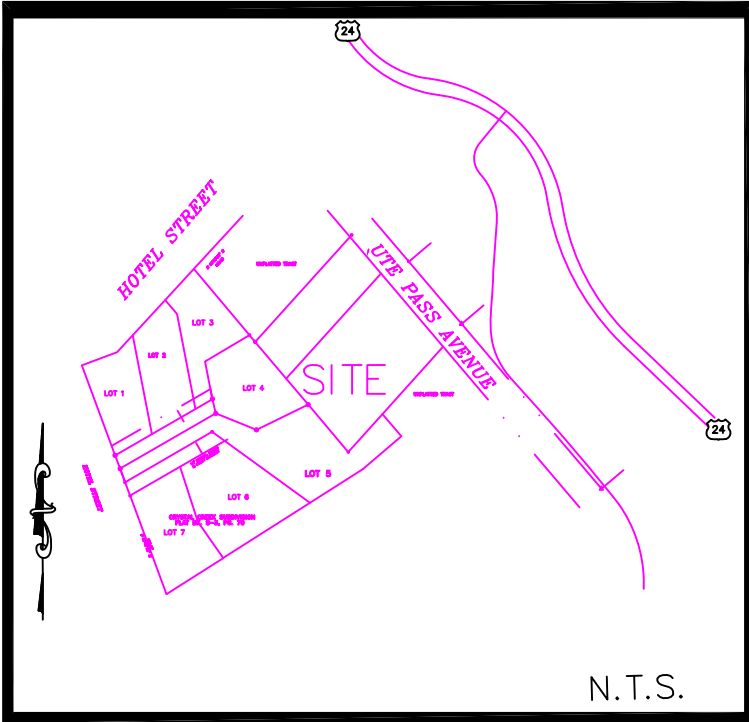
**PARCEL C:**  
THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE TOWN OF GREEN MOUNTAIN FALLS, DESCRIBED AS FOLLOWS:  
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SAID TRACTS CONTAINS 0.75 ACRES, MORE OR LESS.

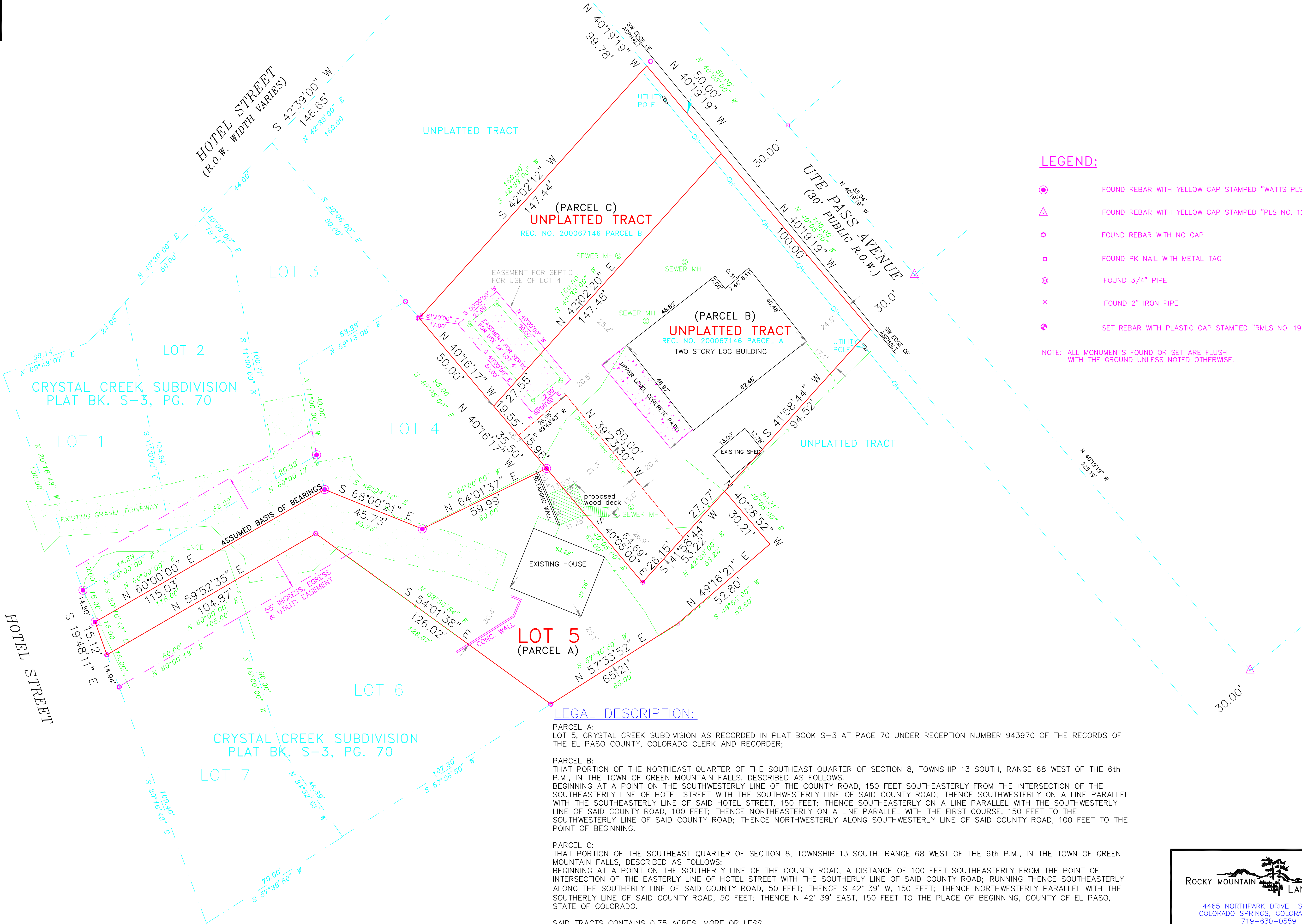
0' 20' 40'  
SCALE: 1" = 20'  
JOB NO. 43023  
SEPTEMBER 1, 2022

PRELIMINARY PLAT: BLACK BEAR SUBDIVISION

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VICINITY MAP



LEGEND:

- FOUND REBAR WITH YELLOW CAP STAMPED "WATTS PLS NO. 9853"
- FOUND REBAR WITH YELLOW CAP STAMPED "PLS NO. 12043"
- FOUND REBAR WITH NO CAP
- FOUND PK NAIL WITH METAL TAG
- FOUND 3/4" PIPE
- FOUND 2" IRON PIPE
- SET REBAR WITH PLASTIC CAP STAMPED "RMLS NO. 19625"

NOTE: ALL MONUMENTS FOUND OR SET ARE FLUSH WITH THE GROUND UNLESS NOTED OTHERWISE.

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PARCEL C:  
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SAID TRACTS CONTAINS 0.75 ACRES, MORE OR LESS.

0' 20' 40'  
SCALE: 1" = 20'  
JOB NO. 43023  
SEPTEMBER 1, 2022



BLACK BEAR SUBDIVISION

A REPLAT OF LOT 5, CRYSTAL CREEK SUBDIVISION TOGETHER WITH  
A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 8,  
TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE  
TOWN OF GREEN MOUNTAIN FALLS, EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

THAT VICTOR W. MATTHEWS JR., BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACTS OF LAND:

TO WIT:

PARCEL A:  
LOT 5, CRYSTAL CREEK SUBDIVISION AS RECORDED IN PLAT BOOK S-3 AT PAGE 70 UNDER RECEPTION NUMBER 943970 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO  
CLERK AND RECORDER;

PARCEL B:  
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MOUNTAIN FALLS, DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF THE COUNTY ROAD, 150 FEET SOUTHEASTERLY FROM THE INTERSECTION OF THE SOUTHEASTERLY LINE OF HOTEL STREET  
WITH THE SOUTHWESTERLY LINE OF SAID COUNTY ROAD; THENCE SOUTHWESTERLY ON A LINE PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID HOTEL STREET, 150 FEET; THENCE  
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150 FEET TO THE SOUTHWESTERLY LINE OF SAID COUNTY ROAD; THENCE NORTHWESTERLY ALONG SOUTHWESTERLY LINE OF SAID COUNTY ROAD, 100 FEET TO THE POINT OF  
BEGINNING.

PARCEL C:  
THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE TOWN OF GREEN MOUNTAIN FALLS, DESCRIBED AS  
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39' W, 150 FEET; THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID COUNTY ROAD, 50 FEET; THENCE N 42° 39' EAST, 150 FEET TO THE PLACE OF  
BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

SAID TRACTS CONTAINS 0.75 ACRES, MORE OR LESS.

DEDICATION:

THE ABOVE PARTY IN INTEREST HAS CAUSED SAID TRACT OF LAND TO BE SURVEYED AND PLATTED INTO LOTS AND PUBLIC EASEMENTS. THE UNDERSIGNED DOES HEREBY  
DEDICATE, GRANT AND CONVEY TO THE TOWN OF GREEN MOUNTAIN FALLS AND THE PUBLIC, EASEMENTS SHOWN ON THE PLAT AND FURTHER RESTRICT THE USE OF ALL PUBLIC  
EASEMENTS TO THE TOWN OF GREEN MOUNTAN FALLS AND OR ITS ASSIGNS, PROVIDED HOWEVER, THAT THE SOLE RIGHT AND AUTHORITY TO VACATE, RELEASE OR QUIT CLAIM ANY  
AND ALL DEDICATED PUBLIC EASEMENTS SHALL REMAIN EXCLUSIVELY VESTED IN THE TOWN OF GREEN MOUNTAIN FALLS. THIS TRACT OF LAND AS HEREIN PLATTED SHALL BE KNOWN  
AS "BLACK BEAR SUBDIVISION" IN THE TOWN OF GREEN MOUNTAIN FALLS, EL PASO COUNTY, COLORADO.

IN WITNESS WHEREOF:

THE AFOREMENTIONED, VICTOR W. MATTHEWS JR., HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

VICTOR W. MATTHEWS, JR.

STATE OF COLORADO )  
                                  ) SS  
COUNTY OF EL PASO )

THE ABOVE AND AFOREMENTIONED INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D. BY VICTOR W. MATTHEWS JR.

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

LIENHOLDER CONSENT FOR PARCEL A:

THE LIENHOLDER, \_\_\_\_\_, BY: \_\_\_\_\_ HAS CONSENTED TO AND EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BY: \_\_\_\_\_

STATE OF COLORADO )  
                                  ) SS  
COUNTY OF EL PASO )

THE ABOVE AND AFOREMENTIONED INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D.,

BY: \_\_\_\_\_ AS \_\_\_\_\_ FOR \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

LIENHOLDER CONSENTFOR PARCEL B AND PARCEL C:

THE LIENHOLDER, \_\_\_\_\_, BY: \_\_\_\_\_ HAS CONSENTED TO AND EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BY: \_\_\_\_\_

STATE OF COLORADO )  
                                  ) SS  
COUNTY OF EL PASO )

THE ABOVE AND AFOREMENTIONED INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D.,

BY: \_\_\_\_\_ AS \_\_\_\_\_ FOR \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

PLANNING COMMISSION APPROVAL:

THE ABOVE PLAT AND AND PETITION IS APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF GREEN MOUNTAIN FALLS, THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2022.

CHAIRMAN

APPROVAL BY TOWN COUNCIL:

THE ABOVE PLAT AND AND PETITION IS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF GREEN MOUNTAIN FALLS, THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2022.

MAYOR

NOTES:

1. ALL BEARINGS USED HEREIN ARE BASED ON AN ASSUMED BEARING BETWEEN A REBAR WITH CAP STAMPED "WATTS NO. 9853" AT THE NORTHWEST CORNER AND  
NORTHERLY ANGLE POINT OF SAID LOT 5 AS DEPICTED HEREON. THE ASSUMED BEARING BETWEEN THOSE MONUMENTS IS N 60° 00' 00" E.

2. EASEMENTS OF RECORD SHOWN HEREON ARE BASED ON THE RECORDED SUBDIVISION PLAT REFERENCED IN THE LEGAL DESCRIPTION. NO OTHER EASEMENTS ARE  
SHOWN EXCEPT AS FOUND THEREIN. THE PLAT DOES NOT REPRESENT A TITLE SEARCH BY ROCKY MOUNTAIN LAND SERVICES FOR OWNERSHIP OR EASEMENTS AND  
RELIES COMPLETELY ON THE ABOVE REFERENCED DATA FOR EASEMENTS OF RECORD.

3. THE UNITS OF MEASUREMENT USED HEREIN ARE U.S. SURVEY FEET.

SURVEYOR'S CERTIFICATION:

THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFIES THAT THE ACCOMPANYING PLAT WAS SURVEYED AND  
DRAWN UNDER HIS SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND AND SUBDIVISION THEREOF, AND THAT THE REQUIREMENTS OF TITLE 38 OF  
THE COLORADO REVISED STATUTES, 1973 AS AMENDED, HAVE BEEN MET TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

CHRISTOPHER THOMPSON, PROFESSIONAL LAND SURVEYOR NO. 19625  
FOR AND ON BEHALF OF ROCKY MOUNTAIN LAND SERVICES  
4465 NORTHPARK DRIVE SUITE 303  
COLORADO SPRINGS, COLORADO 80907

DATE

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.

EASEMENTS TO BE DEDICATED BY THIS PLAT:

BOTH SIDES OF ALL SIDE LOT LINES ARE HEREBY PLATTED WITH A FIVE FOOT WIDE EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE. ALL FRONT LOT LINES ARE  
HEREBY PLATTED WITH A FIVE FOOT WIDE EASEMENT FOR PUBLIC UTILITIES. ALL REAR LOT LINES ARE HEREBY PLATTED WITH A SEVEN FOOT WIDE EASEMENT FOR  
PUBLIC UTILITIES AND DRAINAGE WITH THE SOLE RESPONSIBILITY FOR MAINTENANCE OF ALL SAID EASEMENTS BEING VESTED IN THE PROPERTY OWNERS BURDENED BY  
SAID EASEMENTS.

RECORDING:

STATE OF COLORADO )

COUNTY OF EL PASO )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT \_\_\_\_\_ O'CLOCK\_\_\_\_\_, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2022, A.D., AND IS DULY RECORDED AT RECEPTION NUMBER \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

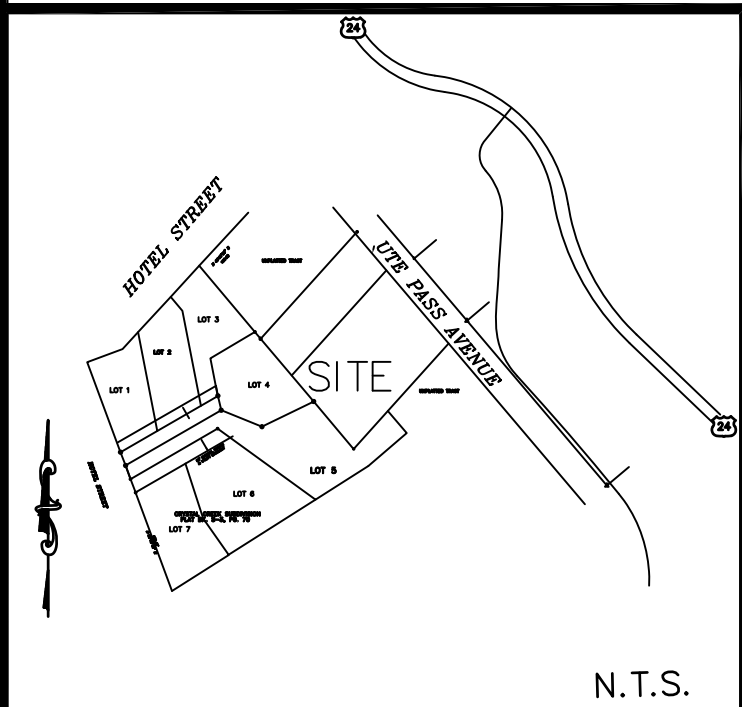
CHUCK BROERMAN, EL PASO COUNTY CLERK AND RECORDER

BY: \_\_\_\_\_  
DEPUTY

FEE: \_\_\_\_\_

SURCHARGE: \_\_\_\_\_

VICINITY MAP



N.T.S.

TOWN OF G.M.F. FILE NO.: \_\_\_\_\_

JOB NO.: 43023  
SEPTEMBER 1, 2022  
PAGE 1 OF 3

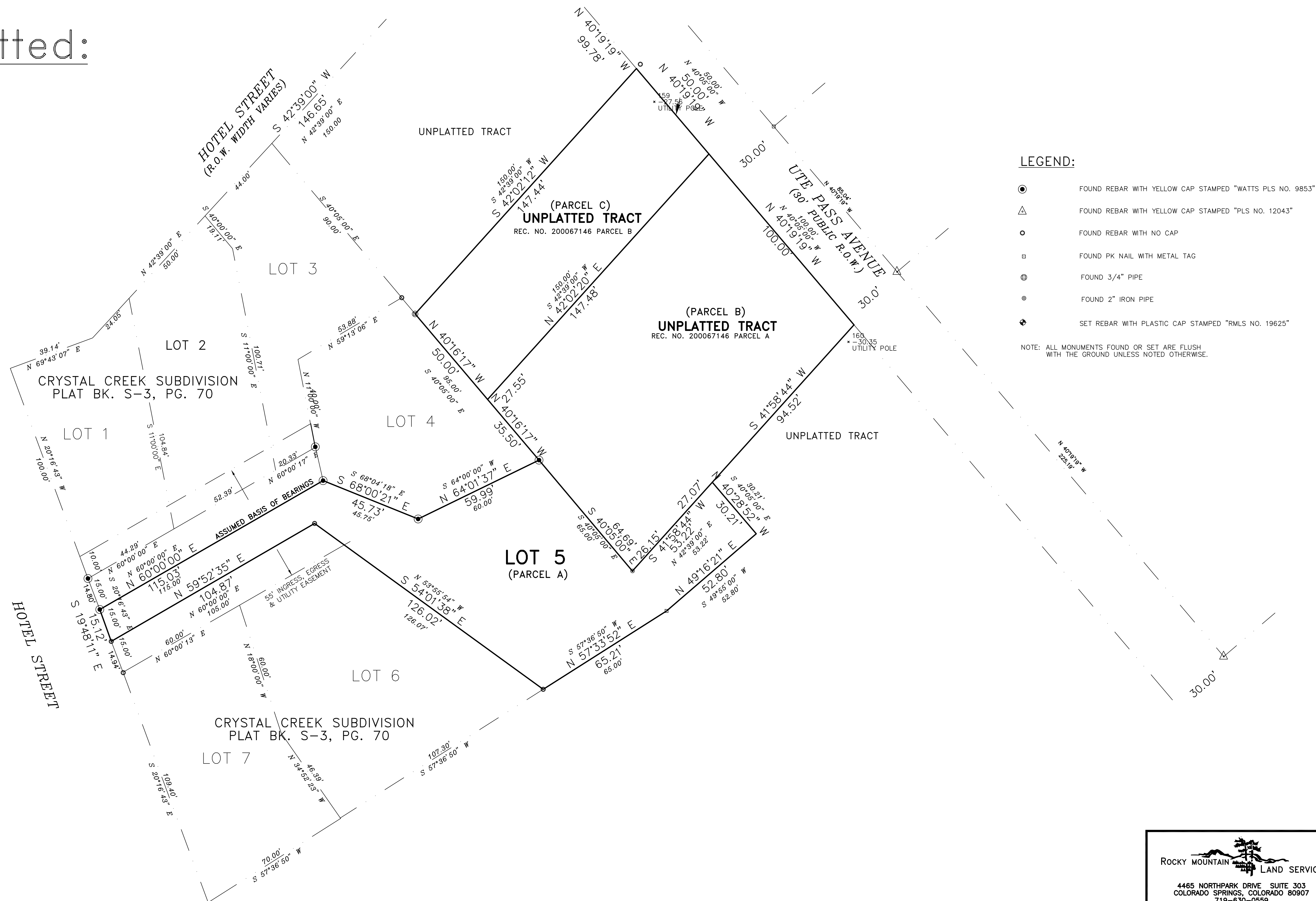


4465 NORTHPARK DRIVE SUITE 303  
COLORADO SPRINGS, COLORADO 80907  
719-630-0559




A REPLAT OF LOT 5, CRYSTAL CREEK SUBDIVISION TOGETHER WITH  
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TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE  
TOWN OF GREEN MOUNTAIN FALLS, EL PASO COUNTY, COLORADO

as platted:



0' 20' 40'



SCALE: 1" = 20'

JOB NO. 43023

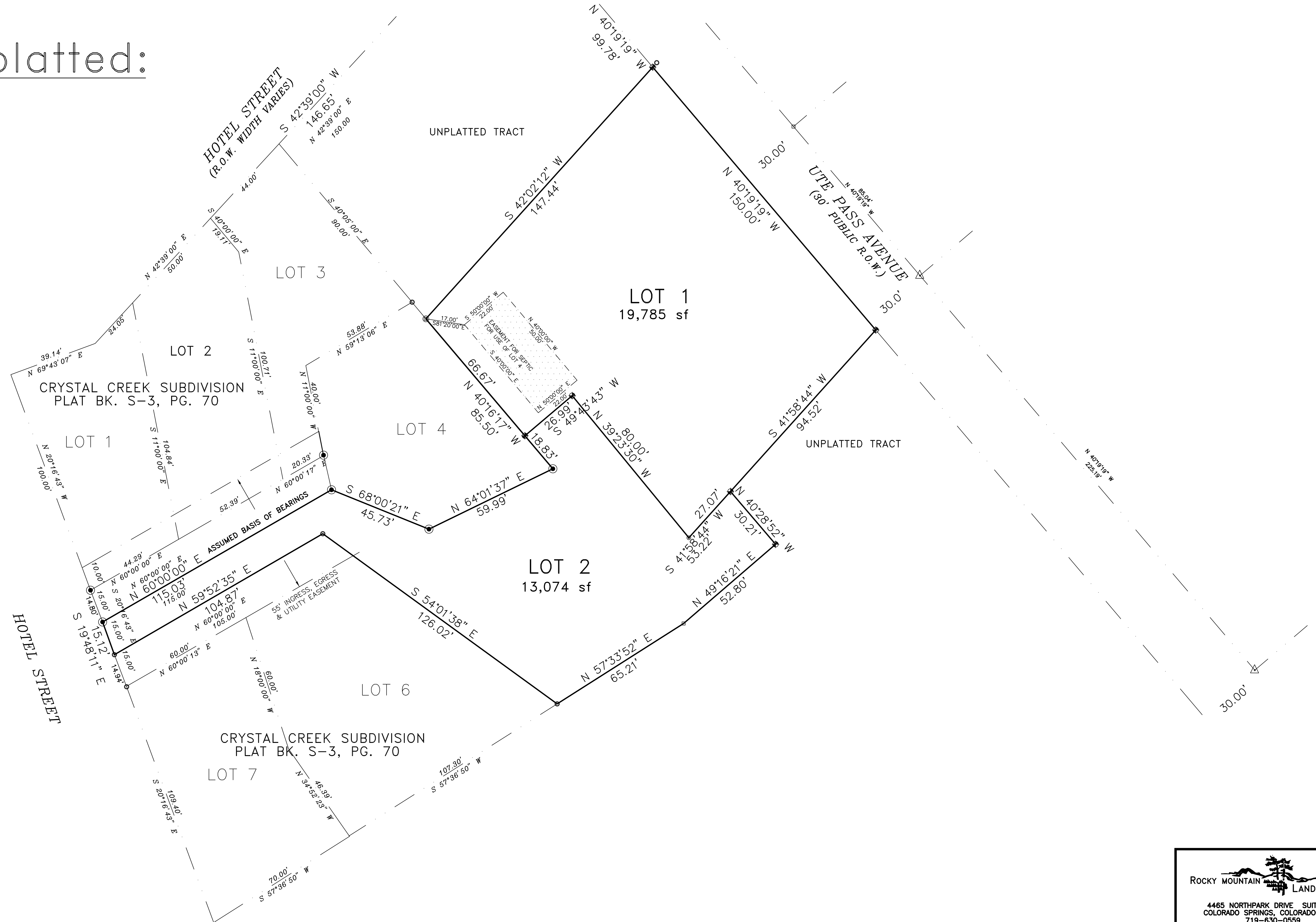
SEPTEMBER 1, 2022

page 2 of 3

# BLACK BEAR SUBDIVISION

A REPLAT OF LOT 5, CRYSTAL CREEK SUBDIVISION TOGETHER WITH  
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TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE  
TOWN OF GREEN MOUNTAIN FALLS, EL PASO COUNTY, COLORADO

as replatted:





To: Planning Commission

From: GMF Staff

Date: September 12, 2022

Re: AUG2021-01 Architectural and Zoning Application for a new deck at 6855 Hotel St.

### **Background**

The Applicants, owner Victor Matthews and contractor Krueger Brothers Construction, are requesting the Planning Commission's consideration for a new deck permit at the subject address. The application was received on Aug. 9, 2021. The construction plan has been submitted to Pikes Peak Regional Building Dept. and the contractor has obtained a Town business license.

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.

### **Discussion**

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

*Setback requirements:*

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

The electronic file maintained by Town Hall, *2019 Official Town Zoning Map*, and the El Paso County Assessor's Office show parcel ID 8308410062 as 10,920 SQ FT property.

The property is zoned R-1 10,000 Single-Family Residential, NOT within the designated Hillside Overlay Zone.

#### **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.*

Per the Town Code, a complete development plan includes:

### **Sec. 16-712. - Development plan requirements**

- (1) The location, height, and dimensions of each existing and proposed structure in the development area and the uses to be contained therein; **on site plan**
- (2) The proper building setbacks and building area with reference to property lines, highways, or street rights-of-way; **on site plan**
- (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; **N/A** and
- (12) A vicinity map to locate the development in relation to the community. **See site overview map**  
(Ord. 97-01)

### **Conclusion and Recommendation**

Staff recommends approval of this project, subject to proof of recording of the Black Bear Subdivision plat as submitted.





**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:	Krueger Brothers Construction (Jarrel Davis)
Address:	2028 Aerotech Dr
E-Mail:	brianh1@kruegerbrothers.com / jarred@kruegerbrothers.com
Phone:	719-466-1309
Owner:	Victor Matthews
Address:	6855 Hotel St.
E-mail:	chefmatthews@aol.com
Phone:	719-464-2990

**Property**



Physical Property Address:	6855 Hotel St.
Type of Plan Review:	Deck
Lot Size/Zoning:	10920 sq ft / 7 <sup>plat</sup> #6176
Hillside Overlay zone? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Land Survey/ILC Included: Yes <input type="checkbox"/> No <input checked="" 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	8/9/21
Owner Signature		Date	8-9-21
Owner Signature		Date	

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

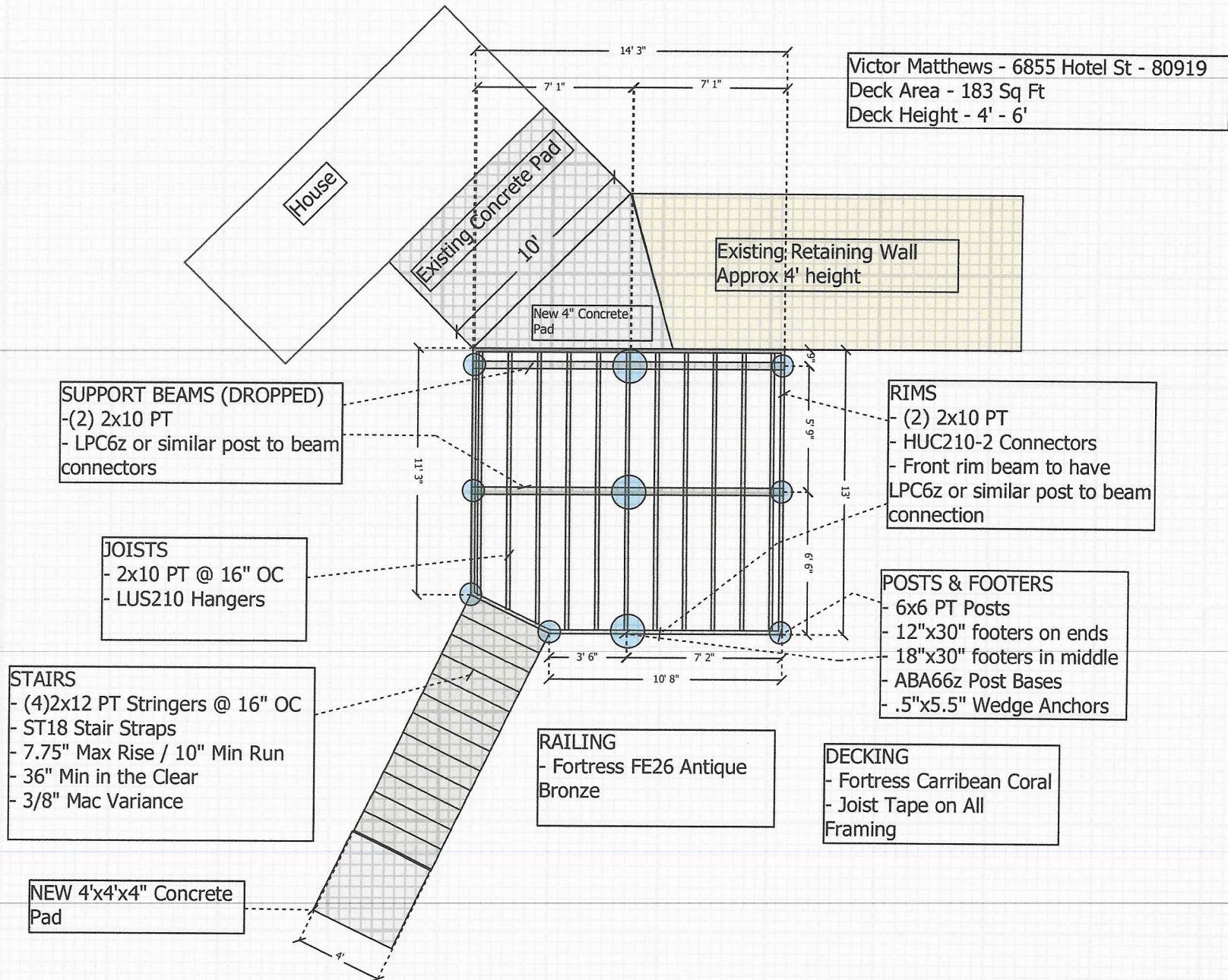
\$125 Fee paid on 8/30/21; check From Cheryl Schauer



## Google Maps 6855 Hotel St





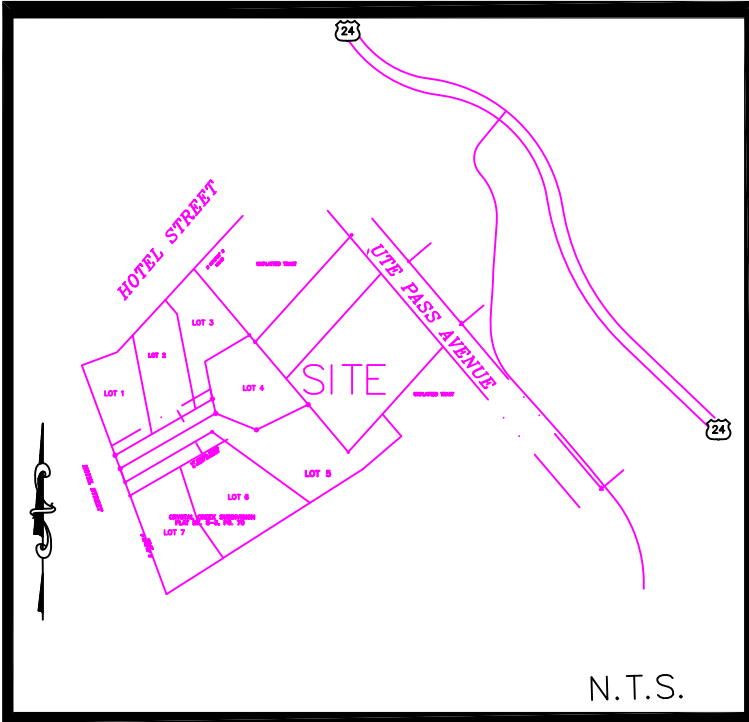


Scale: 5/32" = 1 ft

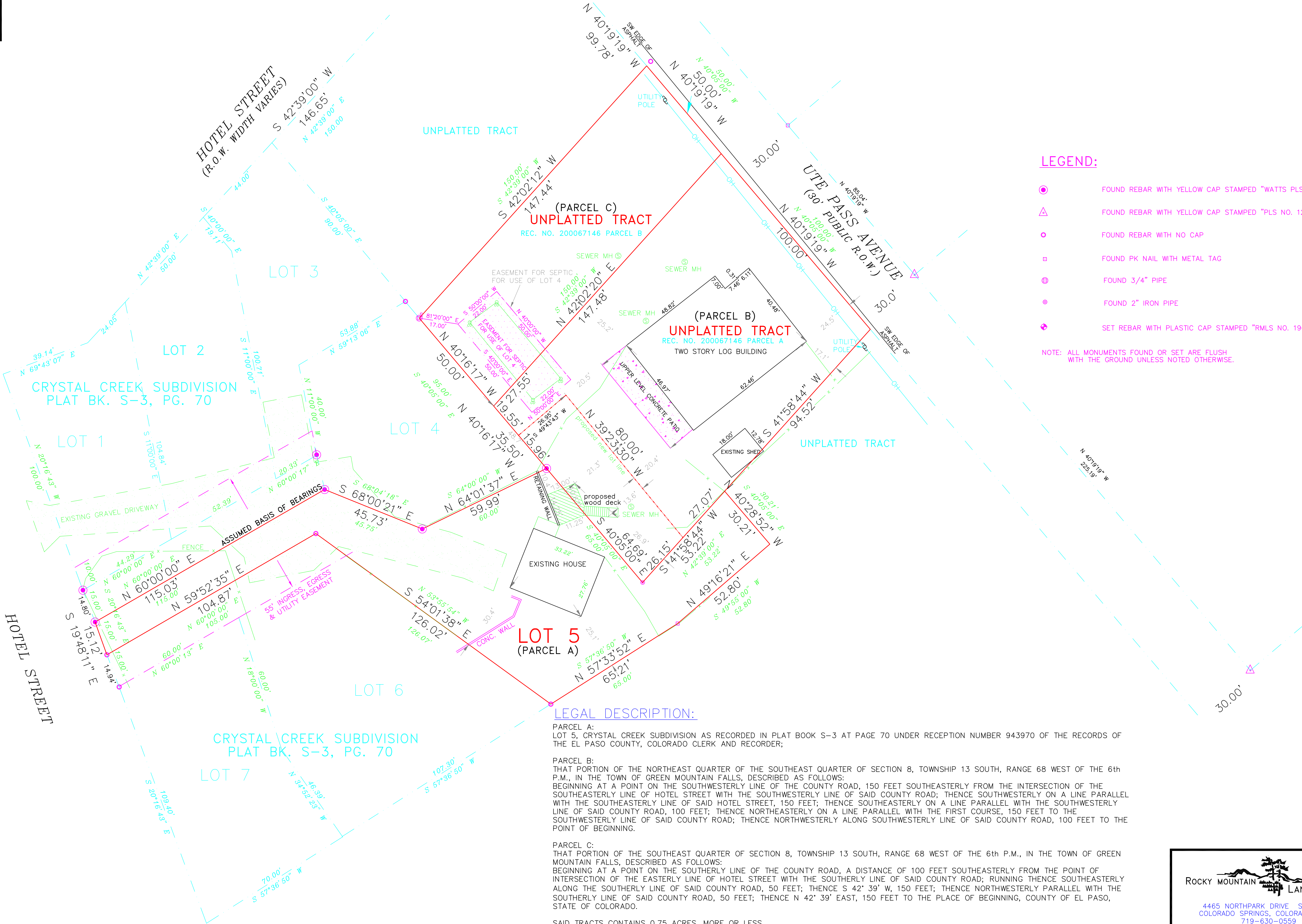


PRELIMINARY PLAT: BLACK BEAR SUBDIVISION

A REPLAT OF LOT 5, CRYSTAL CREEK SUBDIVISION TOGETHER WITH  
A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 8,  
TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE  
TOWN OF GREEN MOUNTAIN FALLS, EL PASO COUNTY, COLORADO



VICINITY MAP



LEGEND:

- FOUND REBAR WITH YELLOW CAP STAMPED "WATTS PLS NO. 9853"
- △ FOUND REBAR WITH YELLOW CAP STAMPED "PLS NO. 12043"
- FOUND REBAR WITH NO CAP
- FOUND PK NAIL WITH METAL TAG
- ⊕ FOUND 3/4" PIPE
- FOUND 2" IRON PIPE
- ✦ SET REBAR WITH PLASTIC CAP STAMPED "RMLS NO. 19625"

NOTE: ALL MONUMENTS FOUND OR SET ARE FLUSH WITH THE GROUND UNLESS NOTED OTHERWISE.

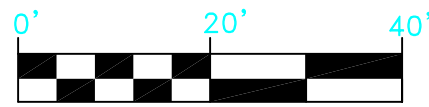
LEGAL DESCRIPTION:

PARCEL A:  
LOT 5, CRYSTAL CREEK SUBDIVISION AS RECORDED IN PLAT BOOK S-3 AT PAGE 70 UNDER RECEPTION NUMBER 943970 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER;

PARCEL B:  
THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE TOWN OF GREEN MOUNTAIN FALLS, DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF THE COUNTY ROAD, 150 FEET SOUTHEASTERLY FROM THE INTERSECTION OF THE SOUTHEASTERLY LINE OF HOTEL STREET WITH THE SOUTHWESTERLY LINE OF SAID COUNTY ROAD; THENCE SOUTHWESTERLY ON A LINE PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID HOTEL STREET, 150 FEET; THENCE SOUTHEASTERLY ON A LINE PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID COUNTY ROAD, 100 FEET; THENCE NORTHEASTERLY ON A LINE PARALLEL WITH THE FIRST COURSE, 150 FEET TO THE SOUTHWESTERLY LINE OF SAID COUNTY ROAD; THENCE NORTHWESTERLY ALONG SOUTHWESTERLY LINE OF SAID COUNTY ROAD, 100 FEET TO THE POINT OF BEGINNING.

PARCEL C:  
THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., IN THE TOWN OF GREEN MOUNTAIN FALLS, DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE COUNTY ROAD, A DISTANCE OF 100 FEET SOUTHEASTERLY FROM THE POINT OF INTERSECTION OF THE EASTERLY LINE OF HOTEL STREET WITH THE SOUTHERLY LINE OF SAID COUNTY ROAD; RUNNING THENCE SOUTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID COUNTY ROAD, 50 FEET; THENCE S 42° 39' W, 150 FEET; THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID COUNTY ROAD, 50 FEET; THENCE N 42° 39' EAST, 150 FEET TO THE PLACE OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

SAID TRACTS CONTAINS 0.75 ACRES, MORE OR LESS.



SCALE: 1" = 20'  
JOB NO. 43023  
SEPTEMBER 1, 2022



4465 NORTHPARK DRIVE, SUITE 303  
COLORADO SPRINGS, COLORADO 80907  
719-630-0559

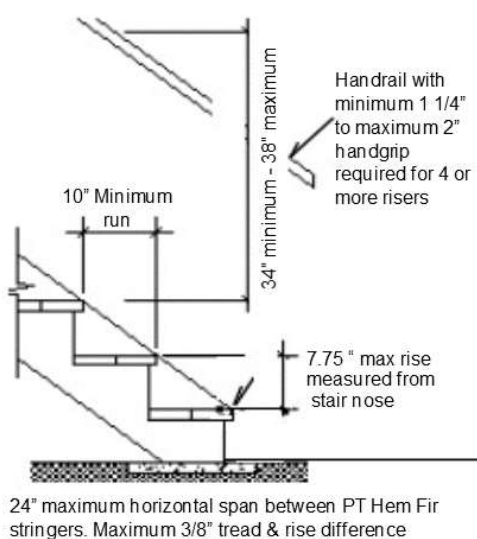
# DECK ATTACHMENT SHEET

This document is to remain with your plans at all times

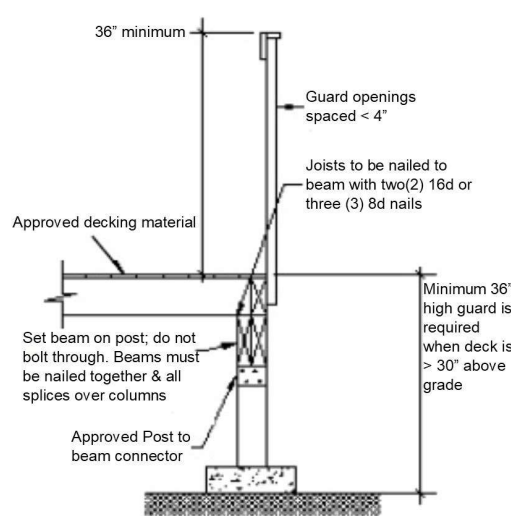
PROJECT ADDRESS: 6855 Hotel St. Green Mountain Falls, CO 80819

- | YES                      | NO                                  |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | DECK DESIGN INCLUDES A SOLID COVER OR PERGOLA STYLE COVER   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | ELECTRICAL SERVICE AND METER LOCATION MAY BE AFFECTED BY DECK, RECOMMEND DISCUSSION WITH ELECTRICAL DEPARTMENT IF YES.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | DECK SUPPORTS HOT TUB OR SPA LOADING  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | DECK IS SUPPORTED BY CANTILEVER AT HOUSE EXISTING INVERTED HANGER INSTALLATION WAS VERIFIED OR ENGINEERING WAS PROVIDED |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | WALKING SURFACE LESS THAN 18" ABOVE GRADE   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | WALKING SURFACE 8'0" OR MORE ABOVE GRADE  |

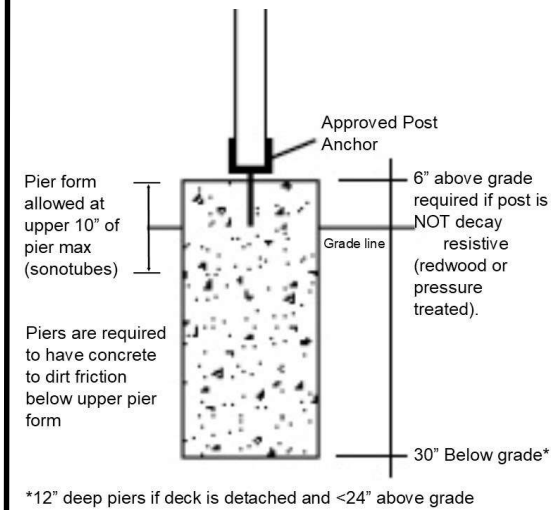
USE LISTED JOIST HANGERS TO MATCH JOIST SIZE AND PROVIDE LISTED HARDWARE AT POST CAP AND BASE.  
INSTALL ALL LISTED PRODUCTS PER THE MANUFACTURER'S RECOMMENDATIONS (USP/SIMPSON/ETC..)



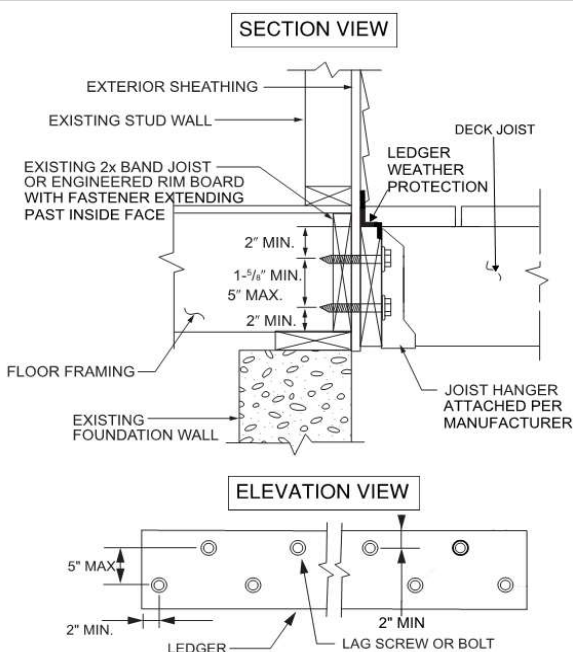
STAIR DETAILS



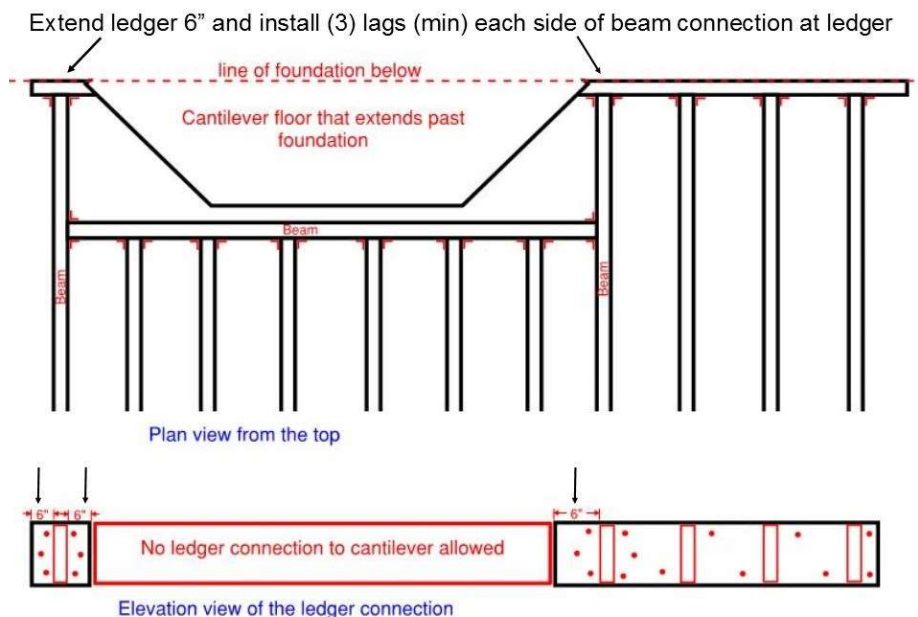
GUARD DETAILS



FOOTING DETAILS



LEDGER DETAILS



CANTILEVER DETAILS

## Green Mountain Falls

### Land Use Code Adoption Timeline

Date	Action	Comments
8/23	Kick-off rewrite project 2.0	
<i>Internal drafting; policy questions to be email to internal working group; difficult/unsettled policy issues should be scheduled for discussion with PC during a September meeting (please email Austin summary after such meeting of the direction to be taken)</i>		
10/11	Present LUC Draft to Planning Commission	This will likely include a general overview as well as a discussion of any remaining policy issues
10/18	Send revised LUC Draft to internal working group	
<i>Town conducts public engagement (Austin available as needed)</i>		
11/18	Town sends summary list of public engagement comments to Austin	
11/30	Revise draft per public engagement comments	This will be the draft that can be posted for the 12/6 meeting
12/6	Planning Commission Adoption Hearing	We should plan to do a brief presentation on the process and some of the big changes
12/9	Revise draft per PC hearing	This will be the draft that can be posted for the 12/13 meeting
12/13	Board of Trustees Adoption hearing	We should plan to do a brief presentation on the process and some of the big changes Let's also plan to discuss the effective date before this hearing, depending on how we anticipate the hearing going





## **The Town of Green Mountain Falls**

P.O. Box 524, 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819  
(719) 684-9414 [www.gmfco.us](http://www.gmfco.us)

To: Planning Commission  
From: Nate Scott, Town Clerk/Treasurer/Planner  
Re: Land Use Code Rewrite update, September 9, 2022

### **Land Use Code Rewrite update**

From Austin Flanagan on 9/8/22:

Kathy (office manager) informed me that I've billed just under 18 hours on the Code Project thus far (from invoice: 17.9 hours = \$3,490.50; \$195/hour). I've finished Articles I-III and about halfway through the development standards. Still have to work through the procedures and definitions. My preference is to present the changes to the Town before sending a draft – I've found that it saves every one time to do so, however, if you'd like to see where things stand, I'm happy to send you a copy of the draft.

**From:** [Austin Pierce Flanagan](#)  
**To:** [lamar@falconpartnersltd.com](mailto:lamar@falconpartnersltd.com)  
**Cc:** [lisabonwell@gmail.com](mailto:lisabonwell@gmail.com); [Town Clerk](#); [Becky Frank](#)  
**Subject:** RE: question  
**Date:** Monday, September 12, 2022 9:00:59 AM  
**Attachments:** [District and Uses Table.pdf](#)

---

I will almost certainly continue to tweak things and do a bunch more clean up so I'm hesitant to send this along, but the first big issue to discuss will be whether the district lineup will work well for the Town and relatedly how that translates into the allowed uses. I'm always hesitant to send this along to big groups before I have a chance to present on it, but this will be the first big item of discussion. If you do discuss tomorrow, please do caveat that this is still subject to further refinements from my end and that this is just the district lineup and allowed uses tables from each of those chapters. As I will explain when I present to the Commission, I'm basing everything off of a combo of your current Code and the Code that the consultant previously prepared for you and modifying with an eye toward simplicity and for a rural mountain Town. You'll notice that the allowed uses align, more or less, with the comments the Commission provided to the consultant. My approach is to give you a very simplified and concise Code and through our discussions/revisions I anticipate additional layers of complexity could be added.

Austin Pierce Flanagan, Esq.  
Hoffmann, Parker, Wilson & Carberry, P.C.  
511 16<sup>th</sup> Street, Suite 610  
Denver, CO 80202  
[apflanagan@hpwclaw.com](mailto:apflanagan@hpwclaw.com)  
(720) 376-6502

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**From:** Lamar Mathews <[lamar@falconpartnersltd.com](mailto:lamar@falconpartnersltd.com)>  
**Sent:** Monday, September 12, 2022 8:29 AM  
**To:** Austin Pierce Flanagan <[apflanagan@hpwclaw.com](mailto:apflanagan@hpwclaw.com)>  
**Cc:** [lisabonwell@gmail.com](mailto:lisabonwell@gmail.com)  
**Subject:** RE: question

Did you provide Nate with the issues that we need to decide so far? I'd love a list of those for tomorrow so we can stay ahead of you if possible.

---

**From:** Austin Pierce Flanagan <[apflanagan@hpwclaw.com](mailto:apflanagan@hpwclaw.com)>  
**Sent:** Monday, September 12, 2022 8:27 AM  
**To:** Lamar Mathews <[lamar@falconpartnersltd.com](mailto:lamar@falconpartnersltd.com)>  
**Cc:** [lisabonwell@gmail.com](mailto:lisabonwell@gmail.com)  
**Subject:** RE: question

Good Morning Lamar,

I gave Nate a brief overview on where things stand and I believe he'll be doing a recap tomorrow for

you all. I'm making good progress. I've just finished going through the development standards and have the procedures and definitions remaining. I'll plan to check in with you before the October presentation to go over some of the remaining issues I've flagged.

Thanks,

Austin Pierce Flanagan, Esq.  
Hoffmann, Parker, Wilson & Carberry, P.C.  
511 16<sup>th</sup> Street, Suite 610  
Denver, CO 80202  
[apflanagan@hpwclaw.com](mailto:apflanagan@hpwclaw.com)  
(720) 376-6502

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**From:** Lamar Mathews <[lamar@falconpartnersltd.com](mailto:lamar@falconpartnersltd.com)>  
**Sent:** Sunday, September 11, 2022 8:46 PM  
**To:** Austin Pierce Flanagan <[apflanagan@hpwclaw.com](mailto:apflanagan@hpwclaw.com)>  
**Cc:** [lisabonwell@gmail.com](mailto:lisabonwell@gmail.com)  
**Subject:** RE: question

Austin,

We have our PC meeting on Tuesday this week. Do you have a draft or anything I can show them?  
Any questions for us?

Many thanks,  
Lamar Mathews  
Cell: 713 851 1304

---

**From:** Austin Pierce Flanagan <[apflanagan@hpwclaw.com](mailto:apflanagan@hpwclaw.com)>  
**Sent:** Friday, August 26, 2022 9:36 AM  
**To:** Lamar Mathews <[lamar@falconpartnersltd.com](mailto:lamar@falconpartnersltd.com)>  
**Subject:** RE: question

Yes, we can include a setback from any waterway, including seasonal streams. As an aside, I would note that the neighbor with the fence is potentially causing a nuisance so the Town could likely enforce with/without a provision in the Land Use Code in this instance.

Austin Pierce Flanagan, Esq.  
Hoffmann, Parker, Wilson & Carberry, P.C.  
511 16<sup>th</sup> Street, Suite 610



Denver, CO 80202

[apflanagan@hpwclaw.com](mailto:apflanagan@hpwclaw.com)

(720) 376-6502

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**From:** Lamar Mathews <[lamar@falconpartnersltd.com](mailto:lamar@falconpartnersltd.com)>

**Sent:** Friday, August 26, 2022 9:32 AM

**To:** Austin Pierce Flanagan <[apflanagan@hpwclaw.com](mailto:apflanagan@hpwclaw.com)>

**Subject:** question

Can we include something in our land use code about free flowing water? We have a situation where a resident has placed a fence over and in (depending upon how high the water is or isn't ) a stream behind their home. When we have heavy rains or flooding the debris gets caught in the fence and floods the neighbor's property as a result. What would you recommend including in code to address this?

Thank you,

Lamar Mathews

Cell: 713 851 1304

**Table 2-1: Zoning Districts**

<b>Zoning District</b>	<b>Purpose Statement</b>
R-1 – Low-Density Residential <sup>1</sup>	The R-1 district is intended to accommodate low-density residential uses with complementary accessory uses. It is further intended that such a development be served with institutional uses and community facilities compatible with the character of the zone.
R-2 – Medium-Density Residential <sup>2</sup>	The R-2 district is intended to accommodate medium-density residential uses with a range of accessory, institutional, and community facility uses.
MX-1 – Mixed Use <sup>3</sup>	The MX-1 district is intended to accommodate primarily commercial and institutional uses with limited residential uses at a neighborhood scale.
O – Open Space <sup>4</sup>	The O district is intended to preserve a regional greenbelt of open space land, protect and restore the natural environment, and provide opportunities for public recreational enjoyment and education.
PUD – Planned Unit Development <sup>5</sup>	The PUD district is intended to encourage imaginative concepts in urban design and land development and grant substantial additional benefit to the Town that would not otherwise be required by this LUC.
DV-O – Downtown Village Overlay <sup>6</sup>	The DV-O district is intended to promote a more expansive and vibrant downtown area oriented for pedestrian use with high-quality architecture.
HP-O – Historic Preservation Overlay <sup>7</sup>	The HP-O District is intended to protect, preserve, and enhance structures of cultural, social, economic, political, architectural, or historic significance.

**Table 3-1: Permitted Uses Table**

**X = use by right; C = conditional use; A = accessory use; T = temporary use; Blank cell = prohibited; Uses with an \* = use-specific standards apply**

<b>Zoning Districts</b>	<b>R-1</b>	<b>R-2</b>	<b>MX-1</b>	<b>O</b>	<b>Use-Specific Standards</b>
<b>Residential Uses</b>					
Dwelling, Single Family Detached	<b>X</b>	<b>X</b>			
Dwelling, Attached	<b>X</b>	<b>X</b>			

<sup>1</sup> Combination of current R-1 and 5-A districts. It would lower the five-acre minimum lot size requirement substantially and broaden the district to a variety of low-density residential uses.

<sup>2</sup> Carry over of current R-2 district.

<sup>3</sup> Combination of current B and PF districts. It would create a broader district that can be used for a variety of mixed-use developments.

<sup>4</sup> Renaming of current PL district to allow both public and private open space in the same district.

<sup>5</sup> Carry over of current PUD district.

<sup>6</sup> New overlay to promote comprehensive plan goals.

<sup>7</sup> New overlay to map historic preservation properties.

**Table 3-1: Permitted Uses Table**

**X = use by right; C = conditional use; A = accessory use; T = temporary use; Blank cell = prohibited; Uses with an \* = use-specific standards apply**

<b>Zoning Districts</b>	<b>R-1</b>	<b>R-2</b>	<b>MX-1</b>	<b>O</b>	<b>Use-Specific Standards</b>
Dwelling, Duplex	<b>X</b>	<b>X</b>	<b>C</b>		
Dwelling, Triplex	<b>X</b>	<b>X</b>	<b>C</b>		
Dwelling, Fourplex		<b>X</b>	<b>C</b>		
Dwelling, Multifamily		<b>X</b>	<b>C</b>		
Group Home, Large		<b>C</b>	<b>C</b>		
Group Home, Small		<b>X</b>	<b>C</b>		
Manufactured Home Park*		<b>C</b>			III.B.1.a)
Nursing Home		<b>X</b>			
<b>Public, Institutional, and Civic Uses</b>					
Art Gallery, Museum, and Library			<b>X</b>		
Community Center		<b>C</b>	<b>X</b>		
Community Garden*	<b>X</b>	<b>X</b>	<b>X</b>		III.B.2.a)
Day Care Facility			<b>X</b>		
Funeral Home			<b>X</b>		
Medical Facility			<b>X</b>		
Parks and Open Space	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	
Places of Worship	<b>X</b>	<b>X</b>	<b>X</b>		
School		<b>C</b>	<b>X</b>		
<b>Commercial Uses</b>					
Adult Entertainment*			<b>C</b>		III.B.3.a)
Animal Shelter			<b>X</b>		
Automotive Center and Services			<b>C</b>		
Bar or Brewery			<b>X</b>		



**Table 3-1: Permitted Uses Table**

**X = use by right; C = conditional use; A = accessory use; T = temporary use; Blank cell = prohibited; Uses with an \* = use-specific standards apply**

<b>Zoning Districts</b>	<b>R-1</b>	<b>R-2</b>	<b>MX-1</b>	<b>O</b>	<b>Use-Specific Standards</b>
Bed and Breakfast			X		
Business or Personal Service			X		
Fast Food Restaurant			X		
Fueling Station			X		
Hotel or Motel			X		
Indoor Entertainment or Recreation			X		
Office			X		
Outdoor Entertainment or Recreation			X		
Parking Garage			X		
Parking Lot			X		
Retail, Small		C	X		
Retail, Large			X		
Restaurant		C	X		
Self Service Storage Facility			C		
Veterinary and Animal Services			X		
<b>Utility, Communication, and Energy Uses</b>					
Commercial Wireless Telecommunications Service			C		
Communication Tower			C		
Utility, Major			C		
Utility, Minor	C	C	P		
Solar Collector, Ground- or Building-Mounted*	A	A	A		III.B.5.a)
Wind Energy Conversion System, Ground- or	A	A	A		III.B.5.b)

**Table 3-1: Permitted Uses Table**

**X = use by right; C = conditional use; A = accessory use; T = temporary use; Blank cell = prohibited; Uses with an \* = use-specific standards apply**

<b>Zoning Districts</b>	<b>R-1</b>	<b>R-2</b>	<b>MX-1</b>	<b>O</b>	<b>Use-Specific Standards</b>
Building-Mounted*					
<b>Accessory Uses and Structures</b>					
Accessory Dwelling Unit*	<b>A</b>	<b>A</b>	<b>A</b>		III.B.6.a)
Drive-in Facility			<b>A</b>		
Electric Vehicle Charging Station		<b>A</b>	<b>A</b>		
Greenhouse	<b>A</b>	<b>A</b>			
Home Occupation*	<b>A</b>	<b>A</b>	<b>A</b>		III.B.6.b)
Outdoor Eating Area*		<b>A</b>	<b>A</b>		
Urban Agriculture	<b>A</b>	<b>A</b>	<b>A</b>		
Recreational Vehicle Parking		<b>A</b>			
Short-Term Rental*	<b>A</b>	<b>A</b>	<b>A</b>		
<b>Temporary Uses</b>					
Carnival or Festival*			<b>T</b>		III.B.6.c)
Food Truck			<b>T</b>		
Garage Sale	<b>T</b>	<b>T</b>			
Seasonal Sales			<b>T</b>		