



Town of Green Mountain Falls

Board of Trustees Regular Meeting Agenda

10615 Green Mountain Falls Road

Green Mountain Falls, CO 80819

Tuesday, December 13, 2022, at 7:00pm

Public Work Session prior to meeting at 6:00pm

In-person* or via Zoom**:

<https://us02web.zoom.us/j/84626642443?pwd=dnhGdjDa0o1VWxHRjFxclltUmVwdz09>

Meeting ID: 846 2664 2443; Passcode: 544654; Dial-in: 346-248-7799

REGULAR MEETING:

TIME:		ITEM	DESIRED OUTCOME
6:00pm		Budget Work Session	Information Only
7:00pm	1.	CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE	
	2.	ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA	BOT Action Desired
	3.	PUBLIC COMMENT: 3 MINUTES PER SPEAKER	Public Comment
	4.	CONSENT AGENDA: a. Minutes from November 29, 2022, Board of Trustees Meeting	BOT Action Desired
	5.	Land Use Code Rewrite: a. Final Draft Presentation – Austin Flanagan b. Public Hearing c. Ordinance 2022-03 – Approval of the Land Use Code as Presented	BOT Action Desired
	6.	Resolution 2022-11; Levying General Property Taxes for the year 2022, to Help Defray the Costs of Government for the Town of Green Mountain Falls, Colorado, for the 2023 Budget Year	BOT Action Desired
	7.	Resolution 2022-12; Summarizing Revenues and Expenditures for each Fund and Adoption of the Town of Green Mountain Falls 2023 Budget	BOT Action Desired
	8.	Resolution 2022-13; Adopting the 2023 Fee Schedule for the Town of Green Mountain Falls	BOT Action Desired
	9.	Audit Engagement Letter – Logan and Associates	BOT Action Desired
	10.	Town Attorney Engagement Letter – Hoffman, Parker, Wilson, & Carberry, P.C.	BOT Action Desired
	11.	Resolution 2022-14; Appointment of Town Officers	BOT Action Desired
	12.	Recommendation from the Fire Mitigation Advisory Committee: Mitigation of Undeveloped Town Rights-of-Way	BOT Action Desired
	13.	REPORTS a. Trustees b. Committees c. Staff	Information Only
	14.	CORRESPONDENCE	Information Only

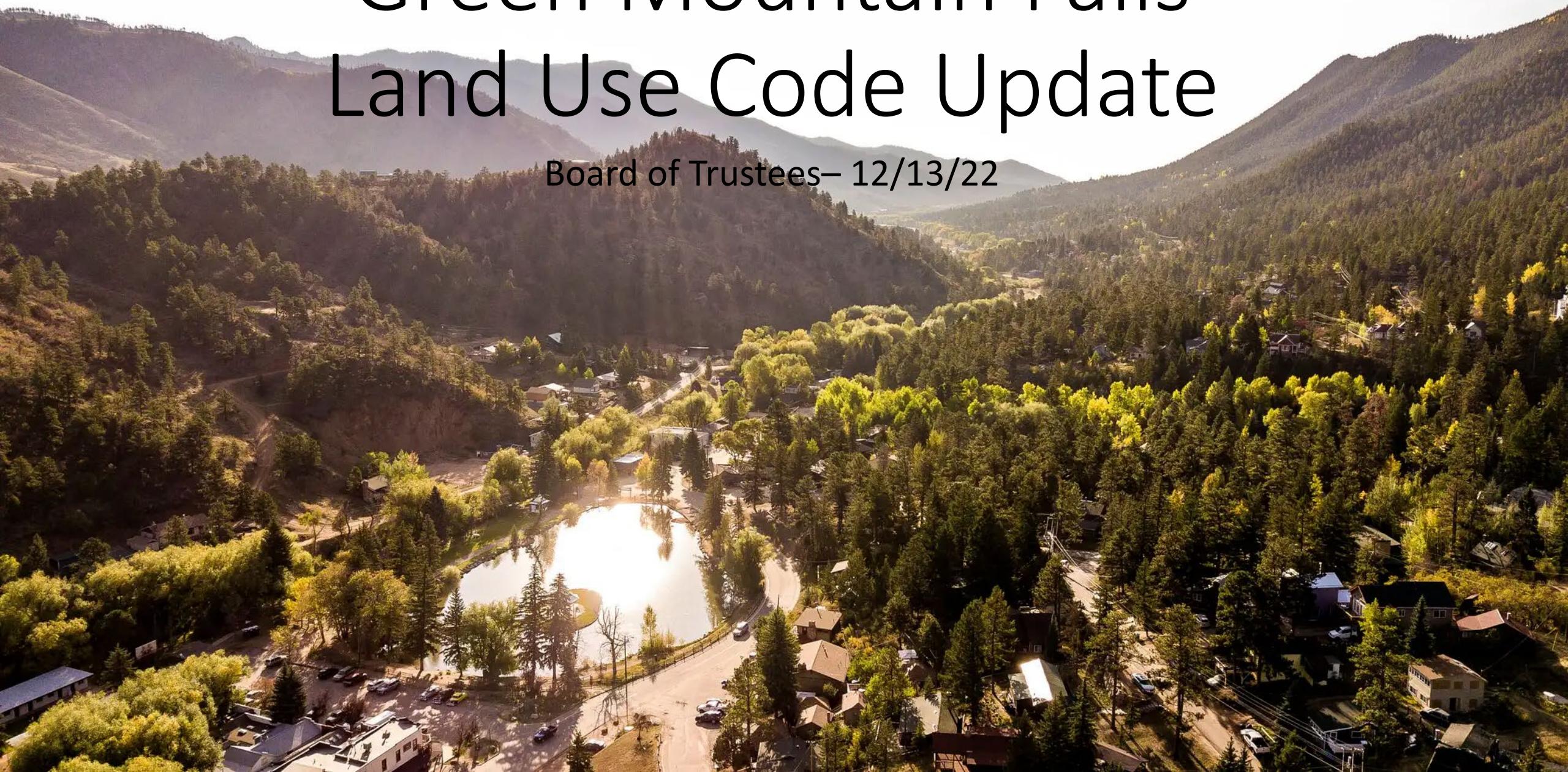
15.	ADJOURN	
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*The Town shall provide reasonable accommodation for those with disabilities on a case-by-case basis. Please send accommodation requests to clerk@gmfco.us by 4pm on the date of the meeting.

**Zoom meeting will start when the regular meeting is called to order. Public Comment for Zoom participants is restricted to live comment during Item #3 only. Commenters should be prepared to use the “raise hand” function to be called upon. Chat comments will not be managed or responded to.

Green Mountain Falls Land Use Code Update

Board of Trustees– 12/13/22



Project Overview

Draft LUC Draft:
Complete

Present Draft to
Planning
Commission:
Complete

Planning
Commission Sends
Redlines to Austin:
Complete

Revised Draft:
Complete

Town Conducts
Public
Engagement:
Complete

Town Sends Public
Comments to
Austin: **Complete**

Revised Draft:
Complete

Planning
Commission
Adoption Hearing:
Complete

Revised Draft:
Complete

Board of Trustees
Adoption Hearing:
Today!





New Organization

General
Provisions

Districts

Uses

Dimensional &
Development
Standards

Administration
& Review
Procedures

Definitions

General Provisions

- Applicability
 - Applies to all buildings, structures, and uses in the Town
 - To everything currently in existence, no requirement to come into conformance with new Code
 - EX: short-term rentals



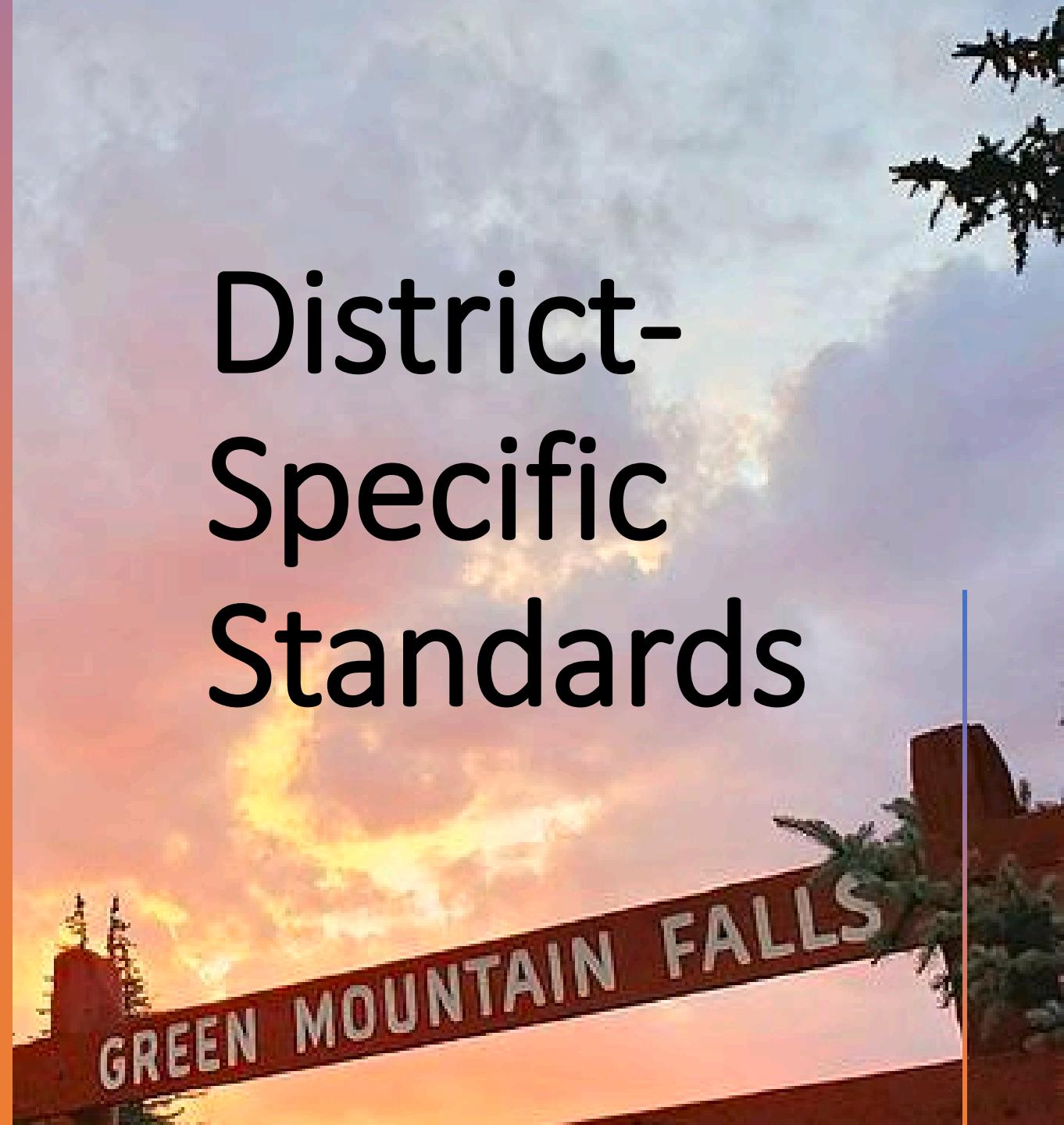
Districts

Table 2-1: Zoning Districts

Zoning District	Purpose Statement
R-1 – Low-Density Residential ¹	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 ²	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 ³	The MX-1 district is intended to accommodate primarily commercial and institutional uses with <u>limited residential uses at a neighborhood scale</u> .
O – Open Space ⁴	The O district is intended to preserve a regional greenbelt of open space land, <u>protect and restore the natural environment, and provide opportunities for public recreational enjoyment and education</u> .
PUD – Planned Unit Development ⁵	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 ⁶	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 ⁷	The HP-O District is intended to protect, preserve, and enhance structures of cultural, social, economic, political, architectural, or historic significance.



- + DV-O, Downtown Village Overlay
 - Only applies upon a property owner requesting a rezoning
 - New standards that are one-part incentives and one-part additional design requirements
 - Promote goals in Comp Plan related to spurring additional pedestrian-oriented, high-quality development downtown
 - Reduction in required parking
 - Require:
 - Projections, recessions, or reveals such as columns, pilasters, cornices, and bays;
 - Change in texture and/or masonry patterns; and/or
 - Awnings or canopies extending at least four feet beyond the building face



District-Specific Standards

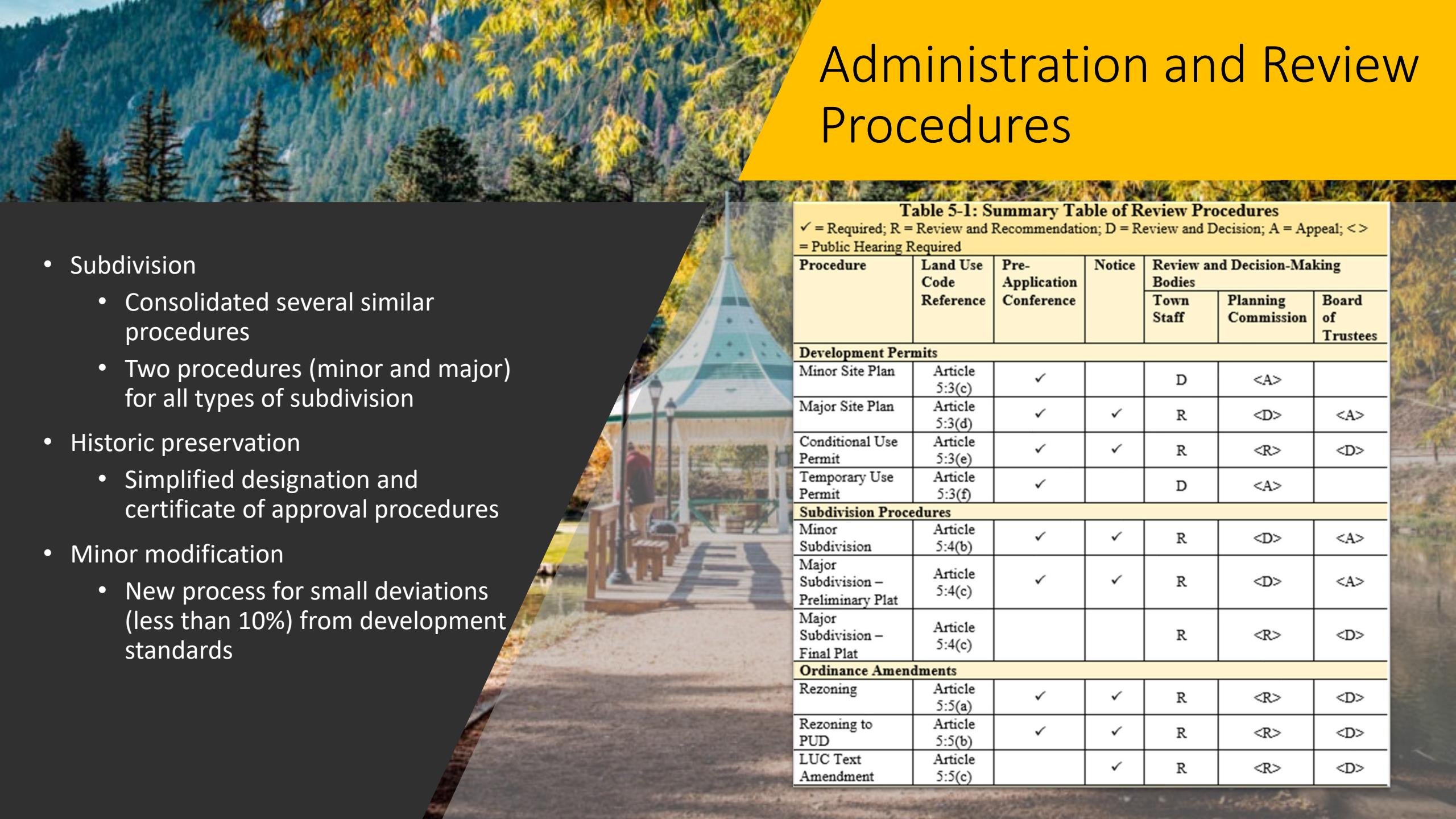
Uses

- New use table
- Consolidated uses
- All uses defined
- Use-specific standards added to minimize impacts of certain uses



Public, Institutional, and Civic Uses

Art Gallery, Museum, and Library			X	C	
Community Center		C	X		
Community Garden*	C	C	X	C	Article 3:3(b)j
Day Care Facility			C		
Funeral Home			C		
Medical Facility			C		
Parks and Open Space	X	X	X	X	
Places of Worship	X	X	X		
School			C	C	



Administration and Review Procedures

- Subdivision
 - Consolidated several similar procedures
 - Two procedures (minor and major) for all types of subdivision
- Historic preservation
 - Simplified designation and certificate of approval procedures
- Minor modification
 - New process for small deviations (less than 10%) from development standards

Table 5-1: Summary Table of Review Procedures
✓ = Required; R = Review and Recommendation; D = Review and Decision; A = Appeal; <> = Public Hearing Required

Procedure	Land Use Code Reference	Pre-Application Conference	Notice	Review and Decision-Making Bodies		
				Town Staff	Planning Commission	Board of Trustees
Development Permits						
Minor Site Plan	Article 5:3(c)	✓		D	<A>	
Major Site Plan	Article 5:3(d)	✓	✓	R	<D>	<A>
Conditional Use Permit	Article 5:3(e)	✓	✓	R	<R>	<D>
Temporary Use Permit	Article 5:3(f)	✓		D	<A>	
Subdivision Procedures						
Minor Subdivision	Article 5:4(b)	✓	✓	R	<D>	<A>
Major Subdivision – Preliminary Plat	Article 5:4(c)	✓	✓	R	<D>	<A>
Major Subdivision – Final Plat	Article 5:4(c)			R	<R>	<D>
Ordinance Amendments						
Rezoning	Article 5:5(a)	✓	✓	R	<R>	<D>
Rezoning to PUD	Article 5:5(b)	✓	✓	R	<R>	<D>
LUC Text Amendment	Article 5:5(c)		✓	R	<R>	<D>

Questions & Comments



TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS REPEALING CHAPTERS 16 AND 17 AND REPLACING THEM WITH A NEW CHAPTER 12 OF THE GREEN MOUNTAIN FALLS MUNICIPAL CODE

WHEREAS, the Town desires to amend its Land Use Code, which has not been comprehensively updated for several years; and

WHEREAS, the Planning Commission of the Town of Green Mountain Falls passed Resolution PC2022-01 at its December 6, 2022 meeting recommending this amendment; and

WHEREAS, the Board of Trustees finds that it is desirable and necessary that these chapters of the Municipal Code be repealed and replaced.

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

Section 1. Chapters 16 and 17 of the Green Mountain Falls Municipal Code are hereby repealed in their entirety and replaced in accordance with the attached **Exhibit A**, a new Chapter 12 – Land Use Code.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

Section 4. Effective Date. This Ordinance shall become effective 30 days after publication.

ADOPTED AND ORDERED PUBLISHED the 13th day of December 2022, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado 80819.

Todd Dixon, Mayor

ATTEST:

Nate Scott, Town Clerk/Treasurer

To be published in the Pike Peaks Courier on December 21, 2022.

Green Mountain Falls
Land Use Code
December 2022 Adoption Draft

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Chapter 12: Land Use Code

Article 1: General Provisions

1. Applicability

After the effective date of this Land Use Code, all buildings, structures, and any portion thereof, and uses of land, whether existing or established after the effective date, shall be subject to the provisions of this Land Use Code, subject to the nonconformity provisions in Article 5:8.

2. Title and Short Title

This Chapter, as amended from time to time, shall be known and may be cited as the Town of Green Mountain Falls Land Use Code. It may also be referred to within this document as the "Land Use Code," "LUC," "Chapter 12," or "this Chapter."

3. Effective Date

This Chapter shall become effective on [insert].

4. Severability

If any of the provisions of this Land Use Code are declared invalid, the other provisions shall remain in full force and effect.

5. Official Zoning Map

(a) The location and boundaries of the zoning districts are hereby established on a map entitled "Official Zoning Map," as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this Land Use Code.

(b) The Official Zoning Map shall be available on the Town's Website.

6. Transition Rules

(a) Development Approvals

i. Any development approved under regulations in effect prior to the effective date of this Chapter may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of this Chapter regarding ongoing operations and maintenance.

ii. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Chapter.

(b) Pending Applications

A development application that has been determined and documented to be complete pursuant to Staff, prior to the effective date of this Chapter may be decided under the regulations in effect when the application was determined to be complete or may be reviewed and decided under this

Chapter at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Chapter.

(c) Prior Violations

- i. If a development or activity in violation of the prior development regulations fully complies with this Chapter, it shall no longer be deemed a violation.
- ii. Unpaid fees and/or penalties from prior enforcement of violations are still valid and shall remain the responsibility of the violator under the prior regulations, unless otherwise waived by the Town.

Article 2: Districts

1. Zoning Districts

Zoning districts and associated purpose statements are established as shown in Table 2-1.

Table 2-1: Zoning Districts

Zoning District	Purpose Statement
R-1 – Low-Density Residential ¹	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 ²	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 ³	The MX-1 district is intended to accommodate primarily commercial and institutional uses with limited residential uses at a neighborhood scale.
O – Open Space ⁴	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 ⁵	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 ⁶	The DV-O district is intended to promote a more expansive and vibrant downtown area oriented for pedestrian use with high-quality architecture.

¹ 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.

² Carry over of current R-2 district.

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

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

⁵ Carry over of current PUD district.

⁶ New overlay to promote comprehensive plan goals.

Table 2-1: Zoning Districts

Zoning District	Purpose Statement
HP-O – Historic Preservation Overlay ⁷	<p>The HP-O District is intended to protect, preserve, and enhance structures of cultural, social, economic, political, architectural, or historic significance.</p>

2. District-Specific Standards

(a) DV-O, Downtown Village Overlay⁸

i. Application Submittal

The DV-O shall only apply upon a record owners' submittal of an application to rezone into the DV-O.

ii. Standards

The following standards shall apply to all new development in the DV-O district.

(1) Parking

Developments in the DV-O district that contain at least 50 percent commercial uses may reduce the amount of parking required in Article 4:7 by 25 percent.

(2) Maximum Height

Developments in the DV-O district that contain at least 50 percent commercial uses may exceed the maximum height requirements in Article 4:1 by an additional 12 feet.

(3) Pedestrian-Orientated Site Features

(a) To the maximum extent practicable, the area located outside of the right-of-way between a building and a street shall promote visual and pedestrian access onto the site and provide pedestrian-oriented amenities and landscaping to enhance the patron's or public's use of the space for passive activities such as resting, reading, and/or eating.

(b) At least one primary pedestrian entrance shall be provided for every façade facing a street.

(4) Design

(a) Primary buildings shall be constructed of high quality, durable materials including but not limited to stone, brick, masonry, or wood.

⁷ New overlay to map historic preservation properties.

⁸ These standards are one part incentives and one part additional design requirements that seek to achieve the goals in the Comp Plan related to spurring additional pedestrian-oriented, high-quality development downtown.

- (b) The use of asphalt shingles, imitation stone, imitation brick, exterior insulation finish systems (EIFS), or vinyl siding is prohibited on any street-facing building façade.
- (c) Each street-facing façade, regardless of exterior wall plane setback, shall incorporate two or more of the following elements for every 60 horizontal feet:
 - (i) Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of six inches in depth;
 - (ii) Change in texture and/or masonry patterns; and/or
 - (iii) Awnings or canopies extending at least four feet beyond the building face with a minimum vertical clearance of nine feet above the sidewalk. Glowing awnings (backlit, light showing through the material) are not permitted.

(b) HP-O, Historic Preservation Overlay

- i. Design Standards

The Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, a section of the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 C.F.R. Part 68, 1995), shall be hereby adopted and be design requirements for the HP-O district, excepting any standards relating to aesthetic paint color schemes.

- ii. Maintenance Requirements

- (1) The City intends to preserve from deliberate or inadvertent neglect the exterior portions of designated properties and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion.
- (2) No owner, lessee, or occupant of any historically designated property shall fail to prevent significant deterioration of the exterior of the structure or special feature beyond the condition of the structure on the effective date of the designating ordinance.

Article 3: Uses

1. Permitted Uses Table

- (a) A "X" in a cell of the Permitted Use Table indicates that the use is permitted by right in that zoning district, subject to compliance with any Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

- (b) A "C" in a cell of the Permitted Use Table indicates that the use is permitted only after the petitioner obtains Conditional Use approval pursuant to Article 5:3(d), and subject to any Use-Specific Standards cross-referenced in the right-hand column of that line of the table.
- (c) An "A" in a cell of the Permitted Use Table indicates that the use is permitted as an accessory use only in support of a permitted use on the site, and subject to any Use-Specific Standards cross-referenced in the right-hand column of that line of the table.
- (d) A "T" in a cell of the Permitted Use Table indicates that the use is permitted as a temporary use only after a temporary use permit is obtained pursuant to Article 5:3(f), and subject to any Use-Specific Standards cross-referenced in the right-hand column of that line of the table.
- (e) An "*" indicates that a Use-Specific Standard cross-referenced in the right-hand column of the table applies to the use.
- (f) A blank cell in the Permitted Use Table indicates that the use is not allowed in that zoning district.
- (g) When a proposed land use is not explicitly listed in Table 3-1: Permitted Use Table, the use is not permitted in any district.

2. Unlisted Uses

When a proposed primary, accessory, or temporary land use is not explicitly listed in the Permitted Uses Table, the use is not permitted in the Town, unless Staff determines that it is included in the definition of a listed use or is so similar to a listed use that it shall be treated as the same use. Staff shall make that determination based on a comparison of the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use with other uses listed in the Permitted Uses Table. Staff's interpretation shall be made available to the public and shall be binding on future decisions of the Town until this LUC is amended to treat the use differently.

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

Zoning Districts	R-1	R-2	MX-1	O	Use-Specific Standards
Residential Uses					
Dwelling, Single Family Detached	X	X	C		
Dwelling, Attached	X	X	C		
Dwelling, Duplex	X	X	C		
Dwelling, Triplex	C	X	C		

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

Zoning Districts	R-1	R-2	MX-1	O	Use-Specific Standards
Dwelling, Fourplex		C	C		
Dwelling, Multifamily		C	C		
Group Home, Large		C	C		
Group Home, Small		C	C		
Manufactured Home Park*		C			Article 3:3(a)i
Nursing Home		C			
Public, Institutional, and Civic Uses					
Art Gallery, Museum, and Library			X	C	
Community Center		C	X		
Community Garden*	C	C	X	C	Article 3:3(b)i
Day Care Facility			C		
Funeral Home			C		
Medical Facility			C		
Parks and Open Space	X	X	X	X	
Places of Worship	X	X	X		
School		C	C		
Commercial Uses					
Adult Entertainment*			C		Article 3:3(c)i
Animal Shelter			C		
Automotive Center and Services			C		
Bar or Brewery			X		
Bed and Breakfast	C	C	X		
Business or Personal Service	C	C	X		

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

Zoning Districts	R-1	R-2	MX-1	O	Use-Specific Standards
Fast Food Restaurant			C		
Fueling Station			C		
Hotel or Motel			X		
Indoor Entertainment or Recreation			C		
Office			X		
Outdoor Entertainment or Recreation			X	C	
Parking Garage			C		
Parking Lot			C		
Retail, Small		C	X		
Retail, Large			C		
Restaurant		C	X		
Self Service Storage Facility			C		
Veterinary and Animal Services			C		
Utility, Communication, and Energy Uses					
Commercial Wireless Telecommunications Service			C	C	
Communication Tower			C	C	
Utility, Major			C		
Utility, Minor	C	C	C	C	
Solar Collector, Ground- or Building-Mounted*	A	A	A		Article 3:3(d)i
Wind Energy Conversion System, Ground- or Building-Mounted*	C	C	C		Article 3:3(d)ii
Accessory Uses and Structures					

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

Zoning Districts	R-1	R-2	MX-1	O	Use-Specific Standards
Accessory Dwelling Unit*	A	A	A		Article 3:3(e)i
Barns, Sheds, and Outbuildings	A	A	A	C	
Drive-in Facility			A		
Electric Vehicle Charging Station	A	A	A		
Greenhouse	A	A			
Home Occupation*	A	A	A		Article 3:3(e)iii
Outdoor Eating Area*		A	A		Article 3:3(e)iv
Urban Agriculture	A	A	A		
Recreational Vehicle Parking		A			
Short-Term Rental*	A	A	A		Article 3:3(e)v
Temporary Uses					
Carnival or Festival*			T	T	Article 3:3(e)ii
Food Truck			T	T	
Garage Sale	T	T			
Seasonal Sales			T	T	

3. Use-Specific Standards

(a) Residential Uses

i. Manufactured Home Park

- (1) Manufactured homes that are not installed on a permanent foundation shall be skirted with materials similar in color, texture, and appearance to the siding of the manufactured home.
- (2) Anchorages and tie-downs shall be provided on each manufactured home space or lot to prevent overturning or uplift of the manufactured home.
- (3) All yard areas and other open spaces not otherwise paved or occupied by structures shall be landscaped and maintained.

(4) In cases where the owner of a manufactured home community intends to change the use resulting in expiration or termination of resident occupancy, the owner shall mail each resident written notice of his intent at least 18 months prior to the change of use.

(b) Public, Institutional, and Civic Uses

i. Community Garden

(1) Greenhouses and hoop houses are limited to a maximum height of 15 feet, shall be located at least 10 feet from any lot line, and may not cover more than 25 percent of the property.

(2) Retail sales shall be prohibited on the Community Garden site, except for the sale of produce grown on that site.

(3) The site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in the urban agricultural use.

(4) Refuse and compost areas shall be enclosed at ground level to be rodent-resistant.

(5) No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.

(c) Commercial Uses

i. Adult Entertainment

(1) All Adult Entertainment uses shall be located not less than 750 feet from an R-1 or R-2 district boundary, Place of Worship or School.

(2) No Adult Entertainment establishment shall locate within 750 feet of another Adult Entertainment use.

(3) For the purposes of this use the distance shall be a horizontal measurement from the nearest district boundary or lot line of a Place of Worship, School, or another Adult Entertainment use to the nearest point on the lot line of the lot where the Adult Entertainment use is proposed.

(d) Utility, Communication, and Energy Uses

i. Ground- or Building-Mounted Solar Collectors

Accessory ground-mounted solar collectors shall:

(1) Be set back at least six feet from the side and rear property line;

(2) Not be located within an easement;

(3) Be located so as to minimize glare visible from abutting properties;

(4) Not exceed 15 feet in height with panels oriented in a vertical position; and

- (5) Be included in determining the maximum coverage of structures on the lot.
- ii. Wind Energy Conversion System (WECS), Ground or Building Mounted
 - (1) A ground-mounted WECS located on a single lot shall be set back from each property line at least 1.1 times the total height of the WECS.
 - (2) A WECS that is placed on a primary or accessory structure and does not exceed the maximum height in the applicable zoning district shall meet the minimum setback for the primary or accessory structure in the zoning district where it is located.
 - (3) The blades of a WECS placed on a primary building shall not extend beyond the property line in any operational position.
 - (4) Each ground-mounted WECS with blades that spin on a horizontal axis and with a height of more than 100 feet shall not be located within 600 feet of any State wildlife management areas, wetlands, and flood control reservoirs.
- (e) Accessory Uses and Structures and Temporary Uses
 - i. Accessory Dwelling Unit
 - (1) Accessory Dwelling Units shall only be permitted on lots greater than 5,000 square feet.
 - (2) There shall be no more than one Accessory Dwelling Unit on a lot.
 - (3) An Accessory Dwelling Unit must not contain more than 1,000 square feet of gross floor area.
 - (4) No portion of a lot on which an Accessory Dwelling Unit is located may be subdivided from or legally described differently than, the lot containing the primary residential unit, and no portion of a structure containing an Accessory Dwelling Unit may have ownership different from the ownership of the primary dwelling unit.
 - (5) There shall be one additional off-street parking space provided for the Accessory Dwelling Unit.
 - (6) Recreational vehicles may not be used as Accessory Dwelling Units.
 - ii. Carnival or Festival

Parking and traffic mitigation requirements shall be determined by Staff on a case-by-case basis.
 - iii. Home Occupations

- (1) The Home Occupation shall not involve internal or external alterations or construction features not normally found in dwellings.
- (2) Home occupations that involve the boarding animals shall be limited to six animals at any one time.
- (3) No Home Occupation may use a mechanical equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises, including those that create visual or audible interference on any radio or television receiver located off the premises.
- (4) No exterior storage of equipment or materials in connection with the Home Occupation and no display of products, goods, or services that is visible from outside the dwelling unit are permitted.

- iv. Outdoor Eating Area
 - Outdoor Eating Areas shall not interfere with pedestrian access to any public or private door, shall provide at least 36 inches wide of unobstructed sidewalk for pedestrian traffic, and shall not obstruct required parking or parking lot circulation.
- v. Short-Term Rentals
 - (1) Short-Term Rentals shall require a permit in accordance with Chapter 5 Article VII of the Town Municipal Code and meet all requirements therein.
 - (2) The use of outdoor wood-burning fire pits shall be prohibited for all short-term rentals.

Article 4: Dimensional and Development Standards

1. Dimensional Standards

Dimensional standards are required as shown in Table 4-1.

Table 4-1: Dimensional Standards

District	R-1		R-2	MX-1	O
	Lots < 10,000 sq. ft.	Lots > 10,000 sq. ft.			
Minimum Lot Dimensions					
Lot Area	5,000 sq. ft.	10,000 sq. ft.	4,000 sq. ft.	1,500 sq. ft.	None
Lot Width	50 feet	100 feet	40 feet	None	None
Minimum Building Setbacks in Feet					
Front	15		15	0	None
Side	5	10	5; 0 with Firewall	5; 0 with Firewall	None
Rear	10		10	5	None
Maximum Building Height in Feet					
Primary Structure	35		35	45	25
Accessory Structure	25		25	25	25

Table 4-1: Dimensional Standards

District	R-1		R-2	MX-1	O
	Lots < 10,000 sq. ft.	Lots > 10,000 sq. ft.			
Maximum Density					
Residential units per acre	11 units/acre		18 units/acre	16 units/acre	None

2. Setback from Waterways

No fences or structures shall be within five feet from any waterway including streams, river, creeks, gullies, springs, and washes, measured from the waterways highest seasonal point except as stated in Article 4:6(e)iii.

3. Application of Setbacks

- (a) No structure or use shall be located in a required setback or in areas designated for private or common open space on an approved Site Plan.
- (b) The required front setback shall be measured and provided from the right-of-way line or private roadway as applicable to the structure or use.
- (c) On a corner lot, the owner shall designate one street frontage as the front lot line, and all other street frontages shall be designated as side street lot line(s).
- (d) On corner lots where potential front and side lot lines create a continuous curve, a radial line intersecting the midpoint of the curve shall be deemed the boundary between the yards.

4. Exceptions to Dimensional Standards

- (a) Steeples, bell towers, chimneys, roof-mounted mechanical equipment, elevator equipment enclosures, and similar architectural and mechanical elements, may exceed the maximum height of the applicable zoning district by no more than six feet of the applicable maximum height.
- (b) Porches, balconies, canopies, stairways, steps, and necessary landings and decks, covered patios, enclosed courts, eaves, awnings, bay windows, fire escapes, chimneys, and steps may exceed the minimum setback of the applicable zoning district by no more than 33 percent of the depth of a minimum yard or setback that is required along a front, side, or rear lot line, but not closer than four feet to a side lot line.
- (c) Signs, fences, and gasoline pumps shall be permitted in front, side, or rear setbacks.

5. Fences

- (a) Barbed wire fencing is not permitted in any district.
- (b) Fences in a front yard shall not exceed 48 inches in height, except for fences in non-residential areas that are necessary for security as determined by Staff.
- (c) Except as otherwise provided for within this Section, no fence shall exceed 72 inches in height, except for fences around tennis courts, baseball fields, or other similar public recreational uses.

- (d) Fences for Utility, Communication, and Energy uses shall be permitted up to 96 inches in height.
- (e) Fences shall only be constructed within the applicable property line and shall not be constructed on or over any public easements but may be constructed within a required setback.
- (f) All fences shall be maintained in good working order by the property owner. In the event that a fence has not been maintained or has been damaged, the Town may require the owner to repair or remove the fence within 30 days of written notice or other reasonable time period as determined by the Town.

6. Sensitive Lands, Stormwater, and Drainage

- (a) Applicability

This Section applies to all subdivision and site plan approvals unless Staff determines that review at the site plan stage is not necessary because the application complies with avoidance and mitigation measures already applicable to the property due to prior development approvals.
- (b) Administrative Adjustments

To better comply with the provisions of this Section while allowing for parcels to remain buildable, Staff may adjust the minimum lot size or lot width dimensions by up to 25 percent upon a determination that doing so would result in minimal disturbance to sensitive lands.
- (c) General Requirement

Development of lands that are subject to periodic inundation, subsidence of the earth's surface, high water table, or have difficult topography, unstable soils, wetlands, or other natural or human-created hazards to life or property shall be avoided to the maximum extent practicable.
- (d) Wetlands
 - i. When there is a substantial likelihood of a wetland existing on a property proposed for development, Staff shall require, at the applicant's expense, a qualified consultant to study the property to determine the existence of a wetland and delineate the boundaries of the wetland on the applicable property.
 - ii. No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within 25 feet of a Delineated Wetland.
 - iii. A wetland buffer area extending 25 feet from a Delineated Wetland is required on all Delineated Wetlands.
 - iv. Draining of a Delineated Wetland is prohibited.
- (e) Stormwater
 - i. Stormwater runoff from a construction site directed to a wetland shall be substantially free of silt and debris and shall be discharged at a rate that will not disturb vegetation or increase turbidity.

- ii. Increases in runoff from the 10-year and 100-year frequency storms due to development, redevelopment, or change of use activity on the site shall be detained within the development and released at a rate no greater than existed prior to the development.
- iii. No fences or structures shall be constructed across an open drainage channel or easement that will reduce or restrict the flow of water unless part of an approved retention or detention facility or a revocable permit has been approved to allow the fence or structure. If a revocable permit is required, conditions attached to that permit may require mitigation of impacts related to the crossing.
- iv. The Town may require any water course or stormwater management facility to be located within a dedicated drainage easement that provides sufficient width for maintenance.

(f) Drainage

- i. A stormwater management plan shall accompany an application for site plans involving an increase in impervious surface area except for accessory structures.
- ii. A stormwater management plan shall be prepared to address the impact a development will have on existing drainage facilities and to provide a basis for designing the storm drainage system within the development.

(g) Grading

Any land-disturbing activity that requires the grading of slopes, except the construction of public trails, shall meet the following standards:

- i. All unarmored and structurally unretained graded slopes and fills shall be limited to a 3:1 grade (three feet horizontal to one foot vertical).
- ii. Any graded or fill slope which exceeds a 3:1 grade shall be required to use universally accepted armoring techniques, or retaining structures as approved by the Town Engineer or, at the developers expense, certification by a licensed professional engineer stating that the slopes can be stabilized by plantings, vegetative seeding, mulching. In the instance of slope cuts that involve rock formations it may be required to be certified by a registered geologist.
- iii. Any graded or fill slope which exceeds a 3:1 grade shall be terraced at twenty-foot vertical intervals. Slopes graded between 2:1 and 3:1 shall have a minimum bench width of five feet. Slopes steeper than 2:1 shall have a minimum bench width of five feet and may be required to have wider benches upon Town Engineer determination.
- iv. Any graded slope which exceeds a 3:1 grade shall be grade staked before grading process begins.

- v. Maximum slopes proposed within a minimum of twenty feet of an established property line or any required setback adjacent to a property line shall be 3:1 tying into existing grades along perimeter or property line of the site or retained via retaining walls or other acceptable measures.

(h) Wildfires

Unless waived by Staff based on the applicant's demonstration of adequate alternative wildfire mitigation, the following standards are required for all new development and substantial improvements to existing development that require a building permit.

- i. Vegetation and tree canopies shall maintain a minimum clearance of 10 feet from any structure.
- ii. New development in areas designed as a risk of seven and higher in the wildland urban interface risk map as amended by the CO-WRAP Colorado Wildfire Risk Assessment Portal shall meet the applicable standards of the most recent version of the International Wildland-Urban Interface Code unless excepted by Staff upon a showing of reasonable alternative fire mitigation.
- iii. The construction of new decks and fencing shall be of fire-resistant materials.

(i) Floodplains

i. Applicability

All new development and substantial improvements to existing development in a Special Flood Hazard Area as delineated by the most recent report available from the Federal Emergency Management Agency (referred to as the "floodplain" hereafter) shall comply with the standards in this section. If a building or structure lies partly within the floodplain, these standards apply to the entire building or structure lying within any portion of the floodplain.

ii. Referral Agency

The Town shall forward all applications subject to these floodplain standards to the Regional Floodplain Administration at the Pikes Peak Regional Building Department for review with applicable federal, state, and local floodplain regulations.

iii. Standards

- (1) All structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All structures shall be constructed with materials and utility equipment resistant to flood damage below the Floodplain Grade.
- (3) All structures shall be constructed to minimize flood damage.

- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at or above the Floodplain Grade or designed so as to prevent water from entering or accumulating within the components below the Floodplain Grade. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the Floodplain Grade.
- (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Materials which are flammable, hazardous, toxic, or explosive, or that in times of flooding could be harmful to human, animal, or plant life may not be produced, stored, or processed in a floodplain.

7. Parking

(a) Minimum Parking Required

The number of off-street parking shall be provided as shown in Table 4-2.

Table 4-2: Minimum Parking Required

Use	Minimum Required Off Street Parking Spaces in All Districts
Residential Uses	
Dwelling, Single Family Detached	1 per dwelling unit
Dwelling, Attached	1 per dwelling unit
Dwelling, Duplex	1 per dwelling unit
Dwelling, Triplex	1 per dwelling unit
Dwelling, Fourplex	1 per dwelling unit
Dwelling, Multifamily	1.5 per dwelling unit
Group Home, Large	1 per 400 sq. ft.
Group Home, Small	1 per 400 sq. ft.
Manufactured Home Park	1 per dwelling unit, plus one guest space per every 2 dwelling units
Nursing Home	1 per 4 persons of design capacity
Public, Institutional, and Civic Uses	
Art Gallery, Museum, and Library	1 per 1,000 sq. ft.
Community Center	1 per 1,000 sq. ft.
Community Garden	None
Day Care Facility	1 per 6 persons of design capacity
Funeral Home	2 plus 1 per 800 sq. ft.
Medical Facility	1 per 600 sq. ft.
Parks and Open Space	None

Table 4-2: Minimum Parking Required

Use	Minimum Required Off Street Parking Spaces in All Districts
Places of Worship	1 space per 5 seats in main assembly area
School	3 spaces per 1,000 sq. ft.
Commercial Uses	
Adult Entertainment	1 per 400 sq. ft.
Animal Shelter	1 per 400 sq. ft.
Automotive Center and Services	2 per service bay plus 1 per 200 sq. ft. of retail area
Bar or Brewery	1 per 300 sq. ft. of service area
Bed and Breakfast	1 per 2 guest rooms
Business or Personal Service	1 per 300 sq. ft.
Fast Food Restaurant	1 per 300 sq. ft.
Fueling Station	1 per 250 sq. ft. of retail sales area
Hotel or Motel	1 per 2 guest rooms
Indoor Entertainment or Recreation	1 per 400 sq. ft.
Office	1 per 300 sq. ft.
Outdoor Entertainment or Recreation	1 per 4 persons based on maximum capacity
Parking Garage	None
Parking Lot	None
Retail, Small	1 per 250 sq. ft.
Retail, Large	1 per 400 sq. ft.
Restaurant	1 per 300 sq. ft.
School	1 per every 15 students plus 1 per full-time employee
Self Service Storage Facility	1 per 10 storage units
Veterinary and Animal Services	1 per 400 sq. ft.
Accessory Uses	
Accessory Dwelling Unit	1 per unit
Short-term Rentals	1 per every two bedrooms
Temporary Uses	
Determined on a case-by-case bases at time of permit issuance	

(b) **Unlisted Uses**

For uses not listed in Table 4-2, Staff is authorized to establish the minimum off-street parking requirement based off the listed use that is deemed most similar to the proposed use.

(c) **Shared Parking**

Where two or more uses listed share a Parking Lot or Garage, the total off-street parking requirement for those uses shown in Table 4-2 may be reduced by 25 percent. The total off-street parking required shall be the sum of the shared uses parking requirements for the uses eligible to share parking minus 25 percent. Shared parking reductions shall be approved by Staff.

(d) **Parking Design and Layout**

i. **General Use Requirements**

(1) No required off-street parking or loading space shall be used for any purpose other than the parking of vehicles.

- (2) Parking shall be prohibited in aisle ways, rights-of ways, fire lanes or similar areas not officially designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required by Staff.
- (3) Required parking spaces and areas shall not be used for the sale, display or repair of motor vehicles or other goods and services unless authorized by a temporary use permit.
- (4) Parking lots shall not be used for overnight occupancy and parking of recreational vehicles, campers, trailers, buses, vans, motor homes, moving vans, refrigerator trucks or similar vehicles, except as authorized by Staff.

- ii. General Design Requirements
 - (1) Parking spaces shall be a minimum of 20 feet in length and 8 feet in width.
 - (2) All parking areas shall be properly graded for drainage and be surfaced with colored concrete, asphalt, or dust-free permeable materials such as permeable pavers, gravel, or other porous materials, or other surfacing as approved by Staff.
 - (3) Parking areas shall be designed to minimize conflicts with pedestrians and vehicles.
- iii. Location of Parking Areas
 - (1) For single-family and duplex dwellings in all districts, off-street parking areas shall be located in a garage or on a driveway.
 - (2) When residential uses are located to the rear of a proposed commercial development on a corner site, parking and service areas may be located to the front or side of the building; provided, that they are adequately screened, so that the building acts as a buffer between the parking areas and residential uses.
 - (3) Required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use, except as otherwise provided in Article 4:7(b).
- iv. Minimizing Vehicular and Pedestrian Conflicts

If vehicular and pedestrian conflicts are apparent, Staff may require an alternative design of parking areas to resolve potential conflicts.

(e) Loading Berths

Buildings with over 15,000 gross square feet shall provide a loading berth of at least 10 feet by 25 feet unless the applicant can demonstrate that the use in question is not of the type to warrant a loading berth.

8. Signs

(a) Purpose. The purpose of this Section is to:

- i. Protect the right to free speech by the display of protected message(s) on a sign, while balancing this right against public interests of preserving and protecting the public, health, safety and welfare within the Town;
- ii. Reduce hazards that may be caused or worsened by driver, bicyclist, and pedestrian distraction caused by signs, especially those projecting along public rights-of-way or near roadway intersections;
- iii. Preserve and enhance the aesthetic and environmental values of the community, while at the same time providing adequate channels of communication to the public; and
- iv. Regulate signs in a content-neutral manner in accordance with the Town's policy and intent in a manner consistent with the U.S. and Colorado Constitutions, laws, and court decisions.

(b) Signs Not Regulated. This Section shall not apply to:

- i. Signs of a duly constituted governmental body, required to be maintained by law or governmental order, rule or regulation, including without limitation traffic or similar regulatory devices, address numerals, legal notices, warnings at railroad crossings, and other instructional or regulatory signs concerning public health, safety and welfare provided, that the copy and size of the sign do not exceed the requirements of such law, order, rule or regulation.
- ii. Decorations associated with any national, local, or religious holiday; provided, that such signs shall be displayed for not more than 60 days in any given year.
- iii. Signs located inside a building at least four feet away from any window through which the sign could be viewed from outside the building.

(c) Prohibited Signs. The following signs shall be prohibited:

- i. Signs attached to a tree or utility pole whether on public or private property.
- ii. Signs located within a public right-of-way.
- iii. Signs located in the vision clearance triangle or at any location where it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
- iv. Flashing signs, signs emitting sound, rotating or moving signs, animated signs, signs with moving lights or signs that create the illusion of movement, except a sign whereon the current time or temperature is shown by intermittent lighting shall not be deemed to be a flashing sign. A sign that changes copy or color no more than once every four hours shall not be considered a flashing or moving sign.

- v. Riders or attachments to signs.
- (d) General Requirements for All Signs
 - i. Unless otherwise provided for in this Section, signs may only be erected, altered, and maintained on the same lot as the permitted use(s) which the sign is appurtenant to.
 - ii. All signs shall be maintained and kept in good repair, including without limitation, the repair of glass, plastic or other sign face material that is missing, broken, damaged, or deteriorated; and the repair of any pole, frame support, or similar structure that is broken, damaged, or deteriorated.
- (e) Number of Permitted Signs
 - i. A total of five signs are permitted per use except as stated in subsection ii below.
 - ii. The following signs shall be permitted in addition to the permitted signs allowed in each district:
 - (1) At each primary entrance to a residential subdivision, an additional two freestanding signs are permitted each with a maximum height of 6 feet and a maximum gross surface area 100 square feet.
 - (2) Signs located on sites where subdivision, development, redevelopment, initial construction or other major improvement of the property is under way shall be permitted an additional two freestanding, wall, or window signs that shall not exceed 64 square feet in total area nor 32 square feet per face and shall not exceed 8 feet in height.
- (f) Total Sign Area Allowed
 - i. On arterial street frontages, the maximum sign area shall be two square feet of sign area for each linear foot of building frontage for the first 100 feet, then one-half square feet of sign area for each linear foot of building frontage thereafter as measured along the building frontage (the longest building frontage with a public entrance), up to the limit in Subsection iii below.
 - ii. On all other street frontages, the maximum sign area shall be one square feet of sign area for each linear foot of building frontage for the first 200 feet of building frontage; then one-half square feet of sign area for each linear foot of building frontage thereafter as measured along the building frontage (the longest building frontage with a public entrance), up to the limit in Subsection iii below.
 - iii. Maximum total sign area per use shall not exceed 600 square feet in any case.
 - iv. No individual sign shall exceed 200 square feet.

- v. Each tenant or business is permitted one blade sign up to a maximum of six square feet in addition to the signs listed in Subsections i through iv above.
- (g) Maximum Height
 - i. In the R-1 District, the maximum sign height shall be 6 feet.
 - ii. In all other districts, the maximum sign height shall be 12 feet.
- (h) Required Setback

Unless stated otherwise in this Section, all signs on private property must be set back four feet from any public right of way and may not be placed in street medians, corner sight triangles or within a parking space.
- (i) Temporary Signs
 - i. Two temporary signs are permitted per property.
 - ii. Temporary signs shall not exceed 32 square feet in total surface area per use and shall comply with the applicable setback regulations for the district in which they are located.
 - iii. Temporary signs shall remain in place for less than 30 days, except that Staff may, for good cause, extend the time up to 30 additional days upon written application. Only one temporary sign per applicant shall be permitted to exceed the 30-day limit in any calendar year, except by Conditional Use.
- (j) Illuminated Signs

Illuminated signs shall be shaded to avoid casting bright light upon property in any residential district or upon any public street, park, public facility, or hospital facility.
- (k) Message Substitution

A noncommercial message may be substituted for a commercial message on any sign permitted by this Section.

9. Subdivision Standards

- (a) Applicability

This Section shall apply to all subdivisions and land divisions located wholly or partially within the Town unless specifically exempted otherwise.
- (b) Subdivision Name

The proposed name of a subdivision shall be approved by staff and shall not use a word that is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the Town except for common locational terms like hills, court, etc.
- (c) Adequate Public Facilities
 - i. Purpose

This Section establishes standards for required infrastructure improvements associated with any subdivision. To be adequate, facilities must be appropriate in type, availability, and capacity.

ii. Facilities

- (1) In a proposed subdivision, the required public facilities may include, but are not limited to, parks, boulevard trees, streets, sidewalks, public sanitary sewer and water extensions, storm water management facilities, soil erosion and sedimentation control, and monumentation. Other items that are necessary or material to the project, such as school sites, may be identified during the development approval process.
- (2) An applicant may seek to stage or phase development to link the timing of development with the adequacy of public facilities. However, the Board of Trustees shall consider the demand for adequate public facilities generated by subsequent phases of the development and must require a development agreement as to the design and construction of on-site or off-site public or private facility improvements to serve those subsequent phases.
- (3) No development shall be approved unless the public facilities in existence or to be constructed pursuant to an executed development agreement are adequate to handle the demand on those public facilities generated by the development.
- (4) All new subdivision development shall connect to the Town water supply system.

iii. Improvements and Easements

- (1) Required improvements reasonably related to the development shall be installed at the sole expense of the applicant. Assessment of costs to subsequent users or public participation may in certain instances be applicable to a proposed project.
- (2) Bonds or surety deposits shall be required in the amount necessary to cover the cost of installation, unless waived in the development agreement prior to commencing activity involving the installation of public improvements.
- (3) Any unexpended portion of a surety deposit shall be returned to the applicant upon satisfactory completion of the public improvements.
- (4) Easements and/or deeds shall be granted, and rights-of-way dedicated to the public by the applicant as part of the development approval process or through separate instrument, which shall be in a form approved by the Town Attorney.

- (a) Drainage easements needed for stormwater management shall be provided.
- (b) Utility easements required by the various public and private utilities shall be provided.

iv. Utilities

All new utilities shall be placed and maintained underground, unless determined by the Town that extraordinary circumstances related to the physical condition of the property render undergrounding impossible. Such utilities shall be constructed within street rights-of-way or within easements dedicated for such use.

v. Street Design

- (1) Street connections shall be provided to adjoining undeveloped and/or underdeveloped lands within and outside the Town to allow future development to connect to a public street system.
- (2) Street systems shall be designed to be through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.
- (3) Alleys are permitted and encouraged and shall:
 - (a) Be a minimum width of 20 feet; and
 - (b) Be dedicated to the Town.

vi. Connectivity

- (1) Sidewalks shall be required along both sides of all arterial, collector, and local streets including cul-de-sacs, and within and along the frontage of all new development unless such requirement is waived by Staff upon a showing of site constraints that make such requirement unduly burdensome.
- (2) Sidewalks shall be constructed to comply with the Americans with Disabilities Act.
- (3) Sidewalks shall be constructed of durable, smooth, and skid resistant material and a minimum width of five feet.
- (4) Multi-use trails, separated from automobile traffic, at least 15 feet in width and approved by Staff, may be used in lieu of the sidewalk requirement.

vii. Maintenance

- (1) Maintenance of newly installed public facilities shall remain with the applicant for a period of two years from final inspection or as otherwise defined in an owner contract or development agreement.

(2) Following the expiration of the required maintenance period, the Town shall assume responsibility for maintenance and upkeep of public facilities upon the acceptance of such facilities in a form approved by the Town.

Article 5: Administration and Review Procedures

1. Summary Table of Review Procedures

Table 5-1 list the development application authorized by this Land Use Code, whether public notice is required, and the role of the Town review and decision-making bodies.

Table 5-1: Summary Table of Review Procedures						
Procedure	Land Use Code Reference	Pre-Application Conference	Notice	Review and Decision-Making Bodies		
				Town Staff	Planning Commission	Board of Trustees
Development Permits						
Minor Site Plan	Article 5:3(c)	✓		D	<A>	
Major Site Plan	Article 5:3(d)	✓	✓	R	<D>	<A>
Conditional Use Permit	Article 5:3(e)	✓	✓	R	<R>	<D>
Temporary Use Permit	Article 5:3(f)	✓		D	<A>	
Subdivision Procedures						
Minor Subdivision	Article 5:4(b)	✓	✓	R	<D>	<A>
Major Subdivision – Preliminary Plat	Article 5:4(c)	✓	✓	R	<D>	<A>
Major Subdivision – Final Plat	Article 5:4(c)			R	<R>	<D>
Ordinance Amendments						
Rezoning	Article 5:5(a)	✓	✓	R	<R>	<D>
Rezoning to PUD	Article 5:5(b)	✓	✓	R	<R>	<D>
LUC Text Amendment	Article 5:5(c)		✓	R	<R>	<D>
Historic Preservation						
Landmark and District Designation	Article 5:6(a)		✓	R	<D>	<A>
Certificate of Approval	Article 5:6(b)			R	<D>	<A>
Flexibility and Relief						

Table 5-1: Summary Table of Review Procedures

✓ = Required; R = Review and Recommendation; D = Review and Decision; A = Appeal; <> = Public Hearing Required

Procedure	Land Use Code Reference	Pre-Application Conference	Notice	Review and Decision-Making Bodies		
				Town Staff	Planning Commission	Board of Trustees
Variance	Article 5:7(a)		✓	R	<D>	<A>
Minor Modification	Article 5:7(b)			<i>As required for associated application</i>		
Appeals	Article 5:7(c)		✓	<i>As indicated in this Table 5-1</i>		

2. Common Procedures

(a) Purpose

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Land Use Code. Application-specific procedures in Article 5:3 through Article 5:7 identify additional procedures and rules beyond those in this section.

(b) Pre-Application Conference

i. Purpose

The pre-application conference is intended to provide an opportunity for the applicant to meet with Town staff to review submittal requirements, review procedures, and applicable Code standards associated with the proposed development.

ii. Procedure

(1) The applicant shall submit a request for a pre-application conference to the Town on a form prescribed by Staff.

(2) Prior to scheduling the pre-application conference, the applicant shall submit the following:

(a) A written description of the project;

(b) Conceptual drawings showing the location, layout, and key elements of the proposed development;

(c) Specific uses, location of uses, and densities proposed;

(d) Proposed construction phasing, if applicable; and

(e) Location of required public improvements, if applicable.

(3) When required or requested by the applicant, the Director shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the meeting.

(4) Town staff attending the pre-application conference will identify initial concerns or issues the applicant should address related to the scope, features, and potential impacts of the project as they relate to this Chapter. Town staff will also indicate the approval procedures required for the proposed project.

(c) Application Submittal and Fees

- i. The application shall be submitted to the Town on a form established by the Town. The applicant bears the burden of demonstrating compliance with application requirements.
- ii. Staff may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. Staff may waive such requirements upon finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in their opinion, support such waiver.
- iii. Application fees shall be paid at the time of submittal according to the type of application on the development review fee schedule. The fee schedule shall be established by resolution of the Board of Trustees and reviewed periodically.
- iv. In the event Staff determines that it is necessary to utilize the services of a consultant not on staff, Staff may impose additional fees associated with such outside consultant. Staff shall inform the applicant of the necessity to utilize the services of a consultant and the applicant may choose whether or not to proceed with the application.

(d) Abandoned Applications and Withdrawal

- i. If an application has not been resubmitted to address staff-noted deficiencies within three months, such application shall be deemed abandoned and all fees forfeited. The applicant may request three additional months to address staff-noted deficiencies.
- ii. After an application has been accepted, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director. An applicant is not entitled to a refund of application fees for withdrawn applications. However, Staff may refund fees not expended during the first round of staff review if the application is withdrawn prior to preparation of any official written comments.

(e) Minor Application Revisions

An applicant may revise an application after receiving notice of compliance deficiencies following staff review, or on requesting and receiving permission from the Board of Trustees after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions

made by staff or the Board of Trustees, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by Staff. All other application revisions shall be processed as a new application.

(f) **Concurrent Review**

Where possible without creating an undue administrative burden on the Town's decision-making bodies and staff, this Land Use Code intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process.

(g) **Staff Review and Decision**

i. **Department and Agency Referral Review**

- (1) The Director shall distribute the complete application to the appropriate staff and other internal and external review agencies.
- (2) Such review agencies shall provide comments to the Director within 10 days following the distribution.

- ii. Staff shall submit recommendations and comments to the applicant.

- iii. If an application is subject to Staff review and recommendation per Table 5-1, Summary Table of Review Procedures, Staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

- iv. Staff shall submit a copy of the staff report to the applicant and the applicable decision-making body, and shall make the staff report and related materials available for public review at least three calendar days prior to the hearing at which the application is scheduled to be heard.

(h) **Scheduling and Notice of Public Hearings**

- i. If an application is subject to a public hearing per Table 5-1, Staff shall schedule the public hearing for either a regularly scheduled meeting or special meeting with the applicable body.

- ii. All public hearings required by this Land Use Code shall be preceded by the notices identified in Table 5-1. Persons with specific issues or concerns regarding a proposed application are encouraged to contact the Town in writing, by phone, or in person prior to the hearing.

- iii. The Town shall be responsible for the accuracy of and proper publication and posting of notice of the public hearing. The applicant shall be responsible for mailing notice and maintaining the posted notice once posted on the site by the Town.

- iv. Notice shall be either published, mailed, and/or posted depending on what is most appropriate for the application type.

- (1) Required published or mailed notices shall:
 - (a) Identify the application type;
 - (b) Describe the nature and scope of the proposed project;
 - (c) Identify the location subject to the application;
 - (d) Identify the date, time, and location of the hearing being noticed;
 - (e) Identify where and when the application and associated materials may be inspected; and
 - (f) Indicate opportunity to appear at the public hearing.
- (2) Published notice shall appear in a newspaper of general circulation in the Town at least 15 days prior to the scheduled hearing.
- (3) Mailed notices shall be sent by the applicant via first-class mail to all property owners as listed in the records of the county tax assessor's office within 200 feet of the subject property, as measured from property boundaries. Certified mail notice shall be returned to the Town.

v. Required posted notice shall include at least one sign on the subject property at least 15 days prior to the public hearing. The Town is responsible for posting the sign(s). The applicant is responsible for maintaining the sign(s) once erected. The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.

vi. Staff may require additional signs based on access and configuration of the property.

vii. Required posted notice shall:

- (1) Identify the application type;
- (2) Describe the nature and scope of the proposed project;
- (3) Identify the date, time, and location of the hearing being noticed; and
- (4) Identify a telephone number for additional information.

viii. The applicant shall provide notice by certified mail, return receipt requested, to all mineral estate owners and lessees on the subject property for development applications in accordance with C.R.S. 24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. The burden of determining mineral estate owners and lessees shall be on the applicant.

(i) Review and Decision

i. The applicable review body shall approve, approve with conditions, or deny the application based on the approval criteria listed in this Section. The body may also continue the hearing.

- ii. Decisions shall be in writing and shall clearly state reasons for the decision citing the applicable LUC provisions.
- iii. General Approval Criteria

Decision-making bodies shall review all applications submitted pursuant to this LUC for compliance with the following criteria along with any other application-specific criteria:

- (1) Complies with applicable requirements including this Land Use Code, Town, State, and Federal law;
- (2) Consistent with any applicable adopted Town plans;
- (3) Promotes the public health, safety, and general welfare;
- (4) Minimizes or mitigates adverse impacts associated with the application;
- (5) Will not result in significant adverse impacts upon the natural environment including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
- (6) Will not result in significant adverse impacts upon other property in the vicinity of the subject property.

(j) Post-Decision Actions and Limitations

i. Effective Date of Approval

Unless otherwise provided in this LUC, a decision made under this LUC shall be final 15 days from the date of the decision unless, prior to the expiration of that period, an appeal has been filed with the Town.

ii. Appeal

The applicant or an aggrieved party may file a written appeal regarding a decision made under this LUC, clearly stating the reasons for such appeal, within 15 days of the final action.

(k) Modifications to Approvals

i. Development authorized by any approval under this article may incorporate minor changes from the approved plan, permit, or conditions of approval, as appropriate, without the need for a new application; provided, that Staff determines that the proposed changes:

- (1) Comply with the standards of this LUC;
- (2) Are necessary to meet conditions of approval; and
- (3) Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the administrative site/architectural plan.

ii. Any modification of an approved plan, permit, or condition of approval that Staff determines does not meet the criteria of this

section above shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

(l) **Expiration of Approvals**

- i. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this LUC or the approval itself.
- ii. A change in ownership of the land shall not affect the established expiration time period of an approval.
- iii. The original decision-making body may grant extensions of the expiration time period for up to one year, following a written request that explains reasonable cause for such extension, prior to the expiration date. The final approval authority shall determine whether or not there is reasonable cause for the requested extension. Further extensions shall be subject to the approval of the decision-making body for the original petition.

(m) **Limitation on Subsequent Similar Applications**

Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

- i. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or
- ii. The new application is materially different from the previous application.

3. Development Permit Procedures

(a) **Applicability**

Development review is required prior to the issuance of a building permit and construction of physical improvements. Development review is required for all development except interior alterations or improvements that do not increase parking requirements or alter exterior portions of a building.

(b) **General Requirements**

- i. The requirements of this section shall be in addition to those in Table 5-1 and Article 5:2 including the criteria for approval for all applications in Article 5:2(i)iii.
- ii. During consideration of an application, the Town may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the State or Federal constitutions, statutes, or regulations. Discussions of potential conditions to

mitigate the impacts of a development do not reflect actions by the Town unless and until the Town takes formal action to attach that condition to a development approval.

- iii. All conditions imposed by the Town as a part of the approval process shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this Land Use Code.
- iv. Where mitigation of the impacts of a proposed plan or development requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, any condition imposed shall include an individualized determination and shall be roughly proportional in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(c) Minor Site Plan

i. Applicability

A minor site plan is required for any of the following activities:

- (1) Construction of accessory structures of less than 200 square feet;
- (2) Construction of a sign, fence, or retaining wall;
- (3) Construction of or substantial reconstruction of a deck;
- (4) A change in use that involves or requires site improvements;
- (5) Any expansion, alteration, or modification of a lawful nonconforming site feature or building;
- (6) Expansions, alterations, or modifications that increase the gross floor area of an existing structure by no more than 25 percent; and
- (7) The alteration of any vehicular parking area.

ii. Expiration

Approval of a minor site plan shall be effective for a maximum period of three years unless, upon petition by the petitioner, Staff grants an extension due to factors outside of the applicant's control.

(d) Major Site Plan

i. Applicability

A Major Site Plan is required for any development that exceeds the minor site plan review thresholds in Article 5:3(c)i.

ii. Expiration

Approval of a minor site plan shall be effective for a maximum period of three years unless, upon petition by the petitioner, Staff grants an extension due to impacts on the development outside of

the applicant's control, which caused such delay, but not including economic conditions.

(e) Conditional Use Permit

i. Applicability

No use classified as a Conditional Use in Table 3-1 may be conducted without first obtaining a Conditional Use permit under this Section. No Conditional Use shall be conducted except in compliance with all applicable provisions of this Land Use Code and with any conditions upon such conditional use approval.

ii. Additional Criteria

In addition to the criteria in Article 5:2(i)iii, applications for a Conditional Use permit shall also:

- (1) Be consistent with the purpose and intent of the zoning district in which it is located;
- (2) Be generally consistent with any related use-specific standards;
- (3) Be compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts); and
- (4) Provide adequate assurances of continuing maintenance.

iii. Expiration

A Conditional Use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the Conditional Use permit application. Any proposed revisions or changes to an approved Conditional Use permit application shall be submitted in the same manner, and subject to the same approval process, as the original review.

(f) Temporary Use Permit

i. Applicability

No use classified as a temporary use in Table 3-1 may be conducted without first obtaining a temporary use permit under this Section. No temporary use shall be conducted except in compliance with all applicable provisions of this Land Use Code and with any conditions upon such conditional use approval.

ii. Expiration

- (1) A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit.

(2) Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of Staff.

4. Subdivision Procedures

(a) General Requirements for All Subdivisions

- i. Until a final plat of a subdivision has been approved in accordance with these regulations, no division of land either by recording a plat, conveyance, or other similar action which by definition constitutes a subdivision shall be permitted.
- ii. The applicant shall not record a plat unless the plat has been approved by the Town. Any offer to sell, contract to sell, sale or deed of conveyance of a major or minor subdivision or any part thereof before a final plat, in full compliance with the provisions of these regulations, has been duly recorded in the office of the county recorder shall be a violation of this Land Use Code.
- iii. All final plats, including amendments thereto, shall be recorded in the county to which the property is located.

(b) Minor Subdivision⁹

- i. Applicability

Minor subdivisions shall only be permitted when:

- (1) A plat has previously been approved for the property;
- (2) The proposed subdivision would create two or fewer lots or creates condominium units within a single plat;
- (3) The proposed subdivision would not require land dedication or dedication of public improvements; and
- (4) The application is for one of the following:
 - (a) Boundary or lot line adjustments to an approved final plat including lot line eliminations;
 - (b) Vacations that do not include improved streets;
 - (c) Condominiumization of units within an existing building;
 - (d) A minor change to an approved plat to address engineering or technical constraints with no material effect on the plat and no relocations of streets or rights-of-way; or
 - (e) Corrections of errors on an approved final plat.

- ii. Plat Submittal

⁹ This amended procedure attempts to clarify which types of applications are eligible for a minor subdivision and eliminates procedures that were duplicative/contradictory (e.g., the current Code allows condominiumization through this process and its own process, same with vacations).

Minor subdivisions shall require the submittal and approval of a final plat, replat, condominium plat, or amendment to an existing final plat as applicable. All plats approved as a minor subdivision shall be recorded.

iii. Additional Criteria

- (1) In addition to the criteria in Article 5:2(i)iii, applications for a minor subdivision shall also:
 - (a) Demonstrate that the layout of lots, streets, driveways, utilities, drainage facilities, and other services within the proposed subdivision meets the Town's standards related to health and safety and minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Land Use Code;
 - (b) Does not result in the creation of lots that cannot be built under this Chapter;
 - (c) Does not affect a recorded easement without approval from the easement holder;
 - (d) Provides all required in-lieu fees; and
 - (e) Will not limit the Town's ability to effectively provide facilities or services to all lots involved.
- (2) In addition to the criteria above, when a minor subdivision involves a vacation, the application shall also demonstrate that:
 - (a) No roadway proposed to be vacated would leave any adjoining land without a means of access to another public road; and
 - (b) A subdivision plat does not involve lots that have been sold or transferred; or, if there have been sales or transfers, no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.

(c) Major Subdivision

i. Applicability

A major subdivision is required for all land divisions that are not eligible for a minor subdivision.

ii. Preliminary Plat

- (1) A preliminary plat shall be required for all major subdivisions that shows the overall character, proposed layout of land, and provisions of facilities.

(2) Additional Criteria

(a) In addition to the criteria in Article 5:2(i)iii, applications for a preliminary plat shall also:

- (i) Provide lots, roads, driveways, utilities, drainage facilities, and other services that are designed to minimize the amount of land disturbance, maximize connectivity, maximize the amount of open space, and preserve sensitive areas;
- (ii) Provide adequate mitigation to areas in natural hazard areas and that proposed uses of these areas are compatible with such conditions;
- (iii) Show location of public water and sewer system connections;
- (iv) Provide a clear assumption of responsibility for maintaining roads, open spaces, and other public and common facilities in the subdivision; and
- (v) If proposed in phases, the plat proposes reasonable phasing for providing required infrastructure.

(b) In addition to the criteria above, when a subdivision involves a vacation, the application shall also demonstrate that:

- (i) No roadway proposed to be vacated would leave any adjoining land without a means of access to another public road; and
- (ii) A subdivision plat does not involve lots that have been sold or transferred; or, if there have been sales or transfers, no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.

iii. Final Plat

(1) Following approval of a preliminary plat, a final plat shall be required for all major subdivisions that reflects any changes required at the preliminary plat stage and demonstrates conformance with the requirements of this LUC.

(2) Additional Criteria

In addition to the criteria in Article 5:2(i)iii, applications for a final plat shall also demonstrate compliance with the approved preliminary plat including any conditions of approval.

5. Ordinance Amendment Procedures

(a) Rezoning

i. **Applicability**

A rezoning is required for all proposals requesting to change the zoning district classification of a parcel of real property to a different zoning district classification.

ii. **Additional Criteria**

In addition to the criteria in Article 5:2(i)iii, applications for a rezoning shall also:

- (1) Be consistent with the purposes of the underlying zoning district where the development is proposed;
- (2) Ensure that future uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property; and
- (3) Be consistent with the Town's economic development goals and objectives to bring positive growth and sustainable revenues to the Town.

(b) **Rezoning to Planned Unit Development (PUD)**

i. **Applicability**

- (1) The PUD procedure shall not be used when a conditional use, variance or rezoning to a base zoning district could achieve a similar result.
- (2) An application to rezone to PUD may be submitted for any tract of land, or contiguous parcels of land, within any combination of zoning districts, held under single ownership or under unified control.
- (3) The PUD shall be overlaid on the existing base district(s).

ii. **Effect of Approval**

The regulations of this LUC shall remain applicable to areas within a PUD district unless expressly modified by the approved PUD.

iii. **Expiration**

A PUD shall remain valid until a PUD is subsequently amended or rezoned to another zoning district.

iv. **Map Revision**

Following approval of a rezoning to PUD, the Official Zoning Map shall be revised to show the PUD overlay.

v. **Recording**

The PUD plan and zoning amendment shall be recorded with the County Clerk and Recorder.

vi. **Additional Criteria**

In addition to the criteria in Article 5:2(i)iii, applications for a rezoning to PUD shall also:

- (1) Address a unique situation, provide substantial benefits to the Town, or incorporate innovative design that achieves a higher quality standard than could otherwise be achieved through strict application of a base zoning district; and
- (2) Provide a variety of housing types and densities, if residential is proposed as part of the PUD.

vii. Minor Amendments

- (1) Minor amendments to an approved PUD plan may be approved by Staff if the proposed amendments do not:
 - (a) Change the ratio of residential units to square feet of non-residential building square footage by more than 10 percent.
 - (b) Increase the number of residential units by more than 10 percent.
 - (c) Increase the gross square footage of non-residential building area by more than 10 percent.
 - (d) Change the allowed uses listed in the approved PUD plan.
 - (e) Change the number or location of vehicular access points in such a way that negatively impacts public safety or the flow of traffic into public streets.
- (2) Any amendment that is not considered minor shall require the same approval process as the creation of the PUD.

(c) Land Use Code Text Amendment

- i. Applicability

The zoning text amendment procedure applies to all proposals requesting to change the text of this Land Use Code.

- ii. Additional Criteria

In addition to the criteria in Article 5:2(i)iii, applications for a Land Use Code text amendment shall also:

- (1) Be compatible with current conditions and the character of current structures and uses in each zoning district;
- (2) Promote the most desirable use of land in each zoning district;
- (3) Promote the conservation of sensitive environmental features; and
- (4) Support responsible development and growth.

6. Historic Preservation¹⁰

(a) Landmark and District Designation

- i. Relationship to Rezoning Procedure

¹⁰ These procedures replace the current historic preservation procedures for a more modern and simplified approach.

Notwithstanding any explicit language stating otherwise, the process in this Article 5:6 shall apply to the designation of landmarks and historic districts.

ii. Mapping

Designated landmarks and historic districts shall be mapped as the HP-O district on the Official Zoning Map. References to the HP-O district and designated properties shall be synonymous.

iii. Application Submittal

Every owner of record shall consent to and sign the application for designation.

iv. Additional Criteria

In addition to the criteria in Article 5:2(i)iii, applications for the designation of landmarks shall be at least 50 years old and average at least 50 years old in the case of districts and meet at least one of the following criteria:

- (1) The landmark or district is associated with cultural, artistic, social, ethnic, economic, or political heritage.
- (2) It includes the site of a significant historic event.
- (3) It is identified with a person who significantly contributed to the cultural, artistic, social, ethnic, economic, or political heritage.
- (4) It portrays a historic era characterized by a distinctive architectural style.
- (5) It is identified as the work of an architect or master builder whose individual work has influenced the development of Town, County, the State of Colorado, or the United States.
- (6) It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant architectural innovation.
- (7) It possesses significant archeological value that has produced or is likely to produce data affecting theories of historic or prehistoric interest.

v. Limitation on Resubmittal of Applications

If an application for designation is denied, applications shall not be considered on a new application that is the same or substantially the same for one year from the date of the denial.

vi. Removal of a Designation.

- (1) Designations may be amended or rescinded by the same procedure set forth in this Article 5:6.
- (2) The Applicant must demonstrate that the designation no longer meets the criteria in this Article 5:6.

(b) Certificate of Approval

i. Applicability

(1) General Requirements

(a) No person shall carry out or permit to be carried out on a designated property any addition, alteration, relocation or demolition of a building or other designated feature without first obtaining a certificate of approval except maintenance shall not require a certificate of approval.

(b) A certificate of approval shall not affect the zoning of the property and the property shall remain in the HP-O district as designated.

ii. Review Criteria

(1) In addition to the criteria in Article 5:2(i)iii, applications for a certificate of approval shall meet the Secretary of the Interior's Standards for Rehabilitation.

(2) In addition to the requirements in Article 5:6(b)ii(1), when a certificate of approval includes the relocation of a designated structure, the following additional criteria shall be met:

(a) A structural report submitted by a licensed structural engineer adequately demonstrating that the structure can be moved without significant damage to its physical integrity;

(b) A relocation plan that includes posting a bond, insurance, or other security, approved by the city attorney, sufficient to ensure safe relocation, preservation and repair, if required, of the structure; and

(c) Designated properties should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.

(3) In addition to the requirements in Article 5:6(b)ii(1), when a certificate of approval includes demolition of part or the entire designated structure, the following additional criteria shall be met:

(a) The structure or portion of the structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;

(b) The structure or portion of the structure being demolished cannot be rehabilitated or reused on site

- to provide for any reasonable beneficial use of the property; and
- (c) The designated structure or portion of the structure being demolished will be replaced with a structure that meets the applicable standards of the HP-O district.

- iii. Amendments
 - (1) Staff may approve an amendment to a certificate of approval when the amendment is minor, meets all of the applicable criteria for a certificate of approval and does not significantly alter the design or intent of the original approval.
 - (2) All other amendments require new review and approval in accordance with this Article 5:6.
- iv. Expiration

A certificate of approval shall be valid for two years from the date of approval. If work is not commenced within that time period, the certificate of approval shall lapse, and a new application must be submitted.

7. Flexibility and Relief Procedures

- (a) Variance
 - i. Purpose

The variance procedure provides a mechanism to authorize variances from the development standards of this Land Use Code when it is demonstrated that such a variance will not be contrary to the public interest or the spirit of this Land Use Code, where, owing to special conditions, literal enforcement of this Land Use Code will result in practical difficulties or unnecessary hardship.
 - ii. Applicability

The variance procedure is required for applications seeking flexibility of a development standard, other than as provided in the minor modification process, from the development standards applicable to the zoning district in which the subject property is located. Applications that are denied a minor modification shall not be eligible for a variance.
 - iii. Additional Criteria

In addition to the criteria in Article 5:2(i)iii, applications for a variance shall also:

 - (1) Not be injurious to the public health, safety, morals, and general welfare of the community;
 - (2) Not substantially affect the use and value of the area adjacent to the property included in the variance; and

(3) Sufficiently demonstrate that the strict application of the terms of this Land Use Code will result in practical difficulties in the use of the property, that the practical difficulties are peculiar to the property in question, and that the variance will relieve the practical difficulties.

(b) Minor Modification

i. Purpose

The minor modification procedure is intended to allow relatively small adjustments or deviations from the dimensional or numeric standards of Table 4-1 where strict application would result in practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Land Use Code. Minor modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance.

ii. Applicability

(1) A deviation from the requirements in Table 4-1 may be proposed as a minor modification.

(2) Deviations under a minor modification may not exceed a 10 percent variation of the applicable requirements.

iii. Additional Criteria

In addition to the criteria in Article 5:2(i)iii, applications for a minor modification shall also:

(1) Not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;

(2) Not be necessitated by the petitioner's actions; and

(3) Be of a technical nature and required to compensate for an unusual site condition or to protect a sensitive resource, natural feature, or community asset.

(c) Appeals

i. Appeal of any decision under this Land Use Code shall be held at a properly noticed public hearing.

ii. In addition to the criteria in Article 5:2(i)iii, appeals shall consider any additional applicable criteria to which the decision was initially made under.

iii. Appeals shall be reviewed for a clear error in the application of the relevant criteria to the application.

iv. Any decision that has exhausted its remedies under this Land Use Code may be appealed to the district court having jurisdiction.

8. Nonconformities

(a) Purpose

The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that

were lawfully established prior to the effective date of this Land Use Code, but that no longer conform to the requirements of this Land Use Code. All such situations are collectively referred to in this section as "nonconformities."

(b) Requirements

i. Authority to Continue

- (1) Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance in this Section, or unless such nonconformity is terminated as provided in this Section.
- (2) Nonconformities shall not be modified in any way that increases the degree of nonconformity.

ii. Determination of Legal Nonconformity Status

The burden of establishing the existence of a legal nonconformity shall be solely on the owner of the property containing the nonconformity.

iii. Maintenance

Maintenance of nonconformities are permitted and encouraged; provided, that the maintenance does not increase the degree of the nonconformity. Maintenance includes the following:

- (1) Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure, unless compliant with this Land Use Code;
- (2) Maintenance of land to protect against and mitigate health and environmental hazards;
- (3) Repairs that are required to remedy unsafe conditions; and
- (4) Repairs necessary to comply with current building Land Use Code requirements.

iv. Destruction of a Nonconforming Structure

A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition; provided, that such work is commenced within one year of such event and has been completed or diligently pursued within 18 months of such event.

v. Nonconforming Lots

A nonconforming lot that was made nonconforming by virtue of enactment of this Land Use Code may be used for construction of a building allowed in the applicable zoning district; provided, that all other zoning district and dimensional standards are met.

vi. Nonconforming Parking

Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this Land Use Code that are made nonconforming by virtue of enactment of this Land Use Code shall be allowed to continue; provided, that any change or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by such change or expansion is provided in accordance with this Land Use Code.

(c) Illegal Nonconformities

An illegal nonconformity exists when:

- i. A nonconforming structure is destroyed or substantially destroyed or neglected by an intentional act of the owner or an agent without a proper permit. If this occurs, the nonconforming structure shall lose its nonconforming status and thereafter shall be required to be in conformity with existing Land Use Codes. If a nonconforming use was in the destroyed or substantially destroyed structure, the nonconforming use and all site improvements shall lose their nonconforming status and be required thereafter to come into compliance with existing Land Use Codes.
- ii. A use, structure, or site improvement occurs to a nonconformity without being lawfully authorized in accordance with the provisions of this section. Such use and/or structure shall therefore cease all operations until such time that the required plans and/or permits are approved.

9. Violations, Enforcement, and Penalties

(a) Violations

Each of the following activities is a violation of this Land Use Code:

- i. Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of this Land Use Code or any regulation promulgated under this Land Use Code.
- ii. Any development, use, construction, remodeling, or other activity in any way generally inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Land Use Code.
- iii. Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this Land Use Code.

(b) Remedies

- i. Staff may deny or withhold all entitlements, including forms of authorization to use or develop any land, structure, or improvement, until an alleged violation, associated civil penalty or lien resulting from a previous final order related to such property,

use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

- ii. Whenever any building, structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in violation of this Land Use Code or in a manner that endangers life or property, Staff is authorized to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
- iii. With or without revoking permits, Staff may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Land Use Code or a provision of an entitlement or other form of authorization issued under this Land Use Code.
- iv. The stop-work order shall be in writing and posted at the site of the work, and shall specify the alleged violations. After any such order has been posted, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

(c) **Penalties**

- i. Violation of this Land Use Code may be punishable through imposition of a civil penalty as set forth in the Town's municipal Land Use Code.
- ii. The Town may seek injunctive relief or other appropriate relief in district court or other court of competent jurisdiction against any person who fails to comply with any provision of this Land Use Code or any requirement or condition imposed pursuant to this Land Use Code.
- iii. In any court proceedings in which the Town seeks a preliminary injunction, it shall be presumed that a violation of this Land Use Code is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject Land Use Code violation.

(d) **Abatement**

The Town may abate any violation of this Land Use Code as follows:

- i. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by first class United States mail to the owner of record of the property.
- ii. Unless this notice is appealed to the Board of Trustees within ten days of the posting of the final warning, the town shall proceed to abate the violation.
- iii. The Town shall keep an account of the cost, including incidental expenses, incurred by the Town in the abatement of any violation.

The Town shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this section, the term "incidental expenses" shall include without limitation the actual expenses and costs to the Town in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.

- iv. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely upon the owner of the property upon which the abatement occurred. When charges for abatement remain unpaid after 30 days from billing, the Town shall record a first and prior lien against the property, to be collected by the county treasurer in the same manner as property taxes.

(e) **Cumulative Remedies**

The remedies provided for violations of this Land Use Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. The exercise of one remedy shall not preclude the exercise of any other available remedy.

Article 6: Definitions

1. Rules of Construction

All words and terms used in this Land Use Code have their commonly accepted dictionary meaning unless they are specifically defined in this Land Use Code or the context in which they are used clearly indicates to the contrary. The following rules of construction apply:

- (a) All words used in the present tense include the future tense.
- (b) All words used in the singular number include the plural, and words in the plural number include the singular.
- (c) The masculine gender shall include the female and neutral.
- (d) The word "shall" is mandatory, and not discretionary, and the word "may" is permissive.
- (e) The word "building" shall include the word "structures."
- (f) The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (g) The words "land," "property", "parcel," "premise," and "tract" are all interchangeable unless the context clearly indicates to the contrary.
- (h) The word "individual" includes a "firm," "association," "organization," "partnership," "trust," "company," or "corporation" as well as a single individual.

2. Definitions

ACCESS

A way or means of approach to provide physical vehicular entrance to a property.

ACCESSORY BUILDING, STRUCTURE OR USE

A building, structure or use located or conducted upon the same lot (or on a contiguous lot in the same ownership) as the primary building, structure or use to which it is related, that is clearly incidental to, and customarily found in connection with, such primary building or use and is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot.

ACCESSORY DWELLING UNIT

A subordinate dwelling unit attached or detached from a primary structure, and located on the same lot or parcel, that provides basic requirements for living, sleeping, cooking, and sanitation. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as a accessory dwelling unit.

ADULT ENTERTAINMENT

Adult bookstores, adult motion pictures theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studios, and other adult establishments.

ANIMAL SHELTER

A facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 10 animals in a year, and that is operated by a government entity, humane society, animal welfare society, animal rescue group, or other nonprofit group. This use includes rescue horse facilities, regardless of the number of horses sheltered in a year.

ART GALLERY, MUSEUM, AND LIBRARY

A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

AUTOMOTIVE CENTER AND SERVICES

An establishment that is engaged in both the retail sales of a limited or full range of vehicle parts and fuels and the repair and maintenance of automobiles and light trucks. Self service, automated, or full service car washes as a primary use of property are included in this.

BAR OR BREWERY

An establishment primarily engaged in the selling of drinks for consumption on the premises, where entertainment and the incidental sale of prepared food for consumption on the premises are permitted accessory uses. These establishments may charge a fee or admission charge for the entertainment provided. Included in this category are bars, beer gardens, discotheques, night clubs, taverns, hookah bars, and dance halls.

BARNs, SHEDS, AND OUTBUILDINGS

An accessory structure designed and constructed to primarily supplement agricultural operations. The structure shall not be a place of human habitation or a place of employment where products are processed, treated or packaged; nor shall it be a place used by the public.

BED AND BREAKFAST

The commercial rental of bedrooms within a private residence, providing temporary accommodations, and typically including a morning meal to overnight guests.

BOARD OF TRUSTEES

The Board of Trustees of the Town of Green Mountain Falls.

BUILDING

Any structure used or intended for supporting or sheltering any occupancy. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be deemed a separate building.

BUILDING, PRIMARY

A building in which is conducted, or that is intended to be conducted, the primary use of the lot on which it is located.

BUSINESS OR PERSONAL SERVICE

An establishment primarily engaged in providing services involving the care of a person or his or her apparel or rendering services to business establishments on a fee or contract basis, such as barber shops, clothing rental, tattoo or piercing parlor, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants), coin operated laundries, advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, computer programming/data processing services, locksmiths, and repair of business or household goods and equipment generally weighing less than 25 pounds.

CARNIVAL OR FESTIVAL

A temporary festival typically offering amusement rides, variety shows, or other entertainment.

COMMUNICATION TOWER

A tower structure and related equipment enabling the transmission of electronic signals via wired and wireless means.

COMMUNITY CENTER

A building or portion of a building used for nonprofit, cultural, educational, recreational, religious, or social activities that is open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

COMMUNITY GARDEN

The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics including but not limited to gardens, container gardens, edible landscapes, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens. All of which may include the production and sale of food products from food grown on the premises. Community Garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICE

A facility that transmits and/or receives signals or waves radiated or captured by a wireless telecommunications antenna. It may include: antennas of all kinds including microwave dishes, horns, and other types of equipment for the transmission or reception of such signals, telecommunications tower or similar structures supporting said equipment, equipment buildings or cabinets, parking area, and/or other accessory development in order to provide telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public. Non-commercial or broadcasting antennas are not considered to be wireless telecommunications utilities.

CONDITIONAL USE

A use that is permitted only after the petitioner obtains conditional use approval pursuant to Article 5:3(d), and subject to any use-specific standards.

CURB CUT

The alteration, typically by lowering, of a curb, sidewalk, or boulevard to provide vehicular access to a parcel.

DAY CARE FACILITY

A licensed private or public establishment that for gain or otherwise, regularly provides one or more dependents with care, training, supervision, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours a day, in a place other than the dependent's home.

DEDICATION

The transfer of property interests from private to public ownership for a public purpose.

DELINEATED WETLAND

The area mapped as a wetland by a qualified consultant, in accordance with the approved Federal Wetland Delineation Manual and applicable regional supplement.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including a change in use or the creation of a subdivision.

DRIVE-IN FACILITY

An accessory use that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles, but not including any use meeting the definition of Outdoor Entertainment or Recreation.

DWELLING, ATTACHED

A building containing three or more dwelling units arranged side by side, separated from each other by a firewall and having separate direct means of egress and ingress to each unit from the outside.

DWELLING, DUPLEX

A single building on a single lot containing two dwelling units.

DWELLING, FOURPLEX

A single building on a single lot containing four dwelling units.

DWELLING, MULTIFAMILY

A building containing five or more dwelling units on a single lot, including but not limited to apartments, cooperative apartments, and condominiums. Regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental periods of one week or less shall be considered a hotel, motel, or short-term rental as applicable.

DWELLING UNIT

A single unit providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, SINGLE FAMILY DETACHED

A detached building, whether stick-built or manufactured, containing one dwelling unit located on a single lot.

DWELLING, TRIPLEX

A single building on a single lot containing three primary dwellings.

EASEMENT

A grant of one or more of the property rights by the property owner to and for use by the public, a corporation, or another individual or entity.

ELECTRIC VEHICLE CHARGING STATION

A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property.

FAÇADE

The exterior walls of a building exposed to public view from a public street. The wall visible from a public street or parking lot and used for the main public access or that has distinguishing architectural features will be considered the primary façade. A wall that is visible from a public street or parking lot serving the business center but not the main access to the building is considered the secondary façade.

FAST FOOD RESTAURANT

An establishment whose primary business is the sale of food and/or beverages in a ready to consume state for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as a carry out order, and whose principal method of operation involves serving food and/or beverages in edible containers or in paper, plastic, or other disposable containers.

FIRE-RESISTANT MATERIALS

Building materials that are designed to be resistant to fire such that under conditions of a standard heat intensity it will not fail structurally or allow transit of heat. Examples of fire-resistant materials include brick, concrete, steel, stone, glass, treated timber, stucco, and cast iron.

FLOODPLAIN

That area within a Special Flood Hazard Area as delineated by the most recent report available from the Federal Emergency Management Agency.

FLOODPLAIN GRADE

The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area.

FOOD TRUCK

A retail food establishment that is not intended to be permanent and is a motorized wheel vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages.

FUELING STATION

A facility where fuels like diesel, gasoline, ethanol, natural gas, electricity, and hydrogen; related supplies for motorists; and convenience foods and goods are sold. All services included in Automotive Center are excluded.

FUNERAL HOME

An establishment providing services such as preparing the human or animal dead for burial, cremating human remains, and arranging and managing funerals, and for which permitted accessory uses include a crematorium.

GARAGE

A detached accessory building or a portion of a primary building used for the parking and storage of vehicles, merchandise, or equipment, and that is not a separate commercial establishment open to the general public. When associated with a residential use in a residential district, it shall be limited to use for parking and storage of vehicles, noncommercial trailers, and household equipment.

GARAGE SALE

The sale of used household belongings at a residential dwelling or residential neighborhood including but not limited to "home sale," "estate sale," "attic sale," and "basement sale" and any other type of residential sale of tangible personal property.

GREENHOUSE

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale, for personal enjoyment, or for the temporary storage or display of plant material.

GROUP HOME, SMALL

A residential dwelling or facility where eight or fewer persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and as interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

GROUP HOME, LARGE

A residential dwelling or facility where more than eight persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

HEIGHT (OF A BUILDING)

The vertical distance above grade along the building front measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height between the eave and ridge of a gable, hip, or gambrel roof. Maximum height establishes the maximum height in feet above grade, allowed for structures within a given zoning district.

HOME OCCUPATION

Any gainful occupation or profession engaged in by the occupant of a dwelling unit at or from the dwelling unit.

HOTEL OR MOTEL

A building or series of buildings operated as an establishment providing accommodations in habitable units by prior arrangements, for compensation, for periods of thirty days at a time or less. This use may provide ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities.

INDOOR ENTERTAINMENT OR RECREATION

A commercial recreation facility that provides completely enclosed or indoor entertainment or recreation space, such as racquet clubs, indoor skating rinks or swimming pools, bowling alleys, billiard, pool, or bingo parlors, amusement arcades, indoor archery ranges, indoor live or motion picture theaters, and fitness centers or gymnasiums, and where food or beverages may be served as an accessory use, but does not include any use meeting the definition of Adult Entertainment.

IMPERVIOUS SURFACE

Any surface artificially covered or hardened so as to prevent or impede the percolation or absorption of water into the ground, including but not limited to asphalt, concrete, roofing material, brick, plastic, gravel, or swimming pools.

LOT

The smallest unit of land division defined by plat or by metes and bounds description, that is not divided by a lot line, right-of-way, or other publicly owned land.

LOT AREA

The area contained within the lot lines of a lot, excluding any right-of-way or private street.

LOT LINE

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. Where any portion of a lot extends onto a public right-of-way, the lot line shall be deemed to be the boundary of said right-of-way.

LOT WIDTH

A horizontal distance measured between the side lot lines.

LOT LINE, FRONT

A lot line separating a lot from the predominant public or private street or roadway right-of-way abutting the property, as determined by the Town.

LOT LINE, REAR

On a rectangular lot other than a corner lot, the lot line opposite and most distant from the front lot line; on a corner lot, an interior lot line that is designated at the time of development.

Triangular shaped lots whose lot width narrows when moving away from the front lot line have no rear lot line. The rear lot line(s) on irregular shaped lots with more than four lot lines are those interior lot lines that, when the endpoints of the line(s) are connected, create a line exceeding the width at the building line.

LOT LINE, SIDE

Any lot line other than a front or rear lot line.

LOT OF RECORD

Any validly recorded lot that, at the time of its recording, complied with all applicable laws, ordinances, and regulations.

LOT SIZE

The minimum size lot, in square feet, for certain types of residential development, measured on a horizontal plane.

MAJOR SITE PLAN

A site plan that does not qualify as a minor site plan.

MANUFACTURED HOME

A building, fabricated in an off-site facility for installation or assembly at the building site, transportable in one or more sections, that, in the traveling mode, is eight feet or more in width or 40 feet or more in length, or when erected is 320 or more square feet in size, and is built on a permanent chassis and designed to be used as a dwelling for one family, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the building.

MANUFACTURED HOME PARK

A residential development on a site that consists of two or more spaces for the placement of manufactured homes for dwelling or sleeping purposes, regardless of whether or not a fee is charged for the use of such space. This development is typified by a land-lease arrangement between the residents of the manufactured homes in the community and a single ownership entity or common owner(s) in a cooperative arrangement as opposed to a development that consists of individually owned lots subdivided for the placement of manufactured homes. A manufactured home park does not include real property used for the display and sale of manufactured homes, unless the manufactured homes for display or sale are permanently sited as model homes in the park, nor does it include a Recreational Vehicle Parking in which spaces are not intended for long-term occupancy.

MANUFACTURED HOME PARK LOT

A parcel of land in a manufactured home park used for the placement of a single manufactured home for the exclusive use of the residents of the manufactured home. The area of the lot for

rezoning purposes shall not include any common or community open space. The area of the lot shall not include any land devoted to the development of streets (public or private) including any land used for common sidewalk or walkway area located parallel and adjacent to a private street lying adjacent to the lot.

MEDICAL FACILITY

An establishment engaged in providing diagnostic services, extensive medical treatment (including surgical services) and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including Veterinary and Animal Services.

MINOR SITE PLAN

A site plan that is eligible for minor site plan review as stated in Article 5:3(c).

MOBILE HOME

A non-HUD compliant structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities, but not including manufactured homes or recreational vehicles. Mobile homes are not permitted in the Town.

MULTI-USE TRAIL

A path physically separated from motor vehicle traffic, located either within a street right-of-way or a separate right-of-way or easement, and intended for use by some combination of bicyclists, pedestrians, equestrians, and other non-motor vehicle traffic.

NONCONFORMING LOT OF RECORD

Any validly recorded lot existing at the time this Land Use Code was adopted that does not comply with the minimum requirements of the district where it is located.

NONCONFORMING PARKING

Any development that does not provide the number of off-street parking spaces that would be required by this Land Use Code for a new development of the same type. The existence of parking spaces located outside of an approved driveway in the front or street side yard on a property in a residential district that were not approved through a lot and site development approval procedure do not constitute legal, nonconforming parking.

NONCONFORMING SIGN

Any sign established prior to the effective date of this Land Use Code that is not in full compliance with the Land Use Code.

NONCONFORMING STRUCTURE

A structure that does not comply with the height, setback, density, or floor area ratio requirements of the district where it is located.

NONCONFORMING USE

An activity using land or structures that would not be permitted to be established as a new use in the zone where it is located by the regulations of this Land Use Code.

NURSING HOME

An establishment primarily engaged in providing intermediate or long-term nursing and health related care to individuals.

OFFICE

A room or group of rooms used for managing the affairs of an establishment or for the non-retail, non-production conduct of affairs of a service, professional institution, or business nature

including medical offices or clinics, studios for those involved in art, sculpture, and music including organizations operating on a membership basis for the promotion of the interests of the membership, including trade associations, business associations, professional membership organizations, labor unions, or civic or fraternal organizations, but not including place of worship, hospitals, golf and country clubs, or credit unions.

OUTDOOR EATING AREA

Any group of tables, chairs, or other seating fixtures and appurtenances intended for the outdoor consumption of food or beverage by patrons, employees, or tenants, when located adjacent to an establishment having the same operator.

OUTDOOR ENTERTAINMENT OR RECREATION

A commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf facilities, drive-in theaters, amphitheaters, outdoor concert halls, racetracks, ranges (skeet, rifle, or archery), bowling alleys, and amusement parks.

PARKING LOT

A surface area whose purpose is to provide accessory or primary use parking spaces for motor vehicles, this category also includes community lots that are established to meet the parking needs in a residential area.

PARKING GARAGE

An above ground and/or belowground structure, or a part of a primary structure, designed for parking automobiles and light trucks and van, in which at least one level of parking is located above or below another level of parking in the same structure. This use does not include parking and storage facilities for recreational vehicles, boats, and trucks seven feet in height or greater.

PARKING SPACE

An enclosed or unenclosed, covered or open area designated for vehicular parking and meeting the requirements in Article 4:7. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.

PARKS AND OPEN SPACE

A publicly or privately owned open space area specifically defined or set aside for active and/or passive recreational uses. Parks and open space includes all landscaping, facilities and apparatus, playing fields, trails and buildings and structures that are consistent with general outdoor recreational purposes.

PLACES OF WORSHIP

A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for the conducting of organized religious services and associated accessory uses.

PLANNING COMMISSION

The Planning Commission of the Town of Green Mountain Falls, which shall also act as the Board of Adjustment and Historic Preservation Board.

PLAT, FINAL

The final map on which an applicant's plan for the division of land for purposes of development is presented to the Town for approval and that, if approved, will be submitted to the County Recorder.

PLAT, PRELIMINARY

A draft map on which an applicant's plan for the division of land for purposes of development is presented to the Town for review and comment regarding compliance with this Land Use Code and other standards and regulations, prior to submittal of a Final Plat for approval.

PROPERTY OWNER

The fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes but is not limited to vendors under a contract for deed.

RECREATIONAL VEHICLE

A temporary structure, less than 40 feet in length, that can be towed, hauled or driven and is primarily designed as temporary housing accommodations for recreational, camping or travel use including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECREATIONAL VEHICLE PARKING

Storage of recreational vehicles at a residence as an accessory to the primary use of the property.

RESTAURANT

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops.

RETAIL ESTABLISHMENT

An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including furniture and appliance sales and business centers. These establishments are characterized by the following: 1) They buy and receive as well as sell merchandise; 2) They may process some products, but such processing is incidental or subordinate to the selling activities; and 3) They predominantly sell to customers for their own personal or household use.

RETAIL, SMALL

A retail establishment that is under 5,000 square feet gross floor area.

RETAIL, LARGE

A retail establishment that is over 5,000 square feet gross floor area.

SCHOOL

A public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

SEASONAL SALES

A building or structure used for the retail sales of Christmas trees, holiday décor and seasonal gifts, fresh fruits, vegetables, flowers, herbs, or plants. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

SELF SERVICE STORAGE FACILITY

An establishment designed and used for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

SHORT-TERM RENTAL

Short-Term Rentals shall be defined as stated in Chapter 5 Article VII of the Town Municipal Code.

SOLAR COLLECTOR, GROUND- OR BUILDING-MOUNTED

A photovoltaic (PV) panel, array of panels or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. Ground-Mounted Solar Collector may be a principal or accessory use. Building-Mounted Solar Collector is an accessory use. Building-Mounted Solar Collector includes agrivoltaic systems and parking canopy solar systems.

STAFF

An employee of the Town of Green Mountain Falls designated by the Town Manager to oversee such duties as prescribed herein.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement.

TEMPORARY USE

A use that is permitted as a temporary use only after a temporary use permit is obtained pursuant to Article 5:3(f), and subject to any use-specific standards.

TOWN MANAGER

The Town Manager of the Town of Green Mountain Falls, or his or her authorized representative.

UTILITY, MAJOR

A facility providing an important regional utility service, such as water, sewer, or drainage, that normally entails construction of new buildings or structures, and that sometimes have employees on the site on an ongoing basis including but not limited to water towers, natural gas regulating stations, electric substations, water treatment plants, sewage treatment plants, above- or below-ground reservoirs, regional stormwater detention ponds, electric power lines that transmit over 110 KV of power, and other large facilities that enable the provision of utility services to large geographic area or a large number of people. Major Utility does not include Geothermal Energy System, Ground- or Building-Mounted Solar Collector, or Ground- or Building- Mounted Wind Energy Conversion System (WECS).

UTILITY, MINOR

Equipment necessary to support utility services to development within the immediate vicinity and that involves only minor accessory structures, and that typically do not have employees located at the site on an ongoing basis including but not limited to electric transformer stations and service boxes, gas regulator stations, telephone service boxes, and well, water and sewer pumping stations, and related underground and aboveground pipes and wires, but excluding electric power transmission lines that transmit over 110 KV of power.

URBAN AGRICULTURE

The cultivation of food and/or horticulture crops, aquaponics, aquaculture, and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises. Urban Agriculture includes the raising of small animals like bees for the purpose of producing honey but does not include slaughtering or selling meat or the keeping of any large animals.

USE BY RIGHT

A use that is permitted by right in a particular zoning district, subject to compliance with any use-specific standards.

VETERINARY AND ANIMAL SERVICES

A commercial establishment engaged in the practice of veterinary medicine, dentistry, or surgery, along with those providing animal related services such as kennels, grooming, or breeding services. A single instance of incidental breeding of a household animal is not included in this definition.

WIND ENERGY CONVERSION SYSTEM, GROUND- OR BUILDING-MOUNTED ("WECS")

All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).

**GREEN MOUNTAIN FALLS, COLORADO
RESOLUTION NO. 2022-11**

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2022,
TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF GREEN
MOUNTAIN FALLS, COLORADO, FOR THE 2023 BUDGET YEAR.**

WHEREAS, the Board of Trustees of the Town of Green Mountain Falls has adopted the annual budget in accordance with the Local Government Budget Law, on the 13th day of December 2022; and,

WHEREAS, the amount of money necessary to balance the budget for general operating purposes from property tax revenue is \$204,466; and,

WHEREAS, the 2023 valuation for assessment for the Town of Green Mountain Falls as certified by the El Paso County Assessor is \$10,938,310; and,

WHEREAS, the 2023 valuation for assessment for the Town of Green Mountain Falls as certified by the Teller County Assessor is \$678,730;

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees of the Town of Green Mountain Falls Colorado:

Section 1. That for the purpose of meeting all general operating expenses of the Town of Green Mountain Falls during the 2023 budget year, there is hereby levied a tax of 17.588 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for the year 2023.

Section 2. That the Mayor is hereby authorized and directed to immediately certify to the County Commissioners of El Paso and Teller Counties, Colorado, the mill levies for the Town of Green Mountain Falls as hereinabove determined and set.

Adopted: This 13th day of December 2022.

(SEAL)

ATTEST:

Nathan Scott, Town Clerk

Todd Dixon, Mayor

BOARD OF TRUSTEES AGENDA MEMO

DATE: 12/13/2022	AGENDA NO 7	SUBJECT:
Presented by: Becky Frank, Town Manager		Consideration of Resolution 2022-12, A Resolution to Adopt the Town of Green Mountain Falls 2023 Budget, A Resolution Summarizing Expenditures and Revenues for each Fund and Adopting a Budget for the Town of Green Mountain Falls Colorado for the Calendar Year Beginning on the First Day of January 2023, and Ending on the last day of December 2023

Background: Pursuant to Colorado Revised Statutes (C.R.S. 29-1-106(1)) Governing body must publish “Notice of Budget” upon receiving proposed budget. The notice of budget was published in the Pikes Peak Courier on October 12, 2022.

Pursuant to Colorado Revised Statutes (C.R.S 29-1-05) the Budget officer submitted a proposed budget to the governing body on October 4, 2022, prior to the October 15 submittal requirement.

As part of our priority-based budgeting process, the Board of Trustees and Advisory Boards participated in a collaborative work session at the Board of Trustees meeting on October 18, 2022.

Discussion:

The 2023 budget contains some structural changes from prior years budgets. This is because there were several items in prior year’s budgets that have been in the general fund but are more accurately reflected as capital improvement projects or expenses. Prior year’s budgets can be found on the Town’s website here: <https://greenmountainfalls.colorado.gov/budget>

For 2023, staff is focusing on efficiency. There are several items that we will be looking at to see if there is a more cost-effective way to operate while still maintaining a high level of service. Staff has scaled back departmental expenses to what we believe is a minimum for operations. This approach was taken because this year, was the first year that the town operated fully staffed which required additional efficiency. As a result, prior to any expenditures that are outside of the budgeted amounts will be brought to you for approval and may have to come out of fund balance reserves.

In calculating our revenues, staff also took a very conservative approach. This prevents the Town from overbudgeting and inadvertently impacting fund balances. Staff will be presenting quarterly financial reports that will monitor these revenues and if it looks like revenues are coming in higher than predicted, you will have the opportunity to amend the 2023 budget.

The 2023 budget must be adopted and submitted to the State of Colorado prior to 12/31/22. If additional work sessions are needed prior to adoption, we will need to publish the adoption hearing in the paper which takes about a week. The 2023 budget contains a column that shows items that will require support from fund balance reserves. These items are listed individually within respective departments so that you may evaluate them individually and decide where you would like to invest

within the community. At the time of this memo, none of these items are included as officially budgeted expenditures. The Board may vote add them prior to budget adoption.

Staff would like to recognize and extend gratitude to all who participated in the priority-based budget sessions.

Recommended Action:

Approve Resolution 2022-12, A Resolution to Adopt the Town of Green Mountain Falls 2023 Budget, A Resolution Summarizing Expenditures and Revenues for each Fund and Adopting a Budget and Appropriating funds, for the Town of Green Mountain Falls Colorado for the Calendar Year Beginning on the First Day of January 2023 and Ending on the last day of December 2023.

Respectfully,

Becky Frank



2023 Budget Message

Town of Green Mountain Falls, Colorado
10615 Green Mountain Falls Road
Green Mountain Falls, CO 80863

December 13, 2023

Board of Trustees and Citizens of Green Mountain Falls,

Pursuant to §29-1-103(1)(e) of the Colorado Revised Statutes, it is my pleasure to present the following budget message to accompany the 2023 Annual Budget for the Town of Green Mountain Falls. The following budget sets forth projections of Town expenditures and revenues for the period of January 1, 2023, through December 31, 2023.

For 2023, the Town's overall budget is \$1,046,576.47. Of this total, \$750,236.27 in expenses are attributable to the General Fund. A remaining \$8,030 in expenses are budgeted within the Conservation Trust Fund, as a transfer to the General Fund. The Capital Improvement Fund budget for 2023 is anticipated to be \$288,310. After these expenses, anticipated end-of-year unrestricted fund balance are budgeted as follows:

General Fund – \$506,841.

Capital Improvement Fund – \$144,038, \$91,000 TABOR emergency reserve.

Conservation Trust Fund – \$13,986.

Per C.R.S. §29-1-102(2)(b), the Town's budget is based on a modified accrual basis.

Per C.R.S. §29-1-103(1)(e), this budget will permit the Town to continue to afford the following basic municipal services:

- Public Works
 - Road maintenance and upkeep
 - Parks maintenance and upkeep
 - Facilities maintenance and upkeep
 - Fleet maintenance and upkeep
- Town Marshall
 - Respond to complaints/enforce all provisions of the Town's municipal code
 - Manage all law enforcement-related records
 - Maintain all administrative compliance elements of the department
 - Manage part-time volunteer reserve officers
 - Municipal Court – assist in prosecution of municipal code infractions
 - Serve as general liaison to the public in keeping the peace (community policing)
 - Emergency management – assist in the immediate management of emergency/disaster events
 - Events management – lend operational support to local events to ensure permit compliance, proper traffic management, and the general safety of attendees

- Office of the Clerk-Treasurer
 - Town Board of Trustees and appointed committee management
 - Agenda publication and management
 - Public notifications
 - Recording and publication of minutes of proceedings
 - Vacancy announcements and management
 - Designated Local Election Official
 - Licensing Official (businesses, short-term rentals, animals, liquor, special event permits, etc.)
 - Records Management (financial, personnel, contractual, municipal court, etc.)
 - Municipal Code Updates
 - Ordinance tracking
 - Interface with online code publishing company to maintain updates
 - Municipal Court Clerk
 - Human Resources Support (payroll administration, policy development, professional development, onboarding/offboarding, volunteer management, etc.)
 - Information Technology Support
 - Website content management
 - Interface with independent consultants for network upkeep
 - Software/hardware maintenance
 - Legal Services
 - Interface with Town Attorney's Office as needed/appropriate
 - Insurance Administration – property/casualty, workers compensation, health
 - Enrollment
 - Renewals
 - Claims
 - General Financial Services
 - Procurement officer
 - Accounts payable/receivable management
 - Annual auditing support
 - Banking/credit/investment management
 - Budget tracking/maintenance
 - Fiscal reporting
 - Procurement assistance
 - Events Management
 - Manage Pavilion bookings
 - Provide event support as appropriate (e.g. insurance, scheduling)
- Planning/Land Use
 - Staff support to Planning Commission
 - Liaison between Planning Commission, Board of Trustees, Town residents, applicants, other Town staff
 - Land use/zoning determinations – e.g., vacations, annexations, development
 - Grant writing/administration
 - Capital project planning/management
 - Economic development
 - Trails management
 - Short-term rental administration
 - Plan reviews

- Permit request review/issuance (development, revocable permits, grading, street cuts, etc.) 3
- Primary interface with Regional Building Department, EPC Health, other entities as needed
- Comprehensive Plan monitoring/implementation
- Code enforcement (relating to land use, zoning, construction, etc.)
- GIS technician
- Event support
- Town Manager
 - Liaison between Town staff and Board of Trustees
 - Operations management (principle supervisory authority for Public Works)
 - Hiring/firing non-appointed staff
 - Day-to-day oversight/work plan management
 - Performance reviews/goal setting
 - Disciplinary matters
 - Municipal budget officer
 - Liaison to Town Attorney's Office
 - Communication of Town Board articulated legal questions/concerns
 - Direction on desired legislation
 - Strategizing/negotiating regarding actual or potential legal disputes
 - Capital project budgeting/planning/management
 - Contract management
 - Grant oversight/strategic planning
 - Intergovernmental liaison/representative
 - Organizational health
 - Professional development planning
 - Ongoing staff analyses/evaluation of outsourcing opportunities
 - Public Information Officer
 - Emergency management
 - Insurance administration
 - Event support
 - ADA coordination

Note: All departments are jointly responsible for providing basic administrative support – i.e., general customer service, office management, fielding public inquiries, etc.

Included in the budget is a three (3) percent COLA increase. Significant line-item changes notable is a reduction of administrative part time labor as the Town will contract planning services for 2023 and an overall departmental reduction of expenses.

Relative to the general fund expenses of \$750,240 in 2023 are expected revenues of \$746,785. The Conservation Trust Fund (lottery proceeds) is projected to bring in \$8,030 in 2023 funds, which per State law will be used for parks maintenance/grant matching funds/parks capital improvements. General Fund net revenues after expenses and the transfer from the Conservation Trust Fund are therefore anticipated to be \$4,578.54. The total net revenues after expenses for the Capital Improvement Fund for 2022 is anticipated to be \$-2,616.00. This negative net is simply due to the timing of grant funds receipt.

The primary capital achievements contemplated are as follows:

- \$104,300 for the completion of a Comprehensive Roads Plan, DOLA funded 50% of this project with a 50% match for the Town

- \$70,000 for the capital equipment purchase for the Marshal's Office vehicle.
- \$11,000 to implement the Marshal's Office Body-Worn Cameras.
- Funding for fire mitigation efforts in partnership w/the Coalition of the Upper South Platt (CUSP), GOCO, MHYC, etc.
- \$8,030 for parks, rec., and trails related capital improvements (e.g., parks maintenance and operations)
- \$74,994 for ARPA stimulus funds for infrastructure improvements.
- \$53,000 for the installation of infrastructure (CPW Human-Bear Conflict Reduction grant).

In summary, the Board of Trustees continues to address the Town's financial needs in a prudent and fiscally responsible manner, while investing in the Town's infrastructure. Trustee assistance and guidance in preparation of this document is appreciated.

It has been a pleasure working with the citizens, The Board of Trustees, and Town Staff in the Town of Green Mountain Falls.

Respectfully Submitted,

Becky Frank
Town Manager

Town of Green Mountain Falls
GENERAL FUND
Budget Status Report - GAAP Basis
Proposed 2023 Budget

	2021 Budget	2021 Actual	2022 Budget Adopted	2022 Year-end Projected	2023 Budget Proposed	Fund Balance Options	Notes
w/ 3% COLA							
REVENUE							
<u>Intergovernmental Revenue</u>							
CDOT Transportation Stimulus -							
Public Works Operations (ARPA)	\$ -	\$ 92,491	\$ -	\$ -	\$ -		
Total Intergovernmental Revenue	\$ -	\$ 92,491	\$ -	\$ -	\$ -		
Taxes							
Auto Use Tax- El Paso County	\$ 32,000	\$ 27,855	\$ 33,185	\$ 31,600.00	\$ 32,000.00		
Auto Use Tax- Teller County	\$ 2,500	\$ 29	\$ 2,600	\$ 4,000.00	\$ 4,000.00		
Motor Vehicle Fees- El Paso County	\$ 2,500	\$ 2,487	\$ 2,600	\$ 2,500.00	\$ 2,500.00		
Motor Vehicle Fees- Teller County	\$ 200	\$ 162	\$ 210	\$ 210.00	\$ 150.00		
HUTF	\$ 30,000	\$ 29,515	\$ 31,110	\$ 29,000.00	\$ 30,000.00		
Road and Bridge- El Paso County	\$ 1,300	\$ 1,350	\$ 1,350	\$ 2,200.00	\$ 2,200.00		
Road and Bridge- Teller County	\$ 150	\$ 139	\$ 155	\$ 230.00	\$ 230.00		
Reimbursements- PPRTA (Maintenance)	\$ 40,689	\$ 45,185	\$ 99,806	\$ 99,806.00	\$ 49,324.00		
Franchise- Cable	\$ 10,900	\$ 10,580	\$ 11,303	\$ 10,400.00	\$ 10,500.00		
Franchise- Electric	\$ 21,000	\$ 21,922	\$ 21,777	\$ 21,777.00	\$ 22,000.00		
Franchise- Gas	\$ 11,000	\$ 12,858	\$ 11,400	\$ 15,000.00	\$ 15,000.00		
Franchise- Telephone	\$ 4,200	\$ 4,200	\$ 4,305	\$ 4,200.00	\$ 4,200.00		
GMF Sales Tax (3% from State DOR)	\$ 150,000	\$ 269,537	\$ 175,000	\$ 230,000.00	\$ 220,000.00		
PPRBD Construction Use Tax	\$ 17,000	\$ 14,294	\$ 17,700	\$ 13,000.00	\$ 14,000.00		
Property Tax- El Paso County	\$ 169,684	\$ 190,047	\$ 200,135	\$ 199,855.00	\$ 192,520.00		
Property Tax- Teller County	\$ 10,725	\$ 11,874	\$ 12,357	\$ 12,357.00	\$ 11,946.00		
Short Term Rental Occupancy Tax (and regular Lodging Tax - hotels)	\$ 20,000	\$ 67,153	\$ 28,000	\$ 69,000.00	\$ 70,000.00		
Specific Ownership- El Paso County	\$ 17,600	\$ 19,923	\$ 18,250	\$ 20,000.00	\$ 20,000.00		
Specific Ownership- Teller County	\$ 850	\$ 1,176	\$ 850	\$ 1,500.00	\$ 1,500.00		
Severance/Mineral Lease	\$ 1,400	\$ 448	\$ 1,820	\$ 1,339.53	\$ 1,340.00		
Tobacco Tax	\$ 400	\$ 768	\$ 400	\$ 400.00	\$ 400.00		
Total Taxes Revenue	\$ 544,098	\$ 731,501	\$ 674,313	\$ 768,374.53	\$ 703,810.00		
Fee Revenue							
Court- Traffic	\$ 350	\$ 350	\$ 350	\$ -	\$ 350.00		
Court- Non Traffic Offenses	\$ 200	\$ 200	\$ 200	\$ 160.00	\$ 200.00		
Animal Licenses	\$ 1,000	\$ 320	\$ 1,000	\$ 275.00	\$ 350.00		
Business Licenses	\$ 5,000	\$ 8,652	\$ 5,000	\$ 4,500.00	\$ 5,000.00		
Land Use- Administrative Review	\$ 5,000	\$ 4,479	\$ 5,000	\$ 8,000.00	\$ 14,000.00		
Land Use- Zoning and Arch. Review	\$ 8,075	\$ 1,550	\$ 8,075	\$ 8,000.00	\$ -		
Land Use- Subdivisions	\$ 2,450	\$ -	\$ 2,450	\$ -	\$ -		
Liquor Licenses	\$ 500	\$ 500	\$ 1,200	\$ 725.00	\$ 725.00		
Short Term Rental Licenses	\$ 11,500	\$ 16,116	\$ 11,500	\$ 9,000.00	\$ 15,000.00		
Special Event Permits	\$ 3,000	\$ -	\$ 3,000	\$ 1,400.00	\$ 1,400.00		
						3 Land Use fee lines combined	

Town of Green Mountain Falls
GENERAL FUND
Budget Status Report - GAAP Basis
Proposed 2023 Budget

	2021 Budget	2021 Actual	2022 Budget Adopted	2022 Year-end Projected	2023 Budget Proposed	Fund Balance Options	Notes
Special Use Permits	\$ 6,000	\$ 3,695	\$ 6,000	\$ 1,200.00	\$ 1,200.00		
Road Cut Permit	\$ -	\$ -	\$ -	\$ -	\$ -		
Gazebo- Rentals	\$ 7,000	\$ 6,050	\$ 2,000	\$ 3,500.00	\$ 4,000.00		
Pool- Admissions & Passes	\$ 5,000		\$ 5,000	\$ 3,090.00	\$ -		
Special Events- Traffic Control							
Fees	\$ 400	\$ -	\$ 400	\$ -	\$ -		
VIN Checks	\$ 75	\$ -	\$ 75	\$ -	\$ -		
Interest	\$ 1,000	\$ 778	\$ 1,000	\$ 750.00	\$ 750.00		
Marshal's Department	\$ -	\$ -					
Managed Parking	\$ -	\$ 6,377	\$ 19,000	\$ -	\$ -		
Miscellaneous Revenue	\$ -	\$ -					
Total Fee Revenue	\$ 56,550	\$ 49,067	\$ 71,250	\$ 40,600.00	\$ 42,975.00		
Other Revenue							
GMF Promotional Merchandise	\$ 30	\$ 30	\$ 20	\$ -	\$ -		
Total Other Revenue	\$ 30	\$ 30	\$ 20	\$ -	\$ -		
Total General Fund							
Revenue	\$ 600,678	\$ 873,090	\$ 745,583	\$ 808,974.53	\$ 746,785.00		
EXPENDITURES							
Administration Department							
Salaries and Benefits							
Labor- Full Time	\$ 123,023	\$ 123,023	\$ 150,000	\$ 150,000.00	\$ 151,410.00		
Labor- Part Time	\$ 41,801	\$ 44,893	\$ 29,491	\$ 1,600.00	\$ 10,000.00		
Labor- Health Insurance	\$ 25,667	\$ 25,667	\$ 22,584	\$ 40,900.00	\$ 42,700.00		
Labor- Employee Share Health Insurance	\$ 100	\$ 100	\$ 100	\$ (16,500.00)	\$ (8,550.00)		
Labor- FICA (SS and Medicare)	\$ 12,846	\$ 12,846	\$ 12,846	\$ 12,846.00	\$ 12,347.87		
Labor- State Unemployment Insurance	\$ 300	\$ 300	\$ 300	\$ 300.00	\$ 350.00		
Labor- Workman's Comp	\$ 500	\$ 500	\$ 500	\$ 4,050.00	\$ 4,100.00		
Labor- Retirement	\$ 1,803	\$ 1,803	\$ 8,820	\$ 8,820.00	\$ 9,684.60		
Labor- Cell Phone Stipend	\$ 720	\$ 720	\$ 720	\$ -	\$ -		
Total Salaries and Benefits	\$ 206,760	\$ 209,852	\$ 225,361	\$ 202,016.00	\$ 222,042.47		
Operations							
Insurance- Surety Bond	\$ 200	\$ 200	\$ 415	\$ 415.00	\$ 600.00		
Maintenance- Building	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000.00	\$ 1,000.00		
Publications- Code	\$ 3,000	\$ 3,000	\$ 400	\$ -	\$ -		
Publications- Legal Notices	\$ 600	\$ 600	\$ 600	\$ 300.00	\$ 500.00		
Supplies- Office	\$ 2,500	\$ 2,500	\$ 2,500	\$ 3,000.00	\$ 2,500.00		
Training- Professional Development, Per Diem	\$ 5,000	\$ 5,000	\$ 5,000	\$ 2,500.00	\$ 5,000.00		
CARES Act Expenses	\$ -	\$ -	\$ -	\$ -	\$ -		
Utilities- Electric	\$ 1,400	\$ 1,400	\$ 1,400	\$ 1,600.00	\$ 1,600.00		
Utilities- Natural Gas	\$ 1,400	\$ 1,400	\$ 1,400	\$ 1,400.00	\$ 1,400.00		
Utilities- Telephone/ Internet	\$ 2,500	\$ 2,500	\$ 2,500	\$ 5,000.00	\$ 5,000.00		

employer-paid health benefits for employee (100%)
 Employee-paid dependent insurance (50% in 2023)

Town of Green Mountain Falls
GENERAL FUND
Budget Status Report - GAAP Basis
Proposed 2023 Budget

	2021 Budget	2021 Actual	2022 Budget Adopted	2022 Year-end Projected	2023 Budget Proposed	Fund Balance Options	Notes
Total Operations	\$ 17,600	\$ 17,600	\$ 15,215	\$ 15,215.00	\$ 17,600.00		
Total Administration							
Department Expenditures	\$ 224,360	\$ 227,452	\$ 240,576	\$ 217,231.00	\$ 239,642.47		
Elected Officials							
Training-Professional Development					\$ 2,000.00		
Contributions to Other Organizations					\$ 5,400.00		Friends of Ute Pass Trails
Total Elected Officials Expenditures					\$ 7,400.00		
Interdepartmental Expenditures							
Merit-based wage increase for all staff based on evals						\$ 15,000.00	In addition to COLA
Professional Services							
Services- Audit	\$ 6,250	\$ 6,250	\$ 6,250	\$ 5,500.00	\$ 6,000.00		
Services- IT	\$ 3,500	\$ 3,500	\$ 3,500	\$ 7,000.00	\$ 7,000.00	\$ 7,500.00	IT upgrades for facilities
Services- Marketing	\$ 2,500	\$ -	\$ 1,000	\$ -	\$ 1,000.00		
Services- Professional	\$ 10,000	\$ 20,000	\$ 20,000	\$ 22,000.00	\$ 15,000.00	\$ 20,000.00	Vista Volunteer
Services- Town Attorney	\$ 43,109	\$ 43,109	\$ 20,000	\$ 23,000.00	\$ 20,000.00		
Total Professional Services	\$ 65,359	\$ 72,859	\$ 50,750	\$ 57,500.00	\$ 49,000.00		
Operations							
Election	\$ -	\$ -	\$ 6,000	\$ 2,000.00			
Fees- Annual Dues, Licenses, Memberships	\$ 1,500	\$ 1,700	\$ 1,700	\$ 1,800.00	\$ 2,500.00		
Fees- Banking Charges	\$ 500	\$ 500	\$ 500	\$ 500.00	\$ 500.00		
Fees- Payroll Processing	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000.00	\$ 1,000.00		
Fees- Software	\$ 10,500	\$ 10,500	\$ 10,500	\$ 10,500.00	\$ 11,000.00		
Fees- Tax Collection	\$ 2,800	\$ 2,800	\$ 2,800	\$ 2,800.00	\$ 2,000.00		
Insurance- Property/ Casualty							
Liability Premiums	\$ 21,233	\$ 21,233	\$ 22,495	\$ 24,000.00	\$ 25,000.00		
Insurance- Workman's Comp-							
Board Members	\$ 150	\$ 150	\$ 150	\$ -	\$ -		
Miscellaneous Expense	\$ 13,830	\$ -	\$ 15,000	\$ -	\$ -		
Transfers- Capital Improvement	\$ -	\$ -	\$ -	\$ -	\$ -		
Total Operations	\$ 51,513	\$ 37,883	\$ 60,145	\$ 42,600.00	\$ 42,000.00		
Total Interdepartmental Expenditures	\$ 116,872	\$ 110,742	\$ 110,895	\$ 100,100.00	\$ 91,000.00		
Judicial Department							
Professional Services							
Services- Professional	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000.00	\$ 1,000.00		
Services- Prosecutor	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500.00	\$ 1,600.00		
Total Professional Services	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500.00	\$ 2,600.00		

Town of Green Mountain Falls
GENERAL FUND
Budget Status Report - GAAP Basis
Proposed 2023 Budget

	2021 Budget	2021 Actual	2022 Budget Adopted	2022 Year-end Projected	2023 Budget Proposed	Fund Balance Options	Notes
Total Judicial Department							
Expenditures	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500.00	\$ 2,600.00		
Public Safety Department							
<u>Salaries and Benefits</u>							
Labor- Full Time (Marshal)	\$ 62,825	\$ 62,825	\$ 62,825	\$ 70,000.00	\$ 55,300.00	\$ 55,300.00	
Labor - Part Time (Deputy Marshal)	\$ 21,760	\$ 21,760	\$ 21,760	\$ 6,000.00	\$ 25,700.00	\$ 39,690.00	Deputy Marshal to full-time in July
Labor- Health Insurance	\$ 12,789	\$ 11,122	\$ 11,292	\$ 11,700.00	\$ 11,000.00	\$ 16,000.00	
Labor- Employee Share Health Insurance	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000.00	\$ -	\$ -	
Labor- FICA	\$ 4,806	\$ 4,806	\$ 4,806	\$ 4,806.00	\$ 6,200.00	\$ 7,390.00	
Labor- State Unemployment Insurance	\$ 100	\$ 100	\$ 100	\$ 100.00	\$ 100.00	\$ 100.00	
Labor- Workman's Comp	\$ 1,500	\$ 1,500	\$ 1,500	\$ 4,050.00	\$ 4,100.00	\$ 4,100.00	
Labor-Retirement	\$ -	\$ -	\$ 14,156	\$ 10,100.00	\$ 3,320.00	\$ 5,500.00	
Labor- Cell Phone Stipend	\$ -	\$ -	\$ -	\$ -	\$ 720.00	\$ 720.00	
Total Salaries and Benefits	\$ 104,780	\$ 103,113	\$ 117,439	\$ 107,756.00	\$ 106,440.00	\$ 128,800.00	difference = \$22,360
<u>Operations</u>							
Fees- Annual Dues, Licenses, Memberships	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	
Insurance- Surety Bond	\$ 200	\$ 200	\$ 200	\$ 200.00	\$ -	\$ -	
Maintenance- Vehicle	\$ 4,250	\$ 4,250	\$ 4,250	\$ 4,250.00	\$ 2,000.00	\$ -	
Lease - Vehicle	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Supplies- Ammunition	\$ 500	\$ 500	\$ 500	\$ 500.00	\$ 500.00	\$ 500.00	
Supplies- Clothing	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000.00	\$ 1,200.00	\$ -	
Supplies- Fuel	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000.00	\$ 3,500.00	\$ -	
Supplies- Office	\$ 700	\$ 700	\$ 700	\$ 700.00	\$ 700.00	\$ -	
Supplies- Operational	\$ 4,000	\$ 4,000	\$ 4,000	\$ 6,000.00	\$ 6,000.00	\$ -	
Training- Certifications	\$ 400	\$ 400	\$ 400	\$ 400.00	\$ 400.00	\$ -	
Training- Professional Development, Per Diem	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000.00	\$ 2,000.00	\$ -	
Utilities- Electric	\$ 400	\$ 400	\$ 400	\$ 400.00	\$ 400.00	\$ -	
Utilities- Natural Gas	\$ 900	\$ 900	\$ 900	\$ 900.00	\$ 900.00	\$ -	
Utilities- Telephone/Internet	\$ 360	\$ 360	\$ 360	\$ 360.00	\$ 360.00	\$ -	
Total Operations	\$ 18,710	\$ 18,710	\$ 18,710	\$ 20,710.00	\$ 19,960.00		
Total Public Safety Department							
Expenditures	\$ 123,490	\$ 121,823	\$ 136,149	\$ 128,466.00	\$ 126,400.00		
Parks and Recreation Department							
<u>Parks Operations</u>							
Part time employee/Contractor for Grounds Maintenance	\$ 9,768	\$ -	\$ 13,350	\$ 13,350.00	\$ -		
Services - Contracted Labor	\$ -	\$ 1,440	\$ -	\$ -	\$ 2,000.00	\$ 2,000.00	PRTAC - Tree Planning
Maintenance- Grounds Maintenance - Facility/Building	\$ 1,000	\$ 1,414	\$ -	\$ 1,700.00	\$ 4,755.00	\$ 600.00	PRTAC - Trail Sign Maintenance

Town of Green Mountain Falls
GENERAL FUND
Budget Status Report - GAAP Basis
Proposed 2023 Budget

	2021 Budget	2021 Actual	2022 Budget Adopted	2022 Year-end Projected	2023 Budget Proposed	Fund Balance Options	Notes
Maintenance - Equipment					\$ 300.00		
Services - Wildfire Mitigation					\$ -		
Services - Wildlife Mitigation	\$ 1,000	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 5,000.00	FMAC - Printed Materials
Supplies Operational	\$ 700	\$ 50	\$ -	\$ 3,000.00	\$ 2,400.00	\$ 1,200.00	PRTAC - Trail Maps PRTAC - Trail Ambassador Supplies and Recognition
Trail Ambassadors					\$ -	\$ 300.00	
Utilities- Electric- Fountain	\$ 2,000	\$ 1,605	\$ 2,000	\$ 600.00	\$ 2,000.00		
Utilities- Electric- Gazebo	\$ 1,000	\$ 479	\$ 1,000	\$ 1,000.00	\$ 1,000.00		
Total Parks Operations	\$ 15,468	\$ 4,988	\$ 16,350	\$ 19,650.00	\$ 11,455.00		
<u>Pool</u>							
Pool Contractor	\$ -	\$ -	\$ 20,532	\$ 20,532.00			
Labor- Part Time	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ 19,000.00	Either USA Pools or partnership w/ WPAC
Labor- FICA	\$ 850	\$ -	\$ -	\$ -	\$ -	\$ 1,000.00	
Labor- State Unemployment Insurance	\$ 100	\$ -	\$ -	\$ -	\$ -	\$ 100.00	
Labor- Hiring/New Employee Expenses	\$ 280	\$ -	\$ -	\$ -	\$ -	\$ 2,500.00	
Labor- Workman's Comp						\$ 1,000.00	
Maintenance- Building	\$ -	\$ 552	\$ -	\$ -	\$ -	\$ 2,000.00	
Services- Inspections	\$ 130	\$ -	\$ 130	\$ 130.00		\$ 130.00	
Food	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Supplies- Office	\$ 50	\$ -	\$ 600	\$ 600.00		\$ 200.00	
Supplies- Operational	\$ 300	\$ 334	\$ -	\$ -	\$ -	\$ 500.00	
Supplies- Pool Start Up Funds	\$ 120	\$ 788	\$ 120	\$ 120.00		\$ -	
Utilities- Electric	\$ 900	\$ 128	\$ 900	\$ 900.00	\$ 450.00	\$ 450.00	
Utilities- Natural Gas	\$ 630	\$ -	\$ 630	\$ 630.00	\$ 315.00	\$ 315.00	
Utilities- Telephone/Internet	\$ 210	\$ 300	\$ 1,290	\$ 1,290.00	\$ 1,290.00		
Utilities- Water	\$ 900	\$ 573	\$ 900	\$ 2,700.00	\$ -	\$ 3,000.00	
Total Pool	\$ 16,470	\$ 2,675	\$ 25,102	\$ 26,902.00	\$ 2,055.00		Pool total - minus any revenue (\$3,100 in 2022)
Total Parks and Recreation Department Expenditures	\$ 31,938	\$ 2,675	\$ 41,452	\$ 46,552.00	\$ 13,510.00		
<u>Public Works Department</u>							
<u>Salaries and Benefits</u>							
Labor- Full Time	\$ 96,316	\$ 86,940	\$ 116,022	\$ 116,022.00	\$ 127,000.00		
Labor- Part Time	\$ 1,310	\$ 1,310	\$ -	\$ -	\$ -		
Labor- Health Insurance	\$ 15,435	\$ 23,808	\$ 32,880	\$ 32,000.00	\$ 33,440.00		
Labor- FICA	\$ 7,468	\$ 7,468	\$ 7,468	\$ 7,468.00	\$ 9,750.00		
Labor- Overtime	\$ 5,000	\$ 5,000	\$ 2,500	\$ 2,500.00	\$ 2,500.00		
Labor- State Unemployment Insurance	\$ 200	\$ 200	\$ 200	\$ 200.00	\$ 200.00		
Labor- Workman's Comp	\$ 3,650	\$ 3,650	\$ 200	\$ 4,050.00	\$ 4,100.00		
Labor-Retirement			\$ 10,884	\$ 10,700.00	\$ 7,620.00		

Town of Green Mountain Falls
GENERAL FUND
Budget Status Report - GAAP Basis
Proposed 2023 Budget

	2021 Budget	2021 Actual	2022 Budget Adopted	2022 Year-end Projected	2023 Budget Proposed	Fund Balance Options	Notes
Labor- Cell Phone Stipend	\$ -	\$ -	\$ -	\$ -	\$ -		
Total Salaries and Benefits	\$ 129,379	\$ 128,376	\$ 170,154	\$ 172,940.00	\$ 184,610.00		
Operations							
Equipment- Purchase			\$ -	\$ -	\$ -	\$ -	
Equipment- Rental	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000.00	
Equipment- Repair and Service	12,500	\$ 12,500	\$ 12,500	\$ 12,500.00	\$ 12,500.00	\$ 5,000.00	
Equipment - Purchase				\$ 4,200.00	\$ -		
Maintenance- Building	\$ -	\$ -	\$ -	\$ 500.00	\$ -		
Maintenance- Roads	40,689	\$ 78,682	\$ 99,806	\$ 72,806.00	\$ 49,324.00		
Maintenance- Vehicle	4,000	\$ 4,000	\$ 4,000	\$ 700.00	\$ 3,000.00		
Supplies- Fuel	6,300	\$ 6,300	\$ 6,300	\$ 7,500.00	\$ 7,500.00		
Supplies- Office	300	\$ 300	\$ 300	\$ 300.00	\$ 300.00		
Supplies- Operational	1,600	\$ 1,600	\$ 1,600	\$ 3,000.00	\$ 3,000.00		
Supplies- Clothing (Safety)	\$ -	\$ -	\$ -	\$ -	\$ 200.00		
Tools	250	\$ 250	\$ 250	\$ 250.00	\$ 250.00		
Training- Certifications	\$ -	\$ -	\$ -	\$ -	\$ -		
Training- Professional							
Development, Per Diem	\$ -	\$ -	\$ -	\$ -	\$ 1,000.00		
Recovery	\$ -	\$ -	\$ -	\$ -	\$ -		
Utilities- Electric	3,000	\$ 3,000	\$ 3,000	\$ 4,000.00	\$ 3,000.00		
Utilities- Natural Gas	900	\$ 900	\$ 900	\$ 4,000.00	\$ 1,100.00		
Utilities- Telephone/Internet	1,500	\$ 1,500	\$ 1,500	\$ -	\$ -		
Utilities- Trash	1,100	\$ 1,100	\$ 1,100	\$ 1,100.00	\$ 1,100.00		
Utilities- Electric- Street Lights	\$ -	\$ 4,144	\$ 4,144	\$ 5,200.00	\$ 5,300.00		
Total Operations	\$ 72,139	\$ 114,276	\$ 135,400	\$ 116,056.00	\$ 85,074.00		
Total Public Works Department							
Expenditures	\$ 201,518	\$ 242,652	\$ 305,554	\$ 288,996.00	\$ 269,684.00		
Total Expenditures	\$ 700,678	\$ 707,844	\$ 837,126	\$ 783,845.00	\$ 750,236.47		
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ (100,000)	\$ 165,246	\$ (91,543)	\$ 25,129.53	\$ (3,451.46)		
OTHER EXPENDITURES							
Transfer TO Capital Improvement Fund	\$ (96,000)	\$ (96,000)	\$ (15,000)				
Total Other Expenditures	\$ (96,000)	\$ (96,000)	\$ (15,000)	\$ -	\$ -		
OTHER REVENUES							
Transfer FROM Conservation Trust Fund (for Parks Expenses)					\$ 8,030.00		
Total Other Revenues					\$ 8,030.00		
EXCESS OF REVENUE OVER (UNDER)	\$ (196,000)	\$ 69,246	\$ (106,543)	\$ 25,129.53	\$ 4,578.54		

Town of Green Mountain Falls
GENERAL FUND
Budget Status Report - GAAP Basis
Proposed 2023 Budget

	2021 Budget	2021 Actual	2022 Budget Adopted	2022 Year-end Projected	2023 Budget Proposed	Fund Balance Options	Notes
FUND BALANCE - BEGINNING	\$ 423,572	\$ 454,766	\$ 477,233	\$ 477,233.00	\$ 502,362.53		
FUND BALANCE - ENDING	\$ 227,572	\$ 477,233	\$ 370,690	\$ 502,362.53	\$ 506,941.07		

2021 balances from
2021 audit report

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Town of Green Mountain Falls

CAPITAL IMPROVEMENT FUND DETAIL

Budget Status Report - GAAP Basis

Proposed 2023 Budget

	2021 Estimated Unaudited	2021 Supp Supplemental Budget (Actual)	2022 Budget Approved	2022 Year End Year End Projected	2023 Proposed Budget	Fund Balance Options	Notes
REVENUE							
Intergovernmental Revenue							
Capital- ARPA Stimulus	\$ -	\$ 90,737	\$ 181,474	\$ 90,737	\$ -		
Capital- Trail Donation Fund	\$ -	\$ -	\$ 500	\$ -	\$ 500.00		
Capital- Block Grants- El Paso County	\$ -	\$ -	\$ 150,000	\$ -	\$ -		
Capital- Pikes Peak Rural Transportation Authority	\$ 151,737	\$ 243,290	\$ 326,046	\$ 80,000.00	\$ 20,000.00		
Capital- State Grants- Dept of Natural Resources	\$ -	\$ -	\$ -	\$ -	\$ -		
Capital - State Grants	\$ 25,000	\$ 25,000	\$ -	\$ -	\$ 53,000.00		
Capital- State Grants- DOLA 2 (Flood Recovery)	\$ 84,392	\$ 84,392	\$ -	\$ -	\$ -		
Capital- State Grants- DOLA 3 (Planning Code Re-Write)	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ -		
Capital-State Grants-DOLA 4 (Comprehensive Roads Plan)	\$ -	\$ -	\$ 104,300	\$ -	\$ 52,150		
Capital-Kirkpatrick Family Fund (Planning Code Re-Write)	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ -		
Capital-Kirkpatrick Family Fund (Signage Project)			\$ 30,000	\$ 30,000	\$ -		
Capital-Kirkpatrick Family Fund (Fitness Court)	\$ -	\$ 207,000	\$ 33,175	\$ -			
Total Intergovernmental Revenue	\$ 331,129	\$ 720,419	\$ 895,495	\$ 270,737	\$ 125,650.00		
Other Revenue							
Capital- Bank Interest	\$ 2,100	\$ 2,100	\$ 2,100	\$ 2,100	\$ 2,100.00		
Balance Forward - ARPA Funds					\$ 157,944.00		
*Capital- Donations- Monies	\$ -	\$ -	\$ -	\$ -	\$ -		
Total Other Revenue	\$ 2,100	\$ 2,100	\$ 2,100	\$ 2,100	\$ 160,044.00		
Total Revenue	\$ 333,229	\$ 722,519	\$ 897,595	\$ 272,837	\$ 285,694.00		
EXPENDITURES							
Capital Outlay (from General Fund)							
Capital Outlay							
Capital - Body-worn cameras (ARPA Funds)					\$ 11,000.00		
Capital - Public Safety Equipment (ARPA Funds)					\$ 70,000.00		
Capital- Administrative Infrastructure (Planning Code Re-write)	\$ 70,000	\$ 70,000	\$ 75,000	\$ 60,000			
Capital- Fire Mitigation	\$ 22,254	\$ 22,254	\$ 15,000	\$ 20,000			
Capital- Repairs/Improvements- Parks	\$ 8,500	\$ 186,875	\$ 43,800	\$ 20,000.00	\$ -		
Capital-CDBG Grant "Access for All"							
Lake Park Improvements	\$ -	\$ -	\$ 150,000	\$ -	\$ -		
Capital-DOLA Comprehensive Roads Plan			\$ 104,300	\$ 104,300			
Capital- Repairs- Roads and Infrastructure	\$ -	\$ -	\$ -	\$ -	\$ -		
Belvidere Widening/ Overlay	\$ -	\$ -	\$ -	\$ -	\$ -		
Maple St Bridge	\$ 42,196	\$ 42,196	\$ -	\$ -	\$ -		
Midland Culvert	\$ 42,196	\$ 42,196	\$ -	\$ -	\$ -		
Stilling Basins	\$ 151,306	\$ 243,290	\$ 326,046	\$ 80,000.00	\$ 20,000.00		
Comprehensive Signage and Parking Project	\$ 30,000	\$ 18,390	\$ 30,000	\$ 3,600.00	\$ 8,010.00		
Capital - State Grants (CPW Bear Grant)			\$ -	\$ -	\$ 53,000.00		
ARPA Infrastructure Improvements - TBD			\$ 90,737				

Town of Green Mountain Falls
CAPITAL IMPROVEMENT FUND DETAIL

Budget Status Report - GAAP Basis
Proposed 2023 Budget

	2021 Estimated Unaudited	2021 Supp Supplemental Budget (Actual)	2022 Budget Approved	2022 Year End Year End Projected	2023 Proposed Budget	Fund Balance Options	Notes
ARPA Infrastructure Improvements - Lake Park & Pool Park Restrooms	\$ -	\$ -	\$ 90,737	\$ 8,770	\$ 2,000.00		UTA pool study
Total Capital Outlay Expenditures	\$ 366,452						
Total Expenditures	\$ 366,452	\$ 625,201	\$ 925,620	\$ 172,370	\$ 288,310.00		
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ (33,223)	\$ 97,318	\$ (28,025)	\$ 100,467	\$ (2,616.00)		
OTHER FINANCING SOURCES (USES)							
Capital- Transfer from Conservation Trust Fund	\$ 8,500	\$ 8,500	\$ 10,625	\$ 8,030			
Capital- Transfer from General Fund	\$ 96,000	\$ 96,000	\$ -	\$ -	\$ -		
Total Other Financing Sources (Uses)	\$ 104,500	\$ 104,500	\$ 10,625	\$ 8,030	\$ -		
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES AND OTHER FINANCING SOURCES (USES)	\$ 71,277	\$ 201,818	\$ (17,400)	\$ 108,497	\$ (2,616.00)		
FUND BALANCE - BEGINNING	\$ -	\$ -	\$ 8,157	\$ 8,157	\$ 116,654.00		
FUND BALANCE - ENDING	\$ 8,157	\$ 8,157	\$ (9,243)	\$ 116,654	\$ 114,038.00		not all expenses are ARPA-eligible

2021 balances
from 2021 audit docs

Town of Green Mountain Falls

CONSERVATION TRUST FUND DETAIL

Budget Status Report - GAAP Basis

Proposed 2022 Budget

	2021	2021	2022	2022	2023
	Estimate	Supplemental	Budget	Projected	Budget
REVENUE					
<u>Intergovernmental Revenue</u>					
CTF- Lottery Proceeds	\$ 8,500	\$ 8,500	\$ 10,600	\$ 8,000	\$ 8,000
Total Intergovernmental Revenue	\$ 8,500	\$ 8,500	\$ 10,600	\$ 8,000	\$ 8,000
<u>Other Revenue</u>					
CTF- Bank Interest	\$ 25	\$ 25	\$ 25	\$ 30	\$ 30
Total Other Revenue	\$ 25	\$ 25	\$ 25	\$ 30	\$ 30
Total Conservation Trust Fund Revenue	\$ 8,525	\$ 8,525	\$ 10,625	\$ 8,030	\$ 8,030
EXPENDITURES					
<u>Parks and Recreation</u>					
Parks and Recreation Expenses (via transfer to General Fund)	\$ 8,500	\$ 8,500	\$ 10,600	\$ 8,030	\$ 8,030
Total Expenditures	\$ 8,500				
Total Parks and Recreation Expenditures	\$ 8,500	\$ 8,500	\$ 10,600	\$ 8,030	\$ 8,030
Total Expenditures	\$ 8,500	\$ 8,500	\$ 10,625	\$ 8,030	\$ 8,030
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES					
	\$ 25	\$ 25	\$ 25	\$ -	\$ -
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES					
	\$ 25	\$ 25	\$ 25	\$ -	\$ -
FUND BALANCE - BEGINNING	\$ 2,515	\$ 11,433	\$ 13,986	\$ 13,986	\$ 13,986
FUND BALANCE - ENDING	\$ 2,540	\$ 13,986	\$ 14,011	\$ 13,986	\$ 13,986

2021 balances
from 2021 Audit docs

RESOLUTION NO. 2022-12

**A RESOLUTION TO ADOPT THE TOWN OF GREEN MOUNTAIN FALLS
2023 BUDGET**

**A RESOLUTION APPROPRIATING EXPENDITURES AND REVENUES FOR EACH
FUND AND ADOPTING A BUDGET FOR THE TOWN OF GREEN MOUNTAIN
FALLS, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND
ENDING DECEMBER 31, 2023**

WHEREAS, the Board of Trustees of the Town of Green Mountain Falls has authorized the Budget Officer to prepare and submit a proposed budget to said governing body at the proper time; and,

WHEREAS, the Town's Budget Officer, Becky Frank, submitted a proposed budget to the governing body on October 4, 2022, for consideration; and

WHEREAS, a workshop was held for the purpose of receiving input from the Trustees and the public on October 18, 2022; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado, a public hearing was held on December 13, 2022, and Residents were given the opportunity to file or register any objections to said proposed budget; and,

WHEREAS, changes in the draft budget were done in such a manner that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Trustees of the Town of Green Mountain Falls, Colorado:

Section 1. That estimated expenditures for each fund are as follows:

General Fund	<u>\$ 750,236.47</u>
Capital Improvement Fund	<u>\$ 288,310.00</u>
Conservation Trust Fund	<u>\$ 8,030.00</u>

Section 2. That the budget, as submitted herein above summarized by fund, hereby is approved and adopted as the budget of the Town of Green Mountain Falls, Colorado for the year stated above. The Budget hereby adopted shall be signed by the Mayor and made a part of the public records of the Town.

INTRODUCED, READ, PASSED, AND ADOPTED, this 13th day of December 2022.

ATTEST:

Todd Dixon, Mayor

Nathan Scott, Town Clerk/Treasurer

RESOLUTION 2022-13

A RESOLUTION ADOPTING THE TOWN OF GREEN MOUNTAIN FALLS 2023 MUNICIPAL FEE SCHEDULE

WHEREAS, the Board of Trustees of the Town of Green Mountain Falls, Colorado, pursuant to Colorado statute and the Town of Green Mountain Falls Municipal Code, is vested with the authority of administering the affairs of the Town of Green Mountain Falls, Colorado; and

WHEREAS, it is a best practice to compressively review and authorize a fee schedule for all Town services at least annually, or as appropriate; and

WHEREAS, fees should reflect actual costs for providing services, and these costs may change outside of a regular basis;

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

Section 1.

The Appendix to this Resolution titled “Town of Green Mountain Falls 2023 Fee Schedule” containing the detailed fee schedule is in its entirely incorporated as fully as if set out at length herein, and shall become effective immediately upon adoption of this Resolution, and shall remain effective until altered by further Resolution of the Board of Trustees.

Section 2.

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

Section 3.

Repeal. Existing Resolutions or parts of Resolutions covering the same matters embraced in this Resolution are hereby repealed and all Resolutions or parts of Resolutions inconsistent with the provisions of this Resolution are hereby repealed, except that this repeal shall not apply to any fee provisions contained in the Code of Ordinances.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the board of trustees of the Town of Green Mountain Falls on this 13th day of December 2022.

TOWN OF GREEN MOUNTAIN FALLS, COLORADO

Todd Dixon, Mayor

ATTEST:

Nathan Scott, Town Clerk/Treasurer

Town of Green Mountain Falls 2023 Fee Schedule		
Code Authority	Description	Fees
	Publications, Hard Copy	
1-50	Comprehensive Plan	\$0.50/page
1-50	Municipal Code Book	\$0.50/page
1-50	Zoning Code section of Code Book	\$0.50/page
	Administrative	
state law	Notary Public services	\$5.00/document
state law	Open Records Fees	See Open Records Request Form
	Law enforcement fees	
	Personal service of documents	\$50.00
	Court fees:	
8-9(e)	Court costs	\$30.00 per appearance
2-138	Subpoena issue fee	\$30.00
8-9(e)	Surcharge	\$25.00 per offense
	License fees	
6-6	Business license	\$75.00
10-294	Fireworks sales license	\$100.00
6-53	Liquor Licenses	see State fee schedule
Ord. 2018-02	Mobile Food Vendor license	\$50.00
6-103	Peddler and solicitor	\$50.00
6-122	Restaurant fee	\$200.00
	Animals	
7-132	Dog license fee	\$25.00
7-135	Dog license - Duplicate	\$10.00
7-142	Dog redemption fee	\$15.00
7-164	Horse permit	\$30.00
	Planning/Land Use Administrative	
11-114	Easement fee	\$50.00/year
11-41	Sidewalk/Curb permit	\$125.00
11-71	Address number fee	\$100.00
15	Annexation fee	\$750 + Legal Retainer + \$50/acre for 1-5 acres; + \$25/each acre over 5
18-61	Revocable Permit - Initial Permit	\$400.00/year
18-64	Revocable Permit - Relicense/Renewal Fee	\$200.00/year
18-65	Late Fee for Revocable Permit	\$50.00/year
	Zoning and Architectural Review	
16-601, 16-705	Building - Architectural Plan and Review < 200 sq ft	\$125.00

16-601, 16-705	Building - Architectural Plan and Review > 200 sq ft	\$250.00
16-705	Building - Deck	\$125.00
16-706	Sign permits	\$100.00
16-707(c)	Building - Fence permit	\$100.00
16-709	Variance - Subdivision	\$500.00
16-709	Variance - Zoning	\$500.00
16-711	Special Use Permit	\$350.00
16-711	Zoning Amendment	\$500.00
16-713	Planned Use Development (0-1 acre)	\$1000 + \$75 (1+ to 5 acres) + \$25 per acre (over 5 acres)
16-714	Waiver - Hillside Overlay	\$100.00
16-813	Development in Flood Hazard Zone	\$200.00/lot
	Subdivisions	
17-22	Plat Review - Preliminary	\$400.00 + \$50.00/lot
17-23	Plat Review - Final Plat	\$450.00 + \$50.00/lot
17-83	Grading Permit	\$100.00
17-83, 17-96	Grading Permit < 300 sq ft or 50 yd^3	\$250 + engineer review
17-92	Engineering Review	\$150 + engineer review
17-101	Road Cut/Driveway - Gravel	\$200 + engineer review
17-101	Road Cut/Driveway - Paved	\$300 + engineer review
17-131	Plat Review - Vacation by Plat	\$500.00
17-133	Plat Review - Minor Subdivision	\$500.00 + \$50.00/lot
17-136	Vacation - Road Right of Way	\$500.00
17-135	Vacation - Lot Line With Easement	\$200.00 + Attorney passthrough
17-135	Vacation - Lot Line without Easement	\$200 + Legal Review Pass-through cost
	Short Term Rental	
6-155	Initial License	\$500.00
6-156	Renewal	\$250.00
6-156	STR Paper Processing	\$50.00
6-156	Lodging Tax Remit Late Fee	15%
6-156	Admin Processing Fee	\$20.00
	Facilities Use	
11-95	Gazebo Rental Permit	\$100.00/hr (2 hr minimum) plus hourly increments thereafter
18-74(12)	Special Event Fee for use of public property or rights of way	\$500.00/day or \$150.00/hour (2 hr minimum) + \$100.00 deposit
18-74(12)	Traffic control fee (Accounts for the placement of barricades only; applicant is responsible for preparing traffic control plan and is responsible for supporting personnel costs)	\$100.00/hr (2 hour minimum)
	**See separate schedule for pool pricing	



10516 Green Mountain Falls Road
PO Box 524
Green Mountain Falls, CO 80819
www.gmfco.us

BOARD OF TRUSTEES AGENDA MEMO

DATE: 12/13/2022	AGENDA NO	SUBJECT:
Presented by: Becky Frank, Town Manager		Logan & Associates 2022 Audit Engagement Letter

Discussion: The attached correspondence from Logan & Associates details the proposed services for 2023 which will not exceed \$5,900 and is reflected in the proposed 2023 budget. Should the Board approve the 2022 Audit Engagement letter, it would be staff's intent to begin the 2022 audit as soon as the 2022 financials are reconciled. Because the Town received an extension to file the 2021 audit this year, the Town is not eligible to apply for an extension in 2023 and the 2022 audit must be complete and filed prior to the end of July. Approving this engagement letter allows staff to schedule the 2022 audit with Logan & Associates at the firm's earliest available opportunity.

Recommended Action:

Accept the Letter of Engagement from Logan & Associates.

Respectfully,

Becky Frank



November 28, 2022

Honorable Mayor and Members of Board of Trustees
Town of Green Mountain Falls
10615 Green Mountain Falls Road
Green Mountain Falls, Colorado 80819

We are pleased to confirm our understanding of the services we are to provide the Town of Green Mountain Falls for the year ended December 31, 2022. We will audit the financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Green Mountain Falls as of and for the year ended December 31, 2022. Accounting standards generally accepted in the United States of America (GAAS) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Green Mountain Falls's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board (GASB) who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, if applicable, we will apply certain limited procedures to the Town of Green Mountain Falls's RSI in accordance with GAAS. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtain during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles (GAAP) and will be subjected to certain limited procedures, but will not be audited:

- Management's Discussion and Analysis
- Budgetary Comparison Schedule – General Fund

We have also been engaged to report on the supplementary information other than RSI that accompanies the Town of Green Mountain Falls's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and will provide an opinion on it in relation to the financial statements as a whole.

- Local Highway Finance Report

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and will include tests of your accounting records and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit. We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Audit Procedures—Internal Control

We will obtain an understanding of the Town and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Green Mountain Falls's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also prepare (or assist in preparing) the financial statements of Town of Green Mountain Falls in conformity with U.S. generally accepted accounting principles based on information provided by you. We will perform the services in accordance with applicable professional standards. These other services are limited to the financial statements services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with accounting principles generally accepted in the United States of America.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the Town from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the Town involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Town received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the Town complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with US-GAAP. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe that supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

With regard to using the auditor's report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities for financial statement preparation services and any other nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your staff will prepare all cash or other confirmations we request and will assist in locating any documents selected by us for testing.

Honorable Mayor and Members of Board of Trustees

Town of Green Mountain Falls

Page 4

The audit documentation for this engagement is the property of Logan and Associates, LLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to certain governmental agencies or their designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Logan and Associates, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to certain governmental agencies or their designee.

Kyle Logan is the engagement partner and is responsible for supervising the engagement and signing the report. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, postage, copies, etc.) except that we agree that our gross fee, including expenses will not exceed \$5,900. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your staff and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

If the Town is required to perform a Single Audit, additional fees will be required, however, we will discuss the fees with management prior to our commencement of the Single Audit.

Reporting

We will issue a written report upon completion of our audit of Town of Green Mountain Falls's financial statements. Our report will be addressed to the Honorable Mayor and Members of Board of Trustees of Town of Green Mountain Falls. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it maybe necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or withdraw from this engagement.

We appreciate the opportunity to be of service to the Town of Green Mountain Falls and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely yours,

Logan and Associates, LLC

Logan and Associates, LLC

RESPONSE:

This letter correctly sets forth the understanding of the Town of Green Mountain Falls.

By: _____

Title: _____

Date: _____



10516 Green Mountain Falls Road
PO Box 524
Green Mountain Falls, CO 80819
www.gmfco.us

BOARD OF TRUSTEES AGENDA MEMO

DATE: 12/13/2022	AGENDA NO	SUBJECT:
Presented by: Becky Frank, Town Manager		Updated Legal Engagement Letter- Updated Rates: Hoffmann, Parker, Wilson & Carberry P.C.

Discussion: The attached correspondence from Hoffmann, Parker, Wilson & Carberry P.C. details the new legal rates effective for 2023. It has been several years since there has been a rate increase. Below is a cost comparison for 2022 and 2023:

	2022	2023
Paralegal	\$95/hour	\$115/hour
General Council	\$195/hour	\$225/hour
Litigation	\$\$225/hour	\$250/hour

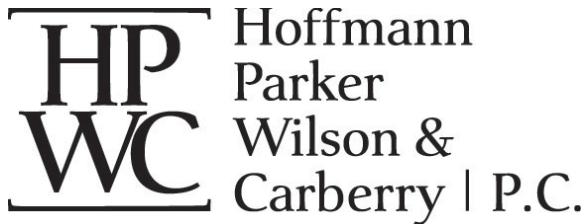
Staff anticipates a reduction in cost for 2023 due to administrative stability and recommends a continued relationship with Hoffmann, Parker, Wilson & Carberry P.C. The firm has served the Town for the past several years and assistance is well thought out, tailored to local needs, and is provided in a timely manner.

Recommended Action:

Accept the Letter of Engagement from Hoffmann, Parker, Wilson & Carberry P.C. and approve the 2023 rates.

Respectfully,

Becky Frank



Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
J. Matthew Mire
Hilary M. Graham
Kathryn M. Sellars

511 16th Street, Suite 610
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(303) 825-6444

Daniel P. Harvey
Ruthanne H. Goff
Katharine J. Vera
Elizabeth G. LeBuhn
Austin P. Flanagan
Wilson D. Scarbeary

October 30, 2022

Mayor and Board of Trustees,
Town of Green Mountain Falls
10615 Unit B, Green Mountain Falls Road
Green Mountain Falls, Colorado, 80819

Re: New legal rates effective 2023

Dear Mayor and Trustees:

Our firm rates are increasing commencing on January 1, 2023. This is our first rate increase for the Town in six years, but is necessary to cover increasing business costs and to retain talented lawyers and support staff. These rates will not increase during 2023 and we will continue to do our best to provide legal services as efficiently as possible at competitive rates into the future.

Our terms of service will remain the same as this year, except that the attorney rate will be two hundred twenty-five dollars (\$225.00) per hour for regular legal counsel. For civil litigation (including any condemnation proceedings) work, the attorney rate for a partner and of-counsel will be two hundred fifty dollars (\$250.00) per hour and for an associate it will be two hundred twenty-five dollars (\$225.00) per hour. Paralegal work shall be at a rate of one hundred fifteen dollars (\$115.00) per hour. Travel time for the Town shall be compensable at one-half the regular rate.

If you could approve these new rates at a duly noticed public meeting and sign this letter where indicated on the following page, I would appreciate it. I am available to discuss this with you and respond to any questions or concerns you may have. Thank you for the opportunity to represent the Town of Green Mountain Falls.

Sincerely,

A handwritten signature in black ink that reads 'Jeff Parker'.

Jefferson H. Parker
jhparker@hpcwlaw.com

October 30, 2022

Page 2

Agreed to by the Town of Green Mountain Falls, this ____ day of _____, 2022.

By: _____

Todd Dixon, Mayor

RESOLUTION NO. 2022-14

**A RESOLUTION OF THE TOWN OF GREEN MOUNTAIN FALLS
COLORADO, MAKING APPOINTMENT OF TOWN OFFICIALS FOR 2023**

WHEREAS, C.R.S. § 31-4-304 requires the Town Board of Trustees to appoint a Clerk, Treasurer, and Town Attorney, as well as any other officers it deems necessary;

WHEREAS, C.R.S. § 31-4-304 further specifies that the appointment of officers shall not extend more than 30 days after compliance with C.R.S. § 31-4-401 by the members of the succeeding Board of Trustees;

WHEREAS, Section 2-21(b) of the Green Mountain Falls Municipal Code authorizes the Board of Trustees to appoint officers; and

WHEREAS, in addition to the Clerk, Treasurer, and Attorney, the Board of Trustees desires to appoint a Town Manager and Marshal.

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

Town Officials are appointed as follows:

Town Attorney – The Firm of Hoffmann, Parker, Wilson & Carberry, P.C.
Town Manager – Becky Frank
Town Marshal – Sean Goings
Town Clerk/Treasurer – Nathan Scott

INTRODUCED, READ and PASSED this 13th day of December 2022.

TOWN OF GREEN MOUNTAIN FALLS,
COLORADO

(SEAL)

Todd Dixon, Mayor

ATTEST:

Nathan Scott, Town Clerk/Treasurer



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

To: Mayor and Board of Trustees

From: David Douglas, Fire Mitigation Advisory Committee

RE: Fuels Mitigation on town undeveloped ROW with CUSP Grants, December 13, 2022

BACKGROUND

- CUSP grants (FRWRM and SFA) totaling 81 acres of town owned land were awarded beginning 2021. To date, approximately 19 acres are complete with work on going through 2024 and 2023 respectively. The issue is availability of "workable" acres to fulfill the total acres under the grant.
- A trial town undeveloped ROW was mitigated in the summer of 2022 on Iona/Scott north of Hondo. This area had numerous dead and infected trees. The trees removed were cut into firewood lengths and were left available to town residents to collect. The treated area is much more attractive and provides a fuel break between properties.
- Based on the successful trial on Iona, the FMAC is recommending the mitigation of the remaining undeveloped ROWs in the town (see map) to apply to these grants. Total acreage is estimated to be worked is 14 acres.
- The advantages of this fuels mitigation work are: 1) removal of dead and infected trees on town property to reduce the spread of pine beetles and mistletoe; 2) aesthetics of a healthier landscape; 3) provide fuel breaks; 4) utilization of grant funding which may otherwise be lost at the end of term; 5) source of free firewood easily accessed for town residents.
- A FMAC meeting was held on December 5, 2022, which included Adrian Knight, CUSP Field Supervisor, Mayor Dixon, Town Manager Frank, Town Clerk Scott, Trustee Donzello, and members of the FMAC. The purpose of the meeting was Q & A with Adrian Knight to understand the scope of work and development of an agreed process of determining property boundaries and property owner notification prior to initiation of the work.
- At the conclusion of the meeting, the FMAC unanimously voted to recommend to the BoT of GMF that the town owned undeveloped ROWs be treated according to prescription provided by CUSP for the remediation of fire fuels.

RECOMMENDATION

- The GMF FMAC recommends that the BoT approve fire fuels mitigation by removal of dead and diseased trees and thinning the tree density on town owned undeveloped ROWs according to map presented with this recommendation and prepared by Town Clerk Scott. The sequence of events leading up to the initiation of work are as follows:
 - Communication through various media to property owners that the town will remediate the ROWs in partnership with CUSP.
 - Following an appropriate notification period, the property boundaries will be marked by a designated CUSP representative. Boundary marking will be based on GPS coordinates. Markings will be made by tying ribbons on trees which will be the reference point for the boundaries.

- A best-efforts attempt will be made to have property owners sign a release agreement to avoid any disputes over trees to be removed or boundary markings. The release agreement is being prepared under the direction of the Town Staff.
- Once the preceding conditions precedent are met to the satisfaction of Town Staff, the work will be initiated by CUSP contractors with a goal to complete within 2023. Town of Green Mountain Falls will be required to fund grant matching as previously agreed upon completion of the work.

Respectfully Submitted,

David Douglas

Chair, Fire Mitigation Advisory Committee

Green Mountain Falls, CO 80819

GMF ROW sample prescription

Management approach: Dry mixed conifer restoration

The proposed treatments will remove the dense understory in some areas while removing mature trees in areas to convert the declining forest conditions to more robust forest overall with open crown conditions indicative of south-facing slopes and canopy openings created on north facing slopes through tree removal. The resultant forest will be more resistant to wildland fire spread, will provide a more open habitat for wildlife, and will help to return the landscape to a more natural trajectory. Canopy cover will be reduced 50% or more through this prescription.

On north facing slopes trees will be removed to separate groups from other groups within the stands to achieve a basal area of 60-80. On drier south-facing slopes, desired basal area below 60 will be achieved by retaining single large trees and isolating small groups of 2-5 large trees along with larger groups of trees of variable size, age, and species. The focus is to retain ponderosa pine and aspen over Douglas fir, while creating crown spacing to reduce wildfire risk and encourage forest health.

Sick/dead and dying Douglas fir and ponderosa pine will be prioritized for removal. Dwarf mistletoe is present and trees showing mistletoe infestation will be removed where possible.

Oak will be removed to create openings in oak stands. Clumps will be no larger than 2.5 times the height of the tallest stem in diameter and the distance between oak clumps will be 2.5 times the height of the tallest stem when possible. In some areas, oak will be left to avoid erosion.

Aspen stands are limited, although aspen exists within the mixed conifer. Hand thinning will be used to remove conifer understory within aspen clumps and machine work will remove conifers to a distance of one tree height (average height of aspen in the stand) around the edges of aspen clumps to encourage enlargement of clumps, in areas where this is possible and desired. Stumps will be low cut. Standing dead will be cut. Slash will be lop and scattered.

Slash and forestry by-product management: Slash will be chipped or hauled away. Chip size will not exceed 3" on average and will be spread to a depth not to exceed 2.5".

In areas that could be negatively impacted by erosion, boles will be placed perpendicular to the slope to act as log erosion barriers. Logs that are placed as log erosion barriers will be secured in place to prevent logs rolling into homes downslope.

Boles will be cut into moveable sized pieces and left onsite to be used as firewood by the community. If beetle activity is seen in the boles, bark will be removed from the boles to kill beetles.

Any ground disruptions due to operations will be resolved as necessary.



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3,132,768.04E 1,402,147.93N ftUS ▾

Selected Features: 0 |

 Town ROW

Town ROW - Distribution of ACREAGE

Properties

Filter: Selection: Extent:

Attribute Table | Switch Selection

Class Selection

Rotate Chart

11

3

Distribution of ACREAGE

A histogram titled "Distribution of ACREAGE" showing the count of observations for different acreage ranges. The x-axis is labeled "ACREAGE" and ranges from 0.1 to 1.3. The y-axis is labeled "Count" and ranges from 0 to 12. The distribution is skewed right, with the highest frequency in the 0.1-0.2 range (12). The data is summarized in the following table:

ACREAGE Range	Count
0.1 - 0.2	12
0.2 - 0.3	4
0.3 - 0.4	6
0.4 - 0.5	5
0.5 - 0.6	5
0.6 - 0.7	1
0.7 - 0.8	0
0.8 - 0.9	2
0.9 - 1.0	2
1.0 - 1.1	2
1.1 - 1.2	2
1.2 - 1.3	2

hart Properties - Town ROW

Distribution of ACREAGE

ata Axes Guides Format General

Variable

Number

ACREAGE

With transformation

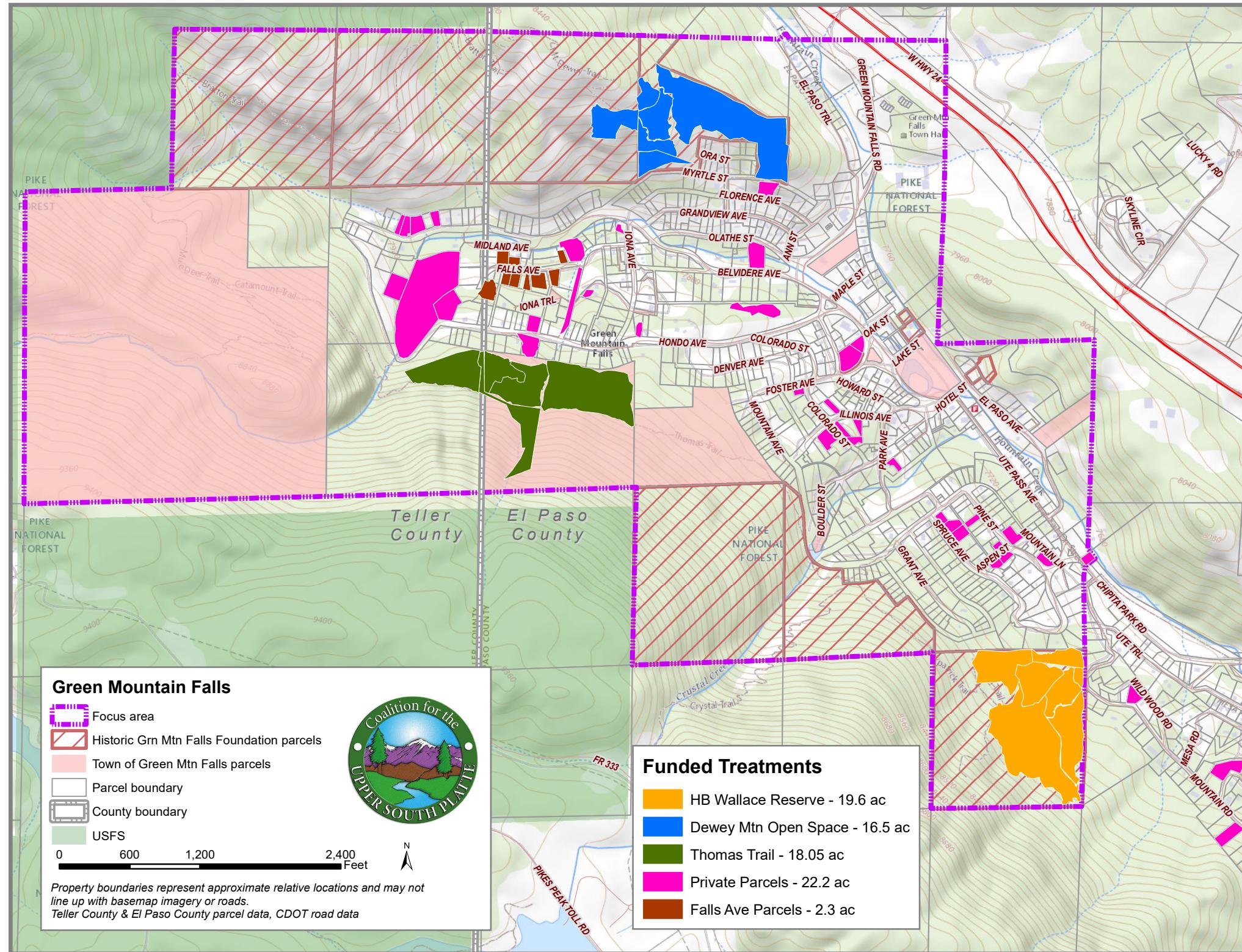
None

Show Normal distribution —

Bins i 8

Statistics

	Dataset
<input type="checkbox"/> Mean	0.41
<input type="checkbox"/> Median	0.316
<input type="checkbox"/> Std. Dev.	0.33
Rows	32
Count	32
Nulls	0
Min	0.057
Max	1.3
Sum	13.2
Skewness	1.24
Kurtosis	3.7



From: bowersc1@verizon.net
To: gmdixon@gmail.com; Sunde King; Katharine Guthrie
Cc: seangmf65@gmail.com; Nicholas Donzello; Town Clerk
Subject: opening work sessions to zoom
Date: Wednesday, November 30, 2022 7:42:47 AM

Good morning,

Below are my comments regarding the Nov. 15 vote against permitting Zoom for work sessions. I hope they will become part of the public record. I am happy to send a letter if you prefer one.

Dear Mayor Dixon and Trustees Guthrie and King,

I am disappointed you voted Nov. 15 against permitting Zoom for public work sessions. In October, I sent an email encouraging you to allow Zoom. I received no answer, nor was my message included under Correspondence in any agenda packet. Perhaps I didn't follow protocol for submissions.

But this issue isn't just about me.

As it stands now, any member of the public can attend a work session and learn a vast amount about complicated, significant issues and what drives your decisions on them. Anyone who can make it to a work session, that is. What about parents who can't leave small children at home? What about shut-ins? Did you take these folk into account when you voted? When bad weather hits, will you cancel an important work session because Zoom isn't allowed?

I don't get Mayor Dixon's logic that work sessions on Zoom stifle open dialogue. A story in Mountain Jackpot suggests you believe there is a problem with previous work sessions. What was the problem? What are the challenges? Risk of misstatements is always there. Reporters attending work sessions in person will still report gaffes. Does that outweigh every Green Mountaineer's (including far-flung summer residents like me who also pay taxes) ability to listen in and learn?

In the seven months he's been in office, Mayor Dixon has made significant strides in encouraging Green Mountaineers to speak up and to participate in local government. He keeps office hours at Town Hall; he's a profligate poster on Facebook about town doings. So why the concern that Zoom work sessions will stifle dialogue?

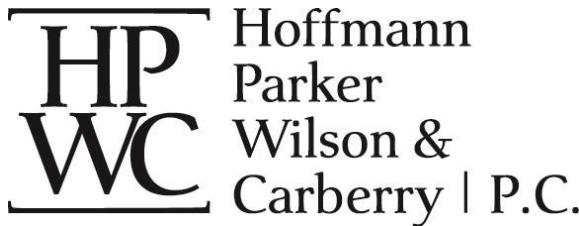
I also disagree with Trustee Guthrie's suggestion, reported by Mountain Jackpot, that work sessions should be scrapped if they must be Zoomed. The work sessions are among Mayor Dixon's most successful innovations since taking office. I wonder if paid parking may have played out differently if one or two work sessions had been held on it.

For close to two years, I have remotely covered the GMF government and hope my reporting has made a small difference in readers' awareness of important

developments. This is all thanks to Zoom and my laptop since I live in Washington, DC and make it to our family's GMF cabin only a few times a year. I do my best to accurately report stories. The work sessions would be invaluable to helping me understand and accurately report the issues.

Respectfully,

Carolyn Bowers



Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
J. Matthew Mire
Hilary M. Graham
Kathryn M. Sellars

511 16th Street, Suite 610
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(303) 825-6444

Daniel P. Harvey
Ruthanne H. Goff
Katharine J. Vera
Elizabeth G. LeBuhn
Austin P. Flanagan
Wilson D. Scarbeary

TOWN OF GREEN MOUNTAIN FALLS
MEMORANDUM

TO: **MAYOR AND BOARD OF TRUSTEES
BECKY FRANK, TOWN MANAGER**

FROM: **JEFFERSON M. PARKER, TOWN ATTORNEY
RUTHANNE H. GOFF, ESQ.** *QHP*

DATE: **NOVEMBER 28, 2022**

RE: **SENATE BILL 22-099 – SEALING OF CRIMINAL RECORDS**

The memorandum outlines recent legislation concerning the sealing of criminal records – Senate Bill 22-099 ("SB 99"). SB 99 was signed into law on May 31, 2022, and became effective on August 9, 2022. There are several sections SB 99 that only concern the state court administrator. As such, other than a brief overview, those portions are not addressed in this memorandum. Only those provisions which effect municipal court are discussed in detail.

General Impacts

House Bill 21-1214 established a procedure for automatically sealing certain criminal records relating to drug offenses. SB 99 expands those eligible offenses for automatic sealing to certain offenses that do not have any intervening convictions and are currently eligible for sealing by petition. The state court administrator is required to compile a list of eligible convictions, including civil infractions with four years since the final disposition, petty offenses or misdemeanors with seven years since the final disposition, and felonies with ten years since the final disposition. Section 3, SB 99, C.R.S. § 13-3-117. These duties of the state court administrator pertaining to state law violations do not impact municipal courts.

SB 99 also makes several updates to the current procedures for non-automatic sealing of records including requiring the court, instead of the defendant, to provide custodians of the

November 28, 2022

Page 2

criminal record with a copy of a sealing order as well as allowing defendants with unpaid fines, court costs, late fees, or other fees ordered by the court to seal their records. *See* Section 10, SB 99, C.R.S. § 24-72-703.

Municipal Court Impacts

Perhaps most significantly, SB 99 requires the municipal court to automatically, without request by a defendant, enter an order sealing records at the time of disposition if:

1. the case against a defendant is completely dismissed; or
2. the defendant is acquitted of all counts in the case.

When this automatic sealing occurs, the court must serve the sealing order on the custodian of criminal justice records no later than 28 days after the disposition. Section 12, SB 99; C.R.S. § 24-72-705(1)(a). This duty is imposed on the municipal court generally with no direction as to how, procedurally, it should occur. We suggest this is a process that may need to be discussed between the municipal judge and the court clerk to ensure compliance.

SB 99 also allows a defendant to file a motion to seal records of a municipal court conviction three years after the final disposition of all criminal proceedings or the date of release from supervision, whichever is later, if:

1. the defendant has not been charged with or convicted of a felony, misdemeanor, or misdemeanor traffic offense since the date of the final disposition of all criminal proceedings against the defendant or the date of the defendant's release from supervision, whichever is later; and
2. the conviction records are not for a misdemeanor traffic offense committed by a commercial learner's permit or license holder, or by a commercial motor vehicle operated.

Section 15, SB 99, C.R.S. § 24-72-708(1) and (3).

For defendants who have been convicted of a subsequent offense before successfully sealing a prior offense, those defendants may file a motion to seal records of a municipal violation 10 years after the date of the final disposition of all criminal proceedings or the date of release from supervision related to the subsequent offense, whichever is later, if:

1. the defendant was convicted of a single subsequent offense that was not a felony and did not involve domestic violence, unlawful sexual behavior, or child abuse; and

November 28, 2022

Page 3

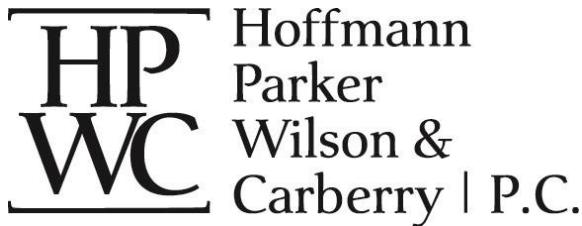
2. the defendant was convicted of a single subsequent offense that was not a felony, misdemeanor, or misdemeanor traffic offense since the date of the final disposition of all criminal proceedings against the defendant or the date of the defendant's release from supervision, whichever is later; and

3. the original conviction is not a municipal assault or battery offense in which the underlying factual basis involves domestic violence.

In this scenario, it appears that records of both violations are sealed. Section 15, SB 99, C.R.S. § 24-72-708(2) and (3).

Both for motions to seal filed after three and 10 years, the defendant is responsible for initiating the filing and paying the filing fee. Section 15, SB 99, C.R.S. § 24-72-708(5). The court must review the motion to determine if the motion requires a hearing. Section 15, SB 99, C.R.S. § 24-72-708(5). If the court determines that the motion and petition is sufficient, the court must grant the request unless the prosecution files an objection. Section 15, SB 99, C.R.S. § 24-72-708(5). If the prosecution does object, the court must set a hearing within 42 days of defendant's filing of the motion. Section 15, SB 99, C.R.S. § 24-72-708(5). Most of the impact of this portion of SB 99 will be in receiving and responding to defendants' requests to seal records and in setting and conducting hearings, when needed. Again, it may be worthwhile to discuss and coordinate a process for this with the municipal judge, court clerk, and prosecuting attorneys.

As always, please feel free to contact us with any questions or if we may be of further assistance.



Corey Y. Hoffmann
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TOWN OF GREEN MOUNTAIN FALLS
MEMORANDUM

TO: **MAYOR AND BOARD OF TRUSTEES
BECKY FRANK, TOWN MANAGER**

FROM: **JEFFERSON H. PARKER, TOWN ATTORNEY** *QHP*
WILSON D. SCARBEARY, ESQ.

DATE: **DECEMBER 7, 2022**

RE: **DIGITAL ACCESSIBILITY**

Recently, the Colorado General Assembly passed House Bill 21-1110 ("HB 1110"), which created new standards for accessibility to protect individuals with disabilities. These new requirements apply to local government entities, including the Town. The Town must fully implement the new digital accessibility rules by July 1, 2024. C.R.S. § 24-34-802(1)(b). We anticipate that complying with these new rules will be a significant undertaking for the Town. Accordingly, this memorandum will offer a basic overview of our current understanding of the upcoming accessibility rules so that the Town may begin preparing to implement accessible technology.

HB 1110 directed the Governor's Office of Information Technology ("OIT") to develop the accessibility standards that will apply to local and state government entities. OIT has released some preliminary information, which is discussed below. However, the Colorado Municipal League ("CML") is seeking clarification from OIT concerning the requirements of HB 1110. Additionally, in our conversations with other CML members, individual entities have raised the possibility of a procedural challenge to the rules issued by OIT.

Protected Individuals

HB 1110's accessibility rules protect "individuals with disabilities" as defined under the Americans with Disabilities Act, 42 U.S.C. § 12131(2) (the "ADA"). C.R.S. § 24-34-301(5.6). Under the ADA, a disability is a "physical or mental impairment that substantially limits one or more major life activities. 42 U.S.C. § 12102(1)(A). This definition is meant to be construed in favor of broad coverage of disabilities, including disabilities that may only be episodic in nature. *Id.* at (4).

Accessibility Standards

OIT has adopted the World Wide Web Consortium's (the "WC3") Web Content Accessibility Guidelines, Version 2.1("WCAG 2.1") as the technical standards to define the new accessibility rules. *FAQ: HB 21-1110 Colorado Laws for Persons with Disabilities*, COLORADO GOVERNOR'S OFFICE OF INFORMATION TECHNOLOGY, <https://oit.colorado.gov/hb21-1110-faq> (last accessed Nov 14, 2022).

WCAG 2.1 defines accessibility using "success criteria" ranging from "A" (the lowest level of accessibility) to "AAA" (the highest level of accessibility). Web Content Accessibility Guidelines 2.1, WORLD WIDE WEB CONSORTIUM (Jun 5, 2018) <https://www.w3.org/TR/WCAG21/>. OIT will require that local governments ensure that all digital content or technologies provided conform to WCAG 2.1 Level AA success criteria. *FAQ, HB 21-1110 Colorado Laws for Persons with Disabilities, infra.* In practice, this will require that the Town conform to Level A and Level AA success criteria. A full listing of the various requirements of Level A and Level AA can be viewed at the link above.

Covered Technologies

HB 1110 requires that all "digital content" be made accessible. C.R.S. § 24-85-102(1.5). The new definition of "accessible" and "accessibility" requires that individuals with disabilities are provided "access to the same information, engage in the same interactions, and enjoy the same services offered to other individuals, with the same privacy, independence, and ease of use as exists for individuals without a disability." *Id.* It is our understanding that this definition includes both public facing content, such as the Town's website, as well as any internal technologies used by Town employees.

If any member of the public is unable to access any service offered by the Town that is offered through, or relies on digital technology, the Town may be subject to liability, as discussed below.

Potential Liability

Under the new accessibility standards, any citizen that believes they have been discriminated against by a public entity's failure to implement accessibility as explained above

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may file a civil claim again that public entity. C.R.S. § 24-34-802(1)(c). If a court finds that the Town has failed to implement accessibility as required by law, the remedies could include: (i) a court order mandating compliance; (ii) the recovery of actual monetary damages resulting from the lack of accessibility; or (iii) a fine of \$3,500 payable to each plaintiff for each separate violation. C.R.S. § 24-34-802(2)(a).

The law itself is unclear on what exactly constitutes a "separate violation.", and there is currently no case law that defines this standard in the context of digital accessibility. However, we are aware of cases based on similar statutes – such as laws protecting against discrimination on the basis of gender – that construe separate violations quite liberally. *See, e.g., Wedow v. City of Kansas*, 442 F.3d 661 (8th Cir. 2006) (finding that each time a firefighter was required to don equipment that was not suitable for their gender constituted a separate civil rights violation for which the plaintiff could seek damages); *May Department Stores v. State ex rel. Woodard*, 863 P.3d 967 (Colo. 1993) (liberally construing separate violations in the context of false advertising prohibitions).

Additionally, HB 1110 specifies that liability for discrimination lies with the public entity, even if the public entity relies on a third-party to host or publish its web content. C.R.S. § 24-34-802(1)(c).

Conclusion

As noted above, this memorandum provides only an early preview of the accessibility standards that are required by July 1, 2024. We expect that changes to the accessibility rules will occur prior to the compliance date, and that more information will be distributed by OIT as the compliance date draws closer. Additionally, there may be procedural challenges raised to the rules. We will keep you fully advised of ongoing developments.

As always, please don't hesitate to reach out if this memorandum raises any additional questions.



December 9, 2022

Nate Scott
Town Clerk/Treasurer
Town of Green Mountain Falls

Re: GMF Healthy Forest: 23-9021

Dear Nate,

Congratulations! I am pleased to inform you that the Colorado Youth Corps Association (CYCA) and Great Outdoors Colorado (GOCO) have chosen your project to receive 8 weeks of work from the Mile High Youth Corps - Southern Front Range. This work is valued at \$82,200 which includes 8 weeks of a specialty crew. Work on this project must be completed by December 31, 2023.

Please note, if unforeseen circumstances necessitate a change in the scope of work or the project location, please reach out to Brandon Watkins at (303) 863-0602 or bwatkins@cyca.org as soon as possible to discuss.

Funds for this project were awarded to CYCA by GOCO, which receives a portion of Colorado Lottery revenues to invest in parks, playgrounds, trails, rivers, wildlife, youth corps and open space. The goal of the program is to employ youth and young adults (ages 14-25) throughout the state on critical outdoor recreation and land conservation projects.

If you issue any news releases or include information in newsletters and other media about your project receiving these funds, it is important that you acknowledge that the funding came from lottery funds through GOCO in partnership with the Colorado Youth Corps Association. If you have any questions about acknowledging CYCA or GOCO, please contact Rosemary Dempsey at GOCO at (rdempsey@goco.org) or Brandon Watkins at CYCA (bwatkins@cyca.org) or (303) 863-0602).

Thank you for your interest in youth conservation corps and applying for crews. This work and similar work around the state funded through this grant will help put young people to work on our public and protected lands that are in great need of labor.

As a reminder, your organization will not need an agreement with the youth corps, nor will your organization receive any funds directly from CYCA. CYCA will reimburse the corps for their work on your project.

Youth corps staff will be in touch with you about scheduling your project. If you have any questions, please contact me at (303) 863-0602 or bwatkins@cyca.org.

Sincerely,

A handwritten signature in blue ink that appears to read "Brandon Watkins".

Brandon Watkins
Associate Director
Colorado Youth Corps Association

Sincerely,

A handwritten signature in blue ink that appears to read "Jackie Miller".

Jackie Miller
Executive Director
Great Outdoors Colorado