



**Jefferson County Board of Adjustment
Hybrid Hearing Meeting
AGENDA**

December 7, 2022, 9:00 a.m.

Hearing Room 1 / Virtual Hearing via WebEx Events / Webinars

100 Jefferson County Pkwy

Golden, CO 80419

Instructions for Public Comment/Public Testimony for Virtual Hearings via WebEx Events:

If a citizen wishes to make public comment or provide public testimony virtually during the hearing, she/he will be required to log into the meeting using a computer. (Note: Public Comment is not taken during the Pre-Meeting.)

When you log into the online event, please send a Chat message to the Host (staff), if you wish to provide general comments or comments related to a specific case on the agenda. Please provide your first and last name, address, and the topic of your comment or case number, and you will receive confirmation once you have been added to the list.

During the designated time for public comment or public testimony on a specific case, your name will be called in the order it was received. Your microphone will be unmuted once your name has been called. You will have three minutes to provide your testimony, or ten minutes if you represent a Registered Association.

If you plan on testifying at the hearing, please contact the case manager listed on the agenda so we can be sure your voice is heard. If you want to present documents, images or a presentation to the Board of Adjustment, please send the files to the case manager prior to the hearing (24 hours at the latest) so we can ensure these documents are able to be presented during the hearing.

Event links can be found below or here: <https://www.jeffco.us/meetings>

Pre-Meeting: Faye Griffin Room / Webex Events (8:30 a.m. – 9:00 a.m.)

Pre-Meeting Connection Details (No Public Comment is taken):

Join the WebEx meeting from here:

<https://jeffco.webex.com/jeffco/onstage/g.php?MTID=e40fdde9caf5342a2c8950b9bac2b5648>

Access Information

Event Number: 2484 549 2406

Event Password: yUARJ7Ak5C7 (This event does not require a password.)

Audio Connection

(720) 650-7664 Access Code: 2484 549 2406

Comments:

1. Director of Planning and Zoning
2. Planning Manager
3. Legal Counsel
4. Administrative Assistant
5. Board Members
6. Case Review

Hearing: Hearing Room 1 / Webex Events (Approximately 9:00 a.m.)

Board of Adjustment Hearing Connection Details:

Join the WebEx meeting from here:

<https://jeffco.webex.com/jeffco/onstage/g.php?MTID=e0986acfd8e5888246a1db278b2f31ebc>

Access Information

Event Number: 2499 152 4425

Event Password: 2vyXHWjH8M8 (This event does not require a password.)

Audio Connection

(720) 650-7664 Access Code: 2499 152 4425

Pages

1. Call to Order
2. Discussion of Hybrid Meeting Procedures
3. Pledge of Allegiance
4. Approval of Minutes
5. Consent Agenda

5.1	22-125151VC Special Exception Owner/Applicant: Kevin McClung Location: 6925 S. Wadsworth Court, Littleton Section 26, Township 5 South, Range 69 Approximate Area: 0.19 Acres Zoning: Planned Development (Columbine West ODP) Purpose: Renewal of a Special Exception for a Home Occupation of firearm sales and transfers. Case Manager: Megan Hazen	5
5.2	22-127159VC Special Exception Owner/Applicant: Arden D. Lindsey Location: 28024 War Admiral Trail, Evergreen Section 34, Township 5 South, Range 71 West Approximate Area: 2.00 Acres Zoning: Suburban Residential-Two (SR-2) Purpose: Special Exception for a Short Term Rental renewal. Case Manager: Fritz Clauson	23
5.3	22-107183VC Variance and Special Exception Owner/Applicant: Santiago J. Salcedo and Sylvia S. Caricote de Salcedo Location: 31774 Miwok Trail, Evergreen Section 20, Township 5 South, Range 71 West Approximate Area: 1.02 Acres Zoning: Agricultural-One (A-1) Today's Action: To continue the case for more information on the well permit and Fire Protection District access. Purpose: Variance to legalize: 1) A rear setback of 49.4 feet to the north, where a setback of 50 feet is required for a deck; and 2) A side setback of 26.0 feet to the east, where a setback of 30 feet is required for a deck. Special Exception to allow: 3) A Short-Term Rental limited to a six-person occupancy. Case Manager: Cassidy Clements	100

5.4	22-119819VC	101
	Special Exception	
	Owner/Applicant: Erich Woessner and Erin Woessner	
	Location: 5976 Flora Way, Arvada	
	Section 7, Township 3 South, Range 69 West	
	Approximate Area: 0.4 Acres	
	Zoning: Residential-One (R-1)	
	Purpose: Special Exception to renew a Home Occupation of an osteopathy practice.	
	Case Manager: Cassidy Clements	
6.	Regular Agenda	
6.1	22-119725VC	124
	Special Exception	
	Owner/Applicant: Anh Nguyen Dao	
	Location: 20133 Silver Ranch Road, Conifer	
	Section 28, Township 6 South, Range 70 West	
	Approximate Area: 4.16 Acres	
	Zoning: Suburban Residential-Two (SR-2)	
	Purpose: To allow a Short-Term Rental.	
	Case Manager: Allie McGahee	
6.2	22-121493VC	190
	Special Exception	
	Owner/Applicant: Jason David Bradbury	
	Location: 6905 Sprucedale Park Way, Evergreen	
	Section 29, Township 5 South, Range 71 West	
	Approximate Area: 1.09 Acres	
	Zoning: Mountain Residential-One (MR-1)	
	Purpose: To allow a Short-Term Rental.	
	Case Manager: Sara Kohles	
7.	Other Items For Discussion or Review	
8.	Adjournment	

CASE SUMMARY
Consent Agenda

BOA Hearing Date: December 7, 2022

22-125151VC Special Exception

Owner/Applicant: Kevin McClung

Location: 6925 S. Wadsworth Court, Littleton
Section 26, Township 5 South, Range 69

Approximate Area: 0.19 Acres

Zoning: Planned Development (Columbine West ODP)

Purpose: Renewal of a Special Exception for a Home Occupation of firearm sales and transfers.

Case Manager: Megan Hazen

Issues:

- None

Recommendations:

- **Staff:** Recommends approval

Interested Parties:

- None

Level of Community Interest:

- Low

Case Manager Information: Phone: 303-271-8745 e-mail: mhazen@jeffco.us

Staff Report

BOA Hearing Date: December 7, 2022

22-125151VC Special Exception

Owner/Applicant: Kevin McClung

Location: 6925 S. Wadsworth Court, Littleton
Section 26, Township 5 South, Range 69

Approximate Area: 0.19 Acres

Zoning: Planned Development (Columbine West ODP)

Purpose: Renewal of a Special Exception for a Home Occupation of firearm sales and transfers.

Case Manager: Megan Hazen

Previous Actions: 21-127312VC
17-106518CV

Surrounding Zoning: North: Planned Development (Columbine West ODP)
South: Planned Development (Columbine West ODP)
East: Planned Development (Columbine West ODP)
West: Planned Development (Columbine West ODP)

Existing Use: Single-family residential

Existing Structures: Single family detached residence with an attached garage.

Services: South Metro Fire District

BACKGROUND/DISCUSSION:

The applicant is requesting a renewal of a Special Exception to allow a Home Occupation for firearm sales and transfers. The applicant requests a five-year term for the Special Exception renewal. A Special Exception for this Home Occupation was first granted by the Board of Adjustment on October 20, 2021, for a term of one year.

The Home Occupation takes place in a secured, windowless room in the basement of the home, which is approximately 94 square feet. Firearms are stored in a locked safe with sole access to the applicant. The applicant is the only employee of the business, and retail visits are limited to appointment only, one vehicle at a time. Any visitors to the home park in the driveway or along S. Wadsworth Ct. The applicant has stated that the majority of the business will be conducted at gun shows.

SITE CHARACTERISTICS AND IMPACTS:

The 0.19-acre property is in Littleton within the Columbine West Planned Development, and building standards are based on Residential-One B zoning regulations. Surrounding properties are single-family homes. The impact of this Home Occupation to the surrounding community is expected to be minimal.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution (JCZR), the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to adjacent property owners, (which includes the property owners on the opposite side of the residential street) and to the Homeowners' Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception Request, was provided to the applicant for posting on the site. The sign was provided to the applicants with instructions that the sign be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification are CoHope, Columbine West Civic Association, Precedent at Stony Creek, Jefferson County Horse Council, and PLAN Jeffco.

During the processing of the application, Staff did not receive any responses related to this request.

ANALYSIS:

The proposed request complies with all the criteria for a Home Occupation as outlined in Section 11.B.2.d. of the Jefferson County Zoning Resolution. Sales are not listed as a permitted home occupation, so a Special Exception from the Board of Adjustment is required per Section 21.F of the Jefferson County Zoning Resolution.

1. The Board shall not permit any home occupation specifically excluded in the Home Occupations Section of this Zoning Resolution.
Firearm sales and transfers are not specifically excluded in the Home Occupations Section of the Zoning Resolution.
2. Such home occupation shall be approved initially for a period of up to one year and may be renewable for periods of greater duration after complete rehearing thereon by the Board of Adjustment.
The Board of Adjustment approved this Special Exception for a Home Occupation, 21-127312VC, for an initial period of one year. The applicant is now seeking to renew the approval for a term of five years.
3. The Board shall, at the time of approval thereof, establish restrictions on location, access, water and sewer facilities and any other reasonable stipulations deemed necessary for the protection of the health, safety and welfare of the citizens of Jefferson County.
A reasonable stipulation deemed necessary for the protection of the health, safety, and welfare of the citizens of Jefferson County is for the applicant to maintain a Federal Firearms License for this home occupation for firearm sales and transfers. This is a reasonable stipulation, because Jefferson County does not enforce federal regulations, and there is not a need, in Staff's opinion, to restrict the location, access, or water and sewer facilities.
4. In approval or denial of home occupations herein, the Board of Adjustment shall consider all incidental uses in connection therewith concerning the extent of retail sale of commodities, if any.
The applicant has not requested approval of any incidental uses outside of the sales and transfers.
5. Such home occupation shall be conducted by the inhabitants of the residential property and shall terminate automatically upon any conveyance of possession or termination of lease or rental agreement.
This home occupation will be conducted by the inhabitant of the property with no additional employees. If approved, this Special Exception shall not run with the land.

6. Such home occupation shall be approved only if it is compatible with the general spirit and intent of this Zoning Resolution and to promote the general welfare.

Staff is of the opinion that the home occupation is compatible with the general spirit and intent of the Zoning Resolution. The home occupation does not change the zoning, nor establish any entitlements that run with the property.

7. The impact of the home occupation shall not adversely affect the character of the surrounding area.

The impact of the home occupation to the surrounding community is expected to be minimal. This business will be conducted completely within the basement of the primary residence, with only one client vehicle at a time. Section 21 of the Zoning Resolution limits home occupations to no more than 2 additional customer vehicles at a time. No noxious chemicals will be used, and no deleterious noise will be generated.

8. One wall sign shall be allowed not to exceed 4 square feet. The sign shall have no exterior, interior or neon lighting.

Sign requirements shall be met.

9. Maximum number of employees: one.

There are no additional employees.

FINDINGS/RECOMMENDATIONS:

1. Staff finds that the proposed impact of the Home Occupations use will be minimal, and that the Home Occupation complies with the criteria outlined in Section 11.B.2.d. of the Jefferson County Zoning Resolution as indicated in the staff analysis above.

AND

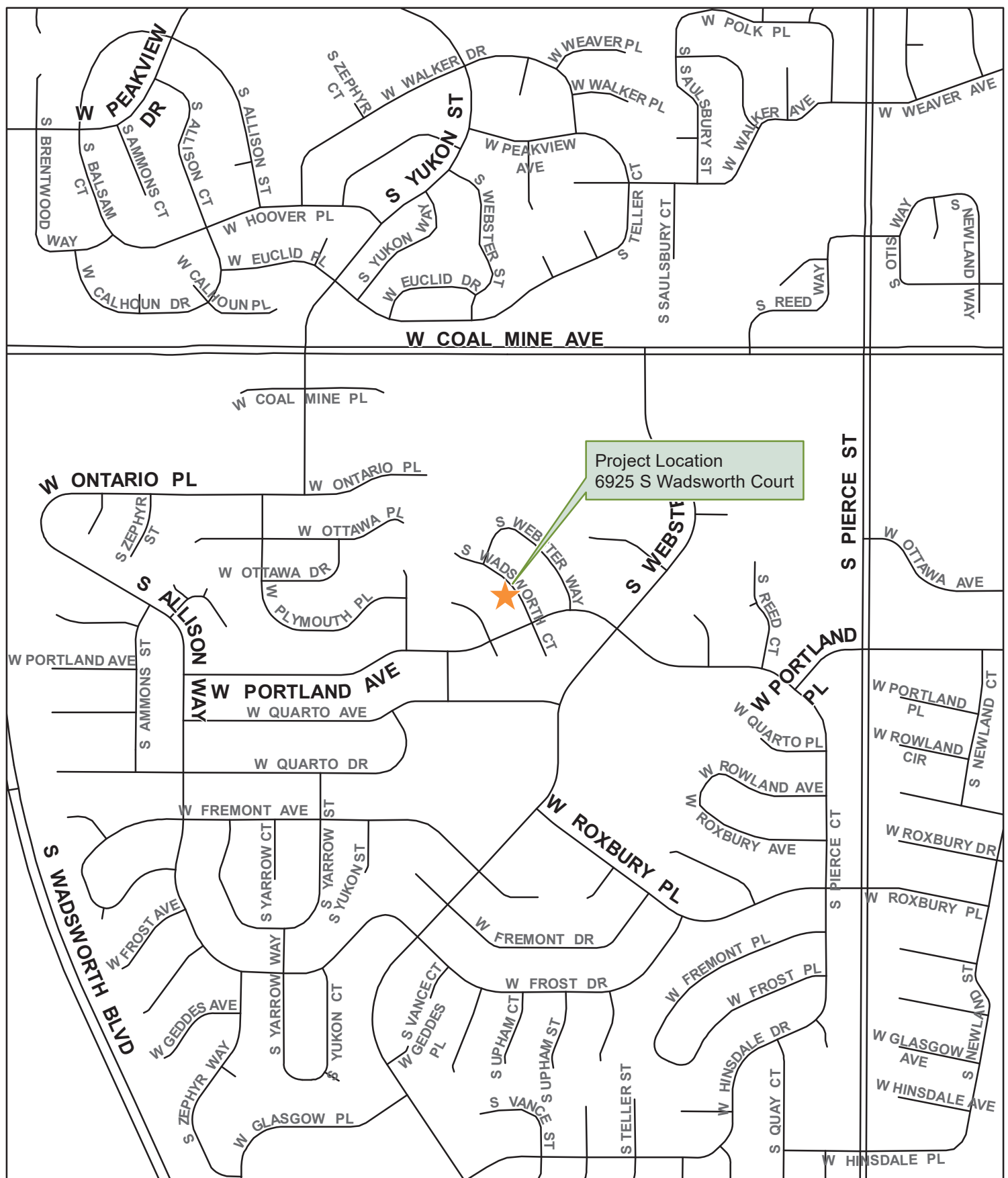
2. Staff recommends that the Board of Adjustment **APPROVE** Case No. 22-125151VC subject to the following conditions:
 - A. A Miscellaneous Permit for the home occupation shall be obtained within 3 months of the approval of this request, on or before March 7, 2023.
 - B. The applicant must be in possession and maintain a Federal Firearms License before commencing the home occupation. All sales of firearms shall conform to all federal and state laws and regulations, including but not limited to the Brady Bill, which is enforced by Federal Government Agencies.
 - C. The applicant must comply with the conditions and requirements for Home Occupations of the Zoning Resolution.
 - D. This approval is granted for five years or until December 7, 2027 and it shall be the responsibility of the applicant to apply for the renewal Special Exception within that timeframe.

COMMENTS PREPARED BY:

Megan Hazen

Digitally signed by Megan Hazen
DN: cn=Megan Hazen, o, ou,
email=mhazen@jeffco.us, c=US
Date: 2022.11.30 16:26:47 -07'00'

Megan Hazen, Planner
11/10/22

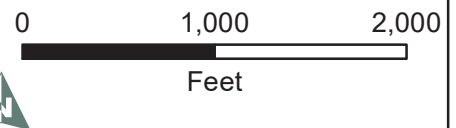


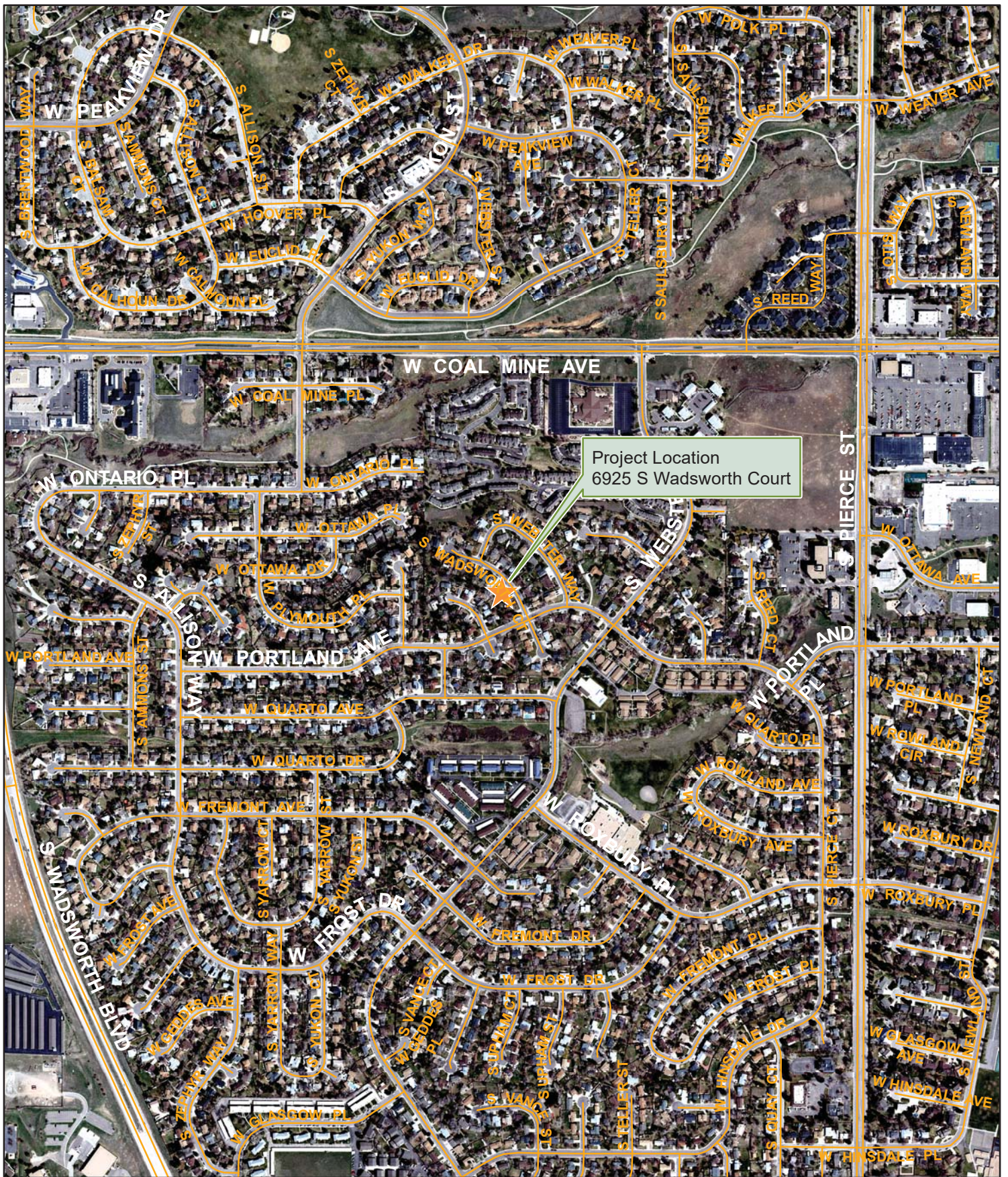
Case Number: 22-125151VC

Location: Sec. 26, T5S, R69W



JEFFERSON
COUNTY COLORADO





Case Number: 22-125151VC

Location: Sec. 26, T5S, R69W



JEFFERSON
COUNTY COLORADO

0 1,000 2,000
Feet



Jefferson County
Board of Adjustment
Application

Variance • Special Exception • Appeal

JEFFERSON
COUNTY COLORADO
Planning and Zoning

100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning.jeffco.us
pzpermits@jeffco.us

Case Number (for staff use only): 22-125151VC

This application may be used for Variance, Special Exception and Appeal requests before the Board of Adjustment, including relief from zoning regulations, short term rentals and some home occupations. Please refer to the reverse side of this page for submittal requirements.

Submit this application and all necessary documents electronically to pzpermits@jeffco.us.

Applicant and Site Details

6925 S WADSWORTH CT	LITTLETON	80128
Address of Subject Property, Legal Description and/or Parcel ID Number	City	Zip
KEVIN MCCLUNG	KEVIN@BLUEDOGARMORY.COM	3035221079
Property Owner	Email	Phone Number
6925 S WADSWORTH CT	LITTLETON	CO 80128
Mailing Address	City	State Zip
Contractor/Representative	Email	Phone Number
For sign pick-up, please contact: <u>KEVIN MCCLUNG</u> Email: <u>kevin@bluedogarmory.com</u> Phone Number: <u>3035221079</u>		

Specific Request

Renewal of Resolution 21-127312 for a term of 5 years, Special exception for home based Firearms business.

Applicant Acknowledgments

- ☒ Applications will not be accepted unless all submittal requirements have been met. If during staff review any application is found to contain incomplete and/or inaccurate information, the case may be postponed until all necessary submittal documentation has been received. Documents larger than 11 x 17 can be submitted electronically.
- ☒ I understand the filing fee is to cover costs of administration, research, and hearing of this case and is non-refundable.
- ☒ I hereby give permission for County staff and Board members to enter upon my property for purposes of site inspection and investigation. Please specify any extraordinary circumstances of which staff should be aware, i.e., the presence of dogs on the site, locked gates, etc. The property must be accessible for site inspection.
- ☒ The applicant will receive a copy of the Board's decision, which may be recorded through the Jefferson County Clerk & Recorder's Office.
- ☐ For Variance cases only: A Setback Verification Form will be required as a part of the Building Permit process for Variance cases involving relief from setback requirements.
- ☐ For Variance cases only: I have read and understand the BOA Variance guide, and certify the site plan or survey is fully accurate, depicting all structures on site.


Signature of Owner or Authorized Representative

09/01/2022
Date

Jefferson County Board of Adjustment Application

Case Number (for staff use only): 22-125151VC

Submittal Requirements

The numbers checked with each specific type of request correspond to the numbered submittal requirements at the right. Additional documentation may be required, as determined by staff on a case-by-case basis.

Request: \$ _____ (additional notification fees will apply)

Variance	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Lot size	X	X	A	X	X	X	X							
<input type="checkbox"/> Setback(s)	X	X	A	X	X	X	X	X						
<input type="checkbox"/> Parking	X	X	A	X	X	X		X				X		
<input type="checkbox"/> Height	X	X	A	X	X	X		X		X				
<input type="checkbox"/> Access Standards	X	X	A	X	X			X						
<input type="checkbox"/> Accessory Square Footage/Footprint	X	X	A	X	X	X	X	X	X					
Special Exception*	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input checked="" type="checkbox"/> Home Occupation**	X	X	B	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Short Term Rental**	X	X	C	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Commercial Solar or Wind Installation	X	X	D	X	X	X		X		X		X		
Appeal	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Director's Determination	X	X		X	X	X								X

List of Submittal Requirements

- Signed application form
- Cover letter
- Addendum A, B, C, or D
- Copy of current deed
- Proof of proper division of land (if parcel is Metes & Bounds or contains portions of platted lots)
- Letter of authorization if a contractor or other contact will appear on the owner's behalf
- Improvement Survey Plat (signed and stamped by licensed surveyor) depicting all property lines and all existing improvements on the property
- Detailed site plan showing proposed improvements
- Floor plans of existing and proposed structures
- Architectural elevations
- Photographs of the interior
- Parking plan (can be combined with 7 or 8)
- Evidence of water and/or wastewater service
- Other: _____

A. Variance Addendum
B. Home Occupation Addendum

C. Short Term Rental Addendum
D. Commercial WECS/SECS Addendum

* Fees are online at our website at planning.jeffco.us. Make checks payable to Jefferson County Treasurer.

** Short Term Rentals and Home Occupations: It is the applicant's responsibility to renew a Special Exception prior to expiration.

Staff Use Only

PD (R-1B) COLUMBINE WEST FLG # 4
 Zoning of Site Plat Receipt Renewal of Case Number CV Case Number
7500 8108 404 In a Floodplain? ☐ Yes ☒ No
 Lot size Required Lot Size Shown FEMA Map Number
 Legal Access via: S Wadsworth Ct
 Number of Postcards Required: 7 ISP Submitted (check one): ☐ Print ☐ Via email to: _____ ☒ N/A
KBryson 9/20/2022
 Reviewed by Date
 Comments:

B. Home Occupation Addendum

Case Number (for staff use only): 22-125151VC

1. Describe the proposed Home Occupation.

The sale of firearms at lawful gun shows and to family and friends.

2. Please check if the Home Occupation is one of the following:

- ☐ a. Body or mechanical repair, modification, or painting of motor vehicles and repair of internal combustion engines
- ☐ b. Animal hospital or kennel
- ☐ c. Medical/dental facilities other than office consultation services
- ☐ d. Restaurant
- ☐ e. Tattoo shops/parlors
- ☒ f. Retail sales, other than ancillary to a permitted Home Occupation

3. Where on the property will the proposed Home Occupation take place?

Please include the square footage of the area. You must attach floor plans (drawn to scale) highlighting which rooms/areas will be used.

The area is a secured, windowless room in the basement of the home. The square footage of the room being used is 98.25 square feet.

4. Where will you store stock, supplies, products or other materials related to this Home Occupation?

Storage of the firearms is inside a safe inside the locked room in the basement. I am the only one with access to the safe. All other product withh be stored in the secured room as well.

5. How many employees will work here? How many of those employees live on site?

I will be the only employee and I live in the home.

6. List the proposed hours of operation.

By appointment only. The ATF requires me to list hours on my Federal Firearms License and that reads Sunday's 8am to 12pm. The majoprity of my business will be at lawful gun shows.

B. Home Occupation Addendum

Case Number (for staff use only): 22-125151VC

7. Is there another Home Occupation already taking place on this property? ☐ Yes ☒ No

If yes, please provide a permit number: _____

8. Please describe any noise, vibration, smoke, dust, odors, heat or glare that could be created as a result of this Home Occupation.

None

9. How many vehicles could visit at any one time as a part of this proposed Home Occupation? Please provide a site plan (drawn to scale) showing where parking will take place.

As per the initial granting of this resolution it will be kept to 1 vehicle at a time.

10. Will your Home Occupation have any commercial vehicles associated with it? If yes, please explain.

The County defines commercial vehicles as any truck tractors, semi-trailers, delivery vehicles, tow trucks, commercial hauling trucks, vehicle repair service trucks, vehicles with blades attached for plowing or grading, construction vehicles (ex: bulldozers, backhoes, dump trucks, etc.), vehicles or trailers designed or used to transport commodities, merchandise, produce, freight, animals or passengers for a fee; vehicles similar to those described above that are not ordinarily used for personal transportation.

None, personal vehicles will be used.

11. What potential impacts could there be on your neighbors, and how do you propose to mitigate these impacts?

There will be no impacts to the neighbors as I limit customers to 1 vehicle at a time.

Kevin McClung
KMC Enterprises LLC
DBA: Blue Dog Armory



6925 S Wadsworth Ct
Littleton, CO 80128
(720) 681-3173

Jefferson County Planning & Zoning
100 Jefferson County Parkway
Suite 3550
Golden, CO 80419

Resolution 21-127312 Renewal

Reference: In Home Business

To Whom it may concern,

This is my completed packet for a Special Exception Renewal to continue operating my business from my home.

The business is for the sale and transfer of firearms and their accessories.

The vast majority (95%) of my business will be handled at lawful gun shows within the state. Any business that will be handled at the residence is for family or friends or by appointment only. I will limit all business in the home to one vehicle at a time and the parking will be limited to the front of my home. I want to do this as to not bother, irritate, inconvenience, or disturb my neighbors.

All products that I am selling are in a secured room in the basement of the home. The room is secured, and the firearms will be secured in a safe that only I will have access to.

I, as the owner, will be the only employee and I do live at the residence.

I have no intent of putting up any business signs at the residence.

Kevin McClung

A handwritten signature in blue ink, appearing to read "Kevin McClung".

(720) 681-3173 - Business Number
(303) 522-1079 - Personal Cell Phone

After Recording Return to:
Kevin McClung
6925 South Wadsworth Court
Littleton, CO 80128-4435

Doc Fee: \$43.00

WARRANTY DEED

This Deed, made December 5, 2018

Between Monica A. Candelaria of the County Jefferson, State of Colorado, grantor(s) and Kevin McClung and Tyler McClung and Clayton Garner, as Joint Tenants whose legal address is 6925 South Wadsworth Court, Littleton, CO 80128-4435 County of Jefferson, and State of Colorado, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of **FOUR HUNDRED THIRTY THOUSAND DOLLARS AND NO/100'S (\$430,000.00)** the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Jefferson, State of Colorado described as follows:

Lot 44, Block 5, Columbine West - Filing No. 4,
County of Jefferson, State of Colorado.

also known by street and number as **6925 South Wadsworth Court, Littleton, CO 80128-4435**

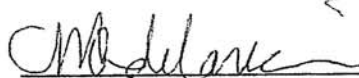
TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated August 27, 2018, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:


Monica A. Candelaria

STATE OF COLORADO
COUNTY OF Denver

}ss:

November 30, 2018

The foregoing instrument was acknowledged, subscribed and sworn to before me **December 5, 2018** by **Monica A. Candelaria**.

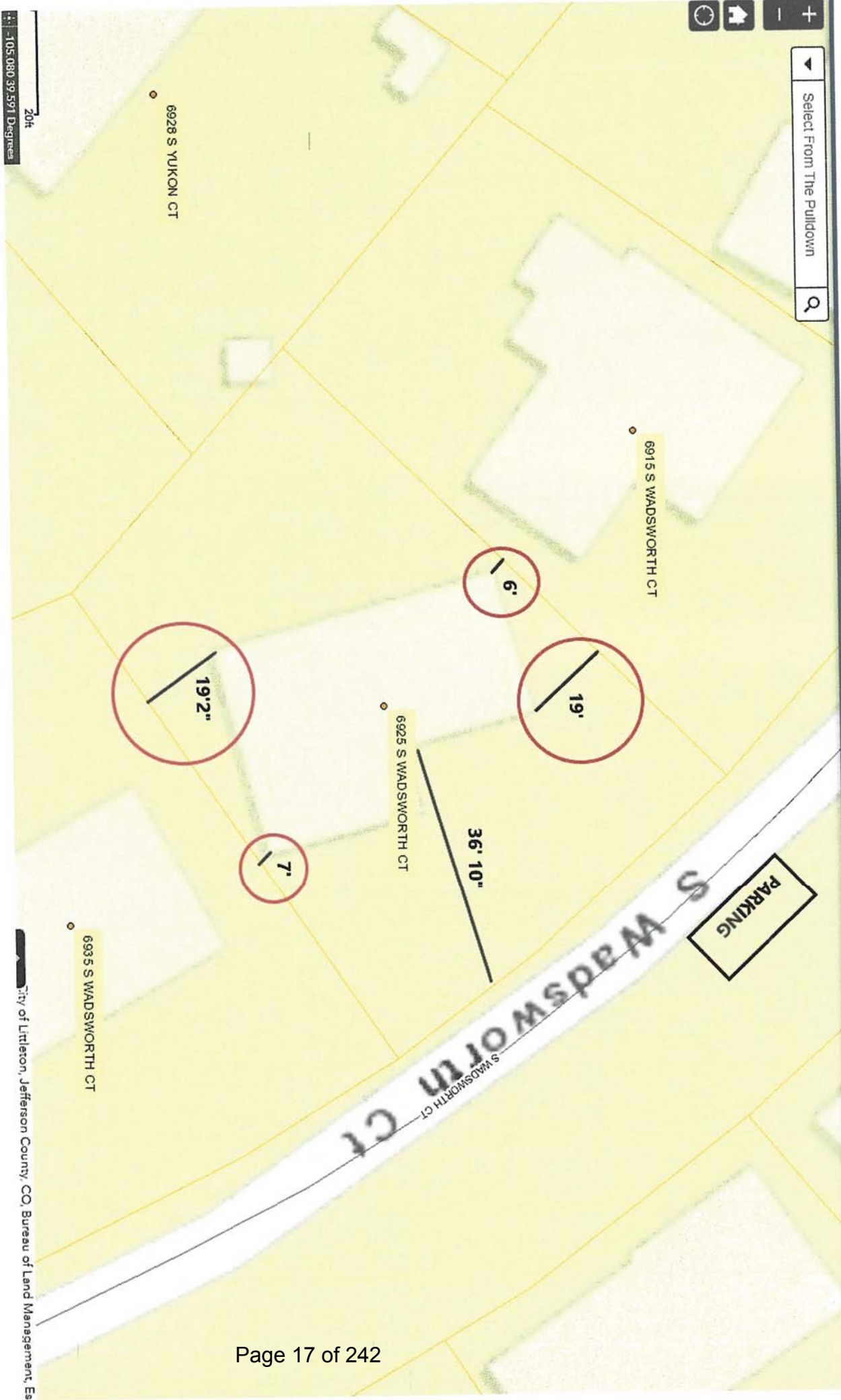
Witness my hand and official seal.

Page 16 of 242

Notary Public

My Commission expires:

ALLISON B ALLEN



NAME
Floor Plan

LOCATION
6925 S Wadsworth Ct
80128 Littleton
CO
USA

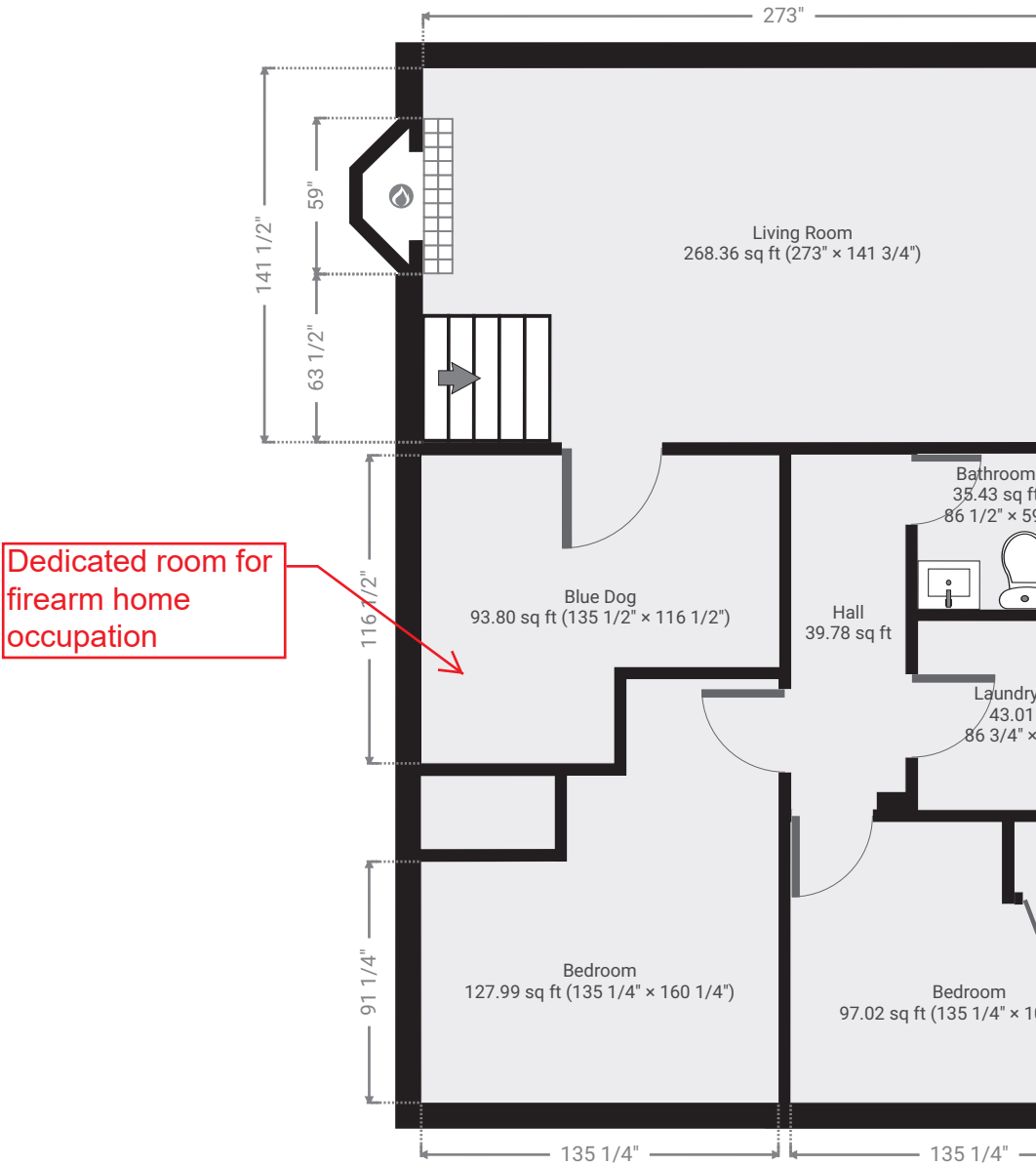
DETAILS
Total area: 2555.78 sq ft
Living area: 1894.13 sq ft
Floors: 3
Rooms: 7

THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.



▼ **Basement**

TOTAL AREA: 839.00 sq



NAME
Floor Plan

LOCATION
6925 S Wadsworth Ct
80128 Littleton
CO
USA

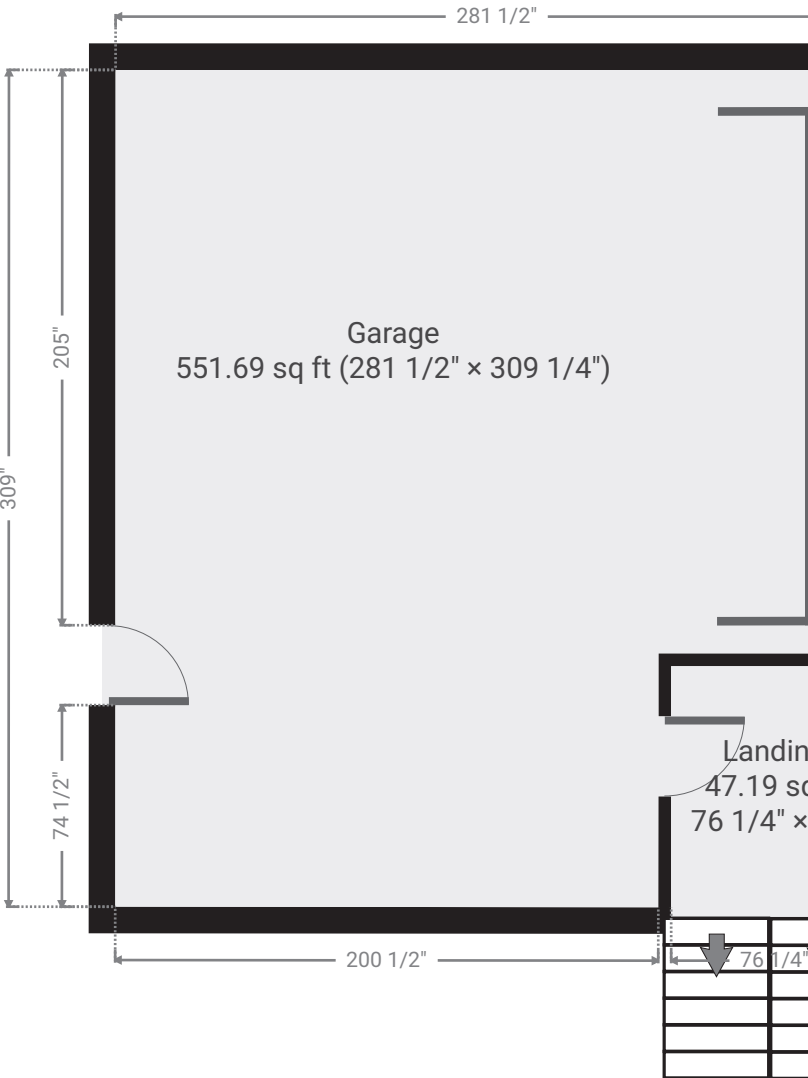
DETAILS
Total area: 2555.78 sq ft
Living area: 1894.13 sq ft
Floors: 3
Rooms: 7

THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.



▼ Ground Floor

TOTAL AREA: 687.66 s



NAME
Floor Plan

LOCATION
6925 S Wadsworth Ct
80128 Littleton
CO
USA

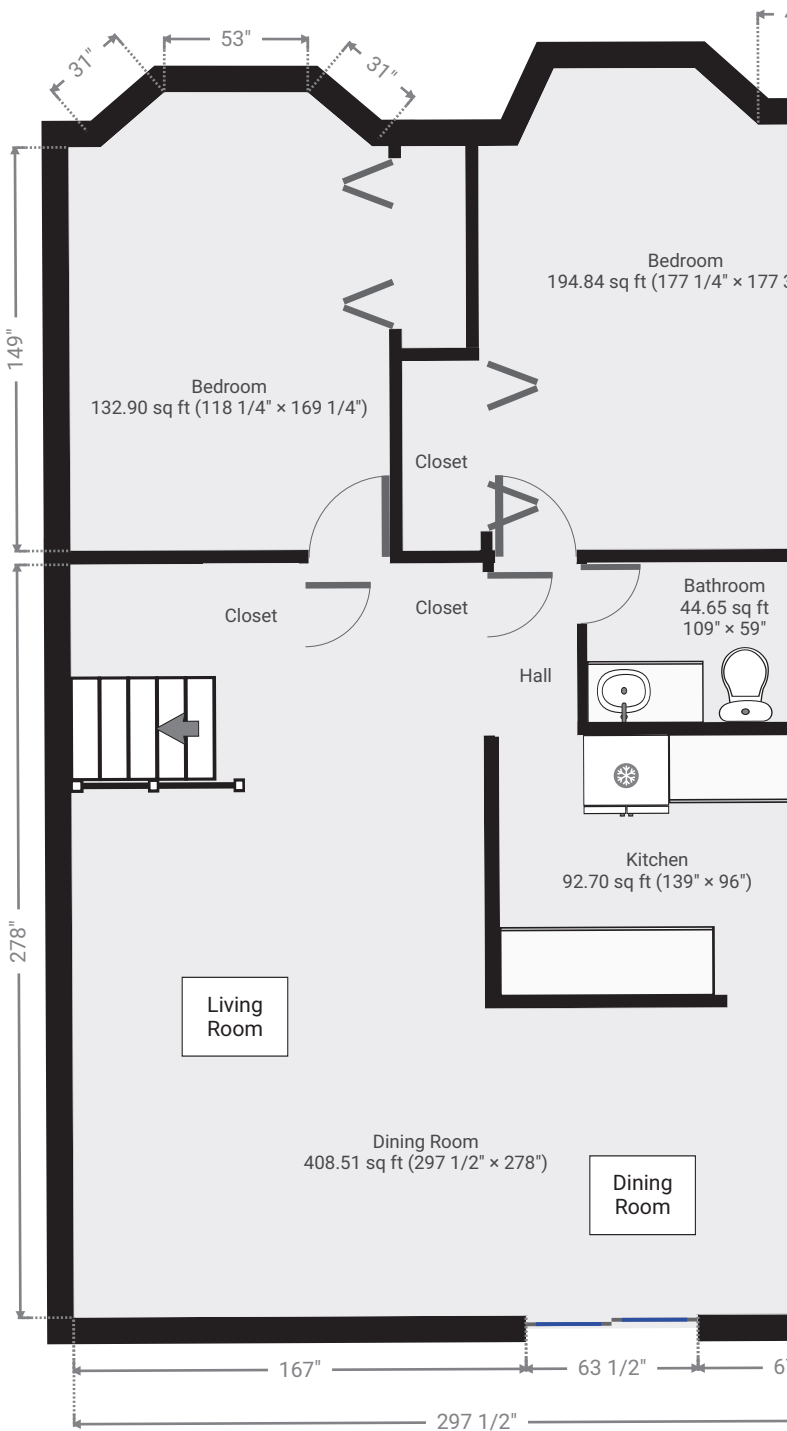
DETAILS
Total area: 2555.78 sq ft
Living area: 1894.13 sq ft
Floors: 3
Rooms: 7

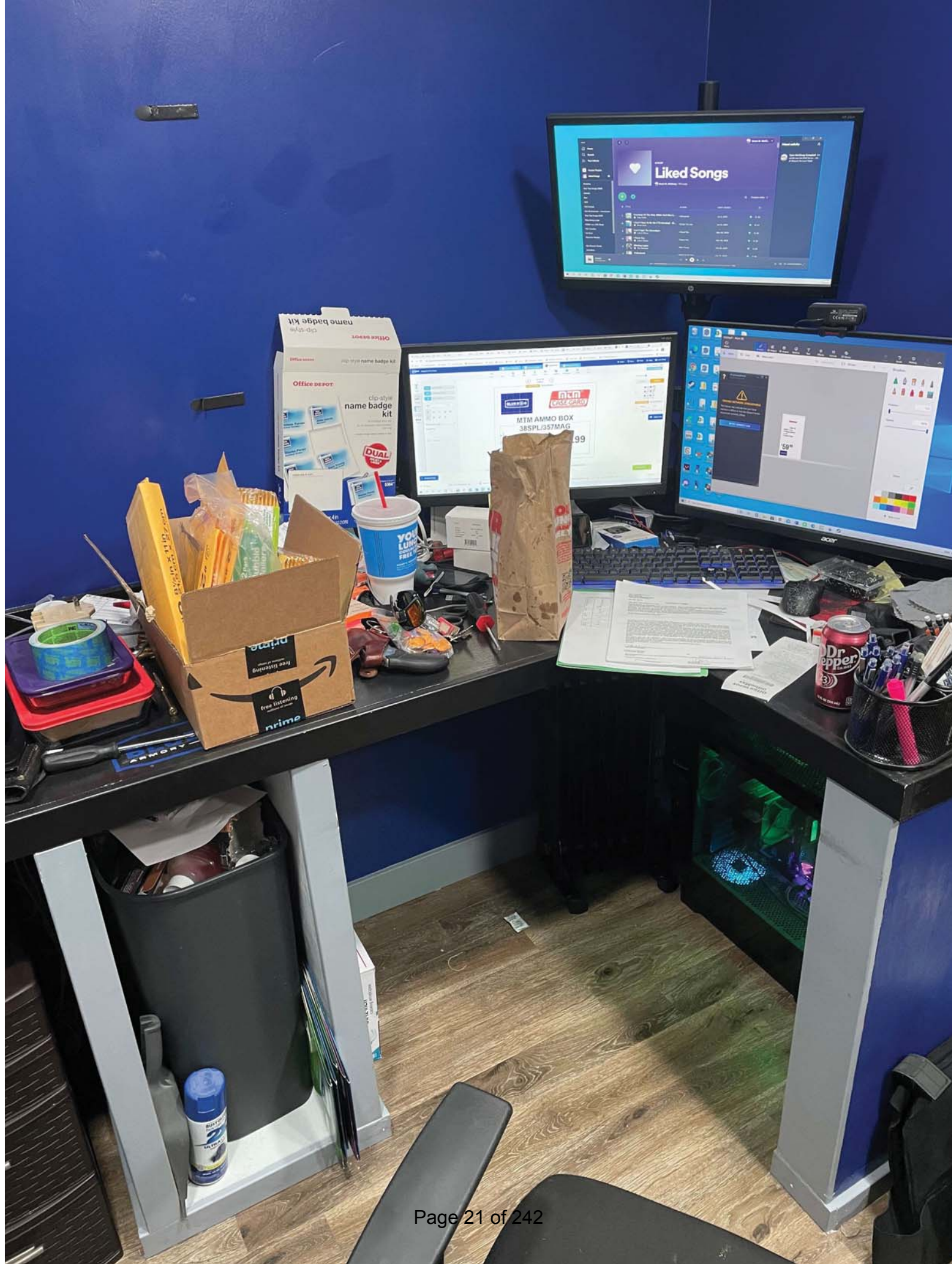
THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

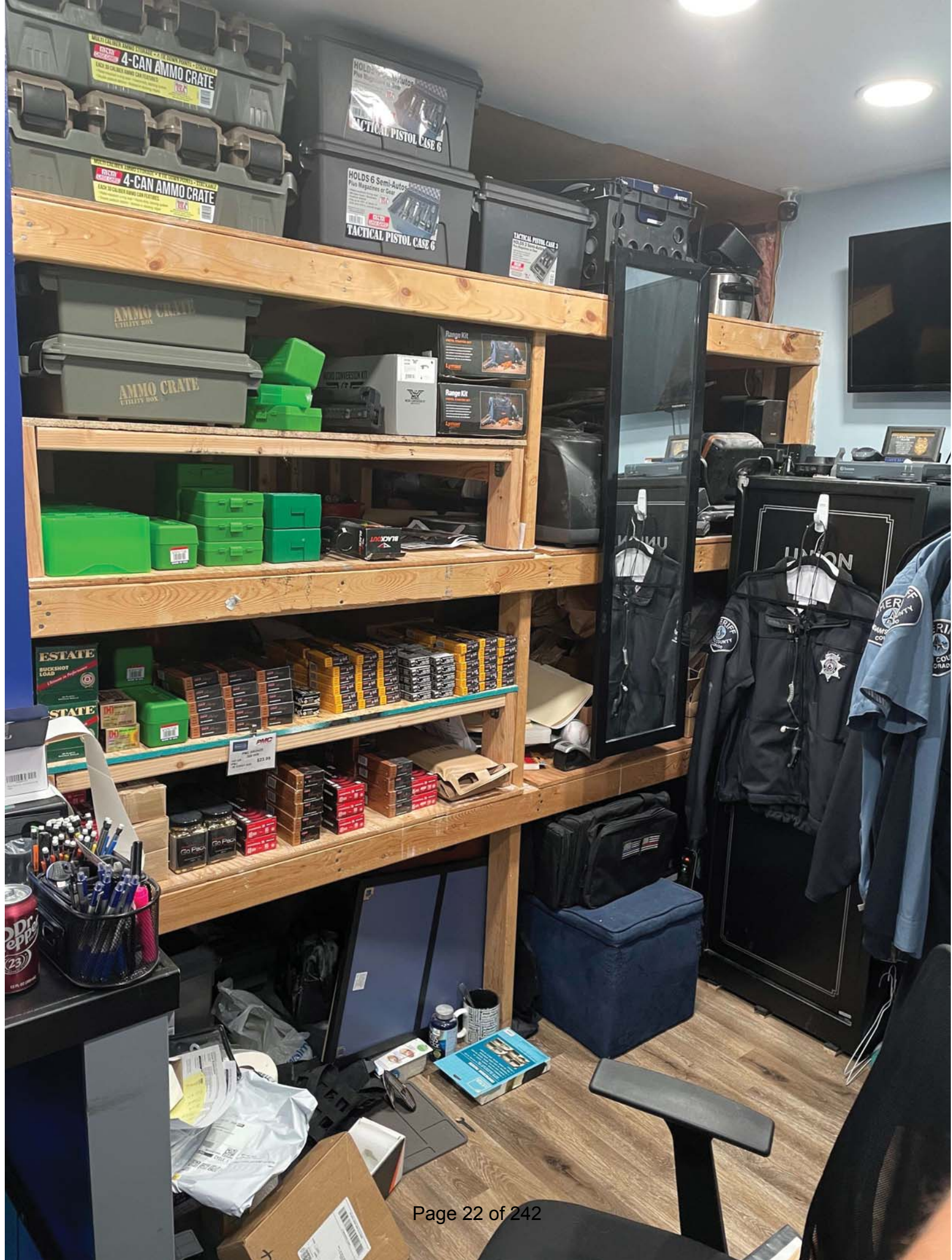


▼ 1st Floor

TOTAL AREA: 1029.12 sq ft







CASE SUMMARY
Consent Agenda

BOA Hearing Date: **December 7, 2022**

22-127159 VC Special Exception

Owner/Applicant: Arden D. Lindsey

Location: 28024 War Admiral Trail, Evergreen
 Section 34, Township 5 South, Range 71 West

Approximate Area: 2.00 Acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **Special Exception for a Short Term Rental renewal.**

Case Manager: Fritz Clauson, AICP

Issues:

- None

Recommendations:

- **Staff:** Recommends Approval subject to conditions

Interested Parties:

- None

Level of Community Interest: Low

Case Manager Information: Phone: 303-271-8767 e-mail: fclauson@jeffco.us

Staff Report

BOA Hearing Date: December 7, 2022

22-127159 VC Special Exception

Owner/Applicant: Arden D Lindsey

Location: 28024 War Admiral Trail, Evergreen
Section 34, Township 5 North, Range 71 East

Approximate Area: 2.0 acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **Special Exception for a Short Term Rental renewal.**

Case Manager: Fritz Clauson

Previous Actions: N/A

Surrounding Zoning: North: Suburban Residential-Two (SR-2)
South: Suburban Residential-Two (SR-2)
East: Suburban Residential-Two (SR-2)
West: Suburban Residential-Two (SR-2)

Existing Use: Residential

Existing Structures: Single-Family Home

Services: Evergreen Fire District
Individual Well and Septic

BACKGROUND/DISCUSSION:

The applicant is requesting a renewal of their previously granted Special Exception (case number 21-133406 VC), to use their residence at 28024 War Admiral Trail as a Short-Term Rental (STR). The residence is a four-bedroom home on a 2.0-acre parcel. The applicant resides here part of the year, and also has a home in Denver, Colorado. The property and residence meet all requirements of the Special Exception to allow a STR.

SITE CHARACTERISTICS AND IMPACTS:

The property is located west of County Highway 73. The property takes access from War Admiral Trail, a public County-maintained Road. The only structure on the property is the single-family dwelling.

ZONING REQUIREMENTS AND ANALYSIS:

Section 11.B.2.e of the Jefferson County Zoning Resolution provides criteria for the Board of Adjustment to review for a Special Exception. With respect to a short-term rental of a single-family dwelling the following criteria are analyzed:

(1) The Board of Adjustment may permit a short-term rental within the R-1, RR, MR-1, SR-1,

SR-2, SR-5, A-1, A-2 or A-35 zone districts or a comparable Planned Development zone district.

(a) The Board of Adjustment, in reviewing and making its decision upon such applications shall consider the impacts of the proposed use upon property in the surrounding area, including but not limited to:

(a-1) Traffic impacts, volume of trips, safety and access;

The applicant states that the Short-Term Rental will produce negligible, if any, additional traffic for the area. The property has a 2-car garage, and additional room for three vehicles along the circular drive on the pavement. All five parking spaces allow independent egress in the event of emergency. Per house rules, parking on the street would be prohibited.

(a-2) Fire hazards;

The property is served by the Evergreen Fire Protection District. The subject property is within the Wildland Urban Interface Overlay District. The applicant has completed a Defensible Space permit in September of 2021, which is a requirement prior to issuing a Short-Term Rental Permit if the Special Exception is approved. The Zoning Resolution prohibits Short Term Rentals from having outdoor fires using wood or charcoal as fuel. The applicant has provided House Rules that include prohibiting open flames of any kind at all times of year due to the extreme risk of forest fire and personal safety. The House Rules also state that smoking and fireworks are not allowed.

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties;

No negative visual impacts will be created by the approval of this application. The single-family dwelling is the only structure that will be used as a Short-Term Rental, and no additions to the dwelling are proposed.

(a-4) Noise;

The Short-Term Rental use must comply with adopted County and State noise ordinances. The Jefferson County Sheriff's Office enforces these ordinances.

(a-5) Drainage, erosion and flood hazards;

There is not a FEMA Floodplain on the property therefore the proposed Short-Term Rental would not increase the deleterious effects of flood hazards, drainage, or erosion on the property.

(a-6) Community character;

The home was originally built in 2003. Allowing this residential property to become a Short-Term Rental would not affect community character, as it will remain residential.

(a-7) Adequate water and sewage disposal availability;

The property is served by an individual well and septic system. The septic system is rated for four bedrooms, which would allow for 8 total overnight occupants, including the homeowner if present, per Public Health guidelines.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area;

The single-family dwelling to be used as the Short-Term Rental meets all lot and building standards of the underlying zone district. The property also provides adequate parking for the home's use as a Short-Term Rental and single-family residence to ensure that all vehicles will be parked on site.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and

The structure in which the Short-Term Rental would be conducted is residential in nature which is compatible with the surrounding residential uses.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area.

Staff finds that the use of a Short-Term Rental would not create negative effects on the health, safety, or welfare of the residents in the surrounding area, since it would have similar impacts as a single-family residential property.

(2) Limitations upon Short-term Rental Special Exception Applications

(a) The lot, parcel, or boundary area subject to the Special Exception must conform to:

(a-1) A minimum lot size of one acre.

The subject property is 2.0 Acres.

(a-2) Building standards of the underlying zone district.

The structure meets the lot and building standards of the SR-2 zone district.

(b) The proposed short-term rental shall provide a minimum of one (1) off-street parking space, plus one (1) additional off-street parking space per bedroom room. For example, a five-bedroom residence must have six off-street parking spaces to meet this criterion.

The property intended for short-term rental has four bedrooms. This would require five parking spaces. There is a two-car garage on site and adequate parking is provided in the driveway which currently has a wide, paved area to supply the five required spaces.

(c) The property owner shall comply with any defensible space requirements as set forth in the *Wildland Urban Interface Overlay District*.

The subject property is within the Wildland Urban Interface Overlay District. A Defensible Space Permit has already been completed by the applicant.

(d) Valid water and sanitation must be provided either by an appropriate water and sanitation district or by a valid well permit and individual sewage disposal system (ISDS) permit specific to the property.

The property is served by an individual well and septic system. The Well Permit number, as provided by Colorado Division of Water Resources, is 225698; this is a Residential Well, for household use only and is adequate for a Short-Term Rental.

The On-Site Wastewater Permit number is 14-104579 OW; it is rated for 4 bedrooms. Per the guidance provided by Public Health, the septic system rated for 4 bedrooms has an occupancy limit of 8 persons.

(e) The lot, parcel, or boundary area subject to the Special Exception shall take legal access from a County maintained right-of-way or a private road that meets the minimum standard for private roads and driveways or non-maintained County right-of-way as set forth in the Jefferson County Roadway Design and Construction manual.

The Short-Term Rental takes access from War Admiral Trail, a County-maintained right-of-way road.

(f) The short-term rental shall offer overnight accommodations in the primary single-family dwelling in existence on the property, not in an accessory dwelling unit. The entire property including accessory uses in the corresponding zone district may be utilized by the guests of the short-term rental.

The structure on the property to be rented is a single-family dwelling, and the property does not have an Accessory Dwelling Unit.

(g) The property owner may not, at the time of application for the Special Exception, be the subject of an ongoing zoning violation other than the short-term rental of a single-family dwelling.

There are no active violations on the property at the time of this report.

(h) No substantial detriment to the intent of the Zoning Resolution will be caused.

Staff finds that the approval of this Special Exception will not harm the intent of the Zoning

Resolution, as the use is substantially similar to the residential uses already permitted on the property.

(3) Such Special Exception, if granted, will be valid for a period of six months from the date of the approval of the short-term rental Special Exception request and thereafter may be renewed annually after a complete rehearing by the Board of Adjustment to determine that the use is in compliance with the intent and purpose for which the Special Exception was granted.

(4) Upon an affirmative decision, the applicant shall submit a request for a Short-Term Rental Permit including documentation that all requirements and conditions of the Special Exception granted pursuant to this section have been fulfilled.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to adjacent property owners, (which includes the property owners on the opposite side of the public local street) and to the Registered Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception request, was provided to the applicant for posting on the site. The sign was provided to the applicant with instructions that the site be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification are:

- Evergreen Meadows HOA
- Conifer and South Evergreen Community Committee
- Jefferson County Horse Council
- PLAN Jeffco
- Berrien Ranch Umbrella Group for Evergreen South

During the processing of the original application, Staff received thirteen public comments in opposition and two public comments in support related to this request, which are included in the case packet. During the processing of the renewal application, no additional comments were received.

ANALYSIS:

Staff has evaluated this request based on the requirements for the approval of a Special Exception request for a Short-Term Rental as listed in Section 11.B.2.e. of the Jefferson County Zoning Resolution. Staff finds that the applicant has met the requirements necessary to allow this request.

STAFF FINDINGS:

1. Staff finds that the applicant meets all of the requirements under Section 11.B.2.e of the Jefferson County Zoning Resolution regarding Short-Term Rentals.
2. Staff recommends APPROVAL of Case No. 22-127159 VC, subject to the following conditions:
 - a. A Short-Term Rental Permit shall be obtained from Jefferson County Planning & Zoning prior to any rental of the property; and
 - b. This approval is granted for one year from the date of approval, or until December 7, 2023, and it shall be the responsibility of the applicant to apply for a renewal of this

Special Exception within that timeframe; and

- c. The Short-Term Rental must be limited to no more than eight persons, or seven persons if the applicant is present at the home, based on the limitations of the On-Site Wastewater System

COMMENTS PREPARED BY:

____ *Fritz Clauson* ____

Fritz Clauson, AICP, Planner

Mr. Jehn moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. 21-133406

Case Number: 21-133406VC

Owner/Applicant: Arden D. Lindsey

Location: 28024 War Admiral Trail, Evergreen
Section 34, Township 5 South, Range 71 West

Zone District: Suburban Residential-Two (SR-2)

Purpose: To allow a Short-Term Rental.

WHEREAS, Arden D. Lindsey filed an application with the Planning & Zoning Division of Jefferson County requesting a SPECIAL EXCEPTION for the herein described property in Jefferson County to allow a Short-Term Rental;

WHEREAS, the Board of Adjustment is vested with authority to grant or deny such special exceptions by virtue of Section 11.B.2.e of the Jefferson County Zoning Resolution; and

WHEREAS, after notice as provided by law, a public hearing was held by the Jefferson County Board of Adjustment on February 16, 2022, continued from February 2, 2022, which was cancelled due to weather; and

WHEREAS, based on the evidence, testimony, exhibits, comments of public officials, agencies, and staff, and comments from all interested parties, this Board finds as follows:

1. That proper posting and public notice was provided as required by law for the hearing before the Board of Adjustment of Jefferson County and the Planning and Zoning case file is hereby incorporated into the record.
2. That the hearing before the Board of Adjustment was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at this hearing.

3. That the proposed request complies with all the criteria for a Short-Term Rental as outlined in Section 11.B.2.e of the Jefferson County Zoning Resolution as analyzed in the staff report.
4. Granting the relief requested is compatible with the general spirit and intent of the Zoning Resolution, promotes the general welfare and does not adversely affect the character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that Board of Adjustment Case No. 21-133406VC be and hereby is **APPROVED** subject to the following conditions:

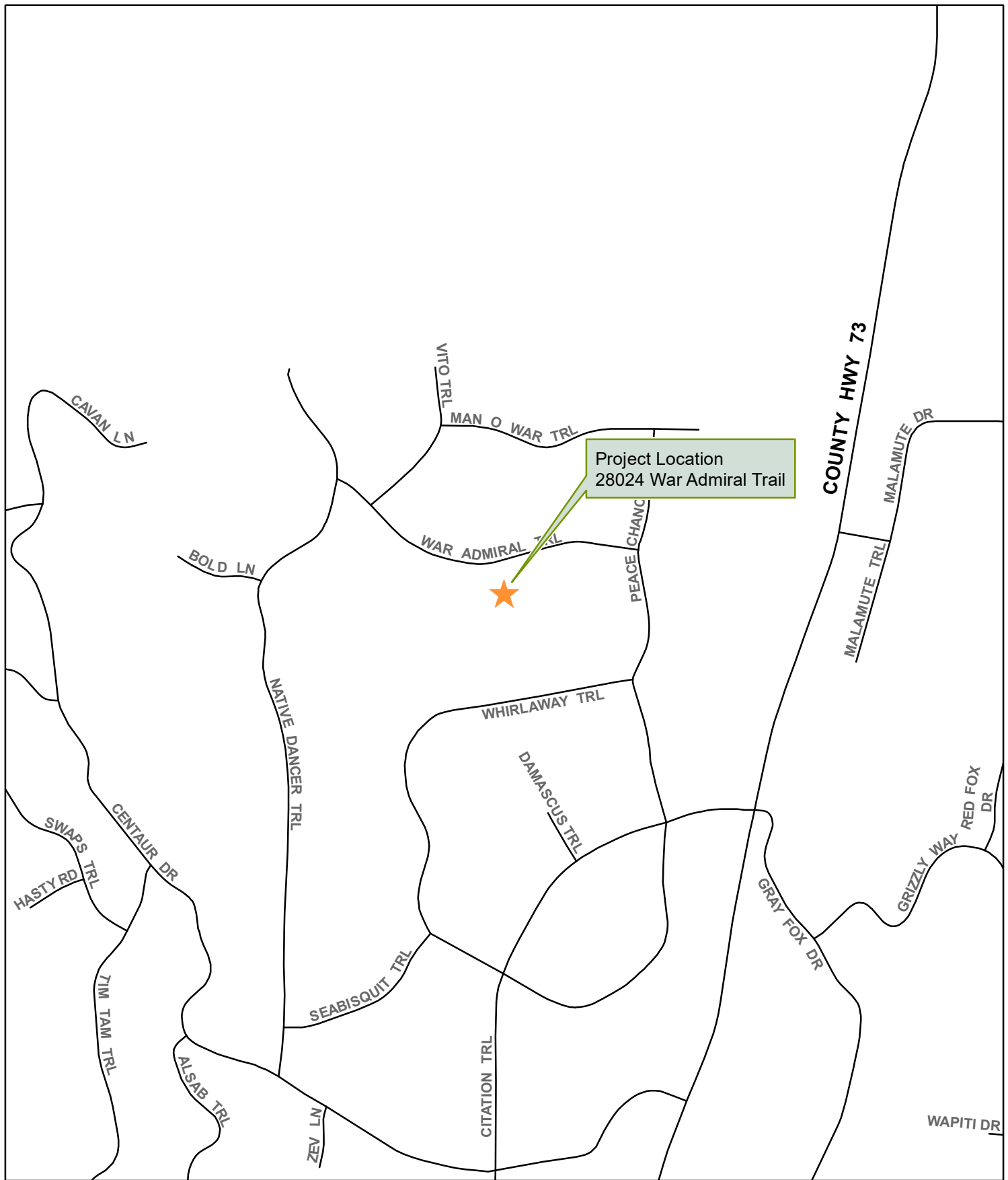
- a) A Short-Term Rental Permit shall be obtained from Jefferson County Planning & Zoning prior to any rental of the property; and
- b) This approval is granted for six months from the date of approval, or until August 16, 2022, and it shall be the responsibility of the applicant to apply for a renewal of this Special Exception within that timeframe; and
- c) The Short-Term Rental must be limited to no more than eight persons, or seven persons if the applicant is present at the home, based on the limitations of the On-Site Wastewater System.

Mr. Warbington seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Mr. Warbington	-	"aye"
Mr. Ford	-	"aye"
Mr. Kolkmeier	-	"aye"
Mr. Jehn	-	"aye"
Ms. Blumer	-	"aye"

The Resolution was adopted by a unanimous vote of the Board of Adjustment of the County of Jefferson, State of Colorado.

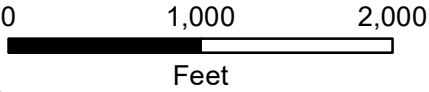
Dated: February 16, 2022

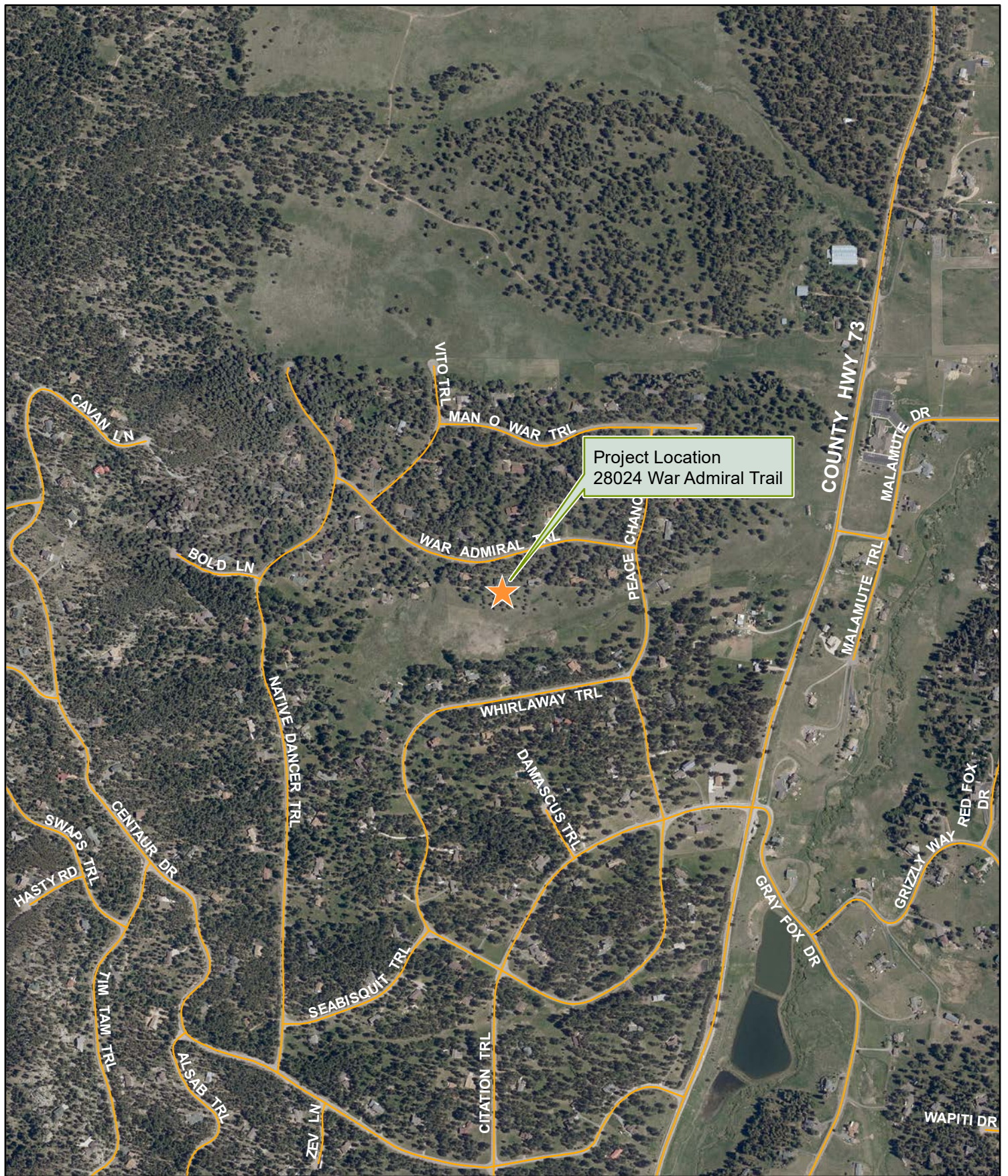


Case Number: 21-133406VC
Location: Sec. 34, T5S, R71W



JEFFERSON
COUNTY COLORADO





Case Number: 21-133406VC

Location: Sec. 34, T5S, R71W



JEFFERSON
COUNTY COLORADO

0 1,000 2,000
Feet



Jefferson County
Board of Adjustment
Application

Variance • Special Exception • Appeal

JEFFERSON
COUNTY COLORADO
Planning and Zoning

100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning.jeffco.us
pzpermits@jeffco.us

Case Number (for staff use only): _____

This application may be used for Variance, Special Exception and Appeal requests before the Board of Adjustment, including relief from zoning regulations, short term rentals and some home occupations. Please refer to the reverse side of this page for submittal requirements.

Applicant and Site Details

28024 War Admiral Trl.	PI# 51-341-05-004	(Lot 41, Evergreen Meadows, Unit 4)	Evergreen	80439
Address of Subject Property, Legal Description and/or Parcel ID Number			City	Zip
Arden Lindsey	adlindsey43@gmail.com		307-851-7028	
Property Owner		Email	Phone Number	
3950 S Hillcrest Dr		Denver	CO	80237
Mailing Address		City	State	Zip
N/A	N/A		N/A	
Contractor/Representative		Email	Phone Number	
For sign pick-up, please contact: (self) _____ Email: (same) _____ Phone Number: (same) _____				

Specific Request

Applicant Acknowledgments

- ☒ Applications will not be accepted unless all submittal requirements have been met. If during staff review any application is found to contain incomplete and/or inaccurate information, the case may be postponed until all necessary submittal documentation has been received. Documents larger than 11 x 17 can be submitted electronically.
- ☒ I understand the filing fee is to cover costs of administration, research, and hearing of this case and is non-refundable.
- ☒ I hereby give permission for County staff and Board members to enter upon my property for purposes of site inspection and investigation. Please specify any extraordinary circumstances of which staff should be aware, i.e., the presence of dogs on the site, locked gates, etc. The property must be accessible for site inspection.
- ☒ The applicant will receive a copy of the Board's decision, which may be recorded through the Jefferson County Clerk & Recorder's Office.
- ☐ For Variance cases only: A Setback Verification Form will be required as a part of the Building Permit process for Variance cases involving relief from setback requirements.
- ☐ For Variance cases only: I have read and understand the BOA Variance guide, and certify the site plan or survey is fully accurate, depicting all structures on site.

Signature of Owner or Authorized Representative

Date

Jefferson County Board of Adjustment Application

Case Number (for staff use only): _____

Submittal Requirements

The numbers checked with each specific type of request correspond to the numbered submittal requirements at the right. Additional documentation may be required, as determined by staff on a case-by-case basis.

Request: \$ _____ (additional notification fees will apply)

Variance	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Lot size	X	X	A	X	X	X	X							
<input type="checkbox"/> Setback(s)	X	X	A	X	X	X	X	X						
<input type="checkbox"/> Parking	X	X	A	X	X	X		X				X		
<input type="checkbox"/> Height	X	X	A	X	X	X		X		X				
<input type="checkbox"/> Access Standards	X	X	A	X	X			X						
<input type="checkbox"/> Accessory Square Footage/Footprint	X	X	A	X	X	X	X	X	X					
Special Exception*	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Home Occupation**	X	X	B	X	X	X		X	X		X	X	X	
<input checked="" type="checkbox"/> Short Term Rental**	X	X	C	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Commercial Solar or Wind Installation	X	X	D	X	X	X		X		X		X		
Appeal	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Director's Determination	X	X		X	X	X								X

List of Submittal Requirements

1. Signed application form
2. Cover letter
3. Addendum A, B, C, or D
4. Copy of current deed
5. Proof of proper division of land (if parcel is Metes & Bounds or contains portions of platted lots)
6. Letter of authorization if a contractor or other contact will appear on the owner's behalf
7. Improvement Survey Plat (signed and stamped by licensed surveyor) depicting all property lines and all existing improvements on the property
8. Detailed site plan showing proposed improvements
9. Floor plans of existing and proposed structures
10. Architectural elevations
11. Photographs of the interior
12. Parking plan (can be combined with 7 or 8)
13. Evidence of water and/or wastewater service
14. Other: _____

A. Variance Addendum
B. Home Occupation Addendum

C. Short Term Rental Addendum
D. Commercial WECS/SECS Addendum

* Fees are online at our website. Make checks payable to Jefferson County Treasurer.

**Short Term Rentals and Home Occupations: It is the applicant's responsibility to renew a Special Exception prior to expiration.

Staff Use Only

Zoning of Site	Plat	Receipt	Renewal of Case Number	CV Case Number
Lot size Required	Lot Size Shown	FEMA Map Number	In a Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Legal Access via: _____				
Number of Postcards Required: _____		ISP Submitted (check one): <input type="checkbox"/> Print <input type="checkbox"/> Via email to: _____ <input type="checkbox"/> N/A		
Reviewed by			Date	
Comments:				

C. Short Term Rental Addendum

Case Number (for staff use only): _____

1. What is the size of this property? 2 acres
2. Does the property meet lot size standards of its zone district? ☒ Yes ☐ No
3. Does the dwelling meet setback, height and other standards of its zone district? ☒ Yes ☐ No
4. How many bedrooms are in the dwelling? 4
You must attach floor plans (drawn to scale) showing all areas of the dwelling.
5. What is the proposed maximum occupancy of the rental? 8
6. How many parking spaces are provided on-site? 5
You must attach a site plan with parking spaces marked.
7. How do you propose to mitigate any potential traffic impacts caused by this Short Term Rental?

This property has ample parking off the street including a 2-car garage, a parking spot adjacent to the garage and ample room for more vehicles along the circular drive on the pavement. All 5 of these spots allow independent egress in the event of an emergency. Per house rules, parking on the street would be prohibited and not necessary as there is ample parking space as described.

8. Is this property in the Wildfire Hazard Overlay District? ☒ Yes ☐ No
 - a. If yes, please list your Defensible Space Permit number: 21-129919-DS
If this permit is more than a year old, please confirm that you have maintained the defensible space on the property since the initial Defensible Space Permit was completed. ☐ Yes ☐ No
A new Defensible Space Permit may be a condition of approval, if deemed appropriate following a site visit to the property.

9. Are there floodplains on the property? ☐ Yes ☒ No

10. Water:

- ☐ a. Public. Name of Water Provider: _____
- ☒ b. Well. Well Permit Number, Well Type: 225698 / Drilled

11. Wastewater:

- ☐ a. Public sewer. Name Of Wastewater Provider: _____
- ☐ b. Septic. On-Site Wastewater Permit Number: 14-104579 OW
Max number of bedrooms: 4
Max number of occupants: 8

12. Access:

- a. Legal access
For assistance with access questions please contact Planning & Zoning. To obtain copies of recorded access easements, please contact the Clerk & Recorder.
- ☒ County-maintained road
- ☐ Private, platted road. Plat Reception Number: _____
- ☐ Private easement. Easement Reception Number: _____
- ☐ Other. Explain: _____
- b. Does the roadway meet County standards? ☐ Yes ☐ No ☐ Not Sure

13. Will the proposed Short Term Rental take place in an Accessory Dwelling Unit (ADU)? ☐ Yes ☒ No

14. Are there any active Zoning Violations on this property? ☐ Yes ☒ No

If yes, please list the violation number: _____

15. Will there be any changes to the structure as a part of this Short Term Rental? ☐ Yes ☒ No

16. Attach a copy of your house rules for renters. These must include the following:

- | | |
|---|---|
| a. Quiet hours | c. Rules regarding outdoor fires |
| b. Locations of carbon monoxide and fire/smoke alarms, and fire extinguishers | d. Contact information for a 24-hour local point person |

Jefferson County Board of Adjustment
Planning & Zoning Division
100 Jefferson County Pkwy, Suite 3550
Golden, CO 80419

Arden Lindsey
28024 War Admiral Trl
Evergreen, CO 80439
303-674-1326
307-851-7028

RE: Special Exception for STR, 21-133406VC
January 17, 2022

Dear Members of the Board,

I am requesting a Special Exception in order to be granted a permit to use my home as a short term rental. With the help of Claire Byers, I will demonstrate that I meet all the requirements for this permit. I am writing to offer you assurances as an individual, mother and homeowner that I am a responsible person and a good neighbor who is very invested in making this work for everyone involved, in safeguarding the property and in preserving the peaceful atmosphere for my neighbors and the surrounding community.

By way of introduction, I am a mother of three and an airline pilot for United Airlines for 27 years. I owned multiple homes over my life including my current home which I rented for 3 years and have owned for 8 years. I am currently working as an airline simulator instructor at the United Training Center in Denver. My personal circumstances are that I currently rent a home in Denver to be closer to my job, but I don't want to sell my home in Evergreen because it is still our primary home. We have lived there for over ten years and we will continue to go home for weekends and vacations and weekdays when our schedule allows. The potential income from a short term rental will allow me to work, support my three children and keep our home. I think our situation is pertinent to your consideration of my case because it shows that I am invested not only in the success of the venture and the care of my home, but also the maintenance of harmony with our neighbors.

I also would like you to know that I will be the owner/host who will be managing all aspects of the short term rental including selecting guests, communicating with them, cleaning and preparing the property and the one ensuring that all the mitigating strategies described below are in place. I am only 35 minutes away from the home and so I am close to the property to address any concerns of neighbors or guests and I will have a co-host who lives 15 minutes away, on call to respond if I am unavailable. Both of us are cell-phone-available 24 hours a day. Also, my neighbor, Jeff Weese, whose home is adjacent to mine has offered to keep an eye on the property and contact me with any concerns. I have a good relationship with my adjacent neighbors and trust that they too will reach out to me as needed to make sure my guests are being safe and courteous.

I have reviewed the list of considerations of the impact of a short term rental on my neighbors and the community. Even though some of my reasoning is speculative, I think it's still worth sharing my perspective with you as you contemplate giving me a chance. I've written out some of my plans regarding those factors in the pages attached.

Certainly, only time will tell whether this will be successful in my neighborhood, but I am committed to doing my best to make it work for everyone. Thank you for considering my application for a special exception.

Respectfully,
Arden Lindsey

Potential impact of a short term rental on my neighbors and the community.

Taking them each individually:

(a-1) Traffic impacts, volume of trips, safety and access; (orig. 1-1-12)

More than required off-street parking is available. I believe this home is most conducive to couples and families for whom there will be fewer cars reducing the volume of traffic. The home is in a neighborhood with 2 acre lots so the existing traffic is minimal and the streets are very wide. The kinds of guests this property will attract are likely to stay at home to enjoy the space rather than make multiple trips to and from the property.

(a-2) Fire hazards; (orig. 1-1-12)

Clearly this is a primary concern and one that I am committed to addressing proactively. Certainly it is as much in my interest as it is for that of my neighbors and the greater community. I recognize that many people who come to Colorado or from an urban area need to be educated about the vulnerability of our land to fire. Knowing that, I plan to go above and beyond to educate them. I will make it clear that charcoal grills and any open flame are prohibited in the posting online and in the house book (House Rules included in documents provided), but I will also post this message in all the outdoor seating areas. Also as a deterrent, I will post signs describing the consequences, both legally in terms of fire bans and fines and in terms of the various platforms' prohibition of fires at any time and their potential impact on being a guest in the future at other properties.

There will be cigarette snuffers provided on all the outdoor seating areas with posted signs to alert guests to the fire danger and requirement to extinguish cigarettes in the containers provided. There will be only battery operated candles in the house and there is a gas fireplace versus a wood fireplace in the home. And of course, we have all of the required smoke detectors/alarms with batteries replaced annually. There's a fire station less than 10 minutes away.

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties; (orig. 1-1-12)

This is a conventionally sized home in a conventional neighborhood layout and the short term rental will not have an impact on the aesthetics of the neighborhood. It will be basically the same impact as my family living there currently with other family members and visitors who come to visit and stay with us.

(a-4) Noise; (orig. 1-1-12)

I am committed to preserving the peaceful nature of the neighborhood. My strategies to do that are: I will make it clear that parties of any kind are not allowed. I will make the curfew hours clear and request that they be courteous to the neighbors in the house book. I will also post signs to remind them of this requirement. I will be screening the potential guests for indications that they might be inclined to make noise including reading all the reviews by other hosts and not hosting guests who have no reviews or history as guests before. I will also avoid hosting guests who are local and inclined to bring others to the house for a larger gathering. I will favor guests who are traveling to Colorado.

Also, I will have a Ring system that will allow me to remotely monitor how many people enter the house to prevent more guests than are allowed to be in the home.

(a-6) Community character; (orig. 1-1-12)

I am committed to managing this short term rental to preserve the character of the community. I am proud to keep a well-maintained home and tidy yard as a homeowner and this will not change with guests staying there. There will be no structural alteration to the home that would change the outside appearance. There will be no additions of outside features that will change the aesthetics. It is likely that the home will attract people who are in sync with the character of the community as a residential community in beautiful surroundings.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area; (orig. 1-1-12)

I will have a Ring system installed to remotely monitor the comings and goings at the house and provide immediate notification of the numbers of people entering the home. Overall, I hope it is evident that I am committed to addressing any negative impacts in the ways I described above. And I am open to other ways I can mitigate any negative impacts on the surrounding area.

Of course, the positive impacts on the larger community are that it will bring people into the county and the state to spend money and support the local businesses. I will provide brochures, menus and a list of restaurants and activities to the guests to encourage them to patronize all the wonderful places in Evergreen.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and (orig. 1-1-12)

This use seems very compatible with the land uses in the area.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area. (orig. 1-1-12)

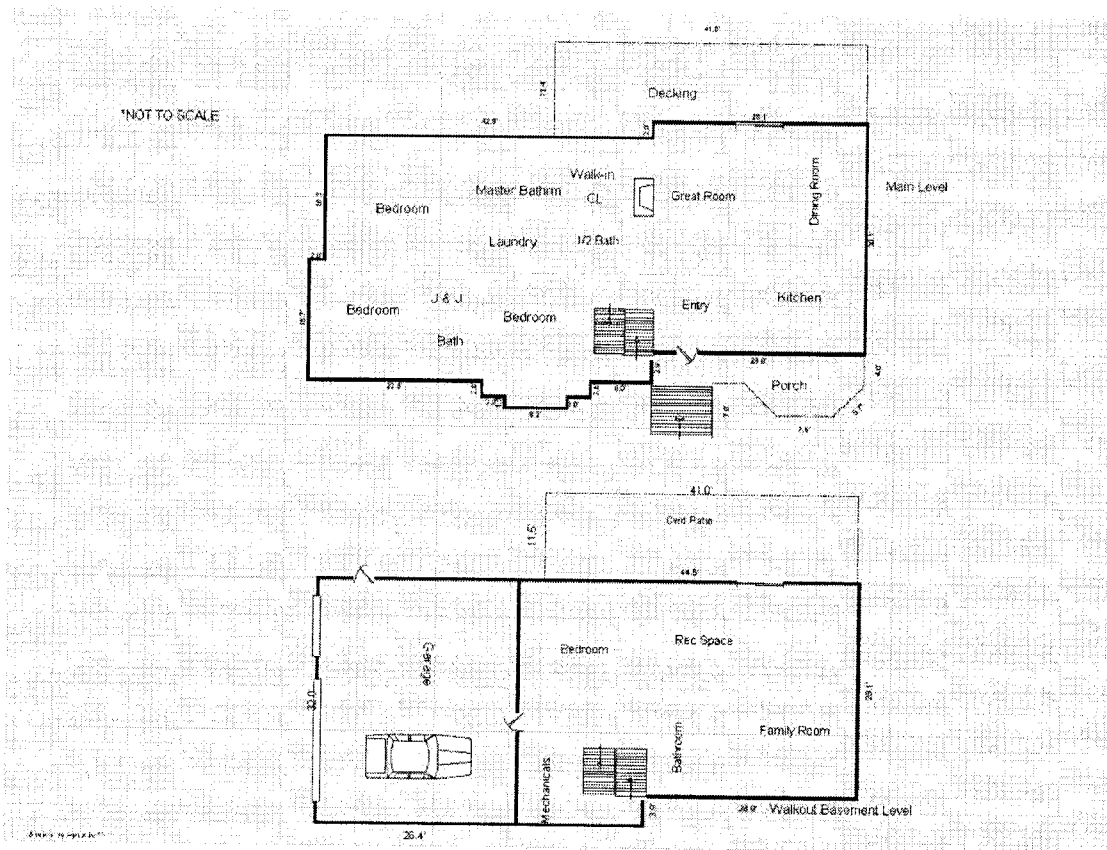
I think I've addressed the primary concerns in this category. By addressing the needs of my immediate neighbors, I believe I will also be meeting those of the surrounding neighborhood.

SKETCH ADDENDUM

File No. 173923

Borrower/Client Arden Lindsey-Property Address 28024 War Admiral TrlCity EvergreenCounty JeffersonState COZip Code 80439Lender No AMC

Caliber Home Loans



Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	2291.1	2291.1
BSMT	Walkout Basement	1318.0	1318.0
P/P	Paver Patio	471.5	
	Deck	452.2	
	Wood Porch	215.0	1138.7
GAR	Garage	844.8	844.8
Net LIVABLE Area		(Rounded)	2291

LIVING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
1.5	x 8.2	12.3
2.0	x 14.2	28.4
28.1	x 71.0	1995.1
2.0	x 28.1	56.2
2.0	x 11.8	23.6
3.9	x 45.0	175.5
6 Items		(Rounded)
		2291

Borrower/Client Arden Lindsey-

Property Address 28024 War Admiral Trl

City Evergreen

County Jefferson

State CO

Zip Code 80439

Lender No AMC

Caliber Home Loans





Warranty Deed
(Pursuant to 38-30-113 C.R.S.)

State Documentary Fee
Date: April 09, 2014
\$ 58.35

THIS DEED, made on April 09, 2014 by HARRIET M. MULLIN AND JAMES F. MULLIN Grantor(s), of the County of PENNINGTON and State of SOUTH DAKOTA for the consideration of (\$583,500.00) *** Five Hundred Eighty Three Thousand Five Hundred and 00/100 *** dollars in hand paid, hereby sells and conveys to ARDEN D. LINDSEY Grantee(s), whose street address is 28024 WAR ADMIRAL TRAIL EVERGREEN, CO 80439, County of JEFFERSON, and State of COLORADO, the following real property in the County of Jefferson, and State of Colorado, to wit:

LOT 41, EVERGREEN MEADOWS - UNIT 4, COUNTY OF JEFFERSON, STATE OF COLORADO.

also known by street and number as: 28024 WAR ADMIRAL TRAIL EVERGREEN CO 80439

with all its appurtenances and warrants the title to the same, subject to general taxes for the year 2014 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matters (Section 8.2) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.3) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusions of the Property within any special tax district; and other NONE

↓ Harriet M. Mullin
HARRIET M. MULLIN

↓ James F. Mullin
JAMES F. MULLIN

State of ↓ North Carolina)
County of ↓ Buncombe) ss.

The foregoing instrument was acknowledged before me on this day of April 09, 2014
by HARRIET M. MULLIN AND JAMES F. MULLIN

↓ Cheryl Parks
Notary Public
My commission expires ↓ 08 08 2015

Cheryl Parks
Notary Public
Buncombe County
North Carolina
My Commission Expires 8/8/2015

When Recorded Return to: ARDEN D. LINDSEY
28024 WAR ADMIRAL TRAIL EVERGREEN, CO 80439

EXHIBIT A

Property Address: 28024 WAR ADMIRAL TRAIL EVERGREEN CO 80439

EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EVERGREEN MEADOWS - UNIT 4 RECORDED APRIL 20, 1971, UNDER RECEPTION NO. 415917.

RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED MAY 02, 1972, IN BOOK 2370 AT PAGE 483.

RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED DECEMBER 28, 1978, UNDER RECEPTION NO. 78118350.

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN ST., RM. 818, DENVER CO 80203
phone - info: (303) 866-3587 main: (303) 866-3581

NEW HOUSEHOLD USE ONLY

Review instructions prior to completing form

APR 27 2000

WATER RESOURCES
STATE ENGINEER
COLO.

Water Well Permit Application

Must be completed in black ink or typed

1. APPLICANT INFORMATION				6. USE OF WELL	
Name of applicant TOM ORIN				ORDINARY HOUSEHOLD PURPOSES INSIDE ONE SINGLE FAMILY DWELLING (NO OUTSIDE USE)	
Mailing Address 5630 Skyline Drive					
City State Zip code Evergreen, Colorado 80439					
Telephone Number (include area code) 303-674-5458				7. WELL DATA	
2. TYPE OF APPLICATION				MAXIMUM PRODUCTION RATE OF THE WELL WILL NOT EXCEED 15 GPM	
CONSTRUCT A NEW HOUSEHOLD USE ONLY WELL ON LESS THAN 35 ACRES				8. TYPE OF RESIDENTIAL SEWAGE SYSTEM	
3. REFER TO (if applicable):				<input checked="" type="checkbox"/> Septic tank / absorption leach field <input type="checkbox"/> Central system District name: _____ <input type="checkbox"/> Vault Location sewage to be hauled to: _____ <input type="checkbox"/> Other (attach copy of engineering design)	
Monitoring hole acknowledgment # MH-				9. PROPOSED WELL DRILLER (optional)	
4. LOCATION OF WELL				Name License number Ernie's Mountain Drilling, Inc. 1078	
County Jefferson	Quarter/quarter NE 1/4	Quarter NE 1/4			
Section 34	Township N or S 5 <input type="checkbox"/> N <input checked="" type="checkbox"/> S	Range E or W 71 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	Principal Meridian 6th	10. SIGNATURE of applicant(s) or authorized agent	
Distance of well from section lines 1215 ft. from <input checked="" type="checkbox"/> N <input type="checkbox"/> S 1250 ft. from <input checked="" type="checkbox"/> E <input type="checkbox"/> W				The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 mis- demeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.	
Well location address, if different from applicant address (if applicable) WAR ADMIRAL TRAIL				Must be original signature Tom Orin 27 APRIL 00	
5. TRACT ON WHICH WELL WILL BE LOCATED				Title Date OWNER	
A. You must check one of the following - see instructions <input checked="" type="checkbox"/> Subdivision: Name Evergreen Meadows Lot # 41 Block # XXXX Unit # 4 <input type="checkbox"/> County Exemption (copy of county approval & survey must be attached) Exempt. name/# _____ Tract # _____ <input type="checkbox"/> Mining claim (attach copy of deed or survey) Claim name/# _____ <input type="checkbox"/> Other (attach legal description to application)				Office Use Only Pre 72 filing ✓ Dist. ✓	
B. STATE PARCEL ID# (optional):				DWR Map No.	
C. # of acres in tract 2.0				Invoice # 459865 4/27/00 -- 1:26:12 PM Cashier ID: 02 \$ 60.00 Check Purchase- #2689	
D. THIS WILL BE THE ONLY WELL ON THIS TRACT				DIV 1 CO WD 9 BA USE MD	

**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1078

APPLICANT

WELL PERMIT NUMBER **225698**

DIV. 1

WD 9

DES. BASIN

MD

Lot: 41 Block: Filing: 4 Subdiv: EVERGREEN MEADOWS

TOM ORIN
5630 SKYLINE DRIVE
EVERGREEN, CO 80439-

(303) 674-5458

APPROVED WELL LOCATION

JEFFERSON COUNTY

NE 1/4 NE 1/4 Section 34

Township 5 S Range 71 W Sixth P.M.

DISTANCES FROM SECTION LINES

1215 Ft. from North Section Line

1250 Ft. from East Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a residential site of 2.00 acres described as lot 41, filing 4, Evergreen Meadows Subdivision, Jefferson County.
- 4) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

WCM 5715100

APPROVED
WCM

State Engineer

Page 44 of 242

DATE ISSUED **MAY 15 2000**

By

WCM *[Signature]*
EXPIRATION DATE **MAY 15 2002**

Receipt No. 0459865

ON-SITE WASTEWATER TREATMENT SYSTEM (ISDS) SITE INSTALLATION PLAN

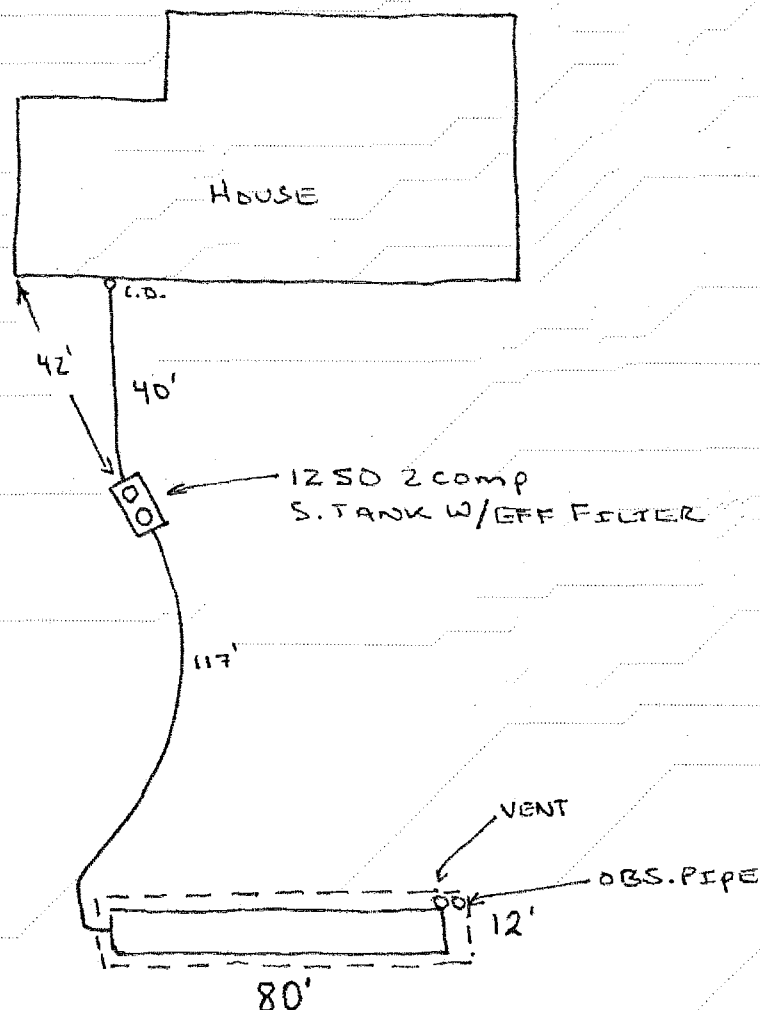
PERMIT NUMBER: 19277
ADDRESS: 28024 WAR ADMIRAL TRAIL
LEGAL: Lot 41, Unit 4, EVERGREEN MEADOWS

OWNER/APPLICANT: ORIN, TOM
SYSTEM DESIGNED FOR: 4 Bedroom Single Family Dwelling

SEPTIC TANK SIZE (gal) 1250 W/Effluent Filter ABSORPTION BED SIZE (ft²) 960

The On-site Wastewater Treatment System (ISDS) on this property was installed in accordance with the permit conditions and the On-site Wastewater Treatment System (Individual Sewage Disposal System) Regulations of Jefferson County, Colorado.

INSPECTOR [Signature] FINAL APPROVAL DATE 6-18-02



NOTE: This drawing is an "as built" sketch of the On-site Wastewater Treatment System (ISDS). The distances, relative locations of structures, wells, system components and compass directions are approximate.

JEFFERSON COUNTY PUBLIC HEALTH
645 PARFET STREET, LAKEWOOD, CO 80215
(303) 232-6301 FAX: (303) 271-5760
<http://jeffco.us/public-health/>

**PERMIT FOR CONTINUED USE OF AN EXISTING
INDIVIDUAL SEWAGE DISPOSAL SYSTEM**

PERMIT NUMBER: **14-104579 OW**
DATE ISSUED: **March 6, 2014 - expires September 6, 2014, or upon sale of the property or application for building permit, whichever comes first.**
PROPERTY ADDRESS: **28024 WAR ADMIRAL TRAIL, EVERGREEN**
INSPECTOR: **SHIRLEY SEPTIC PUMPING INC**
INSPECTION DATES: TANK: **February 28, 2014** SYSTEM: **February 27, 2014**

On the date(s) shown above, the individual sewage disposal system at this property was found to comply with the minimum requirements for existing systems as set forth in the Individual Sewage Disposal System Regulation of Jefferson County. If known, details on the system are provided below:

SYSTEM INFORMATION

<u>Components:</u>	<u>Type</u>	<u>Capacity / Size</u>
• Primary treatment unit:	Septic Tank	1250 gallon, 2 compartments
• Secondary treatment unit:	None	
• Absorption/Evap system:	Seepage Bed	960 square feet
• Alternate System:	None	
• Other Components:	None	

System Capacity

System designed for: **4 Bedroom Single Family Dwelling (8 occupants)**
Wastewater flow: **600 gallons per day**

System Records

Permit number: **19277** File number: Date of installation: **June 18, 2002**

Operational Status (unless noted otherwise on page 2)

- The on-site inspection did not reveal any overflow or improper discharge from the system. All system components are present, operational and in good repair.
- The current owner reported no operational problems with the system for at least one year prior to the date of application for the use permit or the date the property was vacated.
- As of the date the permit was issued, there are no reports of current operational problems with the system.

Conditions for Issuance of Building Permit (if applicable):

This system complies with minimum standards for an individual sewage disposal system in Jefferson County and a building permit may be issued for remodeling the structure, regardless of the expiration date shown above. If bedrooms are to be added, the number may not exceed the number shown in 'System Capacity' above. If the Department has no records of the system, no additional bedrooms may be constructed.

See following page(s) for other observations regarding this individual sewage disposal system.

USE PERMIT NUMBER: **14-104579 OW**

ADDRESS: **28024 War Admiral Trail**

LIMITATIONS AND DISCLAIMER

Issuance of this Use Permit is based solely on the conditions observed on the date of inspection(s) and on Department records at the time of permitting. The issuance of this permit does not constitute a guarantee, warranty or representation by the Department that the system will operate properly or will not fail.

ADDITIONAL OBSERVATIONS

If known, the estimated capacity of the system has been listed on the permit and we recommend that you monitor water use to prevent overuse and possible failure. Although the individual sewage disposal system met the minimum approval criteria, the following other conditions were observed. By following the recommendations outlined below, you should be able to improve the performance and extend the operational life of your individual sewage disposal system:

1. Trees and large shrubs were observed atop this system and should be removed to prevent possible damage by root infiltration. Small shrubs, grasses and wildflowers are the preferred vegetative cover.

RENEWALS: This permit may be renewed ONCE, provided that FORM 704 is submitted to the Department prior to September 06, 2014. After that date, you must submit a new application with the appropriate fee and provide updated inspection reports for the system.

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

Page
1
FORM 701

STREET ADDRESS: 28024 War Admiral Trl Evergreen CO 80439

INSPECTION FIRM Shirley Septic Pumping, Inc

COLORADO PE # NAWT # NA9529WT NSF #

Except for system components, unless a section has been checked **NA**, **ALL ITEMS** in that section must be completed. Items marked with an asterisk (*) are minimum approval criteria items. Any such item marked **FAIL** means the system cannot qualify for a use permit. All other **NO / YES** items are for information only and will be so noted on the use permit. **NP** means that the component was not provided with the original system.

SYSTEM COMPONENTS (mark only 1 for each category, or mark **NA** if not applicable)Primary Treatment Unit **NA** ☐

- ☒ septic tank ☐ gray water tank ☐ aeration tank

Secondary Treatment Unit **NA** ☒

- ☐ trickling media filter ☐ trickling sand filter ☐ other (specify) _____

Absorption / Evaporation System **NA** ☐

- ☐ chambered system ☐ drip irrigation ☒ seepage bed *
☐ seepage pit ☐ seepage trench ☐ ET bed
☐ Other _____ *include unknown type of seepage system.

Alternate System **NA** ☒

- ☐ chemical toilet ☐ composting toilet ☐ incineration toilet
☐ surface discharge ☐ holding tank ☐ black water vault
☐ other (specify) _____

Other Components: **NA** ☒

- ☐ electric pump (lift) station ☐ chlorinator ☐ other _____

SITE, WEATHER AND OCCUPANCY CONDITIONS DURING INSPECTION

- *Erosion? ☒ PASS ☐ FAIL
 *Improper discharges? ☒ PASS ☐ FAIL
 Improper vegetative cover? ☐ NO ☒ YES
 Subject to compaction? ☒ NO ☐ YES
 Snow cover? ☒ NO ☐ YES
 Property vacant? ☒ NO ☐ YES

ABSORPTION / EVAPORATION SYSTEMS**NA** ☐Visible Components

- *Vent / observation pipe ☒ PASS ☐ FAIL ☐ NP
 *D Box / valve box ☐ PASS ☐ FAIL ☒ NP

Operational status

- *Sewage surfacing? ☒ PASS ☐ FAIL
 Evidence of past surfacing? ☒ NO ☐ YES ☐ Unknown
 Surface Dampness? ☒ NO ☐ YES
 Excessive odors? ☒ NO ☐ YES
 Liquid in obs. / vent pipe? ☒ NONE ☐ less than 1"
☐ 1"-6" ☐ greater than 6"

ALTERNATE SYSTEMS

* Functioning?
Excessive odors?

☐ PASS ☐ FAIL
☐ NO ☐ YES

NA ☒

Page
2
FORM 701

ELECTRIC LIFT / PUMP STATIONS

*Lid(s)
*Tank integrity
*Pump and controls

☐ PASS ☐ FAIL
☐ PASS ☐ FAIL
☐ PASS ☐ FAIL

NA ☒**MINOR REPAIRS MADE TO SYSTEM* (must be completed)**

☐ Erosion control measures
☐ Sewer line repairs

☐ Vent or observation pipe repaired / replaced
☐ Other repairs / replacements

☒ **NONE MADE**

(*Use FORM 702 to report repairs to the tank and 703 for repairs to the mechanical system)

I hereby certify that I have inspected the above individual sewage disposal system in accordance with the guidance document(s) provided by the Jefferson County Department of Health and Environment and that my comments and observations accurately reflect the physical and operational status of the system and its components on the date of inspection and of any work performed by me.

MR

Inspector

02/27/2014

Date

NOTE: TO OBTAIN A USE PERMIT THIS REPORT MUST BE FILED WITHIN THIRTY (30) DAYS OF THE DATE IT IS PREPARED AND SIGNED.

Below For Department Use Only**MALFUNCTION FILES**

CURRENT?
PAST 3 YEARS

☒ NO ☐ YES
☒ NO ☐ YES

REF NUMBER

MONTH, YEAR

INSTALLATION FILES

RECORDS?

☐ NO ☒ YES

Permit Number

File Number

Date of Installation

Number of bedrooms

Number tanks:

Total Capacity

gallons

Compartments

Total absorption / evaporation area:

sq. ft

Total wastewater flow (non-residential only)

gallons per day

NOTICE OF NONCOMPLIANCE

☒ NO ☐ YES

EFF. Filter

**JEFFERSON COUNTY DEPARTMENT
OF HEALTH AND ENVIRONMENT**

**FORM
702**

**PUMPING AND INSPECTION REPORT
FOR SEPTIC TANKS**

STREET ADDRESS: 28024 War Admiral Trl Evergreen Co 80439

SYSTEMS CLEANER Shirley Septic Pumping, Inc.

Unless a section has been checked **NA**, **ALL ITEMS** in that section must be completed. Items marked with an asterisk (*) are minimum approval criteria items and any such item marked **FAIL** means the system cannot qualify for a use permit. All other **NO / YES** items are for information only and will be so noted on the use permit. **NP** means that this component was not originally present or provided with the system. This form must be completed for ALL septic tank or vault pumping.

PUMPING AND INSPECTION CONDITIONS

Were all compartments of multi-compartment tanks pumped? ☒ YES ☐ NO
Was all liquid and sludge removed leaving no more than 3 inches in tank? ☒ YES ☐ NO

If any of the above were marked 'NO', you must provide an explanation of the reasons why it was not possible to do so:

ESTIMATED CAPACITY OF TANK(s) 1250 gal 2 compmts

PRIMARY TREATMENT UNITS (septic tanks)

Tank Operational Status

*Discharge / leakage?	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL
*Infiltration?	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL
Located under building?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
Back flow after pumping?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES

Tank Components

*Lid(s)	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	
*Integrity	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	
*Dosing siphon	<input type="checkbox"/> PASS	<input type="checkbox"/> FAIL	<input checked="" type="checkbox"/> NP
*Internal Tees / baffles	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	<input type="checkbox"/> NP
*Effluent Filters / screens	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	<input type="checkbox"/> NP

BLACK WATER TANKS / VAULTS

<input checked="" type="checkbox"/> NA		
*No outlet / connection	<input type="checkbox"/> PASS	<input type="checkbox"/> FAIL
*High water alarm	<input type="checkbox"/> PASS	<input type="checkbox"/> FAIL <input type="checkbox"/> NP

TANK REPAIRS MADE? ☐ YES ☒ NO

ML

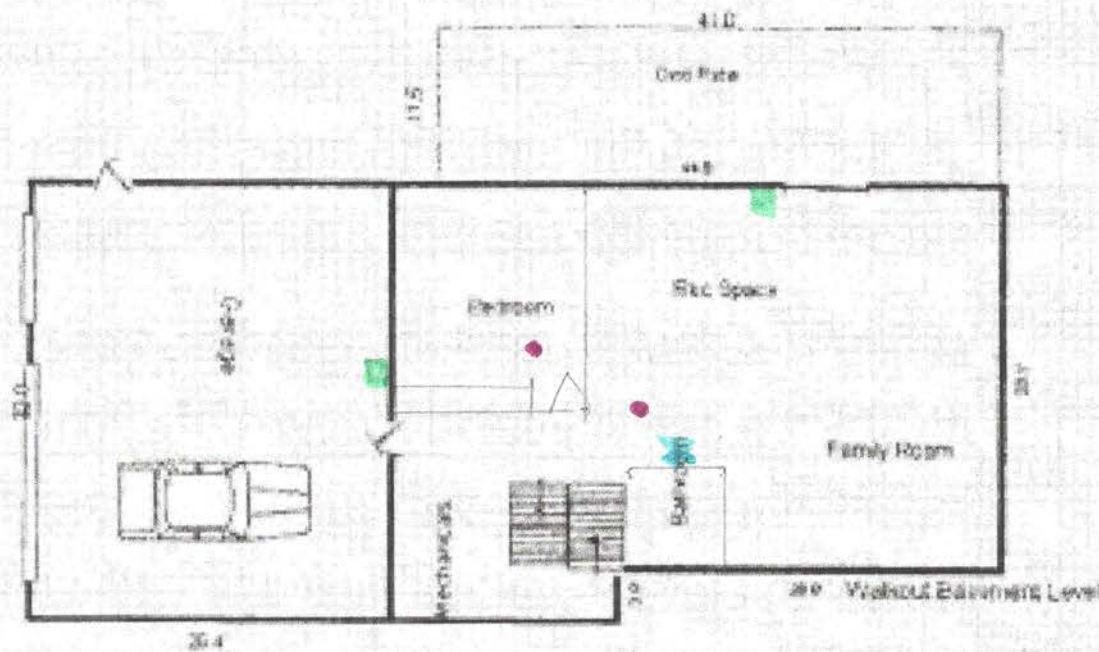
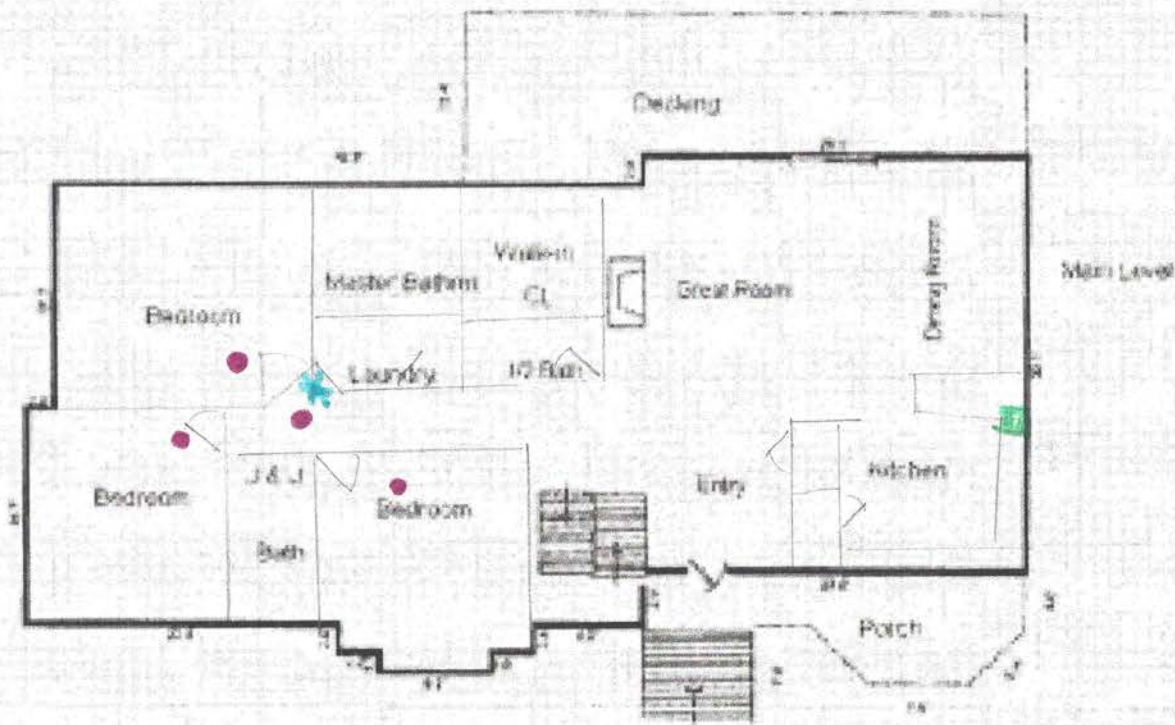
02/28/2014

Signature of Pumper

Pump Date

NOTE: TO OBTAIN A USE PERMIT THIS REPORT MUST BE FILED WITHIN EIGHTEEN (18) MONTHS OF THE PUMPING DATE SHOWN ABOVE.

28024 War Admiral Trail - Safety Device Placement
 Arden Lindsey - STR Permit Application 9/13/21



- = fire extinguishers (upper and lower levels: kitchen + garage)
- * = Carbon monoxide detectors (outside 2 sleeping areas)
- = Smoke detector/alarms (all 4 sleeping rooms ; 2 areas)



Evergreen Fire/Rescue

1802 Bergen Parkway • Evergreen, Colorado 80439

Phone: 303-674-3145 • Fax: 303-674-8701

September 7, 2021

Jefferson County Planning/Zoning
Mr. Joshua Botts
100 Jefferson County Parkway
Suite 3550
Golden, Colorado 80419

RE: 28024 War Admiral Trail_Will Serve

This is to confirm that property located at 28024 War Admiral Trail is within the boundaries of Evergreen Fire Protection District and is served by Evergreen Fire/Rescue Station 3 (1.8 miles). The closest credible source of water is a 30k fire cistern located at Fire Station 3. This will be an ISO PPC 4X location.

On-Off Site Access:

Evergreen Fire Rescue does not have any issues with access to this location.

Please contact me if you have any questions in regard to this information.

Respectfully,

James A. King

James A. King
Fire Marshal
Evergreen Fire/Rescue

Cc:

HOUSE RULES

Regarding SAFETY, LOCAL ORDINANCES and NEIGHBORHOOD COVENANTS

I. FIRES - OPEN FLAMES

Due to the extreme risk of forest fires in this dry mountain area and for your safety and that of the surrounding community:

OPEN FLAMES of any kind ARE PROHIBITED at all times of year (regardless of county fire ban status).

This includes charcoal grills, fire rings, fireworks, candles indoor and outdoors.
(County violation fines of up to \$600 will be deducted from your deposit and given the extreme nature of this violation, it will be reported to the STR platform.)

Also due to the extreme fire danger and the risk of insufficiently extinguished cigarettes:

SMOKING is NOT ALLOWED on the property - indoors or outdoors. Vaping is allowed outdoors.

NO FIREWORKS ALLOWED:

It is unlawful to possess or discharge fireworks anywhere in the State of Colorado without a permit. Penalties include: Class 3 misdemeanor carrying up to \$750 in fines, six months in prison, or both.

II. FIRE AND CARBON MONOXIDE SAFETY EQUIPMENT

There are fire extinguishers with operation instructions located in the kitchen and in the garage. Please locate them and familiarize yourself with their use. *Also please see the posted map for the location of fire extinguishers and the emergency exit plan. All safety equipment including smoke detectors and carbon monoxide detectors are located per county requirements for your safety.*

III. QUIET HOURS - NEIGHBORHOOD COURTESY

Quiet time is from 10pm to 9am.

The Jefferson County Noise Abatement Regulations are in place “to protect the peace, health, safety and welfare of Jefferson County citizens from excessive, unnecessary and unreasonable noise.” *(Be advised, authorities may be called and any violation fines will be deducted from the deposit.)* Please be respectful of our neighbors and observe quiet time hours. No loud talking or music during these hours, either outside or inside, which is plainly audible at a distance of 150 feet.

IV. CONTACT INFORMATION

1. **Arden Lindsey (owner and primary property manager)**

a. 307-851-7028 (mobile: text or call)

b. 303-691-6869 (alternate landline)

2. Penny Mapp (co-host)

a. 720-590-9257 (mobile: text or call)

3. Jeff Weese (adjacent neighbor to the west)

a. 720-879-3086 (mobile: text or call)



















From: [Margaret Thompson](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Case Number 21-133406VC
Date: Monday, January 24, 2022 9:51:57 AM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Ms. Byers. I am writing to you concerning Case Number 21-133406VC, the request for a Special Exception to allow a Short Term Rental at 28024 War Admiral Trail in Evergreen.

I strongly oppose this request. I live two houses up from this address, and have lived here for 36 years. This is a quiet residential neighborhood, where many of the residents have lived for decades. A Short Term Rental property does not fit in with the character of our neighborhood.

These are my main concerns:

- 1.. Short Term Rentals will lead to increased traffic on several roads to get to and from this property.
- 2.. Short term renters are unlikely to appreciate the fire risk in our area, and I dread the consequences of a carelessly tossed cigarette or a candle left burning and unattended.
- 3.. During this time of severe drought, any additional strain on our water table will affect all of us. And again, short term renters are unlikely to be serious about water conservation.

Thank you for your attention.

Margaret Thompson
28124 War Admiral Trail
Evergreen, CO

From: [Ann English](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- 28024 War Admiral
Date: Monday, January 24, 2022 9:51:22 AM
Attachments: [ArdenLindsey-Short Term Rental.docx](#)

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Byers,

Attached is a copy of a letter Evergreen Meadows HOA sent to the homeowner on War Admiral. This letter informs the homeowner that short term rentals are not allowed in Evergreen Meadows and that the Covenants are mandatory for all Evergreen Meadows residents.

All homeowners, who purchased property in Evergreen Meadows are mandated to follow the Covenants. Short term rentals of any kind are not allowed. Also businesses are not allowed. Short term rentals would constitute the running of a business.

The homeowner said she does not belong to the HOA. The HOA is voluntary, she does not need to belong to it; however, the Covenants are mandatory as they run with the land; therefore all homeowners agreed, in writing to accept and follow the Covenants.

The Evergreen Meadows HOA and Community are 100% against any type of short term rentals, daily, nightly, weekly, monthly, ARBNB, VRBOS. We, therefore, ask that Jeffco **NOT approve** this home for any type of short term rental and request that Jeffco work with the HOA and not against it.

If you have any questions or need additional information, please contact me.

Ann English, President Evergreen Meadows HOA
ann.english@evergreenrealestate.org
Phone: 303-981-8735



EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
P.O. Box 2228, Evergreen, CO 80437
303-991-7699 Phone / Fax
board@emha.us • www.emha.us

January 19, 2022

Adren D Lindsey
28024 War Admiral,
Evergreen, CO 80439

Dear Arden,

It has come to Evergreen Meadows HOA's attention that you are planning on turning your residential home into a short term rental. We regret to inform you that any short term rentals are not allowed per the Covenants.

See Below:

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions for "single-family dwelling" shall

be taken directly from the current edition of the Jefferson County Building Code, except that **the definition of family**, as used herein, shall mean

persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes.

a) A use conducted for profit within in a residential dwelling unit is permitted, provided, however, that it meets the following conditions:

i) The full-time residents of the dwelling unit shall be the only persons engaged in the activity which takes place on the site;

ii) The activity is carried on only within the structures on the site and is, therefore, clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof;

iii) The storage of materials to be used in the activity shall be inside either the dwelling unit or a permitted

accessory building:

iv) There shall be no external evidence which, in any way, shall advertise the performance of the activity;

v) In no way shall the general public be invited or solicited upon the premises;

vi) Instruction of students shall be limited to one pupil at any one time.

As you can see the residence is strictly to be inhabited by the homeowner or family relatives, Section 1.

Also the short term rental, constitutes the running of a business, which is also not allowed. See Sections a), i), and ii), which states that only the full-time resident/homeowner can conduct a home business in his home and that it does not change the character thereof. A short term

rental would, most definitely, change the character of the residence. It would no longer be a single family residential use, but rather it would be a considered a multi-use residence and a business, neither of which is allowed.

iv) - ***There shall be no external evidence which, in any way, shall advertise the performance of the activity:*** *Meaning* - You are not allowed to advertise it as a nightly, weekly or any type of short term rental. It is for use by the homeowner/purchaser and his/her family.

When you purchased your home, you agreed, in writing, when you signed the purchase contract to abide by the Evergreen Meadows Covenants, Restrictions and Guidelines.

You are in direct violation of this signed agreement. Although belonging to Evergreen Meadows HOA is voluntary, what is **NOT** voluntary is following the Covenants, Restrictions and Guidelines. They **ARE MANDATORY** and run with the land.

This subdivision is for residential homeowner use only. It is not a multi-use subdivision. Only home purchasers and their families, if any, shall live in the unit.

Your request to turn this home into a short term rental is hereby denied by Evergreen Meadows HOA, per the Covenants.

Please **note:** Evergreen Meadows Covenants are the controlling factor regardless of a zoning variance, so even if the County approves it, short term rentals are still **NOT** allowed. Covenants control over zoning when the covenants are more restrictive.

If you have any questions, please feel free to contact us at: board@emha.us.

Thank you,

Evergreen Meadows HOA

cc: Claire Byers, Case Manager
Jefferson County Planning & Zoning

**DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS
FOR EVERGREEN MEADOWS - UNITS 1 through 9**

THIS DECLARATION is made this 30th day of December, 2018, by property owners of Evergreen Meadows - Units 1 through 9 (hereinafter collectively referred to as "Declarants").

WHEREAS, Declarants desire to provide for the preservation of the values and amenities in said community and for the maintenance of said property, open spaces, and other common facilities; and to this end, desire to subject the described real property to the covenants, restrictions, assessments, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and

WHEREAS, Declarants deem it desirable for the efficient preservation of the values and amenities in said community, to join an entity to which to delegate and assign the powers of maintaining and administering the common areas and facilities, and for administering and enforcing covenants, restrictions, assessments, and charges hereinafter created.

NOW THEREFORE, Declarants hereby declare that they shall become members of the Evergreen Meadows Homeowners Association (hereinafter referred to as "Association"), which shall have the right to represent Declarants and to take whatever action may be necessary to enforce the covenants, restrictions, assessments and charges hereinafter set forth. That these covenants supersede all prior protective covenants established for Units 1 through 9 of Evergreen Meadows.

To wit, such as were previously recorded at the Clerk and Recorder of Jefferson County: Unit 1, Reception #78118347; Unit 2, Reception #78118348; Unit 3, Reception #78118349; Unit 4, Reception #78118350; Unit 5, Reception #78118351; Unit 6, Reception #78118352; Unit 7, Reception #78118353; Unit 8, Reception #85006849; Unit 9, Reception #85006850. That all of the real property in said Units shall be held, transferred, devised, given, sold, and conveyed subject to the following assessments, restrictions, liens, covenants, and conditions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property. That these covenants, restrictions, assessments and liens shall be binding upon all parties having or acquiring any right, title or interest in the described properties or any part thereof, and shall be a burden upon and inure to the benefit of each owner thereof.

"The owners of the land known as Evergreen Meadows:

- Unit 1 — a subdivision located in the E 1/2 of the SE 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., and in that part of the W 1/2 of the SW 1/4 of Section 35, T. 5 S., R. 71 W., of the 6th P.M. lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 29, Page 59 of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 26 located therein effective January 1, 2019;
- Unit 2 — a subdivision located in the W 1/2 of the SE 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 30, Page 42 of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 32 located therein effective January 1, 2019;
- Unit 3 — a subdivision located in the SW 1/4 of the NW 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 31, Pages 34 and 35, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 36 located therein effective January 1, 2019;
- Unit 4 — a subdivision located in the NE 1/4 and a portion of the NW 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 33, Pages 18 and 19, plus Unit 4 Exemption Survey #1, re-subdivision of lots 39 and 63, recorded in Book 93, Page 17, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 68 located therein effective January 1, 2019;
- Unit 5 — a subdivision located in the NW 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 37, Pages 2,3 and 4, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 55 located therein effective January 1, 2019;
- Unit 6 — a subdivision located in the Section 2, T. 6 S., R. 71 W., and Section 11, T. 6 S., R. 71 W. of the 6th P.M., lying east of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 39, Pages 18,19, 20, and 21, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 104 located therein effective January 1, 2019;
- Unit 7 — a subdivision located in Section 2, T. 6 S., R. 71 W., of the 6th P.M., lying east of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 4, Pages 35, 36 and 37, of Jefferson County records, does hereby make and establish the following protective covenants applicable to all sites numbered 1 through 37 located therein effective January 1, 2019;
- Unit 8 — a subdivision located in the W 1/2 of Section 35, T. 5 S., R. 71 W. of the 6th P.M., and that part of the SE 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying east of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 46, Pages 20, 21, 22, and 23, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 82 located therein effective January 1, 2019;
- Unit 9 — a subdivision located in the E 1/2 W 1/2 and the S 1/2 NE 1/4 and the N 1/2 SE 1/4 of Section 35, T. 5 S., R. 71 W. of the 6th P.M., lying east of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 46, Pages 24, 25, 26, 27 and 28, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 46, located therein effective January 1, 2019, to wit;

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions for "single-family dwelling" shall be taken directly from the current edition of the Jefferson County Building Code, except that the definition of family, as used herein, shall mean persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes.

a) A use conducted for profit within in a residential dwelling unit is permitted, provided, however, that it meets the following conditions:

- i) The full-time residents of the dwelling unit shall be the only persons engaged in the activity which takes place on the site;
- ii) The activity is carried on only within the structures on the site and is, therefore, clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof;
- iii) The storage of materials to be used in the activity shall be inside either the dwelling unit or a permitted accessory building;
- iv) There shall be no external evidence which, in any way, shall advertise the performance of the activity;
- v) In no way shall the general public be invited or solicited upon the premises;
- vi) Instruction of students shall be limited to one pupil at any one time.

b) It is the express intent of the homeowners and residents of Evergreen Meadows that the concept of single-family residential use shall apply to both the use of the land as well as the type of structures constructed thereon.

2. General Subject — Architectural Review Requirements

No building, fence, wall, structure or improvement shall be commenced, erected, altered, moved, or maintained upon any site, nor shall any exterior addition to, or change or alteration thereof be made until the nature, kind, shape, height, materials, and location of same shall have been approved in writing as to harmony of topography by the Evergreen Meadows Homeowners Association Architectural Review Committee (hereinafter referred to as "Architectural Review Board").

a) Either one architectural rendering or a complete set of plans and specifications, together with a site plan clearly identifying boundaries and setback distances, shall be submitted to the Architectural Review Board. The Board shall approve or disapprove said documents within 30 days from the receipt thereof in accordance with their published Guidelines. The set of said documents, with the approval or disapproval endorsed thereon, shall

be returned to the owner. The Architectural Review Board shall not be responsible in any manner whatsoever for any defect in any plans or specifications submitted or for any work done pursuant to any changes of said plans and specifications requested by them to gain compliance with their published guidelines.

3. Subject — Architectural Guidelines

Within six (6) months after adoption of this covenant, the Architectural Review Board shall promulgate a set of written guidelines for the purpose of allowing those considering or designing structures or additions which fall under the review requirements previously outlined, to understand those requirements and design their proposals accordingly. Such guidelines shall become effective upon approval by a majority of the Association Membership present at any duly constituted meeting as outlined in the By-Laws. From time to time the Architectural Review Board may propose changes to the guidelines for the Membership's approval as may be appropriate. Such changes must be approved by a majority vote of the Membership at a duly constituted meeting as outlined in the By-Laws. After the guidelines are initially approved, they will be available to all interested parties from the Evergreen Meadows Home-owners Association Board of Directors.

4. Subject — Completion of Construction

The exterior of all houses and other structures must be completed within six (6) months after the construction of same shall have commenced. Open storage of building materials will be permitted during construction only, for a period not to exceed six (6) months.

5. Subject — Minimum Square Footage

No dwelling shall be erected on any site in Units 8 and 9 of this subdivision unless such dwelling contains a minimum of 1500 square feet of finished floor space for ranch style or one-level dwellings. A minimum of 2000 square feet of finished floor space shall be required for multiple-level dwellings in Units 8 and 9. A minimum of 1200 square feet of finished floor space on a single floor shall be required for any type of dwelling in Units 1 through 7. Finished floor area shall be defined as the area included within the surrounding exterior walls of a building, exclusive of vent shafts, courts, unfinished attics or basement space, garages, carports, porches, decks or other areas not enclosed by the main structure's walls and roof. Any home existing on January 1, 1989, which does not meet the minimum square footage requirements may remain unaltered in perpetuity, regardless of when or where the structure was constructed, erected or instituted.

6. Subject — Garages and Utility Buildings

a) Garages

i) Residential units permitted for construction before December 31, 1978, shall be allowed to have no more than one garage, which may be separated from or attached to the main dwelling structure. If a building permit for construction of the dwelling was issued prior to January 1, 1979, a garage is not mandatory. If the owner of such residential unit desires at any time subsequent to December 31, 1978, to build a garage where none previously existed, or make an addition to the one optional garage, such garage shall comply to the provisions of Section ii) below.

ii) Residential units permitted for construction after January 1, 1979, are required to have at least a two-car family, non-business garage which may be separated from or attached to the main dwelling structure. Any residential unit affected by this provision which does not have such a garage on December 31, 1988, must comply by December 31, 1994.

b) No more than one accessory building shall be allowed on each site. Such accessory building may be an attached or detached structure whose use is subordinate to the main dwelling, the use of which is customary and incidental to that of the dwelling, and may be in addition to, but not in lieu of, the required garage outlined in Section ii) above. The accessory building shall comply to the published Guidelines of the Architectural Review Board and must comply to all Jefferson County building and zoning regulations.

7. Subject — Utility Lines

Where underground electricity and telephone service is furnished to a lot, no overhead electric, telephone or other wiring of any kind will be permitted.

8. Subject — Temporary Structures

No structure of a temporary character (trailer, basement, tent, shack, barn or other outbuilding) shall be used on any portion of the property at any time as a residence, either temporarily or permanently. This prohibition shall not apply to trailers or mobile homes occupied by visitors, which shall be permitted for a period not to exceed thirty (30) days. The prohibition shall not apply to shelters used by a contractor during the construction of the main dwelling house, it being clearly understood that such temporary shelters shall be removed within thirty (30) days of completion of construction.

9. Subject — Maintenance of Grounds

It shall be the responsibility of the owner of each lot to prevent the development of any unclean, unsightly or unkempt conditions of building or grounds which shall tend to substantially decrease the beauty of the neighborhood. Native plants and grasses may be kept in their natural, unmaintained condition. All species of thistle are considered to be exotic, non-native species.

10. Subject — Pets

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except for household pets. Household pets shall mean animals and fowl permitted in, and normally kept within the house as a custom in the community and kept for company and pleasure, such as dogs, cats or birds, providing that such creatures are not kept to supplement food supplies, or for any commercial purpose whatsoever other than the offering for sale of a litter, brood or offspring (of a household pet domiciled on the premises) that is less than six (6) months old. Beyond the boundaries of the owner's property, all dogs must be on a leash, chain or cord no more than ten (10) feet in length and accompanied by the owner, harborer or keeper. Owners of household pets shall be financially responsible and liable for any damage caused by such household pets.

11. Subject — Noxious Activities

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to the neighborhood and possibly detract from the residential value and quality of the properties. Operation of motorized equipment between the hours of 10 PM and 7 AM, inclusive, other than transportation equipment and snow removal equipment, shall be considered as noxious and offensive.

12. Subject — Signs

No signs of any kind shall be displayed to the public view on any part of the property, except one sign of not more than two square feet designating the owner of any site and one sign of not more than five square feet advertising the property for sale or rent. Permitted signs shall be maintained in a clean, slightly and kept condition. This covenant shall not exclude the posting of No Trespassing signs, provided that any such No Trespassing signs shall not exceed two square feet in size. Temporary signs may be placed 48 hours before an event and must be removed within 24 hours of completion of the advertised event.

13. Subject — Storage of Recreational Vehicles

Mobile homes, trailers, recreational campers, boats and carriages for boats may be parked or stored on a lot at the side or rear of the residential structure or in areas which are screened from the street unless otherwise authorized in writing by the Architectural Review Board. No vehicle shall be parked without a currently-valid license tag.

14. Subject — Un-garaged Motor Vehicles

No un-garaged motor vehicle of any type shall be permitted to remain on the property in a non-operating condition for more than 30 days in any calendar year. Any such vehicle which does not display current and valid license plates as required by state law shall be deemed to be in a non-operating condition.

15. Subject — Off-Road Vehicles

All-terrain vehicles, three-wheel vehicles, go-carts, snowmobiles, off-road motorcycles, and similar off-road vehicles shall not be permitted on any property except the site of the owner of said vehicle. This prohibition shall extend specifically to open spaces and common facilities.

16. Subject — Firearms

No firearms shall be discharged nor shall there be any hunting within Evergreen Meadows. Firearms as used herein shall be construed to mean not only rifles, pistols and cannons, but also fireworks. BB guns are permitted so long as used in a manner which retains any pellets or BBs on the owner's property.

17. Subject — Overhead Tanks

No elevated tanks of any kind shall be erected, placed, or permitted upon any site. An above-ground tank for use in connection with any residence may be permitted but must meet all applicable local, state, and federal regulations.

18. Subject — Unsanitary Conditions

No unsanitary conditions prejudicial to the public health shall be permitted on any site. No liquid waste of any description shall be drained, dumped or disposed of in anyway into open ditches or water courses. No portion of any site shall be used or maintained as a dumping ground for rubbish of any description.

20. Subject — Membership in Evergreen Meadows Homeowners Association

The owner(s) of a site now or hereafter subject to the provisions of these Protective Covenants may become a member of the Evergreen Meadows Homeowners Association (Association). The annual dues of the Association shall be determined at each annual or special meeting of the Association, in accordance with the By-Laws of the Association, and shall be voluntary. Each site shall be entitled to one vote in all matters concerning changes to these Protective Covenants.

21. Subject — Modification of Covenants

Any portion or all of these Protective Covenants may at any time be amended or rescinded by the written agreement of the owners of two-thirds of the sites hereby subjected to the same, which agreement shall become effective upon its filing in the Jefferson County Clerk and Recorder's Office.

22. Subject — Period, Amending and Renewal

All covenants and restrictions set forth herein shall run with the land and shall be binding on all parties and persons claiming under them until January 1, 1999, at which time said covenants shall be automatically extended for successive periods of ten years; unless by written agreement of a majority of the then-owners of sites affected by such covenants has been recorded, agreeing to amend or terminate said covenants in whole or in part.

23. Subject — Invalidation of Provisions

The invalidation by any court of any one or more of the provisions of these Protective Covenants shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

24. Subject — Rights and Remedies

Any violation of these provisions, conditions or restrictions contained herein shall warrant the Association to apply to any court of law or equity having jurisdiction thereof for an injunction or property relief in order to enforce same in the court. If such an action in law or equity shall become necessary, the Association shall be entitled to its court costs and reasonable attorney's fees. No delay on the part of the Association in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein. Various rights and remedies of the Association hereunder shall be cumulative and the Association may use any or all of said rights without in any way affecting the ability of the Association to use or rely upon or enforce any other right.

25. Subject — Temporary Waivers

Any site owner may petition the Board of Directors in writing and, in person to grant a temporary waiver, not to exceed six months, to any provision contained in these covenants. The Board may grant such temporary waiver, with a limit of up to six months, upon unanimous vote of the Board members present at a meeting held in accordance with the By-Laws. Such waiver may be renewed, at the discretion of the Board, upon subsequent re-application by the petitioner.

End of Declaration of Protective Covenants and Restrictions for Evergreen Meadows, Units 1-9.

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)

Evergreen Meadows HOA Declaration

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)BY [Signature]
JASON DAVIS, TREASURERSTATE OF COLORADO)
COUNTY OF JEFFERSON) SS.THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 31 DAY OF DECEMBER, 2018 BY JASON DAVIS, TREASURER OF EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION, a Colorado Non-Profit Corporation.

WITNESS my hand and official seal.

SCOTT W PURCELL
Notary Public
State of Colorado
Notary ID 20154039410
My Commission Expires Oct 6, 2019

My Commission expires 10/6/2019

Notary Public

STATE OF COLORADO)
COUNTY OF JEFFERSON) SS. AFFIDAVIT OF
SUSAN A. MARINELLI AND
JASON DAVIS

Affiants, being first duly sworn, depose and state:

- (1) That Affiant Susan A. Marinelli is a duly elected member of the Evergreen Meadows Homeowners Association's Board of Directors, serving as President of the Association from January 1, 2019, through December 31, 2019. That Affiant Jason Davis is a duly elected member of the Evergreen Meadows Homeowners Association's Board of Directors effective January 1, 2018, through December 31, 2018 and serves as Treasurer of said Association.
- (2) That the Evergreen Meadows Homeowners Association is a Colorado non-profit corporation in good standing incorporated on June 13, 1974, pursuant to the provisions of the Colorado Non-Profit Corporation Act, and is assigned Colorado Secretary of State entity identification number 19871274096. A copy of the CERTIFICATE OF FACT OF GOOD STANDING is attached.
- (3) That attached to this Affidavit are protective covenants for Units 1 through 9, Evergreen Meadows, subdivisions located within Jefferson County, Colorado, and more completely described in the attached protective covenants, which covenants shall become effective and run with the land, and shall bind all parties and persons claiming under them from and after January 1, 2019, pursuant to the terms and conditions set forth in said protective covenants.
- (4) That the protective covenants attached hereto were adopted by the written vote of a majority of the then land owners pursuant to the terms and conditions for amendment of covenants set forth on the original protective covenants and subsequent amendments of those covenants for said units.
- (5) That the written balloting for the attached protective covenants was conducted under the direction and supervision of the Evergreen Meadows Homeowners Association Board of Directors and that said ballot forms bearing the signature of a majority of the land owners in said units are on file and available for inspection at the office of the Secretary of the Evergreen Meadows Homeowners Association.
- (6) Affiants further state that all procedures for amendment of protective covenants have been followed and a majority of the then land owners have voted in favor of the attached protective covenants which become effective from and after January 1, 2019.

Further Affiants sayeth not.

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)BY [Signature]
JASON DAVIS, TREASURERSTATE OF COLORADO)
COUNTY OF JEFFERSON) SS.THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 31 DAY OF DECEMBER, 2018 BY JASON DAVIS, TREASURER, OF EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION, a Colorado Non-Profit Corporation.

WITNESS my hand and official seal.

SCOTT W PURCELL
Notary Public
State of Colorado
Notary ID 20154039410
My Commission Expires Oct 6, 2019

My Commission expires 10/6/2019

Notary Public

Evergreen Meadows HOA Declaration

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)BY [Signature]
~~JASON DAVIS, TREASURER~~BY Susan A. Marinelli
SUSAN A. MARINELLI, PRESIDENTSTATE OF COLORADO)
) SS.
COUNTY OF JEFFERSON)THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30 DAY OF December, 2018 BY SUSAN A. MARINELLI, PRESIDENT, ~~AND JASON DAVIS, TREASURER~~ OF EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION, a Colorado Non-Profit Corporation.

WITNESS my hand and official seal.

ANGIE L STEVENS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184021493
MY COMMISSION EXPIRES 05/21/2022My Commission expires 5-21-22
Angie L. Stevens
Notary PublicSTATE OF COLORADO)
) SS. AFFIDAVIT OF
COUNTY OF JEFFERSON) SUSAN A. MARINELLI, Affiant
~~JASON DAVIS~~

Affiants, being first duly sworn, depose and state:

- (1) That Affiant Susan A. Marinelli is a duly elected member of the Evergreen Meadows Homeowners Association's Board of Directors, serving as President of said Association from January 1, 2018, through December 31, 2018. ~~That Affiant JASON DAVIS is a duly elected member of the Evergreen Meadows Homeowners Association's Board of Directors, serving as Treasurer of said Association from January 1, 2018, through December 31, 2018 and as such is the Treasurer of said Association.~~
- (2) That the Evergreen Meadows Homeowners Association is a Colorado non-profit corporation in good standing incorporated on June 13, 1974, pursuant to the provisions of the Colorado Non-Profit Corporation Act, and is assigned Colorado Secretary of State entity identification number 19871274096. A copy of the CERTIFICATE OF FACT OF GOOD STANDING is attached.
- (3) That attached to this Affidavit are protective covenants for Units 1 through 9, Evergreen Meadows, subdivisions located within Jefferson County, Colorado, and more completely described in the attached protective covenants, which covenants shall become effective and run with the land, and shall bind all parties and persons claiming under them from and after January 1, 2019, pursuant to the terms and conditions set forth in said protective covenants.
- (4) That the protective covenants attached hereto were adopted by the written vote of a majority of the then land owners pursuant to the terms and conditions for amendment of covenants set forth on the original protective covenants and subsequent amendments of those covenants for said units.
- (5) That the written balloting for the attached protective covenants was conducted under the direction and supervision of the Evergreen Meadows Homeowners Association Board of Directors and that said ballot forms bearing the signature of a majority of the land owners in said units are on file and available for inspection at the office of the Secretary of the Evergreen Meadows Homeowners Association.
- (6) Affiants further state that all procedures for amendment of protective covenants have been followed and a majority of the then land owners have voted in favor of the attached protective covenants which become effective from and after January 1, 2019.

Further Affiants sayeth not.

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)BY Susan A. Marinelli
SUSAN A. MARINELLI, PRESIDENTSTATE OF COLORADO)
) SS.
COUNTY OF JEFFERSON)THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30 DAY OF December, 2018 BY SUSAN A. MARINELLI, PRESIDENT, ~~AND JASON DAVIS, TREASURER~~ OF EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION, a Colorado Non-Profit Corporation.

WITNESS my hand and official seal.

ANGIE L STEVENS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184021493
MY COMMISSION EXPIRES 05/21/2022My Commission expires 5-21-22
Angie L. Stevens
Notary Public

Addendum for filing of Evergreen Meadows Units 1-9 Declaration

OFFICE OF THE SECRETARY OF STATE OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION

is a

Nonprofit Corporation

formed or registered on 06/13/1974 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871274096 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 12/27/2018 that have been posted, and by documents delivered to this office electronically through 12/30/2018 @ 12:53:22 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 12/30/2018 @ 12:53:22 in accordance with applicable law. This certificate is assigned Confirmation Number 11300214 .



Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

January 24, 2022

Via Email: cbyers@co.jefferson.co.us

Jefferson County Board of Adjustment
Attention: Claire Byers, Planner
Jefferson County Planning & Zoning

Re: Case No. 21-133406VC
Request for Special Exception by Owner of 28024 War Admiral Trail
To Permit Short-Term Rental

Dear Board of Adjustment,

We write to voice our objection to the application for Special Exception filed by the owner of the real property located at 28024 War Admiral Trail, Evergreen, Colorado ("Subject Property") to allow the use of the Subject Property as a "short-term rental". We own and reside on the real property located at 28053 War Admiral Trail which is adjacent to and across the street from the Subject Property.

The Subject Property is located in Evergreen Meadows and is subject to the covenants and restrictions enacted by the Evergreen Meadows Homeowners Association ("EMHOA"). A copy of the EMHOA's most recent Declaration of Protective Covenants and Restrictions dated December 30, 2018 is attached ("EMHOA Declaration").

The residents of Evergreen Meadows purchased their residence because they desired to be bound by the covenants and restrictions of the EMHOA which establish common neighborhood values and amenities consistent with single family residential dwellings. Central to the covenants and restrictions is the concept of "residential use" listed in section 1 of the EMHOA Declaration. The section states the covenant that "(A)ll sites are to be used for residential purposes with only one single-family dwelling permitted on any site". The section further unambiguously defines "family" as meaning "...persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than (4) unrelated persons".

The owner of the subject property states in paragraph two of her letter to the Board of Adjustment dated January 17, 2022 that she doesn't "...want to sell my home in

Evergreen because it is still our primary home". The use of the Subject Property as a "short-term rental" violates the EMHOA's covenant that the property be utilized only as a "single-family dwelling" as the proposed short-term renters clearly do not meet the unambiguous definition of "family" as they are not related to either the owner of the Subject Property or other short-term renters by blood, marriage, or adoption and do not otherwise qualify as "family" under the section's definition. A covenant is to be enforced as written when it is clear on its face. *Good v. Bear Canyon Ranch Ass'n.*, 160 P3d 251 (Colo. App. 2007).

In addition to the proposed use being in violation of the covenants of the EMHOA, the impact of the use of the Subject Property as a "short-term rental" would negatively impact the residents of Evergreen Meadows in many ways.

We have owned and resided in our home in Evergreen Meadows for over 30 years. The character of the community as a quiet, peaceful, and clean residential neighborhood has remained the same throughout that time. Neighbors respect each other by ensuring that evenings are quiet. We can sit on our deck in the evening for hours with only the sounds of nature to hear. Renters of the Subject Property would have little or no incentive to adhere to the neighborhood's quiet character as they would be vacationing, partying, and otherwise trying to have "a good time".

Although the owner of the Subject Property has submitted proposed "House Rules" that purport to disallow "parties" and provide for "curfew hours" everyone knows that vacation rentals are notorious for noise, trash, and safety concerns. The owner's stated willingness to travel 35 minutes in the middle of the night to enforce her "rules" is questionable and more importantly, will not undo the harm caused to neighbors who will have to take action in the middle of the night to address the violation of their peace and quiet, exposing themselves to the risk of harm.

We are also greatly concerned about the increased fire hazards use of the Subject Property as a short-term rental would create. The owner of the Subject Property acknowledges that living in the foothills of Colorado requires hyper vigilance to ensure a catastrophic fire is not started. Foothill residents know a single negligent act can have devastating consequences and we have trained ourselves to use an abundance of care. The same cannot be said for individuals who do not reside in

the foothills and likely may not reside in Colorado. Caution is often the last thing on the mind of someone on vacation and the owner's "House Rules" again provide little assurance to those of us who know the nature of vacation rentals.

There are also no means to ensure that the renters of the Subject Property would limit the number of individuals invited to the property which further negatively impacts traffic, trash, health and safety in the neighborhood. The owner of the Subject Property has not explained how her "Ring System" cannot be evaded to ensure that no more than eight people are present at the property. Even if the system is capable of doing so the neighbors will be required to ask law enforcement to intervene if renters abuse the peace and quiet of the neighborhood. Our law enforcement has more important work to do in protecting the safety of the community than to respond to offensive conduct of vacationers. No neighbor, and especially those of us who are senior citizens, should be placed in a potentially dangerous situation to enforce our peace and quiet which we thought we ensured in the first place by agreeing to purchase a residence in a covenant controlled neighborhood.

In the thirty years we have lived in Evergreen Meadows we can count on one hand the number of neighbors who have rented a residence here and those who have were long term renters. Short-term rentals do not and never have existed and are not in conformity with the neighborhood's character. Granting the application for special exception to utilize the Subject Property as a short-term rental will render meaningless the EMHOA's covenants and establish a precedent allowing other owners the same use. The neighborhood will be changed forever in a negative fashion.

The owner of the Subject Property states that in the past she has rented the property on a long-term basis. The neighbors did not object to this use as the covenants of the EMHOA allow for long term rentals of 6 months or more and an individual wishing to rent for an extended period of time obviously has more incentive to respect and enjoy the benefits of the character of the neighborhood than a short-term renter would. The owner however apparently does not wish to rent the property on a long-term basis anymore as she wishes to continue to reside on the property and experience the benefits of the neighborhood when she wishes to. It is ironic that her proposed use of the Subject Property as a short-term rental would

Re: Case No. 21-133406VC
January 24, 2022
Page 4

result in her being the only neighbor whose peace, quiet, and safety would not be impacted.

We cannot attend the public hearing because of work commitments and an annual physical that was previously scheduled. If there are questions or concerns we can address please notify us and we will respond by email prior to the hearing. Please deny the application for special exception. Thank you.

Sincerely,

Handwritten signature of Diane T. Lee and Stephen M. Lee in blue ink.

Diane T. and Stephen M. Lee
28053 War Admiral Trail
(303) 282-4122
sdlee@q.com

cc: Arden Lindsey Adlindsey43@gmail.com w/o encl.
Ann English ann.english@evergreenrealestate.org w/o encl.

From: [Roger Van Teyens](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Special exception to allow short term rental
Date: Monday, January 24, 2022 3:25:40 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Byers,

We are strongly opposed to the application for a special exception to allow a short term rental at 28024 War Admiral Trail, Evergreen. This is a residential property and short term rentals are against the Evergreen Meadows homeowners association covenants. The property backs up to a meadow that is used as a breeding area for a herd of 70 to 80 elk. There is also a breeding pair of red tailed hawks that nest across the meadow from this property. We are concerned that this property may not meet defensible space requirements and that renters will not be aware of fire restrictions. Because of the acoustics in the meadow we can hear the present homeowner's children when they are outside. Evergreen is not a resort area so we are concerned that this will be primarily rented as a party house.

Thank you for your consideration.

Roger and Anne Van Teyens
27658 Whirlaway Trail

Sent from my iPad

Dear Sir or Madam

We are opposed to the request for a short term rental proposal located at 28024 War Admiral Trail, Evergreen Colorado. A short term rental is in violation of the Evergreen Meadows HOA rules and regulations. There is concern of the increase of traffic in the neighborhood, excessive noise and compromising the character of our neighborhood. However, the greatest concern is increased fire risk due to the short term tenant not aware of the current fire restrictions in place and how vulnerable our mountain community is to fire. We are also concerned if this is approved it will open the door for multiple requests to follow. This is a single family home neighborhood. That is why we purchased in this mountain community and chose to live here over twenty years ago. For these reasons we strongly urge the request to be denied.

Sincerely,

Joe and Ann Kechter
jaam6878@aol.com

From: [Ann English](#)
To: [Claire Byers](#)
Subject: --(EXTERNAL)-- Re: Jefferson County, Colorado Board of Adjustment Case No. 21-133406VC - 28024 War Admiral Trail Evergreen Meadows
Date: Monday, January 31, 2022 2:36:18 PM
Attachments: [page1image1190944832.png](#)
[page1image1190945440.png](#)
[page1image1190949376.png](#)
[page1image1190948144.png](#)
[page1image11909484848.png](#)
[page1image1190985264.png](#)
[page1image1190987952.png](#)
[page1image1190988560.png](#)
[page1image1190990096.png](#)
[page1image1190992496.png](#)
[page1image1190993632.png](#)
[page1image1190991264.png](#)

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The HOA recently emailed you a copy of a letter sent to the homeowner letting her know that any type of short term rentals, is not allowed in Evergreen Meadows or the running of such a business is also not allowed, per the Covenants.

This is Evergreen Meadows HOA's Response:

Evergreen Meadows subdivision is zoned SR2 and according to SR2 zoning permitted uses, see attached, it states single family dwelling. There is nothing in the permitted uses for any type of short term rentals. If Jeffco wants to allow short term rentals, then it needs to designate certain areas or create new subdivisions to allow this. Short term rentals are **NOT** single family residential use, they are in fact, a business. Jefferson County is infringing on the people's Colorado constitutional right to "quiet enjoyment" of their property.

What makes Evergreen Meadows such a desirable area with good property values, is the fact that it remains, a single family residence, with only homeowners who are neighbors to each other and does not allow any type of short term rentals to destroy the ambiance of the area. We are extremely disappointed that Jeffco is trying to destroy our beautiful subdivision by wanting to allow these any type of short term rentals, AIRBNBs, VRBOs, etc. By Jeffco allowing this type of use in Evergreen Meadows, you would absolutely destroy the property values of 480 homeowners in this subdivision. We would no longer be a desirable, **quiet subdivision**, but rather we would become a transient area of people coming and going at all times of the day or night. Jeffco will have destroyed the meaning of quiet, residential neighborhood.

We are a community of 480 homes and if each household were to request to become short term rentals, then the amount of cars and traffic would be astronomical. It would be a nightmare and destroy the property values of the neighborhood.

You know that this is considered a business because you are taxing them and requiring them to get permits as a business. Why should anyone abide by any zoning regulations, when you yourselves are violating them. The people of Evergreen Meadows do not want any type or form of short term rentals.

Again, short term rentals of any kind, including VRBOs and AIRBNBs are considered a business and are **NOT** allowed per Evergreen Meadows Covenants. Evergreen Meadows HOA would like the county to follow the current zoning permitted uses for SR2 zoning by **not** allowing any type or form of short term rentals.

See Covenants Below.

Ann English, President Evergreen Meadows HOA
ann.english@evergreenrealestate.org
Phone: 303-981-8735

Covenants

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions for "single-family dwelling" shall be taken directly from the current edition of the Jefferson County Building Code, except that the definition of family, as used herein, shall mean persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes.

a) A use conducted for profit within in a residential dwelling unit is permitted, provided, however, that it meets the following conditions:

i) The full-time residents of the dwelling unit shall be the only persons engaged in the activity which takes place on the site;

ii) The activity is carried on only within the structures on the site and is, therefore, clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof;

iii) The storage of materials to be used in the activity shall be inside either the dwelling unit or a permitted accessory building;

iv) There shall be no external evidence which, in any way, shall advertise the performance of the activity;

v) In no way shall the general public be invited or solicited upon the premises;

vi) Instruction of students shall be limited to one pupil at any one time.

b) It is the express intent of the homeowners and residents of Evergreen Meadows that the concept of single-family residential use shall apply to both the use of the land as well as the type of structures constructed thereon.

Section 32 - Suburban Residential District

(orig. 3-26-13)

1. The Suburban Residential Districts are intended to provide for low density suburban residential development in any terrain where certain agricultural uses are compatible with residential development. (orig.3-26-13)
2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific suburban residential zone district. (orig.3-26- 13)
3. The Suburban Residential Zone Districts are divided as follows:
 - a. Suburban Residential-One (SR-1)
 - b. Suburban Residential-Two (SR-2)
 - c. Suburban Residential-Five (SR-5)

B. Permitted Uses (orig. 3-26-13)

Use	SR-1	SR-2	SR-5
Single-Family Dwelling	X	X	X
Group Home for up to 8 aged persons not located within 750 ft of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 ft of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 ft of another such group home or group home for the aged or developmentally disabled persons.	X	X	X
Public park, Class I public recreation facilities.	X	X	X

Water supply reservoir and irrigation canal	X	X	X
Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution.	X	X	X
Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution.	X	X	X

on Jan 24, 2022, at 2:27 PM, Claire Byers <cbyers@co.jefferson.co.us> wrote:

Hello,

Thank you for your comments. The relevant documents have been updated to include them.

Thanks,

Claire Byers

Jefferson County Planning and Zoning
Planner
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419
o. 303-271-8700
cbyers@jeffco.us | planning.jeffco.us

Due to staffing shortages, Planning and Zoning can no longer accommodate customers without an appointment. We are now open by appointment only (both virtual and in-person). We will resume serving customers without an appointment once new staff are hired. For the convenience and safety of the public and our staff, virtual appointments are encouraged. Many staff are still working remotely to provide online and virtual services Monday through Thursday. County offices are closed on Fridays. Please schedule [appointments](#) and submit [applications](#) online. Go to planning.jeffco.us for more information.

From: Steve Lee <slee@dillanddill.com>

Sent: Monday, January 24, 2022 1:33 PM

To: Claire Byers <cbyers@co.jefferson.co.us>

Cc: Adlindsey43@gmail.com; Ann English <ann.english@evergreenrealestate.org>

Subject: --[EXTERNAL]-- Jefferson County, Colorado Board of Adjustment Case No. 21-133406VC - 28024 War Admiral Trail Evergreen Meadows

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Byers:

Attached is our correspondence regarding the above referenced case that is scheduled to be heard by the Jefferson County Board of Adjustment on March 2, 2022. As referenced in our correspondence, I have also attached a copy of the *Declaration of Protective Covenants and Restrictions for Evergreen Meadows – Units 1 through 9* dated December 31, 2018.

Please include our correspondence and the Evergreen Meadows HOA covenants and restrictions in your “case file/ staff report” to be provided to the Board of Adjustment.

Please confirm your receipt of this email and thank you.

Stephen M. Lee, Esq.
Dill Dill Carr Stonbraker & Hutchings
455 Sherman Street, Suite 300
Denver, CO 80203
303-282-4122
303-777-3823 fax
slee@dillanddill.com

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Ms Byers,

I just noticed the variance proposal sign in front of 28024 War Admiral and am hoping it's not too late to send this email. I also want to say I never have participated in any of the public hearings for property variances and am not sure if my comments will be kept anonymous or not but it is my wish that my name is not used please.

My concern with the request for approval for short term rental at this address is that property values in this neighborhood are already extremely high and it feels like young, diverse families such as mine are being priced out of living in this wonderful community that is close to good schools, walkable, friendly, and is family-friendly. If investors/landlords are able to purchase homes here just to rent out as VRBO or short term rentals, it will be even harder for people to compete in the already overly competitive market and regular local individuals and families will increasingly not be able to live in Evergreen Meadows.

Thank you!

From: [Nancy Lerner](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Short term rentals in Evergreen Meadows
Date: Wednesday, January 26, 2022 11:09:09 PM

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I have been an owner of my home in the Meadows for 35 years. I absolutely am against the proposal for short term rentals in this quiet neighborhood.
Nancy & Ken Lerner

From: [Dennis Markusson](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- 21-133406VC - War Admiral Trail Evergreen Meadows
Date: Thursday, January 27, 2022 2:02:07 PM

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Ms. Byers:

I am writing to record my objection to the pending request listed above for an exception to allow short term rental at the War Admiral property. Per our earlier phone conversation please add this email to the official record for the hearing. My wife Nanci Markusson joins in this objection. We have lived in Evergreen Meadows since 1796. Our objections are threefold:

1. Evergreen Meadows is and has been a single family residential community. The short term rental exception which has been used to pave the way for uses such as airb&b is inconsistent with our neighborhoods. We are aware of some of the uses and abuses that have occurred in airb&b facilities in the Denver area, such as rentals for weekend parties. The property opens to open space thus any disturbances would impact many properties abutting the open space.
2. Substantively, there is the matter of precedent. The entire Evergreen Meadows subdivision is single family residential. Accordingly, were the requested special exception be granted for the subject property the Commission would have little or no grounds to deny similar requests. Once the door is open it would be difficult to go back or prevail against a legal challenge.
3. The covenants for Evergreen Meadows which run with the land prohibit the relief requested and limit use to single family residential. In the event the pending request were granted permission of the Homeowners Assoc would be required. I have been in contact with the President of the Association, Ann English, and am advised that the Association is aware of this request and has gone on record with you of its opposition. Thus, if the Association is not going to permit the requested exception the granting of the same by the County would be a rather futile act. Apparently, the property owner is of the mistaken belief that since she is not a member of the Association the covenants do not apply to her, she is wrong.

For the reasons stated we urge the Commission to deny the request for a Special Exception.

Dennis Markusson
7544 Native Dancer Trail

From: [Randy Coppage](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Special Exception: Short Term Rental
Date: Tuesday, January 25, 2022 4:48:11 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Case Type: Variance – BOA
Case Number: 21-133406VC
Where: 28024 War Admiral Trl

Ms. Byers:

We am writing to you to voice our opposition to this variance within our neighborhood. As a long-time resident of Evergreen Meadows (since Nov. 13, 1992), our neighborhood is noted for low traffic and noise. As a former RE Broker, this neighborhood would be classified as a “Buy-n-Die” neighborhood... one where you bought the house in which you raised your children, the children move out and on with their lives, and as seniors, the owner-occupant(s) die while still owning the preferable property. As RE prices have increased and seniors depart their homes in our neighborhood, younger families are starting to move into Evergreen Meadows thus restarting the longevity cycle of which Evergreen Meadows represents.

Arden’s house (28024 War Admiral Trl) is diagonally across from our house (27668 Whirlaway Trl) via the common meadow which constitute our “back yards”. Your decision on the Variance request will directly (and negatively) impact my current peaceful environment. Evergreen is not known as an “end-resort destination” especially as regards our neighborhood. The rental issues we are mainly concerned with are:

- Increased noise – Arden’s house has a large deck off the back of the house which overlooks the shared meadow. There is no noise abatement available from the deck (surrounding trees, etc.). The music, loud partying will flood through all the properties backing up to the meadow of which our home is but one of those properties. Arden has hosted multiple parties for her HS-aged children over the years... requests to tone the action down after 10 PM were ignored. If the Variance is approved, complaints of loud parties emanating from her deck/property via renters will now be directed/handled by Jeffco Sheriff’s Dept.
- Increased traffic – NIMBY... yes. This is our neighborhood, we don’t want more unnecessary traffic trolling our community streets.
- Adherence by “renters” to county trash, wildlife, and fire regulations. VRBO and Airbnb have regulations on trash... but who is going to ensure that trash from the renter(s) doesn’t impact the meadow or neighboring properties. The renter will leave after their “special weekend” oblivious to any breach of VRBO regulations regarding how they’ve left the home or property. They pay a “cleaning fee” as part of the contract so let the cleaning contractor pick up the mess. This is a worst case scenario but we both know it will happen at some point. WILDLIFE: Arden’s house backs up to the meadow which is frequented by

a herd of some 200 elk during the rut, smaller herds of deer, some coyotes, foxes, bears, mountain lions and pairs of nesting red-tailed hawks. Will pets be allowed on the rental property? Will the renters' pets chase after the wildlife (this is a dog-leash community except on your own property) pursuant to CO Parks & Wildlife regulations? And who's going to monitor this... again, more complaints to the Jeffco Sheriff's Dept. And finally FIRE: wood burning fire pits, cigarette butts thrown off the deck, charcoal BBQ's, etc. People who rent Arden's house will not be locals... renting a house on two acres for a "flat lander" is paradise to raise hell as desired compared to apartment dwelling or a typical suburban home lot. Most people from Denver believe Evergreen is exempt from wood fire burning restrictions. One mistake in judgement could result in the demise of our neighborhood, aka, the Marshall fire last month.

We are therefore requesting you deny Arden's request to allow Short Term rentals at her house on War Admiral Trl... we fear it will unleash Pandora's Box for a litany of problems of homeowners vs. partying hordes so Arden can financially profit from short-term rentals vs. renting her home to a family longer term. In a short term rental situation, Arden will sit back to collect her rentals fees, renting long term forces Arden to become a landlord (or hire a property management firm) and remain committed to our neighborhood. Arden moved out of the neighborhood months ago, We request that you help our neighborhood remain intact by denying this request for a ST Rental variance. Thank you.

Your consideration in this matter would be greatly appreciated.

Good health,

Randy & Vicki Coppage
27668 Whirlaway Trl – Evergreen Meadows
Home: 303-670-3281

From: [Jerry Mogab](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Objection to variance request Case #21-133406VC
Date: Thursday, January 27, 2022 12:34:30 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are the owners and residents of 27677 Whirlaway Trail. We are concerned that permitting short term rentals in violation of our Evergree Meadows Homeowners Association Covenants and Restrictions would set a precedent for others possibly leading to a change in the character of our neighborhood. Please register our strenuous opposition to this variance request.

Thank you,
Gerard & Gail Mogab

From: [FN Sortwell](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Variation
Date: Wednesday, January 26, 2022 9:13:17 AM
Attachments: [Jeffco.pdf](#)

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I strongly oppose this variation.

F.N. Sortwell 27638 Whirlawau Trail

Evergreen, CO
80439

From: [Jeri](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Short term rental variance 28024 War Admiral Tr
Date: Wednesday, January 26, 2022 6:55:51 AM

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To whom

As a homeowner in Evergreen Meadows I am concerned about having the owner of 28024 War Admiral Tr have a short term rental variance in an established neighborhood. Our HOA does not allow short term rentals and to approve this variance would be contrary to the values we hold dear as homeowners. Not to mention unwanted traffic and potential noise and safety issues.

Please do not approve this variance

Thank you

Jerri Herskovits

7755 Swaps Tr

Evergreen Co

Evergreen Meadows Subdivision

Sent from my iPhone

From: [Hayden Strickland](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Written Comments - 21-133406VC
Date: Tuesday, February 8, 2022 10:22:59 AM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept my written comments in Case No. 21-133406VC for a Variance - BOA at 28024 War Admiral Trl, Evergreen CO, 80439

I support the approval of this request. After reviewing the applicants public documents it appears considerable effort has been made to comply with all of the Jeffco requirements, and the Applicant has posted rules that do not allow fires or outdoor grilling using charcoal. As a homeowner in Evergreen Meadows, I appreciate the ability to have lodging options nearby, and appreciate the care in preventing fires. I also noticed that the neighbor's phone number was listed, which I appreciate.

Thanks in advance.

Hayden Strickland

From: [Tamsin Biondi](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Case Type: Variance - BOA Case Number: 21-133406VC
Date: Monday, February 7, 2022 8:32:57 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claire:

I would like to express my objection to the proposed short term rental as referenced in case #21-133406VC.

If this is allowed to move forward it would set a precedent for the entire neighborhood. The unknowns as to who may be renting any home, either next door or down the street, open up the potential for undesirable behavior to occur in our community.

This could range from a renter being a criminal to a person who is uneducated in the potential actions that could lead to a catastrophic fire that could wipe out the neighborhood. Yes these are extreme and yet possible.

As a home owner I feel the benefit of one home owner does not outweigh the risks to the balance of the neighborhood.

Thank you for your time

From: [Gary Justus](#)
To: [Claire Byers](#)
Cc: [Gary Justus](#)
Subject: --{EXTERNAL}-- Case Number 21-133406VC Comment
Date: Wednesday, January 26, 2022 3:01:13 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Reference:

Case Number 21-133406VC Comment
Case Type: Variance-BOA
Where: 28024 war Admiral TRL
Case Manager: Claire Byers
Purpose: A Special Exception to allow a Short Term Rental

Dear Ms. Byers and Board of Adjustment:

I support the granting of this variance. I live nearby (0.6 miles) on the west side of the Evergreen Meadows subdivision. I am a past president (2019) and long time board member and officer (2008-2019) of the Evergreen Meadows Homeowners Association, Units 1-9, which includes nearly 500 homes and which administers the **Declaration of Protective Covenants and Restrictions for Evergreen Meadows, Units 1-9** which covers this property.

I have read the relevant online documents supporting this application. I find them complete and in line with the terms of the Declaration. The Declaration does specifically permit use of a residential dwelling for profit, provided it meets certain conditions, which are listed below. The text below is taken directly from the existing Declaration, which is on file with the Jeffco Clerk and Recorder. In my personal opinion and based upon my extensive experience with EMHA, I find the proposed use would not violate the Declaration. I might add that there are at least two other existing short term rentals located in the subdivision and these have not been challenged by the HOA under the terms of the Declaration.

I commend the applicants for choosing to utilize the proper approval processes and for planning to follow all county and State of Colorado rules and laws in the operation of their business. I recommend your approval of this application.

Sincerely,

Gary R. Justus, writing on behalf of myself
Past President, Evergreen Meadows Homeowners Association
8297 Centaur Drive
Evergreen, CO 80439
garyrjustus@q.com
303-674-3159 home

A valuable link for understanding the limited ability of a Colorado HOA to restrict short term rentals is available at <https://altitude.law/resources/newsletter/have-your-eyes-wide-open->

[when-adopting-a-ban-on-short-term-rentals/](#) .

Declaration of Protective Covenants and Restrictions for Evergreen Meadows, Units 1-9 (*emphasis added in bold*)

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions for "single-family dwelling" shall be taken directly from the current edition of the Jefferson County Building Code, except that the definition of family, as used herein, shall mean persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes.

- a) A use conducted for profit within in a residential dwelling unit is permitted, provided, however, that it meets the following conditions:
- i) The full-time residents of the dwelling unit shall be the only persons engaged in the activity which takes place on the site;
 - ii) The activity is carried on only within the structures on the site and is, therefore, clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof;
 - iii) The storage of materials to be used in the activity shall be inside either the dwelling unit or a permitted accessory building;
 - iv) There shall be no external evidence which, in any way, shall advertise the performance of the activity;
 - v) In no way shall the general public be invited or solicited upon the premises;
 - vi) Instruction of students shall be limited to one pupil at any one time.

CASE SUMMARY
Regular Agenda

BOA Hearing Date: February 16, 2022 (Continued from February 2, 2022)

21-133406VC Special Exception

Owner/Applicant: Arden D. Lindsey

Location: 28024 War Admiral Trail, Evergreen
Section 34, Township 5 South, Range 71 West

Approximate Area: 2.00 Acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **To allow a Short-Term Rental.**

Case Manager: Claire Byers

Issues:

- None

Recommendations:

- **Staff:** Recommends Approval subject to conditions

Interested Parties:

- None

Level of Community Interest: High

Case Manager Information: Phone: 303-271-8719 e-mail: cbyers@jeffco.us

Staff Report

BOA Hearing Date: February 16, 2022 (Continued from February 2, 2022)

21-133406 VC Special Exception

Owner/Applicant: Arden D Lindsey

Location: 28024 War Admiral Trail, Evergreen
Section 34, Township 5 North, Range 71 East

Approximate Area: 2.0 acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: To allow a Short-Term Rental.

Case Manager: Claire Byers

Previous Actions: N/A

Surrounding Zoning: North: Suburban Residential-Two (SR-2)
South: Suburban Residential-Two (SR-2)
East: Suburban Residential-Two (SR-2)
West: Suburban Residential-Two (SR-2)

Existing Use: Residential

Existing Structures: Single-Family Home

Services: Evergreen Fire District
Individual Well and Septic

BACKGROUND/DISCUSSION:

The applicant is requesting to use their residence at 28024 War Admiral Trail as a Short-Term Rental (STR). The residence is a four-bedroom home on a 2.0-acre parcel. The applicant resides here part of the year, and also has a home in Denver, Colorado. The property and residence meet all requirements of the Special Exception to allow a STR.

SITE CHARACTERISTICS AND IMPACTS:

The property is located west of County Highway 73. The property takes access from War Admiral Trail, a public County-maintained Road. The only structure on the property is the single-family dwelling.

ZONING REQUIREMENTS AND ANALYSIS:

Section 11.B.2.e of the Jefferson County Zoning Resolution provides criteria for the Board of Adjustment to review for a Special Exception. With respect to a short-term rental of a single-family dwelling the following criteria are analyzed:

- (1) The Board of Adjustment may permit a short-term rental within the R-1, RR, MR-1, SR-1,

SR-2, SR-5, A-1, A-2 or A-35 zone districts or a comparable Planned Development zone district.

(a) The Board of Adjustment, in reviewing and making its decision upon such applications shall consider the impacts of the proposed use upon property in the surrounding area, including but not limited to:

(a-1) Traffic impacts, volume of trips, safety and access;

The applicant states that the Short-Term Rental will produce negligible, if any, additional traffic for the area. The property has a 2-car garage, and additional room for three vehicles along the circular drive on the pavement. All five parking spaces allow independent egress in the event of emergency. Per house rules, parking on the street would be prohibited.

(a-2) Fire hazards;

The property is served by the Evergreen Fire Protection District. The subject property is within the Wildfire Hazard Overlay District. The applicant has completed a Defensible Space permit in September of 2021, which is a requirement prior to issuing a Short-Term Rental Permit if the Special Exception is approved. The Zoning Resolution prohibits Short Term Rentals from having outdoor fires using wood or charcoal as fuel. The applicant has provided House Rules that include prohibiting open flames of any kind at all times of year due to the extreme risk of forest fire and personal safety. The House Rules also state that smoking and fireworks are not allowed.

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties;

No negative visual impacts will be created by the approval of this application. The single-family dwelling is the only structure that will be used as a Short-Term Rental, and no additions to the dwelling are proposed.

(a-4) Noise;

The Short-Term Rental use must comply with adopted County and State noise ordinances. The Jefferson County Sheriff's Office enforces these ordinances.

(a-5) Drainage, erosion and flood hazards;

There is not a FEMA Floodplain on the property therefore the proposed Short-Term Rental would not increase the deleterious effects of flood hazards, drainage, or erosion on the property.

(a-6) Community character;

The home was originally built in 2003. Allowing this residential property to become a Short-Term Rental would not affect community character, as it will remain residential.

(a-7) Adequate water and sewage disposal availability;

The property is served by an individual well and septic system. The septic system is rated for four bedrooms, which would allow for 8 total overnight occupants, including the homeowner if present, per Public Health guidelines.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area;

The single-family dwelling to be used as the Short-Term Rental meets all lot and building standards of the underlying zone district. The property also provides adequate parking for the home's use as a Short-Term Rental and single-family residence to ensure that all vehicles will be parked on site.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and

The structure in which the Short-Term Rental would be conducted is residential in nature which is compatible with the surrounding residential uses.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area.

Staff finds that the use of a Short-Term Rental would not create negative effects on the health, safety, or welfare of the residents in the surrounding area, since it would have similar impacts as a single-family residential property.

(2) Limitations upon Short-term Rental Special Exception Applications

(a) The lot, parcel, or boundary area subject to the Special Exception must conform to:

(a-1) A minimum lot size of one acre.

The subject property is 2.0 Acres.

(a-2) Building standards of the underlying zone district.

The structure meets the lot and building standards of the SR-2 zone district.

(b) The proposed short-term rental shall provide a minimum of one (1) off-street parking space, plus one (1) additional off-street parking space per bedroom room. For example, a five-bedroom residence must have six off-street parking spaces to meet this criterion.

The property intended for short-term rental has four bedrooms. This would require five parking spaces. There is a two-car garage on site and adequate parking is provided in the driveway which currently has a wide, paved area to supply the five required spaces.

(c) The property owner shall comply with any defensible space requirements as set forth in the Wildfire Hazard Overlay District.

The subject property is within the Wildfire Hazard Overlay District. A Defensible Space Permit has already been completed by the applicant.

(d) Valid water and sanitation must be provided either by an appropriate water and sanitation district or by a valid well permit and individual sewage disposal system (ISDS) permit specific to the property.

The property is served by an individual well and septic system. The Well Permit number, as provided by Colorado Division of Water Resources, is 225698; this is a Residential Well, for household use only and is adequate for a Short-Term Rental.

The On-Site Wastewater Permit number is 14-104579 OW; it is rated for 4 bedrooms. Per the guidance provided by Public Health, the septic system rated for 4 bedrooms has an occupancy limit of 8 persons.

(e) The lot, parcel, or boundary area subject to the Special Exception shall take legal access from a County maintained right-of-way or a private road that meets the minimum standard for private roads and driveways or non-maintained County right-of-way as set forth in the Jefferson County Roadway Design and Construction manual.

The Short-Term Rental takes access from War Admiral Trail, a County-maintained right-of-way road.

(f) The short-term rental shall offer overnight accommodations in the primary single-family dwelling in existence on the property, not in an accessory dwelling unit. The entire property including accessory uses in the corresponding zone district may be utilized by the guests of the short-term rental.

The structure on the property to be rented is a single-family dwelling, and the property does not have an Accessory Dwelling Unit.

(g) The property owner may not, at the time of application for the Special Exception, be the subject of an ongoing zoning violation other than the short-term rental of a single-family dwelling.

There are no active violations on the property at the time of this report.

(h) No substantial detriment to the intent of the Zoning Resolution will be caused.

Staff finds that the approval of this Special Exception will not harm the intent of the Zoning

Resolution, as the use is substantially similar to the residential uses already permitted on the property.

(3) Such Special Exception, if granted, will be valid for a period of six months from the date of the approval of the short-term rental Special Exception request and thereafter may be renewed annually after a complete rehearing by the Board of Adjustment to determine that the use is in compliance with the intent and purpose for which the Special Exception was granted.

(4) Upon an affirmative decision, the applicant shall submit a request for a Short-Term Rental Permit including documentation that all requirements and conditions of the Special Exception granted pursuant to this section have been fulfilled.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to adjacent property owners, (which includes the property owners on the opposite side of the public local street) and to the Registered Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception request, was provided to the applicant for posting on the site. The sign was provided to the applicant with instructions that the site be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification are:

- Evergreen Meadows HOA
- Conifer and South Evergreen Community Committee
- Jefferson County Horse Council
- PLAN Jeffco
- Berrien Ranch Umbrella Group for Evergreen South

During the processing of the application, Staff received thirteen public comments in opposition and two public comments in support related to this request. The primary concerns of the comments in opposition include HOA covenants, fire risk, neighborhood character, traffic, noise, and nearby animal mating. Some of these concerns are outside of the scope of the Zoning Resolution regulations for a short-term rental and the County does not enforce HOA covenants.

The full comments are included in the case packet.

ANALYSIS:

Staff has evaluated this request based on the requirements for the approval of a Special Exception request for a Short-Term Rental as listed in Section 11.B.2.e. of the Jefferson County Zoning Resolution. Staff finds that the applicant has met the requirements necessary to allow this request.

STAFF FINDINGS:

1. Staff finds that the applicant meets all of the requirements under Section 11.B.2.e of the Jefferson County Zoning Resolution regarding Short-Term Rentals.
2. Staff recommends APPROVAL of Case No. 21-133406 VC, subject to the following conditions:
 - a. A Short-Term Rental Permit shall be obtained from Jefferson County Planning & Zoning prior to any rental of the property; and

- b. This approval is granted for six months from the date of approval, or until August 02, 2022, and it shall be the responsibility of the applicant to apply for a renewal of this Special Exception within that timeframe; and
- c. The Short-Term Rental must be limited to no more than eight persons, or seven persons if the applicant is present at the home, based on the limitations of the On-Site Wastewater System

COMMENTS PREPARED BY:

Claire Byers
Claire Byers, Planner

CASE SUMMARY
Consent Agenda

BOA Hearing Date: December 7, 2022

22-107183VC Variance and Special Exception

Owner/Applicant: Santiago J. Salcedo and Sylvia S. Caricote de Salcedo

Location: 31774 Miwok Trail, Evergreen
Section 20, Township 5 South, Range 71 West

Approximate Area: 1.02 Acres

Zoning: Agricultural-One (A-1)

Today's Action: **To continue the case for more information on the well permit and Fire Protection District access.**

Purpose: Variance to legalize:
1) A rear setback of 49.4 feet to the north where a setback of 50 feet is required for a deck; and
2) A side setback of 26.0 feet to the east where a setback of 30 feet is required for a deck; and

Special Exception to allow:
3) A Short-Term Rental limited to a six-person occupancy.

Case Manager: Cassidy Clements

Issues:

- None

Recommendations:

- **Staff:** Recommends APPROVAL

Interested Parties:

- None

Level of Community Interest: Low

Case Manager Information: Phone: 303-271-8728 e-mail: cclement@jeffco.us

CASE SUMMARY
Consent Agenda

BOA Hearing Date: December 7, 2022

22-119819VC Special Exception

Owner/Applicant: Erich Woessner and Erin Woessner

Location: 5976 Flora Way, Arvada
Section 7, Township 3 South, Range 69 West

Approximate Area: 0.4 Acres

Zoning: Residential-One (R-1)

Purpose: Special Exception to renew a Home Occupation of an osteopathy practice.

Case Manager: Cassidy Clements

Issues:

- None

Recommendations:

- **Staff:** Recommends APPROVAL

Interested Parties:

- None

Level of Community Interest: Low

Case Manager Information: Phone: 303-271-8728 e-mail: cclement@jeffco.us

Staff Report

BOA Hearing Date: December 7, 2022

22-119819VC Special Exception

Owner/Applicant: Erich Woessner and Erin Woessner

Location: 5976 Flora Way, Arvada
Section 7, Township 3 South, Range 69 West

Approximate Area: 0.4 Acres

Zoning: Residential-One (R-1)

Purpose: **Special Exception to renew a Home Occupation of an osteopathy practice in an R-1 zone district.**

Case Manager: Cassidy Clements

Previous Actions: 14-119144VC – Special Exception to allow a Home Occupation of an osteopathy practice.
15-120941VC; 16-122612VC; 17-126801VC – Special Exception to renew a Home Occupation of an osteopathy practice.

Surrounding Zoning: North: Residential-One (R-1)
South: Residential-One (R-1)
East: Residential-One (R-1)
West: Residential-One (R-1)

Existing Use: Single-family residential

Existing Structures: Single family detached residence with an attached garage

Services: Arvada Fire Protection, North Table Mountain for water and sewer

BACKGROUND/DISCUSSION:

The applicant is requesting a Special Exception to renew a Home Occupation for an osteopathy practice. Osteopathy is a type of alternative medicine that emphasizes physical manipulation of the body's muscle tissue and bones. The applicant initially received approval for this Home Occupation in 2014 and received approval to renew the Home Occupation in 2015, 2016, and 2017, receiving approval in 2017 to operate for 5 years.

The application does not meet the Conditions and Requirements of the Home Occupation Section (21.C) of the Jefferson County Zoning Resolution which means approval of this request is needed by the Board of Adjustment per Section (21.F) of the Jefferson County Zoning Resolution. The applicant currently uses an assistant who works virtually. The Home Occupation will be limited to only one employee on site. The Home Occupation would only use 703 square feet of the primary home, 10% of the floor area of the structure, with all storage remaining within the office area. The

driveway will be used for the 1 required parking space, with an additional spot being located in the cul-de-sac in front of the house as necessary. Six of the immediate neighbors signed a letter indicating their support of this proposal.

SITE CHARACTERISTICS AND IMPACTS:

The property is located near Arvada and is part of the Car-O-Mor Heights Third Addition Plat (Reception No. 84040889). The property contains a two-story, detached home with an attached garage. The impact of this Home Occupation to the surrounding community is expected to be minimal to none. The property is accessed from Flora Way, a paved, County-maintained street.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to adjacent property owners, (which includes the property owners on the opposite side of the public local street) and to the Homeowners' Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception request, was provided to the applicant for posting on the site. The sign was provided to the applicant with instructions that the site be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification include:

- Fairmount Improvement Association
- Jefferson County Horse Council
- Plan Jeffco

During the processing of the application, Staff only received responses in support of the request, via the signed letter provided by the applicant in their initial application.

ANALYSIS:

The proposed request complies with all the criteria for a home occupation as outlined in the Board of Adjustment Section of the Jefferson County Zoning Resolution.

- (1) The Board shall not permit any home occupation specifically excluded in the Home Occupations Section of this Zoning Resolution.

An osteopathy practice is not specifically excluded in the Home Occupations section of this Zoning Resolution. This type of medical practice is considered closer to a medical consultation service, which is allowed, than a medical facility, which is not.

- (2) Such home occupation shall be approved initially for a period of up to one year and may be renewable for periods of greater duration after complete rehearing thereon by the Board of Adjustment.

This is the applicant's fourth application for a Special Exception to renew a Home Occupation. This last renewal allowed for five years before needing to renew again. Should this request be granted, the applicant will be required to renew the Special Exception again in five years' time.

- (3) The Board shall, at the time of approval thereof, establish restrictions on location, access, water and sewer facilities and any other reasonable stipulations deemed necessary for the protection of the health, safety and welfare of the citizens of Jefferson County.

A reasonable stipulation deemed necessary for the protection of the health, safety and welfare of the citizens of Jefferson County is for the applicant to maintain operation hours of 7:00am to 7:00pm on weekdays, 7am-12pm on Saturdays, and being closed on Sundays.

- (4) In approval or denial of home occupations herein, the Board of Adjustment shall give consideration to all incidental uses in connection therewith concerning the extent of retail sale of commodities, if any.

The applicant has not requested approval of any incidental uses outside of the requested home occupation.

- (5) Such home occupation shall be conducted by the inhabitants of the residential property and shall terminate automatically upon any conveyance of possession or termination of lease or rental agreement.

This home occupation will be conducted by the inhabitants of the property and, if approved, this Special Exception shall not run with the land. All home occupations are limited to one additional employee not living on site, and the applicant has stated that they have one employee who works virtually.

- (6) Such home occupation shall be approved only if it is compatible with the general spirit and intent of this Zoning Resolution and to promote the general welfare.

Staff is of the opinion that the home occupation is compatible with the general spirit and intent of the Zoning Resolution. The home occupation does not change the zoning, nor establish any entitlements that run with the property.

- (7) The impact of the home occupation shall not adversely affect the character of the surrounding area.

The impact of the home occupation to the surrounding community is expected to be minimal. The largest concern was the potential impact on traffic, as there may be two cars at any given time for the practice, one in an appointment and one waiting. Parking is being supplied on-site, and the cul-de-sac experiences low enough traffic that the potential for one car parked in the cul-de-sac present minimal impacts to the neighborhood.

- (8) Signage shall be in accordance with the Signs Section of the Zoning Resolution.

Currently, the applicant doesn't intend to have a sign for the business, if they do they will comply with the signage requirements of the Zoning Resolution. Sign requirements shall be met.

- (9) Maximum number of employees: one.

The maximum number of employees not living on the site is limited to one and the applicant has stated that they have one employee that works virtually.

FINDINGS/RECOMMENDATIONS:

1. Staff finds that the Home Occupation complies with the criteria outlined in the Board of Adjustment Section of the Jefferson County Zoning Resolution as indicated in the staff analysis above;

AND

2. Staff recommends that the Board of Adjustment **APPROVE** Case No. 22-119819VC subject to the following conditions:

A. A miscellaneous permit for a home occupation shall be obtained within 3 months of the approval of this request, on or before March 7, 2023.

B. The allowable hours of operation shall be Weekdays 7:00am to 7:00pm, Saturdays 7:00am to 12:00pm, and closed on Sundays.

- C. The home occupation shall be limited to the osteopathy practice.
- D. The applicant must comply with the conditions and requirements for Home Occupations as described in the Home Occupations Section of the Zoning Resolution.
- E. This approval is granted for five years or until December 7, 2027, and it shall be the responsibility of the applicant to apply for the renewal special exception within that time frame. Should the applicant fail to file a renewal application prior to the expiration date, the filing fee shall be doubled.
- F. The applicant shall provide one (1) parking space on the driveway for the Home Occupation.

COMMENTS PREPARED BY:

Cassidy Clements

Cassidy Clements, Planner

Jefferson County
Board of Adjustment
Application

Variance • Special Exception • Appeal

JEFFERSON
COUNTY COLORADO
Planning and Zoning

100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning.jeffco.us
pzpermits@jeffco.us

Case Number (for staff use only): 22-119819VC

This application may be used for Variance, Special Exception and Appeal requests before the Board of Adjustment, including relief from zoning regulations, short term rentals and some home occupations. Please refer to the reverse side of this page for submittal requirements.

Submit this application and all necessary documents electronically to pzpermits@jeffco.us.

Applicant and Site Details

5976 Flora Way	Arvada	80004
Address of Subject Property, Legal Description and/or Parcel ID Number		City Zip
Erin and Erich Woessner	smurfwoess@gmail.com	3036388865
Property Owner	Email	Phone Number
5976 Flora Way	Arvada	CO 80004
Mailing Address	City	State Zip
Self	smurfwoess@gmail.com	3036388865
Contractor/Representative	Email	Phone Number
For sign pick-up, please contact: <u>Erin Woessner</u> Email: <u>smurfwoess@gmail.com</u> Phone Number: <u>303-638-8865</u>		

Specific Request

This is a request for renewal of a current special exception for a home occupation of an osteopathy practice at the above address. Please see the prior resolution number 17-126801 that approved this request previously for 5 years and is accompanying this application form. I am applying for the same 5 year approval time period.

Applicant Acknowledgments

- ☒ Applications will not be accepted unless all submittal requirements have been met. If during staff review any application is found to contain incomplete and/or inaccurate information, the case may be postponed until all necessary submittal documentation has been received. Documents larger than 11 x 17 can be submitted electronically.
- ☒ I understand the filing fee is to cover costs of administration, research, and hearing of this case and is non-refundable.
- ☒ I hereby give permission for County staff and Board members to enter upon my property for purposes of site inspection and investigation. Please specify any extraordinary circumstances of which staff should be aware, i.e., the presence of dogs on the site, locked gates, etc. The property must be accessible for site inspection.
- ☒ The applicant will receive a copy of the Board's decision, which may be recorded through the Jefferson County Clerk & Recorder's Office.
- ☐ For Variance cases only: A Setback Verification Form will be required as a part of the Building Permit process for Variance cases involving relief from setback requirements.
- ☐ For Variance cases only: I have read and understand the BOA Variance guide, and certify the site plan or survey is fully accurate, depicting all structures on site.

Erin M. Woessner, DO
Signature of Owner or Authorized Representative

6/10/2022

Date

Jefferson County Board of Adjustment Application

Case Number (for staff use only): 22-119819VC

Submittal Requirements

The numbers checked with each specific type of request correspond to the numbered submittal requirements at the right. Additional documentation may be required, as determined by staff on a case-by-case basis.

Request: \$ 200.00 (additional notification fees will apply)

Variance	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Lot size	X	X	A	X	X	X	X							
<input type="checkbox"/> Setback(s)	X	X	A	X	X	X	X	X						
<input type="checkbox"/> Parking	X	X	A	X	X	X		X				X		
<input type="checkbox"/> Height	X	X	A	X	X	X		X		X				
<input type="checkbox"/> Access Standards	X	X	A	X	X			X						
<input type="checkbox"/> Accessory Square Footage/Footprint	X	X	A	X	X	X	X	X	X					
Special Exception*	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input checked="" type="checkbox"/> Home Occupation**	X	X	B	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Short Term Rental**	X	X	C	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Commercial Solar or Wind Installation	X	X	D	X	X	X		X		X		X		
Appeal	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Director's Determination	X	X		X	X	X								X

List of Submittal Requirements

- Signed application form
- Cover letter
- Addendum A, B, C, or D
- Copy of current deed
- Proof of proper division of land (if parcel is Metes & Bounds or contains portions of platted lots)
- Letter of authorization if a contractor or other contact will appear on the owner's behalf
- Improvement Survey Plat (signed and stamped by licensed surveyor) depicting all property lines and all existing improvements on the property
- Detailed site plan showing proposed improvements
- Floor plans of existing and proposed structures
- Architectural elevations
- Photographs of the interior
- Parking plan (can be combined with 7 or 8)
- Evidence of water and/or wastewater service
- Other: _____

A. Variance Addendum
B. Home Occupation Addendum
C. Short Term Rental Addendum
D. Commercial WECS/SECS Addendum

* Fees are online at our website at planning.jeffco.us. Make checks payable to Jefferson County Treasurer.

** Short Term Rentals and Home Occupations: It is the applicant's responsibility to renew a Special Exception prior to expiration.

Staff Use Only

R-1	CAR-O-MOR HEIGHTS THIRD ADD	17-126801VC
Zoning of Site	Plat	Receipt
12,500 SF	.4 ac (17,424 SF)	191
Lot size Required	Lot Size Shown	FEMA Map Number
Legal Access via: Flora Way		
Number of Postcards Required: 9	ISP Submitted (check one): <input type="checkbox"/> Print <input type="checkbox"/> Via email to: _____ <input type="checkbox"/> N/A	
Kristen Cowan 8-17-22		
Reviewed by		Date
Comments: Payment and updated docs received 8-4-22		

B. Home Occupation Addendum

Case Number (for staff use only): _____

1. Describe the proposed Home Occupation.

This is an osteopathic practice renewal - Please also refer to the adjoining application documents submitted. I offer office consultations for osteopathic medical and holistic healing services.

2. Please check if the Home Occupation is one of the following:

- ☐ a. Body or mechanical repair, modification, or painting of motor vehicles and repair of internal combustion engines
- ☐ b. Animal hospital or kennel
- ☐ c. Medical/dental facilities other than office consultation services
- ☐ d. Restaurant
- ☐ e. Tattoo shops/parlors
- ☐ f. Retail sales, other than ancillary to a permitted Home Occupation

3. Where on the property will the proposed Home Occupation take place?

Please include the square footage of the area. You must attach floor plans (drawn to scale) highlighting which rooms/areas will be used.

The home occupation is located in the northwest aspect of the home on the 1st floor. The area covers 3 rooms and an entryway, totaling 703 sq ft. You will access this through the front door during office hours. Upon 1st entering you are in the entry way. The room to the right is the waiting room and rest room, to the left is the treatment room. Just beyond the treatment room is my administrative office area.

4. Where will you store stock, supplies, products or other materials related to this Home Occupation?

All office and practice related items are stored within the office space delineated above.

5. How many employees will work here? How many of those employees live on site?

1-2 employees - Currently it is just myself and I do live on site. Currently I use a virtual assistant who is not on the premises.

6. List the proposed hours of operation.

My hours are within what has been approved - Weekdays 7am-7pm and Saturday 7am-12pm. Closed on Sunday.

B. Home Occupation Addendum

Case Number (for staff use only): _____

7. Is there another Home Occupation already taking place on this property? ☐ Yes ☒ No

If yes, please provide a permit number: _____

8. Please describe any noise, vibration, smoke, dust, odors, heat or glare that could be created as a result of this Home Occupation.

None

9. How many vehicles could visit at any one time as a part of this proposed Home Occupation? Please provide a site plan (drawn to scale) showing where parking will take place.

1-2 cars will visit at a time. There may be overlap as one patient finishes and another arrives. Currently one can park in the driveway, one in the cul-de-sac.

10. Will your Home Occupation have any commercial vehicles associated with it? If yes, please explain.

The County defines commercial vehicles as any truck tractors, semi-trailers, delivery vehicles, tow trucks, commercial hauling trucks, vehicle repair service trucks, vehicles with blades attached for plowing or grading, construction vehicles (ex: bulldozers, backhoes, dump trucks, etc.), vehicles or trailers designed or used to transport commodities, merchandise, produce, freight, animals or passengers for a fee; vehicles similar to those described above that are not ordinarily used for personal transportation.

No

11. What potential impacts could there be on your neighbors, and how do you propose to mitigate these impacts?

In the years since opening my practice in the front of my home the impact on my neighborhood has been minimal. I am mindful of traffic flow - 1 patient every 45 minutes for follow-up appointments and one every 90 minutes for a new patient appointment. Traffic flow is thus about 1 car per hour.

My neighbors and I are all friendly and supportive. We coordinate and have conversations to take care of each other as needs arise

Mr. Hult moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. 17-126801

CASE NO: 17-126801VC

APPLICANT: Erin Woessner

LOCATION: 5976 Flora Way
Section 7, Township 7 South, Range 69 West

ZONE DISTRICT: Residential One (R-1)

PURPOSE: To renew a Home Occupation of an osteopathy practice

WHEREAS, Erin Woessner has filed an application with the Planning & Zoning Division of Jefferson County requesting a SPECIAL EXCEPTION for the herein described property in Jefferson County to renew a Special Exception for a Home Occupation of an osteopathy practice;

WHEREAS, the Board of Adjustment is vested with authority to grant or deny such special exceptions by virtue of Section 4.B.2 of the Jefferson County Zoning Resolution;

WHEREAS, after notice as provided by law, a public hearing was held by the Jefferson County Board of Adjustment on November 1, 2017; and

WHEREAS, based on the evidence, testimony, exhibits, comments of public officials, agencies, and staff, and comments from all interested parties, this Board finds as follows:

1. That proper posting and public notice was provided as required by law for the hearing before the Board of Adjustment of Jefferson County and the Planning and Zoning case file is hereby incorporated into the record.
2. That the hearing before the Board of Adjustment was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at this hearing.
3. That the proposed request complies with all the criteria for a Home Occupation as outlined in Section 4.B.2.e of the Jefferson County Zoning Resolution as analyzed in the staff report.

4. Granting the relief requested is compatible with the general spirit and intent of the Zoning Resolution and promotes the general welfare and does not adversely affect the character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that Board of Adjustment Case No. 17-126801VC be and hereby is **APPROVED** subject to the following conditions:

- a. The allowable hours of operation shall be 7:00am to 7:00pm on Weekdays, 7:00am to 12:00pm on Saturdays, and closed on Sundays.
- b. The applicant shall provide one (1) parking space on the driveway for the Home Occupation.
- c. The home occupation shall be limited to the osteopathy practice.
- d. The applicant must comply with all conditions and requirements for Home Occupations as described in Section 9.C of the Zoning Resolution.
- e. This approval is granted for five (5) years from the previous Special Exception application deadline, or until September 1, 2022, and it shall be the responsibility of the applicant to apply for the renewal variance within that time-frame.

Mr. Ford seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Mr. Bourg	-	"aye"
Mr. Iadarola	-	"aye"
Mr. Ford	-	"aye"
Mr. Hult	-	"aye"
Mr. Matis	-	"aye"

The Resolution was adopted by a unanimous vote of the Board of Adjustment of the County of Jefferson, State of Colorado.

November 1, 2017

Erin Woessner
5976 Flora Way
Arvada, Colorado 80004
August 4, 2022

Jefferson County, Colorado
Planning & Zoning Division
100 Jefferson County Parkway, Suite 3550
Golden, Colorado 80419

To Whom It May Concern:

I am writing in application for renewal of Special Exception to operate an osteopathic practice out of my home at 5976 Flora Way, Arvada, Colorado, 80004. As a Doctor of Osteopathy, I provide consultations in traditional osteopathic medicine and natural health. Consultations consist of a thorough history, osteopathic structural and functional examination and osteopathic manipulation. In osteopathic manipulation I use my hands to apply gentle, assistive techniques to help people heal. Some of the types of techniques I utilize include osteopathy in the cranial field, balanced ligamentous tension, facilitated positional release, low velocity low amplitude, high velocity low amplitude, myofascial release, muscle energy, visceral, strain counter-strain, dry needling, and other assorted energy healing techniques. I provide a quiet, peaceful, restorative space for my patients to create a healing environment that increases the expression of their intrinsic health and ease their pain, perhaps even transform their lives.

Preserving the peaceful and friendly environment of the neighborhood is important to me for both the sake of the neighborhood and to be able to create the therapeutic environment that is needed for my consultations. To achieve this goal, I keep appointment times long, limit the number of people seen in a day and organize parking to be easy and stress-free. My consultations will range from 45-90 minutes and I will not provide more than 12 consultations in a day. Parking will be in my personal driveway, completely on the property, or in front of the brick pillars directly in front of my home. If approved, I will of course adhere to all of the conditions and requirements listed in Section 9C of the Zoning and Planning Resolution for Home Occupations; as included below:

- Home occupations shall be operated subject to the following: (orig. 6-23-81)
1. A miscellaneous Permit must be obtained from Planning and Zoning. (orig. 3-26-13)
 2. Such home occupation shall be in conformance with other existing laws and regulations of the County. (orig. 6-23-81; am. 12-17-02)
 3. Such home occupation shall be conducted entirely within a lot, parcel or tract of land and carried on by the inhabitants living there. The home occupation is limited to the use of 1 additional

employee beyond those living on the subject property. (orig. 6-23-81; am. 7-1-03)

4. Such home occupation shall be clearly secondary to the use of the lot, parcel or tract of land for residential purposes and shall not change the character thereof. (orig. 6-23-81)

5. The total area used for such home occupations shall not exceed 25 percent or no more than 800 square feet of floor area per lot, parcel or tract of land and shall be limited to the main residential structure, except for state licensed or certified

6. There shall be no more than one wall sign advertising the home occupation. The sign shall be limited to a maximum of 4 square feet and shall have no exterior, interior or neon lighting. (orig. 6-23-81; am. 12-17-02; am. 7-1-03)

7. All incidental storage of stock, supplies or products shall be contained within the total area used for the home occupation. (orig. 6-23-81; am. 12-17-02)

8. There shall be no exterior storage on the lot, parcel or tract of land of material or equipment used as a part of the home occupation. (orig. 6-23-81)

9. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable beyond any boundary line of the lot, parcel or tract of land due to the conduct of the home occupation. (6-23-81)

10. The home occupation may increase vehicular traffic flow and customer parking by no more than 2 additional vehicles at a time, except for state licensed or certified day-care homes. (orig. 6-23-81; am. 6-14-88; am. 7-1-03)

Please also note that only 2 of the 6 properties that are directly adjacent to this parcel have a road in common. The other 4 are on the south and east side of the property that adjoin to my back yard and is separated by a fence. As noted above, and in the attached map, the office space is contained entirely in the north side of the home and occupies approximately 10% of the finished square footage of the home.

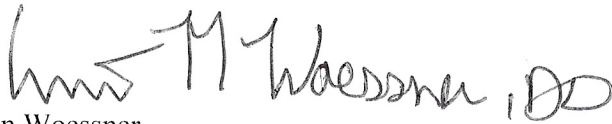
It has been 8 years now since the approval of my initial application. The traffic flow, and daily business operations are running smoothly without any neighborhood complaints; indeed, there are many that live in the neighborhood that are excited to be able to walk to my office for their appointment! In the rare event that my neighbors need something from me to change in the course of a day (business related or not), they are comfortable reaching out to me with their need and we coordinate to address it directly. The approved hours between 7am-7pm Monday through Friday and 7am-12pm Saturdays are working well.

Jefferson County Planning & Zoning Division
August 4, 2022
Page 3

I am grateful to have this continued opportunity to operate my practice out of my house. It is a blessing to be able to live and work at home while raising my two children and I now often take care of my neighbors for their medical healing needs right here in the neighborhood! How nice to be able to live in the suburbs and walk to your doctor's office?

Thank you for taking the time to review my application. Please contact me if I may provide any additional information.

Sincerely,

A handwritten signature in black ink that reads "Erin M. Woessner, DO". The signature is written in a cursive, flowing style. The "E" is large and loops around the "M". The "DO" is written at the end of the signature.

Erin Woessner
Erin M Woessner, DO, PLLC



Warranty Deed
(Pursuant to 38-30-113 C.R.S.)

State Documentary Fee
Date: November 09, 2012
\$ 66.00

THIS DEED, made on November 09, 2012 by DANIEL R. SATRIANA, JR. AND BARBARA J. SATRIANA Grantor(s), of the County of JEFFERSON and State of COLORADO for the consideration of (\$660,000.00) *** Six Hundred Sixty Thousand and 00/100 *** dollars in hand paid, hereby sells and conveys to ERICH WOESSNER AND ERIN WOESSNER Grantee(s), as Joint Tenants, whose street address is 5976 FLORA WAY ARVADA, CO 80004, County of JEFFERSON, and State of COLORADO, the following real property in the County of Jefferson, and State of Colorado, to wit: EW [Signature]

LOT 4, CAR-O-MAR HEIGHTS THIRD ADDITION, COUNTY OF JEFFERSON, STATE OF COLORADO.

also known by street and number as: 5976 FLORA WAY ARVADA CO 80004

with all its appurtenances and warrants the title to the same, subject to general taxes for the year 2012 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matters (Section 8.1) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.2) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusions of the Property within any special tax district; and other NONE

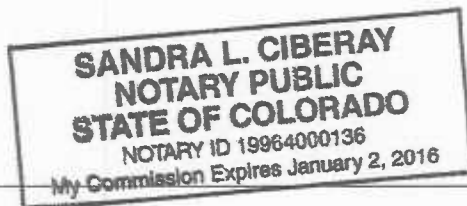
[Signature]
DANIEL R. SATRIANA, JR.

[Signature]
BARBARA J. SATRIANA

State of COLORADO)
) ss.
County of JEFFERSON)

The foregoing instrument was acknowledged before me on this day of November 09, 2012
by DANIEL R. SATRIANA, JR. AND BARBARA J. SATRIANA

[Signature]
Notary Public
My commission expires _____



When Recorded Return to: ERICH WOESSNER AND ERIN WOESSNER
5976 FLORA WAY ARVADA, CO 80004

WARRANTY DEED

RECEPTION NO. 91069584
8/02/91 11:10 10.25
RECORDED IN
COUNTY OF JEFFERSON
STATE OF COLORADO

THIS DEED, Made this 30th day of July, 1991 between
Kenneth M. Nelson

of the County of Jefferson and
State of Colorado, grantor, and
Daniel R. Satriana, Jr. and Barbara J. Satriana

whose legal address is 4345 Brentwood Street, Wheatridge, Colorado 80033

of the County of Jefferson and State of Colorado, grantees:

WITNESS that the grantor for and in consideration of the sum of FIFTY TWO THOUSAND FIVE HUNDRED AND 00/100, (\$52,500.00) Dollars, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all real property, together with improvements, if any, situate, lying and being in the County of Jefferson and State of Colorado, described as follows:

Lot 4, Car-O-Mor Heights Third Addition, County of Jefferson, State of Colorado.
also known by street and number as 5976 Flora Way, Arvada, Colorado 80004

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the grantees, their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except general taxes for 1991 and subsequent years; except easements, restrictions, covenants, conditions, reservations and rights of way of record, if any;

STATE DOCUMENTARY FEE

5-25
AUG 2 1991

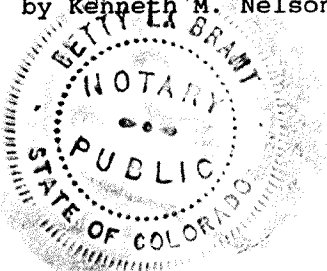
State Documentary Fee
Date
\$ 5.25

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs assigns, against all and every person or persons lawfully claiming the whole or any part thereof.
The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.
IN WITNESS WHEREOF the grantor has executed this deed on the date set forth above.


Kenneth M. Nelson

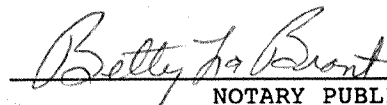
STATE OF COLORADO }
County of Jefferson } ss. The foregoing instrument was acknowledged before me
this 30th day of July, 1991

by Kenneth M. Nelson



No. 921A. Rev. 3-85

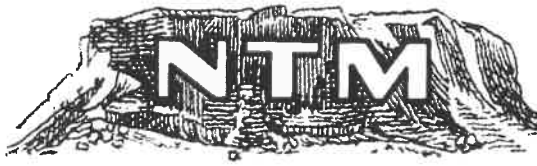
Witness my hand and official seal.
My commission expires August 17, 1994


NOTARY PUBLIC
215 Union Blvd. #315
Lakewood, COLORADO 80228

T.A.

BS

5.00



NORTH TABLE MOUNTAIN WATER AND SANITATION DISTRICT

14806 WEST 52ND AVENUE, GOLDEN, COLORADO 80403-1228

October 18th, 2022

Jefferson County Planning Department
Foothills Office Park
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419-3550

RE: 5976 Flora Way

Dear Jefferson County,

The North Table Mountain Water and Sanitation District serves the referenced property with both water and sewer service. The property is located within the District boundaries. The District has no concerns continuing to serve this property if the owner pursues a home based osteopathic business.

Sincerely,

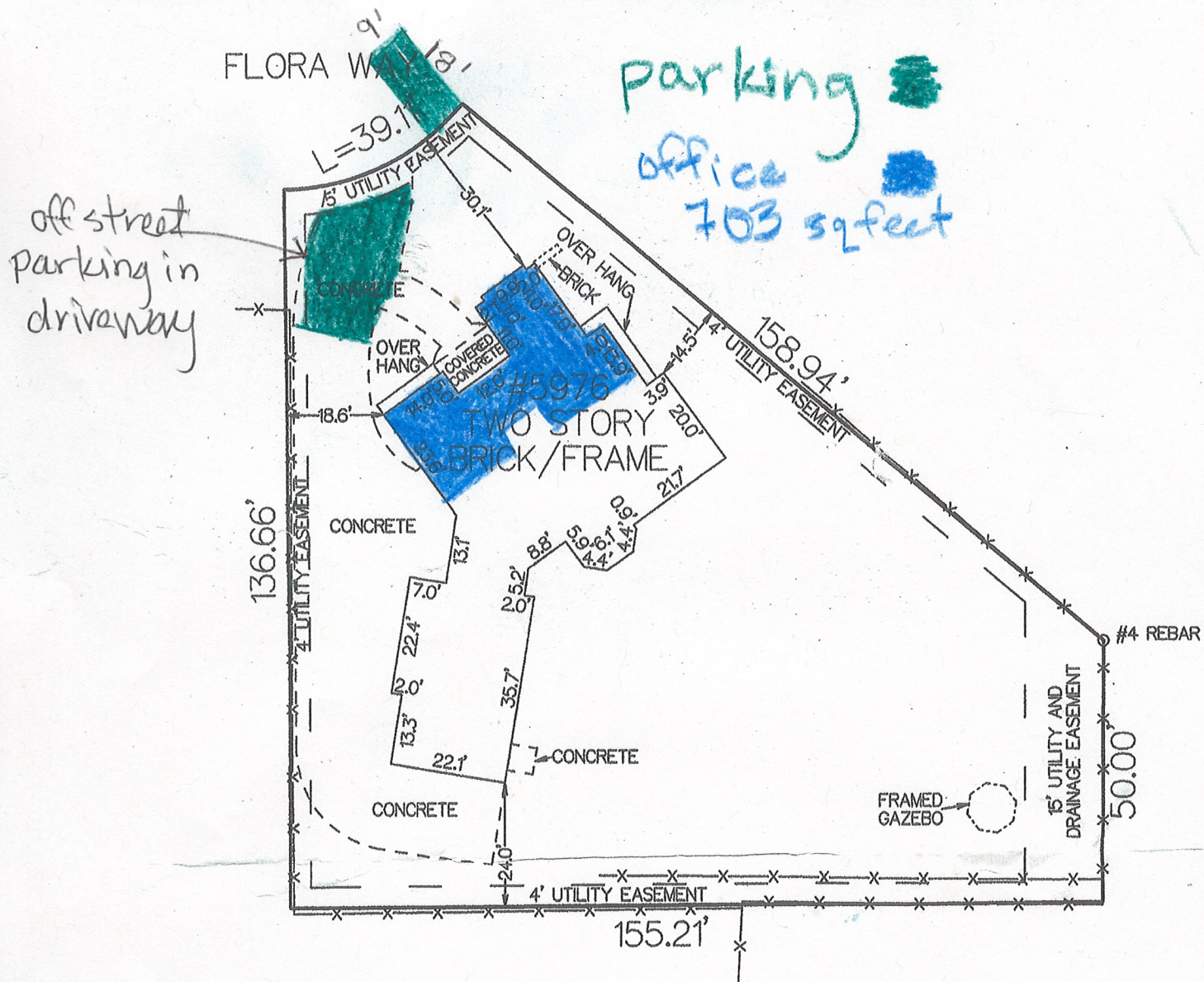
Bart Sperry, P.E.
District Manager/Engineer

Stillness Osteopathy, PLLC ... coming to Car-O-Mor Heights with your support!

I am Erin Woessner, DO; a caring practitioner of osteopathy, a devoted mother and lover of our neighborhood. I established a new business called Stillness Osteopathy, PLLC, in which I will provide natural, hands-on healing care to members of our community. Essential to this type of care is providing a peaceful, therapeutic space. What better place - with our quiet streets, friendly people and tranquil views of the front range - than in our neighborhood? Please help me in my application to provide office consultations out of the front room of my home (and still stay close to my baby girl!). You can show your support by signing below!

Yes! I support Erin Woessner, DO and Stillness Osteopathy, PLLC to provide osteopathic office consultations at 5976 Flora Way, Arvada, Colorado 80004.

Name: <u>Marilyn Delmonico</u>	Address: <u>5996 Flora Way</u>
Signature: <u>[Signature]</u>	<u>Arvada CO 80004</u>
Name: <u>Denise Bauer</u>	Address: <u>5956 Flora Way</u>
Signature: <u>[Signature]</u>	<u>Arvada CO 80004</u>
Name: <u>Paul S. Anderson</u>	Address: <u>5874 Fig St</u>
Signature: <u>[Signature]</u>	<u>Arvada CO 80004</u>
Name: <u>TORY LEOPOLDUS</u>	Address: <u>5911 ELLIS CT</u>
Signature: <u>[Signature]</u>	<u>ARVADA CO 80004</u>
Name: <u>Tom Menk</u>	Address: <u>5977 Flora Way</u>
Signature: <u>[Signature]</u>	<u>Arvada, CO 80004</u>
Name: <u>TIM LEAVITT</u>	Address: <u>5957 FLORA WAY</u>
Signature: <u>[Signature]</u>	<u>ARVADA, CO 80004</u>
Name:	Address:
Signature:	
Name:	Address:
Signature:	



COLUMBINE SURVEYING, INC.
 7573 South Ames Way
 Littleton, CO 80128
 303-972-8000 fax 303-972-8001

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for

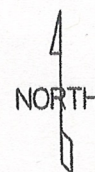
KENTWOOD CITY PROPERTIES

that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

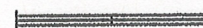
I further certify that the improvements on the above described parcel, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Notice: According to Colorado law you must commence any legal action based upon any defect in this improvement location certificate within three years after you first discovered such defect. In no event, may any

Note: All platted and apparent easements are shown. Record easements, if any, are located by information provided by the customer, unless otherwise noted.



Scale 1" = 30'











CASE SUMMARY
Regular Agenda

BOA Hearing Date: December 7, 2022

22-119725 VC Special Exception

Owner/Applicant: Anh Nguyen Dao

Location: 20133 Silver Ranch Road, Conifer
Section 28, Township 6 South, Range 70 West

Approximate Area: 4.16 Acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **To allow a Short-Term Rental**

Case Manager: Allie McGahee

Issues:

- None

Recommendations:

- **Staff:** Recommends **approval** subject to conditions

Interested Parties:

- None

Level of Community Interest: Low

Case Manager Information: Phone: 303-271-8736 e-mail: almcgahe@jeffco.us

Staff Report

BOA Hearing Date: December 7, 2022

22-119725VC Special Exception

Owner/Applicant: Anh Nguyen Dao

Location: 20133 Silver Ranch Road, Conifer
Section 28, Township 6 South, Range 70 West

Approximate Area: 4.16 Acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **To allow a Short-Term Rental**

Case Manager: Allie McGahee

Previous Actions: None

Surrounding Zoning: North: Suburban Residential-Two (SR-2)
South: Agricultural-Two (A-2)
East: Agricultural-Two (A-2)
West: Agricultural-Two (A-2)

Existing Use: Residential

Existing Structures: Single-Family Home

Services: Elk Creek Fire Protection District
Individual Water Well
Individual Septic

BACKGROUND/DISCUSSION:

The applicant is requesting to use their residence at 20133 Silver Ranch Road as a Short-Term Rental (STR). The residence is a four-bedroom home on a 4.16-acre parcel. The property and residence meet all requirements for a Special Exception to allow a STR.

SITE CHARACTERISTICS AND IMPACTS:

The property is located 6-miles southeast of US Highway 285. The property takes access from Silver Ranch Road, an unpaved public road, which draws access from Pleasant Park Rd, a paved County-maintained road. The site has a single-family dwelling with an attached garage. The site contains a variety of trees and shrubs and has slopes ranging from 10%-50% across the property. The subject property and current site conditions are in line with the overall character of the neighborhood.

ZONING REQUIREMENTS AND ANALYSIS:

Section 11.B.2.e of the Jefferson County Zoning Resolution provides criteria for the Board of Adjustment to review for a Special Exception for a STR. With respect to a short-term rental of a single-family dwelling, the following criteria are analyzed:

(1) The Board of Adjustment may permit a short-term rental within the R-1, RR, MR-1, SR-1, SR-2, SR-5, A-1, A-2 or A-35 zone districts or a comparable Planned Development zone district.

(a) The Board of Adjustment, in reviewing and making its decision upon such applications shall consider the impacts of the proposed use upon property in the surrounding area, including but not limited to:

(a-1) Traffic impacts, volume of trips, safety and access;

The property has adequate parking for at least five vehicles. The parking spaces allow independent egress in the event of emergency.

(a-2) Fire hazards;

The property is served by the Elk Creek Fire Protection District. The subject property is within the Wildland Urban Interface Overlay District, which requires the property to obtain a Defensible Space permit for a Short-Term Rental. The Zoning Resolution prohibits Short-Term Rentals from having outdoor fires using wood or charcoal as fuel.

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties;

No negative visual impacts will be created by the approval of this application. The single-family dwelling is the only structure that will be used as a Short-Term Rental, and no additions to the dwelling are proposed.

(a-4) Noise;

The Short-Term Rental use must comply with the County's Noise Abatement Policy. The Jefferson County Sheriff's Office enforces this regulatory policy. The nearest home is approximately 270-feet from the subject property home.

(a-5) Drainage, erosion and flood hazards;

There is not a FEMA Floodplain on the property therefore the proposed Short-Term Rental would not increase the deleterious effects of flood hazards, drainage, or erosion on the property.

(a-6) Community character;

The home was originally built in 2001. Allowing this residential property to become a Short-Term Rental would not affect community character, as it will remain residential.

(a-7) Adequate water and sewage disposal availability;

The property is served by a private-well and an individual septic system. The septic system is rated for four bedrooms, which would allow for eight total overnight occupants, per Jefferson County Public Health (Public Health) guidelines.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area;

The single-family dwelling to be used as the Short-Term Rental meets all lot and building standards of the underlying zone district. The property also provides adequate parking for the home's use as a Short-Term Rental and single-family residence to ensure that all vehicles will be parked on site.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and

The structure in which the Short-Term Rental would be conducted is residential in nature which is compatible with the surrounding residential uses.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area.

Staff finds that the use of a Short-Term Rental would not create negative effects on the health, safety, or welfare of the residents in the surrounding area, since it would have similar impacts as a single-family residential property.

(2) Limitations upon Short-term Rental Special Exception Applications

(a) The lot, parcel, or boundary area subject to the Special Exception must conform to:

(a-1) A minimum lot size of one acre.

The subject property is 4.16 acres.

(a-2) Building standards of the underlying zone district.

The structure meets the lot and building standards of the SR-2 zone district.

(b) The proposed short-term rental shall provide a minimum of one (1) off-street parking space, plus one (1) additional off-street parking space per bedroom room. For example, a five-bedroom residence must have six off-street parking spaces to meet this criterion.

The property intended for short-term rental is allowed to rent four bedrooms per the property's septic rating. This would require five parking spaces. There is adequate parking provided in the driveway which allows for independent egress.

(c) The property owner shall comply with any defensible space requirements as set forth in the *Wildland Urban Interface Overlay District*.

The subject property is within the Wildland Urban Interface Overlay District and the applicant must complete a Defensible Space Permit.

(d) Valid water and sanitation must be provided either by an appropriate water and sanitation district or by a valid well permit and individual sewage disposal system (ISDS) permit specific to the property.

The property is served by an individual well and an individual septic system.

Colorado Division of Water Resources well permit number 219123 along with supporting documents were provided for single-family residential use on the property.

The On-Site Wastewater Permit number is 22-113280 OW; it is rated for four bedrooms. Per the guidance provided by Public Health, the septic system rated for four bedrooms has an occupancy limit of eight persons.

(e) The lot, parcel, or boundary area subject to the Special Exception shall take legal access from a County maintained right-of-way or a private road that meets the minimum standard for private roads and driveways or non-maintained County right-of-way as set forth in the Jefferson County Roadway Design and Construction manual.

The Short-Term Rental takes access from Silver Ranch Road, an unpaved public road.

(f) The short-term rental shall offer overnight accommodations in the primary single-family dwelling in existence on the property, not in an accessory dwelling unit. The entire property including accessory uses in the corresponding zone district may be utilized by the guests of the short-term rental.

The structure on the property to be rented is a single-family dwelling, and the property does not have an Accessory Dwelling Unit.

(g) The property owner may not, at the time of application for the Special Exception, be the subject of an ongoing zoning violation other than the short-term rental of a single-family dwelling.

There are no active violations on the property at the time of this report.

(h) No substantial detriment to the intent of the Zoning Resolution will be caused.

Staff finds that the approval of this Special Exception will not harm the intent of the Zoning

Resolution, as the use is substantially similar to the residential uses already permitted on the property.

(3) Such Special Exception, if granted, will be valid for a period of six months from the date of the approval of the short-term rental Special Exception request and thereafter may be renewed annually after a complete rehearing by the Board of Adjustment to determine that the use is in compliance with the intent and purpose for which the Special Exception was granted.

(4) Upon an affirmative decision, the applicant shall submit a request for a Short-Term Rental Permit including documentation that all requirements and conditions of the Special Exception granted pursuant to this section have been fulfilled.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed Special Exception application was mailed to adjacent property owners, (which includes the property owners on the opposite side of the public local street) and to the Registered Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception request, was provided to the applicant for posting on the site. The sign was provided to the applicant with instructions that the site be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification are:

- | | |
|--|----------------------------------|
| • Conifer Area Council | • Jefferson County Horse Council |
| • Pleasant Park Grange No 156 | • PLAN Jeffco |
| • Pleasant Park Neighborhood Association | • RISE-UP |

During the processing of the application, Staff received thirteen written public comments in opposition and one written public comment in support. The public comments relate to concerns with road-maintenance, fire hazards, having a short-term rental in the neighborhood, and wildlife.

Full comments are included in the Case Packet.

ANALYSIS:

Staff has evaluated this request based on the requirements for the approval of a Special Exception request for a Short-Term Rental as listed in Section 11.B.2.e. of the Jefferson County Zoning Resolution. Staff finds that the applicant has met the requirements necessary to allow this request.

STAFF FINDINGS:

1. Staff finds that the applicant meets all the requirements under Section 11.B.2.e of the Jefferson County Zoning Resolution regarding Short-Term Rentals.
2. Staff recommends APPROVAL of Case No. 22-119725 VC, subject to the following conditions:
 - a. A Short-Term Rental Permit shall be obtained from Jefferson County Planning & Zoning prior to any rental of the property; and
 - b. This approval is granted for six months from the date of approval, or until June 5, 2023, and it shall be the responsibility of the applicant to apply for a renewal of this Special Exception within that timeframe; and

- c. The Short-Term Rental must be limited to no more than eight persons based on the limitations of the On-Site Wastewater System.

COMMENTS PREPARED BY:

____*Allie McGahee*____

Allie McGahee, Planner

Jefferson County
Board of Adjustment
Application

Variance • Special Exception • Appeal



100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning.jeffco.us
pzpermits@jeffco.us

Case Number (for staff use only): 22-119725VC

This application may be used for Variance, Special Exception and Appeal requests before the Board of Adjustment, including relief from zoning regulations, short term rentals and some home occupations. Please refer to the reverse side of this page for submittal requirements.

Submit this application and all necessary documents electronically to pzpermits@jeffco.us.

Applicant and Site Details

Address of Subject Property, Legal Description and/or Parcel ID Number		City	Zip
Property Owner	Email	Phone Number	
Mailing Address	City	State	Zip
Contractor/Representative	Email	Phone Number	
For sign pick-up, please contact: _____		Email: _____	Phone Number: _____

Specific Request

Applicant Acknowledgments

Applications will not be accepted unless all submittal requirements have been met. If during staff review any application is found to contain incomplete and/or inaccurate information, the case may be postponed until all necessary submittal documentation has been received. Documents larger than 11 x 17 can be submitted electronically.

I understand the filing fee is to cover costs of administration, research, and hearing of this case and is non-refundable.

I hereby give permission for County staff and Board members to enter upon my property for purposes of site inspection and investigation. *Please specify any extraordinary circumstances of which staff should be aware, i.e., the presence of dogs on the site, locked gates, etc. The property must be accessible for site inspection.*

The applicant will receive a copy of the Board's decision, which may be recorded through the Jefferson County Clerk & Recorder's Office.

For Variance cases only: A Setback Verification Form will be required as a part of the Building Permit process for Variance cases involving relief from setback requirements.

For Variance cases only: I have read and understand the BOA Variance guide, and certify the site plan or survey is fully accurate, depicting all structures on site.

A handwritten signature in black ink, appearing to be "John" or similar, written over a horizontal line.

Signature of Owner or Authorized Representative

Date

Jefferson County Board of Adjustment Application

Case Number (for staff use only): 22-119725VC

Submittal Requirements

The numbers checked with each specific type of request correspond to the numbered submittal requirements at the right. Additional documentation may be required, as determined by staff on a case-by-case basis.

Request: \$ _____ (additional notification fees will apply)

Variance	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Lot size	X	X	A	X	X	X	X							
Setback(s)	X	X	A	X	X	X	X	X						
Parking	X	X	A	X	X	X		X				X		
Height	X	X	A	X	X	X		X		X				
Access Standards	X	X	A	X	X			X						
Accessory Square Footage/Footprint	X	X	A	X	X	X	X	X	X					
Special Exception*	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Home Occupation**	X	X	B	X	X	X		X	X		X	X	X	
Short Term Rental**	X	X	C	X	X	X		X	X		X	X	X	
Commercial Solar or Wind Installation	X	X	D	X	X	X		X		X		X		
Appeal	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Director's Determination	X	X		X	X	X								X

List of Submittal Requirements

- Signed application form
- Cover letter
- Addendum A, B, C, or D
- Copy of current deed
- Proof of proper division of land (if parcel is Metes & Bounds or contains portions of platted lots)
- Letter of authorization if a contractor or other contact will appear on the owner's behalf
- Improvement Survey Plat (signed and stamped by licensed surveyor) depicting all property lines and all existing improvements on the property
- Detailed site plan showing proposed improvements
- Floor plans of existing and proposed structures
- Architectural elevations
- Photographs of the interior
- Parking plan (can be combined with 7 or 8)
- Evidence of water and/or wastewater service
- Other: _____

- A. Variance Addendum
B. Home Occupation Addendum
C. Short Term Rental Addendum
D. Commercial WECS/SECS Addendum

* Fees are online at our website at planning.jeffco.us. Make checks payable to Jefferson County Treasurer.

** Short Term Rentals and Home Occupations: It is the applicant's responsibility to renew a Special Exception prior to expiration.

Staff Use Only

SR-2

Zoning of Site 1 acre Plat 4.16 ac Receipt 0500F Renewal of Case Number _____ CV Case Number _____

Lot size Required _____ Lot Size Shown _____ FEMA Map Number _____ In a Floodplain? Yes ☒ No ☐

Legal Access via: Silver Ranch Road

Number of Postcards Required: 6 ISP Submitted (check one): Print ☐ Via email to: _____ ☒ N/A

KBryson 8/1/2022

Reviewed by _____ Date _____

Comments:

C. Short Term Rental Addendum

Case Number (for staff use only): 22-119725VC

1. What is the size of this property? _____
2. Does the property meet lot size standards of its zone district? Yes No
3. Does the dwelling meet setback, height and other standards of its zone district? Yes No
4. How many bedrooms are in the dwelling? _____
You must attach floor plans (drawn to scale) showing all areas of the dwelling.
5. What is the proposed maximum occupancy of the rental? _____
6. How many parking spaces are provided on-site? _____
You must attach a site plan with parking spaces marked.
7. How do you propose to mitigate any potential traffic impacts caused by this Short Term Rental? _____

8. Is this property in the Wildfire Hazard Overlay District? Yes No
 - a. If yes, please list your Defensible Space Permit number: _____
If this permit is more than a year old, please confirm that you have maintained the defensible space on the property since the initial Defensible Space Permit was completed. Yes No
A new Defensible Space Permit may be a condition of approval, if deemed appropriate following a site visit to the property.
9. Are there floodplains on the property? Yes No
10. Water:
 - a. Public. Name of Water Provider: _____
 - b. Well. Well Permit Number, Well Type: _____
11. Wastewater:
 - a. Public sewer. Name Of Wastewater Provider: _____
 - b. Septic. On-Site Wastewater Permit Number: _____
Max number of bedrooms: _____
Max number of occupants: _____
12. Access:
 - a. Legal access
For assistance with access questions please contact Planning & Zoning. To obtain copies of recorded access easements, please contact the Clerk & Recorder.
County-maintained road
Private, platted road. Plat Reception Number: _____
Private easement. Easement Reception Number: _____
Other. Explain: _____
 - b. Does the roadway meet County standards? Yes No Not Sure
13. Will the proposed Short Term Rental take place in an Accessory Dwelling Unit (ADU)? Yes No
14. Are there any active Zoning Violations on this property? Yes No
If yes, please list the violation number: _____
15. Will there be any changes to the structure as a part of this Short Term Rental? Yes No
16. Attach a copy of your house rules for renters. These must include the following:
 - a. Quiet hours
 - b. Locations of carbon monoxide and fire/smoke alarms, and fire extinguishers
 - c. Rules regarding outdoor fires
 - d. Contact information for a 24-hour local point person

Cover Letter

Anh Dao

20133 Silver Ranch Road, Conifer 80433

December 1st 2022

Dear Board of Adjustment,

I am Anh Dao, the owner of the property at 20133 Silver Ranch Road, Conifer 80433. I'm writing to you this letter to cover my proposal for a Short Term Rental permit. I hope that you find all the information you need in this proposal.

My family and I hope that we can get the permit to rent out our property in the months that we're not here, especially in the winter when we travel a lot. Having the extra income really helps us to maintain our property especially if there's economic downturn. But most of all, mountain living helps our family happier and we wanted people who visit our place could find the same happiness when they stay here with their family and friends. We're grateful to live in Conifer, in the mountain and will absolutely follow any regulations needed to ensure safety, protect the neighborhood, and preserve wildlife.

I hope that you will give your thoughts and consideration to our proposal. I'm also eager to hear any questions you may have. You can reach me at 720 766 9111.

Thank you for your time!

Sincerely,

Anh Dao

SILVER RANCH RENTAL RULES AND REGULATIONS

Quiet Hours: 9:00 pm – 8:00 am

NO PARTIES OR EVENTS ARE ALLOWED IN THE RENTAL. No more than 8 guests are permitted in our home. Only registered guests are permitted on the property.

PARKING – Parking is limited to five (5) vehicles. Vehicles are to be parked in the garage and driveway. Parking on the road is not permitted. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.

No campfires are permitted by guests. No exceptions. We live in an area that is vulnerable to wild fire, and cannot take the chance of a fire getting out of control.

Carbon monoxide and fire/smoke alarms are located in each bedroom, kitchen areas, family room, dining areas, and hall way.

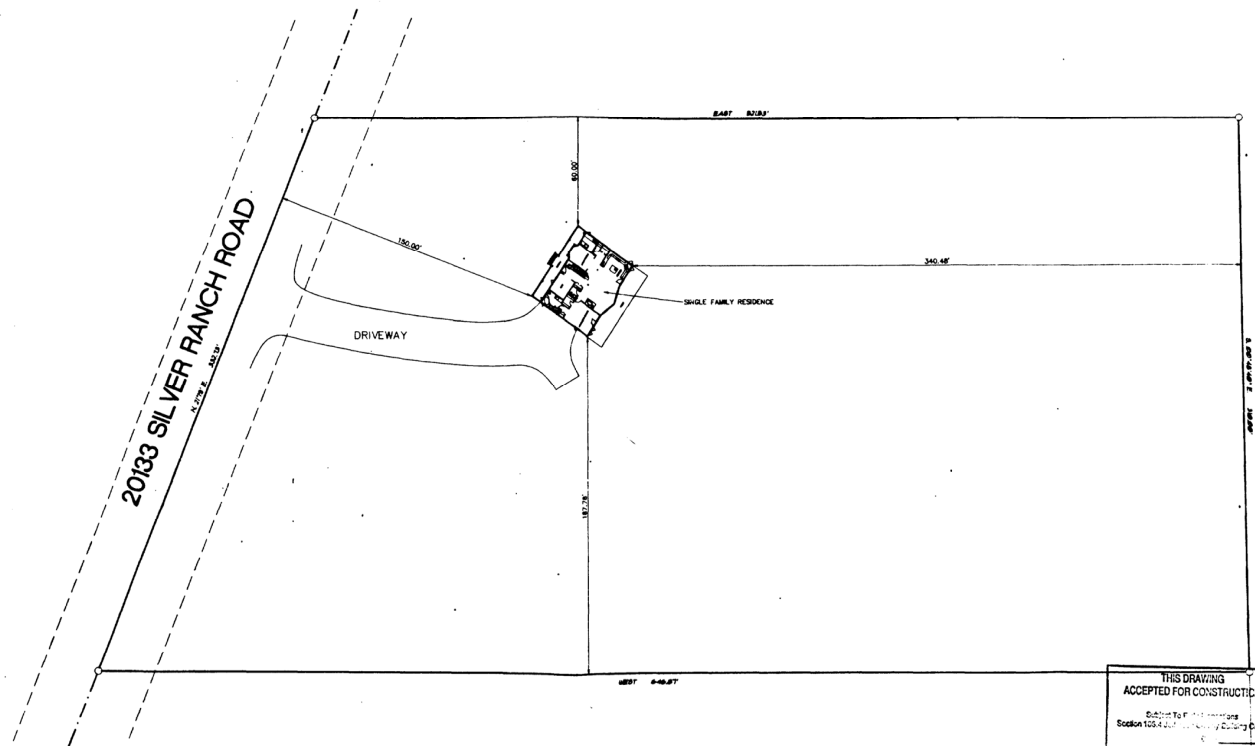
Fire extinguishers are located in kitchen pantry and garage.

Contact information for a 24-hour local point person:

Anh Dao

anh.dao706@gmail.com

7207669111



THIS DRAWING
ACCEPTED FOR CONSTRUCTION
Submittal and recording
Section 105.4-201 Colorado Building Code
City of Colorado

LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, JEFFERSON COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EAST LINE OF SECTION 28 WHENCE THE SOUTHEAST CORNER OF SECTION 28 BEARS SOUTH 00 DEGREES 40 MINUTES 40 SECONDS EAST 575.00 FEET; THENCE SUE WEST 64.87 FEET TO A POINT ON THE CENTERLINE OF A 40 FOOT ACCESS ROAD; THENCE ON AND ALONG SAID CENTERLINE NORTH 21 DEGREES 11 MINUTES 11 SECONDS EAST 222.73 FEET; THENCE DEPARTING FROM SAID CENTERLINE SUE EAST 871.53 FEET TO A POINT ON THE EAST LINE OF SECTION 28; THENCE ON AND ALONG THE EAST LINE OF SECTION 28 SOUTH 00 DEGREES 40 MINUTES 40 SECONDS EAST 318.00 FEET TO THE POINT OF BEGINNING AND RESERVING THAT PORTION OF THE WESTERLY 30 FEET THEREOF, LYING ADJACENT TO THE ABOVE DESCRIBED CENTERLINE, FOR ROAD PURPOSES.
4.157 ACRES (181,083.69 SQ. FT.)



9908059
1" = 30.0'
SITE PLAN

Hyland Designs
25000 Menow Drive S9
Evergreen, CO 80439
303-674-5940

Custom Residence for JOHN BIRCH
JEFFERSON COUNTY, STATE OF COLORADO
20133 SILVER RANCH ROAD

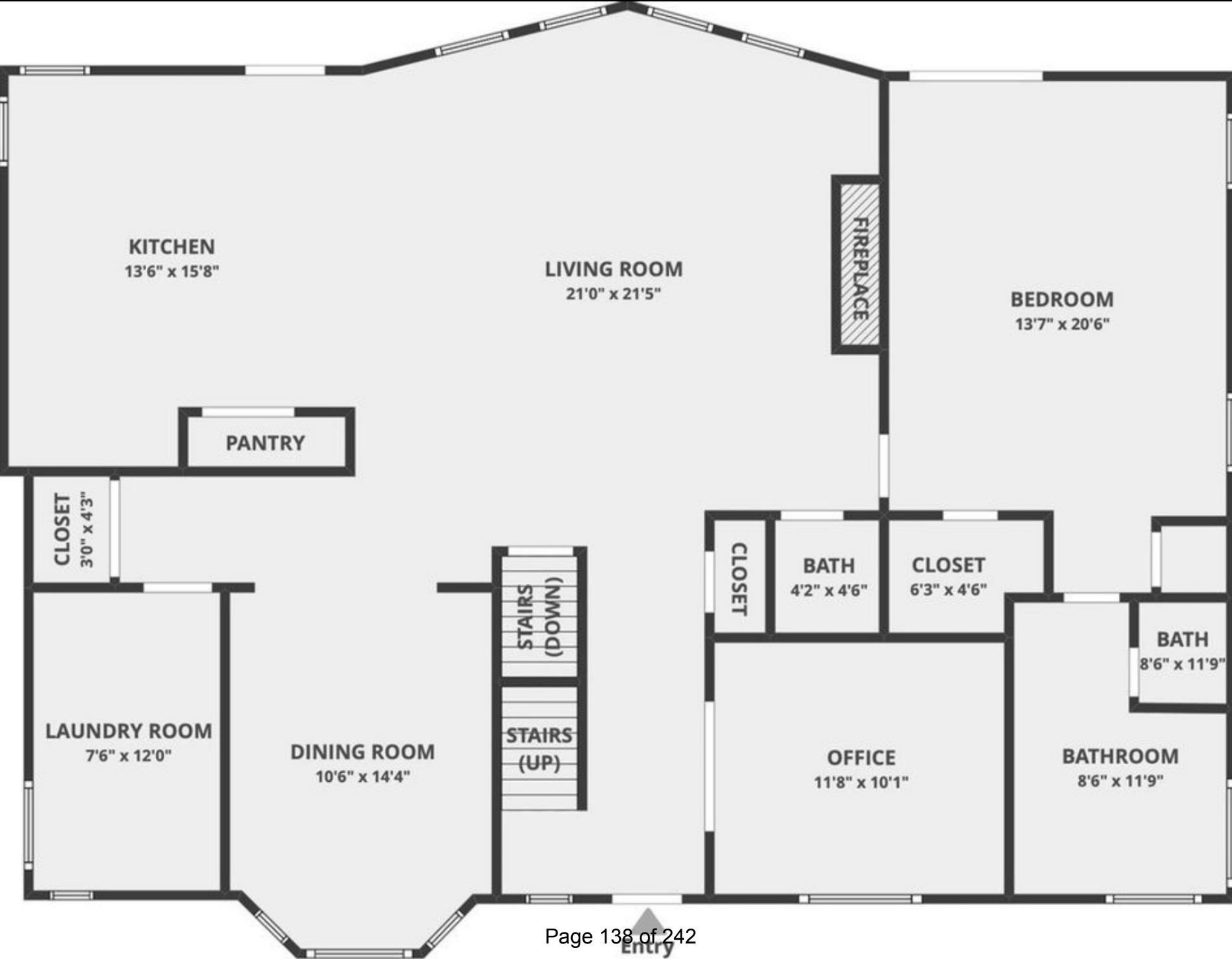
JOHN BIRCH
303-216-9646

CONSTRUCTION
FINAL
CONSTRUCTION
DOCUMENTS

DATE: APR 26 2009
DRAWN BY: EJC/HB
CHECKED BY: JHB/HB

SHEET
A-1





OPEN TO BELOW

OFFICE
14'2" x 18'3"

CLOSET
4'3" x 7'4"

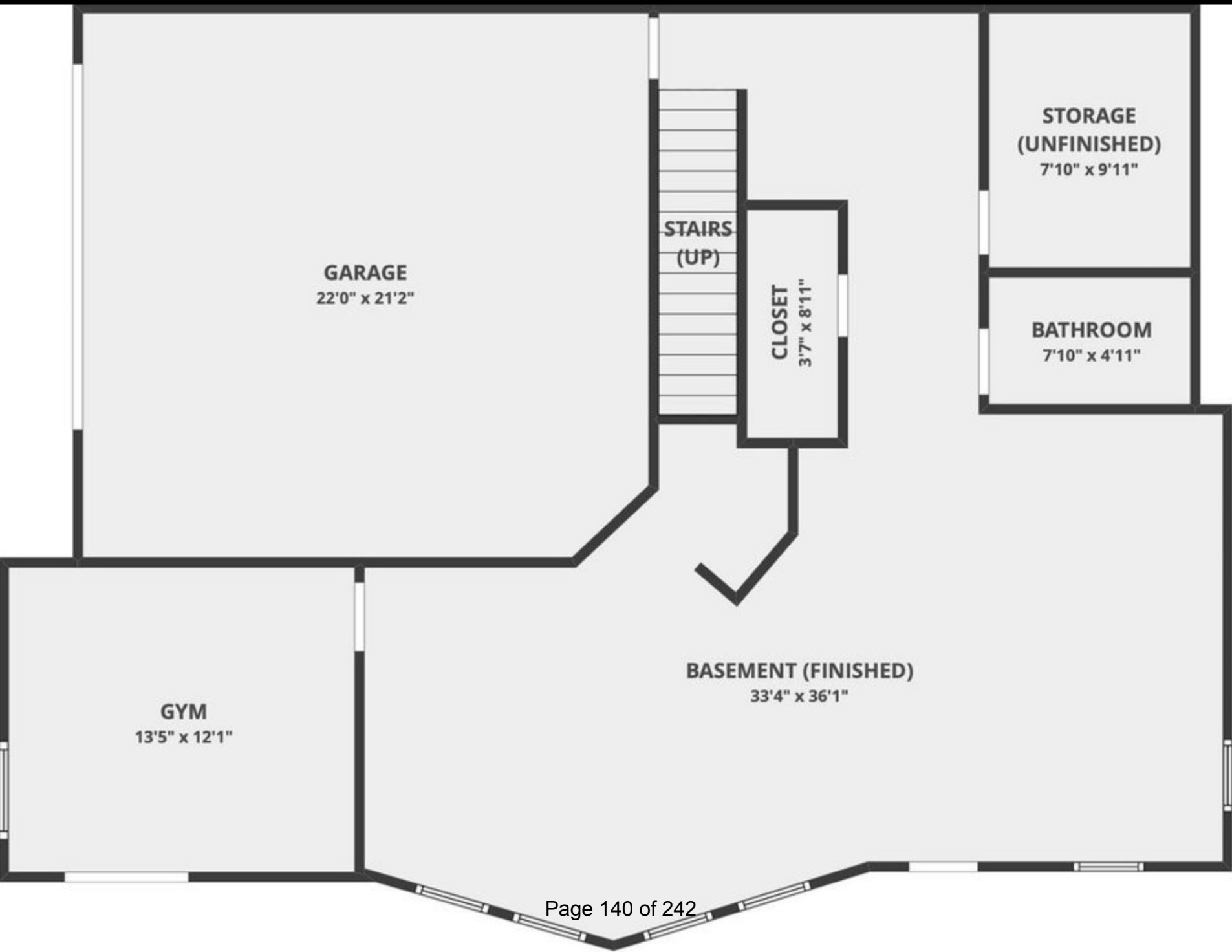
STAIRS (DOWN)

BATHROOM
8'9" x 6'7"

CLOSET

BEDROOM
13'8" x 18'1"

OPEN TO BELOW

















BE STRONG & COURAGEOUS
DO NOT BE AFRAID
OR DISCOURAGED
FOR THE LORD YOUR GOD
WILL BE WITH YOU
wherever you go

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT
260 S KIPLING ST. LAKEWOOD, CO 80226 (303) 239-7175 FAX (303) 239-7076

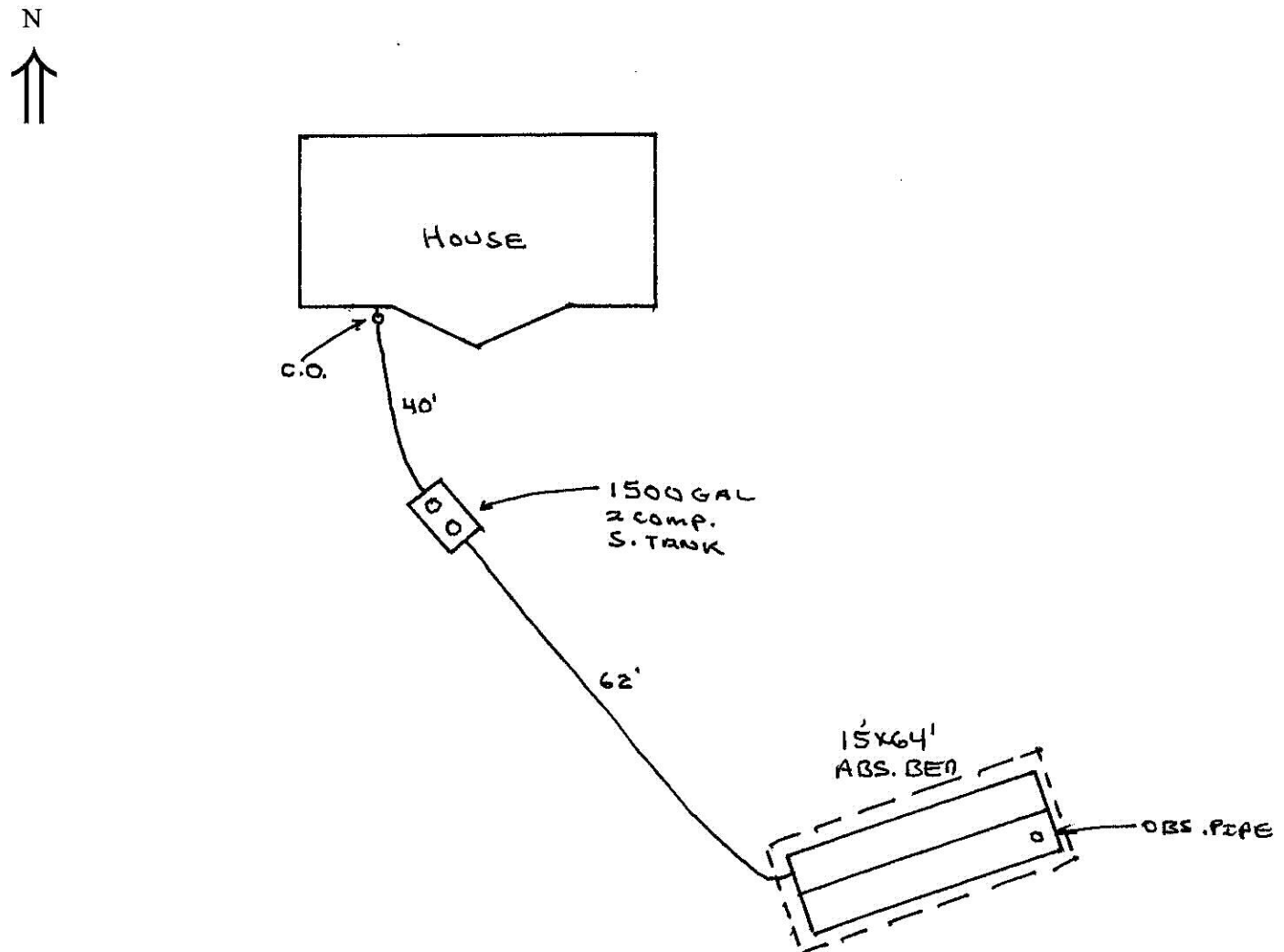
INDIVIDUAL SEWAGE DISPOSAL SYSTEM SITE INSTALLATION PLAN PERMIT #18221

ADDRESS: 20133 Silver Ranch Road
LEGAL: P/SE1/4, SW1/4, Section 28, T6S, R70W, 6PM
OWNER/APPLICANT: John Birch
SYSTEM DESIGNED FOR: 4 Bedroom Single Family Dwelling

SEPTIC TANK SIZE (gal) 1250 ABSORPTION BED SIZE (ft²) 960

The individual sewage disposal system on this property was installed in accordance with the permit conditions and the Individual Sewage Disposal System Regulations of Jefferson County, Colorado.

INSPECTOR *[Signature]* FINAL APPROVAL DATE 12/02/99



NOTE: This drawing is an "as built" sketch of the individual sewage disposal system. The distances, relative locations of structures, wells, system components and compass directions are approximate.

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT
260 S Kipling, Lakewood, CO 80226 (303) 239-7175 FAX: (303) 239-7076

INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT NO. 18221

ADDRESS: 20133 Silver Ranch Road
LEGAL: P/SE1/4, SW1/4, Section 28, T6S, R70W, 6PM
DESIGNED FOR: 4 Bedroom Single Family Dwelling

DATE OF ISSUANCE: July 13, 1999 (expires one year from this date)

ISSUED TO: John Birch
800 South Colorado Blvd.
Denver, CO 80222

INSPECTION(S) REQUIRED: **OPEN EXCAVATION AT 6 FOOT DEPTH
FINAL INSPECTION**

INSPECTION DAYS: **MON. WED., FRI (call 239-7070 BEFORE 9:00 a.m.)**

The installation of this system is to be governed by the Individual Sewage Disposal System Regulations of Jefferson County in its entirety. Your attention is called to the following:

SIZE OF SEPTIC TANK (gal): 1250 ABSORPTION AREA (ft²): 960

Unless **SPECIFICALLY** noted below, a minimum separation of at least 200 shall be maintained between all wells and absorption systems, on-or off-site, existing or proposed.

BLASTING IS NOT PERMITTED WITHIN 200 FEET OF ANY EXISTING WELL.

The above conditions represent the minimum requirements as set forth in the Regulations and the engineer's design. Please be aware that the engineer may have *recommended* components such as dosing siphons or larger septic tanks. While not required, the engineer recommends their installation. Consult the engineering report for these optional recommendations.

REQUIRED ENGINEER CERTIFICATION: suitability of the on-site or imported filter materials; **Final Inspection.**

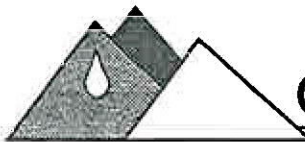
This sewage disposal system was installed by Ramtray and has been inspected and approved by the Jefferson County Department of Health and Environment. The owner assumes all responsibility in case of failure or other inadequacy of this sewage disposal system.

INSPECTOR [Signature] DATE 12/02/99

ENG.JOB/PROJ.#11220E

SUBJECT TO 1999

I.S.D.S. REGULATIONS



CHURCH & Associates, Inc.

ENGINEERS & GEOLOGISTS

July 6, 1999

John Birch
800 South Colorado Blvd.
Denver, Colorado 80222

Subject: Subsurface Investigation and Onsite Wastewater System Design
Part of the SE ¼, SW ¼ of Section 28, T6S, R70W of the 6th P.M.
20133 Silver Ranch Road
Jefferson County, Colorado
Job No. 11220E

Dear Mr. Birch,

As requested, we have investigated subsurface conditions and prepared an Onsite Wastewater System (OWS) design for the subject site.

SITE CONDITIONS

The investigated site is a 4.16-acre parcel as indicated on Figure 1. The site is located in a rural mountain area where OWS and wells are required. The site slopes moderately to steeply to the southeast, with a 32% slope at the proposed field site. However, the slope directly below the field decreases to a slope of 5% and we do not believe a liner is required in the field. There is a moderate cover of native grasses at the proposed field.

PROPOSED CONSTRUCTION

A four-bedroom single family residence is proposed in the central portion of the site as indicated on Figures 1 and 2. In accordance with the Individual Sewage Disposal System (ISDS) regulations, the average daily sewage load for a four-bedroom dwelling is estimated at 600 gallons per day (GPD). The property will be served water by a well to be located northwest of the residence. The proposed field is to be located southeast of the residence. All well to field separation distances are 200 feet, or greater, per Jefferson County regulations.

SUBSURFACE CONDITIONS

Subsurface conditions were exposed in a test pit at the proposed field location. The excavation indicated the site is underlain by a 1-foot organic overburden, underlain by silty sand and gravel to 2 feet, underlain by weathered bedrock to 9 feet, the maximum depth of the excavation. A gradation analysis was performed on material from the excavation. The analysis indicated the material is a silty, gravelly, sand, as depicted on Figure 4.

RECOMMENDATIONS

The OWS design is based on an average daily sewage load of 600 GPD, and a sand filter application rate of 0.95 gallons per day per square feet (GPD/SF). A two-compartment 1250-gallon septic tank is required for a four-bedroom dwelling. We recommend the installation of a concrete septic tank and a 15 feet by 64 feet "over-excavated" drain field, for an area of 960 square feet. The field should be constructed similar to the details in Figures 2 and 3.

Component options include the installation of an effluent filter or a dosing siphon. The effluent filter will screen solids that may flow to the field, increase biological growth, and plug pore spaces in the filter material. Dosing siphons allow improved distribution of septic tank effluent within the field, increasing system performance. We recommend the installation of a 1500-gallon, 2 compartment, concrete septic tank with a screened vault-dosing siphon in the second chamber. An alternative is a 1250-gallon, 2-compartment septic tank and an additional 500-gallon single compartment precast concrete tank with a dosing siphon. The dosing siphon is to be installed in accordance with manufacturer's recommendations, which includes priming. If the dosing siphon is not installed, or installed within a separate dosing tank, we recommend the installation of the effluent filter in place of the standard outlet "Tee" in the 1250-gallon septic tank.

FILTER MEDIA GENERATION

We believe the excavated bedrock will be suitable filter media if few particles larger than 3 inches in diameter are used in the over-excavated 4 feet below the dispersal gravel layer. **The filter material is to be kept free of organic soil and excessive fines.** We recommend the silty, gravelly sand be generated from the drain field excavation, and other onsite excavations, for use as filter media in the drain field. Additional filter material may have to be generated offsite if sufficient material is not found in the proposed excavations. Our office must be called to observe imported filter material and authorize its use.

FILTER MEDIA PLACEMENT

It is important to place the excavated weathered bedrock back into the field excavation such that differential settling does not occur during the addition of effluent. To achieve this, it is important to apply effective methods of compaction. Over-compaction may result in decreased permeability of the filter media. We recommend the filter media be placed in one foot lifts, back blading and wheel rolling each lift, until a four foot separation to fractured bedrock exists. Once the surface of the filter media is level, it is to be scarified with a pick, shovel, or rake prior to the addition of dispersal gravel.

INSTALLATION OBSERVATIONS

The installation of the OWS is to be observed by the design engineer. Observations are required on the "open hole" excavation and prior to final backfill. The "open hole" observation should be performed prior to installation of filter material ("over-excavated" ripped base systems) and/or dispersal gravel. The final observation should be performed prior to backfill, after placement of dispersal gravel and distribution pipes. Septic tank installation, distribution boxes, diverter valves, siphons, effluent lift stations, and plumbing; as applicable; can be observed during either visit.

OPERATION AND MAINTENANCE

The owner must realize an OWS is different from public sewer service. The owner must be aware of and assume responsibility for continued maintenance of the system. We recommend the septic tank be pumped every 2 years. Screened vaults should be checked annually and cleaned as necessary. There are

daily considerations such as not putting plastic or other nonbiodegradable materials into the septic system. Water use must be monitored so toilets are not allowed to run when seals malfunction. To illustrate the point, a running toilet will use in excess of 1,000 GPD. An excess 1,000 GPD loading could flood and irreparably harm the system.

LIMITATIONS

Our investigation, layout, design, and recommendations are based on data submitted. If conditions considerably different from those described in this report are encountered, we should be called to observe the conditions. If proposed construction is changed, we should be notified to evaluate the effect of the changes on the wastewater system. All construction is to be in accordance with the ISDS regulations. Pipe type and size, burial requirements, septic tank construction, and other specifications, which are not depicted in our report, are to conform to the requirements of the ISDS regulations. The installer of the system is to be approved by the County Health Department, and is to have demonstrated a knowledge of the ISDS regulations and requirements.

If you have any questions or if we may be of further service, please call.

Sincerely,

CHURCH AND ASSOCIATES, INC.


Charles C. Hemenway III, P.E.



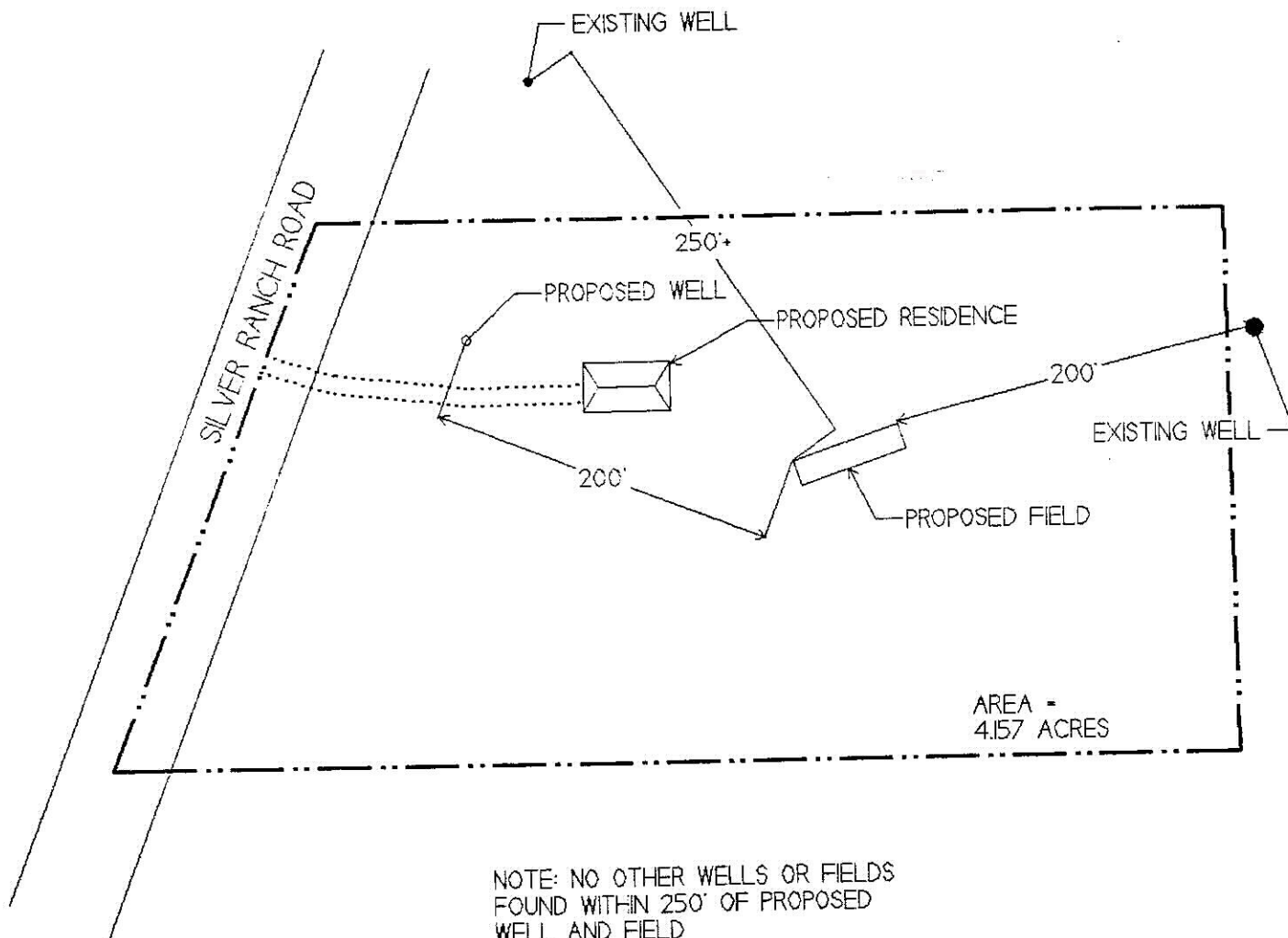
2 copies sent

copy to: Jefferson County Department of Health

PART OF SE 1/4, SW 1/4 OF SECTION 28, T6S, R70W OF THE 6TH M.
20133 SILVER RANCH ROAD
JEFFERSON COUNTY, COLORADO

SCALE
1" = 100'

THE LOCATION OF EXISTING AND PROPOSED IMPROVEMENTS SHOWN HEREIN AND THE WELL AND/OR DRAINFIELD LOCATIONS STAKED AT THE SITE ARE NOT THE RESULT OF A PROPERTY SURVEY. IMPROVEMENT LOCATIONS ARE APPROXIMATE. IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO DEFINE PROPERTY BOUNDARIES AND ENSURE ALL ONSITE IMPROVEMENTS ARE LOCATED WITHIN THE PLATTED SITE AND OUT OF INAPPROPRIATE EASEMENTS. ALL SEPARATION DISTANCES ARE TO BE VERIFIED PRIOR TO EXCAVATION.

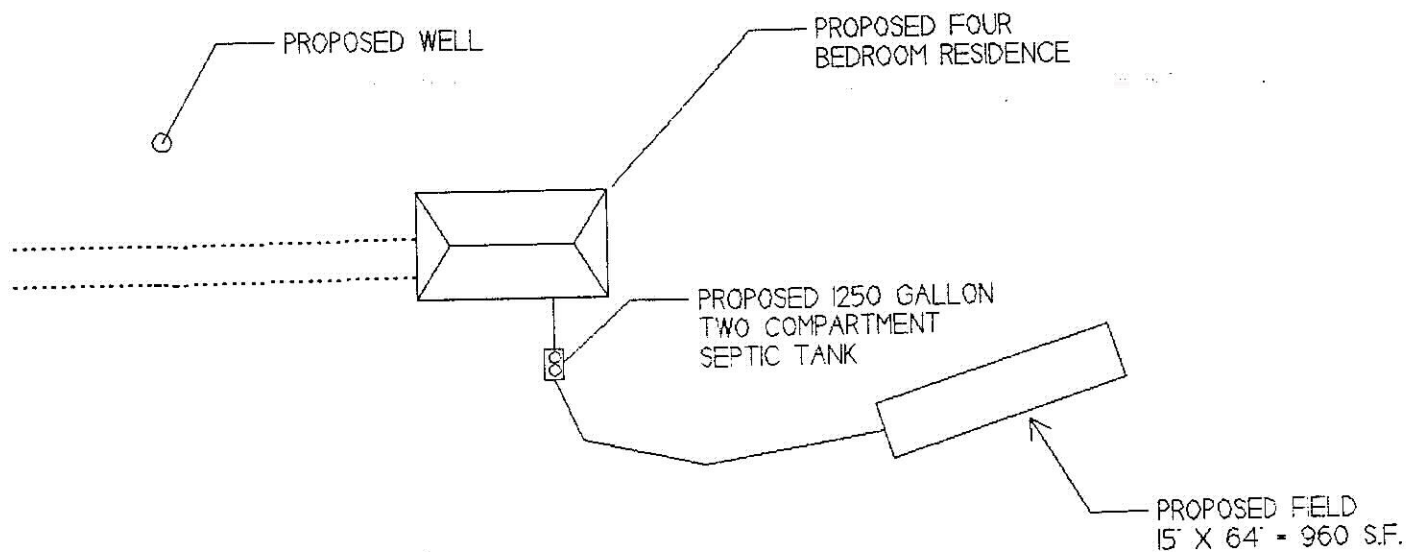


VICINITY SITE PLAN

FIGURE 1

PART OF THE SE 1/4, SW 1/4 C. SECTION 28, T6S, R70W OF THE TH PM.
20133 SILVER RANCH ROAD
JEFFERSON COUNTY, COLORADO

SCALE
1" = 50'

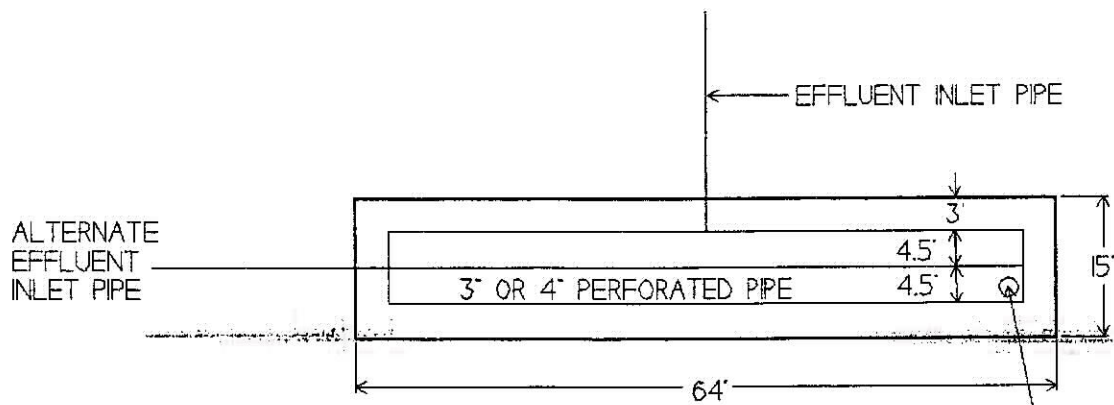


LOCATION OF PROPOSED OWS

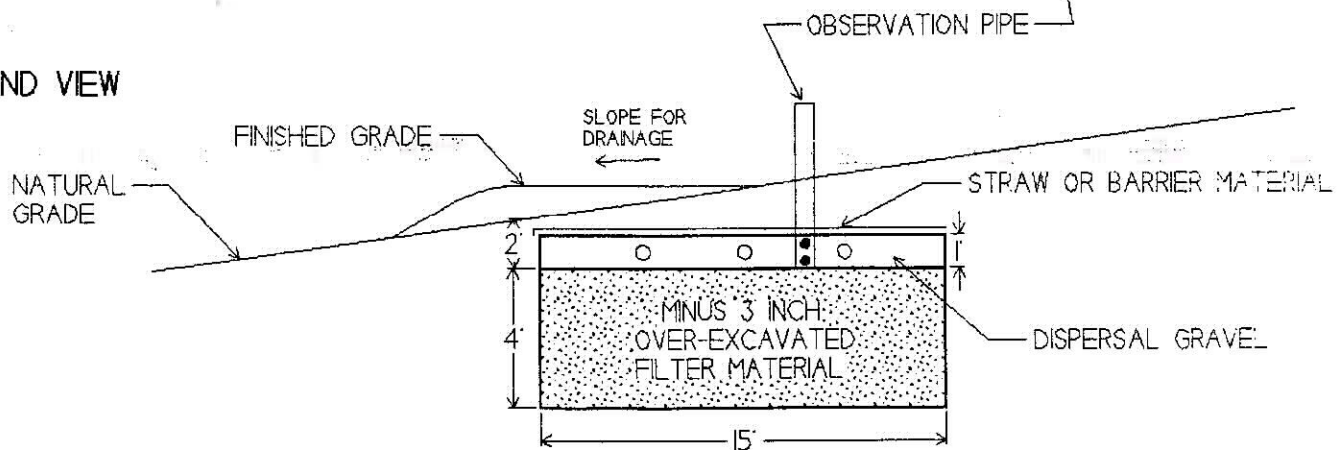
JOB NO. 11220E

FIGURE 2

PLAN VIEW



END VIEW



DESIGN CALCULATIONS

4 BEDROOM SINGLE FAMILY DWELLING

LOAD $q = 600$ GPD AVERAGE

SAND FILTER APPLICATION RATE = 0.95 GPD/SF

AREA = $(1.5 \times 600) / 0.95$

AREA REQUIRED = 948 SQUARE FEET

FIELD LENGTH = 64 FEET

FIELD WIDTH = 15 FEET

AREA PROPOSED = 960 SQUARE FEET

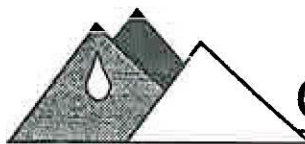
FILTER MATERIAL - EXCAVATED ONSITE

DISPERSAL GRAVEL = 1/2" - 2 1/2"

FIELD DETAILS

JOB NO. 11220E

FIGURE 3

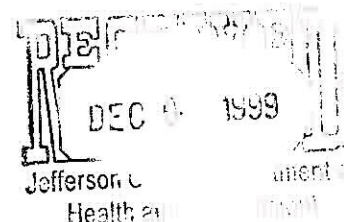


CHURCH & Associates, Inc.

ENGINEERS & GEOLOGISTS

November 29, 1999

John Birch
800 South Colorado Blvd.
Denver, Colorado 80222



Subject: Installation Observations

Part of the SE ¼, SW ¼ of Section 28, T6S, R70W of the 6th P.M.
20133 Silver Ranch Road
Jefferson County, Colorado
Jefferson County Permit #18221
Job No. 11220E

Dear Mr. Birch,

On July 26, 1999 we performed an "open hole" observation, and verified the filter material for the Onsite Wastewater System (OWS) serving the subject site. On July 31, 1999 and November 12, 1999 we performed final observations of the installation of the OWS by RAMTRAX L.L.C. At the time of the final observations the septic tank, drain field and effluent lines were installed, ready for backfill.

The system included the installation of a 1500-gallon, two compartment "Valley Pre-cast" septic tank with a screened-vault dosing-siphon, and a 15 feet by 64 feet "over-excavated" drain field, for 960 square feet of absorption area.

The components of the OWS appeared to be installed in general conformance with our plans and specifications. Our installation observations do not imply a guarantee or warranty of materials or workmanship.

If there are any questions or if we can be of further service, please call.

CHURCH & Associates, Inc.

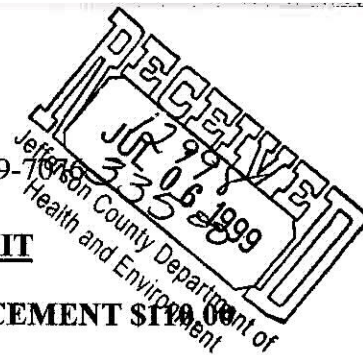
Charles C. Hemenway, III, P.E.



CCH/plc

copy to: Jefferson County Health Department

Jefferson County Department of Health and Environment
260 S. Kipling St., Lakewood, CO 80226 (303) 239-7075 Fax: (303) 239-7076



APPLICATION FOR INDIVIDUAL SEWAGE SYSTEM PERMIT

PLEASE CHECK APPLICABLE FEE

(X)NEW ()ADDITION (X)REPAIR \$335.00 ()RENEWAL ()TANK REPLACEMENT \$110.00

I. PROPERTY INFORMATION:

COMPLETE PROPERTY ADDRESS 20133 Silver Ranch Road, Conifer, Colorado 80433

CITY/STATE/ZIP

LEGAL Part of the SE 1/4, SW 1/4 of Section 28, T6S, R70W of the 6th P.M.

SIZE OF PARCEL 4.16 Acres DATE SUBDIVIDED _____

II. APPLICANT/OWNER INFORMATION:

APPLICANT NAME: John Birch

MAIL ADDRESS: 800 South Colorado Blvd., Denver, Colorado 80222

CITY/STATE/ZIP

PHONE (HOME) (303) 478-2030

PHONE (WORK): _____

OWNER NAME, IF NOT APPLICANT: _____

PHONE: _____

III. STRUCTURE: (X) 4 BEDROOM SINGLE FAMILY DWELLING

() Other _____

IV. WATER SERVICE (specify one)

() PUBLIC WATER (district name): _____

or

(X) WELL (Colorado well permit number): _____ (attach copy)

V. SANITATION DISTRICT:

Is this property within a Sanitation District? () YES (X) NO. If yes, you must attach **written** statement from the District stating that they have no objection to this installation.

Application for a permit to install an individual sewage disposal system permit is hereby submitted. The individual sewage disposal system will be installed in accordance with the Regulations covering such systems in Jefferson County. I hereby acknowledge that the above information is true and that false information will invalidate this application or subsequent permits.

John T. Birch
APPLICANT/OWNER/RESPONSIBLE PARTY

7/5/99
DATE

MAIL () PICKUP ☒

TECHNICAL REVIEW (staff use)

☒ LOT SIZE ☒ P/L FORM

☒ ADJ DEV

☒ ENGR OK

☒ GEO OK

☒ SLOPE OK

4.16

PERMIT CONDITIONS

INSPECTIONS:

☒ 01 OPEN EXCAVATION AT 6 FEET

()

() CE

☒ S

() N

TANK SIZE: 1250 GALS

ABSORPTION AREA: 960 SQ. FT

() 04 REDUCTIONS FROM ONSITE WELL: lot, distance:

() 08 REDUCTIONS FROM ONSITE ABS. BED: lot, distance:

() 06 ALL WELLS 100 FEET FROM ON-SITE GREYWATER/ADVANCED TREATMENT ABS. BED

() 07 ALL WELLS 60 FEET FROM LINED ET BED

() 09 ABD ONSITE WELL

() 15 LINE-WELL

() 21 SUBMINIMUMDISTANCES

() 10 SLOPE CONDITIONS

() 16 OLD TANK

() 22 CONTAMINATED SOIL

() 11 ROADCUT SETBACK

() 17 DRY GULCH

() 23 ABANDON PRIVY

() 12 FRENCH DRAIN

() 18 TANK-WELL

*☒ 24 NO BLASTING

() 13 WATER-SEWER

() 19 SURFACE WATER

*☐ 25 BLASTING OK

() 20 ALARM INSTLN

() 27 PROPERTY

() 30 DWELLING

()

()

ENGINEER CERTIFICATION (S)

()

()

☒ 26 FILTER MATERIALS () 29 BLASTING () 28 PUMPS/SIPHONS/ALARMS ☒ 37 FINAL INSPECTION

WATER AND SEWER CERTIFICATE - SPECIAL CONDITIONS

SEWER:

WATER:

INSPECTOR:

DATE:

July 13, 99

RECORD OF INSPECTIONS

FIELD NOTES/COMMENTS 7-7-99

DATE	COMMENTS	DATE	COMMENTS
7/26/99	O.H. 6' x 15 x 64' Soil O.K. WELL SO. K Hold for onsite well	7-30-99	Final on L.F. only
		10/12/99	REST O.K. HOLD FOR ENG. LTR
		12/1/99	eng. letter O.K.

ENGINEERING CHANGES

APPLICANT/OWNER CALL

DATE	COMMENTS	DATE	COMMENTS

FORM NO.
GWS-32
10/94

PUMP INSTALLATION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only

RECEIVED

NOV 30 1999

WATER RESOURCES
STATE ENGINEER
COLO.

1.	WELL PERMIT NUMBER <u>219123</u>							
2.	OWNER NAME(S) <u>John T. Birch</u> Mailing Address <u>1619 Ford St.</u> City, St. Zip <u>Golden, Colo. 80401</u> Phone <u>(303) 478-2030</u>							
3.	WELL LOCATION AS DRILLED: <u>2E 1/4 5E 1/4, Sec. 28 Twp. 6 S, Range 70 W</u> DISTANCES FROM SEC. LINES: <u>835</u> ft. from <u>South</u> Sec. line. and <u>540</u> ft. from <u>East</u> Sec. line. (north or south) (east or west) SUBDIVISION: <u>Pine Springs Ranch</u> LOT <u>16</u> BLOCK _____ FILING(UNIT) _____ STREET ADDRESS AT WELL LOCATION: <u>20133 Silver Ranch Rd</u>							
4.	PUMP DATA: Type <u>Submersible</u> Installation Completed <u>10-20-99</u> Pump Manufacturer <u>Goulds</u> Pump Model No. <u>5650742L</u> Design GPM <u>5</u> at RPM <u>3450</u> , HP <u>3/4</u> , Volts <u>230</u> , Full Load Amps <u>8.0</u> Pump Intake Depth <u>320</u> Feet, Drop/Column Pipe Size <u>1</u> Inches, Kind <u>SCH 80 PVC</u> ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM: TURBINE DRIVER TYPE: <input type="checkbox"/> Electric <input type="checkbox"/> Engine <input type="checkbox"/> Other _____ Design Head _____ feet, Number of Stages _____, Shaft size _____ inches.							
5.	OTHER EQUIPMENT: Airline Installed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Orifice Depth ft. _____ Monitor Tube Installed <input type="checkbox"/> Yes <input type="checkbox"/> No, Depth ft. _____ Flow Meter Mfg. _____ Meter Serial No. _____ Meter Readout <input type="checkbox"/> Gallons, <input type="checkbox"/> Thousand Gallons, <input type="checkbox"/> Acre feet, <input type="checkbox"/> Beginning Reading _____							
6.	TEST DATA: <input type="checkbox"/> Check box if Test data is submitted on Supplemental Form. Date <u>10-20-99</u> Total Well Depth <u>352</u> Time <u>4 hrs</u> Static Level <u>100'</u> Rate (GPM) <u>14</u> Date Measured <u>10-20-99</u> Pumping Lvl. <u>320</u>							
7.	DISINFECTION: Type <u>HTH</u> Amt. Used <u>100 PPM</u>							
8.	Water Quality analysis available. <input type="checkbox"/> Yes <input type="checkbox"/> No							
9.	Remarks _____ _____ _____ _____ _____							
10.	I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.] CONTRACTOR <u>Living Water Pump Service Co., Inc.</u> Phone <u>(303) 674-2017</u> Lic. No. <u>1138</u> Mailing Address <u>P.O. Box 942 - Conifer, Colo. 80433</u> <table border="1"><tr><td>Name/Title (Please type or print)</td><td>Signature</td><td>Date</td></tr><tr><td><u>Wayne Wilson - Pres.</u></td><td><u>Wayne Wilson</u></td><td><u>11-22-99</u></td></tr></table>		Name/Title (Please type or print)	Signature	Date	<u>Wayne Wilson - Pres.</u>	<u>Wayne Wilson</u>	<u>11-22-99</u>
Name/Title (Please type or print)	Signature	Date						
<u>Wayne Wilson - Pres.</u>	<u>Wayne Wilson</u>	<u>11-22-99</u>						

WELL CONSTRUCTION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER
1313 Sherman St., Rm 818, Denver, CO 80203

For Office Use only

RECEIVED

AUG 30 1999

WATER RESOURCES
STATE ENGINEER
COLO

1. WELL PERMIT NUMBER 219123

2. OWNER NAME(S) John T. Birch
Mailing Address 1619 Ford Street
City, St. Zip Golden, Co. 80401
Phone (303) 478-20303. WELL LOCATION AS DRILLED: SE 1/4 SE 1/4, Sec. 28 Twp. 6 S, Range 70 W
DISTANCES FROM SEC. LINES:
835 ft. from South Sec. line. and 540 ft. from East Sec. line. OR
(North or South) (East or West)
SUBDIVISION: Pine Springs Ranch LOT 16 BLOCK FILING(UNIT)
STREET ADDRESS AT WELL LOCATION:4. GROUND SURFACE ELEVATION Unknown ft. DRILLING METHOD Air
DATE COMPLETED Aug. 10, 1999 TOTAL DEPTH 352 ft. DEPTH COMPLETED 352 ft.

5. GEOLOGIC LOG:

Depth	Description of Material (Type, Size, Color, Water Location)
0	1 Topsoil
1	71 Tan granite
71	143 Rose granite
143	162 Gray granite
162	233 Rose granite
233	280 Gray granite
280	287 Rose granite with pink & white quartz xx
287	352 Gray granite with pink & white quartz

6. HOLE DIAM. (in.) From (ft) To (ft)

8.5	0	23
6 1/8	23	352

7. PLAIN CASING

OD (in)	Kind	Wall Size	From(ft)	To(ft)
6 5/8	Steel	.188	+1	22
4.5	P.V.C.	.214	12	272
4.5	P.V.C.	.214	292	312
PERF. CASING: Screen Slot Size:			032	
4.5	P.V.C.	.214	272	292
4.5	P.V.C.	.214	312	352

8. FILTER PACK:

Material
Size
Interval

9. PACKER PLACEMENT:

Type Rubber
Depth 80 ft

10. GROUTING RECORD:

Material	Amount	Density	Interval	Placement
Cement	188#	15#	8-20	Poured & vibrated

REMARKS:

11. DISINFECTION: Type H.T. H. Amt. Used 8 Oz.

12. WELL TEST DATA: ☐ Check box if Test Data is submitted on Form No. GWS 39 Supplemental Well Test.

TESTING METHOD Air

Static Level 100 ft. Date/Time measured 8-10-99, Production Rate 14 gpm.

Pumping level 352 ft. Date/Time measured 8-10-99, Test length (hrs.) 1

Remarks

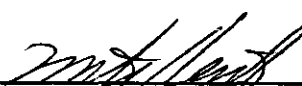
13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR James Drilling Company Phone (303) 420-5181 Lic. No. 1134
Mailing Address 6235 West 56th Avenue Arvada, Co. 80002

Name/Title (Please type or print)

Michael Keaton, President

Signature



Date

8-24-99

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

APPLICANT

WELL PERMIT NUMBER **219123**
DIV. 1 WD 8 DES. BASIN MD

Lot: 16 Block: Filing: Subdiv: PINE SPRINGS RANCH

JOHN T BIRCH
1619 FORD ST
GOLDEN, CO 80401-

(303) 478-2030

APPROVED WELL LOCATION

JEFFERSON COUNTY
SE 1/4 SE 1/4 Section 28
Township 6 S Range 70 W Sixth P.M.

DISTANCES FROM SECTION LINES

835 Ft. from South Section Line
540 Ft. from East Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a residential site of 4.16 acre(s) described as lot 16, Pine Springs Ranch Subdivision, Jefferson County.
- 4) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.
- 8) This permit has been approved for a well to be located on lot 16 of Pine Springs Ranch, 835 feet from the South Section Line and 540 feet from the East Section Line, modifying Items 4 and 5 on the well permit application form. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

NOTE: Expired permit 130419, was previously issued for this lot. *7/20/99*

APPROVED
JSG

Hal D. Simpson
State Engineer

Receipt No. 0446678

DATE ISSUED **JUL 21 1999**

By *John Birch*
EXPIRATION DATE **JUL 21 2001**

JUN 10 1999

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN ST., RM. 818, DENVER CO 80203
phone - info: (303) 866-3587 main: (303) 866-3581

WATER RESOURCES
STATE ENGINEER
COLO.

NEW HOUSEHOLD USE ONLY

Review instructions prior to completing form

Water Well Permit Application

Must be completed in black ink or typed

1. APPLICANT INFORMATION				6. USE OF WELL	
Name of applicant <u>John T. Birch</u>				ORDINARY HOUSEHOLD PURPOSES INSIDE ONE SINGLE FAMILY DWELLING (NO OUTSIDE USE)	
Mailing Address <u>1619 Ford St.</u>					
City <u>Golden</u> State <u>CO</u> Zip code <u>80401</u>					
Telephone Number (include area code) <u>303 - 478-2030</u>				7. WELL DATA	
2. TYPE OF APPLICATION				MAXIMUM PRODUCTION RATE OF THE WELL WILL NOT EXCEED 15 GPM	
CONSTRUCT A NEW HOUSEHOLD USE ONLY WELL ON LESS THAN 35 ACRES				8. TYPE OF RESIDENTIAL SEWAGE SYSTEM	
3. REFER TO (if applicable):				<input checked="" type="checkbox"/> Septic tank / absorption leach field	
Monitoring hole acknowledgment # MH-				<input type="checkbox"/> Central system	
4. LOCATION OF WELL				District name: _____	
County <u>Jefferson</u>		Quarter/quarter <u>SE 1/4</u>	Quarter <u>SE 1/4</u>	<input type="checkbox"/> Vault	
Section <u>28</u>	Township N or S <u>6</u> <input checked="" type="checkbox"/> N <input type="checkbox"/> S	Range E or W <u>70</u> <input checked="" type="checkbox"/> E <input type="checkbox"/> W	Principal Meridian <u>6th</u>	Location sewage to be hauled to: _____	
Distance of well from section lines <u>835</u> ft. from <input type="checkbox"/> N <input checked="" type="checkbox"/> S <u>540</u> ft. from <input type="checkbox"/> E <input checked="" type="checkbox"/> W				<input type="checkbox"/> Other (attach copy of engineering design)	
Well location address, if different from applicant address (if applicable)				9. PROPOSED WELL DRILLER (optional)	
5. TRACT ON WHICH WELL WILL BE LOCATED				Name _____ License number _____	
A. You must check one of the following - see instructions				10. SIGNATURE of applicant(s) or authorized agent	
<input type="checkbox"/> Subdivision: Name _____				The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 mis- demeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.	
Lot # _____ Block # _____ Filing/Unit# _____				Must be original signature <u>John T. Birch</u>	
<input type="checkbox"/> County Exemption (copy of county approval & survey must be attached)				Title <u>Owner</u> Date <u>6/9/99</u>	
Exempt. name/# _____ Tract # _____				Office Use Only <input checked="" type="checkbox"/> WEL- <u>Per SB 35 per meter 130419 fcd.</u>	
<input type="checkbox"/> Mining claim (attach copy of deed or survey)				DWR Map No. _____	
Claim name/# _____				<u>(Huo R-1 Exempt Note (130419))</u>	
<input checked="" type="checkbox"/> Other (attach legal description to application)				CHECKS TRM446678 061099 DIV 160.00 DIV OF WATER RESOURCES	
B. STATE PARCEL				CO <u>30</u>	
ID# (optional): _____				WD <u>8</u>	
C. # of acres in tract <u>4.16</u>				BA _____	
D.				USE _____ MD _____	
THIS WILL BE THE ONLY WELL ON THIS TRACT				Lot 16, Pine Springs Ranch 540' ft ESH in DBASE	

JUN 10 1995

WATER RESOURCES
STATE ENGINEER
COLO.

1. RECORDATION OF THE ODP AMENDMENT
2. APPROVAL OF THE DRAINAGE REPORT.
3. REVISIONS TO THE SITE AND LANDSCAPING PLAN AS SHOWN ON THE RED-MARKED PRINT ON FILE IN THE PLANNING DEPARTMENT.
4. IMPROVEMENTS TO KEN CARL AVENUE AND CARR COURT AS DESCRIBED. PLANS FOR THESE IMPROVEMENTS MUST BE APPROVED BY THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION.
5. SUBMITTAL OF AN ACCEPTABLE PERFORMANCE GUARANTEE, FOR THE KEN CARYL AVENUE AND CARR COURT IMPROVEMENTS.
6. EXECUTION OF A PLATTING EXEMPTION AGREEMENT TO ENSURE LANDSCAPING INSTALLATION AND FOUNDATION CONSTRUCTION ACCORDING TO THE RECOMMENDATIONS OF A REGISTERED ENGINEER.

THE CHAIRMAN IS AUTHORIZED TO SIGN THE AGREEMENT.

EXEMPTION #E128-12-83 -

SELINA BRITTON

SWORN TESTIMONY: SELINA BRITTON, APPLICANT
BONNIE CROMER, DAUGHTER OF APPLICANT

FOLLOWING THE TAKING OF SWORN TESTIMONY AND A GENERAL DISCUSSION, THE BOARD UPON MOTION OF COMMISSIONER FERDINANDSEN, DULY SECONDED BY COMMISSIONER CLEMENT, AND BY UNANIMOUS VOTE, ADOPTED A RESOLUTION FOR THE APPROVAL OF EXEMPTION #E128-12-83, SELINA BRITTON, 39 ACRES, 2 PARCELS, (NE1/4 SECTION 18, TOWNSHIP 6 SOUTH, RANGE 69 WEST). SUBJECT TO STAFF COMMENTS AS FOLLOWS:

1. PAYMENT OF \$51.00 FOR PARKS AND \$19.50 FOR SCHOOLS IN LIEU OF LAND DEDICATION. SEPARATE CHECKS PAYABLE TO JEFFERSON COUNTY SHOULD BE SUBMITTED BY THE APPLICANT.
2. RECEIPT OF A LETTER FROM THE INTER-CANYON FIRE DEPARTMENT INDICATING THAT A 1000 GALLON CISTERN HAS BEEN SATISFACTORILY INSTALLED.
3. EXECUTION OF A PLATTING EXEMPTION AGREEMENT ENSURING:
 - a. LEGAL ACCESS PRIOR TO THE CONVEYANCE OF PARCEL 2;
 - b. THAT PRIOR TO THE CONVEYANCE OF PARCEL 2, A WELL PERMIT HAS BEEN ISSUED OR THE APPLICANT HAS DEMONSTRATED THAT THERE IS A DOMESTIC WELL OF SUFFICIENT CAPACITY TO SUPPLY BOTH PARCELS;
 - c. IF THE DOMESTIC WELL IS TO BE SHARED, AN EQUITABLE WELL DISTRIBUTION ARRANGEMENT MUST BE DEVELOPED.

THE CHAIRMAN IS AUTHORIZED TO SIGN THE AGREEMENT.

EXEMPTION #E129-12-83 - LLOYD AND CAROLYN PETERSON AND ALAN CHRISTENSEN

SWORN TESTIMONY: LLOYD PETERSON, APPLICANT

FOLLOWING THE TAKING OF SWORN TESTIMONY AND A GENERAL DISCUSSION, THE BOARD UPON MOTION OF COMMISSIONER CLEMENT, DULY SECONDED BY COMMISSIONER FERDINANDSEN AND BY UNANIMOUS VOTE, ADOPTED A RESOLUTION FOR THE APPROVAL OF EXEMPTION #E129-12-83, PETERSON/CHRISTENSEN, 9.14 ACRES, 2 PARCELS (SE1/4 SECTION 28, TOWNSHIP 6 SOUTH, RANGE 70 WEST.) SILVER RANCH RD. SUBJECT TO STAFF COMMENTS FOR PAYMENT OF \$122.40 FOR PARKS AND \$46.80 FOR SCHOOLS IN LIEU OF LAND DEDICATION. SEPARATE CHECKS PAYABLE TO JEFFERSON COUNTY SHOULD BE SUBMITTED BY THE APPLICANT.

PLAT #S21-7-83 EVERGREEN COMMONS, APPEAL OF PLANNING COMMISSION DECISION.

FOLLOWING THE TAKING OF SWORN TESTIMONY AND A GENERAL DISCUSSION, THE BOARD UPON MOTION OF COMMISSIONER FERDINANDSEN, DULY SECONDED BY COMMISSIONER CLEMENT, AND BY UNANIMOUS VOTE, ADOPTED A RESOLUTION TO UPHOLD THE DENIAL OF THE APPEAL OF PLANNING COMMISSION DECISION ON PLAT #S21-7-83, EVERGREEN COMMONS.

RECEIVED

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

RECEIVED JUN 10 1999

APR 19 1983

WATER RESOURCES
STATE ENGINEER
COLO.

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

() A PERMIT TO USE GROUND WATER
(X) A PERMIT TO CONSTRUCT A WELL
FOR: (X) A PERMIT TO INSTALL A PUMP

() REPLACEMENT FOR NO. _____

() OTHER _____

WATER COURT CASE NO. _____

(1) APPLICANT - mailing address

NAME LLOYD M. PETERSON
STREET 11290 W OREGON DR
CITY LAKEWOOD CO 80221
(State) (Zip)
TELEPHONE NO. 786 7024 623-1234

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 35001

Basin _____

Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

1) APPROVED PURSUANT TO CRS 1973, 37 - 92 - 602 (3)

(b) (1) AS THE ONLY WELL ON A RESIDENTIAL SITE

DESCRIBED AS 4.16 ACRES in Parcel 16,
Pine Spring Ranch, Jefferson Co

2) THE USE OF GROUNDWATER FROM THIS WELL IS LIMITED TO ORDINARY HOUSEHOLD PURPOSES INSIDE A SINGLE FAMILY DWELLING, AND SHALL NOT BE USED OUTSIDE THE HOUSE FOR ANY PURPOSE.

3) THE RETURN FLOW FROM THE USE OF THE WELL MUST BE THRU AN INDIVIDUAL WASTE WATER DISPOSAL SYSTEM OF THE NON - EVAPORATIVE TYPE WHERE THE WATER IS RETURNED TO THE SAME STREAM SYSTEM IN WHICH THE WELL IS LOCATED.

OWNER'S COPY

(2) LOCATION OF PROPOSED WELL

County JEFFERSON
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 28
Twp 6 S, Rng. 70 W, 6th P.M.
N.S. E.W.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15Average annual amount of ground water to be appropriated (acre-feet): 1Number of acres to be irrigated: 0Proposed total depth (feet): 350'

Aquifer ground water is to be obtained from:

FRACTURED GRANITE

Owner's well designation _____

GROUND WATER TO BE USED FOR:

(X) HOUSEHOLD USE ONLY - no irrigation (0)

() DOMESTIC (1) () INDUSTRIAL (5)

() LIVESTOCK (2) () IRRIGATION (6)

() COMMERCIAL (4) () MUNICIPAL (8)

() OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name LICENSED

Street _____

City _____

(State)

(Zip)

Telephone No. _____ Lic. No. _____

APPLICATION APPROVED

PERMIT NUMBER 130419DATE ISSUED MAY 19 1983EXPIRATION DATE MAY 19 1985Robert C. Langenberg

Assistant (STATE ENGINEER)

BY Dwight R. Johnson

Commitment No.: 5536519

SCHEDULE A - Continued

LEGAL DESCRIPTION

A parcel of ground located in the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 6 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, more particularly described as follows:

BEGINNING at a point on the East line of Section 28 whence the Southeast corner of Section 28 bears South 00 deg. 48 min. 40 sec. East 575.00 feet;
thence due West 646.87 feet to a point on the center line of a 60 foot access road;
thence on and along said center line North 21 deg. 19 min. 00 sec. East 332.73 feet;
thence departing from said center line due East 521.53 feet to a point on the East line of Section 28;
thence on and along the East line of Section 28, South 00 deg. 48 min. 40 sec. East 310.00 feet to the POINT OF BEGINNING and reserving that portion of the Westerly 30 feet thereof, lying adjacent to the above described center line, for road purposes,

County of Jefferson,
State of Colorado.

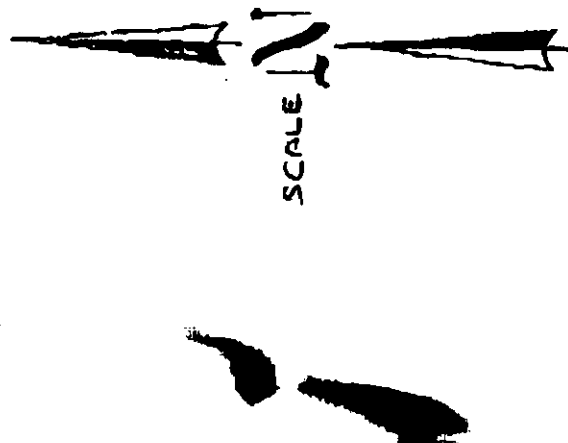
10. CLAUDINE

PAROI / JOHN

216-9646

20133 SILVER RANCH ROAD

Best Copy Available



SCALE

1" = 100'

4.157 ACRES

APPEL OF GROUND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST
OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 10 WEST OF THE 6TH
NATIONAL MERIDIAN, JEFFERSON COUNTY, COLORADO, MORE
TICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 28 WHENCE THE
THE EAST CORNER OF SECTION 28 BEARS SOUTH 00 DEGREES 18 MINUTES
SECONDS EAST 575.00 FEET; THENCE DUE WEST 646.87 FEET TO A
POINT ON THE CENTERLINE OF A 60 FOOT ACCESS ROAD; THENCE ON AND
ALONG THE CENTERLINE NORTH 21 DEGREES 19 MINUTES 00 SECONDS
7332.73 FEET; THENCE DEPARTING FROM SAID CENTERLINE DUE EAST
.53 FEET TO A POINT ON THE EAST LINE OF SECTION 28; THENCE ON
ALONG THE EAST LINE OF SECTION 28 SOUTH 00 DEGREES 48
MINUTES 40 SECONDS EAST 310.00 FEET TO THE POINT OF BEGINNING,
RESERVING THAT PORTION OF THE WESTERLY 30 FEET THEREOF,
BEING ADJACENT TO THE ABOVE DESCRIBED CENTERLINE, FOR ROAD
POLES.

HAYES & SOUTCIE

216-9646

SILVER RANCH ROAD
Access Road

825' SSL
450' ESL

WEST 646.87'

EAST 521.53'

310.00'

575.00'

500' 48' 40" E

RECEIVED
JUN 10 1999

WATER RESOURCES
STATE ENGINEER
COLO.

SE COR

Permit Application Change Form

To be used when issuing well permits based upon information other than as received. Please file with final Permit

Receipt No. 446678

Name of Applicant Birch

Summary of change(s):

Approved for a well to be located on lot 16
of Pine Springs Ranch, 835 feet from the South
Section line and 540 feet from the East Section
Line, modifying Items 4 and 5 on the well
permit application form.

- Pursuant to p # 130419 (expired) and diagram
submitted by applicant

Date 7/20/99

Signed 

Print Name John Gilbert









Allie McGahee

From: becky walker <walker.becky.e@gmail.com>
Sent: Friday, November 25, 2022 8:27 AM
To: Allie McGahee
Subject: --{EXTERNAL}-- Case# 22-119725VC

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am unable to attend the meeting for Case# 22-119725VC (20133 Silver Ranch Road Conifer, CO) on 12.07.2022 @ 9am but I would like to write to you and extend my full support to the owners turning this into a short term rental.

I saw several posts on NextDoor informing community members about this potential STR and many community members are fully against this. I do not think they fully understand that STR done properly through the county are held to a much higher standard than regular homeowners.

Our community has a median age of 54 and many commentators are above that age and are actively against ANY change in our area. I do not think they understand that change, while sometimes scary, can be a good thing in the long run.

I wish you good luck at the upcoming meeting and hope that this STR will pass.

Happy Holidays!
Becky Walker

Allie McGahee

From: brian lafleur <justfinished77@gmail.com>
Sent: Wednesday, November 30, 2022 11:47 AM
To: Allie McGahee
Cc: Darcy La Fleur
Subject: --{EXTERNAL}-- Letter regarding special exception to allow short term rental case # 22-11972- Silver Ranch neighborhood Conifer

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. McGahe,

My wife and I are writing this letter in regards to the request for a special exception to allow short term rental at 20133 Silver Ranch Rd. Conifer, CO 80433, case #22-11972. We are residents of the neighborhood for the last 8 years and have a vested interest in our community. We know and socialize with many of the neighbors and have many concerns about having a constant flow of strangers with no vested interest in the well-being of our community. The following is a list of concerns we have:

1) The new owners added a fire pit area to the property. As you may know Jefferson County is often in a fire ban in the summer months and adding this fire pit invites visitors to build fires with or without the knowledge of said ban. This easily could result in a wildland fire destroying the entire neighborhood. Even if the visitors are aware of the fire ban they are not vested homeowners therefore may not care. This is of utmost concern.

2) This home sits on the community maintained portion of the road. The homeowners on that side of the community work together in the summer and winter to keep that road open. Since the new owners have not experienced a winter in this area they may not be aware of the number of people who think this is the way in and out of the neighborhood and often get stuck. With no cell service they are at the mercy of neighbors to assist them. If they cannot get help then their vehicles become a road hazard and block the road. This is bad in the best of circumstances but if emergency vehicles need to get through this could have a devastating outcome. Many neighbors on that portion on the road are elderly or have medical conditions.

3) Cell service is limited or non-existent in this area. Being in the medical/emergency services fields my wife and I both understand the importance of having the ability to summon help quickly in an emergency. If there were to be a medical emergency and short term renters are expecting to use cell phones as their means of communication this could also have devastating consequences.

4) Power outages we often experience random power outages in this area. Last I knew this home did not have any back-up power system. The homes in this area need power for heat and water not to mention to run the internet (again many of us use wi-fi calling to use cell phones). While I agree that if we have a power outage the visitors can leave the home, however, this may happen at night and they may not be aware until they are cold. This can also create a precarious situation for the homeowner as trying to keep the home warm enough to prevent pipes freezing etc. is often difficult for full time homeowners let alone someone not in the home routinely. Just as a note of caution power outages have lasted from minutes to days and even up to a week or more.

5) Strangers. Community watch is essential in this area. As you may have realized by now the Silver Ranch neighborhood is a close knit community. We know our neighbors and watch out for them. Strangers in our midst are often concerning. Many of us live here but work in the city and leave our homes for many hours. Since the Jeffco Sheriff

has a delayed response to our area we count on each other to watch for strangers or criminal intent. Since there will likely be a revolving door of non-homeowners to this location this is concerning.

6) Wildlife- We love living in an area with an abundance of wildlife but this relationship is a delicate balance. In our area there are mountain lions, bears, bobcats, foxes, deer, elk, coyote, turkey, skunks, raccoons, and moose. Knowing how to live with the wildlife is essential in keeping both them and us safe. Many people learn when they move here that feeding wildlife is a bad thing. Yet, we know that visitors who encounter wildlife with no knowledge or experience find it fascinating to feed them. This attracts both the predators and the prey and make them not only dependent but immune to human interaction. Additionally, if visitors have small children or domestic animals that they bring to the home they may be unaware of the dangers.

7) Trash management is another essential issue. In our neighborhood it is imperative that trash is not left out for even one night. We all store trash in a safe locked area and put trash out the morning of pick up. Trash left out any sooner is subject specifically to bear activity. With short term renters how will trash be managed?

These are the most pressing concerns that we currently have. Thank you for taking the time to consider these in your decision on this matter. Please feel free to reach out to us directly if you have further questions.

Sincerely,
Brian and Darcy LaFleur
12349 Quartz Spur
Conifer, CO 80433
303-941-6029

Allie McGahee
Case Manager
Case Number: 22119725 VC

Dear Allie,

I'm a Conifer resident at 19293 Silver Ranch Rd, only 1,746 feet from 20133 Silver Ranch Rd, the property in Case 22-119725VC under consideration for a "Special Exemption to allow a Short-Term Rental." Please find below my input on Case 22-119725VC.

My Position:

I want to convey my **opposition** to the Special Exemption that would enable the Short-Term Rental to proceed at 20133 Silver Ranch Rd. Jefferson County Planning & Zoning must reject the Special Exemption request and terminate the process immediately.

Why am I opposed?

I am concerned that renters and guests at the Short Term Rental (STR), unfamiliar with the extreme wildfire risk of the STR location and surrounding area, will start a wildfire endangering the lives of the renters, guests, my neighbors, and residents across the region. Jefferson County's STR regulations do not adequately address all the risks associated with STRs in the Wildland Urban Interface (WUI) and do not convey that risk to the people occupying the STR.

Supporting Analysis

1. 20133 Silver Ranch Rd is located in an area designated at the highest risk of wildfire in Colorado and the United States, as documented in the Elk Creek/Inter-Canyon Community Wildfire Protection Plan (Attachment 1) in Figure 4.b.5 on page 64. The text reads, "...Aspen Park and the surrounding areas are at greater risk of wildfire than 99% of communities in both Colorado and the United States."
 - i. 20133 Silver Ranch Rd is in the Elk Creek/Inter-Canyon Fire Protection District's Silver Ranch South Planning Unit. Attachment 1, Table 4.b.3 on page 80, categorizes the Relative Risk Level of wildfire in the Silver Ranch South Planning Unit as **Extreme**.
2. The "Being a Good Neighbor. A guide to short-term rentals" (Attachment 2) information required by Jefferson County to be posted on the STR property is entirely inadequate. It does ban outdoor fires; however, it excludes many critical wildfire-related safety factors:
 - i. It fails to address the dangers of smoking outdoors at any time, nor does it address how Jefferson County Fire Restrictions – Stage One, and a Fire Ban – Stage Two, limit where smoking can occur.
 - ii. Lacks the requirement for the guests/renter to be aware of the current Jefferson County Fire Restriction level and what is allowed and not allowed at various restriction levels.
 - iii. Lacks the requirement for the renter/guest to register with Lookout Alert to receive wildfire evacuation notices and other warnings issued by Jefferson County. This expressly puts the lives of the renters at risk.

My Requests:

- Allie – I ask that you and Jefferson County Planning & Zoning **do not approve** the “Special Exemption to allow a Short-Term Rental” Case 22-119725VC.
- Please review all the material attached to this email and include it in the public record.
- Please add me to the email list for developments on this case.
- Zoning Resolution Section 39 - Wildfire Hazard Overlay District has recently been updated. Has it been verified that the property complies with the updated Zoning Resolution as required by the current JeffCo Short-Term Rental regulations?
- A defensible space permit is shown on the County website in the Misc. Documents folder for this case. My question is – will Jefferson County ensure the defensible space work is completed?

Summary

Jefferson County’s Strategic Plan places a strong emphasis on creating safe communities. Approving an STR in a location at **extreme** risk of wildfire is not in the best interest of public safety and is counter to the Strategic Plan. Approving this request puts the lives of residents in Silver Ranch Estates and the surrounding region at risk. Approving this request puts the lives of the renters and guests of the STR at risk.

In conclusion, I ask that this request be denied due to its negative impact on the health and safety of the residents in Silver Ranch Estates, the Pleasant Park Corridor, Aspen Park, Morrison, Littleton, and the entire surrounding area.

Al Leo

Resident of Silver Ranch Estates

Allie McGahee

From: David Lissak <david@integrityresearchusa.com>
Sent: Monday, November 28, 2022 12:20 PM
To: Allie McGahee
Subject: --{EXTERNAL}-- CASE #22-119725VC (20133 Silver Ranch Rd) Variance - BOA

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Allie,

This is Dave Lissak. My spouse, Rose, and I are 35 year full-time residents of the Silver Ranch Neighborhood. The homes in our neighborhood are situated in a densely forested part of Jeffco that was evacuated during the 2012 North Fork fire. And, we've been impacted by the former fires of Buffalo Creek, Hayman, Hi Meadow and others. We mitigate the land in case of future fires and understand that we live in a high risk area. You can see how the prospect of a short-term rental home in such an environment would cause great worry to our neighbors, Rose, and I. Living safely in the foothills requires quite a learning curve; that wisdom of fire danger is not something that is acquired in a short time. Thus said, Rose and I are greatly OPPOSED to any Short-Term Rental Variance for 20133 Silver Ranch Road. Silver Ranch road is in the configuration of a horseshoe; 20133 Silver Ranch Road is on the unfinished and unmaintained section. Access to the property will not be easy for firefighters, emergency health workers and visitors. Please accept this email stating our opposition as we will be unable to attend the hearing on December 7th.

Thank you!

Dave Lissak
303-697-4267
David@IntegrityResearchUSA.com

Tuesday November 29th, 2022

Silver Ranch Neighborhood Written Comments For:

Case Type: Variance - BOA

Case Number: 22-119725VC

Where: 20133 Silver Ranch RD

Case Manager: Allie McGahee, 303-271-8736, almcgahe@co.jefferson.co.us

Purpose: Special Exception to allow a Short-Term Rental

Many neighbors are Opposed to the Special Exception to allow a short term rental for multiple reasons as follows:

Primary Issue – Road Access and Safety

1. In section 12 on page 3 on the application regarding Access, the applicant has entered [incorrect information for the options given](#). **Corrected information and comments below.**

Section 12. Access:

a. Legal access

Option chosen for answer: [County-maintained road](#) – **The location is located on an Unmaintained part of Silver Ranch Road and is NOT maintained by Jeffco. The marked up Jeffco Staff exhibit depicting this is included in this response.**

b. Does the roadway meet County standards?

Option chosen for answer: [Yes](#) – **According to Jefferson County Road and Bridge department the current Unmaintained part of Silver Ranch DOES NOT meet the requirements for Jeffco to maintain such as:**

- I. A 24' width that included shoulders.
 - II. A 3' minimum width swale for drainage (not sure if this needs to be on both sides).
 - III. New maintained roads may need to be paved.
 - IV. Right of Ways need to be acquired from local residents.
 - V. AND Jeffco is not taking on any additional roads for maintaining at this time.
2. This road is maintained and paid for by the 11 owners adjacent to it. Thousands of dollars are spent year over year to address the dangerous issues that arise from an approximate 9% grade, poor drainage issues and narrow access where it is impossible to pass another vehicle on the many narrow sections (maximum 16' wide). It is also plowed by local residents to maintain access in the winter for all who live on it. The dis-proportionate amount of inexperienced, unfamiliar drivers on this road resulting from a short term rental causes multiple issues.
 3. This road is a safety issue for residents and non-residents both. As a north facing road it is snow packed from October through May. Non-resident vehicles regularly become stuck on this road, with complicated tows necessary to eventually extract them. There is no cell phone coverage in this area. The layout of the road does not allow residents coming up or down the road to see a stuck vehicle until it is too late, and next to impossible to back up or down on the ~9% snow packed grade
 4. Additionally, this road is the secondary fire escape route for the entire Silver Ranch Neighborhood. (It is worth noting that the evacuation for the North Fork fire occurred in the month of March)
 5. There is a different access to this home, using less of the privately maintained road, but is an additional 1.6 miles further for those coming from Hwy 285 and loops back around the entire neighborhood. In addition, all GPS programs direct drivers to use the unmaintained portion of Silver Ranch road. Most longtime residents will agree that even with special instructions to friends, family and deliveries...the vast majority still end up following the GPS directions.

****Please see attached map and photos**

Secondary Issue – Fire Danger with no owner on site

1. This neighborhood has been in “High” to “Extreme” Fire Danger for the vast majority of the past 5 years. The entire neighborhood was under mandatory full evacuation for the Lower North Fork Fire in 2012.
2. Traditionally, short term renters are from different areas and are unaware of just how fragile the environment is towards fire, even in the winter. With no owner on sight, it would be extremely difficult to enforce no fires, cigarettes, firecrackers, etc.
3. **There is serious concern that the only visible recent improvement made to the exterior of the newly purchased house was a large fire pit installed in August. This seems in direct conflict with the June application submitted, with ‘rules’ stating no fires.** **Please see attached photos

Additional Issue(s)

- We are a mountain community that does not have a homeowners association. We are proud of the freedom this allows our residents, and that we generally work out our issues as neighbors in a community. Short term renters are not community minded. The absentee owners have not been responsive to even friendly neighborhood attempts to communicate. Concern over responsiveness to issues is high.

The majority of residents whose property is accessed off this unmaintained portion Silver Ranch Rd, along with multiple other residents on Silver Ranch Rd that are opposed to this short term rental are longtime residents who have vested interests in keeping our roads safe, limiting the increased traffic of non-residents, and taking all fire precautions seriously.

Additional Neighborhood Comments:

Richard and Linda Greer
20153 Silver Ranch Rd

We are 9 year residents of Silver Ranch Rd. and live next door to the property requesting Special Exceptions for a Short Term Rental (STR). Our main concerns are listed below:

1. Road Access- We are on a unmaintained road. We have struggled many times getting up the unmaintained road in the winter. There is a sign at the bottom of the road requiring a 4-wheel drive vehicle or chains. It becomes extremely icy all winter long because it gets no sunlight. If a vehicle gets stuck it can take hours to get a tow truck to pull out vehicle.
2. Fire Danger- This is always a concern up here. People that don’t live here don’t necessarily understand what can cause a fire. Cigarettes, outdoor fire pit, firecrackers, etc.
3. Wild Animals- We have had issues with Bears and Foxes on our property over the years. Often causing damage to buildings and getting into trash. Non-residents may not know of these area issues.
4. Home Value – STR can decrease the value of neighboring properties and can make it difficult to sell a home with a STR next door.
5. Noise- It’s not uncommon for renters to have parties creating noise, and damaging things, both inside and outside.

We are 50 yards away from the house requesting the STR exceptions. Our previous neighbors had been up here for 15 years and they helped us learn the ins and outs of living in the mountains. There is a definite learning curve that takes time to understand how different mountain living is. We are a tight group and everyone up here looks out for each other. It’s one thing to have great neighbors close to you but another to have Short Term Renters.

John & Laura Murphy

20033 Silver Ranch Road

303-810-2391

As 21 year residents of Silver Ranch Road and as the other adjacent neighbors to the property named in the variance request, we are adamantly opposed to the variance for all the reasons listed above and below.

Tony and Kim Edwards

19693 Silver Ranch Rd

a3edwards@yahoo.com

(303) 807-7414

Our concerns:

-Jeffco Sheriff with already limited resources will have to be called for any complaints since the owners are not on site to enforce anything.

-In addition to the already stated fire concerns a large seating area has been built with an open fire pit. Renters are sure to use this despite the owners rules stating "no fires" Again they will not be on site to enforce.

-Large amounts of unsecured trash attracting bears is also a big concern. Kim and I own two donkeys (considered livestock) We do not need any additional predators attracted to the area.

It should also be noted that the owners made a false statement on their application when they answered yes to whether or not the road was county maintained. It is well known that it is not.

Pete Whalen,

19684 Silver Ranch Rd

petertwhalen@gmail.com

720-289-3849

I am a 21 year resident in the Silver Ranch neighborhood, and I Do Not support this Special Exception to allow a Short-Term Rental for all reasons stated above and below.

Meryl Gura

20150 Silver Ranch

The points made are thoughtful and work to protect our section and the rest of Silver Ranch Rd.

The road, fire danger, noise levels, and I'll add firearms being used, as well as the other points made, are concerns and good reasons not to allow short term rentals.

Thank you

Glenn Bingham

20000 Silver Ranch Road (19 year resident)

303-513-5123

Glenn.Bingham1160@gmail.com

I'm absolutely against a short term rental for all reasons stated on the neighborhood comments response.

Jennifer L. Wilson and Douglas J. Fraser

20124 Silver Ranch Rd. (since July 2014)

Opposed to a Short Term Rental for all reasons stated.

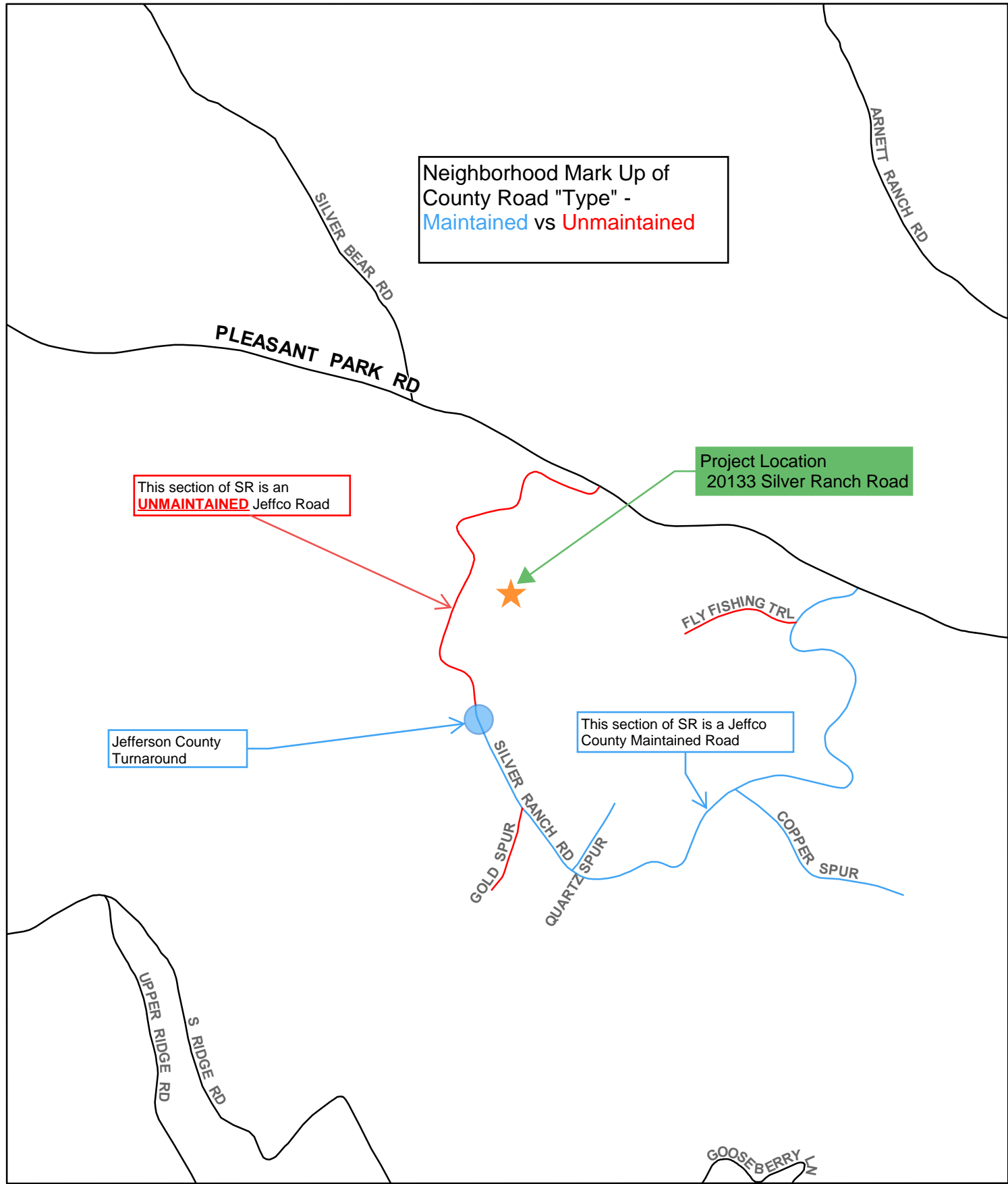
Dave and Rose Lissak
david@integrityresearchusa.com
303-697-4267"

My name is Dave Lissak and my spouse Rose and I are 35 year residents of the Silver Ranch neighborhood. We are very OPPOSED to this SPECIAL EXCEPTION to allow a SHORT-TERM RENTAL for the many obvious reasons stated on this neighborhood response.

Alyssa Glover, Neighbor

In general I do not oppose the idea of short-term rentals, however there are several concerns regarding 20133 Silver Ranch Rd. becoming a short-term rental property. My main concerns of this property being approved as a short-term rental are usage of a privately maintained road, wildlife habituation, and fire hazards. Additionally, I find the "house rules" submitted with the application rather lacking and vague. For the reasons in the below table detailing my main concerns (Items 1-3), I OPPOSE the short-term rental approval of 20133 Silver Ranch Rd.

Road maintenance and usage	<p>The section of Silver Ranch that the property resides on is privately maintained. Since the homeowners do not reside in the community they are not likely going to assist with maintenance such as plowing during the winter and annual resurfacing maintenance.</p> <p>There is a large concern of renters not knowing the "rough" nature of the road, there is a great potential of renters getting stuck on the steep inclined section especially during winter months and spring mud conditions. If renters do get stuck they could potentially block the entry/exit access of all residents (the road is more narrow than 2 lanes). This could also burden nearby residents who may be asked to assist with the stuck vehicle. There is also a risk that a vehicle blocking the access could happen during a fire evacuation.</p>
Wildlife encounters	<p>Since the homeowner does not reside in the area, there is a strong potential that renters will leave trash out and/or trash can will be left out overnight which attracts and habituates wildlife such as bears. Habituated bears are dead bears and are a risk to the entire community as they grow comfortable with human interaction. It also attracts bears to neighbors who may have livestock such as chickens or goats.</p> <p>Additionally there is a potential that renters will feed the wildlife as it is an attraction of "mountain living". Again this can habituate wildlife and is illegal for certain animals such as big game.</p>
Fire hazard	<p>Since the homeowner purchased the property in summer '22 they have added a wood burning fire pit to the back yard. Undoubtedly they will advertise this in the STR listing as it provides an ambiance to the renters stay. Fire hazard is a huge risk in our community (see Community Wildfire Protection Plan assessment) and not all out of towners will be cognizant of burn bans or fire hazards and Colorado's perpetual state of drought.</p> <p>Additionally, since the homeowners do not live in the area they are not likely to keep up with fire mitigation efforts.</p>

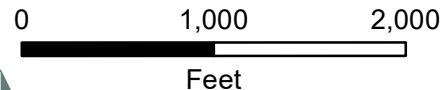


Case Number: 22-119725VC

Location: Sec. 28, T6S, R70W



JEFFERSON
COUNTY COLORADO









June 2022 - Before Fire Pit



August 2022 - Fire Pit Installed



CASE SUMMARY
Regular Agenda

BOA Hearing Date: December 7, 2022

22-121493 VC Special Exception

Owner/Applicant: Jason David Bradbury

Location: 6905 Sprucedale Park Way, Evergreen
Section 29, Township 5 South, Range 71 West

Approximate Area: 1.09 Acres

Zoning: Mountain Residential-One (MR-1)

Purpose: **To allow a Short-Term Rental.**

Case Manager: Sara Kohles

Issues:

- None.

Recommendations:

- **Staff:** Recommends **approval** subject to conditions.

Interested Parties:

- None.

Level of Community Interest: Low

Case Manager Information: Phone: 303-271-8734 e-mail: skohles@jeffco.us

Staff Report

BOA Hearing Date: December 7, 2022

22-121493 VC Special Exception

Owner/Applicant: Jason David Bradbury

Location: 6905 Sprucedale Park Way, Evergreen
Section 29, Township 5 South, Range 71 West

Approximate Area: 1.09 Acres

Zoning: Mountain Residential-One (MR-1)

Purpose: **To allow a Short-Term Rental.**

Case Manager: Sara Kohles

Previous Actions: None.

Surrounding Zoning: North: Mountain Residential-One (MR-1)
South: Mountain Residential-One (MR-1)
East: Mountain Residential-One (MR-1)
West: Mountain Residential-One (MR-1)

Existing Use: Residential

Existing Structures: Single-Family Home

Services: Evergreen Fire Protection District
Individual Well and Septic

BACKGROUND/DISCUSSION:

The applicant is requesting to use their residence at 6905 Sprucedale Park Way as a Short-Term Rental (STR). The residence is a four-bedroom home on a 1.09-acre parcel. The property and residence meet all requirements for a Special Exception to allow a STR.

SITE CHARACTERISTICS AND IMPACTS:

The property is located approximately 3-miles southwest of downtown Evergreen. The property takes access from Sprucedale Park Way, a private paved road that connects to County-maintained S Brook Forest Road. The single-family home has a 3-vehicle attached garage, two decks, and an outdoor hot tub. The site contains a variety of trees and shrubs. Approximately half of the property is encumbered by slopes exceeding 20%. The subject property and current site conditions are in line with the overall mountain-residential character of the neighborhood. The nearest home is approximately 100 feet from the subject property's home.

ZONING REQUIREMENTS AND ANALYSIS:

Section 11.B.2.e of the Jefferson County Zoning Resolution provides criteria for the Board of Adjustment to review for a Special Exception for a STR. With respect to a short-term rental of a single-family dwelling, the following criteria are analyzed:

(1) The Board of Adjustment may permit a short-term rental within the R-1, RR, MR-1, SR-1, SR-2, SR-5, A-1, A-2 or A-35 zone districts or a comparable Planned Development zone district.

(a) The Board of Adjustment, in reviewing and making its decision upon such applications shall consider the impacts of the proposed use upon property in the surrounding area, including but not limited to:

(a-1) Traffic impacts, volume of trips, safety and access;

The property has adequate parking for at least five vehicles in the driveway and garage. The parking spaces allow independent egress in the event of emergency. No parking is allowed in the hammerhead turnaround, which must be kept open for emergency access and egress.

(a-2) Fire hazards;

The property is served by the Evergreen Fire Protection District. The subject property is within the Wildland Urban Interface Overlay District, which requires the property to obtain a Defensible Space permit for a Short-Term Rental. The Zoning Resolution prohibits Short-Term Rentals from having outdoor fires using wood or charcoal as fuel.

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties;

No negative visual impacts will be created by the approval of this application. The single-family dwelling is the only structure that will be used as a Short-Term Rental, and no additions to the dwelling are proposed.

(a-4) Noise;

The Short-Term Rental use must comply with the County's Noise Abatement Policy. The Jefferson County Sheriff's Office enforces this regulatory policy. The nearest home is approximately 110-feet downhill from the property.

(a-5) Drainage, erosion and flood hazards;

There is not a FEMA Floodplain on the property therefore the proposed Short-Term Rental would not increase the deleterious effects of flood hazards, drainage, or erosion on the property.

(a-6) Community character;

The home was originally built in 1997. Allowing this residential property to become a Short-Term Rental would not affect community character, as it will remain residential.

(a-7) Adequate water and sewage disposal availability;

The property is served by an individual well and septic system. The septic system is rated for four bedrooms, which would allow for eight total overnight occupants, including the homeowner if present, per Jefferson County Public Health (Public Health) guidelines.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area;

The single-family dwelling to be used as the Short-Term Rental meets all lot and building standards of the underlying zone district. The property also provides adequate parking for the home's use as a Short-Term Rental and single-family residence to ensure that all vehicles will be parked on site.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and

The structure in which the Short-Term Rental would be conducted is residential in nature which is compatible with the surrounding residential uses.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area.

Staff finds that the use of a Short-Term Rental would not create negative effects on the health, safety, or welfare of the residents in the surrounding area, since it would have similar impacts as a single-family residential property.

(2) Limitations upon Short-term Rental Special Exception Applications

(a) The lot, parcel, or boundary area subject to the Special Exception must conform to:

(a-1) A minimum lot size of one acre.

The subject property is 1.09 acres.

(a-2) Building standards of the underlying zone district.

The structure meets the lot and building standards of the MR-1 zone district.

(b) The proposed short-term rental shall provide a minimum of one (1) off-street parking space, plus one (1) additional off-street parking space per bedroom room. For example, a five-bedroom residence must have six off-street parking spaces to meet this criterion.

The property intended for short-term rental has four bedrooms. This would require five parking spaces. There is adequate parking provided in the driveway and garage which allows for independent egress.

(c) The property owner shall comply with any defensible space requirements as set forth in the Wildland Urban Interface Overlay District.

The subject property is within the Wildland Urban Interface Overlay District and the applicant has completed an initial inspection for a Defensible Space Permit. If the Special Exception for a short term rental is approved by the Board of Adjustment, a final inspection will be due within 30 days of the hearing.

(d) Valid water and sanitation must be provided either by an appropriate water and sanitation district or by a valid well permit and individual sewage disposal system (ISDS) permit specific to the property.

The property is served by an individual well and septic system. The Well Permit number, as provided by Colorado Division of Water Resources, is 176298; this is a Residential Well, for household use only and is adequate for a Short-Term Rental.

The On-Site Wastewater Permit number is 21-123337 OW; it is rated for four bedrooms. Per the guidance provided by Public Health, the septic system rated for four bedrooms has an occupancy limit of eight persons.

(e) The lot, parcel, or boundary area subject to the Special Exception shall take legal access from a County maintained right-of-way or a private road that meets the minimum standard for private roads and driveways or non-maintained County right-of-way as set forth in the Jefferson County Roadway Design and Construction manual.

The Short-Term Rental takes access from Sprucedale Park Way, a private paved road. A Master Easement Agreement for ingress-egress was recorded in 1995 (reception #F0007025) for owners of Parcels I-XIII in the Estates at Blue Creek III subdivision. The applicant owns Parcel XII. An additional easement for ingress-egress was recorded in 1997 (reception #F0495396) for the westerly 12.5 feet of Lot 9 for the benefit of Parcel XII, the applicant's parcel. These two easements provide evidence that the applicant has legal access.

(f) The short-term rental shall offer overnight accommodations in the primary single-family dwelling in existence on the property, not in an accessory dwelling unit. The entire property including accessory uses in the corresponding zone district may be utilized by the guests of the short-term rental.

The structure on the property to be rented is a single-family dwelling, and the property does not have an Accessory Dwelling Unit.

(g) The property owner may not, at the time of application for the Special Exception, be the subject of an ongoing zoning violation other than the short-term rental of a single-family dwelling.

There are no active violations on the property at the time of this report.

(h) No substantial detriment to the intent of the Zoning Resolution will be caused. *Staff finds that the approval of this Special Exception will not harm the intent of the Zoning Resolution, as the use is substantially similar to the residential uses already permitted on the property.*

(3) Such Special Exception, if granted, will be valid for a period of six months from the date of the approval of the short-term rental Special Exception request and thereafter may be renewed annually after a complete rehearing by the Board of Adjustment to determine that the use is in compliance with the intent and purpose for which the Special Exception was granted.

(4) Upon an affirmative decision, the applicant shall submit a request for a Short-Term Rental Permit including documentation that all requirements and conditions of the Special Exception granted pursuant to this section have been fulfilled.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed Special Exception application was mailed to adjacent property owners, (which includes the property owners on the opposite side of the public local street) and to the Registered Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception request, was provided to the applicant for posting on the site. The sign was provided to the applicant with instructions that the site be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification are:

- Berrien Ranch Umbrella Group for Evergreen South (BRUGES)
- Conifer and South Evergreen Community Committee (SoSECC)
- Jefferson County Horse Council
- Plan Jeffco

During the processing of the application, Staff received nine written public comments in opposition to the short term rental including comments from the Blue Creek III HOA.

ANALYSIS:

Staff has evaluated this request based on the requirements for the approval of a Special Exception request for a Short-Term Rental as listed in Section 11.B.2.e. of the Jefferson County Zoning Resolution. Staff finds that the applicant has met the requirements necessary to allow this request.

STAFF FINDINGS:

1. Staff finds that the applicant meets all the requirements under Section 11.B.2.e of the Jefferson County Zoning Resolution regarding Short-Term Rentals.

2. Staff recommends APPROVAL of Case No. 22-121493 VC, subject to the following conditions:
- a. A Short-Term Rental Permit shall be obtained from Jefferson County Planning & Zoning prior to any rental of the property; and
 - b. This approval is granted for six months from the date of approval, or until June 7, 2023, and it shall be the responsibility of the applicant to apply for a renewal of this Special Exception within that timeframe; and
 - c. The Short-Term Rental must be limited to no more than eight persons based on the limitations of the On-Site Wastewater System.

COMMENTS PREPARED BY:

Sara Kohles

Sara Kohles, Planner

Jefferson County Board of Adjustment Application

Variance • Special Exception • Appeal



100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning.jeffco.us
pzpermits@jeffco.us

Case Number (for staff use only): 22-121493VC

This application may be used for Variance, Special Exception and Appeal requests before the Board of Adjustment, including relief from zoning regulations, short term rentals and some home occupations. Please refer to the reverse side of this page for submittal requirements.

Submit this application and all necessary documents electronically to pzpermits@jeffco.us.

Applicant and Site Details

6905 Sprucedale Park Way, Parcel ID 51-282-01-098		Evergreen, CO	80439
<i>Address of Subject Property, Legal Description and/or Parcel ID Number</i>		<i>City</i>	<i>Zip</i>
Jason D. Bradbury	jbradbury11@gmail.com	5056811942	
<i>Property Owner</i>	<i>Email</i>	<i>Phone Number</i>	
6905 Sprucedale Park Way	Evergreen	CO	80439
<i>Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
<i>Contractor/Representative</i>		<i>Phone Number</i>	
<i>Email</i>			
For sign pick-up, please contact: _____		Email: _____	Phone Number: _____

Specific Request

Request to convert home to Short Term Rental

Applicant Acknowledgments

- ☒ Applications will not be accepted unless all submittal requirements have been met. If during staff review any application is found to contain incomplete and/or inaccurate information, the case may be postponed until all necessary submittal documentation has been received. Documents larger than 11 x 17 can be submitted electronically.
- ☒ I understand the filing fee is to cover costs of administration, research, and hearing of this case and is non-refundable.
- ☒ I hereby give permission for County staff and Board members to enter upon my property for purposes of site inspection and investigation. *Please specify any extraordinary circumstances of which staff should be aware, i.e., the presence of dogs on the site, locked gates, etc. The property must be accessible for site inspection.*
- ☒ The applicant will receive a copy of the Board's decision, which may be recorded through the Jefferson County Clerk & Recorder's Office.
- ☒ **For Variance cases only:** A Setback Verification Form will be required as a part of the Building Permit process for Variance cases involving relief from setback requirements.
- ☒ **For Variance cases only:** I have read and understand the BOA Variance guide, and certify the site plan or survey is fully accurate, depicting all structures on site.

Signature of Owner or Authorized Representative

07/06/2022

Date

Jefferson County Board of Adjustment Application

Case Number (for staff use only): 22-121493VC

Submittal Requirements

The numbers checked with each specific type of request correspond to the numbered submittal requirements at the right. Additional documentation may be required, as determined by staff on a case-by-case basis.

Request: \$ _____ (additional notification fees will apply)

Variance	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Lot size	X	X	A	X	X	X	X							
<input type="checkbox"/> Setback(s)	X	X	A	X	X	X	X	X						
<input type="checkbox"/> Parking	X	X	A	X	X	X		X				X		
<input type="checkbox"/> Height	X	X	A	X	X	X		X		X				
<input type="checkbox"/> Access Standards	X	X	A	X	X			X						
<input type="checkbox"/> Accessory Square Footage/Footprint	X	X	A	X	X	X	X	X	X					
Special Exception*	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Home Occupation**	X	X	B	X	X	X		X	X		X	X	X	
<input checked="" type="checkbox"/> Short Term Rental**	X	X	C	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Commercial Solar or Wind Installation	X	X	D	X	X	X		X		X		X		
Appeal	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Director's Determination	X	X		X	X	X								X

List of Submittal Requirements

- Signed application form
- Cover letter
- Addendum A, B, C, or D
- Copy of current deed
- Proof of proper division of land (if parcel is Metes & Bounds or contains portions of platted lots)
- Letter of authorization if a contractor or other contact will appear on the owner's behalf
- Improvement Survey Plat (signed and stamped by licensed surveyor) depicting all property lines and all existing improvements on the property
- Detailed site plan showing proposed improvements
- Floor plans of existing and proposed structures
- Architectural elevations
- Photographs of the interior
- Parking plan (can be combined with 7 or 8)
- Evidence of water and/or wastewater service
- Other: _____

- A. Variance Addendum
B. Home Occupation Addendum
C. Short Term Rental Addendum
D. Commercial WECS/SECS Addendum

* Fees are online at our website at planning.jeffco.us. Make checks payable to Jefferson County Treasurer.

** Short Term Rentals and Home Occupations: It is the applicant's responsibility to renew a Special Exception prior to expiration.

Staff Use Only

MR-1	Sprucedale Park			
Zoning of Site	Plat	Receipt	Renewal of Case Number	CV Case Number
17400 SF	1.18 ac			
Lot size Required	Lot Size Shown	FEMA Map Number	In a Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Legal Access via: non-exclusive access easement reception #F0007046				
Number of Postcards Required: 7	ISP Submitted (check one): <input type="checkbox"/> Print <input checked="" type="checkbox"/> Via email to: _____		<input type="checkbox"/> N/A	
Kristen Cowan			8-17-22	
Reviewed by			Date	

Comments:

Meets min lot size, setbacks as shown on ILC meet MR-1 zone district.
4 bedroom rated septic = 8 occupants max

C. Short Term Rental Addendum

Case Number (for staff use only): 22-121493VC

1. What is the size of this property? 3582 sq ft
2. Does the property meet lot size standards of its zone district? ☒ Yes ☐ No
3. Does the dwelling meet setback, height and other standards of its zone district? ☒ Yes ☐ No
4. How many bedrooms are in the dwelling? 4
You must attach floor plans (drawn to scale) showing all areas of the dwelling.
5. What is the proposed maximum occupancy of the rental? 10
6. How many parking spaces are provided on-site? 10
You must attach a site plan with parking spaces marked.
7. How do you propose to mitigate any potential traffic impacts caused by this Short Term Rental?
There will be no impacts to traffic. Home is at the end of a private drive and all parking spaces on are on the property.
8. Is this property in the Wildfire Hazard Overlay District? ☐ Yes ☒ No
 - a. If yes, please list your Defensible Space Permit number: Not 100% sure if my property is in this district, please verify
If this permit is more than a year old, please confirm that you have maintained the defensible space on the property since the initial Defensible Space Permit was completed. ☐ Yes ☐ No
A new Defensible Space Permit may be a condition of approval, if deemed appropriate following a site visit to the property.
9. Are there floodplains on the property? ☐ Yes ☒ No
10. Water:
 - ☐ a. Public. Name of Water Provider: _____
 - ☒ b. Well. Well Permit Number, Well Type: 176298
11. Wastewater:
 - ☐ a. Public sewer. Name Of Wastewater Provider: _____
 - ☒ b. Septic. On-Site Wastewater Permit Number: 16723
Max number of bedrooms: 4
Max number of occupants: 10
12. Access:
 - a. Legal access
For assistance with access questions please contact Planning & Zoning. To obtain copies of recorded access easements, please contact the Clerk & Recorder.
☐ County-maintained road
☒ Private, platted road. Plat Reception Number: Not known
☐ Private easement. Easement Reception Number: _____
☐ Other. Explain: _____
 - b. Does the roadway meet County standards? ☒ Yes ☐ No ☐ Not Sure
13. Will the proposed Short Term Rental take place in an Accessory Dwelling Unit (ADU)? ☐ Yes ☒ No
14. Are there any active Zoning Violations on this property? ☐ Yes ☒ No
If yes, please list the violation number: _____
15. Will there be any changes to the structure as a part of this Short Term Rental? ☐ Yes ☒ No
16. Attach a copy of your house rules for renters. These must include the following:
 - a. Quiet hours
 - b. Locations of carbon monoxide and fire/smoke alarms, and fire extinguishers
 - c. Rules regarding outdoor fires
 - d. Contact information for a 24-hour local point person

GENERAL WARRANTY DEED

State Documentary Fee \$ 115.00

THIS DEED, made this 13 day of July, 2021, between JOHNATHAN E. GOSLAU AND JENNIFER C. GOSLAU of the County of Jefferson, State of Colorado, grantor(s), and JASON DAVID BRADBURY whose legal address is 6905 SPRUCEDALE PARKWAY, EVERGREEN, CO 80439 of the County of Jefferson, State of Colorado, grantee(s)

WITNESS, that the grantor(s), for and in consideration of the sum of One Million One Hundred Fifty Thousand and 00/100, (\$1,150,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of JEFFERSON, State of Colorado, described as follows:

PARCEL A:

LOTS 10 THROUGH 16, BLOCK F, SPRUCEDALE PARK, ALSO DESCRIBED AS PARCEL 12, THE ESTATES AT BLUE CREEK III IN MAP RECORDED JANUARY 18, 1995 AS RECEPTION NO. F0007046, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:

TOGETHER WITH A NON-EXCLUSIVE EASEMENT DATED SEPTEMBER 19, 1997 FOR INGRESS AND EGRESS ACROSS THE WESTERLY 12.5 FEET OF LOT 9, BLOCK F, SPRUCEDALE PARK, A/K/A PARCEL 11, IN THE LAND SURVEY PLAT OF THE ESTATES AT BLUE CREEK III RECORDED JANUARY 18, 1995, AS RECEPTION NO. F0007046 AND ADJOINING SPRUCEDALE PARKWAY AS SHOWN ON THE PLAT OF THE ESTATES AT BLUE CREEK III, COUNTY OF JEFFERSON, STATE OF COLORADO.

Also known by street and number as 6905 SPRUCEDALE PARKWAY, EVERGREEN, CO 80439

APN: 51-282-01-098

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above-bargained premises with all its appurtenances in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof subject to statutory exceptions as defined in CRS 38-30-113(5)(a).

IN WITNESS WHEREOF the grantor(s) executed this deed on the date set forth above.


JOHNATHAN E. GOSLAU


JENNIFER C. GOSLAU

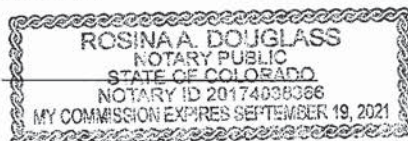
STATE OF COLORADO
COUNTY OF JEFFERSON }ss.

The foregoing instrument was acknowledged before me on July 12, 2021, by JOHNATHAN E. GOSLAU AND JENNIFER C. GOSLAU.

Witness my hand and official seal.

My commission expires

09-14-2021

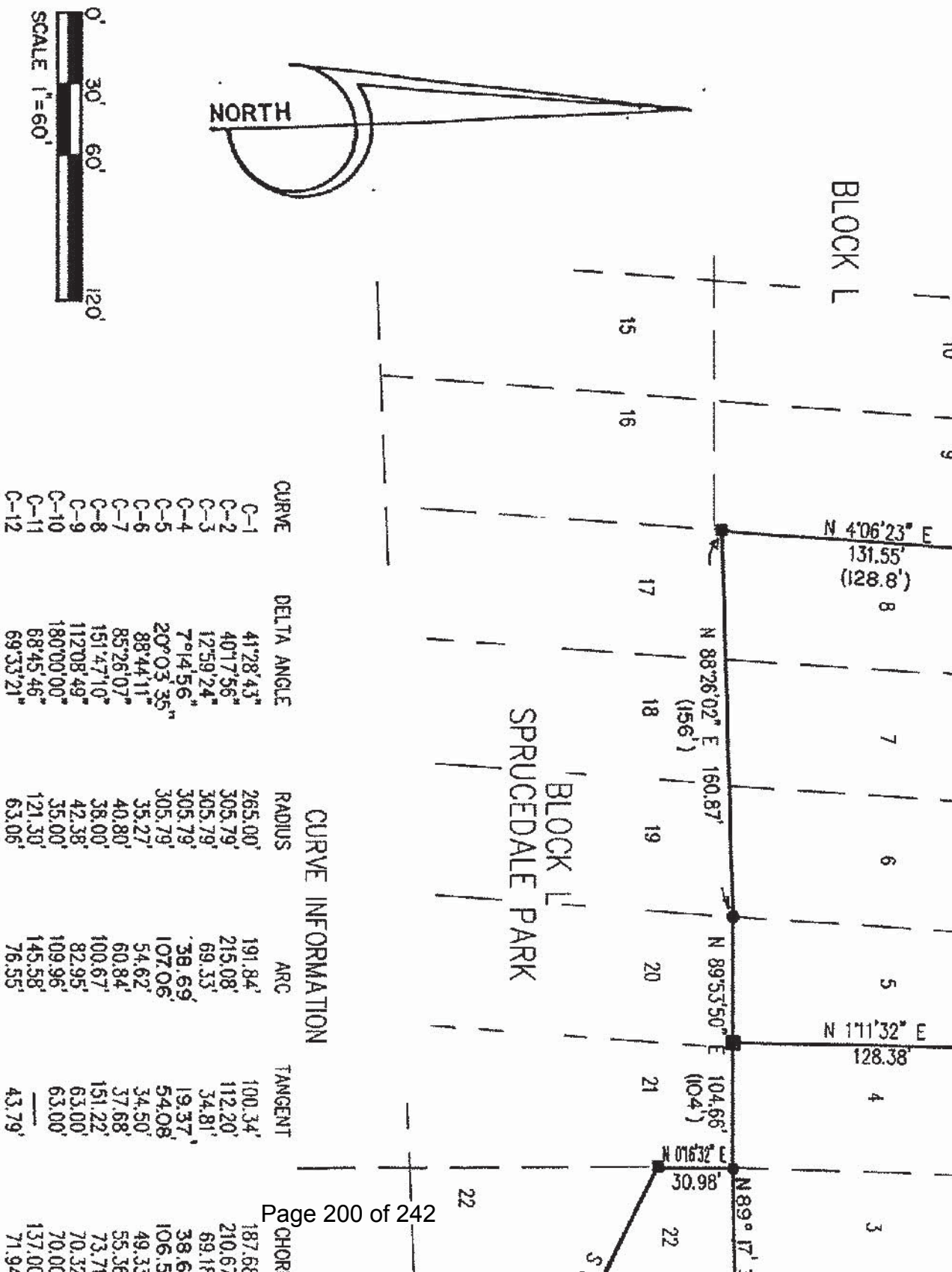



Notary Public

Name and Address of person Creating Newly Created Legal Description (§ 38-35-105, C.R.S.)

Guardian Title #3115721-04292

General Warranty Deed



C
E
T
P

NON-EXCLUSIVE EASEMENT

THIS NON-EXCLUSIVE EASEMENT, granted this 11th day of January, 1995,
between **Peter Heineman and Foothills Land and Development, Inc. a
Colorado corporation,**
whose legal address is 19423 N. Turkey Creek, Suite B, Morrison, CO 80465 of the
County of Jefferson, State of Colorado, the Grantors,
and **Foothills Land and Development, Inc., the Estates at Blue Creek III
Homeowners Association, Inc.,**
whose legal address is 19423 N. Turkey Creek, Suite B, Morrison, CO 80465
of the County of Jefferson, State of Colorado,
and all future owners of Parcels I-XIII In The Estates at Blue Creek III,
the Grantees.

1500
WITNESSETH, that the Grantor, for and in consideration of the sum of ten dollars
paid to the Grantor by the Grantee, the receipt and sufficiency of which is hereby
acknowledged, does hereby grant, bargain, sell, and convey to the Grantee for the
purpose of ingress, egress, and the installation of any and all utilities, and for
emergency access by police, fire department, or ambulance,
over and across the following described parcel of real property situate in the County of
and the State of Colorado to wit:

See Attached Exhibit A

This Non-Exclusive Easement is for the benefit of and appurtenant to the land, or any
part thereof, situate in the County of Jefferson and the State of Colorado, and described as

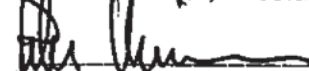

See Attached Exhibit B

This Non-Exclusive Easement shall be permanent and shall endure in perpetuity.

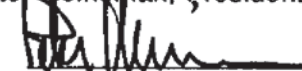

The ESTATES OF BLUE CREEK III HOMEOWNERS ASSOCIATION agrees to repair and
maintain the private road within this Non-Exclusive Easement granted herein at the cost
and expense of the The Estates of Blue Creek II Homeowners Association, to the extent
required by the covenants recorded in Jefferson County concurrently.

The Grantor and his successors and his assigns agree not to use the property described on
Exhibit A in any way which interferes with the use and enjoyment of this non-exclusive
easement. Among other things the Grantor and his successors and assigns agrees not to
build any structures on Exhibit A property.

Foothills Land & Development, Inc.
Peter Heineman, President


GRANTOR

GRANTOR

Foothills Land & Development, Inc.
Peter Heineman, President

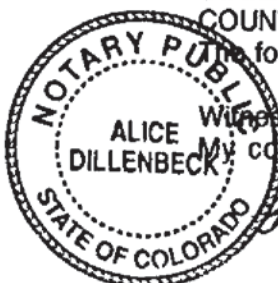

GRANTEE

GRANTEE President, Estates at Blue
Creek III Homeowners Association

STATE OF COLORADO

COUNTY OF *Jefferson*

SS.

The foregoing instrument was acknowledged before me the *13th* day of *JANUARY*,
1995 by *Peter Heineman as individual and president of Foothills*
Witness my hand and official seal. *Land + Development and president of Estates*
at Blue Creek III HOA.
My commission expires:



8-19-97

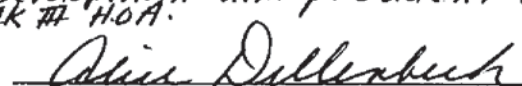

Notary Public

EXHIBIT A

60 FOOT WIDE EASEMENT FOR INGRESS - EGRESS
CENTERLINE DESCRIPTION

A 60 FOOT WIDE EASEMENT FOR INGRESS-EGRESS, UTILITIES, DRAINAGE, AND EMERGENCY ACCESS OVER AND ACROSS A PORTION OF BLOCKS E, F, K, AND L, SPRUCEDALE PARK, AS RECORDED IN PLAT BOOK 3 AT PAGE 34, A PORTION OF THE NORTHWEST 1/4, OF SECTION 28, T5S, R71W, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, LYING 30 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK F; THENCE S 61° 26' 31" W, A DISTANCE OF 310.84 FEET TO A POINT ON THE NORTHERLY R.O.W. LINE OF BLUE CREEK ROAD, THE POINT OF BEGINNING; THENCE N 53° 27' 53" W, A DISTANCE OF 12.41 FEET TO A POINT; THENCE 54.62 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 88° 44' 11", A RADIUS OF 35.27 FEET AND WHOSE CHORD BEARS N 9° 05' 47" W A DISTANCE OF 49.33 FEET TO A POINT; THENCE N 35° 16' 18" E, A DISTANCE OF 134.21 FEET TO A POINT; THENCE N 18° 27' 22" E, A DISTANCE OF 86.43 FEET TO A POINT; THENCE 60.84 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 85° 26' 07", A RADIUS OF 40.80 FEET AND WHOSE CHORD BEARS N 61° 10' 25" E A DISTANCE OF 55.36 FEET TO A POINT; THENCE S 76° 06' 31" E, A DISTANCE OF 22.72 FEET TO A POINT; THENCE 100.67 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 151° 47' 10", A RADIUS OF 38.00 FEET AND WHOSE CHORD BEARS N 27° 59' 54" E A DISTANCE OF 73.71 FEET TO A POINT; THENCE N 47° 53' 41" W, A DISTANCE OF 103.32 FEET TO A POINT; THENCE N 45° 39' 24" W, A DISTANCE OF 42.87 FEET TO A POINT; THENCE 82.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 112° 08' 49", A RADIUS OF 42.38 FEET AND WHOSE CHORD BEARS S 78° 16' 12" W A DISTANCE OF 70.32 FEET TO A POINT; THENCE S 22° 11' 47" W, A DISTANCE OF 55.81 FEET TO A POINT; THENCE S 42° 59' 33" W, A DISTANCE OF 123.69 FEET TO A POINT; THENCE S 60° 14' 12" W, A DISTANCE OF 175.53 FEET TO A POINT; THENCE S 34° 44' 47" W, A DISTANCE OF 51.02 FEET TO A POINT; THENCE S 45° 47' 54" W, A DISTANCE OF 125.00 FEET TO A POINT; THENCE 109.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 180° 00' 00", A RADIUS OF 35.00 FEET AND WHOSE CHORD BEARS N 44° 12' 06" W A DISTANCE OF 70.00 FEET TO A POINT; THENCE N 45° 47' 54" E, A DISTANCE OF 105.00 FEET TO A POINT; THENCE N 37° 35' 00" E, A DISTANCE OF 254.20 FEET TO A POINT; THENCE 145.58 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 68° 45' 46", A RADIUS OF 121.30 FEET AND WHOSE CHORD BEARS N 3° 12' 07" E A DISTANCE OF 137.00 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE; THENCE 76.55 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 69° 33' 21", A RADIUS OF 63.06 FEET, AND WHOSE CHORD BEARS N 3° 35' 54" E A DISTANCE OF 71.94 FEET TO A POINT; THENCE N 38° 22' 35" E, A DISTANCE OF 68.69 FEET TO A POINT; THENCE N 16° 50' 18" E, A DISTANCE OF 93.95 FEET TO POINT "A"; THENCE N 13° 33' 44" E, A DISTANCE OF 67.62 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 8, SAID BLOCK F, A POINT OF TERMINUS; THENCE BEGINNING AT POINT "A"; THENCE N 82° 59' 51" W, A DISTANCE OF 67.03 FEET TO THE POINT OF TERMINUS, AND INCLUDING A NON-EXCLUSIVE MAINTENANCE AND DRAINAGE EASEMENT TEN FEET BEYOND THE TOE OF FILL SECTIONS OR CREST OF CUT SECTIONS FOR THE MAINTENANCE OF ROAD FILLS AND CUTS, DEPOSIT OF SNOW FROM ROADWAYS, AND INSTALLATION AND MAINTENANCE OF DRAINAGE FACILITIES.

THIS LEGAL DESCRIPTION WAS PREPARED BY ROBERT L. FEROLDI, PLS 20136, OF THE FIRM EVERGREEN SURVEYING AND ENGINEERING, INC., P. O. BOX 3514, EVERGREEN, CO., 80439, PHONE (303)674-3444. JOB B5028.

EXHIBIT B

A PARCEL OF LAND BEING ALL OF LOTS 49 - 57 INCLUSIVE, BLOCK E; ALL OF LOTS 5 - 48 INCLUSIVE, LOTS 50 - 60, AND THAT PORTION OF LOT 49 LYING NORTHERLY OF BROOK FOREST ROAD (A.K.A. JEFFERSON COUNTY HIGHWAY 78), BLOCK F; ALL OF LOTS 6 - 17 INCLUSIVE, AND THAT PORTION OF LOTS 1 - 5 INCLUSIVE, LOTS 18 - 19, AND LOTS 31 - 33, AND LOT 40 LYING NORTHERLY OF SAID BROOK FOREST ROAD, BLOCK K; AND ALL OF LOTS 1 - 8 INCLUSIVE, AND A PORTION OF LOTS 22 - 24, BLOCK L; SPRUCEDALE PARK, LOCATED IN THE NORTHWEST 1/4, OF SECTION 28, T5S, R71W, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID BLOCK F; THENCE ALONG THE NORTHERLY LINE OF BLOCK F THE FOLLOWING THREE (3) COURSES: THENCE N 89° 12' 07" E, A DISTANCE OF 208.40 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 8, BLOCK F, AS MONUMENTED; THENCE N 89° 11' 22" E, A DISTANCE OF 155.57 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 6, BLOCK F, AS MONUMENTED; THENCE N 89° 11' 48" E, A DISTANCE OF 42.97 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 5, BLOCK F; THENCE S 3° 29' 00" W DEPARTING SAID NORTHERLY LINE AND ALONG THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 137.81 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 5; THENCE N 88° 07' 14" E ALONG THE NORTHERLY LINE OF LOTS 21 - 24 INCLUSIVE, BLOCK F, A DISTANCE OF 214.99 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 24, BLOCK F, AS MONUMENTED; THENCE S 1° 18' 37" W ALONG THE EASTERLY LINE OF SAID LOT 24, A DISTANCE OF 131.96 FEET TO THE NORTHEAST CORNER OF SAID LOT 25, BLOCK F, AS MONUMENTED; THENCE S 1° 19' 01" W ALONG THE EASTERLY LINE OF SAID LOTS 25 AND 48, BLOCK F, A DISTANCE OF 268.48 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 49, BLOCK F AS MONUMENTED; THENCE S 1° 18' 33" W ALONG THE EASTERLY LINE OF SAID LOT 49, A DISTANCE OF 121.00 FEET TO A POINT ON THE NORTHERLY R.O.W. LINE OF SAID BROOK FOREST ROAD; THENCE ALONG SAID R.O.W. LINE THE FOLLOWING FOUR (4) COURSES: THENCE S 69° 48' 04" W, A DISTANCE OF 141.71 FEET TO A POINT; THENCE 215.08 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 40° 17' 56", A RADIUS OF 305.79 FEET AND WHOSE CHORD BEARS S 49° 39' 10" W A DISTANCE OF 210.67 FEET TO A POINT; THENCE S 29° 30' 15" W, A DISTANCE OF 131.02 FEET TO A POINT; THENCE 191.84 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 41° 28' 43", A RADIUS OF 265.00 FEET AND WHOSE CHORD BEARS S 50° 14' 37" W A DISTANCE OF 187.68 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 40, BLOCK K; THENCE N 3° 29' 27" E DEPARTING SAID NORTHERLY R.O.W. LINE AND ALONG THE WESTERLY LINE OF SAID LOTS 33 AND 40, BLOCK K, A DISTANCE OF 153.28 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 15, BLOCK K, AS MONUMENTED; THENCE S 87° 50' 11" W ALONG THE SOUTHERLY LINE OF SAID LOTS 13 - 15 INCLUSIVE, BLOCK K, A DISTANCE OF 157.62 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 13; THENCE N 2° 34' 00" E ALONG THE WESTERLY LINE OF SAID LOT 13, A DISTANCE OF 20.97 FEET TO A POINT; THENCE N 63° 47' 43" W ALONG A DIAGONAL LINE THROUGH LOTS 22 - 24 INCLUSIVE, BLOCK L, A DISTANCE OF 177.25 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 22; THENCE N 0° 16' 32" E ALONG THE WESTERLY LINE OF SAID LOT 22, A DISTANCE OF 30.98 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 4, BLOCK L, AS MONUMENTED; THENCE S 89° 53' 50" W ALONG THE SOUTHERLY LINE OF SAID LOTS 4 - 5, BLOCK L, A DISTANCE OF 104.66 FEET TO THE SOUTHEASTERLY CORNER OF LOT 6, BLOCK L, AS MONUMENTED; THENCE S 88° 26' 02" W ALONG THE SOUTHERLY LINE OF SAID LOTS 6 - 8 INCLUSIVE, A DISTANCE OF 160.87 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 8; THENCE N 4° 06' 23" E ALONG THE WESTERLY LINE OF SAID LOT 8, A DISTANCE OF 131.55 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 57, BLOCK E; THENCE S 89° 01' 43" W ALONG THE SOUTHERLY LINE OF SAID LOT 57, A DISTANCE OF 53.01 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 57; THENCE N 4° 11' 19" E ALONG THE WESTERLY LINE OF SAID LOT 57, A DISTANCE OF 131.60 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 57; THENCE N 89° 04' 21" E ALONG THE NORTHERLY LINE OF LOTS 53 - 57, A DISTANCE OF 264.08 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 52, BLOCK E, AS MONUMENTED; THENCE N 89° 04' 21" E ALONG THE NORTHERLY LINE OF SAID LOTS 49 - 52 INCLUSIVE, A DISTANCE OF 211.07 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 37, BLOCK F, AS MONUMENTED; THENCE N 3° 25' 53" E ALONG THE WESTERLY LINE OF SAID LOTS 12, 13, 36, AND 37, BLOCK F, A DISTANCE OF 524.51 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 636.222 SQUARE FEET (14.61 ACRES), MORE OR LESS.

NON-EXCLUSIVE EASEMENT

THIS NON-EXCLUSIVE EASEMENT, granted this 19 day of September, 1997,
between **Foothills Land and Development, Inc., a Colorado corporation**
whose legal address is 19423 N. Turkey Creek, Suite B, Morrison, CO 80465
of the County of Jefferson, State of Colorado, the Grantor,
and **William C. Bright and Erin J. Bright,**
whose legal address is 28345 Shadow Mountain Road, Conifer, Colorado 80433
of the County of Jefferson, and State of Colorado,
and future owners of Parcel XII, Grantees.

WITNESSETH, that the Grantor, for and in consideration of the sum of ten dollars and
other good and valuable consideration, paid to the Grantor by the Grantee, the receipt and
sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, and
convey to the Grantee for the purpose of: ingress, egress, and the installation of any and
all underground utilities, the following described easement:

The Westerly 12.5 feet of Lot 9, Block F; Sprucedale Park,
Jefferson County, State of Colorado (A portion of parcel XI, as
described in the Land Survey Plat of The Estates at Blue Creek III,
recorded January 19, 1995, at reception # F0007046, County of
Jefferson, State of Colorado).

This Non-Exclusive Easement is for the benefit of and appurtenant to the land, or any
part thereof, situate in the County of Jefferson, and the State of Colorado, and described
as:

Parcel XII as shown on the Land Survey Plat of The Estates at Blue
Creek III, (recorded January 19, 1995 at
reception # F0007046, Jefferson County, State of Colorado.)

This Non-Exclusive Easement shall be perpetual and shall run with the land.


GRANTOR, PETER HEINEMAN, PRESIDENT
FOOTHILLS LAND AND DEVELOPMENT, INC.

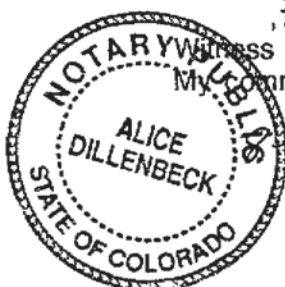


STATE OF COLORADO
COUNTY OF JEFFERSON SS.

The foregoing instrument was acknowledged before me this 19th day of September,
1997 by Peter Heineman, Pres. Foothills Land & Development, Inc.

Witness my hand and official seal.

My commission expires:
August 8-19-2001





Notary Public



Evergreen Fire/Rescue

1802 Bergen Parkway • Evergreen, Colorado 80439
Phone: 303-674-3145 • Fax: 303-674-8701

November 16th, 2022

Jefferson County Planning and Zoning
100 Jefferson County Parkway
Golden, Colorado 80419

This is to confirm that the property located at 6905 Sprucedale Parkway, Evergreen, Colorado is within the boundaries of Evergreen Fire Protection District. Evergreen Fire/Rescue (EFR) will provide emergency services to this address.

This property is served by EFR Fire Station 8 located at 33377 Forest Estates Road (2.8 miles.) The closest water supply is a Brook Forest Water District Hydrant near 7936 Brook Forest Road, approximately 1.4 miles away. Fire department operations will be supplemented with a tender water shuttle. This is an ISO 4X location, less than 5 miles from a fire station, more than 1,000 feet from an accepted water source. Evergreen Fire/Rescue is a volunteer fire department; there may be extended response times to this location.

Fire Protection Requirements:

EFR conducted an on-site inspection on November 15th, 2022 to verify the following:

- Smoke and CO alarms are properly installed and functional
- A portable fire extinguisher is in an easily accessible location in the kitchen
- The address is visible from the road
- There are no fire pits or similar devices in violation of Jefferson County rules

It is recommended that there is a sign in the home that has the address and emergency numbers that can be easily referenced in the event of an emergency and that a Knox Homebox is installed for efficient fire department access.

With this EFR accepts the use of this property as a short term rental.

Please contact me if you have any questions in regard to this information.

Respectfully,

Rachel Rush

Rachel Rush
Fire Marshal
Evergreen Fire/Rescue



Electronic Submission Form

This document consists of one (1) page

Date: September 22, 2022
To: Jefferson County Planning Department
From: Lyle Lavery, Defensible Space Inspector
Subject: Wildfire Hazard Mitigation, Defensible Space

Initial Inspection Only, Not A Final Approval

The required mitigation plan designed to reduce wildfire hazards around the home has been approved for the following property:

- **Address or Lot Number:** 6905 Sprucedale Parkway
Evergreen, Colorado 80439
- **Reference: DS Permit #:** 22-125197 DS

The clearing on the property will meet Jefferson County defensible space standards.

Should you have any questions or concerns regarding this property, please call me directly at (720) 490 6878.

Sincerely,

/s/ Lyle Lavery

Lyle Lavery, CF, ACF



6286 DEVINNEY CIRCLE ARVADA, COLORADO 80004
DIRECT (720) 490 6878
lyle@thelavertygroup.com

Form No. GWS-11 08/2016	COLORADO DIVISION OF WATER RESOURCES DEPARTMENT OF NATURAL RESOURCES 1313 Sherman St., Ste 821, Denver CO 80203 (303) 866-3581 dwrpermitsonline@state.co.us	<div style="text-align: right;">Div 1</div> For Office Use Only <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED JUL 26 2021 WATER RESOURCES STATE ENGINEER COLO </div>
CHANGE IN OWNER NAME/MAILING ADDRESS		
PRIOR TO COMPLETING THIS FORM, SEE INSTRUCTIONS ON REVERSE SIDE INCOMPLETE, POOR QUALITY, OR ILLEGIBLE FORMS CANNOT BE PROCESSED AND WILL BE RETURNED		
Name, address and phone number of person claiming ownership of the well permit:		
Name(s): <u>Jason David Bradbury</u>		
Mailing Address: <u>6905 Sprucedale Parkway</u>		
City, St. Zip: <u>Evergreen, CO 80439</u>		
Phone: <u>303, 681-1942</u> Email: _____		
Well Permit Number: <u>176298</u> Receipt Number: _____ Case Number (optional): _____		
WELL LOCATION: County: <u>Jefferson</u> Well Name or # (optional): _____		
<u>6905 Sprucedale Parkway</u> <u>Evergreen</u> <u>CO</u> <u>80439</u>		
Street Address at Well Location City State Zip		
<input type="checkbox"/> Check if well address is same as owner's mailing address		
<u>NW</u> 1/4 of the <u>NW</u> 1/4, Sec. <u>28</u> , Township <u>5</u> <input type="checkbox"/> N. or <input checked="" type="checkbox"/> S., Range <u>71</u> <input type="checkbox"/> E. or <input checked="" type="checkbox"/> W., _____ P.M.		
Distance from Section Lines: <u>698</u> Ft. from <input checked="" type="checkbox"/> N. or <input type="checkbox"/> S. Line, <u>840</u> Ft. from <input type="checkbox"/> E. or <input checked="" type="checkbox"/> W. Line.		
Subdivision Name (if applicable): <u>Spruce Dale Park</u> , Lot <u>16-16</u> Block <u>F</u> , Filing/Unit _____		
NOTE: If changing/correcting the permitted location of a well, use Form No. GWS-42.		
I (we) claim and say that I am (we are) the owner(s) of the well permit described above, know the contents of the statements made herein, and state that they are true to my (our) knowledge. This filing is made pursuant to C.R.S. 37-90-143.		
Signature(s) of the New Owner <u>Jason David Bradbury</u>	Please print the Signer's Name & Title <u>Jason David Bradbury</u>	Date <u>07/13/2021</u>
It is the responsibility of the new owner of this well permit to complete and sign this form. If an agent is signing or entering information, please see instructions. Please allow 4 to 6 weeks for processing of this form. Thereafter, you can view or print the accepted document at: https://www.dwr.state.co.us/Tools/WellPermits		
Signature of DWR staff indicates acceptance as a Change in Owner Name and/or Mailing Address.		
For Staff Use Only		
<u>Tammy Poindexter</u> Staff Signature		<u>8/3/2021</u> Date

WELL CONSTRUCTION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only

1. WELL PERMIT NUMBER 176298

2. OWNER NAME(S) Foothills Land Development
Mailing Address 19423 N. Turkey Creek Suite B
City, St. Zip Morrison CO 80465
Phone (303) 697-0678

RECEIVED
FEB 19 1997
WATER RESOURCES
STATE ENGINEER
COLO

3. WELL LOCATION AS DRILLED: NW 1/4 NW 1/4, Sec. 28 Twp. 5 S, Range 71 W
DISTANCES FROM SEC. LINES:
698 ft. from North Sec. line. and 840 ft. from West Sec. line. OR
(north or south) (east or west)
SUBDIVISION: Sprucehole Park LOT 11 BLOCK F FILING(UNIT)
STREET ADDRESS AT WELL LOCATION:

4. GROUND SURFACE ELEVATION _____ ft. DRILLING METHOD AIR Percussion
DATE COMPLETED 9-13-96 TOTAL DEPTH 500 ft. DEPTH COMPLETED 500 ft.

5. GEOLOGIC LOG:
Depth Description of Material (Type, Size, Color, Water Location)

0-211 Gray Granite

211-219 Pink Quartz 219' water

219-385 Gray Granite

385-391 Pink & white Quartz 391' water

391-447 Gray Granite

447-491 Pink & white Quartz 447' water

491-500 Gray Granite

REMARKS:

6. HOLE DIAM. (in.) From (ft) To (ft)

<u>9</u>	<u>0</u>	<u>20</u>
<u>6</u>	<u>20</u>	<u>500</u>

7. PLAIN CASING

OD (in)	Kind	Wall Size	From (ft)	To (ft)
<u>6 5/8</u>	<u>Steel</u>	<u>1 1/8</u>	<u>41</u>	<u>20</u>
<u>4 1/2</u>	<u>P1st</u>	<u>2 1/4</u>	<u>10</u>	<u>400</u>

PERF. CASING: Screen Slot Size:

<u>4 1/2</u>	<u>P1st</u>	<u>2 1/4</u>	<u>400</u>	<u>500</u>
--------------	-------------	--------------	------------	------------

8. FILTER PACK:
Material _____
Size _____
Interval _____

9. PACKER PLACEMENT:
Type Rubber
Depth 20'

10. GROUTING RECORD:

Material	Amount	Density	Interval	Placement
<u>Cement</u>	<u>25kg</u>	<u>15.7</u>	<u>8-20</u>	<u>pour</u>

11. DISINFECTION: Type chlorine Amt. Used 1 1/2 cups

12. WELL TEST DATA: ☐ Check box if Test Data is submitted on Form No. GWS 39 Supplemental Well Test.
TESTING METHOD AIR
Static Level 75 ft. Date/Time measured 9-12-96 Production Rate 6 gpm.
Pumping level 500 ft. Date/Time measured 9-12-96 Test length (hrs.) 2
Remarks

13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR Air West Drilling Inc Phone (303) 670-5144 Lic. No. 1298
Mailing Address 2153 Bergen Pkwy Ste 180 Fortgreen CO 80439

Name/Title (Please type or print) _____ Signature _____ Date _____
Page 209 of 242

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1078

APPLICANT

WELL PERMIT NUMBER 176298
DIV. 1 CNTY. 30 WD 9 DES. BASIN MD

Lot: 12 Block: F Filling: Subdiv: SPRUCEDALE PARK

FOOTHILLS LAND & DVLP INC
19423 N TURKEY CRK STE B
MORRISON CO 80465

(303)697-0678

APPROVED WELL LOCATION
JEFFERSON COUNTY

NW 1/4 NW 1/4 Section 28
Twp 5 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES

698 Ft. from North Section Line
740 Ft. from West Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a residential site of 0.15 acres described as lot 12, block F, Sprucedale Park Subdivision, Jefferson County.
- 4) The use of ground water from this well is limited to ordinary household purposes inside a single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate shall not exceed 15 GPM.
- 6) The return flow from the use of the well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

M. M. 2-16-94

APPROVED
MAM

Hal D. Simpson
State Engineer

Receipt No. 0364864B

Page 4 FEB 22 1994
DATE ISSUED

By

M. A. Mallory
EXPIRATION DATE FEB 22 1996

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

RECEIVED**JAN 27 '94**

**WATER RESOURCES
STATE ENGINEER
COLO.**

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

() A PERMIT TO USE GROUND WATER
(x) A PERMIT TO CONSTRUCT A WELL
FOR: (x) A PERMIT TO INSTALL A PUMP

() REPLACEMENT FOR NO. _____
() OTHER _____
WATER COURT CASE NO. _____

176298

(1) APPLICANT - mailing address

NAME Foothills Land and Development, Inc.
STREET 19423 N. Turkey Creek, Suite B
CITY Morrison CO 80465
(State) (Zip)
TELEPHONE NO 303-697-0678

(2) LOCATION OF PROPOSED WELL

County Jefferson
NW 1/4 of the NW 1/4, Section 28
Twp. 5 S. Rng. 71 W. 6th P.M.
(N.S.) (E.W.)

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15
Average annual amount of ground water to be appropriated (acre-feet): 1
Number of acres to be irrigated: 0
Proposed total depth (feet): 400
Aquifer ground water is to be obtained from:
FRACTURES IN GRANITE
Owner's well designation Lot N 9

GROUND WATER TO BE USED FOR:

(x) HOUSEHOLD USE ONLY - no irrigation (0)
() DOMESTIC (1) () INDUSTRIAL (5)
() LIVESTOCK (2) () IRRIGATION (6)
() COMMERCIAL (4) () MUNICIPAL (8)
() OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name ERNIE'S MOUNTAIN DRILLING
Street 3156 Nova Rd
City Pine, Colorado 80470
(State) (Zip)
Telephone No. 526-0290 Lic. No. 1078 Page 211 of 242
838-0441

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 364864-B
Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

APPLICATION APPROVED

PERMIT NUMBER _____

DATE ISSUED _____

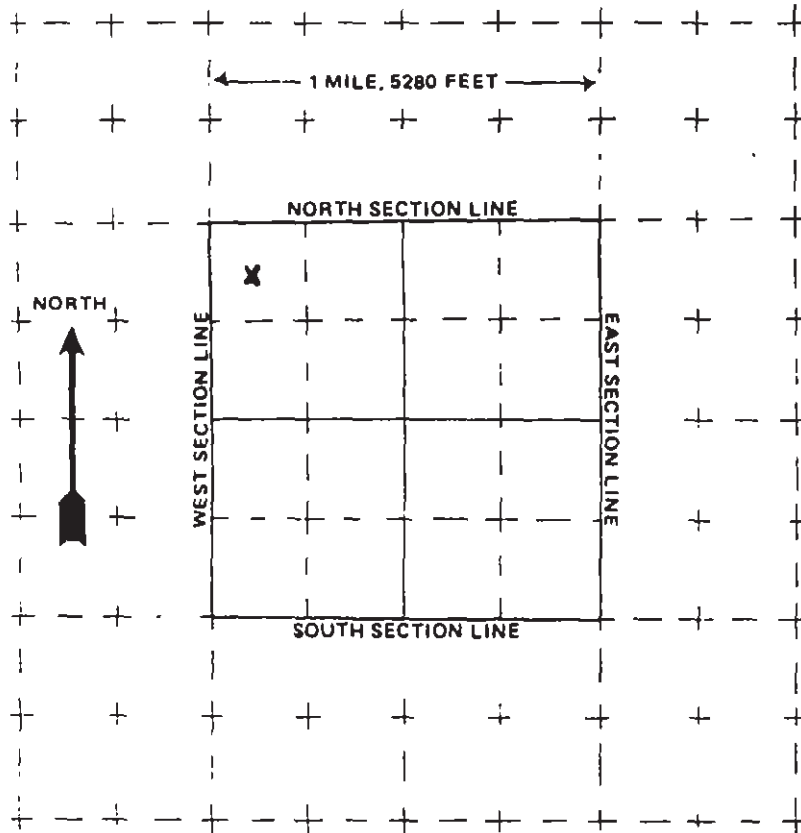
EXPIRATION DATE _____

(STATE ENGINEER)

BY _____

I.D. 7 COUNTY 30 09

(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.

698 ft. from North sec. line
(north or south)

740 ft. from West sec. line
(east or west)

LOT 12 BLOCK F FILING # _____

SUBDIVISION SPRUCEDALE PARK

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: APPLICANT

No. of acres 0.15 ~~1.20~~ Will this be the only well on this tract? YES *pk*

(8) PROPOSED CASING PROGRAM

Plain Casing

6 5/8 in. from +1 ft. to 19 ft.

4.5 in. from 10 ft. to 300 ft.

Perforated casing

4.5 in. from 300 ft. to 400 ft.

_____ in. from _____ ft. to _____ ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): APPLICANT No. of acres: 1.20 ~~1.20~~ 0.15 *pk*

Legal description: Lot 12, Block F, Sprucedale Park, Jefferson County

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

NORMAL IN HOUSE USE, FIRE PROTECTION, SEPTIC TANK AND LEACHFIELD

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
NONE KNOWN		

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

[Signature] *[Signature]* President

SIGNATURE OF APPLICANT(S)

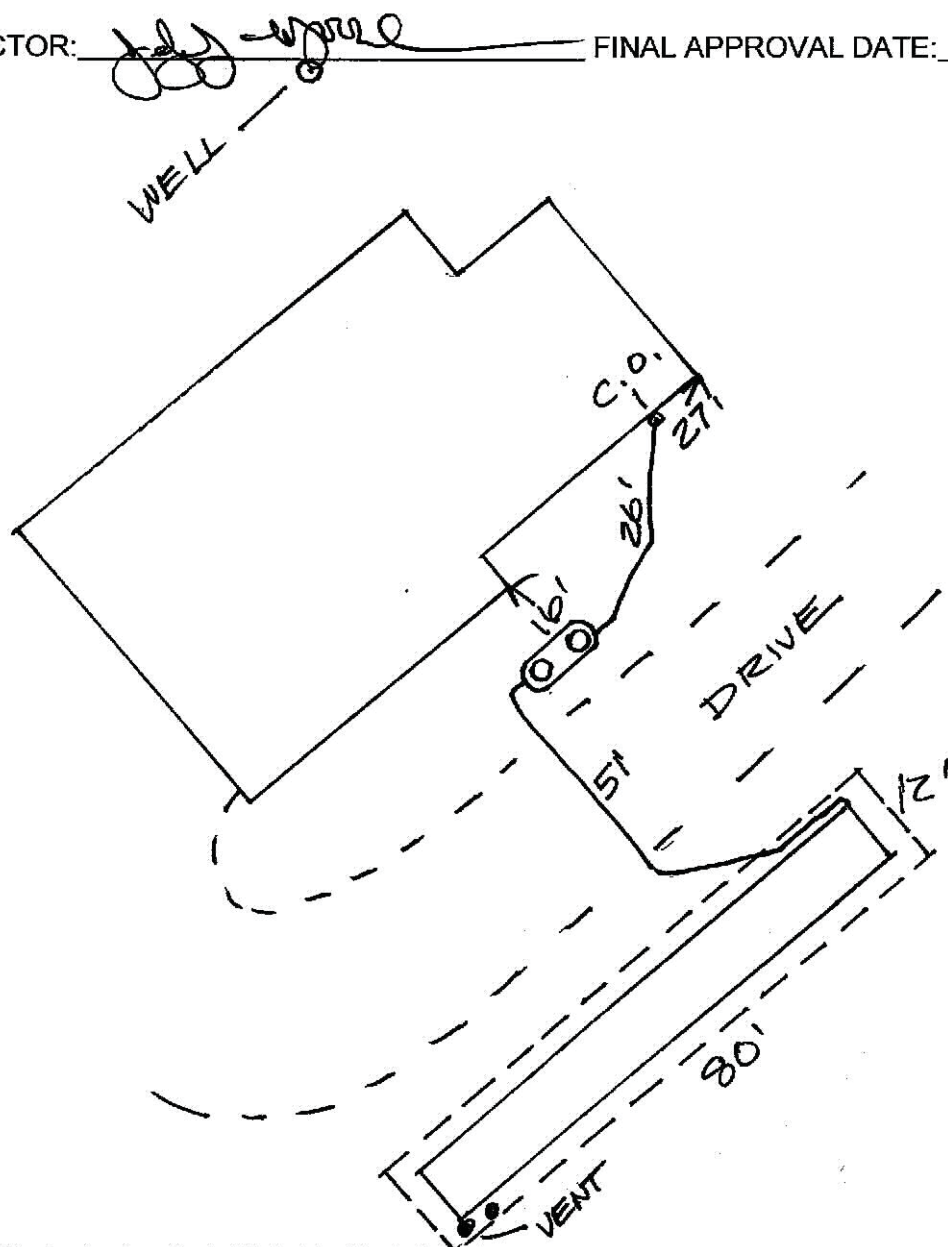
INDIVIDUAL SEWAGE DISPOSAL SYSTEM SITE INSTALLATION PLAN

PERMIT NUMBER: 16723
ADDRESS: 6905 Sprucedale Park Way
LEGAL: Lots 10-16, Sprucedale Park
OWNER/APPLICANT: Bright Horizon Construction
SYSTEM DESIGNED FOR: 4 Bedroom Single Family Dwelling

SEPTIC TANK SIZE (gal): 1,250 ABSORPTION BED SIZE: (ft²):960

The individual sewage disposal system on this property was installed in accordance with the permit conditions and the Individual Sewage Disposal System Regulations of Jefferson County, Colorado.

INSPECTOR: [Signature] FINAL APPROVAL DATE: 1/15/18



NOTE: This drawing is an "as built" sketch of the individual sewage disposal system. The distances, relative locations of structures, wells, system components and compass directions are approximate.

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT
260 S Kipling, Lakewood CO 80226 (303)239-7062 FAX 239-7076

INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT NO. 16723

ADDRESS: 6905 Sprucedale Park Way
LEGAL: Lots 10-16, Sprucedale Park
DESIGNED FOR: 4 Bedroom Single Family Dwelling
DATE OF ISSUANCE: July 29, 1996 (expires one year from this date)

ISSUED TO: Bright Horizon Construction
28345 Shadow Mountain Road
Conifer CO 80433

INSPECTION(S) REQUIRED: OPEN EXCAVATION AT 6 FOOT DEPTH
FINAL INSPECTION

INSPECTION DAYS: TUES, THURS (CALL 239-7070 BEFORE 9:00 a.m.)

The installation of this system is governed by the Individual Sewage Disposal System Regulations of Jefferson County in its entirety. Your attention is called to the following:

SIZE OF SEPTIC TANK (gal): 1,250 ABSORPTION AREA (ft²) 960

Unless **SPECIFICALLY** noted below, a minimum separation of at least 200 feet shall be maintained between all wells and absorption systems, on-or off-site, existing or proposed.

Maintain the following minimum separation between the on-site well and these (this) absorption bed(s): Onsite well to Tract E leach field 113 feet.

Maintain the following minimum separation distance(s) between the on-site absorption bed and the following well(s): Onsite well to onsite leach field 130 feet.

A liner shall be provided on the downslope wall and both ends of the excavation; a berm shall be placed upslope from the absorption bed to divert surface drainage; and all disturbed areas shall be re-seeded to prevent erosion.

BLASTING IS NOT PERMITTED WITHIN 200 FEET OF ANY EXISTING WELL.

REQUIRED ENGINEER CERTIFICATION: suitability of the on-site or imported filter materials; Installation of pumps/alarms/siphons or other mechanical devices; final installation.

This sewage disposal system was installed by Renaud and has been inspected and approved by the Jefferson County Department of Health and Environment. The owner assumes all responsibility in case of failure or other inadequacy of this sewage disposal system.

INSPECTOR [Signature] DATE 1/15/98

CERTIFICATE OF WATER AND SEWER AVAILABILITY

ADDRESS: 6905 Sprucedale Park Way
LEGAL: Lots 10-16, Sprucedale Park
OWNER/APPLICANT: Bright Horizon Construction

SEWER SERVICE

PUBLIC SEWER SERVICE IS NOT AVAILABLE FOR THIS PROPERTY, AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS) WILL BE UTILIZED.

ISDS PERMIT NUMBER: 16723

THIS PERMIT ISSUED ON: July 29, 1996 (and expires one year from this date)

SYSTEM DESIGNED FOR: 4 Bedroom Single Family Dwelling

SPECIAL CONDITIONS:


JEFFERSON COUNTY DEPARTMENT OF HEALTH & ENVIRONMENT

7-29-96
DATE

WATER SERVICE

() WATER SERVICE AVAILABLE

() WATER SERVICE NOT AVAILABLE

DISTRICT:

WELL PERMIT: 176298

SPECIAL CONDITIONS:

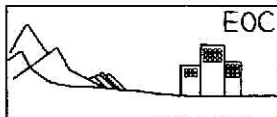
I hereby certify the availability of water service listed above:

AGENT FOR WATER DISTRICT

DATE


JEFFERSON COUNTY HEALTH & ZONING REVIEW

7-29-96
DATE



E.O. CHURCH, INC.
ENGINEERS & GEOLOGISTS

November 2, 1995

Bright Horizon Construction, ATTN: Bill Bright
28345 Shadow Mountain Road
Conifer, CO 80433

Subject: Geologic Investigation and OSDS Design
Parcel XII, Estates at Blue Creek III
AKA Lots 10-16, Sprucedale Park
Jefferson County, Colorado
Job No. 5909E

Dear Mr. Bright,

As requested, we have performed a geologic investigation to evaluate location of a well and drainage field and prepared an onsite sewage disposal system (OSDS) design for the subject site. The basis of our geologic investigation is 200 feet is required between any field and well per Jefferson County Health Department regulations, unless evaluated by a geologist and it is found a lesser distance, to a 100 foot minimum between well and disposal field, can be demonstrated to present no significant health hazard.

SITE CONDITIONS - The site is a 1 acre parcel as indicated on Fig. 2. The site is located in a rural mountain area where onsite wells and OSDS are required. A single family residence is proposed in the northwest portion of the site. The slope at the proposed field location is 35% to the southeast. The site has a moderate cover of trees and native grasses.

PROPOSED CONSTRUCTION - A 4 bedroom residence is proposed as indicated on Figs. 2 and 5. As part of our investigation, we evaluated locations for a well and field. The field is proposed to the southeast of the residence. Water will be provided by an onsite well to be located in an area north of the residence. The proposed field will be 130 feet from the onsite well, and greater than 200 feet from all other surrounding wells. The proposed well will be 130 feet from the onsite field, 113 feet from the field on Tract E to the west, and greater than 200 feet from all other fields.

GEOLOGIC SETTING - The site is underlain by quartz monzonite as indicated by the geologic map of the area, RECONNAISSANCE GEOLOGIC MAP OF THE CONIFER QUADRANGLE, Jefferson County, Colorado, USGS MAP MF-597. Subsurface conditions were exposed in test pits at the proposed field and test pits on the adjoining tract. Subsurface conditions at the proposed field consist of a thin layer of topsoil, underlain to 1 foot by silty, sandy gravel, underlain by weathered quartz monzonite to 2.5 feet, the maximum depth of the excavation. No free water was observed in the test pit.

The results of a Resultant Geologic Analysis as described by Waltz are presented on Fig. 4 and Table I. The resultant dip direction at the field is S13W, with a dip of 44 degrees, and the resultant dip direc-

tion at the field on Tract E S19W, with a dip of 66 degrees. The angles between the resultant geologic flow direction at the proposed field and the lines connecting the well and fields within 200 feet range from 63 to 158 degrees. The angles exceed the recommended minimum 60 degree angle between a flow direction and a line connecting a well and field within 200 feet of each other.

ANALYSIS - Upon the establishment of geologic, topographic, and development conditions at the site, the goal of our investigation was to: 1. establish 200 foot setbacks from all wells and fields, if possible, 2. locate the field at the subject site to minimize the risk of pollution of wells, and 3. provide recommendations for construction of the onsite sewage disposal system to reduce the risk of failure of the system.

As indicated on Figs. 3 and 4, there are angles ranging from 63 to 158 degrees between the resultant topographic and geologic flow directions and lines connecting the wells and fields within 200 feet of each other. The results of the investigation indicates there is a low risk of contamination of the proposed and existing wells within 200 feet.

OSDS DESIGN - The residence is to be a 4 bedroom home. The sewage loading for a 4 bedroom dwelling is 600 gallons per day (GPD). Sub-surface conditions at the proposed field consist of a thin layer of topsoil, underlain to 1 foot by silty, sandy gravel underlain to 2.5 feet by weathered quartz monzonite. A gradation analysis was performed on material excavated from the test pit. The gradation analysis indicated the material is a silty, gravelly sand. The results of the gradation analysis are presented on Fig. 7. No ground water is anticipated within 7 feet of the ground surface.

The results of our investigation indicate an OSDS consisting of a septic tank and "overexcavated" ripped base" field can be installed at the locations presented on Figs. 2 and 5. The OSDS design is based on a sewage load of 600 GPD, and an application rate of 0.95 GPD/FT² with the use of a sand filter system. Due to the slope exceeding 30%, a minimum 10 mil PVC liner is required on the ends and downhill side of the field to minimize the potential for effluent to daylight down-slope. We recommend the installation of a 12 foot by 80 foot field, for a total area of 960 square feet. The field should be constructed similar to the details presented on Figs. 5 and 6. A geotextile fabric, Mirifi 140N or equivalent, must be installed in the upper 1 foot of the backfill over any portions of the field and 3 feet beyond the limits of the field which may lie under the driveway.

Due to steep slopes and limited area for a replacement field the installation of a 1250 gallon septic tank which has added capacity for a dosing siphon is recommended. The siphon evenly distributes the effluent throughout the field which increases system efficiency and reduces the potential for ponding in the field. We recommend the installation of a 1250 gallon, 2 compartment septic tank and an additional 500 gallon single compartment precast concrete tank with a dosing siphon. An alternative is a 1500 gallon 2 compartment septic tank with a Jefferson County approved screened vault dosing siphon. The 1500 gallon tank is required to maintain a 30 hour retention time in the tank with the siphon.

If the owner is anticipating future finishing of additional bedrooms in unfinished areas, we recommend the OSDS be constructed to handle the additional loading. The proposed septic tank configuration will serve a 4 bedroom home. For greater than 4 bedrooms, the septic tank must be increased in size by 250 gallons for each bedroom and require an added 240 SF of field per bedroom.

Under current Jefferson County practice, it is allowable to replace Jefferson County sand filter material with a suitable filter material as specified by the design engineer. We believe the material from the excavation will be suitable filter media if few particles larger than 3 inches in diameter are used in the overexcavated 4 feet below the dispersal gravel layer. We recommend the onsite silty, gravelly sand be collected from the excavation for the field and used as filter media in the field. Additional filter material may need to be generated from off site sources if sufficient material is not found in proposed excavations. Our office must be called to observe the imported filter material and authorize its use.

The owner must realize an OSDS is different from public sewer service. The owner must be aware of and assume responsibility for maintenance of the system. We recommend the septic tank be pumped every 2 years. There are daily considerations such as not putting plastic or other nonbiodegradable material into the OSDS. Water use must be monitored so toilets are not allowed to run when seals malfunction. To illustrate the point, a running toilet can consume in excess of 1,000 GPD. An excess 1000 GPD loading could flood and irreparably harm the system and stress the onsite well.

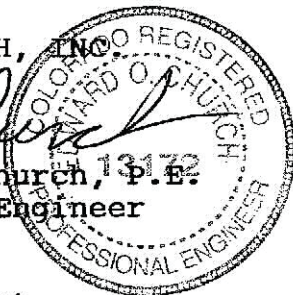
CONCLUSIONS - The results of our investigation indicate the onsite sewage system and proposed well can be constructed with a low risk of health hazards at the location shown on Figs. 2 and 5. The field must be constructed in accordance with Jefferson County Health Department regulations.

LIMITATIONS - The results of our investigation are based on data provided in this report. If conditions exposed in the open excavation are considerably different from those described in this report, we recommend the observation of the open excavation by a representative of our office.

If there are any questions, please call. The engineer for this project is Roger J. Shafer.

E. O. CHURCH, INC.


Edward O. Church, P.E.
Geological Engineer



3 copies sent
EOC/rjs/koh

JEFFERSON COUNTY PUBLIC HEALTH
645 PARFET STREET, LAKEWOOD, CO 80215
(303) 232-6301 FAX: (303) 271-5760
<http://jeffco.us/public-health/>

**PERMIT FOR CONTINUED USE OF AN EXISTING
ONSITE WASTEWATER TREATMENT SYSTEM**

PERMIT NUMBER: **21-123337 OW**
DATE ISSUED: **July 7, 2021 - valid through January 7, 2022, or upon sale of the property or application for building permit, whichever comes first.**
PROPERTY ADDRESS: **6905 SPRUCEDALE PARK WAY, EVERGREEN**
INSPECTOR: **SHIRLEY SEPTIC PUMPING INC**
INSPECTION DATES: TANK: **June 15, 2021** SYSTEM: **June 10, 2021**

On the date(s) shown above, the onsite wastewater treatment system at this property was found to comply with the minimum requirements for existing systems as set forth in the Onsite Wastewater Treatment System Regulation of Jefferson County. If known, details on the system are provided below:

SYSTEM INFORMATION

Components:

- Tank Volume 1: **1250 gallons**
- Absorption System: **960 square feet**

System designed for: **Single Family Dwelling**

System Records

Permit number: **16723** File number: Date of installation: **January 15, 1998**

Operational Status (unless noted otherwise on page 2)

- The on-site inspection did not reveal any overflow or improper discharge from the system. All system components are present, operational and in good repair.
- The current owner reported no operational problems with the system for at least one year prior to the date of application for the use permit or the date the property was vacated.
- As of the date the permit was issued, there are no reports of current operational problems with the system.

Conditions for Issuance of Building Permit (if applicable):

This system complies with minimum standards for an onsite wastewater treatment system in Jefferson County and a building permit may be issued for remodeling the structure, regardless of the expiration date shown above. If bedrooms are to be added, the number may not exceed the number shown in 'System Capacity' above. If the Department has no records of the system, no additional bedrooms may be constructed.

See following page(s) for other observations regarding this onsite wastewater treatment system.

LIMITATIONS AND DISCLAIMER

Issuance of this Use Permit is based solely on the conditions observed on the date of inspection(s) and on Department records at the time of permitting. The issuance of this permit does not constitute a guarantee, warranty or representation by the Department that the system will operate properly or will not fail.

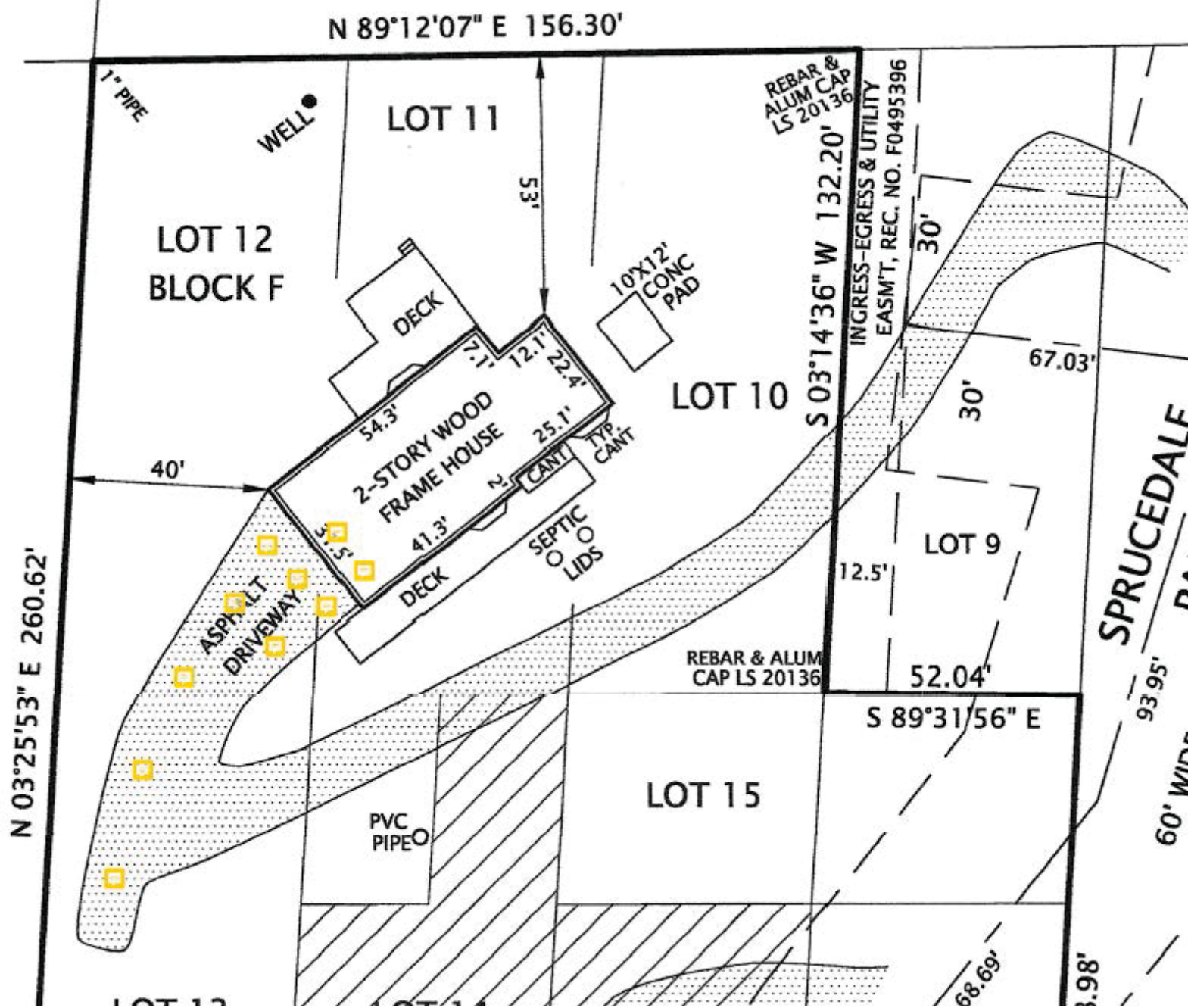
ADDITIONAL OBSERVATIONS

If known, the estimated capacity of the system has been listed on the permit and we recommend that you monitor water use to prevent overuse and possible failure. Although the onsite wastewater treatment system met the minimum approval criteria, the following other conditions were observed. By following the recommendations outlined below, you should be able to improve the performance and extend the operational life of your onsite wastewater treatment system:

No additional recommendations.

RENEWALS: This permit may be renewed ONCE, provided that FORM 704 is submitted to the Department prior to January 07, 2022. After that date, you must submit a new application with the appropriate fee and provide updated inspection reports for the system.

Garag



6905 Sprucedale Park Way House Rules

a. Quiet Hours

Please keep all gatherings to 10 people or less. Quiet Hours are between 10pm and 6am. Refrain from playing loud music, lighting fireworks, or yelling/shouting. Be courteous to our neighbors. Complaints from neighbors or reports to the police department may result in guests being asked to leave immediately and forfeiture of security deposit.

b. Location of carbon monoxide and fire/smoke alarms, and fire extinguishers

Smoke detectors are in all bedrooms and carbon monoxide detectors are located within 15 feet of all bedrooms. There are 3 fire extinguishers 1) in 2nd floor hallway closet, 2) in the 1st floor laundry room, and 3) the basement closet outside of the bathroom.

c. Outdoor fires

Per the conditions set forth by Jefferson County. "Outdoor fires using wood or charcoal for fuel are always prohibited". The use of a gas barbeque grill is permitted.

d. Contact information for 24-hour point person

Primary: Jason Bradbury

jbradbury11@gmail.com

505-681-1942

Alternate: Kate Stone

katechloemax@gmail.com

720-412-9989















--{EXTERNAL}-- Variance - BOA Case No.: 22-121493VC

Steve Szlepcsik <sszlepcsik@msn.com>

Mon 11/28/2022 2:39 PM

To: Sara Kohles <skohles@co.jefferson.co.us>

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Short-Term Rental (STR) Property
6905 Sprucedale Park Way, Evergreen, CO, 80439
Case No.: 22-121493VC

Dear Ms. Kohles:

As the **owner of 6975 Sprucedale Park Way** (neighbor to the above said property) I wish to state my opposition to the proposal to convert the property into a short-term rental for the following reasons:

STR, in a community such as ours, has several negative impacts:

1. **Increased traffic, noise and disruption in our community.** The application requests access and parking for 10 vehicles. Our community has 12 homes, so this is a big increase.
2. **Fire Risk.** Out of town visitors are likely unaware of fire risks and restrictions. Despite "house rules," illegal and unattended fires have been an issue at STR properties in the Clear Creek County section of Brook Forest, just south of us, in the past. A carelessly tossed cigarette butt, illegal or unauthorized fire, or even parking a hot car on tall dry grass could cause a catastrophic fire.
3. **Winter Driving Hazards.** Out-of-town visitors, unfamiliar with winter driving conditions and the particularities of our road, in vehicles not properly equipped, will increase safety risks on our road. Most rental cars do not come properly equipped with winter tires.
4. **Increased erosion to our road.** Homeowners opt to pay \$500 in addition to our regular \$300 HOA fees towards a fund to eventually repave our road. Increased traffic will increase the rate of road erosion. This will put a financial burden on our community to repave the road sooner than expected.
5. **Wildlife Risks.** Short-term renters are likely unfamiliar with, and unaccustomed to, mountain living and the attendant risks to and from wildlife. Seemingly innocent behavior, such as leaving food or trash unattended outdoors, feeding wildlife, or simply driving too fast and encountering an animal in the road, can cause harm to our wildlife.
6. **HOA Covenants and Bylaws.** Short Term Rentals are in conflict with the letter and spirit of a number of our Bylaws and Covenants. I respectfully ask that you review these documents carefully.

Thank you for your time and consideration.

I look forward to meeting you and discussing this matter further at the December 7 hearing.

Thank you,

Steve Szlepcsik

--{EXTERNAL}-- Reference Case No.: 22-121493VC (6905 Sprucedale Park Way, Evergreen, CO. 80439)

MITCHELL GOLDENBERG <poppadroid@gmail.com>

Mon 11/28/2022 8:34 AM

To: Sara Kohles <skohles@co.jefferson.co.us>

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Koles:

I am a homeowner at 6984 Sprucedale Park Way. I am writing in **opposition** to the application to the Jefferson County Board of Adjustment for a special exception to the Jefferson County Zoning Ordinance to allow a short term rental at 6905 Sprucedale Park Way. Reference Case No.: 22-121493VC

STR, in a community such as ours, has several negative impacts:

1. **Increased traffic, noise and disruption in our community.** The application is requesting access and parking for 10 vehicles. The disruption caused by up to 10 non-resident guests on a regular basis would be an unfair burden on such a small tightly knit mountain community. The Estates at Blue Creek III is a residential community of homeowners and those that work from home. STR and the associated noise and disruption to the quiet enjoyment of the community are in conflict with the nature of the community.
2. **Fire Risk.** Out of town visitors are likely unaware of fire risks and restrictions. Despite "house rules," illegal and unattended fires have been an issue at STR properties in the Clear Creek County section of Brook Forest, just south of us, in the past. A carelessly tossed cigarette butt, illegal or unauthorized fire, or even parking a hot car on tall dry grass could cause a catastrophic fire. Evergreen in general and the Brook Forest area specifically, is one of the most at risk mountain communities for a catastrophic fire in Colorado. Severe drought, excessive ground fuels and minimal ingress and egress routes make Evergreen the worst possible place for an experiment in STR.
3. **Winter Driving Hazards.** Out of town visitors, unfamiliar with winter driving conditions and the particularities of our road, in vehicles not properly equipped for winter driving, will increase safety risks on our road. Most rental cars do not come properly equipped with winter tires. Sprucedale Park way is a private (not County maintained) single lane mountain road with numerous snow and ice packed north facing slopes and hairpin turns, requiring familiarity and experience to navigate safely. A vehicle without winter tires, all wheel drive, and an experienced driver is at risk of a serious accident injuring themselves or other homeowners.
4. **Wildlife Risks.** Short term renters are likely unfamiliar with, and unaccustomed to, mountain living and the attendant risks to and from wildlife. Seemingly innocent behavior, such as leaving food or trash unattended outdoors, feeding wildlife, or simply driving too fast and encountering an animal in the road, can cause harm to our wildlife. Our community is also frequented by large predators including bears and mountain lions. Interactions with humans are very common and could be dangerous to unfamiliar guests as well as disruptive to the habitat and behavioral patterns of the wildlife.
5. **Drain on Broadband Bandwidth.** As a rural mountain community we have limited bandwidth for internet access restricted to a single wireless access point serving our HOA. The drain on bandwidth by the proposed 10 quest capacity of the proposed application would cause a severe and disabling drain on an already scarce critical resource for homeowners that rely on this critical infrastructure asset.
6. **HOA Covenants and Bylaws.** Short Term Rentals are in conflict with the letter and spirit of a number of our Bylaws and Covenants.

Homeowners in the Estates at Blue Creek III, (our HOA), stand united in OPPOSITION to the application and respectfully request that the Board of Adjustment DENY application 22-121493VC.

Very truly yours,
Mitch Goldenberg

Short Term Rental (STR) Property

6905 Sprucedale Pkwy, Evergreen, CO, 80439

Case No.: 22-121493VC

Dear Ms. Kohles:

As owners of 6915 Sprucedale Pkwy adjacent to the above said property we wish to state our opposition to the proposal to convert the property into a short term rental for reasons stated below:

STR, in a community such as ours, has several negative impacts:

1. **Increased traffic, noise and disruption in our community.** The application is requesting access and parking for 10 vehicles.
2. **Fire Risk.** Out of town visitors are likely unaware of fire risks and restrictions. Despite "house rules," illegal and unattended fires have been an issue at STR properties in the Clear Creek County section of Brook Forest, just south of us, in the past. A carelessly tossed cigarette butt, illegal or unauthorized fire, or even parking a hot car on tall dry grass could cause a catastrophic fire.
3. **Winter Driving Hazards.** Out of town visitors, unfamiliar with winter driving conditions and the particularities of our road, in vehicles not properly equipped, will increase safety risks on our road. Most rental cars do not come properly equipped with winter tires.
4. **Increased erosion to our road.** Homeowners opt to pay \$500 in addition to our regular \$300 HOA fees towards a fund to eventually repave our road. Increased traffic will increase the rate of road erosion. This will put a financial burden on our community to repave the road sooner than expected.
5. **Wildlife Risks.** Short term renters are likely unfamiliar with, and unaccustomed to, mountain living and the attendant risks to and from wildlife. Seemingly innocent behavior, such as leaving food or trash unattended outdoors, feeding wildlife, or simply driving too fast and encountering an animal in the road, can cause harm to our wildlife.
6. **HOA Covenants and Bylaws.** Short Term Rentals are in conflict with the letter and spirit of a number of our Bylaws and Covenants. I urge you to review these documents carefully.
7. **Personal concern about our teenage daughter.** In our household (6915 Sprucedale Pkwy) we have a 15-year-old daughter who is often home alone for a variety of reasons. There is concern for having multiple strangers in and out of our community with direct access to our back yard and deck.

Please consider the many negative impacts this proposal presents. We appreciate your time. Please feel free to call us to discuss.

Thank you,

Kristy (630.544.8734) and Steve Matschullat (573.590.2473)

6915 Sprucedale Pkwy

--{EXTERNAL}-- Opposition to 22-121493VC

Kathleen Kane <kanecaringhands@msn.com>

Mon 11/28/2022 5:15 PM

To: Sara Kohles <skohles@co.jefferson.co.us>

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I live at 6904 Sprucedale Park Way, Evergreen, CO and have several reasons to oppose a Special Exception to allow a Short - Term Rental for 6905.

Fire Risk

We are a high risk area for fire. Renters who are unaware of that fire danger could easily unintentionally engage in behavior that could cause a fire.

Wildlife Risks

Renters unfamiliar with risks to and from wildlife might try to feed or leave food accessible to wildlife. They may be unfamiliar with safe ways to interact when encountering wildlife.

Winter Driving and General Road Use

Renters may have cars that do not have all wheel drive or 4 wheel drive and will have difficulty navigating our road in winter weather. Our HOA road is a private road which we must maintain. Added traffic to the road will increase wear and tear on it. Parking is limited.

Disruption to our small neighborhood

We are a mountain residential community of 12 homes. A Short -Term Rental could increase traffic, noise, and fire hazards to the neighborhood. Those who live closest to the property would especially be impacted by noise. All homeowners would be impacted by traffic and fire. The neighborhood would become less residential and more commercial. Homeowners have moved here to become part of a neighborhood rather than a commercial entity.

Thank you for taking my concerns into consideration.

Kathleen Kane

Sent from [Outlook \[aka.ms\]](#)

CASE NO: 22-121493VC / To; Ms. Kohles

From;
David C Taylor
6954 Sprucedale Park way
Evergreen, Co.
80439

The owner of 6905 Sprucedale Park Way has made an application to the Jefferson County Board of Adjustment allow Short Term Rental (STR), *i.e.*, Airbnb and/or VRBO type, on their property. STR, less than 30 days, is prohibited in Jefferson County, unless an exemption and permit is obtained.

STR, in a community such as ours, has several negative impacts:

1. **Increased traffic, noise and disruption in our community.** The application is requesting access and parking for 10 vehicles.
2. **Fire Risk.** Out of town visitors are likely unaware of fire risks and restrictions. Despite "house rules," illegal and unattended fires have been an issue at STR properties in the Clear Creek County section of Brook Forest, just south of us, in the past. A carelessly tossed cigarette butt, illegal or unauthorized fire, or even parking a hot car on tall dry grass could cause a catastrophic fire.
3. **Winter Driving Hazards.** Out of town visitors, unfamiliar with winter driving conditions and the particularities of our road, in vehicles not properly equipped, will increase safety risks on our road. Most rental cars do not come properly equipped with winter tires.
4. **Wildlife Risks.** Short term renters are likely unfamiliar with, and unaccustomed to, mountain living and the attendant risks to and from wildlife. Seemingly innocent behavior, such as leaving food or trash unattended outdoors, feeding wildlife, or simply driving too fast and encountering an animal in the road, can cause harm to our wildlife.
5. **HOA Covenants and Bylaws.** Short Term Rentals are in conflict with the letter and spirit of a number of our Bylaws and Covenants. I urge you to review these documents carefully.
6. **Easement and easement access.** There is NO common interest property owned by the HOA. The road is owned by individual property owners that grant easement to the community. Any perceived nuisance and or excessive wear and tear on said properties adds a burden to the property owner. The proposal will double the traffic, and create excess wear and tear. This cause a financial burden to 6954 Sprucedale Park Way as we own a substantial part of this private road.

Truly:

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a long horizontal stroke.

David C Taylor / Owner

To: The Jefferson County Board of Adjustment of Jefferson County
From: The Board of Directors of the HOA of the Estates at Blue Creek III

The Board of Directors of the HOA is in receipt of the application filed by Jason Bradbury for a special exception to allow a short term rental at 6905 Sprucedale Park Way. 6905 Sprucedale Parkway is located within the geographic boundaries of the Estates at Blue Creek III which is governed by the above mentioned HOA.

The area within the Estates at Blue Creek III is zoned M R 1.
The HOA submits comments corresponding to the criteria used by the Board of Adjustment when considering impacts of a short term rental upon property in the surrounding area.

(a-1) Traffic impacts, volume of trips, safety and access; (orig. 1-1-12)

The road serving the 12 residences at Blue Creek III is a dead end road that rises 500 feet in one half mile from 7,300 feet to 7,800 feet above sea level. The road has two hair pin turns and one ninety degree turn. Visibility around each turn is limited. The trees are tall so that much of the road is in shadow. Packed snow and ice make winter driving conditions treacherous.

The location of the proposed short term rental is at the very top of the road.

The added volume of trips could exceed 10 per day. Adding as many as ten vehicle trips per day, in possibly five additional vehicles, driven by an assortment of ten renters, with varying degrees of experience in winter driving, would be detrimental to the safety of the HOA residents.

(a-2) Fire hazards; (orig. 1-1-12)

The residents of the HOA know that long term drought has caused an increase of catastrophic fires in the foothills of Colorado; some of them started by humans. The residents fear that individuals who are here temporarily and do not own homes in the HOA will not be as conscientious about fire safety as they should be.

Brook Forest Road is the main route to be used by residents of the HOA to escape a fire hazard. Adding as many as five vehicles during fire season trying to escape a fire hazard on Brook Forest Road will be detrimental to the safety of the residents of the HOA.

(a-4) Noise; (orig. 1-1-12) As many as ten people on vacation, some of whom will have little or no reason to respect the neighbors' need for peace and quiet, will create the potential for unacceptable levels of noise at unacceptable hours.

(a-6) Community character; (orig. 1-1-12)

The HOA is for single family dwellings. A short term rental as proposed would not cater to single families. Sprucedale Parkway is a dead end private street. There is no through traffic. The only traffic is by residents or delivery services and guests of residents. There are no commercial dining and drinking establishments within five miles of the HOA. The character of the neighborhood is quiet and peaceful.

(a-7) Adequate water and sewage disposal availability; (orig. 1-1-12)

The 12 homes in the HOA are serviced by permitted wells and on-site septic systems. The residents know that drought conditions will continue to reduce the volume of well water available to the homes in the HOA. There is a likelihood that as many as ten temporary visitors will use water in excess of that used by the typical single family and may exceed the capacity of the septic system.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and (orig. 1-1-12)

The HOA is located in an MR 1 zone which allows for single family dwellings. The residents of the HOA mostly work for a living; they keep hours appropriate to that life style. They respect each other's needs as neighbors do and they know how to drive mountain roads. A short term rental facility accommodates up to ten un-related individuals, here for vacation, with no other connection to the neighborhood, and with varying degrees of experience driving mountain roads.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area. (orig. 1-1-12)

- a) the effect on health and safety would be catastrophic should one short term resident be negligent with a cigarette.
- b) the effect on safety would be negative should one renter, unfamiliar with winter driving on the twisting HOA road, slide into another vehicle. The effect on welfare would be negative should a renter drive with a loud muffler not realizing that this is not downtown Denver.
- c) Party noise after 9:00 at night would be contrary to the welfare of the nearby residents, one of whom is a school teacher, another is the owner and manager of a motor vehicle business, another is a lawyer, another is a widow who works in retail five days per week.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area; (orig. 1-1-12)


- a) The availability is not good. Even a full time resident manager would not be able to prevent negligent use of a cigarette or negligent driving or unexpectedly loud noise until after the fact of a complaint.

Based on the foregoing comments, the HOA Board of Directors, speaking on behalf of the residents of the HOA, ask that the board of adjustment deny the application for an exception to the zoning ordinance to allow for a short term rental at 6905 Sprucedale Park Way.

Comments submitted by the Board of directors of the Estates at Blue Creek III Home Owner's Association on this ____ day of November, 2022.


David Girard


Stuart Page


Stephanie Taylor

--{EXTERNAL}-- Case # 22-121493VC

Mary Clarke <rgcfam@aol.com>

Sat 11/26/2022 7:33 PM

To: Sara Kohles <skohles@co.jefferson.co.us>

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

In regards to the petition for short term rental at 6905 Sprucedale Park Way I have 3 major concerns I would like addressed with the owner. Since my backyard is adjacent to this property and we are zoned residential my biggest concerns are:

#1 - how many people would be allowed? As this is a residential area I would hate to see it become a party house.

#2 - fire hazard is a huge concern with a fire pit and ABSOLUTELY NO FIREWORKS EVER should be allowed. Out of staters simply do not understand our threat of fire!

#3 - who will be managing this property and who would I call if I notice something harmful and/or inappropriate behavior?

Thank you for considering my opinion.

Mary Clarke

6752 S Columbine Rd

Sent from my iPad

--{EXTERNAL}-- Case 22-121493VC

smp.home@gmail.com <smp.home@gmail.com>

Wed 11/30/2022 6:34 AM

To: Sara Kohles <skohles@co.jefferson.co.us>

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Short Term Rental (STR) Property
6905 Sprucedale Pkwy, Evergreen, CO, 80439
Case No.: 22-121493VC

Dear Ms. Kohles:

As owners of 6974 Sprucedale Pkwy we wish to state our opposition to the proposal to convert the property into a short term rental for reasons stated below:

STR, in a community such as ours, has several negative impacts:

1. **Increased traffic, noise and disruption in our community.** The application is requesting access and parking for 10 vehicles.
2. **Fire Risk.** Out of town visitors are likely unaware of fire risks and restrictions. Despite "house rules," illegal and unattended fires have been an issue at STR properties in the Clear Creek County section of Brook Forest, just south of us, in the past. A carelessly tossed cigarette butt, illegal or unauthorized fire, or even parking a hot car on tall dry grass could cause a catastrophic fire.
3. **Winter Driving Hazards.** Out of town visitors, unfamiliar with winter driving conditions and the particularities of our road, in vehicles not properly equipped, will increase safety risks on our road. Most rental cars do not come properly equipped with winter tires.
4. **Increased erosion to our road.** Homeowners opt to pay \$500 in addition to our regular \$300 HOA fees towards a fund to eventually repave our road. Increased traffic will increase the rate of road erosion. This will put a financial burden on our community to repave the road sooner than expected.
5. **Wildlife Risks.** Short term renters are likely unfamiliar with, and unaccustomed to, mountain living and the attendant risks to and from wildlife. Seemingly innocent behavior, such as leaving food or trash unattended outdoors, feeding wildlife, or simply driving too fast and encountering an animal in the road, can cause harm to our wildlife.
6. **HOA Covenants and Bylaws.** Short Term Rentals are in conflict with the letter and spirit of a number of our Bylaws and Covenants. I urge you to review these documents carefully.
7. **Broadband Saturation.** Given that we have only one broadband wifi provider available, the increased use via short term multiple renters will decrease bandwidth available to residents that rely on this for business and personal communications.

Please consider the many negative impacts this proposal presents. We appreciate your time. Please feel free to call us to discuss.

Thank you,

Stuart Page (713.240.3178) and Stephanie Page (713.377.3612)

6974 Sprucedale Pkwy

Short Term Rental (STR) Property
6905 Sprucedale Park Way, Evergreen, CO, 80439

Case No.: 22-121493VC

Dear Ms. Kohles:

We are writing to express our opposition to the application for exemption to allow 6905 Sprucedale Park Way to be used as a Short-Term Rental Property. As owners of 6945 Sprucedale Park Way, we have major concerns about the negative impact such an exemption would have on the value, safety and enjoyment of our property.

We stand with our neighbors in our objection due to the following negative impacts:

1. **Increased traffic, noise and disruption in our community.** The application is requesting access and parking for 10 vehicles. In a community with only 12 residences, with 6905 located at the end of a private dead-end road, the impact is significant.
2. **Fire Risk.** Out of town visitors are likely unaware of fire risks and restrictions. Despite "house rules," illegal and unattended fires have been an issue at STR properties in the Clear Creek County section of Brook Forest, just south of us, in the past. A carelessly tossed cigarette butt, illegal or unauthorized fire, or even parking a hot car on tall dry grass could cause a catastrophic fire.
3. **Winter Driving Hazards.** Out of town visitors, unfamiliar with winter driving conditions and the particularities of our road, in vehicles not properly equipped, will increase safety risks on our road. Most rental cars do not come properly equipped with winter tires.
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6. **HOA Covenants and Bylaws.** Short Term Rentals are in conflict with the letter and spirit of a number of our Bylaws and Covenants.

Thank you for your consideration of our concerns.

Thank you,

Gail Bartkovich

Andrea Bartkovich