



CITY OF WOODLAND PARK

BOARD OF ADJUSTMENT

AGENDA: 6:30 PM, Monday September 20, 2021

City Hall Council Chambers, 220 W. South Ave.

Woodland Park, Colorado

This is a hybrid Zoom and in-person meeting. To Zoom - link from the City calendar at the bottom of the front page of the City website (www.city-woodlandpark.org). Public input is important to the Board and written comments are encouraged and should be submitted to the Secretary in advance of the meeting. Individuals wishing to be heard during the Public Hearing are encouraged to be prepared and will generally be limited to five (5) minutes (unless otherwise approved by the Chairman) in order to allow everyone the opportunity to be heard. Public comments are expected to be constructive. Please sign in to speak on a particular agenda item. Call 719-687-5209 for more information.

1. ORDER & ROLL CALL

2. MINUTES: August 16, 2021

3. REQUESTS / PUBLIC HEARINGS

A. VAR2021-06 McNab Height Variance: A request by Mark McNab (Applicant & Property Owner) for a 3.5-foot height variance (from 20 to 23.5 feet) for an accessory building on Lot 2, Trout Creek Subdivision (4961 Trout Creek Road) in the Sturman Planned Unit Development (PUD) zone. (QJ)

4. REPORTS

5. ADJOURN

6. WORK SESSION: Guidelines, Rules, Codes

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES – August 17, 2021

City of Woodland Park Council Chambers, 220 W. South Avenue, Woodland Park, CO and by Zoom
Due to the COVID-19 pandemic, this meeting was a hybrid in-person and virtual electronic meeting. A Zoom link was posted on the front-page of the City website. Public input in the form of written comment submitted in advance of the meeting was encouraged and accommodation for public comment in real time at the meeting was made.

1. ORDER AND ROLL CALL. Order was called at 6:30 p.m. with attendance as follows:

Present	Chairman Lou Ramon
Present	Vice Chairman Jim Rumsey
Present	Regular Member Dean Nelson
Present	Regular Member Valerie Lundy
Present	Regular Member Nick Abercrombie
Absent	Alternate Member Christina Chapman
Staff Present	City Planner/BOA Secretary Lor Pellegrino, AICP
Guests Present	Council Member Catherine Nakai (Zoom), City Resident Danuta Brown (1111 Kings Crown Road)

All recited the Pledge of Allegiance.

Safety Moment: Chairman Ramon urged all to watch out for children as schools reopen.

Chairman Ramon congratulated Nick Abercrombie on his Council appointment to BOA regular member.

2. APPROVE MINUTES. The July 19, 2021 minutes were unanimously approved as presented.

3. REQUESTS / PUBLIC HEARINGS. None.

4. REPORTS

A. City Planner Pellegrino invited all to the upcoming Planning Commission meetings to review DRAFT chapters of the Envision 2030 Comprehensive Plan – 5:30p August 26 (Transportation, Drainage, Community Well-being, Recreation, Education, Health, Age Friendly, Civility, Arts, Culture, Community Heritage) and 5:30p September 9 (Land Use, Growth, Housing, Community Character and Design, City Finances) in Council Chambers or by Zoom. She went over the Planning and Building Department July 2021 report.

B. Chairman Ramon encouraged everyone to enroll in the Woodland Park Citizens Academy. He also mentioned that he will be absent for the next BOA meeting.

5. ADJOURNMENT. Chairman Ramon adjourned the regular meeting at 6:42 p.m. The next meeting is September 20, 2021.

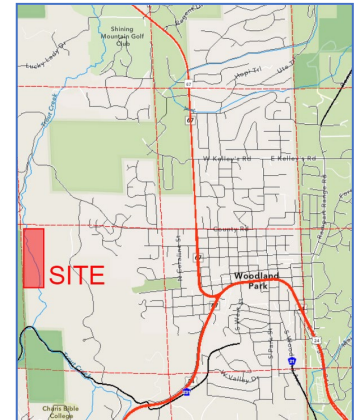
6. WORK SESSION. Chairman Ramon called the work session to order at 6:43 p.m. The Board had a general discussion about the BOA guidelines (including but not limited to posting signs and the error definition) and the BOA rules (including public comment time limits and effective dates). All agreed to make the few edits that were proposed and forward the draft guidelines and rules to the City Attorney for consideration. The Board began discussing code changes beginning with increasing BOA terms from 3 to 4 years and how to improve the community notification process. They agreed to continue code change discussions at the next available opportunity. The work session adjourned at 9:07 p.m.

Approved by: _____
Louis Ramon, Chairman

Date

STAFF REPORT

PROJECT: VAR #2021-06 McNab Accessory Building Height
APPLICANT: MBI Contractors, Inc. (Mark McNab)
OWNER: Patricia McNab Living Trust (Mark McNab)
REQUEST: Increase maximum height from 20' to 25' for an accessory building (5' variance)
LOCATION: Lot 2, Trout Creek Subdivision (4961 CR25/Trout Creek Road)
ZONE: Sturman Planned Unit Development (PUD) District
STAFF: City Planner Lor Pellegrino, AICP



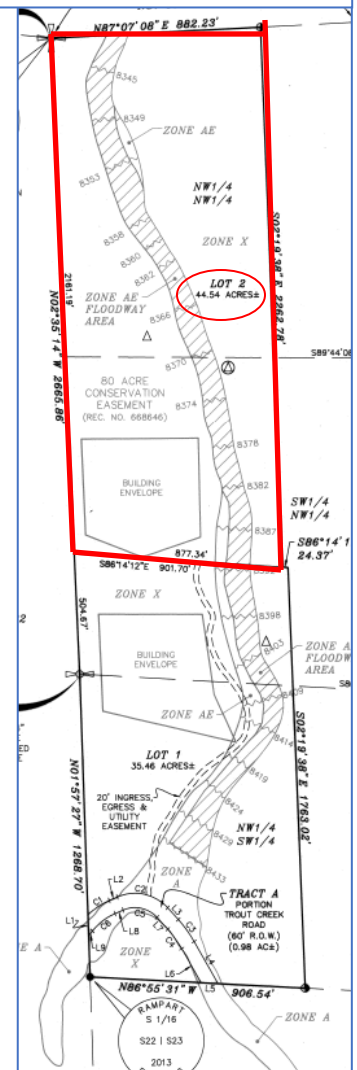
I. BACKGROUND

Figure 1: Trout Creek Subdivision Plat.

Trout Creek Subdivision platted 80 acres of land in the far west edge of the City in September of 2016 into two lots. Lot 1 (the south lot) is 35.46 acres and Lot 2 (the north lot) is 44.54 acres. Access to both lots is from Trout Creek Road (County Road 25) which abuts the south end of Lot 1. The current owner, Mr. McNab, would like to build a 25 foot high accessory building (barn) on Lot 2 for storage of personal items.

The entire 80 acres (both lots) are subject to a conservation easement, monitored and enforced by the Mountain Area Land Trust (MALT), to conserve and protect the following identified conservation values: (i) preserve relatively natural habitat (ii) preserve the open space view; (iii) preserve scenic enjoyment; and (iv) possible outdoor recreation and education use. MALT has reviewed the barn proposal and has approved it as designed finding compliance with all applicable easement restrictions. Lots 1 and 2 are both within the Sturman PUD zone district. This zone district was originally created in 1995 and most recently amended in 2016 (the PUD master plan is attached to this staff report for your information). The 2016 amendment limited the height of accessory buildings to a maximum of 20 feet, which is the typical height for accessory buildings in residential areas (i.e. UR, SR, MFS, MFU zones). The applicant is requesting a 3.5 foot variance for a proposed 4,243 SF barn to an average height of 23.5 feet from grade to ridge.

Since it is unspecified in the PUD zone, the height definition per MC 18.06.080 is applied and states: "Height means...the vertical distance from the finished grade (average finished elevation of the ground around the structure) to the highest point of the roof."



II. PROCESS

Zoning variances are subject to *Chapter 18.60* of the Municipal Code. §18.60.010 states that where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition peculiar to a particular piece of property, the strict application of any provision of *Title 18 Zoning* would result in exceptional, demonstrable, unnecessary hardship, the Board of Adjustment (BoA) has the power to grant a variance from such strict application so as to relieve such demonstrable difficulties or hardships. If a variance is granted, the BoA may prescribe appropriate conditions in conformity with the Zoning Regulations (§18.60.060). Before granting a variance, the BoA must make the findings specified in §18.60.040. Also, unless the limitations of §18.60.050.A and B are met (see below), a variance cannot be granted.

Notice letters of the BoA public hearing were mailed to adjacent property owners (*i.e.* there were four (4) property owners within 150 feet of the perimeter of the subject lot, one of which is the Pike National Forest) at least ten (10) days prior to the meeting date; a sign was posted at the entrance of Lot 1 off of Trout Creek Road for at least ten (10) days immediately prior to the public hearing; and, a public notice was published in the Pikes Peak Courier at least seven (7) days prior to the hearing. To date, staff has received no concerns from Teller County, City departments, or the public.

Figure 2: Sturman PUD zone limits

Dimensional Standards within the MALT Conservation Easement Area:

- (1) 30 feet maximum height for principle buildings and 20 feet for accessory buildings;
- (2) Zero yard setbacks (however all buildings and structures shall be constructed only within established building envelopes except non-habitable accessory structures which may be constructed or reconstructed in those approximate locations specified on the PUD Master plan);
- (3) Maximum density is 0.06 dwelling units/acre;
- (4) No further subdivision creating additional lots shall be permitted unless connected to City sewer and water services;
- (5) Frontage requirement for Lot 2 shall be zero;
- (6) Parking requirements shall be as prescribed in Chapter 18.39 of the Municipal Code;
- (7) Fencing may be constructed along the perimeter of each lot and along the perimeter of each building envelope but must be wildlife friendly and comply with Chapter 18.42 of the Municipal Code;
- (8) Uses permitted conditionally are limited to (i) Residential single-family dwelling units and those buildings and structures accessory to residential uses; (ii) Home Occupations subject to 18.33.150 of the Municipal Code; (iii) Bed and Breakfast establishment subject to 18.33.161; and (iv) Vacation Rentals for families or groups of not more than five persons not related by blood, marriage or adoption;
- (9) Power service to/from this area and all residences shall be underground except portions may be overhead when environmental impacts are too great and to conserve physical or topographic features of importance and significance (*i.e.*, floodplain); and
- (10) There shall be no time limit to begin construction and no expiration date.

III. POWER TO GRANT VARIANCE

Analysis: Staff finds that the application satisfies the provisions of §18.60.010 for when the BoA may grant a variance. Here, staff finds an “other” extraordinary or exceptional situation or condition peculiar to a particular piece of property, specifically the existence of the MALT conservation easement. No other property in the City is subject to a MALT conservation easement. The MALT conservation easement was established to conserve, protect, and reduce impact to the identified conservation values by implementing restrictions that go beyond typical zoning. The conservation easement is attached to this staff report for your information only. Please know that MALT has reviewed the barn for compliance with the conservation easement and has approved it.

IV. SECTION 18.60.050.A. and B. LIMITATIONS

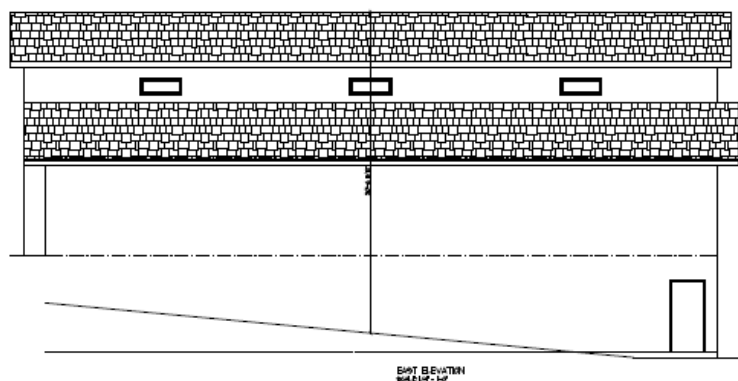
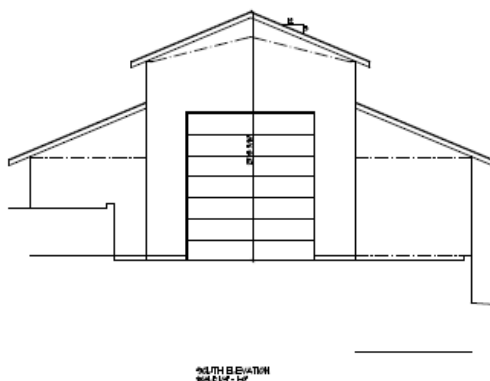
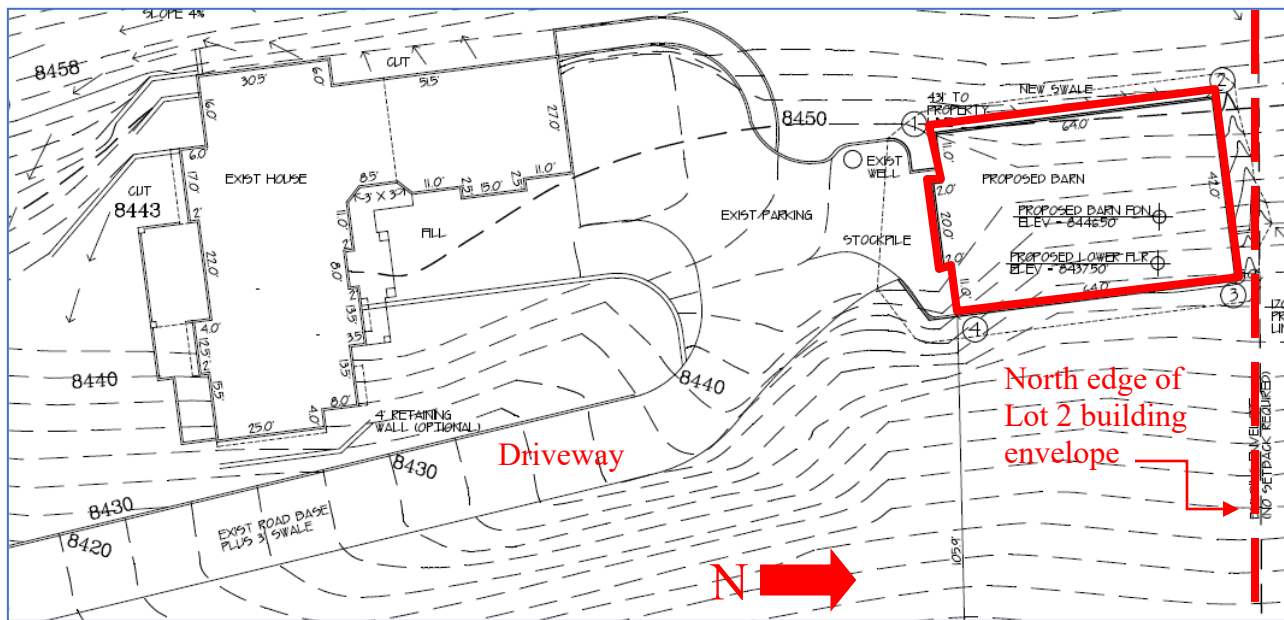
The limitations of §18.60.050.B are met because accessory buildings are permitted under the terms of *Title 18* within the Sturman PUD zone. The limitations of §18.60.050.A are met because no nonconforming use of lands or structures in the same district, and no permitted or nonconforming use of land or structure in other districts are grounds for the issuance of this variance.

V. FINDINGS

The BoA shall consider each application and grant or deny it according to the provisions of Municipal Code §18.60.040. Findings are provided below, complete with staff's analysis. In granting a variance, the BoA may prescribe appropriate conditions in conformity with Municipal Code *Title 18*.

18.60.040.A. *That the representations in the application are valid.*

Analysis: A written application complete with fee was submitted and accepted by the City on August 27, 2021. In it, the Applicant cites multiple special circumstances warranting a variance such as the MALT conservation easement, the lack of visual impact, the large lot size, and similarities with the height for accessory buildings in Teller County (abutting to the west and north). The 4,243 SF barn is proposed to be located as shown below, immediately north of the existing residence. The finished grade around the barn varies by 14 feet (from 8,437 to 8,451 feet).

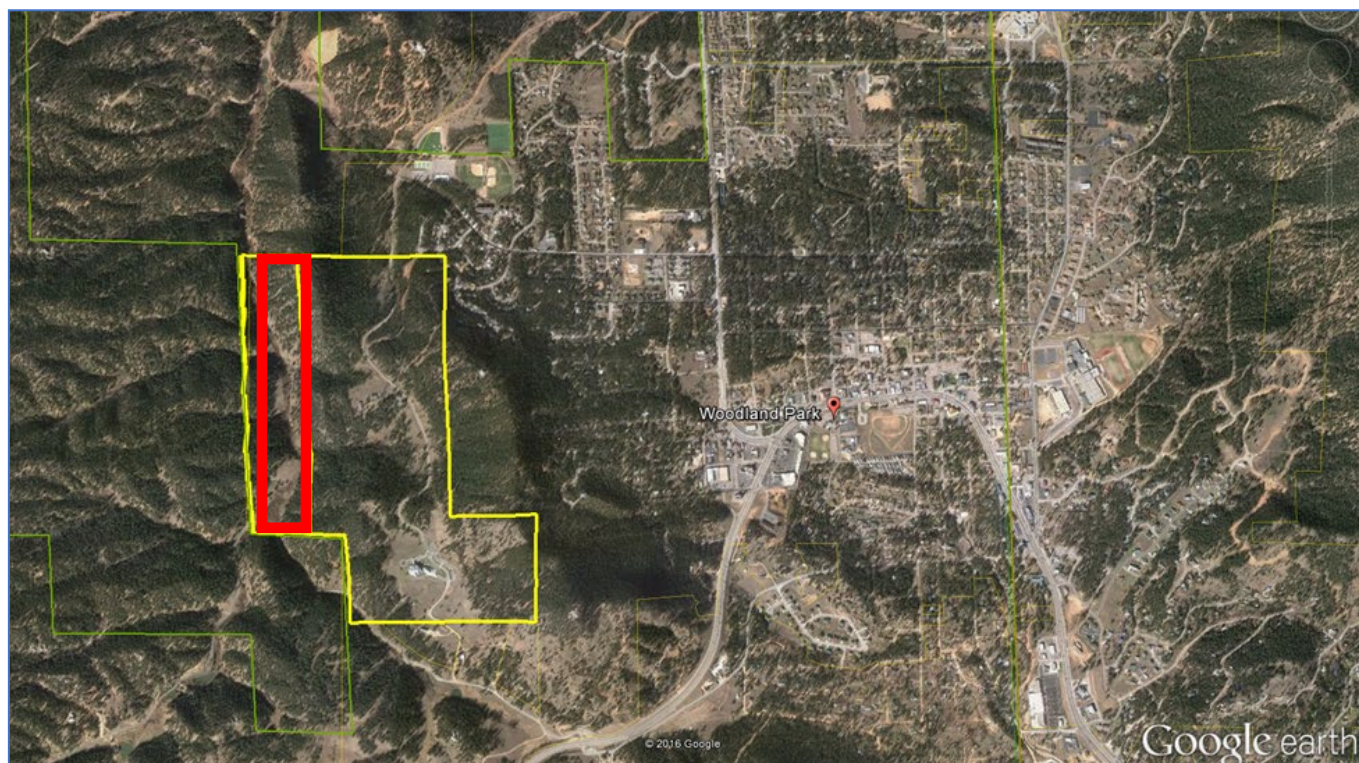


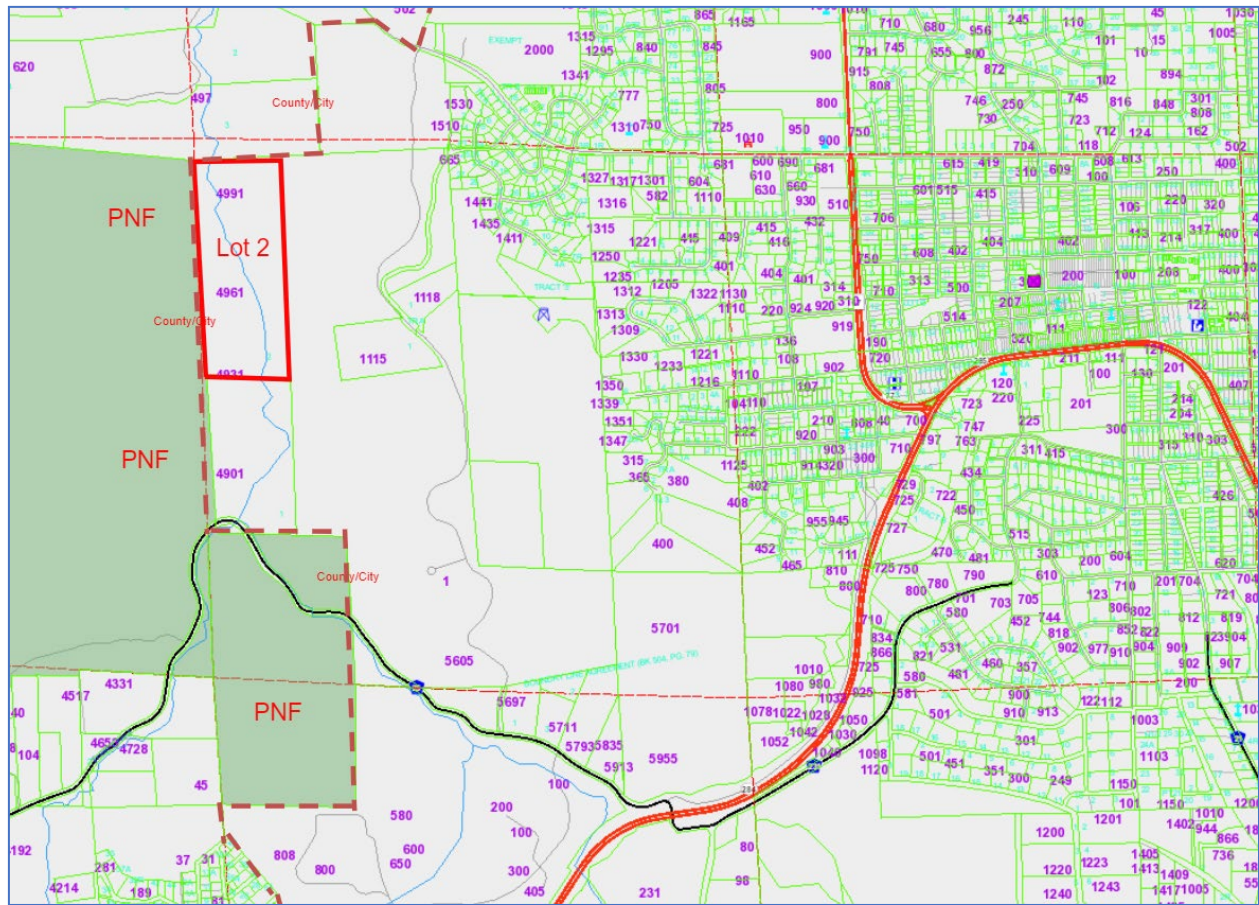
18.60.040.B. That the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land or structure.

Analysis: Staff believes the reasons set forth in the application justify the granting of this variance. The Applicant is proposing an accessory building that complies with all of the MALT requirements and MALT has approved it for construction. Accessory buildings are permitted per the Sturman PUD zone. In 2016, when the PUD was amended, the height limitations were established similar to the maximum height for accessory buildings in other residential zones in the City. However, this site is more similar in character (i.e. large lot size, remote/isolated area, etc.) with agricultural zones in Teller County and the City, both of which allow accessory buildings to be up to 30 feet high. Staff suggests that the 20' height limitation for accessory buildings in this zone for the MALT conservation easement area was an oversight and unnecessarily restricts the ability of the property owner. Further, the Sturman PUD master plan is currently in review and changes are to be proposed for the area outside the MALT easement (360+ acres). Staff recommends that the property owner of Lots 1 and 2 consider the possibility of rezoning the 80-ac MALT area (80 acres consisting of Lots 1 and 2) from the Sturman PUD zone to the Agricultural (AG) zone (MC 18.17). This would automatically allow for the limited low density residential development already allowed and 30' high barns more in character with other AG zoned lots.

Further, the property owner attempts to reduce impacts by locating the accessory building close to the existing residence and existing driveway thereby reducing grading and erosion impacts. Increasing the maximum height by 5 feet is imperceptible: it will not obstruct surrounding views or impact scenic beauty to/from the site, will not have a detrimental or adverse effect or impact on the character of the neighborhood or general welfare of the community and will make possible the reasonable use of the land for a detached accessory building on a residential lot while maintaining a safe, functional and aesthetically pleasing neighborhood in keeping with the MALT easement. If built as proposed, the barn.

The images below shows the boundaries of the Sturman PUD zone in yellow. The 80-acre MALT area within this PUD zone is highlighted in red. This image provides a good perspective of the remoteness of the parcel, its relative isolation from surrounding development and the large lot size compared to other lots in the City.







18.60.040.C. That the granting of the variance will be in harmony with the general purpose and intent of the comprehensive plan and Title 18 Zoning and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Analysis: If granted, this variance will conform with the general purpose and intent of the comprehensive plan, and the intent of the zoning regulations, without injury or detriment to the neighborhood or public welfare. The 2010 future land use map shows this area as open space due to the conservation values expressed in the MALT easement. The 2030 Envision Woodland Park plan proposes to maintain this open space designation. Granting the variance would allow for efficient and effective residential development on an easement-constrained lot while still maintaining and matching the surrounding residential community character and appearance.

VI. STAFF RECOMMENDATION

Staff recommends granting a 5 foot variance to the Sturman PUD height limitation (from 20 feet to 25 feet) for the proposed accessory building on Lot 2, Trout Creek Subdivision (4961 CR25/Trout Creek Road) based on the findings contained in the staff report and testimony presented at the public hearing subject to the following conditions:

1. This variance applies only to the accessory building as shown in the application VAR #2021-06.

Attachment A – Application



~ MBI Contractors, Inc. ~

P.O. Box 7662 Woodland Park, Co 80863
Phone: (719) 499-5160 Fax: (719) 687-1901 E-mail: markmcnab@gmail.com

Woodland Park City Hall

30th of August, 2021

Dear Sir/ Madam,

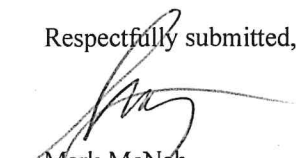
Re: Variance request for (Lot 2, Trout Creek Subdivision, Woodland Park, Colorado, 80863). Variance application to extend the Woodland Park height maximum for a planned barn structure from 20' to 23.5' in mean elevation.

Reasons for variance as follows:

- Observation: The property for the proposed building is 45 acres (part of 80 acre parcel), approximately 3,800' long or deep by 1000' wide. The proposed building site is in a valley surrounded by hillsides of approximately 150' to 200' in elevation. The nearest resident to the north is 1830' from the proposed building, with no buildings to the west which is all national forest. Any dwellings to the east is at least 800' from the proposed building with a hillside of approx. 200' in elevation between. There are no buildings to the south except a home under construction on the south 35 acres of our 80 acre tract which we are building for our daughter and son-in-law. That dwelling is also on the other side of a hillside which completely blocks the view between our properties.
- Our property is a conservation easement deed. The conservation easement is specifically peculiar to the character of the property and is similar to a covenant restriction of the property. Because of that restriction we feel it will propagate the requirements of the easement by storing all personal equipment, autos and a large fifth wheel RV inside the proposed barn to keep the natural beauty of the property intact.
- Mountain Area Land Trust (MALT), which is the managing organization for the conservation easement is in full agreement with our proposed structure as their requirement is 30' maximum elevation for accessories buildings. We are asking for 23.5' in elevation which is a 3.5' variance from the City restrictions. MALT would like to see the proposed building compliment the main house structure which is old world gabled design. We have lowered the roof pitch to the minimum slope to try to be close to the city's 20' requirement but still blend in with the existing structure design. We are planning the exterior design of the barn to blend with the Old World design of the existing home to help meet the requirements of MALT.
- Our property is unique in that it is in the city but at the same time a large acreage which is rare for the City of Woodland Park. We are adjacent to Teller County which is more to the large parcels similar to ours and they have a building maximum requirement of 35' for accessories buildings.
- Due to the land mass of the subject property, the views of the neighboring properties will not be obstructed in any way.
- The situation of the property did not result from actions from the present or past owners.
- The justifications of the variance request will make possible the reasonable use of the land.
- Granting this variance will be in harmony with the general purpose and intent of the comprehensive plan of the Conservation Easement.
- The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare and welfare of property owners.

Thank you for your consideration in this matter.

Respectfully submitted,



Mark McNab
President
MBI Contractors Inc.



Teller County Government

The Official Site For Teller County, Colorado

Property Records Database

[Teller Home](#)[County Offices](#)[Contributing Offices](#)[New Search](#)[Mapping Application](#)[Foreclosures](#)

Property Record Database

Account Information (provided by Assessor)

Account No R0056234

Parcel Id 6029.232020020

2021 Values [A PDF of the 2021 Notice of Value](#)

Actual \$958,109

Assessed \$68,660

Tax Dist 60

Acct Type Ag Residential

School Dist RE-2

Acres 44.5400

Map No. 3029-23

Owner Name MCNAB, PATRICIA A LIVING TRUST

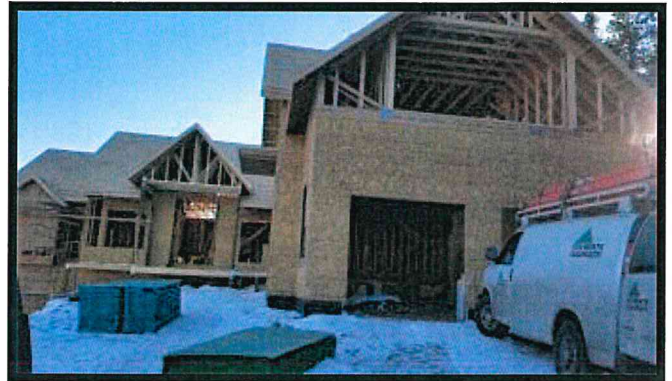
Mailing PO BOX 7662

Address WOODLAND PARK, CO
808630210

Physical 4961 CR 25

Address

Area WP CENTRAL AREA



Legal Description L2 TROUT CREEK SUBDIVISION AS DESC AT 691288

[Show Map](#)

[Show Sales Map](#)

[Comparable Residential Sales](#)

Zoning Information (provided by Community Development Services Division for Questions call 719-687-3048)

Zoning

Land Information (provided by Assessor)

Land Type	Abst Code	Acres
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Agricultural	4147	44.5400
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TOTAL		44.5400
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Building Information (provided by Assessor)

Building ID 1

Occupancy Single Family Residential on Ag	Abst code 4277	
Style 1 1/2 Story	% Occ 100%	Year build 2019
SQFT 4,167		Adj Yr Blt 2019
Bed Rooms 4	Baths 5.25	Remodeled
Rooms 17	Stories 2	% Remodeled
Exterior Frame Stucco	Story Ht 9	Roof Type Gable
Interior Drywall	Foundation 18 Concrete	Roof Concrete Tile
Quality Good	Condition Average	HeatType Hot Water Radiant

Inventory Building ID 1

Type	Description	Units
Add On	Dormers Good	2
Add On	Elevator/3 passanger/2 story/48*48	1
Add On	Gas Log Fireplace Ventless	3
Basement	Bsmnt Conc 9 ft	3086
Basement	Finished	3086
Garage	Attached	1113
Porch	Cvrd Wood Deck	128
Porch	Cvrd Wood Deck	308
Porch	Wood Deck	52
Porch	Wood Deck	116
Porch	Wood Deck	238

Transfers (provided by Assessor)

Sale Date	Reception No	Deed Type	Sale Price
10/21/2016	692503	Warranty Deed	\$255,000

Building Permits

Date	Permit No.	Description	Permit Issued By
04/24/2018	A52740	SEPTIC	Teller County
08/08/2019	L49609	RESIDENCE - ENGINEER STAMPED	Woodland Park
10/31/2019	M58438	PATIO ENCLOSURE	Woodland Park
12/31/2019	M65899	NEW SERVICE	Woodland Park
11/02/2020	N17431	TEMPORARY SERVICE	Woodland Park

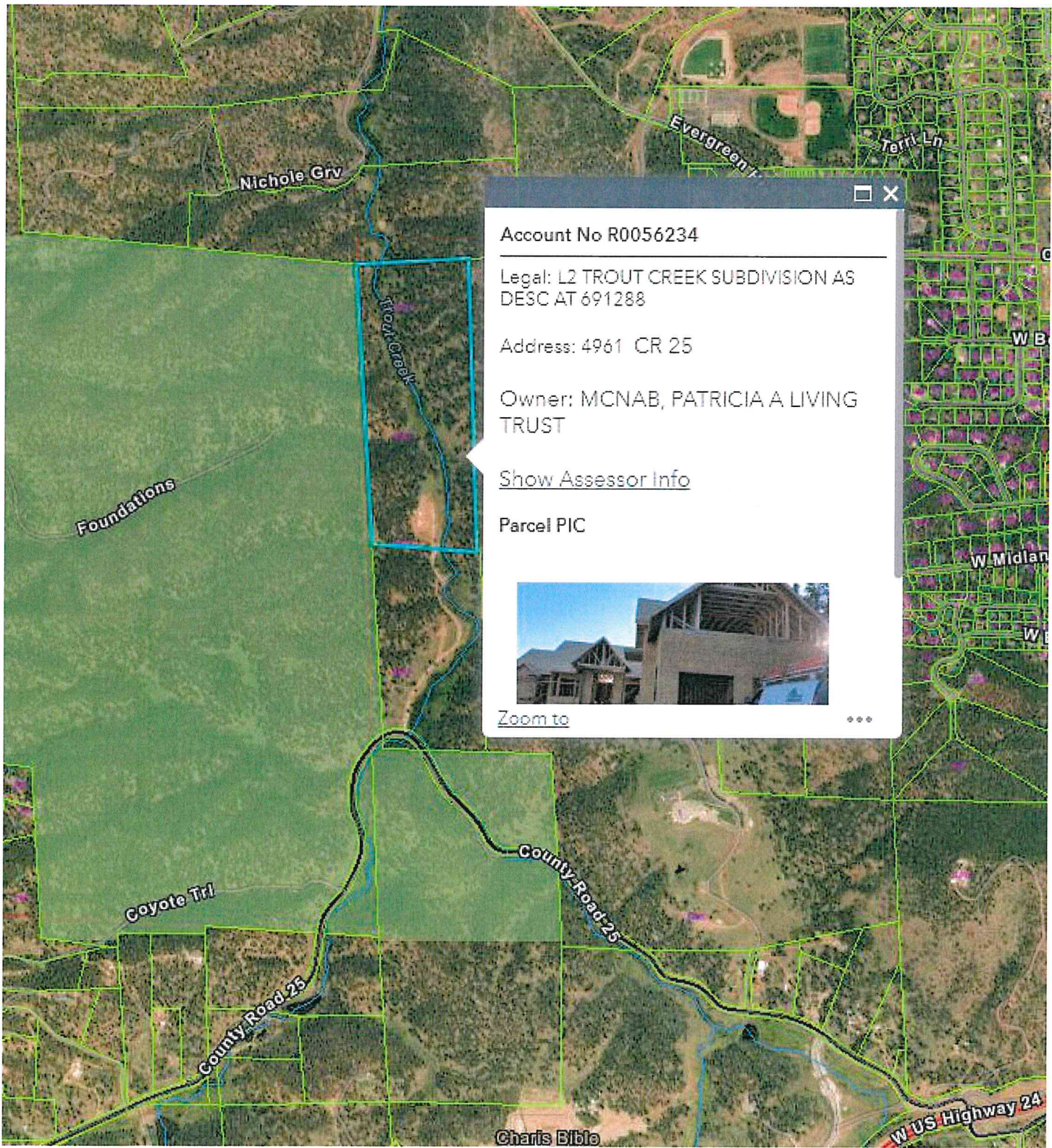
Property Tax History (provided by Treasurer). Delinquent taxes are not shown on this website.

[Tax detail on Treasurers Web Site \(Note: Select Public User Login Button if prompted\).](#)

Tax	Tax
Year	Amount

2016	\$13.68
2017	\$14.44
2018	\$14.42
2019	\$14.90

E-Mail suggestions or comments to [WebDeveloper](#)
08/30/2021 09:55:36 AM



Account No R0056234

Legal: L2 TROUT CREEK SUBDIVISION AS
DESC AT 691288

Address: 4961 CR 25

Owner: MCNAB, PATRICIA A LIVING
TRUST

[Show Assessor Info](#)

Parcel PIC



[Zoom to](#)

...

Charis Bible

SEC:

N87°09'00"

ASSUMED BASIS OF BEARINGS
N87°07'08" E 1286.41'

P.O.B.
NW COR
SEC. 23,
T12S, R69W

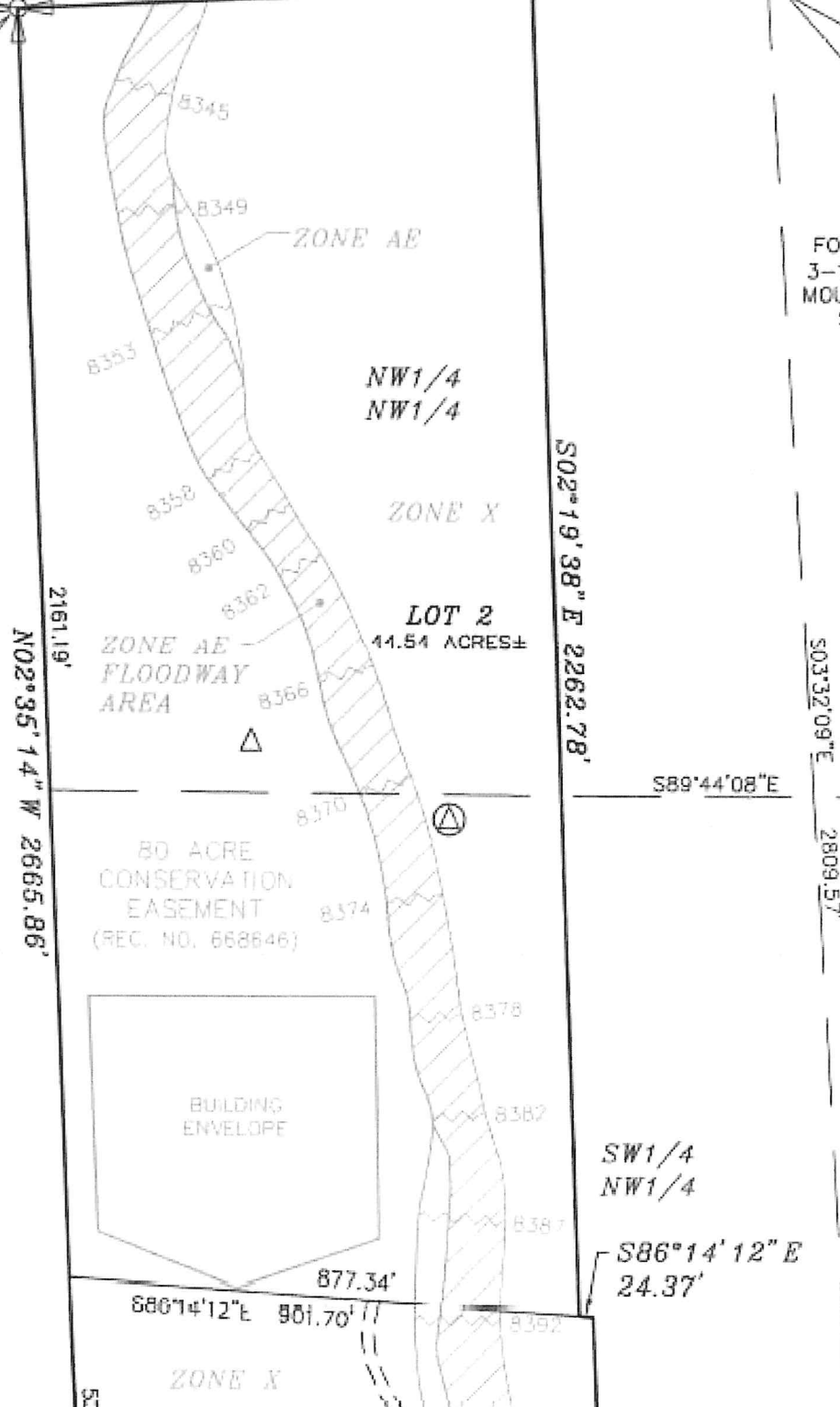
N87°07'08" E 882.23'

JR ENG
T12S R69W
S15 | S14
S22 | S23
1998
PLS 25369

FOUND 3-1/4"
ALUMINUM CAP
STAMPED AS SHOWN

JR ENG
W1/16
S14
S23
1999
PLS 25369

FOUND 3/4" REBAR AND
3-1/4" ALUMINUM CAP IN
MOUND OF GRANITE STONE
STAMPED AS SHOWN



PIKE
NATIONAL
FOREST

80 ACRE
CONSERVATION
EASEMENT
(REC. NO. 668646)

BUILDING
ENVELOPE

ZONE X

SW1/4
NW1/4

S86°14'12" E
24.37'



August 30, 2021

Mark McNab
PO Box 7662
Woodland Park, CO 80863

Re: Approval of proposed barn in Lot 2

Dear Mark,

Thank you for requesting approval for your proposed residence in Lot 2 of your Trout Creek property. This property is subject to a Deed of Conservation Easement held by Mountain Area Land Trust, which was recorded on December 19, 2013 in the records of Teller County, Colorado, under reception number 668646, herein referred to as the Conservation Easement.

Section 4.a of the Conservation Easement requires that the Trust approve the construction of any new non-residential structure on the property, and sets limitations on the location, size and design of permitted structures.

Mountain Area Land Trust has reviewed the barn plans submitted on August 10, 2021 in order to ensure that the proposed construction is within the requirements of the Conservation Easement. The proposed barn is in the appropriate location and conforms with all size limitations placed by the Conservation Easement. The relevant pages of the Conservation Easement and construction drawings are attached.

Therefore, Mountain Area Land Trust hereby approves the construction of a barn as proposed. Please note that this approval is contingent on the final construction being identical to that proposed in the depictions provided and that the exterior finishes of the barn corresponds to the following excerpt from the Conservation Easement.

"materials designed to minimize visibility and blend into the surrounding environment, using earth tone exterior colors which reasonably approximate the surrounding landscape. All roofing materials shall be an earth tone, non-reflective color."

Sincerely,


Lisa Janeway
Stewardship Director
Mountain Area Land Trust


Jeanne M. Beaudry
Executive Director
Mountain Area Land Trust

908 Nob Hill Rd, Suite 200, Evergreen CO 80439 | SaveTheLand.org | 303-679-0950

Saving the Land...Leaving a Legacy



Attention Teller Clerk and Recorder:
Record as "Deed of Conservation Easement"
After recording return the stamped original executed Document to:
Mountain Area Land Trust
P.O. Box 4063
Evergreen, CO 80437-4063



DEED OF CONSERVATION EASEMENT

MOUNTAIN AREA LAND TRUST

GRANTOR

STURMAN PROPERTIES, LLC

Trout Creek Conservation Easement

NOTICE

For as long as the Property is subject to this Deed, any time the Property itself, or any interest in it, is transferred by Grantor to any third party, Grantor shall notify the Trust and the third party shall pay a transfer fee of \$1,000 (subject to annual adjustment per Section 23) to the Trust, pursuant to the terms and provisions of Section 23 and 25 of this Deed.

Approval). The remainder of these uses shall not be precluded, prevented or limited by this Deed.

a. **Property Structures and Improvements.** Grantor shall not construct any buildings or other structures ("Structures") on the Property except as expressly permitted herein. The Parties agree that the current use of the Property, and the existing Structures or other improvements thereon (as described in the Baseline Report and shown on the Site Plan), are consistent with the purposes of this Deed, and are permitted hereunder.

i. **Existing Structures.** At the time of granting of this Deed, there is only one existing structure on the Property:

Existing Non-Residential Structures. There are two (2) existing non-residential structures, a cabin and an outhouse, with a total square foot footprint of approximately 500 square feet.

ii. **Building Envelopes.** Grantor and the Trust hereby acknowledge and agree that all Residential Structures (defined as single-family detached residential dwelling and accessory structures including but not limited to a detached garage or utility shed) will be confined to a specific area of the Property referred to herein as the "Building Envelopes." The approximately five (5) acre Building Envelopes are a specific limited area within the Property, outside of which no Residential Structures are permitted. The location of the Building Envelopes is depicted on **Exhibit B** attached hereto.

iii. **New Structure Construction.** The location of the following Structures is limited to within the Building Envelopes:

(a) **New Residential Structures.** Grantor may construct or otherwise locate new residential structure(s) within Building Envelope One and new residential structure(s) within Building Envelope Two. Within each Building Envelope the Grantor may construct either; 1) one (1) primary residence not to exceed a square foot Footprint of 10,000 square feet or 2) one (1) primary residence and one (1) secondary residence not to exceed a cumulative square foot Footprint of 10,000 square feet.

(b) **New Non-Residential Structures.** Grantor may construct or otherwise locate additional non-residential structures such as barns, sheds, dog runs and livestock shelters and related fences ("New Non-Residential Structures"). The total of all such structures shall not exceed a square foot footprint of 7,000 square feet in Building Envelope One and a square foot footprint of 7,000 square feet in Building Envelope Two.

iv. **General Construction Restrictions and Procedures within the Building Envelope.** For purposes of this Section 4.a., Footprint is calculated by measuring the exterior of each structure at ground level and determining the total square feet of the ground level of each structure. The

Footprint allowed within the building envelope includes both a residential Footprint and non-residential Footprint. The residential Footprint shall include all residential finished or unfinished space covered and enclosed within two or more walls, including residential covered or uncovered decks or patios. The non-residential Footprint includes all non-residential finished or unfinished space enclosed within two or more walls and not attached to the residential structure(s).

Grantor may locate, construct, replace and enlarge New and Existing Structures not to exceed thirty (30) feet in height as defined by the local building code. All new construction shall be no more than thirty (30) feet above pre-construction grade with materials designed to minimize visibility and blend into the surrounding environment, using earth tone exterior colors which reasonably approximate the surrounding landscape. All roofing materials shall be an earth tone, non-reflective color.

Prior to the location, construction, replacement or enlargement of any Structure as permitted in this Section 4.a., Grantor shall request and obtain The Trust's approval prior to any replacement or construction pursuant to Section 8 (Trust's Approval).

v. **Structures Outside the Building Envelope.** Grantor may construct or otherwise locate two (2) New Non-Residential Structures/Cabins outside of the Building Envelopes as identified on the Site Plan (Exhibit-B) (Future Cabins); provided no single New Non-Residential Structure /Cabins shall be greater than 500 square foot Footprint. No Non-Residential Structures may be modified or altered for residential use or human habitation.

vi. **Public Access, Hiking Trails and Construction of Support Structures.** Grantor retains the right to allow future public access to the Property for the purposes of low impact recreational purposes, including horseback riding, hiking, biking, wildlife watching, rock climbing, cross country skiing and snowshoeing, and any other uses consistent with the purposes and intent of this Deed. Access to the Property by the public will be identified on the Site Plan (Exhibit-B) ("Public Access Site"). Additionally, Grantor may grant public access and trail easement (not to exceed 10 feet in width) as identified on the Site Plan (Exhibit-B) ("Trail Easement") to governmental or quasi-governmental entities in order to tie in to regional trails or to other trail systems, after first obtaining the written consent of the Trust.

When granted, the approximately four (4) acre Public Access Site and the Trail Easement shall be made available to and for the benefit of the public for non-motorized, passive, low impact recreational purposes, including horseback riding, hiking, biking, wildlife watching, rock climbing, cross-country skiing, and snowshoeing, and any other uses consistent with the purposes and intent of this Deed. Motorized vehicles shall not be permitted within the Trail Easement Area except for during construction, maintenance, repair, replacement and for emergency purposes or as may be required by law. Except as provided in Section 4.b. (Driveways) below, motorized vehicles will only be allowed in the Public Access Site, within the parking lot; provided that all-terrain

August 30, 2021

Analysis by:
Lisa Janeway
Stewardship Director
Mountain Area Land Trust

Memo to the File

McNab Living Trust + Mark 1 LLC Barn Construction Request

Original Request for Approval: 08/10/2021

In emails dated August 10, 2021 and August 27, 2021 from Mark McNab, he is requesting approval for the construction of a barn within Lot 2/Building Envelope 2 of their property, being the same property described in the Deed of Conservation Easement conveyed to MALT on December 18, 2013. The site plan from the Deed found in Exhibit B of this memorandum. The email included architectural drawings in a PDF attachment, found in Exhibit A of this memorandum.

Barn Construction

Request: Mark McNab has requested MALT's approval for a barn construction next to the house and driveway, as approved by MALT in 2018.

New Non-Residential Structures

The architectural drawings describe a 2-story barn with a footprint of approximately 2,728 sf, well within the 7,000 sf maximum described in Section 4.a.3 of the Deed of Conservation Easement.

Height Restrictions and Building Materials

Under the General Construction Restrictions and Procedures within the Building Envelope provisions in section 4.a.4 of the Deed of Conservation Easement, it states all new construction shall be no more than thirty feet above pre-construction grade and no more than thirty feet in height as defined by the local building code. The average height shows on the drawings is 23.5'. This is within the height limitations set forth in the Deed of Conservation Easement. The Deed also stipulates that new construction shall be done "with materials designed to minimize visibility and blend into the surrounding environment, using earth tone exterior colors, which reasonably approximate the surrounding landscape. All roofing materials shall be an earth tone, non-reflective color".

Analysis:

The ability to construct a non-residential structure, including a barn is a reserved right. The proposed plan reviewed meets the criteria in the Deed, including protecting Conservation Values, and meets the criteria for size and height. Construction as proposed in the drawings and

August 30, 2021

Analysis by:

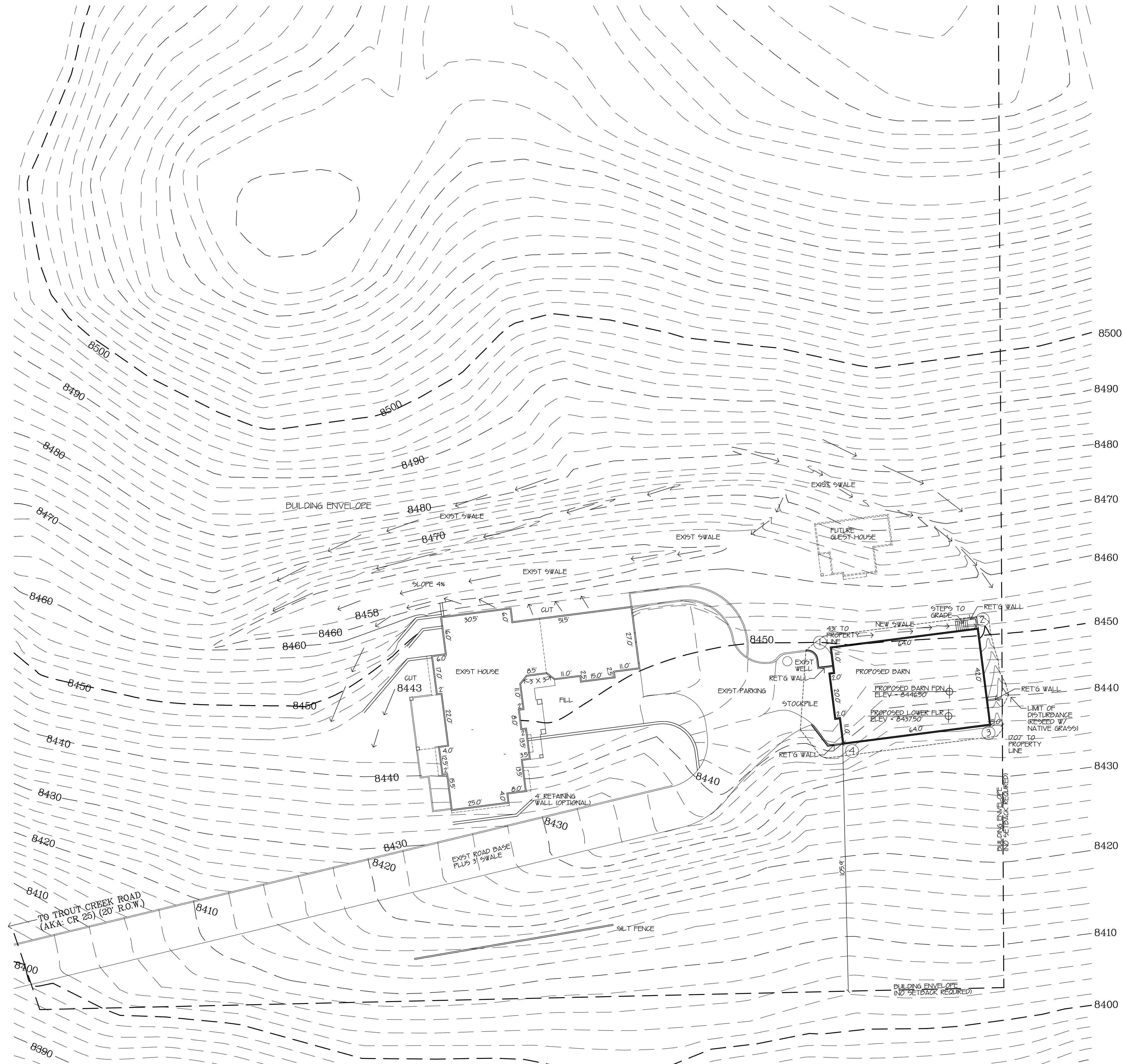
Lisa Janeway

Stewardship Director

Mountain Area Land Trust

built within with design parameters listed in the Deed will have no net negative impact on the Conservation Values.

Therefore, Mountain Area Land Trust should grant approval barn construction.



GRADES TABLE & TOP OF FOUNDATION AT BARN BLDG CORNERS			
POINT NUMBER	TOP OF FOUNDATION	EXISTING GRADE	FINISHED GRADE
①	8451.50	8449.50	8451.00
②	8451.50	8451.50	8451.00
③	8437.50	8435.50	8437.00
④	8446.50	8440.25	8440.00

AVERAGE GRADE $179/4 = 44.75'$
RIDGE ELEV. = $8469.75' - 44.75' = 25.0'$

- GENERAL NOTES:
- ROOF GUTTERS/DOWNSPOUTS WILL TERMINATE ON SPLASH BLOCKS, POINTING AWAY FROM STRUCTURE, & DRAIN TOWARD FRONT OR BACK OF LOT, NOT TOWARD ADJOINING PROPERTIES.
 - PROTECT EXIST. TREES FROM CONSTRUCTION DAMAGE W/ TEE POSTS AND ORANGE FENCING AROUND ENTIRE DRIP LINE
 - DRAINAGE SWALES ARE INCLUDED IN DISTURBED LIMITS. SIDE SLOPES SHALL BE A MAXIMUM OF 3:1V (33.3%)
 - DRAINAGE SWALES TO HAVE 21 MAX BANKS
 - PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING
 - PROVIDE DUMPSTER ON SITE AT ALL TIMES.
 - ALL DISTURBED SLOPES TO BE RESEED W/ NATIVE GRASS

AREA OF DISTURBANCE
BARN - 4243 SF.
STOCKPILE - 0 SF. (INC. IN BARN)
TOTAL - 4243 SF.
BARN IMPERVIOUS AREA - 2728 SF.
PROPOSED RIDGE ELEV. - 8469.75'

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

LEGAL DESCRIPTION
LOT 2, TROUT CREEK SUBDIVISION,
WOODLAND PARK, COLORADO
AKA: 4961 & 4991 TROUT CREEK ROAD (CR 25)

OWNER/APPLICANT:
MARK S. MCNAB AND PATRICIA A. MCNAB,
TRUSTEES OF THE MARK S. MCNAB LIVING TRUST
DATED OCTOBER 12, 2016 AND
PATRICIA A. MCNAB AND MARK S. MCNAB,
TRUSTEES OF THE PATRICIA A. MCNAB LIVING TRUST
DATED OCTOBER 12, 2016
P. O. BOX 7662
WOODLAND PARK, CO 80863
687-3357

Highmark, LLC

HOMES & DESIGN

P. O. BOX 7662 WOODLAND PARK, CO 80863 OFF: 687-3357 FAX: 687-1901

MCNAB BARN

4961 & 4991 Trout Creek Road (Cr. 25)
Woodland Park, Colorado 80863

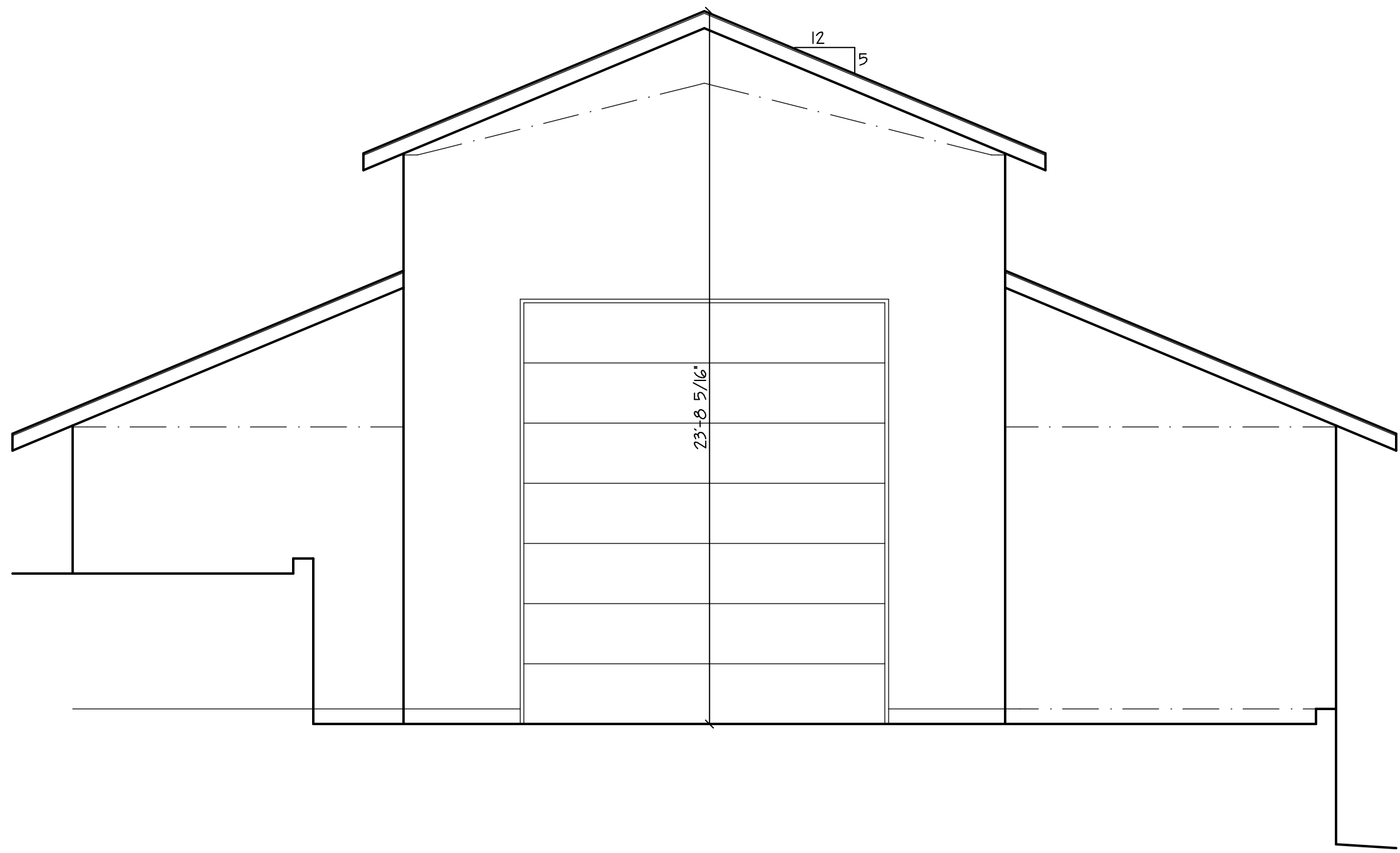
LORING'S CADD HOUSE

AN ARIZONA SPRINGS, CO 80904
632-4443

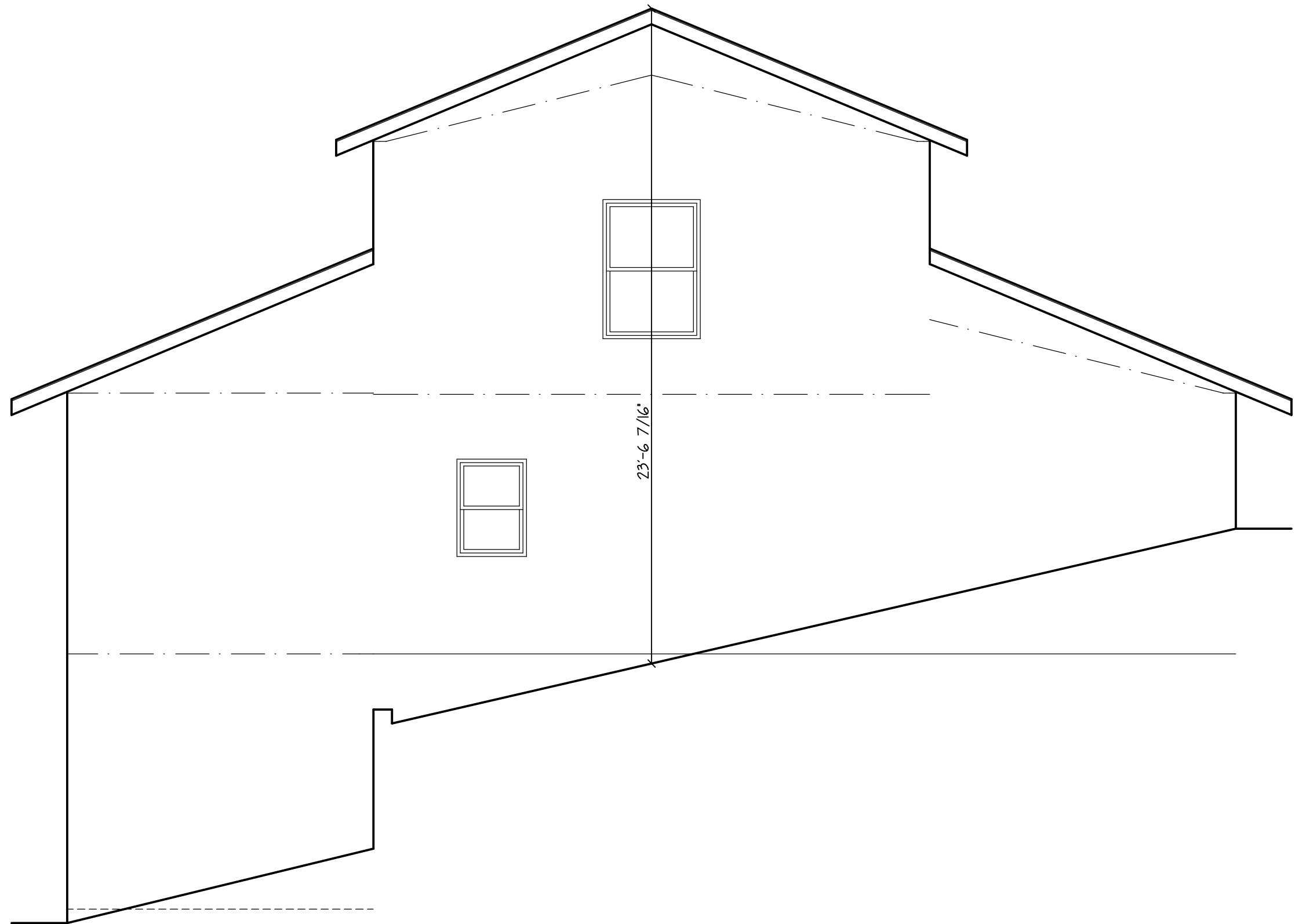
REVISIONS:

DATE: 09/09/21
DRN BY: MBL
PROJECT NO: 21052
SHEET:

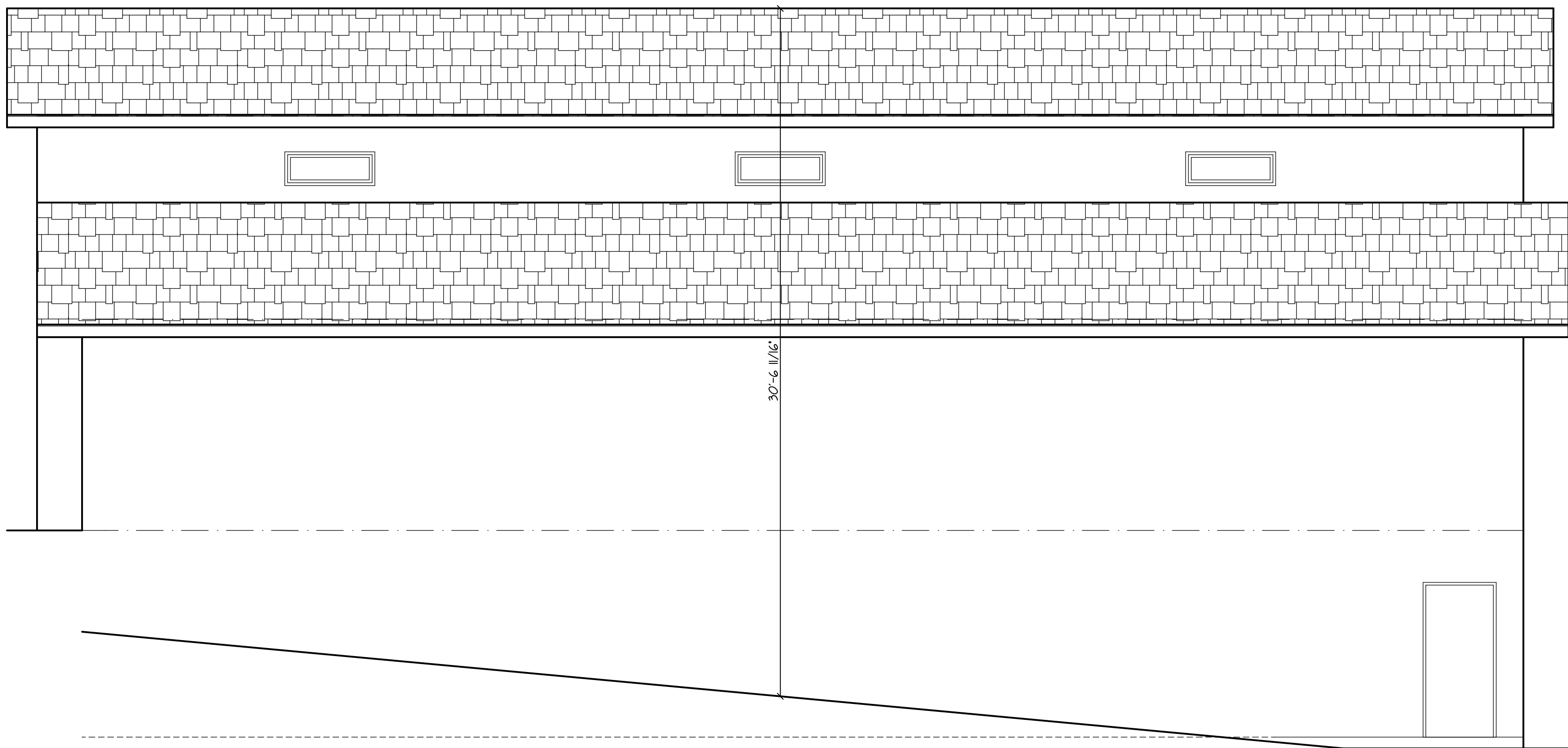
SP1



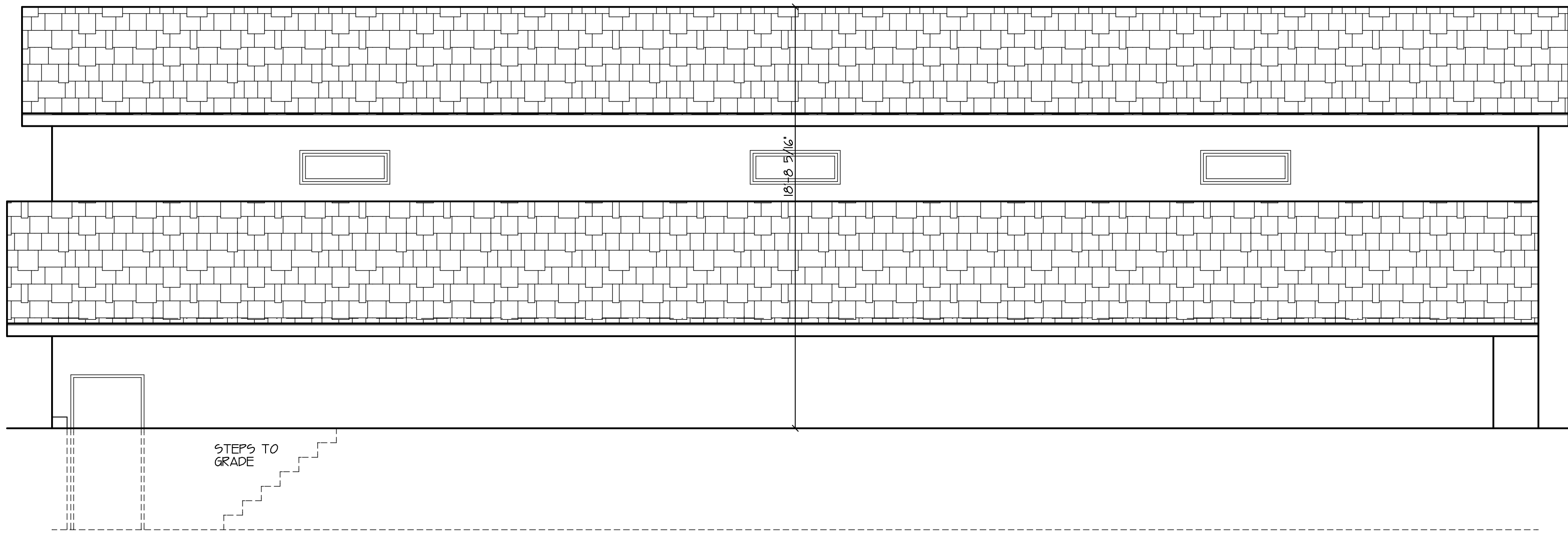
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



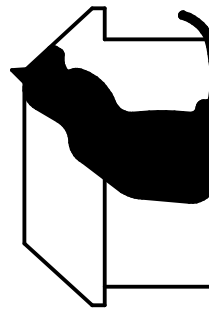
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

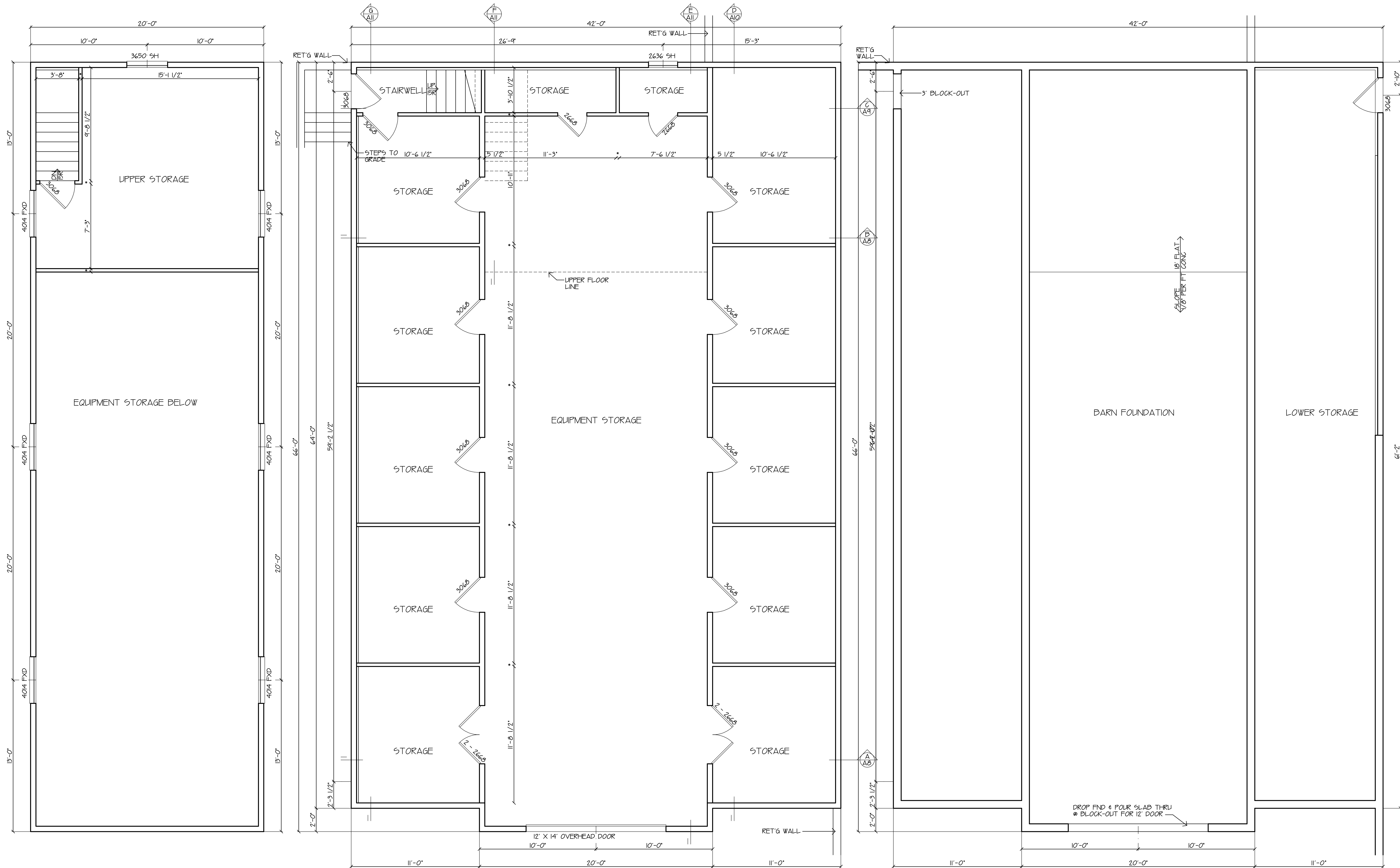


EAST ELEVATION
SCALE: 1/4" = 1'-0"



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





UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"
ALL * DIMENSIONS ARE 3 1/2"
STORAGE AREA: 360 SF.
★ NOTE: ALL WINDOWS
HAVE 90" HEAD HEIGHT

MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"
ALL * DIMENSIONS ARE 3 1/2"
BARN AREA: 2728 SF.

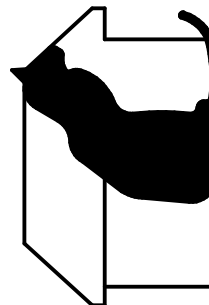
NOTE: SEE FOUNDATION PLAN FOR COLUMN TYPE AND LOCATION
FOUNDATIONS & CAISSONS SHALL BE DESIGNED FOR ON SITE
SOILS CONDITIONS AS DETERMINED BY COLORADO LICENSED
SOILS ENGINEER (VERIFY ALL DIMENSIONS SHOWN). REPORT
TO BE AVAILABLE AT TIME OF FIRST INSPECTION.
LP GAS-BURNING APPLIANCES ARE NOT
PERMITTED IN CRAWL SPACES OR BASEMENTS,
UNLESS DAYLIGHTED TO OUTSIDE.

FOUNDATION PLAN
SCALE: 1/4" = 1'-0"
LOWER STORAGE: 704 SF.

McNAB BARN

4061 & 4991 Trout Creek Road (C-25)
Woodland Park, Colorado 80063

LORING'S CADD HOUSE
11 N 15TH ST
WOODLAND SPRINGS, CO 80004
632-9449



REVISIONS:

DATE: 09/09/21
DRN BY: MBL
PROJECT NO: 21052
SHEET:

A2 of 5

Highmark, LLC
HOMES & DESIGN

P. O. BOX 7562 WOODLAND PARK, CO 80063 OFF: 687-3357 FAX: 687-1901