



FREMONT COUNTY - COLORADO  
DEPARTMENT OF PLANNING AND ZONING

615 MACON AVE., CANON CITY, COLORADO  
719-276-7360 PH / 719-276-7374 FAX  
Email: [Planning@fremontco.com](mailto:Planning@fremontco.com)

350  
FREMONT COUNTY  
APR 25 2019  
PLANNING & ZONING

ACCESSORY DWELLING UNIT APPLICATION

Name: ADU 19-001 Harris Fee: \$350.00

Site Address: 3309 County Road 123, Canon City

Owner(s) Name(s) Stephen & Lynette Harris  
Address 3309 County Road 123, Canon City  
Phone 719-289-6087 Fax \_\_\_\_\_  
Email lynette@portaltown.com

Legal Description:

Subdivision Name \_\_\_\_\_

Lot no. \_\_\_\_\_ Block no. \_\_\_\_\_ Section no. \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Property Tax Parcel or Schedule no. 99929038

Mineral Rights Owner Stephen & Lynette Harris

Zoning: Present Ag Forest Proposed \_\_\_\_\_

Land Description: Acreage 120 acres Sq.Ft. \_\_\_\_\_

Utility / Services - Provide utility provider or source

Water well Sewer / Septic Septic

Gas none Electric Black Hills

Phone none Cable Dish Network

Fire Protection District / Source Florence

Building Information: Primary Structure square footage 3,800 ADU square footage 980

Required Attachments: Plot Plan showing all proposed and existing structures with dimensions from property lines, all utility service lines, all parking areas and all exterior access points on dwelling units. Written proof of water and sewer/septic services showing proper and adequate availability for the proposed use. Certified mail receipts of notification of adjoining land owners. Signed Covenant of Restrictions to Accessory Dwelling Unit.

To the best of my knowledge and belief, the information contained on this application and attachments thereto is true and correct.

Lynette Harris  
Applicants Signature

4/25/19  
Date

**DECLARATION OF COVENANTS AND RESTRICTIONS  
TO REAL PROPERTY REGARDING AN ACCESSORY DWELLING UNIT**

This Covenant between (land owner) and the County of Fremont, State of Colorado, is hereby recorded and attached to that parcel of land as described in deed as recorded in the records of the Fremont County Clerk and Recorder's office under Reception Number \_\_\_\_\_, and described as follows:

(INSERT LEGAL DESCRIPTION)

I/We, herein, covenant and agree to the County of Fremont on behalf of ourselves and all heirs, assigns and successors of interest, into whose ownership the title to or interest in the above-described real property might transfer, as follows:

1. The owners are the sole and exclusive fee-simple owners of the above described parcel located within Fremont County, Colorado.
2. The owner(s) shall reside in the primary or accessory dwelling unit (ADU) as the principal and permanent residence at all times that the other dwelling unit is occupied. The owner(s) shall reside on the property for at least (6 months) out of the year, and at no time receive rent for, or otherwise allow a third party non-owner to reside in, the owner-occupied unit.
3. Sale of the ADU, separate from the primary dwelling, is prohibited.
4. Subdivision of the property in a manner that separates the ADU from the primary dwelling is prohibited.
5. Formal approval from Fremont County is required for modification of the size of the ADU.
6. These covenants and restrictions, shall run with the land and be binding and enforceable upon the owners and any and all of their heirs, assigns, grantees, and successors in interest into whose ownership title to the above-described real property may pass.
7. These covenants and restrictions will automatically terminate upon removal of the ADU from the parcel.
8. The provisions of these covenants and restrictions are enforceable in law or equity by Fremont County and its assigns. The Owner(s) expressly consent to and grant a private cause of action for enforcement, including damages and reasonable attorney fees, to any party is adversely affected by the failure to comply with the covenants and restrictions set forth herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed  
this 25<sup>th</sup> day of April, 2019.

Stephen Harris  
Owner

State of Colorado  
County of Fremont

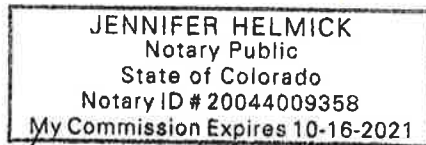
The foregoing instrument was acknowledged before me this 25<sup>th</sup> of April, 19 (date)

by Stephen Harris (name of person acknowledged).

Jennifer Helmick  
Notary Public

Print Name: Jennifer Helmick

My commission expires: 10-16-21 (Seal)



Owner Lynette Harris  
State of Colorado  
County of Fremont

The foregoing instrument was acknowledged before me this 25<sup>th</sup> of April 19 (date)

by Lynette Harris (name of person acknowledged).

Jennifer Helmick  
Notary Public

Print Name: Jennifer Helmick

My commission expires: 10-16-21 (Seal)

## **9 ADU – ACCESSORY DWELLING UNIT**

**9.1 DESCRIPTION:** The ADU – “Accessory Dwelling Unit” is established to provide alternative and affordable housing and productive economic use of lands within Fremont County. The purpose of the ADU is to allow ADU’s only when impacts to existing infrastructure, adjoining lands and uses, and neighborhoods are minimal and no life safety issues are created. The intent is to provide affordable housing, consistent with the Fremont County Zoning Resolution.

**9.2 DEFINITION:** ADU (Accessory Dwelling Unit): A small, secondary dwelling unit located on the same lot/parcel containing a larger, primary dwelling unit. The ADU may also be located within the primary dwelling, or attached to the primary dwelling. An ADU contains independent living quarters with provisions for sleeping, cooking and sanitation.

### **9.3 GENERAL PROVISIONS:**

**9.3.1** ADU’s are allowed in the following zone districts: Agricultural Forestry, Agricultural Farming and Ranching, Agricultural Living, Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, and High Density Residence.

**9.3.2** The construction or placement of the ADU must comply with Fremont County building, sanitation, and codes, as well as all applicable federal, state and local laws and regulations.

**9.3.3** A single story ADU shall be no more than 14 feet in height to peak of roof. A two story structure containing an ADU may be no more than 22 feet to peak of roof. ADU’s may be allowed in two story structure, where the ADU is only on one level. The other level may not be used as part of the ADU.

**9.3.4** The ADU shall be a minimum of 250 sq. ft. and a maximum of 1,000 sq. ft., with one bathroom and no more than two bedrooms.

**9.3.5** Construction of an ADU shall be with materials and finishes similar to those used for the primary dwelling. Modular construction shall comply with current building and sanitation codes.

**9.3.6** ADU lots or parcels shall contain a minimum lot size of 43,560 sq. ft. (1 acre). All lot sizes shall meet the requirements for the zone district.

- 9.3.7** ADU utilities shall be connected using the meters for the primary dwelling when possible. All utility connections shall be made in conformance with the provider requirements.
- 9.3.8** No lot or parcel shall contain more than one ADU.
- 9.3.9** The property shall contain one parking space designated for the ADU.
- 9.3.10** Prior to issuance of a building permit for the ADU, the property owner shall execute and record a Declaration of Covenant and Restriction with the Fremont County Clerk and Recorder, which contains the legal description for the property, references the most current deed for the property and:
- 9.3.10.1** Prohibits the sale of the ADU separate from the primary unit;
  - 9.3.10.2** Prohibits the subdivision of the lot/parcel in a manner that separates the ADU from the primary dwelling;
  - 9.3.10.3** Prohibits modification of the size of the ADU; without approval from the Department;
  - 9.3.10.4** Requires the property/land owner to live in one of the dwelling units;
  - 9.3.10.5** States that the covenant is binding on any successors, heirs, assigns;
  - 9.3.10.6** Creates and grants a private cause of action for enforcement;
  - 9.3.10.7** Continues the deed restrictions until removal of the ADU.
- 9.3.11** Parcels containing an ADU shall use the street address for the primary dwelling, designating each unit as A and B.
- 9.3.12** A property owner may apply to the Department for “lawful status” designation for any ADU constructed or placed on the property prior to the date of adoption of the accessory use. Any pre-existing ADU shall conform to all applicable building and zoning codes, and applicable federal, state and local laws and regulations. The Board of Zoning Adjustment, upon a showing of good cause, may waive regulatory requirements for any ADU in existence prior to the adoption of these regulations and for any proposed ADU.
- 9.3.13** An ADU constructed or located within a larger dwelling shall have exterior access.

- 9.3.14** ADU shall have lawfully connected utility services (water, sanitation, electric, gas). The property owner shall provide written documentation from an entity with appropriate jurisdiction, that the potable water and sanitation/septic systems are adequate for all uses on the parcel.
- 9.3.15** Business or commercial use of an ADU is prohibited. The ADU shall be used for residential purposes only.
- 9.3.16** The ADU (separate structure only) shall be placed no less than ten (10) feet from the rear of the primary dwelling, and no more than two hundred (200) feet from any side of the primary dwelling.

#### **9.4 APPLICATION REQUIREMENTS:**

- 9.4.1** An application form as provided by the Department with the required application fee.
- 9.4.2** A copy of the deed showing ownership of the parcel.
  - 9.4.2.1** A signed Declaration of Covenant and Restriction stating ADU restrictions shall be completed and recorded prior to issuance of a building permit.
  - 9.4.2.2** Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
  - 9.4.2.3** The Applicant shall notify adjoining property or lot owners for the intent to establish an ADU. Comments will be reviewed by the department. If any comments state a valid, lawful objection to the ADU, the ADU application will be referred to the Board of County Commissioners for review at a public meeting.
  - 9.4.2.4** A plot plan showing:
    - 9.4.2.4.1** All structures proposed or existing with dimensions to property lines.
    - 9.4.2.4.2** All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
    - 9.4.2.4.3** All parking areas.
    - 9.4.2.4.4** All exterior access points.



Fee Applied: 06/13/2008  
 Permit Fee: \$ 250.00  
 Use Tax: \$ 30.46  
 Colorado State Surcharge: \$ 23.00  
 Building Permit # (if applicable):

Septic Permit #: S08-052  
 Expiration Date: 06/13/2009  
 Check #: 6598  
 Receipt #: 236210

# FREMONT COUNTY SEWAGE DISPOSAL PERMIT

Owner: Harris, Stephen M. Applicant/Contractor: Harris, Stephen M.  
 Mailing Address: 21436 E. Mansfield Drive Mailing Address: \_\_\_\_\_  
 City, State, Zip Code: Aurora, Colorado 80013 City, State, Zip Code: \_\_\_\_\_  
 Phone Number: 303-482-2135/303-564-8118 Phone Number: \_\_\_\_\_  
 Contractor: Owens' Construction Company Phone: 719-269-2472 License #: 287  
 Construction Address: 3309 County Road # 123, Cañon City 81212  
 Gate/Combination Lock #: N/A Directions From Major Thoroughfare:  (Include Legible Map & Directions On Back)→  
 Legal Description: \_\_\_\_\_  
 Type of Structure: Single Family Residence Use of Structure: Dwelling  
 Lot Size: \_\_\_\_\_ Acres Source, Type of Water: Proposed Cistern  
 Maximum Potential # of Bedrooms: 4 Basement: No Washer: Yes Garbage Disposal: Yes  
 Engineering Firm: Consulting Engineers, LTD. Project Number: CR.123  
 Type of System: ISDS Absorption Tank Size: 1,250 Gallons  
 Absorption: 1,412 Square Feet Perc Rate: 24 Min./Inch LTAR: N/A  
 NOTES: Locate in designated area - Maintain all separations - Keep excavations shallow.

**COMPLETED**  
*Bill Rutherford*  
 6/25/2008

**APPROVED**  
**SEPTIC SYSTEM**

Is Site Within 400 Feet of Sewer Main?:  Yes  No  
 If YES, Is A Letter of Refusal To Connect Attached?: N/A  
 Is Site In A Designated Flood Plain?:  Yes  No

I certify that the sewage disposal system described in this permit will be installed in compliance with the attached percolation test report and the Fremont County and State of Colorado Regulations. I understand that I will be responsible for the performance of the individual sewage disposal system. In addition, I am aware that it is my responsibility to provide the contractor with a copy of the attached percolation test report. I am also aware that the issuance of this permit does not constitute assumption of liability for failure of any individual sewage disposal system. Request for inspection will be required after installation shall be and gravel prior to installation of hay, straw or similar pervious material) unless otherwise specified by engineer. The system must be properly protected from oil spill, drainage, vehicular traffic, and livestock. This system and its running order is the sole responsibility of the owner. After the system has been inspected and approved by the inspector it shall be assumed that this system is in proper working order.

Approval of a Fremont County Individual Sewage Disposal Permit does not guarantee or assure that the proposed use is permitted within the zone district for the property, nor does it guarantee or assure that any proposed building complies with applicable land use and requirements for the zone district, such as setbacks, height restrictions, or other similar issues. You have the responsibility and obligation to verify and confirm that all proposed uses are allowed in the zone district and conform to the requirements of the zone district for the property.

Owner or Applicant's Signature: Applicant's Signature On File Date Applied: 06/13/2008

## FINAL INDIVIDUAL SEPTIC DISPOSAL SYSTEM INSPECTION:

Tank Information: Size: 1250 Gallons Number of Compartments: Two  
 Is Entrance and Exit Sealed:  Yes  No Is Tank Level?  Yes  No  
 Pipe ~~Exit~~-Outlet?: 3034 Distance From Building: \_\_\_\_\_ feet Distance From Well: \_\_\_\_\_ feet  
 Absorption Bed Information: Type of System Installed: PIPE AND ROCK  
 Pipe & Rock:  Chamber:  Absorption Bed:  Absorption Trench:  Width: 24 Length: 59  
 Number Of Trenches: \_\_\_\_\_ Total Square Feet: 1416 Gravel Depth: 12 Inches  
 Is Pipe Level?:  Yes  No If Bed, Is Pipe Been Connected?:  Yes  No Distance From Well: \_\_\_\_\_ feet  
 Distance From Building: \_\_\_\_\_ feet Is System Located In Recommended Area?:  Yes  No

## DEPARTMENT USE ONLY

Installation Has Been: Approved  Disapproved  Date: 6-20-2008  
 NOTES: If infiltrator type chambers are used - 55 standard or 93 quick 4 chambers in a bed - or - 46 standard or 77 quick 4 chambers in a trench.

Approved By: Wyatt Sanders Date Approved: 6-20-2008  
 Prepared By: Bill Rutherford Date Prepared: 06/13/2008

Form No.  
GWS-25

**OFFICE OF THE STATE ENGINEER**  
**COLORADO DIVISION OF WATER RESOURCES**  
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 866-3581

FREMONT COUNTY  
APR 25 2019  
1305  
PLANNING & ZONING

WELL PERMIT NUMBER 277586  
DIV. 2      WD 12      DES. BASIN      MD

APPLICANT

LYNETTE HARRIS  
C/O ARKANSAS VALLEY DRILLING  
125 DECKERS DR  
PENROSE, CO 81240-

(719) 276-6847

APPROVED WELL LOCATION

FREMONT COUNTY  
SE 1/4 SW 1/4 Section 21  
Township 18 S Range 69 W Sixth P.M.

DISTANCES FROM SECTION LINES

515 Ft. from South Section Line  
1454 Ft. from West Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 489468      Northing: 4257163

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

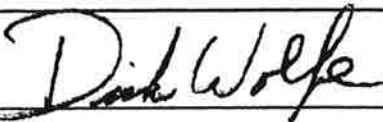
CONDITIONS OF APPROVAL

- 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 ensure 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 tract of land of 120.00 acres described as that portion of the S 1/2 of Sec. 21, Twp. 18 S, Rng. 69 W, Sixth P.M., Fremont County, more particularly described on the attached exhibit A.
- 4) The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns.
- 5) The 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.

NOTICE: This permit has been approved subject to the following changes: The distances from section lines were calculated from UTM coordinate values provided with the permit application. 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: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Test Report (GWS-31) must be submitted to the Division of Water Resources to verify the well has been constructed. An extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us/pubs/forms.asp>

APPROVED  
SKR

  
\_\_\_\_\_  
State Engineer

  
\_\_\_\_\_  
By

Receipt No. 3629236

DATE ISSUED 05-21-2008

EXPIRATION DATE 05-21-2010



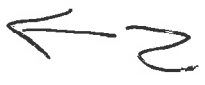
recd Number 99929038

Tax Area 19H - 19H

Situs Address 3309 COUNTY ROAD 123

Legal Summary Subd: M & B OR UNKNOWN

THAT TR WHICH IS A POR OF THE SLY 120.00 AC OF THAT  
POR OF THE S2 OF SEC 21 LYING N OF THE NLY R/W OF CO  
RD 123 & E OF THE W LN OF S D SEC 21 & WLY OF THE W R/W  
LN OF HWY 67 AKA PHANTOM CANYON RD ALL IN 18-69  
DESC AS FOLLS: COMM AT THE SW COR OF SD SEC 21; TH N  
00 DEG 06'51"W ALG THE W LN OF SD S2 A DIST OF 35.98  
FT M/L TO INTERSECT THE NLY R/W LN SD CO RD 123; TH S  
88 DEG 52'16"E ALG SD R/W A DIST OF 535.44 FT; TH S  
89 DEG 39'25"E ALG SD R/W A DIST OF 631.98 FT TO THE  
TRUE POB OF SD TR HEREIN DESC; TH S 89 DEG 39'25"E  
ALG SD R/W A DIST OF 1166.00 FT; TH N 00 DEG 06'51"W  
LEAVING SD R/W PARALLEL TO THE W LN OF SD SEC 21 A  
DIST OF 1494.39 FT TO INTER SECT THE N LN OF SD SLY  
120 AC; TH N 89 DEG 39'25"W ALG SD N LN A DIST OF  
1166.00 FT; TH S 00 DEG 06' 51"E LEAVING SD N LN  
PARALLEL TO THE W LN OF SD SEC 21 A DIST OF 1494.39 FT  
TO THE POB.  
REF FROM 999-04-361



Harris  
3309 CR 123  
CC, CO 81212

Not To Scale

FREMONT COUNTY  
APR 25 2019  
PLANNING & ZONING

