



SPECIAL MEETING AGENDA

Planning Commission
Tuesday, May 26, 2020
6:30 p.m.

Zoom Virtual Meeting*

ZOOM MEETING LINK

MEETING ID: 878 6469 8204

MEETING PASSWORD: 988476

1. CALL TO ORDER

2. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA

3. APPROVAL OF MINUTES

- a. April 14, 2020

4. PUBLIC COMMENT

5. UNFINISHED BUSINESS

- a. **Concept Proposal** - Presentation and Discussion on Landscaping, Sidewalk, and Drainage Improvements in Right-of-Way at 10550 Ute Pass Avenue. Mr. Mike Frey, Applicant and Owner, The Painted Bear.
- b. **Discussion and Recommendation** – Updates to Green Mountain Zoning Code Hillside Overlay Zone

6. NEW BUSINESS

- a. **PR2020-05 Fence Permit** – Plan Review for a Fence Permit at 10550 Ute Pass Avenue. Mike and Margaret Frey, Owners of The Painted Bear
- b. **Rev2020-04 Revocable Permit** – Grading, Parking Paving, and Drainage Improvements to the Ute Pass Right-of-Way at 10550 Ute Pass Avenue. Mike and Margaret Frey, Owners of The Painted Bear
- c. **PR2020-06 New Deck Permit** – Plan Review for a New Deck at 10725 Florence Street. Max and Brandice Johnson, Owners

7. OTHER BUSINESS

- a. **Planning Commission Vacancy and Appointments**

8. ADJOURNMENT



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Commissioners Present: Dick Bratton, Rocco Blasi, Paul Yingling; Mayor Jane Newberry

Board of Trustees Liaison and Recorder: Katharine Guthrie

GMF Staff: Nathan Scott and Julia Simmons

Agenda Item	Motion/Discussion	M/S	Vote			
			RB	DB	JN	PY
1. CALL TO ORDER / ROLL CALL	DB (18:38)(6:38 PM)					
2. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA	Move to accept the agenda as submitted. Motion carries. All aye.	RB/PY	aye	aye		aye
3a. Minutes of the 25 February 2020 Special Meeting	Move to accept the minutes as submitted. Motion carries. All aye.	RB/PY	aye	aye		aye
4. PUBLIC COMMENT	No members of the public asked to be recognized for public comment.					
5. UNFINISHED BUSINESS						
6a. PR2020-02 – Plan Review 2020-02 – New Ingress/Egress and Landscape Improvements at 10585 Ute Pass Avenue. Ms. Carla Anderson, RLA, Applicant, on behalf of Jeffrey M. Chapman, President, Church in the Wildwood.	Move to approve Land Use 2020-02 for New Ingress/Egress and Landscape Improvements with the following conditions: proof that the plan review application fee has been paid and proof of a current GMF Business License. Motion carries. All aye.	RB/PY	aye	aye		aye
6b. PR2020-03 – Plan Review 2020-03 – New Deck Permit at 6615 Spruce Avenue. Mr. Cris Clothier, Clothier Construction, Applicant, on behalf of Derrick and Sharon Maetzold, Owners.	Move to approve 2020-03 for a New Deck Permit with the following conditions: homeowner's signature on the Land Use Approval Application, Town Clerk confirms receipt of payment for New Deck Permit fee, and proof of current GMF Business License for the construction company. Motion carries. All aye	RB/PY	aye	aye		aye
6c. PR2020-04 – Plan Review 2020-04 – New Deck Permit at 10735 Foster Avenue. Mr. Scott Johnson, Complete Home Remodeling & Repair, LLC, on behalf of Michael J. Lambert, Owner.	Move to approve 2020-04 for a new deck permit with the following conditions: that the applicant provide proof of a current GMF Business License and the Town Clerk receives	RB/PY	aye	aye		aye



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	payment of the permit fee. Motion carries. All aye.					
6d. Rev2020-03 – Revocable Permit 2020-03 – Septic Tank Beneath Right-of-Way and Finish Landscaping at Surface of Right-of-Way at 10550 Ute Pass Avenue. Mr. Mike Frey, Applicant, Owner, The Painted Bear.	Move that the Board of Trustees approve Revocable Permit 2020-03 and ask for the lowest possible fee with the following conditions: the Land Use application be signed and submitted, proof of insurance is provided, the Application fee for Revocable Permit is received by the Town Clerk, and a signed letter of indemnification be submitted. Motion carries, All aye	RB/PY	aye	aye		aye
7a. Concept Proposal – Presentation and Discussion on Landscaping, Sidewalk, and Drainage Improvements in Right-of-Way at 10550 Ute Pass Avenue. Mr. Mike Frey, Applicant and Owner, The Painted Bear.	Move Agenda Items 6d. and 7a., for discussion to the May 12, 2020 Planning Commission Meeting Agenda. Motion carries. All aye.	PY/RB	aye	aye		aye
7b. Green Mountain Falls Zoning Code Hillside Overlay – Discussion and Input for Staff	Move item 7b. for discussion on May 12, 2020 Planning Commission Meeting agenda. Motion carries. All aye.	RB/PY	aye	aye		aye
7c. Planning Commission Resignations and Vacancy Announcement	Move that the Town Board declare 2 vacancies on the Planning Commission and that Town Staff advertise and accept applications for the 2 openings on the Planning Commission. Motion carries. All aye.	DB/RB	aye	aye		aye
8. ADJOURNMENT	Chair Bratton adjourned the meeting at 1954 (7:54 PM)					



To: Planning Commission
From: GMF Land Use & Planning
Date: May 20, 2020
Re: Plan Review PR2020-06, Fence Permit at 10550 Ute Pass Avenue

Background

The Applicant is requesting the Planning Commission's consideration of a 6-foot tall fence to enclose a portion of the commercial property. The Applicant submitted Land Use Approval Application with fee April 16, 2020. A rendering of the footprint and photos are included as Attachments A and B. Staff appreciates the Applicant's patience through rescheduled meetings, reduced staffing, and COVID-19 interruptions.

Discussion

GMF Zoning Code §16-301 – Districts enumerated

The *Official Town Zoning Map, 2007*, illustrates the 3,000 SF parcel as half Business Zone and half Residential R-1 with Catamount Creek running down the center. Best explanation is a map that was converted into a digital format incorrectly and approved. This is lot is Commercial/Business within the downtown commercial core, adjacent to the Post Office, a public ROW alley, and another commercial property with storage units, zoned R-1 Residential.

GMF Zoning Code §16-501 Fence - Purpose

- (1) *To promote attractive residential and commercial areas by regulating types of fences;*
- (2) *To reduce inappropriate fences and the hazards which may be attributed to them; and*
- (3) *To blend fences harmoniously with the Town's natural and historic assets.*

GMF Zoning Code §16-504 Fence - Construction Standards and Maintenance

- (a) *Setback. Setbacks are not required for fences*
- (b) *Height*
 - (1) *Front yard. Any solid or lattice fence shall have a maximum height of forty-eight (48) inches. Any open fence shall have a maximum height of seventy-two (72) inches, with the exception of barbed wire fences in commercial and industrial areas.*
 - (2) *Side or back yard. Maximum height of any fence shall be seventy-two (72) inches, with the exception of barbed wire fences in commercial and industrial areas.*
- (c) *Materials.*
 - (1) *Fencing materials may include masonry, wood or metal. Corrugated metal is specifically prohibited.*
 - (2) *Natural fencing may include hedge rows, rock, adobe or tree lines.*

- (d) *Vision at corners. On corner lots, no fence, retaining wall, shrub, tree or similar obstruction shall be erected or maintained which obstructs the traffic vision.*
- (e) *Maintenance. All fences shall be properly maintained at all times to the satisfaction of the Board of Trustees. The Board of Trustees has the authority to order the painting, repair, rebuilding or removal of a fence and accompanying landscaping which constitutes a hazard to safety, health or welfare by reason of inadequate maintenance, construction or dilapidation. Notification shall be by certified mail. If, within thirty (30) days, the maintenance orders are not complied with, the Board of Trustees may order the fence removed at the owner's expense under the provisions of Subparagraph 16-708(n)(5)b. These maintenance standards refer to all fences, new as well as those in existence at the time of enactment of the ordinance codified in this Article.*

The Zoning Code procedure and standards of review includes §§16-501 – 16-512; 16-707 – 16-709. The regulations are extensive, indicating that appropriate fencing has been a high priority to the Planning Commission and Board of Trustees.

The Applicant's letter of explanation outlines the intent of the project: a solid wood fence will stand no higher than 6 feet and run along the sides and rear of the property. It will replace an existing fence that stood in disrepair. The site plan footprint isn't entirely clear how Catamount Creek bank and bed will be avoided and how the posts will be anchored, presumably close to the slope. It will not obstruct access to the public ROW alley to the east of the property.

GMF Zoning Code §16-511 Prohibited fences:

- a) *Any fence which from any cause endangers the life, health, morals, property, safety or welfare of the general public may be required to be painted, redesigned, reconstructed or demolished.*
- b) *Any fence or obstruction not authorized by the Town which may deny access to a public right-of-way is prohibited.*

Section 16-801 – 16-824 Flood Damage Protection (included as attachment)

The sections that regulate development in a Special Flood Hazard Area were codified in 1985 and reference documents from the same decade. Town Staff is committed to a comprehensive Land Use and Zoning Code rewrite that will update standards for natural hazards. The Town's geography and recent natural hazards events remind us that every proposed project should be considered with respect to its potential for public and private property damage. Portions of the subject property are in FEMA's Flood Insurance Rate Map Zone X and Zone AE.

Staff requested the Applicant consult the PPRBD Floodplain Administrator, as Town Hall employs neither an engineer nor a floodplain planner and the business owners have been eager to do numerous exterior improvements prior to opening the store in spring 2020. Keith Curtis, RBD Floodplain Administrator, confirmed that there isn't any additional agency review for a fence in AE Zone.

The Applicant agreed to be present at the virtual public hearing to answer any questions the Planning Commission may have about flooding, erosion, materials, or construction, as they pertain to flood damage protection.

Plan GMF, Comprehensive Plan

The GMF Comprehensive Plan, approved in June 2019, includes goals and policies regarding economic vitality and downtown beautification; these attributes are balanced with the protection of waterways and water quality and hazards resiliency:

Goal 3.1.5: Improve the appearance and vitality of downtown

Policy 3.1.5.A. Work with residents and business owners to create year-round vitality of the Lake and the Downtown core through beautification efforts and volunteer programs.

Policy 3.1.5.G. Encourage new commercial development and redevelopment.

Goal 3.2.3. Continue to enhance, protect, and maintain Green Mountain Falls' lakes and streams— Fountain Creek, Catamount Creek, Crystal Creek, and Gazebo Lake.

Conclusion

The Applicant has been eager to work with Town Hall to implement several aesthetic improvements to the exterior of the commercial property that stood vacant and under-maintained.

A new and/or rebuilt fence and appropriate landscaping would be one component of a beautification project in the downtown core- an asset to the Town, for which the Applicant is willing to pay. Fencing also allows for privacy and security in a mixed-use commercial area of parking, walking, hiking, and restaurants.

Nevertheless, Town Management has reviewed the overall site plan and is unclear how the anchoring and construction of the fence posts and boards aims to minimize potential damage to public and private property, downstream, in a flood event. Furthermore, staff is concerned about whether a fence has the potential to alter the waterway and/or contribute to sediment loading at downstream businesses and in Gazebo Lake.

Staff would be in-support of this commercial core-revitalizing efforts if the Applicant addresses these issues during the public hearing.

4/16/2020

Julia Simmons

Land Use Planner, Green Mountain Falls, CO

Subject: Letter of Explanation for Fence Permit

CONSTRUCTION SCHEDULE:

We plan to construct the fence in late April or early May depending on the weather.

ZONING DESIGNATION:

My understanding is that this property is zoned “commercial/retail”

FENCE HEIGHT, MATERIAL ETC.:

The fence will be 6 ft in height and is a solid picket fence. It will be painted.

POTENTIAL TRAFFIC VISION OBSTRUCTION:

Since this is in back of the store and an alley runs along the East side of the fence, there are no traffic obstructions.

SITE PLAN DRAWINGS:

Please refer to the Improvement Location Certificate showing our property lines and the placement within that property of the proposed fence. The fence is represented by the dotted red line just inside the property lines. The fence will run from the NE corner of the building, along the alley to the NE corner of the property, then west along the back of the property to the NW corner of the property, then South along the West property line 35 feet from the NW corner. The fence will stop approximately 6-10 feet from Fountain Creek.

There are storage units approximately 20 feet behind our property, and the Post Office is approximately 40-50 ft. to the west of our property. The “Ice Cream

Store” is across the alley to the East of our property. The fence should not pose a problem for any of these properties.

Enclosed is the Land Use Approval Application and the I.L.C. for the property, with the fence and adjoining properties identified in red ink.

Should you need anything else to issue the permit, let me know.

Mike Frey

ARTICLE VIII - Flood Damage Protection

Sec. 16-801. - Statutory authorization.

The Legislature of the State has in Section 31-23-201.3, C.R.S., delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(Ord. 04 §2, 1985)

Sec. 16-802. - Findings of fact.

- (a) The flood hazard areas of the Town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(Ord. 04 §2, 1985)

Sec. 16-803. - Statement of purpose.

It is the purpose of this Article to promote the public health, safety and general welfare, to minimize public and private losses due to flood conditions in specific areas and to meet all federal requirements for this Article by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers and tenants are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 04 §2, 1985)

Sec. 16-804. - Methods of reducing flood loss.

In order to accomplish its purpose, this Article includes methods and provisions for:

- (1) Restricting or prohibiting uses that are dangerous to health, safety and property due to water or erosion hazards or that result in damaging increases in erosion or flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help

accommodate or channel flood waters;

- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 04 §2, 1985)

Sec. 16-805. - Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Appeal means a request for a review of the Planning Commission's interpretation of any provision of this Article or a request for variance.

Area of shallow flooding means a designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Development permit means the permit approved by the Planning Commission and issued by the County Regional Building Department or other agency approved by the Board of Trustees before any development and/or construction occurs within any area of special flood hazard.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary-Floodway Map means the official map in which the Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway fringe means those areas denoted on the floodway map that are adjacent to the floodway and within the one-hundred-year floodplain.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, that are constructed and operated with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value means the value established by a Certified American Institute of Real Estate Appraiser, considering, but not limited to, replacement costs or comparable values of similar structures.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction means structures for which the start of construction commenced on or after June 18, 1985.

Nonpermanent construction means items such as trash Dumpsters, park facilities, signs and temporary bridges.

Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the NFIP standards in §§60.3, 60.4, 60.5 or 60.6.

Remedy a violation means to bring into compliance with state or local flood plain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Article or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Start of construction includes substantial improvement and means the date the actual building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. *Permanent construction* does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building, a mobile home, or a gas or liquid storage tank that is principally aboveground.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in NFIP standards ##60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of costal or riverine areas.

(Ord. 04 §3, 1985; Ord. 02 §§2, 3, 1987)

Sec. 16-806. - Lands to which this Article applies.

This Article shall apply to all areas of special flood hazards within the jurisdiction of the Town.

(Ord. 04 §4, 1985)

Sec. 16-807. - Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Green Mountain Falls," dated June 5, 1985, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, is hereby adopted by reference and declared to be a part of this Article. The Flood Insurance Study is on file in the Town Clerk's office.

(Ord. 04 §4, 1985)

Sec. 16-808. - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations and approved by the Planning Commission, the Board of Trustees and the County Regional Building Department.

(Ord. 04 §4, 1985)

Sec. 16-809. - Penalties for noncompliance.

Violation of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than three hundred dollars (\$300.00)

or imprisoned for not more than thirty (30) days, or both, for each violation, and, in addition, shall pay all costs and expenses involved in the case. Each day of violation shall constitute a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 04 §4, 1985)

Sec. 16-810. - Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and other ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 04 §4, 1985)

Sec. 16-811. - Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 04 §4, 1985)

Sec. 16-812. - Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

(Ord. 04 §4, 1985)

Sec. 16-813. - Establishment of development permit.

- (a) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 16-807 of this Article. Application for a development permit shall be made on forms furnished by the Town and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required and is to be certified by a licensed professional engineer or architect:
 - (1) Elevation in relation to mean sea level of the lowest floor, including the basement of all structures.
 - (2) Elevation in relation to mean sea level to which any structure has been floodproofed.
 - (3) Provide that, where a nonresidential structure is intended to be made watertight below the base flood level:
 - a. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of Sections 16-818 through 16-824 of this Article; and

- b. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such floodproofed shall be maintained with the official designated by the community under Section 16-814 below
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

(b) A fee of twenty-five dollars (\$25.00) shall be submitted with the application for a development permit.

(Ord. 04 §§1, 2, 1987)

Sec. 16-814. - Designation of Planning Commission.

The Planning Commission is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

(Ord. 04 §5, 1985)

Sec. 16-815. - Duties and responsibilities of Planning Commission.

Duties of the Planning Commission shall include, but not be limited to:

- (1) Permit review.
 - a. Review all development permits to determine that the permit requirements of this Article have been satisfied;
 - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Paragraph 16-824(1) of this Article are met.
- (2) Use of other base flood data. The Planning Commission shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements or other development in Zone A, as required in Sections 16-818 through 16-824 of this Article.
- (3) Information to be obtained and maintained.
 - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new and substantially improved floodproofed structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level), and
 - 2. Maintain the floodproofing certifications required in Paragraph 16-813(3) of this Article;
 - c. Maintain for public inspection all records pertaining to the provisions of this Article; and
 - d. Present survey showing location of structure in relation to watercourse, also delineate elevation contours.
- (4) Alteration of watercourses.
 - a. Notify adjacent communities and the State of Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration; and
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- (5) Interpretation of FIRM boundaries. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16-816 below.

(Ord. 04 §5, 1985; Ord. 02 §§1, 2, 1987)

Sec. 16-816. - Variance procedure, Appeal Board.

- (a) The Planning Commission, as established by the Board of Trustees, shall hear and make recommendations on appeals and requests for variances from the requirements of this Article. The Board of Trustees shall hear and decide appeals and requests from the requirements of this Article. The procedure to be used in such appeals and requests for variances shall be the same as those outlined for zoning requests and variances in Article VII of this Land Use Code.
- (b) The Board of Trustees shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Regional Building Department in the enforcement or administration of this Article.
- (c) Those aggrieved by the decision of the Board of Trustees, or any taxpayer, may appeal such decision to the State of Colorado, Fourth Judicial District.
- (d) In passing upon such applications, the Planning Commission and Board of Trustees shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Article and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (6) The compatibility of the proposed use with existing and anticipated development;
 - (7) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
 - (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
- (e) Upon consideration of the factors of Subsection (d) above and the purpose of this Article, the Planning Commission and the Board of Trustees may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.
- (f) The Regional Building Department shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

(Ord. 04 §5, 1985)

Sec. 16-817. - Conditions for variance.

- (a) Variances may be applied for upon application submittal to the Town Clerk along with the fifty-dollar application

fee.

- (b) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that Paragraph (1) through (10) above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- (c) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this Section.
- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection 16-816(d) above or conflict with existing local laws or ordinances.
- (g) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 04 §5, 1985)

Sec. 16-818. - Flood hazard reduction; anchoring.

In all areas of special flood hazards the following standards are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrodynamic loads.
- (2) A manufactured home shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top frame ties to ground anchors. Special requirements shall be that:
 - a. Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - b. Frame ties provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet requiring four (4) additional ties per side;
 - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - d. Any additions to a manufactured home be similarly anchored.

(Ord. 04 §6, 1985; Ord. 02 §§1, 2, 4, 1987)

Sec. 16-819. - Flood hazard reduction; construction materials and methods.

In all areas of special flood hazards, the following standards are required:

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize damage.
- (3) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed floor area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(Ord. 04 §6, 1985; Ord. 2 §2, 1987)

Sec. 16-820. - Flood hazard reduction; utilities.

In all areas of special flood hazard, the following standards are required:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, and location of such on-site systems shall require the granting of a variance as provided in Section 16-816.

(Ord. 04 §6, 1985)

Sec. 16-821. - Flood hazard reduction; subdivision proposals.

In all areas of special flood hazard, the following standards are required:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage as shown on a drainage plan to be provided consistent with the Town Grading Ordinance and the applicable County codes.
- (4) Where the Federal Insurance Administration has not established base flood elevations, these shall be provided by the applicant for subdivision proposals and other proposed development which contains at least fifty (50) lots or five (5) acres, whichever is less.

(Ord. 04 §6, 1985)

Sec. 16-822. - Flood hazard reduction; encroachments.

In all areas of special flood hazard, the following standard is required: Any proposed development shall be analyzed to determine effects on the flood-carrying capacity of the area of special flood hazard as set forth in Section 16-815 of this Chapter.

(Ord. 04 §6, 1985)

Sec. 16-823. - Specific standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 16-807 or Paragraph 16-815(2) of this Chapter, the following standards are required.

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this Section are satisfied. Such certification shall be provided to the official as set forth in Subparagraph 16-815(3)b.
- (3) Manufactured homes.
 - a. Manufactured homes shall be anchored in accordance with Paragraph 16-818(2).
 - b. For manufactured homes, require that:
 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the home will be at or above the base flood level;
 2. Adequate surface drainage and access for a hauler are provided; and
 3. In the instance of elevation on pilings, that:
 - a) Lots are large enough to permit steps,
 - b) Piling foundations are placed in stable soil no more than ten (10) feet apart, and
 - c) Reinforcement is provided for pilings more than six (6) feet above the ground level.
 4. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with provisions of Section 16-818(2) of this Chapter.
 - c. No manufactured home shall be placed in a floodway.

(Ord. 04 §6, 1985; Ord. 2 §§1, 2, 1987)

Sec. 16-824. - Floodways.

Located within areas of special flood hazard established in Section 16-807 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 16-818 through 16-824 of this Article.

(Ord. 04 §2, 1985; Ord. 2 §§1, 2, 1987)

Email 5/4/2020

A) The new fence replaces the remains of a fence that was much smaller and perhaps didn't extend all the way around the back of the property. (See the attachment labeled "Fence along alley") As you can see from the picture it is only about 2-3 feet tall and about 16-20 feet long. There is another section like that on the west property line. We will remove these two old fence sections and build a new fence. The new fence will be a solid picket fence, 6 ft high, (like the fence in back of the pantry facing the alley.) We will paint it, as it is used fencing and the wood is weathered. Posts will be 8 ft apart as the fence sections are 8 ft. I can't say for sure what the post foundations will be in all cases. We will use wood posts in concrete where the soil allows. There are many tree roots along the proposed fence line, so we may have to use a steel T post to penetrate the root because a post hole the size needed for a wooden post damage to the tree.

B) The fence will be built just inside the property lines and will run from the NE corner of the store to the south bank of fountain Creek. (approximately 24 ft.) (See attachment labeled "Fence creek to bldg") We do not plan to run a fence in or above the creek. There will be a gap in the fence over the creek (see the attachment labeled "Fence Drawing"). The new fence will resume at the north bank of Fountain creek and run to the NE corner of our property. (about 16 ft.). The back fence will be just short of 40 ft. and have a 4 ft gate approximately 8 ft from the NE corner. (see drawing). The west perimeter fence will run from the NW corner of the property to about 8 ft. from the bank of the creek. The drawing shows 17 posts at 8 ft. apart except for where the gate is.

I checked with PPRBD and talked to Keith Curtis in the Floodplain department. He sent me a map showing that the floodplain follows Fountain Creek, but does not include the store, the parking in front, or Ute Pass Ave. The surface at the main level of the store, the parking and the street are about 8 ft above the creek. (See attachment labeled "Floodplain map"). Keith said you could call him if you have questions. (or

) He didn't seem to indicate that I needed to do anything else for the fence or the blacktop.

Again, If you need anything else, call me at today or tomorrow after 10:00 am.

Thanks

Mike and Margaret Frey

Fence Drawing

Attachment B

IMPROVEMENT LOCATION CERTIFICATE

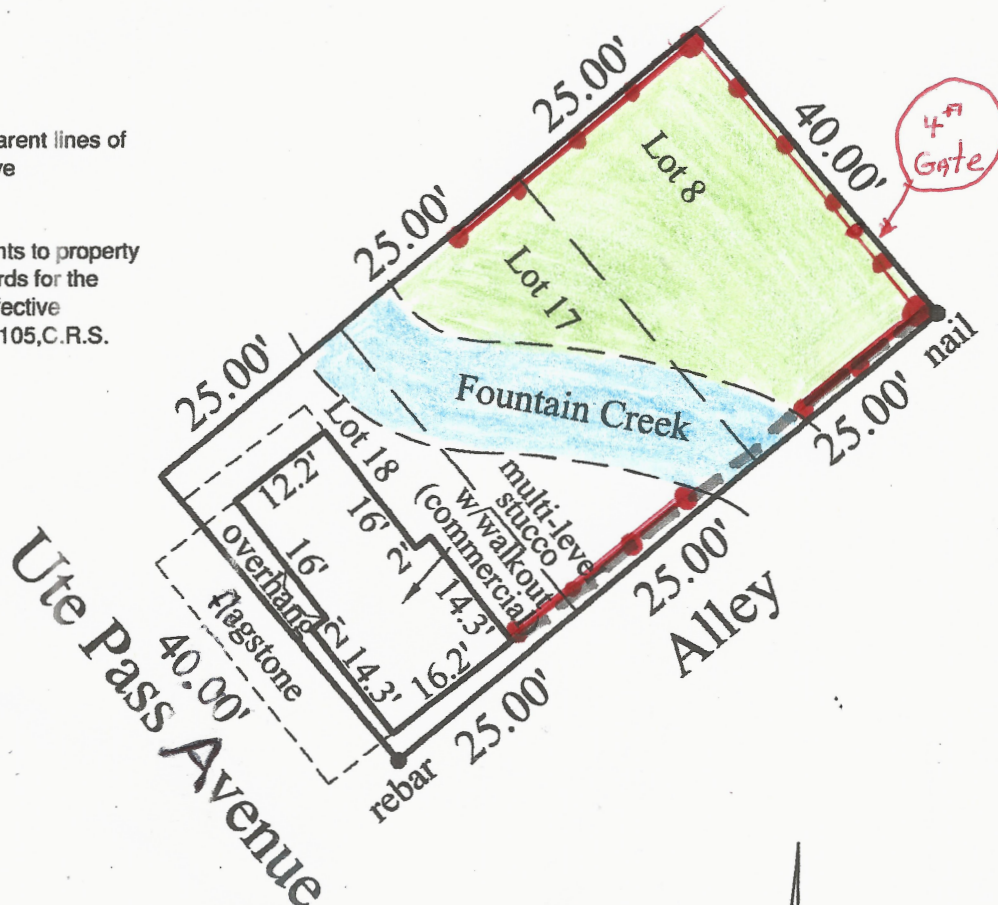
(THIS IS NOT A PROPERTY SURVEY)

LEGEND

-  Chainlink Fence
-  Wood Fence
-  Wire Fence
-  Fnd. Monument - Pipe
-  Overhead Power Line

Note: Improvements shown by apparent lines of possession, without sufficient positive monumentation found.

Note: Dimensions from improvements to property lines have been repealed as standards for the Improvement Location Certificate effective September 1, 2015. Section 38-51-105, C.R.S.



Legal Description

That portion of Lot 8, Block 4, in the Town of Green Mountain Falls and that portion of Lots 17 and 18, Block 4, in the Town of Green Mountain Falls, (Affects Block 3, 4 and 14), described as follows: Beginning at the most Southerly corner of Lot 18, thence Northwesterly on the Southwesterly line of said Lot 18, a distance of 40 feet; thence Northeasterly 40 feet from and parallel to the Southeasterly lines of said Lot 8, 17 and 18 to intersect the Northeasterly line of said Lot 8; thence Southeasterly on the Northeasterly line of Lot 8, a distance of 40 feet to the most Easterly corner of said Lot 8; thence Southwesterly along the Southeasterly boundary of said Lots 8, 17 and 18 to the Point of Beginning, County of El Paso, State of Colorado.

Surveyor's Certificate

I Hereby certify that this Improvement Location Certificate was prepared for the *Mortgage Lender and the *Title Company and that it is not a Land Survey 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 described parcel on this date **, except utility connections, are entirely within the boundaries of the parcel, except as shown, that indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel except as noted. (c.r.s.38-51-109)

This Improvement Location Certificate does not constitute a title search by Alessi and Associates, Inc. to determine ownership of easements of record. For all information regarding easements, Right-of-Way and Title of Record, Alessi and Associates, Inc. relied on Title Commitment*.

PREPARED BY:



ALESSI & ASSOCIATES, Inc.

APPRAISERS • ENGINEERS • SURVEYORS

2989 Broadmoor Valley Road
Colorado Springs, CO 80906

Tele. 719/540-8832
Fax 719/540-2781

PURPORTED STREET ADDRESS:

10550 Ute Pass Avenue

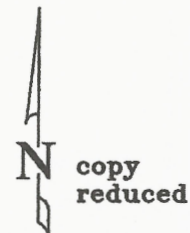
**DATE: 8/13/2019

*LENDER/CLIENT: Re/Max Performance

*BORROWER: M&H Farms, LLC

*TITLE COMPANY: Unified Title

*JOB NUMBER: 191493



Scale: 1" = 20'



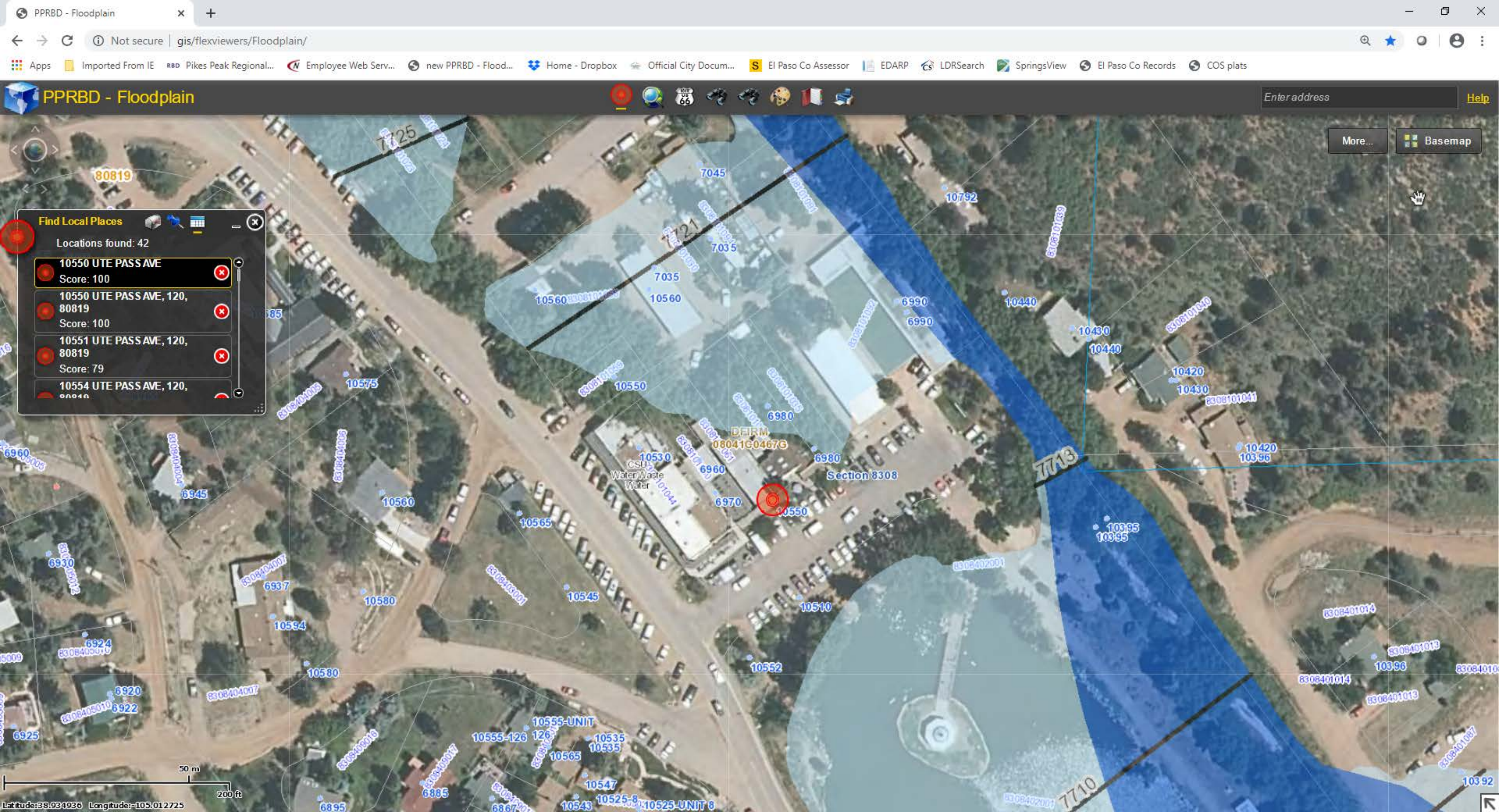
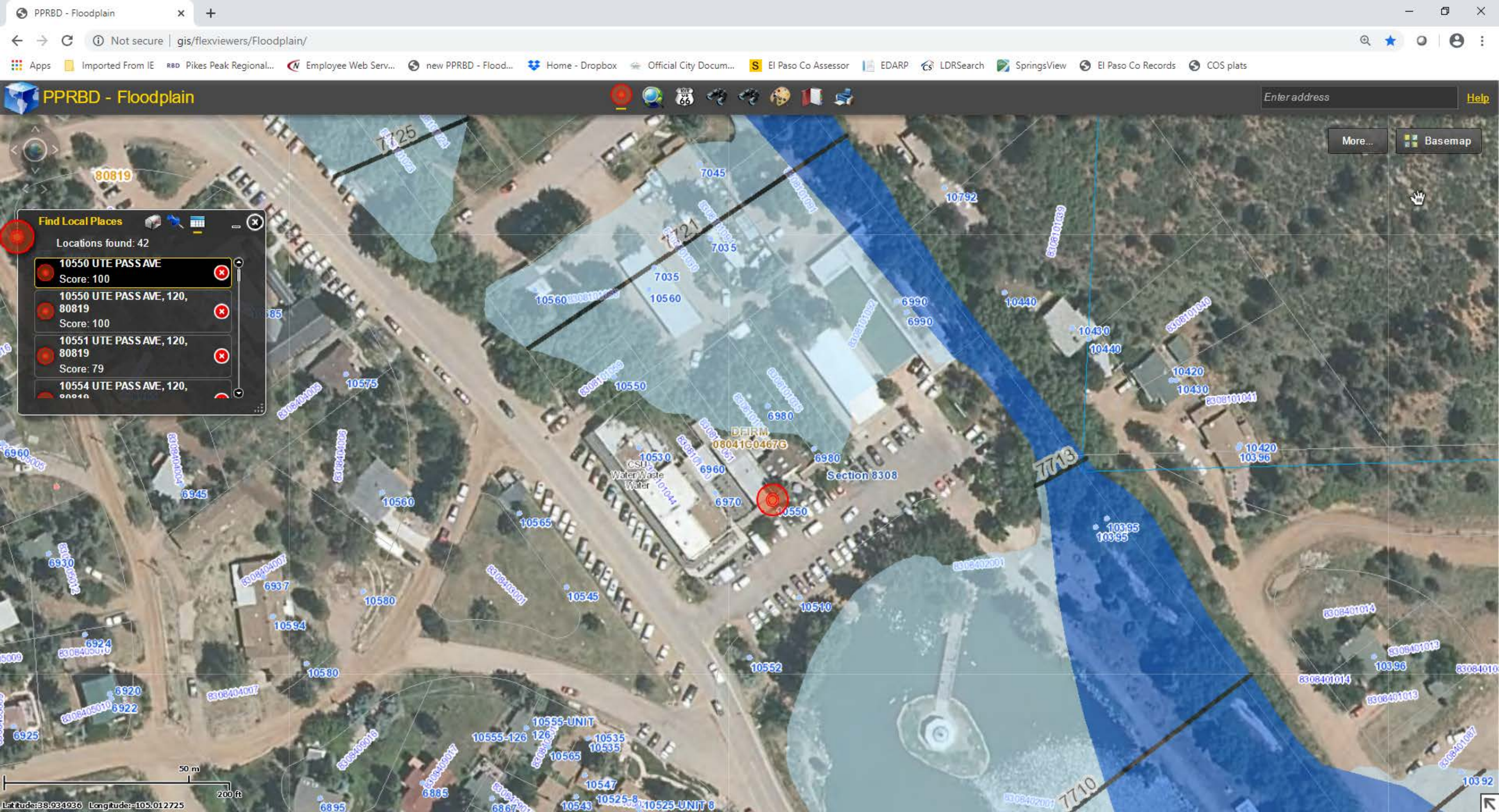


10552

MINI WAREHOUSES
For Information Call
685 4904







PPRBD - Floodplain

Enter address

Help

Find Local Places

Locations found: 42

- 10550 UTE PASS AVE
Score: 100
- 10550 UTE PASS AVE, 120, 80819
Score: 100
- 10551 UTE PASS AVE, 120, 80819
Score: 79
- 10554 UTE PASS AVE, 120, 80819
Score: 79

From: [Keith Curtis](#)
To: frey30@juno.com
Cc: [Julia Simmons](#)
Subject: RE: Plan #: R106123, Review Date: 4/24/2018,
Date: Monday, May 18, 2020 9:43:12 AM
Attachments: [image001.jpg](#)

I am ok with a fence around the back. The area a simple AE zone and no special requirements would be imposed.

Keith Curtis, PE, CFM

Floodplain Administrator
Pikes Peak Regional Building Department
2880 International Circle
Colorado Springs CO, 80910
O: 719-327-2898 **E:** keith@pprbd.org **W:** pprbd.org



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-

From: [REDACTED]
Sent: Monday, May 18, 2020 9:32 AM
[REDACTED]
[REDACTED]
Subject: Re: Plan #: R106123, Review Date: 4/24/2018,

Keith

Mike Frey again. GMF is telling me that The fence permit I am applying for on the back of our property at 10550 Ute Pass Ave in Green Mountain Falls needs your blessing??? I'm not sure what i NEED. The back of the property has a little creek passing thru. The I.L.C. shows it as Fountain Creek, but I am told it is Catamount Creek. Do I need anything from PPRBD to build a 6 foot high picket fence around 3 sides of the area behind the building? See attached drawing from the I.L.C.?

Thanks for your help with this.

Background

The Applicant is requesting the Planning Commission's recommendation for a Revocable Permit to improve the Town Right-of-Way (ROW) surrounding 10550 Ute Pass Avenue. The scope of the proposal is for minor grading, asphalt, and drainage.

The commercial property owners of The Painted Bear came to Public Works and Planning Staff to discuss several improvements to their storefront and is in the process of renewing a Revocable Permit for underground septic storage tanks. They are starting a new business along the commercial downtown core and are asking permission to improve the look and walkability of the area.

A Land Use Approval Application, proof of adequate insurance, and a GMF Town Business License were provided May 11, 2020. Supplemental materials – letter of explanation, a letter from the Applicant's engineer, a hand drawing, and photos - are attached.

Julia/Nathan,

I have reviewed our correspondence on the proposed blacktop in front of 10550 Ute Pass Ave. and believe I owe you something on the following:

1) Grading/Engineering Review/Construction Specs

2) Floodplain Determination

3) Creek /Creek Bank disturbance

4) Application and required documents

Response:

1) Grading/Engineering Review/Construction Specs

As I have indicated, the proposal is to remove approximately 4 inches of dirt/gravel from the proposed area (see Revised drawing attachment). (My rough estimate suggests the amount of material to be removed is probably less than 11 cubic yards.) We would haul away the graded material and replace it with 4 inches of Blacktop. The blacktop would be at the same grade as the existing surface. (It would follow the grade of Ute Pass Ave on the south, and the alley on the east. The parking area would slope gradually to Ute Pass, so water would drain onto the street.

We have noticed that pedestrians now walk from the Post Office out in the street, until they get to the alley. Then they come into the sidewalk in front of the Tye Dye Coffee shop and the Mucky Duck. We would obviously prefer for them to walk along the fence and use the sidewalk in front of our store, so they see what we have to sell and be more likely to come into the store. We would propose Blacktopping a sidewalk along the fence between the Post Office parking and the sidewalk in front of our store. For the sidewalk, we would build the grade so that water runs over (or under) the sidewalk into Fountain Creek, (where it all goes currently) (Review sidewalk on Revised Drawing)

With regard to an Engineering Review, I talked to Ralph LoCascio, P.E., Alpine Engineering about the proposed grading and some of the concerns expressed by GMF staff. (His response is attached as "Alpine Engineering

input) Since the area we are talking about is NOT in a floodplain, we will not need to provide PPRBD a "zero rise" letter. With regard to an engineered grading plan, he feels that with the scope of this project, "it isn't necessary and is overkill".

I would be thrilled if GMF would carry out and pay for the project, but I get the impression that there is no money in the till for such a project. I have therefore volunteered to manage and pay for the project.

I would propose the following process:

a) The B of T and the P C approves the plan in concept, subject to review and approval by staff at various stages of the project as follows:

b) Once I solicit bids and before I select a contractor, staff will have an opportunity to approve or reject the selected contractor.

c) I will ask the contractor, as a part of the bid, to present a construction plan. Staff may review and approve or reject the plan, (with valid reasons).

d) Staff will have the opportunity to inspect and approve the finished work (blacktop, grade, water flow, etc.) before I make the final payment for the project

2) Floodplain Determination

Attached as "Floodplain map" is what I got from Keith Curtiss, in the flood plain department at PPRBD. It shows that only the back portion of our property is in the floodplain. That area is 7 to 8 feet below the main level of our building, the parking area and Ute Pass Ave. There are no flood plain issues with this project.

If you wish to talk to Keith, his number is 719-492-0318 and his email is keith@pprbd.org.

3) Creek /Creek Bank disturbance

We plan to do **NOTHING** in or around the creek and the only thing we have proposed related to the creek bank is to put some large rocks from the edge of the blacktop down the bank (not in the creek) to prevent erosion of the creek bank (like the existing runoff pattern has caused). If that is a problem,

we will gladly cancel our proposed rip rap down the creek bank and save our money.

4) Application and required documents

Attached documents:

- a) Land Use Application for proposed project
- b) Revocable Permit Checklist
- c) Proof of Insurance
- d) GMF Business license dated 1/22/2020
- e) Colorado Sales Tax License dated 4/10/2020
- f) Colorado Secretary of State Certificate of Fact of Good Standing for Painted Bear, LLC, dated 1/3/2020

If there is anything else you need before the May 26 meeting, please let me know as soon as possible.

Thanks again for your help.

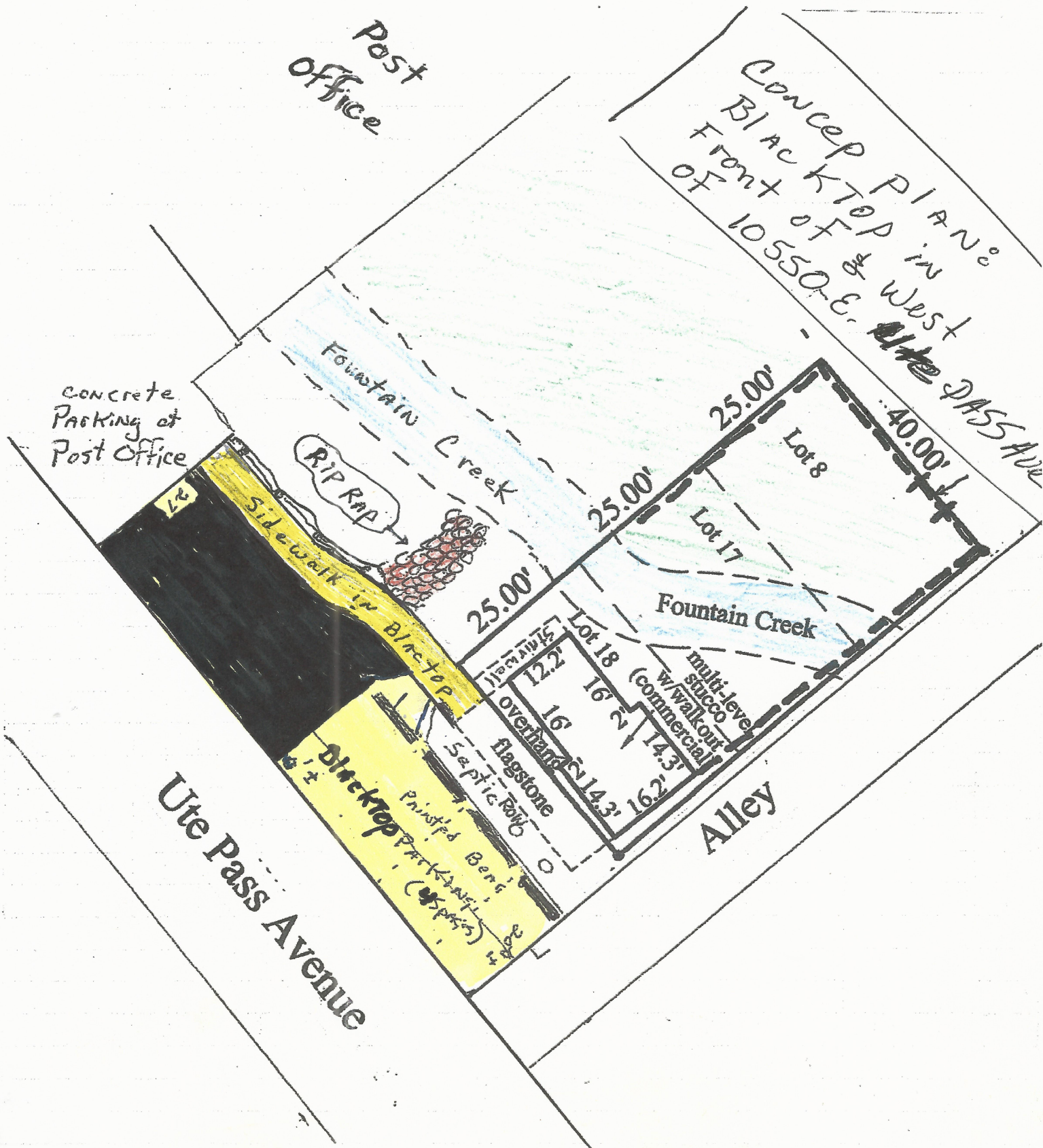
Mike and Margaret Frey

1 Revised Drawing



copy
reduced

Scale: 1" = 20'



[Print Message](#) | [Close](#)

From : Alpine Engineering <alpineeng@centurylink.net>
To : <frey30@juno.com>
Subject : RE: RE: prep for B of T mtg
Date : Wed, Apr 29, 2020 02:51 PM

Good Morning Mike,

As we discussed, your primarily doing a little minor grading to direct flows and adding asphalt. If the Town isn't requiring a drainage report and detention for the increase in impervious surface, the only engineering requirement should be a "zero-rise" letter from me. If your parking is in the flood plain, PPRBD will probably require a letter from me stating that the proposed improvements will not affect the floodplain water level; which they will not since we are not "filling in" the flood zone with material that may obstruct flow and cause the water to rise. The riprap run-down will be placed into the stream bank and will not be protruding. When you talk to PPRD and let them know you can provide a "zero-rise" letter for the improvements.

If the Town insists on a engineered grading plan, then you will need to get a survey for an engineer to work with. For the scope of your project it isn't necessary and is overkill.

Sincerely,

Ralph LoCascio, P.E.

Alpine Engineering Group, Inc.

P.O. Box 214

Green Mountain Falls, CO 80819

719.684.7860

From: frey30@juno.com [mailto:frey30@juno.com]
Sent: Wednesday, April 29, 2020 7:53 AM
To: alpineeng@centurylink.net
Subject: Fw: RE: prep for B of T mtg

Ralph



PAINTED
BEAR



Keepsakes
Stamps
Hiking needs



10550







PAINTED
BEAR

LUCKY DUCK













To: Planning Commission
From: GMF Land Use & Planning
Date: May 22, 2020
Re: Plan Review PR2020-06, New Deck at 10725 Florence Street

Background

The Applicant is requesting the Planning Commission's consideration for a new 256 SF wooden deck off the rear of the home. Town Hall received a Land Use Approval Application, Site Plan, and the Application fee on 14 May 2020.

Discussion

Sec. 16-305. - R-1 5,000 Single-Family Residential District.

Setback requirements §16-305(d)(4):

- a. front, fifteen (15) feet
- b. side, ten (10) feet
- c. rear, ten (10) feet

The electronic file maintained by Town Hall, *Official Town Zoning Map 2007*, and the El Paso County Assessor's Office show the 8,400 SF property is zoned R-1 5,000 Single-Family Residential. The subject property is in the designated Hillside Overlay Zone.

Site plans show the finish construction setbacks to be 10-feet to the east, 20' to the west, and greater-than 10' from the rear of the property, which meet the minimum Zoning Code requirements.

Sec. 16-705. - Building permits; architectural review

The Zoning Code §16-705(d)(2) – Procedure

As a minimum, the following specific criteria shall be considered by the Planning Commission

- a. Architectural compatibility;*
- b. Bulk of the proposed building or structure in relation to surrounding buildings and land;*
- c. Vehicular access and parking;*
- d. Pedestrian access; and*
- e. Relation to existing and future open space.*

Staff believes a wooden deck meets the intent and purpose of the Building Permit and Architectural Review section of the Zoning Code. The site plans do not specify whether the Applicant intends to construct stairs; RBD permitting will determine whether the UBC requires safe egress from the deck structure.

§16-312. - HO Hillside Overlay Zone

The subject property on Florence Avenue is in the designated hillside overlay, per the 2007 *Official Town Zoning Map*. The description and purpose: *to specify conditions for any type of development in areas where, due to topography, disturbance of the natural environment or for other reasons, problems are created which are detrimental to the public health, safety and welfare. It is the intent of these regulations to prevent physical damage to public and private property and to aid in the preservation of the natural heritage of the Town.*

As a matter of policy, when reviewed and permitted by a Pike's Peak Regional Building engineer, the construction of an 8' x 32' outdoor living structure would not pose the threat to public health and safety. A safe, permitted deck may actually prevent the issues called-out in the steep slope overlay 16-312(a) by conserving the unique natural features by discouraging continuous foot traffic.

Further discussion on erosion issues in the Hillside Overlay: the amount of earth that will be displaced during construction, while unspecified in the application, will be minimal for anchoring posts, thereby reducing erosion, runoff, and creating further problems for downslope uses.

Conclusion

Staff has reviewed the Applicant's materials and recommends approval of the deck permit without any further conditions.

MAX JOHNSON 928-530-1398

mjohnson8787@icloud.com

10725 FLORENCE ST. GMF, CO.

Rough Draft Deck Drawing

8x32 open (non-enclosed or covered)
wood deck

