

ORDINANCE #2008-1

AN ORDINANCE AMENDING THE TOWN OF PONCHA SPRINGS LAND USE CODE TO ADD SECTION 4.16 HILLSIDE DEVELOPMENT REGULATIONS and NEW DEFINITIONS to SECTION 7.0 DEFINITIONS and ABBREVIATIONS

WHEREAS, the Town of Poncha Springs recognizes that hillsides are a landscape feature where slope and soils are in a balance with vegetation, soils, underlying bedrock, and precipitation; and

WHEREAS, the Town of Poncha Springs recognizes that disturbance of hillsides can result in the loss of slope and soil stability resulting in erosion and landslides; and

WHEREAS, the Town of Poncha Springs recognizes that removal of vegetation on hillsides can result in the loss of stabilizing root systems resulting in siltation and lowered water quality downstream; and

WHEREAS, disturbance of hillsides can increase runoff, impacting historical drainage patterns; and

WHEREAS, inappropriate hillside development can negatively impact a community's scenic views; and

WHEREAS, protection of the equilibrium of hillsides reduces the danger to public health and safety; and

WHEREAS, the Town of Poncha Springs Comprehensive Plan of 1998 includes Policy #ENR-11 which states "The natural topography shall be retained to the greatest extent possible, and excessive cut and fills to convert steep slopes to buildable sites shall be discouraged."

NOW THEREFORE BE IT ORDAINED: That the Town of Poncha Springs Land Use Code is hereby amended by adding the following Section 4.16 Hillside Development Regulations and by adding new definitions to Section 7.0 DEFINITIONS AND ABBREVIATIONS:

4.16 Hillside Development Regulations

4.16.1 **PURPOSE:** The purpose of this section is to define the conditions under which hillside development may occur that will not result in unstable slopes, degradation of water quality or unsightly conditions.

4.16.2 **APPLICABILITY:** The regulations in this section apply to any development within the Town of Poncha Springs on property that contains a development, building envelope, driveway, or roadway proposed to be located on a natural slope over 15% and less than 30%, a ridgeline, hilltop, or a natural rock outcrop.

4.16.3 GENERAL PROVISIONS:

- (a) Hillside development regulations shall apply to development on hillsides with natural slopes over 15% and less than 30%, hilltops, ridgelines, and natural rock outcrops.
- (b) No structure shall be permitted to be constructed on hillsides over 30% in slope, hill tops, tops of ridges, rock outcroppings, and areas of geologic hazard subject to Section 4.3 of this Code.
- (c) Buildable areas shall be defined by the following criteria:
 - i. Where the natural slope is less than 30% within the building envelope.
 - ii. Where the building envelope falls below a ridgeline, hilltop, or avoids natural rock outcroppings.
 - iii. Where natural hazards will not impact the building envelope.

4.16.4 WARNING AND DISCLAIMER OF LIABILITY: The degree of slope protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Slope hazard may be increased by man-made or natural causes. This Section shall not create liability on the part of Poncha Springs or any officer or employee thereof, for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

4.16.5 STANDARDS FOR HILLSIDE DEVELOPMENT: When development is proposed on property having slopes in excess of fifteen percent (15%) and less than thirty percent (30%), the development shall comply with the following standards:

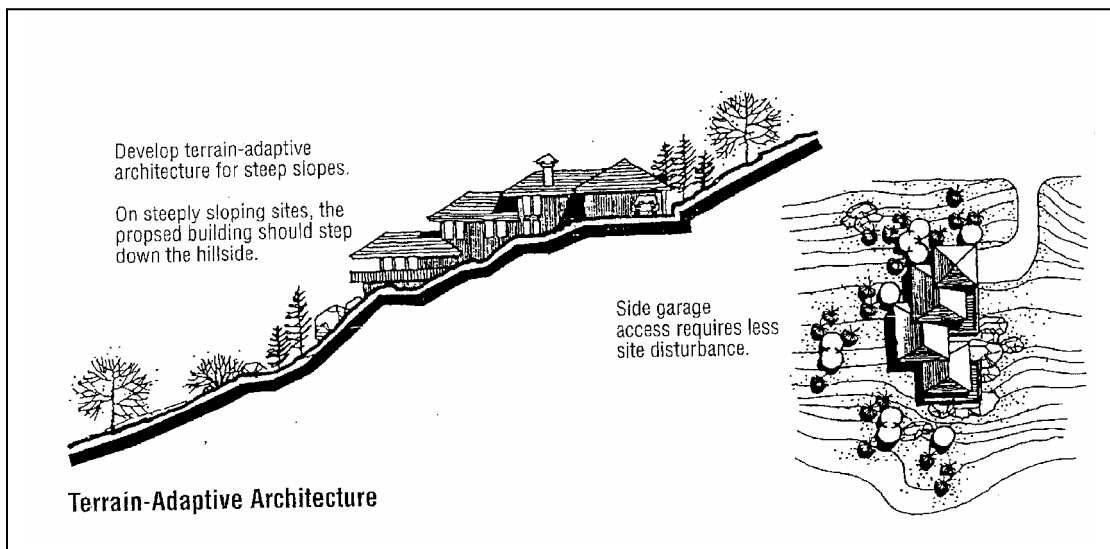
- (a) Site Disturbance: Site disturbance shall be kept to a minimum and must comply with the following:
 - 1. Cuts and fills and grading of the property shall be confined to the designated building envelope, utility easements and road and driveway footprints. Large areas of soil shall not be exposed for periods in excess of 6 months.
 - 2. Grading shall not alter the natural drainage patterns at the property line.
 - 3. Stockpiled soils and construction materials and equipment shall be stored in areas that are to be disturbed during construction such as driveway locations and building sites.
 - 4. When retaining walls are required, they shall be made of materials that blend with the natural landscape. Retaining walls over four (4) feet in height shall be certified by an engineer licensed in the State of Colorado and comply with applicable adopted building codes.

5. Disturbed areas shall be restored in natural appearing landforms with curves that blend in with the adjacent undisturbed slopes.
6. Existing vegetation shall be preserved as much as possible to prevent erosion and sedimentation and provide for natural screening.
7. Unique geologic features such as rock outcroppings and cliff faces shall be protected.

(b) Site Design: Development on slopes shall be done in a manner that blends with the natural topography. Hillside development shall conform to the following design standards:

1. Hillside structures should be designed to follow the natural grade by stepping the structure down the hillside instead of creating large obtrusive elevated platforms.
2. In order to minimize the visual impact of hillside structures, no part of any structure shall be taller than 32 feet above the point where the foundation meets the existing grade. Foundations shall not be exposed more than two (2') feet above the finished grade.
3. Clustering of homes and structures at lower less steep elevations is encouraged.
4. All structures and roofing materials shall be colored to be consistent with the natural colors of the landscape. All rooftops shall be designated as Class A, B, or C, as defined by the National Fire Protection Association, NFPA 1144. Metal roofs shall be of the non-reflective type.
5. Roof lines should be broken into smaller components to compliment the natural terrain.
6. Structures shall be sited below the ridge and hill tops so each structure has a mountain or hillside backdrop rather than the sky as a backdrop as viewed from the crown of the road at the address of the property. These regulations are not intended to restrict construction on the low mesa on top of which County Road 120 is located, which is viewed as an urban infill development area. Structures proposed on any ridge or hill top (except those on the Co. Rd. 120 mesa) shall be evaluated as a Special Review Use in accordance with Section 2.6.2 of the Poncha Springs Land Use Code.

7. The use of native landscaping to soften the building mass and provide vegetative screening is encouraged where buildings are highly visible. However, all landscaping shall conform to the principles of the Colorado State Forest Service fire prevention practices including defensible space.
8. Disturbed portions of the property shall be re-vegetated with native weed free seeds or landscaping to prevent erosion and scarring of the hillside. Re-vegetation requirements will be determined based on the amount of land disturbed and fire wise standards and shall be completed within one year of completion of construction.
9. To minimize the disturbance of the slopes, the location of the infrastructure and dry utilities should be coordinated with the location and grading/installation of the access and driveways.
10. At the time of building permit application, the owner shall identify whether the property is subject to this Section, and provide the Town with a plan to demonstrate compliance with these regulations. Depending on the information provided, and the analysis by the Town, the Town may require engineered building foundations and engineered drainage and grading plans to protect the health and safety of occupants of structures on hillsides.
11. Accessory structures shall be of the same appearance as the main structure and shall be built in compliance with these hillside development regulations.



(c) Street and Driveway Design Standards: In addition to compliance with the Poncha Springs Standard Design Criteria, streets and driveways on hillsides shall adhere to the following design standards:

1. Streets shall be designed to follow existing contours, and to minimize grading and cuts and fills.
2. The maximum street grade shall not exceed eight (8) %. Driveways shall be designed at a slope less than ten (10) %.
3. Garages tucked into the hill or located on the lower floor, instead of in a separate hillside building, are encouraged.
4. For development of individual hillside lots not part of a recently approved subdivision (with an associated grading plan), a driveway grading and drainage plan shall be included with the Building Permit application. The plan must be approved by the Town as complying with these regulations.
5. Adequate and safe off street parking (as required in Section 2.5.1) shall be provided to prevent parking on hillside roads.
6. All streets and driveways shall be adequately drained to prevent slope instability.
7. The Town Board may permit, via its variance procedure, alternative roadway, driveway, and sidewalk designs provided adequate provision is made for emergency vehicle access, snow removal, pedestrian travel, bicycle travel, and visitor parking. Separated bicycle and pedestrian paths are encouraged.

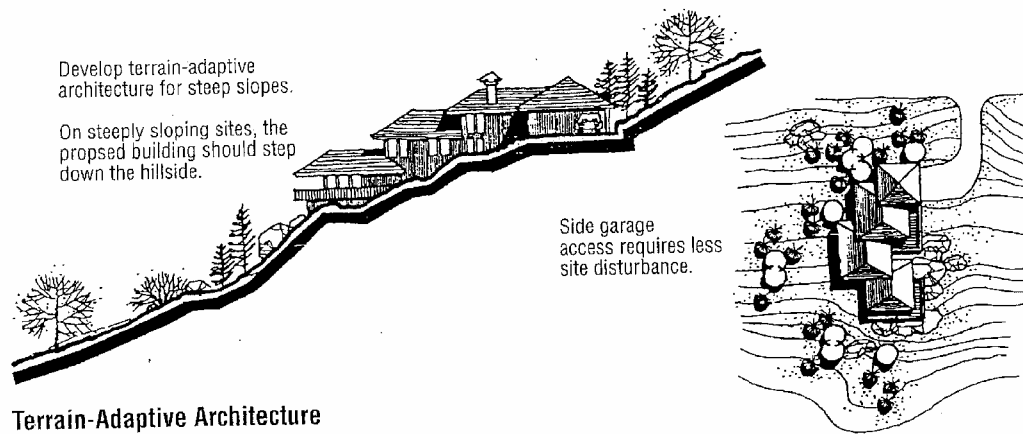
(d) Prohibited Activities: In order to protect the public health and safety, the following uses and activities on hillsides are expressly prohibited:

1. Development on slopes over 30%, on ridge or hill tops, on rock outcroppings, and other unique geologic features.
2. Cut and fills on slopes in excess of 30%.
3. Development in areas of avalanche hazard, landslides, rock fall, alluvial fans, talus slopes, debris flow, and areas subject to ground subsidence unless in conformance with Section 4.3 Geologic Hazard Regulations, Poncha Springs Land Use Code.
4. Development on slopes over twenty (20) % with expansive soils.
5. On slopes over 30%, any activity, that would decrease the stability of the slope, such as the addition of water features and irrigation, uses and activities that remove the supporting base of the slope, and activities or uses that add weight to the top of a slope.

7.0 DEFINITIONS and ABBREVIATIONS

Hillside Building Height: For properties developing on slopes greater than 15%, the building height means the vertical distance measured from any point along the natural preconstruction grade to the highest point of the roof directly above that point, including parapets and ornamental features.

Hillside Development: Development in areas that contain existing natural slopes in excess of fifteen percent (15%) and less than thirty percent (30%).



Preconstruction Grade: The existing elevation of the ground surface that exists prior to man-made alterations, such as grading, grubbing, filling, or excavating.

Ridgeline, Hilltop Area: The line of intersection at the high point between opposing slopes where a permanent structure constructed thereon would be visible.

Skyline: The line where the earth or vegetation and the sky seem to meet as viewed from the crown of the road at the address of a property.

Slope: The ratio between the elevation change to horizontal distance expressed as a percentage.

Vegetative Screening: A natural means of hiding all or a portion of a structure from public view.

PASSED AND APPROVED, this 14th day of **January , 2008.**

/s/ _____
Mark F. Thonhoff, Mayor

ATTEST:

/s/ _____
Diana K. Heeney
CMC/Treasurer