



Staff Report

To: BOZAR
From: Jessie Earley, Town Planner III
Meeting Date: BOZAR, July 29, 2025
RE: 129 Elk Avenue, Final Review

PROJECT TITLE: 129 Elk Avenue (129 Elk Ave, LLC, A Delaware Limited Liability Company) Variance Request

SUMMARY: Consideration of the application of **129 Elk Ave, LLC, A Delaware Limited Liability Company** for a variance to the general standards of the Floodplain Regulations (Sec. 16-11-310) to be located at 129 Elk Avenue, Tract A, Forest Queen Townhome Subdivision in the B1 zone.

- A variance to Section 16-11-310 Floodplain Regulations is requested.

LEGAL DESCRIPTION: Tract A, Forest Queen Townhome Subdivision

ADDRESS: 129 Elk Avenue

ZONE DISTRICT: B1

OWNER: 129 Elk Ave, LLC A Delaware Limited Liability Company

APPLICANT: Margaret Loperfido, SCJ Alliance

DRC MEMBERS: NA

STAFF MEMBER: Jessie Earley, Town Planner III

PUBLIC NOTICE

This item was properly noticed per Section 16-22-110 (c). The affidavit of posting is on file in the Community Development Department.

ATTACHMENTS

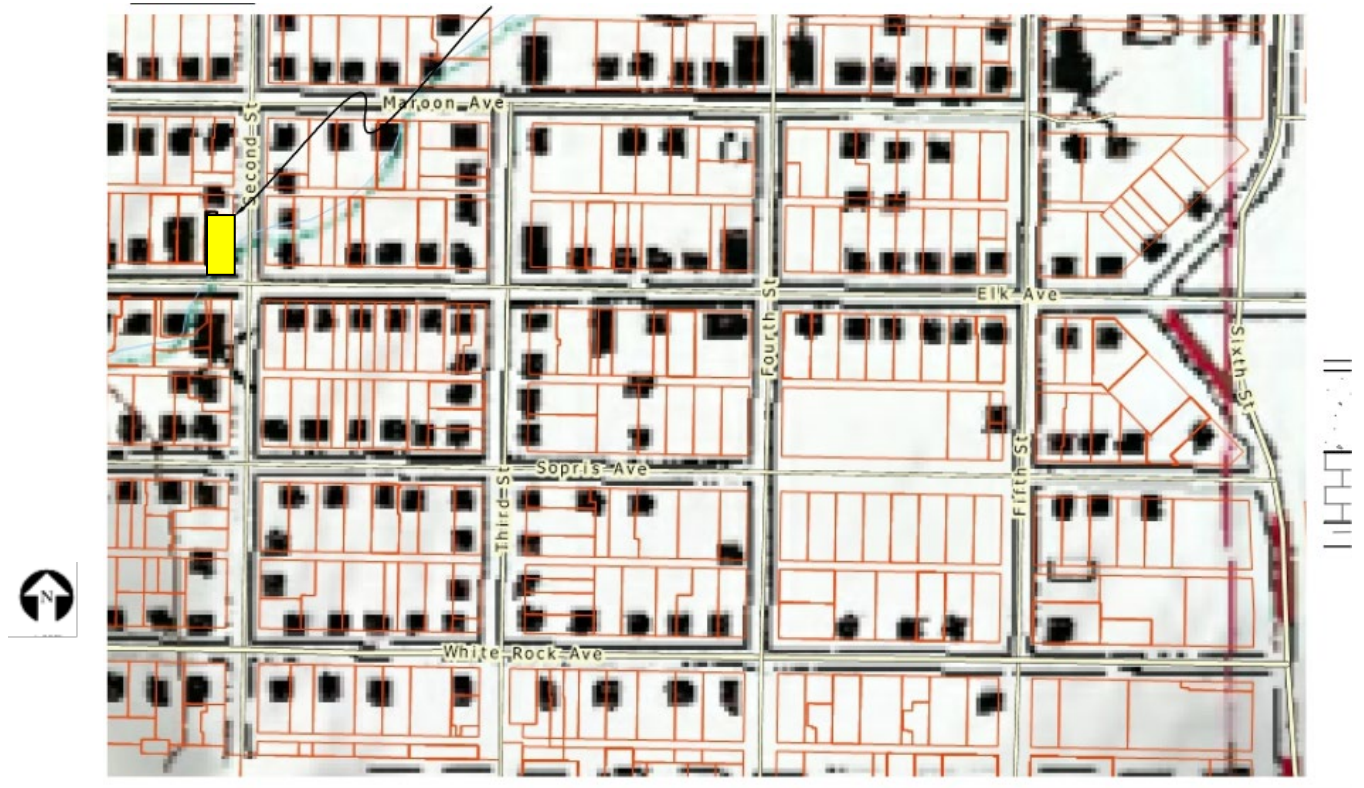
1. Variance request letter and support letters
2. GIS Map
3. Code section(s) Chapter 16, Article 11
4. Transmittal letter of denial by staff
5. Original application and attachments
6. Letter from Astrid Matison, Chief Building Official regarding accessibility

These packet materials are available at this [link](#). Staff can provide paper copies of the packet upon request.



PROJECT DESCRIPTION

1. Variance to the floodplain standards.



Location Map



Background/Overview: Margaret Loperfido, SCJ Alliance, submitted plans on behalf of the of 129 Elk Ave, LLC, A Delaware Limited Liability Company, for a variance to the floodplain regulations. The property is located in the 100 Block, on the north side of Elk Avenue.

- I. **Status:** The applicants applied for a floodplain permit and this was approved March 31, 2023.

The Board previously reviewed the following proposal for this property at the May 30, 2023 meeting:

- Architectural approval was granted.
- An expansion of a conditional use permit for a restaurant use in the B1 zone was granted.
- Payment in lieu of up to five (5) off-street parking spaces was granted.
- A conditional waiver of a non-conforming aspect with respect to the side yard setback in the B1 zone was granted.
- A conditional waiver of a non-conforming aspect with respect to the rear yard setback in the B1 zone was granted.
- Permission to demolish a non-historic portion of the existing building was granted.

The building permit was issued for the foundation on July 21, 2023 and on August 6, 2024 for the building and rehabilitation work.

This project is currently under construction.

Applicants submitted a new floodplain application pertaining to the outdoor seating/deck area which was reviewed and denied by Staff January 6, 2025, based upon Sections 16-11-310 (b) (5) and 16-11-320 (2).

Applicants then resubmitted a new floodplain application pertaining to the outdoor seating/deck area and a proposal to cantilever the deck 2'6" over Coal Creek June 12, 2025, which was denied as well, based on Sections 16-11-310 (b) (5). This application varied from the January 6, 2025 application in that the applicants raised the proposal to meet the requirement of one foot above the base flood elevation. A request for a variance from the floodplain code that resulted in this denial is the application before the Board tonight.

Coal Creek has been altered and channelized. Today, Coal Creek enters Crested Butte from the southwest and angles through the western portion of Town in a north-easterly direction. Coal Creek's channel consists of cut and filled embankment and does not occupy a natural depression. The gabion baskets and walls were constructed and



reinforced in the 1980's and 1990's. Gabion basket is defined as a rectangular wire mesh container, typically made of galvanized steel, that is filled with stones or other materials to create a stable structure. These reinforcements control the lateral movement of the creek preventing the undermining of public and private improvements. During construction of these walls, agreements were signed with some owners along Coal Creek regarding the maintenance and all have expired at this time. However, no such agreement was signed for this property. Flood flows on Coal Creek are caused primarily by rapid melting of the snowpack during the May to early June period. Staff have concern about debris build-up and overgrowth of vegetation exacerbating flooding potential. Staff currently patrols and attempts to remove debris so that it does not end up lodged at a bridge leading to flood events. This concern is compounded by the proposal for cantilever extending over the Creek and how this could affect flows.



PREVIOUS AND ALLOWED



PROPOSED



II. Land Use Code Review:

a. Establishment of floodplain development permit (Sec. 16-11-80)

16-11-80 A floodplain development permit shall be required to ensure conformance with the provisions of these regulations.	<p>The applicants applied for a permit for the work to the foundation and rehabilitation currently under way.</p> <p>The applicants provided a new application for the cantilever to the deck.</p>	Met
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b. Permit procedures (16-11-230)

Code Section	Staff Analysis	Status
16-11-230 Application for a floodplain development permit shall be presented to the Floodplain Administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to special flood hazard area. Additionally, the following information is required:	This information was provided as part of the permit application, which is attached to the packet tonight.	Met.
16-11-230 (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures;	The applicant has provided the elevation of the top of the gabion basket and also the bottom of the deck framing. Staff retains on file information regarding the construction relating to the building and basement.	Met
16-11-230 (2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;	The proposed deck will be 1' above the base flood elevation.	Met
16-11-230 (3) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential flood proofed structure shall meet the floodproofing criteria of Section 16-11-320 of this Article;	This certification was provided for the basement construction on the previous application. It is not needed for this application.	Met
16-11-230 (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and	This has not been provided and is a concern for Staff relating to how the proposal could affect the Creek in a flood event.	Not met If the Board considers approval of this application, one condition of approval staff would suggest would be a hydraulic analysis to show the effects on the Creek prior to permitting for the work.



16-11-230 (5) Maintain a record of all such information in accordance with Section 16-11-220 above.	Staff maintains the record of all submittals relating to floodplain permits and attachments.	Met
Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors: (1) the danger to life and property due to flooding or erosion damage; (2) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (3) the danger that materials may be swept onto other lands to the injury of others; (4) the compatibility of the proposed use with existing and anticipated development; (5) the safety of access to the property in times of flood for ordinary and emergency vehicles; (6) the costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities, such as sewer, gas, electrical and water systems; (7) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; (8) the necessity to the facility of a waterfront location, where applicable; (9) the availability of alternative locations not subject to flooding or erosion damage, for the proposed use; and (10) the relationship of the proposed use to the comprehensive plan for that area.	<p>Staff has concerns during periods of high water (late winter/spring runoff) and how the proposed cantilever could affect the Creek in a flood event. This relates to concern for noncompliance with (1), (2), (3) and (7).</p> <p>Staff also has concerns that on the structural drawing, the gabion baskets may not be accurately depicted. There is one, as shown on the plans, but it is believed that there is a second to the west, which is not shown.</p> <p>The applicant contends that this cantilever, as proposed, will help to provide accessibility to the side entry on the east side of the building. However, this accessibility can be achieved without this addition, negating this argument. This relates to (9) in that there are alternative locations for seating. Please see the attached letter from Astrid Matison, Chief Building Official regarding accessibility.</p> <p>Staff has concerns regarding ongoing maintenance of the Creek, as Public Works Staff has traditionally walked the length of the Creek through town to ensure it is free of debris. This relates to concern for noncompliance with (1), (2) (3) and (7).</p> <p>Staff has concerns relating to (4) (9) and (10) as the proposed curved deck feature is not congruent with the existing linear Creek bank and therefore not compatible with existing development of this site and others.</p>	<p>Not met</p> <p>If the Board considers approval of this application, one condition of approval staff would suggest would be a hydraulic analysis to show the effects on the Creek prior to permitting for the work.</p> <p>If the Board considers approval of this application, one condition of approval staff would suggest would be for the applicant to provide revised structural details prior to permitting.</p> <p>If the Board considers approval of this application, one condition of approval staff would suggest would be the requirement of a maintenance agreement allowing the Town access for the Creek on this property.</p>

c. Variance procedures (Sec. 16-11-240)

Code Section	Staff Analysis	Status
16-11-240 (a) The Board shall hear and render judgment on requests for variances from the requirements of these regulations. In addition, the Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or	Applicant applied June 12, 2025 and Staff denied the application. Staff keeps record of all floodplain applications. The applicant is before the Board this evening to hear the applicant's case.	Met.



administration of these regulations. Any person or persons aggrieved by the decision of the Board may appeal such decision to the Town Council as provided in this Chapter. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.		
16-11-240 (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these regulations. 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 the relevant factors in Section 16-11-230 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.	Town Staff does not believe the proposed condition qualifies under either provision, as expressed above in Sec. 16-11-230 review. The proposal to expand the deck over Coal Creek is not related to the historic building, as identified in this code section. The proposed deck expansion is a new request outside of the rehabilitation of the historic resource.	Not met.
16-11-240 (c) Upon consideration of the factors noted above and the intent of these regulations, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations.	NA	<p>If the Board considers approval of this application, one condition of approval staff would suggest would be a hydraulic analysis to show the effects on the Creek prior to permitting for the work.</p> <p>If the Board considers approval of this application, one condition of approval staff would suggest would be for the applicant to provide revised structural details prior to permitting.</p> <p>If the Board considers approval of this application, one condition of approval staff would suggest would be the requirement of a maintenance agreement allowing the Town access for the Creek on this property.</p>
16-11-240 (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.	This is a concern by Staff relating to how the proposal could affect the Creek in a flood event.	<p>Not met</p> <p>If the Board considers approval of this application, one condition of approval staff would suggest would be a hydraulic analysis to show the effects on the Creek prior to permitting for the work.</p>



16-11-240 (e) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.	NA	NA
16-11-240 (f) Prerequisites for granting variances: (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.	Staff does not feel that the request is required for accessibility. Therefore, it is a request based upon a desire to provide this feature, not hardship.	Not met.
16-11-240 (f) (2) Variances shall only be issued upon: (a) showing a good and sufficient cause; (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (c) 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 or conflict with existing local laws or ordinances.	(a) Staff does not feel that a case for good and sufficient cause has been provided. (b) A hardship has not been demonstrated by the application. (c) This is a concern by Staff relating to how the proposal could affect the Creek in a flood event.	Not met
16-11-240 (f) (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.	This would be provided, if granted.	NA
16-11-240 (g) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that: (1) The criteria outlined in Subsections (a) through (e) of this Section are met.	As outlined above, Staff contends that Subsections (b), (c) and (d) are not met.	Not met.
16-11-240 (g) (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.	This has not been provided and is a concern by Staff relating to how the proposal could affect the Creek in a flood event.	Not met. If the Board considers approval of this application, one condition of approval staff would suggest would be a hydraulic



		analysis to show the effects on the Creek prior to permitting for the work.
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c. General Standards (Sec. 16-11-310)

Code Section	Staff Analysis	Status
16-11-310 (a) In all special flood hazard areas, the following provisions are required for all new construction and substantial improvements: (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.	This would be required to be met, as part of construction drawings provided at permitting.	If approved by the Board, to be provided prior to permitting and a condition of the finding.
16-11-310 (a) (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.	This would be required to be met, as part of construction drawings provided at permitting.	If approved by the Board, to be provided prior to permitting and a condition of the finding.
16-11-310 (a) (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.	This would be required to be met, as part of construction drawings provided at permitting.	If approved by the Board, to be provided prior to permitting and a condition of the finding.
16-11-310 (a) (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.	This would be required to be met, as part of construction drawings provided at permitting.	If approved by the Board, to be provided prior to permitting and a condition of the finding.
16-11-310 (a) (5) All manufactured homes shall	NA	NA



be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.		
16-11-310 (a) (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.	NA	NA
16-11-310 (a) (7) 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.	NA	NA
16-11-310 (a) (8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.	NA	NA
16-11-310 (b) In addition to the flood prevention review standards set forth above, the Board shall review any development proposal located within twenty (20) feet of the normal bank of Coal Creek to determine that the following requirements are met prior to the issuance of a building permit: (1) Trails should be provided along the stream	NA	NA



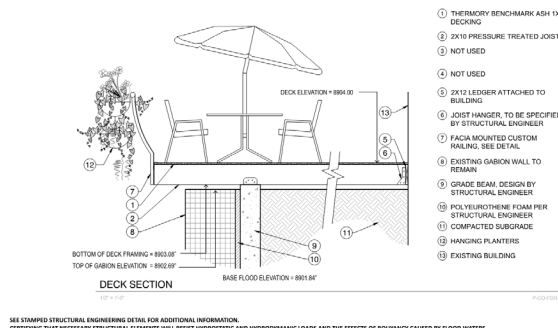
where the stream access is an important element of an adopted open space plan;		
16-11-310 (b) (2) Vegetation should not be removed, and no slope or grade changes shall be made, that will produce erosion of the stream bank or area adjacent to the stream;	This would be required to be met, as part of construction drawings provided at permitting.	If approved by the Board, to be provided prior to permitting and a condition of the finding.
16-11-310 (b) (3) Pollution of the stream should not occur;	This would be required to be met, as part of site management plan and construction drawings provided at permitting.	If approved by the Board, to be provided prior to permitting and a condition of the finding.
16-11-310 (b) (4) Development should not interfere with important natural changes to the stream which are occurring; and	There would be no changes proposed.	Met
16-11-310 (b) (5) Development or building should not span or be constructed over or onto the natural stream course so as to preserve the historic, aesthetic heritage and character of the Town.	<p>Currently, all development along Coal Creek follows the linear path of the water, as seen in the first photograph below. The only development over the Creek is for pedestrian or vehicular access bridges, which provide public access to various areas within town. This proposal, as seen in the second photograph below, would be constructed over a portion of the natural stream course and change the historic look and feel of the Creek, as seen from the corner of Second Street and Elk Avenue.</p> <p>According to the plans, as outlined below, Coal Creek runs through the eastern edge of the property. The proposed plan shows the cantilever, which would extend 2'6" over the Creek. The intrusion over the Creek not only violates the literal terms of the code but undermines its stated purpose, to preserve the historic and aesthetic character of the stream corridor, which is an essential part of the town's heritage.</p>  <p>PREVIOUS AND ALLOWED</p>	Not met.



PROPOSED

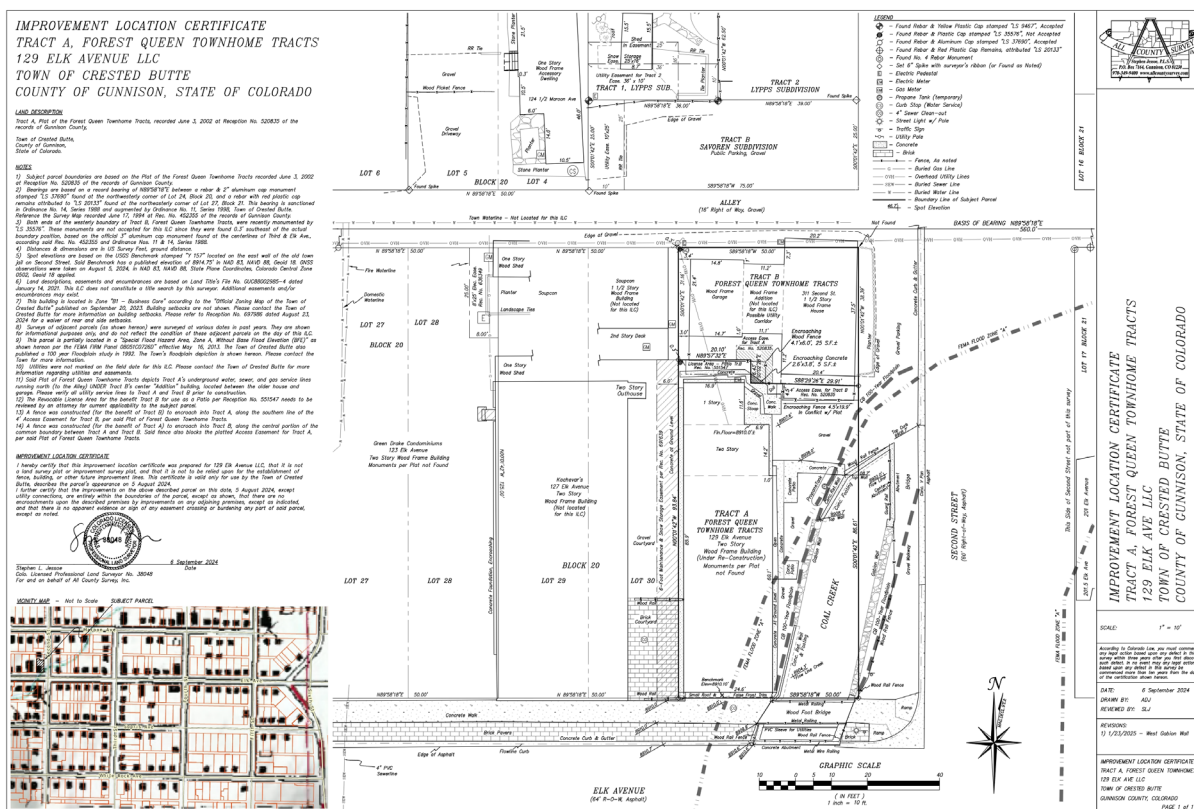
16-11-320 (2) Specific Standards: Nonresidential construction. With the exception of critical facilities outlined in [Section 16-11-380](#) of this Division, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that, at one (1) foot above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado

The applicant has shown on the proposed drawing that the proposed construction would be 1' above the base flood elevation.



If approved by the Board, the applicant would be required to provide elevation certificates to be maintained on file.

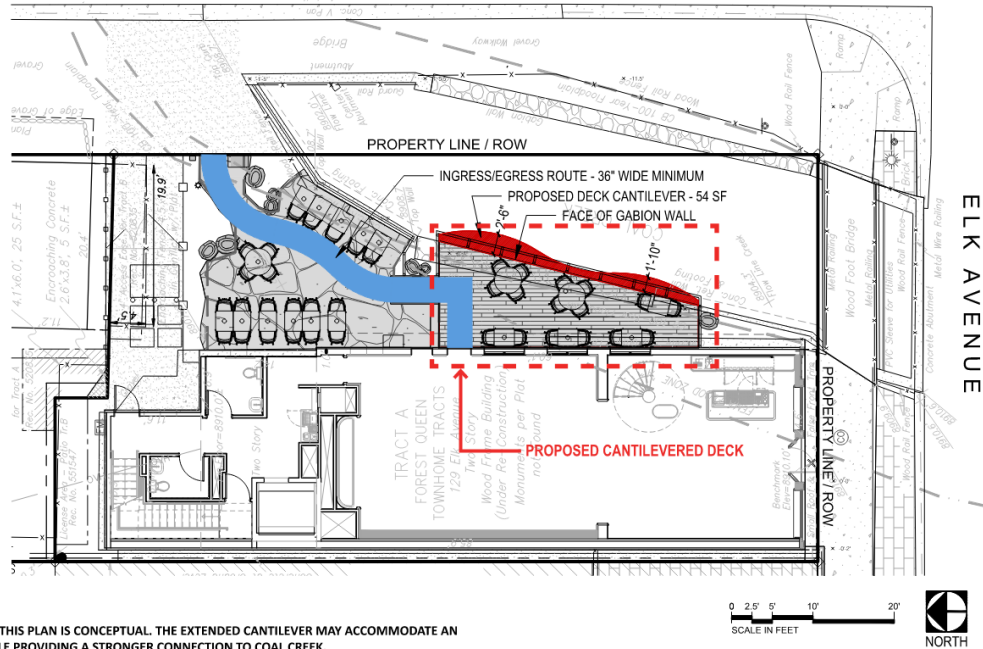
Professional Engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Paragraph. Such certification shall be maintained by the Floodplain Administrator as proposed in Section 16-11-230 of this Article.		
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ILC: Existing

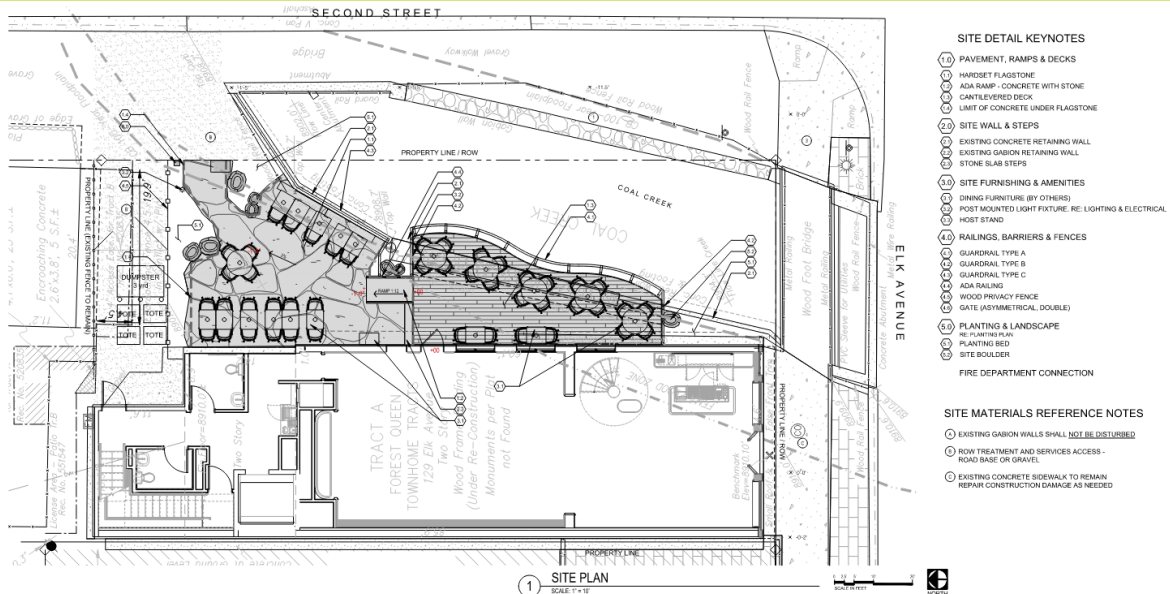


SECOND STREET



DECK SEATING SHOWN ON THIS PLAN IS CONCEPTUAL. THE EXTENDED CANTILEVER MAY ACCOMMODATE AN ADDITIONAL *8 SEATS WHILE PROVIDING A STRONGER CONNECTION TO COAL CREEK.

Site plan: Existing with cantilever ghosted in, in red



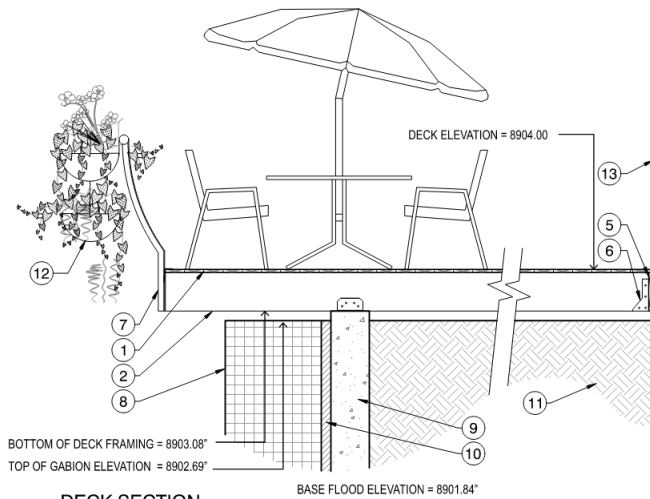
Site Plan: Proposed showing cantilever



Previous Coal Creek view from southeast



Proposed Coal Creek view from southeast



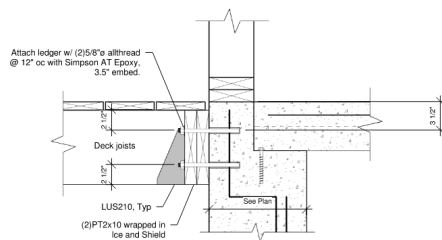
DECK SECTION

1/2" = 1'-0"

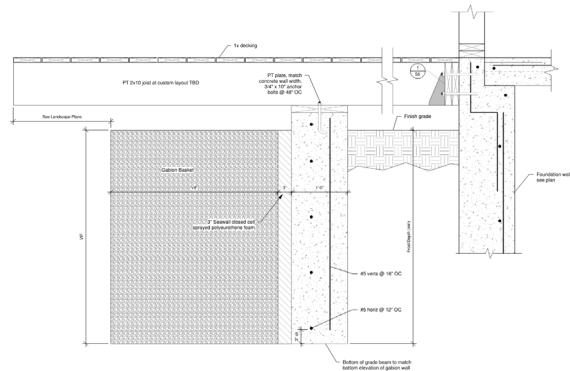
P.CO-FOR-31

SEE STAMPED STRUCTURAL ENGINEERING DETAIL FOR ADDITIONAL INFORMATION.
CERTIFYING THAT NECESSARY STRUCTURAL ELEMENTS WILL RESIST HYDROSTATIC AND HYDRODYNAMIC LOADS AND THE EFFECTS OF BOUYANCY CAUSED BY FLOOD WATERS.

Proposed 2'6" cantilever with elevations



1 Deck Ledger @ Concrete Wall
1 1/2" = 1'-0"



2 Deck Concept
1 1/2" = 1'-0"

Proposed structural characteristics



III. Staff Overview

Variances must comply with the criteria as set forth in Municipal Code Sections 16-11-230, 16-11-240, 16-11-310 and 16-11-320 (2). As detailed above, Staff finds that the proposed application for a variance to the floodplain regulations by of 129 Elk Ave, LLC, A Delaware Limited Liability Company for the property located at 129 Elk Avenue, Tract A, Forest Queen Townhome Subdivision does not comply with Municipal Code Sections: 16-11-310 (b) (5) and 16-11-230 (4), 16-11-240 (b), (d), (f) (1)-(2), (g). The applicant's proposed construction clearly violates Section 16-11-310(b)(5) by spanning the natural stream course, as shown in attached plans and ILC. Regardless of any proposed mitigation or design concessions, the development fails to comply with the express requirement to preserve the stream corridor and thus the historic and aesthetic character of the Town. Therefore, Staff recommends denial for the proposed variance to the floodplain regulations.

IV. Proposed findings and motions:

DENIAL (Finding)

The Board finds that the application does not comply with Municipal Code Sections; 16-11-310 (b) (5) and 16-11-230 (4), 16-11-240 (b), (d), (f) (1)-(2), (g) pertaining to variances.

The application for the variance to the floodplain regulations to propose a 2'6" curved cantilever over Coal Creek are opposed by the application of Municipal Code Section(s) 16-11-310 (b) (5) and 16-11-230 (4).

DENIAL (Motion)

Deny the application for a variance to the floodplain regulations by of 129 Elk Ave, LLC, A Delaware Limited Liability Company for the property located at 129 Elk Avenue, Tract A, Forest Queen Townhome Subdivision for its failure to satisfy Municipal Code Sections 16-11-310 (b) (5) and 16-11-230 (4), 16-11-240 (b), (d), (f) (1)-(2), (g);

OR

APPROVAL (Finding)

The Board finds that the application **does** comply with Municipal Code Sections; Municipal Code Sections; 16-11-230, 16-11-240, 16-11-310 and 16-11-320 (2) pertaining to variances, provided that the following conditions are met:



- A hydraulic analysis must be provided to show the effects of the proposed deck expansion on the Creek prior to permitting for the work.
- Revised structural details must be provided prior to permitting to reflect the details onsite with the gabion basket.
- The property owner shall enter an agreement with the Town of Crested Butte to allow for routine annual maintenance and inspection of the vegetation and creek bed as it passes through the property.
- Plans provided prior to permitting would be required to meet requirements set forth within Section 16-11-310 (a) (1) – (4) and 16-11-310 (b) (2)-(3).

The application for the variance to the floodplain regulations to propose a 2’6” curved cantilever over Coal Creek **can be supported** by the application of Municipal Code Section(s) 16-11-230, 16-11-240, 16-11-310 and 16-11-320 (2).

APPROVAL (Motion)

Approve the application for a variance to the floodplain regulations by of 129 Elk Ave, LLC, A Delaware Limited Liability Company for the property located at 129 Elk Avenue, Tract A, Forest Queen Townhome Subdivision for its **ability to satisfy** Municipal Code Sections 16-11-230, 16-11-240, 16-11-310 and 16-11-320 (2).



June 27, 2025

Town of CB Staff
507 Maroon Ave
Crested Butte, CO 81224
Email: jeasley@crestedbutte-co.gov

Re: Variance Request for Historic Forest Queen Patio & Deck

Dear Town of Crested Butte:

We are representing Ownership of 129 Elk Ave LLC and request a Variance to Section 16-11-310 (b)(5) for the attached proposed deck structure at the Forest Queen Restaurant, 129 Elk Ave.

Hardship: During the restoration of the Forest Queen building, the previous Project Manager relocated the structure to the east toward Coal Creek, reducing the already limited space for a functional & historic deck. To address this, we propose a slight cantilever over Coal Creek, thoughtfully designed to preserve aesthetics and historical integrity.

Our request is not motivated by a desire to create more revenue. Ownership is committed to providing quality, historic experiences to the community and its visitors. The creek side seating at Forest Queen has long been one of its defining and most beloved features. This variance, if granted, would ultimately allow us to restore and improve that amenity for generations to come.

Please see the attached letters of support for this Variance Request from nearby business owners and residents.

Solution: Constructed in 1883, this space between the Forest Queen and the Coal Creek has served as a social retreat on Second St since very close to Crested Butte's genesis in 1880. With the Big Mine tippie at the south end of Second St, which served as Crested Butte's main street for the majority of its history, that corner was the most direct route to interact with Coal Creek. This sliver of space between the Forest Queen and Coal Creek has hosted Civil War survivors, countless immigrants who defined this community's history, homesteaders, pioneers, prospectors, miners, cattle rustlers, outlaws, hippies, Apollo astronauts, tourists, and most importantly, this community. While the Coal Creek certainly holds important historic significance, the historic activity of this community in that outdoor space cannot be emphasized strongly enough.

We acutely understand and respect the Town's Floodplain Development Regulations, particularly Section 16-11-310 (b)(5), which aims to preserve Crested Butte's historic character. However, given that this section of Coal Creek has been channelized with concrete and gabion walls—distinguishing it from the natural stream course—we believe our proposal aligns with the Town's intent to maintain historic aesthetic and integrity. Our design references a more natural creek alignment and enhances rather than detracts from the site's historic and aesthetic character.

The Forest Queen patio will be a one-of-a-kind outdoor dining experience in the heart of Crested Butte, the only purpose-designed patio and deck that nestles up to the banks of Coal Creek. In a town where outdoor dining is both limited and coveted, the Forest Queen patio will offer a rare and enchanting space to socialize and savor meals or beverages under the open sky.

The proposed curved cantilevered deck extends 30 inches beyond the existing gabion basket creek channel wall, adding 50 square feet of safer, usable deck space and will provide a much stronger visual and audial connection to Coal Creek. This expansion enhances the deck's relationship with Coal Creek while maintaining **unobstructed views** of the Creek from Elk Ave and Second St. It also allows for an additional ADA-compliant ingress/egress point—an improvement that, while not required by code, will enhance accessibility and comfort for all users.

Imagined as a vibrant and welcoming gathering place for both locals and visitors, the Forest Queen patio celebrates the soul of Crested Butte, its wild beauty, colorful history, and spirited community. Perched on a sunny, southeast-facing terrace, the design draws inspiration from native wildflowers and the edible perennials. Seasonal flower baskets and plantings of native perennials and edible plants including chives and rhubarb will frame the space with color and texture, while the sounds of Coal Creek provide a soothing backdrop where history, community, and natural beauty converge.

This is so much more than a dining patio—it's a place for this community and our guests to linger, connect, and contribute to the magic of Elk Avenue. The Forest Queen patio will add a fresh layer of vibrancy to downtown, embodying the historic charm and character that make Crested Butte unforgettable.

Thank you very much for your kind consideration. We look forward to continuing this conversation with you.

Sincerely,

Forest Queen Historic Restoration and Remodel Design, Engineering, and Construction Team

Enclosure(s): Letters of Support

Subject: Forest Queen Patio Space



Björkstam Hat Co. <elle@bjorkstamhatco.com>
to Craig DeFeo

Wed, Jun 25, 11:13 AM (2 days ago)

Hi Craig,

As a business owner in Crested Butte and a lover of downtown and the amazing places we get to socialize and come together with friends, family and coworkers, I think allowing the Forest Queen project to have a cantilever over coal creek to provide more patio space and seating options would be not a problem in my eyes as well as many colleagues and friends that I have discussed the matter with!

I hope the town takes this into consideration in allowing Forest Queen with more patio space!

Thank you,
Elle

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Björkstam Hat Company
Crested Butte, CO
Hood River, OR
(541) 399-6866

Subject: Patio expansion



Jason White <jason@crestedbutteangler.com>
to cdefeo

Mon, Jun 23, 7:42 AM (4 days ago)

To Whom it May Concern

I support the 129 Elk Avenue patio expansion and proposed variance.

Sincerely,

Jason White

Crested Butte Angler

229 Elk Ave suite a

Crested Butte, CO 81224

https://urldefense.proofpoint.com/v2/url?u=http-3A__www.crestedbutteangler.com&d=DwlCAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpagnVfiiMM&r=sVKGSmWrt9nNRgizyA9912OrrVPAS7_WsKRAGKDqils&m=6HYzdN6JmL5cmqs9GjdrGsPhROsxJnNctOQzBCMVFSI5dn996c93TWhTZMALf-3c&s=KmDsA3Pw4ma1KjjKJEpt9-tWb97XxLEPC_An5pJl4Ew&e=970-209-6555 cell
970-349-1568 sho

Letter of Support for The Forest Queen's Creekside Patio Proposal

To Whom It May Concern,

I'm writing to express my full support for The Forest Queen's proposal to build a creekside patio at their historic location in downtown Crested Butte.

As a neighboring business owner at 123 Elk Avenue, I see firsthand the value that thoughtful improvements like this can bring to our community. A well-designed patio along the creek would not only enhance the aesthetic appeal of our block, but also provide a welcoming space for both residents and visitors to enjoy Crested Butte's natural beauty and vibrant small business scene.

The Forest Queen has long been a part of the fabric of this town. Their proposal reflects a balance of honoring Crested Butte's historic charm while contributing to a lively and walkable downtown experience. I believe this project will benefit surrounding businesses and the community at large by increasing foot traffic and creating more opportunities for people to connect and enjoy our special town.

I respectfully urge you to approve this project and support The Forest Queen in their effort to enhance the vitality of Elk Avenue.

Thank you for your consideration and for your continued commitment to Crested Butte.

Warm regards,

Carrie Chernoff

Owner, Synergy Athlete | 123 Elk Ave

Subject: Re: Forest Queen Patio Variance



The Trailhead Children's Museum <director@trailheadkids... Tue, Jun 24, 1:16 PM (3 days ago)
to Craig DeFeo

Hi Craig,

Thank you for reaching out!

I am writing to express my support of the variance request for the patio at the Forest Queen building. I appreciate the care and consideration that the Walter Group has put into restoring the Forest Queen, and I believe that they will do the same with the patio. I look forward to enjoying many sunny days overlooking Coal Creek!

Thank you,

Sarah Broadwell
Executive Director
she | her | hers

Trailhead Children's Museum

(970) 349-7160

www.trailheadkids.org

On Tue, Jun 17, 2025 at 9:54 AM Craig DeFeo <cdefeo@bradfordallen.com> wrote:

Hi Sarah,

I hope that this finds you well. As you may know, we have been restoring 129 Elk/The Forest Queen for the last several years. The project has made tremendous progress and we are expected to reach substantial completion in early 2026.

If you are familiar with the property and its history, you know of the defining features has always been the patio space overlooking coal creek. We are in the process of requesting a variance from the Town of Crested Butte that would allow us to cantilever the patio over coal creek ever so slightly in order to expand it and open up more seats to the community. If you are in support of this idea, I would greatly appreciate it if you would consider sending me a brief email stating that you are in favor of the proposed variance and patio expansion so that we can add it to our file to present to the town. As an owner of a local business your support would mean a lot, should you decide you are in fact in favor of it. And if not, no hard feelings whatsoever.

Thanks for your time and consideration.

-Craig

Craig DeFeo

Asset & Development Management

(C) [214 930 4445](tel:2149304445)

Bradford Allen

From: [Astrid Matison](#)
To: [Jessica Earley](#)
Cc: [Josh Staab](#)
Subject: 129 Elk Avenue re: Proposed patio extension over the existing Coal Creek gabion basket retaining Wall
Date: Thursday, July 17, 2025 8:58:40 AM

Dear Jessie,

Looking at the latest proposed site/landscaping plan (dated May 30th, 2025), the additional extension of the patio of the Coal Creek gabion basket retaining wall isn't necessary in order to comply with accessibility or means of egress requirements as provisioned in the 2021 IBC code.

The guardrail at the gabion basket retaining wall location could potentially include a bar allowing for more seating facing the creek. One end of the bar would have to be lowered to meet accessible requirements of IBC Chapter 11.

Thank you,

Astrid

Astrid Matison
Building Official CBO
P.O. Box 39
507 Maroon Avenue
Crested Butte, CO 81224
970-349-5338 Extension 116

Help Shape Crested Butte's Future!

Learn more at <https://www.crestedbutte-co.gov/getinvolved>



Town of Crested Butte

P.O. Box 39 Crested Butte, Colorado 81224

-National Trust for Historic Preservation's 2008 Dozen Distinctive Destinations Award Recipient-

-A National Historic District-

Phone: (970) 349-5338
FAX: (970) 349-6626
www.townofcrestedbutte.com

Via Email – June 12, 2025

Margaret Loperfido, SCJ Alliance
margaret.loperfido@scjalliance.com

RE: Crested Butte - Floodplain Development Permit #02-2025 - 129 Elk Avenue, Patio Improvement

Dear Margaret,

The Town has reviewed and denied the Floodplain Development Permit #02-2025 for patio improvements proposed at 129 Elk Avenue. The attached permit was denied based on the following citations within the Town of Crested Butte's Floodplain Development Regulations.

1. **Section 16-11-310 (b)(5)** – General Standards. Development should not span or be constructed over or onto the natural stream course so as to preserve the historic, aesthetic heritage and character of the Town. *The proposed decking cantilevers over the stream channel and is therefore prohibited.*

Please let us know what questions you have.

Sincerely ,



Jessie Earley, Planner III
Town of Crested Butte

Cc: Mel Yemma, AICP, Community Development Director
Astrid Madison, Chief Building Official



Town of Crested Butte

Floodplain Development Permit

Community Development Department

Issue Date: Not issued	Expiration Date:
Permit # 02-2025	*Permit becomes void if there are changes to the effective Flood Insurance Rate Maps*

The Floodplain Development Permit is the mechanism by which Crested Butte evaluates any and all impacts of activities proposed in the the Town's regulated floodplains. All activities must be in compliance with Chapter 16, Article 11 - Floodplain Regulations of the Town's Municipal Code. The National Flood Insurance Program provides flood insurance to individuals at much lower premiums than could otherwise be purchased through private insurers, and makes certain federal funds available to communities. In order for citizens to be eligible for the national flood insurance rates, or for communities to receive certain kinds of federal funds, the community must agree to meet minimum floodplain standards. This application packet is a tool to ensure that the activities in Crested Butte comply with the Town's Zoning Floodplain regulations.

Any party undertaking development within a designated floodplain must obtain a floodplain development permit prior to the work commencing. FEMA defines development in Title 44 of the Code of Federal Regulations part 59.1 as: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filing, grading, paving, excavation or drilling operations or storage of equipment or materials. Other human activities that are considered development include but are not limited to: alterations of a structure through additions, demolition and remodeling, fences, retaining wall, moving/placement of remanufactured or mobile homes, campgrounds, storage of equipment, vehicles or materials (storage yards, salvage yards).

1

General Provision of the Floodplain Development Permit Terms

- Please Read**
1. No work may start until a permit has been issued by staff
 2. The permit may be revoked if:
 - a. Any false statements are made herein;
 - b. The effective Flood Insurance Rate Map has been revised;
 - c. The work is not done in accordance with the Town's floodplain regulations, as well as state and federal regulatory requirements.
 - d. The work is different than what is described and submitted to the community as part of the Floodplain Development Permit Application
 3. If revoked, all work must cease until permit is reissued.
 - a. If the permit cannot be reissued, applicant acknowledges that they will be responsible to correct the issue which may require removal of any development that may have occurred.
 4. Development shall not be used or occupied until the project has received final inspection, a final elevation and approval by the Town.
 5. The permit will expire if no work has commenced within 3 months of issuance and by the expiration date noted on the permit.
 6. Applicant is hereby informed that other permits may be required to fulfill local, state, and federal regulatory requirements and acknowledges that it is their responsibility to ensure that all necessary permits are obtained.
 - a. This includes but is not limited to documentation showing compliance with the endangered species act.
 7. Applicant hereby gives consent to the local Floodplain Administrator and his/her representative (including state and federal agencies) to make reasonable inspections required to verify compliance.
 8. Applicant acknowledges that the project will be designed to minimize any potential drainage onto surrounding properties and will be responsible for any drainage issues that may arise.
 9. I, the applicant, certify that all statements herein and in attachments to this application are, to the best of my knowledge, true and accurate. Furthermore, I have read and understand the relevant Floodplain Damage Prevention Ordinance for my community and will adhere to the ordinance and will or have already obtained all necessary state, federal and local permits for the proposed development.



APPLICANT'S NAME:

APPLICANT'S SIGNATURE:

DATE:



Town of Crested Butte

Floodplain Development Permit

Community Development Department

Issue Date: Not issued	Expiration Date:
Permit # 02-2025	* Permit becomes void if there are changes to the effective Flood Insurance Rate Maps*

2



Owner Information

Please Fill Out
Aa I

OWNER:			
ADDRESS:			
CITY:	STATE: IL	ZIP CODE:	
TELEPHONE #:	FAX #:		
CONTACT NAME:			
EMERGENCY TELEPHONE #:			
E-MAIL:			



Contractor/Developer Information

CONTRACTOR/DEVELOPER:		
ADDRESS:		
CITY:	STATE:	ZIP CODE:
TELEPHONE #:	FAX #:	
CONTACT NAME:		
EMERGENCY TELEPHONE #:		
E-MAIL:		

3



Project Overview

Please Fill Out
Aa I

PROJECT ADDRESS:	
LEGAL DESCRIPTION:	LATITUDE/LONGITUDE #:
DESCRIPTION OF PROJECT: -----	
ESTIMATED COST OF PROJECT:	
If work is on, within or connected to an existing structure:	
VALUATION OF EXISTING STRUCTURE:	SOURCE OF VALUATION:
WHEN THE EXISTING STRUCTURE WAS BUILT:	

*If the value of an addition, remodel or alteration to a structure equals or exceeds 50% of the value of the structure before the addition, remodel or alteration, the entire structure must be treated as a substantially improved structure and is required to comply with the relevant Floodplain Damage Prevention Ordinance. A relocated structure, including mobile homes, manufacture homes or cabins, must be treated as a new construction.

Please Check
Aa I

CHANNEL IMPROVEMENTS <input type="checkbox"/> Bank Stabilization <input type="checkbox"/> Grade Control <input type="checkbox"/> Drop Structure <input type="checkbox"/> Outfall <input type="checkbox"/> Fill <input type="checkbox"/> Other _____	STRUCTURAL DEVELOPMENT <input type="checkbox"/> New Construction <input type="checkbox"/> Residential Building <input type="checkbox"/> Non-Residential <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Rehabilitation (< 50%) <input type="checkbox"/> Substantial Improvement (≥ 50%) <input type="checkbox"/> Other _____	MISCELLANEOUS <input type="checkbox"/> Bridge <input type="checkbox"/> Culvert <input type="checkbox"/> Demolition <input type="checkbox"/> Fence <input type="checkbox"/> Grading / Parking Lot <input type="checkbox"/> Other _____	TYPE <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Emergency Repair <input type="checkbox"/> Maintenance <input type="checkbox"/> Other _____
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Flood Hazard Data (TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR)

WATERCOURSE NAME: Coal Creek		EFFECTIVE FIRM PANEL NUMBER AND DATE: Panel 726D / 1975	
IS THE DEVELOPMENT IN OR IMPACTS A FLOODPLAIN? <input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes.	IS THE DEVELOPMENT IN THE FLOODWAY? <input type="checkbox"/> No. <input type="checkbox"/> Yes. <i>If yes, a No-Rise Certification is required.</i>		
SPECIAL FLOOD HAZARD ZONE: Zone A	BASE FLOOD ELEVATION: 8901.84'	METHOD USED TO DETERMINE BASE FLOOD ELEVATION: Hydraulic Analysis RBD Engineering	
VERTICAL DATUM: MUST BE EITHER NGVD OR NAVD 88 AND THE SAME VERTICAL DATUM OF THE EFFECTIVE FIRM: NGVD29	ELEVATION OF LOWEST FLOOR, INCLUDING BASEMENT OR CRAWLSPACE*: Bottom of deck framing = 8903.08'	ELEVATION OF LOWEST, HABITABLE FLOOR*: Deck elevation = 8904'	
ELEVATION OF FLOODPROOFING (NON-RESIDENTIAL STRUCTURES ONLY)*:		*SOURCE OF ELEVATION AND/OR FLOODPROOFING INFORMATION: 1992 Hydraulic Analysis RBD Engineering	
DOES THE PROJECT REQUIRE THAT A CLOMR BE PROCESSED? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes.		IS A LOMR REQUIRED: <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes.	



Town of Crested Butte

Floodplain Development Permit

Community Development Department

Issue Date: Not Issued	Expiration Date:
Permit # 02-2025	*Permit becomes void if there are changes to the effective Flood Insurance Rate Maps*

THIS PAGE TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

4



Floodplain Development Permit Checklist



The following documents may be required at the discretion of the approving community official:

- ☐ Tax assessor map
- ☐ Maps and/or plans showing the location, scope and extent of development
- ☐ Floodproofing Certificate: Certificate and supporting documentation used to provide the certification
- ☐ Documentation showing compliance with the Endangered Species Act
- ☐ No-Rise Certificate: Certificate and supporting documentation used to provide the certification
- ☐ Elevation Certificate
 - ☐ Constructional Drawing
 - ☐ Building Under Construction
 - ☐ Finished Construction
- ☐ Grading plans
- ☐ Detailed hydraulic and hydrology model for development in a Zone A
- ☐ Conditional Letter of Map Revision (CLOMR)
- ☐ Structure valuation documentation
- ☐ Non-conversion agreement: Required for all structures that are constructed with an enclosure
- ☐ Wetland Permit from the U.S. Army Corps of Engineers
- ☐ Copies of all federal, local and state permits that may be required.
- ☐ Manufactured home anchoring certificate: Certificate and supporting documentation used to provide the certification
- ☐ Other documents deemed necessary by the Floodplain Administrator _____

5



Permit Action



- ☐ **PERMIT APPROVED** : The information submitted for the proposed project was reviewed and is in compliance with approved floodplain management standards.
- ☐ **PERMIT APPROVED WITH CONDITIONS** : The information submitted for the proposed project was reviewed. In order for the proposed project to be approved, certain restrictions or conditions must be met. These restrictions or conditions are attached.
- ☒ **PERMIT DENIED** : The proposed project does not meet approved floodplain management standards (explanation on file).
- ☐ **VARIANCE GRANTED**: A variance was granted from the base (1%) flood elevations established by FEMA consistent with variance requirements of Title 44 of the Code of Federal Regulations part 60.6 (Variance action documentation is on file).



SIGNATURE OF COMMUNITY OFFICIAL:

Jessie Earley

PRINT NAME AND TITLE OF COMMUNITY OFFICIAL:

Jessie Earley, Senior Planner

DATE:

06/12/2025

FOREST QUEEN LIZZY’S GARDEN DECK & PATIO

FLOODPLAIN DEVELOPMENT PERMIT

NARRATIVE - LIZZY’S GARDEN

During the restoration of the Forest Queen building, the structure was relocated 1’-9” toward Coal Creek, reducing the already limited space for a functional dining deck. To address this, we propose a slight cantilever over Coal Creek, thoughtfully designed to preserve aesthetics and historical integrity.

We understand and respect the Town’s Floodplain Development Regulations, particularly Section 16-11-310 (b)(5), which aims to preserve Crested Butte’s historic character. However, given that this section of Coal Creek has been channelized with concrete and gabion walls—distinguishing it from the natural stream course—we believe our proposal aligns with the Town’s intent to maintain historic aesthetic and integrity. Our design references a more natural creek alignment and enhances rather than detracts from the site’s historic and aesthetic character.

The curved cantilever will extend a maximum of approximately 32 inches beyond the existing gabion basket creek channel wall, adding approximately 54 square feet of usable deck space and providing a stronger visual and audial connection to Coal Creek. This expansion enhances the deck’s relationship with Coal Creek while maintaining unobstructed views of the Creek from Elk Ave and Second St. It also allows for an additional ADA-compliant ingress/egress point—an improvement that, while not required by code, will enhance accessibility and comfort for all users.

Lizzy’s Garden at the Forest Queen will be a one-of-a-kind outdoor dining experience in the heart of Crested Butte, the only purpose-designed patio and deck that nestles up to the banks of Coal Creek. In a town where outdoor dining is both limited and coveted, Lizzy’s Garden will offer a rare and enchanting space to savor meals or beverages under the open sky.

Imagined as a vibrant and welcoming gathering place for both locals and visitors, Lizzy’s Garden celebrates the soul of Crested Butte, its wild beauty, colorful history, and spirited community. Perched on a sunny, southeast-facing terrace, the design draws inspiration from native wildflowers and the edible perennials. Seasonal flower baskets and plantings of native perennials and edible plants including chives and rhubarb will frame the space with color and texture, while the sounds of Coal Creek provide a soothing backdrop.

This is more than a dining patio—it’s a place to linger, connect, and contribute to the magic of Elk Avenue. Lizzy’s Garden will add a fresh layer of vibrancy to downtown, embodying the historic charm and character that make Crested Butte unforgettable.

This project also honors Madam Liz and her historic connection to the Forest Queen and Coal Creek, offering a space where history, community, and natural beauty converge.

TABLE OF CONTENTS:

PAGE 1	PROJECT NARRATIVE
PAGE 2	ILLUSTRATIONS
PAGE 3	SITE PLAN DIAGRAM
PAGE 4	SITE PLAN
PAGE 5	DECK SECTION
PAGE 6	RAILING TYPE A
PAGE 7	RAILING TYPE B

ATTACHMENTS:

ILC 129 ELK
STRUCTURAL 129 ELK



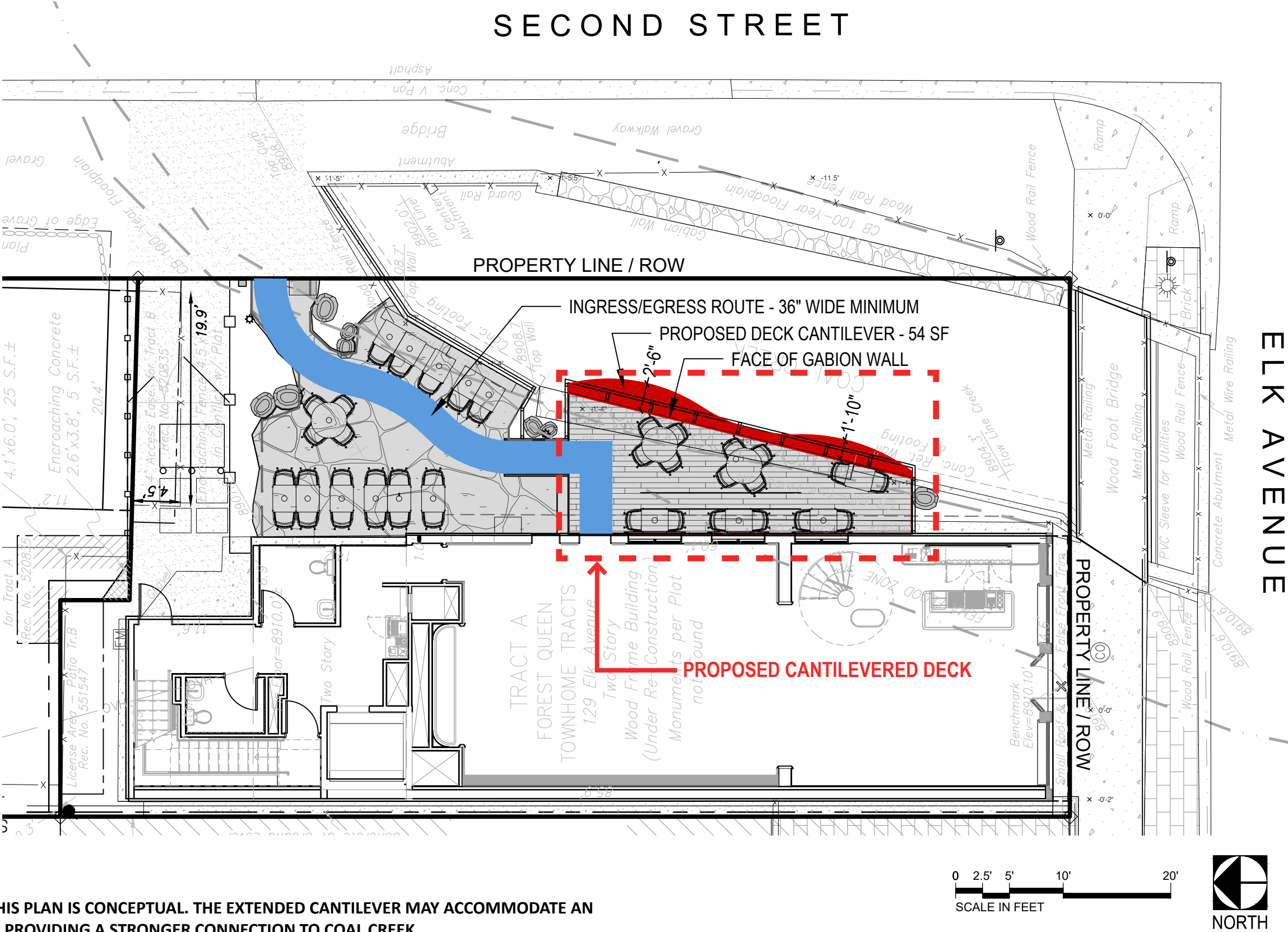
SCJ STUDIO
LANDSCAPE ARCHITECTURE



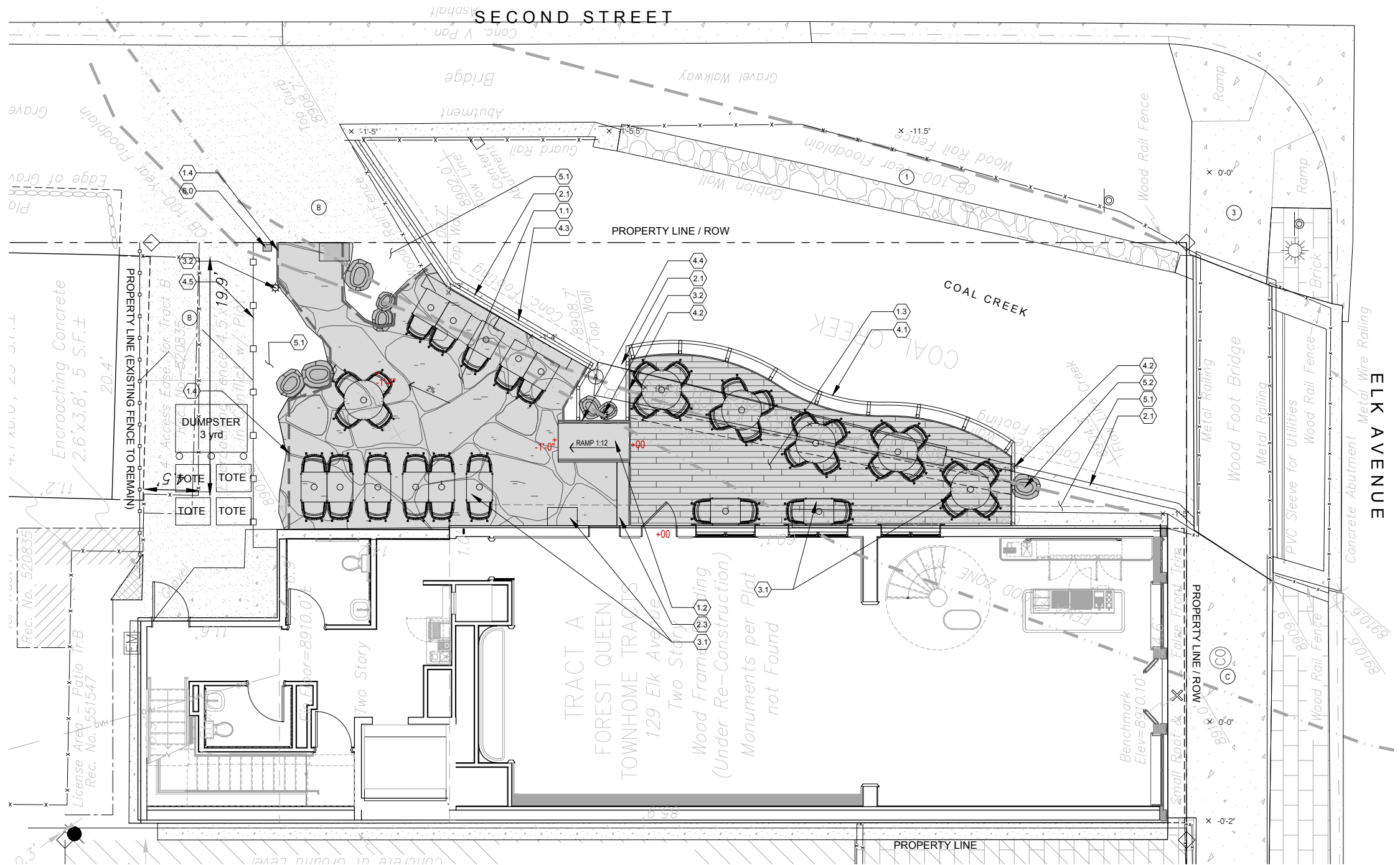
HISTORIC DECK AND PATIO CONDITIONS - COMPACT SPACE WITH VARIABLE, NON-ADA COMPLIANT SURFACES AND STEPS AND MINIMAL CONNECTION WITH COAL CREEK



PROPOSED DECK CONCEPT - PROVIDES ADA ACCESS TO ENTIRE TERRACE AREA INCLUDING EGRESS TO 2ND AVE. PROVIDES ADDITIONAL OUTDOOR SEATING IN THIS UNIQUE LOCATION WITH A STRONGER CONNECTION TO COAL CREEK.



DECK SEATING SHOWN ON THIS PLAN IS CONCEPTUAL. THE EXTENDED CANTILEVER MAY ACCOMMODATE AN ADDITIONAL ~8 SEATS WHILE PROVIDING A STRONGER CONNECTION TO COAL CREEK.



SITE DETAIL KEYNOTES

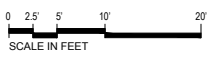
- 1.0 PAVEMENT, RAMPS & DECKS
 - 1.1 HARDBET FLAGSTONE
 - 1.2 ADA RAMP - CONCRETE WITH STONE
 - 1.3 CANTILEVERED DECK
 - 1.4 LIMIT OF CONCRETE UNDER FLAGSTONE
- 2.0 SITE WALL & STEPS
 - 2.1 EXISTING CONCRETE RETAINING WALL
 - 2.2 EXISTING GABION RETAINING WALL
 - 2.3 STONE SLAB STEPS
- 3.0 SITE FURNISHING & AMENITIES
 - 3.1 DINING FURNITURE (BY OTHERS)
 - 3.2 POST MOUNTED LIGHT FIXTURE. RE: LIGHTING & ELECTRICAL
 - 3.3 HOST STAND
- 4.0 RAILINGS, BARRIERS & FENCES
 - 4.1 GUARDRAIL TYPE A
 - 4.2 GUARDRAIL TYPE B
 - 4.3 GUARDRAIL TYPE C
 - 4.4 ADA RAILING
 - 4.5 WOOD PRIVACY FENCE
 - 4.6 GATE (ASYMMETRICAL, DOUBLE)
- 5.0 PLANTING & LANDSCAPE
 - RE: PLANTING PLAN
 - 5.1 PLANTING BED
 - 5.2 SITE BOULDER

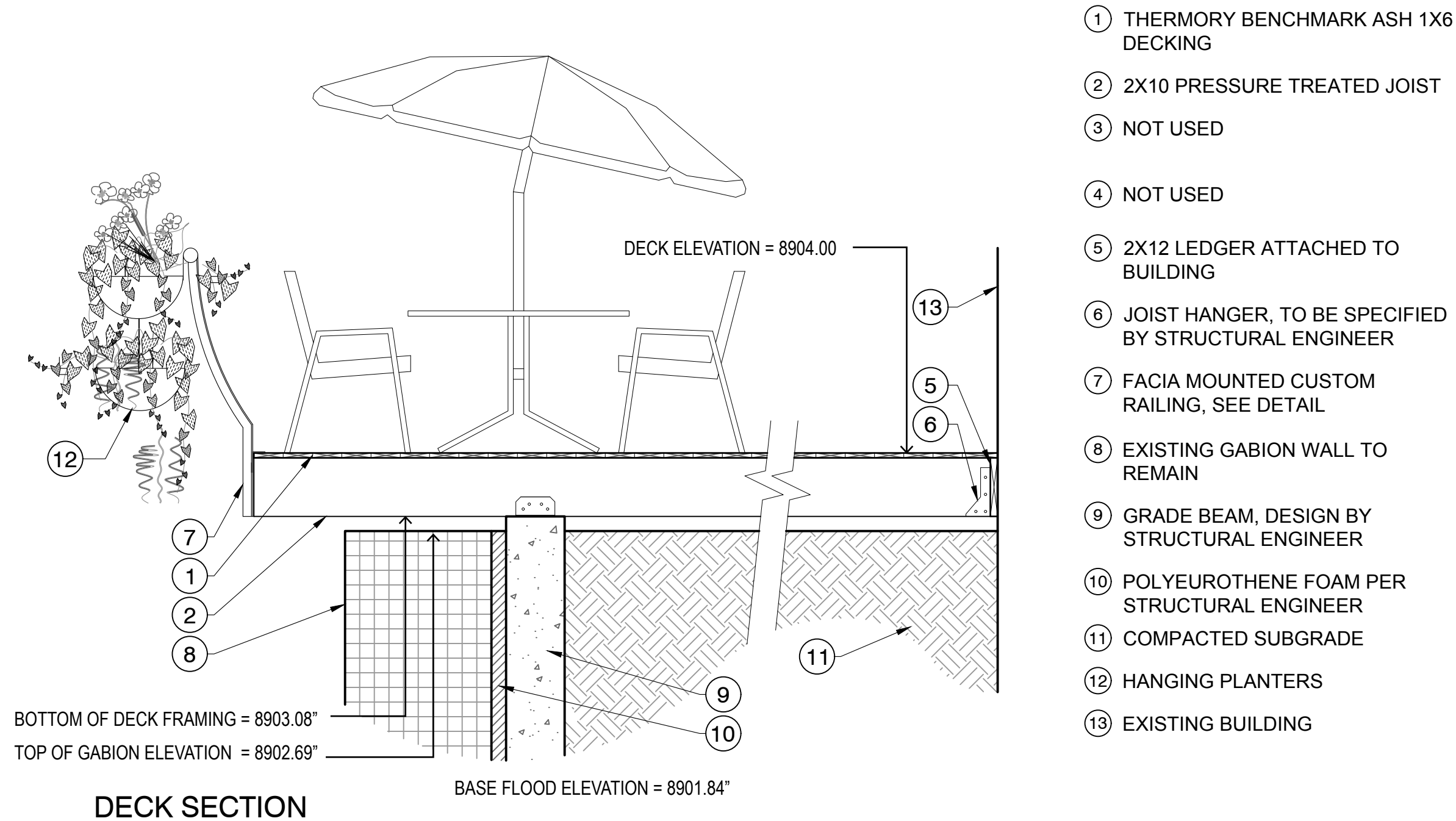
FIRE DEPARTMENT CONNECTION

SITE MATERIALS REFERENCE NOTES

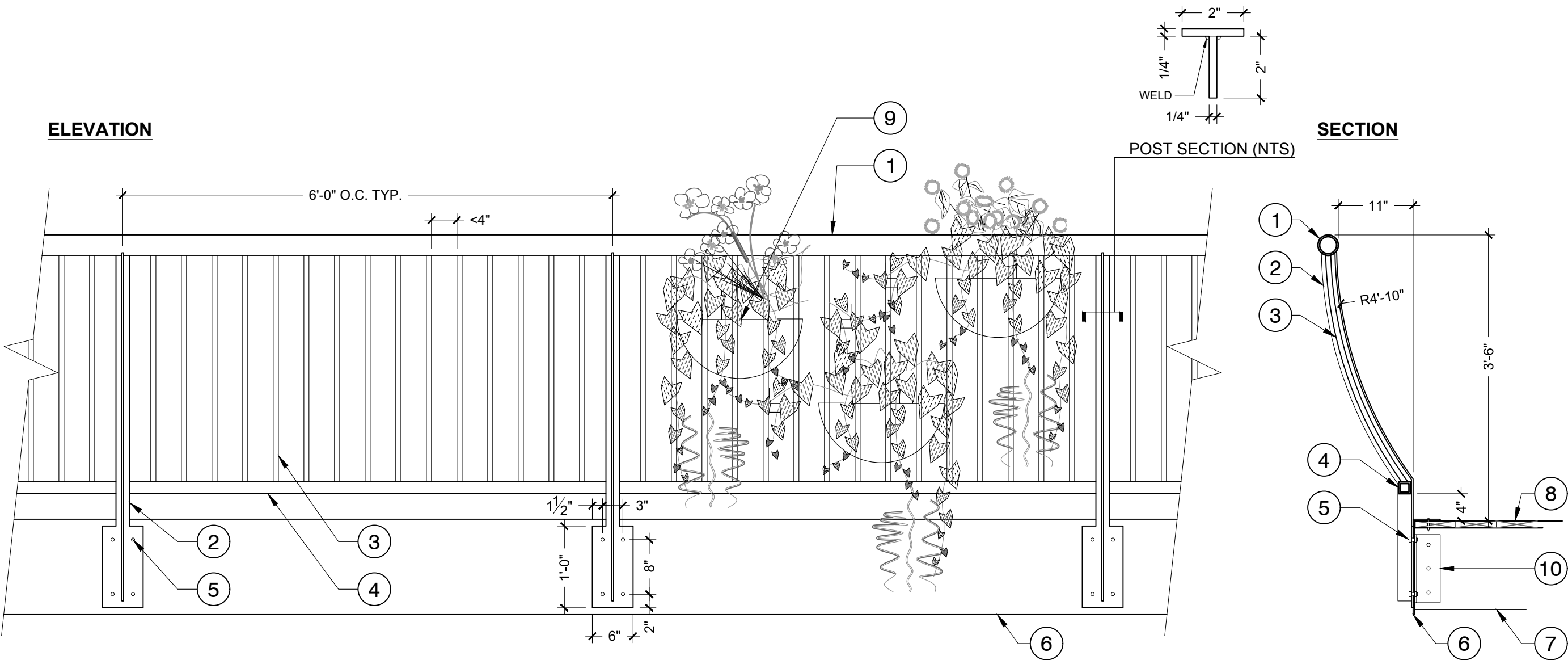
- A EXISTING GABION WALLS SHALL NOT BE DISTURBED
- B ROW TREATMENT AND SERVICES ACCESS - ROAD BASE OR GRAVEL
- C EXISTING CONCRETE SIDEWALK TO REMAIN REPAIR CONSTRUCTION DAMAGE AS NEEDED

1 SITE PLAN
SCALE: 1" = 10'





SEE STAMPED STRUCTURAL ENGINEERING DETAIL FOR ADDITIONAL INFORMATION.
CERTIFYING THAT NECESSARY STRUCTURAL ELEMENTS WILL RESIST HYDROSTATIC AND HYDRODYMANIC LOADS AND THE EFFECTS OF BOUYANCY CAUSED BY FLOOD WATERS.



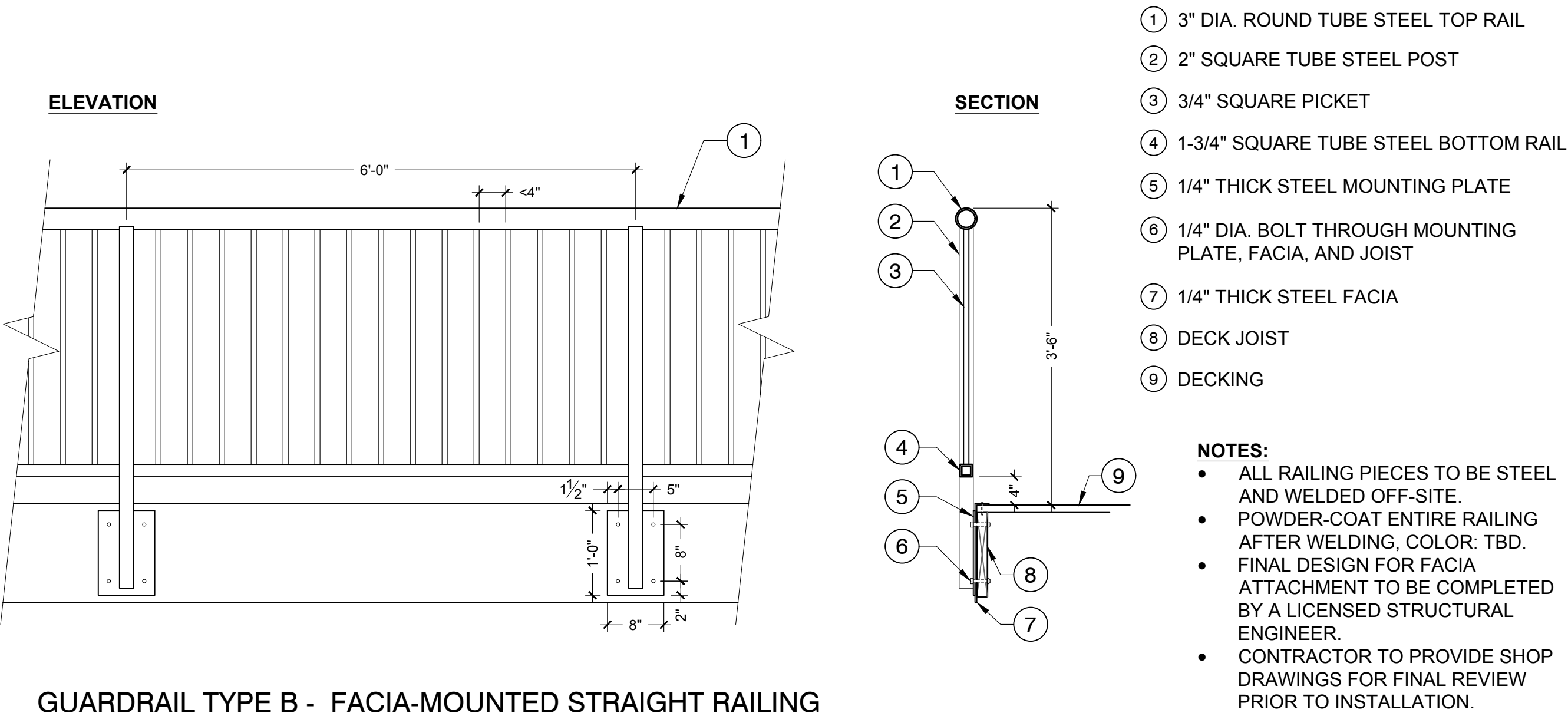
GUARDRAIL TYPE A - FACIA-MOUNTED CURVED RAILING

3/4" = 1'-0"

- ① 3" DIA. ROUND TUBE STEEL TOP RAIL
- ② 1/4" THICK WELDED STEEL, T-SHAPED POST (SEE POST SECTION)
- ③ 3/4" SQUARE PICKET
- ④ 1-3/4" SQUARE TUBE STEEL BOTTOM RAIL
- ⑤ 1/4" DIA. BOLTS

- ⑥ 1/4" THICK STEEL FACIA, ATTACHED TO JOISTS WITH WELDED BRACKETS
- ⑦ DECK JOIST
- ⑧ DECKING
- ⑨ HANGING PLANTERS
- ⑩ BRACKET ON EITHER SIDE OF JOIST, WELDED TO FACIA

- NOTES:**
- ALL RAILING PIECES TO BE STEEL AND WELDED OFF-SITE.
 - POWDER-COAT ENTIRE RAILING AFTER WELDING, COLOR: TBD.
 - FINAL DESIGN FOR FACIA ATTACHMENT TO BE COMPLETED BY A LICENSED STRUCTURAL ENGINEER.
 - CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR FINAL REVIEW PRIOR TO INSTALLATION.



GUARDRAIL TYPE B - FACIA-MOUNTED STRAIGHT RAILING

3/4" = 1'-0"

P-CO-FOR-33

THE FINAL DECK DESIGN WILL HAVE A MINIMUM OF 12" CLEARANCE ABOVE THE BASE FLOOD ELEVATION AND BE STAMPED BY A REGISTERED COLORADO PROFESSIONAL ENGINEER, CERTIFYING THAT NECESSARY STRUCTURAL ELEMENTS WILL RESIST HYDROSTATIC AND HYDRODYMANIC LOADS AND THE EFFECTS OF BOUYANCY CAUSED BY FLOOD WATERS.

IMPROVEMENT LOCATION CERTIFICATE
TRACT A, FOREST QUEEN TOWNHOME TRACTS
129 ELK AVENUE LLC
TOWN OF CRESTED BUTTE
COUNTY OF GUNNISON, STATE OF COLORADO

LAND DESCRIPTION

Tract A, Plat of the Forest Queen Townhome Tracts, recorded June 3, 2002 at Reception No. 520835 of the records of Gunnison County,

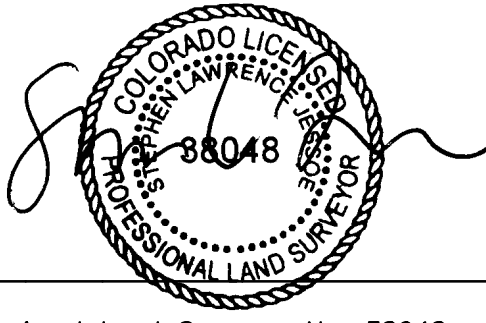
Town of Crested Butte,
County of Gunnison,
State of Colorado.

NOTES

- 1) Subject parcel boundaries are based on the Plat of the Forest Queen Townhome Tracts recorded June 3, 2002 at Reception No. 520835 of the records of Gunnison County.
- 2) Bearings are based on a record bearing of N89°58'18"E between a rebar & 2" aluminum cap monument stamped "LS 37690" found at the northwesterly corner of Lot 24, Block 20, and a rebar with red plastic cap remains attributed to "LS 20133" found at the northeasterly corner of Lot 27, Block 21. This bearing is sanctioned in Ordinance No. 14, Series 1988 and augmented by Ordinance No. 11, Series 1998, Town of Crested Butte. Reference the Survey Map recorded June 17, 1994 at Rec. No. 452355 of the records of Gunnison County.
- 3) Both ends of the westerly boundary of Tract B, Forest Queen Townhome Tracts, were recently monumented by "LS 35576". These monuments are not accepted for this ILC since they were found 0.3' southeast of the actual boundary position, based on the official 3" aluminum cap monument found at the centerlines of Third & Elk Ave., according said Rec. No. 452355 and Ordinance Nos. 11 & 14, Series 1988.
- 4) Distances & dimensions are in US Survey Feet, ground distance.
- 5) Spot elevations are based on the USGS Benchmark stamped "Y 157" located on the east wall of the old town jail on Second Street. Said Benchmark has a published elevation of 8914.75' in NAD 83, NAVD 88, Geoid 18. GNSS observations were taken on August 5, 2024, in NAD 83, NAVD 88, State Plane Coordinates, Colorado Central Zone 0502, Geoid 18 applied.
- 6) Land descriptions, easements and encumbrances are based on Land Title's File No. GUC88002985-4 dated January 14, 2021. This ILC does not constitute a title search by this surveyor. Additional easements and/or encumbrances may exist.
- 7) This building is located in Zone "B1 - Business Core" according to the "Official Zoning Map of the Town of Crested Butte" published on September 20, 2023. Building setbacks are not shown. Please contact the Town of Crested Butte for more information on building setbacks. Please refer to Reception No. 697986 dated August 23, 2024 for a waiver of rear and side setbacks.
- 8) Surveys of adjacent parcels (as shown hereon) were surveyed at various dates in past years. They are shown for informational purposes only, and do not reflect the condition of these adjacent parcels on the day of this ILC.
- 9) This parcel is partially located in a "Special Flood Hazard Area, Zone A, Without Base Flood Elevation (BFE)" as shown hereon per the FEMA FIRM Panel 08051C0726D effective May 16, 2013. The Town of Crested Butte also published a 100 year Floodplain study in 1992. The Town's floodplain depiction is shown hereon. Please contact the Town for more information.
- 10) Utilities were not marked on the field date for this ILC. Please contact the Town of Crested Butte for more information regarding utilities and easements.
- 11) Said Plat of Forest Queen Townhome Tracts depicts Tract A's underground water, sewer, and gas service lines running north (to the Alley) UNDER Tract B's center "Addition" building, located between the older house and garage. Please verify all utility service lines to Tract A and Tract B prior to construction.
- 12) The Revocable License Area for the benefit Tract B for use as a Patio per Reception No. 551547 needs to be reviewed by an attorney for current applicability to the subject parcel.
- 13) A fence was constructed (for the benefit of Tract B) to encroach into Tract A, along the southern line of the 4' Access Easement for Tract B, per said Plat of Forest Queen Townhome Tracts.
- 14) A fence was constructed (for the benefit of Tract A) to encroach into Tract B, along the central portion of the common boundary between Tract A and Tract B. Said fence also blocks the platted Access Easement for Tract A, per said Plat of Forest Queen Townhome Tracts.

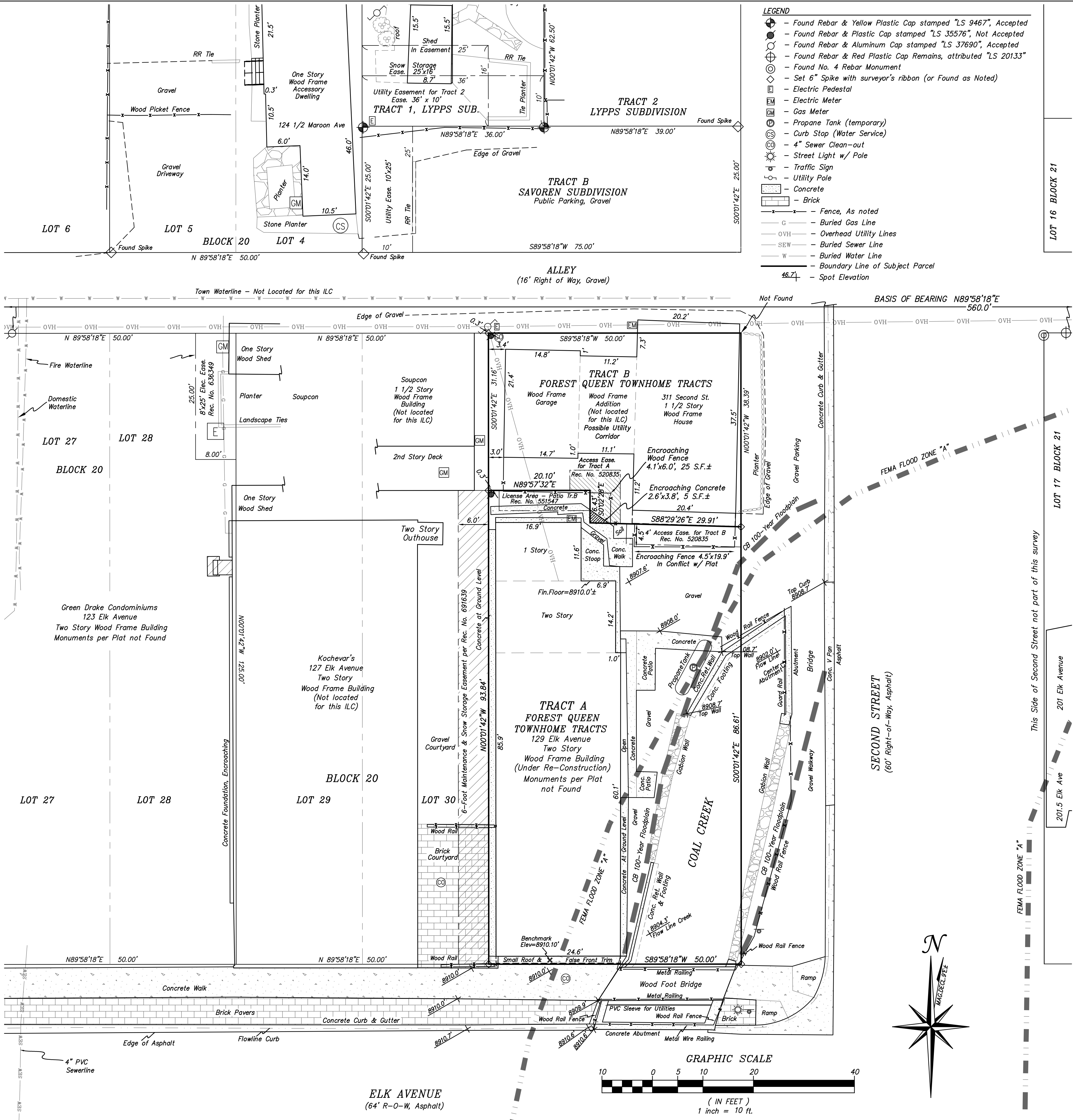
IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for 129 Elk Avenue LLC, that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. This certificate is valid only for use by the Town of Crested Butte, describes the parcel's appearance on 5 August 2024.
I further certify that the improvements on the above described parcel on this date, 5 August 2024, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.



Stephen L. Jessoe
Colo. Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.

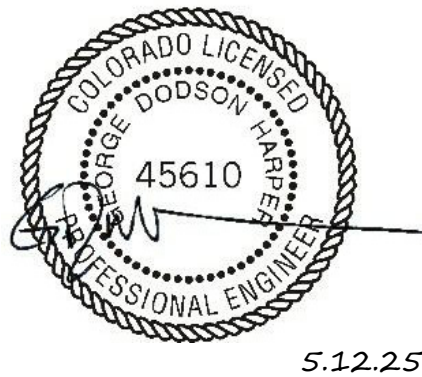
VICINITY MAP - Not to Scale



Forest Queen

129 Elk Avenue
Crested Butte, CO
81224

Project Number	3306
Engineered By	Hannah Maloy
Reviewed By	Dodson Harper, PE



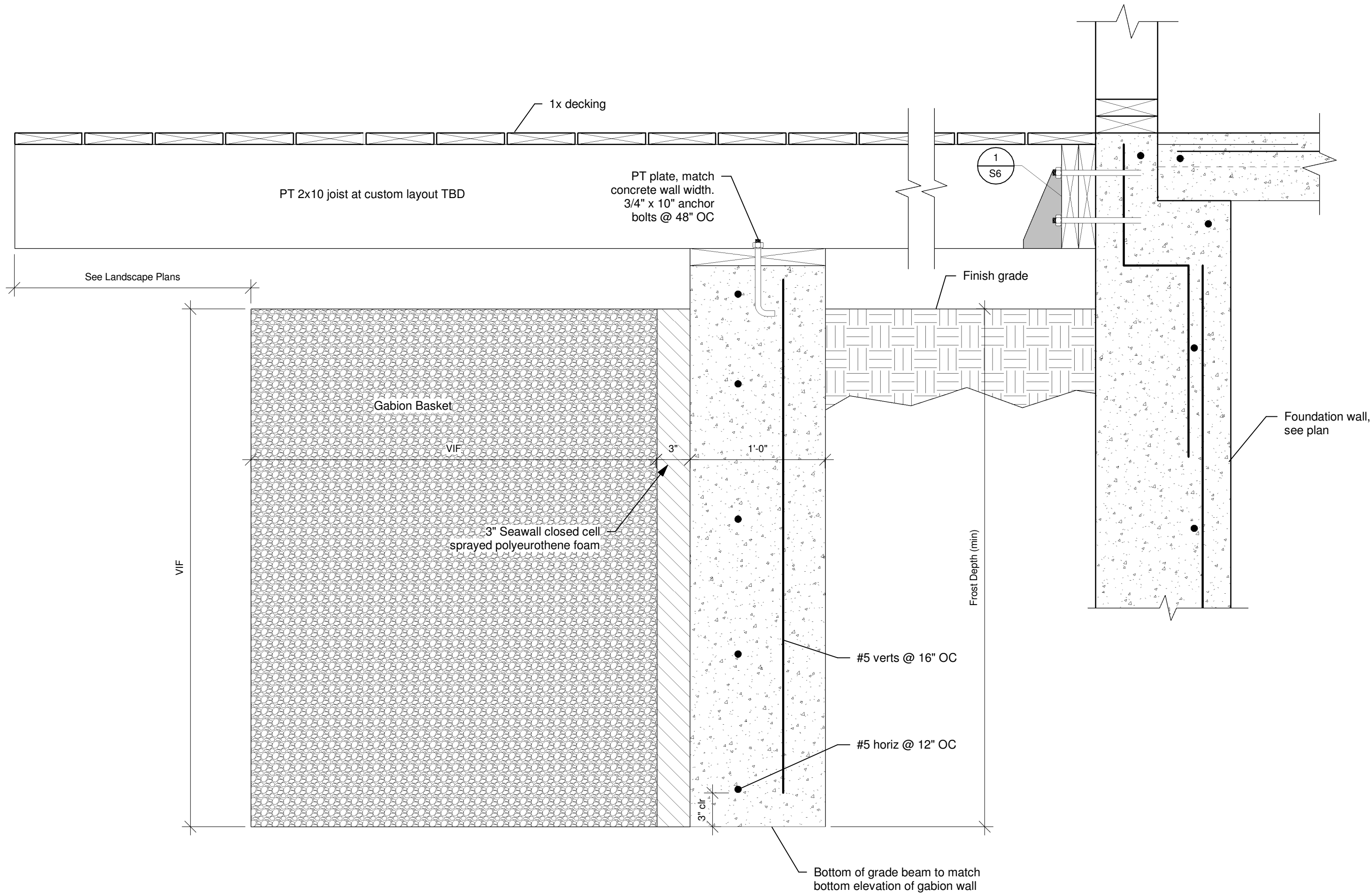
For Flood Plane Application
Only - Not for Construction

Issued for	Date
Foundation Permit Set	05-23-2023
Permit Set	08-18-2023
Construction Documents	11-07-2023
Foundation Revision	12-13-2023
Permit Comment Response	2-29-2024
Stair Revision	3-5-2024
CD Revision 01	5-3-2024
Revision 2	8-26-2024
Revision 3	9-16-2024
Revision 4	12-11-2024
Revision 5	1-14-2025
Mechanical Platform Revision	2-24-2025
Upper Level Framing Partial Revision	4-29-2025
Mechanical Platform Penetrations	5-28-2025
Deck Details	5-12-2025

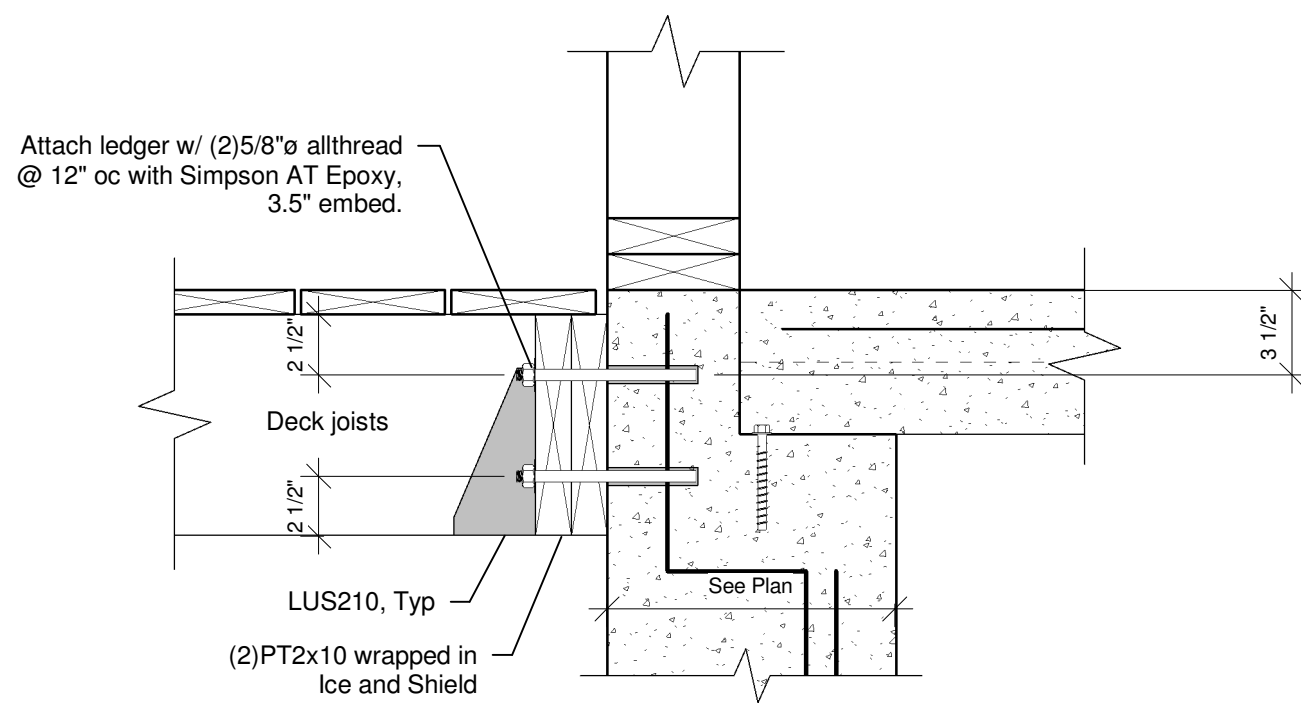
These plans can be printed in
color or black and white.

Structural Details

S6



2 Deck Concept 1 1/2" = 1'-0"



1 Deck Ledger @ Concrete Wall 1 1/2" = 1'-0"

ARTICLE 11 - Floodplain Regulations

Division 1 - General Provisions

Sec. 16-11-10. - Statutory authorization.

The Legislature of the State has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Council does hereby adopt the following floodplain management regulations.

(Ord. 9 §1, 2013)

Sec. 16-11-20. - Findings of fact.

- (a) The flood hazard areas of the Town are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

(Ord. 9 §1, 2013)

Sec. 16-11-30. - Statement of purpose.

It is the purpose of these regulations to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas 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 critical facilities, infrastructure and other public facilities, such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- (6)

Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is located in a flood hazard area.

(Ord. 9 §1, 2013)

Sec. 16-11-40. - Methods of reducing flood losses.

In order to accomplish its purposes, these regulations use the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. 9 §1, 2013)

Sec. 16-11-50. - Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application. The following defined terms, both capitalized and uncapitalized in these regulations, shall have the meanings ascribed to such terms for purposes of this Article only.

100-year flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-chance annual flood). The terms *one-hundred-year flood* and *one-percent-chance flood* are synonymous with the term *100-year flood*. The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood means a flood having a recurrence interval that has a two-tenths-percent chance of being equaled or exceeded during any given year (two-tenths-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Area of shallow flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, AI—A30, AR, AR/A, AR/AE, AR/AI—A30, AR/AH, AR/AO, V1—V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor subgrade (below ground level) on all sides.

Channel means the physical confine of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR) means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. CFR is divided into fifty (50) titles that represent broad areas subject to federal regulation.

Community means any political subdivision in the State that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project that does not revise an effective floodplain map which would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 16-11-260 of this Article which, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a nonbasement building: (i) built, in the case of a building in Zones A1—A30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1—A30, AE, A, A99, AO, AH, B, C, X and D, *elevated building* also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Federal Register means the official daily publication for rules, proposed rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of water from channels and reservoir spillways; (ii) the unusual and rapid accumulation or runoff of surface waters from any source; or (iii) mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) mean the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map, as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator means the community official designated by title to administer and enforce the floodplain management regulations, or his or her designee.

Floodplain development permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this Article.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means the zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations (such as a floodplain, grading and erosion control regulations) and other applications of police power. The term describes such state or local regulations, or any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway regulations (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the

designated height to be used for all newly studied reaches shall be six (6) inches. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made embankment, usually earthen, 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. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

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

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The *lowest floor* is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's *lowest floor*, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

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. The term *manufactured home* does not include a recreational vehicle.

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.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Normal stream bank means the line where the horizontal plane of the lands meet the slope of a creek or river bed.

Physical Map Revision (PMR) means FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Recreational vehicle means a vehicle that is: (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Special flood hazard area means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of construction means the date the building permit was issued, including substantial improvements, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either 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 the installation of streets and/or walkways; nor does it include excavation for 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. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stream margin means the area between the normal stream bank of Coal Creek or within twenty (20) feet of the tops of the normal stream banks of Coal Creek.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance means a grant of relief to a person from the requirement of this Article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Article.

(For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 44 CFR Chapter 1 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 that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 9 §1, 2013)

Sec. 16-11-60. - Lands to which regulations apply.

These regulations shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town.

(Ord. 9 §1, 2013)

Sec. 16-11-70. - Basis for establishing special flood hazard area.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report, entitled "The Flood Insurance Study for Gunnison County and Incorporated Areas," dated May 16, 2013, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto, are hereby adopted by reference and declared to be a part of these regulations. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Town Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

(Ord. 9 §1, 2013)

Sec. 16-11-80. - Establishment of floodplain development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of these regulations.

(Ord. 9 §1, 2013)

Sec. 16-11-90. - Compliance.

- (a) No structure or land shall hereafter be located, altered or have its use changed within the special flood hazard area without full compliance with the terms of these regulations and other applicable law and regulations.
- (b) No structure shall be erected within the stream margin of Coal Creek, and no vegetation shall be removed, other than for flood control or public purposes, within said stream margin. However, structures may be erected no closer than twelve (12) feet of the normal stream banks of Coal Creek, provided that a retaining wall is properly constructed by the proponent prior to constructing other structures in accordance with engineered specifications approved by the Town Engineer. Any such wall shall be designed:
 - (1) To be hydraulically capable of conveying the one-hundred-year event stormwater through the proponent's property;
 - (2)

To ensure that the stream channel between the existing stream banks at the time of construction does not become narrower; and

(3) To avoid creating any adverse effects to downstream or adjacent property owners.

The Town Engineer will review the proposed retaining wall design and indicate that: (1) there is no exception taken; (2) that the design should be revised as noted; or (3) that the design is rejected. Any irrigation diversion structure must be designed and constructed to conform to the requirements of Paragraphs (2) and (3) above which relate to the design of retaining walls. The proponent shall timely reimburse the Town for any expenses incurred by the Town for services provided by the Town Engineer, and the proponent shall be liable for any damages caused to others as a result of the existence of the retaining wall. Structures erected outside of the normal stream banks of Coal Creek and within the area of special flood hazard must be engineered to minimize the potential for flood damage and their design approved by the Town Engineer. The proponent shall timely reimburse the Town for these engineering expenses.

(c) Nothing herein shall prevent the Town Council from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

(Ord. 9 §1, 2013)

Sec. 16-11-100. - Abrogation and greater restrictions.

These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these regulations and any other regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 9 §1, 2013)

Sec. 16-11-110. - Interpretation.

In the interpretation and application of these regulations, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the Town; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 9 §1, 2013)

Sec. 16-11-120. - Warning and disclaimer of liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the special flood hazard area or uses permitted within such areas will be free from

flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

(Ord. 9 §1, 2013)

Sec. 16-11-130. - Severability.

These regulations and the various parts thereof are hereby declared to be severable. Should any section of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.

(Ord. 9 §1, 2013)

Division 2 - Administration

Sec. 16-11-210. - Designation of Floodplain Administrator.

The Town Manager is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. 9 §1, 2013)

Sec. 16-11-220. - Duties and responsibilities of Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of these regulations, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 16-11-230 below.
- (2) Review, approve or deny all applications for floodplain development permits required by adoption of these regulations.
- (3) Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (4)

Review permits for proposed development to assure that all necessary permits have been obtained from those federal or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- (5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of these regulations, including proper elevation of the structure.
- (6) Where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
- (7) When base flood elevation data has not been provided in accordance with Section 16-11-70 of this Article, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source in order to administer the provisions of Division 3 of this Article.
- (8) For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1—A30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half ($\frac{1}{2}$) foot at any point within the community.
- (9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1—A30, AE and AH on the community's FIRM which increases the water surface elevation of the base flood by more than one-half ($\frac{1}{2}$) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
- (10) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- (11) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(Ord. 9 §1, 2013)

Sec. 16-11-230. - Permit procedures.

Application for a floodplain development permit shall be presented to the Floodplain Administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to special flood hazard area. Additionally, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
- (3) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential flood proofed structure shall meet the floodproofing criteria of Section 16-11-320 of this Article;
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
- (5) Maintain a record of all such information in accordance with Section 16-11-220 above.

Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors: (1) the danger to life and property due to flooding or erosion damage; (2) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (3) the danger that materials may be swept onto other lands to the injury of others; (4) the compatibility of the proposed use with existing and anticipated development; (5) the safety of access to the property in times of flood for ordinary and emergency vehicles; (6) the costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities, such as sewer, gas, electrical and water systems; (7) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; (8) the necessity to the facility of a waterfront location, where applicable; (9) the availability of alternative locations not subject to flooding or erosion damage, for the proposed use; and (10) the relationship of the proposed use to the comprehensive plan for that area.

(Ord. 9 §1, 2013)

Sec. 16-11-240. - Variance procedures.

- (a) The Board shall hear and render judgment on requests for variances from the requirements of these regulations. In addition, the Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the

Floodplain Administrator in the enforcement or administration of these regulations. Any person or persons aggrieved by the decision of the Board may appeal such decision to the Town Council as provided in this Chapter. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

- (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these regulations. 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 the relevant factors in Section 16-11-230 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) Upon consideration of the factors noted above and the intent of these regulations, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations.
- (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 may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (f) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon: (a) showing a good and sufficient cause; (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (c) 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 or conflict with existing local laws or ordinances.
 - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.
- (g)

Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

- (1) The criteria outlined in Subsections (a) through (e) of this Section are met.
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 9 §1, 2013)

Sec. 16-11-250. - Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these regulations and other applicable regulations. Violation of the provisions of these regulations by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be punishable in accordance with Article 24 of this Chapter. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 9 §1, 2013)

Division 3 - Standards

Sec. 16-11-310. - General standards.

- (a) In all special flood hazard areas, the following provisions are required for all new construction and substantial improvements:
 - (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
 - (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (5)

All manufactured homes shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (7) 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.
 - (8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (b) In addition to the flood prevention review standards set forth above, the Board shall review any development proposal located within twenty (20) feet of the normal bank of Coal Creek to determine that the following requirements are met prior to the issuance of a building permit:
- (1) Trails should be provided along the stream where the stream access is an important element of an adopted open space plan;
 - (2) Vegetation should not be removed, and no slope or grade changes shall be made, that will produce erosion of the stream bank or area adjacent to the stream;
 - (3) Pollution of the stream should not occur;
 - (4) Development should not interfere with important natural changes to the stream which are occurring; and
 - (5) Development or building should not span or be constructed over or onto the natural stream course so as to preserve the historic, aesthetic heritage and character of the Town.

(Ord. 9 §1, 2013)

Sec. 16-11-320. - Specific standards.

In all special flood hazard areas where base flood elevation data has been provided as set forth in Section 16-11-70, Paragraph 16-11-220(7) or Section 16-11-370 of this Article, the following provisions are required:

- (1)

Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(2) Nonresidential construction. With the exception of critical facilities outlined in Section 16-11-380 of this Division, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that, at one (1) foot above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado 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 as outlined in this Paragraph. Such certification shall be maintained by the Floodplain Administrator as proposed in Section 16-11-230 of this Article.

(3) Enclosures.

- a. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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.
- b. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:
 1. 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 area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

- a.

All manufactured homes that are placed or substantially improved within Zones A1—A30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision or (iv) in an existing manufactured home park or subdivision on which manufactured homes have incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are elevated to one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- b. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1—A30, AH and AE on the community's FIRM that are not subject to the provisions of the above Subparagraph shall be elevated so that either:
 - 1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are one (1) foot above the base flood elevation; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) Recreational vehicles.

- a. All recreational vehicles placed on sites within Zones A1—A30, AH and AE on the community's FIRM either: (i) be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use; or (ii) meet the permit requirements of Section 16-11-230 of this Article and the elevation and anchoring requirements for manufactured homes in Paragraph (4) above.
- b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

- (6) Prior approved activities. Any activity for which a floodplain development permit was issued by the Town or a CLOMR was issued by FEMA prior to the effective date of these regulations may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Article if it meets such standards.

(Ord. 9 §1, 2013)

Sec. 16-11-330. - Standards for areas of shallow flooding (AO/AH Zones).

Located within the special flood hazard area established in Section 16-11-240 of this Article are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) Residential construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- (2) Nonresidential construction. With the exception of critical facilities outlined in Section 16-11-380 of this Division, all new construction and substantial improvements of non-residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one (1) foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 16-11-230 of this Article, are satisfied. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(Ord. 9 §1, 2013)

Sec. 16-11-340. - Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard. Located within the special flood hazard area established in Section 16-11-70 of this Article are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community 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 this Division.

Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(Ord. 9 §1, 2013)

Sec. 16-11-350. - Alteration of watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- (4) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
- (5) All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.
- (6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the

proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 16-11-340 above.

- (7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. 9 §1, 2013)

Sec. 16-11-360. - Properties removed from floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

- (1) Residential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill.
- (2) Nonresidential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill or, together with attendant utility and sanitary facilities, be designed so that the structure or addition is watertight to at least one (1) foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(Ord. 9 §1, 2013)

Sec. 16-11-370. - Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of Section 16-11-80 and Section 16-11-230 of this Article and the provisions of this Division.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to Section 16-11-80 and Section 16-11-230 of this Article.

- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. 9 §1, 2013)

Sec. 16-11-380. - Standards for critical facilities.

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

- (1) Classification of critical facilities. It is the responsibility of the Town to identify and confirm that specific structures in their community meet the following criteria. Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services.
 - a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines. These facilities consist of:
 - 1. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
 - 2. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions and nonambulatory surgical structures, but excluding clinics, doctors' offices and nonurgent care medical structures that do not provide these functions);
 - 3. Designated emergency shelters;
 - 4. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
 - 5. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
 - 6. Air transportation lifelines, airports (municipal and larger), helicopter pads and structures serving emergency functions and associated infrastructure (aviation control towers, air traffic control centers and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board on an as-needed basis upon request.

- b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
 - 1. Hazardous waste storage and disposal sites; and
 - 2. Aboveground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place and the chemical is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of these regulations, but exclude later amendments to or editions of the regulations. Specific exemptions to this category include:

- 1. Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use;
- 2.

Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public; and

3. Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Division.

- c. At-risk population facilities include medical care, congregate care and schools. These facilities consist of: (i) elder care (nursing homes); (ii) congregate care serving twelve (12) or more individuals (day care and assisted living); and (iii) public and private schools (pre-schools, K-12 schools, before-school and after-school care serving twelve [12] or more children);
- d. Facilities vital to restoring normal services including government operations. These facilities consist of:
 1. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers); and
 2. Essential structures for public colleges and universities (dormitories, offices and classrooms only).

These facilities may be exempted if it is demonstrated to the Board that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Article and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board on an as-needed basis upon request.

- (2) Protection for critical facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For purposes of this Article, *protection* shall include one (1) of the following:
 - a. Location outside the special flood hazard area; or
 - b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the base flood elevation.

- (3) Ingress and egress for new critical facilities. New critical facilities shall, when practicable as determined by the Board, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(Ord. 9 §1, 2013)