



MANITOU SPRINGS CITY PLANNING COMMISSION REGULAR MEETING AGENDA

All upcoming CPC meetings are scheduled to be hybrid,
Zoom (remote) or in-person at Memorial Hall.

In Person: Memorial Hall
606 Manitou Avenue

Manitou Springs, CO 80829

Remote: A link is provided on the City's Official Website at

<https://www.manitouspringsgov.com/544/All-Boards-and-Commissions>

April 9, 2025

5:30 PM

- A. CALL TO ORDER**
- B. APPROVAL OF MINUTES**
- C. UNFINISHED BUSINESS**
- D. PUBLIC COMMENT ON NON-AGENDA ITEMS**
- E. NEW BUSINESS**

ITEM 1. Stormwater Management Updates to Title 18; Land Use and Development Code (LUDC)

- F. OTHER BUSINESS**
 - 1. scheduling CPC Legal Training
- G. NOTICE OF COUNCIL ACTION AND UPDATES**
- H. ADJOURNMENT**

Commissioners:

Alan Delwiche, Chair (12/31/2026)
Justin Wilson, Vice Chair (12/31/2025)
Mike Casey (12/31/2027)
Stephen Graybill (12/31/2026)
Gloria Latimer (12/31/2025)
Roy Rosenthal (12/31/2028)
Carey Storm (12/31/2028)
Megan Day, Alternate Commissioner (12/31/2027)

2 alternate positions available

City Council Liaison: Julie Wolfe

Staff:

Fred Rollenhagen, Planning Director
Chelsea Royston, Senior Planner
Erin Ringsred, Planner and Landscape Architect II
Zachary Davison, Planner I

The City of Manitou Springs does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities. Reasonable accommodation will be provided to ensure equal access to all. Individuals who would like to request auxiliary aids or services should contact the ADA Coordinator at (719) 685-5481 or jfryer@manitouspringsco.gov. You may also contact the City Clerk's Office at cityclerk@manitouspringsco.gov or (719) 685-2554. Please provide a minimum of 3-5 days advance notice.

Interested citizens are invited to serve on any of the City's Boards or Commissions. Please contact the City Clerk's Office for more information or visit our website at: www.manitouspringsgov.com.



Title: Stormwater Management Updates to Title 18; Land Use and Development Code (LUDC)
From: Fred Rollenhagen
To: City Planning Commission
Address of Proposal: N/A
Applicant: City of Manitou Springs

April 9, 2025

Proposal:

In order to remain compliant with the City's Municipal Separate Storm Sewer System (MS4) Permit issued by the Colorado Department of Public Health and Environment (CDPHE), Titles 6, 14, and 18 of the Municipal Code are proposed to be amended to better address illegal discharges into the City's storm sewer system and waters of the State. Any amendments to Title 18, the Land Use and Development Code, must be heard by the Planning Commission and a recommendation made to City Council. Titles 6 and 14 do not need CPC review or recommendation.

Zone District:

N/A

Background & Existing Conditions:

In March, 2021, the City's stormwater consultant, Chavez Consulting Inc., LLC, conducted a baseline MS4 permit compliance evaluation for the City. The baseline compliance evaluation was an initial evaluation of existing MS4 regulatory mechanisms and program documentation compared to the compliance schedule found in Table 2 of the MS4 permit. The evaluation had two goals:

1. Identify any issues that may exist relative to the compliance schedule found in Table 2 of the MS4 permit
2. Develop a report with recommendations on how to bring the City into compliance with its MS4 permit, if necessary.

A thorough review of the City's stormwater regulatory mechanisms and the Program Description Document (PDD) was conducted during the baseline compliance evaluation. Although Title 14 appeared to have been updated in 2019, the initial evaluation found several inconsistencies with MS4 permit requirements for construction oversight exemptions, inspection frequencies and inspection scopes. The PDD was determined to be significantly inadequate.

These proposed code amendments are the City's follow-up on the recommendations included in the baseline compliance evaluation report. Initially, the Municipal Code will be updated to



accurately reflect conditions included in the MS4 Permit. A new Program Description Document along with several procedural documents will be developed after the Municipal Code is amended.

Application Detail:

The majority of proposed amendments are located in Title 14; Stormwater Quality Management and Discharge Control. Proposed amendments to Title 18 are intended to support amendments in Title 14. Title 18 amendments apply to applicable construction activities and include additional documentation and application submittals required for permanent stormwater quality control. The thresholds for requiring a Grading and Erosion Control Permit are not proposed to be revised, other than assuring that, should any land disturbance meet the definition of an "applicable construction activity" defined in Section 14, a permit would be required. These rules are necessary to assure that the City is in compliance with its MS4 Permit.

Public Involvement:

A notice was published in the Pikes Peak Bulletin notifying the public of this hearing. No comments or inquiries have been received at this time.

Findings & Review Criteria:

The purpose of these amendments are to assure that the City comes into conformance with its Municipal Separate Storm Sewer System (MS4) Permit that is issued by the Colorado Department of Public Health and Environment (CDPHE). Should these amendments be made, the City will be in conformance with its MS4 permit.

Staff Recommendation:

Staff recommends approval of the proposed amendments to Title 18; Land Use and Development Code (LUDC) as detailed in this report. Said amendments will bring the City in compliance with its Municipal Separate Storm Sewer System (MS4) Permit issued by the Colorado Department of Public Health and Environment (CDPHE).

Motion Language Options:

- 1) Approve the proposed amendments to Section 18; Land Use and Development Code, as presented, based on the finding that these amendments will bring the City into compliance with its Municipal Separate Storm Sewer System (MS4) Permit issued by the Colorado Department of Public Health and Environment (CDPHE).
- 2) Approve the proposed amendments to Section 18; Land Use and Development Code, as presented, based on the finding that these amendments will bring the City in compliance with its Municipal Separate Storm Sewer System (MS4) Permit issued by the Colorado Department of Public Health and Environment (CDPHE), with further amendments as follows
- 3) Deny the proposed amendments to Section 18; Land Use and Development Code, as



presented.

4) Postpone this action for further consideration.

18.03.11 Stormwater Management

18.03.11.1 Purpose and Applicability.

- A. All drainage plans and reports shall meet the design and submittal requirements of the City of Colorado Springs Drainage Criteria Manual.
- B. With the submission of a Final Drainage Report for a project meeting the definition of applicable development site, as defined in Title 14, the engineer of record shall include for each detention and infiltration facility proposed for the project:
1. A completed Post Construction Stormwater Detention Facility Documentation Form.
 2. An Operations and Maintenance Manual specific to every permanent control measure constructed at the site.
 3. A Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement.
 4. A completed Stormwater Detention and Infiltration Facility Design Data Sheet for each facility included in the project.

Items 1-3 may be obtained from the Manitou Springs Planning Department.

The Stormwater Detention and Infiltration Facility Design Data Sheet can be downloaded from the statewide notification and compliance portal at:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>. City Planning will review the submitted documentation forms for completeness and accuracy. Upon verification of complete and accurate documentation and data sheets, the owner is responsible for uploading each facility into the statewide reporting portal.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

18.06.4.23 Grading and Erosion Control Permit.

- A. Purpose. This LUDC prescribes standards and criteria for judging how a *development* will affect the terrain, drainage, or vegetation, and/or to ensure the proposed grading matches the preliminary grading plan as approved as part of a *Major Development Plan*. This permit is required before any construction or earthwork meeting the criteria below takes place, or minerals and material are removed. This permit also shall ~~prescribe~~ require erosion control measures to protect public and private property. The purpose of this section is to protect the health, safety, and welfare of the citizens of Manitou Springs by:
1. Ensuring that the *development* of each site minimizes adverse impacts to adjacent properties by adequately addressing drainage, erosion, earth movement, and *geologic hazards*;
 2. Ensuring that the construction of a *development* will be as unobtrusive to the natural terrain as possible;
 3. Ensuring to the *maximum extent practicable* the retention of natural vegetation to aid in protection against erosion, earth movement, and other similar hazards and to aid in preservation of natural scenic qualities of the City;
 4. Reducing air pollution caused by dust blown from areas under *development*;
 5. Preventing the premature cutting of roads and building sites.
- B. Applicability. No person shall commence or proceed with any modification of the natural terrain without seeking and obtaining a Grading and Erosion Control Permit from the Planning Director, if such modification will result in any of the following:
1. An excavation, fill, or combination in excess of one hundred (100) cubic yards;
 2. An excavation which will be three (3) or more feet below the ground surface for an area over five hundred (500) square feet or more;
 3. A fill that will be three (3) or more feet above the ground surface, for an area over five hundred (500) square feet or more;
 4. An excavation or fill by a *developer* or contractor not working on behalf of the City or a *Public Utility* that falls within a public drainage *easement*, a *public right-of-way*, or any other *public utility easement*. This includes the preparation of roads or sidewalk;
 5. Vegetation removal over an area five hundred (500) square feet or more; or
 6. Mining, quarrying, or gravel operations.
 7. Land disturbing activity meeting the definition of Applicable Construction Activity as defined in Title 14.
- C. Submittal. Grading permit submittals shall follow the general application procedures in Section 18.06.3 of this Chapter. Applicants shall make a submittal to the Planning Department in accordance with the Grading and Erosion Control Permit Checklist.
1. Grading and Erosion Control Plan. A Grading and Erosion Control (GEC) Plan shall be submitted for all applicable construction activity and applicable development sites. The intent of the GEC Plan is to provide for overall construction, subdivision or development grading design as part of the engineering required for review and approval by the City. This plan is done at the time construction drawings are prepared by the Professional Engineer working for the project owner. Cuts and fills are analyzed for balance, slopes and contours

are proposed, and permanent stormwater control measures are designed as an integral part of the engineering design.

2. Applicable construction activity and applicable development sites, as defined in Title 14 shall comply with the additional requirements of Title 14.

- D. Exemptions. No permit shall be required when grading is performed in the following circumstances:
1. *Solid waste* disposal sites operated by the public or under public regulations;
 2. An excavation by the City for the purpose of maintenance ~~or installation~~ of City utilities, buildings, streets, drainage or easements;
 3. ~~An excavation by a private individual for the purpose of routine maintenance~~ Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of regular maintenance or for replacement are construction activities and are not routine maintenance.;
 4. ~~Tilling the ground for agricultural purposes or protection.~~ Sites that meet the criteria for an exemption as defined in Title 14.
- E. Procedure. Grading and Erosion Control Permits shall follow the General Application Procedures as outlined in Section 18.06.2 and further described in Section 18.06.3. of this Chapter. The Planning Director may approve, disapprove, or conditionally approve the application. Major or *Minor Development* Plans, Variances, or any other Planning Permission associated with the proposed grading activity shall be approved by the City prior to issuance of a grading permit.
1. In addition to the General Application procedures outlined in this Chapter, applicable construction activities shall follow the application procedures outlined in Chapter 14.02 of Title 14.
 2. Compliance. Inspections for compliance of the work and administration of the permit shall be done by the Planning Department. Periodic inspections of ~~the work~~ applicable construction activity shall be ~~done~~ performed by the Manitou Springs Stormwater Department consistent with Title 14.
 3. Denial of Permit. When, upon determination by the Planning Director, the work proposed by the applicant is contrary to the purposes of this Chapter, the Grading and Erosion Control Permit shall be denied. Factors to be considered in the denial shall include, but not be limited to: Possible saturation of fill and unsupported cut by water, both natural and domestic runoff surface waters that cause erosion, and silting of drainageways; subsurface conditions such as the rock strata and faults, nature and type of soil or rock that when disturbed by the proposed grading may create earth movement and produce slopes that cannot be landscaped and excessive and unnecessary scaring of the natural landscape through grading or removal of vegetation.
 4. Conditions of Issuance. A permit may be issued with conditions including but not limited to the following:
 - a. Limitation of the hours of operation or the period of year in which work may be performed;
 - b. Restrictions as to the size and type of equipment;

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(Supp. No. 70, Update 1)

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- c. Designations of routes upon which materials may be transported;
 - d. The place and manner of disposal of excavated materials;
 - e. Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public, or any portion thereof;
 - f. Designation of maximum or minimum slopes to be used if they vary from those prescribed in this LUDC;
 - g. Regulations as to the use of public streets and places in the course of the work;
 - h. Regulations as to the degree of compaction of fill material;
 - i. Requirements as to paving private driveways and roads constructed under the permit;
 - j. Requirements for safe and adequate drainage of the site;
 - k. A requirement that crews and equipment be provided at the site during storms to prevent incomplete work from endangering life or property;
 - l. Requirements for fencing of excavation or fills, which would be hazardous without such fencing.
- F. Failure to Start a *Major Development*. If an application for a Grading and Erosion Control Permit for a *major development* is not made within twelve months after planning permission has been granted by the Planning Director, Planning Commission, or City Council then that permission will lapse. An extension may be granted by the Planning Director of one, twelve-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Grading and Erosion Control Permit was not submitted by the deadline. Examples of good cause include delays in plan or report preparation, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.
- G. Failure to Start a *Minor Development*. If final inspection approval by the Planning Director of a Grading Permit for a *minor development* is not made within six months after permission has been granted by the Planning Director, Planning Commission or City Council then that permission will lapse. An extension may be granted by the Planning Director of one, six-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Grading and Erosion Control Permit was not submitted by the deadline. Examples of good cause include delays in plan or report preparation, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.
- H. Expiration. If work within the Grading and Erosion Control Permit's scope does not commence within twelve months of approval, the permit shall expire. An extension may be granted by the Planning Director of one, twelve-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why work did not commence within the allotted timeframe. Examples of good cause include delays in available labor or materials, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.

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- I. Reclamation. If a proposed *development* is *abandoned* after commencing work within the scope of the approved Grading and Erosion Control Permit, the owner of the property for which the permit was granted shall file a reclamation plan for approval by the Planning Director. The reclamation plan shall be designed to return the site to as close to the condition existing prior to grading as deemed reasonable by the Planning Director. If a reclamation plan is not submitted, the property owner may be subject to violations and punishment as outlined in Section 18.06.4.27.
 - J. **Financial Security Required.** The applicant for a Grading and Erosion Control Permit may be required to file a financial security in the form of a surety bond, irrevocable letter of credit, or evidence of cash held in escrow by the City or other such guarantee satisfactory to the City, in an amount deemed sufficient by the City Engineer to cover all costs of reclamation of the site in the event that the *improvements* are not in accordance with the approved Grading and Erosion Control Permit. Said security shall be returned to the applicant within thirty days of final approval of the *improvements* by the Planning Director. In such case that use of the security as described above occurs, any monies in excess of that required for reclamation shall be returned to the applicant.
 - K. Erosion Control. All cut and fill surfaces created by grading and subject to erosion except plowing or disking for agricultural or fire break purposes shall be planted with a ground cover that is compatible with the natural ground covers in the City and that will thrive with little or no maintenance once established.
 - 1. Top soils are to be stockpiled during rough grading and used on cut and fill slopes.
 - 2. On slopes likely to be extensively disturbed by later construction, an interim ground cover may be planted to be supplemented by the permanent ground cover and/or shrubs and trees when the site is finally developed and landscaped.
 - 3. The City may require *retaining walls* on steep slopes unless the stability of a cut on such slope is certified by a licensed Engineer.
 - 4. All areas along public roads disturbed by cuts and fills shall be re-landscaped with groundcover or plant material to match that existing prior to disturbance.
 - L. Air Pollution Control. Efforts shall be made to abate the dust caused by the *development* of sites. Such methods as watering, erosion controls, chemical treatment, etc., shall be used in order to minimize dust.
 - M. Responsibility. Failure of the City officials to observe and recognize hazardous or unsightly conditions, or to deny or recommend denial of the Grading and Erosion Control Permit, shall not relieve the permittee of responsibility for the condition or damages resulting therefrom, and shall not result in the City of Manitou Springs, its officer, or agents, being responsible for the conditions or damages resulting therefrom.

Commented [JC1]: Clearly define surety is for public and common development improvements.

