# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**AgendaTitle:**
Building Envelope Modification Application; Person Subdivision, Lot 3; Kevin and Becky Persons

**Action Requested:** Board of County Commissioners' Signature

**Parties to the Agreement:**

**Term Begins:** **Term Ends:** **Grant Contract #:**

**Summary:**
Request to expand the building envelope on Lot 3, Persons Subdivision

**Fiscal Impact:**

**Submitted by:** Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

**Finance Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

**County Manager Review:**

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 8/4/2014

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 8/19/2014 Follow Up Agenda Date:

*Revised April 2013*

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

September 24, 2012

**TO:** **Board of County Commissioners**

**FROM:** **Neal Starkebaum**
**Assistant Director**

**SUBJECT:** **Persons Subdivision**
**Lot 3 – Building Envelope Modification**

Kevin and Becky Persons have requested a modification to the building envelope on Lot 3, Persons Subdivision. The Board approved the Persons Minor Subdivision on October 2, 2012 and is recorded with eh Office of the Gunnison County Clerk and Recorder at Reception No. 816201. October 17, 2012. The lot includes rockfall hazard that was mitigated as part of the subdivision review. That is the construction of a rockfall berm.

The modified envelope and rockfall hazard mitigation have been reviewed by Colorado Geological Survey. See letter from Jill Carlson, CGS, July 21, 2014 and email from Dan Quigley, Buckhorn Geotech, July 30, 2014.

Attached, please find the following:

- Subdivision Plat – Building Envelope Modification
- letter from Jill Carlson, CGS, July 21, 2014
- email from Dan Quigley, Buckhorn Geotech, July 30, 2014.

## Neal Starkebaum

**From:** Dan Quigley <dan@buckhorngeo.com>
**Sent:** Wednesday, July 30, 2014 9:09 AM
**To:** Neal Starkebaum
**Cc:** L. Richard Bratton; Personsmarv@aol.com
**Subject:** Response to CGS comment letter

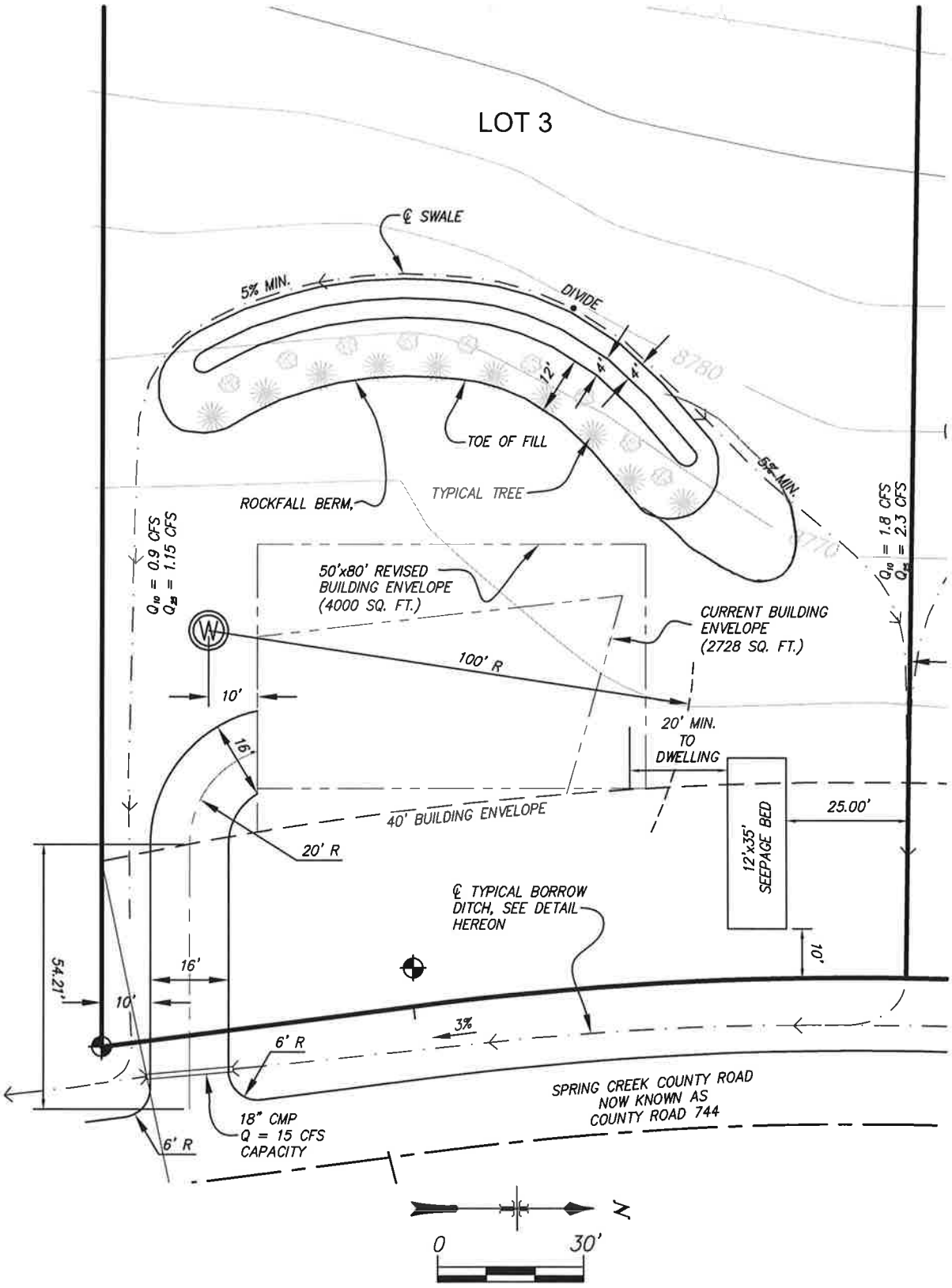
Neal:
Dick Bratton asked me to send you a response to the letter from the CGS dated 7-21-14 regarding their recommendations 1 and 2. As we stated in our letter of July 15, 2014, second bullet point, the berm will be constructed to entirely encompass the new building envelope. This would satisfy the CGS recommendation #1. Due to the presence of the existing well and the driveway location, it would not be practical to move the building envelope to the south as recommendation #2 of the CGS letter suggests.

Please let me know if you require any further support documentation for the Person's request for a new building envelope. It is my understanding that you will require me to visit the site and confirm, in writing, that the berm has been constructed in general compliance with our recommendations and appears adequate to protect the building envelope from potential rockfall. I would provide documentation of the construction when it is complete. Please let me know if that is, in fact, required.

Best wishes,
Dan

Dan Quigley, P.E.
Civil Group
Direct: (970) 497-8852
www.buckhorngeo.com

*This message is confidential. If this email has been sent to you in error, please do not open any attachments. Notify the sender that you have erroneously received this message and delete the message and any attachments. Thank you.*




| DRAWING NUMBER | DESIGNER DCQ | PERSONS RESIDENCE | BUCKHORN GEOTECH |
|---|---|---|---|
| 1 | DRAFTER DDC | LOT 3 PERSONS SUBDIV. | Civil, Structural & Geotechnical Engineers |
| | DATE 07/10/14 | GUNNISON, CO | 222 So. Park Ave. Montrose, Colorado 81401 |
| OF 1 | JOB NO. 07-341 | | 970-249-6826 Fax. No. 970-249-0945 |
| | | | www.buckhorngeo.com |

# COLORADO GEOLOGICAL SURVEY

1500 Illinois Street
Golden, Colorado 80401
Phone 303.384.2655

Karen Berry
Acting State Geologist

July 21, 2014

Neal Starkebaum
Gunnison County
Community Development Dept.
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230

**Location:**
NE¼ NW¼ Sec. 22,
T15S, R84W of the 6th P.M..

**Subject: Persons Subdivision Lot 3 – Expanded Building Envelope**
**Gunnison County, CO; CGS Unique No. GU-10-0002**

Dear Neal:

Colorado Geological Survey has reviewed the request to expand the building envelope on Lot 3 of the Persons Minor Subdivision from 2728 sq. ft. to 4000 sq. ft. With this referral, I received a "Proposed Revisions to Existing Building Envelope" letter report by Buckhorn Geotech (July 15, 2014) and the rockfall mitigation drawings approved with the subdivision.

I am concerned that the northeastern portion of the expanded building envelope appears to be located outside of the intended rockfall protection zone or "shadow" created by the rockfall berm, as determined by looking at possible paths down the slope perpendicular to the 8770 contour line indicated on Buckhorn's Drawing Number 1 showing the proposed Lot 3 50 ft. x 80 ft. revised building envelope (7/10/14.)

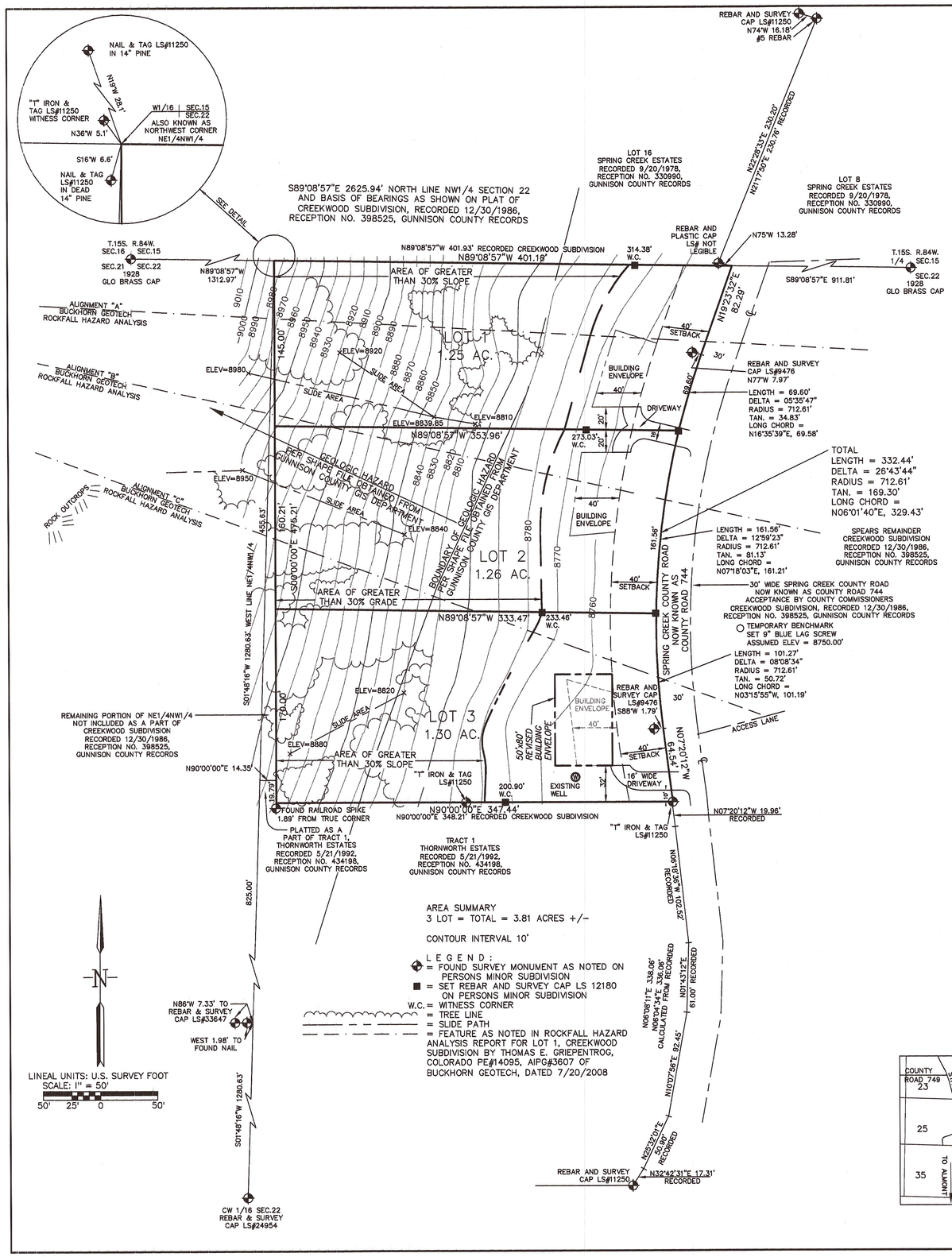
I recommend either (or a combination of):

1. extending the berm toward the northeast so that the planned home within the expanded building envelope is protected from the potential rockfall hazard, and/or
2. shifting the building envelope toward the south or southwest so that all planned structures will be located entirely within the rockfall protection zone created by the berm as currently approved.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at 303-384-2643, or e-mail carlson@mines.edu.

Sincerely,

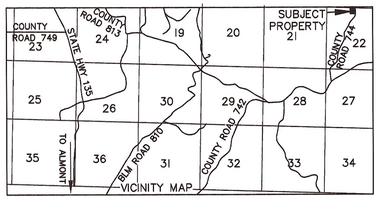
Jill Carlson, C.E.G.
Engineering Geologist




AREA SUMMARY
3 LOT = TOTAL = 3.81 ACRES +/-

CONTOUR INTERVAL 10'

LEGEND:
- = FOUND SURVEY MONUMENT AS NOTED ON PERSONS MINOR SUBDIVISION
- = SET REBAR AND SURVEY CAP LS 12180 ON PERSONS MINOR SUBDIVISION
- W.C. = WITNESS CORNER
- = TREE LINE
- = SLIDE PATH
- = FEATURE AS NOTED IN ROCKFALL HAZARD ANALYSIS REPORT FOR LOT 1, CREEKWOOD SUBDIVISION BY THOMAS E. GRIEPENTROG, COLORADO PE#14095, AIPG#3607 OF BUCKHORN GEOTECH, DATED 7/20/2008




# BUILDING ENVELOPE MODIFICATION PERSONS MINOR SUBDIVISION

## SITUATED IN

## NE1/4NW1/4 OF SECTION 22, T.15S., R.84W., SIXTH P.M. GUNNISON COUNTY, COLORADO

COVENANTS
1. Creekwood: The protective covenants pertaining to Creekwood Subdivision were recorded December 30, 1986 in Book 637 at Page 694 of the Gunnison County Records.
2. Persons Minor Subdivision: The protective covenants pertaining to the Persons Minor Subdivision, together with attached Rockfall Mitigation, Rockfall Hazard Analysis and Rockfall and Debris Flow Mitigation, all prepared by Buckhorn Geotech, were recorded October 17, 2012, under Reception No. 618202 of the Gunnison County Records

WARNING AND DISCLAIMER OF GEOLOGIC HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY
We, Kevin Persons and Rebecca Persons, owners, on behalf of ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of geologic hazard areas that may affect the use and occupancy of this property, and any improvements thereto. We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

WARNING AND DISCLAIMER OF WILDFIRE HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY
We, Kevin Persons and Rebecca Persons, owners, on behalf of ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property, and any improvements thereto. We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agrees to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION
The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners'

Resolution No. _____

recorded at Reception No. _____
of the Records of the Clerk and Recorder of Gunnison County.

GENERAL NOTES
1. CONFINEMENT OF DOMESTIC ANIMALS. Language directing that domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
2. AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS. Language referencing C.R.S. 35-46-101 et seq: clearly stating that a property owner is required to contruct and maintain fencing in order to keep livestock off his/her property.

SURVEYOR'S STATEMENT
I, William D. Wiley, a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my direct responsibility, supervision and checking, and that this plat accurately represents said survey. Basis of bearings: S89°08'57"E 2625.94' along the north line of the NW1/4 of Section 22, Township 15 South, Range 84 West, Sixth P.M., Gunnison County, Colorado.

William D. Wiley
Colorado Registered Land Survey #12180

7-25-2014
Date

DEDICATION
We, Kevin Persons and Rebecca Persons, being the owners of the land described as follows: Lot 1, Creekwood Subdivision, according to the official plat filed December 30, 1986 in Book 637 at Page 694 of the records of Gunnison County, Colorado, being situated in the NE1/4NW1/4 of Section 22, Township 15 South, Range 84 West, Sixth P.M., Gunnison County, Colorado, and containing 3.81 acres more or less, under the name of

BUILDING ENVELOPE MODIFICATION PERSONS MINOR SUBDIVISION

have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof, Kevin Persons and Rebecca Persons, as Joint Tenants have subscribed their names this 29th day of July, A.D. 2014.

By Kevin Persons Owner  By Rebecca Persons Owner

NOTARIAL
STATE OF COLORADO )
)ss.
COUNTY OF GUNNISON )
The foregoing instrument was acknowledged before me
this 29th day of July, A.D. 2014,
by Kevin Persons and Rebecca Persons.

My commission expires: 5/29/15

My address is: 113 E. Georgia Ave, Gunnison, CO 81230

Witness my hand and official seal:

Autumn Gray
Notary Public

AUTUMN GRAY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20074020796
My Commission Expires May 29, 2015

BOARD OF COUNTY COMMISSIONERS APPROVAL
The within plat of BUILDING ENVELOPE MODIFICATION PERSONS MINOR SUBDIVISION

is approved this ____ day of_____, A.D. 20___, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snow plowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk & Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE
This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado,

on this ____ day of _____, A.D. 20___,

Reception Number _____,

Time_____, Date_____.

_____
Gunnison County Clerk and Recorder

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the Certification shown hereon.

CF: BLDG ENV MOD PERSONS MS
Plot Scale 1" = 50'
Book 632 Page 13

DATE 7/25/14

REVISIONS:

**BUILDING ENVELOPE MODIFICATION PERSONS MINOR SUBDIVISION**

**SECTION 22, T.15S., R.84W., SIXTH P.M. GUNNISON COUNTY, COLORADO**

COLORADO REGISTERED WILLIAM D. WILEY 12180 LAND SURVEYOR
7-25-14

FOR:
REBECCA PERSONS and KEVIN PERSONS
242 HIRAM AVE.
NEWBURY PARK, CA 91320
1.805.499.6358

MESA SURVEYING ASSOCIATES INC.
P.O. Box 1287 Montrose, CO 81402
(970)-240-9994

Sheet 1 of 1  File No. 07 - 078